



GENERAL SERVICES DIVISION

Risk Management and Motor Pool

STATE OF WYOMING

VEHICLE USE POLICIES AND PROCEDURES

March 2021

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I. Introduction

The State of Wyoming provides vehicles for use by employees in performing their job duties. Additionally, the State authorizes its employees to use their personal vehicles and rental vehicles when necessary to conduct State business. These policies and procedures set forth the standards for vehicle use on State business and establish the minimum driver requirements and procedures to be used while operating State vehicles. The *Vehicle Use Policies and Procedures* are a joint effort of the Motor Vehicle Management System (MVMS) and the Risk Management Section (RMS) of the Department of Administration & Information. The internal operating policies contained herein are made pursuant to their statutory authority under Wyo. Stat. § 9-2-1016(h)(ii) and § 1-41-105, respectively.

All state vehicles, including Wyoming Department of Transportation (WYDOT) and Game & Fish Department (G&F) vehicles, are governed by this policy as these vehicles are covered for liability under the State Self-Insurance Program (SSIP).

- Elected Officials are exempt from this policy as their vehicle use is governed by Wyo. Stat. § 9-2-1016 (h)(i).
- Some modifications to this policy as to G&F vehicle use are in effect pursuant to a Memorandum of Understanding (MOU) entered into between the Department of Administration & Information and G&F on July 30, 2014.

This manual must be reviewed on an annual basis by all employees who are authorized to drive for State business, whether they use a State vehicle or a personal vehicle to conduct said business.

II. Definitions

The terms used in this policy are defined as follows:

"At Will" Contract Employee: A contractual employee who receives limited benefits pursuant to Wyo. Stat. § 9-2-1022(a)(xi)(F)(I).

Authorized Volunteers: A non-employee citizen who willingly agrees to perform a service or function for a State agency with the knowledge and approval of the agency head or his/her designee.

Automobile Liability Insurance: Insurance that protects the insured against financial loss because of legal liability for automobile related injuries to others or damage to others' property by an automobile.

Bodily Injury: Injury, sickness, disease, or death sustained by a person.

Collision Coverage: Insurance coverage against loss to insured property caused by striking or being struck by an object; includes loss caused by overturn of the automobile.

Comprehensive Coverage: Insurance coverage against loss or damage resulting from any cause except those caused by collision or overturning. Covers loss such as fire, theft, windstorm, flood, and vandalism.

Controlled Substance: For the purposes of this policy, controlled substance is as defined in the Wyoming Controlled Substance Act of 1971, Wyo. Stat. § 35-7-1002.

Crash: An impact - the striking of one body against another; a collision of a vehicle with another vehicle, pedestrian, or object resulting in damage, injury, or death.

Deductible: The portion of covered loss not paid by the insurer. With respect to the SSIP, the amount of money collectible from an agency, up to \$2,500.00, for any automobile liability or physical damage claim, settlement, or judgment.

Electronic Tracking Technology: A technological method or system used to observe, monitor, or collect information on vehicle use and condition, including telematics, Global Position System (GPS), wireless technology, or location-based technologies. Electronic Tracking Technology may include event data recorders (EDR), sensing and diagnostic modules (SDM), or other systems that are used for the purpose of identifying, diagnosing, or monitoring functions related to the potential need to repair, service, or perform maintenance on a State vehicle and/or to capture safety systems related data for retrieval after a collision or incident has occurred.

Employee: For the purposes of this policy, an employee is any officer, employee, agent, or person acting on behalf of a State agency in any official capacity with or without compensation.

Governmental Claim: For the purposes of this policy, a written demand for reimbursement from a third party which alleges negligence on behalf of a State employee. The claim must be filed pursuant to the requirements

of the Wyoming Governmental Claims Act, Wyo. Stat. § 1-39-113.

Independent Contractor: One in the exercise of independent employment who contracts to provide services according to his own methods and is subject to the State's control only as to the end product or final result of his work.

Motor Vehicle Management System (MVMS): The section of the Department of Administration & Information, General Services Division that, per Wyo. Stat. § 9-2-1016(h), is responsible for managing and controlling all State motor vehicles and equipment including their identification, purchase, lease, replacement, repair and permanent assignment, except for State owned or leased vehicles personally used by or assigned to the Governor, Secretary of State, State Auditor, State Treasurer, or Superintendent of Public Instruction.

Peace Officer: For the purposes of this policy, peace officer is as defined in Wyo. Stat. § 7-2-101(a)(iv).

Permanently Assigned Vehicle: A vehicle assigned to an agency or specific employee by MVMS, G&F, or WYDOT for exclusive business use.

