

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the Register first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Register after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 15. DEPARTMENT OF ADMINISTRATION

~~GENERAL~~ MANAGEMENT SERVICES DIVISION

PREAMBLE

1. Sections Affected

Chapter 15
R2-15-201
R2-15-202
R2-15-203
R2-15-204
R2-15-205
R2-15-206
R2-15-207
R2-15-209

Rulemaking Action

Amend
Amend
New Section
Amend
Repeal
Amend
Amend
Amend
Repeal

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 41-803(B)

Implementing statutes: A.R.S. §§ 41-803, 38-538, 38-538(02), 28-2351, and 28-2416

3. The effective date of the rules:

October 20, 2000

4. A list of all previous notices appearing in the Register, addressing the final rule:

Notice of Rulemaking Docket Opening: 6 A.A.R. 712, February 18, 2000

Notice of Proposed Rulemaking: 6 A.A.R. 2163, June 16, 2000

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

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ADOA-MSD-Special Services Section
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6. An explanation of the rule, including the agency's reasons for initiating the rule:

The purpose of this rulemaking is to respond to issues raised in the 5-year review process. Additionally, the rulemaking will update the rules and bring them into conformance with current rulewriting standards, legislative changes, and current practice.

SPECIFIC SECTION BY SECTION EXPLANATION OF THIS PROPOSAL

R2-15-201, Definitions. This Section updates the terms used within Article 2 and improves the clarity, conciseness, and understandability of the rules.

Terms such as "A.D.O.T.", "minimum mileage surcharge," "taxi trip ticket", "trip ticket", "document holder" and "monthly report" are no longer used in Article 2 and have been deleted. The term "D.O.A." has been replaced with "ADOA" to clarify that this program's parent agency is the Arizona Department of Administration. "Fleet Management" no longer repairs vehicles at the ADOA fleet facility; the definition of this term has been modified to reflect this change.

Defining the terms “approved fueling facility” and “maintenance provider” clarifies the difference between these entities and the Fleet Management facility, and clarifies their relationship with ADOA Fleet Management.

R2-15-202, General Provisions. This Section establishes who may operate a Fleet Management vehicle and provides the criteria for vehicle use.

R2-15-203, Operator Responsibilities. This Section establishes the responsibilities associated with operating Fleet Management vehicles.

R2-15-205, Request Procedures. This Section establishes the criteria for fleet management vehicle use and vehicle purchases.

R2-15-206, Special Equipment. This Section sets the criteria for special equipment installation, such as 2-way radios.

R2-15-207, Billing Rates. This Section clarifies fleet management’s billing methods and rates.

7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

This rulemaking establishes clear procedures for requesting, operating, and purchasing a Fleet Management vehicle.

A. Estimated Costs and Benefits to ADOA Fleet Management Office.

R2-15-203(E) requires any operator who receives a traffic citation to provide Fleet Management with verification that the fine has been paid or traffic school has been attended. This requirement will assure Fleet Management that its operators are complying with the law.

Fleet Management does not anticipate any additional administrative functions will result from this rulemaking, nor will revenues increase or decrease.

B. Estimated Costs and Benefits to Political Subdivisions.

Political subdivisions of this state are not directly affected by the implementation and enforcement of this rulemaking.

C. Businesses Directly Affected By the Rulemaking. (State agencies and the maintenance provider.)

State agencies should have a clearer understanding of the requirements for the use or purchase of Fleet Management vehicles.

The additional requirements of prohibiting an operator who receives a traffic citation from operating a Fleet Management vehicle and prohibiting smoking in Fleet Management vehicles should benefit all agencies. Prohibiting smoking will reduce damage to vehicles from ash burns, and a vehicle’s smell will not be offensive to other operators.

D. Estimated Costs and Benefits to Private and Public Employment.

Private and public employment are not directly affected by the implementation and enforcement of this rulemaking.

