

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 357

Short Title: DOT Assigned Vehicle Changes.

(Public)

Sponsors: Senator Simpson.

Referred to: Transportation

March 13, 1995

A BILL TO BE ENTITLED

1 AN ACT TO EXEMPT THE DEPARTMENT OF TRANSPORTATION FROM THE
2 REQUIREMENT OF MAKING QUARTERLY REPORTS OF MILEAGE OF
3 STATE VEHICLES ASSIGNED TO THE DEPARTMENT AND TO ALLOW
4 ASSIGNMENTS OF VEHICLES TO THE DEPARTMENT TO BE REVOKED
5 ONLY WHEN THE DEPARTMENT CONSENTS.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 143-341(8)i.7a. reads as rewritten:

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

1 reimbursement for commuting or from the other provisions of this
2 subdivision 7a except as provided by this subdivision 7a. Commuting,
3 as defined and regulated by this subdivision, is limited to those specific
4 cases in which the Secretary has received and accepted written
5 justification, verified by historical data. The Department shall not
6 assign any state-owned motor vehicle that may be used for commuting
7 other than those authorized by the procedure prescribed in this
8 subdivision.

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

40 Every individual who uses a State-owned passenger motor vehicle,
41 pickup truck, or van to drive between his official work station and his
42 home, shall reimburse the State for these trips at a rate computed by the
43 Department. This rate shall approximate the benefit derived from the

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

36 The Department of Administration shall revoke the assignment or
37 require the Department owning the vehicle to revoke the assignment of
38 a State-owned passenger motor vehicle, pickup truck or van to any
39 individual who:

- 40 I. Uses the vehicle for other than official business
41 except in accordance with the commuting rules;
- 42 II. Fails to supply required reports to the
43 Department of Administration, or supplies incomplete

1 reports, or supplies reports in a form unacceptable to the
2 Department of Administration and does not cure the
3 deficiency within 30 days of receiving a request to do
4 so;

5 III. Knowingly and willfully supplies false information to the
6 Department of Administration on applications for
7 permanent assignments, commuting reimbursement forms,
8 or other required reports or forms;

9 IV. Does not personally sign all reports on forms submitted
10 for vehicles permanently assigned to him and does not
11 cure the deficiency within 30 days of receiving a request
12 to do so;

13 V. Abuses the vehicle; or

14 VI. Violates other rules or policy promulgated by the
15 Department of Administration not in conflict with this act.

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

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

27 Prior to adopting rules under this paragraph, the Secretary of
28 Administration may consult with the Advisory Budget Commission."

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