

## General Information

### Introduction and Purpose:

This manual includes guidelines and policies for vehicles that Illinois Commerce Commission (ICC) employees use, own, or lease. Sources for this information include the Secretary of State (SOS), the Department of Central Management Services (CMS) and ICC.

This manual applies specifically to all individuals who use vehicles for state business. Financial Information Section (FIS) of Administrative Services Division will post changes to the guidelines and policies to the ICC Intranet; and communicate changes to travel coordinators and to employees who have personally assigned vehicles. All employees must make every effort to comply with these policies contained herein and posted to the Intranet.

Any violations of this policy or rules found in the Employee Handbook concerning state vehicles or use of state property may result in discipline up to and including discharge.

Questions regarding policies and procedures contained in the handbook can be addressed by calling FIS at (217) 524-7726.

### Updating:

This manual will be updated by FIS as necessitated by changes to State or Agency practices and policies. FIS will post changes on the ICC's Intranet and will notify via email travel coordinators and employees to whom state vehicles are assigned of posted changes. Each travel coordinator is responsible for reviewing and ensuring that employees are made aware of the updated policies.

### Effective Date:

The guidelines and procedures contained in this manual are effective upon issue and remain effective until rescinded.

## Vehicle Utilization Program

During Fiscal Year 2013 CMS and the Governor's Office of Management and Budget recently instituted a vehicle utilization program (VUP) which changes the way CMS bills agencies for work performed on vehicles and how vehicles are purchased. As a result of the new VUP the ICC would be required to pay \$225,900 annually to CMS as monthly payments on the 53 vehicles which the ICC has previously purchased with special funds at a cost of approximately \$1,000,000. These payments are not supportable by the cashflows into the ICC-specific special funds, 059 Public Utilities Fund, and 018 Transportation Regulatory Fund. Because of the extreme cost and public safety ramifications, the ICC has proposed that we not be included in the VUP program. However, we will continue to manage our fleet according to the guidelines as to maintenance, mileage, and turn-in.

If it is determined that the ICC must participate in the VUP program, we believe that our direct public safety vehicles should be excluded because of their 24/7 need and necessary customization. Additionally, pipeline safety cars have been reimbursed largely via Federal funds through the Pipeline Safety Grant. The Federal government would not allow charging of VUP costs for these vehicles which have already been charged to the grant. The direct public safety vehicles include:

- 19 vehicles for Police staff
- 13 vehicles for Railroad Safety staff
- 9 vehicles for Pipeline Safety staff

The remaining 8 vehicles are used as pool cars. The ICC has recently turned in four vehicles because they were not utilized the minimum number of miles each month. Because the special funds purchased these vehicles, we propose that the pool vehicles not be included in the CMS VUP program until such time as we need to purchase replacement vehicles. Each replacement pool vehicle, as it is purchased, would fall under the guidelines of the VUP.

### **Vehicle Assignment**

#### **Agency Head Authority on Assignment to Individuals:**

Pursuant to Illinois Administrative Code Title 44 Section(s) 5040.110, 5040.230, 5040.270, 5040.300, 5040.340, 5040.350 and 5040.360 of the Illinois Administrative Code, all vehicles and assignments to personnel will be with the approval of the Director or his designee. A minimum of 1,500 miles per month must be driven for public purposes and in the best interest of the State. Exceptions may be granted by the Director or his designee if the purpose of the assignment is with merit and is necessary to carry out the ICC's mission.

#### **Assigned Vehicle/IRS Regulations**

The Federal Income tax regulations require the ICC to appropriately charge employees for fringe benefits related to the use of employer owned vehicles. The definitions and specific Federal income tax regulations are (hereafter "Treasury regulations") § 1.274-6T(a)(2) and § 1.274-6T(a)(3). Treasury regulations § 1.274-6T(a)(2) applies to pool car vehicles and prohibits all personal use of those vehicles other than de minimis personal use. Treasury regulations § 1.274-6T(a)(3) apply to individually assigned vehicles, and prohibit all personal use of those vehicles other than commuting and de minimis personal use. Per Treasury regulation 1.61-21(f)(3) assigned drivers will be charged \$1.50 per commute during a work day when their vehicle is used regardless of work location or headquarters. Commutes will be included on the monthly Automotive Cost Report/Vehicle Log submitted by each assigned driver. The amount of commutes made during a reporting period will be sent to Payroll by FIS. Failure to report your commuting properly can result in additional amounts included in your income.

#### **Pool Vehicles:**

Pool vehicles are vehicles that Administrative Services maintains for and provides to employees throughout ICC who require a vehicle on occasion for conducting state business.

