

NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES

NOTICE OF PUBLIC HEARING

December 23, 2020

10:00 a.m. Central Time

Fourth Floor – Conference Room D

1526 K Street, Lincoln, Nebraska

The purpose of this hearing is to receive comments on proposed changes to Title 8, Chapter 1 of the Nebraska Administrative Code - Rules and Regulations Governing Use of State-owned and Personal Vehicles for Official State Business. These rules govern the use of personal and state vehicles for official State business. The purpose of the proposed changes is to eliminate provisions that mirror statute(s), reduce regulatory burden, and to simplify and clarify the rules. There is no expected fiscal impact on state agencies, political subdivisions, or persons being regulated.

The proposed rules as amended are available at the offices of the Secretary of State, Regulations/Licensing Division, Room 1305, State Capitol, Lincoln, Nebraska 68509, and online at <http://www.sos.ne.gov>.

All interested persons are invited to attend and make oral or written comments at the hearings. Interested persons may also submit written comments prior to the hearings, which will be made part of the hearing record at the time of the hearing if received by the Department of Administrative Services on or before the hearing time on December 18, 2020. Written comments should be sent to the General Counsel of the Department of Administrative Services by mail to 1526 K Street, Suite 140, Lincoln, Nebraska 68509 or by email to amara.block@nebraska.gov.

Due to COVID-19, members of the public may participate in the public hearing by calling the phone conference line at 888-820-1398; Participant Code 8181679#.

Reasonable accommodations will be provided to persons with disabilities by contacting Amara Block at (402) 471-4114 or amara.block@nebraska.gov by December 17, 2020.

FISCAL IMPACT STATEMENT

Agency: DAS	
Title: 8	Prepared by: Kenny Zoeller
Chapter: 1	Date prepared: 8/28/20
Subject: Rules and regulations governing use of state-owned vehicles	Telephone: 531-207-2944

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & a Description of Impact:

State Agency:

Political
Subdivision:

Regulated
Public:

If indeterminable, explain why:

TITLE 8 TRANSPORTATION SERVICES BUREAU

CHAPTER 1 USE OF VEHICLES FOR STATE BUSINESS

001. SCOPE AND AUTHORITY. These rules and regulations govern the use of state-owned and personal vehicles for official state business under authority of Sections 81-1008 through 81-1025 and are prescribed by the Transportation Services Bureau (TSB) of the Department of Administrative Services (DAS). These Rules and Regulations are effective until amended or revoked.

002. DEFINITIONS.

002.01 AGENCY. Any unit of state government including, but not limited to, a department, board, bureau, or commission.

002.02 AGENCY HEAD. The director, chair, or head of any Agency.

002.03 AUTHORIZING AGENCY. The Agency that authorized the employee or contractor to drive a vehicle for official state business.

002.03 CHIEF OF TRANSPORTATION SERVICES BUREAU. The Administrator of the TSB.

002.04 VEHICLE COORDINATOR. Appointed representative of any Agency who is responsible for coordinating the use of assigned vehicles with the TSB.

002.05 STATE-OWNED VEHICLE AND BUREAU FLEET VEHICLE. These terms are defined in Neb Rev. Stat. § 81-1011.

002.06 TSB POLICIES. Policies and procedures issued by the TSB.

002.07 PERSONAL VEHICLE. A Privately-owned or privately-leased vehicle used for official state business.

003. QUALIFICATION OF OPERATOR OF A STATE-OWNED VEHICLE.

003.01 Prior to operating a State-Owned Vehicle, each Authorized Individual needs to complete the defensive driving course designated by the TSB and read the TSB policies and procedures manual and attest to such.

004. USE OF STATE-OWNED VEHICLES.

004.01 All Agency Heads and Vehicle Coordinators are responsible for the utilization, administration, operation and maintenance of State-Owned Vehicles assigned to their Agency in accordance with TSB Policies.

004.02 Bureau Fleet Vehicles will be operated, maintained and serviced in accordance with TSB Policies.

004.03 Ethanol-blended fuel is the mandated fuel to be used in all State-Owned Vehicles whenever practical.

004.04 Official travel logs for fleet vehicles are to be completed in accordance with State Statute 81-1025. Any vehicle deficiencies or malfunctions noted during use are to be reported to the TSB.

005. USE OF PERSONAL VEHICLE FOR OFFICIAL STATE BUSINESS.

005.01 Agency Head, or their designee, may approve the use of personal vehicles for official state business.

005.02 Expenses related to the use of a privately-owned vehicles will only be reimbursed as authorized by Neb. Rev. Stat. §§ 81-1014 and 81-1176 and pursuant to the policies of State Accounting. Maintenance, insurance, and depreciation costs are not eligible for reimbursement.

006. PERMANENT ASSIGNMENT OF STATE-OWNED VEHICLE.

006.01 Bureau fleet vehicles may be permanently assigned to an Agency in accordance with TSB Policies and Neb. Rev. Stat. § 81-1020.

