

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 5        PUBLIC PROPERTY MANAGEMENT**  
**PART 3            ADMINISTRATION AND USE OF STATE VEHICLES**

**1.5.3.1            ISSUING AGENCY:** General Services Department.  
[1.5.3.1 NMAC - Rp, 1.5.3.1 NMAC, 7-30-2015]

**1.5.3.2            SCOPE:**  
**A.**            This rule applies to all public agencies that use state vehicles.  
**B.**            This rule also applies to the legislative and judicial branches, public schools, institutions of higher education, and all other public related institutions, to the extent that they lease motor pool vehicles from the state central fleet authority (SCFA).  
[1.5.3.2 NMAC - Rp, 1.5.3.2 NMAC, 7-30-2015]

**1.5.3.3            STATUTORY AUTHORITY:** Sections 15-8-6 and 15-8-10 NMSA 1978.  
[1.5.3.3 NMAC - Rp, 1.5.3.3 NMAC, 07-30-2015]

**1.5.3.4            DURATION:** Permanent.  
[1.5.3.4 NMAC - Rp, 1.5.3.4 NMAC, 7-30-2015]

**1.5.3.5            EFFECTIVE DATE:** July 30, 2015, unless a later date is cited at the end of a section.  
[1.5.3.5 NMAC - Rp, 1.5.3.5 NMAC, 7-30-2015]

**1.5.3.6            OBJECTIVE:** The purpose of this rule is to implement the Transportation Services Act, Chapter 15, Article 8 NMSA 1978, by establishing standards and procedures for the administration and use of state vehicles by state agencies or any entity that leases vehicles from state central fleet authority SCFA.  
[1.5.3.6 NMAC - Rp, 1.5.3.6 NMAC, 7-30-2015]

**1.5.3.7            DEFINITIONS:** In addition to the definitions in Section 15-8-3 NMSA 1978, as used in this rule:

- A.            account manager** means a TSD employee designated to prepare, manage and enforce short-term and long-term transportation services division/state central fleet authority TSD/SCFA vehicle leases; serve as liaison for designated state agency authorized drivers and TSD/SCFA maintenance personnel; prepare monthly billings and utilization reports, using data gathered from various systems including a global positioning system GPS;
- B.            agency approved authority** means the cabinet secretary of a state department or the agency director who is responsible for the agency;
- C.            agency fleet coordinator** means the individual assigned by an agency head or designee who is responsible for providing fleet management information and reports to TSD;
- D.            alert** means a notice given when specific parameters/barriers that are defined by either the agency or TSD are compromised thereby informing the using agency, or TSD, of the occurrence;
- E.            alternative fuel** means a fuel other than an unleaded gasoline such as E-85, a blend of ethanol and unleaded gasoline; bio-diesel; electricity; compressed natural gas; propane; hydrogen; or other fuels.;
- F.            authorized driver** means:
  - (1)            a state employee holding a valid New Mexico driver's license or an approved out-of-state driver's license and a TSD approved defensive driving certificate who is permitted to use a state vehicle in furtherance of official state business; a valid New Mexico driver's license or an approved out-of-state driver's license but *does not* include provisional, limited, restricted or administrative permits;
  - (2)            for those candidates for full-time, term or temporary employment with the state of New Mexico that live out-of-state, the following process is required and;
  - (3)            once gainfully employed by the state, the out-of-state employee must provide a copy of his driving record to TSD on a semi-annual basis to assure the drivers' license is in good standing;
- G.            authorized passenger** means an individual who is permitted to occupy a state vehicle in furtherance of official state business or a person who has received prior authorization from the director or designee to occupy a state vehicle, or where the transport is a part of the daily operations of the department;
- H.            authorized use** means travel in a state vehicle for official state business only as delegated by appropriate agency representative(s);

- I. CAFE standards** mean the national highway traffic safety administration corporate average fuel economy standards for passenger vehicles and light trucks;
- J. commute** means domicile-to-duty privilege authorized by the leasing agency's cabinet secretary or agency head to state authorized drivers where it is in the state's best interest to allow these employees to use a state vehicle to and from work and residence; (refer to 1.5.3.20 NMAC);
- K. custody (of a state vehicle)** means the director's or designee's right to exercise final decision-making authority with respect to the purchase, title and registration, use, administration, operation, maintenance, replacement, and disposal of a state vehicle in accordance with state law and regulations;
- L. declared gross vehicle weight or DGVW** means the maximum weight of a vehicle; the DGVW is used to differentiate between light, medium or heavy duty vehicle utilization;
- M. department** means the general services department;
- N. director** means the director of the transportation services division of the general services department;
- O. DGF** means the department of game and fish;
- P. division** means the transportation services division of the general services department;
- Q. DHSEM** means the department of homeland security and emergency management;
- R. DOT** means the department of transportation;
- S. DPS** means the department of public safety;
- T. EMNRD** means the energy minerals and natural resources department;
- U. flex fuel vehicle** means a vehicle that has the capacity of burning a regular unleaded gasoline and an alternative fuel;
- V. Global Positioning System or GPS** means a system that is installed on vehicles that is used to track specific data on the vehicle;
- W. GSD** means the general services department;
- X. G-series license plate** means a distinctive government license plate issued by the taxation and revenue department for vehicles of institutions of higher learning, public schools and all other subdivisions of government (cities, counties, villages, conservancy, wastewater, landfill districts, etc.), does not include any state level agency state vehicles of the executive, legislative or judicial branches that will display G-series license plates until replaced by SG license plates through attrition; Subsection NN of 1.5.3 NMAC.
- Y. inclement weather** means road conditions are unsafe for travel; inclement weather includes but is not limited to: icy or snow packed road conditions, dust storms, or flooding;
- (1) TSD will follow state personnel rulings on inclement weather for state business closures and delays;
- (2) TSD reserves the right to prohibit the use of state vehicles during inclement weather.
- Z. NSC** means the national safety council;
- AA. National safety council/defensive driving class (NSC/DDC) instructor** is someone who has completed the NSC/DDC through NSC and has a current DDC instructor certification;
- BB. New Mexico driver's license** means a valid driver's license issued by the motor vehicle division of the NM taxation and revenue department; this does not include provisional, limited, restricted, or any court-ordered restricted or administrative license or permit; while an "H" restriction may allow an individual to operate their privately owned vehicle (POV) to and from employment; TSD will not authorize an individual to operate a state vehicle with anything other than a valid drivers' license with no limitations or restrictions;
- CC. new state employee** means a person employed by a New Mexico state government agency for the first time or who is returning to state government after having had a break in service.
- DD. protective license plate** means a regular passenger license plate issued to a state vehicle that is in the custody of a state agency, can be traced to that state agency and is being used for sensitive activities;
- EE. public agency** means an agency other than a state agency as defined in Subsection JJ of 1.5.3 NMAC authorized to use SCFA vehicles; this does include institutions of higher learning and public schools;
- FF. RMD** means the risk management division of the general services department;
- GG. SCFA** means the state central fleet authority of the transportation services division of the general services department;
- HH. secretary** means the cabinet secretary of the New Mexico general services department;
- II. sensitive activity** means an activity performed by an employee of the state that;
- (1) is authorized by the state to be performed for a legitimate and appropriate purpose for the state, other than a legitimate undercover law enforcement purpose; and

