

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 61
Jan 31, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30008-MLza-43H (1/20)

Short Title: Reform Oversight of State-Owned Vehicles. (Public)

Sponsors: Representatives Howard; Carney, Farmer-Butterfield, Holloway, Lewis, Lucas, Moffitt, and Starnes.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REFORM THE MANAGEMENT AND OVERSIGHT OF STATE-OWNED MOTOR VEHICLES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.

The General Assembly of North Carolina enacts:

SECTION 1. Update registration records. – No later than October 1, 2013, all State agencies and institutions shall update the vehicle registration records with the Department of Transportation, Division of Motor Vehicles, for all of the State-owned vehicles under their management or control. As part of this update, all State agencies and institutions shall do the following:

- (1) Establish a standard naming convention for how the agency or institution name will be listed on all vehicle registration and titling forms.
- (2) Submit the standard naming convention to the State Auditor.
- (3) Conduct an internal reconciliation of the discrepancies between permanent license plates registered with the Division of Motor Vehicles and their vehicle records to identify permanent license plates that are inactive or lost.
- (4) Update vehicle registration information maintained by the Division of Motor Vehicles by (i) notifying the Division of Motor Vehicles which vehicle records should be updated, based on the standard naming convention established under subdivision (1) of this section and (ii) returning or cancelling inactive or lost permanent license plates.
- (5) Report to the State Auditor when updated vehicle registration information has been submitted to the Division of Motor Vehicles and provide a copy of the submission to the State Auditor.

The Office of the State Auditor shall provide an independent review of this reconciliation process and shall report to the General Assembly on any discrepancies found by submitting any discrepancies found to the Joint Legislative Program Evaluation Oversight Committee.

SECTION 2. Transfer ownership. – All State agencies and institutions that own the passenger vehicles identified by the Program Evaluation Division in "Ineffective Policies and Diffuse Oversight Result in Inefficient Use of State-Owned Vehicles," Report Number 2012-06, shall transfer the ownership of those vehicles to the Department of Administration as required by G.S. 143-341(8)i.3. The Department of Administration, Division of Motor Fleet



* D R H 3 0 0 0 8 - M L Z A - 4 3 H *

1 Management, shall report to the Joint Legislative Commission on Governmental Operations on
2 the status of these transfers no later than November 15, 2013.

3 **SECTION 3.** Monitor rate structure. – The Department of Administration, Division
4 of Motor Fleet Management, shall monitor the new rate structure that was effective January 1,
5 2012, through the end of the 2013 calendar year and report on its effects on assigned vehicle
6 utilization and vehicle replacement to the Senate Appropriations Committee on General
7 Government and Information Technology and the House Appropriations Subcommittee on
8 General Government on or before February 14, 2014. The report shall contain the following
9 information related to implementation:

- 10 (1) Expenditure reductions and increases for each State agency and institution
11 resulting from changing the rate structure.
- 12 (2) Increases or decreases in the mileage rate.
- 13 (3) Effects on assigned vehicle utilization by State agencies and institutions.
- 14 (4) Effects on cash balances for Motor Fleet Management's internal services
15 fund, operating expenditures, and vehicle replacement expenditures.

16 **SECTION 4.** Improve management practices. – The Department of
17 Administration, Division of Motor Fleet Management, shall improve its management practices
18 by taking the following actions:

- 19 (1) Modify the Motor Fleet Management fleet management information system
20 to collect vehicle frequency of use data for all State-owned passenger
21 vehicles.
- 22 (2) Perform a daily demand analysis on motor pool vehicle usage to determine
23 which vehicles can be eliminated.
- 24 (3) Replace aging vehicles with mileage exceeding the 125,000-mile
25 replacement threshold or excessive maintenance costs.
- 26 (4) Enhance training and resources for vehicle coordinators by offering ongoing
27 training opportunities, developing a handbook describing their role and
28 responsibilities, and establishing a vehicle coordinators' user group.
- 29 (5) Conduct periodic customer satisfaction surveys of assigned and motor pool
30 vehicle users.

31 The Department of Administration, Division of Motor Fleet Management, which may be the
32 Division of State Fleet Management by the time of this report, shall report on the
33 implementation of improvements to their management practices to the Senate Appropriations
34 Committee on General Government and Information Technology and the House Appropriations
35 Subcommittee on General Government on or before February 14, 2014.

