

1 ENGROSSED HOUSE
2 BILL NO. 2647

By: Brumbaugh, Ownbey and Ritze
of the House

3 and

4 Jolley of the Senate
5
6

7 An Act relating to state vehicles; amending 47 O.S.
8 2011, Sections 151, 153, 156 and 156.1, which relate
9 to automobiles owned by the state; providing for
10 vehicles leased by the state; providing exception;
11 amending 68 O.S. 2011, Sections 2103 and 2110, which
12 relate to taxes on vehicles; providing exceptions;
13 amending 74 O.S. 2011, Sections 78, 78a and 85.451,
14 which relate to fleet management; modifying duties;
15 modifying requisition of vehicles; exempting certain
16 state employees from Trip Optimizer system; requiring
17 Office of State Finance to publish certain rate
18 schedule; and providing an effective date.

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

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

22 Section 151. A. A state agency that owns or leases vehicles
23 shall affix the words "State of Oklahoma" and the name of the
24 department or institution that owns or leases the vehicle in
conspicuous letters.

B. 1. In lieu of the provisions of subsection A of this
section, Department of Public Safety vehicles used regularly as
patrol units shall be distinctively painted black and white and

1 shall bear the wording "Oklahoma Highway Patrol" on each side of the
2 vehicle in letters of such size as to be easily distinguishable, it
3 being the purpose and intention of the Legislature that said patrol
4 units shall be marked in the future in the same manner as those now
5 in use.

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

10 C. Oklahoma State Bureau of Narcotics and Dangerous Drugs
11 Control vehicles for use in undercover investigations and Oklahoma
12 State Bureau of Investigation vehicles shall not be subject to the
13 provisions of this section.

14 D. Department of Corrections vehicles designated for use by
15 probation and parole operations and other administrative operations,
16 as approved by the Director of the Department of Corrections, shall
17 not be subject to the provisions of this section.

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

20 Section 153. It shall be unlawful for any person to drive any
21 state-owned or -leased automobile at any time and for any purpose,
22 on any street or highway within this state, unless the provisions of
23 Section 151 of this title have been strictly complied with,
24 provided, however, the Commissioner of the Department of Public

1 Safety is hereby authorized to set aside automobiles for use by the
2 Department so that the same may be available to the Department
3 without identifying marks thereon. These vehicles shall not be used
4 for traffic enforcement on a routine basis.

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

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

- 11 1. The Department of Public Safety;
- 12 2. The Department of Human Services;
- 13 3. The State Department of Rehabilitation Services;
- 14 4. The Department of Wildlife Conservation;
- 15 5. The Department of Corrections;
- 16 6. The State Department of Education;
- 17 7. The Oklahoma School of Science and Mathematics;
- 18 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
19 Control;
- 20 9. The Oklahoma State Bureau of Investigation;
- 21 10. The Transportation Commission;
- 22 11. The Oklahoma Department of Agriculture, Food, and Forestry;
- 23 12. The State Department of Health;
- 24

1 13. The Department of Mental Health and Substance Abuse
2 Services;

3 14. The J.D. McCarty Center for Children with Developmental
4 Disabilities;

5 15. The Military Department of the State of Oklahoma;

6 16. The Oklahoma Tourism and Recreation Department;

7 17. The Oklahoma Conservation Commission;

8 18. The Oklahoma Water Resources Board;

9 19. The Department of Mines;

10 20. The Office of Juvenile Affairs;

11 21. The Oklahoma Department of ~~Veteran~~ Veterans Affairs;

12 22. The Oklahoma Supreme Court;

13 23. The District Attorneys Council and Oklahoma district
14 attorneys, provided adequate funding exists; and

15 24. The Oklahoma Boll Weevil Eradication Organization.

