

1 ENGROSSED HOUSE
2 BILL NO. 1952

By: Benge, Jackson, Trebilcock,
Sherrer, Jett, Walker and
Dorman of the House

3
4 and

Bingman of the Senate
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8 An Act relating to energy; amending 74 O.S. 2001,
9 Section 78, as last amended by Section 1, Chapter
10 169, O.S.L. 2007 (74 O.S. Supp. 2008, Section 78),
11 which relates to the Fleet Management Division;
12 modifying certain fleet services; authorizing the
13 Director of Central Services to construct and operate
14 alternative fueling infrastructure; authorizing
15 agreements with political subdivisions for fleet
16 services; allowing the Department of Central Services
17 to offer public access to alternative fueling
18 infrastructure; requiring public access to cease
19 under certain circumstances; providing definition of
20 certain term; amending 74 O.S. 2001, Section 78c, as
21 amended by Section 5, Chapter 372, O.S.L. 2003 (74
22 O.S. Supp. 2008, Section 78c), which relates to the
23 State Fleet Management Fund; expanding uses of the
24 fund; requiring deposit of certain lease payment in
the fund; authorizing the Department to enter into
lease agreements with political subdivisions for
alternative fueling infrastructure; providing for
transfer of title upon final payment; limiting
expenditure for infrastructure; requiring lease
payments to be deposited in the State Fleet
Management Fund; amending 74 O.S. 2001, Sections
130.2, as amended by Section 2, Chapter 287, O.S.L.
2005 and 130.4, as amended by Section 1, Chapter 38,
O.S.L. 2002 (74 O.S. Supp. 2008, Sections 130.2 and
130.4), which relate to the Oklahoma Alternative
Fuels Conversion Act; modifying definitions;
increasing maximum expenditure amount for
installation of a fill or charge station; amending 74
O.S. 2001, Section 130.13, which relates to the
Alternative Fuels Technician Certification Act;

1 modifying definitions; repealing 74 O.S. 2001,
2 Section 130.8A, which relates to exhaust emission
3 standards for certain conversion kits; providing for
4 codification; and declaring an emergency.

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

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

9 Section 78. A. There is hereby created and established within
10 the Department of Central Services, the Fleet Management Division.
11 The Division shall provide oversight of and advice to state agencies
12 that own, operate and utilize motor vehicles, except for the
13 Department of Public Safety, the Department of Transportation, 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 ~~management~~
20 services ~~to state agencies~~;

21 3. Acquire facilities to maintain vehicles;

22 4. Construct, install, acquire, operate and provide alternative
23 fueling infrastructure for use by state agencies and political
24

1 subdivisions of the state or for leasing and transferring to
2 political subdivisions;

3 5. Promulgate rules for efficient and economical operations to
4 provide fleet ~~management~~ services ~~to state agencies~~; and

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

10 C. The rules shall include provisions to:

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

14 2. Establish standards for routine vehicle inspection and
15 maintenance;

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

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

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

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

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

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

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

19 D. The Fleet Manager shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Section 78c. A. There is hereby created a special fund to be
21 designated the "State Fleet Management Fund". The fund may be
22 appropriated for and used for the acquisition, leasing, operation,
23 storage, maintenance, repair and replacement of motor vehicles under
24 the control of the Fleet Management Division, the payment of

1 insurance premiums, ~~and~~ the payment of the administrative expenses
2 of the Division in connection with the operation of the motor pool
3 ~~and~~, expenses the Department of Central Services incurs to support
4 Division operations, and for expenses associated with constructing,
5 installing, acquiring, and operating alternative fueling
6 infrastructure and acquiring alternative fuel vehicles for use by
7 state agencies or for leasing and transferring to political
8 subdivisions of the state as authorized pursuant to Section 3 of
9 this act.

10 B. At the end of each month the Division shall render a
11 statement, on such reasonable basis of mileage or rental as shall be
12 established by the Division, to all state agencies to which
13 transportation has been furnished, and all amounts collected shall
14 be deposited to the credit of the "State Fleet Management Fund".

15 C. Proceeds from the disposition of motor vehicles or other
16 property owned by the Division shall be deposited to the credit of
17 the fund.

