

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1326

By: Covey

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 151, 156.3, as amended by Section 1, Chapter 116, O.S.L. 1994, 156.4, 159.9 and 159.10 (47 O.S. Supp. 2000, Section 156.3), which relate to state-owned vehicles; authorizing Department of Public Safety to designate patrol units in certain manner; authorizing certain agencies to have unmarked cars for undercover use; modifying reference; removing certain requirements regarding lettering; amending 74 O.S. 1991, Sections 78 and 78a, which relate to fleet management and purchase of vehicles by Central Services; modifying references; specifying duties for certain individuals; modifying information to be provided by agencies under certain circumstances; repealing 47 O.S. 1991, Sections 152, 159.1, 159.3, 159.4, 159.5, 159.6 and 159.8, which relate to state-owned automobiles; providing for recodification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 1991, Section 151, is amended to read as follows:

Section 151. A. ~~On each side of every state-owned automobile A~~
state agency that owns vehicles shall ~~be painted~~ affix the words "State of Oklahoma" ~~in conspicuous letters at least three (3) inches in height~~ and the name of the department or institution ~~by which said automobile is used~~ that owns or leases the vehicle in conspicuous letters ~~at least two (2) inches in height, except that.~~

B. 1. In lieu of the provisions of subsection A of this section, Department of Public Safety vehicles used regularly as patrol units shall be distinctively painted black and white and shall bear the wording "Oklahoma Highway Patrol" on each side of the vehicle in letters of such size as to be easily distinguishable, it

being the purpose and intention of the Legislature that said patrol units shall be marked in the future in the same manner as those now in use.

2. The Commissioner of Public Safety ~~is hereby authorized to~~ may designate colors and markings, in lieu of those authorized by the provisions of this section, for patrol units used for patrol purposes and for selective traffic law enforcement.

~~B. Vehicles purchased by the~~ C. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control vehicles for use in undercover investigations and ~~vehicles purchased by the~~ Oklahoma State Bureau of Investigation vehicles shall not be subject to the provisions of this section.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 156.3, as amended by Section 1, Chapter 116, O.S.L. 1994 (47 O.S. Supp. 2000, Section 156.3), is amended to read as follows:

Section 156.3 A. This act, Section 151 et seq. of this title, shall not apply to and shall not be so construed as prohibiting the purchase and use of trucks or pickups by state ~~departments,~~ ~~institutions or~~ agencies when ~~such~~ the trucks or pickups are necessary for the performance of ~~their~~ official duties, ~~provided that all such trucks~~ of the state agency.

B. Trucks and pickups owned and operated by the Department of Transportation shall be painted either yellow or white, and ~~all state-owned motor vehicles,~~ except as otherwise provided ~~for~~ by law, shall be plainly marked, ~~in letters not less than two (2) inches in height,~~ with the words "State of Oklahoma" followed by the name of the ~~appropriate department, institution or agency operating such~~ vehicle.

~~B.~~ C. The provisions of this section shall not be construed to permit the purchase of any motor vehicle of ten thousand (10,000) pounds or less gross vehicle weight.

~~C. D.~~ All acquisitions of any motor vehicle of ten thousand (10,000) pounds or less gross vehicle weight shall be approved by the Director of the Department of Central Services as provided for in Section 78a of Title 74 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 156.4, is amended to read as follows:

Section 156.4 ~~The Division of~~ A. A state agency shall notify ~~the~~ Fleet Management Division of the ~~Office of Public Affairs~~ shall ~~be notified~~ Department of Central Services not less than thirty (30) days prior to any vehicle ~~purchase or~~ disposal by ~~any~~ the state board, ~~commission, department, or institution whether or not exempt from the Oklahoma Central Purchasing Act~~ agency.

~~No~~ B. A state agency shall not dispose of a passenger car, truck, pickup, or other vehicle ~~purchased by any~~ the state board, ~~commission, department, or institution shall be sold or disposed of unless~~ agency owns until it has been in use for sixty thousand (60,000) miles or at least twenty-four (24) months have elapsed since the day the claim was approved for the payment thereof, unless the vehicle has damage ~~of~~ and repairs that will exceed Two Thousand Five Hundred Dollars (\$2,500.00) ~~or more, or unless written permission to dispose of the vehicle is given by the Division of Director of the~~ Fleet Management Division of the ~~Office of Public Affairs~~ Department of Central Services provides written authorization for disposal.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 159.9, is amended to read as follows:

Section 159.9 A. There is hereby created a special fund to be designated the "~~State Motor Pool~~ Fleet Management Fund". The ~~said~~ fund may be appropriated for and ~~may be~~ used for the acquisition, leasing, operation, storage, maintenance, repair and replacement of motor vehicles under the control of the ~~State Motor Pool~~ Fleet Management Division, the payment of insurance premiums, and the

payment of the administrative expenses of the Division in connection with the operation of the motor pool.

B. At the end of each month the Division shall render a statement, on such reasonable basis of mileage or rental as shall be established by the Division, to all state agencies ~~and departments~~ to which transportation has been furnished, and all amounts collected shall be deposited to the credit of the "State Motor Pool Fleet Management Fund".

~~Any proceeds~~ C. Proceeds from the ~~sale or~~ disposition of motor vehicles or other property owned by the Division shall be deposited to the credit of the ~~said~~ fund.