007. DISCIPLINARY ACTION FOR MISUSE OF STATE-OWNED VEHICLES.

007.01 Authorized Individuals must abide by all applicable motor-vehicle and traffic laws, including these rules and regulations and policies and procedures of the Authorizing Agency and TSB, while driving for official state business.

007.02 Authorized Individuals are personally and individually responsible for all traffic violations.

007.03 A violation of motor-vehicle or traffic laws, these rules and regulations, or policies and procedures of the Authorizing Agency or TSB while operating a vehicle for official state business may result in employee discipline, including possible dismissal from employment. The Authorizing Agency is responsible for discipline.

008. REPORTS OR COMPLAINTS OF MISUSE OF STATE-OWNED VEHICLE.

008.01 Any report or complaint received by any Agency will be investigated by the Authorizing Agency. A copy of any report will be furnished to the TSB.

008.02 A response may be made by the Authorizing Agency to the complaining party concerning the alleged misuse of the State-Owned Vehicle. A copy of the response is to be furnished to the TSB.

~~TITLE 8 – DEPARTMENT OF ADMINISTRATIVE SERVICES, TRANSPORTATION SERVICES BUREAU~~

~~Chapter 1 – RULES AND REGULATIONS GOVERNING USE OF STATE-OWNED AND PERSONAL VEHICLES FOR OFFICIAL STATE BUSINESS~~

Subject of Title	Statutory Authority	Code section
Definitions	Sections 81-112, 81-1008 through 81-1020, and 84-306 through 84-310, R.R.S. 1943	001
Disciplinary Action	Sections 60-1004, 60-1005, 60-008 1006, 81-112, 81-1008, 81-1010 and 81-1016 R.R.S. 1943	
Permanent Assignment of State- owned Vehicle	Sections 81-1016, 81-1020, R.R.S. 1943	006
Qualification of Operator- Employee	Sections 81-1008 through 81-003 1020, R.R.S. 1943	
Reports or Complaints of Misuse of State-owned Vehicles	Section 60-1004, 81-1008 through 81-1020, R.R.S. 1943	009
Scope and Application	Sections 60-1001, 60-1004, 60-001 1005, 60-1006, 81-112, 81-1008 through 81-1020, and 84-306 through 84-310, R.R.S. 1943	
Use of Personal Vehicle For Official State Business	Sections 81-1008, 81-1014, 81-005 1016 and 84-306 through 84-310 R.R.S. 1943	
Use of Seatbelts and Available	Sections 81-1008, 81-1016, 007	
Safety Restraint Devices	R.R.S. 1943	
Use of State-Owned Vehicle	Sections 81-1008 through 81-004 1020, 60-1001, and 60-1006, R.R.S. 1943	

001 Scope and Application

~~These rules and regulations govern the use of state owned and personal vehicles by state employees in their official duties for official state business under authority of Sections 60-1001, 60-1004, 60-1005, 60-1006 (Reissue 1984), and Section 81-112 and 81-1008 through 81-1020, and 84-306 through 84-310 (Reissue 1981). The following rules and regulations are prescribed by the Transportation Services Bureau, Department of Administrative Services and are effective until amended or revoked.~~

002 Definitions

~~002.01 Agency Head—The Head of any department, agency, board, bureau, commission or other administrative office or unit of State Government.~~

~~002.02 Chief of Transportation Services Bureau—The Administrator of the Transportation Services Bureau of the Nebraska Department of Administrative Services.~~

~~002.03 Vehicle Coordinator—Appointed representative of any department, board, bureau, commission or other administrative office of State Government, who is responsible for coordinating the use of assigned vehicles with the Transportation Services Bureau.~~

~~002.04 State Owned Vehicle—For purposes of these rules and regulations, state owned vehicles are those vehicles owned and operated by the State of Nebraska acquired for the purposes of transporting state employees in their official duties from one job location to another, but does not include special use vehicles, military trucks and cars; vehicles which are considered a duty station, such as vehicles used by the Nebraska State Patrol, the Nebraska Oil and Gas Conservation Commission, or game wardens; or those vehicles which, by nature of their usage, require the installation or carrying of special equipment which precludes the use of such vehicles for multiple agency transportation usage.~~

~~002.05 Personal Vehicle—Vehicles, other than state vehicles, which are privately owned or leased and used for official state business.~~

003 Qualification of Operator-Employee of a State-Owned Vehicle

~~003.01 Every state employee or representative authorized to operate a state-owned vehicle shall have a valid driver's license and a State of Nebraska Identification Card issued or authorized by the Transportation Services Bureau.~~

~~003.02 Every state employee or representative authorized to operate a state-owned vehicle shall complete a Defensive Driving Course within the first six months of her or his employment.~~

~~003.03 Every such employee or representative shall have read the Policies and Procedures Manual of the Transportation Services Bureau and he or she shall have completed an affidavit stating that the employee has read the Manual.~~

004 Use of State-Owned Vehicles

~~004.01 All Agency Heads and Vehicle Coordinators are responsible for the utilization, administration, operation and maintenance of state-owned vehicles assigned to their agency, board, bureau, commission or other administrative office of State Government, in accordance with policies and procedures of the Transportation Services Bureau.~~

