

OFFICIAL VEHICLE POLICY

JUDICIARY OF GUAM
Administrative Office of the Courts

ADMINISTRATIVE POLICY #UJ 05-01

Effective Date: April 22, 2005

OFFICIAL VEHICLE POLICY

I. PURPOSE

To develop and implement a uniform policy for motor vehicle management and utilization in conjunction with the mission and objectives of the Judicial Council of Guam. This policy shall serve as rules of procedure to ensure the proper use of government vehicles.

II. OFFICIAL VEHICLE ASSIGNMENT

1. Class "A" Vehicle is the vehicle assigned to the Chief Justice and/or the Presiding Judge. All other vehicles shall be either Class "B" or Class "C" vehicles.
2. Class "B" Vehicles are vehicles assigned for the exclusive use by a division.
3. Class "C" Vehicles are also called fleet vehicles, are unassigned government vehicles which are available on a priority/first come, first serve-basis.

III. GUIDELINES AND GENERAL RESPONSIBILITIES

1. No Class "B" or Class "C" vehicles shall be assigned for the exclusive use of a division head. No division head or employee is authorized to use a government vehicle after regular working hours except when the division head or employee is performing official duties or is on call as expressly authorized by the Administrator of the Courts. The division head is responsible for designating the use of the vehicles assigned to the division for its exclusive use.
2. In accordance with Section 1103 of Title 4 G.C.A., government vehicles shall be used for official purposes only. Thus, the use of Supreme Court and Superior Court vehicles shall be restricted to travel performed by a person in an official capacity or as an employee of the court, provided that the purpose of travel shall be related to the performance of duties or activities conducted under express authorization by the Courts.
3. Pursuant to amendments made in Public Law 27-29 to 4 G.C.A. §1103, Peace Officers of the Judiciary, as defined in 8 G.C.A. §5.55, may drive vehicles to their homes only if the Peace Officer could not proceed to duty except by using a government vehicle. Such use shall be limited to only operation of the vehicle to and from the Officer's place of residence and shall not be used for any other purpose.

4. Law enforcement and Peace Officers shall adhere to the procedure regarding responding to emergency, urgent and routine marshal calls, as delineated in the Memorandum in Appendix A of this Policy.
5. Operation of an official vehicle shall be executed in a safe and prudent manner obeying all parking and traffic regulations. A parking or traffic violation becomes the operator's personal liability and may be subject to disciplinary action.
6. Unauthorized passengers shall not ride in government owned or government leased vehicles. Unauthorized passengers are private citizens not employed, involved, or participating in any Supreme Court or Superior Court activity or business. Unauthorized passengers shall not include Pro tem Judges or Justices acting within the scope of their pro tem assignments or the spouse or family members of a Judge or Justice while accompanying the Judge or Justice to an official event.
7. All operators of official vehicles must possess a valid Guam operator's license for the type of vehicle to be operated or a valid chauffeur's license, if required.
8. Driving while under the influence of alcohol or drugs is prohibited.
9. In accordance with 16 G.C.A. § 26103, each driver and passenger of a vehicle shall wear a properly adjusted and fastened safety seat belt.
10. Operators will be responsible for completing Motor Vehicle Trip Ticket and inspecting official vehicle for any apparent damages. All damages not previously noted must be reported to the Official Vehicle Officer or his or designee prior to removing the vehicle from Court premises. The Official Vehicle Officer will be responsible for reporting damages to the Procurement and Facilities Management Administrator and Administrator of the Courts.
11. Operators shall ensure that the fuel gauge reads not less than one quarter (1/4) tank before the return of the vehicle.
12. Upon completion of official duties, vehicle must be parked in the designated space of the Court's Parking Facility, and the completed Motor Vehicle Trip Ticket, any gas receipts and the keys for the official vehicle shall be submitted to the Official Vehicle Officer or his or her designee. The Motor Vehicle Trip Ticket must be turned in on a daily basis; however, if this is not possible due to extended or evening usage, the Motor Vehicle Trip Ticket must be turned in to the Official Vehicle Officer first thing the following morning.

IV. REPORTING OF INCIDENTS

1. Operators of official vehicles must immediately report all accidents and incidents of damage or theft of court-assigned vehicles to the Official Vehicle Officer or his or her designee, immediate Supervisor, and proper law enforcement authorities. An initial

verbal report must be made and shall be followed by a written report to the Procurement and Facilities Management Administrator detailing the circumstances of the incident. The written report must be submitted no later than three (3) working days from the date of the incident known to the employee.