36 **SECTION 5.** Statewide fleet management information system plan. – (a) No later
37 than October 1, 2013, the State Controller shall present to the Joint Legislative Program
38 Evaluation Oversight Committee an implementation plan, including a time line, a cost estimate,
39 and a continuing funding strategy, to create and operate a statewide fleet management
40 information system to which all State agencies and institutions would be required to report
41 identification, utilization, and direct cost data. In formulating an implementation plan, the
42 Office of the State Controller shall do the following:

- 43 (1) Conduct a detailed needs assessment, including a complete vehicle inventory
44 using the information in Report Number 2011-07 from the Program
45 Evaluation Division of the General Assembly as a starting point.
- 46 (2) Consult with State agencies and institutions that own vehicles.
- 47 (3) Review the existing fleet management information systems used by State
48 agencies and institutions.
- 49 (4) Examine fleet management information systems used by other state
50 governments.

1 (5) Determine whether the State should (i) expand a fleet management
2 information system currently used by a State agency or institution for
3 statewide use, (ii) develop a new system in-house, or (iii) purchase a new
4 system from an outside vendor.

5 (6) Determine the vehicle identification, utilization, and direct cost data that
6 State agencies and institutions will be required to enter in the system.

7 (7) Determine fees or other methods to pay the initial and ongoing costs for the
8 system.

9 The Office of Information Technology Services shall assist and advise the Office of
10 the State Controller in carrying out subdivisions (3) through (5) of this section.

11 **SECTION 5.(b)** The sum of ten thousand dollars (\$10,000) is transferred from the
12 internal service fund for Motor Fleet Management in the Department of Administration to the
13 Office of State Controller and is appropriated for the purpose of conducting the study required
14 under this section. Any funds remaining after the completion of this study shall revert back to
15 the internal service fund.

16 **SECTION 6.** Telematics test. – (a) The Department of Administration, Division of
17 Motor Fleet Management, shall, during fiscal year 2013-2014, perform a test of the
18 effectiveness and efficiency of telematics services. To this end, the Division shall install
19 telematics packages in a sampling of vehicles under its control. The sample of vehicles chosen
20 shall be large enough and varied enough to help the Division test whether or not the use of
21 telematics would result in savings to the State. As part of this test, the Division shall include
22 both basic telematics packages and comprehensive telematics packages, which include safety
23 alerts and remote diagnostic reporting, so the Division may assess the costs of both against the
24 potential savings through new policies that might be implemented with improved data
25 collection.

26 The Division of Motor Fleet Management, which will be the Division of State Fleet
27 Management by the time of this report, shall report on the status of telematics testing to the
28 Senate Appropriations Committee on General Government and Information Technology, the
29 House Appropriations Subcommittee on General Government, and the Joint Legislative
30 Program Evaluation Oversight Committee on or before September 15, 2014. The report should
31 include the following information:

32 (1) A description of the telematics installation test and whether it strengthened
33 accountability for vehicle usage.

34 (2) A recommendation on which telematics service package (basic or
35 comprehensive) should be implemented.

36 (3) A description of vehicle use policy modifications explaining how telematics
37 information will be used by the Division of State Fleet Management.

38 (4) An analysis of how telematics monitoring can be integrated with the
39 Division of State Fleet Management's fleet information system.

40 (5) The annual cost for full telematics implementation and estimated cost
41 savings from reduced vehicle utilization and other effects of telematics.

42 (6) The installation costs for full telematics implementation.

43 (7) A time line for installing telematics on the active Division of State Fleet
44 Management's fleet.

45 The Department of Administration shall not implement telematics more broadly
46 than the test directed by this section prior to approval by the General Assembly.

47 **SECTION 6.(b)** In addition to testing telematics on its own passenger vehicles, the
48 Department of Administration, Division of Motor Fleet Management, shall convene an
49 advisory group with vehicle managers throughout State government to discuss the use of
50 telematics on all State-owned vehicles.

1 **SECTION 7.** Positions created. – Effective October 1, 2013, the following
 2 receipt-supported positions are created within the Department of Administration, Division of
 3 Motor Fleet Management:

- 4 (1) Two positions to perform statewide supervision of vehicles owned by
 5 agencies and institutions and to provide technical assistance in implementing
 6 fleet management best practices.
- 7 (2) Two positions to collect and analyze vehicle information, maintain a vehicle
 8 inventory, and operate the statewide fleet management information system.
- 9 (3) One accounting position to manage fee collection and other financial aspects
 10 of statewide supervision.

