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Approved: Pedro R. Vázquez
Secretary of State

By: *Laura Del Real*
Assistant Secretary of State

COMMONWEALTH OF PUERTO RICO

GENERAL SERVICES ADMINISTRATION

REGULATIONS NUMBER 12

OF THE

GENERAL SERVICES ADMINISTRATION

GOVERNMENT FLEET ADMINISTRATION REGULATIONS

1979

GOVERNMENT FLEET ADMINISTRATION REGULATIONS

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PART I: GENERAL PROVISIONS

SECTION A: INTRODUCTION

ARTICLE 1: REFERENCE TITLE

These regulations shall be known as the "Government Fleet Administration Regulations".

ARTICLE 2: SOURCES OF THE LAW

These regulations are adopted by virtue of the power conferred upon the Administrator of the General Services Administration by Section "j" of Article 14, paragraphs 1, 2, 3, 4, and 6 of Section "a" of Article 18 and Article 32 of Public Law Number 164 of July 23rd, 1974, as amended, known as the "General Services Administrator Act".

ARTICLE 3: PURPOSE

The General Services Administration has as one of its main functions the administration and control of the Government fleet. The Transportation and Motor Vehicles Maintenance Area of the Administration has been entrusted the performance of this function. The following activities are included within said function: identification, control, maintenance, use and assignment of each vehicle. In order to carry out these activities in the most efficient and practical way for the Government, it is necessary to establish the rules that shall regulate each one of them.

These regulations establish the rules that shall govern the identification and control of each official vehicle; the scope and adequate use of Government vehicles; and the general administration of the fleet, as well as the rules concerning the maintenance of official vehicles; the regulation of Transportation Supervisors, who shall be authorized representatives of the Administrator for

each agency, in charge of implementing transportation regulations, and those regulating Drivers.

These regulations, are thus adopted with the purpose of establishing the rules that shall regulate the activities of the Government fleet, as well as establishing the obligations and responsibilities of all individuals coming into direct or indirect contact with said fleet.

1. General Administration

Upon approving these regulations a transportation system shall be established in the Government, considering the experience accumulated, as well as, present Government needs. This system is directed toward the following goals:

- a. Establishment of a uniform and adequate preventive maintenance system;
- b. Use of private auto repair shops for mayor repairs of official vehicles, interchange of practices, knowledge and experiences with said shops;
- c. Establishment of repair shops for simple maintenance and routine parts change in the agencies where the units are assigned, when more practical and economical for the Government, following the rules and procedures established by the Administrator;
- d. Maintenance of a common repair parts inventory to ensure that maintenance activities are not interrupted; rotate said inventory frequently;
- e. Establishment of adequate mechanisms for inspection

- service supervision before and after performance;
- f. Development of Government personnel capability for correcting deficiencies detected during use and daily inspection;
 - g. Establishment of adequate maintenance schedules thus ensuring better vehicle conditions;
 - h. Establishment of adequate procedures and quality service control techniques;
 - i. Maintenance of production control to regulate the flow in shop operations in the Area;
 - j. Keeping complete maintenance records on each fleet vehicle;
 - k. Maintenance of adequate and up- to - date technical information for reference;
 - l. Offering necessary training to personnel of the agencies;
 - m. Creation of the Transportation Superintendent establishing his powers and duties;
 - n. Creation of Official Driver in the Government Transportation System; establishing what is an Official Driver; uniform rules and procedures by which they shall be appointed; requirements for issuing Government vehicles driving authorizations to officials and employees not appointed Official Drivers; enumerating obligations and responsibilities of Official Drivers and of all individuals authorized to drive Government vehicles; establishing the rules and procedures for revoking Official Drivers appointments and authorizations

of other Government personnel; enumerate the circumstances under which persons not employed by the Government may be authorized to drive official vehicles; establishing procedures to be followed in the issuance of such authorizations and the obligations and responsibilities of persons with said authorization;

- o. Establishment of general rules for the identification of Government fleet official vehicles.

ARTICLE 4: JURISDICTION

These regulations shall apply to all the agencies of the Executive Branch, except public corporations, municipalities, and those exempt by law from the jurisdiction of the Transportation Program of the Administration.

1. Voluntary Jurisdiction

If any Executive Branch agency exempt from the Administration, or any organism of any of the other Government Branches subjects itself, voluntarily, to the jurisdiction of the Administration, it shall have to comply with the provisions of these regulations.

ARTICLE 5. SCOPE

These regulations shall apply to all official or employees of the Government specially those coming into direct contact with official vehicles. It shall also apply to any person that though not employed by the Government, at a given moment may have legal or illegal contact with official vehicles.

ARTICLE 6: INTERRELATION WITH OTHER RULES AND REGULATIONS

The provisions of these regulations shall not be interpreted by themselves. In order to faithfully and adequately fulfill the responsibilities and obligations inherent in the driving, using, having assigned, or controlling Government vehicles, it is necessary to know all rules regulating the Government Transportation System, approved by the Administrator, and all Government acquisition rules.

The "Government Acquisition Regulations" of the Administration establish, among others, the rules regulating the acquisition of any transportation means to be used in the Government.

The "Official Buyers Regulations" establish, among others, the rules and procedures that shall be followed at agency level, upon acquiring the services for fleet vehicles. For an adequate Government fleet administration, it is necessary to interpret the rules contained in these regulations, as a whole. Special rules will prevail, when they vary from these general rules.

When a vehicle or its parts are of no use to the Government, because they are obsolete, damaged or useless, they shall be disposed of as provided in the "State Surplus Property Regulations."

ARTICLE 7: INTERPRETATION OF WORDS AND PHRASES

1. General

Words and phrases used in these regulations shall be interpreted according to their context and meaning sanctioned by common and current usage.

Words used in these regulations in the present tense also include the future; those used in the masculine gender also include feminine and neuter, except when such interpretation

would be absurd; the singular number includes the plural and vice-versa.

The words and phrases used throughout these regulations shall be defined in this Article; for greater clarity in the interpretation of the rules contained in these regulations some shall be defined in other sections.

2. Abbreviations and Definitions

- 1) Administration -- The General Services Administration.
- 2) Administrator -- The Administrator of the General Services Administration.
- 3) Assistant Administrator - The Assistant Administrator for the Transportation and Motor Vehicle Maintenance Area of the Administration.
- 4) Agency -- Each organism forming part of the Government.
- 5) Area -- The Transportation and Motor Vehicle Maintenance Area of the Administration.
- 6) Driver -- Any person authorized by the Administrator to drive Government Vehicles
- 7) Day -- Natural day.
- 8) Fleet -- All land, marine or air, Government transportation means, regardless of where they are located or assigned.
- 9) Government -- The Executive Branch of the Government of the Commonwealth of Puerto Rico, except public corpora-

tions, municipalities, and those agencies expressly exempt from the Transportation Program of the Administration.

- 10) Pool -- That part of the fleet assigned to each agency for daily transportation of equipment, documents, materials, and personnel during working hours. The Transportation Superintendent is responsible for its control.
- 11) Superintendent -- The Transportation Superintendent appointed by the Administrator, for each agency, and who shall be in charge of administrating the pool of the agency for which he has been appointed.
- 12) Assistant Superintendent-- Any appointed Superintendent in addition to the main Superintendent in the agencies.
- 13) Official Vehicle -- Any one of the components of the fleet:
 - a) Including among others the following:
 - (1) airplanes, helicopters and any other means of air transportations;
 - (2) car, station wagons, pick-up trucks, ambulances, jeeps, prison vans, buses, fire engines, delivery trucks, limousines,

tow trucks, trucks, haulers, trailers, funeral cars, motorcycles, bicycles, diggers, front loaders, mobile units, and any other means of land transportation, regardless of whether it requires a Department of Transportation and Public Works license, in order to use public roads, or of the energy used in their operation.

(3) Ships, boats, and yachts; regardless of the energy used in their operation.

(4) Animals and transportation or hauling beasts such as horses, donkeys, mules and others.

b) Excluding the following:

(1) Construction and agricultural machinery, heavy equipment, and animals such as dogs, roosters, and others.

SECTION 8: ADMINISTRATION OBLIGATIONS

ARTICLE 8: ADMINISTRATION IN GENERAL

The Administration shall be responsible for coordinating the movement, use and custody of the fleet with each Agency Head. In the performance of these functions, the Administration shall carry out those activities provided in these regulations.

ARTICLE 9: SUPERVISION

The Administration shall insure that the agencies establish the necessary mechanisms by means of which the Administration can be supervised and they, in turn, may supervise the Assistant Superintendent and Drivers, in order to insure compliance with the rules established by the Administrator.

ARTICLE 10: TRAINING

The Administration is obligated to offer training to all personnel using or working with official vehicles, specially Superintendents, Assistant Superintendents, Drivers, Mechanics, and other personnel coming in direct or indirect contact with the Government fleet. For this purpose, training programs divided in different phases shall be established and maintained:

1. Original Training

This training shall be offered to all candidates, Superintendents, Assistant Superintendents, and Drivers, and other persons who shall have authorization to drive Government vehicles; mechanics, and mechanics supervisors, and any other personnel the Assistant Administrator may recommend for such training.

2. Continuous Training

During this training, new rules and procedures shall be explained, should they arise; knowledge of existing ones reviewed; problems, mistakes made as well as the use and handling of new forms and procedures shall also be discussed. Only persons who have undergone and approved Original Training may participate in Continuous Training.

- a) This training shall be offered as often as the Assistant Administrator deems necessary.

3. Special Training

This training shall be offered to Agency Heads and their deputies.

4. Public Training

This training shall be offered to non-government employees when necessary to protect Government interests.

ARTICLE 11: INFORMATION

The Administration has to maintain all Agency Heads, Superintendents, Assistant Superintendents, Drivers, and mechanic informed of all Government transportation movement, related activities, and all the related rules amended or in process of being amended.

1. Transportation Information Bulletin

In order to comply with this obligation, the Administration shall publish as often as needed a Transportation Information Bulletin, which shall include general information for the purpose of maintaining Government personnel informed.

ARTICLE 12: CONSULTATION

The Administration shall have available constant orientation in cases of verbal or written questions that Agency Heads and Transportation Superintendents may have. Orientation may be offered when they have doubts concerning procedures, their functions in relation to the fleet, or actions to be taken in unexpected, unforeseen, or emergency situations.

Drivers shall consult with their Superintendent or Assistant Superintendents.

ARTICLE 13: AUDITING

The Administration shall ensure that Transportation operations are conducted efficiently.

In order to guarantee this, direct check-ups shall be made of Government personnel transportation activities.

1. Site and Method for Performing Audit

a. In the Agencies

Verifying the entrance and exits of all official vehicles and the way in which they are performed, if Drivers carry their authorizations, destination and origins of trips, state of the Log and of the official vehicle, and other circumstances that may arise.

b. On the Highways

Checking the Drivers, if they carry with them their driving authorizations, if the Log is adequately filled out, if Department of Transportation and Public Works safety rules are being complied with, and well as, the provisions of the "Vehicles and Traffic Act of Puerto Rico" and the rules established by the Administrator.

c. In the Administration

Studying the Special Reports, Logs, Investigations, and other documents related with transportation activities.

ARTICLE 14: TRANSPORTATION INFORMATION SYSTEMS

The Administration shall keep at the Area a record of each person authorized to drive official Government vehicles regardless of the position office or special designation held; and another record of each Government vehicle, regardless of the method by which it was acquired.

1. Drivers' Records

Drivers' records shall contain the following information:

- a. Name and description of the person;
- b. Social Security number;
- c. Agency for which he works;
- d. Home Address;
- e. Position or office hold;
- f. Number of his Transportation and Public Works Department's license, or of the Federal Aviation Agency of the Ports Authority, as the case may be; their dates of issuance; effectiveness, and expiration;
- g. Administration authorization number and issuance duration, and expiration dates;
- h. Proficiency;
 - 1) Including all training received and results.

i. Conduct;

- 1) Shall include his performance in relation to:
 - a) Special recognition or awards received in the performance of his functions or activities as Driver;
 - b) Serious violations to the "Vehicles and Traffic Act," specially if he has incurred in:
 - (1) negligent driving
 - (2) driving while intoxicated
 - c) Violations to the "Traffic Act" carried out with official vehicles;
 - d) And any other violations of regulations, the law, or municipal ordenances related to transportation or official Government vehicles.

2. Vehicle Record

Vehicle record shall contain the following information:

- a. Description including:
 - 1) Identification and serial number,
 - 2) Make, model and year,
 - 3) General specifications,
 - 4) Accessories and their origins; that is, if the model came equipped with them; or if they are installed afterwards,
 - 5) Colors and dates of color changes,

b. Details concerning acquisition, including:

- 1) Acquisition date,
- 2) Origin of funds,
- 3) From whom acquired,
- 4) Acquisition cost,
- 5) Scope of guarantees,

c. Assignment and Use

- 1) Agency or official for whom it was acquired,
- 2) Assignment date,
- 3) GE license plate number assigned,
- 4) Confidential license plate number assigned, if any,
 - a) This information shall be maintained wherever the Transportation Assistant Administrator determines, to assure its confidentiality.
- 5) Assignment changes and dates,

d. Maintenance

- 1) Preventive Maintenance Service including:
 - a) Service date,
 - b) Type of service, based on established codification,
 - c) Cost,
- 2) Improvement Services
 - a) Service date,
 - b) Date when performed,
 - c) Cost,

3) Repair Services Including:

- a) Cause,
- b) Date,
- c) Type of Repair,
- d) Cost,
- e) If due to an accident, the number of the accident, name of Driver conducting the official vehicle and date of accident.

4) Guarantees

- a) Type of guarantee claimed,
- b) Date,
- c) Amount involved, if any,
- d) Results.

SECTION C: AGENCIES - OBLIGATIONS

ARTICLE 15: INTERNAL SYSTEMS

The agencies must establish the internal mechanisms necessary to ensure adequate use of Government vehicles, thus guaranteeing the movement of documents, equipment, and personnel needed to efficiently perform perform their functions.

ARTICLE 16: FACILITATION OF TRANSPORTATION FUNCTIONS

The agencies shall establish the necessary mechanisms in order to facilitate the functions of all Superintendents, specially their supervision of Drivers.

ARTICLE 17: APPOINTMENTS

The Agency Head will provide the means to insure that no employee or official of his agency drives official vehicles, until duly authorized by the Administrator. He shall schedule Drivers I, Drivers II, and Truck Drivers appointments in such a way, that the probation and the training start at the same time.

ARTICLE 18: NOTIFICATIONS

All Agency Heads are obligated to inform the Administrator as soon as possible of appointments to a position or office, which needs Driver appointments; or when they wish an appointment as Driver to be issued to that person. The notification must include all the candidate's personal facts and a copy of the appointment as the Agency's employee or official.

ARTICLE 19: PROBATIONARY PERIOD

Agency Heads shall not approve any probationary period of Drivers I, Drivers II, and Truck Drivers, unless the Administrator certifies the previous participation and approval of said training.

Persons named to other positions, who shall have to drive during working hours in order to perform their functions, must be named at such periods as will insure their training before the need to drive arises.

ARTICLE 20: VEHICLES INTERCHANGE PROHIBITION

No Agency Head may authorize the transfer of vehicles in their agency pools to other agencies and vice-versa, without the written authorization of the Administrator or the Assistant Administrator.

If any agency under the jurisdiction of the Transportation Program of the Administration has, adscribed to it, any Govern- mental organism that by law is exempt from the Administration's jurisdiction, these regulations shall not apply to the fleet of such organism and the vehicles from one and the other may not be interchanged, mixed, nor may their use be authorized to employees of one or the other indistinctly; unless there is written authorization from the Administrator.

SECTION D: PUBLIC POLICY CONCERNING TRANSPORTATION

ARTICLE 21: USE OF PRIVATE AND QUASI - PUBLIC MEANS

The utmost discouragement of the use of official vehicles for short distance trips or by employees or officials having their own means of transportation and authorized to use their private vehicles for official business, is herein established as public policy in Government transportation.

Consequently, when there are other private or commercial means of transportation reasonably available, official transportation may not be provided to any Government personnel, unless it is necessary to carry out the specific official function.

Official transportation does not intend nor pretend to compete with private or quasi-public enterprise. To such effects, when the Administrator determines that because of the time and the distance to be travelled, it is more convenient and economical to use private or quasi-public transportation service instead of the official one, the former shall be used.

ARTICLE 22: IDENTIFICATION

All Government vehicles shall have to be duly identified. Those vehicles assigned to Agency Heads or his assistants or destined to security or intelligence activities, as defined in these regulations, are exempted from this rule.

