

**Title 1—OFFICE OF
ADMINISTRATION
Division 10—Commissioner of
Administration
Chapter 11—Travel Regulations**

EMERGENCY AMENDMENT

1 CSR 10-11.010 State of Missouri Travel Regulations. The Commissioner of Administration is amending section (10)(F).

PURPOSE: The amendment increases the maximum mileage reimbursement rate for State travel.

*EMERGENCY STATEMENT: This emergency amendment increases the maximum State mileage reimbursement rate from three cents below the Internal Revenue Service (IRS) standard rate to the IRS standard rate. This emergency amendment is necessary to preserve the compelling governmental interest of reimbursing expenses of State employees and officials who drive their personal vehicle to conduct State business, thereby ensuring that they are not required to subsidize State travel with personal funds. The IRS standard rate is based on an annual study of the fixed and variable costs of operating a vehicle. Leaving the State maximum rate at three cents below the IRS standard rate while waiting several months for a regular amendment to take effect places an unacceptable burden on State employees and officials already contending with significantly higher prices on many other goods and services, including necessities such as food. As a result, the Commissioner of Administration finds a compelling governmental interest, which requires this emergency action. The General Assembly's swift action in in the 2023 regular session further recognizes this compelling governmental interest by providing funding for the specific purpose of increasing the mileage reimbursement rate from 55 cents per mile to 65.5 cents per mile (the level of the IRS standard rate) in a supplemental appropriation before the conclusion of the regular session. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Commissioner of Administration believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 20, 2023, becomes effective April 3, 2023, and expires January 10, 2024.*

(10) Travel may be accomplished by plane, train, bus, private or state-owned vehicle, rented vehicle, or taxi or similar rideshare services, whichever method serves the requirements of the state most economically and advantageously. The following rules apply for traveling by vehicle or commercial transportation.

(A) Officials and employees will utilize the most cost effective vehicular travel option when traveling on state business. All relevant factors such as the urgency; nature of travel required; type of vehicle required for the number of passengers, tool or equipment load; employee time and effort; official domicile; proximity to rental or state vehicles; and other administrative costs will be considered when selecting the most cost effective travel option.

(B) Officials or agencies will establish internal procedures that require appropriate documentation to support the vehicular travel decisions made by their agency and employees. Officials and

employees will utilize the Trip Optimizer or other equivalent method to calculate travel costs and ensure officials and employees use the most cost effective vehicular travel option for each trip. The Trip Optimizer assists in determining the most cost effective travel option for instate single trips. A single trip includes any number of trips taken by an individual during the same day. Officials or agencies will specifically approve and justify any exceptions to this rule and retain the documentation as part of the related financial transaction.

(C) Officials and employees traveling to the same destination will car pool whenever possible. Employees who elect to travel using their personal vehicle when car pooling is available will be denied reimbursement if space is reasonably available in a state-owned or rental vehicle traveling to the same destination for the same purpose.

(D) Officials and employees will drive state vehicles while on state business that requires travel unless an exception applies as set forth in subsection (9)(I) of this rule. When a state vehicle is available to the official or employee and the official or employee elects to drive a privately-owned vehicle, the maximum reimbursement rate for an official or employee is limited to the established state fleet rate. When a state vehicle is not available, but a rental vehicle is reasonably available and is a lower cost option for the trip, the maximum mileage reimbursement for the official or employee is not to exceed the cost of the rental option, including the cost of fuel.

(E) Officials or agencies may establish savings thresholds whereby an official or employee may utilize the next lowest cost option without supervisory approval. Officials or agency thresholds may vary depending on several factors including: proximity of state vehicles or rental vehicles and administrative expenses involved in making travel arrangements.

(F) For travel in privately-owned vehicles, the state mileage allowance will be at the current rate(s) ordered by the commissioner of administration pursuant to section 33.095, RSMo. The commissioner of administration will periodically issue mileage reimbursement rates comprised of a standard rate and a state fleet rate. Agencies should use the appropriate rate for each trip as determined by policy established by the commissioner of administration. Reimbursement rates should not exceed the rate established by the commissioner of administration unless required by a court order. When more than one (1) person travels in the same vehicle, only the owner of the vehicle is allowed mileage. The state mileage reimbursement rate(s) represents full compensation for the costs of operating a privately-owned vehicle. The mileage reimbursement rate shall be computed at a rate not to exceed the Internal Revenue Service (IRS) standard mileage rate [*less three cents (3¢) per mile*]. Any change to the maximum rate is effective on July 1 of the year the IRS changes their standard mileage rate. The state fleet reimbursement rate reflects the average cost of operating a mid-size sedan in the state vehicle fleet. The standard mileage and state fleet rate may be more restrictive depending on the budget. Physical damage or loss to a private vehicle and/or its personal property contents is not covered by the state. Coverage should be obtained through personal auto insurance. Liability coverage must be maintained through personal auto insurance in accordance with state law.

(G) Officials or employees incurring commuting miles in a state vehicle will report such use utilizing the cents-per-mile method for inclusion in employee gross income and in accordance with procedures issued by the commissioner of administration.

