

RULE 10.5 – CITY BUSINESS VEHICLE USE

Adopted Date: 12/05/2006

Revised Date: 08/18/2023

PURPOSE

City and County of Denver (city) employees engage in many activities which may require them to use a city-owned or leased vehicle, or their personal vehicle, to conduct city business. A top priority of the city is the safety of its employees. Therefore, the city is committed to safeguarding the individuals who operate city-owned or leased vehicles or use their personal vehicle while conducting city business. **This rule applies to any employee who operates a city-owned or leased vehicle or uses their personal vehicle while conducting city business.** This fiscal accountability rule is in alignment with the principles described in [IRS Publication 15-B – Employer’s Tax Guide to Fringe Benefits](#).

This fiscal accountability rule shall be read in conjunction with the associated [City Business Vehicle Use Procedure](#) to ensure compliance and understanding.

Each employee driving a city-owned or leased vehicle or using their personal vehicle while conducting city business shall also comply with all applicable provisions of:

- [Fiscal Accountability Rule 10.6 – Take-Home Vehicles and Carpooling](#)
- [Fiscal Accountability Rule 10.7 – Use of Personal Vehicles for City Business](#)
- [Executive Order 3 – Motor Vehicle Program for the City and County of Denver](#)
- [Executive Order 65 – Operational Safety and Health Program](#)
 - [Executive Order 65 – Memorandum A – Telematics](#)
 - [Executive Order 65 – Standard 65.10 – Motor Vehicle Safety Standard](#)
- [Executive Order 74 – Parking by City Employees While on Official City Business \(OCB\)](#)
- [Executive Order 94 – City and County of Denver Employees’ Alcohol and Drug Policy](#)

DEFINITIONS

City Vehicle – Owned or Leased:

- **Motor Center Vehicle** - Vehicles available for employees to use to conduct city business while following Motor Center policies and/or procedures as defined by the Department of Transportation and Infrastructure. Employees should request Motor Center vehicles whenever practical before using their personal vehicles to conduct city business.

- **Regularly Assigned Vehicles** - Vehicles that are assigned on a regular basis to an employee for an entire work day or shift. Written approval of the employee's immediate supervisor and Expending Authority (or their Delegate) is required before a vehicle may be assigned to an employee. One or more of the following conditions shall exist to qualify for a regularly assigned vehicle:
 - ✓ The employee frequently delivers or carries special equipment or materials during daily work assignments; or
 - ✓ The employee drives other city personnel on city business during the normal workday; or
 - ✓ The employee's Expending Authority (or their Delegate) has requested that the employee be assigned a city vehicle for daily work tasks due to special work requirements, safety requirements, or other work circumstances.

Employee – For the purpose of this rule, an employee is an individual who performs work for the city and is paid through the city's system of record (see [Fiscal Accountability Rule 1.2 – System of Record](#)), and/or falls under the definition of a Public Employee as defined in the Colorado Governmental Immunity Act ([C.R.S. 24-10-103](#)): "Public employee" means an officer, employee, servant, or authorized volunteer of the public entity, whether or not compensated, elected, or appointed, but does not include an independent contractor or any person who is sentenced to participate in any type of useful public service. For the purposes of this subsection (4), "authorized volunteer" means a person who performs an act for the benefit of a public entity at the request of and subject to the control of such public entity and includes a "qualified volunteer" as defined in section [C.R.S. 24-33.5-802](#) (9).

Expending Authority – The manager, appointee, elected official, cabinet member, executive director, or agency head identified in the appropriating ordinance (long bill) who appropriates funds to pay the expenses for conducting public business each year. Each Expending Authority is responsible for management of funds within their department or agency and for assuring that all expenditures are reasonable, necessary, and consistent with all city charter, ordinances, policies and procedures, and other applicable laws.

Infrequent or Irregular Basis – Not more than once per month.

System of Record – The authoritative data source for a data element or piece of information.