ARTICLE 23: ASSIGNMENT

No Government official or employee shall have official vehicles assigned for his personal use or outside working hours, unless he holds the position of Head or Deputy Head of a regular agency of the Executive Branch of the Government.

ARTICLE 24: GENERAL PUBLIC POLICY

The Administrator shall be the one to establish general public policy concerning Government transportation. To such effects, when he deems it necessary, he may vary or review it. Said public policy decisions, once approved and issued by means of administrative orders or resolutions of the Administrator, shall become part of and have the same force of law as these regulations.

PART II: ASSIGNMENTS

SECTION A: ASSIGNMENTS CLASSIFICATION

ARTICLE 25: DEFINITION

The assignments of official vehicles is the indication of which agency or Government official has the immediate use, care and control of each one.

ARTICLE 26: TYPES OF ASSIGNMENTS

1. By the Administrator

The Administrator shall assign fleet vehicles to the different agencies for their pools and to officials, taking into consideration the following:

a. Original or Compulsory Assignments

Original assignments are those made by the Administrator after acquiring the vehicle, based on the origin and purpose of the funds.

b. Discretionary Assignments

Discretionary assignments are made by the Administrator to an agency, an official of another agency which did not have the original assignment, to another branch of Government, or to a third natural or juridical. After the vehicle has been turned-in by the agency to which it was originally assigned or becomes Government property by any means of acquisition, except purchase or donation.

2. By the Superintendent

a. Internal Assignments

Internal Assignments are those internal distributions made by the Superintendent, based on programs and use once the Administrator has assigned the vehicles to his agency, excluding Agency Head and Deputy Head.

SECTION B: ASSIGNMENTS -- PROCEDURE AND EFFECT

ARTICLE 27: VEHICLE ASSIGNMENT PROCEDURE

1. Assignments By the Administrator

a. Compulsory or Original

1) Head and Deputy Heads of Agencies (Exclusive Vehicles)

Heads and Deputy Heads of agencies shall have a right to a vehicle for their own use, from the day they come into office. To such effect the Superintendent, or the Area, shall have a vehicle available for them.

These vehicles are assigned by filling out the corresponding assignment form, provided by the Administration.

a) New Vehicles Acquisition

In cases where the vehicle of the previous Agency Head is more than three (3) years old, in deteriorated condition, or not appropriate for use by an Agency Head, a new vehicle may be acquired, according to the procedure established in the "Government Acquisition Regulations" of the Administration, subject to its availability in the open market and the corresponding approval and assignment of funds for said purchase, by the Budget Bureau.

b) Temporary Measure

If upon coming into office there is no vehicle available, a temporary fleet vehicle may be assigned to him or he may be authorized to rent one until the specific vehicle assigned to him is delivered.

2) Agency Pool

Compulsory or original assignment vehicles acquired for an agency pool, shall be delivered to said agency as soon as the Area verifies that the unit or units delivered comply with the specifications, conditions, and terms requested in the corresponding purchase or bid.

a) Assignment Procedure

These vehicles shall be assigned to the agencies for which they were acquired by filling out the corresponding assignment form in the Area, copies of which shall be sent to the Agency and to the Treasury Department.

b. Discretionary or Secondary

The Administrator shall assign vehicles turned in by the Agencies to the Area because of uselessness, lack of need, for them, or for any other reason, or acquisition by the Government by any other way, according to the criteria and procedures established in the "State Surplus Property Regulations".

1) Other Officials

When the Agency Heads request the assignment of a vehicle from Administrator for the exclusive use of other officials of their agencies, the Administrator may make such assignment if and when the vehicles are available; if the Agency Superintendent determines there is a vehicle in the pool, he shall notify it to the Area, and as soon as he has received approval of the assignment by the Administrator, he may proceed to deliver such vehicle.

a) Purchase

When there is no vehicle available in the pool, the corresponding purchase requisition shall be submitted to the Area, if the Agency has funds for such purposes in conformance with the rules established in the "Government Acquisition Regulations" of the Administration.

(1) Temporary Measure

In these cases, pool vehicles necessary for routine agency activities may not be assigned permanently nor can be given for the rental of vehicles.

c. Internal Assignments

Vehicles in the agencies' pools may be internally assigned according to the following guide lines:

1) Origin

- a) Type of assignment with which the vehicles were originally assigned,
- b) Purpose for which originally acquired,
- c) Funds with which acquired,
- d) Program for which acquired.

2) Internal Public Policy

Following instructions given by the Head of the Agency according to agency transportation needs.

3) Types of Vehicles

The Superintendent shall make the internal assignment, taking into consideration type of vehicles and their suitability to carry out the transportation activity involved, according to the following classifications:

- a) Vehicles for equipment and materials transportation,
- b) Vehicles for transportation of persons,
- c) Vehicles for documents, mail and messengers service transportation.

ARTICLE 28: DURATION

Assignment of pool vehicles made by the Administrator shall last while the agency has use for them; Head or Deputy Heads

vehicles, while they hold office; however, if when their term expires, the vehicles are still in good operating conditions, they shall remain assigned to the office. Otherwise, the vehicles shall be assigned to the pool, if the agency still needs them.

Assignment of pool vehicles to other officials shall last while there is a need of them; or for the duration of the term for which the vehicles were assigned. Afterwards, said vehicles shall be part of the pool of said agency.

ARTICLE 29: SCOPE OF ASSIGNMENTS

The scope of vehicle assignments shall depend on the type and purpose of the same, according to the following:

1. Exclusive Assignments

a. Agencies Heads and Deputy Heads

The assignment of a vehicle for the exclusive use of an Agency Head or Deputy Head shall also include the following:

- 1) It may be used twenty-four (24) hours a day during his term in office, including leave of absence periods and vacations;
- 2) It may be used by the official for any personal or official purpose, and by his immediate relatives living with him, as long as it is said official who drives the vehicle;
- 3) Issuance to the official of authorization for driving the vehicle;

4) Special Training for his personal Driver.

His personal Driver shall render him service only in official matters.

b. Other Officials

The assignment of a vehicle for the exclusive use of other officials shall include the following:

- 1) Use, for Official Business Only, during or outside of working hours;
- 2) Transportation from his home to his place of work or vice-versa, whenever said official is on duty, on-call, or during an emergency, if his Agency Head so requests it to the Administrator, who in turn, authorizes it,
- 3) Authorization to drive the official vehicle, if he approves training.

ARTICLE 30: ASSIGNMENTS LIMITATION

Vehicle assignments shall be limited to the following:

1. Assignments by the Administrator

a. Heads or Deputy Heads Vehicle Exchange Prohibition

If the vehicle assigned to an Agency Head or Deputy Head has been recently acquired or is in good conditions, said vehicle shall remain assigned to that office while performing at its best.

b. Exclusive Assignment Interchange

Vehicles assigned for exclusive use of officials may not be changed or reassigned internally without the expressed authorization of the official to

whom the vehicle has been assigned, and the approval of the Assistant Administrator.

c. Duration

Exclusive assignment to an official who is not a Head or Deputy Head of agency shall last as long as the cause for said assignment lasts.

d. Use

Vehicles assigned to officials who are not Agency Head or Deputy Heads, may not be used outside working hours nor for personal business.

e. Driver

The assignment of a vehicle to an official who is not an Agency Head or Deputy Head does not entail an exclusive Driver thus, said official shall have a license issued by the Secretary of Transportation and Public Works.

f. Control

It shall only be driven by the official under whose name the assignment has been made.

2. Internal Assignments

Once the Superintendent has made the internal assignments of the vehicles, by programs and uses, said assignments may not be changed except for emergencies, while they last, or for limited periods, subsequent to Superintendent's authorization.

SECTION C: SPECIAL ASSIGNMENT PROCEDURES

ARTICLE 31: VEHICLE DONATION DURING INCUMBENCY

Those Agency Heads who in lieu of an official vehicle assignment choose to keep their own vehicles shall have to comply with the procedure herein established:

1. Petition

Agencies Heads shall notify the Administrator of their intention through a written document, including the following information:

- a. Vehicle description,
- b. Vehicle license photocopy,
- c. Certification by the Department of Transportation and Public Works to the effect that there are no liens attached to the vehicle,
- d. Reasons for such donations,
- e. Scope of donation,
 - 1) He must explain if the title of the vehicle assigned to him during his term in office, will revert back to him or;
 - 2) If he will keep the vehicle during his incumbency, and at the end of his term, the Government will retain its title.

2. Evaluation

When the Agency's Head petition is received, the Administrator shall have said vehicle appraised. The person appointed by the Assistant Administrator to do so shall submit a written report which shall include

the following information:

- a. Description of appraised unit;
- b. Unit condition: body, interiors, and mechanical parts,
- c. Market value appraisal,
- d. Recommendation according to his experience.

3. Determination

Based on the appraiser's report, the Assistant Administrator shall determine if said donation will benefit the Government, and make his recommendation to the Administrator, who shall notify his decision to the Agency Head.

4. Donation Contract Award

If the Administrator deems it beneficial for the Government, the corresponding donation contract shall be awarded, appearing in it the Administrator or his authorized representative on behalf of the Government.

5. Approval

These contracts shall be referred to the Budget Bureau Director and to the Secretary of the Treasury for their information to the Governor for his approval.

ARTICLE 32: DONATION -- SCOPE AND EFFECT

1. Special Privileges

Once the contract has been approved by the Governor, the Area shall register said vehicle with the Department of Transportation and Public Works, on behalf of the Government, and in its registries shall assign it to

said official. Copy of such an assignment shall be remitted to the Secretary of the Treasury. Once the vehicle is duly registered, the Area shall proceed with the following:

- a. It shall see that the vehicle is in adequate functioning conditions and shall deliver it to the official;
- b. It shall deliver the corresponding "GE" and confidential license plates assigned to the vehicle,
 - 1) The original vehicle license plate shall become Government property;
- c. It shall assign and deliver the corresponding credit cards issued in favor of such a vehicle;
- d. Shall notify the insurance company of the vehicle description and assignment, for its inclusion in the roster of insured Government vehicles with the public liability and personal injury (collision, theft, fire) and others, coverage;
- e. Shall issue and deliver the corresponding authorizations to drive official vehicles;
- f. Shall include said vehicle among those which can be driven by an Official Driver or by the Agency Head.

2. Restrictions

a. Funds

If the Agency has funds assigned for the acquisition

of a vehicle for the Head of the agency, the Area shall not purchase any vehicle with said funds, unless the Budget Bureau Director authorizes said purchase. In these cases the car must be assigned to the agency pool.

1) Multiple Assignment

Under no circumstances, may any Agency Head use this provision with the purpose of having two (2) vehicles assigned to him.

ARTICLE 33: EXCLUSIVE ASSIGNMENT REQUEST PROCEDURE

1. Officials

Exclusive vehicle assignment shall only be extended to Agency Heads and Deputy Heads.

Assignment of vehicles to other officials shall depend on an Agency Head recommendation, and shall be at the discretion of the Administrator, subject to the procedure established in this article.

2. Request By Head Of Agency

If an Agency Head is interested in having a vehicle assigned exclusively to an official who is not a Head or Deputy Head, he shall submit his request in writing to the Administrator.

a. Content of Request

- 1) Name of official,
- 2) Reasons for requested assignment,
- 3) Reasons for which he cannot use a pool vehicle, or why he cannot use his own vehicle,

- 4) Official's address,
- 5) Position held,
- 6) Date of appointment,
- 7) Percentage of working hours during which he will need the vehicle,
- 8) Number of Department of Transportation and Public Works Drivers license, issuance and expiration dates,
- 9) Term for which assignment is requested,
- 10) Agency pool status
 - a) Indicate if there are any available vehicles in the pool that can be assigned to said official, without affecting the agency's transportation services. If pool vehicles are available, the requisition shall also state how service rendered by said vehicle in the pool shall be henceforth offered.
 - b) If there is no pool vehicle available, the requisition shall be accompanied with the corresponding obligations of funds and the Purchase requisition duly filled out in conformance with the provisions of the Government "Acquisitions Regulations" of the Administration.

3. Evaluation and Authorization

a. Use of Pool Vehicle

If the Administrator deems that the agency's transportation is not affected, he shall authorize the exclusive assignment in favor of the official at issue, and shall order the Area to proceed with the corresponding documentation in relation to the vehicle.

b. Use Government Vehicle

If the Administrator determines that the general status of the fleet allows the assignment of a fleet vehicle under the jurisdiction of the Area, or of another Agency, he shall thus authorize it; and the matter shall be handled according to the provisions of the "State Surplus Property Regulations".

c. Acquisition

If the purchase of a vehicle is necessary, the procedures established in the "Government Acquisition Regulations" of the Administration shall be complied with:

1) Rental

Even if an official vehicle cannot be immediately assigned to him, under no circumstances shall the rental of a vehicle for said official be authorized.

Rental of a vehicle for the exclusive use of an official who is not an Agency Head or Deputy Head shall be authorized only when the term of the exclusive assignment to perform a specific function shall not exceed ninety (90) consecutive days.

PART III: IDENTIFICATION

SECTION A: GENERAL DESCRIPTION

ARTICLE 34: DEFINITION

The Identification is the information with which each Government vehicle shall have its exterior marked to facilitate administration, control, and auditing of the use given to each fleet vehicle. The identification is part of the description of the vehicle.

ARTICLE 35: VEHICLES TO BE IDENTIFIED

All motor vehicles acquired for official use shall be identified by special marks in easily visible places.

ARTICLE 36: MANNER OF IDENTIFICATION

Vehicles shall be identified by means of the following:

1. Labeling
2. License plate

ARTICLE 37: LABELING

1. Information

The identification by labeling shall be in the following order:

- a. Name of the agency to which it is assigned,
- b. Name of the Program within the agency to which the vehicle is assigned, if the vehicle is going to be limited for use only by the program,
- c. Agency seal,
- d. The phrase: "For Official Use Only",
- e. Unit property number,
- f. In emergency vehicles, the word "EMERGENCY".

2. Location

Labeling of passengers, correspondence, and other goods transportation vehicles shall be placed on front doors. In airplanes and marine vehicles it shall be placed at both sides of the stern. In special vehicles, such as motorcycles, it shall be placed on the back side.

The word "Emergency" in emergency vehicles shall be placed on the front and back.

The Administrator may authorize identification in other easily accessible places that are not as visible, when he understands it benefits Government interests.

3. Dimensions

The size and style of the identifications shall be made to scale, depending of the size of the vehicle, but the letters shall never be smaller than three fourth (3/4) of an inch in size. The rules to be followed in determining the style and dimensions shall be published by the Administrator.

ARTICLE 38: LABELING EXCEPTIONS

The Administrator may authorize some Agency Heads to have among their fleet unlabeled vehicles, subject to the following:

1. Use it is destined for

When the labeling interferes with the purpose for which the vehicle was acquired.

2. Pending Substitution

Vehicles that have reached or passed retirement date and which are to be replaced, shall not be labelled.

3. Rented Vehicles

1) Rented vehicles shall not have to be labelled unless the rental period exceeds three (3) months.

4. Vehicles assigned to agencies Heads and Deputy Heads with the exception of the "GE" license plates identification.

5. Vehicles destined to be used by police undercover agents, or for missions, which the Police Superintendent understands should not be identified.

6. Vehicles assigned to agents of the Internal Revenue Service of the Treasury Department and to agents of the Special Investigations Division of the Department of Justice.

ARTICLE 39: LABELING OF VEHICLES

The General Services Administration shall be in charge of labeling vehicles.

ARTICLE 40: "GE" LICENSE PLATES

1. Definition

The commonly known "GE" license plates are those issued to the Administrator by the Department of Transportation and Public Works Secretary for identification of Government vehicles to which the Administrator has them assigned.

2. Use

They shall be used in the back part of all Government fleet motor vehicles.

3. Restrictions

No Head of an agency or other Branch of Government may request or acquire these license plates, unless it is through the Administrator. The Department of Transportation and Public Works shall only deliver these license plates to the Administrator or his authorized representative, who in turn, shall redistribute them among the fleet and notify within twenty four (24) hours the Secretary of Transportation and Public Works of said action for his records.

ARTICLE 41: SPECIAL LICENSE PLATES

1. Official License Plate of the Governor

The official license plate of the Governor is a reproduction of the Great Seal of the Commonwealth of Puerto Rico; and if he wishes, it may be placed on the front of the vehicle.

- a. The Governor may choose to identify all vehicles with the Great Seal of the Commonwealth of Puerto Rico on the doors, but only the vehicle transporting him shall carry the Great Seal on its front license plate.

2. Confidential License Plates

a. Definition

Shall be those regular license plates used by all motor vehicles in Puerto Rico and issued by the Secretary of Transportation and Public Works, but not registered in said Department.

