

CS for SB 545

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THE STATE SENATE
Wednesday, March 2, 2005

Committee Substitute for
Senate Bill No. 545

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 545 - By: SHURDEN 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;

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

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

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

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

18 B. The Director of Central Services shall:

19 1. Appoint and fix duties and compensation for a Fleet Manager
20 who shall serve as the administrative head of the division;

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

- 1 3. Acquire, lease, and dispose of vehicles as necessary in the
2 conduct of the state's business;
- 3 4. Acquire facilities to maintain vehicles;
- 4 5. Promulgate uniform rules and policies for acquisition,
5 lease, maintenance, repair and disposal of all state-owned vehicles;
6 and
- 7 6. Report to the Governor, Speaker of the House of
8 Representatives, and President Pro Tempore of the Senate those
9 agencies that fail to comply with the provisions of law and the
10 rules of the Fleet Management Division.

11 C. The Fleet Manager shall:

- 12 1. Develop specifications for contracts as necessary for the
13 acquisition of state vehicles;
- 14 2. Establish maintenance contracts throughout the state for
15 vehicle repairs and service at discounted rates for parts and labor
16 utilizing the state's purchasing power to the fullest extent
17 possible;
- 18 3. Conduct on-site inspections to verify state agency or
19 supplier compliance with Division standards for inspections,
20 maintenance and recordkeeping;
- 21 4. Assess state agency needs for vehicles and types of
22 vehicles;

- 1 5. Lease vehicles to state agencies as needed in the
2 furtherance of the missions of agencies;
- 3 6. Develop uniform fleet management policies and procedures;
- 4 7. Implement a web-based statewide fleet management information
5 system;
- 6 8. Explore opportunities to share resources such as maintenance
7 facilities, fueling facilities, and agency pool vehicles among state
8 agencies, and between the state and other public entities;
- 9 9. Establish a State Motor Vehicle Advisory Council composed of
10 representatives from state agencies to develop statewide policy
11 recommendations for effective and efficient utilization of all state
12 motor vehicles;
- 13 10. Conduct and negotiate contracts for pilot projects as
14 needed to evaluate and test new and innovative fleet management
15 practices;
- 16 11. Provide, upon the request of the Governor, the President
17 Pro Tempore of the Senate, the Speaker of the House of
18 Representatives, and the Director of the Office of State Finance
19 reports from data the Fleet Manager collects; and
- 20 12. Furnish to the Office of State Finance at the close of each
21 fiscal year a statement showing the financial condition of the
22 Division, an inventory of all motor vehicles under its control, and
23 such other information regarding the state fleet management system

1 as is necessary for a proper understanding of the operation of such
2 system and of the financial condition of the fleet.

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

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

8 2. Establish standards for routine vehicle inspection and
9 maintenance;

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

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

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

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

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

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

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

- 7 1. The Department of Public Safety;
- 8 2. The Department of Human Services;
- 9 3. The State Department of Rehabilitation Services;
- 10 4. The Department of Wildlife Conservation;
- 11 5. The Department of Corrections;
- 12 6. The State Department of Education;
- 13 7. The Oklahoma School of Science and Mathematics;
- 14 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
15 Control;
- 16 9. The Oklahoma State Bureau of Investigation;
- 17 10. The Transportation Commission;
- 18 11. The Oklahoma Department of Agriculture, Food, and Forestry;
- 19 12. The State Department of Health;
- 20 13. The Department of Mental Health and Substance Abuse
21 Services;
- 22 14. The J.D. McCarty Center for Children with Developmental
23 Disabilities;

- 1 15. The Military Department of the State of Oklahoma;
- 2 16. The Oklahoma Tourism and Recreation Department;
- 3 17. The Oklahoma Conservation Commission;
- 4 18. The Oklahoma Water Resources Board;
- 5 19. The Department of Mines;
- 6 20. The Office of Juvenile Affairs;
- 7 21. The Oklahoma Department of Veterans Affairs;
- 8 22. The Supreme Court; and
- 9 23. The Alcoholic Beverage Laws Enforcement Commission.

