

ASSEMBLY, No. 389

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman EDWARD H. THOMSON
District 30 (Monmouth and Ocean)

SYNOPSIS

Regulates assignment and use of State vehicles.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the assignment and use of State vehicles,
2 supplementing chapter 31 of Title 52 of the Revised Statutes, and
3 repealing various sections of the statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. For the purposes of this act, P.L. , c. (C.)(pending
9 before the Legislature as this bill):

10 “Vehicle” means a motor vehicle that is required to be registered
11 with or licensed by the Motor Vehicle Commission pursuant to the
12 provisions of Title 39 of the Revised Statutes, but not including
13 aircraft and watercraft; and

14 “State” means the various departments and agencies in the
15 Executive Branch of State Government.

16 b. The Department of the Treasury shall manage, control, and
17 supervise the assignment and use of each vehicle that is owned or
18 leased by the State for the conduct of official business. A vehicle
19 that is purchased or leased by the State shall be the base model of
20 that type of vehicle available for purchase or lease, unless the State
21 Treasurer, in writing, approves the purchase or lease of another
22 model and sets forth the reason why the purchase of another model
23 is necessary and appropriate for the conduct of the official business
24 of the State. The State Treasurer shall establish procedures,
25 guidelines, or standards for the replacement of State vehicles.

26
27 2. a. State vehicles may be assigned to and used by the
28 Governor, Lieutenant Governor, or the Attorney General without
29 regard to the provisions of this act, P.L. , c. (C.)(pending
30 before the Legislature as this bill).

31 b. A State vehicle may be assigned to and used by an officer or
32 employee of the State for the conduct of the official business of the
33 State only if the head of the State department or agency for which
34 the officer or employee performs services submits a request in
35 writing to the State Treasurer for that assignment and use. The
36 head of a department or agency may submit a request in writing on
37 his own behalf.

38 The written request shall include the name of the officer or
39 employee; a description of the duties and responsibilities of the
40 position held by the officer or employee, including whether the
41 officer or employee is required to respond to emergency or urgent
42 situations during times other than during normal working hours; an
43 analysis substantiating the need for the vehicle, including an
44 analysis of cost; the existence of other substantially similar
45 positions for which a vehicle was assigned to and used by an officer
46 or employee; the period of time for which the vehicle will be
47 needed; and any other information the State Treasurer may require.

1 The State Treasurer may approve a request submitted pursuant to
2 subsection b. of this section only if the officer or employee is
3 required to respond to emergency or urgent situations during times
4 other than during the normal work hours of that officer or employee
5 or if the assignment will result in the use of the vehicle for more
6 than an average of 1,250 miles per month for the conduct of the
7 official business of the State or such greater average number of
8 miles per month as is necessary to ensure that the assignment and
9 use pursuant to this subsection is cost effective for the State.

10 c. One or more State vehicles may be assigned to a State
11 department or agency and used by its officers or employees on a
12 pool basis for the conduct of the official business of the State only
13 if the head of the department or agency submits a request in writing
14 to the State Treasurer for the assignment of each such vehicle. The
15 written request shall include the positions of the officers or
16 employees who may use the vehicle; a description of the duties and
17 responsibilities of those positions; an analysis substantiating the
18 need for a vehicle, including an analysis of cost; the existence of
19 other substantially similar positions for which a State vehicle was
20 assigned to a department or agency and used by its officers or
21 employees; the period of time for which the vehicle will be needed;
22 and any other information the State Treasurer may require. A State
23 vehicle may be assigned to a department or agency for use by its
24 officers and employees only if officers or employees will use the
25 vehicle assigned for at least an average of 1,000 miles per month, in
26 the aggregate, for the conduct of the official business of the State.

27 d. The State Treasurer shall review each request submitted in
28 accordance with this section and either approve or deny the request
29 within 10 business days of receipt. The State Treasurer shall not
30 approve a request submitted pursuant to subsection b. of this section
31 if the vehicle will be used by an officer or employee primarily for
32 commuting between his residence and the work location.

33 e. The State Treasurer may grant an approval of a request for
34 the assignment and use of a vehicle for a period not to exceed five
35 days, when deemed necessary and appropriate for the conduct of the
36 official business of the State, provided that the request is in writing
37 and provides such information as the State Treasurer shall require.

38 f. A State vehicle assigned and used pursuant to subsection c.
39 of this section shall be returned to and stored at a work or other
40 official location designated by the department or agency each day.

