

1 FINANCE AND ADMINISTRATION CABINET

2 Office of the Secretary

3 (Amendment)

4 200 KAR 40:010. Motor pool procedure.

5 RELATES TO: KRS 42.0171(2), 44.045~~[1984 Ky. Acts ch. 344 sec. 1, ch. 406 sec. 6]~~

6 STATUTORY AUTHORITY: KRS 44.045(6)~~[174.080]~~

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 44.045(6) authorizes the

8 secretary of the Finance and Administration Cabinet to promulgate an administrative regulation

9 governing the use of state-owned vehicles~~[To implement the authority for administration of the~~

10 ~~state motor pool authorized by Executive Order 83-70 confirmed by the 1984 Ky. Acts ch. 406,~~

11 ~~Section 6 and Executive Order 82-798 confirmed by the 1984 Ky. Acts ch. 344, Section 1.~~

12 ~~These Executive Orders provide that the administration of the state motor pool is the~~

13 ~~responsibility of the Transportation Cabinet]. This administrative regulation establishes~~[sets~~~~

14 ~~forth] the procedures by which a state employee can use a motor pool vehicle and the~~

15 employee's~~[his] resulting responsibility for the motor vehicle.~~

16 Section 1. ~~[(-)]~~ In order to facilitate the administration and operation of the state motor

17 pool, the Driver's Guide for Commonwealth Vehicles and the Agency Guide for Commonwealth

18 Vehicles shall govern~~["Transportation Services Guidance Manual", as revised through August~~

19 ~~28, 1991 is incorporated by reference. The manual incorporated by reference contains~~

20 ~~information on] the use and assignment of state motor pool vehicles, the operation and care of~~

21 those vehicles, and the use of fuel~~[Transportation Cabinet] credit cards.~~

1       ~~[(2) This guidance manual may be inspected, copied or purchased from the~~  
2 ~~Transportation Cabinet's Division of Management Services, First Floor State Office Building,~~  
3 ~~501 High Street, Frankfort, Kentucky 40622. The telephone number of the division is (502) 564-~~  
4 ~~6927. The office hours of the division are 8 a.m. to 4:30 p.m. Eastern time on weekdays.]~~

5       Section 2. Any employee who fails to adhere to the requirements of this administrative  
6 regulation is subject to disciplinary action pursuant to KRS 18A.095.

7       Section 3. Incorporation by Reference. (1) The following material is incorporated by  
8 reference:

9       (a) "Driver's Guide for Commonwealth Vehicles", 8/2012; and

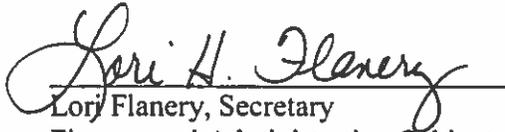
10       (b) "Agency Guide for Commonwealth Vehicles", 8/2012.

11       (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
12 law, at the Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky, 40601,  
13 Monday through Friday, 8 a.m. to 4:30 p.m., and is available from the Division of Fleet  
14 Management Web site at <http://finance.ky.gov/services/fleet/Pages/FleetGuidanceandRates.aspx>.

200 KAR 40:010

Signature Page

APPROVED:

  
Lori Flanery, Secretary  
Finance and Administration Cabinet

  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on January 26, 2015 from 10:00 a.m. to 12:00 p.m., in Room 381, Capitol Annex Building, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing at least five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until close of business on February 2, 2015. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Doug Hendrix, Deputy General Counsel, Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky, 40601, (502) 564-6660 (telephone), (502) 564-9785 (fax).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 200 KAR 40:010

Contact Person: Doug Hendrix  
Phone Number: 502-564-6660

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 42.0171(2) established the Division of Fleet Management ("DFM"), Office of Administrative Services ("OAS") within the Finance and Administration Cabinet ("FAC"). KRS 45.045 provides that the FAC shall purchase and maintain the state's fleet of automobiles. DFM is charged with managing and maintaining the Commonwealth's fleet of automobiles. This regulation sets forth the procedures regarding a state employee's use of and responsibilities regarding an automobile from the motor pool. While FAC maintains the fleet, this regulation states that the Transportation Cabinet maintains the fleet. This amendment will correct the regulation to reflect the authorizing statutes.

