

CHAPTER 38 - MOTOR FLEET MANAGEMENT DIVISION

SECTION .0100 - OPERATION OF THE DIVISION'S MOTOR POOLS

01 NCAC 38 .0101 DISPATCHING
01 NCAC 38 .0102 GASOLINE PURCHASES

History Note: *Authority G.S. 143-341(8)i;*
 Eff. October 1, 1992;
 Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

01 NCAC 38 .0103 MILEAGE RATES

Agencies shall reimburse the Department of Administration ("Department") for the use of Motor Fleet Management Division ("Division") vehicles at the end of each month at the rate set by the Department. This rate shall be set out in the assignment documents and based upon the total cost of ownership of the vehicle.

History Note: *Authority G.S. 143-341(8)i;*
 Eff. October 1, 1992;
 Readoption Eff. November 1, 2019.

01 NCAC 38 .0104 CREDIT CARDS AND PUMP KEY

History Note: *Authority G.S. 143-341(8)i;*
 Eff. October 1, 1992;
 Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

01 NCAC 38 .0105 SERVICE FOR NON-MOTOR POOL VEHICLES

Gasoline and oil shall be furnished to any state-owned passenger vehicle at the Division costs. Other services and minor repairs may be obtained on a first-come reservation basis as time permits.

History Note: *Authority G.S. 143-341(8)i;*
 Eff. October 1, 1992;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
 2018.

SECTION .0200 - MAINTENANCE AND CARE OF VEHICLES

01 NCAC 38 .0201 GENERAL REPAIRS AND MAINTENANCE

- (a) The individual and Agency to whom the vehicle is assigned shall maintain and make any necessary repairs to Division vehicles. Maintenance shall include oil changes, tire rotations, transmission or engine service.
- (b) Prior to any maintenance and repairs, the individual or the Agency shall have prior authorization by contacting the dedicated repair authorization line provided in the assignment document with the details of the maintenance and an estimate of the cost.
- (c) Authorized charges for maintenance or repairs shall be billed to the Division for payment. The Division may invoice agencies for any unauthorized repair expenses when the repairs are conducted off the assigned maintenance schedule or are in addition to what is recommended by the Division for the vehicle.

History Note: *Authority G.S. 143-341(8)i;*
 Eff. October 1, 1992;
 Readoption Eff. November 1, 2019.

01 NCAC 38 .0202 ROUTINE MAINTENANCE

Drivers shall check their assigned vehicles to insure proper oil level, water and antifreeze for radiators, water for battery, wear on belts, and proper inflation of tires. This service shall be performed when fuel is purchased or at least weekly.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0203 PREVENTIVE MAINTENANCE

Preventive maintenance on vehicles is to be performed at scheduled intervals established by the Division. If maintenance is not performed within plus or minus 500 miles of the schedule, vehicle assignment is subject to termination.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0204 ANNUAL SAFETY INSPECTIONS

All vehicles shall be inspected annually as required by North Carolina safety inspection laws. This inspection is billed to the Division. It is the responsibility of the assigned driver and agency to assure that the vehicle has a valid inspection sticker.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0205 ACCIDENT REPORTING

- (a) A police report shall be obtained at the time of the accident by the local law enforcement on all accidents involving Division vehicles.
- (b) All accidents involving Division vehicles or other property damage, regardless of amount of damage, shall be reported by contacting the dedicated accident reporting agencies provided in the assignment documents.
- (c) All accidents involving personal injury to a third party or damage to a third party's property shall be reported to Traveler's Insurance Company at the contact information provided in the assignment documents.

History Note: Authority G.S. 143-341(8)i;
Eff. November 2, 1992;
Readoption Eff. November 1, 2019.

