

# Public Regulation Commission



## POLICY AND PROCEDURE

**SUBJECT:** Operation of State Vehicles, Policy #20

**PURPOSE:** The purpose of this policy is to provide for accountability and to establish uniform policies and procedures governing the maintenance and use of all state vehicles operated by Public Regulation Commission (PRC) employees; and to record use and maintenance of state motor vehicles for divisions and bureaus.

**REVISIONS:** This policy supersedes PRC Policy 15 Vehicle Operating Policy.

**APPLICABILITY:** All PRC Commissioners and employees who drive or occupy state vehicles, without exception.

**REFERENCES:** NMSA 1978, Section 15-8-1 through 15-8-11  
1.5.3 NMAC GSD NMSA 1978, Laws of 2007, Chapter 208 1.5. 3 NMAC Section 13-6-1 through 13-6-4, as amended.

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### I. DEFINITIONS:

- A. Alcohol: All consumable non-prescription substances specifically including, without limitation, spirits, wine, malt beverages, and intoxicating liquors.
- B. Approval Authority: The Division Director, Bureau Chief, or designee with the written consent of the Chief of Staff.

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- C. Authorized Driver: A PRC employee holding a valid New Mexico driver's license and a 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.
- D. Certificate of Completion of Defensive Driving Course: A certificate of completion of the defensive driving course approved by the General Services Department.
- E. Commuting: The use of a state vehicle to travel between the employee's ordinary work place and home, but does not include a one time or occasional travel between work place and home, prior or subsequent to traveling out of town on state business. Commuting does not include travel that is permitted under Moss v. U.S. 145 F. Supp. 10 (1956). And does not include On-Call or as provided by IRS standards.
- F. Illegal drug: Any drug, the possession or use of which is illegal under federal or state law.
- G. Official purposes: includes uses that further the state's interests and are not for employee's sole benefit.
- H. State vehicle: A motor vehicle owned, leased, or rented by the State of New Mexico or any of its agencies or departments.
- I. PRC Vehicle Coordinator or PRCVC: The individual assigned by the Chief of Staff or designee who is responsible for providing motor vehicle information to the Chief of Staff and agency.
- K. State PRC: The State of New Mexico Public Regulation Commission includes all of its bureaus, divisions, departments, and the Commission.
- L. IRS Regulations: If any provisions of this policy conflicts with IRS regulations, IRS regulations prevail.

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## II. DOCUMENTS REQUIRED IN STATE VEHICLES:

- A. PRC vehicle coordinator shall ensure that current copies of the following documents are kept in the glove compartment of all state vehicles.
1. Vehicle Maintenance-Manufacturer's specifications for maintenance.
  2. Emergency Repairs-Instructions and procedures for emergency repairs of mechanical breakdowns during and after normal business hours.
  3. Accident Reports: The Auto Accidents in State Vehicles package provided by the GSD, Risk management Division.
  4. If an Authorized Driver is incapacitated as the result of an accident that occurs while they are operating a state vehicle or a private vehicle involved in state business, a representative of the Agency shall respond in the Authorized Driver's place and prepare and file all required reports, forms and other paperwork.
  5. Vehicle Mileage Log: Each vehicle will have a vehicle mileage log assigned to it that will be used to track and monitor all vehicle activity and associated costs. At the very least the mileage log needs to contain the following information: date; employee name; beginning and ending mileage; destination; purpose of trip; type of fuel purchased; gallons; total cost; other vehicle costs and purchases. This mileage log should also have a place on the form that allows the supervisor to perform random verifications. This mileage log would be used for audits comparing actual gas receipts against vehicle usage. Individual trip tickets can also be used to substantiate vehicle usage.
  6. The PRC vehicle coordinator shall ensure that a fuel credit card is in the vehicle while it is in operation

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with detailed instructions and procedures for use of the fuel credit card, and a current list of statewide-authorized vendors. The fuel credit card must remain with the assigned vehicle at all times, not with the driver. A Personal Identification Number (PIN); a distinct 6 digit number will be issued to each authorized driver which may be changed at the discretion of the employee. Once a PIN has been issued, the employee is not to share the PIN with anyone else or let someone else use the PIN.