(b) The necessity of this administrative regulation: KRS 44.045(6) authorizes the Secretary of the FAC to promulgate regulations relating to management of the state's motor pool. This regulation provides these procedures.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 44.045(6) authorizes the regulation. KRS 45.0171(2) provides that DFM shall oversee the motor pool.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will provide guidance to DFM and employees on the proper use of automobiles from the state fleet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: As promulgated, this regulation states that the Transportation Cabinet will oversee the motor pool. This amendment will correct the regulation to reflect KRS 44.045's directive that FAC will oversee the fleet.

(b) The necessity of the amendment to this administrative regulation: KRS 44.045(6) authorizes the Secretary of the FAC to promulgate regulations relating to management of the state's motor pool. This regulation provides these procedures.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 44.045(6) authorizes the regulation. KRS 45.0171(2) provides that DFM shall oversee the motor pool.

(d) How the amendment will assist in the effective administration of the statutes: This regulation will provide guidance to DFM and employees on the proper use of automobiles from the state fleet.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The regulation will affect every state employee who uses an automobile from the state's motor pool. It will also impact every agency that has not received an exemption from the Secretary of the FAC to operate an agency specific motor pool.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an

amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The amendment will require no additional actions by regulated entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Regulated entities and employees will benefit from clear processes on the use of automobiles from the fleet.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: No additional cost to FAC.

(a) Initially: N/A

(b) On a continuing basis: N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional costs related to this regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied as this administrative regulation applies to all state employees and agencies which utilize automobiles from the motor pool.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 200 KAR 40:010

Contact Person: Doug Hendrix

Phone Number: 502-564-6660

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. N/A

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. N/A

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? N/A

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? N/A

(c) How much will it cost to administer this program for the first year? N/A – this is an ongoing program.

(d) How much will it cost to administer this program for subsequent years? No additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

## SUMMARY OF INCORPORATED MATERIAL

Pursuant to KRS 13A.2255, the following is a summary of the material incorporated by reference in 200 KAR 40:010. Motor Pool Procedure

### Summary

KRS 42.0171(2) established the Division of Fleet Management (“DFM”), Office of Administrative Services (“OAS”) within the Finance and Administration Cabinet (“FAC”). KRS 45.045 provides that the FAC shall purchase and maintain the state’s fleet of automobiles. DFM is charged with managing and maintaining the Commonwealth’s fleet of automobiles. To assist with the management of the motor pool and the use of automobiles in the fleet by state agencies and employees, this regulation incorporates by reference two (2) guides: (1) “Guide for Drivers of the Commonwealth’s Vehicles” and (2) “Agency Guide for the Commonwealth’s Vehicles.” These guides replace the “Transportation Services Guidance Manual,” a manual used by the Transportation Cabinet when it managed the motor pool.

### Statutory Authority

KRS 42.0171(2) and KRS 44.045.

### Summary of the Revisions

The “Guide for Driver’s of the Commonwealth’s Vehicles” manual informs state employees of the process to use an automobile from the motor pool as well as the employee’s duties and obligations when using a vehicle from the motor pool. Specifically, the manual discusses the following areas:

1. The location for pick up/drop off of the vehicle;
2. Who may drive the vehicle;
3. Who are permitted passengers;
4. Permitted and Prohibited uses of the vehicle;
5. Traffic violations while operating a vehicle from the motor pool;
6. Use of tobacco and cell phones while operating the vehicle;
7. How to purchase fuel;
8. That DFM may use a GPS device to track the automobile;
9. Complaints and “How’s My Driving” program;
10. Insurance;
11. Emergency services for break-downs;
12. What to do in case of an accident;
13. Permanently assigned vehicles; and
14. Maintenance and service.

In addition, the guide discusses agency-assigned vehicles and multi-passenger vans. The manual is 11 pages long and last revised in May, 2011.

The "Agency Guide for the Commonwealth's Vehicles" informs state agencies which utilize the motor pool of the agency's use, duties and obligations regarding automobiles in the motor pool. Specifically, it discusses the following issues:

1. Agency-owned vehicles, including the process for requesting and obtaining an exemption from the motor pool from the Secretary of the FAC;
2. Agency-assigned vehicles, including the process to request a vehicle be assigned to an agency;
3. The request for and use of a vehicle permanently assigned to a specific state employee;
4. Insurance;
5. Damage to vehicles;
6. Record keeping, such as fuel receipts and mileage logs; and
7. Vehicle maintenance and service.

The guide is 16 pages, which includes a definition section, and was last revised in May, 2011.