

~~220-RICR-70-05-1~~

## ~~TITLE 220 – DEPARTMENT OF ADMINISTRATION~~

### ~~CHAPTER 70 – CAPITAL ASSET MANAGEMENT AND MAINTENANCE~~

#### ~~SUBCHAPTER 05 – STATE FLEET OPERATIONS~~

~~PART 1 – Management and Use of State Owned Motor Vehicles by State Agencies~~

#### ~~1.1 – Authority~~

~~— This Part is promulgated under the authority and in furtherance of R.I. Gen. Laws §§ 42-11-2(11), 42-11-2(13) and 42-11-3-6.~~

#### ~~1.2 – Purpose~~

~~— The purpose of this Part is to govern the protection and custody of the property of the state, specifically state owned motor vehicles.~~

#### ~~1.3 – Applicability and Scope~~

~~— These rules and regulations shall apply to all state agencies as defined below. The director of the department of administration may delegate the implementation of these rules and regulations in whole or in part.~~

#### ~~1.2 – Definitions~~

~~A. — As used in this Part, the following terms shall have the following meanings:~~

- ~~1. — "Commuting" means driving a motor vehicle owned by a government body to and from an employee's work place and residence.~~
  - ~~a. — "Work place" means the place that is described in a Department's database/records where an employee regularly performs his or her normal office functions or reports for duty at the beginning of a shift.~~
- ~~2. — "Department director" means the heads of departments as enumerated R.I. Gen. Laws Chapter 42-6.~~
- ~~3. — "General officer" shall have the same meaning as defined in R.I. Gen. Laws § 42-11.3-1(1).~~

4. ~~“Light vehicle” refers to passenger cars, pickup trucks, vans, sport utility vehicles, or any other vehicles included in state fleet operations’ generic vehicle specifications.~~
5. ~~“Office of state fleet operations” is a discrete unit of the division of Capital Asset Management within the department of administration designated by the director of administration to be responsible for implementing this Part.~~
6. ~~“State agency” for the purposes of this Part shall have the same meaning as “governmental body” as defined in R.I. Gen. Laws § 42-11.3-1(2).~~
7. ~~“State agency head” means the chief executive officer of a state agency.~~
8. ~~“State fleet” refers to all motor vehicles owned by the State of Rhode Island that have been allocated to state agencies and are under the control of the office of state fleet operations.~~
9. ~~“State owned motor vehicle” refers solely to a state agency’s passenger and motorized equipment fleet and attachments, where applicable, irrespective of the source of funds utilized to acquire the vehicle or, in the case of vehicles leased by the state for state purposes, the title holder of record for the vehicle. Categories of vehicles included in this definition include, but are not limited to, the following:~~
  - a. ~~Passenger cars;~~
  - b. ~~Pickup trucks, vans and all purpose vehicles;~~
  - c. ~~Heavy trucks;~~
  - d. ~~Buses;~~
  - e. ~~Trailers;~~
  - f. ~~Motorcycles;~~
  - g. ~~Rental/lease vehicles;~~
  - h. ~~Off road equipment including mobile equipment and any of the following types of land vehicles, as well as any attached machinery or equipment:~~
    - (1) ~~bulldozers, farm machinery including tractors, forklifts and other vehicles designed for use off public roads;~~
    - (2) ~~street sweepers;~~

- ~~(3) — backhoes, graders and other road construction equipment;~~
- ~~(4) — snowmobiles.~~

### ~~1.3 — State Agency Responsibility~~

~~A. — Each state agency head is responsible for:~~

- ~~1. — The enforcement of this Part and for ensuring the efficient use of the state vehicles within agency control.~~
- ~~2. — Requiring that each operator of a state owned motor vehicle is made aware of this Part and possesses the appropriate license to operate the type of vehicle assigned.~~
- ~~3. — Providing the department of administration with vehicle usage data in order to meet the reporting requirements of the Internal Revenue Service.~~
- ~~4. — Requesting written approval from the director of administration for commuting use of a vehicle by an employee of the state agency.~~
  - ~~a. — Such request is to be submitted to the director of administration by November 1 each year.~~
  - ~~b. — Such approval will expire on December 31 of each following year, pursuant to R.I. Gen. Laws § 42-11.3-4.~~
  - ~~c. — Any changes to this approved list will require prior approval by the director of administration.~~
  - ~~d. — Department directors and elected general officers are exempt from obtaining prior approval pursuant to R.I. Gen. Laws § 42-11.3-4.~~
- ~~5. — Submitting annually to the office of state fleet operations completed questionnaires (Annual Report of State Owned Vehicle Usage) for each of its state owned motor vehicles.~~
  - ~~a. — These completed questionnaires must be submitted each year by a certain date which will be announced by the state controller.~~
  - ~~b. — It is the responsibility of the submitting state agency to review these questionnaires for completeness and for consistency.~~
  - ~~c. — It is also the state agency's responsibility to ensure that questionnaires are submitted to both the office of state fleet~~

