

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2009-210  
December 7, 2009

**SUBJECT:** Government and Personal Vehicle Operators Accountability Policy

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2009 Supp.), it is hereby **ORDERED** that:

- I. The head of each agency shall implement and maintain a system of managing the use of vehicles for authorized government business that ensures safe operation of government vehicles; maximum compliance with laws and regulations governing operation of any vehicle while on authorized government business; accountability of operators for notices of infraction received as a result of operating any vehicle on government business or having assigned custody of a government vehicle; complete knowledge of the nature of vehicle assignments and custody; and appropriate operator qualification and training for vehicles operated. Each agency head shall incorporate this system into a written policy and submit this policy to the Director of the Office of Risk Management (ORM) for review and approval prior to its implementation.
- II. The head of each agency shall submit to the Directors of the Department of Motor Vehicles (DMV), the Department of Public Works (DPW), and ORM the name, work address, email address, and telephone number of its Fleet Certifying or Fleet Coordinating Official (FCO) responsible for managing the agency's vehicles and other transportation resources by January 2<sup>nd</sup> of each calendar year. Whenever there is a change in the FCO, the agency head shall immediately notify DMV, DPW, and ORM in writing with the new information.
- III. The FCOs shall establish and maintain a fleet registry of all vehicles assigned to their agency. The registry shall identify each vehicle's tag number, make, model and year, and shall include the status of the vehicle (leased or owned). If leased, the name, address, and contact information of the leasing company shall be provided.
- IV. The FCO shall submit to DMV information about the agency's fleet that DMV requires for the operation of its Government Multi-Owner Fleet Program. This program enables DMV and District agencies to track citations for parking and other violations issued with respect to District government vehicles.

- V. Each agency's system of managing the use of vehicles for authorized government business shall include, at a minimum, the following requirements:
- A. The agency shall not permit an employee to use a government or privately owned vehicle for District government business without the agency's advance written authorization. The agency may authorize an employee to use a government or privately owned vehicle for work activities that are within the scope of his or her employment. For the purposes of the Order, and for all agency authorizations, use of a vehicle for District government business shall be limited to use that is within the employee's scope of employment. The agency shall prohibit employees from transporting non-District government employees while using government or privately owned vehicles for District government business, unless transporting non-District government employees, such as agency clients, is one of the employee's job responsibilities, is permitted by agency policy, and is expressly authorized in writing. The agency may provide advance written authorization to an employee to use a government or privately owned vehicle for District government business on an annual or per trip basis. The FCO shall maintain copies of all written authorizations.
  - B. The agency shall maintain a daily record of who has custody of each agency-controlled government vehicle at all times, miles driven, purpose of the custody or use, physical condition before and after assignment, and reported accidents, incidents, citations or summons occurring during assignment.
  - C. The agency shall maintain documentation of the details of any employee's use of a personal vehicle for District government business, including the name of the employee, the make, model, tag number and year of the vehicle, the date and time of the use, the purpose of the use, and any reported accidents, incidents, citations or summonses occurring during the use.
  - D. The agency shall require each employee who is authorized to operate a vehicle on District government business to annually execute a Vehicle Operator's Acknowledgement Form. (See Attachment 1.) By signing this form, the employee commits to operating the vehicle in accordance with District of Columbia traffic regulations, and to complying with legal requirements for answering, adjudicating and paying tickets identified as issued while the vehicle is in his or her possession, while the vehicle is assigned to him or her for use, or if privately owned, while used by the employee for District government business.
  - E. The agency shall require each employee who operates a District government or privately owned vehicle while conducting District

government business to comply fully with the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.01 *et seq.*), and DPW Department Order No. 2004-04, as they are in effect on the date of this Order and as they may be amended from time to time. The agency shall prohibit employees from driving while distracted, which includes using a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the device is equipped with a hands-free accessory.

