

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

THE COMMONWEALTH OF
MASSACHUSETTS; MAURA HEALEY,
Governor of Massachusetts, in her official
capacity; ANDREA CAMPBELL, Attorney
General of Massachusetts, in her official capacity;
PHILLIP ENG, Interim Secretary of
Transportation, in his official capacity;
COLLEEN OGILVIE, Registrar of Motor
Vehicles, in her official capacity,

Defendants.

COMPLAINT

Case No.: 1:26-cv-12401

Plaintiff, the United States of America, by and through its undersigned counsel, brings this civil action for declaratory and injunctive relief, and alleges as follows:

INTRODUCTION

1. Federal law enforcement agencies operate throughout the United States enforcing federal law, including the immigration laws in Title 8. Their jobs are dangerous as they frequently investigate and apprehend violent criminals including cartel members, gang members, sex offenders, human traffickers, firearms traffickers, and other violent offenders. These brave agents, like their local counterparts, rely on various tools and techniques to stay safe while performing their official duties, including taking certain measures to keep their activities and identities unknown to the general public and the criminals they investigate. One such tool is confidential license plates that cannot easily be tied back to their agencies through records requests or other means.

2. Since President Donald J. Trump took office for the second time in January 2025, some states have tried to obstruct the Federal Government's immigration enforcement efforts, even though control over immigration and the nation's borders is an exclusive federal power. Massachusetts is one of those states. The Commonwealth of Massachusetts has issued confidential license plates to law enforcement agencies for many years, but is now refusing to issue them to ICE and CBP because it objects to their immigration enforcement missions. It nonetheless continues to issue confidential plates to other law enforcement agencies for undercover work and officer safety. Its refusal to do the same for ICE and CBP is discriminatory, a direct regulation, and a blatant violation of the intergovernmental immunity doctrine embodied within the Supremacy Clause. The policy must be declared unconstitutional and invalid, and it must be enjoined.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345.

4. Venue is proper under 28 U.S.C. § 1391(b)(1) because all defendants reside in this district.

5. The Court has the authority to provide the relief requested under 28 U.S.C. §§ 1651, 2201, and 2202, and its inherent equitable powers.

PARTIES

6. Plaintiff, the United States of America, regulates immigration under its statutory and constitutional authorities. It is responsible for enforcing the federal immigration laws through its agencies, including the Departments of Justice, State, and Homeland Security (DHS), along with DHS's component law enforcement agencies U.S. Immigration and Customs Enforcement

(ICE) (which includes Homeland Security Investigations (HSI)), and Customs and Border Protection (CBP).

7. Defendant Commonwealth of Massachusetts is a state of the United States.

8. Defendant Maura Healey is the Governor of Massachusetts and is being sued in her official capacity.

9. Defendant Andrea Campbell is the Attorney General of Massachusetts and is being sued in her official capacity.

10. Defendant Phillip Eng is the Interim Secretary of Transportation and is being sued in his official capacity.

11. Defendant Colleen Ogilvie is the Registrar of Motor Vehicles and is being sued in her official capacity.

LEGAL AND FACTUAL BACKGROUND

THE SUPREMACY CLAUSE AND FEDERAL LAW ENFORCEMENT

12. The Supremacy Clause of the United States Constitution mandates that “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” U.S. Const. art. VI, cl. 2. The Supremacy Clause incorporates principles of intergovernmental immunity, and thus, a state enactment is invalid if it “regulat[es] the United States directly or discriminat[es] against the Federal Government or those with whom it deals.” *United States v. Washington*, 596 U.S. 832, 838 (2022) (citation omitted).

13. The President has a constitutional duty to “take Care that the Laws be faithfully executed.” U.S. Const. art. II § 3.

14. Subordinate officers in various federal agencies assist the President in discharging that duty. *See Seila L. LLC v. Consumer Fin. Prot. Bureau*, 591 U.S. 197, 203–04 (2020); *see also Tennessee v. Davis*, 100 U.S. 257, 263 (1879) (stating that the Federal Government “can act only through its officers and agents”).

15. Because the authority to execute the laws “extend[s] over the whole territory of the Union, acting upon the States and upon the people of the States,” federal officers and agents “must act within the States.” *Davis*, 100 U.S. at 263. Accordingly, federal law enforcement officers carry out their duties within the states, including Massachusetts.

16. For example, DHS, through ICE, HSI, and CBP, is principally responsible for enforcing our Nation’s immigration laws, including the Immigration and Nationality Act (INA), and, pursuant to Congress’s power to “establish a uniform Rule of Naturalization,” U.S. Const. art. I § 8, cl. 4, make up the framework for the “governance of immigration and alien status,” *see Arizona v. United States*, 567 U.S. 387, 395 (2012). In the wake of the terrorist attacks of September 11, 2001, the FBI was granted civil immigration authority in December 2002 by order of the Attorney General pursuant to 8 U.S.C. § 1103. In January 2025, DHS, also pursuant to 8 U.S.C. § 1103, gave that same authority to other DOJ components, including USMS, DEA, and ATF.

17. The INA confers upon the Executive Branch broad authority to inspect, investigate, arrest, detain, and remove aliens who are unlawfully present in the United States. *See, e.g.*, 8 U.S.C. §§ 1182, 1225–29a, 1231. As part of those enforcement efforts, DHS, through HSI, also investigates transnational crime and threats, including incidents of alien smuggling and human trafficking. *See* 8 U.S.C. §§ 1324, 1232.

18. Due to the nature of law enforcement operations, obtaining confidential registrations and license plates is critical to the success of those operations and to officer security. Their missions depend on the agencies' ability to engage in undercover operations, conduct surveillance, approach targets safely, and execute arrests without alerting the targets. Confidentiality in these scenarios is essential to the law enforcement mission of preventing violence, preserving evidence, and protecting the public.

19. Such law enforcement operations require federal law enforcement officers to blend into the environment to avoid premature detection that could undermine the mission and place them at risk. If agents are forced to use a single traceable public plate, enforcement targets may be able to track and evade enforcement. The use of confidential registrations and license plates ensures that critical operations are not compromised before they begin.

MASSACHUSETTS REGISTRY OF MOTOR VEHICLES' POLICY

20. Massachusetts's Registry of Motor Vehicles (RMV) is an organization within the Massachusetts Department of Transportation, which is overseen by the Interim Secretary of Transportation, Phillip Eng. It is responsible for, among other things, issuing vehicle registrations and license plates, and maintaining that data.

21. Massachusetts has had a confidential license plate program for many years which enables certain individuals to obtain confidential license plates, including state and federal law enforcement agencies.¹ As recently as 2025, all federal agencies including FBI, ATF, USMS, DEA, CBP, ICE, and HSI, were able to obtain confidential vehicle registrations and license plates in Massachusetts.

¹ See "Special Report: Confidential Registration Plates, May 1989" at 17, available at <https://archives.lib.state.ma.us/server/api/core/bitstreams/78df44cb-640f-45ed-8e68-c0db6c5364d3/content> (last visited May 27, 2026).

22. In 2026, however, Massachusetts changed its policy, instead refusing to issue such plates to CBP and ICE.

23. Governor Healey's office explained the reason for the change, declaring, "[a]ny federal, state or local agency engaging in legitimate criminal law enforcement work can receive a confidential plate....We all know that's not what ICE is doing. This is an agency that can't and won't even tell us who they are arresting and why. We are not going to enable their tactics."² This is blatant discrimination against federal immigration enforcement and is illegal.

24. Massachusetts also claimed, in correspondence to the DOJ, that the policy reflects a distinction between law enforcement agencies engaged in civil investigations versus those engaged in criminal investigations. A true and correct copy of that correspondence is attached hereto as **Exhibit A**.

25. However, despite this new alleged policy, Massachusetts's actual forms and policies do not support such a distinction.

26. In particular, the Massachusetts RMV has not revised its Confidential Registration Application, and continues to accept the form that was also in use in 2025. A true and correct copy of that form is attached hereto as **Exhibit B**.

27. According to the form in Exhibit B, law enforcement, certain members of the judiciary, certain members of the public, and certain probation officers are eligible to obtain confidential registrations. Exhibit B at 2. The Confidential Registration Application makes no mention of civil versus criminal missions.

² Nazzaro, "Massachusetts won't give ICE confidential plates, Healey says" (May 15, 2026, updated 4:15 p.m.), available at <https://www.wcvb.com/article/healey-rejects-ice-confidential-plate-demand/71320049> (last visited May 27, 2026).

28. Furthermore, as to Massachusetts state vehicles, the Policies and Procedures Manual of the Office of Vehicle Management (OVM PPM), which is dated October 2022 with a “last-updated” date on Massachusetts website of May 13, 2026,³ does not draw a distinction between civil law enforcement and criminal law enforcement. Rather, it states that such vehicles “may be issued a confidential registration if such vehicles are in the possession of law enforcement personnel or have received a waiver through [Administration & Finance] and such registration is necessary either for undercover investigatory work or to protect the physical safety of law enforcement personnel using the vehicle.” OVM PPM p. 7. A true and correct copy of the OVM PPM section on Confidential Registrations is attached hereto as **Exhibit C**.

29. Thus, even if Massachusetts were to impose a civil versus criminal distinction on federal law enforcement, it would still be discriminating because no such distinction is imposed on state law enforcement, and as explained below, ICE and CBP can show at the very least that the registration is to “protect the physical safety of law enforcement personnel using the vehicle.” Exhibit C, OVM PPM p. 7.

30. Additionally, even assuming that Massachusetts denies ICE and CBP access to confidential registrations due to its alleged criminal versus civil law enforcement policy, such policy still regulates the Federal Government by telling federal law enforcement that they cannot obtain essential confidential plates because Massachusetts disapproves of their federal function.

**MASSACHUSETTS REGISTRY OF MOTOR VEHICLES’ POLICY HARMS THE
FEDERAL GOVERNMENT AND THE PUBLIC**

31. The United States has standing to bring this lawsuit where it “inten[ds] to engage

³ Available at <https://www.mass.gov/doc/ovm-policy-and-procedures-manual> (last visited May 27, 2026).

in a course of conduct arguably affected with a constitutional interest, but proscribed by a [state] statute[.]” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 159 (2014), and the Massachusetts’s RMV’s policy violates the Supremacy Clause and principles of intergovernmental immunity, and thus imposes a sovereign and irreparable injury on the United States, *cf. Arizona v. Yellen*, 34 F.4th 841, 851–53 (9th Cir. 2022); *Vt. Agency of Nat. Res. v. U.S. ex rel. Stevens*, 529 U.S. 765, 771 (2000). The United States has sovereign authority to manage federal law enforcement activities and, under the Supremacy Clause, need not cede that authority to Massachusetts (or any state) by abiding by its dangerous policy which jeopardizes federal law enforcement operations and the officers who carry them out. A favorable ruling would redress these harms.

32. Even beyond the sovereign injury, which itself is sufficient for standing to seek an injunction, compliance with the RMV policy endangers officers and reduces operational effectiveness.

33. Federal law enforcement agencies should not be subject to the challenged RMV policy, which is unconstitutional and recklessly disregards officer safety, public safety, and federal operational needs.

34. The Massachusetts RMV policy poses detrimental impacts upon investigations and public safety by jeopardizing ongoing investigations that rely on discreet surveillance and inconspicuous movement.

35. When an unmarked vehicle can be traced to a federal agency, the negative consequences for federal law enforcement officers can be immediate. Federal officers rely on confidential plates to investigate, monitor, and apprehend targets. They help officers avoid confrontations and evasions by those targets or other members of the public. Taking away those plates requires officers to use public, consistent, and traceable plates. As a result, enforcement

targets can sometimes track and evade law enforcement. Members of the public can also use this information to follow and impede law enforcement operations.

36. In the event an investigative vehicle is identified because confidential plates were not issued, subjects may destroy evidence, evade apprehension, flee the jurisdiction, take countermeasures that endanger the public, or otherwise alter their behavior.

37. The inability to obtain confidential registrations and license plates disrupts a multitude of mission sets that require operational anonymity, including threat assessments, protective intelligence, surveillance operations, task force operations, drug investigations, and state and local collaborative operations.

38. Without confidential registrations and license plates, federal agencies may be forced to modify, delay, or forego operations, increasing risks to federal law enforcement officers and the communities they serve.

39. Federal law enforcement routinely transports government officials, federal judges, prisoners, and witnesses.

40. If such vehicles can be identified as federal, hostile actors may track routes, anticipate movements, or attempt to interfere. This undermines layered security protocols and exposes protected individuals to unnecessary danger.

41. Confidential registrations also ensure that the Massachusetts RMV remains the custodian of sensitive ownership information, meaning only authorized individuals may access these records.

42. Protecting the identities of federal officers is necessary in part due to the increasing threats of targeted harassment and retaliation against federal officers and agents for simply doing

their jobs.⁴ While such threats have always existed, they have increased exponentially, requiring new tactics to mitigate the harms to officer safety and operational effectiveness.

