

Senate Bill 20-071
Legislation Resulting from the Commuting Use of State-Owned Vehicles Performance Audit
Concerning Clarification Regarding the Use of a State-Owned Motor Vehicle by an Employee
of a State Agency to Travel Away From Home
Recommendation No. 1, Page 31

What Would This Bill Do?

This Bill would amend Section 24-30-1113, C.R.S. to:

- Clarify the provision regarding the number of nights a state-owned vehicle may be parked at an officer or employee's personal residence and specifies that the limitation does not apply if the officer or employee is using the state-owned vehicle for the purpose of traveling away from home.
- Clarify that commuting does not include traveling away from home as defined by the federal internal revenue service (IRS) and that an officer or employee shall not use a state-owned vehicle for commuting unless such use is authorized pursuant to law.

What Did the Audit Find?

The November 2016 performance audit of the Commuting Use of State-Owned Vehicles found that the statutory criteria to authorize use of a take-home vehicle were unclear and may not be aligned with the State's business needs, and state requirements at the time did not align with IRS regulations for determining whether and how much vehicle fringe benefit income should be added to an employee's pay when the employee has been assigned a take-home vehicle. The Legislative Audit Committee sponsored House Bill 17-1296, which clarified several aspects of the requirements and processes related to assignment of state-owned vehicles.

Based on technical guidance it received from the IRS, the Department of Personnel & Administration proposes a revision to Section 24-30-1113, C.R.S., to distinguish between traveling away from home and commuting. The Department of Personnel & Administration reports that the revision is needed to align state requirements for commuting with IRS regulations. Specifically, the current statute can create confusion for state agencies regarding whether use of state-owned vehicle is taxable to an officer or employee when a vehicle is parked at an officer or employee's residence for more than one night for the purpose of traveling away from home rather than for commuting.

Comments: The Department of Personnel & Administration supports this Bill.