In addition to the regular "GE" License Plate, agencies Heads may request regular license plates, of those issued by the Department of Transportation and Public Works and which shall be known as "Confidential License Plates".

b. Usage -- Personnel Authorized

- 1) Agencies Heads and Deputy Heads;
- 2) Government officials who in the performance of their functions are considered law-enforcement agents, if the Agency Head requests it and exclusively limited to the following:
 - a) Undercover agents of the Police Department of Puerto Rico;
 - b) Agents of the Internal Revenue Service of the Department of the Treasury;
 - c) Special Investigation Division of the Department of Justice agents;
 - d) Any other official whose position is created by law, and to whom the Administrator, subsequent to recommendation by the Head of the agency, considers or understands that the

agent's personal safety merits confidential treatment;

e) Any other official deemed by the Administrator to merit such treatment.

c. Confidential License Plate Acquisition

Those officials that according to law or these regulations may be authorized to use Confidential License Plate, shall receive them from the Administrator, following a confidential petition to the Administrator, that to such effects, said Administrator and the Assistant Administrator shall control.

ARTICLE 42: PETITION FOR IDENTIFICATION EXEMPTION

1. Petition

Any Agency Head who does not want some of his pool's vehicles identified because of the purpose for which they are used, must submit to the Administrator a written petition for said purposes.

a. Content

The request for this exemption must be a clear and concise explanation of the following:

1) Reasons why a vehicle identified as Government property can affect the purposes for which it is used;

2) How shall it affect the safety of those using it.

b. In order to prove this, the following information shall be supplied:

- 1) Specific purpose for which the vehicle shall be used;
- 2) Reasons for which available unidentified vehicles cannot be utilized;
 - a) This information shall be supplied when the agency has been previously authorized to have unidentified vehicles;
- 3) Term for which the exemption is requested;
- 4) All information that may help the Assistant Administrator make his recommendations to the Administrator.

ARTICLE 43: EFFECT OF AUTHORIZATION TO HAVE UNIDENTIFIED VEHICLES

Transportation Superintendent of those agencies authorized to have unidentified vehicles, must make certain that these are used only for the business for which they were destined and for which reasons they were authorized to be unidentified.

ARTICLE 44: OTHER FORMS OF IDENTIFICATION

1. Flashing Lights, Sirens, and Screens

Only law-enforcing agents, regular emergency services vehicles or those vehicles assigned to agencies Heads, that subsequent to justification, the Administrator has expressly authorized shall use flashing lights, sirens, and screens.

2. Colors

Official vehicles shall be painted in the following colors:

a. Emergency Vehicles

Emergency and law-enforcing vehicles such as ambulances, fire fighting, and police vehicles shall be painted in the colors traditionally identifying them.

b. Agency Heads and Deputy Heads Vehicles

They shall be painted in the colors of their choice, but temperate, and in pastel shades.

3. Pool Vehicles

They may be used in the color acquired, if they were not originally bought by the Government. If they were originally purchased by the Government, they shall be white; except for the trucks, pick-ups and heavy equipment vehicles which shall be green; others shall be painted white as soon as it is economically feasible, and the vehicle is available for painting.

Labeling shall be done in contrast with the color of the vehicle.

4. Colors and Special Labeling

Those vehicles painted in special colors, not stipulated as the colors set by the Administrator, for publicity purposes of cultural activities sponsored by the Institute of Culture, educational activities

sponsored by the Department of Education or the Consumer Affairs Department, sports activities sponsored by the Recreation Administration or Sports Federation, utilizing vehicles of said Administration; and other agencies shall be clearly identified as official vehicles with the names of the agency to which they are assigned, subject to what is herein established.

a. Procedure For Painting Vehicles in Special Colors

In order to paint vehicles in colors other than those established by the Administrator, the following procedure shall be in order:

- 1) Authorization shall be requested in writing to the Administrator in the form thus provided, explaining:
 - a) The reasons and the approximate cost of said painting;
- 2) Certification must be submitted that funds have been separated;
- 3) The color or design that the agency or official has selected shall be specified;
- 4) The date for which the vehicle is needed.

b. In order to request the service of painting vehicles in special colors, designs, or murals, the Service Requisition shall be submitted, in accordance to the provisions of the "Government Acquisition Regulations" of the Administration, with the

exception that the Assistant Administrator for transportation shall be the one to approve said request.

5. Protocol

The Governor's official vehicle shall be identified, if he so desires, with a pennant of the color of his choice that shall be posted on the vehicle only when he is travelling in it. His official car will be prepared for the hoisting of the flag of the country of any dignitary who is an official visitor.

ARTICLE 45: REMOVABLE MARKS

Those vehicles to be used for specific period, not exceeding six (6) months, in different programs within the same agency, as well as, those that may be susceptible to transfer from one agency to another, shall be identified with easily removable marks, to allow for easy rotation.

Any change in the removable marks shall be made in the Area, or subsequent to the approval by the Assistant Administrator.

SECTION B: CONTROL

ARTICLE 46: IDENTIFICATION EFFECT ON CONTROL

It shall be the responsibility of all Transportation Superintendents to ensure the adequate control of their pools, in accordance with the provisions of these regulations. To assure speediness, efficiency, and correctness in controlling and administering their pools, the Transportation Superintendents shall see that each vehicle is adequately identified.

SECTION C: REGISTRY

ARTICLE 47: GENERAL REGISTRY

It shall be the responsibility of all Transportation Superintendents to ensure that a complete registry is kept of all vehicles in each agency's pool. The Registry shall be kept according to the following:

1. Contents

a. Vehicle Description

Vehicle description shall include:

- 1) model,
- 2) year,
- 3) type,
- 4) motor number,
- 5) license plate number,
- 6) property number,
- 7) agency or program to which it is assigned,
- 8) identification,
- 9) region where assigned,

b. Vehicle Record Information

- 1) Driver or Drivers utilizing vehicle and periods and dates when they utilize it;
- 2) Persons to which it is assigned;
- 3) Accidents suffered by vehicle;
- 4) Date of accident;
- 5) Driver at that time.

ARTICLE 48: EXEMPTIONS REGISTRY

In addition to the General Registry the Assistant Administrator shall maintain a Confidential Registry of those vehicles authorized by the Administrator to be used without labeling. Said Registry shall contain the information provided in the General Registry except for the identification item.

SECTION D: IDENTIFICATION CARDS

ARTICLE 49: CREDIT CARDS

Vehicle identification cards shall be the credit cards issued by the Area or by the private gas station companies, having in effect an annual contract for supplying gasoline and other related services to the Government fleet.

ARTICLE 50: PURPOSE

The only purpose for the identification of fleet vehicles by credit cards is to be able to identify them when requesting service.

ARTICLE 51: PRIVATE COMPANY CREDIT CARDS

The annual contract executed with the company whose offer is the most beneficial to the Government, shall have to include, as one of the conditions of said contract, that the company shall issue credit cards for fleet vehicles, in conformance with the provisions of these regulations.

1. Contents

Credit cards from private companies shall have to contain the following information:

- a. Agency account number,
- b. Name of agency and program,
- c. Vehicle property number,
- d. Area code,
- e. Number of assigned "GE" license plate,
- f. Private company code, if company so chooses it.

ARTICLE 52: SCOPE

Credit Cards may only be used in the following cases:

1. Private Companies

- a. Gasoline,
- b. Motor Oil,
- c. Any other service expressly included in the specific annual contract.

2. Area

Credit Cards issued by the Area may be used and shall have to be presented whenever any of the services rendered by the Area in its central shop or in its regional shop are requisitioned.

ARTICLE 53: USE

Depending on the type, credit cards may be used in the following manner:

1. Private Companies Credit Cards

When Administration services covered by the card are not available.

2. Area

Whenever they have access to any of the shops or service stations of the Administration.

ARTICLE 54: ISSUANCE

Credit cards are issued by vehicles, personnel and use according to the following:

1. Private Companies

Private companies that have a contract in effect in any given year shall issue their credit cards subsequent to Area notification and authorization, in the following manner:

a. Automatically

The Area shall authorize automatic issuance of private company credit card in the following cases:

- 1) For Agency Heads and Deputy Heads vehicles;
- 2) For all vehicles assigned to the Puerto Rico Police;
- 3) For all vehicles assigned to the Puerto Rico Fire Department;
- 4) For all vehicles used as ambulances, assigned to the Health Department, or any other agency having ambulances.

b. Discretionally

The Assistant Administrator shall authorize, at his discretion, private companies to issue credit cards for those fleet vehicles not previously indicated, in the following cases:

- 1) Depending on the functions to be performed while utilizing the vehicle;
- 2) Depending on where vehicle is located, and the capability and accessibility of Administration shops and stations in the geographic region in which it is located. If such location is

permanent and not incidental to one or several specific trips.

2. Administration

Administration credit cards issued in the Area shall be issued to all fleet vehicles, even if they have private company credit cards.

ARTICLE 55: IDENTIFICATION WITH CREDIT CARDS

In order to utilize any Administration service or that rendered by private companies, it shall be necessary to identify the vehicle with the credit card issued for such vehicle. When a Driver requisitions service from a private company or from the Administration, he shall have to proceed in the following manner:

1. Personal Identification

The Driver shall identify himself as an Authorized Driver of Government vehicles, by presenting his authorization.

2. Vehicle Identification

The Driver shall proceed to identify the vehicle showing the credit card involved, it shall be verified by the dispatcher in the service station or shop against the vehicle license plate.

a. Vehicles with Confidential Plates

In the case of vehicles with confidential plates he shall have to show the "GE" license plate which shall always have to be carried in the trunk of the vehicle in order to have the requisition service rendered.

ARTICLE 56: CONTROL

Upon rendering a required service, the person in charge of the shop or the station shall write down, on the corresponding form specially designed for it, the identification of the Driver and the vehicle, utilizing the credit card to make the corresponding anotation. Driver shall sign said form if he received the service as required, retain a copy to be delivered to the Transportation Superintendent, and enter such transaction in the vehicle Log.

1. Improper Use

Any Driver improperly using credit cards, be it by requiring non-authorized services from a private company credit card or requiring services for other than the vehicle in favor of which the card was issued, shall be accountable to his agency for the cost of said service, but the agency shall pay for it. It shall be incumbent upon the agency to determine if credit cards use and service rendered were improper; notice of which shall be given to the Area for the corresponding anotation on the Driver's Record.

ARTICLE 57: CARE

In order to insure that the credit cards do not get lost, deteriorated or stolen, said Driver shall maintain them in the vehicle Log. It shall be the Superintendent's daily duty when dispatching and receiving each vehicle to check that said cards are in the Log.

ARTICLE 58: LOSS OR DETERIORATION

If any of the credit cards were lost or deteriorated for any reason, the Driver responsible for the loss, and upon his default, the Transportation Superintendent of his agency, shall submit to the Area a sworn declaration, including facts known by them regarding such a loss, and efforts made to search for it.

In case of deterioration because of use or any breakage suffered that would make it unusable, a memorandum shall have to be sent and it shall be accompanied by that part or remnants of the card, still available.

PART IV: OFFICIAL VEHICLE USE

SECTION A: PERSONS AUTHORIZED USE

ARTICLE 59: DEFINITION

Use of a vehicle shall be the utilization of the transportation provided by it, to carry out personal or business activities that would otherwise be performed in public or private transportation. The driving of an official vehicle as an official business in itself, such as a messenger or Government Driver would do, shall not be understood to mean "use" as defined in these Regulations.

ARTICLE 60: PERSONS AUTHORIZED USE OF OFFICIAL VEHICLES

1. Unrestricted

The following officials are authorized personal and official, unrestricted use of government vehicles:

- a. Agency Heads and Deputy Heads,
- b. Government visitors, dignataries, or official representatives of other states or countries.

2. Partially Restricted

Personnel from the following agencies may use official vehicles during working hours for ordinary or extraordinary official business, subject to the discretion of the Agency Head:

- a. Police Department,
- b. Fire Department,
- c. Civil Defense,
- d. Department of Health.

3. Totally Restricted Use

a. Government Personnel

All officials and employees of the Government may use official vehicles during working hours, exclusively for official matters directly or indirectly related with their functions and during non-working hours, subject to the discretion of the Agency Head, if the Administrator has authorized it.

b. Other Limitations

Official vehicles may also be used by beneficiaries of Government health, social, or educational programs during activities sponsored or authorized by the corresponding agency; such as:

- 1) Students,
- 2) Aging citizens,
- 3) Patients,
- 4) Others.

SECTION 8: GENERAL RULES FOR USAGE

ARTICLE 61: PURPOSE FOR ALLOWING USE OF OFFICIAL VEHICLES

Official vehicles may be used when required for official business to be effectively performed.

ARTICLE 62: SCOPE OF USAGE

1. Individual Transportation

Any person authorized to use an official vehicle is limited to using it only during working hours and regular workdays for official services. Inherent to this, is the availability of a pool vehicle for always rendering official transportation during working hours. Official transportation may be used for official business outside working hours, when necessary and beneficial to government interests, if said person cannot provide his own means of transportation.

2. Special Transportation of Government Personnel

Official transportation may be provided for any Government personnel from their central offices to other places of work subject to the following:

- a. When the functions as Government employees so request it, such as construction brigades, and others;
- b. When the Governor of Puerto Rico authorizes it and indicates so by means of a notification to the Administrator;
- c. When driving is indispensable for carrying out the duties of the position or office held;
- d. When the person is on duty waiting, to be called any moment, outside of normal agency working hours, except

when the person can be transported by a Police patrol, in his trip to and from his residence, or in his own automobile.

ARTICLE 63: PUBLIC INTEREST FACTORS TO BE CONSIDERED WHEN DETERMINING APPROPRIATENESS OF OFFICIAL TRANSPORTATION USAGE

1. Risk

Possible risk of personal injury or loss or damage to Government property must be taken into consideration when authorizing use of Government vehicles.

a. Special Factors

Other factors that should be taken into consideration, in relation to risk involved in authorizing the use of official vehicles, and that contribute to risk probabilities are:

- 1) Number of passengers,
- 2) Number of trips,
- 3) Driver's record,
- 4) Distance,
- 5) Vehicle insurance coverage,
- 6) Types of users.

ARTICLE 64: SPECIAL RULES FOR USAGE

1. Emergency Vehicles

a. Use

Emergency vehicles shall not be used for general administrative services.

b. Speed

The speed at which said vehicles are to be operated

shall never exceed maximum limits established by the "Vehicles and Traffic Act of Puerto Rico".

c. Equipment and Emergency Signals

Special signal equipment such as special color lights, screens, sirens, and others, when in use, shall be understood as a request for all other vehicles on the road to give the right of way. Under no circumstances shall it be understood that said use of emergency equipment, signals, and sound emitted to alert other vehicles concerning an emergency, and any other similar situation, provides a clear road and authorizes the Driver to operate said vehicle without regard to safety, life, or Government property, or third parties' and traffic laws.

d. Use of Emergency Signals

Warning signals or emergency vehicles shall not be used in ordinary trip, or transportation or patients who are not in critical condition.

e. Police

Police vehicles shall use emergency equipment, signals, and sirens only in those conditions or circumstances expressly authorized by the Puerto Rico Police Superintendent, through the publishing of internal rules.

3. Unforeseen Situations

Each Agency Head shall determine within the circumstances of each situation public interest involved, taking as a guide the instructions the Administrator may issue from time to time.

PARTE V: MAINTENANCE

SECTION A: GENERAL MAINTENANCE RULES

ARTICLE 65: TYPES OF MAINTENANCE

The maintenance system for the Government Fleet is hereby established. There shall be two (2) types of maintenance:

1. Preventive maintenance
2. Unscheduled maintenance

ARTICLE 66: PREVENTIVE MAINTENANCE

1. Preventive maintenance services shall be rendered for the following purposes:
 - a. To provide detailed examination of all vehicle parts subject to wear and tear breaking down, or disarrangement due to use..
 - b. To effect necessary repairs so vehicles may be kept in safe and adequate use conditions.
2. There are various types of preventive maintenance services:
 - a. Daily inspections,
 - b. Simple services,
 - c. Repairs,
 - d. Control of guarantees.

ARTICLE 67: DAILY INSPECTIONS

1. Purpose

Daily inspections shall be conducted to insure that each vehicle works at maximum capacity, and is in safe working condition.

2. Handling

Daily Inspections shall be conducted by Superintendents, Assistant Superintendents or their authorized representatives.

3. Types of Daily Inspections

Daily inspections shall be of two (2) types depending on who conducts them:

a. Visual

If carried out by the Superintendent

b. Operational

If carried out by the Driver

4. Vehicles Covered

Daily Inspections shall be performed on all Government vehicles, regardless who uses them or nature of the use to which they are assigned.