41
42 3. a. The State Treasurer shall provide for the maintenance of
43 a usage log for each State vehicle. The vehicle log shall provide for
44 the recording of: the reason for each trip; beginning and ending
45 time and mileage for each trip; beginning and ending time and
46 mileage for each stop within the course of a trip; and comments
47 denoting damage or other information as may be required by the
48 State Treasurer. The State Treasurer shall develop a uniform

1 vehicle log form. The officer or employee using a State vehicle
2 shall be required to complete the vehicle log for each trip.

3 b. The head of a department or agency shall have reviewed
4 each month the vehicle log of each State vehicle assigned to an
5 officer or employee within the department or agency or assigned to
6 the department or agency. The purpose of the review shall be to
7 verify that assignment and use of the vehicle is necessary and
8 appropriate and is in compliance with the law and the procedures,
9 guidelines, or standards established by the State Treasurer. The
10 results of the review shall be noted in the vehicle log. A separate
11 form showing the result of the review shall be completed for each
12 vehicle and submitted to the State Treasurer within three business
13 days of the review. The State Treasurer may impose such
14 requirements for a vehicle usage report as may be necessary and
15 appropriate to ensure compliance with the law and the procedures,
16 guidelines, and standards established by the State Treasurer.

17
18 4. a. Each State vehicle shall be plainly marked with the
19 phrase "State of New Jersey, For Official Use," which marking
20 shall be at least one inch in height and conspicuously placed on
21 each side of the vehicle.

22 b. Each State vehicle shall display a bumper sticker containing
23 the vehicle abuse hotline telephone number, or such other
24 information as the State Treasurer shall deem necessary, through
25 which complaints regarding potential misuse of a State vehicle can
26 be submitted.

27 c. The State Treasurer may approve exceptions to subsections
28 a. and b. of this section for vehicles used strictly for investigative or
29 other work for which anonymity is necessary and appropriate. The
30 State Treasurer shall document each exception in writing stating the
31 reason for the exception.

32 d. The State Treasurer shall establish and maintain a hotline
33 telephone number and an Internet site to receive complaints
34 regarding the misuse of State vehicles.

35
36 5. a. If an officer or employee who is assigned a State vehicle
37 stores the vehicle at his place of residence when not conducting the
38 official business of the State, the officer or employee shall be
39 required to reimburse the State for daily commuting costs as
40 measured from the residence to the principal work location. The
41 officer or employee shall submit reimbursement monthly to the
42 State Treasurer.

43 The State Treasurer shall determine the reimbursement rate
44 taking into account such factors as the State Treasurer may deem
45 necessary and appropriate to ensure a reasonable amount of
46 reimbursement. The same reimbursement rate shall apply to all
47 officers and employees who store a State vehicle at their place of
48 residence.

1 b. Each State vehicle shall be inspected by the officer or
2 employee using that vehicle for damage or operational problems
3 before commencing and immediately after completing a trip. The
4 operator shall record in the log for that vehicle any damage or
5 operational problem, and report that damage or problem in writing
6 on a separate form to a designated State officer or employee, within
7 24 hours from when the damage or problem occurs or is noticed.
8 The State Treasurer may require the inspections of other equipment
9 or components as the State Treasurer shall deem necessary and
10 appropriate.

11 c. The use of a State vehicle by an officer or employee for a
12 purpose other than for the conduct of the official business of the
13 State shall be prohibited, except during periods for authorized meals
14 or breaks as necessary and reasonable during normal or overtime
15 work hours. The use during these periods shall be recorded in the
16 vehicle log. A State vehicle may be used for a personal medical
17 emergency, including for obtaining a prescription drug in an
18 emergency, provided that the use is recorded in the vehicle log and
19 reported in writing on a separate form to a designated State officer
20 or employee within 24 hours of the use.

21 d. A State officer or employee shall be personally responsible
22 for any fine or penalty incurred as a result of a violation of the
23 traffic laws of this State or another state committed by the officer or
24 employee while using the State vehicle.

25 e. The State Treasurer may require the reporting of matters or
26 incidents other than those specified in this section as the State
27 Treasurer shall deem necessary and appropriate.

28

29 6. a. A State officer or employee who fails to comply with the
30 provisions of this act, P.L. , c. (C.)(pending before the
31 Legislature as this bill), or with the procedures, guidelines, or
32 standards established by the State Treasurer shall be subject to
33 appropriate disciplinary actions and penalties, including but not
34 limited to suspension or termination of employment, as may be
35 appropriate with regard to that officer or employee.