(2) would place the employee at a higher risk of personal injury if knowledge of the activity were made public, as determined in writing by an appropriate authority of the employee;

**JJ. special-use vehicles** means state vehicles designated as such by the director or designee, including but not limited to emergency and law enforcement vehicles, buses, tractors, boats, trailers, snow cats, vehicles of a special design or construction that effectively limits their use for a particular purpose, and all other vehicles that are not passenger vehicles;

**KK. state agency** means a state department, agency, board or commission, including the legislative and judicial branches, this definition includes any public agency authorizing an officer or employee use of a state vehicle;

**LL. state employee** means any person who has been elected to, appointed to, or hired for any state office and who receives compensation in the form of salary or is eligible for per diem and mileage reimbursement;

**MM. state vehicle** means an automobile, van, sport-utility truck, pickup truck or other vehicle with a declared gross vehicle weight of less than ten thousand (10,000) pounds used by a state agency to transport passengers or property;

**NN. SG-series license plate** means an SG license plate designed for the specific use of agencies of the executive, legislative and judicial branches of state government for vehicles marked as required by Section 15-8-6 NMSA 1978: this **does not include** institutions of higher learning, public schools or any other political subdivision of government;

**OO. transportation services division or TSD** means the transportation services division of the general services department;

**PP. TSD approved NSC/DDC instructor** means an NSC/DDC instructor with a current instructor certification who has been audited and approved by TSD to conduct training for employees who have had their driving privileges suspended;

**QQ. TSD online NSC/DDC** means an online course offered by TSD. This class is presented in two (2) distinct parts, part one (1) covers the administrative use of state vehicle policy, and part two (2) is the direct presentation from the national safety council; and

**RR. undercover license plate** means a regular passenger license plate issued to a state vehicle which is registered in a fictitious name and address that cannot be traced to the state agency having custody of the vehicle and that is being used for legitimate law enforcement purposes only.

[1.5.3.7 NMAC - Rp, 1.5.3.7 NMAC, 7-30-2015]

**1.5.3.8 STATE VEHICLE PROCUREMENT PROCESSES AND VEHICLE STANDARDS:** In accordance with the governor's executive orders 05-049, "requiring the increased use of renewable fuels in New Mexico state government", and 06-069 "New Mexico climate change action", this section establishes the standards by which all state and public agencies shall procure state vehicles with a declared weight up to ten thousand (10,000) pounds.

**A. State agency vehicle requests, application form required requests for exemption to executive orders.** By the 15th of April of each calendar year, state agencies shall prepare a SCFA application for purchase, lease and disposal of state vehicles. The state agency in conjunction with GSD shall assure that all requests meet the governor's executive order directives including assuring the highest fuel economy for the intended use, meeting or exceeding the most current CAFE standards and compliance with the Alternative Fuels Acquisition Act. Any requests for exemption from the governor's executive orders shall be submitted along with clear justification for the requested exemption and the aforementioned form for the director's or designee's review. If the exemption is timely and approved, the agency shall be notified with time to submit the request to the specification developers. The specification development time-line shall not be expanded due to the state agency's failure to comply with this rule.

**B. State procurement cycles - time lines.** State agency vehicles shall be procured based on specifications consistent with executive order 05-049 and prepared by the department in conjunction with DOT, DPS, DGF, DHSEM and EMNRD during the months of June, July and August of each year. The development of the specifications is to prepare for the bid advertisement, pre-bid conference, bid opening and award for the purchase of vehicles for each fiscal year. The order of model year vehicles shall be consistent with the directions established in each bid, with expectations that new model year vehicles will be delivered prior to manufacturer's build-out dates for each subsequent calendar year.

**C. Vehicle standards.** The standards establish the minimum requirements for the procurement of passenger vehicles for the executive, legislative and judicial branches of the state of New Mexico. DOT, DPS, DGF, DHSEM, and EMNRD, vehicle standards are developed and maintained by the respective agency. These standards are to be reviewed annually and subject to change based on increased fuel efficiencies and reduction of

greenhouse gases. The standards are an administrative attachment to this rule and must be reviewed, amended, published and distributed by July 1 of each year.  
[1.5.3.8 NMAC - Rp, 1.5.3.8 NMAC, 7-30-2015]

**1.5.3.9 LEASE OF MOTOR POOL VEHICLES:**

- A.** A state agency or public agency may lease a motor pool vehicle from the SCFA:
- (1) through a “quik ride” or short-term lease by the hour or day not exceeding six (6) consecutive months; or,
  - (2) through a long-term lease for a period exceeding six (6) consecutive months; or,
  - (3) through a third-party commercial lease;
- B. Rates.** Rates for the lease of motor pool vehicles are based on costs for the type of vehicle leased. The SCFA will provide current rates and policies for the lease of motor pool vehicles upon request. There are three (3) types of SCFA long-term leases:
- (1) standard lease is a long-term lease of a TSD owned vehicle which includes overhead, maintenance and depreciation costs, less residual; divided by the life-cycle term;
  - (2) operational lease is a long-term lease of a TSD owned vehicle which includes overhead and maintenance costs; or,
  - (3) third-party commercial lease is a long-term lease of a TSD leased vehicle which includes overhead, maintenance and third-party financing costs; third party leased vehicles may be subject to excessive mileage costs.
- C. Terms.**
- (1) Standard leases depend on the leasing agency’s operational requirements and budget availability. Life-cycles for standard leases are to be five (5) years.
  - (2) Operational leases shall consist of leases for vehicles that have exceeded the standard lease life-cycles or have been procured by the user agency that has chosen not to pay the depreciation cost.
  - (3) Third party commercial leases are determined by a state price agreement, typically three (3) years and sixty thousand (60,000) miles. These leases are subject to mileage over-runs and excessive wear and tear costs that are passed on to the customer.
- D. Accounts receivable.** The SCFA requires the leasing state agency to maintain its accounts receivable current - thirty (30) days or less. The SCFA shall assess a one and one-half percent (1.5%) per month late payment penalty fee on accounts over thirty (30) days past due. The SCFA may take action to cancel any lease agreement(s) and recover the vehicle(s) if the lessee is delinquent over one hundred twenty (120) days in making payment. For short-term leasing, SCFA will charge for one (1) day use for reservations that are not canceled.
- E. Encumbrance.** The SCFA requires the leasing state agency to encumber the entire fiscal year cost of the lease at the time the lease is signed at the beginning of each fiscal year. The leasing agency may disencumber funds only after a written request to the director or designee is approved. The director or designee will act on requests to disencumber funds within ten (10) working days of the date of the receipt of the leasing agency’s request.
- F. Operating transfer.** To expedite the payment of lease costs to the SCFA, the user agency may choose to pay the annual cost of vehicles leased through an operating transfer within the first forty-five (45)-days of each fiscal year.
- G. Termination.** Either the division or a state agency may terminate the lease of a state vehicle as per the terms and conditions included in the standing lease agreement.  
[1.5.3.9 NMAC - Rp, 1.5.3.9 NMAC, 7-30-2015]

**1.5.3.10 STATE MOTOR VEHICLE LICENSE PLATES:** At the beginning of each fiscal year, the director or designee shall determine which type of license plate shall be issued for each state vehicle. This relates to the state of New Mexico government plate, protective license plate or undercover plate.