Take-Home Vehicles and Carpooling – City vehicle assigned to an employee for both commuting and city-business use, and the use of a vehicle for carpooling. The employee must meet requirements established in [Fiscal Accountability Rule 10.6 – Take-Home Vehicles and Carpooling](#).

Taxable – Taxable means the benefit is included in an employee's wages and reported on Form W-2, Wage and Tax Statement, and generally is subject to withholding for Federal income tax, Social Security, and Medicare.

Use of Personal Vehicle for City Business – An employee's use of their personal vehicle to travel on a daily or regular basis to conduct city business.

RULES

- 1.** City vehicles are to be used only for city business and shall not be used for personal use, except for vehicles authorized as take-home vehicles. Personal use is limited to commuting as set forth in [Fiscal Accountability Rule 10.6 – Take-Home Vehicles and Carpooling](#).
- 2.** Only authorized and approved employees of the city with a valid operator's license of the appropriate class for the type of vehicle being driven shall operate a city vehicle in accordance with [Executive Order 3 – Motor Vehicle Program for the City and County of Denver – Chapter V – Employee License Review](#).
- 3.** Every employee shall operate a city vehicle, or their personal vehicle, while conducting city business in a safe and responsible manner in accordance with [Executive Order 65 – Standard 65.10 – Motor Vehicle Safety Standard](#). This includes, but is not limited to:
 - A.** Carrying a valid Colorado driver's license. New employees with out of state licenses shall have 30 days to obtain a Colorado license;
 - B.** Ensuring that passengers are only sitting in seats with a safety belt, and that the passengers are using the safety belt when the vehicle is moving except in a vehicle that is not required by law to have safety belts;
 - C.** Checking the vehicle for safety and performing pre-trip and post-trip inspections as may be required;
 - D.** Reporting a problem immediately if a city vehicle needs repair;
 - E.** Operating a city vehicle, or a personal vehicle when conducting city business, at or below posted public speed limits and at a speed appropriate for road conditions;
 - F.** Not disrupting any telematics system which may be installed; and
 - G.** Not eating, smoking, or driving under the influence of alcohol or drugs, or any other practice which would constitute a distraction.
- 4.** An employee shall immediately notify their supervisor of any change in their license status.
- 5.** Every employee shall attend a defensive driving training program prior to operating a city vehicle or their personal vehicle to conduct city business. The defensive driving training program required by this rule shall be conducted by Risk Management or by the Expending Authority's designated safety or training officer. The defensive driving training program requirements are established in [Executive Order 65 – Standard 65.10 – Motor Vehicle Safety Standard](#).

6. Every employee shall complete, and have authorized, a [City Business Vehicle Request and Status Change Form](#) before operating a city vehicle or using their personal vehicle for city business.
 - A. On or before June 15 of each year, the Expending Authority (or their Delegate) shall review all approved authorizations for use of a city vehicle or for using a personal vehicle for city business and shall confirm whether each authorized employee continues to meet the requirements of this rule.
 - a. Approved authorizations are valid for three (3) years from the date of approval. Renewal authorizations shall be completed as needed to ensure that approved authorizations do not exceed a duration of more than three (3) years from the date of approval.
 - b. If the authorization will be renewed, the Expending Authority (or their Delegate) shall submit a new [City Business Vehicle Request and Status Change Form](#) to their department/agency for each authorized employee whether newly approved or subject to a renewed approval.
 - c. Control employees will need to notify the Controller's Office, Payroll Division for their use of city-owned, take-home vehicles.
 - B. Submittal of a new [City Business Vehicle Request and Status Change Form](#) is required for the following circumstances:
 - a. Initial authorization is requested for an employee to operate a city-owned or leased vehicle or use their personal vehicle for city business; or
 - b. A change in status has occurred since the last authorization for a currently approved employee; or
 - c. A renewal authorization is needed to ensure that approved authorizations do not exceed a duration of more than three (3) years from the date of approval.
 - C. Employees who hold a Colorado Commercial Drivers License (CDL) as a condition of employment, and who will be operating a city vehicle requiring a CDL, are exempt from completing a [City Business Vehicle Request and Status Change Form](#), unless they are assigned a take-home vehicle as well. Expending Authorities are responsible for compliance with this rule.
7. Employees authorized/approved to drive on behalf of the city may use a city vehicle to transport others who are:
 - A. Engaged in the same city business;
 - B. Attending the same city or public activity or function;
 - C. In the care or custody of the employee in the course of official business; or
 - D. Being transported as a part of a city sponsored or co-sponsored event or program.

