

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1890 By: Bass of the Senate
3 and
4 Brumbaugh of the House
5
6
7

8 (travel reimbursement - Trip Optimizer system -
9 effective date -
10 emergency)
11
12

13 AUTHORS: Add the following House Coauthors: Roberts (Dustin) and
14 Hoskin

15 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
16 entire bill and insert

17 "An Act relating to state vehicles; amending 47 O.S.
18 2011, Sections 151, 153, 156 and 156.1, which relate
19 to automobiles owned by the state; providing for
20 vehicles leased by the state; providing exception;
21 amending 68 O.S. 2011, Sections 2103 and 2110, which
22 relate to taxes on vehicles; providing exceptions;
23 amending 74 O.S. 2011, Sections 78, 78a and 85.451,
24 which relate to fleet management; modifying duties;
modifying requisition of vehicles; exempting certain
state employees from Trip Optimizer system;
requiring Office of State Finance to publish certain
rate schedule; and providing an effective date.

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

2 SECTION 1. AMENDATORY 47 O.S. 2011, Section 151, is
3 amended to read as follows:

4 Section 151. A. A state agency that owns or leases vehicles
5 shall affix the words "State of Oklahoma" and the name of the
6 department or institution that owns or leases the vehicle in
7 conspicuous letters.

8 B. 1. In lieu of the provisions of subsection A of this
9 section, Department of Public Safety vehicles used regularly as
10 patrol units shall be distinctively painted black and white and
11 shall bear the wording "Oklahoma Highway Patrol" on each side of the
12 vehicle in letters of such size as to be easily distinguishable, it
13 being the purpose and intention of the Legislature that said patrol
14 units shall be marked in the future in the same manner as those now
15 in use.

16 2. The Commissioner of Public Safety may designate colors and
17 markings, in lieu of those authorized by the provisions of this
18 section, for patrol units used for patrol purposes and for selective
19 traffic law enforcement.

20 C. Oklahoma State Bureau of Narcotics and Dangerous Drugs
21 Control vehicles for use in undercover investigations and Oklahoma
22 State Bureau of Investigation vehicles shall not be subject to the
23 provisions of this section.

24

1 D. Department of Corrections vehicles designated for use by
2 probation and parole operations and other administrative operations,
3 as approved by the Director of the Department of Corrections, shall
4 not be subject to the provisions of this section.

5 SECTION 2. AMENDATORY 47 O.S. 2011, Section 153, is
6 amended to read as follows:

7 Section 153. It shall be unlawful for any person to drive any
8 state-owned or -leased automobile at any time and for any purpose,
9 on any street or highway within this state, unless the provisions of
10 Section 151 of this title have been strictly complied with,
11 provided, however, the Commissioner of the Department of Public
12 Safety is hereby authorized to set aside automobiles for use by the
13 Department so that the same may be available to the Department
14 without identifying marks thereon. These vehicles shall not be used
15 for traffic enforcement on a routine basis.

16 SECTION 3. AMENDATORY 47 O.S. 2011, Section 156, is
17 amended to read as follows:

18 Section 156. A. Unless otherwise provided for by law, no state
19 board, commission, department, institution, official, or employee,
20 except the following, shall purchase any passenger automobile or bus
21 with public funds:

- 22 1. The Department of Public Safety;
- 23 2. The Department of Human Services;
- 24 3. The State Department of Rehabilitation Services;