- A.** A state agency may submit a written request for an undercover license plate for any SCFA state vehicle it uses for legitimate undercover law enforcement purposes. The state agency must annually justify the need for an undercover license and must provide statutory authority to that effect.
- B.** A state agency may submit a written request for a protective license plate for any state vehicle it uses for a sensitive activity. The request must be signed off by the cabinet secretary or agency head attesting that this position is authorized to perform a legitimate and appropriate activity which is sensitive in nature and this activity would place the employee at a higher risk of personal injury if knowledge of the activity was made public. At the beginning of each fiscal year, the state agency must justify the need for a protective license plate and must provide

statutory authority regarding the type of work requiring something other than a state government license plate. Based on the justification, the director or designee may authorize the protective license plate.

**C.** The director or designee shall issue a state of New Mexico government license plate with permanent decals for all other state agency vehicles.

**(1)** All vehicles must display the state seal and an identifying decal describing the user agency, i.e. state of New Mexico motor pool, or the appropriate acronym identifying the user agency.

**(2)** All state vehicles must display the 1-800-627-6639 vehicle abuse program bumper sticker.

**(3)** All state vehicles must display the #DWI bumper sticker.

**(4)** User agencies will be billed the cost of replacement of authorized official decals or stickers.

**(5)** User agencies may use their own non-permanent decals upon acquiring director's or designee's written authorization. Cost for these decals will be the responsibility of the user agency.

**(6)** Deviation from the SCFA official decals and stickers must receive written prior authorization from the director or designee.

[1.5.3.10 NMAC - Rp, 1.5.3.10 NMAC, 7-30-2015]

**1.5.3.11 REQUIRED DOCUMENTS IN STATE VEHICLES:** Each state agency shall ensure that current copies of the following documents are kept in the glove compartment of all state vehicles in its custody.

**A. Auto Loss Form.** These are forms and instructions that are included in the packet provided by RMD on how auto accidents in state vehicles are to be dealt with by the authorized driver.

**B. Fuel credit cards.** Each vehicle will have detailed instructions and procedures for use of the fuel credit card with a list of authorized purchases.

**C. How-to brochure.** Each vehicle will have a brochure that provides the driver simple instructions regarding the use of the vehicle, telephone numbers, emergency processes, and waivers.

**D. RMD financial responsibility document.** These documents include the state's official proof of insurance and letter stating the state's responsibility to have proof of registration in a state vehicle.

**E. Vehicle maintenance manual.** This is the manual that is provided by the manufacturer which includes the manufacturer's specifications. Additional maintenance requirements or specifications may be required by the director or designee and provided to the leasing agency in writing.

**F. Vendor list.** This is a current list of SCFA authorized motor vehicle maintenance and repair vendors throughout the state of New Mexico. The list is to be used for preventive maintenance, emergency road service and repair.

**G. Vehicle registration.** This is the official proof of vehicle ownership/registration document issued by the state motor vehicle division. This document shall remain with the vehicle until ownership is transferred or the vehicle is sold by SCFA.

**H. Vehicle mileage log.** This log should have the date, employee name, beginning and ending mileages, destination, purpose of trip, type of fuel purchased, number of gallons purchased, total fuel cost, other vehicle related purchases, and a place for a supervisor to make verifications.

[1.5.3.11 NMAC - Rp, 1.5.3.11 NMAC, 7-30-2015]

**1.5.3.12 AUTHORIZED DRIVERS AND PASSENGERS:**

**A. Authorized drivers.** The director or designee may authorize a state employee who possesses a current valid New Mexico drivers' license or approved out-of-state license, and who has completed a TSD approved NSC defensive driving course and orientation prescribed by the division to operate a state motor vehicle. The state employee must have the appropriate class of driver's license to drive any state vehicle that is not a passenger vehicle. Upon request each agency must provide a list of all authorized drivers.

**B. Authorized passengers.** Only authorized passengers may occupy a state vehicle. A person who is not a state employee must obtain written authorization from the director or designee before occupying a state vehicle. Failure to comply may result in suspension of driving privileges.

**C. Suspension or revocation of authorized drivers' privileges.** The director or designee may suspend or revoke the authorized driver privileges of any state employee who permits a person who is not an authorized driver to operate a state vehicle or who transports, or permits the transportation of a person who is not an authorized passenger. In addition, such state employee may be held personally liable to the extent permitted by law for any liability for personal injury, death or property damage arising out of the unauthorized use or occupancy of the state vehicle.

**D. Reinstatement of driving privileges.** An authorized driver whose state driving privileges have been suspended or revoked must complete a NSC/DDC six (6)-hour class instructed by a TSD approved instructor before receiving a written driver privilege reinstatement authorization from the director or his designee.

**E. Exceptions.** 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 repairs.

[1.5.3.12 NMAC - Rp, 1.5.3.12 NMAC, 7-30-2015]

### **1.5.3.13 DEFENSIVE DRIVING COURSE:**

**A. Defensive driving course.** TSD will use the on-site instructor taught course material including the TSD online national safety council (NSC) defensive driving and safety curriculum (DDC). Agencies desiring to provide NSC/DDC training independent of TSD must request authorization to provide NSC/DDC instruction from the director or designee prior to commencing the utilization of any NSC/DDC tools or materials. In addition, the agencies must follow the curriculum approved by the director or designee prior to commencing the utilization of the proposed training tools. It is the responsibility of the proposing agency to incorporate all state of New Mexico TSD requirements into the defensive driving curriculum. All on-line courses are required to be reviewed and permission to utilize these courses must be approved by TSD *prior* to commencing use.

**B. Course availability.** TSD shall offer regularly scheduled defensive driving classes in Santa Fe and Albuquerque. This does not preclude TSD from offering these classes at the requesting agency's site. A state agency or state employee should contact the division for information about scheduled classes, locations, costs, registration, or scheduling of department trainings.

**C. Instructor certification.** To receive a certificate as a NSC/DDC Instructor, it is necessary to submit the written request to the director or designee for review and approval. This applies to employees who may have received a NSC/DDC instructor certification while under the employment of another governmental agency. All prospective instructors may attend the TSD instructed NSC/DDC - six (6) and four (4) hour classes; and, are required to teach one TSD six (6) hour course and one (1) TSD four (4) hour course under TSD supervision prior to receiving consideration of approval to teach. Instructors in good standing must complete the TSD certification process every two (2) years. TSD may choose to conduct instructor/class audits.