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

22 2. No bus operated, owned, or used by such educational
23 institutions shall be permitted to carry any person other than
24 students, faculty members, employees, or volunteers of such

1 institutions. The provisions of this section shall not be construed
2 to prohibit:

3 a. the operation of intracampus buses or buses routed
4 directly between portions of the campus of any
5 institution not adjacent to each other, nor to
6 prohibit the collection of fares from such students,
7 faculty members, or employees of such institutions,
8 sufficient in amount to cover the reasonable cost of
9 such transportation, or

10 b. the Oklahoma School for the Blind or the Oklahoma
11 School for the Deaf from entering into agreements with
12 local public school districts pursuant to the
13 Interlocal Cooperation Act for the mutual use of the
14 schools' and the districts' vehicles. Such use may
15 include, but is not limited to, the transportation of
16 students from local school districts with students
17 from the Oklahoma School for the Blind or the Oklahoma
18 School for the Deaf in vehicles owned by the Oklahoma
19 School for the Blind or the Oklahoma School for the
20 Deaf when traveling to school-related activities.

21 c. The J.D. McCarty Center for Children with Developmental
22 Disabilities, the Oklahoma Department of Libraries, the Oklahoma
23 Department of Veterans Affairs, and the Oklahoma Veterans Centers
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1 may own and maintain such passenger vehicles as those institutions
2 have acquired prior to May 1, 1981.

3 D. The use of station wagons, automobiles, and buses, other
4 than as provided for in this section, shall be permitted only upon
5 written request for such use by heads of departments of the
6 institution, approved in writing by the president of said
7 institution or by some administrative official of said institution
8 authorized by the president to grant said approval. Such use shall
9 be permitted only for official institutional business or activities
10 connected therewith. Such use shall be subject to the provisions of
11 Section 156.1 of this title forbidding personal use of such
12 vehicles, and to the penalties therein declared.

13 E. Any person convicted of violating the provisions of this
14 section shall be guilty of a misdemeanor and shall be punished by
15 fine or imprisonment, or both, as provided for in Section 156.1 of
16 this title.

17 F. For the purpose of this section and Section 156.3 of this
18 title, a station wagon is classified as a passenger automobile and
19 may not be purchased solely for the use of transporting property.
20 Such vehicles shall include, but not be limited to, all vehicles
21 which have no separate luggage compartment or trunk but which do not
22 have open beds, whether the same are called station wagons, vans,
23 suburbans, town and country, blazers, or any other names. All state
24 boards, commissions, departments, and institutions may own and

1 maintain station wagons purchased solely for the purpose of
2 transporting property if acquired prior to July 1, 1985.

3 G. The provisions of this section and Section 156.1 of this
4 title shall not apply to public officials who are statewide elected
5 commissioners.

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

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

11 Section 156.1 A. It shall be unlawful for any state official,
12 officer, or employee, except any essential employees approved by the
13 Governor and those officers or employees authorized in subsection B
14 of this section, to ride to or from the place of residence of the
15 employee in a state-owned or -leased automobile, truck, or pickup,
16 except in the performance of the official duty of the employee, or
17 to use or permit the use of any such automobile, truck, ambulance,
18 or pickup for other personal or private purposes. Any person
19 convicted of violating the provisions of this section shall be
20 guilty of a misdemeanor and shall be punished by a fine of not more
21 than One Hundred Dollars (\$100.00) or by imprisonment in the county
22 jail for a period to not exceed thirty (30) days, or by both said
23 fine and imprisonment, and in addition thereto, shall be discharged
24 from state employment.

1 B. 1. Any state employee, other than the individuals provided
2 for in paragraph 2 of this subsection and any employee of the
3 Department of Public Safety who is an employee in the Driver License
4 Examining Division or the Driver Compliance Division or a wrecker
5 inspector or auditor of the Wrecker Services Division as provided
6 for in paragraph 3 of this subsection, who receives emergency
7 telephone calls regularly at the residence of the employee when the
8 employee is not on duty and is regularly called upon to use a
9 vehicle after normal work hours in response to such emergency calls,
10 may be permitted to use a vehicle belonging to the State of Oklahoma
11 to provide transportation between the residence of the employee and
12 the assigned place of employment, provided such distance does not
13 exceed seventy-five (75) miles in any round trip or is within the
14 county where the assigned place of employment is located. Provided
15 further, an employee may be permitted to use a state-owned or
16 -leased vehicle to provide temporary transportation between a
17 specific work location other than the assigned place of employment
18 and the residence of the employee, if such use shall result in a
19 monetary saving to the agency, and such authorization shall not be
20 subject to the distance or area restrictions provided for in this
21 paragraph. Authorization for temporary use of a state-owned or
22 -leased vehicle for a specific project shall be in writing stating
23 the justification for this use and the saving expected to result.
24 Such authorization shall be valid for not to exceed sixty (60) days.