01 NCAC 38 .0206 DECALS AND BUMPER STICKERS ON VEHICLES

Decals may be affixed to vehicles owned by the Division when done in accordance with the following provisions:

- (1) The decal and method of fixture must be approved by the Division prior to application of decal.
- (2) The decal must not cover an area greater than 200 square inches.
- (3) No more than two decals may be affixed to the vehicle and must be affixed one each to the front doors of the vehicle.
- (4) The decal must be applied and removed without defacing or devaluing the vehicle.
- (5) The cost of decal material, application, and removal of decal must be borne by the using agency.
- (6) The cost of any repairs resulting from inadvertent defacing must be borne by the using agency. All such repairs must restore the vehicle to its original condition.
- (7) The bumper sticker and method of fixture must be approved by the Division prior to the application of the bumper sticker.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0207 INSTALLATION OF EQUIPMENT

Special equipment required in the line of duty may be installed on Division vehicles upon receiving prior written authorization. The using agency must bear the cost of purchase, installation, maintenance, and removal of such equipment. Any defacing to or devaluing of the vehicle resulting from installation or removal of special equipment must be repaired at the expense of the using agency. Other equipment not furnished with the vehicle at the time of assignment by the Division shall be paid by the requesting agency.

*History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

SECTION .0300 - ASSIGNMENT OF VEHICLES

01 NCAC 38 .0301 TYPES OF VEHICLE ASSIGNMENTS

*History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.*

SECTION .0300 - ASSIGNMENT OF VEHICLES

01 NCAC 38 .0302 REQUESTS FOR ASSIGNMENT OF VEHICLES

(a) Permanent Assignments. Requests for Division vehicles to be assigned to individuals or agencies shall be on the Division form and shall include:

- (1) contact information on the requesting individual and the Agency;
- (2) copy of a valid North Carolina driver's license;
- (3) description of the requesting individual or Agency's vehicle needs and planned usage; and
- (4) signature by the Agency's Director or his or her designee.

(b) "Special Use" Assignments. In addition to the requirements set forth in Paragraph (a) of this Rule, written justification, verified by historical data shall be included on the official Division form for each "special use" vehicle assigned. All assignments of "special use" vehicles shall be reviewed and approved by the Secretary in accordance with G.S. 143-341(8)(i)(5).

*History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Readopted Eff. November 1, 2019.*

01 NCAC 38 .0303 DENIAL AND APPEAL PROCEDURES

In the event a request for a permanently or agency assigned vehicle is denied, the agency head may appeal the decision of the Division to the Secretary of the Department of Administration, in writing, within 10 days of denial of request.

*History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

01 NCAC 38 .0304 VIOLATIONS

A copy of all traffic violations received by state employees while operating state-owned vehicles is received by the Director of the Division. An inquiry letter is sent to the department head and a response is requested. If a state employee is involved in repeated infractions, he/she may be subject to denial of the use of any state-owned vehicle.

*History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

01 NCAC 38 .0305 REMOVAL OF VEHICLES FROM INDIVIDUAL AND AGENCY ASSIGNMENT

Permanent vehicle assignment to individuals or agencies may be revoked if any of the following occur:

- (1) a conviction of G.S. 20 or other state motor vehicle laws in which the vehicle is traveling;
- (2) any violation of G.S. 143-341(8)(i)(7a) is committed;
- (3) any vehicle abuse which may include not providing maintenance in accordance with the assigned maintenance schedule set for the vehicle, not providing repairs when needed, or destruction of the interior or exterior not due to the natural aging of the vehicle; and
- (4) any other violation of the rules of this Section.

*History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Readopted Eff. November 1, 2019.*

01 NCAC 38 .0306 TERMINATION PROCEDURES

The Division shall revoke the assignment or require the department owning the vehicle to revoke the assignment of a state-owned passenger motor vehicle, pickup truck or Van when any one of the conditions cited previously in Rule .0305 of this Section have been established by a preponderance of the evidence. Agencies may cite abuse or any one of the other conditions set forth in Rule .0305 of this Section for appropriate agency disciplinary action. The following procedures shall be used by the Division:

- (1) Complaints, concerns, and questions received by the Division are acted upon and a written notice is sent to the proper department head.
- (2) Notification by the Division of a vehicle complaint will include specific documentation to support such claim. The agency must respond with a written reply within 10 days.
- (3) The Division will review the allegation and verify all documents supporting the allegation. Further, the Division will review the response received from the agency head or alleged offender.
- (4) After a full evaluation of the allegation and response, the Director of the Division will determine if the vehicle assignment shall be revoked. No revocation will occur based on an anonymous call.
- (5) The Division reserves the right to temporarily terminate a vehicle assignment during the course of an investigation. This shall be the case under citation of driving while impaired or without a valid driver's license or any other major violation of the motor vehicles laws.
 - (a) If a vehicle assignment is revoked, the offender may appeal the decision of the Division's Director to the Secretary of the Department of Administration. Any appeal must be filed within 10 days of receipt of notice of the Division's decision.
 - (b) Any appeal to the termination of a vehicle assignment will be sent to the agency head who will forward the appeal to the Division. The Division will send the appeal to the Secretary of the Department of Administration.
 - (c) If an appeal is denied, and the vehicle assignment is revoked, a new requisition shall not be honored until the Secretary of the Department of Administration is assured that the violation for which the assignment was previously revoked will not recur.

*History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

01 NCAC 38 .0307 WEEKEND ASSIGNMENTS

*History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.*

01 NCAC 38 .0308 RETURN OF ASSIGNED VEHICLES

(a) Replacement vehicles shall be assigned by the Division as necessary based on mileage, time in service, economy and nature of use of each vehicle.

- (b) If turn-in or replacement is required, all permanently assigned vehicles, including all keys, credit cards assigned to that vehicle, vehicle registration, travel log book, and any other materials issued by the Division, shall be returned to the Division Office. The Agency shall continue to be charged for the assigned vehicle until the vehicle has been received by the Division's Vehicle Assignment staff and all of the requirements of this Paragraph are met.
- (c) The driver's Agency shall pay for all damages due to vehicle neglect, misuse or abuse.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Readopted Eff. November 1, 2019.

SECTION .0400 - VEHICLE USE

01 NCAC 38 .0401 OFFICIAL USE ONLY

- (a) State-owned vehicles shall be driven only by state employees and used for official state business except in accordance with this Rule.
- (b) An employee may drive the vehicle to and from his or her home when one or more of the following conditions exist:
- (1) by virtue of his or her position, the employee is entitled to use the vehicle and is so approved and authorized by the Secretary of Administration in accordance with IRS Publication 15-B herein incorporated by reference including subsequent amendments and additions. This document may be accessed at <https://www.irs.gov/publications/p15b> at no cost.
 - (2) the employee is entitled to use the vehicle for commuting purposes in accordance with G.S. 143-341(8)(i)(7a);
 - (3) the employee's home is his or her official work station and the vehicle is parked at home when not being used for official business; or
 - (4) the state-owned vehicle is required for a trip the following workday and employee's home is closer to the destination than the official work station, and the employee does not have to report to his or her work station before beginning the trip.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2019.

01 NCAC 38 .0402 COMMUTING POLICY

01 NCAC 38 .0403 TOLL CHARGES

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

01 NCAC 38 .0404 PARKING AND STORING OF VEHICLES

- (a) Individuals and agencies are responsible for secure and safe storage and parking of vehicles. Acts of vandalism may result in the agency being charged for repairs. State-owned vehicles shall not be left on non-residential streets or highways overnight unless it is necessary due to mechanical failure or emergency. When a state-owned vehicle is parked on a municipal street, it shall be the responsibility of the driver or the driver's agency to pay all parking fees and any parking fines or other fines assessed against the vehicle. The vehicle may be parked in a commercial or municipal parking facility provided the driver or the driver's agency pays for any parking fees. The assigned driver shall be responsible for any towing fees resulting from improper parking.
- (b) The Division shall not be responsible for property left in parked vehicles at any location including the Motor Pool Garage. Further the Division shall not be responsible for the cost of duplicate keys other than those that are issued when the car is assigned. Also, the Division shall not be responsible for the cost associated with locking a key in a vehicle.

