

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 263
Committee Substitute Favorable 5/24/93

Short Title: Motor Fleet Management Amendments.

(Public)

Sponsors:

Referred to:

February 25, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTES REGULATING CENTRALIZED MOTOR
3 FLEET MANAGEMENT.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 143-341(8)i. reads as rewritten:

6 "i. To establish and operate a central motor pool and such
7 subsidiary related facilities as the Secretary may deem
8 necessary, and to that end:

- 9 1. To establish and operate central facilities for the
10 maintenance, repair, and storage of state-owned
11 passenger motor vehicles for the use of State agencies; to
12 utilize any available State facilities for that purpose; and
13 to establish such subsidiary facilities as the Secretary
14 may deem necessary.
15 2. To acquire passenger motor vehicles by transfer from
16 other State agencies and by purchase. All motor vehicles
17 transferred to or purchased by the Department shall
18 become part of a central motor pool.
19 3. To require on a schedule determined by the Department
20 all State agencies to transfer ownership, custody or
21 control of any or all passenger motor vehicles within the
22 ownership, custody or control of that agency to the
23 Department, except those motor vehicles under the

1 ownership, custody or control of the Highway Patrol or
2 the State Bureau of Investigation which are used
3 primarily for law-enforcement purposes, and except
4 those motor vehicles under the ownership, custody or
5 control of the Department of Crime Control and Public
6 Safety for Butner Public Safety which are used primarily
7 for law-enforcement, fire, or emergency purposes. The
8 Department of Cultural Resources shall transfer
9 ownership, custody, and control of its passenger-carrying
10 vehicles to the Department of Administration no later
11 than January 1, 1994.

- 12 4. To maintain, store, repair, dispose of, and replace state-
13 owned motor vehicles under the control of the
14 Department. The Department shall ensure that state-
15 owned vehicles are not normally replaced until they have
16 been driven for 90,000 miles or more.
- 17 5. Upon proper requisition, proper showing of need for use
18 on State business only, and proper showing of proof that
19 all persons who will be driving the motor vehicle have
20 valid drivers' licenses, to assign suitable transportation,
21 either on a temporary or permanent basis, to any State
22 employee or agency. An agency assigned a motor
23 vehicle may not allow a person to operate that motor
24 vehicle unless that person displays to the agency and
25 allows the agency to copy that person's valid driver's
26 license. Notwithstanding G.S. 20-30(6), persons or
27 agencies requesting assignment of motor vehicles may
28 photostat or otherwise reproduce drivers' licenses for
29 purposes of complying with this subpart.

30 As used in this subpart, 'suitable transportation'
31 means the standard vehicle in the State motor fleet,
32 unless special towing provisions are required by the
33 employee or agency. The Department may not assign
34 any employee or agency a motor vehicle that is not
35 suitable. The Department shall not approve requests for
36 vehicle assignment or reassignment when the purpose of
37 that assignment or reassignment is to provide any
38 employee with a newer or lower mileage vehicle because
39 of his or her rank, management authority, or length of
40 service or because of any non-job-related reason. The
41 Department shall not assign 'special use' vehicles, such
42 as four-wheel drive vehicles or law enforcement
43 vehicles, to any agency or individual except upon written

1 justification, verified by historical data, and accepted by
2 the Secretary.

- 3 6. To allocate and charge against each State agency to
4 which transportation is furnished, on a basis of mileage
5 or of rental, its proportionate part of the cost of
6 maintenance and operation of the motor pool.

7 The amount allocated and charged by the Department of
8 Administration to State agencies to which transportation
9 is furnished shall be at least as follows:

- 10 I. Pursuit vehicles and full size four-wheel drive
11 vehicles – \$.24/mile.
12 II. Vans and compact four-wheel drive vehicles –
13 \$.22/mile.
14 III. All other vehicles – \$.20/mile.