- 1 4. The Department of Wildlife Conservation;
- 2 5. The Department of Corrections;
- 3 6. The State Department of Education;
- 4 7. The Oklahoma School of Science and Mathematics;
- 5 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
- 6 Control;
- 7 9. The Oklahoma State Bureau of Investigation;
- 8 10. The Transportation Commission;
- 9 11. The Oklahoma Department of Agriculture, Food, and Forestry;
- 10 12. The State Department of Health;
- 11 13. The Department of Mental Health and Substance Abuse
- 12 Services;
- 13 14. The J.D. McCarty Center for Children with Developmental
- 14 Disabilities;
- 15 15. The Military Department of the State of Oklahoma;
- 16 16. The Oklahoma Tourism and Recreation Department;
- 17 17. The Oklahoma Conservation Commission;
- 18 18. The Oklahoma Water Resources Board;
- 19 19. The Department of Mines;
- 20 20. The Office of Juvenile Affairs;
- 21 21. The Oklahoma Department of ~~Veteran~~ Veterans Affairs;
- 22 22. The Oklahoma Supreme Court;
- 23 23. The District Attorneys Council and Oklahoma district
- 24 attorneys, provided adequate funding exists; and

1 24. The Oklahoma Boll Weevil Eradication Organization.

2 B. 1. The Oklahoma School for the Deaf at Sulphur, the
3 Oklahoma School for the Blind at Muskogee, and any state institution
4 of higher education may purchase, own, or keep if now owned, or
5 acquire by lease or gift, and use and maintain such station wagons,
6 automobiles, trucks, or buses as are reasonably necessary for the
7 implementation of the educational programs of said institutions.

8 2. No bus operated, owned, or used by such educational
9 institutions shall be permitted to carry any person other than
10 students, faculty members, employees, or volunteers of such
11 institutions. The provisions of this section shall not be construed
12 to prohibit:

13 a. the operation of intracampus buses or buses routed
14 directly between portions of the campus of any
15 institution not adjacent to each other, nor to
16 prohibit the collection of fares from such students,
17 faculty members, or employees of such institutions,
18 sufficient in amount to cover the reasonable cost of
19 such transportation, or

20 b. the Oklahoma School for the Blind or the Oklahoma
21 School for the Deaf from entering into agreements with
22 local public school districts pursuant to the
23 Interlocal Cooperation Act for the mutual use of the
24 schools' and the districts' vehicles. Such use may

1 include, but is not limited to, the transportation of
2 students from local school districts with students
3 from the Oklahoma School for the Blind or the Oklahoma
4 School for the Deaf in vehicles owned by the Oklahoma
5 School for the Blind or the Oklahoma School for the
6 Deaf when traveling to school-related activities.

7 C. The J.D. McCarty Center for Children with Developmental
8 Disabilities, the Oklahoma Department of Libraries, the Oklahoma
9 Department of Veterans Affairs, and the Oklahoma Veterans Centers
10 may own and maintain such passenger vehicles as those institutions
11 have acquired prior to May 1, 1981.

12 D. The use of station wagons, automobiles, and buses, other
13 than as provided for in this section, shall be permitted only upon
14 written request for such use by heads of departments of the
15 institution, approved in writing by the president of said
16 institution or by some administrative official of said institution
17 authorized by the president to grant said approval. Such use shall
18 be permitted only for official institutional business or activities
19 connected therewith. Such use shall be subject to the provisions of
20 Section 156.1 of this title forbidding personal use of such
21 vehicles, and to the penalties therein declared.

22 E. Any person convicted of violating the provisions of this
23 section shall be guilty of a misdemeanor and shall be punished by
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1 fine or imprisonment, or both, as provided for in Section 156.1 of
2 this title.

3 F. For the purpose of this section and Section 156.3 of this
4 title, a station wagon is classified as a passenger automobile and
5 may not be purchased solely for the use of transporting property.
6 Such vehicles shall include, but not be limited to, all vehicles
7 which have no separate luggage compartment or trunk but which do not
8 have open beds, whether the same are called station wagons, vans,
9 suburbans, town and country, blazers, or any other names. All state
10 boards, commissions, departments, and institutions may own and
11 maintain station wagons purchased solely for the purpose of
12 transporting property if acquired prior to July 1, 1985.

13 G. The provisions of this section and Section 156.1 of this
14 title shall not apply to public officials who are statewide elected
15 commissioners.

16 H. The provisions of this section shall not be construed to
17 permit the purchase of any motor vehicle of ten thousand (10,000)
18 pounds or less gross vehicle weight.

