

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 364

Short Title: Voc. Rehab. Trans. Vehicles.

(Public)

Sponsors: Representatives Flaherty; Buchanan, Fletcher, Robinson, and Smith.

Referred to: Appropriations.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DIVISION OF VOCATIONAL REHABILITATION TO
PURCHASE MOTOR VEHICLES TO TRANSPORT CLIENTS.

The General Assembly of North Carolina enacts:

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

"(8) General Services:

- a. To locate, maintain and care for public buildings and grounds; to establish, locate, maintain, and care for walks, driveways, trees, shrubs, flowers, fountains, monuments, memorials, markers, and tablets on public grounds; and to beautify the public grounds.
- b. To provide necessary and adequate cleaning and janitorial service, elevator operation service, and other operation or maintenance services for the public buildings and grounds.
- c. To provide necessary night watchmen for the public buildings and grounds.
- d. To make prompt repair of all public buildings and the equipment, furniture, and fixtures thereof; and to establish and operate shops for that purpose.
- e. To keep in repair, out of funds appropriated for that purpose, the furniture of the halls of the Senate and House of Representatives and the rooms of the Capitol used by the officers, clerks, and other employees of the General Assembly.
- f. Struck out by Session Laws 1959, c. 68, s. 3.

- 1 g. To establish and operate a central mailing system for all State
2 agencies, and in connection therewith and in the discretion of
3 the Secretary, to make application for and procure a post-office
4 substation for that purpose, and to do all things necessary in
5 connection with the maintenance of the central mailing system.
6 The Secretary may allocate and charge against the respective
7 departments and agencies their proportionate parts of the cost of
8 the maintenance of the central mailing system.
- 9 h. To provide necessary and adequate messenger service for the
10 State agencies served by the Department. However, this may
11 not be construed as preventing the employment and control of
12 messengers by any State agency when those messengers are
13 compensated out of the funds of the employing agency.
- 14 i. To establish and operate a central motor pool and such
15 subsidiary related facilities as the Secretary may deem
16 necessary, and to that end:
- 17 1. To establish and operate central facilities for the
18 maintenance, repair, and storage of state-owned
19 passenger motor vehicles for the use of State agencies; to
20 utilize any available State facilities for that purpose; and
21 to establish such subsidiary facilities as the Secretary
22 may deem necessary.
 - 23 2. To acquire passenger motor vehicles by transfer from
24 other State agencies and by purchase. All motor vehicles
25 transferred to or purchased by the Department shall
26 become part of a central motor pool.
 - 27 3. To require on a schedule determined by the Department
28 all State agencies to transfer ownership, custody or
29 control of any or all passenger motor vehicles within the
30 ownership, custody or control of that agency to the
31 Department, except those motor vehicles under the
32 ownership, custody or control of the Highway Patrol or
33 the State Bureau of Investigation which are used
34 primarily for law-enforcement purposes, and except
35 those motor vehicles under the ownership, custody or
36 control of the Department of Crime Control and Public
37 Safety for Butner Public Safety which are used primarily
38 for law-enforcement, fire, or emergency ~~purposes~~
39 purposes, and except those motor vehicles under the
40 ownership, custody, or control of the Division of
41 Vocational Rehabilitation Services of the Department of
42 Human Resources that are used primarily to transport
43 clients being served under The Rehabilitation Act of
44 1973, Public Law 93-112, as amended.

- 1 4. To maintain, store, repair, dispose of, and replace state-
2 owned motor vehicles under the control of the
3 Department.
4 5. Upon proper requisition, proper showing of need for use
5 on State business only, and proper showing of proof that
6 all persons who will be driving the motor vehicle have
7 valid drivers' licenses, to assign suitable transportation,
8 either on a temporary or permanent basis, to any State
9 employee or agency. An agency assigned a motor
10 vehicle may not allow a person to operate that motor
11 vehicle unless that person displays to the agency and
12 allows the agency to copy that person's valid driver's
13 license. Notwithstanding G.S. 20-30(6), persons or
14 agencies requesting assignment of motor vehicles may
15 photostat or otherwise reproduce drivers' licenses for
16 purposes of complying with this subpart.

