

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 971
PROPOSED COMMITTEE SUBSTITUTE H971-PCS40604-RW-56

Short Title: Motor Fleet Clarification.

(Public)

Sponsors:

Referred to:

April 27, 2016

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE LAW GOVERNING THE CENTRAL MOTOR FLEET, AS
3 RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON
4 GENERAL GOVERNMENT.

5 The General Assembly of North Carolina enacts:

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

7 "(8) General Services:

8 ...

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

11 ...

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

16 ...

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

29 ...

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

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



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- I. Pursuit vehicles and full size four-wheel drive vehicles \$.24/mile.
 - II. Vans and compact four-wheel drive vehicles – \$.22/mile.
 - III. All other vehicles – \$.20/mile.
7. 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. by~~ sub-sub-subdivision 4. of sub-subdivision i. 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-sub-subdivision. Any person who violates a rule adopted by the Department and approved by the Governor is guilty of a Class 1 misdemeanor. Nothing in this sub-subdivision shall be construed as prohibiting the Department from contracting with private vendors for short-term rental motor vehicles to be used by officers and employees of State agencies for State business.
- 7a. To adopt with the approval of the Governor and to enforce rules and to coordinate State policy regarding (i) the permanent assignment of state-owned passenger motor vehicles and (ii) the use of and reimbursement for those vehicles for the limited commuting permitted by this subdivision. For the purpose of this subdivision 7a, "state-owned passenger motor vehicle" includes any state-owned passenger motor vehicle, whether or not owned, maintained or controlled by the Department of Administration, and regardless of the source of the funds used to purchase it. Notwithstanding the provisions of G.S. 20-190 or any other provisions of law, all state-owned passenger motor vehicles are subject to the provisions of this subdivision 7a; no permanent assignment shall be made and no one shall be exempt from payment of reimbursement for commuting or from the other provisions of this subdivision 7a except as provided by this subdivision 7a. Commuting, as defined and regulated by this subdivision, is limited to those specific cases in which the Secretary has received and accepted written justification, verified by historical data. The Department shall not assign any state-owned motor vehicle that may be used for commuting other than those authorized by the procedure prescribed in this subdivision.
- A State-owned passenger motor vehicle shall not be permanently assigned to an individual who is likely to drive it on official business at a rate of less than 3,150 miles per quarter unless (i) the individual's duties are routinely related to public safety or (ii) the individual's duties are likely to expose the individual routinely to life-threatening situations. A State-owned

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

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

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

24 The Department of Administration shall revoke the
25 assignment or require the Department owning the vehicle to
26 revoke the assignment of a State-owned passenger motor
27 vehicle, pickup truck or van to any individual who:

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

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

50 The Department of Administration, with the approval of the
51 Governor, may delegate, or conditionally delegate, to the

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

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

- 21 ...
- 22 10. To contract with the appropriate State prison authorities for the
 23 furnishing, upon such conditions as may be agreed upon from
 24 time to time between such State prison authorities and the
 25 Secretary, of prison labor for use in connection with the
 26 operation of a central motor ~~pool-fleet~~ and related activities.
- 27 11. To report annually to the General Assembly on any rules
 28 adopted, amended or repealed under ~~paragraphs~~
 29 sub-sub-subdivisions 3, 7, or 7a of this
 30 subdivision-sub-subdivision."

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