

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 724

Short Title: Commuting in State Vehicle.

(Public)

Sponsors: Senator Sands.

Referred to: State Personnel.

April 3, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A STATE EMPLOYEE WHO DRIVES A STATE VEHICLE HOME INCIDENT TO HIS EMPLOYMENT AND AT THE REQUEST OF HIS EMPLOYER SHALL RECEIVE THE VALUE OF THE COMMUTE AS INCOME.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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

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

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

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

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

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

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

1 paragraph. Any person who violates a rule adopted by
2 the Department and approved by the Governor is guilty
3 of a misdemeanor, and upon conviction is punishable in
4 the discretion of the court.

5 7a. To adopt with the approval of the Governor and to
6 enforce rules and to coordinate State policy regarding (i)
7 the permanent assignment of state-owned passenger
8 motor vehicles and (ii) the use of and reimbursement for
9 those vehicles for commuting. For the purpose of this
10 subdivision 7a, 'state-owned passenger motor vehicle'
11 includes any state-owned passenger motor vehicle,
12 whether or not owned, maintained or controlled by the
13 Department of Administration, and regardless of the
14 source of the funds used to purchase it. Notwithstanding
15 the provisions of G.S. 20-190 or any other provisions of
16 law, all state-owned passenger motor vehicles are subject
17 to the provisions of this subdivision 7a; no permanent
18 assignment shall be made and no one shall be exempt
19 from payment of reimbursement for commuting or from
20 the other provisions of this subdivision 7a except as
21 provided by this subdivision 7a.

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

43 Every individual who uses a State-owned passenger motor
44 vehicle, pickup truck, or van to drive between his official

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

1 making arrests, and (xvii) any other vehicle exempted
2 under Section 274(d) of the Internal Revenue Code of
3 1954, and Federal Internal Revenue Services regulations
4 based thereon. The Department of Administration,
5 Division of Motor Fleet Management, shall report
6 quarterly to the Joint Legislative Commission on
7 Governmental Operations and to the Fiscal Research
8 Division of the Legislative Services Office on
9 individuals who use State-owned passenger motor
10 vehicles, pickup trucks, or vans between their official
11 work stations and their homes, who are not required to
12 reimburse the State for these trips.

13 The Department of Administration shall revoke the
14 assignment or require the Department owning the vehicle
15 to revoke the assignment of a State-owned passenger
16 motor vehicle, pick-up truck or van to any individual
17 who:

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

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

43 The Department of Administration, with the
44 approval of the Governor, may delegate, or

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

11 Prior to adopting rules under this paragraph,
12 the Secretary of Administration may consult with
13 the Advisory Budget Commission.

- 14 8. To adopt and administer rules for the control of all state-
15 owned passenger motor vehicles and to require State
16 agencies to keep all records and make all reports
17 regarding motor vehicle use as the Secretary deems
18 necessary.
- 19 9. To acquire motor vehicle liability insurance on all State-
20 owned motor vehicles under the control of the
21 Department.
- 22 10. To contract with the appropriate State prison authorities
23 for the furnishing, upon such conditions as may be
24 agreed upon from time to time between such State prison
25 authorities and the Secretary, of prison labor for use in
26 connection with the operation of a central motor pool
27 and related activities.
- 28 11. To report annually to the General Assembly on any rules
29 adopted, amended or repealed under paragraphs 3, 7, or
30 7a of this subdivision.
- 31 j. To establish and operate a central telephone system, central
32 mimeographing and duplicating services, central stenographical
33 and clerical pools, and other central services, if the Governor
34 after appropriate investigation deems it advisable from the
35 standpoint of efficiency and economy in operation to establish
36 any or all such services. The Secretary may allocate and charge
37 against the respective agencies their proportionate part of the
38 cost of maintenance and operation of the central services which
39 are established, in accordance with the rules adopted by him
40 and approved by the Governor and Council of State pursuant to
41 paragraph k, below. Upon the establishment of central
42 mimeographing and duplicating services, the Secretary may,
43 with the approval of the Governor, require any State agency to
44 be served by those central services to transfer to the Department

- 1 ownership, custody, and control of any or all mimeographing
2 and duplicating equipment and supplies within the ownership,
3 custody, or control of such agency.
- 4 k. To require the State agencies and their officers and employees
5 to utilize the central facilities and services which are
6 established; and to adopt, with the approval of the Governor and
7 Council of State, reasonable rules and procedures requiring the
8 utilization of such central facilities and services, and governing
9 their operation and the charges to be made for their services.
- 10 l. To provide necessary information service for visitors to the
11 Capitol.
- 12 m. To perform such additional duties and exercise such additional
13 powers as may be assigned to it by statute or by the Governor."
- 14 Sec. 2. This act shall become effective January 1, 1990.