~~operations and the office of accounts and control for employees on the approved list of commuters.~~

- ~~6. Designating in writing to the director of administration and the office of state fleet operations a contact person for the state agency who shall be the point of contact for the office of state fleet operations.~~
  - ~~a. This person, or their designee, shall be responsible for knowing all office of state fleet operations' policies and procedures, shall initial or sign all purchase requisitions for new vehicle acquisitions, and have other administrative duties including the review of the bi-weekly billing issued to the user state agency by the office of state fleet operations.~~
- ~~7. Designating in writing to the director of administration and the office of state fleet operations one or more agency fleet maintenance coordinator(s) who shall be authorized by the agency head to request work orders for repairs to state owned vehicles from the office of state fleet operations.~~
  - ~~a. The coordinator shall also be responsible for ensuring that the agency's vehicles are properly maintained and that the vendors have properly completed authorized repairs and/or maintenance.~~
  - ~~b. The coordinator may be the same person designated in § 1.3(A)(6) of this Part.~~
  - ~~c. The coordinator shall ensure that fluid levels are regularly checked and fluids added when low (engine oil, transmission fluid, radiator coolant and window washer fluid).~~
- ~~8. Ensure federal requirements are met under the Federal Energy Policy Act (EPACT) for the purchase of alternative fueled vehicles.~~
- ~~9. Ensure that vehicles are serviced at proper intervals as described in the vehicle manufacturers recommended service schedule, that the vehicles are kept in safe operating condition and that the office of state fleet operations is notified of the need for any necessary repair within twenty-four (24) hours of detection.~~
- ~~10. Ensuring that all state owned motor vehicles under its control are properly inspected as required by law.~~
- ~~11. Determining the need for types of vehicles and their allocation within their agency subject to periodic review by the office of state fleet operations.~~

12. ~~Comply with all state accident procedures issued by either the office of state fleet operations or the office of accounts and control, including the following:~~
  - a. ~~Reports are required for any incident that involves a state-owned motor vehicle.~~
  - b. ~~Original accident reports and a copy of the police report must be submitted to the office of state fleet operations within forty-eight (48) hours.~~
  - c. ~~Failure to submit the report to the office of state fleet operations may result in disciplinary action and/or suspension or revocation of authority to operate a state-owned motor vehicle.~~
  - d. ~~State agencies have the responsibility to annually review the accident records of employees while driving state-owned motor vehicles. Any unusual patterns and trends should be reported to the office of state fleet operations.~~
13. ~~Ensure that new vehicles delivered directly to state agencies conform to bid specifications. New vehicles not conforming to bid specifications must not be accepted by the state agency at time of delivery.~~
14. ~~Investigate all misuse complaints received. The agency head must report to the office of state fleet operations verbally within two (2) business days and in writing within ten (10) business days from the date a complaint was reported. This report shall contain at a minimum:~~
  - a. ~~Name, address and telephone number of complainant, if known;~~
  - b. ~~Summary of complaint;~~
  - c. ~~Name and address of driver;~~
  - d. ~~Investigation findings;~~
  - e. ~~Remedial action taken, if warranted;~~
  - f. ~~Response to complainant, if warranted.~~
15. ~~Take appropriate disciplinary action for a violation of this Part or for otherwise engaging in unsafe practices with a state-owned motor vehicle. The agency head must notify the office of state fleet operations if action taken by the agency affects the ability of an employee to operate a state-owned motor vehicle.~~