17 As used in this subpart, 'suitable transportation'
18 means the standard vehicle in the State motor fleet,
19 unless special towing provisions are required by the
20 employee or agency. The Department may not assign
21 any employee or agency a motor vehicle that is not
22 suitable.

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

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

- 30 I. Pursuit vehicles and full size 4-wheel drive
31 vehicles – \$.24/mile.
32 II. Vans and compact 4-wheel drive vehicles –
33 \$.22/mile.
34 III. All other vehicles – \$.20/mile.

- 35 7. To adopt, with the approval of the Governor, reasonable
36 rules for the efficient and economical operation,
37 maintenance, repair, and replacement of all state-owned
38 motor vehicles under the control of the Department, and
39 to enforce those rules; and to adopt, with the approval of
40 the Governor, reasonable rules regulating the use of
41 private motor vehicles upon State business by the
42 officers and employees of State agencies, and to enforce
43 those rules. The Department, with the approval of the
44 Governor, may delegate to the respective heads of the

1 agencies to which motor vehicles are permanently
2 assigned by the Department the duty of enforcing the
3 rules adopted by the Department pursuant to this
4 paragraph. Any person who violates a rule adopted by
5 the Department and approved by the Governor is guilty
6 of a misdemeanor, and upon conviction is punishable in
7 the discretion of the court.

8 7a. To adopt with the approval of the Governor and to
9 enforce rules and to coordinate State policy regarding (i)
10 the permanent assignment of state-owned passenger
11 motor vehicles and (ii) the use of and reimbursement for
12 those vehicles for commuting. For the purpose of this
13 subdivision 7a, "state-owned passenger motor vehicle"
14 includes any state-owned passenger motor vehicle,
15 whether or not owned, maintained or controlled by the
16 Department of Administration, and regardless of the
17 source of the funds used to purchase it. Notwithstanding
18 the provisions of G.S. 20-190 or any other provisions of
19 law, all state-owned passenger motor vehicles are subject
20 to the provisions of this subdivision 7a; no permanent
21 assignment shall be made and no one shall be exempt
22 from payment of reimbursement for commuting or from
23 the other provisions of this subdivision 7a except as
24 provided by this subdivision 7a.

25 A State-owned passenger motor vehicle shall not be
26 permanently assigned to an individual who is likely to
27 drive it on official business at a rate of less than 12,600
28 miles per year unless (i) the individual's duties are
29 routinely related to public safety or (ii) the individual's
30 duties are likely to expose him routinely to life-
31 threatening situations. A State-owned passenger motor
32 vehicle shall also not be permanently assigned to an
33 agency that is likely to drive it on official business at a
34 rate of less than 12,600 miles per year unless the
35 agency can justify to the Division of Motor Fleet
36 Management the need for permanent assignment
37 because of the unique use of the vehicle. The
38 Department of Administration shall verify, on a
39 quarterly basis, that each motor vehicle has been
40 driven at the minimum allowable rate. If it has not and
41 if the department by whom the individual to which the
42 car is assigned is employed or the agency to which the
43 car is assigned cannot justify the lower mileage for the

