

1 ENGROSSED SENATE
2 BILL NO. 1328

By: Simpson of the Senate

3 and

4 Hardin (Tommy) of the House

5
6 An Act relating to the Office of Management and
7 Enterprise Services; amending 74 O.S. 2011, Section
8 78, as last amended by Section 1, Chapter 124, O.S.L.
9 2018 (74 O.S. Supp. 2019, Section 78), which relates
10 to the Fleet Management Division; providing exception
11 for the Military Department of the State of Oklahoma;
12 amending 74 O.S. 2011, Section 78a, as last amended
13 by Section 2, Chapter 124, O.S.L. 2018 (74 O.S. Supp.
14 2019, Section 78a), which relates to application of
15 agencies intending to purchase motor vehicles;
16 deleting certain reporting requirement for the
17 Military Department of the State of Oklahoma;
18 amending 74 O.S. 2011, Section 78b, as last amended
19 by Section 3, Chapter 124, O.S.L. 2018 (74 O.S. Supp.
20 2019, Section 78b), which relates to notification of
21 vehicle disposal; providing exception for the
22 Military Department of the State of Oklahoma; and
23 providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 2011, Section 78, as last
amended by Section 1, Chapter 124, O.S.L. 2018 (74 O.S. Supp. 2019,
Section 78), is amended to read as follows:

Section 78. A. There is hereby created and established within
the Office of Management and Enterprise Services, the Fleet
Management Division. The Division shall provide oversight of and
advice to state agencies that own, operate and utilize motor

1 vehicles, except for the Department of Public Safety, the Department
2 of Transportation, the Oklahoma State Bureau of Narcotics and
3 Dangerous Drugs Control, the Military Department of the State of
4 Oklahoma, the Oklahoma State Bureau of Investigation, the
5 Commissioners of the Land Office and The Oklahoma State System of
6 Higher Education.

7 B. The Director of the Office of Management and Enterprise
8 Services shall:

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

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

12 3. Acquire facilities to maintain vehicles;

13 4. Promulgate rules for efficient and economical operations to
14 provide fleet services; and

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

20 C. The rules shall include provisions to:

21 1. Establish uniform written vehicle acquisition, leasing,
22 maintenance, repairs, and disposal standards for use by all state
23 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 the Office of Management and
5 Enterprise Services.

6 D. The Fleet Manager shall:

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

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

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

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

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

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

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

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

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

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

20 G. The Office may offer public access to alternative fueling
21 infrastructure owned and operated by the Office in areas of the
22 state in which access to an alternative fueling infrastructure is
23 not readily available to the public. The Office shall cease
24 allowing public access to an alternative fueling infrastructure

1 operated by the Office if a privately owned alternative fueling
2 infrastructure locates within a five-mile radius of the
3 infrastructure operated by the Department.

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

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

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

12 SECTION 2. AMENDATORY 74 O.S. 2011, Section 78a, as last
13 amended by Section 2, Chapter 124, O.S.L. 2018 (74 O.S. Supp. 2019,
14 Section 78a), is amended to read as follows:

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

1 B. The Director of the Office of Management and Enterprise
2 Services shall review the requisition and approve or deny the
3 request of the state agency within fifteen (15) days of receipt.

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

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 3316 and 3317 of
11 this title.

12 ~~E. The Oklahoma Military Department shall annually report to~~
13 ~~the President Pro Tempore of the Senate, the Speaker of the House of~~
14 ~~Representatives and the Secretary of Finance the amount of savings~~
15 ~~realized from its authority to purchase motor vehicles. If such~~
16 ~~report is not filed or does not document such savings, the authority~~
17 ~~of the Department to purchase motor vehicles shall cease to be in~~
18 ~~effect on January 1, 2022.~~

19 SECTION 3. AMENDATORY 74 O.S. 2011, Section 78b, as last
20 amended by Section 3, Chapter 124, O.S.L. 2018 (74 O.S. Supp. 2019,
21 Section 78b), is amended to read as follows:

22 Section 78b. A. A state agency shall notify the Fleet
23 Management Division of the Office of Management and Enterprise
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1 Services not less than thirty (30) days prior to any vehicle
2 disposal by the state agency.

3 B. A state agency shall not dispose of a passenger car, truck,
4 pickup, or other vehicle the state agency owns until it has been in
5 use for sixty thousand (60,000) miles or at least twenty-four (24)
6 months have elapsed since the day the claim was approved for the
7 payment thereof, unless the vehicle has damage and repairs that will
8 exceed Two Thousand Five Hundred Dollars (\$2,500.00), or the
9 Director of the Fleet Management Division of the Office of
10 Management and Enterprise Services provides written authorization
11 for disposal.

12 C. The provisions of subsections A and B of this section shall
13 not apply to the Commissioners of the Land Office, the Military
14 Department of the State of Oklahoma or CompSource Oklahoma if
15 CompSource Oklahoma is operating pursuant to a pilot program
16 authorized by Sections 3316 and 3317 of this title.

17 SECTION 4. This act shall become effective November 1, 2020.
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1 Passed the Senate the 9th day of March, 2020.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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8 _____
9 Presiding Officer of the House
10 of Representatives