

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 971\*  
Committee Substitute Favorable 5/11/16

Short Title: Motor Fleet Clarification.

(Public)

Sponsors:

Referred to:

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.

...

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 \$.24/mile.  
6 II. Vans and compact four-wheel drive vehicles – \$.22/mile.  
7 III. All other vehicles – \$.20/mile.

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 ~~paragraph.~~  
21 sub-sub-subdivision. Any person who violates a rule adopted by  
22 the Department and approved by the Governor is guilty of a  
23 Class 1 misdemeanor. Nothing in this sub-subdivision shall be  
24 construed as prohibiting the Department from contracting with  
25 private vendors for short-term rental motor vehicles to be used  
26 by officers and employees of State agencies for State business.

27 7a. To adopt with the approval of the Governor and to enforce rules  
28 and to coordinate State policy regarding (i) the permanent  
29 assignment of state-owned passenger motor vehicles and (ii) the  
30 use of and reimbursement for those vehicles for the limited  
31 commuting permitted by this subdivision. For the purpose of this  
32 subdivision 7a, "state-owned passenger motor vehicle" includes  
33 any state-owned passenger motor vehicle, whether or not owned,  
34 maintained or controlled by the Department of Administration,  
35 and regardless of the source of the funds used to purchase it.  
36 Notwithstanding the provisions of G.S. 20-190 or any other  
37 provisions of law, all state-owned passenger motor vehicles are  
38 subject to the provisions of this subdivision 7a; no permanent  
39 assignment shall be made and no one shall be exempt from  
40 payment of reimbursement for commuting or from the other  
41 provisions of this subdivision 7a except as provided by this  
42 subdivision 7a. Commuting, as defined and regulated by this  
43 subdivision, is limited to those specific cases in which the  
44 Secretary has received and accepted written justification,  
45 verified by historical data. The Department shall not assign any  
46 state-owned motor vehicle that may be used for commuting  
47 other than those authorized by the procedure prescribed in this  
48 subdivision.

49 A State-owned passenger motor vehicle shall not be  
50 permanently assigned to an individual who is likely to drive it on  
51 official business at a rate of less than 3,150 miles per quarter

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

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

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

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

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

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.

...

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.