E. Estimated Costs and Benefits to Consumers and the Public.

Consumers and the public are not directly affected by the implementation and enforcement of this rulemaking.

F. Estimated Costs and Benefits to State Revenues.

This rulemaking will have no impact on state revenues.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Non-substantive changes were made at the suggestion of the Governors’ Regulatory Review Council to conform the rules to current rulemaking format and style requirements, and to make the rules more clear, concise and understandable.

11. A summary of the principal comments and the agency response to them:

No comments, either oral or written, were received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

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13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 15. DEPARTMENT OF ADMINISTRATION
~~GENERAL~~ MANAGEMENT SERVICES DIVISION

ARTICLE 2. FLEET MANAGEMENT

Sections

- R2-15-201. ~~General Definitions~~
- R2-15-202. ~~General Provisions~~ Vehicles, Operators, and Uses
- R2-15-203. ~~Operator's responsibilities~~ Operator Responsibilities
- R2-15-204. ~~Categories of dispatch~~
- R2-15-205. ~~Vehicle request procedures~~ Request Procedures
- R2-15-206. ~~Special authorizations~~ Equipment
- R2-15-207. ~~Billing procedures~~ Rates
- R2-15-209. ~~Acquisition of rental, leased, or purchased vehicles~~

ARTICLE 2. FLEET MANAGEMENT

R2-15-201. General Definitions

Definitions. In this Article unless the context otherwise requires: The following terms apply to this Article:

“~~Accident Reporting Packet~~ reporting packet” means the packet automobile loss report form and witness information cards in the glove compartment of each state Fleet Management vehicle, ~~which contains a state of Arizona, Department of Administration, Risk Management Division, Automobile Loss Report and witness identification cards.~~

2. ~~A.D.O.T.~~ means Arizona Department of Transportation.

“~~ADOA~~” means the Arizona Department of Administration.

“Approved fueling facility” means a location managed by ADOA or the Arizona Department of Transportation to dispense fuel to Fleet Management vehicles.

3. “~~Capitol Area~~ area” means that area ~~which is~~ within a ~~ten-mile~~ 10-mile radius of the State Capitol Complex.

4. “~~D.O.A.~~” means Department of Administration.

5. “~~D.O.A. Fleet Management Vehicle~~” means any state vehicle which is owned and managed by the ~~D.O.A. General Services Division, Fleet Management Office.~~

“Director” means the Director of ADOA.

6. “~~Domicile to Duty Travel~~ Domicile-to-duty travel” means that travel ~~which is done~~ between a vehicle an operator’s residence and worksite, as prescribed under A.R.S. § 38-622.

7. “~~Extended Dispatch~~ dispatch vehicle” means a Fleet Management vehicle ~~which~~ that is dispatched full-time to a using agency ~~on a full-time basis~~ that has continuing requirements for official state business travel.

8. “~~Fleet Administrator~~” means ~~D.O.A. Fleet Management Office Director~~ the person designated by the Director to administer the Fleet Management program.

“Fleet Management” means the section of the ADOA that administers all state-owned vehicles, except those specified in A.R.S. § 41-803(E).

9. “~~Fleet Management Repair Facility~~” means the ~~Fleet Management Office, Repair Shop, Gas Station, and Car Wash facility located at 1522 West Jackson Street, Phoenix, Arizona 85007.~~ “Fleet Management facility” means the dispatch center, alternative fuel depot, and car wash facility located at 1501 W. Madison, Phoenix, Arizona 85007.

“Fleet Management vehicle” means any state vehicle owned and managed by Fleet Management.

“Maintenance provider” means a person contracting with Fleet Management to provide vehicle maintenance.

10. “Minimum Mileage Surcharge” means the difference between the mileage charges for actual miles utilized per month and the mileage charges for 1,000 miles per month.

11. “Monthly report” means trip tickets that are issued for extended dispatch vehicles.

12. “Operator” means a vehicle a driver of a Fleet Management vehicle.