**D. Driver certification required.** All defensive driving certificates are valid for four (4) years. All authorized drivers of state vehicles must have a current TSD approved NSC defensive driving certificate in their possession while driving a state vehicle. TSD requires employees who seek to operate a state vehicle to provide proof of current certification. New employees must successfully take and pass the six (6) hour TSD prescribed NSC defensive driving class with a grade of eighty percent (80%) or better to become an authorized driver. If the new employee provides proof of NSC/DDC certification within two (2) years previous to the date of employment, at the discretion of the director or designee, the employee may only have to take the four (4) hour NSC/DDC, or the administrative use of state vehicles online certification course.

(1) If a state employee needs to operate a state vehicle in furtherance of state business but has not successfully completed the NSC defensive driving course, the state employee must register for the next available NSC defensive driving course, or the TSD online NSC/DDC. The employee's agency head or designee must submit a written request for a temporary waiver not to exceed thirty (30) days of the certification requirement from the director or designee. The waiver request shall include the state employee's name and New Mexico driver's license or an approved out-of-state driver's license number (accompanied by a valid out-of-state driving record), and the date the state employee is scheduled to attend the NSC defensive driving course. If approved, the director or designee will specify the term of the waiver. If the request is denied, the director or designee will specify in writing the reason for the denial within ten (10) working days of the date the waiver request is received by the division. Driver waivers cannot be renewed.

(2) If the state employee's certification has expired, the employee shall be required to successfully complete a six (6)-hour NSC/DDC certification class taught by an instructor or complete the TSD online NSC/DDC.

**E. Driver re-certification.** Each state employee is required to take the defensive driving refresher course every four (4) years.

(1) An employee may take the four (4) hour refresher course provided by TSD; however, the employee must provide proof of previous NSC/DDC certification.

(2) Failure to provide proof of previous NSC/DDC will require the employee to register to take the six (6) hour NSC/DDC course or the TSD online NSC/DDC.

**F. List of certified state employees.** The agency vehicle coordinator shall maintain a list of certified state employees employed by the agency, including a current copy of the employee's valid NM drivers' license.

**G. User agency requirements.**

(1) The user agency is responsible for checking authorized drivers' licenses to assure compliance with motor vehicle division laws.

(2) TSD will provide a template of the TSD database to the instructor.

(3) The maintenance and listing of authorized drivers.

(4) Maintenance and listing of suspended driving privileges including drivers' license revocations, suspensions and driving under the influence (DUI).

(5) The agency is subject to TSD audits of state agency authorized driver records.

(6) Certificates must be printed and have an original instructor signature.

**H. Lost certificates.** If a state employee loses his or her defensive driving certificate, the TSD will issue a replacement certificate at a cost per certificate. If the state employee cannot provide proof of taking a TSD authorized defensive driving certification course, the employee must register for a six (6) hour NSC defensive driving course or the TSD online NSC/DDC.

[1.5.3.13 NMAC - Rp, 1.5.3.13 NMAC, 7-30-2015]

**1.5.3.14 TRAFFIC LAWS AND OPERATOR CONDUCT:**

**A.** Authorized drivers shall obey all applicable traffic laws while operating a state vehicle.

**B.** Authorized drivers must exercise appropriate caution and prudence while operating a state vehicle.

**C.** Authorized drivers shall not engage in discourteous behavior or inappropriate conduct while operating a state vehicle.

**D.** Authorized drivers shall not use state vehicles for inappropriate or illegal activities including personal use; and shall have no reasonable expectation of privacy in the use of any state vehicle.

**E.** Authorized drivers on official travel, who exceed their post of duty by thirty-five (35) miles, may utilize the state vehicle to take care of personal business such as visiting eating establishments, grocery stores, etc.

**F.** Authorized drivers shall only utilize a cell phone with a hands free device while operating a state vehicle.

**G.** At no time will the authorized driver be allowed to text or type on any other device(s) such as a smartphone and laptop computer while driving. At no time is reading from any electronic device or paper source permissible while operating a state vehicle.

**H.** Authorized drivers shall minimize distractions while operating state vehicles. These distractions include but are not limited to eating and playing with the radio/cd player.

**I.** Authorized drivers shall operate state vehicles at or below posted speed limits.

**J.** An authorized driver who receives a traffic citation or parking ticket while using a state vehicle must notify TSD. If TSD receives a state employee's traffic citation or parking ticket involving a SCFA motor vehicle, the director or designee will forward it to the state agency leasing the state motor vehicle to assure the employee promptly clears the citation/ticket.

(1) The driver shall be personally responsible for any costs (cost of ticket, late fees, court fees or administrative fees) associated with the citation or ticket,

(2) The driver is also required to retake and pass a six (6)-hour TSD approved instructor NSC/DDC certification class before operating a state vehicle. An agency may deem that the employee is responsible for paying for additional classes.

(3) If the driver of the vehicle cannot be identified, the agency shall be held responsible for any costs associated with the citation or ticket.

**K.** Authorized drivers involved in a traffic accident while operating a state vehicle who are found at fault will have their driving privileges suspended or revoked and are required to immediately register for a six (6) hour TSD approved instructor NSC/DDC certification class.

**L.** State employees shall carpool to meetings, conferences whenever feasible.

**M.** Supervisors will ensure that their employees are fit for duty when operating a state vehicle. This includes ensuring that the employee is not fatigued.

[1.5.3.14 NMAC - Rp, 1.5.3.14 NMAC, 7-30-2015]

**1.5.3.15 SUSPENSION OF STATE VEHICLE OPERATOR PRIVILEGES:**

**A.** The director or designee shall automatically suspend a state employee's authorization to operate a state vehicle if the state employee's New Mexico driver's license or an approved out-of-state driver's license is expired, revoked, or suspended. This extends to include disqualifications or administrative actions on driver's licenses. An employee whose driving privileges have been suspended or revoked for an expired driver's license may register for the TSD/NSC online Defensive Driving Class (DDC).

**B.** An authorized driver that receives a citation and is convicted while operating a state vehicle will have their privileges suspended until proof of the ticket being paid is submitted to TSD and a NSC six (6) hour defensive driving class taught by a TSD approved instructor has been taken and passed or successfully completed. Suspensions extend to utilizing personal vehicles to conduct state business.

**C.** A state agency shall report each suspension or revocation to the director or designee. The director or designee will provide the agency head with names of any state employee's employed by the requesting state agency whose state vehicle operator privileges have been suspended or revoked.

**D.** To determine that state authorized drivers have a valid driver's license, the director or designee will at random review the driving record of state authorized drivers. The director or designee will review the status of the driving record of any state authorized driver upon receipt of any request for waiver, constituent complaint, registration for DDC, traffic citation, parking ticket, accident, police report or vehicle abuse.

**E.** An authorized driver that has his/her driving privileges suspended or revoked must successfully complete a six (6) hour TSD approved instructor NSC/DDC class before the director or designee will consider authorizing the reinstatement of those privileges.

**F.** The director or designee shall review all complaints of alleged fraud, waste, and abuse involving state vehicles, and shall forward them to the state agency fleet coordinator and to the appropriate state agency management team.

**(1)** If three (3) vehicle abuse allegations are received within a fiscal year for the same allegation, the authorized driver will have his/her driving privileges temporarily suspended and will be required to retake a TSD approved instructor six (6) hour NSC/DDC class. The agency will then provide a copy of the retaken DDC to TSD.

