

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 971*

Short Title: Motor Fleet Clarification. (Public)

Sponsors: Representatives Cleveland and Riddell (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation

April 27, 2016

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW GOVERNING THE CENTRAL MOTOR FLEET, AS
RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON
GENERAL GOVERNMENT.

The General Assembly of North Carolina enacts:

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

"(8) General Services:

...

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

...

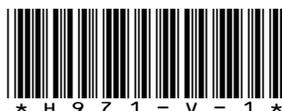
2. To acquire passenger motor vehicles by transfer from other State agencies and by purchase. All motor vehicles transferred to or purchased by the Department shall become part of a central motor ~~pool~~fleet.

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4. To maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the Department, using best management practices. The Department shall ensure that state-owned vehicles are replaced when most cost effective using a replacement formula developed by the Department and reviewed periodically for appropriateness of use. The Department shall report semiannually to the cochairs of the Joint Appropriations Subcommittee on General Government, on or before October 15 and March 15, on the effect of any new or revised replacement formula on the cost of operating the central motor ~~pool~~fleet, including the amount of any savings from use of any new or revised replacement formula.

...

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



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

- 4 I. Pursuit vehicles and full size four-wheel drive vehicles
5 \$.24ile.
6 II. Vans and compact four-wheel drive vehicles – \$.22ile.
7 III. All other vehicles – \$.20ile.

- 8 7. To adopt, with the approval of the Governor, reasonable rules
9 for the efficient and economical operation, maintenance, repair,
10 and replacement, as limited ~~in paragraph 4.~~ by
11 sub-sub-subdivision 4. of sub-subdivision i. of this subdivision,
12 of all state-owned motor vehicles under the control of the
13 Department, and to enforce those rules; and to adopt, with the
14 approval of the Governor, reasonable rules regulating the use of
15 private motor vehicles upon State business by the officers and
16 employees of State agencies, and to enforce those rules. The
17 Department, with the approval of the Governor, may delegate to
18 the respective heads of the agencies to which motor vehicles are
19 permanently assigned by the Department the duty of enforcing
20 the rules adopted by the Department pursuant to this
21 ~~paragraph.~~ sub-sub-subdivision. Any person who violates a rule
22 adopted by the Department and approved by the Governor is
23 guilty of a Class 1 misdemeanor. Nothing in this sub-subdivision
24 shall be construed as prohibiting the Department from
25 contracting with private vendors for short-term rental motor
26 vehicles to be used by officers and employees of State agencies
27 for State business.

- 28 7a. To adopt with the approval of the Governor and to enforce rules
29 and to coordinate State policy regarding (i) the permanent
30 assignment of state-owned passenger motor vehicles and (ii) the
31 use of and reimbursement for those vehicles for the limited
32 commuting permitted by this subdivision. For the purpose of this
33 subdivision 7a, "state-owned passenger motor vehicle" includes
34 any state-owned passenger motor vehicle, whether or not owned,
35 maintained or controlled by the Department of Administration,
36 and regardless of the source of the funds used to purchase it.
37 Notwithstanding the provisions of G.S. 20-190 or any other
38 provisions of law, all state-owned passenger motor vehicles are
39 subject to the provisions of this subdivision 7a; no permanent
40 assignment shall be made and no one shall be exempt from
41 payment of reimbursement for commuting or from the other
42 provisions of this subdivision 7a except as provided by this
43 subdivision 7a. Commuting, as defined and regulated by this
44 subdivision, is limited to those specific cases in which the
45 Secretary has received and accepted written justification,
46 verified by historical data. The Department shall not assign any
47 state-owned motor vehicle that may be used for commuting
48 other than those authorized by the procedure prescribed in this
49 subdivision.

50 A State-owned passenger motor vehicle shall not be
51 permanently assigned to an individual who is likely to drive it on

1 official business at a rate of less than 3,150 miles per quarter
2 unless (i) the individual's duties are routinely related to public
3 safety or (ii) the individual's duties are likely to expose the
4 individual routinely to life-threatening situations. A State-owned
5 passenger motor vehicle shall also not be permanently assigned
6 to an agency that is likely to drive it on official business at a rate
7 of less than 3,150 miles per quarter unless the agency can justify
8 to the Division of Motor Fleet Management the need for
9 permanent assignment because of the unique use of the vehicle.
10 Each agency, other than the Department of Transportation, that
11 has a vehicle assigned to it or has an employee to whom a
12 vehicle is assigned shall submit a quarterly report to the Division
13 of Motor Fleet Management on the miles driven during the
14 quarter by the assigned vehicle. The Division of Motor Fleet
15 Management shall review the report to verify that each motor
16 vehicle has been driven at the minimum allowable rate. If it has
17 not and if the department by whom the individual to which the
18 car is assigned is employed or the agency to which the car is
19 assigned cannot justify the lower mileage for the quarter, the
20 permanent assignment shall be revoked immediately. The
21 Department of Transportation shall submit an annual report to
22 the Division of Motor Fleet Management on the miles driven
23 during the year by vehicles assigned to the Department or to
24 employees of the Department. If a vehicle included in this report
25 has not been driven at least 12,600 miles during the year, the
26 Department of Transportation shall review the reasons for the
27 lower mileage and decide whether to terminate the assignment.
28 The Division of Motor Fleet Management may not revoke the
29 assignment of a vehicle to the Department of Transportation or
30 an employee of that Department for failure to meet the minimum
31 mileage requirement unless the Department of Transportation
32 consents to the revocation.