19 SECTION 4. AMENDATORY 47 O.S. 2011, Section 156.1, is
20 amended to read as follows:

21 Section 156.1 A. It shall be unlawful for any state official,
22 officer, or employee, except any essential employees approved by the
23 Governor and those officers or employees authorized in subsection B
24 of this section, to ride to or from the place of residence of the

1 employee in a state-owned or -leased automobile, truck, or pickup,
2 except in the performance of the official duty of the employee, or
3 to use or permit the use of any such automobile, truck, ambulance,
4 or pickup for other personal or private purposes. Any person
5 convicted of violating the provisions of this section shall be
6 guilty of a misdemeanor and shall be punished by a fine of not more
7 than One Hundred Dollars (\$100.00) or by imprisonment in the county
8 jail for a period to not exceed thirty (30) days, or by both said
9 fine and imprisonment, and in addition thereto, shall be discharged
10 from state employment.

11 B. 1. Any state employee, other than the individuals provided
12 for in paragraph 2 of this subsection and any employee of the
13 Department of Public Safety who is an employee in the Driver License
14 Examining Division or the Driver Compliance Division or a wrecker
15 inspector or auditor of the Wrecker Services Division as provided
16 for in paragraph 3 of this subsection, who receives emergency
17 telephone calls regularly at the residence of the employee when the
18 employee is not on duty and is regularly called upon to use a
19 vehicle after normal work hours in response to such emergency calls,
20 may be permitted to use a vehicle belonging to the State of Oklahoma
21 to provide transportation between the residence of the employee and
22 the assigned place of employment, provided such distance does not
23 exceed seventy-five (75) miles in any round trip or is within the
24 county where the assigned place of employment is located. Provided

1 further, an employee may be permitted to use a state-owned or
2 -leased vehicle to provide temporary transportation between a
3 specific work location other than the assigned place of employment
4 and the residence of the employee, if such use shall result in a
5 monetary saving to the agency, and such authorization shall not be
6 subject to the distance or area restrictions provided for in this
7 paragraph. Authorization for temporary use of a state-owned or
8 -leased vehicle for a specific project shall be in writing stating
9 the justification for this use and the saving expected to result.
10 Such authorization shall be valid for not to exceed sixty (60) days.
11 Any state entity other than law enforcement that avails itself of
12 this provision shall keep a monthly record of all participating
13 employees, the number of emergency calls received, and the number of
14 times that a state vehicle was used in the performance of such
15 emergency calls.

16 2. Any employee of the Department of Public Safety, Oklahoma
17 State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
18 State Bureau of Investigation, Alcoholic Beverage Laws Enforcement
19 Commission, Oklahoma Horse Racing Commission, Oklahoma Department of
20 Agriculture, Food, and Forestry, 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
24 the Oklahoma State Bureau of Investigation, CLEET-certified

1 Investigator for a state board or any employee of a district
2 attorney who is a law enforcement officer, may be permitted to use a
3 state-owned or -leased vehicle to provide transportation between the
4 residence of the employee and the assigned place of employment and
5 between the residence and any location other than the assigned place
6 of employment to which the employee travels in the performance of
7 the official duty of the employee.

8 3. Any employee of the Department of Public Safety who is an
9 employee in the Driver License Examining Division, an employee of
10 the Driver Compliance Division, a wrecker inspector or auditor of
11 the Wrecker Services Division, or a noncommissioned pilot may be
12 permitted, as determined by the Commissioner, to use a state-owned
13 or -leased vehicle to provide transportation between the residence
14 of the employee and the assigned place of employment and between the
15 residence and any location other than the assigned place of
16 employment to which the employee travels in the performance of the
17 official duty of the employee.

18 4. The Director, department heads and other essential employees
19 of the Department of Wildlife Conservation, as authorized by the
20 Wildlife Conservation Commission, may be permitted to use a state-
21 owned or -leased vehicle to provide transportation between the
22 residence of the employee and the assigned place of employment and
23 between the residence and any location other than the assigned place
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1 of employment to which the employee travels in the performance of
2 the official duty of the employee.