To obtain a pool vehicle, an employee must request a vehicle from the pool coordinator in FIS. Generally, the request should be made as far in advance as possible. The pool coordinator in FIS will reserve vehicles for employees who request them when vehicles are available. For a pool car, the traveler will pick up the keys and credit card for the vehicle from the pool coordinator. If a pool vehicle is not available, a rental vehicle or

ZipCar may be obtained. When renting a vehicle, please follow the guidelines set forth in the Governors Travel Control Board "Travel Guide for State Employees". The least cost method of travel must be used.

Pool vehicles will be parked in the assigned location at the end of travel. Traveler shall return keys to the pool coordinator along with any receipts for fuel or other purchases. Any concerns about the vehicle, such as poor performance, indicator lights activated, etc. shall be communicated to the pool coordinator at the time the vehicle is returned so that any issues can be addressed.

#### **Use of Vehicle Overnight:**

Approval of the traveler's supervisor and the Manager of FIS must be obtained before a vehicle can be checked out overnight prior to the start of travel.

### **Operations**

#### **Accountability:**

A state vehicle, while in the custody of an ICC employee (or other authorized user) for state business purposes must continually be accounted for in accordance with established procedures. Disciplinary action and possible criminal prosecution can result from an employee's failure to follow these procedures.

Employees are responsible for protecting all state property, including state vehicles entrusted or assigned to them. **THE DEPARTMENT MAY HOLD AN EMPLOYEE FINANCIALLY LIABLE FOR DAMAGE OR LOSS OF A STATE VEHICLE OR PARTS OF A STATE VEHICLE RESULTING FROM GROSS NEGLIGENCE.** Damage or destruction of a state vehicle may lead to criminal prosecution.

State vehicles are subject to searches by law enforcement and, as such, are not provided with an expectation of privacy.

#### **Equipment:**

Equipment not manufactured by the factory may not be installed on any ICC vehicle unless approved by FIS or necessary for any vehicle used by sworn law enforcement personnel. Installation and use of emergency vehicle equipment and lighting is authorized only for vehicles assigned to sworn peace officers in the performance of their duties.

**Official Use Only:**

State vehicles may be used for **AUTHORIZED STATE BUSINESS ONLY**. ICC employees may not use state vehicles for conducting personal business, unless on 24-hour call out status for emergencies; with the approval of the Director; or, when travel guidelines apply.

Employees on travel status should comply with regulations cited in the Governors Travel Control Board guidelines.

**Weapons in State Vehicles:**

With the exception of sworn peace officers, no ICC employee may transport a weapon of any type in a state owned or leased vehicle, or in a rented vehicle.

ICC sworn personnel should follow proper, safe storage procedures of all weapons and ammunition assigned to them or that which they are transporting.

**Restrictions on Use:**

Except in an emergency situation, only ICC employees may operate state-owned or agency-leased vehicles without written approval from the Director. The contractor or supervising employee must forward a copy of the written approval to FIS prior to use by non-employees.

**Driver Responsibilities (All Vehicles):**

- A. Vehicle operators must possess a valid driver's license.
- B. Vehicle operators must obey posted speed limits, and understand and comply with all other applicable traffic laws. State law requires the use of safety belts.
- C. Vehicle operators, who are assigned a vehicle or use their personal vehicles for official state business must maintain sufficient personal insurance to satisfy the requirements of the state in which their vehicle is registered.
- D. Drivers who incur parking, towing or any moving violation fines are responsible for them.

**Driver Responsibilities (State Vehicles):**

- A. Vehicle operators must familiarize themselves and comply with the policies in this manual, any procedures in support thereof, and vehicle directives of the CMS, Division of Vehicles. FIS will distribute CMS directives to ICC drivers as necessary.
- B. Vehicle operators must account for, protect, and properly maintain a state vehicle.

- C. Vehicle operators must report any accidents or incidents resulting in damage to the state vehicle. All drivers are responsible for the removal of personal items before vehicle turn-in.
- D. When parking a state-owned vehicle, the driver should lock the car doors and take the keys with them.
- E. An employee must not leave a briefcase, equipment, official documents or other valuables in view in unattended vehicles. These items should be removed from view and locked in the trunk or stored under the seat, etc.
- F. For their own liability protection and personal safety, the drivers of state vehicles may not carry any unauthorized passengers. Vehicle operators are forbidden to transport hitchhikers.
- G. If an operator of a state owned vehicle is cited for a traffic violation, the operator must report the incident to the FIS Manager by email or phone within 24 hours of the violation. In addition, the operator must submit a copy of the ticket to FIS within three workdays of the incident.

**Accident/Insurance Procedures:**

**IMPORTANT**

The CMS, Division of Risk Management's fleet liability insurance policy covers all vehicles operated by the State of Illinois, including those not owned or leased by the state.