### III. Fuel Credit Card Usage:

- A. It is the responsibility for the employee, operating the PRC/state vehicle to use the credit card for official business and within the procedural limits established.
- B. It is the responsibility of the employee, operating the PRC/state vehicle, to notify the issuing authority of a lost, stolen or damaged credit card within one working day of the discovery.
- C. It is the responsibility of the Human Resources Bureau to provide a monthly report to the PRC vehicle coordinator of the new and terminated employees.
- D. The fuel credit card is to be used only for State of New Mexico owned vehicles.
- E. A fuel credit card may be used for the following purchases:
  1. Regular unleaded gasoline, diesel fuel, alternative fuels, lubrication, motor oil, oil and filter change and wash jobs under \$25.00 where such services normally provided by an approved vendor are geographically unavailable. All receipts are required for non-fuel purchases; washer fluid, antifreeze and other fluids may be purchased on an emergency basis. Any unsupported transaction charge, non fuel purchase, or other travel of out of pocket item that is not supported by a valid invoice for the same

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amount will not be reimbursed, or if charged to card will be invoiced and collected.

2. Emergency services to a maximum of one hundred dollars (\$100) are to include justification and receipt for the maintenance provided within one day of return to the office.
3. Emergency services in excess of one hundred dollars (\$100) must be authorized by the PRC vehicle coordinator or Administrative Services Director.
4. Except for disabled employees, fuel purchased at public service stations shall be from self-service pumps.
5. Problems at the Pump: If a problem is encountered at the time of purchase, the driver should contact Wright Express immediately from the vendor location; use the 800 number on the back of the card. This will allow Wright Express to determine if the problem is with the card, the PIN, the vendor's equipment, or the system. Most problems may be handled manually processing the purchase; this may be done only with authorization from Wright Express using the 800 number.
6. Mileage Entry: When purchasing items with the fuel card the employee is required to enter the exact current mileage at the time of purchase (do not include tenths).
7. Use of a fuel credit card is subject to the policies and procedures of the PRC, General Services Division and Department of Finance Administration. Misuse of a fuel credit card may result in administrative, disciplinary actions up to and including dismissal and/or referral for criminal investigation by the PRC.

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## IV. USE OF STATE VEHICLE:

### A. Authorized Drivers and Passengers:

1. Only authorized drivers may drive state vehicles.
2. Only state employees or those individuals for whom prior authorization has been obtained from GSD, Transportation Services Division may occupy a state vehicle in the furtherance of state business.
3. A passenger who is not a state employee must have written authorization from the GSD Transportation Services Division Director before occupying a state vehicle. To obtain authorization the employee must receive approval through the employee's chain of command and ASD PRCVC, will and must mail or fax a letter on agency letterhead to the GSD Transportation Services Division containing the following:

The trip's location, dates of travel, and purpose;

- a. Explanation of how the passenger is accompanying the employee in the furtherance of state business;
- b. The employee who will be driving the vehicle and his driver's license number;
- c. The date the employee completed the defensive driving course;
- d. The license plate number of the vehicle to be used;
- e. The facsimile and telephone number of the office where the employee is assigned; and
- f. The signature of the employee's supervisor.
- g. This provision shall not be construed to prohibit or prevent the use or occupancy of a

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state vehicle to render emergency aid or assistance to any person.

5. Animals, except for those that assist the handicapped, are not allowed in state vehicles, unless authorized by the GSD, Transportation Services Division upon written request.
6. Cell Phones: Authorized drivers shall only use a cell phone with a hands-free device while operating a state vehicle.
7. Smoking: Smoking and Smokeless tobacco products are prohibited in state vehicles.
8. All Commission owned vehicles shall be maintained in a safe, operable condition and maintenance records shall be kept. Vehicles leased from the Transportation Services Division (TSD) of GSD are the responsibility of MTD for maintenance and record keeping purposes.
9. State Vehicle Mileage Logs will be the responsibility of the PRC vehicle coordinator. All mileage logs will be audited weekly and signed off on as correct and accurate by the supervisor/manager. These logs sent for review to the PRCVC monthly.
10. When multiple employees are traveling to the same location on PRC business they are to make every effort to car pool in state vehicles.
11. All state vehicles will be parked at the PRC Santa Fe parking lots for the weekends or during periods of leave unless specifically approved otherwise by the Chief of Staff or designee. These vehicles should be parked only in assigned parking spaces.
12. Only employees in an On-Call status or required to leave from their residence for PRC business should have state vehicles parked overnight at their residence.