36 b. For a violation of subsections a. and b. of section 4 of this
37 act, a State officer or employee shall be guilty of a petty disorderly
38 person offense, in addition to any disciplinary action or penalty that
39 the State may take or impose with regard to that officer or
40 employee.

41 c. For a violation of the prohibition on personal use, subsection
42 c. of section 5 of this act, a State officer or employee shall be fined
43 not less than \$1,000 for any violation, in addition to any
44 disciplinary action or penalty that the State may take or impose with
45 regard to that officer or employee.

46 The fine may be collected and enforced by summary proceedings
47 pursuant to the provisions of the "Penalty Enforcement Law of
48 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

1 7. The State Treasurer shall ensure that the assignment and use
2 of vehicles that are owned or leased by the State as of the effective
3 date of this act, P.L. , c. (C.)(pending before the Legislature
4 as this bill), are in compliance with the provisions of this act no
5 later than 90 days after that effective date.

7 8. The following sections are repealed:

8 R.S.52:31-13

9 R.S.52:31-14

10 R.S.52:31-15

12 9. This act shall take effect immediately.

15 STATEMENT

17 This bill provides standards for the assignment and use of State
18 vehicles by codifying certain practices currently utilized by the
19 State Department of Treasury and modifying other practices to
20 bring the assignment and use of State vehicles by public officers or
21 employees into line with private sector cost-conscious practices and
22 efficiencies. Increased oversight in the assignment and use of State
23 vehicles will ensure that the State fleet is an appropriate size to
24 meet the needs of the State in serving the public. This is expected
25 to reduce taxpayer dollars in an area that represents a significant
26 public expense. Finally, the bill provides for the imposition of
27 penalties, including disciplinary action, for a violation of its
28 provisions.

29 The bill provides that the Department of the Treasury shall
30 manage, control, and supervise the assignment and use of each State
31 vehicle, as defined in the bill. Generally, State vehicles must be the
32 base model available for purchase or lease, unless the State
33 Treasurer grants written approval for another model. The State
34 Treasurer will establish procedures, guidelines, or standards for the
35 replacement of State vehicles.

State vehicles may be assigned to and used by the Governor, Lieutenant Governor, or the Attorney General without regard to the provisions of the bill. Any other individual assignment requires a written request from the department head to the State Treasurer for his denial or approval.

The written request must include the name of the officer or employee; a description of the duties and responsibilities of the position, including whether emergency or urgent response is required outside normal working hours; an analysis substantiating the need for the vehicle, including an analysis of cost; the existence of other substantially similar positions for which a vehicle was assigned to and used by an officer or employee; the period of time

1 for which the vehicle will be needed; and any other information the
2 State Treasurer may require.

3 The State Treasurer may approve a request for an individual
4 assignment only if the officer or employee is required to respond to
5 emergency or urgent situations outside normal work hours or if
6 official use of the vehicle will average more than 1,250 miles per
7 month or such greater average number of miles per month as is
8 necessary to ensure that the assignment and use pursuant to this
9 subsection is cost effective for the State.

10 One or more State vehicles may be assigned to a State
11 department or agency on a pool basis only if the department head
12 submits a written request to the State Treasurer for his review. The
13 written request must include the positions of the officers or
14 employees who may use the vehicle; a description of the duties and
15 responsibilities of those positions; an analysis substantiating the
16 need for a vehicle, including an analysis of cost; the existence of
17 other substantially similar positions for which a State vehicle was
18 assigned to a department or agency and used by its officers or
19 employees; the period of time for which the vehicle will be needed;
20 and any other information the State Treasurer may require. A State
21 vehicle may be assigned to a department or agency for use by its
22 officers and employees only if the vehicle will be used for at least
23 an average of 1,000 miles per month, in the aggregate, for the
24 conduct of the official business of the State.

25 Each written request will be reviewed by the State Treasurer and
26 approval or denial made within 10 business days of receipt. The
27 State Treasurer may not approve a request if the vehicle will be
28 used by an officer or employee primarily for commuting between
29 his residence and the work location.

30 The State Treasurer may approve a written request for the
31 assignment and use of a vehicle for a period not to exceed five days,
32 when deemed necessary for the conduct of the official business of
33 the State.

34 A State vehicle assigned and used on a pool basis must be
35 returned to and stored at a work or other official location designated
36 by the department or agency each day.

