

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AMENDING ARIZONA CODE OF) Administrative Order
JUDICIAL ADMINISTRATION § 6-111:) No. 2011 - 121
VEHICLE FLEET MANAGEMENT) (Affecting Administrative
) Order No. 2001-107
)
_____)

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on October 28, 2011, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-111 is amended as indicated on the attached document. All other provisions of § 6-111, as originally adopted, remain unchanged and in effect.

Dated this 28th day of November, 2011.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 1: General Administration
Section 6-111: Vehicle Fleet Management

A. Definitions. In this section the following definitions apply:

“Administrative director” means both the administrative director of the Administrative Office the Courts (AOC) and the director’s designee.

“Court” means superior court.

“Departments” means both adult probation and juvenile courts.

“Non-preventable” means the driver exercised all reasonable care to avoid the incident.

“Other” means the damage is not directly related to the operation of the vehicle, for example, vandalism.

“Preventable” means the driver failed to take all reasonable action to avoid the incident.

“Undetermined” means after a complete review, there is not enough information to make a determination.

“Vehicle Liaison” means the primary ~~vehicle~~ contact person from the departments with the AOC and Arizona Department of Administration’s (ADOA) Fleet Management Division on vehicle issues.

B. Applicability. Pursuant to Article VI, Section 3 of the Arizona Constitution, the following requirements are issued to govern the administration and safe operation of state vehicles allocated to adult probation departments and juvenile courts.

C. Purpose. To outline and ensure proper expenditure of appropriated state funds and develop and enforce rules relevant to the operation of the fleet consistent with those adopted by the ~~Arizona Department of Administration’s (ADOA) Fleet Management Division~~ and Risk Management Divisions.

D. General Administration. no change

E. Fleet Administration.

1. Each chief adult probation officer and director of juvenile court services shall ensure that Departments shall:

a. Use sState vehicles are used to further the intended purposes of the programs from

which they are funded and shall submit all requests to the AOC on an approved form prior to any deviation from the intended purpose;

~~b. Submit a written request for any deviations from the intended purposes of state funded vehicles to the AOC on a form approved by the administrative director;~~

be. Each operator abides by all federal and state motor vehicle statutes, city traffic ordinances and ADOA fleet management guidelines;

cd. The department maintains a vehicle database or log that shall include, but is not limited to; name of operators and location of vehicle;

de. The department submits monthly vehicle mileage reports to ADOA fleet management in accordance with ADOA fleet management guidelines;

ef. The department requests receive prior approval from the AOC and ADOA fleet management before installing or modifying any equipment in or to state vehicles; and

fg. The department shall Not install temporary or permanent devices used for evasion of or interference with traffic enforcement equipment.

2. Each operator of a state vehicle shall use the vehicle for official business and within the scope of the operator's employment. Personal use of a state vehicle is prohibited.

3. Each chief probation officer or juvenile court director shall conduct annual biennial Motor Vehicle Department (MVD) reviews of all department employees that have need to operate a state, county or personal vehicle in the execution of their duties. The review shall cover the most recent 39 month period. Departments shall retain the findings of the MVD review for a period of 5 years.

a. Each chief probation officer or juvenile court director shall obtain each operator's name, date of birth, driver's license number and expiration date.

b. An operator shall immediately notify their immediate supervisor of any license suspension, revocation, or restriction placed on the driver's license or privilege to operate a motor vehicle.

~~4. Departments shall not use state vehicles more than 100 miles outside the eastern, northern and western borders of Arizona.~~

45. Departments shall request and receive written authorization from the AOC prior to operating a state vehicle more than 100 miles outside the eastern, northern and western borders of Arizona.

56. Departments shall not allow operation of state vehicles in Mexico.

F. Vehicle Liaison.

1. Each chief probation officer and juvenile court director shall delegate management of the departments' state vehicles to an employee of the department and notify the AOC of this designation.
2. The vehicle liaison shall:
 - a. Assist the chief probation officer or juvenile court director with the administration, ~~and~~ application and enforcement of policies and procedures regarding use of state vehicles;
 - b. Respond to inquiries from the AOC, ADOA fleet management or Arizona Department of Transportation (~~ADOT~~) concerning state vehicle operations;
 - c. Represent the department at state vehicle liaison meetings;
 - d. Require that vehicle operators submit monthly mileage reports in accordance with ADOA fleet management guidelines;
 - e. Require all operators meet state, the AOC and ADOA requirements for operating a state vehicle;
 - f. Require that all operators adhere to ADOA fleet management guidelines for maintenance and repairs of state vehicles; and
 - g. Require that all vehicle damage or loss is reported to the AOC and ADOA fleet management within the next business day.