The Procurement and Facilities Management Administrator, via the Official Vehicle Officer, will be responsible for reporting these damages upon occurrence, in writing, to the Administrator of the Courts. In addition, if the vehicle was federally funded, the Procurement and Facilities Management Administrator will also be responsible for reporting the damages upon occurrence, in writing, to the Special Projects Coordinator for grantor notification. The written report must include:

- a. The date, time and place of incident;
 - b. The identities of all parties involved;
 - c. The description and license plate numbers of the vehicles involved;
 - d. The circumstances of the incident;
 - e. The description of personal injury or property damage involved;
 - f. The name of Insurance Company and Policy Numbers, if any; and
 - g. The police report and case number.
2. Accidents or incidents resulting in personal injury or fatality or property damage amounting to \$250.00 or more must be reported by the operator to the Department of Revenue and Taxation within ten (10) days of the accident as per P.L.20-216 section 19105 and 19106(a).
 3. Failure to report accidents or incidents of injury or damage or fleeing the scene of an accident may be cause for disciplinary action.

V. NEGLIGENT OPERATION OR ABUSE OF AN OFFICIAL VEHICLE

1. If abuse, negligence or misuse, on the part of the employee, regardless of whether the employee is the operator of the vehicle, including a violation of any provision of this policy, is suspected to be a factor involved in the accident, the immediate Supervisor shall submit a request to the Administrator of the Courts to conduct an internal investigation. The Administrator of the Courts is responsible for assigning the internal investigation.
2. The internal investigation of the incident and circumstances relating to the incident shall be presented in writing and will include findings and recommended disciplinary action, if any. The report shall be submitted to the Administrator of the Courts within ten (10) working days.
3. The Administrator of the Courts shall render a written decision within five(5) working days following receipt of the report.
4. Should the Administrator of the Courts find that the damage is the result of the employee's own willful or wanton misconduct, the employee in question may be

required, at the discretion of the Administrator of the Courts, to reimburse the Court for any expenses incurred as a result of the accident or incident, apart from any disciplinary action, if any.

VI. MAINTENANCE OF VEHICLES

1. The Procurement and Facilities Management Division (with the assistance of the Official Vehicle Officer) shall control the automotive vehicle pool operation in accordance with the policies and directives outlined herein.
2. In addition to the requirements stated on the Motor Vehicle Trip Ticket form, the operator must examine if minor services are needed while refueling the government vehicle. Some examples include, but not limited to: checking the engine/transmission oil, coolant, battery, brake fluid, etc. If the operator determines that the vehicle requires service, he shall inform the Official Vehicle Officer or his or her designee. The Official Vehicle Officer shall then submit a work request/internal purchase order to the Procurement and Facilities Management Administrator for processing the vehicle to the Maintenance Division for servicing.
3. All vehicles will be safety inspected each year and must have a current safety inspection decal. The Official Vehicle Officer or his or her designee shall maintain records and ensure scheduling of the safety inspection prior to the expiration of decals. Vehicles failing safety inspection shall be immediately repaired to conform with the safety standards established by the Government.
4. Operators assigned to the official vehicles are responsible for basic cleanliness to ensure that both the interior and exterior of the vehicle be kept clean, such as emptying trash, dusting floor mats, etc. Should the vehicle require thorough cleaning, the operator shall inform the Official Vehicle Officer or his or her designee, who then shall submit the vehicle to the Maintenance Division for cleaning.
5. Preventive maintenance on the vehicles should be performed every three (3) months by the Maintenance Division.

VII. USE OF PRIVATE VEHICLES AND MILEAGE REIMBURSEMENT

1. Employees are required to request for a government vehicle, if necessary. Mileage authorization for the use of an employee's privately owned vehicle may be granted only if there are no government vehicles available at the time a request is made.
2. Depending on the nature of fieldwork, reservations for government vehicles may be made in advance and will be at the discretion of the Administrator of the Courts and/or Division Head or his or her designee. The Procurement and Facilities Management Administrator will be informed in order to coordinate through the Official Vehicle Officer.
3. Employees with responsibilities requiring fieldwork may apply for mileage authorization. Only vehicles registered for mileage authorization may be used to

obtain mileage reimbursement.