43. Increasingly, members of the public photograph, film, and publish federal enforcement actions online and include the personal identities of federal officers for the sole purpose of intimidation and harassment. This content is directly used by members of organized crime and transnational criminal organizations in serious and potentially deadly ways.⁵

44. For example, some individuals photograph officers' faces and run them through facial recognition applications that search social media and doxxing sites such as ICESpy.org, ICEList.is, and ICEList.info. Once a match is made, they often search for family members, including children, and disseminate this information online, allowing people to track, harass, and obstruct law enforcement.

45. This opens officers up to harassment, tracking, and assaults in the performance of their duties in the field. These threats are coming from rioters, illegal aliens, as well as "highly sophisticated gangs like Tren de Aragua and MS-13, criminal rings, murderers, and rapists."⁶ ICE officers are facing an 8,000% increase in death threats and more than a 1,000% increase in assaults, which are facilitated by doxxing websites that broadcast the identities and home addresses of officers and their families, encouraging retaliation against them.⁷

46. Stripping federal agencies of the ability to remain confidential eliminates this

⁴ Press Release, DHS, 8000% Increase in Death Threats Against DHS, ICE Law Enforcement as They Risk Their Lives to Remove the Worst of the Worst (Oct. 30, 2025), <https://perma.cc/VXK9-MSBQ>

⁵ See, e.g., <https://www.dhs.gov/news/2026/03/31/anti-ice-agitator-doxxes-ice-officer-north-carolina>

⁶ <https://www.dhs.gov/news/2025/10/14/bounties-originating-mexico-offered-shoot-ice-and-cbp-officers-chicago>

⁷ See *supra* note 4.

safeguard and increases the risk that criminal actors or hostile organizations could obtain sensitive information.

47. Moreover, it is in the public interest to enjoin the Massachusetts RMV policy where state and local agencies routinely rely on federal partners for specialized resources, personnel, and operational support, especially during high-risk or large-scale incidents. Compromising the anonymity of federal vehicles reduces the effectiveness of this support and limits the ability of federal agencies to respond quickly and safely when state and local partners request assistance.

48. Confidential vehicle registrations are a critical component of safe, effective, and lawful federal law enforcement operations.

49. The Massachusetts RMV policy introduces substantial, unnecessary, and entirely preventable risks. It undermines federal security safeguards, conflicts with congressional intent, and weakens Massachusetts's broader public safety posture.

50. The United States is irreparably harmed by policies that violate the Supremacy Clause by discriminating against and regulating the United States, thus impinging on the ability of the United States to carry out its functions through its Executive agencies, particularly in the context of its sovereign functions, such as federal civil immigration enforcement.

51. The public interest favors maintaining our system of federalism and the constitutional lines drawn between federal and state power and enabling the Federal Government to carry out its functions as mandated by the Constitution and Congress.

52. The public interest also favors allowing federal officers to safely and effectively enforce the laws of the United States.

53. There is no other adequate remedy at law.

CLAIMS FOR RELIEF

COUNT I

**VIOLATION OF THE SUPREMACY CLAUSE
(UNLAWFUL DISCRIMINATION AGAINST THE FEDERAL GOVERNMENT)**

54. Plaintiff hereby incorporates paragraphs 1 through 53 of this Complaint as if fully stated herein.

55. Massachusetts RMV's policy to refuse the issuance of confidential or undercover registrations and license plates to CBP or ICE, while continuing to issue them to state and local entities, discriminates against the Federal Government.

56. This policy treats CBP and ICE differently as compared to similarly situated law enforcement agencies. Though Massachusetts claims it is drawing a distinction between civil and criminal enforcement, nothing in its existing laws or policies draw that distinction. Nor, to Plaintiffs' knowledge, is the policy being applied to agencies other than CBP and ICE. Indeed, Massachusetts law and existing policies explicitly allow for confidential plates to be issued to state and local officials for civil functions and even members of the public. Exhibit B at 2.

57. By treating similarly situated agencies differently and better than CBP and ICE, Massachusetts violates the intergovernmental immunity doctrine embodied within the Supremacy Clause of the U.S. Constitution.

58. Accordingly, Massachusetts RMV's policy violates the Supremacy Clause and is unconstitutional and invalid.

COUNT II

**VIOLATION OF THE SUPREMACY CLAUSE
(UNLAWFUL REGULATION OF THE FEDERAL GOVERNMENT)**

59. Plaintiff hereby incorporates paragraphs 1 through 53 of this Complaint as if fully stated herein.

60. Massachusetts's confidential plate policy constitutes an unlawful regulation of the Federal Government.

61. Massachusetts understands the benefits of confidential plates to law enforcement. Indeed, until recently it provided confidential plates to all federal agencies regardless of the type of enforcement they were engaged in. And it continues to provide confidential plates to state and local officers engaged in civil and criminal enforcement.

62. Yet Massachusetts's confidential plate policy does not simply set a general condition to operate a vehicle in the state; instead, it directly regulates a core government function by telling federal law enforcement that they cannot obtain essential confidential plates because Massachusetts disapproves of their federal function.

63. By setting this condition, Massachusetts seeks to regulate the Federal Government by dictating how federal agents may do their jobs in Massachusetts.

64. Accordingly, Massachusetts's confidential plate policy unlawfully regulates the Federal Government in violation of the Supremacy Clause and should be declared unconstitutional and invalid.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests the following relief:

A. That this Court enter a judgment declaring that Massachusetts Registry of Motor Vehicles' policy of refusing to issue undercover registrations and plates to CBP and ICE, while continuing to issue them to similarly situated federal, state, and local law enforcement agencies, violates the Supremacy Clause and is therefore unconstitutional and invalid;

B. That this Court permanently enjoin Defendants, as well as their successors, agents, servants, employees and attorneys, and all those working in concert with them, from enforcing this

policy against CBP and ICE;

C. That this Court award the United States of America its costs and fees in this action;
and

D. That this Court award any other relief it deems just and proper.

DATED: May 27, 2026

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EXHIBIT A



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OFFICE OF THE GOVERNOR

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May 22, 2026

BY EMAIL c/o Alexandra.McTague2@usdoj.gov

Assistant Attorney General Brett A. Shumate
U.S. Department of Justice, Civil Division
Office of the Attorney General
Washington, DC 20044

Dear Mr. Shumate,

I am writing in response to your letter to Governor Maura Healey, dated May 12, 2026, concerning the Massachusetts Registry of Motor Vehicles' (RMV) confidential registration program. The RMV's policy for its confidential registration program is lawful, proper, and fully within the sovereign power and discretion of the Commonwealth of Massachusetts. Contrary to the assertions contained in your letter, the policy neither risks the identification of individual federal officers nor discriminates against "certain federal law enforcement agencies" in violation of the United States Constitution. Massachusetts therefore rejects your demand to "immediately withdraw[]" the RMV policy.

To begin with, I want to be clear that the RMV's policy treats federal entities no differently than similarly situated state entities. *See United States v. Washington*, 596 U.S. 832, 839 (2022). The policy prohibits all federal, state, and local law enforcement agencies primarily involved in civil investigations from obtaining confidential plates, while allowing all federal, state, and local law enforcement agencies primarily involved in criminal law enforcement investigations to enroll vehicles used for criminal law enforcement purposes in the confidential registration program, so long as they identify a qualifying need to do so.¹ The policy also allows

¹ As you may know, various federal, state and local law enforcement agencies obtained confidential plates under an earlier version of the RMV policy. The RMV is not revoking those confidential plates but is reviewing requests for new plates and renewals under its current policy.

OFFICE OF THE GOVERNOR'S LEGAL COUNSEL

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enrollment for other law enforcement agencies that partner with criminal law enforcement agencies on joint anti-terrorism or criminal task forces, as necessary to support eligible task force purposes, and when a qualifying need exists. The relevant distinction is between law enforcement entities that primarily engage in civil investigations, on the one hand, and those that primarily engage in criminal investigations, on the other. This approach is entirely lawful.

Limiting access to confidential plates in this manner also makes good sense, furthering the public interest while maintaining public safety. Confidential plates shield information about the RMV-registered owner or lessee of a vehicle from local and state police—meaning that, if a member of state or local law enforcement encounters a vehicle with confidential plates driving recklessly or otherwise violating the law, law enforcement will not be able to access information about the vehicle's owner or lessee (including whether it is an individual or a government agency, or why the vehicle was eligible for a confidential plate in the first place) when they run the plate number. This is why the RMV's policy for government-owned vehicles is—and must be—narrowly tailored to those situations where confidential license plates are necessary to the furtherance of criminal investigations. I strongly reject the suggestion in your letter that members of ICE engaging in civil immigration enforcement activity should be permitted to do so in secret, and without regard to the rules of the sovereign state in which they operate.

Regular passenger plates remain available to federal, state, and local law enforcement entities that primarily engage in civil investigations, or that otherwise fall outside the scope of the RMV policy. In Massachusetts, we believe strongly in protecting our law enforcement officers, and using passenger plates on government-owned or -leased vehicles provides significant protection to vehicle operators. Contrary to your mistaken assertion, under Massachusetts law, members of the public cannot use a license plate to search RMV databases, M.G.L. c. 90, § 30A; and they cannot obtain registration information for vehicles used for law enforcement purposes under the state public records law. *See, e.g.*, M.G.L. c. 4, § 7(26)(n). Moreover, queries of regular passenger plates for government vehicles by those authorized—such as members of state and local law enforcement—lead back only to a government entity, not an individual agent. To put it simply: the license plate of a government-owned vehicle has nothing to do with the identity of its driver or drivers. It is therefore patently incorrect to assert, as your letter does, that the RMV's policy somehow undermines ongoing investigations, enables the public release of personal information through “doxxing,” or increases the risk of harm to federal, state, or local law enforcement officers.

In Massachusetts, we consistently work in partnership with federal law enforcement agencies to investigate and prosecute criminal activity in our communities. This is why the RMV's policy allows any federal, state, or local law enforcement agency primarily involved in legitimate criminal law enforcement to request confidential plates. That is not what ICE is doing. I note that ICE has been unable or unwilling to respond to Governor Healey's request of March 6, 2026 to provide information on who they are detaining in our communities and why. The fact that ICE has adopted increasingly aggressive and unconstitutional tactics to enforce

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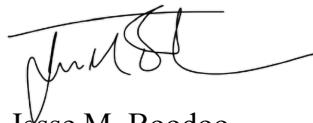
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civil immigration laws does not override its statutory mission or transform it into a criminal law enforcement entity; and Massachusetts will not treat it as such.²

We take the rights, responsibilities and restraints of the United States Constitution seriously. Constitutional principles guide how this State interacts with and supports its residents every day and inform how it navigates its relationship with the Federal government. I am confident that the RMV's confidential registration program falls well within the State's sovereign powers, abides by the intergovernmental immunity doctrine, and advances public safety.

I trust that this letter answers your questions, and I would be happy to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse M. Boodoo', with a long horizontal flourish extending to the right.

Jesse M. Boodoo
Chief Legal Counsel
Office of Governor Maura Healey

cc: Governor Maura Healey
Attorney General Andrea Campbell
Registrar Colleen Ogilvie

² The RMV may reasonably distinguish amongst governmental entities based on their primary agency purpose and demonstrated need for confidential program access. As your letter notes, the RMV regards Homeland Security Investigations (HSI) as a separate entity from ICE under its policy.

EXHIBIT B



Confidential Registration Application

Registry of Motor Vehicles · Enforcement Services Unit
P.O. Box 55889 · Boston, MA 02205-5897

Instructions

The completed form should be mailed with the payment to the RMV Enforcement Services Unit address listed above.

Please complete sections A-F. If Personally Owned (POV), section C below is to be completed by the owner/operator and section D by the Executive Head of Agency. If Government Owned (GOV), section C and section D must both be completed by the Executive Head of Agency.

A. Transaction Information

Transaction Type (Select One): ☐ New Title & Registration ☐ Renewal ☐ Plate Swap

Name Of Requestor	Title
Department/Agency	Unit

B. Vehicle Information

Vehicle Identification Number (VIN)			Plate Registration Number (Renewal or Plate Swap)	
Year	Make	Model	Color	
This Vehicle Is (Select One): ☐ Government Owned (GOV) ☐ Personally Owned (POV)				
Residential or Business Address	Apt.#	City	State	Zip Code
Telephone Number	Cellphone Number	Email		

C. To be completed by Requestor

The Requestor certifies the following:

- This vehicle shall not be used to pass through toll requirements unless the requestor's or agency's transponder is attached and functioning. _____ (Initials)
- This vehicle shall not accumulate unpaid parking violations. _____ (Initials)
- Unless extraordinary circumstances exist, the requestor shall be the sole vehicle operator _____ (Initials)

If the requestor fails to meet the above conditions and/or it is revealed to the RMV any violations of the above conditions, then the RMV reserves the right to revoke confidential plate status.