- F. The agency shall require each employee who operates a District government or privately owned vehicle while conducting District government business to maintain a valid driver's license and to have this license in his or her possession while on duty and operating the vehicle.
- G. The agency shall require each employee to provide an agency-designated manager or supervisor with a copy of his or her valid driver's license, and any additional information required for license verification, upon assuming a position in which he or she is required or authorized to operate a District government or privately owned vehicle while conducting District government business. Each such employee shall be required to provide a copy of his or her driver's license and any accompanying information each year thereafter in conjunction with the employee's annual performance evaluation, and otherwise at the request of the agency. The agency may also require the employee to provide verification of his or her out-of-District driver's license and driver's record.
- H. The agency shall send a copy of the employee's driver's license and any accompanying information to ORM. ORM shall submit this information to DMV or the Metropolitan Police Department (MPD) to verify the status of the employee's driver's license and official driver's record. DMV shall advise ORM of the results of this verification for all District of Columbia, Maryland, and Virginia driver's license holders. MPD shall verify driver's licenses issued by all other state jurisdictions. ORM shall provide each agency FCO with the results of these verifications and the FCO shall maintain a record of each employee's driver's license, driving record, and the results of the verification provided by DMV, MPD, or the employee.
- I. The agency shall require each employee to immediately, and no later than the next scheduled work day, notify an agency-designated manager or supervisor of any change in his or her driver's license status. Failure by an employee to timely report a change in driver's license status may result in disciplinary or administrative action. The FCO shall maintain a record of this information, and the agency shall promptly provide this information to ORM.


- J. If an employee's driver's license or driver's record fails to comply with applicable requirements for the lawful operation of a vehicle, the agency shall revoke the employee's privilege of driving a District or personal vehicle for District government business. This revocation shall be in addition to any other action that may be taken by the agency.
- K. The agency shall require all employees who operate commercial vehicles to have in their possession a valid and appropriate Commercial Driver's License (CDL) in the course of their job duties. Agencies shall abide by Section 391.25 of the Federal Motor Carrier Safety Regulations for annual review of each employee commercial motor vehicle operator's license or permit to ensure compliance with federal Motor Carriers Safety Regulations and Hazardous Materials regulations. Employees are required to self report at least once every twelve (12) months, on all violations of motor vehicle traffic laws and ordinances (other than parking violations) of which the driver has been convicted or on account of which the driver has forfeited bond or collateral during the preceding twelve (12) months. This reporting shall be in addition to any other reporting required by federal or District law, or District government policy (including any policy of the employee's agency).
- L. The agency shall only allow an employee to operate one personal vehicle for District government business and shall require the employee to provide a copy of the vehicle registration for this vehicle to an agency-designated manager or supervisor before using the vehicle for District government business. The FCO shall maintain copies of the current registrations for all authorized personal vehicles, and the agency shall forward a copy of each registration to ORM. The agency shall notify ORM immediately of any changes in vehicles.
- M. The agency shall require an employee who operates a privately owned vehicle while conducting District government business to provide an agency-designated manager or supervisor with proof of automobile insurance coverage (declaration page) for the vehicle and proof of compliance with all registration, inspection, and other requirements applicable to the vehicle at the same time as the employee provides a copy of his or her driver's license. If there is a change in status of automobile insurance coverage or compliance with other requirements, the employee shall be required to notify the agency-designated manager or supervisor within three (3) business days of receipt of notice of the change. The FCO shall maintain a record of this information, and the agency shall provide copies of these documents to ORM. If the agency authorizes an employee to use a privately owned vehicle to transport non-District government employees, such as agency clients, as part of the employee's job responsibilities, the agency shall require the employee to maintain insurance coverage for these individuals.

