

Amend **SC Code SECTION 1-11-220**. Division of General Services, Program of Fleet Management; Fleet Management Program in order to clarify state goals. (Changes highlighted.)

Justification:

In order to address the South Carolina State Energy Plan recommendation and truly lead by example, we propose the following state goals. These goals are necessary to reduce dependence on traditional transportation fuels, to aid in economic development, maintain compliance with air quality standards, and protect human health by reducing other pollutants and emissions.

Recommended State Goals:

The Department of Administration, Division of General Services, Program of Fleet Management, shall be configured in a manner that will serve as a model for other corporate and government fleets in the use of alternative transportation fuel. Program of Fleet Management shall prioritize alternative transportation fuel and seek to reduce vehicle miles traveled.

- By July 1, 2020 at least 20 percent and by July 1, 2025 at least 50 percent, of all state owned or leased light-duty vehicle acquisitions must use alternative fuels.
- Beginning July 1, 2025, at least 50 percent of all state owned or leased light-duty vehicles must use an alternative fuel as defined by EPAAct.
- By 2025, emissions from state owned or leased fleet vehicles or equipment should be reduced 25 percent based on 2015 levels.

Proposed Regulatory Revisions:

SECTION 1-11-220. Division of General Services, Program of Fleet Management; Fleet Management Program.

There is hereby established within the Department of Administration, Division of General Services, Program of Fleet Management headed by the "State Fleet Manager", appointed by and reporting directly to the department. The department shall develop a comprehensive state Fleet Management Program. The program shall address acquisition, assignment, identification, replacement, disposal, maintenance, and operation of motor vehicles.

The department shall, through its policies and regulations, seek to:

- (a) achieve maximum cost-effectiveness management of state-owned motor vehicles in support of the established missions and objectives of the agencies, boards, and commissions;
- (b) eliminate unofficial and unauthorized use of state vehicles;
- (c) minimize individual assignment of state vehicles;
- (d) eliminate the reimbursable use of personal vehicles for accomplishment of official travel when this use is more costly than use of state vehicles;
- (e) acquire motor vehicles offering optimum energy efficiency for the tasks to be performed;
- (f) insure motor vehicles are operated in a safe manner in accordance with a statewide Fleet Safety Program; and
- (g) improve environmental quality in this State by decreasing the discharge of pollutants.

HISTORY: 1978 Act No. 644 Part II Section 24(A); 1982 Act No. 429, Section 1; 2008 Act No. 203, Section 1, eff upon approval (became law without the Governor's signature on April 17, 2008); 2014 Act No. 121 (S.22), Pt V, Section 7.E.1, eff July 1, 2015.

Effect of Amendment

The 2008 amendment added item (g) relating to improving the environmental quality by decreasing discharge of pollutants.

2014 Act No. 121, Section 7.E.1, in the first undesignated paragraph, substituted "Department of Administration, Division of General Services, Program of Fleet Management headed by" for "Budget and Control Board the Division of Motor Vehicle Management headed

by a Director, hereafter referred to as", substituted "department" for "Budget and Control Board, hereafter referred to as the Board", and substituted "The department shall" for "The Board shall"; in the second undesignated paragraph, substituted "department" for "Budget and Control Board"; and made other nonsubstantive changes.

SECTION 1-11-225. Cost allocation plan to recover cost of operating Fleet Management Program.

The Department of Administration shall establish a cost allocation plan to recover the cost of operating the comprehensive statewide Fleet Management Program. The division shall collect, retain, and carry forward funds to ensure continuous administration of the program.

HISTORY: 2002 Act No. 356, Section 1, Pt IX.A; 2014 Act No. 121 (S.22), Pt V, Section 7.E.2, eff July 1, 2015.

Effect of Amendment

2014 Act No. 121, Section 7.E.2, substituted "Department of Administration" for "Division of Operations".

SECTION 1-11-250. Division of General Services, Program of Fleet Management; definitions.

For purposes of Sections 1-11-220 to 1-11-330:

(a) "Alternative fuels" means any fuel as defined in The Energy Policy Act of 1992 (EPAct).

(b) "Department" means the South Carolina Department of Administration.

(c) "Emissions" as defined in Section 48-1-10.

(e) "Pollutants" as defined in Section 48-1-10.

(fa) "State agency" means all officers, departments, boards, commissions, institutions, universities, colleges, and all persons and administrative units of state government that operate motor vehicles purchased, leased, or otherwise held with the use of state funds, pursuant to an appropriation, grant or encumbrance of state funds, or operated pursuant to authority granted by the State.

(b) "Department" means the South Carolina Department of Administration.

HISTORY: 1978 Act No. 644, Part II, Section 24(D); 2002 Act No. 311, Section 2; 2014 Act No. 121 (S.22), Pt V, Section 7.E.3, eff July 1, 2015.

Effect of Amendment

2014 Act No. 121, Section 7.E.3, rewrote subsection (b), substituting "Department" for "Board", and substituted "Department of Administration" for "State Budget and Control Board".