5. When and Where Performed

Daily Inspections shall be performed in the Area where vehicles are stationed before being used.

6. Procedure

a. Visual Inspection

Visual Inspection shall be carried out daily in the morning before starting operation of the vehicle, and in the afternoon when the vehicle is returned to be kept until the next day.

When making a visual inspection, the Superintendent shall be sure to inspect the following:

1) Physical State of the Body Exterior

The whole body of the vehicle shall be inspected, so as to verify that it has not been damaged during the night.

2) Physical State of Interior

In the same manner, every morning and for each trip the Superintendent must visually inspect the interior of the vehicle, the motor and trunk, as well as verify that the items listed below are in good condition for their adequate use:

- a) Mileage,
- b) Log,
- c) Tires,
- d) Trunk Contents:
 - (1) Spare Tire,
 - (2) Tools,
- e) Other vehicle equipment such as radio, stereo components, if it has them, and others.

b. Operational Inspection

Operational Inspection shall be conducted at the beginning and at the end of each trip, even when several trips by the same Driver are carried out.

Upon carrying out the Operational Inspection, the Driver must ensure that said vehicle, when placed in operation, will not cause any damages, nor constitutes a risk to its passengers. In order to ascertain this, the Driver shall inspect the following:

- 1) Tire pressure and conditions,
- 2) Brakes condition,
- 3) Motor oil level,
- 4) Gasoline level,

- 5) Battery water level,
- 6) Vehicles lights condition,
- 7) Car horn condition,
- 8) Emergency brake,
- 9) Radiator water level,
- 10) Spare tire condition,
- 11) Tools condition.

7. Inspection Record Maintenance

Each official vehicle shall be provided with its exclusive Log. Each Daily Inspection conducted shall be noted in said Log on the corresponding forms issued to such effect.

8. Daily Inspection - Effect

a. By the Superintendent

Regardless of the results, a report shall be made based on the Daily Inspection conducted by the Superintendent, and if any serious irregularity as defined in these regulations is found, it shall be notified immediately to the Area.

b. By the Driver

After the Daily Inspection of the vehicle by the Driver, he shall fill out the corresponding form in the Log, and shall proceed to supply the vehicle with whatever is necessary for its use during the specific day involved. If as a consequence of the inspection he conducted, the vehicle cannot be used that day, he shall inform it by filling out the form thus provided in the Log, and delivering the vehicle to the Superintendent for the corresponding action.

ARTICLE 68: SIMPLE SERVICES

1. Contents

Simple services cover all types of maintenance services not requiring specialized automechanics know-how in order to be rendered, such as, but not limited to the following:

- a. Filter and oil changes,
- b. Change and installation of pulleys,
- c. Change of spark plugs, distributor breaker points, and condenser (Tune-up),
- d. Washing and lubrication of body chassis or engine,
- e. Tire mounting, reparation or rotation, or
- f. Parts substitution not entailing specialized mechanical know-how.

2. Handling

Simple maintenance services shall be handled by the mechanic in charge of it in the agency, if it has a shop; authorized employees of area gas station and shops; and those of private shops contracted by the Administrator. In emergencies, the Drivers Superintendents themselves or his assistants may render said services.

3. Location

Simple maintenance services may be conducted in the shops of each particular agency, if they have any, in private service stations contracted by the Administration, in the Area and on the road, under emergency circumstances.

4. Frequency

Each Superintendent shall determine the frequency with which each vehicle in his pool shall be subjected to simple maintenance. Upon establishing these schedules, the agencies shall use as guide manufacturer's recommendations, depending on the year, model and use given the vehicle and instructions from the Administrator.

If conditions so requires, Superintendent or Assistant Superintendents may vary the periods to make them more frequent, if by doing so they insure the adequate protection of the vehicles.

5. Vehicles Covered

All vehicles assigned to each agency pool shall be subject to simple maintenance services, according to work program scheduled.

6. Log Notation

All Simple Maintenance Services rendered to a vehicle shall be written down on the corresponding form in the Vehicle Log.

ARTICLE 69: REPAIRS

1. Purpose

Repairs shall be carried out with the purpose of accelerating the services, so that maximum use conditions may be made of transportation means.

2. Handling

Repair Services shall be handled by the Area's personnel or by personnel of the private shops contracted by the Administration

for such purposes. Repair Services in private shops will be authorized only by the Auxiliary Administrator or his Authorized representative and under no circumstances may any agency request these services on their own.

3. Location

Repairs shall be carried out in the Area shop or in the private shops, as the case may be.

When repairs are conducted in private shops the following rules shall be complied with:

- a. The Superintendent shall assign a Driver to transfer the vehicle to the private shop;
- b. The vehicle may not be kept in the private shop more than three (3) days, except when conditions so dictate;
- c. The Superintendent shall make sure that a record is kept on the corresponding form in the Vehicle Log, of all work done and its cost.

4. Scope

Repair Services shall entail all types of repairs including major works such as:

- a) Brakes,
- b) Carburator,
- c) Engine repair,
- d) Paint and body work,
- e) Transmission repair,
- f) Front Wheel Assembling repair,
- g) Chassis repair,
- h) Air conditioning repair,
- i) Electric system repair,

j) Repairs on special equipment such as radio telephone, lift systems, cooling, and others,

k) Parts repair.

Repairs services, do not include repairs covered by vehicle guarantees.

5. Frequency

Repairs shall be performed as many times as needed, and it shall be the Superintendent's obligation to keep special record of and notify the Area of any vehicle to which more than a reasonable number of repairs must be performed.

6. Record

All Repair performed on each vehicle shall be noted on the corresponding forms in the Vehicle Log.

ARTICLE 70: GUARANTEES

1. Definition

Guarantees are the mechanisms utilized in vehicle purchase contracts to assure the buyer of the good functioning and the quality of the vehicle purchased. This bind the vender to correct, free of charge, any defects found in the operation of said vehicle, until it is adequately functioning, in those cases where the quality or functioning of said vehicle does not come up to the standard of the excellence expected, according to the purchase contract.

2. Guarantees Control

The Administration shall keep control of claims for all items of manufacturer's or sellers guarantees covering the vehicles.

3. Scope of Guarantees

a. Cover

The provisions related to the guarantees of vehicles acquired are included in purchase contracts, and may vary according to the manufacturer.

The Area shall individually notify each Superintendent and Assistant Superintendent of the specific scope of the guarantees covering their pool vehicles.

Generally, the guarantees cover, among others, the following:

- 1) Operational defects, manufacture or installation of parts and accessories.
- 2) Error in the assembly, as a consequence of workmanship defects or any other cause,
- 3) Parts not included, or included by mistake,
- 4) Parts adjustment,
- 5) Services to bring unit into good operating condition in order to render services; such as, front wheel assembly, alignment, wheel balancing, brakes adjustment, and transmission adjustment,
- 6) Others expressly requested in the bid, or offered by the manufacturer or supplier, or stipulated in the regulations by any competent Governmental authority, such as the Consumer Affairs Department and others.

b. Exclusions

As a general rule, unless expressly requested or offered, the guarantee does not cover the following:

- 1) Substitution of worn out tires,
- 2) Abuse, negligence, or alteration of original parts or adjustments,
- 3) Tune-up,
- 4) The installation of accessories not included in the vehicle purchase contract,
- 5) Other miscellaneous expenses incidental to the preparation of vehicle for use.

4. Express Prohibition

Under no circumstances shall an official or employee of any Government agency be able to handle guarantee claims on an official vehicle, without having the express written authorization from the Administrator.

5. Method for Filing Claims Against Guarantee

a. Repairs

It shall be the responsibility of the Area to inspect the vehicles, when received, for the purpose of discovering any deficiencies they may have. If upon delivery to the agencies, or after starting to use said vehicles, deficiencies are found within the time covered by the Guarantee, the agencies shall immediately notify the Assistant Administrator in order for the Area to make the necessary arrangements with the distributor or his representative to obtain immediate

repair, in conformance with the Guarantee, as agreed in the purchase contract.

b. Other Services

The Superintendent has to refer the vehicle to the Area at least ten (10) working days before the expiration date of each service covered by the Guarantee.

The Assistant Administrator shall directly handle the request for guaranteed services; but in special circumstances, he may authorize the Superintendent to request said services, in which case it shall be the Superintendent obligation to see that the vehicle is taken to the place where the service covered by the guarantee shall be rendered.

6. Special Deficiencies Reports

The Superintendent shall make a report of all defects found in the vehicle, as well as their poor functioning, or any other unsatisfactory condition. In cases of poor vehicle functioning, the user or the Driver shall notify the Superintendent, so he may prepare the report.

a. Contents

The specific deficiencies that must be reported and thus anotated in the special Report shall include, among others, the following:

- 1) Lack of a necessary part or equipment, making it impossible or difficult for the vehicle to function adequately,
- 2) Absence or lack of material or workmanship,

- 3) Excessive deterioration for the period of time and conditions under which the vehicle has been in use,
- 4) Any condition that constitutes a danger for the person or property,
- 5) Any other abnormal condition considered of importance.

7. Responsibilities

It is the responsibility of the Superintendents and Drivers, to see that the Guarantee is fully used.

8. Record

All service rendered to a vehicle as a consequence of its Guarantee coverage, must be noted on the corresponding form in the Vehicle Log.

- a. It shall be the Area and the Superintendent's responsibility to ensure that this annotation is made.

ARTICLE 71: PREVENTIVE MAINTENANCE SCHEDULE

For each one of the services rendered under the Maintenance System, the Superintendent shall make a Schedule.

1. General Rule for Establishing Schedules

- a. When establishing maintenance Schedules, the Superintendent shall program them in such a way, that agencies transportation needs are not affected. Likewise, he shall establish priorities by types of vehicles, taking into consideration the dates on which the work must be finished.
- b. Maintenance service shall be programmed in those time

spans determined by the Administrator according to the following:

- 1) Manufacturer recommendation of the unit involved,
- 2) Experience as to the different conditions of use, terrain, which vehicles are used, and the purposes for their use.

2. Schedules Publication

Maintenance schedules as well as the instructions on how to establish them shall be published periodically by the Administration, at least once a year, when new vehicles are received.

3. Obligation of Private Shops

Any private shop substituting parts on a vehicle shall have to return the substituted part in the container of the new part, as a record of said substitution. The Superintendent shall only certify those invoices including substitution of parts, when this provision has been satisfied.

a. Disposal of Used or Unusable Parts

Disposal of these parts shall be made according to the provisions of the "State Surplus Property Regulations".

b. Parts Purchases from Area Warehouse

In those cases in which the part to be substituted should be found in the Area inventory, this part shall have to be acquired from the Area by issuing a "Shipment Requisition" to the Warehouse by the agency Buyer.

ARTICLE 72: UNSCHEDULED MAINTENANCE SERVICES

1. Definition

This type of maintenance is that which shall be carried out to fulfill repair needs arising between scheduled maintenance services, and that are indispensable for maintaining the vehicle in safe operational conditions. Regularly, the need for this service arises as an emergency, with a special request, due to vandalism, an accident, or poor vehicle use.

2. Services Performance

a. Unexpected vehicle needs shall be immediately reported to the Superintendent, to determine:

- 1) If limited use of the vehicle is possible, until the date of its scheduled maintenance service,
- 2) If the vehicle can be repaired immediately,
- 3) If vehicle use should be discontinued to prevent greater damage,

a) In this case, the vehicle shall be sent to the Area.

3. Reports

All unscheduled service needs arising shall be reported within twenty-four (24) hours to the Area.

SECTION B: VEHICLE LOG

ARTICLE 73: GENERAL DESCRIPTION

Each official vehicle shall have in its glove compartment a book known as the "Vehicle Log".

1. Composition

The Log consists of a number of forms and instructions.

2. Form Completion Procedure

Log Forms shall be completed or filled out according to the instructions contained in each one of them, and those given by the Administration.

3. Forms Completion Handling

Log Forms shall be filled out by Transportation Superintendents, Assistant Superintendents, Drivers, and in some cases, by other users, by Area personnel, or personnel from the private shops and service stations.

a. Drivers

When beginning or ending each trip the Driver shall have to fill out the "Trip Record" form contained in the Vehicle Log and that shall include the following information:

- 1) Mileage at the beginning and the end of trip,
- 2) Destination,
- 3) Purpose of the trip,
- 4) Passenger, if any, including:
 - a) Name
 - b) Office
 - c) Agency

b. Users

They shall have to sign the corresponding "Trip Record" form to record that they have received transportation service.

c. Superintendent

He shall fill out the "Visual Inspection" form and the "Monthly Report", as well as collect the information contained in all other forms, evaluate and certify, on a daily basis, the forms filled out by the Drivers.

d. Shop Personnel

Shop personnel, be they from the agencies, the Area, or private, shall fill out the "Service Rendered" form.

4. Purpose

The purpose for keeping the Log is to have a complete and exact Record of all information related with the vehicle, so that a complete history may be had of all the activities in which it participates, all improvements, repairs, or maintenance performed on said vehicle, in order to determine if it is operating at maximum capacity, if it is being used correctly, and if it is being maintained adequately. In addition, this information control shall be utilized by the Administration to determine units substitution, pool needs, and costs; be able to make projections and establish adequate services.

5. Responsibilities

It shall be the responsibility of each Transportation Superintendent to make sure that the corresponding form is filled out on each occasion.

Refusal of any person to fill out completely, correctly and adequately the corresponding forms it behooves him to fill out, shall be reported by the Superintendent to the Administrator and to the Agency Head, so they may proceed with the corresponding action.

Should Administration Investigators determine that the Transportation Superintendent has been negligent in submitting Area Reports and in filling out the forms that should have been filled out by him, such finding shall give occasion to impose the sanctions established by these regulations.

6. Form and Contents

The Log shall be a hard-cover record file that shall go in the glove compartment of the vehicles and shall contain the following:

- a. Vehicle license,
- b. Vehicle registry as Government property,
- c. Set of Forms,
 - 1) Daily Trips Report
 - 2) Weekly Report
 - 3) Monthly Report
 - 4) Annual Report
 - 5) Maintenance Record

- 6) Repairs Record
 - 7) Accidents Record
 - 8) Accident Report
 - 9) Others
- d. Instructions to fill out each Form,
 - e. Ball point pen,
 - f. Vehicles Insurance Coverage and Policies.

SECTION C: INSTALLATION OF SHOPS AT THE AGENCIES
AND USE OF PRIVATE SHOPS

ARTICLE 74: FACILITIES AT THE AGENCIES

1. Purpose for their Establishment

The official Government fleet consists of around five thousands (5,000) vehicles distributed by assignments made by the Administration, among Government agencies obligated by law to utilize the services of said Administration. The vehicles assigned to the agencies fluctuate in numbers from one (1) to up to two thousands (2,000), thus creating small fleets in each agency. For the utmost use of each vehicle, it is necessary to impose certain responsibilities concerning those vehicles, upon the agencies that at present exclusively behoof the Administration.

Small fleets at agency level are hereby recognized and established, and shall be knowns as "pools". The official establishment of pools bears with it certain obligations and responsibilities on the part of the agencies. It is necessary to provide to agency pools those simple maintenance services as defined in article 68 of these regulations.

2. Authorizations

Maintenance facilities for simple services may be established in those agencies on which the Administrator determines so.

3. Agencies Qualifying

The installation of shops may be authorized in agencies meeting the following requirements:

- a. If pool exceeds one hundred (100) vehicles in one station;
- b. If it has space facilities in the pool location or its surroundings;
- c. If it has the budgetary assignment for the operation of the same:
 - 1) The mere assignment of funds for the operation of said shops does not authorize their establishment.
- d. Comply with the additional requisites established for said purposes by the Administrator.

4. Requisition Procedure

Agency Heads interested in opening maintenance shops in their agencies or at Regional Offices of said agencies, shall have to submit their request to the Administrator, in the form thus provided, at least six (6) months before the fiscal year for which they are requesting the operation of such shops to begin.

5. Requirements Publication

The Administrator shall establish the requirements concerning facilities, equipment, and personnel that these shops have to comply with, in order to be approved.

6. Procedure

The agency's request shall be submitted to the Administrator. The Administrator shall authorize or disapprove the opening of the shop, subject to the need of the agency and the Assistant Administrator's recommendation.

7. Inspection by the Administration

If the installation of the maintenance shops is authorized, the same shop is subject to being inspected and audited from time to time, but at least once a year by the Administration.

