

EHB 1952

1 THE STATE SENATE
2 Monday, April 6, 2009

3 ENGROSSED

4 House Bill No. 1952

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1952 - By: Benge, Jackson, Trebilcock,
7 Sherrer, Jett, Walker, Dorman and McAffrey of the House and Bingman
8 of the Senate.

9 [energy - Fleet Management Division - alternative fueling
10 infrastructure - Alternative Fuels Technician Certification
11 Act - codification -

12 emergency]

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

14 SECTION 1. AMENDATORY 74 O.S. 2001, Section 78, as last
15 amended by Section 1, Chapter 169, O.S.L. 2007 (74 O.S. Supp. 2008,
16 Section 78), is amended to read as follows:

17 Section 78. A. There is hereby created and established within
18 the Department of Central Services, the Fleet Management Division.
19 The Division shall provide oversight of and advice to state agencies
20 that own, operate and utilize motor vehicles, except for the
21 Department of Public Safety, the Department of Transportation, the
22 Oklahoma State Bureau of Investigation, and The Oklahoma State
23 System of Higher Education.

24 B. The Director of Central Services shall:

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

- 1 2. Hire personnel as necessary to provide fleet ~~management~~
2 services ~~to state agencies~~;
- 3 3. Acquire facilities to maintain vehicles;
- 4 4. Construct, install, acquire, operate and provide alternative
5 fueling infrastructure for use by state agencies and political
6 subdivisions of the state or for leasing and transferring to
7 political subdivisions;
- 8 5. Promulgate rules for efficient and economical operations to
9 provide fleet ~~management~~ services ~~to state agencies~~; and
- 10 ~~5-~~ 6. Report to the Governor, Speaker of the House of
11 Representatives, and President Pro Tempore of the Senate those
12 agencies that fail to comply with the provisions of law and the
13 rules of the Fleet Management Division regarding submission of
14 reports, vehicle use, and vehicle maintenance.
- 15 C. The rules shall include provisions to:
- 16 1. Establish uniform written vehicle acquisition, leasing,
17 maintenance, repairs, and disposal standards for use by all state
18 agencies to justify actual need for vehicles;
- 19 2. Establish standards for routine vehicle inspection and
20 maintenance;
- 21 3. Provide standards and forms for recordkeeping of fleet
22 operation, maintenance, and repair costs for mandatory use by all

1 state agencies to report the data to the Fleet Management Division
2 on a monthly basis;

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

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

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

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

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

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

1 D. The Fleet Manager shall:

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

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

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

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

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

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

19 7. Offer guidelines to agencies to assist in determining the
20 most cost-effective and reasonable modes of travel for single trips
21 from the following options: state vehicle, private rental, or
22 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 Department may offer public access to alternative
10 fueling infrastructure owned and operated by the Department in areas
11 of the state in which access to an alternative fueling
12 infrastructure is not readily available to the public. The
13 Department shall cease allowing public access to an alternative
14 fueling infrastructure operated by the Department if a privately
15 owned alternative fueling infrastructure locates within a five-mile
16 radius of the infrastructure operated by the Department.

17 G. When used in relation to the Fleet Management Division:

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

21 2. "Alternative fuel vehicle" shall mean a motor vehicle
22 originally designed by the manufacturer to operate lawfully and

1 principally on streets and highways which is propelled by an
2 alternative fuel as defined in Section 130.2 of this title.

3 SECTION 2. AMENDATORY 74 O.S. 2001, Section 78c, as
4 amended by Section 5, Chapter 372, O.S.L. 2003 (74 O.S. Supp. 2008,
5 Section 78c), is amended to read as follows:

6 Section 78c. A. There is hereby created a special fund to be
7 designated the "State Fleet Management Fund". The fund may be
8 appropriated for and used for the acquisition, leasing, operation,
9 storage, maintenance, repair and replacement of motor vehicles under
10 the control of the Fleet Management Division, the payment of
11 insurance premiums, ~~and~~ the payment of the administrative expenses
12 of the Division in connection with the operation of the motor pool
13 ~~and,~~ expenses the Department of Central Services incurs to support
14 Division operations, and for expenses associated with constructing,
15 installing, acquiring, and operating alternative fueling
16 infrastructure and acquiring alternative fuel vehicles for use by
17 state agencies or for leasing and transferring to political
18 subdivisions of the state as authorized pursuant to Section 3 of
19 this act.

20 B. At the end of each month the Division shall render a
21 statement, on such reasonable basis of mileage or rental as shall be
22 established by the Division, to all state agencies to which

1 transportation has been furnished, and all amounts collected shall
2 be deposited to the credit of the "State Fleet Management Fund".

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

6 D. Payments received by the Department for the lease of
7 alternative fueling infrastructure and vehicles as provided for in
8 Section 3 of this act shall be deposited to the credit of the fund.

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

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 78e of Title 74, unless there is
20 created a duplication in numbering, reads as follows:

21 A. The Department of Central Services through the Fleet
22 Management Division may enter into agreements with political
23 subdivisions of the state to lease alternative fuel vehicles and

1 alternative fueling infrastructure constructed, installed or
2 acquired by the Department and to transfer title to the vehicles and
3 infrastructure and any associated real property to the political
4 subdivision upon final payment of the obligations contained in the
5 agreement.