3 C. The principal administrator of the state agency with which
4 the employee is employed shall so designate the status of the
5 employee in writing or provide a copy of the temporary authorization
6 to the Governor, the President Pro Tempore of the Senate, and the
7 Speaker of the House of Representatives. Such employee status
8 report shall also be provided to the State Fleet Manager of the
9 Division of Fleet Management if the motor vehicle for emergency use
10 is provided by said Division.

11 SECTION 5. AMENDATORY 68 O.S. 2011, Section 2103, is
12 amended to read as follows:

13 Section 2103. A. 1. Except as otherwise provided in Sections
14 2101 through 2108 of this title, there shall be levied an excise tax
15 upon the transfer of legal ownership of any vehicle registered in
16 this state and upon the use of any vehicle registered in this state
17 and upon the use of any vehicle registered for the first time in
18 this state. Except for persons that possess an agricultural
19 exemption pursuant to Section 1358.1 of this title, the excise tax
20 shall be levied upon transfers of legal ownership of all-terrain
21 vehicles and motorcycles used exclusively off roads and highways
22 which occur on or after July 1, 2005, and upon transfers of legal
23 ownership of utility vehicles used exclusively off roads and
24 highways which occur on or after July 1, 2008. The excise tax for

1 new and used all-terrain vehicles, utility vehicles and motorcycles
2 used exclusively off roads and highways shall be levied at four and
3 one-half percent (4 1/2%) of the actual sales price of each new and
4 used all-terrain vehicle and motorcycle used exclusively off roads
5 and highways before any discounts or credits are given for a trade-
6 in. Provided, the minimum excise tax assessment for such all-
7 terrain vehicles, utility vehicles and motorcycles used exclusively
8 off roads and highways shall be Five Dollars (\$5.00). The excise
9 tax for new vehicles shall be levied at three and one-fourth percent
10 (3 1/4%) of the value of each new vehicle. The excise tax for used
11 vehicles shall be as follows:

- 12 a. from October 1, 2000, until June 30, 2001, Twenty
13 Dollars (\$20.00) on the first One Thousand Dollars
14 (\$1,000.00) or less of value of such vehicle, and
15 three and one-fourth percent (3 1/4%) of the remaining
16 value of such vehicle,
- 17 b. for the year beginning July 1, 2001, and ending June
18 30, 2002, Twenty Dollars (\$20.00) on the first One
19 Thousand Two Hundred Fifty Dollars (\$1,250.00) or less
20 of value of such vehicle, and three and one-fourth
21 percent (3 1/4%) of the remaining value of such
22 vehicle, and
- 23 c. for the year beginning July 1, 2002, and all
24 subsequent years, Twenty Dollars (\$20.00) on the first

1 One Thousand Five Hundred Dollars (\$1,500.00) or less
2 of value of such vehicle, and three and one-fourth
3 percent (3 1/4%) of the remaining value of such
4 vehicle.

5 2. There shall be levied an excise tax of Ten Dollars (\$10.00)
6 for any:

- 7 a. truck or truck-tractor registered under the provisions
8 of subsection A of Section 1133 of Title 47 of the
9 Oklahoma Statutes, for a laden weight or combined
10 laden weight of fifty-five thousand (55,000) pounds or
11 more,
12 b. trailer or semitrailer registered under subsection C
13 of Section 1133 of Title 47 of the Oklahoma Statutes,
14 which is primarily designed to transport cargo over
15 the highways of this state and generally recognized as
16 such, and
17 c. frac tank, as defined by Section 54 of Title 17 of the
18 Oklahoma Statutes, and registered under subsection C
19 of Section 1133 of Title 47 of the Oklahoma Statutes.

