

CHAPTER 57

[Substitute House Bill No. 1355]

STATE MOTOR VEHICLE MANAGEMENT

AN ACT Relating to public motor vehicle operations; amending RCW 43.19.605, 43.19.620, 43.19.630, and 46.08.065; adding new sections to chapter 43.19 RCW; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Uniform management policies, practices, and data systems governing state-owned passenger motor vehicles will increase efficiency of the state's motor vehicle operations, result in cost savings, and contribute to effective use of motor vehicle assets in support of state employees conducting state business;

(2) To ensure compliance with federal and state environmental protection laws, the state must establish an orderly process for the identification, inspection, and, if necessary, repair or replacement of state-owned fuel storage tanks;

(3) Establishment of a state-wide fuel purchase, distribution, and accounting system will result in savings to the state and its agencies on fuel purchases;

(4) Effective safe driving programs for employees who drive the state's motor vehicles will reduce accidents, protect employees from injury and death, and avoid costs associated with liability claims and damage to state property; and

(5) Establishment of reasonable policies for vehicle life-cycle replacement, vehicle marking, and other efficiency and performance practices can result in significant cost savings to the state.

It is therefore the intent of the legislature to improve the service, efficiency, cost-effectiveness, and safety of passenger motor vehicle operations in state government by requiring the department of general administration to establish policies, procedures, and standards that apply to those operations in all state agencies and institutions of higher education. The policies, procedures, and standards shall be consistent with and carry out the objectives of any general policies adopted by the office of financial management pursuant to RCW 43.41.130.

NEW SECTION. Sec. 2. (1) For purposes of sections 1 through 5 of this act, (a) the term "state agency" has the meaning given it in RCW 43.19.560; and (b) "passenger motor vehicle" means any sedan, station wagon, van, light truck, or other motor vehicle under ten thousand pounds gross vehicle weight.

(2) Nothing in this chapter may be construed to mean that passenger motor vehicles or related facilities and equipment owned or operated by other agencies are transferred to the department of general administration.

NEW SECTION. Sec. 3. (1) To carry out the purposes of sections 1 through 5 of this act and RCW 46.08.065, the director of general administration has the following powers and duties:

(a) To develop and implement a state-wide information system to collect, analyze, and disseminate data on the acquisition, operation, management, maintenance, repair, disposal, and replacement of all state-owned passenger motor vehicles. State agencies shall provide the department with such data as is necessary to implement and maintain the system. The department shall provide state agencies with information and reports designed to assist them in achieving efficient and cost-effective management of their passenger motor vehicle operations.

(b) To survey state agencies to identify the location, ownership, and condition of all state-owned fuel storage tanks.

(c) In cooperation with the department of ecology and other public agencies, to prepare a plan and funding proposal for the inspection and repair or replacement of state-owned fuel storage tanks, and for the clean-up of fuel storage sites where leakage has occurred. The plan and funding proposal shall be submitted to the governor no later than December 1, 1989.

(d) To develop and implement a state-wide motor vehicle fuel purchase, distribution, and accounting system to be used by all state agencies and their employees. The director may exempt agencies from participation in the system if the director determines that participation interferes with the statutory duties of the agency.

(e) To establish minimum standards and requirements for the content and frequency of safe driving instruction for state employees operating state-owned passenger motor vehicles, which shall include consideration of employee driving records. In carrying out this requirement, the department shall consult with other agencies that have expertise in this area.

(f) To develop a schedule, after consultation with the state motor vehicle advisory committee and affected state agencies, for state employees to participate in safe driving instruction.

(g) To require all state employees to provide proof of a valid Washington state driver's license prior to operating a state-owned passenger vehicle.

(h) To develop standards for the efficient and economical replacement of all categories of passenger motor vehicles used by state agencies and provide those standards to state agencies and the office of financial management.

(i) To develop and implement a uniform system and standards to be used for the marking of passenger motor vehicles as state-owned vehicles as provided for in RCW 46.08.065. The system shall be designed to enhance

the resale value of passenger motor vehicles, yet ensure that the vehicles are clearly identified as property of the state.

(j) To develop and implement other programs to improve the performance, efficiency, and cost-effectiveness of passenger motor vehicles owned and operated by state agencies.

(k) To consult with state agencies and institutions of higher education in carrying out sections 1 through 5 of this act.

(2) The director shall establish an operational unit within the department to carry out subsection (1) of this section. The director shall employ such personnel as are necessary to carry out sections 1 through 5 of this act. Not more than three employees within the unit may be exempt from chapter 41.06 RCW.

(3) No later than December 31, 1992, the director shall report to the governor and appropriate standing committees of the legislature on the implementation of programs prescribed by this section, any cost savings and efficiencies realized by their implementation, and recommendations for statutory changes.