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13. Any use of a state vehicle used to commute between work and residence must be approved by the Chief of Staff. (1.5.3.20 NMAC), or as provided by IRS regulations.
  - a. The PRCVC will maintain current records of all state drivers and passengers by name and position.
  - b. The number of miles each state authorized driver who commutes drives annually between work and residence using a state vehicle will be documented.
  - c. The number of times annually a state authorized driver who is given written approval to use a state vehicle to commute between his assigned post of duty and his primary residence and is called back when the state employee is off-duty.
  - d. Review all authorizations to use a state vehicle to commute at least once a year; and
  - e. Report commuting information and subsequent changes the state agency commuting policies to TSD by the fifteenth of July of each year.
  - f. PRC employees using a state vehicle for commuting purposes will be given a 1099 at the end of each calendar year.
  
14. Compliance with State Laws:
  - a. PRC employees shall use state vehicles in accordance with state statutes, GSD rules, and PRC policies, including but not limited to 1.5.3. NMAC and PRC Policy.
  - b. The failure of an Authorized Driver to obey any applicable traffic laws, whether on or off public rights-of-way, while operating or occupying a state vehicle may result in the suspension or



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revocation of the driver's state vehicle operating privileges, or other disciplinary action.

- c. All traffic citations received while operating a state vehicle shall be the personal responsibility of the individual authorized driver who received them. An authorized driver shall claim no reimbursement, in any form, nor will any such reimbursement be authorized to be paid for traffic citations. All authorized drivers shall be personally responsible for appearing in court on their own time. Any authorized driver who receives a traffic citation or parking ticket while using a state vehicle shall be personally responsible for the citation or ticket. This shall include, but is not limited to, traffic citations, parking tickets and any moving violations.
- d. All Operators must exercise prudence and extreme caution while operating any state vehicle, and shall not abuse or misuse a state vehicle. An operator may be personally assessed for the loss or damage of a state vehicle if driving while under the influence of intoxicating liquor or drugs or if reckless driving (as cited) caused the loss or damage.
- e. The state vehicle operating privileges of an Authorized Driver may be suspended or revoked, and other disciplinary action may be taken, if a state vehicle is damaged or destroyed due to the negligence of the Authorized Driver. Any such conduct may result in disciplinary action.

### 15. Official Use Only of State Vehicle:

Employees shall use state vehicles for official purposes only. Any person who uses a state vehicle for private use may be subject to disciplinary action up to and including termination.

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16. Accident Reporting:
  - a. In the event of ANY vehicle accident, whether moving or not and whether damage occurs to the state vehicle or not, the Authorized Driver shall follow all steps as stated in these Vehicle Operating Policies.
  - b. Any Agency employee operating a state vehicle, or a private vehicle that has been authorized to be utilized in advance for state business, who is involved in any vehicle accident or incident; or who experiences any vehicle damage from an accident or other occurrence; or who is injured or whose passenger(s) are injured in any way while a passenger riding in a state vehicle, shall immediately inform their immediate supervisor.
  - c. The employee's supervisor shall be responsible for immediately informing the Division Director and the PRCVC or his or her designee of the accident or incident.
  
17. An Authorized Driver involved in any vehicle accident or incident shall provide the following information to the PRCVC or his or her designee within 48 hours of the accident or incident. The information shall be submitted in writing. If for any reason the Authorized Driver is unable to provide the written report, the Authorized Driver's supervisor shall provide the written report to include the following information to the extent such information is available:
  - a. Names, addresses and/or phone numbers of all parties involved;
  - b. The type and nature of any injuries to the Authorized Driver, any Passengers, or others;

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- c. A description of the facts of the incident;
  - d. Where the accident/incident occurred;
  - e. Date and time of day the accident or incident occurred;
  - f. A description of the damages to all vehicles;
  - g. If a Law Enforcement Officer investigated the accident, the Officer's name and the Agency he or she was representing. If the Officer created and filed any type of report, or any other written documentation, of his or her investigation, the case number of the incident investigation and where a copy of the report may be obtained.
18. In every instance in which the Authorized Driver of a state vehicle, or a private vehicle involved in state business, has cause to believe that unclaimed or potential claims of damage or injury to a state vehicle or private vehicle(s), to the passengers or to other people involved in an accident or incident may have occurred, the Authorized Driver shall immediately notify their immediate supervisor who shall in turn notify the PRCVC or his or her designee of the situation.
- a. The PRCVC or his or her designee shall immediately forward the Authorized Driver's written narrative of the accident and any reports or documents associated with the accident or incident to General Services Department's Risk Management Division and any other state agency or entity whose vehicle(s) may have been involved in the accident or incident.
  - b. In all cases, a police report shall be requested from the law enforcement agency having

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jurisdiction over the area in which the vehicle accident occurred and submitted to the PRCVC.