13. “Recall” means a call for the return to D.O.A. Fleet Management of a vehicle that is ~~on extended dispatch because of failure to comply with this Article.~~ “Recall” means a demand to return an extended dispatch vehicle because of failure to comply with this Article.

14. "Taxi" means a general purpose passenger vehicle on a temporary, ~~30-calendar days or less, dispatch assignment~~ short-term dispatch assignment.
15. "~~Taxi Trip Ticket~~" ~~supplied with a taxi vehicle to be completed and turned in to the dispatch office at the completion of each trip.~~
16. "~~Trip Ticket~~" means the form supplied by Fleet Management Office with each vehicle for the purpose of recording mileage and purchases.
17. "~~Using Agency agency~~" means any state agency to which a Fleet Management vehicle ~~has been~~ is dispatched.
18. "~~Vehicle Document Holder~~" means the folder or clipboard issued with each D.O.A. Fleet Management vehicle which holds the ~~Trip Ticket, the vehicle credit card, and the vehicle operator's instructions.~~
19. "~~Vehicle Rotations rotation~~" means the periodic reassignment of vehicles dispatched to using agencies ~~in order~~ to equalize utilization use.

R2-15-202. Vehicles, Operators, and Uses

- A.** Any state employee holding a valid Arizona driver's license may be an operator if authorized by the employee's agency.
- B.** An operator shall use a Fleet Management vehicle only for state government activities as prescribed under A.R.S. § 38-538.02. Prohibited uses include the following:
 1. Domicile-to-duty transportation of a state employee, unless specifically authorized by the employee's agency director;
 2. Personal convenience; or
 3. Transportation of family members or friends, or any person not essential to accomplishing the purpose for which the vehicle is dispatched.
- C.** Fleet Management shall ensure that a Fleet Management vehicle:
 1. Bears a current state license plate in accordance with A.R.S. §§ 28-2351 and 28-2416;
 2. Bears designations in accordance with A.R.S. § 38-538;
 3. Is registered with the Arizona Department of Transportation Motor Vehicle Division; and
 4. Complies with state emissions laws.

R2-15-203. Operator's responsibilities Operator Responsibilities

- A.** Gasoline Fueling facilities
 1. A.D.O.T. fueling facilities shall be used whenever possible if a vehicle needs refueling while away from the metropolitan Phoenix area. A copy of the A.D.O.T. fuel receipt must be returned to the Fleet Management Office with the appropriate trip ticket. An operator shall use an approved fueling facility whenever available. If an approved fueling facility is not available, an operator shall use a fueling facility that accepts the Fleet Management-issued credit card, if possible.
 2. Credit cards shall be issued with each vehicle to enable the vehicle operator to obtain fuel and service at authorized service stations. Credit cards shall be used for the purchase of items for D.O.A. Fleet Management vehicles only. Purchases or repairs over \$50.00 shall require authorization from the Fleet Service Manager. The credit cards shall not be used within the Capitol area during D.O.A. Fleet Management facility operating hours unless absolutely essential. All purchases made with the credit card shall be substantiated by a copy of the service station receipt. For taxi vehicle users, the Taxi Trip Ticket, the credit card and all fuel receipts shall be turned in to a Fleet Management dispatcher upon completion of the trip. Accumulated receipts from vehicles on extended dispatch shall be turned in to the Fleet Management Office on the first working day of each calendar month along with the monthly report. An operator assigned an alternative fuel vehicle shall use alternative fuel whenever available.
 3. An operator shall use fuel from regular unleaded self-service pumps.
 4. Except in the case of emergency, operators within the Capitol area shall use the ADOA Fleet Management facility to refuel Fleet Management vehicles.
- B.** Self service. Self service fuel pumps shall be used.
- B.** Purchases and repairs
 1. An operator shall use the Fleet Management-issued credit card for purchases and repairs only on Fleet Management vehicles.
 2. An operator shall obtain authorization from the maintenance provider before making a purchase or repair for a Fleet Management vehicle that costs more than \$50.00.