Personal Business: For the purposes of this policy, any activity that furthers the personal, recreational, financial, or familial interests of an employee and *does not* enhance or benefit the interests of the State of Wyoming. Personal use includes, but is not limited to, transporting children, relatives or friends, or engaging in personal errands such as stopping at the grocery store, the dry cleaners, stopping at a bank or a shopping mall.

Reasonableness: For the purposes of this policy, defined as being within the bounds of reason, not extreme, what a reasonable person would do under the same circumstances.

- **Note:** When determining reasonableness under this act, undue hardship is not deemed equivalent to the avoidance of mere inconvenience. Reasonableness will be interpreted in line with the State employee's engagement in State business and conditions of employment.

Scope of Duties: Performing any duties that a governmental entity requests, requires, or authorizes a public employee to perform regardless of the time and place of performance. *See* Wyo. Stat. § 1-39-103(a)(v).

Risk Management Section (RMS): The Risk Management Section of the Department of Administration & Information, General Services Division, performs the duties required of it pursuant to statute, which include claim administration and investigation, administration of the property/casualty/liability insurance programs, pursuing subrogation claims against third parties who damaged state property, and providing loss control services to all State agencies.

State Business: For the purposes of this policy, any activity that is requested, authorized, or required to further the interests and business of the State of Wyoming.

III. Authorized Use of State Vehicles

A. Authorized Drivers

1. A full or part-time employee of the State of Wyoming acting within the scope of his/her duties.
2. An “At Will Contract Employee” acting within the scope of his/her duties.
3. Independent contractors or employees of other public agencies pursuant to an Attorney General approved contract or memorandum of understanding (MOU) *if the independent contractor or public agency has agreed in writing to indemnify the State of Wyoming and provided proof of adequate automobile liability coverage.*
4. Volunteers are prohibited from driving a State vehicle unless granted an exception under the below provisions:
 - a. Requests for exceptions (for the purposes of safety and direct relation to duties) must be made to the Director of the Department of Administration & Information or his/her designee. Requests for exceptions must be submitted in writing by the appropriate administrator or division head of the requesting agency.
 - b. Limited exceptions may be granted after careful evaluation of the potential liability by the Risk Manager and Attorney General’s Office. Justifications for the exception must be included and:
 - i. Be program related,
 - ii. Further State business,
 - iii. Demonstrate a substantial cost savings to the State, and
 - iv. Substantially enhance an agency’s ability to meet its objectives.

B. Authorized Passengers

1. State employees, elected officials, board or commission members, and any other government employee, agent, or authorized volunteer who is involved in an activity that furthers the business of the State of Wyoming.
2. Employees or independent contractors, business professionals, professional service providers, and any other persons while involved in an activity that furthers the business of the State of Wyoming.
3. Clients of State agencies or institutions; prisoners or individuals being transported by a peace officer.

No one may ride in a State vehicle for personal business. Spouses, children, relatives, and friends of employees are prohibited from riding in a State vehicle. *Note: Members of an employee's family participating in a State business function are authorized to ride in a State vehicle with RMS approval.*

Requests for exceptions to this policy may be made to the Director of the Department of Administration & Information or his/her designee. Requests for exceptions must be submitted pursuant to Section III(A) of this policy.

C. Vehicle Use

1. Use of State vehicle for personal business is prohibited except for reasonable personal use during official State travel.
2. Transporting pets, personal landscaping, or hazardous materials which are not used in the scope of duties is strictly prohibited. *Service dogs for individuals with disabilities are excluded from this provision.*
3. Undercover plates will only be assigned to law enforcement vehicles. There are no exceptions to this mandate.
4. The transportation of firearms in a State vehicle is prohibited, except for:
 - a. Certified Wyoming Peace Officers carrying their service weapons.
 - b. Employees who possess firearms, which are requested, authorized, or required to perform job related functions.

Damages to a State vehicle resulting from the negligent discharge of any firearm will be the responsibility of the employee and the agency.

5. Personal recreational equipment of any kind being transported in a State vehicle must be secured within the vehicle if transported in a sedan or SUV and within the truck bed if transported in a pickup. The transportation of personal recreational equipment by affixing to the roof or outside of the vehicle is prohibited. A fee will be assessed by MVMS to the agency of an employee who abuses or damages an MVMS vehicle while engaging in such transportation.

D. Driver Responsibility

Anyone driving on State business shall ensure that driving is done in a safe and appropriate manner. Drivers are responsible for ensuring that they:

1. Comply with all federal, state, and locals laws and regulations relating to the operation of

motor vehicles, including, but not limited to, driving in accordance with the posted speed limits, the use of seatbelts by all occupants, and laws regarding the use of all electronic devices.

