GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.9 Use of State Vehicles Policy

043.9.1 Purpose

To establish guidelines for the use of state vehicles by Human Services Department (HSD) employees in accordance with rules and regulations issued by the General Services Department.

043.9.2 Definitions:

A. "Authorized Driver" means a state employee holding a valid New Mexico driver's license and a National Safety Council Certified Defensive Driving certificate who is permitted to use a state vehicle in furtherance of official state business. A valid New Mexico driver's license **does not** include provisional, limited, restricted, or administrative permits.

B. "Authorized Passenger" means an individual (i.e., state employee) who is permitted to occupy a state vehicle in furtherance of official state business or a person who has received prior written authorization from the Transportation Services Division (TSD) Director to occupy a state vehicle.

C. "Commercial motor vehicle" means a self–propelled or towed vehicle, other than special mobile equipment, used on public highways in commerce to transport passengers or property when the vehicle is:

1. operated interstate and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of four thousand five hundred thirty-six kilograms, or ten thousand one pounds or more; or is operated on in intrastate commerce and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of twenty-six thousand one or more pounds.

2. designed or used to transport more than eight passengers, including the driver, and is used to transport passengers for compensation.

3. designed or used to transport sixteen or more passengers, including the driver, and is not used to transport passengers for compensation; or

4. used to transport hazardous materials of the type or quantity requiring placarding under rules prescribed by applicable federal or state law.

D. "Commute" means domicile-to-duty privilege provided by a Cabinet Secretary to vehicle operators where it is in the state's best interest to allow these employees to use a state vehicle to and from work and residence.

E. "Official Purpose" means the use of a state vehicle in the furtherance of official State business and not solely for the benefit of the employee.

F. "Valid New Mexico Driver's License" means driver's license issued by the New Mexico Motor Vehicle Division (MVD) not including provisional, limited, restricted, any court order restricted or administrative license or permit.

G. "GSD/TSD Director" means the General Services Department Transportation Services Division Director.

043.9.3 Policy

A. State vehicles should be used by HSD employees to conduct their official duties. Occasional parking of the state car overnight at home in the furtherance of state business is permitted. HSD employees may use their personal vehicles if no state vehicles are available and/or with prior approval by their supervisor. Anyone taking a state vehicle home will note it in the *Vehicle Checkout Log.* Prior approval by the supervisor for the use of a personal car for state business will be verified by approval of the Itemized Schedule of Travel Expenses (ISTE) form.

B. A state employee holding a valid New Mexico driver's license and a National Safety Council Certified Defensive Driving certificate may be permitted to use a state vehicle in furtherance of official state business. A valid New Mexico driver's license **does not** include provisional, limited, restricted, or administrative permits. A state employee driving a "commercial motor vehicle" must possess a valid New Mexico commercial driver's license (CDL).

C. Authorized drivers shall only operate a state vehicle in the furtherance of official state business. The use of a state vehicle for personal business is prohibited.

D. Only authorized drivers and/or passengers may drive or occupy a state vehicle. An individual who is not a state employee must obtain written authorization from the GSD/TSD Director prior to occupying a state vehicle.

E. The GSD/TSD Director may suspend or revoke the state vehicle operator privileges of any state employee who permits a state vehicle to be driven by an unauthorized driver or who transports or permits the transportation of an unauthorized passenger. A state employee may be held personally liable to the

extent allowed by law for any liability, personal injury, death, or property damage arising out of unauthorized use or occupancy of the state vehicle.

F. All state employees are required to complete a six (6) hour National Safety Council Certified Defensive Driving Course prior to operating any state vehicle and take a defensive driving refresher course every four (4) years. Employees are to carry the card portion of the defensive driving certificate or the original defensive driving certificate with them when they are driving a state vehicle. Valid certificates of completion shall be submitted by the state employee to the proper training representative in order to register for the refresher course.

G. Authorized drivers will give copies of the Defensive Driving Certificate to their respective fleet managers to be placed on file before first signing out a state vehicle. If a state employee needs to operate a state vehicle in furtherance of state business but has not successfully completed the defensive driving course, the state employee must register for the next available defensive driving course. The state agency must request waiver of the certification requirement from the TSD Director; the waiver request shall include the state employee's name, New Mexico driver's license number, and the date the state employee is scheduled to attend the driving course.