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

17 2. No bus operated, owned, or used by such educational
18 institutions shall be permitted to carry any person other than
19 students, faculty members, employees, and volunteers of such
20 institutions. The provisions of this section shall not be construed
21 to prohibit:

22 a. the operation of intercampus buses or buses routed
23 directly between portions of the campus of any

1 institution not adjacent to each other, nor to
2 prohibit the collection of fares from such students,
3 faculty members, employees, or visitors of such
4 institutions sufficient in amount to cover the
5 reasonable cost of such transportation, or
6 b. the Oklahoma School for the Blind or the Oklahoma
7 School for the Deaf from entering into agreements with
8 local public school districts pursuant to the
9 Interlocal Cooperation Act for the mutual use of the
10 schools' and the districts' vehicles. Such use may
11 include, but is not limited to, the transportation of
12 students from local school districts with students
13 from the Oklahoma School for the Blind or the Oklahoma
14 School for the Deaf in vehicles owned by the Oklahoma
15 School for the Blind or the Oklahoma School for the
16 Deaf when traveling to school-related activities.

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

1 acquire the vehicle, and any other information requested by the
2 Director.

3 2. The Director shall review the requisition and approve or
4 deny the request or return the requisition for additional
5 information within fifteen (15) days of receipt. The Director of
6 State Finance shall not approve a purchase order or claim for a
7 motor vehicle unless the acquisition of the vehicle was approved by
8 the Director.

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

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

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

17 A. There is hereby created a revolving fund to be designated
18 the "State Fleet Management Fund". The fund may be used for the
19 acquisition, leasing, operation, storage, maintenance, repair and
20 replacement of motor vehicles under the control of the Fleet
21 Management Division; the payment of insurance premiums; and the
22 payment of the administrative expenses of the Division in connection

1 with the operation of the motor pool and expenses the Department of
2 Central Services incurs to support Division operations.

3 B. At the end of each month, the Division shall render a
4 statement, on such reasonable basis of mileage or rental as shall be
5 established by the Division, to all state agencies to which
6 transportation has been furnished, and all amounts collected shall
7 be deposited to the credit of the fund.

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

11 D. The Division is authorized to maintain a petty cash fund for
12 automobile parts, supplies and equipment in such amount not
13 exceeding Two Thousand Dollars (\$2,000.00) to make immediate cash
14 payments as are required or necessary in the opinion of the Fleet
15 Manager. Any such cash disbursement shall be made only by the
16 persons so designated by the Manager, and only in the payment of
17 claims authorized by law. The person making the claim shall present
18 such proofs and receipts as are required by the Manager.

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

22 A. Except as otherwise provided in this section, a state agency
23 that owns vehicles shall affix the words "State of Oklahoma" and the

1 name of the state agency to all vehicles owned by the state. The
2 words shall be affixed by bumper sticker or other conspicuous
3 marking.

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

9 2. The Commissioner of Public Safety may designate colors and
10 markings, in lieu of those authorized by the provisions of this
11 section, for patrol units used for patrol purposes and for selective
12 traffic law enforcement.

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

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

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

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

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

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

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

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

18 B. The following officials, officers and employees shall be
19 permitted to use a vehicle belonging to the state to provide
20 transportation between the employee's residence and the assigned
21 place of employment, provided that such distance does not exceed
22 seventy-five (75) miles in any round trip or is within the county
23 where the assigned place of employment is located, and between the

1 employee's residence and any location other than the assigned place
2 of employment to which the employee travels in the performance of
3 the employee's official duty:

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

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

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

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

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

1 the Oklahoma State Bureau of Investigation, or any employee of a
2 district attorney who is a law enforcement officer;

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

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

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

15 D. No officer, official or employee shall use a state vehicle
16 for transportation between the employee's residence and the assigned
17 work location unless the employee is authorized, in writing, by the
18 administrative head of the employing agency or a person or entity
19 designated by this section. Such written authorization shall be
20 provided to the Fleet Manager and shall expire one (1) year from the
21 date it is issued, but may be reissued upon a finding by the
22 administrative head of the agency or a person or entity designated
23 by this section that the justification still exists. The Fleet

1 Manager shall prepare an annual report on the number and types of
2 authorizations issued under this section for the Governor, the
3 President Pro Tempore of the Senate, and the Speaker of the House of
4 Representatives.

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

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

12 SECTION 9. REPEALER 47 O.S. 2001, Sections 151, 153,
13 153.1, 155, 156, 156.1 and 156.3, are hereby repealed,

14 SECTION 10. REPEALER 74 O.S. 2001, Sections 78, 78a,
15 78b, 78c and 78d, are hereby repealed.

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO
18 PASS, As Amended and Coauthored.