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

21 E. The Fleet Management Division is authorized to maintain a
22 petty cash fund in such amount not exceeding Two Thousand Dollars
23 (\$2,000.00) to make immediate cash payments as are required or
24 necessary in the opinion of the Fleet Management Director. Any such

1 cash disbursement shall be made only by the persons so designated by
2 the Fleet Management Director, and only in the payment of claims
3 authorized by law. Such proofs and receipts shall be presented by
4 the person making a claim as is required by the Fleet Management
5 Director.

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

9 A. The Department of Central Services through the Fleet
10 Management Division may enter into agreements with political
11 subdivisions of the state to lease alternative fuel vehicles and
12 alternative fueling infrastructure constructed, installed or
13 acquired by the Department and to transfer title to the vehicles and
14 infrastructure and any associated real property to the political
15 subdivision upon final payment of the obligations contained in the
16 agreement.

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

22 C. Payments received by the Department for the leasing of
23 alternative fuel vehicles and alternative fueling infrastructure as
24 provided for in this section shall be deposited in the State Fleet

1 Management Fund created in Section 78c of Title 74 of the Oklahoma
2 Statutes.

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

6 Section 130.2 As used in the Oklahoma Alternative Fuels
7 Conversion Act:

8 1. "Alternative fuels" means ~~fuels which result in comparably~~
9 ~~lower emissions of oxides of nitrogen, volatile organic compounds,~~
10 ~~carbon monoxide, or particulates or any combination thereof and~~
11 ~~includes compressed~~ natural gas and liquid fuels produced from
12 natural gas, liquefied petroleum gas, ~~liquefied natural gas,~~
13 ethanol, methanol, ~~"M-85" which is a mixture of methanol and~~
14 ~~gasoline containing at least eighty five percent (85%) methanol,~~
15 electricity, biodiesel, and ~~"B20" which is a mixture of biodiesel~~
16 ~~and diesel fuel containing at least twenty percent (20%) biodiesel~~
17 coal-derived liquid fuels, hydrogen and fuels derived from
18 biological materials;

19 2. "Charge station" means the physical device that provides a
20 connection from a power source to an electric vehicle ~~as defined by~~
21 ~~the Electric Vehicle Association of America, the Electric Power~~
22 ~~Research Institute, and the Society of Automotive Engineers. All~~
23 ~~charge stations shall comply with the National Electric Code.~~

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~~Inductive connectors and conductive connectors shall comply with the guidelines of the Society of Automotive Engineers;~~

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

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

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

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

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

1 ~~8-~~ 7. "Gasoline" means the same as motor fuel and means every
2 liquid petroleum product, or any combination thereof, other than
3 solvents as herein defined, having an A.P.I. gravity of forty-six
4 degrees (46°) or above at a temperature of sixty degrees (60°)
5 Fahrenheit and at atmospheric pressure, and includes drip,
6 casinghead or natural gasoline. The term gasoline also includes any
7 liquid of less than forty-six degrees (46°) A.P.I. gravity at a
8 temperature of sixty degrees (60°) Fahrenheit compounded, blended,
9 manufactured or otherwise produced by mixing or blending gasoline or
10 solvents with any blending materials, as hereinafter defined, when
11 the blended product can be used for generating power in internal
12 combustion engines, regardless of how such liquid is made,
13 compounded, manufactured or recovered and regardless of the name by
14 which such liquid may be known or sold;

15 ~~9-~~ 8. "Government vehicle" means all motor vehicles, including,
16 but not limited to, transit vehicles operated by any entity pursuant
17 to Section 4031 et seq. of Title 69 of the Oklahoma Statutes or
18 designated as public transit by the ~~Oklahoma~~ Department of
19 Transportation, buses, trucks, law enforcement vehicles and
20 emergency vehicles, owned and operated by the State of Oklahoma, any
21 public trust authority, county, municipality, town or city within
22 this state;

23 ~~10-~~ 9. "Sale" means sales, barter, exchanges, and every other
24 manner, method, and form of transferring the ownership of personal