H. It is recommended that employees who have approval to use their personal car in furtherance of state business also comply with the requirement for authorized drivers to have a valid Defensive Driving Certificate. HSD will not reimburse the insurance deductible of a state employee using a personal car for state use who does not have a valid Defensive Driving Certificate.

I. An employee who receives a traffic citation while in a state vehicle must report the citation to their immediate supervisor. The supervisor shall notify their Division Director and ASD's fleet manager. An authorized driver who receives a traffic citation or parking ticket while using a state vehicle shall be personally responsible for the citation or ticket. HSD shall not pay or reimburse employees for parking tickets or other traffic violation fines incurred while operating a state vehicle. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in discontinued use of state vehicles and may result in disciplinary action up to and including dismissal.

J. All state vehicles must be signed out and the keys obtained from the respective fleet manager or their designee. Prior to returning a state vehicle the employee will refuel the vehicle and ensure that the vehicle is clean and cleared of all personal belongings and trash. The employee shall return the keys and credit card, and immediately report any accidents or problems encountered with the use of the vehicle to the respective fleet manager or their designee.

K. An employee must receive prior approval from the GSD/TSD Director for all out-of-state travel in a state vehicle.

L. All drivers and occupants of state vehicles shall wear seat belts. Violation of this law may result in loss of state operator privileges.

M. No employee shall operate a state vehicle while under the influence of intoxicating alcohol, controlled substances, or drugs. No employee shall transport alcohol, whether in open or unopened containers, or illegal drugs of any type in a state vehicle. No employee shall operate a state vehicle when impaired by a legal drug that may render them incapable of operating a motor vehicle in a safe or responsible manner.

N. No employee shall smoke or use smokeless tobacco products in a state vehicle.

O. No employee shall possess a weapon in a state vehicle.

P. No pets are allowed at any time in state vehicles. Certain pets (i.e., service animals) may be authorized upon written request from the TSD Director.

Q. Authorized drivers shall utilize a cell phone with a hands-free device while operating a state vehicle, if the need for cell phone communication arises.

R. Authorized drivers are responsible for the safekeeping and return of a state vehicle. Authorized drivers must turn off the ignition, close all windows, and lock the doors and trunk of a state vehicle whenever the state vehicle is left unattended. Damage or destruction of a state vehicle through negligence on the part of the driver shall be cause for disciplinary action.

S. The HSD Secretary alone may grant an authorized driver permission to commute in a state owned vehicle based on the agency's written policy. The state agency will maintain records of regular commuters by name and position with other regulatory information. (1.5.3.17 NMAC).

T. Failure to obey state laws when operating or occupying a state vehicle or failure to comply with established rules shall be just cause for appropriate disciplinary action.

U. An authorized driver shall file a police accident report for any auto accident in a state vehicle as soon as possible, especially if there is property damage, bodily injury, or the authorized driver is possibly at fault. The authorized driver shall notify their supervisor immediately if possible and provide a copy of the police accident report to the Department. A vehicle accident report should be completed within 24 hours. An official police report should be obtained by the responsible HSD office assigned to the vehicle involved.

V. Nothing in this section shall be construed to prohibit the use or occupancy of a state vehicle:

1. To render emergency aid or assistance to any person; or

2. By private sector automobile mechanics or maintenance and repair personnel performing required maintenance or repair.

W. Each HSD location that has state vehicles assigned to it shall report vehicle usage to GSD on a monthly basis by the 25th of the month by 5:00 pm. Failure to do so may result in a $1,000 penalty fee payable to GSD/TSD.

X. Each HSD location that has state vehicles assigned to it shall ensure that current copies of the required documents are kept in the glove compartment. Documents required to be in each state vehicle include:

1. Vehicle registration and proof of insurance.

2. Instructions and procedures for the use of fuel credit cards and a current list of statewide authorized vendors for fuel.

3. Instructions and procedures for emergency repairs and towing for mechanical breakdowns during and after normal business hours.

4. The Auto Accidents in State Vehicles package provided by the Risk Management Division.

043.9.4 References

1.5.3 NMAC-N, 11-01-02
66-1-1 NMSA 1978

APPROVED:

PAMELA S. HYDE, J.D., Secretary

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