20 Except for frac tanks, the excise tax levied pursuant to this
21 paragraph shall not apply to special mobilized machinery, trailers,
22 or semitrailers manufactured, modified or remanufactured for the
23 purpose of providing services other than transporting cargo over the
24 highways of this state. The excise tax levied pursuant to this

1 paragraph shall also not apply to pickup trucks, vans, or sport
2 utility vehicles.

3 3. The tax levied pursuant to this section shall be due at the
4 time of the transfer of legal ownership or first registration in
5 this state of such vehicle; provided, the tax shall not be due at
6 the time of the issuance of a certificate of title for an all-
7 terrain vehicle, utility vehicle or motorcycle used exclusively off
8 roads and highways which is not required to be registered but which
9 the owner chooses to register pursuant to the provisions of
10 subsection B of Section 1115.3 of Title 47 of the Oklahoma Statutes,
11 and shall be collected by the Oklahoma Tax Commission or Corporation
12 Commission, as applicable, or an appointed motor license agent, at
13 the time of the issuance of a certificate of title for any such
14 vehicle. In the event an excise tax is collected on the transfer of
15 legal ownership or use of the vehicle during any calendar year, then
16 an additional excise tax must be collected upon all subsequent
17 transfers of legal ownership. In computing the motor vehicle excise
18 tax, the amount collected shall be rounded to the nearest dollar.
19 The excise tax levied by this section shall be delinquent from and
20 after the thirtieth day after the legal ownership or possession of
21 any vehicle is obtained. Any person failing or refusing to pay the
22 tax as herein provided on or before date of delinquency shall pay in
23 addition to the tax a penalty of One Dollar (\$1.00) per day for each
24 day of delinquency, but such penalty shall in no event exceed the

1 amount of the tax. Of each dollar penalty collected pursuant to
2 this subsection:

- 3 a. twenty-five cents (\$0.25) shall be apportioned as
4 provided in Section 1104 of this title;
- 5 b. twenty-five cents (\$0.25) shall be retained by the
6 motor license agent; and
- 7 c. fifty cents (\$0.50) shall be deposited in the General
8 Revenue Fund for the fiscal year beginning on July 1,
9 2011, and for all subsequent fiscal years, shall be
10 deposited in the State Highway Construction and
11 Maintenance Fund.

12 B. The excise tax levied in subsection A of this section
13 assessed on all commercial vehicles registered pursuant to Section
14 1120 of Title 47 of the Oklahoma Statutes shall be in lieu of all
15 sales and use taxes levied pursuant to the Sales Tax Code or the Use
16 Tax Code. The transfer of legal ownership of any motor vehicle as
17 used in this section and the Sales Tax Code and the Use Tax Code
18 shall include the lease, lease purchase or lease finance agreement
19 involving any truck in excess of eight thousand (8,000) pounds
20 combined laden weight or any truck-tractor provided the vehicle is
21 registered in Oklahoma pursuant to Section 1120 of Title 47 of the
22 Oklahoma Statutes or any frac tank, trailer, semitrailer or open
23 commercial vehicle registered pursuant to Section 1133 of Title 47
24 of the Oklahoma Statutes. The excise tax levied pursuant to this

1 section shall not be subsequently collected at the end of the lease
2 period if the lessee acquires complete legal title of the vehicle.

3 C. The provisions of this section shall not apply to transfers
4 made without consideration between:

5 1. Husband and wife;

6 2. Parent and child; or

7 3. An individual and an express trust which that individual or
8 the spouse, child or parent of that individual has a right to
9 revoke.

10 D. 1. There shall be a credit allowed with respect to the
11 excise tax paid for a new vehicle which is a replacement for:

12 a. a new original vehicle which is stolen from the
13 purchaser/registant within ninety (90) days of the
14 date of purchase of the original vehicle as certified
15 by a police report or other documentation as required
16 by the Tax Commission, or

17 b. a defective new original vehicle returned by the
18 purchaser/registant to the seller within six (6)
19 months of the date of purchase of the defective new
20 original vehicle as certified by the manufacturer.