C. Emergencies.

~~In the event of a vehicle breakdown, the vehicle operator shall call one of the emergency telephone numbers listed in the vehicle document holder. The vehicle shall be locked if it is necessary to leave it unattended. If it is necessary to signal for assistance on a roadway, the hood of the vehicle shall be raised and the hazard flasher system turned on.~~

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D.C. ~~Accident Reporting~~ reporting

1. ~~A written report~~ An operator shall report a fleet management vehicle accident to the police and shall make a written report shall be made on all motor vehicle accidents, regardless of the amount of damage, to Fleet Management within 24 hours after the accident using the automobile loss report forms form contained in the Accident Report in Packet in the vehicle glove compartment; accident reporting packet. If the operator is incapacitated, the operator's supervisor shall make the report.
2. ~~The operator and the operator's supervisor shall sign the automobile loss report, signed by the vehicle operator and his or her supervisor, shall be and given give it to the D.O.A. Fleet Service Manager Fleet Management within three working days~~ 24 hours after the accident.
3. ~~In the event~~ If another driver is involved, the operator shall request that the other driver fill out the courtesy card(s) witness information card located in the ~~Accident Reporting Packet~~ accident reporting packet. ~~Names~~ The operator shall obtain the name and the telephone number of any witnesses witness shall also be obtained.
4. ~~A~~ The operator shall submit the police report regarding the accident ~~shall also be submitted to the Fleet Management Office within 10 calendar days of~~ after the accident ~~by the vehicle operator~~.

D.D. ~~Traffic Citations~~ citations

1. ~~State vehicle operators shall be~~ An operator is personally responsible for the prompt payment of any fines fine for a any moving and or non-moving traffic citations citation, other than for mechanical failure, received while driving a state vehicle Fleet Management vehicle. Under no circumstances shall the citation be paid with the state funds.
2. ~~Citations received for mechanical failures shall be personally taken to the Fleet Management Office along with the vehicle. If a citation is received for mechanical failure, the operator shall, as soon as possible, deliver the vehicle, with the citation, to Fleet Management for repair.~~
3. An operator who receives a traffic citation while driving a Fleet Management vehicle and fails to resolve the matter within 90 calendar days of the citation shall lose the privilege of operating a Fleet Management vehicle. The operator's privilege shall be reinstated when the operator provides Fleet Management with verification that the operator paid the fine, successfully contested the traffic citation, or attended traffic school and possesses a valid driver's license.

F.E. ~~Vehicle Operation~~ operation

1. ~~Seat belts shall be worn by the driver and all passengers while the vehicle is in motion. The operator and all passengers shall wear seat belts while the vehicle is in motion.~~
2. ~~An operator~~ Vehicle operators shall be is responsible for the safe and careful operation of D.O.A. a Fleet Management vehicles vehicle and for observing all directives issued by the Governor ~~for the conservation of fuel~~.

G.F. ~~Care of Vehicles~~ vehicles. ~~Employees operating D.O.A. Fleet Management vehicles~~ An operator shall ensure that:

1. ~~That the A Fleet Management vehicle is properly warmed as prescribed in the vehicle operation manual before operation;~~
2. ~~That vehicles are A Fleet Management vehicle is kept clean and free of litter;~~
3. ~~That all Any defects defect and or malfunctions malfunction are is~~ promptly reported to the ~~Fleet Service Manager. Fleet Management. If the Fleet administrator determines that the operator is negligent and fails to safeguard the Fleet Management vehicle, the cost of any resulting damage shall be billed to the using agency;~~
4. ~~That vehicle~~ The vehicle maintenance schedules is are adhered to followed. Fleet Management vehicles not brought in for scheduled service are subject to recall; and
5. Smoking does not occur in a Fleet Management vehicle.
 - a. If Fleet Management determines that smoking occurred in a Fleet Management vehicle, the operator's agency shall be billed for the cleaning expense.
 - b. A subsequent incident of smoking in a Fleet Management vehicle shall result in the operator losing the privilege to operate a Fleet Management vehicle.

