

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3815

 By: McCall

7 AS INTRODUCED

8 An Act relating to state government; amending 74 O.S.
9 2011, Section 78, as last amended by Section 1,
10 Chapter 124, O.S.L. 2018 (74 O.S. Supp. 2019, Section
11 78), which relates to fleet management; modifying
12 duties of the Director of the Office of Management
 and Enterprise Services; authorizing the purchase,
 rent and management of motor vehicles by state
 agencies upon violation of act; and providing an
 effective date.

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

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

19 Section 78. A. There is hereby created and established within
20 the Office of Management and Enterprise Services, the Fleet
21 Management Division. The Division shall provide oversight of and
22 advice to state agencies that own, operate and utilize motor
23 vehicles, except for the Department of Public Safety, the Department
24 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 6. Semiannually acquire bids for commercially available car
18 rental fleets; and

19 7. Ensure that state agencies are charged no more than the
20 actual cost of the fleet management services provided by the Office
21 of Enterprise and Management Services. Such charges shall not
22 include costs related to administration, overhead, insurance or any
23 other additional costs indirectly related to the fleet management
24 services provided.

1 C. The rules shall include provisions to:

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

5 2. Establish standards for routine vehicle inspection and
6 maintenance;

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

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

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

17 6. Require all agencies with in-house repair and service
18 facilities to assign a value to the preventive maintenance services,
19 track those services with a dollar value, ensure that its cost for
20 any service, part or repair shall not be more than such agency could
21 obtain in the private market and report costs to the Fleet Manager
22 for the prior month no later than the twentieth day following the
23 close of each month;

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

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

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

12 D. The Fleet Manager shall:

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

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

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

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

22 5. Unless otherwise provided by law, determine whether a state
23 agency may use or operate a vehicle without state identifying
24

1 markings, bearing a license plate used by a privately owned vehicle
2 to perform the duties of the state agency without hindrance;

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

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

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

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

20 F. The Director of the Office of Management and Enterprise
21 Services, through the Fleet Management Division, subject to the
22 provisions of this act, may enter into partnership agreements with
23 political subdivisions and private entities for the purposes of
24 applying for, participating in, and administering federal grant

1 funds. The partnership agreements and activities authorized in this
2 subsection are hereby declared to be a public purpose.

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

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

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

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

19 I. In the event the Office of Management and Enterprise
20 Services violates the provisions of this act, state agencies shall
21 be authorized to purchase, rent and maintain motor vehicles as
22 deemed necessary using appropriated or other funds available and
23 shall no longer be subject to the provisions of Section 78 et seq.

1 of this title or requirements of the Fleet Management Division of
2 the Office of Management and Enterprise Services.

3 SECTION 2. This act shall become effective November 1, 2020.
4

5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/11/2020 - DO PASS.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24