21 2. The credit allowed pursuant to paragraph 1 of this
22 subsection shall be in the amount of the excise tax which was paid
23 for the new original vehicle and shall be applied to the excise tax
24

1 due on the replacement vehicle. In no event shall the credit be
2 refunded.

3 E. Despite any other definitions of the terms "new vehicle" and
4 "used vehicle", to the contrary, contained in any other law, the
5 term "new vehicle" as used in this section shall also include any
6 vehicle of the latest manufactured model which is owned or acquired
7 by a licensed used motor vehicle dealer which has not previously
8 been registered in this state and upon which the motor vehicle
9 excise tax as set forth in this section has not been paid. However,
10 upon the sale or transfer by a licensed used motor vehicle dealer
11 located in this state of any such vehicle which is the latest
12 manufactured model, the vehicle shall be considered a used vehicle
13 for purposes of determining excise tax.

14 F. The provisions of this section shall not apply to state
15 government entities.

16 SECTION 6. AMENDATORY 68 O.S. 2011, Section 2110, is
17 amended to read as follows:

18 Section 2110. A. There is hereby levied a rental tax of six
19 percent (6%) on the gross receipts of all motor vehicle rental
20 agreements as provided in this section. This tax shall be levied on
21 any rental agreement of ninety (90) days or less duration on any
22 motor vehicle that is rented to a person by a business engaged in
23 renting motor vehicles without a driver in Oklahoma, irrespective of
24

1 the state in which the vehicle is registered. This rental tax shall
2 not apply to the following:

3 1. Any lease agreements;

4 2. Any truck or truck-tractor registered pursuant to the
5 provisions of Section 1120 or Section 1133 of Title 47 of the
6 Oklahoma Statutes having a laden weight or a combined laden weight
7 of eight thousand (8,000) pounds or more; or

8 3. Any trailer or semitrailer registered pursuant to the
9 provisions of Section 1133 of Title 47 of the Oklahoma Statutes.

10 For purposes of this section, "vehicle" and "person" shall have the
11 same meanings as defined in Section 2101 of this title.

12 B. The rental tax specified in subsection A of this section
13 shall be apportioned in the manner as provided in Section 2102 of
14 this title.

15 C. A deduction from gross receipts for bad debts shall be
16 allowed for the rental tax specified in subsection A of this
17 section. For purposes of this section, "bad debts" shall have the
18 same meaning as defined in Section 1366 of this title.

19 D. The tax hereby levied shall be collected at the time of the
20 payment of the rental agreement and shall be due and payable to the
21 Oklahoma Tax Commission by the business engaged in renting these
22 vehicles on the twentieth day of each month following the month in
23 which payments for rental agreements subject to tax are made. The
24 Tax Commission shall implement such rules and regulations and devise

1 such forms as it deems necessary for the orderly collection of this
2 tax and the excise tax and penalty provided for in ~~subsection~~
3 paragraph 9 of Section 2105 of this title.

4 E. The provisions of this section shall not apply to state
5 government entities.

6 SECTION 7. AMENDATORY 74 O.S. 2011, Section 78, is
7 amended to read as follows:

8 Section 78. A. There is hereby created and established within
9 the Department of Central Services, the Fleet Management Division.
10 The Division shall provide oversight of and advice to state agencies
11 that own, operate and utilize motor vehicles, ~~except for the~~
12 ~~Department of Public Safety, the Department of Transportation, the~~
13 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the~~
14 ~~Oklahoma State Bureau of Investigation, and The Oklahoma State~~
15 ~~System of Higher Education.~~

16 B. The Director of Central Services shall:

- 17 1. Appoint and fix duties and compensation for a Fleet Manager
18 who shall serve as the administrative head of the division;
- 19 2. Hire personnel as necessary to provide fleet services;
- 20 3. Acquire facilities to maintain vehicles;
- 21 4. Construct, install, acquire, operate and provide alternative
22 fueling infrastructure for use by state agencies and political
23 subdivisions of the state or for leasing and transferring to
24 political subdivisions;

1 5. Promulgate rules for efficient and economical operations to
2 provide fleet services; and

3 6. Report to the Governor, Speaker of the House of
4 Representatives, and President Pro Tempore of the Senate those
5 agencies that fail to comply with the provisions of law and the
6 rules of the Fleet Management Division regarding submission of
7 reports, vehicle use, and vehicle maintenance.