Requestor Signature _____ Date _____

D. To be completed by Executive Head of Agency

Does the Requestor qualify to remain in or enroll in confidential status? If No, then any existing confidential plates must be immediately returned to RMV Enforcement Services.

☐ Yes ☐ No

Is the Requestor currently in an employment disciplinary suspension status, or the subject of a domestic violence investigation? If Yes, then any existing confidential plates assigned to the Requestor must be immediately returned to RMV Enforcement Services

☐ Yes ☐ No

Upon signature of this request, the Executive Head of Agency/Approving Official is certifying an immediate need for confidential plates to be issued to the Requestor and is directly responsible for oversight of proper usage.

Approving official must be the Executive Head of the Agency, District or Field Office (Please Print)

Name Of Approving Official _____ Title _____

Approving Official's Email _____ Approving Official's Phone Number _____

E. Approval

Signature below assures veracity to the above statements and that both the Requestor and Approving Official have reviewed the requirements for the use and issuance of Confidential Plates and agree to full compliance.

Approving Official Signature _____ Date _____

F. Justification

Check which category applies to the Requestor and elaborate on the justification in the space provided.

- ☐ Undercover Law Enforcement
Note: Standard uniformed law enforcement officers that primarily work in Patrol capacities do not meet the criteria for POV Confidential Plates unless other circumstances exist.
- ☐ Certain members of the Judiciary
- ☐ Certain Probation Officers
- ☐ Individuals identified to the Registrar as needing confidential status due to extraordinary circumstances.

Explain: (attach additional documents if necessary)

RMV Use Only

Approved ☐ Yes ☐ No

ESU Representative Printed Name

Initials of ESU Representative

If NO, provide reason:

EXHIBIT



**OPERATIONAL
SERVICES DIVISION**
Commonwealth of Massachusetts

POLICIES AND PROCEDURES MANUAL - THE OFFICE OF VEHICLE MANAGEMENT

Commonwealth of Massachusetts
Operational Services Division
Office of Vehicle Management

One Ashburton Place, Room 1608
Boston, MA 02108

Administration

Matthew Gorzkowicz, Secretary
Executive Office for Administration and Finance

Mark Samuel Fine, Assistant Secretary for
Operational Services

Vincent Micozzi, Director of Fleet Policy and
Administration
Office of Vehicle Management

Revised: October 2022

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Introduction

OVM Legal Authority and Oversight Role

By statute, the Office of Vehicle Management (“OVM”) within the Operational Services Division (“OSD”), under the direction of the Secretary for Administration and Finance (“A&F Secretary”) and the Assistant Secretary for Operational Services, is responsible for the management of state acquired Executive Branch vehicles and related assets that do not require a commercial driver’s license to operate, including the use and maintenance thereof. In addition, OVM is charged with overseeing the registration, application of 1-800-How Am I Driving and POW/MIA decals, transfer of vehicles between agencies, redeployment of vehicles from the OVM holding lot, review and approval of department-owned and leased vehicle acquisitions, facilitation of fuel cards or equivalent, vehicle audits, the review and provision of motor vehicle records (“MVR”)s for Drivers operating a State Vehicle, administration of extraneous vehicle notifications, vehicle disposal, telematics management, and review of annual domicile requests.

These Policies and Procedures for Vehicles That Fall Under the Oversight of The Office of Vehicle Management (“OVM Policy”) are adopted under the authority of M.G.L. c. 6A ss. 2, M.G.L. c. 30 ss. 36 ss. 51 ss. 52, M.G.L. c. 7 ss. 4A (St. 1989 Ch. 731) ss. 9A and 22, and 815 CMR 6.00. OVM follows and enforces additional statutes, general laws and regulations related to State Vehicle operation, such as M.G.L. c. 90 ss. 7 ss. 7i ss. 16, M.G.L. c. 33 ss. 50 and 540 CMR 22.00. This is not an exhaustive list and may change overtime.

OVM Policy shall not be subordinate to any Agency policy. Agencies may issue policies which enhance or support this document, however, OVM reserves the right to enforce specific language within this document at their sole discretion.

Application, Purpose, and Scope

The OVM Policy is adopted to ensure that State Vehicles, as defined herein, are procured, allocated, operated, marked, repaired, and maintained in an efficient and economical fashion that is consistent with applicable legal requirements, Administration and Finance (“A&F”) requirements, and OVM requirements.

This document shall apply to all State Vehicles and related assets, as defined herein, Agencies utilizing State Vehicles, and the individual drivers and passengers of those vehicles that are: owned, leased, rented, transferred to, or received as gifts by the Commonwealth of Massachusetts. This includes vehicles rented pursuant to Statewide Contracts for short-term vehicle and equipment rentals.

Non-compliance with any portion of the OVM Policy may result in corrective action to Agencies or drivers, including but not limited to, verbal and/or written warnings from Agency to driver, immediate suspension or revocation of driving privileges, immediate suspension or revocation of vehicle acquisition privileges, and/or immediate removal of vehicle(s) or related asset(s) from the Agency’s fleet.

The following entities are exempt from the OVM Policy: those under the jurisdiction of the Commonwealth's Constitutional, Legislative and Judicial Offices, public institutions of higher

learning and independent authorities, which are exempt by statute. Sworn State Police Officers, Environmental Police, and the Massachusetts Department of Transportation (“MassDOT”) are not required to follow OVM Policy, but must establish, and abide by, vehicle fleet policies and procedures established for the State Police, Environmental Police, and MassDOT, respectively, as in effect from time to time.

How this Document is Organized

This document summarizes the authorized methods of acquisition and use of vehicles by Agencies, as defined herein. OVM’s primary objective is to ensure that vehicles owned by the Commonwealth or driven by its employees in the scope of their employment are maintained and used in a safe and efficient manner. Accordingly, the document defines the responsibilities of Agencies, Agency Fleet Managers and oversight personnel, individual employees or other authorized drivers, and OVM. First, the document outlines the process for acquisition and assignment of State Vehicles to Agencies. Second, the document addresses in detail the respective roles and responsibilities of: (1) Agency designated Fleet Managers responsible for the oversight of vehicle use and maintenance; (2) State employees and others authorized to operate State Vehicles, and (3) OVM. This document also addresses remedial measures that will apply for failure to follow applicable OVM Policy.

Vehicle Acquisition, Assignment, Modification, Alteration, Replacement and Disposal

The Executive Office for Administration and Finance is the titled and registered owner of all vehicles and related assets acquired by Executive Branch agencies. These assets are assigned to the Agency at which they’re being utilized.

The Office of Vehicle Management is solely responsible for reviewing and approving the acquisition method, number, type, and schedule for acquiring vehicles for all Agencies governed by OVM Policy. Additionally, OVM reserves the right to remove or reallocate any asset under its purview at any time.

OVM will ensure vehicle acquisitions comply with all applicable environmental mandates. In accordance with the Electric Vehicle First Acquisition policy, OVM shall direct Agencies to acquire the most fuel-efficient and/or least carbon-emitting vehicles able to perform the primary use function.

Agencies under the purview of OVM are directly responsible for complying with environmental mandates. Failure to meet goals or objectives established by these regulations may result in the immediate removal of vehicle(s) from the Agency’s fleet.

Links to applicable environmental mandates may be found on the OVM webpage.

A. Acquisition and Assignment of OVM Managed Vehicles

Electric Vehicle First Acquisition Requirements (Effective July 1, 2022)

Whenever possible, agencies must select Battery Electric Vehicles (BEVs) to fulfill their business needs. If a BEV does not meet these needs, based on the EV First Exemption Process, Agencies shall select the most fuel-efficient and/or least carbon-emitting option

based on their justified needs and primary use/function of the vehicle. OVM will adjust vehicle selections made by an agency that do not meet these requirements.

a) Acquisition Hierarchy:

The acquisition hierarchy noted below shall be followed when selecting vehicles:

1. Battery Electric Vehicle (BEV)/Fuel Cell Electric Vehicle (FCEV).
2. Plug in Hybrid Vehicle (PHEV).
3. Hybrid Electric Vehicle (HEV), Alternative Fuel Vehicle (AFV), or other innovative technologies as determined and approved by OVM.
4. Internal Combustion Engine Vehicle (ICE) that is the most efficient in its class.

b) Other Considerations:

When selecting a vehicle to fulfill the intended primary use/function, agencies shall prioritize the following:

1. Acquisition hierarchy is followed.
2. Vehicles are sized appropriately.
3. Vehicles are the most fuel-efficient models that serve the vehicle's primary use/function.
4. Fleet optimization evaluation is conducted to combine vehicle functions and reduce fleet size.

Agency Request for a Vehicle Acquisition

OVM will approve vehicle purchase requests for Agencies that can effectively demonstrate, in writing, to the satisfaction of the OVM Director of Fleet Policy and Administration ("OVM Director") or designees, that each of the following conditions has been met:

1. Agency provides a justification outlining obligations which can only be met with the use of a vehicle.
2. The primary purpose that the vehicle will be used for cannot be accomplished cost effectively with the use of a short-term rental vehicle or employee personal vehicle, with applicable reimbursement.
3. Estimated annual usage meets or exceeds currently posted utilization standards, excluding Domicile and Overnight Travel, or for usage of less than posted utilization standards, with a demonstration of hardship.
4. Agency has sufficient funds to cover the established acquisition cost, and operating expenses, for each vehicle.

Agencies must submit an official request to the OVM Director, the Deputy Fleet Administrator, and/or Lease Administrator, including the following information:

a) A written statement which justifies need, including but not limited to:

1. How the vehicle will be utilized (primary business function being met), including whether and how often the vehicle will be responding to emergencies
2. Information demonstrating the financial advantage to the Agency through the use of the vehicle and/or operational hardships which would occur without the vehicle
3. Approximate annual mileage

4. Identification of assigned office and primary garage location
 5. How frequently the vehicle will be driven
 6. A commitment to meeting minimum annual utilization standards (unless a waiver has been granted by OVM).
- b) Name of employee(s) that will be using the vehicle if applicable.
 - c) Any special or additional equipment the Agency requires for the vehicle with justification for the additional equipment.
 - d) Identification of the current vehicle that will be retired upon receipt of the new vehicle:
 1. Agency may only identify currently active vehicles as turn-ins. Any non-active vehicle used as a turn-in will be reviewed by OVM on a case-by-case basis
 2. It is not an acceptable practice to retain an inoperable or unsafe vehicle, which will not be repaired, for use as a future turn-in. Agencies found holding unused or non-operational vehicles may have assets removed from their fleet.
 - e) The appropriation to be used to cover the costs of acquiring the vehicle.
 - f) Certification from the Agency's financial signatory authority ("Agency CFO") that the Agency has sufficient funds to cover the cost of acquiring the vehicle.
 - g) Name, title, and electronic signature of the Agency Fleet Manager.

The OVM Director, operating under the direction of the Assistant Secretary for Operational Services, has the sole authority to approve or deny a vehicle purchase request.

OVM Lease Program - Additional Criteria

If an Agency has insufficient funds to directly procure vehicles, or wishes to direct those funds elsewhere, OVM has the ability to procure State Vehicles on behalf of other Agencies. This financing option is available only with the approval of the OVM Director, or the designated lease administrator, and when each of the conditions within Section III.A.2 are met, with the exception of replacing e) and f) above with the below:

- a) Funding is available and written confirmation of lease payment commitment is received from the Agency CFO.
 1. In this case, the appropriation to be used to cover the costs of repayment shall be provided with the request.
- b) The Agency agrees to and executes OVM's Master Vehicle Lease and Assignment Agreement that will govern the terms of State Vehicle assignment and must be signed by the Agency CFO.

The OVM Lease Administrator will work with each Agency to determine the total number of vehicles that will be acquired for use by that specific Agency.

For each new vehicle(s) placed into service with the Agency, the OVM Lease Administrator will calculate the Total Cost of Ownership. The components associated with the Total Cost of Ownership model include, but are not limited to the following criteria:

1. Vehicle financing costs and purchase pricing through statewide contracts

2. Coordination of maintenance, repair (including tires) and accident subrogation services, and provision of vehicle packets (Statewide Contracts for Maintenance Management, Tires & Accident Subrogation Services)
3. Costs of preventive maintenance and repair for the lease term

Once the calculation is complete, the OVM Lease Administrator will prepare a Lease Schedule that will outline the required lease payments.

Availability and Assignment

If a request for vehicle acquisition is approved, OVM will determine whether a vehicle meeting the approved specifications is available in the existing fleet. If so, OVM will assign the Agency that vehicle. If not, OVM will either approve the request to purchase, or if financing was requested and funding is available, procure an appropriate vehicle for lease and assignment to the Agency.

