

# SENATE BILL No. 204

March 12, 2015, Introduced by Senators SCHUITMAKER, COLBECK, BRANDENBURG, O'BRIEN, JONES, KNOLLENBERG, BOOHER and ROBERTSON and referred to the Committee on Judiciary.

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 213 and 215 (MCL 18.1213 and 18.1215), section 213 as amended by 2006 PA 269 and section 215 as amended by 1988 PA 504.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 213. (1) As used in this section:

2       (a) "Fund" means the motor transport revolving fund created in  
3 subsection (4).

4       (b) "Motor vehicle" means a passenger vehicle, van, minibus,  
5 bus, truck, tractor, or other motorized vehicle.

6       (2) The department may issue directives relative to all the  
7 following for motor vehicles except for ~~these~~ motor vehicles under  
8 the jurisdiction of the state transportation department:

9       (a) The purchasing, leasing, maintaining, operating,

1 replacing, and disposing of motor vehicles for all state agencies.

2 (b) The using of state owned motor vehicles for official  
3 business.

4 (c) The establishing of conditions for use of privately owned  
5 motor vehicles on official business.

6 (d) The acquiring of vehicle registration plates.

7 (e) The maintaining of motor vehicle titles and insurance  
8 inventories.

9 (f) The assigning of motor vehicles, permanently or  
10 temporarily, to state agencies and to institutions of higher  
11 education.

12 (g) The establishing of rates to be charged for use of a motor  
13 vehicle. The rates shall be reviewed periodically and shall be  
14 sufficient to cover the costs of administration and of the  
15 acquisition, operation, maintenance, repair, and replacement of  
16 motor vehicles.

17 (h) The displaying of distinctive vehicle registration plates  
18 and other external markings on the motor vehicles. The plates and  
19 markings shall clearly identify state ownership unless the motor  
20 vehicle is used by an elected official, or for an investigative  
21 use, or anonymity is essential to properly perform a necessary  
22 function of state government as determined by the director.

23 (3) The department shall establish motor vehicle repair  
24 centers and motor pools.

25 (4) The motor transport revolving fund is hereby created. The  
26 revenue received from rates charged ~~pursuant to~~ **UNDER** subsection  
27 (2)(g) and revenue ~~which~~ **THAT** is received from any other source and

1 designated to be credited to the motor transport revolving fund  
2 shall be credited to the motor transport revolving fund. The  
3 amounts in the fund are continuously appropriated only for  
4 administration and the acquisition, lease, operation, maintenance,  
5 repair, and replacement of state owned motor vehicles and related  
6 capital outlay and equipment.

7 (5) Assets and liabilities of the motor transport revolving  
8 fund shall be considered assets and liabilities of the motor  
9 transport revolving fund created by this section.

10 (6) Not later than January 1, 2007, the director shall install  
11 the necessary fueling infrastructure or contract with a supplier to  
12 supply alternative fuels at all state motor transport facilities so  
13 that all state owned vehicles capable of utilizing alternative  
14 fuels are able to use them. As used in this subsection,  
15 "alternative fuel" means E85 fuel and biodiesel fuel blends.

16 **(7) A STATE EMPLOYEE WHO REMOVES OR CONCEALS DISTINCTIVE**  
17 **REGISTRATION PLATES OR OTHER EXTERNAL MARKINGS THAT CLEARLY**  
18 **IDENTIFY STATE OWNERSHIP OF A MOTOR VEHICLE ASSIGNED TO THAT**  
19 **EMPLOYEE IN VIOLATION OF A DIRECTIVE ISSUED UNDER SUBSECTION (2) (H)**  
20 **IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE**  
21 **THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH. THIS**  
22 **SUBSECTION DOES NOT APPLY TO A STATE EMPLOYEE WHOSE ASSIGNED MOTOR**  
23 **VEHICLE IS NOT MARKED BECAUSE THE MOTOR VEHICLE IS FOR**  
24 **INVESTIGATIVE USE OR BECAUSE ANONYMITY IS ESSENTIAL TO PROPERLY**  
25 **PERFORM A NECESSARY FUNCTION OF STATE GOVERNMENT AS DETERMINED BY**  
26 **THE DIRECTOR.**

27 Sec. 215. (1) As used in this section, "motor vehicle" means a

1 motor vehicle ~~which is~~ **AS** defined in section 213(1) ~~and~~ **THAT** is  
2 owned by any of the following:

3 (a) The state transportation department.

4 (b) The department of natural resources.

5 (2) A motor vehicle and the person to whom a motor vehicle is  
6 assigned is subject to the following restrictions:

7 (a) An unclassified employee who is a director of a principal  
8 department or of a state agency, as determined by the director of  
9 the department of management and budget, may be assigned a motor  
10 vehicle. A person who is assigned a motor vehicle ~~pursuant to~~ **UNDER**  
11 this subdivision may utilize the motor vehicle between the person's  
12 residence and official work station.

13 (b) A state employee who may not be assigned a motor vehicle  
14 pursuant to subdivision (a) may be assigned a motor vehicle ~~which~~  
15 **THAT** may be utilized between the person's residence and official  
16 work station only if both of the following conditions are  
17 satisfied:

18 (i) Adequate or safe work station parking is nonexistent;  
19 technical equipment on or in the motor vehicle requires a secure  
20 parking area which is not available at the person's work station;  
21 or it is in the best interest of the state to occasionally begin or  
22 end the assignment of the motor vehicle at the employee's  
23 residence.

24 (ii) The residence-to-official work station utilization is  
25 approved by the director of the employee's principal department or  
26 the authorized representative of the director of the employee's  
27 principal department.

1 (c) Except as provided in subdivisions (a) and (b), a person  
2 may utilize a motor vehicle for nonduty use only when the employee  
3 is on assignment away from the person's work station where other  
4 transportation is not available.

5 (d) The value of all mileage driven in a motor vehicle shall  
6 be recorded in accordance with regulations issued by the internal  
7 revenue service and directives issued by the department.

8 (e) A motor vehicle shall not be used for personal use.

9 **(3) A STATE EMPLOYEE WHO REMOVES OR CONCEALS DISTINCTIVE**  
10 **REGISTRATION PLATES OR OTHER EXTERNAL MARKINGS THAT CLEARLY**  
11 **IDENTIFY STATE OWNERSHIP OF A MOTOR VEHICLE ASSIGNED TO THAT**  
12 **EMPLOYEE UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE**  
13 **BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE**  
14 **THAN \$1,000.00, OR BOTH. THIS SUBSECTION DOES NOT APPLY TO A STATE**  
15 **EMPLOYEE WHOSE ASSIGNED MOTOR VEHICLE IS NOT MARKED BECAUSE THE**  
16 **MOTOR VEHICLE IS FOR INVESTIGATIVE USE OR BECAUSE ANONYMITY IS**  
17 **ESSENTIAL TO PROPERLY PERFORM A NECESSARY FUNCTION OF STATE**  
18 **GOVERNMENT AS DETERMINED BY THE DIRECTOR.**

19 Enacting section 1. This amendatory act takes effect 90 days  
20 after the date it is enacted into law.