

**CHAPTER 73. COMMONWEALTH AUTOMOTIVE FLEET**

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**Authority**

The provisions of this Chapter 73 issued under sections 515 and 2407 of The Administrative Code of 1929 (71 P. S. §§ 195 and 637), unless otherwise noted.

**Source**

The provisions of this Chapter 73 amended through March 6, 1981, effective March 7, 1981, 11 Pa.B. 806, unless otherwise noted. Immediately preceding text appears at serial page (49465).

**§ 73.1. Purpose.**

The purpose of this chapter is to establish provisions for operation and maintenance of the Commonwealth Automotive Fleet by State officers and employees.

**§ 73.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Agency*—The Governor or any administrative department, board or commission, officer, departmental administrative board or commission, authority or other agency of the Commonwealth subject to The Administrative Code of 1929 (71 P. S. §§ 51—732) in existence or hereafter created.

*Bureau*—The Bureau of Vehicle Management of the Department.

*Commonwealth Automotive Fleet*—All motor vehicles monitored or maintained by or under the supervision of the Department to satisfy the transportation needs of agencies.

*Department*—The Department of General Services of the Commonwealth.

*Lease*—A contractual arrangement for rent of a vehicle which involves no purchase option or equity accrual and where title to the vehicle remains with the lessor.

*Motor vehicle*—Any vehicle propelled by a self-contained engine that is licensed to operate on roadways, such as an automobile, truck, van or motor-

cycle; the term excludes railway vehicles and motorized vehicles which do not require licenses; the term includes but is not limited to the following:

- (i) *Automobile.* Commonwealth owned passenger cars and station wagons designed for the transportation of human passengers.
- (ii) *Commercial vehicles.* Commonwealth owned trucks, vans, ambulances, buses, trailers and other types of vehicles used for highway transportation.

*Secretary*—The Secretary of General Services of the Commonwealth.

### § 73.3. Applicability.

This chapter applies to all motor vehicles required for the proper conduct of the business of the agencies which are purchased, monitored or maintained by or under the supervision of the Department.

### § 73.4. General.

(a) The Department is responsible for the maintenance and operation of all automobiles owned by the Commonwealth or any agency; except that the Department of Transportation may continue to maintain automobiles purchased for it by the Department as purchasing agency.

(b) The types and numbers of motor vehicles purchased by the Department will be determined by the Bureau and approved by the Secretary, and the number and type of automobiles and station wagons are subject to approval by the Executive Board.

(c) When a particular type of motor vehicle is required on a temporary basis for the proper conduct of the business of an agency and such motor vehicle is not presently included in the Commonwealth fleet, the requesting agency may independently lease the necessary vehicle for a limited time period; provided, however, that such lease is reviewed for necessity and approved by the Bureau prior to any agency action. The using agency must provide the Bureau with a copy of the contract.

(d) When a particular type of motor vehicle is required on a permanent basis for the proper conduct of Commonwealth business by an agency and such motor vehicle is not available from the Commonwealth Automotive Fleet, the Bureau may authorize the purchase or inter-agency transfer of such a vehicle. The Bureau must review and approve all such requests prior to the procurement or transfer of the vehicle and must be provided with a copy of the contract.

### § 73.5. Duties of agency automotive officers.

Any person designated as an automotive officer within an individual agency shall act as the chief liaison between the agency in which he is assigned and the Bureau in any matters affecting the use of vehicles of the Commonwealth Automotive Fleet. These automotive officers shall be responsible for maintaining and coordinating the motor vehicle requirements and monitoring the usage of all

motor vehicles within their agency of employment. In addition, all processing of forms, distributing of vehicle paraphernalia, and regulating of vehicle adornments such as bumper stickers within the particular agency shall be managed by the automotive officer in strict coordination with the Bureau and in compliance with this chapter.

**§ 73.6. Permanent assignment of Commonwealth motor vehicles.**

(a) *Assignment.* Assignment shall be as follows:

(1) Permanent assignment of motor vehicles from the Commonwealth Automotive Fleet shall be limited to individuals authorized for assignment as defined in § 39.98 (relating to permanent assignments) or whenever one of the following occurs:

(i) Their functions require the use of a vehicle equipped with a two-way radio.

