

1 ENGROSSED HOUSE  
2 BILL NO. 2610

By: Liebmann and Tibbs of the  
House

3 and

4 Branam of the Senate  
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8 An Act relating to state government; amending 74 O.S.  
9 2001, Sections 78, as last amended by Section 1,  
10 Chapter 371, O.S.L. 2009 and 78a, as amended by  
11 Section 16, Chapter 454, O.S.L. 2009 (74 O.S. Supp.  
2009, Sections 78 and 78a), which relate to fleet  
management; modifying which agencies are exempted;  
and providing an effective date.

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

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SECTION 1. AMENDATORY 74 O.S. 2001, Section 78, as last

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amended by Section 1, Chapter 371, O.S.L. 2009 (74 O.S. Supp. 2009,

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Section 78), is amended to read as follows:

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Section 78. A. There is hereby created and established within

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the Department of Central Services, the Fleet Management Division.

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The Division shall provide oversight of and advice to state agencies

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that own, operate and utilize motor vehicles, except for the

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Department of Public Safety, the Department of Transportation, the

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Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and

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1 the Oklahoma State Bureau of Investigation, ~~and The Oklahoma State~~  
2 ~~System of Higher Education.~~

3 B. The Director of Central Services shall:

- 4 1. Appoint and fix duties and compensation for a Fleet Manager  
5 who shall serve as the administrative head of the division;
- 6 2. Hire personnel as necessary to provide fleet services;
- 7 3. Acquire facilities to maintain vehicles;
- 8 4. Construct, install, acquire, operate and provide alternative  
9 fueling infrastructure for use by state agencies and political  
10 subdivisions of the state or for leasing and transferring to  
11 political subdivisions;
- 12 5. Promulgate rules for efficient and economical operations to  
13 provide fleet services; and
- 14 6. Report to the Governor, Speaker of the House of  
15 Representatives, and President Pro Tempore of the Senate those  
16 agencies that fail to comply with the provisions of law and the  
17 rules of the Fleet Management Division regarding submission of  
18 reports, vehicle use, and vehicle maintenance.

19 C. The rules shall include provisions to:

- 20 1. Establish uniform written vehicle acquisition, leasing,  
21 maintenance, repairs, and disposal standards for use by all state  
22 agencies to justify actual need for vehicles;
- 23 2. Establish standards for routine vehicle inspection and  
24 maintenance;

1           3. Provide standards and forms for recordkeeping of fleet  
2 operation, maintenance, and repair costs for mandatory use by all  
3 state agencies to report the data to the Fleet Management Division  
4 on a monthly basis;

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

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

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

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

20           8. Require agencies to produce and maintain written  
21 justification for any vehicle that travels fewer than twelve  
22 thousand (12,000) miles annually and report to the Fleet Manager  
23 such information by October 1 of each year; and  
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1 9. Address any other matter or practice which relates to the  
2 responsibilities of the Director of Central Services.

3 D. The Fleet Manager shall:

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

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

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

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

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

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

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

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

4 E. The Director of Central Services may enter into agreements  
5 with any political subdivision of this state for the purpose of  
6 providing fleet services established by the Fleet Management  
7 Division pursuant to this section and rules promulgated pursuant to  
8 this section.

9 F. The Director of Central Services, through the Fleet  
10 Management Division, may enter into partnership agreements with  
11 political subdivisions and private entities for the purposes of  
12 applying for, participating in, and administering federal grant  
13 funds. The partnership agreements and activities authorized in this  
14 subsection are hereby declared to be a public purpose.

15 G. The Department may offer public access to alternative  
16 fueling infrastructure owned and operated by the Department in areas  
17 of the state in which access to an alternative fueling  
18 infrastructure is not readily available to the public. The  
19 Department shall cease allowing public access to an alternative  
20 fueling infrastructure operated by the Department if a privately  
21 owned alternative fueling infrastructure locates within a five-mile  
22 radius of the infrastructure operated by the Department.

23 H. When used in relation to the Fleet Management Division:  
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1 1. "Alternative fueling infrastructure" shall mean a fill  
2 station or charge station used to deliver or provide alternative  
3 fuels as defined in Section 130.2 of this title; and

4 2. "Alternative fuel vehicle" shall mean a motor vehicle  
5 originally designed by the manufacturer to operate lawfully and  
6 principally on streets and highways which is propelled by an  
7 alternative fuel as defined in Section 130.2 of this title.

8 SECTION 2. AMENDATORY 74 O.S. 2001, Section 78a, as  
9 amended by Section 16, Chapter 454, O.S.L. 2009 (74 O.S. Supp. 2009,  
10 Section 78a), is amended to read as follows:

11 Section 78a. A. State agencies with authority to own motor  
12 vehicles shall submit a requisition to the Director of Central  
13 Services prior to acquisition of a motor vehicle. The requisition  
14 shall state the type of vehicle, the intended purpose of the  
15 vehicle, a statement that the agency has actual need for the  
16 vehicle, the supplier of the vehicle, that the state agency has  
17 sufficient funds to acquire and maintain the vehicle and cite the  
18 statutory authority of the state agency to acquire a vehicle.

19 B. The Director of Central Services shall review the  
20 requisition and approve or deny the request of the state agency  
21 within fifteen (15) days of receipt by the Director of Central  
22 Services. The Director of State Finance shall not approve a  
23 purchase order or claim for a motor vehicle unless the acquisition  
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1 of the motor vehicle was approved by the Director of Central  
2 Services.

3 C. The provisions of subsections A and B of this section shall  
4 not apply to the Department of Public Safety, the Oklahoma State  
5 Bureau of Narcotics and Dangerous Drugs Control or the Oklahoma  
6 State Bureau of Investigation.

7 D. The provisions of subsections A and B of this section shall  
8 not apply to CompSource Oklahoma if CompSource Oklahoma is operating  
9 pursuant to a pilot program authorized by Sections ~~±~~ 3316 and ~~±~~ 3317  
10 of this ~~act~~ title.

11 SECTION 3. This act shall become effective November 1, 2010.

12 Passed the House of Representatives the 8th day of March, 2010.

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Presiding Officer of the House of  
Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

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Presiding Officer of the Senate

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