37 The State Treasurer will develop a uniform vehicle log which
38 must be completed for each trip. The vehicle log must provide for
39 the recording of: the reason for each trip; beginning and ending
40 time and mileage for each trip; beginning and ending time and
41 mileage for each stop within the course of a trip; and comments
42 denoting damage or other information as may be required by the
43 State Treasurer.

44 Each month, the department head must review the vehicle log of
45 each assigned State vehicle to verify that assignment and use of the
46 vehicle is necessary and appropriate and is in compliance with the
47 law and the procedures, guidelines, or standards established by the
48 State Treasurer. The results of the review must be noted in the

1 vehicle log. A separate form showing the result of the review must
2 be completed for each vehicle and submitted to the State Treasurer
3 within three business days of the review. The State Treasurer may
4 impose such requirements for a vehicle usage report as may be
5 necessary and appropriate to ensure compliance.

6 Each State vehicle is required to be plainly marked with the
7 phrase "State of New Jersey, For Official Use," as prescribed by the
8 bill. Each vehicle must display a bumper sticker containing the
9 vehicle abuse hotline telephone number, or other information as the
10 State Treasurer deems necessary, through which complaints
11 regarding potential misuse of a vehicle can be submitted.

12 The State Treasurer may approve exceptions to the "State of
13 New Jersey, For Official Use" and State vehicle abuse hotline
14 marking requirements for vehicles used strictly for investigative or
15 other work for which anonymity is necessary and appropriate, but
16 must document each exception in writing stating the reason for the
17 exception. In addition, the State Treasurer must establish and
18 maintain a hotline telephone number and an Internet site to receive
19 complaints regarding the misuse of State vehicles.

20 If an officer or employee who is assigned a State vehicle stores
21 the vehicle at his place of residence when not conducting the
22 official business of the State, the officer or employee will be
23 required to reimburse the State for daily commuting costs as
24 measured from the residence to the principal work location. The
25 officer or employee must submit reimbursement monthly to the
26 State Treasurer. The State Treasurer will determine the
27 reimbursement rate.

28 Each State vehicle must be inspected by the officer or employee
29 using that vehicle for damage or operational problems before
30 commencing and immediately after completing a trip. The operator
31 will be required to record in the vehicle log any damage or
32 operational problem, and report same in writing on a separate form
33 to a designated State officer or employee, within 24 hours from
34 when the damage or problem occurs or is noticed. The State
35 Treasurer may require the inspections of other equipment or
36 components as the State Treasurer deems necessary and
37 appropriate.

38 The bill provides that the use of a State vehicle other than for the
39 conduct of the official business of the State is prohibited, except
40 during periods for authorized meals or breaks during normal or
41 overtime work hours. The use during these periods must be
42 recorded in the vehicle log. A State vehicle may be used for a
43 personal medical emergency, provided that the use is recorded in
44 the vehicle log and reported in writing within 24 hours of the use.

45 A State officer or employee will be personally responsible for
46 any fine or penalty incurred as a result of a violation of the traffic
47 laws of this State or another state. The State Treasurer may require

1 the reporting of matters or incidents other than those specified in
2 the bill as the State Treasurer deems necessary and appropriate.

3 Failure to comply with the provisions of the bill will subject a
4 State officer or employee to appropriate disciplinary actions and
5 penalties, including but not limited to suspension or termination of
6 employment, as may be appropriate with regard to that officer or
7 employee.

8 For a violation of subsections a. and b. of section 4 of this bill,
9 which are the required markings provisions, a State officer or
10 employee will be guilty of a petty disorderly person offense, in
11 addition to any disciplinary action or penalty that the State may take
12 or impose with regard to that officer or employee.

13 Subsection c. of section 5. prohibits personal use of a State
14 vehicle, with certain exceptions. For a violation of this subsection,
15 a State officer or employee shall be fined not less than \$1,000 for
16 any violation, in addition to any disciplinary action or penalty that
17 the State may take or impose with regard to that officer or
18 employee. The fine may be collected and enforced by summary
19 proceedings pursuant to the provisions of the "Penalty Enforcement
20 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

21 No later than 90 days after the effective date of the bill, the State
22 Treasurer must ensure that the assignment and use of vehicles that
23 are owned or leased by the State as of the effective date of the bill
24 are in compliance with the provisions of the bill.

25 The bill also repeals N.J.S.A.52:31-13 through N.J.S.A.52:31-15,
26 which are the current provisions pertaining to required State vehicle
27 markings and allowable exceptions thereto.