- N. The agency shall require employees to report business use of privately owned vehicles to their insurance carrier, if not previously reported.
- O. The agency shall provide the employee with written notice that the allowance available for expenses associated with the operation of a personal vehicle for official business is limited to reimbursement for mileage at the applicable rate. The agency shall require employees to use the appropriate District form to document mileage and request reimbursement of the allowance.
- P. The agency's written notice shall also inform the employee that District government employees authorized to operate their personal vehicles for government business are covered by the District of Columbia Employee Non-Liability Act, approved July 14, 1960 (74 Stat. 519; D.C. Official Code § 2-411 *et seq.*), which generally provides that a District employee is not personally liable for property damage or personal injury to a third party resulting from a motor vehicle accident occurring while the employee is acting within the scope of his or her employment. The notice shall require the employee's agreement that the District government's liability for property damage to his or her personal vehicle shall be limited to any settlement the District may make of a claim made under the Military Personnel and Civilian Employees Claim Act of 1964 (Act), approved August 31, 1964 (78 Stat. 767; 31 U.S.C. § 3721). If an employee makes a claim under this Act and the loss did not result from the employee's negligent or wrongful conduct, ORM may, in its discretion and in accordance with the Act and any applicable rules, settle such a claim for an amount that does not exceed \$10,000. Finally, the notice shall specify that if the employee is injured while carrying out District government business, the employee shall be limited to making a claim under the Disability Compensation Program established by the District of Columbia Government Comprehensive Merit Personnel Act, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.01 *et seq.*).
- Q. The agency shall require the vehicle operator or custodian to immediately notify an agency-designated manager or supervisor of any accidents, incidents, citations or summons incurred while operating, or having custody of, a vehicle on authorized District government business. This information shall be forwarded to the FCO. With respect to tickets issued to employees driving government vehicles:
1. Each FCO shall, after receiving notification of outstanding ticket(s), respond to the tickets in one of two ways: by identifying those tickets eligible for administrative dismissal or by identifying by name, address and driver's permit number of the vehicle operator those tickets that will not be recommended for dismissal.

2. Each FCO shall submit to DMV those tickets identified for administrative dismissal and those tickets that are eligible to be transferred to the operator of the vehicle within thirty (30) calendar days.
  3. Each FCO shall notify the vehicle operator of tickets that are not eligible for administrative dismissal and the appropriate procedure to address the ticket within fifteen (15) calendar days of receipt of notification of ticket(s).
  4. Each FCO shall notify drivers who are identified as responsible for a vehicle when an infraction is issued to the vehicle of the options for answering a ticket.
- R. The agency shall require the vehicle operator or custodian to submit a completed Motor Vehicle Accident Report Form to an agency-designated manager or supervisor no later than forty-eight (48) hours after an accident. (See Attachment 2.) The FCO shall maintain a copy of this form and the agency shall submit a copy to ORM within forty-eight (48) hours of receipt from the employee.
- S. The agency shall prohibit the use of District government vehicles for DMV driver's tests, except that DPW employees may use District government vehicles for CDL driver training and testing.
- T. ORM shall provide each Agency Risk Management Representative (ARMR) and FCO with a monthly report listing tickets issued to agency vehicles. The FCO shall have thirty (30) calendar days from the postmark date of the monthly report to respond to DMV. The FCO shall respond in one of two ways: identify those tickets eligible for administrative dismissal or identify by name and driver's permit number the vehicle operator for tickets that will not be recommended for dismissal.
- V. The Director of ORM is hereby delegated the Mayor's authority to issue rules governing the settlement of employee claims for personal property damage or loss under the Military Personnel and Civilian Employees Claim Act of 1964, approved August 31, 1964 (78 Stat. 767; 31 U.S.C. § 3721). Settlement of these claims shall not exceed \$10,000 per occurrence.

- VII. This Policy shall not apply to the Metropolitan Police Department (MPD), Fire and Emergency Medical Services Department (FEMSD), or the Department of Corrections (DOC), each of which shall separately implement a comprehensive government and personal vehicle accountability policy consistent with the mission and requirements of each respective agency and the District's requirement overall requirements for management of and accountability for the use of vehicles for authorized government business. MPD, FEMSD, and DOC shall immediately transmit to ORM complete copies of their respective government and personal vehicle accountability policies, and any revisions thereto within thirty days of such revision.
- VIII. This order shall supersede Mayor's Order 2009-160, dated September 23, 2009, in its entirety and shall supersede paragraph 6 of Mayor's Order 2000-75, dated May 11, 2000, to the extent of any inconsistency.
- IX. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
ADRIAN M. FENTY  
MAYOR

ATTEST:   
STEPHANIE D. SCOTT  
SECRETARY OF THE DISTRICT OF COLUMBIA