8 C. The rules shall include provisions to:

9 1. Establish uniform written vehicle acquisition, leasing,
10 maintenance, repairs, and disposal standards for use by all state
11 agencies to justify actual need for vehicles;

12 2. Establish standards for routine vehicle inspection and
13 maintenance;

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

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

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

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

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

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

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

16 D. The Fleet Manager shall:

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

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

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

24

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

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

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

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

15 8. Provide, upon the request of the Governor, the President Pro
16 Tempore of the Senate or the Speaker of the House of
17 Representatives, reports from data the Fleet Manager collects.

18 E. The Director of Central Services may enter into agreements
19 with any political subdivision of this state for the purpose of
20 providing fleet services established by the Fleet Management
21 Division pursuant to this section and rules promulgated pursuant to
22 this section.

23 F. The Director of Central Services, through the Fleet
24 Management Division, may enter into partnership agreements with

1 political subdivisions and private entities for the purposes of
2 applying for, participating in, and administering federal grant
3 funds. The partnership agreements and activities authorized in this
4 subsection are hereby declared to be a public purpose.

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

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

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

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

21 SECTION 8. AMENDATORY 74 O.S. 2011, Section 78a, is
22 amended to read as follows:

23 Section 78a. A. State agencies with authority to own motor
24 vehicles shall submit a requisition to the ~~Director of Central~~

1 ~~Services~~ State Fleet Manager prior to acquisition of a motor
2 vehicle. The requisition shall state the type of vehicle, the
3 intended purpose of the vehicle, a statement that the agency has
4 actual need for the vehicle, the supplier of the vehicle, that the
5 state agency has sufficient funds to acquire and maintain the
6 vehicle and cite the statutory authority of the state agency to
7 acquire a vehicle. All acquisitions of any motor vehicle of ten
8 thousand (10,000) pounds or less gross vehicle weight shall require
9 approval by the State Fleet Manager.

10 B. ~~The Director of Central Services~~ State Fleet Manager shall
11 review the requisition and approve or deny the request of the state
12 agency within fifteen (15) days of receipt by the ~~Director of~~
13 ~~Central Services~~ State Fleet Manager. The Director of State Finance
14 shall not approve a purchase order or claim for a motor vehicle
15 unless the acquisition of the motor vehicle was approved by the
16 ~~Director of Central Services~~ State Fleet Manager.

17 C. ~~The provisions of subsections A and B of this section shall~~
18 ~~not apply to the Department of Public Safety or the Oklahoma State~~
19 ~~Bureau of Narcotics and Dangerous Drugs Control.~~

20 D. ~~The provisions of subsections A and B of this section shall~~
21 ~~not apply to CompSource Oklahoma if CompSource Oklahoma is operating~~
22 ~~pursuant to a pilot program authorized by Sections 1 and 2 of this~~
23 ~~act~~ State agencies that own motor vehicles shall submit an updated
24

1 inventory report to the State Fleet Manager after the acquisition of
2 a motor vehicle.

3 SECTION 9. AMENDATORY 74 O.S. 2011, Section 85.451, is
4 amended to read as follows:

5 Section 85.451 A. Each state agency, board, commission or
6 other entity organized within the executive department of state
7 government shall use the Trip Optimizer system of the Department of
8 Central Services in computing the optimum method and cost for travel
9 by state employees using a motor vehicle where the travel will
10 exceed one hundred (100) miles per day and the employee is not
11 driving a state-owned or -leased dedicated vehicle. For purposes of
12 this section, "dedicated vehicle" means a vehicle that has been
13 assigned to the employee.

