

**200 KAR 40:020. Purchase, use, lease, maintenance, and disposal of state-owned motor vehicles.**

RELATES TO: KRS 42.0171(2), 44.045

STATUTORY AUTHORITY: KRS 44.045(6)

NECESSITY, FUNCTION, AND FUNCTION: KRS 44.045(6) authorizes the Secretary of the Finance and Administration Cabinet to promulgate administrative regulations governing the use of state-owned vehicles. This administrative regulation establishes procedures governing the purchase, licensure, use, lease, maintenance, and disposal of state-owned vehicles.

Section 1. Definitions. (1) "Agency-specific motor pool" means the fleet of passenger carrying motor vehicles owned, operated, and maintained by a state agency other than the Finance and Administration Cabinet.

(2) "Cabinet" means the Finance and Administration Cabinet.

(3) "Division" means the Finance and Administration Cabinet, Division of Fleet Management.

(4) "Exempt vehicle" means a motor vehicle that is not part of the statewide motor pool.

(5) "Motor vehicle" is defined in KRS 281.011(2).

(6) "Nonexempt vehicle" means a motor vehicle under the control of the statewide motor pool.

(7) "Passenger carrying vehicle" means a motor vehicle whose primary purpose is to transport people.

(8) "Secretary" means the Secretary of the Finance and Administration Cabinet.

(9) "Statewide motor pool" means the fleet of passenger carrying motor vehicles operated, controlled, and maintained by the Finance and Administration Cabinet, Division of Fleet Management.

Section 2. General. (1) This administrative regulation shall apply to:

(a) An executive branch state agency in regard to the purchase, licensure, use, lease, maintenance, and disposal of a motor vehicle; and

(b) A legislative or judicial branch state agency in regard to the use, lease, and maintenance of a nonexempt motor vehicle.

(2) The cabinet shall establish a statewide motor pool of vehicles for the purpose of providing safe, reasonably priced, necessary, and essential vehicular transportation for a cabinet, agency, or entity of state government. This fleet shall be made available for lease by a state agency.

(3)(a) The secretary may, upon written justification from an agency head, authorize the establishment of an agency-specific motor pool.

(b) An agency-specific motor pool shall provide a similar service level at costs less than or equal to the costs the cabinet could provide a comparable service.

(c) An agency with authority delegated pursuant to this subsection shall submit cost effectiveness and inventory reports to the cabinet on an annual basis or as requested by the cabinet to demonstrate the agency-specific motor pool meets the requirements of this subsection.

(d) The establishment of an agency-specific motor pool shall not exempt the agency from the provisions of this administrative regulation.

(4) Except as provided in Section 3(2) of this administrative regulation, a state-supported university and the Kentucky State Police shall be exempt from the provisions of this administrative regulation.

(5) A nonpassenger carrying motor vehicle with a weight rating greater than three-fourths

(3/4) ton shall be exempt from the statewide motor pool.

Section 3. Vehicle Identification. (1) The cabinet shall have inventory responsibility for all state-owned motor vehicles.

(2) A state agency controlling an exempt vehicle shall submit an annual inventory report to the cabinet.

(3) A copy of each vehicle purchase order authorized by the secretary pursuant to KRS 44.045(2) shall be submitted to the cabinet. The submittal shall include the agency responsible for reporting inventory information to the cabinet.

(4) At the time of its purchase, a nonexempt motor vehicle shall be delivered to the division in Frankfort, where licensing, identification, and other required markings shall be performed. The agency controlling an exempt vehicle shall pay the division the actual costs incurred for the licensing, identification, and other required markings for the vehicles.

Section 4. Purchase of Motor Vehicles. (1) A price contract for the purchase of a motor vehicle shall be established by the cabinet's Office of Procurement Services.

(2)(a) The cabinet shall approve the purchase of a motor vehicle, except one (1) exempted by the provisions of Section 2(4) of this administrative regulation and an exempt vehicle deemed necessary by the secretary pursuant to KRS 44.045(2). A state agency desiring to purchase a motor vehicle shall submit a written request to the cabinet.