1 quarter in view of the minimum annual rate, the
2 permanent assignment shall be revoked immediately.
3 Every individual who uses a State-owned passenger motor
4 vehicle, pickup truck, or van to drive between his official
5 work station and his home, shall reimburse the State for
6 these trips at a rate computed by the Department. This
7 rate shall approximate the benefit derived from the use of
8 the vehicle as prescribed by federal law. Reimbursement
9 shall be for 20 days per month regardless of how many
10 days the individual uses the vehicle to commute during
11 the month. Reimbursement shall be made by payroll
12 deduction. Funds derived from reimbursement on
13 vehicles owned by the Motor Fleet Management
14 Division shall be deposited to the credit of the Division;
15 funds derived from reimbursements on vehicles initially
16 purchased with appropriations from the Highway Fund
17 and not owned by the Division shall be deposited in a
18 Special Depository Account in the Department of
19 Transportation, which shall revert to the Highway Fund;
20 funds derived from reimbursement on all other vehicles
21 shall be deposited in a Special Depository Account in the
22 Department of Administration which shall revert to the
23 General Fund. Commuting, for purposes of this
24 paragraph, does not include those individuals whose
25 office is in their home, as determined by the Department
26 of Administration, Division of Motor Fleet Management.
27 Also, this paragraph does not apply to the following
28 vehicles: (i) clearly marked police and fire vehicles, (ii)
29 delivery trucks with seating only for the driver, (iii)
30 flatbed trucks, (iv) cargo carriers with over a 14,000
31 pound capacity, (v) school and passenger buses with
32 over 20 person capacities, (vi) ambulances, (vii) hearses,
33 (viii) bucket trucks, (ix) cranes and derricks, (x) forklifts,
34 (xi) cement mixers, (xii) dump trucks, (xiii) garbage
35 trucks, (xiv) specialized utility repair trucks (except vans
36 and pickup trucks), (xv) tractors, (xvi) unmarked law-
37 enforcement vehicles that are used in undercover work
38 and are operated by full-time, fully sworn law-
39 enforcement officers whose primary duties include
40 carrying a firearm, executing search warrants, and
41 making arrests, and (xvii) any other vehicle exempted
42 under Section 274(d) of the Internal Revenue Code of
43 1954, and Federal Internal Revenue Services regulations
44 based thereon. The Department of Administration,

1 Division of Motor Fleet Management, shall report
2 quarterly to the Joint Legislative Commission on
3 Governmental Operations and to the Fiscal Research
4 Division of the Legislative Services Office on
5 individuals who use State-owned passenger motor
6 vehicles, pickup trucks, or vans between their official
7 work stations and their homes, who are not required to
8 reimburse the State for these trips.

9 The Department of Administration shall revoke the
10 assignment or require the Department owning the vehicle
11 to revoke the assignment of a State-owned passenger
12 motor vehicle, pick-up truck or van to any individual
13 who:

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

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

40 The Department of Administration, with the approval of the
41 Governor, may delegate, or conditionally delegate, to the
42 respective heads of agencies which own passenger motor
43 vehicles or to which passenger motor vehicles are
44 permanently assigned by the Department, the duty of

1 enforcing all or part of the rules adopted by the
2 Department of Administration pursuant to this
3 subdivision 7a. The Department of Administration, with
4 the approval of the Governor, may revoke this delegation
5 of authority.

6 Prior to adopting rules under this paragraph, the Secretary of
7 Administration may consult with the Advisory Budget
8 Commission.

9 8. To adopt and administer rules for the control of all state-
10 owned passenger motor vehicles and to require State
11 agencies to keep all records and make all reports
12 regarding motor vehicle use as the Secretary deems
13 necessary.

14 9. To acquire motor vehicle liability insurance on all State-
15 owned motor vehicles under the control of the
16 Department.

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

23 11. To report annually to the General Assembly on any rules
24 adopted, amended or repealed under paragraphs 3, 7, or
25 7a of this subdivision.

26 j. To establish and operate a central telephone system, central
27 mimeographing and duplicating services, central stenographical
28 and clerical pools, and other central services, if the Governor
29 after appropriate investigation deems it advisable from the
30 standpoint of efficiency and economy in operation to establish
31 any or all such services. The Secretary may allocate and charge
32 against the respective agencies their proportionate part of the
33 cost of maintenance and operation of the central services which
34 are established, in accordance with the rules adopted by him
35 and approved by the Governor and Council of State pursuant to
36 paragraph k, below. Upon the establishment of central
37 mimeographing and duplicating services, the Secretary may,
38 with the approval of the Governor, require any State agency to
39 be served by those central services to transfer to the Department
40 ownership, custody, and control of any or all mimeographing
41 and duplicating equipment and supplies within the ownership,
42 custody, or control of such agency.

43 k. To require the State agencies and their officers and employees
44 to utilize the central facilities and services which are

1 established; and to adopt, with the approval of the Governor and
2 Council of State, reasonable rules and procedures requiring the
3 utilization of such central facilities and services, and governing
4 their operation and the charges to be made for their services.

5 l. To provide necessary information service for visitors to the
6 Capitol.

7 m. To perform such additional duties and exercise such additional
8 powers as may be assigned to it by statute or by the Governor."

9 Sec. 2. This act is effective upon ratification.