OVM shall notify each Agency Fleet Manager of the estimated delivery date of their specific vehicle(s) and will work to establish the logistics for the pick-up of new vehicle(s) and the return of any currently assigned vehicle(s) that will be replaced. Agencies are responsible for providing OVM with one complete set of original keys from the manufacturer which will be retained at the time of delivery. Agencies wishing to order an additional set of keys must do so as part of their initial request.

OVM has the authority to stipulate the length of service for each leased and department-owned vehicle assignment. During the service term, the Agency is required to submit reports to OVM (see Section V.B). OVM will monitor Agency activity to ensure that all requirements are met.

Exemptions

a) EV First Exemption:

The EV First Exemption process applies to any agency subject to the EV First Acquisition Policy (EV Policy) that wishes to receive an exemption from the EV Policy for one or more vehicle acquisitions. Exemptions are provided under limited situations, predominant reasons outlined below, and at the sole determination of OVM. Acquisitions of non-EVs will be evaluated on a case-by-case basis.

Acceptable exemption example reasons are as follows:

Criteria	Description
Emergency Response	The vehicle is primarily used to respond to emergencies and use of an EV would pose a unreasonable safety risk. Agencies must demonstrate the acquisition of an EV would obstruct said response.
Prohibitive Upfits	The vehicles primary job function requires upfits or modifications which cannot be accommodated in the EV options currently available on SWC.

Vehicle Range	Expected daily mileage, verified whenever possible through telematics data, exceeds the EPA estimated range of suitable EV options and adequate charging infrastructure is not currently in place to support mid-trip fast charging.
Vehicle Availability	No currently produced EV option on SWC which meets Agency needs.

Agencies requesting exemption shall complete the EV First Exemption Request Form, detailing the criteria and reasoning for requesting an exemption.

As a condition of exemption and to offset the carbon emissions of a newly acquired ICE vehicle, OVM reserves the right to require the agency to simultaneously purchase an EV for incorporation elsewhere in its fleet. Should additional procurement funds not be available, the agency may be required to surrender an additional ICE vehicle.

When OVM has deemed an EV acquisition is not feasible, OVM will select the most fuel-efficient option for the agency based on the justified need and primary use/function of the vehicle. OVM reserves the right to determine the fuel type of all assets within its purview.

B. Rules Governing Vehicle Alterations and Identification

Alterations and/or Modifications

Prior to vehicle acquisition, Agencies must identify any internal or external modifications or vehicle upfits (e.g., adaptive devices for persons with disabilities, two-way radios, emergency lights and sirens, etc.) that will be required, as part of the vehicle request process. In addition, this modification or vehicle upfit request must be approved in writing by an Agency Head. The application and use of any vehicle modification or upfit must follow RMV regulations and Commonwealth laws.

Based on the information provided, OVM will determine whether alterations may be obtained as part of the vehicle acquisition. **OVM must be notified, in writing, of any intended alterations to any vehicle after assignment to an Agency. This alteration and upfit must be requested in writing by the Agency Head and submitted to OVM for review.** Only upon approval will OVM coordinate the purchase and installation of the approved modifications with the Agency Fleet Manager. Non-compliance may result in the immediate removal of vehicle(s) from the Agency's fleet.

Any State Vehicle, public safety or otherwise, that has approved lights and sirens, shall not use those lights or sirens in an inappropriate manner. Lights and sirens shall only be used in emergency response circumstances in accordance with applicable RMV regulations and Commonwealth laws. Non-compliance may result in immediate loss of state driving privileges, and potential termination of employment.

Vehicle Identification

All State Vehicles acquired, whether by an Agency or through OVM, shall be issued Official State registration and plates, except in limited circumstances. Agencies may request

alternate registration and plate types, such as Conventional, Confidential or Official State Disability; however, the type of registration issued is determined by OVM, and/or the Registry of Motor Vehicles (RMV), based on the justification provided with the request. See sections 3 & 4 below.

Regardless of registration type, plates shall be clearly displayed on the front and rear of the vehicle, in accordance with the RMV guidelines.

Vehicles must be affixed with Decals and other markings as required by State law or OVM Policy.

All State Vehicles, except law enforcement, and undercover vehicles, must display the "HOW AM I DRIVING," 1-800 telephone number sticker on the left side of the rear bumper. All State Vehicles must also display POW/MIA decals in the lower right corner of the rear window, or the lower left of the rearmost passenger side window, if there is no rear glass.

Within 30 days of being placed into service, Agencies must affix an EZ-Pass transponder to all vehicles owned by the Commonwealth in order to operate on toll roads.

Confidential Registration

State Vehicles may be issued a confidential registration if such vehicles are in the possession of law enforcement personnel or have received a waiver through A&F and such registration is necessary either for undercover investigatory work or to protect the physical safety of law enforcement personnel using the vehicle. Such registrations will be issued on an individual basis for the sole use of the approved employee.

- a) Each request for a confidential registration must be submitted on an official Confidential Registration Request Form at least thirty days before the proposed effective date of the registration. The Confidential Registration Request Form must be filled out in its entirety and signed by the Cabinet Secretary, Agency Head, and Agency Fleet Manager.
- b) The request must be reviewed and approved by the OVM Director and A&F prior to submission to the RMV for final authorization. If a request is denied for any reason, OVM will return the application to the requesting Agency with the reason for denial. An Agency may resubmit a denied request for reconsideration if the re-submission responds to the issues raised in the denial.
- c) The confidential registration will be valid for a two-year period from the date of the original registration. If the Agency wishes to renew the confidential registration, it must submit a new request to OVM at least thirty (30) days prior to the expiration date. If the Agency does not renew the confidential registration, it must immediately return the plate to OVM, request a new registration, and attach a standard State plate to the State Vehicle.

Agencies must also request OVM authorization on the Confidential Registration Request thirty (30) days in advance to 1) change the identity of a Driver with a confidential registration; or 2) change the vehicle assigned a confidential registration.

Any Agency that is non-compliant with the confidential registration process will be subject to revocation of the confidential plate and may result in the immediate removal of vehicle(s) from the Agency's fleet.

Official State Disability Registration

State Vehicles may be issued an Official State Disability Registration (State disability plate) if such vehicles are in the possession of agencies within the Executive Office of Health and Human Services that substantially and regularly provide care and transportation to persons with disabilities. Such persons (clients) must qualify as a person with a disability by meeting one or more of the criteria defined in 540 CMR 17.03(2). The requesting agency must demonstrate to the satisfaction of OVM that the vehicle in question will be used to transport qualified clients and that such registration is necessary to protect the physical safety of those clients and the personnel using the vehicle. These registrations will be issued on an individual basis for the sole use of the approved vehicle.

- a) Each request for a State disability plate must be submitted to the OVM Director on Agency letterhead at least thirty days before the proposed effective date of the registration. The request must detail the justification criteria to be considered for the request, including, but not limited to, the expected number of qualified clients to be transported by the vehicle, the length and frequency of instances where a State disability plate would be beneficial to these clients, and a description of said benefits. The letter must be signed by the Cabinet Secretary, Agency Head, and Agency Fleet Manager, and must be approved by the OVM Director.
- b) Once submitted, OVM will review the request and facilitate A&F review. If a request is denied, OVM will respond to the requesting Agency with the reason for denial. An Agency may resubmit a denied request for reconsideration if the re-submission responds to the issues raised in the OVM denial.
- c) Vehicles with State disability plates must be used for conducting state business only and not for personal use. Drivers of vehicles marked with State disability plates may only park such vehicles in a designated parking space when transporting qualified clients.
- d) OVM reserves the right to review Driver Logs and other applicable utilization documentation from time to time to determine the appropriate use and continued applicability of a State disability plate. If an Agency is unable to provide sufficient documentation to substantiate continued use of such plate, it must immediately return the plate to OVM upon OVM's request. The Agency must then request a new registration and attach a standard State plate to the vehicle in question.

Any Agency that is non-compliant with the Official State Disability Registration process will be subject to revocation of the State disability plate and may result in the immediate removal of vehicle(s) from the Agency's fleet. The RMV may also execute measures in accordance with 540 CMR 17.05.

Installation of Telematics in State Vehicles

All assets deemed eligible for the telematics initiative shall be subject to installation of a telematics device at the time of acquisition or as an after-market installation while the vehicle is in service with the Commonwealth. New assets delivered by the dealer to the

OVM holding lot shall have a device installed prior to the agency taking possession. In limited circumstances, with prior OVM authorization, a vehicle(s) may be delivered by a dealer directly to an agency location. In these cases, it is the responsibility of the agency to notify the Office of Vehicle Management of any eligible assets delivered by a dealer directly to the agency. Failure to disclose the possession of any eligible asset or tamper with any installed device may result in the immediate removal of asset(s) from the Agency's fleet.

Agencies are responsible for any costs associated with telematics devices, installation, maintenance and/or technician evaluation, and monthly monitoring services.

Data Capabilities:

Telematics program equipment and installation shall provide real-time data and detailed reporting, including, but not limited to:

- Trips taken
- Miles driven
- Miles per trip
- Location of the vehicle
- Acceleration & Deceleration events
- Idle time
- Odometer reading
- Engine fault codes

Agency Responsibilities:

OVM shall create program parameters and acceptable key performance indicators for all assets equipped with telematics. Current parameters will be published on the OVM home page on Mass.gov. Agency fleet managers should be prepared to collaborate with OVM to implement process improvements and best practices on a regular basis. Agency fleet manager responsibilities include but are not limited to the following:

- Disclose all eligible assets to the Office of Vehicle Management
- Review monthly reports and telematics information supplied by OVM to Agency fleet managers
- Enact changes with agency assets and personnel to achieve the compliance levels
- Meet with the Office of Vehicle Management as requested to review progress towards compliance
- Ensure all alerts are reviewed and addressed by agency fleet personnel as they are received. These include, but are not limited to:
 - Low battery alerts (see battery guidance for further information)
 - Non-reporting devices (all devices in vehicles should always be online, no exceptions)
 - Out of range devices (vehicles should be parked in a location where the device can communicate with cell towers)
 - Extreme speeding events
- Contact GPS Insight support if you feel a device is not reporting or operating correctly

C. Vehicle Replacement and Disposal

OVM will authorize vehicle replacement requests as is necessary, given funding is available, it is economically feasible to do so, and an Agency provides the applicable documentation.

OVM may remove from service any vehicles which are underutilized, no longer safe, properly maintained, or cost-effective to operate, regardless of original purchaser or the Agency's ability to fund a replacement. OVM may also remove from service any vehicle which has exceeded any of the replacement criteria thresholds, including but not limited to age, mileage, lifetime repair spends, or depreciation. If OVM removes a vehicle from service, an Agency may submit a vehicle replacement request as outlined in Section III.A.

Total loss of a vehicle due to an accident or mechanical repairs does not immediately justify the acquisition of a new vehicle. OVM will determine, at its discretion, whether the Agency may obtain a replacement vehicle. If the vehicle is currently under a Lease Agreement with OVM, any outstanding balance remains, as identified by the Lease Schedule, will remain the responsibility of the Agency. The OVM Lease Administrator will generate a buyout amount for the outstanding balance and notify the Agency Chief Financial Officer. In addition, any recoverable funds resulting from the subrogation of an accident to a vehicle which the Agency does not repair shall be received by OVM. OVM reserves the right to disperse such funds in accordance with best value for the Commonwealth.

If OVM determines whether a vehicle should be removed from the fleet, it will dispose of the vehicle consistent with 802 CMR 3.00. OVM shall notify the Agency that the vehicle will be removed from service. The Agency shall promptly transport the vehicle to a location designated by OVM. Agencies may not remove upfits or modify vehicles prior to retirement without the written consent of the OVM Director. Vehicle disposal is managed by the State Surplus Property Office. Additional vehicle disposal guidelines can be located in the SSPO Policies & Procedures document found on Mass.gov.

Statewide Contracts for Short-Term Rentals

OSD has established Statewide Contracts for short-term rental of various light duty vehicles and/or equipment for use by all eligible entities. There are multiple categories of vehicles awarded on the contracts, including Sedans, Minivans, SUVs, Passenger and Cargo Vans, Pickup Trucks, specialty trucks or equipment, and alternative fuel options. State Drivers are required to reserve the most economical vehicle(s) available to meet their primary use function. Agencies using rental contracts must ensure that authorized Drivers adhere to all applicable requirements, as outlined in Sections V and VI of this document. To further the Commonwealth's effort to reduce carbon emissions and optimize fleet use, OVM reserves the ability to request information on an agency's short term rental trends. In addition, the following conditions apply:

Insurance Requirements: The Commonwealth is self-insured and maintains a Liability Management and Reduction Fund (M.G.L. 29 §2TT) to pay costs incurred by agencies as a result of tort claims under M.G.L. c. 258. Tort claims are claims for damages or loss of property, personal injury or death caused by the negligence, wrongful act or omission of a state or special employee (s) acting within the scope of their authority. The LMRF is funded through agency

chargebacks (premiums). Per M.G.L. c. 258 § 8, agencies may also purchase liability insurance to cover tort damages. Agencies shall review contract user guides and consult with their legal counsel to ensure insurance requirements have been met.