SECTION 1-11-310. Division of General Services, Program of Fleet Management; acquisition and disposition of vehicles; titles.

(A) The Department of Administration shall purchase, acquire, transfer, replace, and dispose of all motor vehicles on the basis of maximum cost-effectiveness and lowest anticipated total life cycle costs.

(B) The standard state fleet sedan or station wagon must be no larger than a compact model and the special state fleet sedan or station wagon must be no larger than an intermediate model. The State Fleet Manager shall determine the types of vehicles which fit into these classes. Only these classes of sedans and station wagons may be purchased by the State for nonlaw enforcement use.

(C) The State shall purchase police sedans only for the use of law enforcement officers, as defined by the Internal Revenue Code. Purchase of a vehicle under this subsection must be concurred in by the State Fleet Manager and must be in accordance with regulations promulgated or procedures adopted under Sections 1-11-220 through 1-11-340 which must take into consideration the agency's mission, the intended use of the vehicle, and the officer's duties. Law enforcement agency vehicles used by employees whose job functions do not meet the Internal Revenue Service definition of "Law Enforcement Officer" must be standard or special state fleet sedans.

(D) All state motor vehicles must be titled to the State and must be received by and remain in the possession of the Program of Fleet Management pending sale or disposal of the vehicle.

(E) Titles to school buses and service vehicles operated by the State Department of Education and vehicles operated by the South Carolina Department of Transportation must be retained by those agencies.

(F) Exceptions to requirements in subsections (B) and (C) must be approved by the State Fleet Manager. Requirements in subsection (B) do not apply to the Department of Commerce.

(G) Preference in purchasing state motor vehicles must be given to vehicles assembled in the United States with at least seventy-five percent domestic content as determined by the appropriate federal agency.

(H) Preference in purchasing state motor vehicles must be given to alternative fuels as defined by EPA Act, such as hybrid, plug-in hybrid, all electric, propane, compressed and liquefied natural gas, biodiesel, hydrogen, fuel cell, or ethanol flex-fuel vehicles, when the performance, and quality are equal to or greater than, and anticipated life cycle costs are equal to or less than comparable to other available motor vehicles. By July 1, 2020 at least 20 percent and by July 1, 2025 at least 50 percent, of all state owned or leased light-duty vehicle acquisitions must use alternative fuels.

HISTORY: 1978 Act No. 644, Part II, Section 24(J); 1992 Act No. 449, Part V, Section 2, eff July 1, 1992; 1996 Act No. 459, Section 2; 2008 Act No. 203, Section 2, eff upon approval (became law without the Governor's signature on April 17, 2008); 2014 Act No. 121 (S.22), Pt V, Section 7.E.3, eff July 1, 2015.

Effect of Amendment

The 2008 amendment added item (H) relating to purchase of low emission motor vehicles by the State.

2014 Act No. 121, Section 7.E.3, in subsection (A), substituted "Department of Administration" for "State Budget and Control Board"; in subsections (B) and (C), substituted "State Fleet Manager" for "director of the Division of Motor Vehicle Management"; in subsection (D), substituted "Program of Fleet Management" for "Division of Motor Vehicle Management"; and in subsection (F), substituted "State Fleet Manager" for "director of the Division of Motor Vehicle Management" and substituted "Department of Commerce" for "State Development Board".

SECTION 1-11-315. Feasibility of uUsing alternative transportation fuels for state fleet.

The Department of Administration, Division of General Services, Program of Fleet Management, shall determine the extent to which the state vehicle fleet can be configured to operate on alternative transportation fuels. This determination must be based on a thorough evaluation of each alternative fuel and the feasibility of using such fuels to power state vehicles. The state fleet must be configured in a manner that will serve as a model for other corporate and government fleets in the use of alternative transportation fuel. By March 1, 1993, the Program of Fleet Management must submit a plan to the General Assembly for the use of alternative transportation fuels for the state vehicle fleet that will enable the state vehicle fleet to serve as a model for corporate and other government fleets in the use of alternative transportation fuel. This plan must contain a cost/benefit analysis of the proposed changes. Program of Fleet Management shall prioritize alternative transportation fuel and seek to reduce vehicle miles traveled.

(A) By July 1, 2030, at least 25 percent of all state owned or leased light-duty vehicles must use an alternative fuel as defined EPA Act.

(B) By 2025, emissions from state owned or leased fleet vehicles or equipment should be reduced 25 percent based on 2015 levels.

HISTORY: 1992 Act No. 449, Pt. V, Section 17; 2014 Act No. 121 (S.22), Pt V, Section 7.E.3, eff July 1, 2015.

Effect of Amendment

2014 Act No. 121, Section 7.E.3, substituted "Department of Administration, Division of General Services, Program of Fleet Management," for "State Budget and Control Board Division of Motor Vehicle Management" and substituted "Program of Fleet Management" for "Division of Motor Vehicle Management".