4. The Request and Authorization for Allowance for Use of Private Vehicle on Official Business Form must be completed by the employee and submitted to the Procurement and Facilities Management Administrator for processing. Mileage reimbursement will be effective on the date of signature of the Administrator of the Courts.
5. The Mileage Reimbursement Form and the Reimbursement Request and Monthly Summary of Private Vehicles Used on Official Business Form must be completed on a monthly basis and submitted within five (5) working days of the succeeding month. All subsequent submissions may not guarantee mileage reimbursements at the end of the same month. Submissions are to be made directly to the Controller, Financial Management Division.
6. The Division Heads shall review all requests and authorizations for allowance in use of private vehicles on official business and shall submit a recommendation for the Administrator of the Courts' disposition. The recommendation must include the status of availability of court vehicles in the fleet.

VIII. VEHICLES USE TAX FOR CLASS "A" VEHICLES

In accordance with Section 61 of the Internal Revenue Code, employee use of an employer's owned vehicle for commuting purposes is a fringe benefit and should be considered as taxable income. Commuting is defined as direct travel to and from employee's residence and official workstation. Employee assigned Class "A" vehicles shall calculate the fringe benefit value as follows:

$$\begin{array}{r} \text{Fair market value of the vehicle} \\ + \\ \text{Distance from home to work} \times 2 \\ \text{(Round trip)} \times 0.60 \text{ mile}^* \end{array}$$

These charges shall reflect actual days worked and shall not include annual leave (vacation), sick leave, administrative leave, and holidays. The employee shall add the fringe benefit value to their gross earnings and must include this taxable income on the Department of Revenue and Taxation Form 1099 when filing their annual tax report.

*(Amount per mile as established and approved by the
Guam Legislature in accordance with Public Law 21-14 §23105).

IX. EMERGENCY SERVICES


A government vehicle assigned to an employee may encounter problems requiring immediate services. Should this occur, the driver is authorized to obtain the services necessary to make the government vehicle operable. Costs incurred will be reimbursed with the submission of receipt (s) by the authorized operator.

X. VIOLATION

A violation of any term or provision of this vehicle policy is grounds for disciplinary action including termination.

AUTHORITY & IMPLEMENTATION

This Administrative Policy was adopted by the Judicial Council on April 22, 2005 as part of the Judiciary's unification and reorganization process. This policy supercedes any previously adopted Official Vehicles Policy and shall remain in full force and effect within the operations of the Judiciary of Guam.


PERRY C. TAITANO
Administrator of the Courts
Date:

Attachments:

1. Appendix A - Memorandum dated July 28, 1997
2. Motor Vehicle Trip Ticket Form
3. Dept. of Revenue & Taxation Report of Motor Vehicle Accident Form



JOSEPH M. CRUZ
Chief Marshal

Superior Court of Guam

MARSHAL DIVISION
JUDICIAL CENTER
120 WEST O'BRIEN DRIVE
AGANA, GUAM 96910
TELEPHONE: (671) 475-3327/3315



July 28, 1997

Memorandum

To: Marshal Personnel

From: Chief Marshal

Subject: **RESPONDING TO EMERGENCY, URGENT AND ROUTINE CALLS**

Purpose: To establish division policies, procedures, and guidelines concerning the use of Court Official Vehicles in responding to emergency, urgent and routine Marshal calls.

This Order consist of the following numbered sections:

- I. Discussion
- II. Vehicle Code Provision
- III. Emergency Calls
- IV. Use of Blue Lights, Siren, and Speed
- V. Responsibilities

I. **Discussion:**

All Marshal Personnel are directed to adhere to the following division policy and guidelines in connection with the handling of Superior Court Official Vehicles and responding to an emergency situation.

II. **Vehicle Code Provision:**

- A. Section 3301(e) of Title 16 Guam Code Annotated provides that the driver of an authorized emergency vehicle shall be exempt from the provisions of the Code.
- B. The exemption, as mentioned above, applies only where the authorized emergency vehicle is being operated under one or more of the following circumstances:
 1. In responding to an emergency call.
 2. In the immediate pursuit of an actual or suspected violator of the law.

- C. The exemption also applies only when the following conditions are met.
1. A siren is being sounded in a manner which gives reasonable warning of the approach of the official vehicle.
 2. One flashing blue lamp or light is displayed by the vehicle upon the public highway.
- D. No privilege to operate a vehicle in disregard of Title 16 G.C.A. Chapter 3 can be established ~~unless adherence to these provisions can be established~~ unless adherence to these provisions can be proven. Having complied with these provisions, the benefits of the privilege are still denied if the driver of the vehicle fails to show due regard for the safety of all persons using the highways or arbitrarily exercises this privilege.