11 **SECTION 8.** Create Division of State Fleet Management. – (a) The Division of
 12 Motor Fleet Management of the Department of Administration is renamed the Division of State
 13 Fleet Management and is tasked with the additional duties provided in this act.

14 **SECTION 8.(b)** G.S. 143-341 is amended by adding a new subdivision to read as
 15 follows:

16 "(12) State Fleet Management:".

17 **SECTION 8.(c)** There is created in Chapter 20 of the General Statutes a new
 18 Article 18 to be entitled "State-Owned Motor Vehicles." All recodified statutory locations that
 19 are listed in subsection (d) of this section within Chapter 20 of the General Statutes are within
 20 the new Article 18.

21 **SECTION 8.(d)** The introductory paragraph of G.S. 143-341(8)i. is recodified as
 22 G.S. 143-341(12)d. The following sub-sub-subdivisions of sub-subdivision i. of
 23 G.S. 143-341(8) are recodified as follows:

Current Statutory Location	Recodified Statutory Location
G.S. 143-341(8)i.1.	G.S. 143-341(12)e.
G.S. 143-341(8)i.2.	G.S. 143-341(12)f.
G.S. 143-341(8)i.2a.	G.S. 20-410
G.S. 143-341(8)i.2b.	G.S. 20-411
G.S. 143-341(8)i.2c.	G.S. 143-341(12)p.
G.S. 143-341(8)i.3.	G.S. 143-341(12)g.
G.S. 143-341(8)i.4.	G.S. 143-341(12)h.
G.S. 143-341(8)i.5.	G.S. 20-415
G.S. 143-341(8)i.6.	G.S. 143-341(12)k.
G.S. 143-341(8)i.7.	G.S. 143-341(12)l.
G.S. 143-341(8)i.7a.	G.S. 20-417
G.S. 143-341(8)i.8.	G.S. 143-341(12)c.
G.S. 143-341(8)i.9.	G.S. 143-341(12)m.
G.S. 143-341(8)i.10.	G.S. 143-341(12)n.
G.S. 143-341(8)i.11.	G.S. 143-341(12)o.

40 **SECTION 8.(e)** G.S. 20-39.1(a) reads as rewritten:

41 "(a) Except as otherwise provided in this section, the executive head of every department
 42 of State government and every county, institution, or agency of the State shall mark every
 43 motor vehicle owned by the State, county, institution, or agency with a statement that the
 44 vehicle belongs to the State, county, institution, or agency. The requirements of this subsection
 45 are complied with if:

- 46 (1) The vehicle has imprinted on the license plate, above the license number, the
 47 words "State Owned and Owned," the vehicle has affixed to the front the
 48 words "State Owned; Owned," and the vehicle is marked to indicate the
 49 State agency or institution that owns or operates the vehicle;

- 1 (2) In the case of a county, the vehicle has painted or affixed on its side a circle
2 not less than eight inches in diameter showing a replica of the seal of the
3 county; or
4 (3) In the case of vehicles assigned to members of the Council of State, the
5 vehicle has imprinted on the license plate the license number assigned to the
6 appropriate member of the Council of State pursuant to G.S. 20-79.5(a); a
7 member of the Council of State shall not be assessed any registration fee if
8 the member elects to have a State-owned motor vehicle assigned to the
9 member designated by the official plate number."

10 **SECTION 8.(f)** Article 18 of Chapter 20 of the General Statutes, created by
11 subsection (c) of this section and as amended by subsection (d) of this section, reads as
12 rewritten:

13 "Article 18.

14 "State-Owned Motor Vehicles.

15 **"§ 20-401. Definitions.**

16 As used in this Article, the following definitions apply:

- 17 (1) Division of State Fleet Management. – The Division of State Fleet
18 Management in the Department of Administration.
19 (2) Economically suitable transportation. – The most cost-effective standard
20 vehicle in the State motor fleet, unless special towing provisions are required
21 by an agency.
22 (3) Motor vehicle. – As defined for this Chapter in G.S. 20-4.01.
23 (4) Passenger motor vehicle. – Any automobile sedan, station wagon, pickup
24 truck, sport utility vehicle, or passenger-type minivan.
25 (5) State-owned. – Owned by any State agency, entity, or institution, regardless
26 of the funds used to purchase.

