

1 **SENATE FLOOR VERSION**

2 April 9, 2018

3 ENGROSSED HOUSE
4 BILL NO. 3376

By: Wallace of the House

and

Murdock of the Senate

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7
8 An Act relating to state government; amending 74 O.S.
9 2011, Sections 78, as last amended by Section 1,
10 Chapter 301, O.S.L. 2013, 78a, as last amended by
11 Section 1, Chapter 120, O.S.L. 2016 and 78b, as
12 amended by Section 730, Chapter 304, O.S.L. 2012 (74
13 O.S. Supp. 2017, Sections 78, 78a and 78b), which
14 relate to the Office of Management and Enterprise
15 Services; exempting Commissioners of the Land Office
16 from requirements of the Fleet Management Division;
17 and providing an effective date.

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

19 SECTION 1. AMENDATORY 74 O.S. 2011, Section 78, as last
20 amended by Section 1, Chapter 301, O.S.L. 2013 (74 O.S. Supp. 2017,
21 Section 78), is amended to read as follows:

22 Section 78. A. There is hereby created and established within
23 the Office of Management and Enterprise Services, the Fleet
24 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

1 Dangerous Drugs Control, the Oklahoma State Bureau of Investigation,
2 the Commissioners of the Land Office and The Oklahoma State System
3 of Higher Education.

4 B. The Director of the Office of Management and Enterprise
5 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. Promulgate rules for efficient and economical operations to
11 provide fleet services; and

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

17 C. The rules shall include provisions to:

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

21 2. Establish standards for routine vehicle inspection and
22 maintenance;

23 3. Provide standards and forms for recordkeeping of fleet
24 operation, maintenance, and repair costs for mandatory use by all

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

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

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

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

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

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

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

1 D. The Fleet Manager shall:

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

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

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

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

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

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

20 7. Offer guidelines to agencies to assist in determining the
21 most cost-effective and reasonable modes of travel for single trips
22 from the following options: state vehicle, private rental, or
23 mileage reimbursement; and
24

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

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

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

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

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

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

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

8 SECTION 2. AMENDATORY 74 O.S. 2011, Section 78a, as last
9 amended by Section 1, Chapter 120, O.S.L. 2016 (74 O.S. Supp. 2017,
10 Section 78a), is 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 the Office of
13 Management and Enterprise Services 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.

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

23 C. The provisions of subsections A and B of this section shall
24 not apply to the Department of Public Safety, the Commissioners of

1 the Land Office, the Oklahoma State Bureau of Narcotics and
2 Dangerous Drugs Control or the Oklahoma Military Department.

3 D. The provisions of subsections A and B of this section shall
4 not apply to CompSource Oklahoma if CompSource Oklahoma is operating
5 pursuant to a pilot program authorized by Sections 3316 and 3317 of
6 this title.

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

14 SECTION 3. AMENDATORY 74 O.S. 2011, Section 78b, as
15 amended by Section 730, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
16 2017, Section 78b), is amended to read as follows:

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

21 B. A state agency shall not dispose of a passenger car, truck,
22 pickup, or other vehicle the state agency owns until it has been in
23 use for sixty thousand (60,000) miles or at least twenty-four (24)
24 months have elapsed since the day the claim was approved for the

1 payment thereof, unless the vehicle has damage and repairs that will
2 exceed Two Thousand Five Hundred Dollars (\$2,500.00), or the
3 Director of the Fleet Management Division of the Office of
4 Management and Enterprise Services provides written authorization
5 for disposal.

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

10 SECTION 4. This act shall become effective November 1, 2018.

11 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
12 April 9, 2018 - DO PASS
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