8. Each city vehicle shall be assigned through a Motor Center, as a regularly assigned vehicle, or as a take-home or carpool vehicle.
 - A. Using Motor Center vehicles to travel to and from work to home is prohibited.
 - B. Motor Center vehicles that have been checked out for business commuting purposes shall be returned to the Motor Center at the end of each business day. If an Expending Authority (or their Delegate) determines that it is necessary for an employee to take home a Motor Center vehicle on an infrequent basis, a written request shall be submitted to the **Manager of the Department of Transportation and Infrastructure** for approval. The take-home usage of the Motor Center vehicle will be documented and placed in the employee's personnel record.
 - C. No employee shall be authorized to use any Motor Center vehicle as a take-home vehicle more than once per month. Take-home assignment of a different Motor Center vehicle to one employee during any one month to circumvent this rule is prohibited. If an infrequent take-home use of a Motor Center vehicle is authorized by the **Manager of the Department of Transportation and Infrastructure**, the employee's take-home use of the Motor Center vehicle will be considered taxable by the **Internal Revenue Service (IRS)** and is subject to the rules of [Fiscal Accountability Rule 10.6 – Take-Home Vehicles and Carpooling](#).
9. Expending Authorities shall maintain a list of employees who have been delegated a regularly assigned vehicle.
10. Employees who have a regularly assigned vehicle shall park the city vehicle during non-work hours at the employee's main or regular place of work.
11. Take-home vehicles shall only be authorized in accordance with [Fiscal Accountability Rule 10.6 – Take-Home Vehicles and Carpooling](#).
12. Employees shall comply with the procedures detailed in [Executive Order 3 – Motor Vehicle Program for the City and County of Denver – Chapter VII – City Vehicle Accident Repairs](#) in the event an accident or damage occurs to a city vehicle, or to a personal vehicle, when used for conducting city business.
13. An employee who uses their personal vehicle while conducting city business shall have personal automobile insurance that does not exclude business use of the vehicle, maintain minimum limits of liability per current Colorado law, and provide proof of insurance upon request.
 - A. An employee shall notify their supervisor immediately if insurance coverage lapses or is terminated for any reason.
 - B. Employees are responsible for ensuring that their personal automobile insurance provides sufficient and appropriate coverage for their personal vehicle in the event that an accident or damage occurs to a personal vehicle, when used for conducting city business.

- C.** Employees are advised to consult with their insurance agent or broker when purchasing insurance coverage for a personal vehicle which the employee uses, or is required to use as a condition of employment, for city business in order to confirm that the employee has sufficient and appropriate coverage for such usage. The city shall not be listed in the policy as a named insured.
 - D.** The Expending Authority (or their Delegate) shall ensure that these insurance requirements are verified and documented on the [City Business Vehicle Request and Status Change Form](#).
- 14.** Possession of a firearm while operating a city vehicle, or when driving a personal vehicle while conducting city business, is not allowed except by authorized personnel.
- 15.** Any fines for tickets issued to the driver, including parking tickets, are the responsibility of the driver.

AUTHORITY AND ACCOUNTABILITY

The **Controller's Office** is responsible for this fiscal accountability rule and any procedures, guides, job aids, forms, and one-page summaries associated with this rule.