6 B. The maximum amount the Department may expend for the
7 construction, installation or acquisition of an alternative fueling
8 infrastructure to be leased to a political subdivision of the state
9 shall be the actual cost of the infrastructure or Five Hundred
10 Thousand Dollars (\$500,000.00), whichever is less.

11 C. Payments received by the Department for the leasing of
12 alternative fuel vehicles and alternative fueling infrastructure as
13 provided for in this section shall be deposited in the State Fleet
14 Management Fund created in Section 78c of Title 74 of the Oklahoma
15 Statutes.

16 SECTION 4. AMENDATORY 74 O.S. 2001, Section 130.2, as
17 amended by Section 2, Chapter 287, O.S.L. 2005 (74 O.S. Supp. 2008,
18 Section 130.2), is amended to read as follows:

19 Section 130.2 As used in the Oklahoma Alternative Fuels
20 Conversion Act:

21 1. "Alternative fuels" means ~~fuels which result in comparably~~
22 ~~lower emissions of oxides of nitrogen, volatile organic compounds,~~
23 ~~carbon monoxide, or particulates or any combination thereof and~~

1 ~~includes compressed~~ natural gas and liquid fuels produced from
2 natural gas, liquefied petroleum gas, ~~liquefied natural gas~~,
3 ethanol, methanol, ~~"M-85" which is a mixture of methanol and~~
4 ~~gasoline containing at least eighty five percent (85%) methanol,~~
5 electricity, biodiesel, and ~~"B20" which is a mixture of biodiesel~~
6 ~~and diesel fuel containing at least twenty percent (20%) biodiesel~~
7 coal-derived liquid fuels, hydrogen and fuels derived from
8 biological materials;

9 2. "Charge station" means the physical device that provides a
10 connection from a power source to an electric vehicle ~~as defined by~~
11 ~~the Electric Vehicle Association of America, the Electric Power~~
12 ~~Research Institute, and the Society of Automotive Engineers. All~~
13 ~~charge stations shall comply with the National Electric Code.~~
14 ~~Inductive connectors and conductive connectors shall comply with the~~
15 ~~guidelines of the Society of Automotive Engineers;~~

16 3. ~~"CNG" means compressed natural gas;~~

17 4. ~~"CNG conversion~~ Conversion kit" means the equipment
18 installed to modify a motor vehicle which is propelled by gasoline
19 or diesel fuel so that the vehicle may be propelled by ~~compressed~~
20 ~~natural gas~~ an alternative fuel;

21 ~~5.~~ 4. "Diesel fuel" means diesel engine fuel, and all other
22 liquids suitable for the generation of power for the propulsion of
23 motor vehicles except gasoline;

1 ~~6.~~ 5. "Fill station" means the equipment and conveyance
2 property ~~which is directly related to~~ that provides the delivery
3 and, if required, compression of ~~compressed natural gas, liquefied~~
4 ~~natural gas, liquefied petroleum gas, methanol, "M 85" which is a~~
5 ~~mixture of methanol and gasoline containing at least eighty-five~~
6 ~~percent (85%) methanol, biodiesel, or "B20" which is a mixture of~~
7 ~~biodiesel and diesel fuel containing at least twenty percent (20%)~~
8 ~~biodiesel into the fuel tank of a motor vehicle propelled by such~~
9 ~~fuel including the compression equipment and storage vessels for~~
10 ~~such fuel at the point where such fuel is delivered~~ an alternative
11 fuel other than electricity;

12 ~~7.~~ 6. "Gallon" means the quantity of fluid or liquid at a
13 temperature of sixty degrees (60°) Fahrenheit necessary to
14 completely fill a United States standard gallon liquid measure;

15 ~~8.~~ 7. "Gasoline" means the same as motor fuel and means every
16 liquid petroleum product, or any combination thereof, other than
17 solvents as herein defined, having an A.P.I. gravity of forty-six
18 degrees (46°) or above at a temperature of sixty degrees (60°)
19 Fahrenheit and at atmospheric pressure, and includes drip,
20 casinghead or natural gasoline. The term gasoline also includes any
21 liquid of less than forty-six degrees (46°) A.P.I. gravity at a
22 temperature of sixty degrees (60°) Fahrenheit compounded, blended,
23 manufactured or otherwise produced by mixing or blending gasoline or

1 solvents with any blending materials, as hereinafter defined, when
2 the blended product can be used for generating power in internal
3 combustion engines, regardless of how such liquid is made,
4 compounded, manufactured or recovered and regardless of the name by
5 which such liquid may be known or sold;

6 ~~9-~~ 8. "Government vehicle" means all motor vehicles, including,
7 but not limited to, transit vehicles operated by any entity pursuant
8 to Section 4031 et seq. of Title 69 of the Oklahoma Statutes or
9 designated as public transit by the ~~Oklahoma~~ Department of
10 Transportation, buses, trucks, law enforcement vehicles and
11 emergency vehicles, owned and operated by the State of Oklahoma, any
12 public trust authority, county, municipality, town or city within
13 this state;