8. Scope and Jurisdiction

Agencies authorized to have shops may render only services authorized by the Assistant Administrator; to vehicles of their agency or region of their agency, for which they have been authorized. Under no circumstances will they render services to other government entities which are or are not under Administration jurisdiction; unless, expressly authorized by the Administrator or his authorized representative. The shops shall have to buy their materials and equipment from the Transportation Area Warehouse; and under no circumstances may they acquire these directly from private enterprise.

9. Shops Operation Authorization Revocation

Authorization to operate a repair shop may be revoked by the Administrator, upon violation of any of the rules established by him.

ARTICLE 75: CONTROLS

Efficacy and economy in the maintenance of vehicles depend on the exercise of adequate controls at all levels. In order to achieve the primary objectives of the maintenance system, it is essential that each agency follow the technical maintenance guides issued by the Administrator from time to time.

1. Maintenance Controls

The maintenance controls shall be based on the following:

- a) Useful life of vehicles,
- b) Balanced schedule of work sent to the maintenance shops,
- c) Compliance with rules established by the Administration in the Quality Control Program,
- d) Availability and distribution of pamphlets and explanatory literature,
- e) Adequate records of necessary information.

ARTICLE 76: PRIVATE SHOPS

For those services the Area or the agencies cannot offer in their own shops, the Administration, at its discretion, shall award contracts to private shops, that shall only service the Area. Under no circumstances shall an Agency under the jurisdiction of the Administration be able to procure said services from these shops, nor shall these shops render services, without an order from the Area.

1. Contracting of Private Shops

Only the Administration shall award contracts to private shops, for simple maintenance services, in conformance with the provisions of Section B of Part Fourth of Regulations Number 6 of the Administration, known as the "Acquisition Regulations". These contracts will be negotiated in accordance to subparagraph 12 of Article 91 of said regulations.

2. Contracts

Contracts awarded to private shops shall have to contain, among others, the following clauses:

- a. Contracts shall be awarded for periods no greater than one (1) year;
- b. Each service shall be duly identified with a code number;
- c. The contract shall contain a Government non-liability clause;
- d. Shops shall have to have insurance against damages suffered by vehicles, when in the shops;
- e. When services include parts, the cost of said parts must be itemized;
- f. Any other clause necessary for the perfection of the same.

3. Application

Private shops services shall be used only by the Area, when Administration shops cannot offer the services requisitioned. If an agency authorized to operate a shop cannot offer a particular service to its pool, it shall have to requisition that service from the Area.

4. Service Order Remittal to Private Shop

The Area shall send the vehicle directly to the nearest shop available in its neighborhood, making sure that the vehicle is sent on such a date as to not remain at said shop more than the reasonable amount of time necessary for the type of work involved.

Said vehicle shall be accompanied by the corresponding Service Order and complimentary Documents filled out by the Area Buyer.

5. Services Payment Procedure

Private shops shall invoice their services, and they shall be paid according to the special procedure approved by the Administration to such effect, subsequent to consultation and approval by the Budget Bureau Director and the Secretary of the Treasury.

a. Requirements for Payment

The Treasury Department will not handle any payments for unauthorized services, those rendered by persons not under contract, invoiced in excess of rates agreed upon in the original contract, or those services that someone, other than the Area, ordered to be performed.

b. Invoice Contents

The invoice for the payment of services rendered by private shops shall have to include, among others, the following information:

- 1) Name of person authorizing the service,

- 2) Name of shop performing the repair and the person who effected it; mechanic's license number, when in order;
- 3) Date service was requested, date vehicle was submitted for repair, and date effected;
- 4) Date delivered to the Area, and service acceptance date;
- 5) Person or persons transporting vehicles from agency to shop, and vice-versa;
- 6) Specific authorization of services rendered;
- 7) Service codification, as established by the Administration;
- 8) Itemized cost of each service per vehicle;
- 9) Cost of parts used, if supplied by the private shop and copy of parts invoiced;
- 10) Total cost invoiced;
- 11) Area certification to the effect that the service was needed and rendered adequately and correctly;
- 12) Indication of type of service rendered; that is preventive, or unscheduled, as defined in these regulations.

PART VI: TRANSPORTATION SUPERINTENDENTS

SECTION A: GENERAL RULES

ARTICLE 77: GENERAL DESCRIPTION

1. Creation

The "Superintendent of Transportation" and the "Assistant Superintendent" designations are hereby created with those duties and powers established in these regulations.

2. Purpose

The Superintendent is created with the purpose of ensuring the adequate distribution of vehicles in an Agency, their correct use, reasonable assignment, and due care and control of the pool and to ensure a more effective coordination between the agencies and the Administration, in the compliance with the rules and the rendering of transportation services.

The Transportation Assistant Superintendent is created with the purpose of collaborating with the Superintendent in the administration of their agency pool.

3. Definition

The Superintendent is that person holding a regular position or office in a Government agency who, upon request of the Agency Head, is appointed as his authorized representative in charge of the administration of that agency's pool.

The Assistant Superintendent shall be that person with the same qualifications as the Superintendent who shall collaborate with him in administering the pool.

4. Application

A Superintendent shall be appointed at agency level when said agency has fifty (50) vehicles or more permanently assigned to its pool.

An Assistant Superintendent shall be appointed when the Agency Head so requests, upon understanding that it is necessary for the proper administration of the fleet.

5. Limitation

Only one Transportation Superintendent per agency shall be appointed.

An Assistant Superintendent may be appointed for each region of those agencies having regional offices that qualify according to these regulations.

If it were necessary to have more than one station at a regional or central office, because of territorial location or because of the number of vehicles assigned to the agency, as many Assistant Superintendents as necessary may be appointed.

SECTION 8: ELEGIBILITY

ARTICLE 78: PERSONS ELIGIBLE

Any employee or official with a regular position whom the Agency Head understands will be able to perform efficiently as Transportation Superintendent or Transportation Assistant Superintendent may be issued an appointment as such.

ARTICLE 79: TRANSPORTATION SUPERINTENDENT REQUIREMENTS

In order to be eligible for appointment as "Transportation Superintendent", the person shall have to meet the following requirements;

1. Be older than 21 years of age;
2. Have at least two (2) years of college level preparation, preferably in the field of administration or its equivalent in experience;
3. Must be experienced in public administration, or in transportation or repair shops administration;
4. Should have general knowledge of the use and care of vehicles;
5. Must occupy a regular position;
6. Must have the ability to organize, direct, coordinate, and supervise, as judged by the Agency Head.

ARTICLE 80: ELEGIBILITY SCOPE

The fact that a person meets the requirements established in this Section does not authorize him to perform as such, by the mere appointment by the Agency Head. The person shall have to take and approve the training established by the Administrator and must be certified by the Administrator.

SECTION C: SUPERINTENDENTS SELECTION

ARTICLE 81: CANDIDATES RECOMMENDATION

Each Agency Head or his authorized representative shall recommend from his employees, those whom he is interested in having appointments as Transportation Superintendents or Transportation Assistant Superintendents issued to them.

ARTICLE 82: SUPERINTENDENTS SELECTION PROCEDURE

1. Selection Criteria

Upon selecting the candidates to be submitted to the Administrator, the Agency Head shall consider the following:

- a. Office or position held by the person,
- b. His functions and those he shall have to carry out as Superintendent,
- c. Agency need for a Superintendent appointment,
- d. Moral qualities of the candidate which, in the opinion of the Agency Head, make him capable of performing those functions,
- e. Fleet volume and transportation operation in the agency.

2. Handling Procedure

a. Form

When an Agency Head understands that there is a need in his agency for the appointment of a Superintendent or Assistant Superintendents, he shall submit a recommendation of candidates, indicating the appointments to be made in each case, utilizing the form provided by the Administration.

SECTION D: TRAINING

ARTICLE 83: APPLICATION EVALUATION

Once the application and recommendation of the Agency Head has been received in the Area, the Assistant Administrator or his authorized representative shall study it and make his decision, within a period no longer than ten (10) days, subject to the following:

1. Agency Need

Agency need shall be verified based on the vehicles assigned to it, the number of persons in it authorized to drive official vehicles, the number of official drivers and its transportation activities.

2. Candidate Acceptance

If the candidate meets the eligibility requirements established in these regulations and the agency need is confirmed, the Assistant Administrator shall notify the Agency Head, by means of the form provided for it, the acceptance of the candidate and the date when the next Superintendent's course for which he has been registered will start indicating the date, time, and place for it.

3. Rejection

If the candidate does not meet the basic requirements, the application shall be automatically rejected, and returned explaining said rejection.

The candidate's application may be resubmitted, once he meets eligibility requirements.

ARTICLE 84: SUPERINTENDENTS TRAINING

1. Contents

Superintendents or Assistant Superintendent's candidates shall have to take the training offered for such purposes by the Area. Said training shall include the theoretical phase of Drivers training and any other information or material that the Administrator deems necessary.

2. Duration

Training duration shall be a reasonable amount of time to cover the subject matter included in it.

3. Attendance

Attendance shall be compulsory, and it shall be the obligation of the agencies to ensure the attendance of their employees.

ARTICLE 85: EVALUATION

After training, candidates shall be evaluated to determine their proficiency, taking into consideration the following:

1. Lectures

If he attended all lectures.

2. Examination

If he passed the examination offered at end of training.

a. Content

The examination shall contain all material covered in the training.

b. Approval

The criteria for passing or failing shall be the same as those established in these regulations for Drivers.

SECTION E: APPOINTMENT

ARTICLE 86: PROVISIONAL APPOINTMENT

In those agencies that at the effective date of these regulations have a pool of more than ten (10) vehicles, excluding vehicles assigned for exclusive use of officials, the person designated by the Agency Head, shall be able to assume the management of the pool immediately after his application is approved. This authorization shall have effect only until the date for the Superintendents training for which is registered.

1. Effectiveness

Said provisional authorization shall be in effect until the next training and may not be renewed. Neither shall it be issued in those cases where the person has failed the exam.

ARTICLE 87: OFFICIAL APPOINTMENT

Transportation Superintendent or Assistant Superintendent appointments shall be made following the same procedure established for Drivers appointments.

1. Effectiveness

The Superintendent appointment shall be effective for the period of time requested by the Agency Head. Except, if the Agency Head should request that said Superintendent or Assistant Superintendent be relieved of his functions as such, before the expiration period aforementioned, he shall have to indicate the reasons for it to the Administrator.

2. Scope

Neither the Superintendent nor the Assistant Superintendent shall have a right to be assigned a vehicle for their personal use, but they may drive all the official vehicles assigned to their agency; and shall be responsible to the Administrator for taking care of the pool, seeing to its adequate use, organizing trip schedule, assigning the vehicles internally, maintaining them and determining when to make improvements and repairs to the same.

3. Renewal

Appointment renewal rules for Transportation Superintendents and Assistant Superintendents are the same as those for Drivers.

4. Duplicates

Duplicates of appointments and identification of Superintendents and Assistant Superintendents are the same as those followed for Drivers.

5. Resignation, Transfer, Dismissal and Others

It shall be the Agency Heads responsibility to inform the Administration when a person appointed Superintendent or Assistant Superintendent for any reason stops performing his functions in the agency to which he was appointed. Immediately after his functions, his appointment shall be cancelled and he shall have to turn in his identification as such to the Area.

SECTION F: FUNCTIONS AND OBLIGATIONS

ARTICLE 88: SUPERINTENDENT AND ASSISTANT SUPERINTENDENT

GENERAL FUNCTIONS

The Superintendent shall be responsible to the Administrator in relation to the functioning of his agency and any other action taken by him by virtue of his appointment related with government transportation.

ARTICLE 89: COMPLIANCE WITH RULES

Superintendents and Assistant Superintendents function are ruled by the provisions of these regulations, and other rules issued by the Administrator, related to transportation in Government; to such effect, they shall have to know, comply and enforce them.

ARTICLE 90: SUPERVISION

1. Drivers

The Superintendent shall have to supervise the Driver in his agency and report their performance to the Administrator. Official Drivers shall be supervised at all times by him; Authorized or Special Drivers only when carrying out transportation activities.

Heads and Deputy Heads of agencies are excluded from this provision.

2. Assistant Superintendents

Assistant Superintendents shall supervise the Drivers in their region and inform the Agency Superintendent.

The Agency Superintendent shall supervise the work of Assistant Superintendents by means of sporadic visits, and shall report on their work to the Administration and the Agency Head.

ARTICLE 91: POOL VEHICLES CENTRALIZATION

The Superintendent shall see to it that his pool remains centralized, so each vehicle may be used to the fullest, in order to cover his agency needs.

In those cases where part of the pool is in regions, the centralization principle shall be complied with at each regional level according to circumstances.

Superintendents shall make sure his pool maintains only those vehicles officially assigned by the Administration to his agency. When an agency has, adscribed to it, other Governmental organisms not under the jurisdiction of the Administrator, their vehicles shall not be integrated with regularly assigned agency vehicles. If it were necessary to use those vehicles for special occasions, identifying them by means of "GE" license plates, special authorization shall have to be requested from the Assistant Administrator who, upon authorizing it, shall see to it that the title of the vehicles is transferred to the Government.

If it were necessary to use fleet vehicles assigned to several agencies for an activity of a specific agency, the Assistant Administrator shall have to approve said use.

ARTICLE 92: INTERNAL ASSIGNMENTS

The Superintendent shall be in charge of assigning pool vehicles to cover the internal needs, following the orders and instructions that to such effect the Assistant Administrator may give him. Each year, the Superintendent shall submit an internal assignment plan to be approved by the Agency Head; and once approved he shall send it to the Area.

The Superintendent may choose to assign pool vehicles individually or by Drivers, assigning them to one or more Drivers specifically, depending on the number of Drivers, vehicles, and agency transportation needs.

If the Superintendent should choose not to assign the vehicles permanently, he shall have to do it daily, according to the vehicles available and Drivers present.

ARTICLE 93: OBLIGATIONS CONCERNING REGULATIONS

The Superintendent shall at all times adhere to the rules established in these regulations. To such effect, and in compliance with them, he must do the following:

1. Use

The Superintendent shall ensure that his agency pool vehicles are used adequately.

2. Identification

The Superintendent shall make sure that all pool vehicles are completely and correctly identified and shall program changes, alterations, and restorations of these, seeing to it that his agency work is not interrupted.

3. Control

In order to maintain adequate pool control, the Superintendent shall keep and maintain his records up to date.

4. Maintenance

a. Scheduling

The Superintendent shall be in charge of coordinating the maintenance of his agency pool. Thus, he shall have to program the rotation of vehicles in such a way, as for them to receive the corresponding maintenance, without interfering with agency operations.

1) Use Control

Under no circumstances shall the use of a vehicle be allowed if it has not received maintenance at a scheduled time, according to the system established for it by the Administrator, or what it may be needing, be it unscheduled.

b. Service Requisition

Upon dispatching the vehicle for any service, the Superintendent shall have to indicate to the Area in writing, on the form thus provided, exactly what work he is interested in having done on the corresponding unit.

c. Receipt

The Superintendent or his authorized representative shall be the person authorized by the Administrator to receive vehicles at agency level. Upon receiving

them, he shall ensure that services requisitioned were rendered properly and satisfactorily. Once that is confirmed, the Superintendent shall be the person to certify at agency level the invoice for service rendered. In the case of the regions, it shall be the Assistant Superintendent.

ARTICLE 94: PRIVATE RESOURCES

All private resources utilization, such as repair shops, vehicles rental, gasoline acquisition, lubricants, parts or services, shall have to be requisitioned by the Superintendent following the rules established by the Administrator in these regulations, in the "Government Acquisition Regulations" of the Administration and the special instructions of the Assistant Administrator.

ARTICLE 95: NOTIFICATIONS

The Superintendent is responsible for sending, and making sure that notifications required by the Area are sent.

All notifications related with transportation in his agency, and addressed to the Administration, shall have to be handled through the Superintendent, except acquisition requisitions, which shall be handled through the Delegate Buyer of his agency, subsequent to Superintendents' approval.

ARTICLE 96: REPORTS

The Superintendent shall have to submit a Monthly Report to the Area concerning the activities of the pool under his jurisdiction, in a form thus provided by the Administration.

1. Positions and Official Drivers Report

Once a year, all Superintendents must send to the Administration, in the form provided for it, a list of all Drivers positions the agency has, even if they should be vacant. The list should be made in the same order as the positions were created in the legislative assignment and executive details of the assignment and special funds for each economic exercise. A separate list shall be sent for Conductors paid from the salary allotment item. The list shall contain the following information:

- a. Name of driver (Number assigned by the Administration),
- b. Name,
- c. Number of position (as assigned by personnel),
- d. Kind of position (Automobile Drivers I, II, or truck driver),
- e. Hours - driver as employed: daily, monthly, annuals,
- f. Type of basic monthly salary,
- g. Increase in pay within same grade, if any,
- h. Total salary,
- i. Place of work (official station),
- j. Accidents during the year: type and cost.