H.G. ~~Return of Taxi Vehicles to D.O.A. Fleet Management~~ Taxi return. ~~Taxi vehicles shall be returned~~ An operator shall return a taxi to D.O.A. Fleet Management on the return date specified on the Trip Ticket, unless an extension of the return date is approved by the Fleet Administrator.

I. ~~Compliance with Preventive Maintenance Schedule for Extended Dispatch Vehicles. Preventive maintenance shall be scheduled by D.O.A. Fleet Management at 4,000-mile or 4-month intervals, whichever occurs first. A notice shall be mailed notifying the agency of the date the vehicle is scheduled for maintenance. Operators shall comply with the schedule, and, if unable to do so, shall call the Fleet Management Repair Facility to request a schedule change. Vehicles not brought in for scheduled service are subject to recall. Loaner vehicles are available for use while vehicles are in the Fleet Management Repair Facility. Reservations for loaner vehicles may be made up to five working days in advance.~~

J. ~~Pickup of Vehicles Released from Maintenance. Immediately upon a vehicle's release from maintenance, the using agency shall be notified by the Dispatcher that the vehicle is ready for pickup. The date and time of notification shall be recorded on the downtime notice and billing credit shall cease at that point.~~

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~~K.H.~~ **H.** Loaning vehicles to other state employees. ~~The driver~~ An operator to whom ~~the a~~ a Fleet Management vehicle is dispatched shall be ultimately is responsible for the proper utilization use of the vehicle. Should it become necessary to allow another Before allowing another state employee to drive the vehicle, ~~the individual dispatched the vehicle shall assume the responsibility for assuring that the person to whom the vehicle is loaned~~ the operator to whom the vehicle is dispatched shall verify that the other state employee is a properly licensed driver and is instructed in the proper utilization use of D.O.A. Fleet Management Fleet Management vehicles as outlined in this article.

L. Operator Negligence. ~~The driver to whom the vehicle is dispatched shall ensure that every reasonable action is taken to safeguard the vehicle's mechanical condition by closely observing the vehicle's built-in warning lights and gauges. Failure to safeguard the vehicle could result in disciplinary action if it is determined by the Fleet Management Administrator that the driver was negligent. Actual dollar damage shall be billed back to the using agency.~~

R2-15-204. Categories of dispatch

Vehicles shall be assigned or dispatched in one of the following two categories:

1. Taxi Dispatch. ~~The taxi fleet shall consist of general purpose passenger and cargo vehicles based in the Fleet Management Facility which shall be made available for short notice dispatch to all agencies as needed.~~
2. Extended Dispatch. ~~This category is for user agencies which have continuing requirements for official state business travel. Vehicles in this category are subject to rotation in order to equalize their utilization. Vehicles which consistently fail to achieve a minimum of 1,000 miles per calendar month may be withdrawn after consultation with agency management and the agency may use taxi vehicles to satisfy ground transportation needs.~~

R2-15-205. Vehicle request procedures Request Procedures

A. Using agencies may request either taxis or extended dispatch vehicles.

A.B. Taxi Vehicles Taxis

1. Fleet Management shall fill reservations ~~Reservations for a taxi vehicles shall be filled~~ on a first-come, first-serve basis. Vehicles shall be reserved in person, by telephone, in writing, or by electronic means. ~~or in person no earlier than five working days in advance.~~
2. ~~Vehicles which have been reserved~~ Fleet Management shall hold a reserved taxi ~~shall be held for one 1~~ hour beyond the stipulated time of dispatch. If, by that time, the ~~requestor~~ requesting agency ~~has does not picked pick up the vehicle taxi,~~ the request shall be canceled and the ~~vehicle taxi~~ shall be dispatched to the next requestor.
3. ~~If the a requesting agency for which the vehicle was reserved fails to pick it up a taxi,~~ Fleet Management shall bill the agency ~~shall be billed for one day's charges unless the subsequent requestor paid for the day 1 day's use.~~