NEW SECTION. Sec. 4. (1) The state motor vehicle advisory committee is created. The committee shall consist of not more than fifteen members appointed by the director. The governor shall designate the chair of the committee. Membership on the committee shall include representatives of state agencies, institutions of higher education, and the private sector. Any private sector member appointed to the committee shall have expertise in motor vehicle management.

(2) The committee shall advise the director on policies, procedures, standards, and implementation of programs required by sections 1 through 5 of this act. The director shall provide such staff assistance as is necessary for the operation of the committee.

(3) Members of the committee shall be reimbursed for travel expenses to attend meetings of the committee in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. The motor transport account shall be used to pay the costs of carrying out the programs provided for in sections 1 through 5 of this act, unless otherwise specified by law. The director of general administration may recover the costs of the programs by billing agencies that own and operate passenger motor vehicles on the basis of a per vehicle charge. The director of general administration, after consultation with affected state agencies and recommendation of the motor vehicle advisory committee, shall establish the rates. All rates shall be approved by the director of financial management. The proceeds generated by these charges shall be used solely to carry out sections 1 through 5 of this act.

Sec. 6. Section 11, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.605 are each amended to read as follows:

No cash reimbursement shall be made to agencies for property transferred under RCW 43.19.600 to the extent that such property was originally acquired without cost or was purchased from general fund appropriations. The value of such property shall be entered upon the accounts of the motor transport account as an amount due the agency from which the vehicle was transferred. For such property purchased from dedicated, revolving, or trust funds, the value at the time of transfer shall also be entered upon the accounts of the motor transport account as an amount due the agency and fund from which the vehicle transferred was purchased and maintained. If surplus funds are available in the motor transport account, the agency may be paid all or part of the amount due to the dedicated, revolving, or trust fund concerned. Otherwise, the credit for the amount due shall be applied proportionately over the remaining undepreciated life of such property. The prorated credits shall be applied monthly by the director of general administration against any monthly or other charges for motor vehicle transportation services rendered the agency.

To the extent surplus funds are available in the motor transport account, the (~~automotive policy board~~) director of general administration may direct a cash reimbursement to a dedicated, revolving, or trust fund where an amount due such a fund will not be charged off to services rendered by the department of general administration within a reasonable time.

Any disagreement between the supervisor of motor transport and an agency as to the amount of reimbursement to which it may be entitled shall be resolved by the director of general administration (~~with the advice and consent of the automotive policy board~~).

Sec. 7. Section 14, chapter 167, Laws of 1975 1st ex. sess. as amended by section 103, chapter 151, Laws of 1979 and RCW 43.19.620 are each amended to read as follows:

The director of general administration, through the supervisor of motor transport, shall adopt, promulgate, and enforce such regulations as may be deemed necessary to accomplish the purpose of RCW 43.19.560 through 43.19.630, 43.41.130, and 43.41.140. Such regulations, in addition to other matters, shall provide authority for any agency director or his delegate to approve the use on official state business of personally owned or commercially owned rental passenger motor vehicles. Before such an authorization is made, it must first be reasonably determined that state owned passenger vehicles or other suitable transportation is not available at the time or location required or that the use of such other transportation would not be conducive to the economical, efficient, and effective conduct of business.

Such regulations shall be consistent with and shall carry out the objectives of the general policies and guidelines adopted by the office of financial management pursuant to RCW 43.41.130(~~(, after approval by the automotive policy board)~~).

Sec. 8. Section 16, chapter 167, Laws of 1975 1st ex. sess. as amended by section 104, chapter 151, Laws of 1979 and RCW 43.19.630 are each amended to read as follows:

RCW 43.19.560 through 43.19.620, 43.41.130, and 43.41.140 shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor, where permitted under state travel policies, rules, and regulations promulgated by the office of financial management (~~((after concurrence of the automotive policy board))~~), and where such use is in the interest of economic, efficient, and effective management and performance of official state business.

Sec. 9. Section 46.08.065, chapter 12, Laws of 1961 as amended by section 1, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.08.065 are each amended to read as follows:

(1) It (~~((shall be))~~) is unlawful for any public officer having charge of any vehicle (~~((other than a motorcycle))~~) owned or controlled by any county, city, town, or public body in this state other than the state of Washington and used in public business to operate the same upon the public highways of this state unless and until there shall be displayed upon such automobile or other motor vehicle in letters of contrasting color not less than one and one-quarter inches in height in a conspicuous place on the right and left sides thereof, the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the said vehicle is used. This section shall not apply to vehicles of a sheriff's office, local police department, or any vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes. This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing public mass transportation; (b) any vehicle governed by the requirements of subsection (4) of this section; nor to ~~((b))~~ (c) any motor vehicle on loan to a school district for driver training purposes. It shall be lawful and constitute compliance with the provisions of this section, however, for the governing body of the appropriate county, city, town, or public body other than the state of Washington or its agencies to adopt and use a distinctive insignia which shall be not less than six inches in diameter across its smallest dimension and which shall be displayed conspicuously on the right and left sides of the vehicle. Such insignia shall be in a color or colors contrasting with the vehicle to which applied for maximum visibility. The name of the public body owning or operating the vehicle shall also be included as part of or displayed above such approved insignia in colors contrasting with the vehicle in letters not less than one and one-quarter inches in height. Immediately below the lettering identifying the public entity and agency operating the vehicle or below an approved insignia shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle. The appropriate governing body may provide by rule or ordinance for marking of passenger

motor vehicles as prescribed in subsection (2) of this section or for exceptions to the marking requirements for local governmental agencies for the same purposes and under the same circumstances as permitted for state agencies under ((subsections (4) and (5))) subsection (3) of this section.

~~(2) ((Except as provided by subsections (3), (4), or (5) of this section, every state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature shall plainly and conspicuously mark the right and left front doors of each motor vehicle other than a motorcycle under its ownership or control which is used on any public road or street with the name of the operating department, agency, or institution (or the words "state motor pool" as appropriate) in letters at least one and one-quarter inches high of a color contrasting with the color of the vehicle. Immediately below such lettering and also in a contrasting color shall appear the official seal of the state of Washington, the size of which shall be not less than six inches in diameter. Immediately below the official seal, or insignia if authorized under subsection (3) of this section, shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle.~~

~~(3) The department of general administration, with the consent of the automotive policy board, may approve the use of a distinctive departmental, office, agency, institutional, or commission insignia in lieu of the state seal required under subsection (2) of this section. Such insignia, if approved, shall be in a color or colors contrasting with the vehicle to which applied and shall be not less than six inches in diameter or across its smallest dimension. The words "State of Washington" shall be included as part of or displayed above such approved insignia in a color contrasting with the vehicle in letters not less than one and one-quarter inches in height.~~

~~(4) Any distinctive departmental, office, agency, institutional, or commission insignia approved for marking of state vehicles by the state commission on equipment on or before January 1, 1975, shall be approved for continued use if it conforms to the standards imposed by subsections (2) and (3) of this section:~~

(5) Subsections (2) and (3)) Except as provided by subsections (3) and (4) of this section, passenger motor vehicles, as defined in section 2 of this act, owned or controlled by the state of Washington, and purchased after the effective date of this act, must be plainly and conspicuously marked on the lower left-hand corner of the rear window with the name of the operating agency or institution or the words "state motor pool," as appropriate, the words "state of Washington — for official use only," and the seal of the state of Washington or the appropriate agency or institution insignia, approved by the department of general administration. Markings must be on a transparent adhesive material and conform to the standards established by the department of general administration under section 3(1) of this act.

(3) Subsection (2) of this section shall not apply to vehicles used by the Washington state patrol for general undercover or confidential investigative purposes. Traffic control vehicles of the Washington state patrol may be exempted from the requirements of subsection((s)) (2) ~~((and (3)))~~ of this section at the discretion of the chief of the Washington state patrol. The department of general administration ~~((, with the consent of the automotive policy board, shall promulgate))~~ shall adopt general rules ~~((and regulations))~~ permitting other exceptions to the requirements of subsection((s)) (2) ~~((and (3)))~~ of this section for other vehicles used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes, for vehicles leased or rented by the state on a casual basis for a period of less than ninety days, and those provided for in RCW 46.08.066(3). The exceptions in this subsection, subsection (4) of this section, and those provided for in RCW 46.08.066(3) shall be the only exceptions permitted to the requirements of subsection((s)) (2) ~~((and (3)))~~ of this section.

~~((6))~~ (4) Any motorcycle, vehicle over 10,000 pounds gross vehicle weight, or other vehicle that for structural reasons cannot be marked as required by subsection (1) or (2) of this section that is owned or controlled by the state of Washington or by any county, city, town, or other public body in this state and used for public purposes on the public highways of this state shall be conspicuously marked in letters of a contrasting color with the words "State of Washington" or the name of such county, city, town, or other public body, together with the name of the department or office ~~((upon the business of which the motorcycle is used))~~ that owns or controls the vehicle.

~~((7))~~ (5) All motor vehicle markings required under the terms of this chapter shall be maintained in a legible condition at all times.

NEW SECTION. Sec. 10. Sections 1 through 5 of this act are each added to chapter 43.19 RCW.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

Passed the House March 13, 1989.

Passed the Senate April 4, 1989.

Approved by the Governor April 19, 1989.

Filed in Office of Secretary of State April 19, 1989.