(ii) Their functions require the use of a vehicle whose specifications meet the special needs of the function.

(iii) Their functions require them to be subject to regular and frequent call.

(iv) Their job functions are justified by the requesting agency head as requiring continual travel on Commonwealth business.

(2) It shall be the responsibility of each requesting agency, under the supervision of the Department, to insure proper use of Commonwealth vehicles in accordance with Chapter 39, Subchapter J (relating to use of state automobiles) and regulations promulgated through the Directives Management System by the Department.

(b) *Review.* Any assignment made pursuant to this section will be subject to periodic reevaluation by the Bureau. If at the time of reevaluation any agency is unable to adequately justify the need or explain discrepancies or irregularities concerning the operation of a permanently assigned vehicle, such assignment shall be forfeited and the needs of such agency will be fulfilled by a temporary assignment pursuant to § 73.7 (relating to temporary assignment of Commonwealth motor vehicles). Any permanent assignment will be considered personal and nontransferable within the agency. Reassignment of a vehicle within the requesting agency can only be accomplished by rejustifying the need for the actions in writing to the Bureau.

**Cross References**

This section cited in 4 Pa. Code § 73.12 (relating to reporting).

**§ 73.7. Temporary assignment of Commonwealth motor vehicles.**

(a) State employes in need of temporary transportation for the conduct of official Commonwealth business must obtain an official request form, properly execute all necessary sections, and submit the form to: Dispatch Office; Bureau

of Vehicle Management; Department of General Services; 2221 Forster Street; Harrisburg, Pennsylvania in accordance with instructions issued through the Directives Management System.

(b) All requests must be approved and signed by a Deputy Secretary of a Department or the equivalent position in a Board or Commission and processed by the agency automotive officer.

#### **Cross References**

This section cited in 4 Pa. Code § 73.6 (relating to permanent assignment of Commonwealth motor vehicles); and 4 Pa. Code § 73.12 (relating to reporting).

### **§ 73.8. Operation of Commonwealth motor vehicles.**

(a) Motor vehicles of the Commonwealth Automotive Fleet shall be operated by authorized Commonwealth officers or employees who are properly licensed to drive a motor vehicle by the Commonwealth. Occupants of the vehicles shall also be authorized officers or employees of the Commonwealth or such members of the public or private sector as are necessary for the conduct of the official business for which the vehicle is being operated.

(b) Operators of Commonwealth motor vehicles will be held fully responsible for the proper operation of the vehicle and will be held primarily liable for any costs and damages caused by negligence or actions beyond the scope of authorized use.

(c) Operators of Commonwealth motor vehicles will be held primarily liable for costs of operation and repairs to or replacement of a Commonwealth motor vehicle when it is determined that the vehicle was used beyond the scope of its authorized use or has been physically abused by the operator. The requesting agency will be held secondarily liable for costs and damages resulting from the unauthorized use or physical abuse of a vehicle by the operators of that agency.

(d) The State Police, other Commonwealth employees, and citizens in general are authorized and encouraged to investigate and report to the Secretary any known or suspected violations in the operation of Commonwealth vehicles.

(e) Any operator of a Commonwealth vehicle is required to use the most direct route. Any deviation therefrom may result in suspension of the operator privileges under § 73.9 (relating to sanctions).

(f) Except for those assignments made under § 39.98 (relating to permanent assignments), all operators of Commonwealth vehicles shall restrict their use of the vehicle to Commonwealth business and should only drive the vehicles between duty locations and the Commonwealth dispatch station; however, if the Department finds it necessary and proper for the efficient execution of Commonwealth business that a vehicle be driven between duty locations and the residence of an operator, the extended use may be authorized if the operator shall:

(1) Abstain from using the vehicle for personal use.

(2) Carry only Commonwealth employes or the members of the public sector as are necessary for the conduct of the official business for which the vehicle is being operated.

### **§ 73.9. Sanctions.**

If any operator is found in violation of this chapter or any directives management issuances under this chapter, the Department will suspend or revoke such privileges of an employe to operate or be assigned any motor vehicle controlled or supervised by the Department unless a showing of good cause refuting said violation may be established.