G. Operation of a State Vehicle. Each ~~The~~ operator of a state vehicle shall:

1. Possess a valid driver's license;
2. Comply with all federal, state, and municipal traffic codes and laws;
3. Operate the vehicle safely and courteously;
4. Comply with AOC, ADOA risk management and departmental vehicle training requirements prior to operating a state vehicle;
5. Provide immediate notification to the vehicle liaison of any loss, damage, accident or theft involving a state vehicle, including a written loss report;
6. Notify primary supervisor of any traffic citations received while operating a state or personal vehicle for business purposes on the next business day;

7. Promptly pay all fines or sanctions levied for moving violations and parking tickets while operating a state or a personal vehicle for business purposes;
8. Submit monthly vehicle mileage reports in accordance with the time frames established by ADOA fleet management;
9. Keep the vehicle clean and in good working order;
10. Adhere to the routine maintenance schedule prescribed by ADOA fleet management;
11. Immediately report any mechanical malfunction to the department vehicle liaison;
12. Lock the vehicle when not in use and park in a safe location;
13. Not operate the vehicle while impaired, under the influence of drugs or alcohol; and
14. Not smoke in a state vehicle.

H. State Credit Card Usage and Fueling.

1. Each ~~The~~ operator of a state vehicle shall use the state credit card for:
 - a. Purchases of fuel at approved fueling sites and
 - b. Emergency goods or services necessary to make the vehicle safe and operable.
2. Vehicle operator must receive prior approval from vehicle liaison for expenditures over \$50.
3. Vehicle liaison shall receive prior approval from the AOC for expenditures over \$50.
4. Operators shall not purchase personal items, food or drink with the state credit card.
5. Operator shall refuel at ADOA if refueling within ten miles of the ADOA fueling site.
6. Operator shall refuel with alternative fuels ~~when traveling in areas where alternative fuel sites are available~~ applicable.
7. Operator shall purchase standard grade, self-service, unleaded gas from authorized sites.
8. Operator shall notify department vehicle liaison if a credit card is stolen, lost or damaged by the next business day.
9. Operator shall complete a loss report if state credit card is stolen or lost and forward to

department vehicle liaison. The vehicle liaison shall fax a copy of the loss report to the AOC and ADOA fleet management by the next business day.

10. Vehicle liaison shall contact ADOA fleet management for replacement of state credit card.

I. Passengers.

1. Operator shall only allow the following passengers in a state vehicle:
 - a. Probation staff,
 - b. Probationers, and
 - c. Individuals authorized by the chief probation officer or juvenile court director.
2. Departments shall ~~have develop and adopt~~ written policies and procedures pertaining to the transportation of all passengers.

J. Reporting of Loss, Damage or Theft Involving Vehicles.

1. The vehicle liaison shall ensure that the vehicle operator completes a loss or damage report if loss, damage, theft or accident occurs. The vehicle liaison shall fax a report to the AOC and ADOA fleet management by the next business day.
2. The vehicle liaison shall ensure that all damage or loss reports include, but are not limited to:
 - a. A detailed description of the incident;
 - b. A copy of the law enforcement report, if applicable; and
 - c. A supervisor's signature.
3. The Vehicle Incident State Accident Review Committee Board (VIRCARB) shall review all reports and determine if the incident accident was preventable, non-preventable, other, or undetermined, as defined in VIRC Procedures and Guidelines and this code section.
4. The chief probation officer or juvenile court director shall implement a corrective action plan if notified by VIRC the ARB that an incident accident has been determined to be preventable and notify the AOC of such plan.
5. Departments shall bear responsibility for any incurred cost due to loss, theft or damage to a state vehicle which is considered by the AOC and ADOA fleet management to have occurred as the result of unauthorized use on the part of the department or operator.

6. Departments shall bear responsibility for any damage resulting from a failure to properly service the vehicle according to ADOA fleet management guidelines.

K. Loaner and Rental Vehicles

1. Departments shall receive prior approval from the AOC to use any temporary ADOA fleet management or ~~ADOT dispatch~~, rental or taxi vehicle.
2. Departments shall bear responsibility for any incurred costs due to unauthorized use of loaner or rental vehicles.