27 **"§ 20-402. Compliance with State vehicle policies required by all State entities.**

28 All State agencies, departments, and institutions shall do the following:

- 29 (1) Comply with the provisions of this Article.
30 (2) Comply with all statewide policies and rules for fleet management and
31 operation adopted by the Department of Administration.
32 (3) Maintain and report up-to-date information required by the Department of
33 Administration about each employee authorized to commute in a
34 State-owned motor vehicle, including home-to-workstation commuting
35 distance, each duty that requires commuting, and a justification for
36 authorizing the use of a State-owned vehicle for commuting.
37 (4) Require any employee who is assigned a State-owned vehicle to document
38 all callbacks, including each callback's date, time, duration, and reason it
39 was necessary.
40 (5) Track and report all vehicle misuse complaints, including a description of
41 each incident, findings of the investigation, and any disciplinary action taken
42 as a result of the investigation.
43 (6) Collect and report vehicle identification, utilization, and direct cost data for
44 all vehicles under its control or management to the statewide fleet
45 management information system.
46 (7) Submit vehicle acquisition and replacement requests for approval.
47 (8) Develop and submit annual vehicle replacement plans.
48 (9) Pay fees as required by the Division of State Fleet Management to cover the
49 cost of the fleet management information system and statewide supervision.
50 (10) Provide other fleet management or vehicle information as requested by the
51 Division of State Fleet Management.

1 **"§ 20-403. Noncompliance of State entity with vehicle policies.**

2 The Division of State Fleet Management shall file an annual report with the General
3 Assembly documenting State entities' failures to comply with the requirements of G.S. 20-402
4 or any rule or policy related to State-owned motor vehicles.

5 **"§ 20-404. Violation of Article or State Fleet Management rule.**

6 Any person who violates a provision of this Article or a State Fleet Management rule
7 adopted by the Department of Administration and approved by the Governor is guilty of a
8 Class 1 misdemeanor.

9 **"§ 20-405: Reserved for future codification purposes.**

10 **"§ 20-406. Identification of State-owned vehicles.**

11 State-owned vehicles shall be marked as required by G.S. 20-39.1.

12 **"§ 20-407. Transfer of ownership of passenger vehicles to the Department of**
13 **Administration.**

14 Based on the schedule adopted by the Department of Administration under
15 G.S. 143-341(12), all State agencies shall transfer ownership, custody, or control of any or all
16 passenger motor vehicles within the ownership, custody, or control of that agency to the
17 Department of Administration, except for those motor vehicles under the ownership, custody,
18 or control of the following:

19 (1) Highway Patrol.

20 (2) State Bureau of Investigation.

21 (3) A constituent institution of The University of North Carolina, provided the
22 vehicles are being used primarily for law enforcement purposes.

23 (4) Department of Public Safety, provided the vehicles are for Butner Public
24 Safety and primarily used for law enforcement, fire, or emergency purposes.

25 **"§§ 20-408 through 20-409: Reserved for future codification purposes.**

26 **"§ 20-410. Diesel vehicles to be compatible with B-20 fuel.**

27 Every new motor vehicle transferred to or purchased by the Department of Administration
28 that is designed to operate on diesel fuel shall be covered by an express manufacturer's
29 warranty that allows the use of B-20 fuel, as defined in G.S. 143-58.4. This
30 sub-sub-subdivision section does not apply if the intended use, as determined by the
31 Department, Department of Administration, of the new motor vehicle requires a type of vehicle
32 for which an express manufacturer's warranty allows the use of B-20 fuel is not available.

33 **"§ 20-411. Fuel economy standards for new vehicles.**

34 (a) Definitions. – As used in this sub-sub-subdivision, section, the following definitions
35 apply:

36 (1) "fuel" "Fuel economy" and "class of comparable automobiles" have the same
37 meaning as in Part 600 of Title 40 of the Code of Federal Regulations (July
38 1, 2008 Edition).

39 (2) As used in this sub-sub-subdivision, "passenger" "Passenger motor vehicle"
40 has the same meaning as "private passenger vehicle" as defined in
41 G.S. 20-4.01.

42 (b) Notwithstanding the requirements of sub-sub-subdivision 2a. of this
43 sub-subdivision, G.S. 20-410, every request for proposals for new passenger motor vehicles to
44 be purchased by the Department of Administration shall state a preference for vehicles that
45 have a fuel economy for the new vehicle's model year that is in the top fifteen percent (15%) of
46 its class of comparable automobiles. The award for every new passenger motor vehicle that is
47 purchased by the Department of Administration shall be based on the Department's evaluation
48 of the best value for the State, taking into account fuel economy ratings and life cycle cost that
49 reasonably consider both projected fuel costs and acquisition costs. This
50 sub-sub-subdivision section does not apply to vehicles used in law enforcement, emergency
51 medical response, and firefighting.