1 Any state entity other than law enforcement that avails itself of
2 this provision shall keep a monthly record of all participating
3 employees, the number of emergency calls received, and the number of
4 times that a state vehicle was used in the performance of such
5 emergency calls.

6 2. Any employee of the Department of Public Safety, Oklahoma
7 State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
8 State Bureau of Investigation, Alcoholic Beverage Laws Enforcement
9 Commission, Oklahoma Horse Racing Commission, Oklahoma Department of
10 Agriculture, Food, and Forestry, Office of the Inspector General
11 within the Department of Human Services or Office of the State Fire
12 Marshal, who is a law enforcement officer or criminalist, Public
13 Information officer, Special Investigator or Assistant Director of
14 the Oklahoma State Bureau of Investigation, CLEET-certified
15 Investigator for a state board or any employee of a district
16 attorney who is a law enforcement officer, may be permitted to use a
17 state-owned or -leased vehicle to provide transportation between the
18 residence of the employee and the assigned place of employment and
19 between the residence and any location other than the assigned place
20 of employment to which the employee travels in the performance of
21 the official duty of the employee.

22 3. Any employee of the Department of Public Safety who is an
23 employee in the Driver License Examining Division, an employee of
24 the Driver Compliance Division, a wrecker inspector or auditor of

1 the Wrecker Services Division, or a noncommissioned pilot may be
2 permitted, as determined by the Commissioner, to use a state-owned
3 or -leased vehicle to provide transportation between the residence
4 of the employee and the assigned place of employment and between the
5 residence and any location other than the assigned place of
6 employment to which the employee travels in the performance of the
7 official duty of the employee.

8 4. The Director, department heads and other essential employees
9 of the Department of Wildlife Conservation, as authorized by the
10 Wildlife Conservation Commission, may be permitted to use a state-
11 owned or -leased vehicle to provide transportation between the
12 residence of the employee and the assigned place of employment and
13 between the residence and any location other than the assigned place
14 of employment to which the employee travels in the performance of
15 the official duty of the employee.

16 C. The principal administrator of the state agency with which
17 the employee is employed shall so designate the status of the
18 employee in writing or provide a copy of the temporary authorization
19 to the Governor, the President Pro Tempore of the Senate, and the
20 Speaker of the House of Representatives. Such employee status
21 report shall also be provided to the State Fleet Manager of the
22 Division of Fleet Management if the motor vehicle for emergency use
23 is provided by said Division.

24

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

3 Section 2103. A. 1. Except as otherwise provided in Sections
4 2101 through 2108 of this title, there shall be levied an excise tax
5 upon the transfer of legal ownership of any vehicle registered in
6 this state and upon the use of any vehicle registered in this state
7 and upon the use of any vehicle registered for the first time in
8 this state. Except for persons that possess an agricultural
9 exemption pursuant to Section 1358.1 of this title, the excise tax
10 shall be levied upon transfers of legal ownership of all-terrain
11 vehicles and motorcycles used exclusively off roads and highways
12 which occur on or after July 1, 2005, and upon transfers of legal
13 ownership of utility vehicles used exclusively off roads and
14 highways which occur on or after July 1, 2008. The excise tax for
15 new and used all-terrain vehicles, utility vehicles and motorcycles
16 used exclusively off roads and highways shall be levied at four and
17 one-half percent (4 1/2%) of the actual sales price of each new and
18 used all-terrain vehicle and motorcycle used exclusively off roads
19 and highways before any discounts or credits are given for a trade-
20 in. Provided, the minimum excise tax assessment for such all-
21 terrain vehicles, utility vehicles and motorcycles used exclusively
22 off roads and highways shall be Five Dollars (\$5.00). The excise
23 tax for new vehicles shall be levied at three and one-fourth percent
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1 (3 1/4%) of the value of each new vehicle. The excise tax for used
2 vehicles shall be as follows:

- 3 a. from October 1, 2000, until June 30, 2001, Twenty
4 Dollars (\$20.00) on the first One Thousand Dollars
5 (\$1,000.00) or less of value of such vehicle, and
6 three and one-fourth percent (3 1/4%) of the remaining
7 value of such vehicle,
- 8 b. for the year beginning July 1, 2001, and ending June
9 30, 2002, Twenty Dollars (\$20.00) on the first One
10 Thousand Two Hundred Fifty Dollars (\$1,250.00) or less
11 of value of such vehicle, and three and one-fourth
12 percent (3 1/4%) of the remaining value of such
13 vehicle, and
- 14 c. for the year beginning July 1, 2002, and all
15 subsequent years, Twenty Dollars (\$20.00) on the first
16 One Thousand Five Hundred Dollars (\$1,500.00) or less
17 of value of such vehicle, and three and one-fourth
18 percent (3 1/4%) of the remaining value of such
19 vehicle.

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

- 22 a. truck or truck-tractor registered under the provisions
23 of subsection A of Section 1133 of Title 47 of the
24 Oklahoma Statutes, for a laden weight or combined

1 laden weight of fifty-five thousand (55,000) pounds or
2 more,

3 b. trailer or semitrailer registered under subsection C
4 of Section 1133 of Title 47 of the Oklahoma Statutes,
5 which is primarily designed to transport cargo over
6 the highways of this state and generally recognized as
7 such, and

8 c. frac tank, as defined by Section 54 of Title 17 of the
9 Oklahoma Statutes, and registered under subsection C
10 of Section 1133 of Title 47 of the Oklahoma Statutes.

11 Except for frac tanks, the excise tax levied pursuant to this
12 paragraph shall not apply to special mobilized machinery, trailers,
13 or semitrailers manufactured, modified or remanufactured for the
14 purpose of providing services other than transporting cargo over the
15 highways of this state. The excise tax levied pursuant to this
16 paragraph shall also not apply to pickup trucks, vans, or sport
17 utility vehicles.

18 3. The tax levied pursuant to this section shall be due at the
19 time of the transfer of legal ownership or first registration in
20 this state of such vehicle; provided, the tax shall not be due at
21 the time of the issuance of a certificate of title for an all-
22 terrain vehicle, utility vehicle or motorcycle used exclusively off
23 roads and highways which is not required to be registered but which
24 the owner chooses to register pursuant to the provisions of

1 subsection B of Section 1115.3 of Title 47 of the Oklahoma Statutes,
2 and shall be collected by the Oklahoma Tax Commission or Corporation
3 Commission, as applicable, or an appointed motor license agent, at
4 the time of the issuance of a certificate of title for any such
5 vehicle. In the event an excise tax is collected on the transfer of
6 legal ownership or use of the vehicle during any calendar year, then
7 an additional excise tax must be collected upon all subsequent
8 transfers of legal ownership. In computing the motor vehicle excise
9 tax, the amount collected shall be rounded to the nearest dollar.
10 The excise tax levied by this section shall be delinquent from and
11 after the thirtieth day after the legal ownership or possession of
12 any vehicle is obtained. Any person failing or refusing to pay the
13 tax as herein provided on or before date of delinquency shall pay in
14 addition to the tax a penalty of One Dollar (\$1.00) per day for each
15 day of delinquency, but such penalty shall in no event exceed the
16 amount of the tax. Of each dollar penalty collected pursuant to
17 this subsection:

- 18 a. twenty-five cents (\$0.25) shall be apportioned as
19 provided in Section 1104 of this title;
- 20 b. twenty-five cents (\$0.25) shall be retained by the
21 motor license agent; and
- 22 c. fifty cents (\$0.50) shall be deposited in the General
23 Revenue Fund for the fiscal year beginning on July 1,
24 2011, and for all subsequent fiscal years, shall be

1 deposited in the State Highway Construction and
2 Maintenance Fund.