**(2)** Failure to comply or respond to final notice of abuse allegations will result in vehicle lease termination.

**G.** Any agency may require the employee to pay for a DDC class necessary to reinstate their driving privileges.

**H.** The director or designee or the state agency may suspend or revoke driving privileges of an authorized driver for failure to comply with any provision of this rule.

[1.5.3.15 NMAC - Rp, 1.5.3.15 NMAC, 7-30-2015]

### **1.5.3.16 ALCOHOL, CONTROLLED SUBSTANCE, DRUG, AND TOBACCO USE PROHIBITED REPORTING REQUIREMENTS:**

**A.** No authorized driver shall operate a state vehicle while under the influence of intoxicating alcohol, controlled substances, or drugs. Nor shall an authorized driver transport an individual who has consumed alcohol, controlled substances, or drugs. State law enforcement officers investigating criminal activities as part of their duties can transport individuals who have consumed alcohol, controlled substances, or drugs.

**B.** No authorized driver shall transport intoxicating alcohol of any type, whether in open or unopened containers, while operating or occupying a state vehicle, unless the person is an employee of the state alcohol and gaming division of the regulation and licensing department or a state law enforcement officer investigating criminal activities as part of their duties.

**C.** No authorized driver shall operate a state vehicle when he or she is so impaired by a legal drug that renders him or her incapable of operating a motor vehicle in a safe and responsible manner.

**D.** No authorized driver or passenger shall smoke or use smokeless tobacco products of any type in any state vehicle.

**E.** The driving privileges of an authorized driver that is convicted of a DUI citation while operating a state vehicle are immediately and permanently revoked. Reinstatement of the driving privileges may be requested in writing by the head of the state agency in which the employee works. The director or designee will review the request and provide the state agency a written determination as to the employee's state vehicle driving privileges within ten (10) working days of the receipt of the request by the division.

**F.** It is the sole responsibility of the state employee to report all current convictions of driving while intoxicated to their immediate supervisor and the director. Failure to comply with this section shall cause immediate revocation of their driving privileges of state vehicles. It is the director's responsibility to report DUI convictions to



the state employee's immediate supervisor and cabinet secretary or agency head. Disciplinary actions are the responsibility of the state agency.

**G.** The state authorized driver privileges shall be suspended while the employee goes through the DUI court and administrative process. If convicted, the authorized driver's state vehicle driving privileges shall be revoked. If not convicted, the state agency shall notify the director or designee in writing requesting that driving privileges be reinstated along with evidence of the dismissal of charges. The director or designee will review the request and provide the state agency a written determination as to the employee's state vehicle driving privileges within ten working days of receipt of the request for reinstatement by the division.

**H.** Revocation of state vehicle driving privileges for a DUI conviction extends to the utilization of the employee's personal vehicle if it is to be used to conduct state business.

[1.5.3.16 NMAC - Rp, 1.5.3.16 NMAC, 7-30-2015]

#### **1.5.3.17 WEAPONS AND PETS PROHIBITED:**

**A.** No authorized driver or passenger shall possess a weapon while operating a state motor vehicle unless the authorized driver or passenger is a certified law enforcement officer. This includes individuals with concealed weapons licenses.

**B.** No pets allowed at any time in state vehicles. Upon written request, the director or designee may authorize canine patrols or transportation of other animals including assistance dogs. The director or designee will review the request and provide the state agency a written determination within ten (10) working days of receipt by the division.

[1.5.3.17 NMAC - Rp, 1.5.3.17 NMAC, 7-30-2015]

#### **1.5.3.18 SEAT BELT USE:**

**A.** All authorized drivers and passengers of state vehicles shall wear seat belts.

**B.** All authorized drivers shall observe child safety and restraint laws at all times when transporting a minor in a state vehicle in furtherance of official state business.

**C.** Violation of this law may result in loss of state authorized driver privileges.

[1.5.3.18 NMAC - Rp, 1.5.3.18 NMAC, 07-30-2015]

#### **1.5.3.19 USE OF FUEL CREDIT CARDS:**

**A.** All state agencies and authorized drivers are required to use the GSD/TSD contracted fuel credit card for authorized purchases.

**B.** The state agency shall assign a single fuel credit card to each vehicle using the state issued license plate number or a unique fixed asset number that is tied back to the vehicle that the card is assigned to.

(1) Credit card shall be kept with the assigned vehicle and not with the driver.

(2) Card is stored in the protective sleeve and out of direct sunlight or other heat sources.

(3) When purchasing items enter exact current mileage (no tenths).

(4) If a problem is encountered at the time of purchase, the driver should contact the credit card company for help.

(5) Lost, damaged, or stolen credit cards need to be reported to their agency fuel card account manager within one (1) working day of the discovery. Card will be suspended and a new card ordered at that time.

**C.** A personal identification number (PIN) shall be assigned to each authorized driver.

(1) Personal identification number must be six (6) digits long and requested from the gasoline account manager in your agency at least twenty-four (24) hours in advance of anticipated use.

(2) Authorized drivers shall not share the PIN with anyone else or let someone else use the PIN.

(3) Agency fuel account managers are responsible for terminating personal identification numbers for employees who are no longer with the agency.

**D.** Whenever possible, authorized drivers shall use self-service fuel pumps when refueling motor pool vehicles. Every attempt shall be made to fill the vehicle at the cheapest location, which is usually a tier II station that sells unbranded fuel. Authorized drivers are required to use alternative fuels when they are approved by the manufacturer and when an alternative fuel vendor is located less than ten (10) miles away at the time fueling is needed. All non-flex fuel gasoline operated vehicles will use E-10 when a vendor is located less than ten (10) miles away at the time fueling is needed.

**E.** Each agency will evaluate fuel purchase exception reports provided by the fuel credit card company on a monthly basis.

**(1)** Each agency shall establish use requirements and parameters on their fleet. Such parameters will include multiple daily transactions, number of gallons purchased at one (1) time, limit dollars per transaction, off hour transactions, non-fuel transactions, and unauthorized purchases (soda, candy, etc.).

**(2)** Transactions that cannot be justified must be investigated with a formal report summarizing the findings with recommendations. A copy of the report will be sent to SCFA.

**F.** The fuel credit card may be used for road-side service, or emergency service or repairs not to exceed two hundred fifty dollars (\$250) per occurrence.

**G.** If an authorized driver uses the fuel credit card to purchase an unauthorized item or service, the state agency shall collect the cost of the unauthorized purchase from the authorized driver and an investigation will be conducted. Investigation findings must be sent to SCFA for review. The state agency or the director or designee may suspend or revoke the state vehicle operator privileges of an authorized driver for misuse of a fuel credit card.

**H.** A state agency or authorized driver shall immediately notify the vendor contracted by GSD/TSD if the fuel credit card for a motor pool vehicle is lost.

**I.** All expenses charged to the contracted GSD/TSD fuel credit card shall be paid by the user agency.

**J.** Under no circumstance shall state fuel credit cards be used for personal vehicles, even if using a personal vehicle to conduct state business.