- c. Should the law enforcement agency having jurisdiction over the area in which the accident occurred be unable to respond within a reasonable time frame, or to be unwilling to create or file an accident report, a PRC representative, shall note this fact in the written report.
  - d. Once notified of the accident or incident, the PRCVC or his or designee shall immediately notify other involved state agencies, (such as the General Service Department's Transportation Services Division, Central Fleet Services Bureau (Motor Pool) if a Leased vehicle is involved), and General Service Department's Risk Management Division of the accident or incident. Follow all investigative, reporting, and procedural guidelines outlined in 1.5.3.25 NMAC.
  - e. Failure to comply with the initial reporting requirements may result in the suspension or revocation of the Operator's state vehicle operating privileges or other disciplinary action.
19. The PRCVC shall review all reports and documentation provided for in sections 13, 14, 15, 16 and 17 of this policy and prepare a written report.
  20. Upon notification of any accident or incident involving a state vehicle or a private vehicle involved in state business, the PRCVC or his or designee shall investigate the accident or incident and prepare a written report with respect to the accident or incident. The report shall make specific recommendations and findings regarding the incident or accident, including, where appropriate, disciplinary recommendations.

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- a. Upon completion of the report, the PRCVC or his/her designee shall provide a copy of the report, including recommendations and findings, to the Authorized Driver and the individual or individuals involved in the accident or incident, the Authorized Driver's Division Director, and the Chief of Staff.
  - b. Nothing in this policy shall supersede any other accident or incident reporting or notification requirements of the General Services Department Risk Management Division or any other applicable law.
21. Out-of-State/Out-of-Country Travel: An employee must obtain a waiver from GSD, Transportation Services Division to drive a state owned vehicle out-of-state or out-of-country. The employee must keep the waiver in the designated vehicle during the entire trip.
  22. Vehicles used by PRC employees are not to be used for regular commuting purposes. Their use is the responsibility of their respective director or bureau chief.
  23. If any employee loses any state-issued equipment that is part of a state-owned vehicle through misplacement or theft, such loss must be reported to the employee's immediate supervisor within one working day.
  24. The Administrative Services Division may conduct an investigation into all instances of reported loss. If the investigation determines that the employee was negligent, this determination may be the basis for initiating disciplinary action, including cost of repair/replacement by the employee.

- B. Liability: It shall be the responsibility of all Authorized Drivers to ensure that, in addition to the proper and

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current vehicle registration paper(s), a copy of these Vehicle Operating Policies and all required accident-reporting forms shall be maintained in the glove compartment of each vehicle.

## C. Vehicle Safety:

1. Windows of all state vehicles shall be closed and doors locked at all times when not in use.
2. No motor vehicle shall be left unattended with the motor running or with the keys in the ignition switch. All unattended vehicles shall be locked, with keys removed and in the possession of the responsible person.
3. All vehicles shall carry only the number of passengers for which it was designed and is equipped to accommodate.
4. Use of Privately Owned Vehicle for Official Business: Occasionally, employees may be permitted to use privately owned vehicles for official business when a state vehicle is not available or practicable. In such instances, the following procedures apply:
  - a. Employees must have a current New Mexico State driver or chauffeur's license and proof of liability insurance.
  - b. All federal, state and local laws as well as Commission regulations will be observed.
  - c. Use of privately owned vehicles and reimbursement for such use will be only by permission of and in accordance with instructions issued by the appropriate approval authority.
  - d. Any employee involved in an accident while operating a privately owned vehicle on official business must report such accident to his/her

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immediate supervisor within one working day of said accident.

## V. DRIVER SAFETY:

### A. EMPLOYEE SEAT BELT RESTRAINT USE

1. All Authorized Drivers and Authorized Occupants of state vehicles shall wear seat belts.
2. Violations of seat belt law may result in loss of state operator privileges. It is the responsibility of the employee to pay any fines.

B. All Agency employees must successfully complete the Defensive Driving Course offered by Risk Management. The Authorized Driver may be required to provide proof of current Defensive Driver certification before engaging in operation of a state vehicle.