3 B. The excise tax levied in subsection A of this section
4 assessed on all commercial vehicles registered pursuant to Section
5 1120 of Title 47 of the Oklahoma Statutes shall be in lieu of all
6 sales and use taxes levied pursuant to the Sales Tax Code or the Use
7 Tax Code. The transfer of legal ownership of any motor vehicle as
8 used in this section and the Sales Tax Code and the Use Tax Code
9 shall include the lease, lease purchase or lease finance agreement
10 involving any truck in excess of eight thousand (8,000) pounds
11 combined laden weight or any truck-tractor provided the vehicle is
12 registered in Oklahoma pursuant to Section 1120 of Title 47 of the
13 Oklahoma Statutes or any frac tank, trailer, semitrailer or open
14 commercial vehicle registered pursuant to Section 1133 of Title 47
15 of the Oklahoma Statutes. The excise tax levied pursuant to this
16 section shall not be subsequently collected at the end of the lease
17 period if the lessee acquires complete legal title of the vehicle.

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

- 20 1. Husband and wife;
- 21 2. Parent and child; or
- 22 3. An individual and an express trust which that individual or
23 the spouse, child or parent of that individual has a right to
24 revoke.

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

3 a. a new original vehicle which is stolen from the
4 purchaser/registrant within ninety (90) days of the
5 date of purchase of the original vehicle as certified
6 by a police report or other documentation as required
7 by the Tax Commission, or

8 b. a defective new original vehicle returned by the
9 purchaser/registrant to the seller within six (6)
10 months of the date of purchase of the defective new
11 original vehicle as certified by the manufacturer.

12 2. The credit allowed pursuant to paragraph 1 of this
13 subsection shall be in the amount of the excise tax which was paid
14 for the new original vehicle and shall be applied to the excise tax
15 due on the replacement vehicle. In no event shall the credit be
16 refunded.

17 E. Despite any other definitions of the terms "new vehicle" and
18 "used vehicle", to the contrary, contained in any other law, the
19 term "new vehicle" as used in this section shall also include any
20 vehicle of the latest manufactured model which is owned or acquired
21 by a licensed used motor vehicle dealer which has not previously
22 been registered in this state and upon which the motor vehicle
23 excise tax as set forth in this section has not been paid. However,
24 upon the sale or transfer by a licensed used motor vehicle dealer

1 located in this state of any such vehicle which is the latest
2 manufactured model, the vehicle shall be considered a used vehicle
3 for purposes of determining excise tax.

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

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

8 Section 2110. A. There is hereby levied a rental tax of six
9 percent (6%) on the gross receipts of all motor vehicle rental
10 agreements as provided in this section. This tax shall be levied on
11 any rental agreement of ninety (90) days or less duration on any
12 motor vehicle that is rented to a person by a business engaged in
13 renting motor vehicles without a driver in Oklahoma, irrespective of
14 the state in which the vehicle is registered. This rental tax shall
15 not apply to the following:

16 1. Any lease agreements;

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

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

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

1 B. The rental tax specified in subsection A of this section
2 shall be apportioned in the manner as provided in Section 2102 of
3 this title.

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

8 D. The tax hereby levied shall be collected at the time of the
9 payment of the rental agreement and shall be due and payable to the
10 Oklahoma Tax Commission by the business engaged in renting these
11 vehicles on the twentieth day of each month following the month in
12 which payments for rental agreements subject to tax are made. The
13 Tax Commission shall implement such rules and regulations and devise
14 such forms as it deems necessary for the orderly collection of this
15 tax and the excise tax and penalty provided for in ~~subsection~~
16 paragraph 9 of Section 2105 of this title.