**K.** Misuse of state vehicle fuel credit cards will result in disciplinary actions. Disciplinary actions include, but are not limited to, administrative, disciplinary, and may also include criminal action by the state agency, the director, or designee, up to and including termination.

[1.5.3.19 NMAC - Rp, 1.5.3.19 NMAC, 7-30-2015]

#### **1.5.3.20 AUTHORIZATION TO COMMUTE:**

**A.** No authorized driver or passenger shall use a state vehicle for private use.

**B.** Commuting is defined as the consistent use of a state vehicle from assigned post of duty to domicile and from domicile to assigned post of duty, even if it is for short periods of time, i.e. legislative session. Occasional use is not considered commuting, i.e. taking the vehicle home the night before an out-of-town trip.

**C.** A state agency must develop a written policy that allows authorized drivers to use state vehicles to commute between work and residence for security purposes or if doing so is in the best interest of the state. Only the leasing agency's cabinet secretary of an executive department or the director of an independent executive state agency (not part of an executive department but still part of the executive) can approve the commuting policy and commuting of individual authorized drivers.

**D.** All agency cabinet secretaries or agency heads must acquire approval from the governor's office. Approvals must be forwarded to SCFA.

**E.** Each state agency permitting authorized drivers to utilize this domicile-to-duty privilege shall maintain current records of and provide a current copy of the following to SCFA:

**(1)** all state authorized commuters/passengers by name and position;

**(2)** the number of total miles each state authorized driver, who commutes, drives annually between work and residence using a state vehicle;

**(3)** 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;

**(4)** review all authorizations to use a state vehicle to commute at least once a year; and

**(5)** provide an annual commuting report to SCFA that identifies by authorized commuter; the vehicle state plate, total commuting mileage, number of call backs for ending fiscal year; this report shall also identify drivers and state vehicle plates authorized to commute for the following year; this report is due sixty (60) days prior to each fiscal year.

**F.** State vehicles are not to be used to transport employees to and from public transportation drop off points.

**G.** Failure to provide this report to SCFA will result in vehicle lease termination.

[1.5.3.20 NMAC - Rp, 1.5.3.20 NMAC, 7-30-2015]

#### **1.5.3.21 STATE VEHICLE CARE AND MAINTENANCE:**

**A.** An authorized driver 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.

**B.** State agencies and authorized drivers are responsible for assuring that state vehicles in their custody are parked in secure areas minimizing exposure to vandalism, damage, destruction, wreckage, sabotage, defacement or harm. If after multiple occurrences of vandalism, damage, destruction, wreckage, sabotage, defacement or harm occur, the agency head shall, in writing, request authorization from the director or designee for authorized drivers to take state motor vehicles to their place of residence for security purposes only. The authorization will be provided only if the state agency head or designee can prove that:

- (1) the state agency's landlord does not provide a secure space for state vehicles; or,
- (2) the state agency cannot avail itself of other secure state of New Mexico parking spaces;

or,

- (3) the state agency cannot acquire secure private sector parking spaces.

**C.** If the director or designee provides the approval, the state agency must comply with the reporting and tracking requirements of 1.5.3.20 NMAC.

**D.** State agencies must ensure that the subscribed manufacturer's preventive maintenance service is done on all leased state vehicles at regular mileage, or time intervals, in accordance with the manufacturer's specifications, or as otherwise specified by the director or designee. For vehicles leased or owned by TSD, without exception, the agency is required to use TSD approved vendors. If there are vendors that are not on the list that are willing to provide repair or maintenance services the user agency must refer them to the TSD procurement office for inclusion to the TSD authorized vendor list. Under no circumstances will it be permitted for the authorized driver to receive services from an unauthorized vendor without a valid purchase order from TSD. Unauthorized expenses will be billed to the user agency.

(1) The state agency is responsible for ensuring that oil and oil filters on all leased state vehicles are changed in accordance with the manufacturer's specifications, TSD maintenance requirements, and that all other preventive maintenance functions performed are in accordance with the prescribed TSD service schedule, which is an attachment to the vehicle lease.

(2) A state agency, may without the prior approval of the director or designee, use the fuel credit card to perform minor repairs of emergency equipment, such as changing windshield wipers, repairing a damaged tire, replacing a fan belt, or adding a quart of oil, etc., in an amount not to exceed two hundred fifty dollars (\$250). If the emergency repairs will cost more than two hundred fifty dollars (\$250), it is the responsibility of the user agency to notify the TSD procurement officer of the need to execute an "emergency procurement" in accordance with the New Mexico Procurement Code, Chapter 13, Article 1 of the NMSA 1978.

**E.** State agencies are responsible for the cleanliness of leased state vehicles inside and out. State agencies are also responsible for checking the leased state vehicle's vital engine fluids and tire pressure at each refueling. SCFA will not be responsible for providing emergency road side kits, first aid kits, ice scrapers, fire extinguishers for the vehicles under its' control. State agencies are responsible for providing any of these types of equipment for their vehicles.

**F.** No authorized driver or passenger shall abuse or misuse a leased state vehicle. The SCFA or a state agency head or designee may assess authorized drivers and authorized passengers for the costs of loss of or damage to a leased state vehicle if the loss or damage was caused by reckless driving or driving while under the influence of intoxicating liquor, controlled substances or drugs.

**G.** The SCFA will charge a state agency for the cost of repairing a leased state vehicle damaged due to neglect or abuse. The SCFA will charge the cost of repairs to a state agency if the state agency neglects a leased state vehicle or fails to inform the SCFA of possible damage or a maintenance problem. The director or designee may recall a leased state vehicle or suspend or revoke the authorized driver privileges for damage or improper care of a leased state vehicle.

**H.** State agencies may not display any commercial advertising on a state vehicle at any time. A state agency may display the agency's toll-free telephone number on a state vehicle. A state agency must be in compliance with the decals defined by Subsection C of 1.5.3.10 NMAC with a New Mexico government license plate. The director or designee must approve, in writing, any agency written requests for other bumper sticker, plaque or signage prior to the state agency affixing it to a state vehicle. For flex fuel vehicles, a state agency must display a sticker next to the gas port indicating the type of alternative fuel the vehicle can accept.

**I.** No person shall alter, modify, convert, or improve the original vehicle equipment of any state vehicle without the prior written authorization of the director or designee.

**J.** All TSD leased vehicles must be inspected by TSD at least once a year. Inspections will be held in various locations throughout the state. TSD reserves the right to conduct unannounced inspections of state vehicles.

[1.5.3.21 NMAC - Rp, 1.5.3.21 NMAC, 7-30-2015]

**1.5.3.22 STATE VEHICLE RETURN:**

**A.** The director or designee may rotate state vehicles within an agency or between agencies if the director or designee determines that a state agency is under or over utilizing an assigned vehicle. The director or designee will notify the state agency of such occurrences and recommend the rotation. The director or designee, in conjunction with the state agency, will make the appropriate changes to the location of the leased state vehicle.