- 15 7. To adopt, with the approval of the Governor, reasonable
16 rules for the efficient and economical operation,
17 maintenance, repair, and replacement, as limited in
18 paragraph 4. of this subdivision, of all state-owned motor
19 vehicles under the control of the Department, and to
20 enforce those rules; and to adopt, with the approval of
21 the Governor, reasonable rules regulating the use of
22 private motor vehicles upon State business by the
23 officers and employees of State agencies, and to enforce
24 those rules. The Department, with the approval of the
25 Governor, may delegate to the respective heads of the
26 agencies to which motor vehicles are permanently
27 assigned by the Department the duty of enforcing the
28 rules adopted by the Department pursuant to this
29 paragraph. Any person who violates a rule adopted by
30 the Department and approved by the Governor is guilty
31 of a misdemeanor, and upon conviction is punishable in
32 the discretion of the court.

- 33 7a. To adopt with the approval of the Governor and to
34 enforce rules and to coordinate State policy regarding (i)
35 the permanent assignment of state-owned passenger
36 motor vehicles and (ii) the use of and reimbursement for
37 those vehicles for the limited commuting permitted by
38 this subdivision. For the purpose of this subdivision 7a,
39 'state-owned passenger motor vehicle' includes any state-
40 owned passenger motor vehicle, whether or not owned,
41 maintained or controlled by the Department of
42 Administration, and regardless of the source of the funds
43 used to purchase it. Notwithstanding the provisions of
44 G.S. 20-190 or any other provisions of law, all state-

1 owned passenger motor vehicles are subject to the
2 provisions of this subdivision 7a; no permanent
3 assignment shall be made and no one shall be exempt
4 from payment of reimbursement for commuting or from
5 the other provisions of this subdivision 7a except as
6 provided by this subdivision 7a. Commuting, as defined
7 and regulated by this subdivision, is limited to those
8 specific cases in which the Secretary has received and
9 accepted written justification, verified by historical data.
10 The Department shall not assign any state-owned motor
11 vehicle that may be used for commuting other than those
12 authorized by the procedure prescribed in this
13 subdivision.

14 A State-owned passenger motor vehicle
15 shall not be permanently assigned to an individual who
16 is likely to drive it on official business at a rate of less
17 than 3,150 miles per quarter unless (i) the individual's
18 duties are routinely related to public safety or (ii) the
19 individual's duties are likely to expose him routinely to
20 life-threatening situations. A State-owned passenger
21 motor vehicle shall also not be permanently assigned
22 to an agency that is likely to drive it on official
23 business at a rate of less than 3,150 miles per quarter
24 unless the agency can justify to the Division of Motor
25 Fleet Management the need for permanent assignment
26 because of the unique use of the vehicle. The
27 Department of Administration shall verify, on a
28 quarterly basis, that each motor vehicle has been
29 driven at the minimum allowable rate. If it has not and
30 if the department by whom the individual to which the
31 car is assigned is employed or the agency to which the
32 car is assigned cannot justify the lower mileage for the
33 quarter in view of the minimum annual rate, the
34 permanent assignment shall be revoked immediately.

35 Every individual who uses a State-owned passenger
36 motor vehicle, pickup truck, or van to drive between his
37 official work station and his home, shall reimburse the
38 State for these trips at a rate computed by the
39 Department. This rate shall approximate the benefit
40 derived from the use of the vehicle as prescribed by
41 federal law. Reimbursement shall be for 20 days per
42 month regardless of how many days the individual uses
43 the vehicle to commute during the month.
44 Reimbursement shall be made by payroll deduction.