B.C. Extended dispatch vehicles

1. ~~Requests for dispatch of a vehicle in this category must~~ An extended dispatch vehicle request shall be fully justified and approved by the head of the requesting agency, or the agency head's designee, and forwarded to the Fleet Administrator.
2. ~~If the vehicle extended dispatch vehicle request cannot be satisfied with existing resources, the requesting agency shall may request appropriated funds for purchase of a vehicle in the next budget cycle, coordinating the request with the Fleet Administrator and the Executive Budget Office, D.O.A. Office of Strategic Planning and Budgeting.~~
3. ~~When the If funds are appropriated available, the requesting agency shall purchase the vehicle through the Fleet Management Office Fleet Management and assign the Resourcee vehicle to the Fleet Management maintenance and replacement program.~~
4. The requesting agency shall transfer the appropriate funding to Fleet Management before the vehicle is ordered.

R2-15-206. Special authorizations Equipment

A. Domicile to Duty Travel

1. Two or more of the following criteria must exist before domicile to duty use of a state vehicle may be authorized:
 - a. The employee's home is also the duty station.
 - b. The employee reports directly to worksite from home rather than to the duty station.
 - c. Employee's duties regularly require the use of a vehicle for official state business before 7:00 a.m. and after 5:00 p.m., Monday through Friday or on weekends or holidays.
2. Employees who are authorized by their agency head to use a state vehicle for domicile to duty travel fall under the purview of a taxable fringe benefit which must be reported to the D.O.A. General Accounting Office.
3. User agencies shall keep records on domicile to duty travel for a minimum of three years.

B. Specially Installed Equipment and Vehicle Modifications. An agency requesting ~~Requests for specially installed equipment such as two-way 2-way radios, sirens, cages, or tanks shall be submitted~~ submit the request in writing to the Fleet Administrator. The using agency ~~shall be responsible~~ shall pay for the ~~procurement~~ equipment, and for installation of ~~such the equipment,~~ and ~~for any special modifications required all for restoration expenses or diminution in value caused by modifications made to install special equipment.~~

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R2-15-207. Billing procedures Rates

A. Billing Method: Charges for ~~extended dispatch~~ vehicles dispatched to using agencies shall be ~~are~~ determined by a ~~dual~~ rate methodology method. This method shall consist ~~that consists~~ of a cost-per-day ~~month~~ charge, ~~and~~ a cost-per-mile charge, ~~and~~ a charge for fuel use calculated according to actual operating expenses for each vehicle type.

The daily charge for extended dispatch vehicles shall be levied for each calendar day they are assigned, regardless of days that the vehicle is used. Billing credit shall be issued for those days that a vehicle is in for repairs or maintenance. A minimum mileage surcharge shall be levied on all extended dispatch vehicles which fail to achieve at least 1,000 miles per calendar month.

B. Charges for taxi vehicles are determined by a rate methodology that consists of a cost-per-day charge and a charge for fuel use.

B.C. Billing Rates: Fleet Management rates shall ~~may~~ vary from fiscal year to fiscal year depending upon the size of the fleet and the cost of new vehicles, ~~petroleum products and maintenance, repair~~ repairs, overhead, and insurance. Billing rates shall be published each fiscal year in the D.O.A. Executive Budget Office appropriated budget guidelines so that using agencies may include these costs in their budget requirements.

R2-15-209. Acquisition of rental, leased, or purchased vehicles

All requests for rental, leased, or purchased of non-DOA vehicles shall be coordinated with the Fleet Administrator to determine whether the requests can be met with available State resources prior to submitting the requests to D.O.A., Finance Division, State Purchasing Office.