## **1.4 State Employee Operator's Responsibility**

- A. ~~To operate a vehicle of any type, an employee must have an appropriate, valid operator's license.~~
- B. ~~Every employee who operates a state owned motor vehicle is required to report suspension or revocation of his/her license to his/her agency head and state fleet operations immediately. Failure of an employee to report any change in license status may result in disciplinary action.~~
- C. ~~Operators must report parking fines or other violation charges and payment thereof to their supervisor and the office of state fleet operations immediately.~~
  - 1. ~~All such fines and charges are to be paid promptly at the time they are incurred and are the responsibility of the vehicle operator.~~
  - 2. ~~Excessive violations may be cause for temporary or permanent revocation of authority to operate a state owned motor vehicle.~~
- D. ~~Operators must use a state owned motor vehicle only for state agency business and within the scope of the operator's employment/authority.~~
- E. ~~Operating a state owned motor vehicle under the influence of alcohol or drugs is prohibited.~~
- F. ~~Operators must observe all traffic laws, including but not limited to the following:~~
  - 1. ~~Speeds must be kept within the limits which are reasonably prudent for the existing driving conditions.~~
  - 2. ~~Operators and passengers must wear safety belts.~~
- G. ~~Operators shall not allow any unauthorized person to drive a state owned motor vehicle.~~
- H. ~~Original accident reports with a copy of the police report must be submitted to the state agency coordinator or the office of state fleet operations within forty eight (48) hours of an accident. Operators must follow procedures described in § 1.3(A)(12) of this Part. The office of state fleet operations will forward original accident reports to the registry of motor vehicles.~~
- I. ~~Smoking is prohibited in state owned motor vehicles.~~
- J. ~~Before operating a state owned motor vehicle, the operator is responsible for checking that the vehicle is in good operating condition and that all necessary safety equipment and control devices are in good condition before the vehicle is~~

operated. If the operator has any concerns about the safety or operation of the vehicle, their concerns should be reported to their supervisor immediately.

- K. ~~When driving within the state, operators must obtain fuel from fuel depots owned or approved by the office of state fleet operations. A list of the fueling depots may be obtained from the office of state fleet operations.~~
- L. ~~For driving out of state, operators may obtain a gasoline credit card from the office of state fleet operations. This card must be returned to the office of state fleet operations within two (2) business days of returning to the state.~~

### **~~1.5 Secure Storage of State-Owned Motor Vehicles~~**

- A. ~~State owned motor vehicles shall be stored at sites owned, leased or controlled by the state unless the vehicle is used for commuting.~~
- B. ~~State owned motor vehicles shall be parked off the public street in a reasonably secure setting when used during business hours or when taken home by a commuter.~~

### **~~1.6 Use of State Vehicle by Non-State Employee~~**

- A. ~~State owned motor vehicles may not be driven by anyone other than an employee of the state. However, individuals such as volunteers, interns, students or contracted workers may, with the approval of the agency's director or appointing authority, drive a state owned motor vehicle in furtherance of official state business.~~
- B. ~~State owned motor vehicles may not be loaned, leased or rented to any person, organization, business or other governmental jurisdiction except when deemed necessary in a state of emergency or natural disaster.~~

### **~~1.7 Suspension of Use of State-Owned Motor Vehicles~~**

- A. ~~State owned, leased or rented motor vehicles may only be used for official state business of state agencies. Violation of any of the following may result in disciplinary action and/or suspension or revocation of authority to operate a state owned motor vehicle:~~
  - 1. ~~Non-compliance with Rhode Island General Laws, state regulation or policy, including but not limited to non-compliance with the usage requirements as established within R.I. Gen. Laws Chapter 42-11.3 and this Part;~~
  - 2. ~~Engaging in unsafe practices with a state owned motor vehicle;~~

3. ~~Repeated motor vehicle accidents;~~
4. ~~Improper use of a state-owned motor vehicle, including but not limited to improper personal use;~~
  - a. ~~Personal use of a state-owned motor vehicle by an authorized employee is allowable, but only if the use is *de minimus*.~~
    - (1) ~~*De minimus* use pertains to the incidental personal use of a state-owned motor vehicle during the operators travel on state business; e.g. stopping briefly at a bank for personal reasons that is on the route of travel to or from work. Under Internal Revenue Service regulations *de minimus* means "the value is so small as to make the accounting for it unreasonable or administratively impractical."~~

