

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0823.01 Ed DeCecco

HOUSE BILL 10-1287

HOUSE SPONSORSHIP

Lambert, Acree, Baumgardner, Bradford, DelGrosso, Ferrandino, Gardner C., Gerou, Kerr J., Looper, May, McNulty, Murray, Nikkel, Pommer, Priola, Sonnenberg, Stephens, Summers, Tipton

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A BILL FOR AN ACT

101 **CONCERNING THE USE OF A STATE-OWNED MOTOR VEHICLE FOR**
102 **COMMUTING PURPOSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill makes the following changes related to the use of a state-owned motor vehicle for commuting purposes:

- ! Prohibits commuting unless the job description of an officer or employee of a state agency includes the provision of a public health, safety, or emergency response service

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- outside of business hours;
- ! Eliminates the ability of a state agency to waive reimbursement to the state for commuting;
- ! Requires a state agency to provide a report about commuting to the division of central services in the department of personnel; and
- ! Establishes a civil penalty for any individual who fails to reimburse the state for commuting.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 24-30-1113 (2) and (4), Colorado Revised Statutes,
3 are amended, and the said 24-30-1113 is further amended BY THE
4 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

5 **24-30-1113. Commuting - reimbursement by state officers and**
6 **employees.** (2) The use of state-owned motor vehicles for commuting
7 purposes by officers and employees of state agencies between official
8 work stations and residences may be authorized by the state agency's
9 executive director where the state agency's executive director determines
10 that such use is based on rules and regulations promulgated by the
11 division and which includes:

- 12 (a) Promotion of a legitimate nonpartisan state interest;
- 13 (b) Promotion of the efficient operation of the state motor vehicle
14 fleet system; and
- 15 (c) Is cost-effective to the state agency; AND
- 16 (d) THE NEED FOR AN OFFICER OR EMPLOYEE TO USE THE MOTOR
17 VEHICLE FOR COMMUTING PURPOSES IS SET FORTH IN THE JOB DESCRIPTION
18 OF THE OFFICER OR EMPLOYEE.

19 (2.5) BEGINNING JANUARY 1, 2011, NO OFFICER OR EMPLOYEE
20 SHALL USE A STATE-OWNED MOTOR VEHICLE FOR COMMUTING PURPOSES
21 BETWEEN AN OFFICIAL WORK STATION AND A RESIDENCE, UNLESS SUCH

1 USE IS APPROVED BY THE DIVISION.

2 (4) (a) Any individual who has received the state agency executive
3 director's authorization to use a state-owned motor vehicle for commuting
4 purposes shall reimburse the state for such use at a rate computed by the
5 division. This rate shall approximate the benefit derived from the use of
6 the vehicle. Reimbursement shall be for twenty days per month
7 regardless of how many days the individual uses the vehicle to commute
8 during the month. Reimbursement shall be made as provided by rule.

9 (b) Unless provided by rule FOR A STATE OFFICER OR EMPLOYEE
10 WHOSE DUTIES ARE ROUTINELY RELATED TO PUBLIC SAFETY AND WHOSE
11 DUTIES ARE LIKELY TO EXPOSE SUCH OFFICER OR EMPLOYEE ROUTINELY
12 TO LIFE-THREATENING SITUATIONS, no exceptions shall be made to the
13 reimbursement provisions of this subsection (4).

14 (c) ON OR BEFORE AUGUST 1, 2011, AND ON OR BEFORE EACH
15 AUGUST 1 THEREAFTER, A STATE AGENCY EXECUTIVE DIRECTOR WHO
16 AUTHORIZES AN INDIVIDUAL TO USE A STATE-OWNED MOTOR VEHICLE FOR
17 COMMUTING PURPOSES SHALL PROVIDE A REPORT TO THE DIVISION THAT
18 INCLUDES THE FOLLOWING INFORMATION FOR THE PREVIOUS STATE FISCAL
19 YEAR:

20 (I) THE NAME OF EACH INDIVIDUAL WHO WAS AUTHORIZED TO USE
21 A STATE-OWNED MOTOR VEHICLE FOR COMMUTING PURPOSES;

22 (II) THE NUMBER OF MILES THE INDIVIDUAL USED THE
23 STATE-OWNED MOTOR VEHICLE FOR COMMUTING PURPOSES;

24 (III) THE TOTAL AMOUNT OF REIMBURSEMENT OWED BY THE
25 INDIVIDUAL FOR THE USE OF THE STATE-OWNED MOTOR VEHICLE FOR
26 COMMUTING PURPOSES; AND

27 (IV) THE ACTUAL REIMBURSEMENT PAID BY THE INDIVIDUAL.

1 (d) ANY INDIVIDUAL WHO FAILS TO PROVIDE REIMBURSEMENT AS
2 OF THE DATE OF THE REPORT REQUIRED PURSUANT TO PARAGRAPH (c) OF
3 THIS SUBSECTION (4) TO THE STATE AS REQUIRED PURSUANT TO THIS
4 SECTION SHALL INSTEAD BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT
5 EQUAL TO TWO TIMES THE REIMBURSEMENT OWED; EXCEPT THAT NO
6 PENALTY SHALL BE LEVIED FOR REIMBURSEMENT OWED PRIOR TO
7 JANUARY 1, 2011. SUCH CIVIL PENALTY SHALL BE ASSESSED AND
8 COLLECTED BY THE DIVISION. ALL PENALTIES PAID TO THE DIVISION SHALL
9 BE REMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE COMMUTING
10 REIMBURSEMENT CASH FUND, WHICH IS HEREBY CREATED IN THE STATE
11 TREASURY. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
12 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION FOR THE
13 PURPOSE OF ENFORCING THE PROVISIONS OF THIS PARAGRAPH (d). ANY
14 MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS
15 PARAGRAPH (d) MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
16 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT
17 AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
18 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND
19 AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
20 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

21 (5) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO AN
22 OFFICER OR EMPLOYEE WHOSE DESIGNATED OFFICE AND OFFICIAL PLACE
23 OF WORK IS HIS OR HER RESIDENCE.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 shall take effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part shall not take effect
4 unless approved by the people at the general election to be held in
5 November 2010 and shall take effect on the date of the official
6 declaration of the vote thereon by the governor.