14 ~~10-~~ 9. "Sale" means sales, barter, exchanges, and every other
15 manner, method, and form of transferring the ownership of personal
16 property from one person to another, and also includes the use or
17 consumption in this state in the first instance of gasoline received
18 from without the state or of any other gasoline upon which the
19 surcharge has not been paid;

20 ~~11-~~ 10. "School vehicle" means all buses and multi-passenger
21 motor vehicles owned and approved to operate by the State Department
22 of Education or any school district within this state; and

1 ~~12.~~ 11. "Solvents" means especially prepared commercial and
2 industrial solvents, cleaners' and painters' naphthas, and raw
3 petroleum materials or petrochemical intermediates when used as or
4 sold for use in production or manufacture of plastics, detergents,
5 synthetic rubber, herbicides, insecticides and other chemicals or
6 products which are not prepared, advertised, offered for sale, or
7 sold for use or suitable for use as fuel for generating power in
8 internal combustion engines.

9 SECTION 5. AMENDATORY 74 O.S. 2001, Section 130.4, as
10 amended by Section 1, Chapter 38, O.S.L. 2002 (74 O.S. Supp. 2008,
11 Section 130.4), is amended to read as follows:

12 Section 130.4 A. There is hereby created in the State Treasury
13 a revolving fund for the Department of Central Services to be
14 designated as the "Oklahoma Alternative Fuels Conversion Fund". The
15 fund shall be a continuing fund, not subject to fiscal year
16 limitations, and shall consist of all monies received by the
17 Department of Central Services pursuant to Section 130.5 of this
18 title.

19 B. All monies accruing to the credit of the revolving fund
20 shall be expended by the Department of Central Services to reimburse
21 expenses relative to the conversion of government vehicles and
22 school vehicles to have the capability of being fueled or charged by
23 alternative fuels and/or the expenses relative to the installation

1 of a fill station or charge station. The maximum amount expended
2 per vehicle shall be the actual cost of vehicle conversion or Ten
3 Thousand Dollars (\$10,000.00), whichever is less. The maximum
4 amount expended per fill station or charge station shall be the
5 actual cost of the installation or ~~One Hundred Fifty Thousand~~
6 ~~Dollars (\$150,000.00)~~ Three Hundred Thousand Dollars (\$300,000.00),
7 whichever is less. The balance on deposit in the fund shall never
8 exceed the sum of Five Million Dollars (\$5,000,000.00).

9 C. Expenditures from the revolving fund shall be made upon
10 warrants issued by the State Treasurer against claims filed as
11 prescribed by law with the Director of State Finance for approval
12 and payment.

13 SECTION 6. AMENDATORY 74 O.S. 2001, Section 130.13, is
14 amended to read as follows:

15 Section 130.13 As used in the Alternative Fuels Technician
16 Certification Act:

17 1. "Alternative fuels" means ~~fuels which result in comparably~~
18 ~~lower emissions of oxides of nitrogen, volatile organic compounds,~~
19 ~~carbon monoxide, or particulates or any combination thereof and~~
20 ~~includes compressed natural gas,~~ liquefied petroleum gas, liquefied
21 natural gas and liquid fuels produced from natural gas, methanol,
22 ~~"M 85" which is a mixture of methanol and gasoline containing at~~
23 ~~least eighty five percent (85%) methanol,~~ ethanol, reformulated

1 ~~gasoline and~~ electricity, coal-derived liquid fuels, hydrogen,
2 biodiesel and fuels derived from biological materials;

3 2. "Alternative fuels equipment technician" means any person
4 who installs, modifies, repairs or renovates equipment used in the
5 conversion of any engines to engines fueled by alternative fuels.
6 This includes originally equipped manufactured engines dedicated to
7 operate on an alternative fuel;

8 3. "Alternative fuels compression technician" means any person
9 who installs, services, modifies, repairs or renovates fill
10 stations;

11 4. "Board" means the Alternative Fuels Technician Hearing
12 Board;

13 5. "Committee" means the Committee of Alternative Fuels
14 Technician Examiners;

15 6. "Electric vehicle technician" means any person who installs,
16 modifies, repairs, performs maintenance on, or renovates onboard
17 charging systems, motors, controllers, power sources, or the drive
18 systems of vehicles powered by electricity that is greater than
19 eighty (80) volts. This includes vehicles originally equipped as
20 electric vehicles, vehicles converted from gliders, and vehicles
21 converted from internal combustion engine vehicles;

22 7. "Fill station" means the equipment and conveyance property
23 ~~which is directly related to~~ that provides the delivery and, if

1 required, compression of compressed natural gas or liquefied natural
2 gas into the fuel tank of a motor vehicle propelled by such fuel
3 including the compression equipment and storage vessels for such
4 fuel at the point where the an alternative fuel is delivered other
5 than electricity; and

6 8. "Glider" means a vehicle built without an engine or fuel
7 system for the purpose of converting it to an electric vehicle.

8 SECTION 7. REPEALER 74 O.S. 2001, Section 130.8A, is
9 hereby repealed.

10 SECTION 8. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-1-09 - DO
15 PASS, As Amended and Coauthored.