

1 **SENATE FLOOR VERSION**

2 April 11, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2253

By: Burns of the House

5 and

6 Jech of the Senate

7
8 An Act relating to motor vehicles; amending 47 O.S.
9 2021, Section 151, which relates to marking of
10 automobiles owned or leased by the state; making
11 exception for certain agency vehicles; amending 47
12 O.S. 2021, Section 156, which relates to the
13 prohibition against purchase of automobiles or buses
14 with public funds; allowing the Office of the
15 Attorney General to purchase certain vehicles;
16 amending 47 O.S. 2021, Section 156.1, which relates
17 to the use of state-owned motor vehicles for private
18 use; authorizing certain use of state-owned vehicles
19 for the Office of the Attorney General; listing
20 employees that may use state-owned vehicles for
21 certain purpose; providing an effective date; and
22 declaring an emergency.

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

24 SECTION 1. AMENDATORY 47 O.S. 2021, Section 151, is
amended to read as follows:

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

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

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

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

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

21 E. Vehicles utilized by CLEET-certified officers or state
22 employees primarily employed in investigative activities may be
23 exempt from the provisions of this section subject to the approval
24 of the State Fleet Manager.

1 F. Oklahoma Military Department vehicles designated for use by
2 the Adjutant General or Assistant Adjutant General in performance of
3 his or her duties and Oklahoma Military Department vehicles
4 designated for use in the State Transition and Reintegration System
5 (STARS) program for tracking youth, as approved by the Adjutant
6 General, shall not be subject to the provisions of this section.

7 G. Office of Juvenile Affairs vehicles designated for use of
8 the Office by the Executive Director of the Office of Juvenile
9 Affairs shall not be subject to the provisions of this section.

10 H. Office of the Attorney General vehicles designated for use
11 by agents and other employees, as approved by the Attorney General,
12 shall not be subject to the provisions of this section.

13 SECTION 2. AMENDATORY 47 O.S. 2021, Section 156, is
14 amended to read as follows:

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

- 19 1. The Department of Public Safety;
- 20 2. The Department of Human Services;
- 21 3. The State Department of Rehabilitation Services;
- 22 4. The Department of Wildlife Conservation;
- 23 5. The Department of Corrections;
- 24 6. The State Department of Education;

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

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

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

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

19 b. the Oklahoma School for the Blind or the Oklahoma
20 School for the Deaf from entering into agreements with
21 local public school districts pursuant to the
22 Interlocal Cooperation Act for the mutual use of the
23 schools' and the districts' vehicles. Such use may
24 include, but is not limited to, the transportation of

1 students from local school districts with students
2 from the Oklahoma School for the Blind or the Oklahoma
3 School for the Deaf in vehicles owned by the Oklahoma
4 School for the Blind or the Oklahoma School for the
5 Deaf when traveling to school-related activities.

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

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

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

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

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

14 SECTION 3. AMENDATORY 47 O.S. 2021, Section 156.1, is
15 amended to read as follows:

16 Section 156.1 A. It shall be unlawful for any state official,
17 officer or employee, except any essential employees approved by the
18 Governor and those officers or employees authorized in subsection B
19 of this section, to ride to or from the place of residence of the
20 employee in a state-owned or state-leased automobile, truck or
21 pickup, except in the performance of the official duty of the
22 employee, or to use or permit the use of any such automobile, truck,
23 ambulance or pickup for other personal or private purposes. Any
24 person convicted of violating the provisions of this section shall

1 be guilty of a misdemeanor and shall be punished by a fine of not
2 more than One Hundred Dollars (\$100.00) or by imprisonment in the
3 county jail for a period to not exceed thirty (30) days, or by both
4 said fine and imprisonment, and in addition thereto, shall be
5 discharged from state employment.

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

1 subject to the distance or area restrictions provided for in this
2 paragraph. Authorization for temporary use of a state-owned or
3 state-leased vehicle for a specific project shall be in writing
4 stating the justification for this use and the saving expected to
5 result. Such authorization shall be valid for not to exceed sixty
6 (60) days. Any state entity other than law enforcement that avails
7 itself of this provision shall keep a monthly record of all
8 participating employees, the number of emergency calls received and
9 the number of times that a state vehicle was used in the performance
10 of such emergency calls.

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

1 employment and between the residence and any location other than the
2 assigned place of employment to which the employee travels in the
3 performance of the official duty of the employee.

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

14 4. The Director, department heads and other essential employees
15 of the Department of Wildlife Conservation, as authorized by the
16 Wildlife Conservation Commission, may be permitted to use a state-
17 owned or state-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 5. The Director, department heads, emergency responders and
23 other essential employees of the Department of Corrections, as
24 authorized by the Director, may be permitted to use a state-owned or

1 state-leased vehicle to provide transportation between the residence
2 of the employee and the assigned place of employment and between the
3 residence and any location other than the assigned place of
4 employment to which the employee travels in the performance of the
5 official duty of the employee.

6 6. The Attorney General, division heads, emergency responders,
7 agents, assistant attorneys general, and other essential employees
8 of the Office of the Attorney General, as authorized by the Attorney
9 General, may be permitted to use a state-owned or state-leased
10 vehicle to provide transportation between the residence of the
11 employee and the assigned place of employment and between the
12 residence and any location other than the assigned place of
13 employment to which the employee travels in the performance of the
14 official duty of the employee.

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

23 SECTION 4. This act shall become effective November 1, 2023.
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1 SECTION 5. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 April 11, 2023 - DO PASS
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