Commonwealth Travel Approval Form (TAF): Approval is required for out of state travel by state employees. Signed TAF forms should be kept on file in your Agency. A blank TAF is available for use on www.mass.gov.

Overnight Travel Form: Must be used for all instances of overnight travel in a State Vehicle, as defined herein. A blank Overnight Travel Request Form is available on the OVM webpage.

Tickets/Citations/Other Charges: The Commonwealth assumes no responsibility for payment of any tickets received by a Driver or eligible entity and OVM also assumes no responsibility for payment of any ticket received by any State Agency. State Drivers are responsible for any additional charges imposed by the vendor in instances where the State Driver violates vendor's rental agreement.

Vehicle breakdown/accident reporting: The rental SWC vendors offers 24-hour roadside assistance service and the phone number for this service is displayed on every rental contract. OVM may monitor accident reporting to ensure that Agency use is consistent with OVM Policy.

Billing: Each Agency will be billed monthly and receive a monthly report showing all rental activity.

Non-compliance, abuse of the short-term rental contract, or violation of these processes may result in the loss of rental contract privileges.

Additional information concerning the specific requirements for use of these contracts may be obtained at www.commbuys.com.

Agency Responsibilities Associated with State Vehicles

Establishment of the Agency Fleet Manager

Each Agency that is assigned one or more State Vehicles shall designate a single employee to be the Agency Fleet Manager. The Agency Fleet Manager (AFM) should possess a background in automotive, fleet, or relevant field and will be responsible for all vehicles assigned to the Agency. The AFM shall serve as the conduit between OVM and any regional fleet staff. Agency Fleet Managers shall have the authority to consistently apply OVM policy or directives throughout all regions of their fleet. No subsection, region, or bureau of an Agency shall be structured in a way where the AFM does not hold total oversight and decision-making authority over their fleet.

The Agency Fleet Manager is responsible for ensuring that all State Drivers are subject to appropriate corrective action for violation of OVM Policy. Non-compliance may result in the immediate removal of vehicle(s) from the Agency's fleet.

Agency Vehicles

Authorized Drivers

Agencies are responsible for ensuring that all proposed drivers of assigned vehicles are provided a copy of the current OVM Policy. Agencies must obtain employee driver's license information and motor vehicle record (MVR) history information for any employee who will operate a State Vehicle. Agencies are responsible for execution of the Driver Affirmation of Review and Compliance Form by each proposed driver.

Execution of OVM Master Vehicle Lease and Assignment Agreement

Agencies must execute OVM's Master Vehicle Lease and Assignment Agreement ("Lease Agreement") for each fiscal year they obtain vehicles through the OVM Lease Program. The Lease Agreement spells out the rights and responsibilities of OVM and the Agency, including processes, payment terms, and general terms and conditions.

Agencies are responsible for ensuring that all information required in the Lease Agreement is accurately submitted and that all necessary signatures are obtained. Failure to do so will result in the delay of Agency's ability to request vehicles until such time as the Lease Agreement is properly executed.

Billing by OSD/OVM

All Agency Vehicles under OVM purview will be subject to an Annual OVM Administrative Fee. All Agency assets which have or will have a telematics device installed are subject to applicable fees, including but not limited to, monthly subscription cost and miscellaneous fees. At the beginning of each fiscal year, an Interdepartmental Encumbrance (IE) Form with the estimated costs during that year will be presented to each Agency expected to have vehicles/assets in service. Failure to encumber funds to meet payment obligations shall result in the loss of vehicles/assets not covered through the IE.

Invoices for OVM leased vehicles and their related charges are generated monthly in accordance with the Interdepartmental Billing Regulations, 815 CMR 6.00. Monthly Vehicle Lease and Assignment Agreement rates will be established for each newly-purchased and assigned vehicle that is subject to lease payments. Chargebacks for any items initially paid for by OSD/OVM which are not covered by the Lease Agreement will be added to the monthly billing and/or billed separately.

Required Documentation

The Agency Fleet Manager shall ensure that the following items are in each Agency vehicle, when in use:

- a) Vehicle Service Packet & Maintenance Trifold
- b) Fueling Card, Fob, or other relevant device
- c) Vehicle Registration
- d) Accident Report Form
- e) Vehicle Driver Log

Agency Fleet Managers may keep the above items at the state facility when the vehicle is not in use. Agency Fleet Managers must have an established system to ensure the appropriate information is secure and available as required.

Agency Fleet Emissions Review

To further the reduction of carbon emissions, agencies are required to review vehicles that exceed the idling thresholds set forth by OVM and prioritize their replacements with suitable EV options. OVM may remove any vehicle from the fleet exceeding this threshold, regardless of the agency's ability to fund a replacement.

Parking Tickets

The payment of parking tickets is the responsibility of the State Driver and under no circumstances will they be the responsibility of OVM. State Drivers are responsible for promptly paying any ticket incurred while operating a State Vehicle and providing proof of payment to their Agency Fleet Manager and OVM. Failure to promptly pay parking tickets and provide proof of payment may result in the loss of the privilege to operate a State Vehicle and may result in the loss of vehicle privileges for an Agency including the leasing, purchasing and redeployment of vehicles.

Agencies that fail to ensure the prompt payment of parking tickets, shall be subject to a processing fee that will be reflected on the monthly intergovernmental encumbrance for each notice of a parking violation, i.e., unpaid parking tickets, transmitted to OVM by a city, town, or other governmental entity issuing parking tickets for parking violations. With respect to each notice of a parking violation received by OVM and forwarded to an Agency, an OVM processing fee may be imposed in the following amounts: second notice of a parking violation - \$25; third notice of a parking violation for the same incident - \$50; Fourth and final notification may result in a \$100 processing fee and the immediate removal of vehicle(s) from the Agency's fleet.

Reporting & Other Requirements

Driver Log, Monthly Mileage Reporting and Required Vehicle Documentation

Each Agency that is assigned a State Vehicle must require State Drivers to record the vehicle use in the OVM-issued Driver Log Form for that vehicle. The Driver Log Form shall be kept in the vehicle at all times and must include the following for each trip:

- a) Start date and time
- b) End date and time
- g) Business purpose for trip
- i) Vehicle condition
- j) Whether fuel was purchased
- k) Driver name.

At the end of each month, the Agency Fleet Manager must collect the Driver Logs from the vehicles in the Agency's possession and maintain official, permanent files of these logs for the duration of time dictated by records retention policies. Non-compliance may result in the immediate removal of vehicle(s) from the Agency's fleet.

All Agencies with State Vehicles are required to report the ending odometer reading of each vehicle, not equipped with a telematics device, at the end of each month to OVM by the tenth working day of the following month. Failure to report monthly vehicle mileage may result in remedial action, as determined by the OVM Director, which may include, but not limited to, the removal of vehicle(s) from the Agency's fleet.

The Driver Logs must be provided to OVM within 5 business days upon request.

All State Vehicles must carry :

- a) an appropriate authorization form for Overnight Travel (if applicable).
- b) a current, valid registration.

Any State Vehicle found operating without the proper documents, as specified in OVM Policy, may be subject to remedial measures, at the discretion of the OVM Director, which may include, but not be limited to, the immediate removal of vehicle(s) from the Agency's fleet. OVM may periodically check State Vehicles to determine whether the proper documents are maintained in each vehicle.

Motor Vehicle Violations by State Drivers

The Agency Fleet Manager is responsible for providing prompt written notification to OVM of each motor vehicle violation by Agency State Drivers while operating a State Vehicle and the corrective action that is planned, or that has been taken, in accordance with Section VII of the OVM Policy. Non-compliance may result in the immediate removal of vehicle(s) from the Agency's fleet.

Vehicle Reassignment Requests

Requests for reassignment of vehicles inter-Agency or between Agencies must be submitted to the OVM Director in writing. The form can be found on the Forms page of the OVM webpage. Reassignment may not occur without the prior written authorization of OVM after a review of the Agency submitted request.

Change of Vehicle Status within an Agency

The Agency Fleet Manager is responsible for providing prompt written notification to the OVM Director of any change in vehicle status within its fleet. Changes in status include but are not limited to inoperability or use falling below minimum utilization requirements.

Fueling/Charging Vehicles

Fuel for vehicles shall be purchased only from Statewide Contracts established by OSD. Agencies shall be enrolled in the Fuel Card contract and will be issued a Universal Fuel Card for each enrolled vehicle. The Fuel Card is authorized for the purchase of **fuel only**. Certain "pay-at-the-pump" services may also be available, such as Car Washes; however, purchase of incidental items is strictly prohibited.

Under no circumstances should a State Vehicle be fueled with super and/or premium gasoline. Violation of this policy may result in remedial action, as determined by the OVM Director.

Fuel purchases and the reporting of vehicle odometer readings under the Fuel Card program will be monitored by OVM and sent to the Agency Fleet Manager. Agency Fleet Managers are responsible for approving fuel card users and providing OVM with their 6-digit Employee ID number which will be their unique Driver PIN for fuel purchases. Drivers must enter the actual vehicle odometer reading at each fuel purchase. Non-compliance may result in the immediate removal of vehicle(s) from the Agency's fleet.

Agencies may use private site state owned fueling locations provided their fuel card can access those fueling pump locations. Other private site fueling locations that do not use the fuel card, should report fuel purchases quarterly to the Deputy Fleet Administrator, by the tenth business day of the following quarter. Failure to report nonfuel card fuel purchases quarterly from private site fueling locations may result in remedial action, as determined by the OVM Director.

Additional information concerning the specific requirements for use of this contract may be obtained at www.commbuys.com. Questions regarding the program can be addressed to OVM.

Charging for electric vehicles shall be obtained using the most fiscally responsible method. OVM recommends Agencies install Electric Vehicle Supply Equipment ("EVSE" or "Chargers") at their facility locations for direct use by their fleet. Absent on-site Chargers, State Drivers shall utilize online resources to locate Chargers available for use along or near their expected route and plan their driving time accordingly. If an EVSE or Charge Card/Fob Statewide Contract exists, Agencies and Drivers shall utilize these contracts.

Vehicle Preventive Maintenance and Repairs

Maintenance and repair services shall only be purchased from Statewide Contracts established by OSD ("SWC") and authorized by OVM. Agencies are required to ensure that vehicles are repaired and maintained in accordance with OVM's maintenance and repair requirements. Absent a specific OVM requirement, the preventive maintenance and repair requirements of the vehicle Owner Manual shall apply. Additional information concerning the specific requirements for use of this contract may be obtained at via COMMBUYS. Questions regarding the program should be directed to OVM.

Failure to properly maintain a vehicle may result in the loss of the vehicle by the Agency. Preventive maintenance must be performed in accordance with the OVM-established schedule. Vehicle repairs in excess of established thresholds will require review and approval by OVM, in collaboration with the Agency Fleet Manager.

Repairs required due to negligence or abuse are the responsibility of the Agency. Repetitive negligence or abuse may result in the loss of vehicle(s) by the Agency and/or the loss of driving privileges by the State Driver.

Accident Reporting

State Driver responsibilities in the event of an accident are detailed in Section VI.G below. The following additional steps must be overseen by the Agency Fleet Manager:

All accidents, incidents, or damage involving State Vehicles MUST be reported within 24 hours to the Accident Repair & Subrogation statewide contract vendor. The Statewide Contract Vendor will notify OVM of any accidents via a First Notice of Loss (FNOL). All State Vehicles involved in an accident MUST be inspected and have an estimate of repair costs prepared by an Auto Body Shop authorized for use by the Statewide Contract Vendor within thirty (30) days of the accident. Vehicles that do not receive estimates within the required timeframe may be subject to removal from that Agency's fleet.

Accident repair estimates will be vetted through the Statewide Contract vendor and then require review and approval by OVM, in collaboration with the Agency Fleet Manager.

Once repairs are approved, the Statewide Contract Vendor will work together with the Agency Fleet Manager and Auto Body Shop to schedule the repair and return of the vehicle.

Statewide Contract Vendor reviews all accidents to determine if the State Driver is responsible for the accident for purposes of cost responsibility and provides its findings to OVM for further review and applicable action.

Repair costs will be billed directly to the Agency by the Statewide Contract Vendor. The operating Agency shall pay for the cost of repairs or replacement of the vehicle and any costs arising from actions filed against the Commonwealth by any party.

If applicable, the Statewide Contract Vendor will attempt to subrogate all claims against other drivers and/or their insurance companies and collect all funds on behalf of the Commonwealth. Agency personnel are required to cooperate with Statewide Contract Vendor investigations.

Information related to partial liability determination of an accident claim will be sent to the specific Agency for their review and approval.

Any accident claims that are brought against the Commonwealth due to an at-fault accident must be reviewed and addressed by the specific Agency in accordance with current regulations, as determined by the Attorney General's Office.

