ENGROSSED SENATE
BILL NO. 545

By: Shurden, Leftwich and Lawler of the Senate

and

Liotta of the House

[state government - Fleet Management Reform Act -

Fleet Management Fund -

effective date]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Fleet Management Reform Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in the Fleet Management Reform Act:

1. "Director" means the Director of Central Services;

2. "Division" means the Fleet Management Division of the Department of Central Services;

3. "Manager" means the Fleet Manager who is the administrative head of the Division;

4. "State agency" means any office, department, agency, board, commission or institution of the State of Oklahoma; and

5. "Vehicle" or "passenger vehicle" means any automobile, truck, station wagon, sports utility vehicle, or bus, but shall not include motor vehicles of more than ten thousand (10,000) pounds gross vehicle weight.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created and established within the Department of Central Services, the Fleet Management Division. The Fleet Management Division shall maintain records regarding the acquisition, lease, maintenance, repair, and disposal of such motor vehicles as shall be necessary in the conduct of the state's business by the various agencies and departments of the state, and shall establish a maintenance program and a motor pool for the common use of the agencies and departments located in Oklahoma City.

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, lease, and dispose of vehicles as necessary in the conduct of the state’s business;

4. Acquire facilities to maintain vehicles;

5. Promulgate uniform rules and policies for acquisition, lease, maintenance, repair and disposal of all state-owned vehicles; and

6. 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.

C. The Fleet Manager shall:

1. Develop specifications for contracts as necessary for the acquisition of state vehicles;

2. Establish maintenance contracts throughout the state for vehicle repairs and service at discounted rates for parts and labor

utilizing the state's purchasing power to the fullest extent possible;

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

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

5. Lease vehicles to state agencies as needed in the furtherance of the missions of agencies;

6. Develop uniform fleet management policies and procedures;

7. Implement a web-based statewide fleet management information system;

8. Explore opportunities to share resources such as maintenance facilities, fueling facilities, and agency pool vehicles among state agencies, and between the state and other public entities;

9. Establish a State Motor Vehicle Advisory Council composed of representatives from state agencies to develop statewide policy recommendations for effective and efficient utilization of all state motor vehicles;

10. Conduct and negotiate contracts for pilot projects as needed to evaluate and test new and innovative fleet management practices;

11. Provide, upon the request of the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director of the Office of State Finance reports from data the Fleet Manager collects; and

12. Furnish to the Office of State Finance at the close of each fiscal year a statement showing the financial condition of the Division, an inventory of all motor vehicles under its control, and such other information regarding the state fleet management system as is necessary for a proper understanding of the operation of such system and of the financial condition of the fleet.

D. The rules and policies adopted pursuant to this section shall:

1. Establish uniform standards for the acquisition, lease, utilization, underutilization, maintenance, recordkeeping and disposal of vehicles;

2. Establish standards for routine vehicle inspection and maintenance;

3. Provide standards and forms for recordkeeping of vehicle maintenance and repair costs for use by all state agencies to report the data to the Division;

4. Provide standards for disposal of vehicles pursuant to the Oklahoma Surplus Property Act and any other applicable state laws, taking into account maintenance costs and resale value;

5. Incorporate applicable federal mandates, including those mandates regarding the acquisition of alternative fueled vehicles;

6. Establish guidelines for determining the most cost-effective and reasonable mode of travel for single trips from the following options: state-owned vehicle, rental vehicle, or mileage reimbursement for use of personal vehicle; and

7. Address any other matter or practice which relates to the responsibilities of the Director or Fleet Manager.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Unless otherwise provided for by law, no state board, commission, department, institution, official, or employee, except the following, shall purchase any passenger automobile or bus:

1. The Department of Public Safety;

2. The Department of Human Services;

3. The State Department of Rehabilitation Services;

4. The Department of Wildlife Conservation;

5. The Department of Corrections;

6. The State Department of Education;

7. The Oklahoma School of Science and Mathematics;

8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

9. The Oklahoma State Bureau of Investigation;

10. The Transportation Commission;

11. The Oklahoma Department of Agriculture, Food, and Forestry;

12. The State Department of Health;

13. The Department of Mental Health and Substance Abuse Services;

14. The J.D. McCarty Center for Children with Developmental Disabilities;

15. The Military Department of the State of Oklahoma;

16. The Oklahoma Tourism and Recreation Department;

17. The Oklahoma Conservation Commission;

18. The Oklahoma Water Resources Board;

19. The Department of Mines;

20. The Office of Juvenile Affairs;

21. The Oklahoma Department of Veterans Affairs;

22. The Supreme Court; and

23. The Alcoholic Beverage Laws Enforcement Commission.

B. 1. The Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, and any state institution of higher education may purchase, own, acquire by lease or gift, and use and maintain such station wagons, automobiles, trucks, or buses as are reasonably necessary for the implementation of the educational programs of such institutions and to maintain the physical assets of the institution.

2. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, and volunteers of such

institutions. The provisions of this section shall not be construed to prohibit:

a. the operation of intercampus buses or buses routed directly between portions of the campus of any institution not adjacent to each other, nor to prohibit the collection of fares from such students, faculty members, employees, or visitors of such institutions sufficient in amount to cover the reasonable cost of such transportation, or

b. the Oklahoma School for the Blind or the Oklahoma School for the Deaf from entering into agreements with local public school districts pursuant to the Interlocal Cooperation Act for the mutual use of the schools' and the districts' vehicles. Such use may include, but is not limited to, the transportation of students from local school districts with students from the Oklahoma School for the Blind or the Oklahoma School for the Deaf in vehicles owned by the Oklahoma School for the Blind or the Oklahoma School for the Deaf when traveling to school-related activities.