(c) Parking citations are the responsibility of the assigned driver or the driver's agency at the time of issue. If a parking citation is not paid within a two-week period, a notice is sent to the Division and forwarded to their assigned driver. Two unpaid parking citations received by the Division for the same driver constitutes vehicle abuse.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0405 MOTOR VEHICLE LAWS AND ORDINANCES

It is the responsibility of the driver to observe all state motor vehicle laws and municipal ordinances. All violations and resulting fines shall be the responsibility of the driver involved.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0406 HITCHHIKERS

Hitchhikers are not permitted to ride in state-owned vehicles.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0407 RELATIVES

No spouses and children of state employees may accompany them in state-owned vehicles. No family pets are permitted in state-owned vehicles. Service animals are excluded from this restriction.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Readopted Eff. November 1, 2019.

01 NCAC 38 .0408 NON-STATE EMPLOYED PERSONS

Non-state employed persons may accompany state employees driving state-owned vehicles when they have an interest in the purpose of the trip and their presence is related to state business. Students of universities and colleges may be passengers in state cars to attend athletic events and other activities approved by the institution, provided the proper account is reimbursed at the standard mileage cost rate by the student activity fund involved. Non-state employed persons, however, are not allowed to drive the state-owned vehicle, except for drivers of blind or permanently disabled state employees. Also excepted are graduate students enrolled in a state-supported college or university whose educational training requires the use of a state-owned vehicle.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0409 USE OF STATE-OWNED VEHICLES FOR PRIVATE PURPOSES

(a) When an employee is required to use a state-owned vehicle for travel while away from his/her work station, the vehicle may be used for travel to obtain meals and other necessities, but not for entertainment or any personal purposes. A state employee may not use a state-owned vehicle for obtaining meals unless he/she is in travel status, approved commuter status, or approved office in home.

(b) Under no circumstances may a state employee operate a state-owned vehicle while under the influence of intoxicating beverages, drugs, or substances, or transport (except in performance of law enforcement duties) these items in a state-owned vehicle.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0410 OUT-OF-STATE TRAVEL

If a vehicle is to be driven to Canada or Mexico the driver must contact the Division 30 days ahead of time so the proper automotive insurance protection may be obtained.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0411 REPLACEMENT OF VEHICLES

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0500 - USE OF PRIVATELY OWNED VEHICLES

01 NCAC 38 .0501 STATE POLICY ON USE OF PRIVATE VEHICLES

01 NCAC 38 .0502 REIMBURSEMENT AT STATUTORY RATE

History Note: Authority G.S. 138-6; 143-341(8)i;
Eff. October 1, 1992;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0600 - MISCELLANEOUS PROVISIONS

01 NCAC 38 .0601 TRANSPORTATION TO AND FROM MOTOR POOLS

The motor pools do not provide local transportation for persons who must leave their vehicle for service. Nor is local transportation provided to a motor pool when a temporary vehicle is picked up at the beginning of a trip. Arrangements shall be made for local transportation prior to arriving at a motor pool.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

01 NCAC 38 .0602 USE OF PRIVATE LICENSE PLATES

History Note: Authority G.S. 14-250; 143-341(8)i;
Eff. October 1, 1992;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

01 NCAC 38 .0603 DRIVING UNDER ADVERSE WEATHER CONDITIONS

Temporarily assigned vehicles will not be issued during adverse weather conditions such as accumulated snow, sleet, or ice on roadways. Temporarily assigned vehicles already requested may be cancelled or delayed at the discretion of the Division in the event of any adverse weather conditions. Drivers of vehicles on permanent assignment, who drive during adverse weather conditions, are cautioned to take extreme care and employ safety measures to ensure the safety of driver and passengers. Any damage to Division-owned vehicles operated during adverse weather conditions shall be paid by the using agency when it is found that such damage resulted from

negligence on the part of the driver. Drivers are requested to turn on headlights while driving during inclement weather and are required by state law to turn on headlights when operating windshield wipers.

History Note: Authority G.S. 143-341(8)i;
Eff. October 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.