2. Internal Appointments

The Superintendent shall have to send the Administration a copy of the documents, handled and approved by the Central Personnel Office, covering transfers, demotions, promotions, resignations, lay-offs, suspensions, destitutions, or separation from employment for any other cause, of persons authorized in his agency to drive official vehicles. Agency

Heads shall provide adequate internal mechanisms to insure that this information is available to the Superintendent.

3. Estimate of Needs

The Superintendent shall be the person at each agency who shall estimate vehicle needs, parts, services and everything related to his agency pool. Said estimate of needs, shall be submitted to the Delegate Buyer of his agency so that he may prepare the corresponding annual requisitions.

ARTICLE 97: VERIFICATION INTERNAL DRIVER AND VISITOR (CONTROL)

It shall be the responsibility of the Superintendent at each agency, to prohibit any person to drive official vehicles, until the Administrator has issued him an authorization to do so. To such effect, he shall have to require all persons driving an official vehicle, coming or going out of his agency grounds show him their authorization.

1. Procedure

In those cases in which the person is not authorized, he shall proceed in the following manner:

- a. He shall assign a Driver from his agency to return the person to his agency and deliver the vehicle to the Area the same day. He shall accompany the deliverer of said vehicle to the Area with a written report on the form thus provided.

PART VII: DRIVERS

SECTION A: GENERAL RULES

ARTICLE 98: OFFICIAL DRIVER

1. Creation

The official Driver in the Government transportation system is hereby created with the duties and powers established in these regulations.

2. Purpose

The "Official Driver" is created to ensure that the use of Government vehicles and Government transportation are handled by the most suitable and best trained personnel available and that it operates under the controls and supervision of the Transportation Superintendents.

3. Definition

An Official Driver is any person appointed Driver I, Driver II or Truck Driver, or occupying any other position, created in the future, for which driving is indispensable in the performance of his functions.

4. Application

The Administrator shall issue an appointment as "Official Driver" when the person involved meets minimum requirements established in these regulations.

5. Number of Appointments

As many Official Drivers as requisitioned by the Agency Head and approved by the Administrator shall be appointed, if necessary to satisfy transportation needs of an agency in the performance of its functions.

ARTICLE 99: AUTHORIZED DRIVER

1. Definition

An Authorized Driver is any Government official or employee who although not eligible for an official Drivers designation, the Administrator has authorized him to drive any Government vehicle, subsequent to the Agency Head's requisition, justifying to the Administrator that such appointment is needed to comply with their individual duties.

2. Purpose

Appointments as authorized Drivers shall be issued when necessary for the smooth functioning of the agency and to guarantee the success of any program.

3. Application

An Authorized Driver appointment may be issued to anyone occupying one of the offices or positions that according to these regulations make him eligible for it.

4. Limitation

Authorized Driver appointments shall be issued to the smallest number of persons possible, in order to restrict and control Government property use and facilitate liability claims in case of damages to it.

ARTICLE 100: SPECIAL DRIVER

1. Definition

A Special Driver is any person not employed by the Government, but authorized by the Administrator to drive a Government vehicle, due to a Government activity or for Government benefit, in specific, limited, and determined

2. Purpose

These appointments are made in order to have adequate control of Government property as well as of the person using it.

3. Application

Appointments as Special Drivers shall be issued when Government interest are benefitted, given the following requirements and conditions:

- a. When there is a contract between a person and an Agency which requires transportation outside the Agency contracting the services in order to carry out the contract, and no pool vehicles are available for use.
- b. Mechanics from Shops or Service Stations with Government contracts in effect, to test and transfer vehicles from the agencies to the shops and back.
- c. Other persons, employees or officials of private entities attached, or sponsored by the agencies, while the need for which authorization is given exists.
- d. Employees from public corporations or municipalities, authorized to drive vehicles of their governmental entities and who have been temporarily lent to work with Government agencies, while the need for the services lasts.

4. Limitations

These appointments shall be limited to those cases and circumstances that in the Administrator's judgement merit it: and subject to rules and restrictions established by the Administrator.

SECTION B: ELIGIBILITY

ARTICLE 101: OFFICIAL DRIVER REQUIREMENTS

To be eligible for appointment as "Official Driver" a person shall have to meet the following requirements:

1. Be more than 18 years old;
2. Know how to read and write Spanish;
3. Must have a driver's license, or a heavy equipment driver's license issued by the Transportation and Public Works Secretary or by the Federal Aviation Agency or the Ports Authority, depending on the means of transportation he is to operate;
4. Must hold one of the following positions:
 - a. Driver I
 - b. Driver II
 - c. Truck Driver
 - d. Any other position created in the future by the Central Personnel Administration;
5. Must submit a copy of his appointment;
6. Must have had a medical examination with special consideration for hearing, vision, drugs or alcohol dependency problems. Said examination shall be conducted by the doctor assigned by the Administrator; and it shall be free of charge for the candidate. This requirement shall apply only to Drivers which upon the effective date of these regulations do not possess previous authorization issued by the Administration.

ARTICLE 102: AUTHORIZED DRIVERS REQUIREMENTS

Agency Heads may requisition from the Administrator an Authorized Driver appointment for any person occupying a regular Government position or office, other than those eligible for appointment as Official Driver, if he meets the following requirements:

1. Must be of legal age,
2. Must read and write Spanish,
3. Must have a Driver's or heavy equipment license issued by the Secretary of Transportation and Public Works or a license issued by the Federal Aviation Agency or by the Ports Authority, according to transportation means to be operated.

ARTICLE 103: SPECIAL CONDUCTOR REQUIREMENTS

In order that a particular person may be permitted to drive a Government vehicle, he shall have to meet the following requirements:

1. Must be more than eighteen (18) years old;
2. Must have a Driver's license from the Department of Transportation and Public Works, the Federal Aviation Agency or the Ports Authority, depending on the vehicle to be operated;
3. Must have undergone training, or that part of the training stipulated by the Administrator;
4. He or his employer must have in effect a public liability insurance cover for damages to Government vehicles at the Shop.

ARTICLE 104: ELEGIBILITY SCOPE

The eligibility of a person for anyone of the three (3)

appointments established in these regulations, does not give him the right to have an appointment automatically issued with the subsequent authorization to drive Government vehicles. In all cases, the person shall have to satisfy the basic requirements established in these regulations, besides taking and passing basic training and being certified by the Administrator.

1. Heads and Deputy Heads

Officials holding position as Heads or Deputy Heads of Agencies shall have to comply with the requirements indicated in these regulations so they may be issued an authorization to drive official vehicles.

a. Scope

The fact that an authorization is not issued does not lessen his right to have a vehicle assigned for his use.

SECTION C: DRIVERS SELECTION

ARTICLE 105: CANDIDATES RECOMMENDATION

Each Agency Head or his authorized representative shall recommend those of his employees whom he wishes to be issued appointments as Authorized Drivers. Also, he shall recommend those others who must be issued appointments as Special Drivers to perform their duties, except employees holding position as Driver I, Driver II and Truck Drivers who shall automatically be Official Driver candidates, when recruited for positions with said classification.

ARTICLE 106: AUTHORIZED DRIVERS SELECTION PROCEDURE

1. Selection Criteria

Any person eligible for appointment as Authorized Driver, shall be strictly evaluated by the Assistant Administrator who shall recommend his appointment to the Administrator only when he has been shown that said person does not have private means of transportation that he could use or be available to carry out the duties of his position, or cannot be transported in an agency pool vehicle for the discharge of said duties.

When making the selection of candidates to be submitted to the Administrator, the Agency Head shall take into consideration the following:

- a. Office or position the person holds;
- b. Functions discharged and to be discharged by him;
- c. Need for Authorization to carry out his functions;
- d. Average of working hours he shall be driving.

2. Form

When an Agency Head understands there is the need for the appointments of Drivers in his Agency, he shall submit the candidate recommendation, indicating the designation said Agency Head wants to have issued to the candidate, by using the form thus provided by the Administration.

All recommended candidates, shall have to meet the requirements mentioned in these regulations.

ARTICLE 107: SPECIAL DRIVER SELECTION PROCEDURE

When selecting private individuals to recommend for appointments as "Special Drivers" the Agency Heads shall have to accompany the request with a written justification of needs and guarantees.

SECTION D: NECESSARY TRAINING AND EVALUATION

ARTICLE 108: APPLICATION EVALUATION

Once the Area receives the application and recommendation of the Agency Head, the Assistant Administrator or his authorized representative shall study it and make his determination within a period no longer than ten (10) days, subject to the following:

1. Agency Need

Agency need shall be verified on the basis of actual drivers, vehicles assigned to the agency, and agency transportation activity related to its functions.

2. Candidate Acceptance

If the candidate meets the basic requirements established in these regulations and agency need is verified, the Assistant Administrator shall notify the Agency Head of the candidate's acceptance and the date on which the next driver training shall begin, for which said candidate has been assigned, by means of the form provided for it. Date, place and time for said training must also be indicated.

3. Candidate Rejection

If the candidate does not meet the basic requirements the application shall be returned, automatically denying him appointment, explaining the basis for it on the same application form. Said candidate's application may be submitted again when he meets basic requirements.

ARTICLE 109: DRIVERS BASIC TRAINING

1. Content

Driver candidates basic training shall be divided in two (2) phases: Theory and practice:

a. Theory

The theoretical phase of training must contain but shall not be limited to information concerning the following:

- 1) Purpose of the training;
- 2) Responsibility of driving a Government vehicle;
- 3) Driver responsibility;
- 4) Rules, regulations and the Traffic Act;
- 5) Traffic signals, signs, signals and marks;
- 6) Good driving practices for accidents prevention;
- 7) Accident reporting procedure;
- 8) Adequate and correct use of vehicles;
- 9) Forms and reports, when and how to fill them out;
- 10) Types of vehicles and their characteristics;
- 11) Functioning of the most important parts;
- 12) Preventive maintenance;
- 13) Mental capacity of driver, his conduct, and manners;
- 14) Elemental and fundamental concepts in the operation of the vehicle;
- 15) Natural laws affecting operations of a vehicle;
- 16) All Administration rules concerning transportation and civil or criminal liability, established by the laws of the Commonwealth of Puerto Rico; and the difference between civil liability and criminal liability in relation with vehicles.

b. Practice

Practical phase of training shall only be offered if the candidate covered all the material in the seminars and shall contain but not be limited to the following:

- 1) Procedure to follow, when driving official vehicles (filling out the vehicle log and others);
- 2) Drivers courtesy;
- 3) Observance of rules and regulations;
- 4) Driving during bad weather or on poor roads, when possible;
- 5) Defensive driving;
- 6) Emergency procedure, action to be taken;
- 7) Preventive inspection and maintenance; how to carry it out;
- 8) Minor mechanical repair jobs in emergency situation;
- 9) Special training.

a) Equipment

Additional time shall be required to train drivers of vehicles with special equipment such as buses, tractors, trailers, combinations, fire engines, ambulances and other specially equipped vehicles.

b) Transportation Superintendent

Drivers to be appointed Superintendents shall have to spend additional time to cover the material concerning their future responsibility as such.

2. Duration

Course duration shall be the reasonable time required to cover all subject matter pertaining to training.

3. Attendance

Attendance shall be compulsory and it shall be the obligation of the agencies to ensure the attendance of their employees.

a. Exception

The Administrator shall offer special orientations for Heads and Deputy Heads of agencies in substitution for basic training and they, by means of a certification, shall show that they know the rules in effect related to the Government Transportation System.

ARTICLE 110: EVALUATION

Subsequent to training, candidates shall be evaluated to determine their proficiency, taking into consideration the following:

1. Seminars

The attendance to all seminars shall be properly checked.

2. Practice

Should demonstrate in practice his capacity to comply with Drivers functions, obligations and duties.

3. Examination

Approval of the proficiency written examination given at the end of training.

a. Content

All material covered in the course shall be under examination.

b. Approval

Passing grade for the course shall be a grade of seventy percent (70%) or more.

c. Failure

The candidate shall have failed the examination when he receives a grade of sixty nine point nine (69.9%) percent or less.

1) Effect

If the candidate fails with a grade between fifty percent (50%) and sixty nine point nine percent (69.9%) he may take the examination again the next time it is offered.

If he fails the second examination, he shall have to repeat the course. If after taking the course a second time, he fails the exam, such a candidate shall be rejected and no appointment or authorization whatsoever may be issued to him.

a) Employees Recruited as Driver I, Driver II or Truck Drivers Probationary Period

If the person were recruited as Driver I, II or Truck Driver, when he fails the examination, after his second training, it shall be understood that he did not pass his probationary period and shall automatically be dismissed from said designation.

No Agency Head shall be able to authorize him to drive any official vehicle whatsoever, and if he should be interested in retaining him

in his Agency, he shall have to recruit him for another position not requiring driving as sole function. Agency Heads shall make sure to inform their personnel recruited for driver designations that their successful completion of the probationary period depends on their passing the Administration's special training.

b) Employees Operating as Drivers When These Regulations Take Effect

If when these regulations enter into effect, an employee operating as a Driver were to fail the examination after his second training, the agency shall make the necessary arrangements to have him placed in another position, but under no circumstances shall he drive official vehicles.

His record as agency Driver prior to the date of these regulations enter into effect shall not justify the issuance of an authorization to him.

c) Person Holding a Position

If the candidate does not hold a position whose functions obligate him to drive, fails the exam, it shall not affect his position, but he can not apply for new training until six (6) months after the failing date.

SECTION E: APPOINTMENTS

ARTICLE 111: PROVISIONAL APPOINTMENT

When Driver applications are submitted by persons occupying positions as Heads or Deputy Heads of Agencies or Drivers I, II or Truck Drivers, if the person meets the eligibility requirements, but has not been able to undergo training within five (5) days of administration having received said application, the Administration shall issue a provisional authorization.

1. Effectiveness

Said provisional authorization shall be in effect until the next training and may not be renovated. Such authorization shall not be issued for persons failing the examination.

2. Effect

- a) The person shall be able to drive as soon as the provisional authorization is issued, but it shall be the Agency Head's responsibility, to insure that said person is instructed on pertinent regulations.
- b) During the period in which provisional authorization has been issued, the person in whose favor it was issued shall meet the additional requirements established.
- c) The period acting as driver with provisional authorization shall be considered as part of his training.
- d) He shall be covered by Government insurance, and shall answer for damage caused as any duly authorized Driver.

ARTICLE 112: OFFICIAL APPOINTMENT

The Administrator shall issue the Official Driver, Authorized Driver, or Special Driver appointments to persons approving both phases of training, as stipulated in these regulations.

ARTICLE 113: OFFICIAL AND AUTHORIZED DRIVER APPOINTMENTS
ISSUANCE PROCEDURE

The Official and Authorized Driver appointments shall be issued in such a way as to facilitate verification of their correction and validity.

To insure this, they shall only be issued personally, according to the following procedure:

1. Summons and Registry

Once the Administrator has approved the appointment, the person shall be summoned to the Area where, after presenting his summons, he shall be registered in the presence of the Assistant Administrator or his authorized representative.

- a. Only appointments issued personally shall be valid, thus the Administrator may authorize in exceptional cases that the person in charge of authenticating the authorization, transfer himself to other agencies in order to carry out said activity, if the volume thus merits it. When he deems it necessary, the Assistant Administrator may delegate in the Agency Superintendent.

2. Documents Delivery

After registering his appointment, the documents shall be handed to him.

a. Types of Documents

The following accreditative documents of the corresponding appointment, shall be delivered to the person.

1) Appointment

The appointment shall be a form, specially designed, by means of which the candidate is certi-

fied as a person authorized to drive official vehicles and which shall contain the following information;

- a) Name of person,
 - b) His photo,
 - c) Office or position held by him,
 - d) Person's signature,
 - e) Authorization number,
 - f) Number and type of Transportation and Public Works license or that of the Federal Aviation Agency, or Ports Authority and its expiration date,
 - g) Authorization issuance date,
 - h) Expiration date,
 - i) Agency and program for which he works,
 - j) Job location address,
 - k) Social Security,
 - l) Special restrictions, if any,
 - m) Specific vehicle, or specific types of vehicles authorized to drive, when in order.
- 2) Authorization

The authorization shall be the one used by the Driver to identify himself within his agency or with third parties. Said authorization shall show that he is duly authorized to drive Government vehicles and shall contain the information that follows:

- a) Person's photo,
- b) Name of person,

- c) Person's signature,
- d) Authorization number,
- e) Issuance date,
- f) Expiration date,
- g) Agency and program for which he works,
- h) Special restrictions,
- i) Administrator's signature.

