

An Act

ENROLLED SENATE
BILL NO. 76

By: Simpson of the Senate

and

Hardin (Tommy) of the House

An Act relating to the Office of Management and Enterprise Services; amending 74 O.S. 2011, Section 78, as last amended by Section 1, Chapter 124, O.S.L. 2018 (74 O.S. Supp. 2020, Section 78), which relates to the Fleet Management Division; providing exception for the Military Department of the State of Oklahoma; amending 74 O.S. 2011, Section 78a, as last amended by Section 2, Chapter 124, O.S.L. 2018 (74 O.S. Supp. 2020, Section 78a), which relates to application of agencies intending to purchase motor vehicles; deleting certain reporting requirement for the Military Department of the State of Oklahoma; amending 74 O.S. 2011, Section 78b, as last amended by Section 3, Chapter 124, O.S.L. 2018 (74 O.S. Supp. 2020, Section 78b), which relates to notification of vehicle disposal; providing exception for the Military Department of the State of Oklahoma; and providing an effective date.

SUBJECT: Military Department of the State of Oklahoma

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. 2020, 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 vehicles, except for the Department of Public Safety, the Department of Transportation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Military Department of the State of Oklahoma, the Oklahoma State Bureau of Investigation, the Commissioners of the Land Office and The Oklahoma State System of Higher Education.

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

1. Appoint and fix duties and compensation for a Fleet Manager who shall serve as the administrative head of the division;
2. Hire personnel as necessary to provide fleet services;
3. Acquire facilities to maintain vehicles;
4. Promulgate rules for efficient and economical operations to provide fleet services; and
5. Report to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate those agencies that fail to comply with the provisions of law and the rules of the Fleet Management Division regarding submission of reports, vehicle use, and vehicle maintenance.

C. The rules shall include provisions to:

1. Establish uniform written vehicle acquisition, leasing, maintenance, repairs, and disposal standards for use by all state agencies to justify actual need for vehicles;
2. Establish standards for routine vehicle inspection and maintenance;
3. Provide standards and forms for recordkeeping of fleet operation, maintenance, and repair costs for mandatory use by all

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

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

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

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

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

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

9. Address any other matter or practice which relates to the responsibilities of the Director of the Office of Management and Enterprise Services.

D. The Fleet Manager shall:

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

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

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

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

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

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

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

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

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

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

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

allowing public access to an alternative fueling infrastructure operated by the Office if a privately owned alternative fueling infrastructure locates within a five-mile radius of the infrastructure operated by the Department.

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

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

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

SECTION 2. AMENDATORY 74 O.S. 2011, Section 78a, as last amended by Section 2, Chapter 124, O.S.L. 2018 (74 O.S. Supp. 2020, Section 78a), is amended to read as follows:

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

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

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

D. The provisions of subsections A and B of this section shall not apply to CompSource Oklahoma if CompSource Oklahoma is operating

pursuant to a pilot program authorized by Sections 3316 and 3317 of this title.

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

SECTION 3. AMENDATORY 74 O.S. 2011, Section 78b, as last amended by Section 3, Chapter 124, O.S.L. 2018 (74 O.S. Supp. 2020, Section 78b), is amended to read as follows:

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

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

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

SECTION 4. This act shall become effective November 1, 2021.

Passed the Senate the 4th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____