2. Maintain a valid driver's license. In the event of suspension, revocation, invalidation, or any change in driver status, the employee must notify his/her direct supervisor immediately.
3. Maintain at least the minimum level of liability insurance required by State statute on any non-State vehicle driven on State business.
4. Are physically and mentally capable of safely operating a vehicle.
5. Manage their environment to minimize distractions that could affect their ability to safely, and appropriately, operate the vehicle.
6. Employees must report citations and arrest which occur while driving on State business to his/her direct supervisor immediately.
7. Are eighteen (18) years of age or older.
8. Successfully complete the State's current defensive driving program within thirty (30) days of hiring and once every three (3) years thereafter (within thirty (30) days of anniversary).
 - a. An employee is not eligible to drive either a State vehicle or a personal vehicle on State business if the defensive driving course is not completed.
 - b. If a driver is involved in repeated preventable crashes, he/she may be required to take refresher training at the request of the RMS.
9. Complete a review of the State Vehicle Use Policy through the State's current defensive driving program within thirty (30) days of hiring and annually thereafter (within thirty (30) days of anniversary).
 - a. An employee is not eligible to drive either a State vehicle or a personal vehicle on State business if the State Vehicle Use Policy is not reviewed annually.
10. Complete 10-passenger van training when appropriate. Please note that the State only allows a maximum of ten (10) people, including the driver, in these types of vehicles.
11. Employees must conduct a pre-trip inspection prior to each use of a State vehicle. This ensures that if damage is incurred while the vehicle is unoccupied, the damage can be reported to RMS and law enforcement (if necessary) in a timely manner. Failure to conduct a pre-trip inspection and report any damage in a timely manner may result in the assessment of a deductible to the agency for the costs of any repairs to the vehicle.

- 12 Idling of vehicles must be limited. Pre-trip idling may not be more than fifteen (15) minutes. Idling reports will be run monthly. Abuse may result in agencies being billed for excess fuel.

E. Smoking

1. Smoking is prohibited in all State of Wyoming vehicles, including the use of e-cigarette devices.

Employees/agencies in violation of this provision will be subject to a \$250 cleaning/detailing fee.

F. Drug Or Alcohol Use

1. Employees are prohibited from operating a State vehicle while under the influence of drugs or alcohol.
2. Employees shall refrain from knowingly operating a State vehicle after taking prescription drugs or over-the-counter medications which may cause drowsiness or affect the employee's alertness and/or driving ability.
3. Employees are prohibited from possessing or transporting alcohol or any illegal controlled substances in a State vehicle.
4. Employees shall not transport an open container of alcohol in a State vehicle.

Law enforcement and regulatory agencies are exempt from this provision only when the transportation of alcohol or illegal controlled substances coincides with the course and scope of duties or in the enforcement of State or Federal law.

Employees in violation of this provision will be subject to disciplinary action, up to and including termination of employment, pursuant to State personnel rules.

G. Permanently Assigned Vehicles

1. State vehicles may be permanently assigned to employees to expedite the completion of State business on a 24-hour day/7 day per week basis. Employees with a permanently assigned vehicle must abide by the reasonableness standard set forth in the definition section of this policy. All usage shall be reasonable in accordance with the employee's conditions of employment.
2. Use of State vehicle for personal business is prohibited except for reasonable personal use during official State travel outside of employee's home area.
3. Requests for short-term exceptions to non-business usage under this policy must be submitted

in writing to the Director of the Department of Administration & Information or his/her designee within RMS. Requests must be made pursuant to the requirements in Section III(A) of this policy.

4. Employees who wish to drive permanently assigned vehicles home must first request authorization to do so by filling out and submitting the Vehicle Use Exception Form to obtain approval from the State Risk Manager and the State Fleet Manager prior to taking the vehicle home. The link to his form can be found on the Risk Management website.
5. All personal use of State vehicles including commuting to and from an employee's home shall be reported to the State Auditor's Office on an annual basis. Qualified Nonpersonal Use Vehicles as defined by the Internal Revenue Service are excluded from this report requirement. Qualified Nonpersonal Use Vehicles include, but are not limited to, law enforcement, fire, ambulances, buses, and specialized utility repair vehicles.
6. All take home vehicles are required to be equipped with Electronic Tracking Technology.

IV. **Authorized Use of Personal Vehicles**

Employees are encouraged to drive a State vehicle on business whenever possible.