**B.** Once TSD has notified a state agency that a replacement vehicle is available to exchange for a vehicle that has met or exceeded its life expectancy, or is no longer road worthy, the agency has thirty (30) days to execute the exchange.

**C.** The SCFA will notify state agencies if there is a manufacturer's recall applicable to a leased state vehicle. The state agency shall take the leased state vehicle to the appropriate dealer for service or modification, and shall, upon completion of the recall-related work, notify the SCFA.

**D.** The director or designee in conjunction with the SCFA and the state agency shall determine when a state vehicle needs to be replaced. Life cycles are determined primarily from user requirements provided by the agency fleet coordinator. A state agency must return a leased state vehicle to the division upon receipt of a new or different vehicle.

**E.** A state agency may return a leased state vehicle in accordance with the terms of the lease agreement. In no case will an agency turn in a vehicle that has not reached its life cycle while requesting additional units unless the agency satisfies the remaining balance of the turned in vehicles replacement cost.

**F.** A state agency shall not transfer; receive control of, or custody of, a leased state vehicle to or from another state agency without the prior written authorization of the director or designee.

[1.5.3.22 NMAC - Rp, 1.5.3.22 NMAC, 7-30-2015]

**1.5.3.23 EMERGENCY REPAIRS AND MECHANICAL BREAKDOWN:** An authorized driver shall immediately take steps to correct any mechanical or operating problem that occurs while a TSD leased state vehicle is in operation. An authorized driver shall, in no case, continue to operate a state vehicle if continued operation could endanger any person or property. Furthermore, the authorized driver is responsible for immediately notifying the state agency fleet coordinator and SCFA account manager of any unsafe vehicle condition. Failure to comply with the notification portion of this section requires any costs to be billed to the user agency or reimbursed to TSD.

[1.5.3.23 NMAC - Rp, 1.5.3.23 NMAC, 7-30-2015]

**1.5.3.24 VEHICLE UTILIZATION:** The utilization standards establish the minimum requirements for the use of passenger vehicles for the executive, legislative and judicial branches of the state of New Mexico. TSD, DOT, EMNRD, DGF and DPS develop and maintain vehicle utilization standards. These utilization standards are to be reviewed annually and subject to change based on increased fuel efficiencies (CAFE) and reduction of greenhouse gas emissions benchmarks.

[1.5.3.24 NMAC - Rp, 1.5.3.24 NMAC, 7-30-2015]

**1.5.3.25 UNDER-UTILIZATION OF STATE VEHICLES:** The director or designee may re-allocate state vehicles that are being under-utilized.

**A.** The director or designee shall analyze monthly leased state vehicle mileage statistics.

**B.** The director or designee may rotate state vehicles within an agency or between agencies if it is determined that a state agency is under or over utilizing an assigned vehicle. The director or designee will notify the state agency of such occurrences and recommend the rotation. The director or designee in conjunction with the state agency will make the appropriate changes to the location of the leased state vehicle.

**C.** If the director or designee finds that a leased state motor vehicle is accumulating low mileage, the director or designee will notify the state agency in writing that a state vehicle assigned to it is being under-utilized.

**D.** The state agency shall examine its utilization of the state vehicle and respond in writing justifying to the director or designee its need for the state vehicle and describing its intra-agency vehicle rotation plan. If the state agency does not provide such a plan, the director or designee will rotate vehicles among state agencies.

**E.** The director or designee will continuously monitor mileage utilization of the leased state vehicles. If the agency's use of the leased state motor vehicle does not increase, the director or designee may recall the vehicle or replace it with a state vehicle that has more mileage.

**F.** The director or designee will consider under-utilization of state vehicles when evaluating a state agency's requests for additional or different vehicles.

[1.5.3.25 NMAC - Rp, 1.5.3.25 NMAC, 7-30-2015]

**1.5.3.26 VEHICLE DISPOSAL PROGRAM:** The disposal of vehicles is governed by Chapter 13, Articles 1 and 6 NMSA 1978. The director or designee in conjunction with the SCFA will consider disposing of a state vehicle when:

- A. the leased state vehicle reaches the end of its predetermined accounting and life cycle;
- B. the estimated cost of repairs exceed the value of the leased state vehicle; or,
- C. the leased state vehicle is unsafe, inoperable or obsolete.

[1.5.3.26 NMAC - Rp, 1.5.3.26 NMAC, 7-30-2015]

**1.5.3.27 OUT-OF-STATE AND OUT-OF-COUNTRY TRAVEL IN-STATE VEHICLES:**

A. The director or designee must approve in writing all out-of-state and out-of-country travel requests, in state vehicles, in advance.

B. The state agency must request the appropriate approval in writing including the following information:

(1) names of employee drivers/passengers - if travelers are not employees please provide their names, entity they represent and reason why they need to travel in a state vehicle (relatives or friends that are not conducting business in the furtherance of state of New Mexico business cannot travel in a state car);

(2) NM drivers' license numbers of all authorized drivers;

(3) copies of drivers national safety council/defensive driving certificate;

(4) G or SG-plates of vehicles making the trip;

(5) point of departure;

(6) points of destination, i.e. Santa Fe, New Mexico; to El Paso, Texas; to Ciudad Juárez, Chihuahua; to Chihuahua, Chihuahua; to Torreón, Coahuila, etc.

(7) date of departure;

(8) date of return;

(9) purpose for the travel, and;

(10) an agency approved travel request form including per diem costs.

C. The requesting agency must get approval from the governor's office.

D. The state agency fleet coordinator must provide the appropriate information to the director or designee based on the following schedules:

(1) for a non-state employee passenger waiver, at least five (5) working days notice;

(2) for an out-of-state waiver, at least ten (10) working days notice; and,

(3) for an out-of-country waiver at least ten (10) working days notice.

E. The authorized driver must have the proper insurance, vehicle registration and waiver documentation in-hand prior to the travel date.

[1.5.3.27 NMAC - Rp, 1.5.3.27 NMAC, 7-30-2015]

**1.5.3.28 ACCIDENTS AND ACCIDENT REPORTING:**

A. An authorized driver, or appointed fleet coordinator, of a state vehicle owned or leased by GSD/TSD shall file an auto loss notice for any auto accident in a state vehicle within twenty-four (24) hours or the next business day regardless of the severity of the accident. A police report and automobile loss notice are required with or without property damage, bodily injury, whether or not the authorized driver is at fault.

B. The authorized driver shall provide the police accident report, automobile loss notice, and three (3) quotes for repair costs to RMD and a copy of the same to the agency vehicle coordinator and the TSD account manager.

C. If the authorized driver did not file a police report, the state agency fleet coordinator must complete the automobile loss notice and include the authorized driver's name and driver's license number, and any witnesses, written and notarized affidavit(s) describing the accident in detail, with distribution of the documents as previously described.

D. If the authorized driver is found to be at fault, the driver will be suspended and is required to take and pass a TSD approved instructor taught six (6)-hour NSC/DDC course.

E. RMD will assist the director or designee in maintaining accident reports and filing insurance claims for all state vehicles.