**The ICC must report any accident involving one of its vehicles to CMS Division of Risk Management. Therefore, the driver of a state vehicle (or his superior) MUST report an accident immediately, in accordance with the following:**

- A. As soon as possible and no later than 1 business day from the time of the accident, the driver must notify his supervisor and the supervisor must notify FIS (217) 557-2598 or (217) 524-7726), except on weekends, holidays, etc. If the accident occurs on a weekend or holiday, notify FIS on the next ICC workday.
- B. Illinois Form SR-1 (Illinois Motorist Report and Vehicle Accident Questionnaire) – (See Exhibit B and C). The driver must complete and submit these forms to FIS within 48 hours of the accident. The reports should include a clear description of the conditions surrounding the accident. These forms should be kept in the vehicle, but can also be obtained from FIS.
- C. Police Report – If the accident involved another vehicle and/or took place on public property, a police report is required. Forward the police report with the SR-1 within 48 hours of the accident to FIS. **(Police reports do not replace the SR-1 form).**
- D. Estimates of Repairs – FIS will work with the driver to obtain estimates for repair **All accident repairs must be approved by FIS prior to repair.**
- E. The vehicle operator must phone CMS Risk Management (1-800-442-1300) directly about any accident in which:

1. there is a serious injury to an occupant of any vehicle involved in the accident;
2. there is substantial property damage to a vehicle other than the state vehicle; or,
3. a death occurs as a result of the accident.

Note:

Reporting the accident by telephone does not eliminate the vehicle operator's responsibilities for providing Form SR-1 and all other relevant documentation in the time frames previously outlined.

FIS will process the accident reports in accordance with CMS Division of Vehicles directives and will maintain an accident file.

FIS reserves the right to notify Agency management of any accident for evaluation and appropriate action. If necessary, FIS will send a copy of the entire accident file to the Office of General Counsel to determine probable liability of the ICC.

**If the accident is determined to be the fault of the ICC's operator**, FIS will make a recommendation concerning the repair to CMS. If CMS authorizes the repair, the vehicle will be repaired at ICC expense. At the time authorization is received, FIS will notify the operator of the authorization of repair and where to have the vehicle repaired.

Insurance carriers should make payment in settlement of claims to the State Garage Revolving Fund. ICC will deposit the check into the appropriate account to offset the repair bill that was paid prior to settlement.

#### **Accident-Insurance Procedures Related to Non State-Owned Vehicles.**

If an employee has an accident while driving his own automobile, he should notify FIS and his own insurance company. Employees must maintain sufficient insurance to satisfy the requirements of state law where the vehicle is registered.

#### **Insurance Information:**

The State of Illinois automobile insurance arrangements may not cover non-state employees in a state vehicle involved in an accident. Transport non-state employees only if doing so is necessary to official state business. The only exceptions include instances when transporting the individual is an emergency.

#### **Summons and Complaints Procedure:**

Any employee who receives a summons or complaint resulting from an automobile accident while driving a state vehicle should appear when required and notify FIS upon receipt of the summons.

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The driver should also notify the Office of General Counsel. OGC will notify CMS, Risk Management Division, and the Attorney General, who may represent the employee in any lawsuit resulting from negligent operation of a motor vehicle while in the scope of his/her employment.

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If a state employee has three at-fault accidents over a three-year period while conducting state business, the employee is considered a high-risk driver. If a high-risk driver has one more at-fault accident in the following year, the state may elect to no longer insure that employee under the State's self-insurance plan.

## Repair and Maintenance

### Service Record:

It is the responsibility of each assigned driver to follow the owner's manual for general maintenance for their state vehicles. Also, each vehicle must receive an annual safety inspection of its major systems.

### Driver Responsibilities:

The driver of a state vehicle must ensure its proper upkeep and maintenance. When fueling, the driver should check the coolant level and oil. If driver negligence results in vehicle damage, the State may hold the driver financially liable.

### Vehicle Credit Cards:

The Pool Vehicle Coordinator issues two of credit cards for each automobile owned or leased by State of Illinois for gas purchases and vehicle maintenance. Drivers are responsible for safekeeping of these credit cards. There is a blue and white CMS card that is presented for fuel purchases or work performed in a CMS garage. The other card is a WEX charge card that is used for fuel and other authorized purchases made at locations other than a CMS garage.

These credit cards authorize the purchase of gas, gasohol, motor oil, washing, towing and tire repair not to exceed \$100.00 for passenger cars. Credit cards shall not be used for personal items. The credit card also authorizes minor mechanical repair not to exceed \$250.00 for passenger cars. Repairs over \$250.00 require authorization by FIS.