17 E. The provisions of this section shall not apply to state
18 government entities.

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

21 Section 78. A. There is hereby created and established within
22 the Department of Central Services, the Fleet Management Division.
23 The Division shall provide oversight of and advice to state agencies
24 that own, operate and utilize motor vehicles, ~~except for the~~

1 ~~Department of Public Safety, the Department of Transportation, the~~
2 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the~~
3 ~~Oklahoma State Bureau of Investigation, and The Oklahoma State~~
4 ~~System of Higher Education.~~

5 B. The Director of Central Services shall:

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

8 2. Hire personnel as necessary to provide fleet services;

9 3. Acquire facilities to maintain vehicles;

10 4. Construct, install, acquire, operate and provide alternative
11 fueling infrastructure for use by state agencies and political
12 subdivisions of the state or for leasing and transferring to
13 political subdivisions;

14 5. Promulgate rules for efficient and economical operations to
15 provide fleet services; and

16 6. Report to the Governor, Speaker of the House of
17 Representatives, and President Pro Tempore of the Senate those
18 agencies that fail to comply with the provisions of law and the
19 rules of the Fleet Management Division regarding submission of
20 reports, vehicle use, and vehicle maintenance.

21 C. The rules shall include provisions to:

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

1 2. Establish standards for routine vehicle inspection and
2 maintenance;

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

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

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

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

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

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

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

5 D. The Fleet Manager shall:

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

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

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

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

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

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

23 7. Offer guidelines to agencies to assist in determining the
24 most cost-effective and reasonable modes of travel for single trips

1 from the following options: state vehicle, private rental, or
2 mileage reimbursement; and

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

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

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

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

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

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

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

9 SECTION 8. AMENDATORY 74 O.S. 2011, Section 78a, is
10 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~~ State Fleet Manager prior to acquisition of a motor
14 vehicle. The requisition shall state the type of vehicle, the
15 intended purpose of the vehicle, a statement that the agency has
16 actual need for the vehicle, the supplier of the vehicle, that the
17 state agency has sufficient funds to acquire and maintain the
18 vehicle and cite the statutory authority of the state agency to
19 acquire a vehicle. All acquisitions of any motor vehicle of ten
20 thousand (10,000) pounds or less gross vehicle weight shall require
21 approval by the State Fleet Manager.

22 B. The ~~Director of Central Services~~ State Fleet Manager shall
23 review the requisition and approve or deny the request of the state
24 agency within fifteen (15) days of receipt by the ~~Director of~~

1 ~~Central Services~~ State Fleet Manager. The Director of State Finance
2 shall not approve a purchase order or claim for a motor vehicle
3 unless the acquisition of the motor vehicle was approved by the
4 ~~Director of Central Services~~ State Fleet Manager.

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

8 ~~D. The provisions of subsections A and B of this section shall~~
9 ~~not apply to CompSource Oklahoma if CompSource Oklahoma is operating~~
10 ~~pursuant to a pilot program authorized by Sections 1 and 2 of this~~
11 ~~act~~ State agencies that own motor vehicles shall submit an updated
12 inventory report to the State Fleet Manager after the acquisition of
13 a motor vehicle.

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

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

1 B. The provisions of this section shall be used to determine
2 the most cost-effective method of travel by motor vehicles, whether
3 such vehicles are owned by the agency, leased by the agency or by
4 the employee, and shall be applicable for purposes of determining
5 the maximum authorized amount of any travel reimbursement for
6 employees of such agencies related to vehicle usage.

7 C. A nonappropriated state agency, that employs persons who use
8 personal vehicles as part of their regular duties and who are
9 reimbursed for travel expenses by the agency shall not be required
10 to utilize the Trip Optimizer system with regard to the travel
11 expenses of such employees. As used in this section,
12 "nonappropriated state agency" means an entity within the executive
13 branch of government that does not receive any of its funding
14 through the annual legislative appropriations process.

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

21 E. State employees may be exempt from the reimbursement
22 requirements of the Trip Optimizer system, provided the state
23 employees utilize a personally owned vehicle and seek reimbursement

24

1 according to the schedule referenced in subsection F of this
2 section.

3 F. The Office of State Finance may publish a schedule of
4 reimbursement rates for state employee travel. The schedule may
5 apply to exemptions claimed under subsection E of this section. The
6 schedule may categorize reimbursement rates by type of vehicle and
7 shall not exceed standard mileage reimbursement rates as established
8 by the Internal Revenue Service.

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

12 H. In providing a calculation of rates, the Trip Optimizer
13 system shall account for the long-term rate discounts offered
14 through the state's purchasing contract for vehicle rentals.

15 SECTION 10. This act shall become effective November 1, 2012.

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