EHB 1927

THE STATE SENATE
Wednesday, April 13, 2005

ENGROSSED

House Bill No. 1927

As Amended

ENGROSSED HOUSE BILL NO. 1927 - By: LIOTTA, DORMAN and NANCE of the House and SHURDEN of the Senate.

[government – Fleet Management Division – Department of Central Services – amending 47 O.S., Section 2-123 – repealing various sections in Titles 37, 47 and 74 – codification – effective date]

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;

(Bold face denotes Committee Amendments)

4. “State agency” means any office, department, agency, board, commission or institution of the State of Oklahoma, including institutions of higher education; 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 Division of Fleet Management. The Fleet Management Division shall control and regulate the acquisition, lease, operation, maintenance, repair, and disposal of such passenger 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 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 for motor pool acquisition, operation, maintenance, and repair for all state-owned vehicles;

6. Conduct a study of fleet management practices in the private and public sector and develop recommendations to create a new centralized fleet management program for the state;

7. 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; and

8. Refuse to approve vehicle acquisitions, lease vehicles or provide any other fleet management services to any state agency that fails to comply with the law or rules of the Fleet Management Division until such time as the agency comes into compliance.

C. The Fleet Manager shall:

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

2. Establish mandatory 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 pilot projects as needed to test new and innovative fleet management practices;

11. Report to the Director 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;

12. 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; and

13. Furnish to the Governor 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 adopted pursuant to this section shall:

1. Establish uniform mandatory 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 operation, maintenance, and repair costs for mandatory use by all state agencies to report the data to the Division;

4. Provide standards and utilize methods 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. No state board, commission, department, institution, official, or employee shall purchase any passenger automobile or bus.

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

D. The Department of Central Services shall not purchase a vehicle on behalf of any state agency that is without authority to purchase vehicles. The Director shall rectify any such past transaction in a manner determined by the Director to be least detrimental to the state.

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 special fund to be designated the "State Fleet Management Fund". The fund may be appropriated for and 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 routine traffic enforcement;

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; and

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 Control, 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 Fleet Manager with the advice of 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 Fleet Manager with the advice of 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 Fleet Manager with the advice of the administrative head of the employing agency or a person or entity designated by this section. Such written authorization 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. AMENDATORY 47 O.S. 2001, Section 2-123, is amended to read as follows:

Section 2-123. A. The Department of Public Safety is hereby authorized to make available for sale ~~used vehicles and~~ used emergency vehicle equipment to any federal, state, county or municipal agency or public school district.

B. The Department of Public Safety is hereby authorized to make available for sale at public auction any ~~used vehicles,~~ used emergency vehicle equipment, and any property forfeited to the Department.

C. The Department of Public Safety shall promulgate rules for the sale and auction of ~~used vehicles,~~ used emergency vehicle equipment, and forfeited property.

SECTION 9. The Department of Central Services shall promulgate administrative rules related to the schedule and procedures for implementing the provisions of this act.

SECTION 10. REPEALER 37 O.S. 2001, Section 507.2, is hereby repealed.

SECTION 11. REPEALER 47 O.S. 2001, Sections 151, 153, as amended by Section 19, Chapter 418, O.S.L. 2004, 153.1, 155, 156, as amended by Section 13, Chapter 22, O.S.L. 2002, 156.1, as last amended by Section 3, Chapter 456, O.S.L. 2003, and 156.3 (47 O.S. Supp. 2004, Sections 153, 156 and 156.1), are hereby repealed.

SECTION 12. REPEALER 74 O.S. 2001, Sections 78, as amended by Section 1, Chapter 511, O.S.L. 2004, 78a, 78b, 78c, as amended by Section 5, Chapter 372, O.S.L. 2003, and 78d (74 O.S. Supp. 2004, Sections 78 and 78c), are hereby repealed.

SECTION 13. This act shall become effective November 1, 2005.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-05 - DO PASS, As Amended.