III. Emergency Calls:

- A. An Emergency is defined as a situation in which there is a high probability of death or personal injury to a Deputy Marshal or damage to property and speedy action by a deputy marshal may avert or reduce the seriousness of the situation or the consequences of the act.
- B. Examples of Emergency Calls include, but are not limited to:
- 1) Deputy Marshal in imminent danger of being injured
 - 2) A violent felony in progress.
 - 3) Deputy needed assistance in execution of Warrant of Arrest.
 - 4) Traffic Accident with serious injury.
 - 5) Life threatening situation on Judges or employees.
- C. With some exceptions, emergency calls received by a deputy marshal are dispatched by radio. On calls received the determination of what constitutes an emergency is made by the radio dispatcher and the message is broadcasted with a code designation signifying an emergency call.
- D. Emergency calls shall be dispatched "CODE 1"
- 1) Deputy Marshal dispatched Code 1 Will immediately proceed directly, and in a safe manner, to the call by the most expedient route, and under normal circumstances will have their emergency lights and siren in operation to facilitate and expedite their response.
 - 2) Code I does not protect the driver of an emergency vehicle from the consequences of a reckless or unnecessary disregard of the safety of others.

IV. Use of Blue Lights, Siren, and Speed:

- A) Whether the deputy marshal is responding to an emergency call or pursuing an actual or suspected violator of law, he must sound the siren in a manner which will give the ample warning of his approach, and he must display a flashing blue light before he or the territory has the benefit of the exception awarded emergency vehicles. (Neither the siren nor the flashing blue light when used alone is sufficient; both must be used). During daylight hours, when the flashing blue light may be given insufficient warning, deputies responding to emergency calls may also turn on headlights and the four way flashing emergency lights.
- B) Since neither the siren or the flashing blue lights alone is sufficient to qualify the vehicle as an emergency vehicle, neither one will be used alone while the vehicle is in motion, except that the flashing blue light may be used as a means of identification while stopping or apprehending violators as long as the 16 G.C.A. Chapter 3 provisions are not violated. Flashing blue lights shall be used on top of Court Officials where such use will aid in minimizing the traffic hazzard.
- C) The Siren need not be sounded continuously. The law requires the use only when the officer is driving in a manner which violates the Title 16 G.C.A. Chapter 3 provisions and is asking for the right to use the roadway in a manner that will conflict with the ordinary lights of some other persons to use the roadway, then the siren must be sounded a sufficient length of time before reaching the place where the conflict might occur to give such other person a reasonable opportunity to come to a stop in a safe place. Remember that in crowded places and where traffic is heavy, conflict may occur at any time.
- D) At intersections there is always the possibility of a conflict either with vehicles or pedestrians. The more congested the area, the heavier the traffic, the more restricted the view of the intersecting roadway, the greater the likelihood of conflict becomes and the more certain the deputy must be that he has given adequate warning by sounding the siren and using the flashing blue lights and that he is driving in a manner which shows due regard under the circumstances for the safety of persons and property on the roadway emergency vehicles must stop at all traffic light controlled intersections until all other vehicles have the right of way.
- E) The sounding of a siren 50 to 100 feet before reaching an intersection is not adequate warning. The siren must be sounded a sufficient length of time before reaching the intersection to allow such persons to adjust themselves mentally, react physically, and bring their car to a stop before the deputy marshal responding reached the intersection.
- F) Experience has shown that sirens are most audible when operated in a manner which causes a fluctuation in the tone and volume. A steadily sounded siren does not get the attention that a fluctuating siren receives.

- G) Once a Marshal has made a decision to use the siren, one must remember that some persons are hard of hearing, windows are sometimes closed in other vehicles, persons are listening to their radios and many people become confused when they first hear the siren.
- H) Accidents have occurred between two emergency vehicles sounding sirens and approaching intersections at right angles. Neither driver was aware of the approach of the other because each could hear only his own siren. Consideration must therefore be given to the possibility that the emergency vehicles may also be asking for the same right of way which the officer is seeking.
- I) When responding to an emergency, *at no time* may one emergency vehicle overtake another emergency vehicle that is already responding to the same emergency. Exceptions are when two vehicles are responding to two different emergencies and must travel in the same direction, the officer responding to a Code 1 call must take precedence over the other emergency vehicle, however, extreme caution must be taken under these circumstances.
- J) Deputy Marshal responding to an emergency, will operate the official vehicle within a single lane of travel. When responding on a highway with four or more lanes, the vehicle will be operated within the inner lane of the highway in the direction of the response. At no time will the vehicle be operated in a lane of travel designated for the opposite direction except when traffic congestion warrants it's necessity. Such movement will only be made after first ascertaining that it can be done with the maximum safety.
- K) When pursuing an actual or suspected violator of the law or responding to other emergencies, the speed necessary in the proper performance of official duty is largely determined by the violator being pursued or the type of emergency. Deputy Marshal's must always remember and follow these rules:
1. Get there as quickly as possible and safety.
 2. Keep the speed at a level which will enable the operator to avoid hazards which should reasonably be anticipated by being alert and exercising due regard.
 3. Keep the vehicle under control at all times.
- L) Deputies should be aware of the hazards of the roads when it rains. The surface of a paved road becomes excessively slippery because of the contamination of water, oil, and grit on the road. Speed should be reduced under these considerations.

