

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT
PROCLAMATION

EO 10-14

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS:

EXECUTIVE ORDER GOVERNING THE USE OF MOTOR VEHICLES OWNED OR LEASED BY EXECUTIVE BRANCH AGENCIES, BOARDS AND COMMISSIONS

I, MIKE BEEBE, Governor of the State of Arkansas, acting under the authority vested in me by law, do hereby order and direct as follows:

1. **SCOPE:** For purposes of this Executive Order, “state vehicles” means “automobiles,” “emergency vehicles,” and “pickup trucks” (as defined in Ark. Code Annotated §§ 22-8-203(1) through (3)), which are owned or leased by any agency, board, or commission of the executive branch of state government.
2. **OFFICIAL BUSINESS:** State vehicles shall be used only for purposes of official state business, as provided in this Order.
3. **VEHICLE POOLS:** Except as otherwise provided in this Order, all state vehicles not assigned to individual officials or employees of an agency, board, or commission must be pooled and available to any authorized officials or employees of that agency, board, or commission who require use of a state vehicle for official purposes. Pooled vehicles must remain on state property when not in authorized use.
4. **TAGS AND OFFICIAL MARKINGS:** All state vehicles shall be clearly marked with either the seal of the State of Arkansas or the seal or insignia of a state agency, board, or commission. All state vehicles shall be licensed with and display State “Official Business Only” license plates, except for those state vehicles used for purposes in which it is in the best interest of the State for such vehicles not to bear such plates and insignia, such as vehicles used for law enforcement or similar purposes, pursuant to Ark. Code Ann. § 19-4-905(e).
5. **ASSIGNMENT OF STATE VEHICLES TO INDIVIDUAL OFFICIALS OR EMPLOYEES:** State vehicles may not be assigned to or permanently reserved for the use of a single official or employee except when such assignment is in the best interest of the State, pursuant to this section. Circumstances under which the assignment of a state vehicle to an individual agency official or employee shall be deemed to be in the best interest of the State are as follows:
 - A. **REGULAR TRAVEL STATUS:** State vehicles may be assigned to individual officials or employees whose responsibilities require regular travel from their homes to job assignments, the locations of which vary on a regular basis. This provision shall not be applied to employees who commute from their homes to a single state office. Examples include an employee who drives daily from her home to audit businesses, check scales, monitor pollution, etc. at locations that vary on a regular basis, and in other such circumstances in which the use of a state vehicle is likely to be less costly to taxpayers than the cost of regularly reimbursing the employee for ongoing use of a personal vehicle for official state business.

- B. PUBLIC HEALTH, SAFETY, AND WELFARE: State vehicles may be assigned for use by individual officials or employees who are certified law-enforcement officers as required for their job. Vehicles may also be assigned to individual officials and employees whose job duties require them to be available to respond after normal business hours to public health, safety, or welfare emergencies that require immediate travel from a personal residence to a location where specific skills, services, tools, equipment, or supplies are necessary to perform the job.
- C. COMMUTING: Commuting in state vehicles is prohibited except when a legitimate state business purpose is established. State vehicles may be used to commute only if a waiver is granted by the Director of the Department of Finance and Administration authorizing commuter status for such a purpose.
 - i. “Commuting” means driving a state vehicle from the state employee’s home to a central state office on a daily basis when the employee is not in regular travel status or is not a certified law-enforcement officer. Appropriate state vehicle use by individuals under Sections 5.A and 5.B of this Order shall not be considered “commuting.”
 - ii. Vehicles used to commute shall be clearly marked with either the seal of the State of Arkansas or the seal or insignia of a state agency, and shall be licensed with and display red state “Official Business Only” license plates, unless a waiver of these requirements has been obtained from the Director of the Department of Finance and Administration.
 - iii. The Director of the Department and Finance and Administration shall establish the effective period of any waivers granted for commuting, and establish the circumstances, such as change in the employee’s job status or duties, which may require the submission and approval of a new waiver application.
 - iv. Heads of agencies, boards and commissions are responsible for determining, with assistance from the DFA Office of Accounting, whether individual employees who have been assigned a state vehicle are subject to income tax or other similar withholding or reporting for use of the state vehicle.
- 6. REPORTS OF MISUSE: Reports of alleged misuse of state vehicles received by the Department of Finance and Administration will be communicated by the DFA-Office of Administrative Services to the office of the department or agency director that owns the vehicle. Responses to such reports shall be submitted to DFA-Office of Administrative Service within ten business days of receipt. Such responses shall be signed by either the director or assistant director of the agency/department and shall include a brief description of the circumstances generating the report and corrective/disciplinary action, if any, that was taken.
- 7. ANNUAL INVENTORY REPORT: The Department of Finance and Administration shall prepare an Annual Inventory Report (AIR) on state vehicles. The AIR shall include information concerning all vehicles owned or leased by state agencies, as well as those owned or leased by constitutionally-established

agencies, boards, commissions, and officers. **The AIR shall be posted on the Arkansas Department of Finance and Administration's Web site**, and other information about state vehicles shall be made available upon request, as is required by the Arkansas Freedom of Information Act. Subsequent to the effective date of this Order, the Annual Inventory Report shall include information on each state vehicle, including vehicle type; whether the vehicle is assigned to an individual state official or employee and that employee's position or job title; whether an assigned vehicle is used by employees designated as Regular Travel Status or Public Health, Safety or Welfare; whether a vehicle has been assigned to an employee who has been granted a waiver to commute; and the nature of the primary use of the vehicle.

8. **EFFECTIVE DATE:** The terms of this Order shall be effective beginning November 1, 2010. Any existing waivers permitting the assignment of a state vehicle for commuting and/or permitting the use of a state vehicle without state or agency insignia and "Official Business Only" license plates shall expire as of that date. Applications for new waivers pursuant to Section 5.C. of this Order should be submitted to the Director of the Department of Finance and Administration in advance of the effective date of this Order, on such forms and in such manner as the Director may require.
9. **VOLUNTARY COMPLIANCE:** State governmental boards, commissions, agencies or officials who are not subject to the terms of this Order are encouraged to voluntarily comply with its provisions. The Director of the Department of Finance and Administration shall cooperate fully with any such agencies that wish to voluntarily comply.
10. **CONFLICT WITH OTHER LAWS:** This Order does not supersede, alter, amend, or repeal any applicable state statutory law, or any applicable federal statutory law or rules or regulations that may apply to state vehicles. In the event of any conflict between the terms of this Order and the provisions of any state statutory or federal law, the provisions of the latter shall control.
11. **GPD-3:** This order shall supersede any conflicting provisions in previously issued Governor's Policy Directive No. 3.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on the 5th day of October, in the Year of our Lord 2010.



ORIGINAL SIGNED

MIKE BEEBE, GOVERNOR

ORIGINAL SIGNED

CHARLIE DANIELS, SECRETARY OF STATE