Additional information concerning the specific requirements for use of this contract may be obtained at www.commbuys.com. Questions regarding the program can be addressed to OVM.

Stolen Vehicles

Stolen vehicles must be reported immediately to the police department having jurisdiction over the location where the theft occurred. The State Driver or Agency Fleet Manager reporting the theft shall identify the OVM Director as the person to be contacted by police with any information concerning the vehicle.

When a vehicle is discovered missing the State Driver must immediately notify their Agency Fleet Manager who then must notify the OVM Director.

If the State Driver or Agency is notified that the vehicle has been recovered, the OVM Director must be notified immediately.

If the vehicle is recovered in damaged condition, the OVM Director will determine whether to repair the vehicle or remove it from service. The financial responsibility for the vehicle remains with the agency, whether outstanding lease payments or repair costs.

Overnight Travel Authorization

State Drivers may be permitted to drive a State Vehicle (assigned or short-term rental) to their home or other location as required by the business need, on a given day only if the State Driver is conducting official state business outside Normal Business Hours or as defined in Section V.C.10

If a State Vehicle that has been assigned to an Agency will be used for Overnight Travel where it will be housed away from a State facility, the State Driver must complete and submit an Overnight Travel Form to their Agency, then to OVM, as approval is required to use a vehicle for Overnight Travel. All Overnight Travel Forms must be signed by the Driver, the Agency Fleet Manager, the Agency Head or Agency Official with signatory authority, and approved by OVM via email. A copy must be kept with the State Vehicle during the relevant time period.

When a State Driver is found using a State Vehicle outside of Normal Business Hours without the proper authorization as specified in this section the Agency will impose remedial measures, pursuant to Section VII of the OVM Policy.

Domicile Vehicle Guidelines

In limited situations, an employee may be authorized to take a State Vehicle home at the end of business hours while on regular business. Under most circumstances, employees will complete an Office of Vehicle Management Overnight Travel request form approved by the Agency Head, negating the need for a domicile assignment.

In order to be eligible for domicile assignments, the employee must demonstrate a need for the immediate and/or continued availability of a State Vehicle. Employees that may meet the required criteria may include those serving as first line responders to emergencies or those that cannot regularly report to a designated State office.

Employees with domicile assignments must use State Vehicles for conducting state business only and not for personal use.

Approved Domicile Vehicles should be parked at the state driver's confirmed residence. Agencies are responsible for providing updated vehicle garaging locations. Any changes must be immediately provided to OVM. Domicile Vehicles are required to be parked at the approved garaging location when the vehicle is not being used for work related trips.

The issuance of a domiciled State Vehicle shall never be a component of an employee's compensation package and compensation is not, under any circumstance, an acceptable reason for domicile assignments.

Full Domicile Vehicle Guidelines, including eligibility requirements, approval processes, and fringe benefit reporting, are available on the OVM webpage and included as Appendix B.

IRS Reporting

Annually, OVM issues guidance and forms pertaining to the tax reporting of employee use of State provided vehicles, which is considered a fringe benefit for tax reporting purposes. The guidance and forms are available on www.mass.gov. The OVM Form titled “Fringe Benefit for Tax Reporting for Tax Year...” includes a guidance document and the employee and departmental certification forms referenced.

Driver Training

Agency Fleet Managers are responsible for providing all drivers with applicable training as related to the performance of their duties. Such training is necessary to ensure that the State Driver is qualified to operate an assigned State Vehicle. This includes vehicle or equipment specific training as well as Safe Driver Training. Upon request, Agency Fleet Managers must provide documentation to OVM that training has been completed.

An Agency Fleet Manager must annually review the Fleet Manager Training Document and ensure that Agency Drivers annually review the Driver Training document posted to www.mass.gov to familiarize themselves with OVM policies, procedures, and processes. Agency Fleet Managers and State Drivers also must participate in any additional training as issued and deemed required by OVM.

Non-compliance may result in the loss of vehicle(s) by the Agency and/or the loss of driving privileges by the State Driver.

State Driver Oversight

Review of Driver Eligibility for Use of State Vehicles

Prior to authorizing any employee to drive a State Vehicle or short-term rental vehicle, the Agency Fleet Manager is responsible for ensuring that each of the following conditions have been met:

- Individual is at least 18 years of age and has a minimum of one year’s driving experience.

- Individual has a current and valid Motor Vehicle License that authorizes the individual to operate a passenger or light duty vehicle.

- Individual’s Driving Record shall be reviewed by the Agency Fleet Manager to ensure the Driver is in compliance with Safe Driver requirements contained in Section VII of this document.

- Individual has never had their privilege to operate a State Vehicle terminated.

OVM reserves the right to review the driving history of any authorized Driver of State Vehicles and make recommendations regarding Driver eligibility based on reviewed driving history.

Agency Fleet Managers shall also conduct an annual Motor Vehicle Record (MVR) review to ensure all authorized State Drivers possess a current, valid driver’s license; and

maintain a driving record that does not violate Safe Driver requirements contained in Section VII of this document.

If a State employee has been involved in any incidents of operating a State Vehicle under the influence of alcohol or any illegal substance, it shall immediately suspend that person's privilege to use a State Vehicle and forward the information to the OVM Director. Non-compliance may result in the immediate removal of vehicle(s) from the Agency's fleet.

OVM Approval of Other State Drivers:

If an Agency seeks to have individuals other than full time permanent employees (e.g., consultants, contract employees, or summer interns) operate a State Vehicle, the Agency's Fleet Manager must receive prior written approval from OVM. Such requests should be directed to the OVM Director and must include the individual's full name, Massachusetts driver's license number, and the reason for the individual's use of a State Vehicle.

OVM retains the authority to review each individual's driving history through the RMV or other appropriate entity. Individuals' driving records may initially be reviewed up to the previous 6-year period based on the RMV's listing of surchargeable events.

Approvals/denials to drive State Vehicles may be issued by the OVM Director based on these records. However, OVM reserves the right to consider an individual's complete driving history record.

For individuals holding non-Massachusetts driver's licenses, the individual will be responsible for obtaining and providing a copy of their own driving history for the previous 6-year period from the state(s) in which their license was issued and presenting the history to the Agency Fleet Manager, who will then forward the information to OVM.

Agency Fleet Managers shall provide a copy of the OVM Policy to each authorized State Driver and obtain a signature from the individual indicating that they have read and agree to the policies governing use of a State Vehicle on the Authorized Driver Affirmation of Review and Compliance Form provided by OVM.

Audit

OVM may periodically conduct reviews of Agencies in order to confirm compliance with all sections of OVM Policy. Reviews may be scheduled in advance with proper notification to the Agency or randomly as determined by OVM. Agencies are required to provide access to all vehicle records requested by OVM. Review findings are provided to Agencies once completed. Agencies must comply with any requests for follow-up within the time noted on the report. Non-compliance may result in the immediate removal of vehicle(s) from the Agency's fleet.

Corrective Action

The failure of any Agency to adhere to the OVM Policy may result in remedial measures to the Agency, at the discretion of the OVM Director. Non-compliance may result in, but is not limited to, the immediate removal of vehicle(s) from the Agency's fleet.

Driver Responsibilities

Drivers operating State Vehicles must comply with the provisions contained in this Section at all times. Failure to do so shall result in remedial measures, as identified in Section VII: Corrective Action Plans, below.

Authorized Terms of Vehicle Use

Drivers authorized to operate State Vehicles must be at least 18 years of age, possess a valid driver's license, have an acceptable driving record with a minimum of one year driving experience, and execute the authorized Driver Affirmation of Review and Compliance Form provided by OVM which acknowledges that the individual has reviewed and will be bound by OVM Policy. State Vehicles shall only be used to conduct official state business. At no time may a State-owned or rented vehicle be used for personal reasons. State Drivers may not at any time carry any passenger not associated with the state business for which the vehicle is being used.

The use of a State Vehicle to commute between the Driver's worksite and personal residence will only be allowed in situations outlined in the sections on Overnight Travel and Domicile Travel, of the OVM Policy. Non-compliance may result in the revocation of driving privileges and/or the immediate removal of vehicle(s) from the Agency's fleet.

Compliance with State and Local Motor Vehicle Laws and Regulations

State Drivers must obey all traffic laws, parking laws, and regulations when driving a State Vehicle.

Any State Driver arrested for operating a vehicle under the influence of alcohol, prescription medication, or any other substance that impairs driving, will lose all privileges to operate a State Vehicle pending the outcome of the charges. If a State Driver is convicted, pleads guilty, or pleads to sufficient facts, they will permanently lose their privilege to drive a State Vehicle.

All violations, citations, or tickets, including but not limited to parking, moving, and traffic are the responsibility of the State Driver they are imposed upon. OVM is not responsible for and will not reimburse the payment of any violation incurred by State Drivers while operating State Vehicles or non-State Vehicles for State business. These monetary penalties are the personal responsibility of the State Driver. Payment or reimbursement is not to be made by an Agency.

State Drivers are responsible for promptly resolving the matter by paying any fines or penalties, or by obtaining an alternate resolution through the appeal or dispute process that may be available. State Drivers must provide proof of resolution to their Agency Fleet Manager. Failure to promptly provide proof of resolution may result in the loss of the privilege to operate a State Vehicle and may result in the loss of vehicle privileges for a department including the leasing, purchasing, and redeployment of vehicles.

State Drivers found guilty of violations are subject to the Corrective Action provisions contained in Section VII of this document.

It is the responsibility of the State Driver to report any of the above situations to the Agency Fleet Manager. Failure to report such incidents may result in the loss of the privilege to drive a State Vehicle for a period of time as determined by the OVM Director.

Seat Belts

Pursuant to State Law, all State Drivers and passengers must use seat belts or appropriate safety restraints.

Hands-Free Driving

Massachusetts law prohibits operators of motor vehicles from using any electronic device, including mobile telephones, unless the device is used in hands-free mode. Use of an electronic device while operating a motor vehicle is strictly prohibited.

Vehicle Fueling

Drivers are required to use an Agency authorized fuel card for vehicle refueling.

Under no circumstances is a Driver to fuel a State Vehicle with anything other than 87 Octane gasoline. State Drivers purchasing premium gasoline may be subject to remedial measures. All State Drivers should report accurate odometer readings when prompted by the fuel card transaction process.

State Vehicle Use for Out-Of-State Travel

Same-Day Out-of-State Business Travel into states bordering Massachusetts in a State Vehicle is permitted with approval from the Fleet Manager, providing all other Agency-specific out-of-state travel requirements have been met. This includes any requirements from the Secretariat, including, but not limited to, a TAF (Travel Authorization Form).

Overnight Out-of-State Business Travel in a State Vehicle is permitted provided there is an approved OVM Overnight Travel Form on file at the Agency and with the OVM Director one business day prior to the vehicle leaving the State. A copy of the approved Overnight Travel Form shall be kept in the vehicle during the travel period. In addition, all other Agency-specific out-of-state travel requirements must be met. This includes any requirements from the Secretariat, including, but not limited to, a TAF (Travel Authorization Form).

State Driver Responsibilities in the Event of an Accident

At the Scene of an Accident Involving a State Vehicle

Unless incapacitated due to injury, State Drivers shall:

Call 911 to:

- Request emergency assistance if they or another party are injured or the accident involves a fire
- Notify the police (if this is not immediately possible, Driver must notify the police as soon as they are able)

Obtain all information necessary to fully complete an accident report with the Statewide Contract Vendor for Accident Management & Subrogation Services

Give identifying information ONLY to the other party(s) involved and the police, but make no comments about assuming responsibility, fault, or blame

If able, take pictures of the accident location, any vehicle damage (all vehicles involved), or property damage

Request a tow, if necessary, through the Statewide Contract Vendor, unless law enforcement has arranged one to ensure local safety

After the Accident

The State Driver MUST call the Statewide Contract Vendor for Accident Management & Subrogation Services within 24 hours of the accident unless the Driver is seriously injured.

Report details to Statewide Contract Vendor within 24 hours, no matter how minor they may be

- Driver must provide their 6-digit Employee ID Number (EID) when reporting the accident.
- Statewide Contract Vendor will complete an electronic Loss Notice based on the call details
- Statewide Contract Vendor will email a copy of the Loss Notice to OVM and the Agency Fleet Manager
 - NOTE: Driver is responsible for obtaining all information needed to fully complete the Loss Notice. In most cases, completion of the Accident Information Form located in the Fleet Response Packet will ensure that required information is captured.
- Statewide Contract Vendor will provide assistance and next steps.
- Statewide Contract Vendor will coordinate towing, if necessary and allowable by local law enforcement
 - If tow coordinated by law enforcement, Driver must provide details to Statewide Contract Vendor for follow-up

All accidents must be reported to the local police and a police report must be filed (no matter how minor)

- A copy of the Police Report must be provided to the Statewide Contract Vendor once available

Report the accident to supervisor/manager within 48 hours

If Driver is incapacitated due to injury, supervisor or manager must report the accident to Statewide Contract Vendor and Law Enforcement

Injury to Driver or Other State Employee:

If Driver or any other State employee is injured, report details to their supervisor/manager, the operating Agency's Fleet Manager, and OVM.