MOTOR VEHICLE TRIP TICKET JUDICIARY OF GUAM

I OPERATOR	DEPT/DIVISION	DATE
OPERATOR'S SIGNATURE	TRIP AUTHORIZED BY	LIC. NO
TYPE OF VEHICLE	PURPOSE OF TRIP	FUEL (Gallons)
	DISPATCHED BY	

II NOTE WHEN THIS VEHICLE IS RETURNED TO THE MOTOR POOL, IT MUST BE CLEAN AND HAVE A 1/2 TANK OF FUEL. YOU WILL BE RESPONSIBLE FOR REPORTING ANY DAMAGE OTHER THAN THAT IDENTIFIED AT THE TIME OF ASSIGNMENT. THIS IS FOR YOUR USE ONLY. CARRY REQUIRED OPERATORS'S LICENSE.

TIME	MILEAGE	
ARRIVE	ARRIVE	
DEPART	DEPART	
	TOTAL	

VEHICLE CONDITION	OUT	IN	VEHICLE CONDITION	OUT
FENDERS			GRILL	
BODY			TIRES	
HOOD			LIGHTS	
TRUNK & INTERIOR			MIRRORS	
BED & TAIL GATE			TOOLS & SPARE TIRE	
RUBBERS			OIL WATER	
GLASS			SAFETY BELT	
INSPECTED BY				

III DESTINATION	TIME		MILEAGE	REMARKS
	ARRIVE	DEPART		
FROM COURT			DEPART	
TO			ARRIVE	
01 TO			ARRIVE	
02 TO			ARRIVE	
03 TO			ARRIVE	
04 TO			ARRIVE	
05 TO			ARRIVE	
06 TO			ARRIVE	
07 TO			ARRIVE	
08 TO			ARRIVE	
09 TO			ARRIVE	
10 TO			ARRIVE	

DEPARTMENT OF

REVENUE & TAXATION

GOVERNMENT OF GUAM



855 West Marine Drive Agana, Guam 96910 • Tel: (671) 477-1040 Telex: 721-6218 GOVGUAM • Fax: (671) 477-1040
Driver's Examining Branch Tel: (671) 649-3007-8-9 • Fax: 649-1040

REPORT OF MOTOR VEHICLE ACCIDENT

Traffic Accident Case No. _____

1. Name of Driver: _____ Social Security Number _____
2. Mailing Address: _____ Telephone _____
3. Type: (Operator's) (Chauffeur) (Taxi) (Motorcycle) (Learner's Permit) Expires: _____
4. Date of Accident, Time and Location: _____
5. Number of persons involved in accident _____ Number Injured _____ Killed _____
6. Name of other driver(s) _____
7. Number of vehicles involved _____ Other vehicles _____ Other property damage _____
8. Name of the Registered owner of vehicle you were driving _____
 Legal Owner _____ Make of Vehicle _____ Year _____ Model _____
 License Plate No. _____ Excess Damage _____
9. Insurance Policy No. _____ Name & Address of Company _____
 Effective date _____ Expiration date _____ Coverages _____

Signature of Driver _____

Date _____

Signature of Registered Owner _____

Date _____

PUBLIC LAW 20-216

EFFECTIVE DATE: JULY 1, 1991

SECTION 19105. Report of Accident Required. The driver of every motor vehicle which is in any manner involved in any accident within Guam except on property belonging to such driver, which accident has resulted in damage to the property of another persons in excess of \$250 or in bodily injury or the death of any person, shall within ten (10) days of such accident report the accident to the office of the Director on a form approved by the Director or to the Guam Police Department. If such operator be physically incapable of making such report, and is not the owner of the motor vehicle involved in such accident, then the owner shall, as soon as he learns of the accident, report the matter to the Director and/or the Chief of Police of the Guam Police Department.

SECTION 19106. PENALTY.

(a) Any person who willfully fails, refuses or neglects to report any accident as required by Section 19105 shall be guilty of a petty misdemeanor.