1 (c) Report. – The Department of Administration shall report the number of new
2 passenger motor vehicles that are purchased as required by this ~~sub-sub-subdivision, section,~~
3 the savings or costs for the purchase of vehicles to comply with this ~~sub-sub-subdivision,~~
4 section, and the quantity and cost of fuel saved for the previous fiscal year on or before October
5 1 of each year to the Joint Legislative Commission on Governmental Operations and the
6 Environmental Review Commission.

7 **"§§ 20-412 through 20-414: Reserved for future codification purposes.**

8 **"§ 20-415. Assignment of vehicles by Department of Administration.**

9 (a) Upon proper requisition, proper showing of need for use on State business only, and
10 proper showing of proof that all persons who will be driving the motor vehicle have valid
11 drivers' licenses, ~~to~~ the Department of Administration may assign economically suitable
12 transportation, either on a temporary or permanent basis, to any State employee or agency.

13 (b) An agency assigned a motor vehicle may not allow a person to operate that motor
14 vehicle unless that person displays to the agency and allows the agency to copy that person's
15 valid driver's license. Notwithstanding G.S. 20-30(6), persons or agencies requesting
16 assignment of motor vehicles may ~~photostat~~ copy or otherwise reproduce drivers' licenses for
17 purposes of complying with this subsection.

18 (c) ~~As used in this subpart, "economically suitable transportation" means the most~~
19 ~~cost-effective standard vehicle in the State motor fleet, unless special towing provisions are~~
20 ~~required by the agency.~~ The assignment of vehicles by the Department of Administration shall
21 additionally be subject to the following:

22 (1) The Department may not assign any employee or agency a motor vehicle
23 that is not economically suitable.

24 (2) The Department shall not approve requests for vehicle assignment or
25 reassignment when the purpose of that assignment or reassignment is to
26 provide any employee with a newer or lower mileage vehicle because of his
27 or her rank, management authority, or length of service or because of any
28 non-job-related reason.

29 (3) The Department shall not assign "special use" vehicles, such as four-wheel
30 drive vehicles or law enforcement vehicles, to any agency or individual
31 except upon written justification, verified by historical data, and accepted by
32 the Secretary.

33 (4) The Department may provide law enforcement vehicles only to those
34 agencies which have statutory pursuit authority.

35 **"§ 20-416. Minimum rates for passenger motor vehicles.**

36 The amount allocated and charged by the Department of Administration to State agencies to
37 which passenger motor vehicle transportation is furnished shall be at least as follows:

38 (1) Pursuit vehicles and full-size four-wheel drive vehicles – \$.24/mile.

39 (2) Vans and compact four-wheel drive vehicles – \$.22/mile.

40 (3) All other vehicles – \$.20/mile.

41 **"§ 20-417. Permanent assignment of State-owned passenger motor vehicles; required**
42 **reports; commuting policy; revocation of assignment.**

43 (a) General Provisions. – ~~To adopt with the approval of the Governor and to enforce~~
44 ~~rules and to coordinate State policy regarding (i) the permanent assignment of state-owned~~
45 ~~passenger motor vehicles and (ii) the use of and reimbursement for those vehicles for the~~
46 ~~limited commuting permitted by this subdivision. For the purpose of this subdivision 7a,~~
47 ~~"state-owned passenger motor vehicle" includes any state-owned passenger motor vehicle,~~
48 ~~whether or not owned, maintained or controlled by the Department of Administration, and~~
49 ~~regardless of the source of the funds used to purchase it.~~ Notwithstanding the provisions of
50 G.S. 20-190 or any other provisions of law, all state-owned passenger motor vehicles are
51 subject to the provisions of this ~~subdivision 7a; no~~ section. No permanent assignment shall be

1 made and no one shall be exempt from payment of reimbursement for commuting or from the
2 other provisions of this ~~subdivision 7a-section~~ except as provided by this ~~subdivision 7a-~~
3 ~~section~~. Commuting, as defined and regulated by this ~~subdivision,section~~, is limited to those
4 specific cases in which the Secretary of Administration has received and accepted written
5 justification, verified by historical data. The Department of Administration shall not assign any
6 state-owned motor vehicle that may be used for commuting other than those authorized by the
7 procedure prescribed in this ~~subdivision,section~~. The Department of Administration shall adopt
8 rules to govern the permanent assignment of State-owned passenger motor vehicles based on
9 miles traveled, frequency of use, and vehicle purpose.