Reporting to OVM is for informational purposes only. OVM is not responsible for relaying this information to other entities.

Accident in a Rental:

If an accident occurs while in a rental vehicle that a State Driver is utilizing during state business:

Report accident to the police, rental agency, supervisor/manager, AFM and OVM

- Rental agency will coordinate tow and/or repairs, as needed

If able, take pictures of the accident location, any vehicle damage (all vehicles involved) or property damage

Repairing a State Vehicle:

Vehicle MUST have photos taken and an estimate of repair costs prepared by a Statewide Contract Vendor Network Auto Body Shop within thirty (30) days of the accident

- If not completed within the required timeframe, vehicle may be subject to removal from that Agency's fleet

If repairs are approved by the AFM and OVM, Statewide Contract Vendor should be notified, and repairs should be scheduled within thirty (30) days of repair approval

When the Driver picks up the vehicle, they must verify all work

- If the work is not complete, or is unsatisfactory, Driver should call Statewide Contract Vendor for assistance in ensuring the work is completed satisfactorily

Agency is responsible for providing all vehicle decals/signage to the repair shop, if necessary

Cosmetic Damage:

Drivers must take care to limit cosmetic damages to State Vehicles. These would include small dings/dents and scratches. OVM recognizes this type of damage may happen, however, cosmetic damage exceeding \$250 must be reported to the Statewide Contract Vendor as outlined above.

Stolen Vehicle:

Immediately report stolen vehicles to local law enforcement

- Identify the OVM Director as the contact for follow-up regarding retrieval of the vehicle

Immediately upon discovering a vehicle is missing, notify the Agency Fleet Manager, Department Head, and the OVM Director

If vehicle is recovered, police will notify the OVM Director, then OVM will notify the Agency Fleet Manager

- If the Driver or Department is notified that the vehicle has been recovered, they must notify OVM immediately

If vehicle is recovered in damaged condition, it should be repaired in accordance with OVM accident repair procedures

Rental for Accident Repairs:

If a State Vehicle is not available due to extensive accident damage, a short-term rental may be obtained through their Agency Fleet Manager using the Statewide Contract.

A rental vehicle used as a replacement for a State Vehicle that is in the shop is considered a State Vehicle for the purpose of policy compliance. For example, all personal commuting in a rental vehicle must be reported as fringe benefit income and the Driver is responsible for any tickets or violations incurred.

Additional information concerning the specific requirements for use of these contracts may be obtained at www.commbuys.com

Accidents Causing Greater than \$1,000 Worth of Property Damage and/or Injury or Death to a Person

Per RMV regulations, the State Driver must send a copy of the Motor Vehicle Crash Operator Report form to the RMV and the police department with jurisdiction where the accident occurred. The State Driver should provide a copy of this form to the Agency Fleet Manager and OVM.

Personal Items

The Commonwealth of Massachusetts is not responsible at any time for any personal items lost, damaged, or stolen while in a State Vehicle. Personal losses may be covered by the Driver's personal insurance policy.

Misuse of State Vehicles

OVM has the authority to permanently revoke or suspend State Vehicle driving privileges of any State Driver, or rescind any Agency's State Vehicle use privilege of one or more vehicles within the State Fleet for violation of any of the provisions contained in this document.

Safe Driver Program

1-800 How am I Driving" (1-800-671-8900)

State Drivers who operate State Vehicles are expected to be courteous and considerate drivers. These Drivers are expected to obey the rules of the road and act in a responsible manner. To facilitate constituent participation, the "1-800 How am I Driving" hotline has been established to provide an outlet whereby constituents can call in and lodge complaints or compliments regarding a State Driver.

If a credible call is received, the caller's explanation of the incident is documented. A notification is generated by OVM and sent to the Agency for response. The Agency must identify the Driver of the vehicle as documented in the Agency's Driver Log. A written response must be returned to OVM documenting the State Driver's name, license number, Employee ID, and detail the State Driver's recollection of the incident. Agency responses will be tracked in the "1-800 How am I Driving" database.

All State Vehicles, except law enforcement and undercover vehicles (i.e. confidential or conventional plates) must display the "HOW AM I DRIVING," 1-800 telephone number on the left rear of the bumper. This sticker encourages constituents to dial the 1-800 number to comment on the driving of any State Driver, both positively and negatively. OVM is responsible for overseeing the Commonwealth's fleet of vehicles and will monitor State Drivers on the road through this program. It also instills the public's trust in our ability to adhere to Safe Driver rules and obey all traffic laws, including speed limits. OVM will monitor this program in the following manner:

- a) OVM monitors all calls to the 1-800 number,
- b) OVM will keep a log sheet of all credible calls which will identify the following:
 - i. Date of call
 - ii. Time of call
 - iii. State Vehicle plate number being reported

- iv. Location of incident
- v. Time of incident
- vi. Nature of call
- vii. Name and telephone number of the caller (this is not required if all the above details are provided)
- viii. Indicate if caller wants a response back.
- c) OVM will contact each caller who leaves a message to confirm the details of the calls.
- d) OVM will issue a notification to the Agency Fleet Manager asking for a written response in the event of a complaint.

In the event of a complaint, the following will occur:

- 1) The Agency Fleet Manager will have ten (10) business days to investigate, identify the Driver, and respond to OVM with the Driver's recollection of the event and potential corrective action plans.
- 2) Using Employee ID, OVM will determine if any other complaints were logged against the Driver in a one-year period from the initial complaint.
- 3) Once a Driver has received two or more complaints in a twelve (12) month period, OVM will assess points to the individual's safe driving record, as described in Section VII.

Unacceptable Driving Habits

State Drivers shall refrain from any behavior that violates the Motor Vehicle Laws of Massachusetts, including distracted driving, as well as any discourteous or rude conduct while operating a State Vehicle. Unacceptable actions include, but are not limited to:

- a) Aggressive Operation
- b) Distracted Operation
- c) Erratic Operation
- d) Inconsiderate Operation
- e) Reckless Operation
- f) Speeding
- g) Failure to Signal
- h) Failure To Stop/Yield
- i) Inappropriate Language/Gestures
- j) Littering
- k) Marked Lane Violations
- l) Parking Complaints

No Smoking in State Vehicles

Smoking of any substance, or use of any tobacco product, including the use of smoking-simulating devices, is prohibited inside all State Vehicles.

Domicile Travel

Authorization to use a State Vehicle for domicile travel must comply with the provisions of Section V.C.10 of the OVM Policy. Employees with domicile assignments must certify in writing, annually, that they understand the domicile policies and will adhere to them. Individuals assigned State Vehicles for domicile purposes are responsible for ensuring that all information provided is accurate and that the State Vehicle use conforms to all applicable requirements and state driving laws.

Overnight Travel

Prior authorization is required for overnight travel using State Vehicles and must comply with Section V.C.9, above.

Overnight Garaging of a State Vehicle

No Executive Branch employee shall use a State Vehicle, outside of normal business hours, for the purpose of commuting from State offices to their home address unless they have been approved through an Overnight Travel Request Form, or Domicile Use process. Additionally, no State Vehicle shall be parked outside normal business hours at a City, Town, Municipal, or Federal property without proper justification and authorization from OVM. Unless otherwise approved through overnight travel or the domicile use process, all State Vehicles must be parked at their designated Agency office location. Parking at other State locations may be allowed, however, agreements for non-Agency location parking must be coordinated between the applicable parties and approved by OVM. Any Executive Branch employee found to be in violation of OVM Policy shall be subject to immediate corrective action.

Self-Reporting of Surchargeable Violation

All authorized Drivers of State Vehicles are required to immediately report to their Agency Fleet Manager all surchargeable motor vehicle violations, as defined in Section VII of this document, and any violations of the Short-Term Rental Statewide Contract. Failure to do so within 10 business days, shall result in a 30-day suspension of the individual's authorization to drive State Vehicles and may result in the immediate removal of vehicle(s) from an Agency's fleet.

Corrective Action Plans

Agency

Agencies shall conduct an annual Motor Vehicle Record (MVR) review to ensure all authorized State Drivers possess a current, valid driver's license; and maintain a driving record that does not violate Safe Driver requirements contained in this section. The OVM Director may require corrective actions to be taken by an Agency or an Agency Fleet Manager for failure to enforce this corrective action policy.

State Driver

To ensure the safe and responsible operation of State Vehicles and to reduce the occurrence of accidents, OVM shall require corrective action plans for State Drivers who fail to comply with the Safe Driver program or engage in unsafe driving practices. The required corrective action shall be determined, in consultation with the Agency Fleet Manager, and shall be based on the aggregation of Unsafe Driver Points assigned to policy violations, unsafe driving practices, and motor vehicle violations as set forth below.

Unsafe Driver Points

Unsafe Driver Points are assigned when violations of the Safe Driver program or traffic law violations, as defined by the Massachusetts Registry of Motor Vehicles and set forth in 211 CMR 13 134.00: Appendix A, and at-fault accidents as established by 211 C.M.R. 74.00 in accordance with Chapter 175, section 113P of the Massachusetts General Laws.

- a) **Minor traffic law violations and constituent complaints** include civil violations.

Violation	Unsafe Driver Points
Each Minor Traffic Law Violation (i.e., speeding or failing to obey traffic lights)	2
Second and subsequent "1-800 How am I Driving" complaints in a one-year period	2

- b) **Major traffic law violations** include criminal violations.

Violation	Unsafe Driver Points
Each Major Traffic Law Violation (i.e., leaving the scene of an accident or refusing to stop for a police officer)	5
Operating under the influence	20

- c) **At Fault Accidents** are those in which the State Driver is presumed to be more than 50% at fault under the Massachusetts Standards of Fault in 211 C.M.R. 74.00.

Accident Type	Unsafe Driver Points
Preventable Accident as reported through Fleet Response	3
At-Fault Accident as reported through MVR	4

Corrective Action Plans

a) **Recommended Corrective Action**

Recommended corrective actions apply to points accumulated within a six-year period. OVM recommends that any State Driver who accumulates five Unsafe Driver Points receive a formal verbal warning. Upon reaching seven Unsafe Driver Points, a formal written warning is recommended. Upon reaching nine Unsafe Driver Points, driver retraining is recommended.

Corrective action issued as a result of these recommendations shall be submitted to the OVM Deputy Fleet Administrator by the Agency Fleet Manager within 10 business days of the date on which the Agency has knowledge of the violation.

b) **Mandatory Corrective Actions**

Mandatory corrective actions apply to a three-year period commencing from the most recent violation or at fault accident and the total review period shall not exceed four years. Any State Driver who accumulates ten or more Unsafe Driver Points shall be subject to corrective action as outlined below. For each violation or at fault accident, the aggregation of Unsafe Driver Points will include any points accrued in the three years prior to the date of the violation or at fault accident.

Mandatory Corrective Action	Unsafe Driver Points
Driving Privileges Suspended until Driver Retraining Completed	10+
Driving Privileges are Suspended until points drop below 15 and Driver Retraining Completed	15+
Driving Privileges are Terminated (With no option for reinstatement)	20+

Corrective action issued as a result of these recommendations shall be submitted to the OVM Deputy Fleet Administrator by the Agency Fleet Manager within 10 business days of the date on which the Agency has knowledge of the violation. This information will be shared with the OVM Director.

OVM may require additional corrective action, including but not limited to in-house training, after consultation with the Agency Fleet Manager and in accordance with personnel policies and procedures. OVM Policy is intended to ensure that corrective actions are consistent across Executive Branch Agencies.

Driver Retraining

Acceptable driver retraining may be online, classroom or behind-the-wheel training as well as those offered by the RMV.

Agencies shall be responsible for the cost of driver retraining required under a corrective action plan in which the Driver's privileges were suspended pending the completion of a driver retraining program.

When driver retraining is required for reinstatement of driving privileges, training must be an approved RMV course.

Reinstatement of Driving Privileges

Driving privileges shall not be reinstated to any State Driver whose privileges are terminated as a result of a mandatory corrective action per section VII.B.2.b.

For Drivers requesting early reinstatement of rescinded driving privileges, a Review Board shall be created and be responsible for determining whether to reinstate the driving privileges. The Unsafe Driver Review Board may consist of any two or more of the following:

- a) OSD Leadership and/or OVM Director
- b) Agency Head, Agency Fleet Manager, and/or Agency General Counsel
- c) Office of Employee Relations representative

The Review Board shall consider the State Driver's history of corrective action, including all violations of the Safe Driver Program and all traffic law violations incurred while operating a State Vehicle, the Driver's MVR, and/or any out-of-State Driver history.

