

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 750

Short Title: State Games Vehicles.

(Public)

Sponsors: Representatives Blue and Fitch.

Referred to: State Government.

April 4, 1995

A BILL TO BE ENTITLED

**AN ACT TO ALLOW THE USE OF STATE TRUCKS AND VANS FOR THE STATE
GAMES OF NORTH CAROLINA.**

The General Assembly of North Carolina enacts:

Section 1. Subdivision (8) of G.S. 143-341 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

1 and the rooms of the Capitol used by the officers, clerks, and
2 other employees of the General Assembly.

3 f. Struck out by Session Laws 1959, c. 68, s. 3.

4 g. To establish and operate a central mailing system for all State
5 agencies, and in connection therewith and in the discretion of the
6 Secretary, to make application for and procure a post-office
7 substation for that purpose, and to do all things necessary in
8 connection with the maintenance of the central mailing system.
9 The Secretary may allocate and charge against the respective
10 departments and agencies their proportionate parts of the cost of
11 the maintenance of the central mailing system.

12 h. To provide necessary and adequate messenger service for the
13 State agencies served by the Department. However, this may not
14 be construed as preventing the employment and control of
15 messengers by any State agency when those messengers are
16 compensated out of the funds of the employing agency.

17 i. To establish and operate a central motor pool and such subsidiary
18 related facilities as the Secretary may deem necessary, and to that
19 end:

20 1. To establish and operate central facilities for the
21 maintenance, repair, and storage of state-owned passenger
22 motor vehicles for the use of State agencies; to utilize any
23 available State facilities for that purpose; and to establish
24 such subsidiary facilities as the Secretary may deem
25 necessary.

26 2. To acquire passenger motor vehicles by transfer from
27 other State agencies and by purchase. All motor vehicles
28 transferred to or purchased by the Department shall
29 become part of a central motor pool.

30 3. To require on a schedule determined by the Department
31 all State agencies to transfer ownership, custody or control
32 of any or all passenger motor vehicles within the
33 ownership, custody or control of that agency to the
34 Department, except those motor vehicles under the
35 ownership, custody or control of the Highway Patrol or
36 the State Bureau of Investigation which are used primarily
37 for law-enforcement purposes, and except those motor
38 vehicles under the ownership, custody or control of the
39 Department of Crime Control and Public Safety for
40 Butner Public Safety which are used primarily for law-
41 enforcement, fire, or emergency purposes.

42 4. To maintain, store, repair, dispose of, and replace state-
43 owned motor vehicles under the control of the

1 Department. The Department shall ensure that state-
2 owned vehicles are not normally replaced until they have
3 been driven for 90,000 miles or more.

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

17 As used in this subpart, 'suitable transportation' means the
18 standard vehicle in the State motor fleet, unless special
19 towing provisions are required by the employee or agency.
20 The Department may not assign any employee or agency a
21 motor vehicle that is not suitable. The Department shall
22 not approve requests for vehicle assignment or
23 reassignment when the purpose of that assignment or
24 reassignment is to provide any employee with a newer or
25 lower mileage vehicle because of his or her rank,
26 management authority, or length of service or because of
27 any non-job-related reason. The Department shall not
28 assign 'special use' vehicles, such as four-wheel drive
29 vehicles or law enforcement vehicles, to any agency or
30 individual except upon written justification, verified by
31 historical data, and accepted by the Secretary.

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

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

- 39 I. Pursuit vehicles and full size four-wheel drive
40 vehicles – \$.24/mile.
41 II. Vans and compact four-wheel drive vehicles –
42 \$.22/mile.
43 III. All other vehicles – \$.20/mile.

1 7. To adopt, with the approval of the Governor, reasonable
2 rules for the efficient and economical operation,
3 maintenance, repair, and replacement, as limited in
4 paragraph 4. of this subdivision, of all state-owned motor
5 vehicles under the control of the Department, and to
6 enforce those rules; and to adopt, with the approval of the
7 Governor, reasonable rules regulating the use of private
8 motor vehicles upon State business by the officers and
9 employees of State agencies, and to enforce those rules.
10 The Department, with the approval of the Governor, may
11 delegate to the respective heads of the agencies to which
12 motor vehicles are permanently assigned by the
13 Department the duty of enforcing the rules adopted by the
14 Department pursuant to this paragraph. Any person who
15 violates a rule adopted by the Department and approved
16 by the Governor is guilty of a Class 1 misdemeanor.

17 7a. To adopt with the approval of the Governor and to enforce
18 rules and to coordinate State policy regarding (i) the
19 permanent assignment of state-owned passenger motor
20 vehicles and (ii) the use of and reimbursement for those
21 vehicles for the limited commuting permitted by this
22 subdivision. For the purpose of this subdivision 7a, 'state-
23 owned passenger motor vehicle' includes any state-owned
24 passenger motor vehicle, whether or not owned,
25 maintained or controlled by the Department of
26 Administration, and regardless of the source of the funds
27 used to purchase it. Notwithstanding the provisions of
28 G.S. 20-190 or any other provisions of law, all state-
29 owned passenger motor vehicles are subject to the
30 provisions of this subdivision 7a; no permanent
31 assignment shall be made and no one shall be exempt
32 from payment of reimbursement for commuting or from
33 the other provisions of this subdivision 7a except as
34 provided by this subdivision 7a. Commuting, as defined
35 and regulated by this subdivision, is limited to those
36 specific cases in which the Secretary has received and
37 accepted written justification, verified by historical data.
38 The Department shall not assign any state-owned motor
39 vehicle that may be used for commuting other than those
40 authorized by the procedure prescribed in this subdivision.