5. ~~Discourteous conduct in the operation of a state-owned motor vehicle.~~

- B. ~~A state agency or employee's suspension from use of a state-owned motor vehicle may occur after an investigation performed independently by the office of state fleet operations or an investigation performed pursuant to §§ 1.3(A)(14) and (15) of this Part, above.~~
- C. ~~The willful neglect or misuse of any state-owned motor vehicle shall constitute grounds for disciplinary action and such misuse or false statements about the use of said vehicle(s) may subject the employee to civil or criminal penalties.~~

## **1.8 ~~Acquisition and/or purchase of state-owned motor vehicles~~**

- A. ~~No state agency may acquire a motor vehicle from any source, such as a purchase, lease, transfer, gift, confiscation, etc. unless authorized by the office of state fleet operations and with the approval of the director of administration.~~
- B. ~~For light vehicles, the office of state fleet operations will periodically announce a limited period for the acquisition of new vehicles. This period begins with the date when state agencies can begin submitting purchase requisitions and ends on the date after which the office of state fleet operations will stop accepting their purchase requisitions.~~
  1. ~~State agencies must use the office of state fleet operations' generic vehicle specifications when ordering vehicles. State agencies must also use the office of state fleet operations' form SFO-100 to identify an existing light vehicle that will be traded in to the office of state fleet operations for a new vehicle. This trade in must be a vehicle with an active registration as shown on the office of state fleet operations database. A~~

~~trade-in is required for each new vehicle purchased or acquired, except when waived in writing for good cause by the director of administration.~~

- ~~2. Before submitting the requisition, the contact person must review the state agency's total purchases to determine whether they are in compliance with the Federal Energy Policy Act (EPACT) requirements for the purchase of alternative fueled vehicles. Requisitions must be submitted in one batch from each state agency.~~
- ~~C. All vehicles must be acquired by purchase or through the state master lease or COPS (Certificate of Participation). No lease purchases are allowed without written permission from the office of state fleet operations.~~
- ~~D. "Closed" end leases are not allowed. Closed end leases are leases where the lessee must return the vehicle to the lessor at the end of the term in good condition and within mileage limits.~~
- ~~E. Purchase requisitions for new vehicle acquisitions must be signed by the fleet contact person appointed by the person as referenced in § 1.3(A)(6) of this Part.~~
- ~~F. No requisitions will be processed unless approved and signed by the administrator of the office of state fleet operations.~~
- ~~G. Other vehicles: All vehicles other than light vehicles and vehicles purchased through COPS and may be purchased at any time by submitting a purchase requisition to the office of state fleet operations. This purchase requisition must include a bid specification, cost estimate, appropriation account number and identify a trade-in vehicle and plate number.~~

## ~~1.9 Ownership of motor vehicles.~~

- ~~A. Title to all state-owned motor vehicles shall be held by the office of state fleet operations. Registrations and titles shall read State of RI/Fleet Operations, except vehicles purchased or acquired by the Rhode Island State Police.~~
- ~~B. All motor vehicles in excess of a state agency's requirements, as determined by the office of state fleet operations in conjunction with the department or agency, shall be transferred to the office of state fleet operations. The office of state fleet operations shall reallocate these vehicles or declare them as surplus.~~

## ~~1.10 Displays, Markings and Registrations~~

- ~~A. All state-owned motor vehicles shall comply with R.I. Gen. Laws § 42-11.3-3. No equipment, decoration or advertisement shall be affixed to a state-owned motor vehicle without prior written approval from the office of state fleet operations.~~

~~B. No state agency other than the Department of Administration and the Rhode Island State Police, is authorized to apply directly to the registry of motor vehicles for registration plates for state owned motor vehicles, including, but not limited to, confidential plates.~~

~~1. Vehicles having confidential plates must keep the non confidential state plate in the trunk of the vehicle.~~

### ~~1.11 Departmental/State Agency Motor Pools~~

~~A. Any proposed agreement to lease/rent a motor vehicle by a state agency for a period in excess of four (4) weeks must first be authorized by the office of state fleet operations.~~

~~B. Agencies utilizing a vehicle from the office of state fleet operations motor pool will be billed for the cost of operating a motor vehicle.~~

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**SUBCHAPTER 05 - STATE FLEET OPERATIONS**

PART 1 - MANAGEMENT AND USE OF STATE OWNED MOTOR VEHICLES BY  
STATE AGENCIES (220-RICR-70-05-1)

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