C. The Agency may require an employee who seeks to operate a motor pool vehicle to provide proof of current certification. If an employee needs to operate a state vehicle in furtherance of state business but has not successfully completed the defensive driving course, the employee must register for the next available defensive driving course. The Agency must request waiver of the certification requirement from the Transportation Services Division Director; the waiver request shall include the state employee's name and New Mexico driver's license number, and the date the state employee is scheduled to attend the defensive driving course.

D. Each PRC employee is required to take a defensive driving refresher course every four (4) years. Employees must take at least a four (4) hour course provided or approved by the GSD Transportation Division. All state employees who are authorized to operate state-owned vehicles have four (4) years from the effective date of this rule to become re-certified.

E. Employees who have an "at-fault" accident in a state vehicle on record with PRC shall take a refresher defensive



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driving course as soon as possible after the accident, and may at the Division Director's discretion, be prevented from driving state vehicles until successfully completing the course.

## VI. VEHICLE MAINTENANCE:

- A. Each vehicle shall have a maintenance schedule that ensures that maintenance procedures, necessary for the safe and continued operation of PRC owned state vehicles, are routinely carried out. Each Bureau or PRCVC shall track vehicle maintenance and compliance with that schedule. Employees shall not drive any state vehicle that has been identified as having a problem until it has been checked and repaired.
1. No vehicle will be repaired without first contacting and gaining approval of the Division Director or his or her designee unless an emergency exists.
  2. In an emergency, the towing charges (within reason), or repairs necessary to enable movement of the vehicle to a repair facility or safe parking area are authorized.
  3. Prior to using a state vehicle, all Authorized Drivers shall determine that all tires are inflated properly and are not excessively worn; that brakes, lights, windshield wipers, seat belts and steering are functioning properly; and check and maintain, **at every stop for gasoline**, all accessible engine fluids and windshield washing fluid.
  4. Authorized Drivers shall inspect vehicles for damage(s) and safety concerns on a daily basis before the vehicle is operated.
  5. Damage or improper care of a state vehicle shall result in the suspension or revocation of the Authorized Driver's state vehicle operating privileges.

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6. All Divisions shall ensure that lube, oil, filter changes are performed every 5,000 miles on all leased vehicles, and every 3,000 miles on vehicles owned by the Commission. In addition, all Divisions shall take all other preventive maintenance functions are performed according to the service schedule included in the vehicle's owner's manual and/ or the service schedule provided by the PRCVC or his or her designee.
7. All Authorized Drivers shall be responsible to take the following action(s) when it can be accomplished within this policy:
  - a. Having flat tires changed and the cause of the flat repaired if the tire can be safely used after the repair is affected;
  - b. Taking prudent actions to charge a dead battery and return the vehicle to service;
  - c. Arranging for towing in the event of an engine failure while on the road or away from the Operator's base of operations;
  - d. Pay out-of-pocket, seek reimbursement with original receipt, and completed non-travel reimbursement form where and when necessary;
  - e. Supervisor shall be notified of any vehicle problems to address issue immediately;
  - f. The PRC will cover the costs of replacing batteries and tires, repairing tires, and charging dead batteries.
  - g. The Operator shall be responsible for:
    - i. The maintenance of the interior and exterior of the vehicle in a clean and presentable condition;

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- ii. The vehicle shall be returned in full operating condition, including fuel and fluid;
- h. The PRCVC shall ensure that all state vehicles have specially designed government registration plates. State vehicles used for legitimate undercover law enforcement purposes may be approved for undercover plates by the Chief of Staff or designee.
- i. No commercial advertising or partisan political sign may be displayed or carried on any state vehicle or carried within the vehicle for delivery or set-up on behalf of any political campaign.
- j. Unauthorized alteration of the vehicle specifications will not be allowed. The Division Director or his or her designee must authorize all vehicle alterations, modifications, conversions or improvements in advance.

### VII. COMPLAINTS:

The PRCVC shall review all complaints regarding the use, maintenance or operation of state vehicles. The PRCVC will be responsible for answering each complaint in writing no later than thirty days after receipt of each vehicle complaint. Each response must be submitted in writing with a detailed explanation of each complaint circumstance.

Each complaint and subsequent response will be reviewed and stored in a database file system. Multiple complaints against a single authorized driver may cause forfeiture of assigned vehicle and disciplinary action may be taken. Authorized Driver privileges may also be suspended if deemed in the state's best interest.

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