

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.*