(b) The request shall include the following:

1. Name of the requesting agency;
2. Description of the requested vehicle, including type of fuel used in the vehicle;
3. Intended use of the vehicle;
4. Number of vehicles requested;
5. Estimated annual vehicle mileage;
6. Whether the vehicle is a replacement or a program expansion;
7. Source of funds for the purchase;
8. If funding for the vehicle was approved in the budget;
9. If the vehicle will be assigned to a motor pool, and if not, an explanation of its planned uses; and
10. The name, address, telephone number, and signature of the person in the agency authorized to request the purchase.

(3) The cabinet shall consider for replacement a nonexempt motor vehicle that:

- (a) Is seven (7) years old;
- (b) Has been driven 140,000 miles;
- (c) Is inoperable;
- (d) Is unsafe; or
- (e) Is in need of extensive repair that would not be economically feasible.

Section 5. Use of Motor Vehicles. (1)(a) A state employee shall comply with 200 KAR 40:010 when using a vehicle from the motor pool.

(b) It shall be the responsibility of each agency head to ascertain that state-owned motor vehicles are used only for official purposes in accordance with KRS 44.045(2) and the agency head shall ensure that the use of these vehicles is not abused.

(2)(a) The request for permanent assignment shall set forth the reasons why the assignment is necessary and in the best interests of the Commonwealth.

(b) If the vehicle is to be parked at a private residence, the request shall include significant justification for this action.

(3) Before a motor vehicle may be used by a state agency, it shall be marked in accordance with the provisions of KRS 44.045.

Section 6. Licensure of Motor Vehicles. (1)(a) A request to license a state-owned motor vehicle with a nonofficial license plate, pursuant to KRS 44.045(4) and 186.020, shall set forth the investigatory purposes for which the vehicle shall be used.

(b) It shall be the responsibility of the agency head to ascertain that the vehicle is used only for investigatory purposes and the agency head shall ensure that the use of the vehicle is not abused.

(2) An official license plate attached to a motor vehicle which is being replaced shall be turned in to the cabinet.

(3) The cabinet shall be responsible for the licensing and titling of all nonexempt vehicles.

Section 7. Lease of Motor Vehicles from Statewide Motor Pool. (1) The fleet of vehicles in the statewide motor pool shall be available for use by a state agency for official business of the Commonwealth. These vehicles shall be made available for a lease to a state agency.

(2)(a) A request to use a motor vehicle available in the statewide motor pool shall be submitted to the cabinet on the forms and in the manner prescribed in 200 KAR 40:010.

(b) Billing shall be performed by the cabinet and necessary documentation shall be provided to a user agency.

(c) The operation of the statewide motor pool shall be governed by 200 KAR 40:010.

(3) Except for vehicles for lease under a master agreement procured by the cabinet, an agency shall not lease a motor vehicle from a private individual or business without prior written approval of the secretary.

Section 8. Maintenance of Motor Vehicles. (1) It shall be the responsibility of the agency to which a motor vehicle from the statewide motor pool has been permanently assigned to maintain it properly and in accordance with the manufacturer's instructions.

(2)(a) Nonexempt motor vehicle repair and maintenance shall be the responsibility of the cabinet.

(b) The cabinet shall repair and maintain vehicles in the most economical means possible.

(3) A record of maintenance history and costs for an exempt motor vehicle shall be kept by the agency and submitted to the cabinet on an annual basis or as requested by the cabinet to demonstrate the agency-specific motor pool meets the requirements of this section.

Section 9. Disposal of Motor Vehicles. (1) An agency may advise the cabinet of its desire to dispose of a motor vehicle if the motor vehicle:

(a) Is at least seven (7) years old;

(b) Has been driven at least 140,000 miles; or

(c) Is inoperable, unsafe, or in need of substantial repair.

(2) All proceeds from the sale of a nonexempt surplus motor vehicle shall be deposited into the cabinet motor pool agency fund unless precluded by:

(a) Federal law; or

(b) State law.

(3)(a) The disposal of an exempt motor vehicle shall be the responsibility of the individual agency.

(b) For inventory control purposes, the agency shall immediately notify the cabinet of the disposal of an exempt vehicle. (22 Ky.R. 821; eff. 12-7-1995; Am. 3409; 3817; 4113; eff. 6-2-1997; Recodified from 600 KAR 1:120; eff. 8-2-2006; 41 Ky.R. 1703; 1974; eff. 4-3-2015.)