The following should be followed for all fuel purchases (Reference: JCAR Section 5040.550 Gasoline Purchases)

- A) Purchases of fuel, oil, and related items for the operation of State-owned equipment must be made from the most economical source. Unleaded gasoline (with ethanol blended in, often called Gasohol) shall, however, be used where available. Employees are required to use E-85 (85% ethanol) and bio-diesel when operating flexible fueled and diesel powered vehicles in the State fleet, whenever practical.
- B) If there is a State-owned garage or State-owned service station within a reasonable distance, the driver should make purchases at this source. State service stations are available on the State of Illinois Enterprise web at <http://www.intra.state.il.us/poliproc/vehicleguide.pdf>.
- C) If a State-owned garage or State-owned service station is not conveniently located, an appropriately located privately operated station with a self-service island shall be the source of purchase, except when the driver is physically unable to operate a self-service pump.

**The driver should verify acceptance of the credit card before a purchase is made.** Some vendors may not accept the cards. ~~If a vendor does not accept the credit cards, the driver should find another service vendor that~~

will. If no vendor is available that will accept the cards the driver may use his personal credit card or cash for the purchase. The driver may request reimbursement for these expenses through a travel voucher. The credit card is valid only for the state vehicle bearing the equipment number indicated on the front of the card. At no time shall a state credit card be used for gas or equipment for a personal or privately owned vehicle.

It is the driver's responsibility to ensure that all receipts reflect the items purchased for the vehicle they are operating. **Odometer readings must be entered accurately and verified.** Also, receipts should be legible. Equipment ID #'s will be written on the top of all receipts along with the first initial and the last name of the driver.

Credit card holders and users must report lost or stolen credit cards immediately to FIS (217) 524-7726.

### **Vehicle Repairs:**

CMS maintains garages statewide. As with fuel facilities, use these garages whenever economically feasible. Outside vendor authorizations must be obtained **in advance** for any repairs performed in excess of credit card limitations. Authorizations for repairs should be obtained by contacting FIS at (217) 524-7726 7:45 a.m. to 5:00 p.m. weekdays.

**Note: For emergencies, after hours and on weekends, authorizations may be obtained by calling the telephone number on the back of the blue and white CMS state credit card.**

All repair work should be completed to the satisfaction of the driver. If the driver is not satisfied with the work performed by a state garage, he should contact FIS.

### **Records and Reports**

#### **Accurate Information:**

All vehicle operators must ensure that accurate and timely information is recorded for their assigned vehicles. FIS needs this data for audit purposes. Failure to maintain this information may result in discipline.

#### **Receipts for Purchases and Repairs:**

Drivers must retain repair or other receipts whether a state or private facility issues them. Drivers must also ensure receipts are legible and accurately filled out, including license number and odometer reading. Drivers of pool cars should turn in receipts upon trip completion to the pool coordinator. All receipts must accompany the monthly cost report at the end of the month.

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#### **Vehicle Cost Report and Fleet Vehicle Log:**

All automotive cost reports/vehicle logs must be filled out completely and accurately at the end of each month and submitted to FIS. **Cost reports and vehicle logs must be received by FIS no later than the 15th working day of the following month.** For every ICC vehicle, cost reports must show all relevant expenditures for the immediate past month. They must reflect automotive expenses and nothing else. Any accident repairs,

body damage repairs and maintenance should be included on these monthly reports with all supporting bills and receipts attached.

Vehicle Policy Manual

Each Illinois Commerce Commission employee that operates a state owned or leased vehicle needs to read and understand the “**Illinois Commerce Commission Vehicle Policy Manual.**”

Employees must retain their copy of the manual in their assigned vehicle for reference and review. Should there be any section not clearly understood by the employee, they should immediately discuss the section with their supervisor.

Each employee needs to become fully knowledgeable of those sections with which failure to comply or for which a violation of specific statutes, rules, regulations, and/or policies might result in disciplinary action against the employee. A few of these critical sections include, but are not limited to:

1. Operations
  - Accountability
  - Official Use and Restriction
  - Driver Responsibilities
  - Accident/Insurance Procedure
  
2. Repair and Maintenance
  - Service Schedule
  - Driver Responsibilities
  - Vehicle Credit Cards
  - Vehicle Repair
  
3. Records and Reports
  - Tickets for Purchases
  - Vehicle Cost Reports
  - Reporting of Commuting Trips Each Business Travel Day

I \_\_\_\_\_, hereby acknowledge that I have read the Illinois  
Employee please print name  
**Commerce Commission Vehicle Policy Manual.**

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Division: \_\_\_\_\_

This receipt must be signed and dated by all employees and given to the employee’s supervisor which will then forward it to FIS by 3-1-2013.

**Employees shall be allowed reasonable state time to read the Manual before signing the affidavit.**