- A. Employees may use their personal vehicles on State business with the approval of their immediate supervisor. Blanket authorization for regular business may be given in writing and must be kept with the employee's supervisor and updated annually.
- B. The SSIP will **NOT** provide automobile physical damage coverage for personal vehicles for employees who drive their personal vehicles on State business. Employees are reimbursed mileage to cover any expenses associated with using their personal vehicles, including wear and tear and physical damage insurance coverage. Employees are encouraged to verify insurance coverage for business use with their personal automobile insurance carrier to protect their interests prior to travel. SSIP will provide automobile liability coverage to third parties involved in an incident with a State employee who is driving a personal vehicle.
- C. Family members and other non-State employees are prohibited from riding in a personal vehicle while it is being used for State business. This includes while a personal vehicle is in use during constricted travel.
- D. All State employees must comply with Wyoming motor vehicle laws. A current vehicle registration and proof of insurance must be kept in their personal vehicle while conducting business for the State of Wyoming.
- E. Employees who are involved in a crash in their personal vehicle while on State business must report the incident to the RMS within three (3) days following the crash according to the requirements in Section VI(B).

V. **Authorized Use of Rental Vehicles**

Use of a rental vehicle may be authorized by the applicable agency director when it is essential to conduct State business and a State of Wyoming vehicle is not available or practical to use.

- A. Liability insurance coverage shall always be purchased when renting a vehicle out of state.
- B. Collision damage waiver insurance shall be purchased when renting a vehicle unless this coverage is available through a corporate charge card. If using the State Travel Card, the collision damage waiver insurance shall not be purchased. *Employees should check the terms and conditions of their corporate charge cards prior to renting a vehicle to determine what coverage is available.*
- C. Crashes involving a rental or leased vehicle must be reported to the RMS within three (3) days following the crash according to the requirements in Section VI(B).

VI. Claim Reporting Requirements

All vehicle claims will be processed by the RMS pursuant to Wyoming law.

A. Glass Claims

The State of Wyoming has entered into service contracts with vehicle glass providers in various cities and counties statewide. These vendors should be used exclusively when available. Emergency repairs outside of the vendors' locations will be considered on a "case by case" basis. Not all areas have a contracted vendor, in which case at least two (2) estimates will be required.

1. A *Glass Loss Notice* must be completed and submitted to the RMS for consideration of repair and/or replacement. If a glass claim is not reported nor repairs authorized by the RMS **prior** to obtaining services, the claim may be denied and the agency will have to bear the costs associated with the services rendered. Claims must be submitted, approved, and repairs completed within thirty (30) days of the loss to be eligible for payment.
2. Invoices should be sent directly to the RMS for prompt payment. **All invoices must contain the license plate and/or asset number and the claim number. Failure to include this information will delay the payment.**

B. Vehicle Losses/Crashes

1. All crashes must be reported to the RMS (and MVMS when applicable) within three (3) days of the incident. Any catastrophic loss or other loss, which involves a third party, fatality, or bodily injury, must be reported within twenty-four (24) hours.
2. All crashes involving a third party, a violation of law, a serious injury or damage more than \$1,000 **must** be investigated by law enforcement.
3. A *Vehicle Loss Notice*, a copy of the police report (if applicable), and at least two (2) estimates for repair must be submitted to the RMS within thirty (30) days of notification for every incident.
 - a. A *Vehicle Loss Notice* must be submitted for all crashes and incidents involving a State vehicle, regardless of the suspected damage amount (unless there is no damage).
 - b. Photos of the damaged property **must** be provided to the RMS if a third party is involved.
4. Under no circumstances shall State employees make any statement relative to State liability or assumption of fault. Refer all inquiries and correspondence from third parties, insurance companies/adjustors, and/or attorneys to the RMS.

5. No agency director, administrator, employee, or peace officer has the authority to obligate funds of the State Self-Insurance Pool. Unauthorized personnel are not allowed to promise payment for damages to third party properties.
6. If suspected theft, a hit/run, or vandalism to a State vehicle has occurred, law enforcement must be contacted immediately to investigate.

Failure to submit a crash in a timely manner or provide a complete claim may result in the denial of the claim and/or the agency may have to bear some or all of the costs associated with the services rendered.

All written claims involving a crash between a third party and a State employee must be filed with the RMS by statute. Any situation that can give rise to a claim must be reported immediately for the RMS action.