A State employee seeking reinstatement of driving privileges shall submit the request in writing along with a copy of their Driving History and/or any out-of-state driving history to their Agency Fleet Manager who shall provide the request letter and driving history to the OVM Director. The Review Board shall convene within (60) sixty days of the receipt of the request from the Agency Fleet Manager and issue a determination within (30) thirty days of completing its review. State Drivers whose driving privileges are reinstated by a determination of the Review Board shall be required to attend a driver retraining program. The Review Board shall impose additional conditions for the reinstatement of driving privileges, as appropriate.

Applicability

Unsafe Driver Points and corrective actions may be imposed on any State Driver as a result of their actions while driving any vehicle.

Upon the effective date of Part VII of the OVM Policy, each Agency Fleet Manager shall review the driving history of each State Driver including (1) any history of unsafe driving practices and traffic violations while operating a State Vehicle, (2) the State Driver's MVR, (3) the State Driver's out-of-State Driver history, if any, and (4) any previous disciplinary action imposed as a result of the exercise of driving privileges to determine whether the State Driver shall be required to take a driver retraining program or participate in other driver safety improvement efforts.

Waiver

Waiver Process

If a participating Agency has a significant business justification to request a waiver for a specific item or section of the OVM Policy, a request for waiver should be submitted to the OVM Director. The Assistant Secretary for Operational Services or their designee may, in their sole discretion, waive strict compliance with any portion of the OVM Policy when requested in writing and determined that:

- a) the non-compliance is minor or in the best interest of the Commonwealth, and
- b) does not significantly diminish the intent and purpose of the OVM Policy.

A request for waiver must state the circumstances and reasons for its issuance and be signed by the Agency Head or their designee. It is important to note that even if a waiver is approved, the remainder of the OVM Policy must be complied with.

Finality of Determinations

Each determination made or approved by the Assistant Secretary for the Operational Services or the OVM Director under the OVM Policy shall be final and conclusive.

Appendices

Appendix A - Definitions

The following terms shall have the meaning assigned in this section unless another meaning is obvious from the context:

Agency (or “Department”): Any subdivision of the Executive Branch of the government of the Commonwealth, but excluding Constitutional, Legislative, and Judicial Offices, the public institutions of higher learning, and independent authorities which are exempt by statute from the OVM Policy. For purposes of the policies and procedures contained in this document, the term shall also exclude Sworn State Police Officers, Environmental Police, and the Massachusetts Department of Transportation (“MassDOT”).

Agency Head: The individual who, either by election or appointment, is responsible for the administration of an Agency or Department, or a person specifically designated by the Department Head in writing, to fulfill the duties and responsibilities of the Department Head.

Agency Fleet Manager: An employee identified by the Agency who is responsible for that Agency’s State Vehicles and for the administration of the OVM Policy within their Agency.

A&F Secretary: The Secretary of the Executive Office for Administration and Finance, in their capacity as Commissioner of Administration, or a person specifically designated by the Commissioner to fulfill the responsibilities and duties given to the Commissioner by statute, executive order, or regulation.

Agency Vehicles: State Vehicles that have been acquired by the Commonwealth, regardless of acquisition method, and assigned to an Agency.

Assistant Secretary for Operational Services: The individual that oversees the Operational Services Division or a person designated in writing by that individual.

Commute: A trip between the State Driver's personal residence and their documented work location.

Under the IRS’ rules, a “commute” is a trip, one end of which is at the employee’s residence, and the other end of which is at a work site located in the area where the employee ordinarily would work. When the work site being traveled to is outside the area where the employee would ordinarily work, the IRS regards that travel as a business trip, not a commute subject to

fringe benefit treatment. Each trip to or from an employee's residence is considered a commute.

Commuting Use Income: Federal statutes and regulations require the attribution of income to employees for each commute made in an (NON-EXEMPT) employer-provided motor vehicle. The current overview for IRS Commuting Use Income may be found on the OVM webpage.

Decal: A sticker or other form of marking which is required by State law or OVM Policy, to be affixed to a State Vehicle.

Domicile Travel: The authorized use of a State Vehicle to drive between a personal residence and work site on a regular basis. (See Section on Domicile Travel).

Environmental Police Officers: Sworn officers of the law, employed by the Department of Fisheries and Wildlife, an Agency within the Executive Office of Energy and Environmental Affairs, who have the authority to carry weapons, serve warrants and make arrests on behalf of the Commonwealth.

Leased Vehicle: Leased vehicles are purchased by OSD and leased to an Agency through a monthly chargeback, which includes financing costs, preventive maintenance, repair and tire replacement over the term of the lease.

Normal Business Hours: Monday through Friday from 7:00 a.m. to 6:00 p.m. EST, excluding Commonwealth holidays.

Office of Vehicle Management (OVM): The Office within the Operational Services Division (OSD) responsible for managing the Commonwealth's fleet of vehicles and the implementation and administration of the OVM Policy.

Operational Services Division (OSD): The Division within the Executive Office for Administration and Finance established pursuant to St. 1989, c.731, to regulate and oversee the procurement of human and social services, goods and general services, including the administration of the Commonwealth's Fleet of vehicles, the disposition of Federal and State Surplus Property, and the operation of Commonwealth Print Services, a centralized printing facility for various State Agencies.

Overnight Travel: The authorized use of a State Vehicle to drive and park overnight at a personal residence or other location as required by business needs for a limited period of time, wherein any such time falls outside of normal business hours. (See Section on Overnight Travel.)

OVM Managed Vehicle: All State Vehicles, as defined herein, within Executive Branch Agencies are considered OVM Managed. Additionally, any vehicle that a Commonwealth Agency has opted to include under OVM purview is considered OVM Managed.

Secretary: The executive officer of one of the executive offices established under M.G.L. c.6A or c.7, or other provision of the General Laws.

State Driver (or “Driver”): An authorized operator of a State Vehicle who is an employee, as defined in this section, and has completed the Driver Affirmation of Review and Compliance Form. Consultants, Contract Employees, Interns, and Volunteers are not allowed to operate State Vehicles unless they have been granted approval by the Office of Vehicle Management. Other individuals may be designated by Agencies as State Drivers only with the permission of OVM (See section on Vehicle Use.)

State Employee: Any person employed in the Executive Branch whose compensation is determined in accordance with Chapter 30, sections 46 and 46C, who is determined to be confidential pursuant to Chapter 150E, or whose compensation is determined by a collective bargaining agreement pursuant to chapter 150E. Additionally, any person employed in an Agency that has “opted-in” for OVM services.

State Police Troopers: Sworn officers of the law, who operate State Police cruisers, have the authority to carry weapons, serve warrants, and make arrests on behalf of the Commonwealth.

State Vehicle: Any state-owned, leased, or rented vehicle with a primary purpose of transporting one or more employees, clients and/or equipment of the Commonwealth to various business-related locations or destinations. Passenger vehicles and light duty trucks, regardless of the GVWR (Gross Vehicle Weight Rating), represent the types of vehicles which OVM has oversight of:

“Passenger vehicles” include sedans, crossovers, sport utility vehicles, and passenger vans.

“Light duty trucks” include pickup trucks, cab and chassis platforms, and cargo vans.

Motorcycles, law enforcement tier “LE1” vehicles, as defined in GSA FMR Bulletin B-33, and vehicles which require a commercial driver’s license to operate are excluded from OVM oversight.

Unsafe Driver Review Board: A group which may consist of OSD Fleet & Leadership personnel, the Driver’s Agency Head, Fleet Manager or General Counsel, and a representative from the Office of Employee Relations. The Review Board is responsible for determining whether the driving privileges of a State Driver, whose driving privileges have been rescinded in connection with a mandatory corrective action, may be reinstated.

Vehicle Rentals: Passenger vehicles, light duty trucks, or related assets made available by OSD, through a contracted rental agency, to Agencies for short-term rental.

Appendix D – Domicile Vehicle Guidelines

Domicile Vehicle Requests

In limited situations, an employee may be authorized to take a State Vehicle home at the end of business hours on a regular basis. Under most circumstances, employees will complete an Office of Vehicle Management Overnight Request form approved by the Agency Head negating the need for a domicile assignment.

In order to be eligible for domicile assignments, the employee must demonstrate either of the following:

1. Emergency responder requiring special vehicle and/or equipment

This requires confirmation that the employee meets **all** criteria listed below:

serves as a first line responder (employee is among those responsible for going immediately to provide assistance) to emergencies (an unexpected situation that calls for immediate response or action of which the employee does not have advance notice),
is required to be available on a 24 hours/7 days a week basis during designated times,
requires the use of a special purpose vehicle or special equipment that is part of or kept in a State Vehicle that may not be suitable for storage in the employee's residence or transported in a personal vehicle,
provides examples of at least twelve off-duty emergencies without advance notice responded to in the previous calendar year

Exceptions to Emergency Responder Request

In the event that an employee meets all criteria for emergency responders listed above, except for the ability to list 12 emergencies from the previous year, the employee may request an exception due to the potential for emergency responses required for public safety reasons. Exceptions to these guidelines will be reviewed on an individual basis. If such an exception is granted, it is subject to the same annual review process described below as other domicile assignments.

2. Employee does not regularly report to a designated office and a domicile assignment increases efficiency

This requires a showing that the employee must meet **all** the criteria below:

The employee lives outside a 22 mile radius of agency's office

the employee does not regularly report to a designated office as part of his or her regular duties

domicile assignment would greatly increase efficiency of employee's work duties

Approval Process

The process for annual domicile approval is as follows:

1. The employee must demonstrate their need for domicile assignment by completing and signing the Domicile Vehicle Request Form.
2. The employee obtains approval from their Manager, who, in turn, provides the Domicile Vehicle Request Form to the Agency Head and Cabinet Secretary.
3. If the Cabinet Secretary approves the request, they should provide the completed and signed Domicile Vehicle Request Form for each employee requesting domicile assignment to the Office of Vehicle Management's (OVM) Fleet Administrator within the Operational Services Division (OSD).
4. The OVM Fleet Administrator will provide the signed forms to the Secretary of Administration and Finance (A&F).
5. The OVM Fleet Administrator will provide notification to secretariats and agencies of A&F determinations.

Requests for domicile assignments will be approved on a calendar year basis by A&F and reviewed on a bi-annual basis by OVM. OVM will perform at least one audit per year of domicile vehicle usage and may perform more as necessary.

Domicile Vehicle Request Forms should be submitted to the OVM Director by the last business day in November in order to have approval beginning on the first day of the following calendar year.

A&F reserves the right to deny domicile assignments if the employee fails to establish a reasonable need for such assignments. In extraordinary cases requiring a new domicile assignment or a change to an existing domicile assignment during the calendar year, Cabinet Secretaries may approve and submit Domicile Vehicle Request Forms to the OVM Administrator at the time such need arises. For instance, should a new employee hired during the year need a domicile vehicle assignment, the employee should fill out the Domicile Vehicle Request Form and follow the same process outlined above. New employees are not required to provide examples from the previous year. In the event a new employee is hired for a role where the previous employee in that role had a domicile vehicle, the new employee must submit a new form for domicile assignment. Until such time as a formal approval for domicile is granted, the new employee may not use the vehicle for domicile purposes. The new employee may take a

vehicle home after hours if the Agency Head approves an Overnight Vehicle Request form until a final decision on the domicile request is made.

Domicile Vehicle Request Form

The Domicile Vehicle Request Form supersedes all forms used prior to July 1, 2016, including any required letters or acknowledgement forms.

Compliance with OVM Policy

Prior to requesting domicile approval, employees must meet all other guidelines for State Vehicles outlined in the OVM Policy.

This includes but is not limited to:

- mileage requirements for State Vehicle use or the appropriate waiver,
- fuel efficiency standards,
- compliance with audit procedures,
- policies regarding lights, sirens, and other equipment,
- any other policies contained in the OVM Policy not listed here

Employees with domicile assignments must only use State Vehicles for conducting state business and not for personal use.

The issuance of a domiciled State Vehicle shall never be a component of an employee's compensation package and compensation is not, under any circumstance, an acceptable reason for domicile assignments.

Required Fringe Benefit for Tax Reporting of Domicile Assignments

Federal and State Law requires employers, including the Commonwealth, to include "Fringe Benefit Income" on annual W-2 forms submitted to the Internal Revenue Service (IRS) and the Department of Revenue (DOR) for each employee. Such fringe benefit income includes an employee's use of an employer-provided vehicle for business purposes which is also used for personal commuting. The primary provisions are found in Federal Payroll Tax Law and Regulations, United States Code, Title 26 Internal Revenue Code, Code 61 Reg. 1.61-21(f)(3).

Each year OVM will issue specific guidance to fleet managers and payroll directors on this subject. A&F recognizes that the IRS' rules on this subject are complex and that this bulletin can only offer general guidance.

This Policy published by the Executive Office for Administration and Finance shall be effective as of 01/01/2023