

Senator Scott K. Jenkins proposes the following substitute bill:

STATE VEHICLE EFFICIENCY REQUIREMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Gage Froerer

LONG TITLE

General Description:

This bill requires the Division of Fleet Operations to ensure that 50% or more of state vehicles that are motor vehicles used for the transportation of passengers are alternative fuel or high efficiency motor vehicles.

Highlighted Provisions:

This bill:

- ▶ requires the Division of Fleet Operations to ensure that 50% or more of state vehicles that are motor vehicles used for the transportation of passengers are alternative fuel or high efficiency; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-9-401, as last amended by Laws of Utah 2009, Chapter 183

ENACTS:

1st Sub. S.B. 99



26 **63A-9-403**, Utah Code Annotated 1953

27

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **63A-9-401** is amended to read:

30 **63A-9-401. Division -- Duties.**

31 (1) The division shall:

32 (a) perform all administrative duties and functions related to management of state
33 vehicles;

34 (b) coordinate all purchases of state vehicles;

35 (c) establish one or more fleet automation and information systems for state vehicles;

36 (d) make rules establishing requirements for:

37 (i) maintenance operations for state vehicles;

38 (ii) use requirements for state vehicles;

39 (iii) fleet safety and loss prevention programs;

40 (iv) preventative maintenance programs;

41 (v) procurement of state vehicles, including:

42 (A) vehicle standards;

43 (B) alternative fuel vehicle requirements;

44 (C) short-term lease programs;

45 (D) equipment installation; and

46 (E) warranty recovery programs;

47 (vi) fuel management programs;

48 (vii) cost management programs;

49 (viii) business and personal use practices, including commute standards;

50 (ix) cost recovery and billing procedures;

51 (x) disposal of state vehicles;

52 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;

53 (xii) standard use and rate structures for state vehicles; and

54 (xiii) insurance and risk management requirements;

55 (e) establish a parts inventory;

56 (f) create and administer a fuel dispensing services program that meets the

57 requirements of Subsection (2);

58 (g) emphasize customer service when dealing with agencies and agency employees;

59 (h) conduct an annual audit of all state vehicles for compliance with division

60 requirements;

61 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a
62 subscriber of services other than an executive branch agency:

63 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
64 in Section 63A-1-114; and

65 (ii) obtain the approval of the Legislature as required by Section 63J-1-410; and

66 (j) conduct an annual market analysis of proposed rates and fees, which analysis shall
67 include a comparison of the division's rates and fees with the fees of other public or private
68 sector providers where comparable services and rates are reasonably available.

69 (2) The division shall operate a fuel dispensing services program in a manner that:

70 (a) reduces the risk of environmental damage and subsequent liability for leaks
71 involving state-owned underground storage tanks;

72 (b) eliminates fuel site duplication and reduces overall costs associated with fuel
73 dispensing;

74 (c) provides efficient fuel management and efficient and accurate accounting of
75 fuel-related expenses;

76 (d) where practicable, privatizes portions of the state's fuel dispensing system;

77 (e) provides central planning for fuel contingencies;

78 (f) establishes fuel dispensing sites that meet geographical distribution needs and that
79 reflect usage patterns;

80 (g) where practicable, uses alternative sources of energy; and

81 (h) provides safe, accessible fuel supplies in an emergency.

82 (3) The division shall:

83 (a) ensure that the state and each of its agencies comply with state and federal law and
84 state and federal rules and regulations governing underground storage tanks;

85 (b) coordinate the installation of new state-owned underground storage tanks and the
86 upgrading or retrofitting of existing underground storage tanks; and

87 (c) ensure that counties, municipalities, school districts, local districts, and special

88 service districts subscribing to services provided by the division sign a contract that:

89 (i) establishes the duties and responsibilities of the parties;

90 (ii) establishes the cost for the services; and

91 (iii) defines the liability of the parties.

92 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
93 the director of the Division of Fleet Operations:

94 (i) may make rules governing fuel dispensing; and

95 (ii) shall make rules establishing standards and procedures for purchasing the most
96 economically appropriate size and type of vehicle for the purposes and driving conditions for
97 which the vehicle will be used, including procedures for granting exceptions to the standards
98 by the executive director of the Department of Administrative Services.

99 (b) Rules made under Subsection (4)(a)(ii):

100 (i) shall designate a standard vehicle size and type that shall be designated as the
101 statewide standard vehicle for fleet expansion and vehicle replacement;

102 (ii) may designate different standard vehicle size and types based on defined categories
103 of vehicle use;

104 (iii) may, when determining a standard vehicle size and type for a specific category of
105 vehicle use, consider the following factors affecting the vehicle class:

106 (A) size requirements;

107 (B) economic savings;

108 (C) fuel efficiency;

109 (D) driving and use requirements;

110 (E) safety;

111 (F) maintenance requirements; ~~and~~

112 (G) resale value; and

113 (H) the requirements of Section [63A-9-403](#); and

114 (iv) shall require agencies that request a vehicle size and type that is different from the
115 standard vehicle size and type to:

116 (A) submit a written request for a nonstandard vehicle to the division that contains the
117 following:

118 (I) the make and model of the vehicle requested, including acceptable alternate vehicle

119 makes and models as applicable;

120 (II) the reasons justifying the need for a nonstandard vehicle size or type;

121 (III) the date of the request; and

122 (IV) the name and signature of the person making the request; and

123 (B) obtain the division's written approval for the nonstandard vehicle.

124 (5) (a) (i) Each state agency and each higher education institution shall subscribe to the
125 fuel dispensing services provided by the division.

126 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,
127 systems, or products other than those provided by the division.

128 (b) Counties, municipalities, school districts, local districts, special service districts,
129 and federal agencies may subscribe to the fuel dispensing services provided by the division if:

130 (i) the county or municipal legislative body, the school district, or the local district or
131 special service district board recommends that the county, municipality, school district, local
132 district, or special service district subscribe to the fuel dispensing services of the division; and

133 (ii) the division approves participation in the program by that government unit.

134 (6) The director, with the approval of the executive director, may delegate functions to
135 institutions of higher education, by contract or other means authorized by law, if:

136 (a) the agency or institution of higher education has requested the authority;

137 (b) in the judgment of the director, the state agency or institution has the necessary
138 resources and skills to perform the delegated responsibilities; and

139 (c) the delegation of authority is in the best interest of the state and the function
140 delegated is accomplished according to provisions contained in law or rule.

141 Section 2. Section **63A-9-403** is enacted to read:

142 **63A-9-403. Clean emissions vehicles.**

143 No later than August 30, 2018, the division shall ensure that 50% or more of new or
144 replacement division-owned state vehicles that are motor vehicles used for the transportation of
145 passengers are motor vehicles with emissions that are equal to or cleaner than the standards
146 established in bin 2 in Table S04-1, of 40 C.F.R. 86.1811-04(c)(6).