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

33 (b) Commuting Policy. – Every individual who uses a State-owned passenger motor
34 vehicle, pickup truck, or van to drive between the individual's official work station and his or
35 her home, shall reimburse the State for these trips at a rate computed by the Department. This
36 rate shall approximate the benefit derived from the use of the vehicle as prescribed by federal
37 law. Reimbursement shall be for 20 days per month regardless of how many days the individual
38 uses the vehicle to commute during the month. Reimbursement shall be made by payroll
39 deduction. Funds derived from reimbursement on vehicles owned by the ~~Motor Fleet~~
40 ~~Management Division~~Department of Administration shall be deposited to the credit of ~~the~~
41 ~~Division; that Department;~~ funds derived from reimbursements on vehicles initially purchased
42 with appropriations from the Highway Fund and not owned by the ~~Division~~Department of
43 Administration shall be deposited in a Special Depository Account in the Department of
44 Transportation, which shall revert to the Highway Fund; funds derived from reimbursement on
45 all other vehicles shall be deposited in a Special Depository Account in the Department of
46 Administration which shall revert to the General Fund. Commuting, for purposes of this
47 paragraph, does not include those individuals whose office is in their home, as determined by
48 the ~~Department of Administration;~~ Division of MotorState Fleet Management. Also, this
49 ~~paragraph~~subsection does not apply to the following vehicles: (i) clearly marked police and fire
50 vehicles, (ii) delivery trucks with seating only for the driver, (iii) flatbed trucks, (iv) cargo
51 carriers with over a 14,000 pound capacity, (v) school and passenger buses with over 20 person

1 capacities, (vi) ambulances, ~~(vii) [Repealed]~~, ~~(viii)~~(vii) bucket trucks, ~~(ix)~~(viii) cranes and
 2 derricks, ~~(x)~~(ix) forklifts, ~~(xi)~~(x) cement mixers, ~~(xii)~~(xi) dump trucks, ~~(xiii)~~(xii) garbage
 3 trucks, ~~(xiv)~~(xiii) specialized utility repair trucks (except vans and pickup trucks), ~~(xv)~~(xiv)
 4 tractors, ~~(xvi)~~(xv) unmarked law-enforcement vehicles that are used in undercover work and
 5 are operated by full-time, fully sworn law-enforcement officers whose primary duties include
 6 carrying a firearm, executing search warrants, and making arrests, and ~~(xvii)~~(xvi) any other
 7 vehicle exempted under Section 274(d) of the Internal Revenue Code of 1954, and Federal
 8 Internal Revenue Services regulations based thereon.

9 (c) Report on Commuting Non-Reimbursement. – ~~The Department of Administration,~~
 10 ~~Division of Motor State Fleet Management, Management~~ shall report quarterly to the Joint
 11 Legislative Commission on Governmental Operations and to the Fiscal Research Division of
 12 the Legislative Services Office on individuals who use State-owned passenger motor vehicles,
 13 pickup trucks, or vans between their official work stations and their homes, ~~who~~and are not
 14 required to reimburse the State for these trips.

15 (d) Revocation of Assignment. – The Department of Administration shall revoke the
 16 assignment or require the Department owning the vehicle to revoke the assignment of a
 17 State-owned passenger motor vehicle, pickup truck or van to any individual ~~who~~: who does any
 18 of the following:

- 19 ~~I.~~(1) Uses the vehicle for other than official business except in accordance with
 20 the commuting ~~rules~~; rules.
 21 ~~II.~~(2) Fails to supply required reports to the Department of Administration, or
 22 supplies incomplete reports, or supplies reports in a form unacceptable to the
 23 Department of Administration and does not cure the deficiency within 30
 24 days of receiving a request to do ~~so~~; so.
 25 ~~III.~~(3) Knowingly and willfully supplies false information to the Department of
 26 Administration on applications for permanent assignments, commuting
 27 reimbursement forms, or other required reports or ~~forms~~; forms.
 28 ~~IV.~~(4) Does not personally sign all reports on forms submitted for vehicles
 29 permanently assigned to him or her and does not cure the deficiency within
 30 30 days of receiving a request to do ~~so~~; so.
 31 ~~V.~~(5) Abuses the ~~vehicle~~; or vehicle.
 32 ~~VI.~~(6) Violates other rules or policy promulgated by the Department of
 33 Administration not in conflict with this ~~act~~. Article or G.S. 143-341(12).

