

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

Committee Substitute for
House Bill No. 2610

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2610 - By: LIEBMANN of the House.

An Act relating to state government; amending 74 O.S. 2001, Sections 78, as last amended by Section 1, Chapter 371, O.S.L. 2009 and 78a, as amended by 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.

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

- 1 SECTION 1. AMENDATORY 74 O.S. 2001, Section 78, as last amended by
2 Section 1, Chapter 371, O.S.L. 2009 (74 O.S. Supp. 2009, Section 78), is amended to read
3 as follows:
- 4 Section 78. A. There is hereby created and established within the Department of
5 Central Services, the Fleet Management Division. The Division shall provide oversight
6 of and advice to state agencies that own, operate and utilize motor vehicles, except for
7 the Department of Public Safety, the Department of Transportation, the Oklahoma State
8 Bureau of Narcotics and Dangerous Drugs Control and the Oklahoma State Bureau of
9 Investigation, and The Oklahoma State System of Higher Education.
- 10 B. The Director of Central Services shall:

- 1 1. Appoint and fix duties and compensation for a Fleet Manager who shall serve as
2 the administrative head of the division;
- 3 2. Hire personnel as necessary to provide fleet services;
- 4 3. Acquire facilities to maintain vehicles;
- 5 4. Construct, install, acquire, operate and provide alternative fueling infrastructure
6 for use by state agencies and political subdivisions of the state or for leasing and
7 transferring to political subdivisions;
- 8 5. Promulgate rules for efficient and economical operations to provide fleet services;
9 and
- 10 6. Report to the Governor, Speaker of the House of Representatives, and President
11 Pro Tempore of the Senate those agencies that fail to comply with the provisions of law
12 and the rules of the Fleet Management Division regarding submission of reports, vehicle
13 use, and vehicle maintenance.
- 14 C. The rules shall include provisions to:
- 15 1. Establish uniform written vehicle acquisition, leasing, maintenance, repairs, and
16 disposal standards for use by all state agencies to justify actual need for vehicles;
- 17 2. Establish standards for routine vehicle inspection and maintenance;
- 18 3. Provide standards and forms for recordkeeping of fleet operation, maintenance,
19 and repair costs for mandatory use by all state agencies to report the data to the Fleet
20 Management Division on a monthly basis;
- 21 4. Provide standards and utilize methods for disposal of vehicles pursuant to the
22 Oklahoma Surplus Property Act and any other applicable state laws;

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

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

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

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

13 9. Address any other matter or practice which relates to the responsibilities of the
14 Director of Central Services.

15 D. The Fleet Manager shall:

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

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

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

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

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

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

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

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

13 E. The Director of Central Services may enter into agreements with any political
14 subdivision of this state for the purpose of providing fleet services established by the
15 Fleet Management Division pursuant to this section and rules promulgated pursuant to
16 this section.

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

1 G. The Department may offer public access to alternative fueling infrastructure
2 owned and operated by the Department in areas of the state in which access to an
3 alternative fueling infrastructure is not readily available to the public. The Department
4 shall cease allowing public access to an alternative fueling infrastructure operated by the
5 Department if a privately owned alternative fueling infrastructure locates within a five-
6 mile radius of the infrastructure operated by the Department.

7 H. When used in relation to the Fleet Management Division:

8 1. "Alternative fueling infrastructure" shall mean a fill station or charge station
9 used to deliver or provide alternative fuels as defined in Section 130.2 of this title; and

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

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

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

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

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

9 D. The provisions of subsections A and B of this section shall not apply to
10 CompSource Oklahoma if CompSource Oklahoma is operating pursuant to a pilot
11 program authorized by Sections ~~1~~ 3316 and ~~2~~ 3317 of this ~~act~~ title.

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

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
14 dated 02-25-10 - DO PASS, As Amended.