~~004.02 All state-owned vehicles, unless exempted by statute, shall be identified by the prescribed indicia and description set forth in Neb. Rev. Stat. Section 60-1001 (Reissue 1984).~~

~~004.03 State-owned vehicles shall be maintained and serviced in accordance with the maintenance schedule set forth in the Policies and Procedure Manual of the Transportation Services Bureau. Preventive maintenance shall be accomplished in accordance with procedures on the maintenance card and so recorded.~~

~~004.04 Gasohol is the mandated fuel to be used in all state-owned vehicles and whenever possible, shall be purchased from state-owned facilities. Location of state-owned facilities shall be set forth in the Policies and Procedures Manual of the Transportation Services Bureau.~~

~~004.05 Gasohol, oil and other lubricants may be purchased from other facilities only when unavailable from a state-owned facility. When other facilities are used for these purposes, the State of Nebraska credit card assigned to the vehicle is to be used.~~

~~004.06 Official Travel Logs for both permanently assigned and daily dispatch vehicles shall be completed in accordance with instructions contained in the Policies and Procedures Manual of the Transportation Services Bureau. Any vehicle deficiencies or malfunctions noted during use are to be reported on the memo—Operating Deficiencies—provided in the Vehicle Log Book.~~

005 Use of Personal Vehicle for Official State Business

~~005.01 Personal vehicles may be used for official state business with the approval of the Agency Head.~~

~~005.02 Only the expenses authorized by Neb. Rev. Stat. Sec. 84-306.03 (Reissue 1981) will be reimbursable to state employees for use of privately owned vehicles when utilized for official state business. No expenses or allowances will be reimbursed for maintenance, insurance, depreciation, or other costs associated with the use of privately owned vehicles. The only reimburseable costs shall be parking fees and the mileage rates established by statute and the Transportation Services Bureau~~

~~005.03 Actual expenses of rental vehicles leased or rented by state employees and used only for official state business will be reimbursed in accordance with policies of the Department of Administrative Services.~~

006 Permanent Assignment of State-Owned Vehicle

~~006.01 State-owned vehicles may be permanently assigned to state agencies, boards, commissions and bureaus in accordance with policies of the Transportation Services Bureau of the Department of Administrative Services. The procedure for permanent assignment of vehicles is set forth in the Policies and Procedures Manual of the Transportation Services Bureau.~~

~~006.02 The written approval of the Administrator of the Transportation Services Bureau must be obtained prior to assignment of a state-owned vehicle on a twenty-four hour basis to an employee by the agency, board, commission or bureau.~~

007 Use of Seatbelts and Available Safety Restraint Devices

~~007.01 All agencies, boards, commissions and bureaus are required to have adopted a policy requiring use of seat belts and other safety restraint devices available in the vehicles when the vehicles are used for official state business. Use of seatbelts and safety restraint devices is required by both the operators and passengers in the state-owned or personal vehicle.~~

~~007.02 The operator or driver of the vehicle is responsible for requesting that seat belts or other available safety restraint devices be used by the passengers.~~

~~007.03 Failure to use seat belts and safety restraint devices considered to be a misuse of vehicle and will result in disciplinary action as provided in Section 008 of these Rules and Regulations and in accordance with the Rules and Regulations of the State Personnel Department.~~

008 Disciplinary Action For Misuse of State-Owned Vehicles

~~008.01 Personal use of a state-owned motor vehicle is prohibited. Any violations constitute a Class V misdemeanor and official misconduct in office which may result in removal from office or loss of employment.~~

~~008.02 It is the responsibility of the state employee to promptly pay all traffic violations unless the violation is being contested. Each employee must report to their Agency Head, in writing within 3 working days of the occurrence of any moving violation in which a citation was issued while operating a state-owned vehicle. If a violation is contested, the employee shall so inform the Administrator of the Transportation Services Bureau.~~

~~008.03 Repeated offenses of traffic laws and these rules and regulations while operating a vehicle may result in employee counseling, repeating completion of the Defensive Driving Course, and possible dismissal from employment. Procedures for employee disciplinary matters~~

will be completed in accordance with the Rules and Regulations of the State Personnel Department.

009 Reports or Complaints of Misuse of State-Owned Vehicles

~~009.01~~ Any report of complaint received by any state employee, agency, board, bureau, commission or other subdivision of state government will be investigated by the agency having assignment or use of the state-owned vehicle. A copy of any report or complaint is to be furnished to the Transportation Services Bureau.

~~009.02~~ A response will be made to the complaining party concerning the alleged misuse of the state-owned vehicle by the agency, board, bureau or commission, or other subdivision of State Government having assignment or use of the vehicle. A copy of the response is to be furnished to the Transportation Services Bureau.

~~009.03~~ If the investigation results show that misuse of a state-owned vehicle has taken place, disciplinary proceedings against the employee, as provided in Section 008 of these Rules and Regulations and in accordance with the Rules and Regulations of the State Personnel Department, may be commenced. The State of Nebraska Identification Card authorized by the Transportation Services Bureau may be revoked for repeated violations by State employees.