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

36 (e) The Department of Administration, with the approval of the Governor, may
 37 delegate, or conditionally delegate, to the respective heads of agencies which own passenger
 38 motor vehicles or to which passenger motor vehicles are permanently assigned by the
 39 Department, the duty of enforcing all or part of the rules adopted by the Department of
 40 Administration pursuant to ~~this subdivision~~ 7a. G.S. 143-341(12). The Department of
 41 Administration, with the approval of the Governor, may revoke this delegation of authority.

42 (f) Notwithstanding the provisions of this ~~section~~ and Article, G.S. 14-247, and
 43 G.S. 143-341(12), the Department of Administration may allow the organization sanctioned by
 44 the Governor's Council on Physical Fitness to conduct the North Carolina State Games to use
 45 State trucks and vans for the State Games of North Carolina. The Department of
 46 Administration shall not charge any fees for the use of the vehicles for the State Games. The
 47 State shall incur no liability for any damages resulting from the use of vehicles under this
 48 provision. The organization that conducts the State Games shall carry liability insurance of not
 49 less than one million dollars (\$1,000,000) covering such vehicles while in its use and shall be
 50 responsible for the full cost of repairs to these vehicles if they are damaged while used for the
 51 State Games.

1 **"§§ 20-418 through 20-420: Reserved for future codification purposes."**

2 **SECTION 8.(g)** G.S. 20-417(e), as amended by subsection (f) of this section, is
3 recodified as G.S. 20-405, and shall have the catch line "Delegation of enforcement of Article
4 and rules to other State agencies." G.S. 20-417(f), as amended by subsection (f) of this section,
5 is recodified as G.S. 20-420, and shall have the catch line "Exception for North Carolina State
6 Games."

7 **SECTION 8.(h)** G.S. 143-341(12), as created by subsection (b) of this section and
8 as amended by subsection (d) of this section, reads as rewritten:

9 "(12) State Fleet Management:

10 a. To supervise the management and operation of all vehicles owned by
11 the State, including the following powers and duties:

- 12 1. Maintain an inventory of all State-owned vehicles.
- 13 2. Collect and analyze information for all State-owned vehicles.
- 14 3. Operate the statewide fleet management information system
15 selected by the Office of the State Controller.
- 16 4. Adopt and enforce statewide policies and rules for all aspects
17 of fleet management, fleet operation, vehicle use, and
18 identification of State-owned vehicles under
19 G.S. 20-39.1(a)(1). Rules adopted on the identification of
20 State-owned vehicles shall require, in addition to any other
21 requirements within the rules, identification on the rear of a
22 vehicle.
- 23 5. Convene a state fleet management advisory committee with
24 State agency representation to advise the division on
25 statewide fleet management policies, rules, and issues.
- 26 6. Provide technical assistance with implementing fleet
27 management best practices.
- 28 7. Compile and report vehicle misuse complaints and
29 commuting information tracked by State agencies and
30 institutions.
- 31 8. Review and approve vehicle acquisition and replacement
32 requests by State agencies and institutions.
- 33 9. Compile a statewide vehicle replacement plan based on
34 information from State agencies and institutions.
- 35 10. Establish and collect fees from State entities for the support
36 of services provided under this sub-subdivision.
- 37 11. Report annually to the General Assembly on the status of
38 State-owned vehicles and make any recommendations for
39 improvements and changes necessary for more efficient
40 management of State-owned vehicles.

41 b. To enforce rules adopted under this subdivision as well as the
42 provisions of Article 18 of Chapter 20 of the General Statutes.

43 c. To adopt and administer rules for the control of all state-owned
44 passenger motor vehicles and to require State agencies to keep all
45 records and make all reports regarding motor vehicle use as the
46 Secretary deems necessary.

47 d. To establish and operate a central motor pool and such subsidiary
48 related facilities as the Secretary may deem ~~necessary, and to that~~
49 ~~end;~~ necessary.