33 Every individual who uses a State-owned passenger motor
34 vehicle, pickup truck, or van to drive between the individual's
35 official work station and his or her home, shall reimburse the
36 State for these trips at a rate computed by the Department. This
37 rate shall approximate the benefit derived from the use of the
38 vehicle as prescribed by federal law. Reimbursement shall be for
39 20 days per month regardless of how many days the individual
40 uses the vehicle to commute during the month. Reimbursement
41 shall be made by payroll deduction. Funds derived from
42 reimbursement on vehicles owned by the Motor Fleet
43 Management Division shall be deposited to the credit of the
44 Division; funds derived from reimbursements on vehicles
45 initially purchased with appropriations from the Highway Fund
46 and not owned by the Division shall be deposited in a Special
47 Depository Account in the Department of Transportation, which
48 shall revert to the Highway Fund; funds derived from
49 reimbursement on all other vehicles shall be deposited in a
50 Special Depository Account in the Department of
51 Administration which shall revert to the General Fund.

1 Commuting, for purposes of this ~~paragraph~~,sub-sub-subdivision,
2 does not include those individuals whose office is in their home,
3 as determined by the Department of Administration, Division of
4 Motor Fleet Management. Also, this
5 ~~paragraph~~sub-sub-subdivision does not apply to the following
6 vehicles: (i) clearly marked police and fire vehicles, (ii) delivery
7 trucks with seating only for the driver, (iii) flatbed trucks, (iv)
8 cargo carriers with over a 14,000 pound capacity, (v) school and
9 passenger buses with over 20 person capacities, (vi) ambulances,
10 (vii) [Repealed]. (viii) bucket trucks, (ix) cranes and derricks, (x)
11 forklifts, (xi) cement mixers, (xii) dump trucks, (xiii) garbage
12 trucks, (xiv) specialized utility repair trucks (except vans and
13 pickup trucks), (xv) tractors, (xvi) unmarked law-enforcement
14 vehicles that are used in undercover work and are operated by
15 full-time, fully sworn law-enforcement officers whose primary
16 duties include carrying a firearm, executing search warrants, and
17 making arrests, and (xvii) any other vehicle exempted under
18 Section 274(d) of the Internal Revenue Code of 1954, and
19 Federal Internal Revenue ~~Services~~Service regulations based
20 thereon. The Department of Administration, Division of Motor
21 Fleet Management, shall report quarterly to the Joint Legislative
22 Commission on Governmental Operations and to the Fiscal
23 Research Division of the Legislative Services Office on
24 individuals who use State-owned passenger motor vehicles,
25 pickup trucks, or vans between their official work stations and
26 their homes, who are not required to reimburse the State for
27 these trips.

28 The Department of Administration shall revoke the
29 assignment or require the Department owning the vehicle to
30 revoke the assignment of a State-owned passenger motor
31 vehicle, pickup truck or van to any individual who:

- 32 I. Uses the vehicle for other than official business except in
33 accordance with the commuting rules;
- 34 II. Fails to supply required reports to the Department of
35 Administration, or supplies incomplete reports, or
36 supplies reports in a form unacceptable to the
37 Department of Administration and does not cure the
38 deficiency within 30 days of receiving a request to do so;
- 39 III. Knowingly and willfully supplies false information to the
40 Department of Administration on applications for
41 permanent assignments, commuting reimbursement
42 forms, or other required reports or forms;
- 43 IV. Does not personally sign all reports on forms submitted
44 for vehicles permanently assigned to him or her and does
45 not cure the deficiency within 30 days of receiving a
46 request to do so;
- 47 V. Abuses the vehicle; or
- 48 VI. Violates other rules or policy promulgated by the
49 Department of Administration not in conflict with this
50 act.

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

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

Notwithstanding the provisions of this section and G.S. 14-247, the Department of Administration may allow the organization sanctioned by the Governor's Council on Physical Fitness to conduct the North Carolina State Games to use State trucks and vans for the State Games of North Carolina. The Department of Administration shall not charge any fees for the use of the vehicles for the State Games. The State shall incur no liability for any damages resulting from the use of vehicles under this provision. The organization that conducts the State Games shall carry liability insurance of not less than one million dollars (\$1,000,000) covering such vehicles while in its use and shall be responsible for the full cost of repairs to these vehicles if they are damaged while used for the State Games.

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10. To contract with the appropriate State prison authorities for the furnishing, upon such conditions as may be agreed upon from time to time between such State prison authorities and the Secretary, of prison labor for use in connection with the operation of a central motor ~~pool~~ fleet and related activities.

11. To report annually to the General Assembly on any rules adopted, amended or repealed under ~~paragraphs~~ sub-sub-subdivisions 3, 7, or 7a of this ~~subdivision~~ sub-subdivision."

SECTION 2. This act is effective when it becomes law.