C. 1. State agencies with authority to own motor vehicles shall submit a requisition to the Director prior to acquisition of a motor vehicle. The requisition shall state the type of vehicle requested, the purpose for use of the vehicle, the supplier of the vehicle, a statement that the agency has sufficient funds to acquire and maintain the vehicle, the statutory authority of the agency to acquire the vehicle, and any other information requested by the Director.

2. The Director shall review the requisition and approve or deny the request or return the requisition for additional information within fifteen (15) days of receipt. The Director of State Finance shall not approve a purchase order or claim for a

motor vehicle unless the acquisition of the vehicle was approved by the Director.

D. A state agency shall not dispose of a passenger vehicle except as provided by rules promulgated by the Director.

E. The Department of Central Services shall not purchase a vehicle on behalf of any state agency that is without authority to purchase vehicles.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.5 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a revolving fund to be designated the "State Fleet Management Fund". The fund may be used for the acquisition, leasing, operation, storage, maintenance, repair and replacement of motor vehicles under the control of the 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 and expenses the Department of Central Services incurs to support Division operations.

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 to which transportation has been furnished, and all amounts collected shall be deposited to the credit of the fund.

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

D. The Division is authorized to maintain a petty cash fund for automobile parts, supplies and equipment in such amount not exceeding Two Thousand Dollars ($2,000.00) to make immediate cash payments as are required or necessary in the opinion of the Fleet Manager. Any such cash disbursement shall be made only by the persons so designated by the Manager, and only in the payment of

claims authorized by law. The person making the claim shall present such proofs and receipts as are required by the Manager.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.6 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this section, a state agency that owns vehicles shall affix the words "State of Oklahoma" and the name of the state agency to all vehicles owned by the state. The words shall be affixed by bumper sticker or other conspicuous marking.

B. 1. In lieu of the provisions of subsection A of this section, vehicles used regularly as patrol units by the Department of Public Safety 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.

2. The Commissioner of Public Safety 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.

C. The provisions of this section shall not apply to the following vehicles:

1. Vehicles used regularly by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for undercover investigations;

2. Vehicles used regularly by the Oklahoma State Bureau of Investigation;

3. Vehicles used regularly by the Department of Public Safety and so designated by the Commissioner of the Department of Public Safety, except that such vehicles shall not be used for traffic enforcement on a routine basis;

4. Vehicles used regularly by the Department of Mental Health and Substance Abuse Services to provide client services; and

5. Vehicles used regularly by the Alcoholic Beverage Laws Enforcement Commission.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.7 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this section, it shall be unlawful for any state official, officer, or employee to ride to or from the employee's place of residence in a state-owned vehicle, or to use or permit the use of any such vehicle for other personal or private uses. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars ($100.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days or by both and in addition thereto shall be discharged from state employment.

B. The following officials, officers and employees shall be permitted to use a vehicle belonging to the state to provide transportation between the employee's residence and the assigned place of employment, provided that such distance does not exceed seventy-five (75) miles in any round trip or is within the county where the assigned place of employment is located, and between the employee's residence and any location other than the assigned place of employment to which the employee travels in the performance of the employee's official duty:

1. Any employee whose position requires frequent after-hours emergency response;

2. Any employee whose position requires emergency response in a specialized vehicle or a vehicle with specialized equipment;

3. Home-based employees who travel to different work sites on successive days where it is unreasonable for the employee to pick up and drop off the vehicle each day.

C. The following officials, officers and employees shall be permitted to use a vehicle belonging to the state to provide transportation between the employee's residence and the assigned place of employment and between the employee's residence and any location other than the assigned place of employment to which the employee travels in the performance of the employee's official duty:

1. Any employee of the Department of Public Safety, Oklahoma State Bureau of Narcotics and Dangerous Drugs, Oklahoma State Bureau of Investigation, Alcoholic Beverage Laws Enforcement Commission, Oklahoma Horse Racing Commission, Office of the Inspector General within the Department of Human Services or Office of the State Fire Marshal, who is a law enforcement officer or criminalist, Public Information Officer, Special Investigator or Assistant Director of the Oklahoma State Bureau of Investigation, or any employee of a district attorney who is a law enforcement officer;

2. Any employee of the Department of Public Safety who is an employee in the Driver License Examining Division or the Driver Improvement Division or a wrecker inspector/auditor of the Wrecker Services Division as authorized by the Commissioner of the Department of Public Safety;

3. The Director, department heads and other essential employees of the Department of Wildlife Conservation as authorized by the Wildlife Conservation Commission; and

4. Any employee assigned to a temporary specific work location other than the assigned place of employment if such use will result in a monetary savings to the agency, provided that this authorization shall be valid for no more than sixty (60) days.

D. No officer, official or employee shall use a state vehicle for transportation between the employee's residence and the assigned work location unless the employee is authorized, in writing, by the administrative head of the employing agency or a person or entity designated by this section. Such written authorization shall be

provided to the Fleet Manager and shall expire one (1) year from the date it is issued, but may be reissued upon a finding by the administrative head of the agency or a person or entity designated by this section that the justification still exists. The Fleet Manager shall prepare an annual report on the number and types of authorizations issued under this section for the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

E. The Director shall review all provisions for employee use of a state vehicle between the employee's residence and the assigned place of employment and develop new policies to be reviewed and approved by the Governor. Such policies shall be reviewed on an annual basis.

SECTION 8. REPEALER 37 O.S. 2001, Section 507.2, is hereby repealed.

SECTION 9. REPEALER 47 O.S. 2001, Sections 151, 153, 153.1, 155, 156, 156.1 and 156.3, are hereby repealed,

SECTION 10. REPEALER 74 O.S. 2001, Sections 78, 78a, 78b, 78c and 78d, are hereby repealed.

SECTION 11. This act shall become effective November 1, 2005.

Passed the Senate the 2nd day of March, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House
of Representatives