3) Visible Name Tag

The visible name tag shall be made of a wear resistant material and have the Official Driver's name printed on it, to be worn at breast level on his shirt, for easy identification.

4) Documents Distribution

Documents certifying official appointment shall be distributed in the following manner:

1) Appointment

- a) The original shall be given to the Official Driver,
- b) One copy to the Agency Head,
- c) One copy to the Central Personnel Administration, when in order,
- d) One copy for the Driver's Record at the Area.

2) Authorization

Shall be delivered to the Driver.

3) Certificates

- a) The original, to the person upon completion of each training phase,
- b) Photocopy, to the Area for its records.

ARTICLE 114: SPECIAL APPOINTMENT ISSUANCE PROCEDURE

Special Driver appointments shall be issued in conformance with Article 113 of these regulations, but the vehicle to be used shall be identified.

1. Exception

To Shop employees, authorizations shall be issued as follows:

- a. The person sent by the shop to pick up the vehicle or in charge of returning it afterwards shall show the Assistant Administrator or his authorized representative his drivers license issued by the corresponding authority, and if the same is valid, he shall be authorized to drive the Government vehicle.
 - 1) The Assistant Administrator shall be able to opt for checking out the personnel belonging to said shop, authorized to drive Government vehicles when granting the contract, provided licenses issued to them by the Transportation and Public Works Secretary are not about to expire.

2. Procedure

Authorizations to shops employees shall be issued by means of an adhesive backed paper that shall be adhered to the right of the front windshield of each vehicle for repairs duration.

a. Breach of Contract

The pick up or delivery of an official vehicle by a non-authorized employee can lead to the cancellation of the contract with the shop.

The Government shall not be liable for damages to third parties or property caused by employees of said shops to bond or insure their employees.

ARTICLE 115: DURATION

1. Official Driver and Authorized Drivers

The original authorization to drive Government vehicles shall be in effect from its issuance date to the expiration date of the driver's license issued by the Transportation and Public Works Secretary, the Federal Aviation Agency, or the Ports Authority, as the case may be.

a. Renovations

Subsequently they shall be effective for similar periods as those issued by the corresponding authorities and renovations shall be made in conjunction with these; but the records shall be reviewed annually based on rules established by the Administrator.

2. Special Driver

Special authorizations shall expire when the service to be rendered is completed or the cause for issuing the special authorization ceases.

ARTICLE 116: SCOPE

Upon issuing Driver appointments, the Administrator shall indicate the scope of the authorization subject to the following:

1. Assignment

The possession of an authorization to drive official vehicles does not entitle that person to have a vehicle assigned to him, nor does it authorize him to drive all

fleet vehicles. This is limited by the rules that follow:

a. Personal Official Drivers

Personal drivers shall be those of the Head and Deputy Head of an Agency and they shall be authorized to drive only the vehicle assigned or used by his immediate superior.

b. Pool Drivers

Pool Drivers shall be able to drive any official agency vehicle, but should the Superintendent choose to assign them specific vehicles, they shall be limited to such a vehicle.

c. Superintendent

Shall be able to drive all the official vehicles assigned to his agency.

d. Special Driver

Shall only be able to drive the pool vehicle assigned to him by the Superintendent for the date and hour specifically authorized. Said assignment shall become void once the time indicated by the Superintendent has elapsed. Said term may not exceed the period of time required to carry out the functions for which the authorization was issued.

3. Use

Authorization to drive official vehicles does not authorize the Driver to use them for their personal business, nor that of any official or employee of the agency.

4. Maintenance, Care and Control

Possession of an authorization to drive official vehicles requires from the person thus authorized maximum diligence in the use of said vehicles and authorizes him to carry out minor mechanical work necessary in the exercise of preventive maintenance or face emergency situations.

ARTICLE 117: RENEWAL

1. Application

Authorizations to drive official vehicles may be renewed but not automatically.

When the authorization term ends, the person may be considered for a new term given the following circumstances:

- a. That the Agency Head expressly requests it;
- b. That the agency need still exists;
- c. That the evaluation carried out by the Area during the period ending has been favorable.

2. Official Driver

If the Official Driver should occupy a career position, the authorization shall be renewed disregarding paragraphs "a" and "b" of the preceding section.

3. Reevaluation

When reevaluating the Driver to determine renewal, the Area shall decide if the candidate is capable of continuing to perform his duties taking into consideration the following:

- a. Accident's record,

b. Serious violations of the "Vehicles and Traffic Act of Puerto Rico".

4. Vehicle Exchange

The renewal procedure must be followed when a Driver authorized to drive one type of vehicle is being evaluated to authorize him to drive another type. Including different models in the following categories:

- a. Area transportation vehicles,
- b. Sea transportation vehicles,
- c. Land transportation vehicles, such as, motorcycles, cars, heavy equipment vehicles and other.

ARTICLE 118: REVOCAION

Any type of authorization to drive Government vehicles may be revoked by the Administrator at any moment, for a just cause. A "just cause" shall be understood to be any of the following:

1. Causes

- a. Inefficient handling of duties, according to the laws, regulations and rules regulating his activities;
- b. Agency Head so requests it.

2. Effect

Another authorization may not be issued until the Driver involved has been rehabilitated through a reevaluation, according to the rehabilitation procedure established by the Administrator.

ARTICLE 119: DUPLICATE

A duplicate authorization to drive an official vehicle may be issued subsequent to a sworn request using the forms provided to such effect by the Administrator when the original is lost, damaged, stolen or deteriorated, or when the person changes name or signature.

Before issuing it, the driver's record shall be verified to ascertain if the same may be issued without further training. Duplicates shall show they are duplicates and all previous record, shall be marked in it as well as the expiration date of the original. Duplicate issuance shall be recorded in the perso's record file.

ARTICLE 120: EMPLOYEE TRANSFER

When an Official Driver has been transferred to another agency, he may retain his authorization but it shall be the obligation of the Agency Head he is leaving to inform the Administration of the transfer of that employee.

Authorized Drivers shall not retain their authorization; rather, it shall be automatically cancelled.

The Official Driver superior in the new agency shall have to notify the agency Superintendent about the Official Driver beginning his work there so that said Superintendent may evaluate him concerning need for retraining.

It shall be the responsibility of the Transportation Superintendent of said agency to verify the record of the Official Driver and see to it that he is trained about any changes in the special procedure of the agency pool vehicles involved, and shall notify this to the Administration.

ARTICLE 121: EMPLOYEE RESIGNATION

Upon termination of his functions as a Government employee, Official Drivers shall return their accreditative identifications as such with the Property Settlement Report, when in order, accompanied by the Transportation Superintendent's Report.

The final acceptance of his resignation and the corresponding payment settlement, when in order, shall be subject to the delivery of the identification and the aforementioned Reports.

The Superintendent shall be in charge of notifying this event to the Area.

SECTION F: DRIVERS FUNCTIONS AND OBLIGATIONS

ARTICLE 122: COMPLIANCE WITH ADMINISTRATIVE RULES

Official Drivers shall have to comply with all the rules and instructions issued by the Administrator.

All Drivers must know, study, and take continuous review courses on all the applicable Government Fleet regulations, as well as the provisions of any other regulations, circular letters, or instructions from the Administration.

ARTICLE 123: CONTROL AND CUSTODY

Drivers shall be personally responsible of taking care of the vehicles used or assigned to them; see that they are adequately maintained and submit all reports required and inform any incident, irregularity, or accident daily.

ARTICLE 124: USE

No Official Driver shall allow the vehicle assigned to him or that being driven by him, to be driven by another employee; except, in emergency cases, when it may be driven by another Official Driver to the Police Station, Civil Defense, Fire Department, Municipal Office or the nearest Administration offices. He may not transport persons not expressly authorized to be transported in official vehicles, except in emergency cases where the life of the person being transported is at stake. Neither may he leave the route planned for the specific trip taking place.

ARTICLE 125: LICENSE CANCELLATION SUSPENSION OR LOSS NOTIFICATION

1. Notification

All Drivers shall have to immediately notify the Transportation Superintendent of their agency about the cancellation, suspension, revocation, seizure, expiration,

and/or forfeiture of his driver's license issued by the Secretary of Transportation and Public Works or the Federal Aviation Agency or the Ports Authority.

a. Effect of Failure to Report

Non-compliance with this requirement, shall be considered negligence of his duty as a Driver, and sanctions may be imposed to him.

2. Sentences

All Drivers must notify their Agency Superintendent, as soon as any final verdict of a serious nature has been dictated against him related with any violation of the Vehicles and Traffic Act, or any other provision of the Penal Code related with crimes on the public highways or involving automobiles.

a. Contents

Said notification shall include a certified copy of the verdict.

ARTICLE 126: REPORTS

Drivers shall have to adequately fill out on a daily basis any form, report or documents related with the driving of Government vehicles.

ARTICLE 127: PROCEDURES

Drivers shall faithfully comply with all the procedures established related to Government Transportation.

ARTICLE 128: RESPONSIBILITY AND NEGLIGENCE

No Driver is relieved of his responsibility of driving carefully, in relation to persons, Government property and

third parties. Regardless of the seriousness or magnitude of the problem, situation or emergency, Drivers shall not be relieved of their responsibility if they drive negligently, endangering or injuring the security and welfare of third parties.

PART VIII: TEMPORARY MEASURES AND FINAL PROVISIONS

SECTION A: SPECIAL REPORTS

ARTICLE 129: ASSIGNED VEHICLES REPORT

Within the first sixty (60) days of the effectiveness of these regulations, Agency Heads shall submit a report of their pool vehicles assigned for exclusive use by personnel in their agencies, including copies of the written authorizations, if any, through which they have been thus authorized.

ARTICLE 130: NEW ASSIGNMENTS REQUISITION

Agency Heads shall have to submit their requisitions for exclusive use vehicle assignments for some of their agency's personnel within sixty (60) days after these regulations enter into effect. This provision shall not apply to Heads and Deputy Heads holding said positions on the date these regulations enter into effect.

ARTICLE 131: POOL INTEGRATION OF ASSIGNED VEHICLES

Any vehicle assigned for the exclusive use of a person who is not a Head or Deputy Head of an agency, shall have to be integrated to the agency pool or delivered to the Area.

ARTICLE 132: EXCLUSIVE VEHICLES ASSIGNMENT REVOCATION

All exclusive vehicles assignments rendered prior to the effective date of these regulations to any person who is not a Head or Deputy Head of agency, is hereby revoked until the Administrator reevaluates any petition which the Agency Heads may submit on behalf of said persons. Said vehicles not needed by the agency pool shall be sent to the Area for reassignment to other agencies.

This provision shall not apply to personnel from the Office of the Governor.

ARTICLE 133: VEHICLES IDENTIFICATION

Those vehicles not adequately identified when these regulations become effective, and that should be thus identified, according to

the provisions of these regulations, shall have to be reported to the Area and it shall set the date on which said vehicles shall be identified. Once the period established by the Area for the submit-
tal of vehicles to be identified has lapsed and there is no just cause for failing to submit them for identification, they shall be reassigned to other agencies.

ARTICLE 134: SHOPS AUTHORIZATIONS REVOCATION

All authorizations previously conferred to any Government agency to operate shops or procure services related with transportation with-
out Area intervention, is hereby revoked, with no exceptions at all.

Agencies shall continue operating their pools up to six (6) months after these regulations become effective. Within said period they shall have to submit the following to the Administrator:

1. Transportation Superintendent candidate, in the form thus provided;
2. Vehicle inventory, including:
 - a. Description of each vehicle,
 - b. Property number,
 - c. Use,
 - d. Assignment,
 - e. Status,
 - f. Retainment justification;
3. Shop report including:
 - a. Number of shops in operation and their location,
 - b. Copy of original authorization,
 - c. Personnel available,
 - d. Future work projection ,
 - e. Basis for job retainment.

ARTICLE 135: DRIVERS UNDER PREVIOUS REGULATIONS

A ninety (90) days grace period is hereby granted starting on the date these regulations enter into effect, during which Agency Heads shall submit their candidates. Once this period has passed, if no candidate recommendation has been received from the agency, it shall be understood that it is not interested, nor does it need to have Drivers appointed to said agency.

Incumbents on the date these regulations become effective shall be considered Drivers with provisional Authorizations or appointments. No one having said provisional appointment shall be able to drive official vehicles once the ninety (90) days herein stipulated or the training assigned to the Driver candidate for said agency have lapsed, whichever of the two comes later.

ARTICLE 136: New Drivers Record

All irregularities charged to Drivers prior to the effectiveness of these regulations and which do not entail criminal conduct shall be eliminated from their driver's record and they shall not, in any way, affect their future records or their possibilities for recognition or awards as Drivers.

SECTION 8: VIOLATIONS

ARTICLE 137: VIOLATIONS - DEFINITION

Any person shall have violated these regulations if he breaches any of its provisions or incurs in any of the acts mentioned below:

1. To submit incorrect or fraudulent information with the purpose of having an authorization to drive official vehicles issued to him.
2. To lend or negligently dispose of his authorization for driving official vehicles or lend it to another person so he may identify himself as a Government employee or official without being one; or being one, uses or lends it to gain access to documents or to official vehicles; or to persuade any law enforcement agent to act in his favor.
3. To maliciously alter the identification on an official vehicle.
4. To identify a private vehicle as an official one or use or change license plates of official vehicles without the Administrator's written authorization.
5. To alter, eliminate, substitute or include any unauthorized identification on official vehicles.
6. To use confidential plates assigned for official business, or another vehicle, not an official one, or when no official business is being conducted.
7. To use a "GE" license plate on another official vehicle to which it does not belong, or on a private one.
8. To inflict malicious or negligent damages with an official vehicle to third parties, Government property and personnel, as established in these regulations.
9. To violate the rules concerning abusive or undue use, according

to the following:

a. Abusive Use

Any action or omission resulting in a negligent act and causing damage to an official vehicle or to any person and property of third persons with an official vehicle, shall be considered abusive use of an official vehicle.

b. Undue Use

Undue use shall mean any unauthorized use of an official vehicle. The following shall be considered undue use:

- 1) Use in violation of the rules established by the Administrator;
- 2) Nonauthorized personal or family use; meaning the use of the vehicle to transport relatives or for personal business;
- 3) Unjustified detour from the assignment route;
- 4) Use in social functions outside those inherent to Government and administrative business performed by the user;
- 5) Transportation of nonauthorized passengers on trips in official vehicles;
- 6) Breaching of the rules established by the "Vehicles and Traffic Act of Puerto Rico", the Law and Regulations of the Environmental Quality Board and others;
- 7) Negligent though official use of vehicles;
- 8) Use in violation of the decorum and moral standards and the behaviour expected of a good family man.

ARTICLE 138: ACCIDENTS AND VIOLATIONS

Any unexpected incident occurring while driving an official vehicle shall be considered an accident.

1. Gradation

Accidents shall be considered serious and less serious depending on the type of occurrence and damage inflicted.

a. Serious

All malicious, negligent or involuntary acts inflicting damages to the Government fleet or property in excess of five hundred dollars (\$500); or to vehicles and/or third parties property in excess of one thousand dollars (\$1,000); or to persons, regardless of the amount, shall be considered serious accidents, such as:

1) Types

- a) All types of collisions as a consequence of which damages are inflicted exceeding the amounts mentioned in this Article;
- b) Illegal appropriation of official vehicles or other Government properties transported in them or that are part of them;
- c) Violations to the "Vehicles and Traffic Act of Puerto Rico", whose penalty entails a jail term.

b. Less Serious

Any irregularity in relation with any fleet vehicle which is not included in the serious category, such as but not limited to those listed below, shall be considered less serious accidents:

1) Types

- a) Collisions whose total amount of damages are less than those stipulated for serious ones;
- b) Scrapes, scratches, tire blowouts due to excessive speed, any damage to the vehicle that entails its towing, and any other damage or minor mechanical problems occasioned involuntarily by the Driver or other persons; or by the negligence of the Driver or third parties, or maliciously by the Driver or third parties;
- c) Violations to the "Vehicles and Traffic Act of Puerto Rico", involving fines.

ARTICLE 139: RESPONSIBILITY

When intentionally, maliciously or negligently any employee inflicts damages on property of the Commonwealth of Puerto Rico or of anyone of its organisms in anyone of its Branches of Government or on the property of third persons, independently of whether the Government insurance covers the same or not, the amount of the damage or expenses incurred by the Government may be claimed to the employee, subject to the rules established in these regulations.