1 Funds derived from reimbursement on vehicles owned
2 by the Motor Fleet Management Division shall be
3 deposited to the credit of the Division; funds derived
4 from reimbursements on vehicles initially purchased
5 with appropriations from the Highway Fund and not
6 owned by the Division shall be deposited in a Special
7 Depository Account in the Department of
8 Transportation, which shall revert to the Highway Fund;
9 funds derived from reimbursement on all other vehicles
10 shall be deposited in a Special Depository Account in the
11 Department of Administration which shall revert to the
12 General Fund. Commuting, for purposes of this
13 paragraph, does not include those individuals whose
14 office is in their home, ~~as determined by the Department of~~
15 ~~Administration, Division of Motor Fleet Management.~~ home.
16 To determine whether an employee has an office in their
17 home, the Department of Administration shall apply the
18 same criteria used by the Internal Revenue Service under
19 section 280A of the Internal Revenue Code to determine
20 that an individual income tax filer qualifies for a
21 business use of home deduction. Also, this paragraph
22 does not apply to the following vehicles: (i) clearly
23 marked police and fire vehicles, (ii) delivery trucks with
24 seating only for the driver, (iii) flatbed trucks, (iv) cargo
25 carriers with over a 14,000 pound capacity, (v) school
26 and passenger buses with over 20 person capacities, (vi)
27 ambulances, (vii) hearses, (viii) bucket trucks, (ix)
28 cranes and derricks, (x) forklifts, (xi) cement mixers,
29 (xii) dump trucks, (xiii) garbage trucks, (xiv) specialized
30 utility repair trucks (except vans and pickup trucks), (xv)
31 tractors, (xvi) unmarked law-enforcement vehicles that
32 are used in undercover work and are operated by full-
33 time, fully sworn law-enforcement officers whose
34 primary duties include carrying a firearm, executing
35 search warrants, and making arrests, and (xvii) any other
36 vehicle exempted under Section 274(d) of the Internal
37 Revenue Code of 1954, and Federal Internal Revenue
38 Services regulations based thereon. The Department of
39 Administration, Division of Motor Fleet Management,
40 shall report quarterly to the Joint Legislative
41 Commission on Governmental Operations and to the
42 Fiscal Research Division of the Legislative Services
43 Office on individuals who use State-owned passenger
44 motor vehicles, pickup trucks, or vans between their

1 official work stations and their homes, who are not
2 required to reimburse the State for these trips.

3 The Department of Administration shall revoke the
4 assignment or require the Department owning the vehicle
5 to revoke the assignment of a State-owned passenger
6 motor vehicle, pickup truck or van to any individual
7 who:

- 8 I. Uses the vehicle for other than official
9 business except in accordance with the
10 commuting rules;
- 11 II. Fails to supply required reports to the
12 Department of Administration, or supplies
13 incomplete reports, or supplies reports in a form
14 unacceptable to the Department of
15 Administration and does not cure the deficiency
16 within 30 days of receiving a request to do so;
- 17 III. Knowingly and willfully supplies false
18 information to the Department of Administration
19 on applications for permanent assignments,
20 commuting reimbursement forms, or other
21 required reports or forms;
- 22 IV. Does not personally sign all reports on forms
23 submitted for vehicles permanently assigned to
24 him and does not cure the deficiency within 30
25 days of receiving a request to do so;
- 26 V. Abuses the vehicle; or
- 27 VI. Violates other rules or policy promulgated by the
28 Department of Administration not in conflict with
29 this act.

30 A new requisition shall not be honored until the
31 Secretary of the Department of Administration is assured
32 that the violation for which a vehicle was previously
33 revoked will not recur.

34 The Department of Administration, with the approval of the
35 Governor, may delegate, or conditionally delegate, to the
36 respective heads of agencies which own passenger motor
37 vehicles or to which passenger motor vehicles are
38 permanently assigned by the Department, the duty of
39 enforcing all or part of the rules adopted by the
40 Department of Administration pursuant to this
41 subdivision 7a. The Department of Administration, with
42 the approval of the Governor, may revoke this delegation
43 of authority.

- 1 Prior to adopting rules under this paragraph, the Secretary of
2 Administration may consult with the Advisory Budget
3 Commission.
- 4 8. To adopt and administer rules for the control of all state-
5 owned passenger motor vehicles and to require State
6 agencies to keep all records and make all reports
7 regarding motor vehicle use as the Secretary deems
8 necessary.
- 9 9. To acquire motor vehicle liability insurance on all State-
10 owned motor vehicles under the control of the
11 Department.
- 12 10. To contract with the appropriate State prison authorities
13 for the furnishing, upon such conditions as may be
14 agreed upon from time to time between such State prison
15 authorities and the Secretary, of prison labor for use in
16 connection with the operation of a central motor pool
17 and related activities.
- 18 11. To report annually to the General Assembly on any rules
19 adopted, amended or repealed under paragraphs 3, 7, or
20 7a of this subdivision."
- 21 Sec. 2. This act is effective upon ratification.