50 e. To establish and operate central facilities for the maintenance, repair,
51 and storage of state-owned passenger motor vehicles for the use of

- 1 State agencies; to utilize any available State facilities for that
2 purpose; and to establish such subsidiary facilities as the Secretary
3 may deem necessary.
- 4 f. To acquire passenger motor vehicles by transfer from other State
5 agencies and by ~~purchase.~~ purchase, subject to the provisions of
6 Article 18 of Chapter 20 of the General Statutes. All motor vehicles
7 transferred to or purchased by the Department shall become part of a
8 central motor pool.
- 9 g. To require on a schedule determined by the Department all State
10 agencies to transfer ownership, custody or control of any or all
11 passenger motor vehicles within the ownership, custody or control of
12 that agency to the Department, except those motor vehicles under the
13 ownership, custody or control of the ~~Highway Patrol, the State~~
14 ~~Bureau of Investigation, or the constituent institutions of The~~
15 ~~University of North Carolina which are used primarily for~~
16 ~~law enforcement purposes, and except those motor vehicles under~~
17 ~~the ownership, custody or control of the Department of Public Safety~~
18 ~~for Butner Public Safety which are used primarily for~~
19 ~~law enforcement, fire, or emergency purposes.~~ entities listed in
20 G.S. 20-405.
- 21 h. To maintain, store, repair, dispose of, and replace state-owned motor
22 vehicles under the control of the Department, using best management
23 practices. The Department shall ensure that state-owned vehicles are
24 replaced when most cost effective using a replacement formula
25 developed by the Department and reviewed periodically for
26 appropriateness of use. The Department shall report semiannually to
27 the cochairs of the Joint Appropriations Subcommittee on General
28 Government, on or before October 15 and March 15, on the effect of
29 any new or revised replacement formula on the cost of operating the
30 central motor pool, including the amount of any savings from use of
31 any new or revised replacement formula.
- 32 i. To assign, subject to Article 18 of Chapter 20 of the General Statutes,
33 transportation, either on a temporary or permanent basis, to any State
34 employee or agency.
- 35 j. Subject to Article 18 of Chapter 20 of the General Statutes, to adopt
36 with the approval of the Governor and to enforce rules and to
37 coordinate State policy regarding (i) the permanent assignment of
38 State-owned passenger motor vehicles and (ii) the use of and
39 reimbursement for those vehicles for the limited commuting
40 permitted by this subdivision.
- 41 k. To allocate and charge against each State agency to which
42 transportation is furnished, on a basis of mileage or of rental, its
43 proportionate part of the cost of maintenance and operation of the
44 motor ~~pool.~~ pool, subject to the minimum rates provided in
45 G.S. 20-416.
46 ~~The amount allocated and charged by the Department of~~
47 ~~Administration to State agencies to which transportation is furnished~~
48 ~~shall be at least as follows:~~
- 49 I. ~~Pursuit vehicles and full size four wheel drive vehicles~~
50 ~~\$.24/mile.~~
- 51 II. ~~Vans and compact four wheel drive vehicles — \$.22/mile.~~

~~III. All other vehicles — \$.20/mile.~~

1. To adopt, with the approval of the Governor, reasonable rules for the efficient and economical operation, maintenance, repair, and replacement, as limited in ~~paragraph 4-sub-subdivision h.~~ of this subdivision, of all state-owned motor vehicles under the control of the Department, and to enforce those rules; and to adopt, with the approval of the Governor, reasonable rules regulating the use of private motor vehicles upon State business by the officers and employees of State agencies, and to enforce those rules. The Department, with the approval of the Governor, may delegate to the respective heads of the agencies to which motor vehicles are permanently assigned by the Department the duty of enforcing the rules adopted by the Department pursuant to this ~~paragraph-sub-subdivision.~~ ~~Any person who violates a rule adopted by the Department and approved by the Governor is guilty of a Class 1 misdemeanor.~~
- m. To acquire motor vehicle liability insurance on all State-owned motor vehicles under the control of the Department.
- n. 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 and related activities.
- o. To report annually to the General Assembly on any rules adopted, ~~amended~~ amended, or repealed under ~~paragraphs 3, 7, or 7a~~ of this subdivision.
- p. To participate in the energy credit banking and selling program under G.S. 143-58.4. The Division of ~~Motor~~ State Fleet Management of the Department of Administration is eligible to receive proceeds from the Alternative Fuel Revolving Fund under G.S. 143-58.5 to purchase alternative fuel, develop alternative fuel refueling infrastructure, or purchase AFVs as defined in G.S. 143-58.4."

SECTION 8.(i) The Department of Administration may, notwithstanding any other provision of law, use funds from the Motor Fleet Management internal service fund to prepare for the expansion of the existing Division of Motor Fleet Management to the new Division of State Fleet Management.

SECTION 8.(j) Except for subsection (i) of this section, this section becomes effective January 1, 2014.

SECTION 9. Except as otherwise provided, this act is effective when it becomes law.