#### **Cross References**

This section cited in 4 Pa. Code § 73.8 (relating to operation of Commonwealth motor vehicles).

### **§ 73.10. Maintenance, repair and supervision of Commonwealth motor vehicles.**

(a) The maintenance, repair and supervision of Commonwealth motor vehicles will be governed by sections 515 and 2407 of The Administrative Code of 1929 (71 P. S. §§ 195 and 637) and issuances published by the Department through the Directives Management System.

(b) Operators of Commonwealth motor vehicles shall be responsible for coordinating maintenance and repair activity, including the obtaining of estimates and processing of invoices, with their assigned automotive officers.

(c) Operators of permanently assigned Commonwealth motor vehicles shall be responsible for insuring that the routine preventive maintenance of their vehicles is properly and regularly performed.

(d) Agencies using permanently assigned Commonwealth motor vehicles obtained through special funds will be responsible for the operational costs including routine and major repairs and maintenance.

(e) Each operator of a temporarily assigned Commonwealth motor vehicle shall be responsible for performing routine servicing duties for the vehicle during the term of its dispatch.

### **§ 73.11. Purchasing fuel and other services.**

(a) Commonwealth motor vehicles shall, whenever possible, be fueled at the following locations: the Commonwealth Garage, Harrisburg and Penn-DOT County Maintenance Offices, Statewide. In the Harrisburg area, all fuel and oil shall be purchased at the Commonwealth Garage.

(b) Each Commonwealth vehicle will have an official Commonwealth credit card. Credit cards may be used by the operator to purchase general maintenance items such as fuel, oil, antifreeze or window solvent and for obtaining emergency repairs as necessary.

**§ 73.12. Reporting.**

(a) Reporting requirements shall be governed by section 2407 of The Administrative Code of 1929 (71 P. S. § 637) and issuances published by the Department through the Directives Management System.

(b) Operators of Commonwealth motor vehicles on permanent assignment, as defined in §§ 39.98 and 73.6 (relating to permanent assignments; and permanent assignment of Commonwealth motor vehicles) shall be responsible for completing and submitting Form GSVM-5, Monthly Report of Daily Maintenance Activity of Automotive Equipment, and for legibly and accurately documenting all required information on the cited form.

(c) Operators of Commonwealth motor vehicles on temporary assignment as defined in § 73.7 (relating to temporary assignment of Commonwealth motor vehicles) shall be responsible for completing Form Office of Administration-540, Request for Temporary Transportation, and for legibly and accurately documenting all required information on the cited form.

(d) Failure to submit Commonwealth vehicle reporting forms or evidence of intentional falsification of posted data relevant to the forms shall result in the immediate withdrawal of the vehicle from the operator and the forfeiture of the rights of that individual to operate or be assigned a Commonwealth motor vehicle controlled or supervised by the Department.

**§ 73.13. Emergency actions.**

In times of emergency, the Secretary may temporarily waive parts of this chapter as are necessary to properly respond to an emergency.

**APPENDIX A**

*(Editor's Note: 1 Pa. Code § 3.13(b) (relating to contents of Bulletin) gives the Legislative Reference Bureau discretion to exclude from publication in the Pennsylvania Bulletin classes of documents which are voluminous and applicable only to Commonwealth property or contracts or agency organization, management or personnel. Section 3.13(c) requires the Bureau to publish and codify a summary table of documents filed under § 3.13(b).)*

- (1) Administrative Circular No. 92-12, Dated March 31, 1992. State Employees Purchasing Vehicles at the Commonwealth Auction.
- (2) Administrative Circular No. 92-15, Dated May 1, 1992. Use of Seat Belts in Commonwealth Fleet Vehicles.
- (3) Administrative Circular No. 92-17, Dated May 5, 1992. Repairs and Maintenance, Commonwealth Automotive Fleet.
- (4) Administrative Circular No. 92-18, Dated May 5, 1992. Automotive Fleet Maintenance Schedule.
- (5) Administrative Circular No. 92-36, Dated September 15, 1992. Refueling of Commonwealth Automotive Fleet Vehicles.

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