VII. Electronic Tracking Technology Reporting

- A. Employees, independent contractors, authorized volunteers, and others as described in this policy, may, in the course of employment or in the discharge of public business, be required to drive and/or ride in a State vehicle equipped with Electronic Tracking Technology. The State may use Electronic Tracking Technology in the ordinary course of business. The Director of the Department of Administration & Information delegates authority to MVMS and RMS to determine the State vehicles in which Electronic Tracking Technology will be installed, to establish record keeping systems for data collected through Electronic Tracking Technology, and otherwise implement this policy with regards to Electronic Tracking Technology.

Note: All take home vehicles are required to be equipped with Electronic Tracking Technology.

- B. Electronic Tracking Technology allows the State to monitor vehicle performance, condition, location, elevation, and velocity, as well as give alerts for possible accidents. Electronic Tracking Technology has been demonstrated to increase performance, personal safety, public safety, situational awareness, and may provide assistance in a time critical situation. The State may use Electronic Tracking Technology for other business-related purposes, including, but not limited to, monitoring vehicle performance, measuring productivity, locating stolen vehicles, providing aid to vehicles that break down, increasing employee safety, managing agency resources effectively, or ensuring that employees are following routes and assignments.
- C. The State may utilize data collected through Electronic Tracking Technology as part of a disciplinary investigation or discipline of its employees pertaining to the issue or abuse of State vehicles, inappropriate use of time, speeding, or other misconduct.
- D. Data collected by Electronic Tracking Technology belongs to the State of Wyoming although it may reside with third party servers or data systems. All information associated with Electronic Tracking Technology may be or become matters of public record subject to release. Employees operating State vehicles shall have no expectation of privacy regarding this information.
- E. Presence or use of Electronic Tracking Technology does not relieve employees of their responsibility to inspect assigned vehicles before use and immediately report any damage, accidents, claims, and malfunctions (including damage or malfunction of the tracking device) as described elsewhere in this policy.
- F. RMS and MVMS will monitor vehicle status and condition on a periodic basis. Data reported by the system which, in the judgement of RMS, signals a potential threat to employee or public safety or agency assets, periodically or otherwise, may result in immediate or subsequent action, directly by RMS such as contacting emergency services or law enforcement, or indirectly through notice to the employee's agency head or administrator.
- G. The Director of the Department of Administration & Information and the Administrators of the General Services Division or the Human Resources Division of the Department of Administration &

Information may request access to Electronic Tracking Technology data for any purpose, whether included in this policy or otherwise.

- H. Employees are prohibited from altering or disabling, or attempting to alter or disable, Electronic Tracking Technology components in State owned or rental vehicles. Any damage by employees to Electronic Tracking Technology components may be considered vandalism and be subject to criminal and/or disciplinary proceedings.
- I. Should a damaged or malfunctioning tracking unit be identified, immediate action must be taken to resolve the issue.

VIII. Violations and Exceptions

- A. Any discovery of vehicle damage, fuel theft, or financial loss to the State, which is attributable to any employee or those who may have access to State vehicles, shall be the responsibility of the employing agency or contractor. Upon discovery of loss and evidence that determines those responsible, MVMS or RMS will invoice the agency or contractor for the full amount of the loss or damage, depending on the accounting of the loss, to the section budgets. Agencies or contractors will be responsible to prosecute and obtain reimbursement from those causing a loss. MVMS and RMS will provide supporting evidence to support a claim to recover agency or contractor losses.
- B. Any discovery of law violation, including traffic or speed violations that pose a risk to employee or public safety to State property, made by MVMS or RMS, including those discovered through Electronic Tracking Technology, may be reported directly to law enforcement agencies and to the agency head or administrator of the employee.
- C. Responsibility for discovery or reporting of misuse of State vehicles or other issues relating to employee conduct, performance, or discipline shall be the responsibility of the employing agency. If evidence of such misuse or issues is discovered by MVMS or RMS, either may notify the agency head or administrator of the employing agency or the Director of the Department of Administration at the discretion of MVMS or RMS.
- D. Complaints from the public or others regarding State vehicle operation shall be addressed to MVMS. Such complaints will be reported to the involved employee and the employee's agency head or administrator by MVMS for investigation and follow-up by the employing agency.

IX. Contact Information

Risk Management Section

2800 Central Avenue

Cheyenne, WY 82002

Phone: (307) 777-5009

Email: ai-riskmanagement@wyo.gov

<https://ai.wyo.gov/divisions/general-services/risk-management>

Motor Vehicle Management System

723 W. 19th Street

Cheyenne, WY 82002

Phone: (307) 777-6857

Fax: (307) 777-2409

Email: ai-motorpool@wyo.gov

<https://ai.wyo.gov/divisions/general-services/motor-pool>