1 property from one person to another, and also includes the use or
2 consumption in this state in the first instance of gasoline received
3 from without the state or of any other gasoline upon which the
4 surcharge has not been paid;

5 ~~11.~~ 10. "School vehicle" means all buses and multi-passenger
6 motor vehicles owned and approved to operate by the State Department
7 of Education or any school district within this state; and

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

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

19 Section 130.4 A. There is hereby created in the State Treasury
20 a revolving fund for the Department of Central Services to be
21 designated as the "Oklahoma Alternative Fuels Conversion Fund". The
22 fund shall be a continuing fund, not subject to fiscal year
23 limitations, and shall consist of all monies received by the
24

1 Department of Central Services pursuant to Section 130.5 of this
2 title.

3 B. All monies accruing to the credit of the revolving fund
4 shall be expended by the Department of Central Services to reimburse
5 expenses relative to the conversion of government vehicles and
6 school vehicles to have the capability of being fueled or charged by
7 alternative fuels and/or the expenses relative to the installation
8 of a fill station or charge station. The maximum amount expended
9 per vehicle shall be the actual cost of vehicle conversion or Ten
10 Thousand Dollars (\$10,000.00), whichever is less. The maximum
11 amount expended per fill station or charge station shall be the
12 actual cost of the installation or ~~One Hundred Fifty Thousand~~
13 ~~Dollars (\$150,000.00)~~ Three Hundred Thousand Dollars (\$300,000.00),
14 whichever is less. The balance on deposit in the fund shall never
15 exceed the sum of Five Million Dollars (\$5,000,000.00).

16 C. Expenditures from the revolving fund shall be made upon
17 warrants issued by the State Treasurer against claims filed as
18 prescribed by law with the Director of State Finance for approval
19 and payment.

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

22 Section 130.13 As used in the Alternative Fuels Technician
23 Certification Act:
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1 1. "Alternative fuels" means ~~fuels which result in comparably~~
2 ~~lower emissions of oxides of nitrogen, volatile organic compounds,~~
3 ~~carbon monoxide, or particulates or any combination thereof and~~
4 ~~includes compressed natural gas,~~ liquefied petroleum gas, liquefied
5 natural gas and liquid fuels produced from natural gas, methanol,
6 ~~"M 85" which is a mixture of methanol and gasoline containing at~~
7 ~~least eighty-five percent (85%) methanol,~~ ethanol, reformulated
8 gasoline and electricity, coal-derived liquid fuels, hydrogen,
9 biodiesel and fuels derived from biological materials;

10 2. "Alternative fuels equipment technician" means any person
11 who installs, modifies, repairs or renovates equipment used in the
12 conversion of any engines to engines fueled by alternative fuels.
13 This includes originally equipped manufactured engines dedicated to
14 operate on an alternative fuel;

15 3. "Alternative fuels compression technician" means any person
16 who installs, services, modifies, repairs or renovates fill
17 stations;

18 4. "Board" means the Alternative Fuels Technician Hearing
19 Board;

20 5. "Committee" means the Committee of Alternative Fuels
21 Technician Examiners;

22 6. "Electric vehicle technician" means any person who installs,
23 modifies, repairs, performs maintenance on, or renovates onboard
24 charging systems, motors, controllers, power sources, or the drive

1 systems of vehicles powered by electricity that is greater than
2 eighty (80) volts. This includes vehicles originally equipped as
3 electric vehicles, vehicles converted from gliders, and vehicles
4 converted from internal combustion engine vehicles;

5 7. "Fill station" means the equipment and conveyance property
6 ~~which is directly related to~~ that provides the delivery and, if
7 required, compression of ~~compressed natural gas or liquefied natural~~
8 ~~gas into the fuel tank of a motor vehicle propelled by such fuel~~
9 ~~including the compression equipment and storage vessels for such~~
10 ~~fuel at the point where the~~ an alternative fuel ~~is delivered~~ other
11 than electricity; and

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

14 SECTION 7. REPEALER 74 O.S. 2001, Section 130.8A, is
15 hereby repealed.

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

1 Passed the House of Representatives the 9th day of March, 2009.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2009.

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9 Presiding Officer of the Senate
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