(H) For travel by rented vehicle, the rental should be paid using the approved state credit card or direct billed to the state if necessary. The preferred method of refueling rental vehicles on state business is to utilize a fleet fuel card designed by the agency as a rental card, otherwise, the employee may be reimbursed for fuel expenses. Weekly or monthly vehicle rental rates will be allowed if the cost is less than the total cost of renting at the daily rate and the employee has a

business need for the vehicle rental the majority of the working days during the rental period. Rental vehicles are considered state vehicles and should be used for official business only in accordance with state policy. The State Legal Expense Fund provides liability coverage for the usage of rental vehicles for official state business. For that reason, employees will not be reimbursed for any vehicle rental insurance incurred. Employees will carry insurance coverage for personal use of rental vehicles at their own expense. Accident(s) in rental vehicles should be reported to the Office of Administration, Risk Management Section.

(I) Notwithstanding subsection (9)(D) of this rule, officials or employees who use privately owned vehicles for official state business may be reimbursed up to the standard mileage reimbursement rate when—

1. They are members of boards, commissions, committees, advisory councils, or other individuals who are not considered employees of the state of Missouri but who are otherwise eligible for mileage reimbursement;

2. They are officials or employees who otherwise would be traveling in a state vehicle and where another official or employee could utilize the state vehicle to a greater extent;

3. The Trip Optimizer results indicate that mileage reimbursement is the lowest cost option; or

4. They are officials or employees who have a documented physical condition that requires them to operate vehicles equipped to accommodate their specific needs.

(J) Officials or employees denied the use of a state vehicle due to their driving record may be reimbursed for use of a privately-owned vehicle up to the state fleet rate.

(K) Officials or employees who operate their personal vehicle on state business must do so in compliance with the Motor Vehicle Financial Responsibility Law, Chapter 303, RSMo. Officials or employees and/or their insurer may be held liable for damages resulting from an accident that occurs while operating their vehicle on state business.

(L) When an airport is within fifty (50) miles of the employee's official domicile or residence and transportation to and from the airport is provided by a family member or friend, the employee may be reimbursed for vehicle mileage for up to two (2) round trips. The routing of each trip for mileage computation will be by the most commonly traveled route unless unusual circumstances warrant other less direct routes.

(M) Commercial air travel is the preferred method of transportation outside of the state unless other methods of travel are more economical or advantageous to the state. Air travel is not, however, to exceed coach fare for the most direct available route. Travel in a chartered aircraft (chartered from a nonaffiliated party and piloted by the charter service) may be allowed upon prior approval by the commissioner of administration. Travel outside the state by commercial common carrier surface transportation, in lieu of air transportation, will be limited to the actual cost of the surface carrier plus any other actual expenses (meals, conference registration, lodging, etc.). Travel outside of the state by rented vehicle or privately owned vehicle, in lieu of air transportation, will be limited to the cost of the rented vehicle and necessary fuel or state mileage allowance plus any actual expenses which would have been allowed or provided if taking air transportation. The total allowable expenses cannot, however, exceed the reasonable coach airfare available at that time to the same destination.

AUTHORITY: section 33.090, RSMo. Original rule filed Jan. 22, 1974, effective Feb. 1, 1974. Amended: Filed Aug. 20, 1974, effective Sept. 1, 1974. Amended: Filed April 10, 1975, effective April 20, 1975. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed July 14, 1978, effective Dec. 11, 1978. Emergency amendment filed July 13, 1979, effective Aug. 1, 1979, expired Oct. 10, 1979. Amended: Filed July 13, 1979, effective Oct. 11, 1979. Emergency amendment filed March 8, 1984, effective April 1, 1984, expired June 10, 1984. Amended: Filed March 8, 1984, effective June 11, 1984. Amended: Filed March 14, 1985, effective July 1, 1985. Amended: Filed Dec. 12, 1985, effective April 1, 1986. Amended: Filed March 30, 1987, effective July 1, 1987. Amended: Filed April 1, 1988, effective July 1, 1988. Amended: Filed Jan. 18, 1989, effective April 15, 1989. Amended: Filed April 18, 1990, effective June 28, 1990. Amended: Filed June 14, 1991, effective Oct. 31, 1991. Emergency amendment filed April 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Amended: Filed Jan. 27, 1994, effective July 30, 1994. Amended: Filed Jan. 13, 1995, effective July 30, 1995. Amended: Filed Feb. 15, 1996, effective Aug. 30, 1996. Emergency amendment filed June 20, 2002, effective July 1, 2002, expired Feb. 27, 2003. Amended: Filed June 20, 2002, effective Dec. 30, 2002. Rescinded and readopted: Filed Nov. 29, 2007, effective June 30, 2008. Amended: Filed Oct. 3, 2018, effective May 30, 2019. Amended: Filed March 20, 2023, effective April 3, 2023, expires January 10, 2024.*

**Original authority: 33.090, RSMo 1945, amended 1977, 1993, 1995.*

PUBLIC COST: This emergency amendment will cost state agencies \$404,647 in the time the emergency is effective.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, P.O. Box 809, Jefferson City, MO 65102-0809. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*