D. The ~~State Motor Pool~~ Fleet Management Division is authorized to maintain a petty cash fund in such amount not exceeding ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00) as is necessary in the opinion of the ~~Director~~ Fleet Management Director. Any such cash disbursement shall be made only by the persons so designated by the Fleet Management Director, and only in the payment of claims authorized by law. Such proofs and receipts shall be presented by the person making a claim as is required by the Fleet Management Director.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 159.10, is amended to read as follows:

Section 159.10 The ~~State Motor Pool~~ Fleet Management Division shall furnish to the Governor at the close of each fiscal year a statement showing the financial condition of the ~~said~~ Division, an inventory of all motor vehicles under its control, and such other information regarding the state motor vehicle transportation system as is necessary for a proper understanding of the operation of such system and of the financial condition of the motor pool operations.

SECTION 6. AMENDATORY 74 O.S. 1991, Section 78, is amended to read as follows:

Section 78. A. There is hereby created and established within the ~~Office of Public Affairs~~ Department of Central Services, the ~~Division of Fleet Management~~ Division. The ~~purpose of the~~ Division shall ~~be to~~ provide oversight and ~~direction~~ advice to state agencies that own ~~and,~~ operate and utilize motor vehicles.

B. The ~~Division~~ Director of Central Services shall be ~~administered by:~~

1. Appoint and fix duties and compensation for a Fleet Manager who shall be ~~appointed by the Executive Director of the Office of Public Affairs~~ serve as the administrative head of the division;

2. Hire personnel as necessary to provide fleet management services to state agencies;

3. Acquire facilities to maintain vehicles; and

4. Promulgate rules for efficient and economical operations to provide fleet management services to state agencies.

C. The ~~Division of Fleet Management~~ rules shall include provisions to:

1. ~~Provide oversight of the fleet management practices of all state agencies.~~

2. ~~Establish uniform written vehicle acquisition and disposal standards for use by all state agencies to justify actual need for vehicles;~~

2. Establish standards for routine vehicle inspection and maintenance;

3. ~~Develop~~ Provide minimum standards for ~~proper~~ recordkeeping of fleet operation, maintenance, and repair costs for use by all state agencies, and ~~require all state agencies to report such records~~ report the data to the ~~Division of Fleet Management~~ Division on a monthly basis;~~i~~

4. ~~Determine the feasibility of contracting with a national vehicle maintenance account program, for state vehicles not being serviced and maintained by state facilities.~~

~~5. Review and make recommendations to state agencies on fleet management programs.~~

6. Provide standards and utilize methods for disposal of vehicles pursuant to the Oklahoma Surplus Property Act and any other applicable state laws; and

5. Address any other matter or practice which relates to the responsibilities of the Director of Central Services.

D. The Fleet Manager shall:

1. Develop specifications for contracts for vehicle maintenance for state vehicles not serviced or maintained by state agencies;

2. Conduct on-site inspections to verify state agency or supplier compliance with Division ~~recommendations.~~ standards for inspections, maintenance and recordkeeping;

3. Assess state agency needs for vehicles and types of vehicles;

4. Assign, transfer or lease vehicles to a state agency to meet the needs of the state agency;

5. Unless otherwise provided by law, determine whether a state agency may use or operate a vehicle without state identifying markings, bearing a license plate used by a privately owned vehicle to perform the duties of the state agency without hindrance; and

~~7. Report to~~ 6. Provide, upon the request of the Governor and, the Joint Committee on Fiscal Operations, or their assigned representatives, all agency decisions made in contravention of recommendations by President Pro Tempore of the Senate or the Speaker of the House of Representatives, reports from data the Fleet Manager collects.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 78a, is amended to read as follows:

Section 78a. A. ~~All~~ State agencies ~~intending~~ with authority to ~~purchase own~~ motor vehicles shall submit ~~an application in writing a requisition~~ to the Director of ~~the Office of Public Affairs~~ Central

Services prior to acquisition of a motor vehicle. The ~~application~~ requisition shall state the type of vehicle ~~requested and its,~~ the intended purpose ~~and shall demonstrate that~~ of the vehicle, a statement that the agency has actual need, for the vehicle, the supplier of the vehicle, that the state agency has sufficient funds to acquire and maintain the vehicle and cite the statutory authority ~~for the purchase~~ of the state agency to acquire a vehicle.

B. The Director of ~~the Office of Public Affairs~~ Central Services shall review the ~~application~~ requisition and approve or deny the request of the state agency within ~~forty-five (45)~~ fifteen (15) days of receipt ~~in~~ by the ~~Office of Public Affairs~~ Director of Central Services. The Director of State Finance shall not approve ~~any~~ a purchase order or claim for a motor vehicle unless the acquisition of the motor vehicle ~~has been~~ was approved by the Director of ~~the Office of Public Affairs~~ Central Services.

~~B.~~ C. The provisions of ~~subsection~~ subsections A and B of this section shall not apply to the Department of Public Safety.

SECTION 8. REPEALER 47 O.S. 1991, Sections 152, 159.1, 159.3, 159.4, 159.5, 159.6 and 159.8, are hereby repealed.

SECTION 9. RECODIFICATION 47 O.S. 1991, Sections 156.4, 159.9 and 159.10, as amended by Sections 3, 4 and 5 of this act, shall be recodified, respectively as Sections 78b, 78c, and 78d of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 10. This act shall become effective November 1, 2001.

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