F. Since the premiums for RMD state passenger vehicles are part of the TSD lease rates, the deductible for any loss will be paid by TSD. However, if there is proof that the loss was caused by the negligence or abuse of a state employee, the user agency will bear the costs of the insurance deductibles up to two thousand five hundred dollars (\$2,500) and any other costs as may be determined by the director, or designee, and RMD.

[1.5.3.28 NMAC - Rp, 1.5.3.28 NMAC, 7-30-2015]

**1.5.3.29 CUSTODY OF STATE VEHICLES:**

**A.** Determination by director or designee. The director or designee may, on his own initiative or in response to a written request from a state agency, determine that custody of certain state vehicles should reside in a state agency. The director or designee shall make such determination in accordance with the criteria set forth in Subsection B of Section 15-8-6 NMSA 1978. All state vehicles in the custody of other state agencies shall be titled in the name of the division in accordance with Section 15-8-9 NMSA 1978.

**B.** Responsibilities of state agencies with custody of state vehicles. A state agency that has custody of one or more state vehicles shall:

(1) appoint an agency fleet coordinator who shall be responsible for answering any questions from the director or designee regarding the owned or leased TSD state vehicles in the state agency's custody;

(2) maintain an accurate inventory of all state vehicles in its custody, including any public property with a license plate;

(3) submit an inventory report to the director or designee by June 15th of each year for the fiscal year ending on June 30 of that year;

(4) notify the director or designee within thirty (30) days of any change in the name, address, telephone number, or facsimile number of the state agency or the agency fleet coordinator, or any change in the status of state vehicles in the state agency's custody;

(5) register all state vehicles using the name GSD/TSD/SCFA as the first lien holder or name;

(a) the name of GSD/SCFA as the first lien holder or name one (1); and,

(b) the name of the state agency as name two (2) and the state agency accounting code as "VIN two (2)",

(6) be responsible for all operation, maintenance, repair, and replacement costs of leased state vehicles in the state agency's custody;

(7) budget appropriately for replacement of leased state vehicles;

(8) develop written inventory, administrative, operational, and replacement policies;

(9) develop a written policy regarding the use of leased state vehicles for commuting between work and residence;

(10) track all special use motor vehicles and motor vehicles leased or purchased totally or partially with federal funds using the vehicle identification number (VIN) instead of the license plate number; and

(11) maintain insurance coverage on non-TSD leased state vehicles in accordance with the requirements established by RMD.

**C.** License plates. On an annual basis, the director or designee shall determine which type of license plate shall be issued for each state vehicle in the custody of a state agency based on information provided by the requesting agency.

[1.5.3.29 NMAC - Rp, 1.5.3.29 NMAC, 7-30-2015]

**1.5.3.30 USE-OF-STATE VEHICLES DURING INCLEMENT WEATHER:**

**A.** No employee should be expected to travel if they feel unsafe due to inclement weather. The employee should inform their supervisor and request that the trip be delayed until the inclement weather hazard has dissipated.

**B.** No short term lease or "quik ride" vehicles will be issued while inclement weather conditions are present. Reservations will be rescheduled for a later time or date, depending on weather conditions and vehicle availability.

**C.** TSD reserves the right to prohibit the use of state vehicles during inclement weather.

[1.5.3.30 NMAC - Rp, 1.5.3.30 NMAC, 7-30-2015]

**1.5.3.31 GLOBAL POSITIONING SYSTEMS - GPS:**

**A.** GPS will be used to monitor the location and operation of vehicles in order to protect driver and vehicle safety and to improve fleet efficiency.

(1) TSD will establish statewide vehicle alerts in order to identify improper driving behaviors;

(2) TSD will provide oversight of vehicle monitoring and data reporting;

(3) Each agency assigned a state vehicle with a GPS device installed shall have access to the GPS tracking system in order to track and run reports for their agency vehicles and shall inform its employees about the use of the GPS device and system alerts, including use for disciplinary reports and related purposes;

(4) All costs associated with an agency's use of GPS will be billed by TSD through its monthly billing system. Costs will flow through and be identified as an "add on".

**B.** Each agency will monitor the vehicles assigned to it in order to identify and document any unusual patterns or activity associated with specific GPS unit numbers by establishing alerts.

(1) each agency will be responsible for its own policy on informing its employees on the use of GPS including their use in determining disciplinary actions; reports displaying violations will be deemed a matter for inclusion in an employee's personnel file;

(2) each vehicle's travel data must be consistent with the work assignment of the employee operating the vehicle. TSD shall retain GPS data for the current calendar year and the previous calendar year; and,

(3) each agency that allows for commuting must still report these vehicle activities to TSD.

**C.** Each agency shall ensure that all personnel actions associated with the use of the GPS are in accordance to that agency's specific rules and regulations.

(1) TSD recommends that each vehicle that has a GPS device installed have a decal displayed in the interior clearly identifying that a GPS unit is installed and that all activity including speed and location is and will be monitored;

(2) each agency shall establish additional alerts that are specific to their operations such as hours of use and operation, route information, idling time, locations where vehicles travel outside their respective assigned areas, etc.; and,

(3) tampering with any GPS equipment is prohibited and offending employees may be subject to disciplinary action.

[1.5.3.31 NMAC - N, 7-30-2015]

**1.5.3.32 WAIVER FROM TSD RULES:** The GSD secretary or authorized designee may waive any portion of this rule provided the request is submitted in writing. The director or designee or the state agency may suspend or revoke driving privileges of an authorized driver for failure to comply with any provision of this rule. [1.5.3.32 NMAC - Rp, 1.5.3.31 NMAC, 07-30-2015]

#### **HISTORY OF 1.5.3 NMAC:**

**Pre NMAC History:** Material in the part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

GSD 85-202, State Motor Vehicle Regulations, filed 10-28-85;

GSD 90-202, State Motor Vehicle Regulations, filed 11-05-90.

#### **History of Repealed Material:**

GSD 90-202, State Motor Vehicle Regulations (filed 11-05-90) repealed 11-01-02.

1.5.3 NMAC, Administration and Use of State Vehicles (filed 10-01-2002) repealed 08-14-08.

1.5.3 NMAC, Administration and Use of State Vehicles (filed 07-30-2008) repealed 1-15-13.

1.5.3 NMAC, Administration and Use of State Vehicles (filed 12-20-2012) repealed 7-30-15.

#### **Other History:**

GSD 90-202, State Motor Vehicle Regulations (filed 11-05-90) was replaced by 1.5.3 NMAC, Administration and Use of State Vehicles, effective 11-01-02.

1.5.3 NMAC, Administration and Use of State Vehicles (filed 10-01-2002) was replaced by 1.5.3 NMAC, Administration and Use of State Vehicles, effective 08-14-08.

1.5.3 NMAC, Administration and Use of State Vehicles (filed 07-30-2008) was replaced by 1.5.3 NMAC, Administration and Use of State Vehicles, effective 1-15-13.

1.5.3 NMAC, Administration and Use of State Vehicles (filed 12-20-2012) was replaced by 1.5.3 NMAC, Administration and Use of State Vehicles, effective 07-30-2015.