41 A State-owned passenger motor vehicle shall not be
42 permanently assigned to an individual who is likely to
43 drive it on official business at a rate of less than 3,150

1 miles per quarter unless (i) the individual's duties are
2 routinely related to public safety or (ii) the individual's
3 duties are likely to expose him routinely to life-
4 threatening situations. A State-owned passenger motor
5 vehicle shall also not be permanently assigned to an
6 agency that is likely to drive it on official business at a
7 rate of less than 3,150 miles per quarter unless the
8 agency can justify to the Division of Motor Fleet
9 Management the need for permanent assignment
10 because of the unique use of the vehicle. The
11 Department of Administration shall verify, on a
12 quarterly basis, that each motor vehicle has been driven
13 at the minimum allowable rate. If it has not and if the
14 department by whom the individual to which the car is
15 assigned is employed or the agency to which the car is
16 assigned cannot justify the lower mileage for the quarter
17 in view of the minimum annual rate, the permanent
18 assignment shall be revoked immediately.

19 Every individual who uses a State-owned passenger motor
20 vehicle, pickup truck, or van to drive between his official
21 work station and his home, shall reimburse the State for
22 these trips at a rate computed by the Department. This rate
23 shall approximate the benefit derived from the use of the
24 vehicle as prescribed by federal law. Reimbursement shall
25 be for 20 days per month regardless of how many days the
26 individual uses the vehicle to commute during the month.
27 Reimbursement shall be made by payroll deduction.
28 Funds derived from reimbursement on vehicles owned by
29 the Motor Fleet Management Division shall be deposited
30 to the credit of the Division; funds derived from
31 reimbursements on vehicles initially purchased with
32 appropriations from the Highway Fund and not owned by
33 the Division shall be deposited in a Special Depository
34 Account in the Department of Transportation, which shall
35 revert to the Highway Fund; funds derived from
36 reimbursement on all other vehicles shall be deposited in a
37 Special Depository Account in the Department of
38 Administration which shall revert to the General Fund.
39 Commuting, for purposes of this paragraph, does not
40 include those individuals whose office is in their home, as
41 determined by the Department of Administration, Division
42 of Motor Fleet Management. Also, this paragraph does not
43 apply to the following vehicles: (i) clearly marked police

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

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

- 29 I. Uses the vehicle for other than official
30 business except in accordance with the
31 commuting rules;
- 32 II. Fails to supply required reports to the
33 Department of Administration, or supplies
34 incomplete reports, or supplies reports in a form
35 unacceptable to the Department of
36 Administration and does not cure the deficiency
37 within 30 days of receiving a request to do so;
- 38 III. Knowingly and willfully supplies false information
39 to the Department of Administration on
40 applications for permanent assignments,
41 commuting reimbursement forms, or other required
42 reports or forms;

- 1 IV. Does not personally sign all reports on forms
2 submitted for vehicles permanently assigned to him
3 and does not cure the deficiency within 30 days of
4 receiving a request to do so;
5 V. Abuses the vehicle; or
6 VI. Violates other rules or policy promulgated by the
7 Department of Administration not in conflict with
8 this act.

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

12 The Department of Administration, with the approval of the
13 Governor, may delegate, or conditionally delegate, to the
14 respective heads of agencies which own passenger motor
15 vehicles or to which passenger motor vehicles are
16 permanently assigned by the Department, the duty of
17 enforcing all or part of the rules adopted by the
18 Department of Administration pursuant to this subdivision
19 7a. The Department of Administration, with the approval
20 of the Governor, may revoke this delegation of authority.

21 Prior to adopting rules under this paragraph, the Secretary of
22 Administration may consult with the Advisory Budget
23 Commission.

24 Notwithstanding the provisions of this section and G.S.
25 14-247, the Department of Administration may allow the
26 organization sanctioned by the Governor's Council on
27 Physical Fitness to conduct the North Carolina State
28 Games to use State trucks and vans for the State Games of
29 North Carolina. The Department of Administration shall
30 not charge any fees for the use of the vehicles for the State
31 Games. The State shall incur no liability for any damages
32 resulting from the use of vehicles under this provision.

- 33 8. To adopt and administer rules for the control of all state-
34 owned passenger motor vehicles and to require State
35 agencies to keep all records and make all reports regarding
36 motor vehicle use as the Secretary deems necessary.
37 9. To acquire motor vehicle liability insurance on all State-
38 owned motor vehicles under the control of the
39 Department.
40 10. To contract with the appropriate State prison authorities
41 for the furnishing, upon such conditions as may be agreed
42 upon from time to time between such State prison
43 authorities and the Secretary, of prison labor for use in

1 connection with the operation of a central motor pool and
2 related activities.

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

6 j. To establish and operate central mimeographing and duplicating
7 services, central stenographical and clerical pools, and other
8 central services, if the Governor after appropriate investigation
9 deems it advisable from the standpoint of efficiency and
10 economy in operation to establish any or all such services. The
11 Secretary may allocate and charge against the respective agencies
12 their proportionate part of the cost of maintenance and operation
13 of the central services which are established, in accordance with
14 the rules adopted by him and approved by the Governor and
15 Council of State pursuant to paragraph k, below. Upon the
16 establishment of central mimeographing and duplicating services,
17 the Secretary may, with the approval of the Governor, require
18 any State agency to be served by those central services to transfer
19 to the Department ownership, custody, and control of any or all
20 mimeographing and duplicating equipment and supplies within
21 the ownership, custody, or control of such agency.

22 k. To require the State agencies and their officers and employees to
23 utilize the central facilities and services which are established;
24 and to adopt, with the approval of the Governor and Council of
25 State, reasonable rules and procedures requiring the utilization of
26 such central facilities and services, and governing their operation
27 and the charges to be made for their services.

28 l. To provide necessary information service for visitors to the
29 Capitol.

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

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