14 B. The provisions of this section shall be used to determine
15 the most cost-effective method of travel by motor vehicles, whether
16 such vehicles are owned by the agency, leased by the agency or by
17 the employee, and shall be applicable for purposes of determining
18 the maximum authorized amount of any travel reimbursement for
19 employees of such agencies related to vehicle usage.

20 C. A nonappropriated state agency, that employs persons who use
21 personal vehicles as part of their regular duties and who are
22 reimbursed for travel expenses by the agency shall not be required
23 to utilize the Trip Optimizer system with regard to the travel
24 expenses of such employees. As used in this section,

1 "nonappropriated state agency" means an entity within the executive
2 branch of government that does not receive any of its funding
3 through the annual legislative appropriations process.

4 D. The maximum authorized amount of travel reimbursement
5 related to vehicle usage shall be the lowest cost option as
6 determined by the Trip Optimizer system. All travel claims
7 submitted for reimbursement shall include the results of the Trip
8 Optimizer system indicating the lowest cost option for travel by the
9 state employee.

10 E. State employees may be exempt from the reimbursement
11 requirements of the Trip Optimizer system, provided the state
12 employees utilize a personally owned vehicle and seek reimbursement
13 according to the schedule referenced in subsection F of this
14 section.

15 F. The Office of State Finance may publish a schedule of
16 reimbursement rates for state employee travel. The schedule may
17 apply to exemptions claimed under subsection E of this section. The
18 schedule may categorize reimbursement rates by type of vehicle and
19 shall not exceed standard mileage reimbursement rates as established
20 by the Internal Revenue Service.

21 G. In providing a calculation of rates, the Trip Optimizer
22 system shall account for the distance that an employee must travel
23 to pick up a rental or state fleet vehicle.

24

ENGROSSED SENATE
BILL NO. 1890

By: Bass of the Senate

and

Brumbaugh of the House

[travel reimbursement - Trip Optimizer system -
effective date -
emergency]

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

SECTION 11. AMENDATORY 74 O.S. 2011, Section 85.451, is amended to read as follows:

Section 85.451. A. ~~Each~~ Except as provided in subsection C of this section, each state agency, board, commission or other entity organized within the executive department of state government shall use the Trip Optimizer system of the Department of Central Services in computing the optimum method and cost for travel by state employees using a motor vehicle where the travel will exceed one hundred (100) miles per day and the employee is not driving a state-owned or -leased dedicated vehicle. For purposes of this section, "dedicated vehicle" means a vehicle that has been assigned to the employee.

B. The provisions of this section shall be used to determine the most cost-effective method of travel by motor vehicles, whether such vehicles are owned by the agency, leased by the agency or by

1 the employee, and shall be applicable for purposes of determining
2 the maximum authorized amount of any travel reimbursement for
3 employees of such agencies related to vehicle usage.

4 C. A nonappropriated state agency, that employs persons who use
5 personal vehicles as part of their regular duties and who are
6 reimbursed for travel expenses by the agency and employees of
7 agencies, boards, commissions or entities subject to the provisions
8 of subsection A of this section where the place of employment is
9 located in a municipality with a population of less than two hundred
10 fifty thousand (250,000) according to the latest federal decennial
11 census shall not be required to utilize the Trip Optimizer system
12 with regard to the travel expenses of such employees. Employees of
13 agencies, boards, commissions or entities meeting the criteria of
14 this subsection shall be reimbursed pursuant to Section 500.4 of
15 this title. As used in this section, "nonappropriated state agency"
16 means an entity within the executive branch of government that does
17 not receive any of its funding through the annual legislative
18 appropriations process.

19 D. The maximum authorized amount of travel reimbursement
20 related to vehicle usage shall be the lowest cost option as
21 determined by the Trip Optimizer system. All travel claims
22 submitted for reimbursement shall include the results of the Trip
23 Optimizer system indicating the lowest cost option for travel by the
24 state employee.