ARTICLE 140: PROCEDURE IN CASE OF ACCIDENTS

In the event of an accident involving vehicles the following procedure shall be in order:

1. Puerto Rico Police Notification

The accident shall be immediately notified to the Police Station or police patrol nearest to the site of the incident.

2. Accident Report

The Driver shall write up, on the form thus provided, a report of the events that occurred. Said report shall be submitted within twenty four (24) hours of the occurrence, to the Superintendent of Transportation under whose jurisdiction he works. If the notification period should fall on a holiday, the notification to the Superintendent shall be made immediately by telephone from the place of the accident or from the Police Station, whichever is more convenient.

In agencies where there are no Superintendents, notifications shall be made directly to the Area.

3. Action by the Superintendent

The Transportation Superintendent shall refer to the Area the report with comments, approving or revising the same, as soon as he receives it.

In the case of Assistant Superintendents, they shall submit their report directly to the Area but shall send a copy to the Superintendent of the agency.

4. Official Investigation

Once the accident report has been received, the Area shall submit the matter to investigation by the authorized representative of the Assistant Administrator in those matters.

a. Content

The Investigator's Report shall be limited to the facts gathered through witnesses or documentary evidence and under no circumstances shall it include Findings of facts or Conclusions of Law.

b. Evaluation by the Assistant Administrator

The Investigator's Report shall be submitted to the

Assistant Administrator, who at his discretion, he or his authorized representative shall evaluate the evidence and determine if the Driver is liable or not.

1) No Negligence Determination

If the Assistant Administrator or his authorized representative should determine that the Driver was not negligent, the matter shall be filed, and the Driver shall be notified the final determination of no negligence. A copy of it shall be sent to the Agency Head through the Superintendent of Transportation, who shall be in charge of having it reach all the internal divisions of the agency dealing with the matter.

2) Preliminary Negligence Determination

If the Assistant Administrator or his authorized representative should conclude that the Driver was negligent, his record file shall be sent to the Agency Head, who shall determine, in conformance to what is further on established, if the evidence collected sustains a negligence charge or a charge of violating the rules established in these regulations.

5. Hearing

The person designated by each Agency Head in these cases shall evaluate the evidence and determine if it can sustain a negligence charge. If he thus concludes, he shall set a hearing date on which the Driver may present evidence on his behalf.

1) Procedure

The procedure to follow in setting, notifying, and holding a hearing shall be the same as that followed for any other disciplinary action in Government and a record shall be kept of the same.

2) Report

The person designated by the agency head shall submit a report including the following four (4) parts: Finding of facts, Conclusions of Law, Determination of liability level and Recommendation of sanction to be applied, according to the provisions of these regulations.

- a) If it is concluded that the employee is liable, a report shall be submitted to the Agency Head.
- b) If it is concluded that the evidence exonerates or is not conclusive concerning the liability of the employee, notification to such effects shall be issued to the employee, the Agency Head and the Area. The case shall be closed.

6. Agency Head Resolution

In those cases where the employee is found liable, the report shall be referred to the Agency Head for approval or rejection.

The final decision in the case shall be made by the Agency Head, who shall notify his decision to the employee, the agency Superintendent, if any, and the Area for the corresponding action.

7. Review

If the employee wishes so, he may file for a review of the Findings of facts or the Conclusions of Law at the

"Personnel Administration System Board of Appeals", within thirty (30) days of being notified of the Agency Head's decision.

8. Applicable Sanctions

The Agency Head may impose any of the sanctions provided in these regulations, but, revocation of the authorization for driving official vehicles may only be imposed given and proven one of the situations herein expressly stipulated; in which case, the Agency Head shall have no alternative but to impose said sanctions.

1) Application Revocation of Authorization to Drive Official Vehicles

- a) When the act committed has been one against the moral or dignity of any human being, or the conduct and decorum expected of a Government employee.
- b) When involving an accident which entails the total loss of an official vehicle, if the Driver was found to be negligent.
- c) When an official vehicle has been utilized for the commission of a serious crime or involuntary manslaughter.
- d) When the official vehicle has been used for the commission or violation of the Vehicle and Traffic Act of Puerto Rico in the following cases:
 - (1) Driving while intoxicated,
 - (2) Driving negligently,
- e) When the Driver is a frequent violator of Government transportation rules.

article 141: ACCIDENTS REPAIR AND PAYMENT PROCEDURE

1. Repairs not Covered by Insurance

When an accident involving an official vehicle occurs, independently of who occasioned the accident, the Administration shall repair the vehicle or shall authorize the same to be done by a private shop.

The Administration shall collect from the agency to which the vehicle is assigned, the cost of its repair; and in cases when it has been repaired in a private shop, the special procedure approved to such effect shall be in order.

2. Insurance Covered Repairs

If the vehicle involved in an accident is insured and the damage covered by the insurance, the Administration shall be the only one to file a claim with the insurance company on behalf of the Government.

3. Repairs Covered by Third Parties Insurance

When an official vehicle sustains damages inflicted by a vehicle of a third party whose negligence has been accepted by him or by his insurance company or established by a competent court, the agency having the vehicle assigned to it, shall pay for the repair to the Administration and proceed to collect directly from the third party or its insurance company. The Administration shall send a copy of the Investigator's Report to the agency, and all details related with the company and persons liable to claims.

4. Payments Difference

Any difference between what the insurance company pays

for damages to the vehicle and the real cost of repairs shall be borne by the agency to which the vehicle was assigned on the date of the accident.

ARTICLE 142: COLLECTION IN CASE OF ACCIDENTS AND OTHER EXPENSES

1. Malicious or Negligent Damages to Vehicles with Collision Coverage

If it were determined that the Driver's malice and/or negligence caused the damages, the Government, or its insurance company shall pay them; but in turn, the Driver may be requested to:

- a. Pay the insurance coverage deductible amount;
- b. Pay for damage not covered by the insurance

2. Damages to Vehicles Insured without Collision Coverage or not Insured

If the Driver should inflict loss or damages to official vehicles not insured or without collision coverage, and if it were determined that it was his fault or negligence, he shall be asked to pay for the cost of the repair or the loss of the vehicle in present United States currency. If total loss is collected the amount to be collected shall be based on Full Market Value of the unit and not the Book Value in Administration records.

If loss or damages were inflicted on non-insured official vehicles and the Driver was not guilty or negligent, he may not be charged with the cost of the repairs, nor loss or damages to the official vehicle.

3. Damages Inflicted Due to Employed Third Parties Negligence

If the Driver should prove that the nearest cause of the accident was the guilt or negligence of other persons related with the fleet such as mechanics, Transportation Superintendents, or Assistant Superintendents, or others; or was due to hierarchical obedience such as contemplated in Article 30 of the Penal Code of 1974, the Driver shall not be liable for the damages, and these shall be collected proportionately from the person who caused the accident, if proven as such.

4. Unlawful Acts

When a Driver incurs in unlawful acts due to instructions received from his immediate supervisor, such as personal business for them; or incurs in due use of vehicles, he or the person who induced him to carry out such action shall be the one to bear the cost of the time which the vehicle was out of official service, based on the open market rate per hour for a rental vehicle.

5. Fines Received in Official Vehicles

If a Driver is fined by a court for minor violations to the "Vehicles and Traffic Act of Puerto Rico" while driving official vehicles, he shall be liable for the total amount of the fine.

6. Accusations

Agency Heads may at their discretion, authorize their agency's lawyer to represent, free of charge, any Driver, if he merits it.

7. Parking Tickets

If a Driver is given a parking ticket in an official vehicle,

he shall be liable for the fine which the ticket entails.

8. Parking Expenses

Drivers will be reimbursed all expenses in which they may incur in private parking lots, where government cars may be parked.

ARTICLE 43: COLLECTION PROCEDURE

When according to what is established in the preceding Article of these regulations, any Government employee is imposed the sanction of reimbursing the cost of the repairs or parts of it and the employee accepts it, the following procedure shall be in order:

1. Area Notification

The agency shall notify the Area of the collection decision and total amounts to be collected from said employee.

2. Collection

The Finance Unit of said agency shall be in charge of the corresponding collection procedures.

3. Limitation

Administrative procedures may not be imposed employee refusing to accept said responsibility.

4. Options

a. Repairs

When a Driver voluntarily offers to repair a vehicle at a private shop that is not under contract with the Administration, said repair may be authorized subjecto to the following:

- 1) The offer shall be submitted by the agency or the Administration Investigator (depending on the stage at which it is made) for the Assistant Administrator's

approval or that of his authorized representative who shall use his own determination subsequent to the investigation or physical inspection of shop at issue.

If it meets the minimum requirements set by the Area for private shops compliance, the Assistant Administrator may authorize the repair, subsequent to the completion of the corresponding form thus provided.

b. Deduction Authorization

An employee, who accepts responsibility prior to the investigators report or at any other stage, who offers to pay part or all repair cost, shall have to fill out and sign the salary deduction authorization card, provided him to such effects; or shall make immediate payment in current legal U.S, currency or certified check.

The person not able to make full payment may request a payment plan, authorizing in writing a direct deduction from his salary, in accordance with regulations approved by the Secretary of the Treasury Department, under the provisions of the "Accounting Act of Puerto Rico".

In these cases the person shall have to fill out the form thus provided, which in turn will be sent to the finance unit of the corresponding agency for the salary deduction in order.

5. Judicial Claim

In case the employee should refuse to pay the amount set at the discretion of the Agency Head, and in exercise of the provisions of the "Accounting Act", he may refer the matter to be settled through judicial means. In these cases, the Administration shall be notified as to the action to be taken.

ARTICLE 144: COLLECTION PROCEDURE AGAINST THIRD PARTIES

When third parties admit their liability and agree to pay the cost of damages or part of it, they shall have to fill out the "Payment Commitment" form, provided to such effects.

When the agency having the vehicle assigned has made a total or partial payment for the reparations of the unit, it may resort to the particular citizen for the total amount or for that portion not covered by the insurance. This claim shall be made according to the provisions of the "Accounting Act of Puerto Rico", which shall be enforced by the agencies at the discretion of the Agency Heads.

ARTICLE 145: PENALTIES

1. Any person breaching the provisions of these regulations, and found in such a breach, may be imposed anyone of the following penalties by the competent authority:
 - a. Submit the matter to the Department of Justice, under the provisions of Article 32 of Public Law 164 of June 26, 1974, as ammended, which provides that any person who violates the regulations adopted under said law shall incur in a misdemeanor which shall entail a fine of no less than fifty dollars (\$50) nor greater than two hundred and fifty dollars (\$250) or imprisonment for a term of no less than a month nor greater than six (6) months, or both penalties at the discretion of the Court. This action may only be conducted by the Administrator, at his discretion, or at the Agency Head's request.
 - b. Revoke or suspend the appointment as Driver, Superintendent or Assistant Superintendent, as the case may be.
 - c. Revoke use authorization or exclusive assignment of a vehicle. This penalty may be imposed by the Administrator

or the Agency Head. In the case of Heads or Deputy Heads of agencies the revocation shall be made by the Governor.

- d. The Assistant Administrator may refer the report to the Agency Head, so that he may, at his discretion, proceed to impose one of the sanctions authorized by Article 6 of Public Law No. 5 of October 14, 1975, as amended, known as the "Public Service Personnel Administration Act".
- e. File a civil suit against him to recover the amount of any disbursement made unnecessarily by the Government as stipulated in paragraph "c" of Article 16 of Public Law 164 of July 23, 1974, as amended, known as the "General Services Administration Act"; which provides that any Purchase Order or Contract executed in violation of that Law or of the regulations adopted under it, shall be void and without effect; and if public funds were invested in it, their amount may be recovered on behalf of the Government in an action filed for such purposes.
- f. Collect an amount equal to the market rental rate of vehicles used for private purposes, without authorization from the Administrator.
- g. Request the cost of repair of damages inflicted on Government property, if it were not recoverable from any other available source.

2. Restriction

- a. Penalties other than those established in these regulations may not be imposed on any Government employee for acts related with the Government fleet.

d. No Government employee may be concurrently imposed more than one of the penalties established in these regulations, except the following:

- 1) Revocation or suspension of the authorization for driving official vehicles.
- 2) Payment for damages suffered by the unit or expenses incurred in its repair if the employee accepts it.

SECTION C: INCENTIVES AND AWARDS

ARTICLE 146: INCENTIVES PROGRAM

1. Official Drivers

An incentives and awards program is hereby created in the Administration, in charge of the Transportation Assistant Administrator for the annual recognition of the efficient labor rendered by all Government Official Drivers.

2. Use of Private Transportation Means Promotion

With the purpose of promoting public policy established concerning the use of private vehicles, the following is hereby established:

a. Mileage

Any Government personnel utilizing their private vehicles or public transportation means, instead of the official transportation for official business shall be entitled to be paid for the mileage travelled at the rate established by the Secretary of the Treasury, prior to consultation with and recommendation of the Administrator.

b. Others

The Administrator in consultation with the Secretary of the Treasury and the Budget Bureau Director, shall establish other benefits to promote the use of private vehicles, in substitution of official vehicles for official purposes.

3. Reimbursements for Special Expenses

The cost for any service, material, or parts incurred in by an employee in case of an emergency, shall be reimbursed provided he submits the corresponding invoice and justification within two (2) working days after making the payment.

SECTION D: DOCUMENTS

ARTICLE 147: DOCUMENTS DISPOSITION AND SAFE-KEEPING PERIOD

1. Personnel Records

Documents belonging to the personal record file of persons with appointments as Drivers, Superintendents, Assistant Superintendents, shall be retained in the Area Active Files, while the person holds that position or office in Government, or while the authorization lasts, whichever of the two is the longest.

Once employees or officials, for any reason, cease their functions in Government, or any person who is not a Government employee, reaches sixty five (65) years of age, their records shall be transferred to the inactive files of the Area for a ten (10) year period, at the end of which they may be disposed of, in accordance with the provisions of Public Law No. 5 of December 8, 1958, as amended, known as the "Public Documents Administration Act of the Commonwealth of Puerto Rico" and regulations approved under it.

2. Vehicle Records

Documents which are part of the official vehicles record file shall be retained in the Area Active Files while the vehicle is Government property, regardless of the Governmental organism to which it is assigned.

Once the vehicle is transferred to a private entity or person other than the Government, the record shall be placed in the inactive files of the Area for a period of

ten (10) years at the end of which it shall be disposed of according to Public Law No. 5 of December 8, 1955, as amended, and regulations approved under it.

ARTICLE 148: DOCUMENTS AND PROCEDURES: TEMPORARY EFFECTIVENESS

All forms, documents, or special procedures not covered in these regulations, concerning the subject matter of these regulations, even though they may have been approved under other regulations revoked by these, shall maintain their effectiveness until new forms are issued and new procedures approved.

SECTION E: FINAL PROVISIONS

ARTICLE 149: DEROGATIONS

Regulations No. 57-1 of the Transportation Office "Establishing the Procedure to be followed in the Handling of Motor Vehicles" of November 9, 1956; Regulations No. 3 of August 22, 1949 of the Transportation Office "For the Acquisition, Use and Sale of Everything Related With Motor Vehicles Assigned to the Executive and Judicial Branches of the Government of Puerto Rico"; Regulations No. 4 of August 5, 1952 "For the Use of Private License Plates on Motor Vehicles under the Control of the Insular Government Transportation Office"; the Transportation Office Regulations of August 18, 1949; Circular Letters 63-4 of February 27, 1963, ASG-74-26 of February 26, 1974; "Orientation Course for the Granting of Authorization to Drive Official Vehicles" ASG-74-27; ASG-74-40 of June 13, 1974; ASG-75-17 of November 15, 1974; ASG-75-19 of December 6, 1974 "Registry of Official Holding AT-14 "Motor Vehicle Driving Authorization Application"; ASG-77-8 of August 24, 1976; ASG-77-10 of September 8, 1976; Administrative Bulletin 3421 of October 3, 1977; and Administrative Bulletin No. 3586 of January 25, 1979; and any other rule, regulation, circular letters, authorization or order issued about the same topic before the effectiveness of these regulations, even though its provisions may not be contradictory with those of these regulations.

ARTICLE 150: EFFECTIVENESS

These Regulations shall enter into effect thirty days after filling them with the Secretary of Sate, according to provisions of the "Regulations Act of 1958".

APPROVED IN SAN JUAN, PUERTO RICO today, the day of , 1979.

(Signature)
LEOPOLDO MERCADO SANTINI
ADMINISTRATOR

TRANSLATOR'S CERTIFICATION

I hereby certify that I have faithfully and correctly translated these Regulations from their original version in Spanish into English, to the best of my professional knowledge.

Nellie Díaz de Gorbea
Professional Translator
A.P.T. A.T.A.