

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2937

By: Liotta

COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 2001, Section 78, as amended by Section 1, Chapter 511, O.S.L. 2004 (74 O.S. Supp. 2005, Section 78), which relates to the Fleet Management Division; requiring report; requiring certain rules to be promulgated; restricting the use of certain vehicles; requiring the titling of certain vehicles; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 78, as amended by Section 1, Chapter 511, O.S.L. 2004 (74 O.S. Supp. 2005, Section 78), is amended to read as follows:

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

B. The Director of Central Services shall:

1. Appoint and fix duties and compensation for a Fleet Manager who shall 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;

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

5. Report to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate those

agencies that fail to comply with the provisions of law and the rules of the Fleet Management Division regarding submission of reports, vehicle use, and vehicle maintenance.

C. The rules shall include provisions to:

1. Establish uniform written vehicle acquisition, leasing, maintenance, repairs, 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. Provide standards and forms for recordkeeping of fleet operation, maintenance, and repair costs for mandatory use by all state agencies to report the data to the Fleet Management Division on a monthly basis;

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

5. Establish mandatory maintenance contracts throughout the state for all agencies to access for vehicle repairs and service at discounted rates and parts;

6. Require all agencies with in-house repair and service facilities to assign a value to the preventive maintenance services, track those services with a dollar value, and report costs to the Fleet Manager for the prior month no later than the twentieth day following the close of each month;

7. Promulgate rules requiring all state-owned motor vehicles to be marked in a uniform, highly visible manner, except for certain vehicles driven by law enforcement agencies or other agencies requiring confidentiality;

8. Require agencies to produce and maintain written justification for any vehicle that travels fewer than twelve thousand (12,000) miles annually and report to the Fleet Manager such information by October 1 of each year; and

9. 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 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;

6. Report to the Director of Central Services occurrences of agencies failing to comply with the provisions of law and the rules of the Fleet Management Division regarding submission of reports, vehicle use, and vehicle maintenance; ~~and~~

7. Offer guidelines to agencies to assist in determining the most cost-effective and reasonable modes of travel for single trips from the following options: state vehicle, private rental, or mileage reimbursement; and

8. Provide, upon the request of the Governor, the President Pro Tempore of the Senate or the Speaker of the House of Representatives, reports from data the Fleet Manager collects.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 78e of Title 74, unless there is created a duplication in numbering, reads as follows:

A. State-owned motor vehicles shall not be used for commuting purposes between personal residence and work, unless one of the following applies:

1. The vehicle is assigned to an employee who works from the residence of the employee and must travel to multiple locations in the work of the employee;

2. The employee needs to operate a special-use vehicle to perform official state business and is subject to twenty-four-hour call; or

3. The agency director determines there is a compelling benefit to the state and documents in writing that the agency director supports and approves the assignment. Notice shall be provided to the Fleet Management Division by memorandum.

B. Permanently assigned vehicles are dedicated to a single job function or an individual, based on travel needs. State vehicles shall not be permanently assigned to an employee unless one of the following applies:

1. The individual travels more than twelve thousand (12,000) miles per year in the conduct of state business;

2. The job, function, or employee requires special-use vehicles;

3. The job function requires frequent transportation in the performance of specific duties including, but not limited to, mail, delivery, and facility support vehicles; or

4. The agency director determines there is a compelling benefit to the state and documents in writing to the Fleet Management Division that the director supports and approves the assignment.

C. All requirements of documentation to be provided to the Fleet Management Division under this section shall be annually summarized in a report prepared by the Fleet Management Division. The report shall be delivered to the Governor, the Speaker of the

House of Representatives, and the President Pro Tempore of the Senate each year by February 1.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 78f of Title 74, unless there is created a duplication in numbering, reads as follows:

All state-owned motor vehicles shall be titled with the Oklahoma Tax Commission. Titles shall be in the name of the "State of Oklahoma", and agency acronym (e.g., OSBI, DOC, DPS), and the agency three-digit identifying number.

SECTION 4. This act shall become effective July 1, 2006.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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