

1 SB434  
2 138515-3  
3 By Senator Ward  
4 RFD: Governmental Affairs  
5 First Read: 20-MAR-12

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8 SYNOPSIS: Under existing law, various state agencies,  
9 departments, boards, and commissions have the  
10 authority, with the approval of the State Finance  
11 Director, to purchase, lease, operate, and maintain  
12 motor vehicles for the purpose of providing  
13 necessary motor vehicle transportation for their  
14 officers and employees. Also, the state motor pool  
15 is administered by the Department of Finance,  
16 Division of Service, for the purpose of providing  
17 necessary motor vehicle transportation for state  
18 officers and employees that do not have motor  
19 vehicles regularly assigned to them.

20 Under existing law, the Green Fleets Review  
21 Committee oversees compliance with state  
22 procurement policies for motor vehicles as defined  
23 in Section 41-17A-5, Code of Alabama 1975, as  
24 amended.

25 This bill would establish the Office of  
26 Fleet Management within the Department of

1           Transportation to manage the purchase, lease,  
2           operation, maintenance, and disposal of all motor  
3           vehicles needed to provide necessary motor vehicle  
4           transportation for state officers and employees.  
5           The Office of Fleet Management would be directed by  
6           the State Fleet Manager appointed by the  
7           Transportation Director.

8                         This bill would provide for the powers and  
9                         duties of the Office of Fleet Management and the  
10                        State Fleet Manager.

11                       This bill would create the Transportation  
12                        Revolving Fund to provide funding for the operation  
13                        of the Office of Fleet Management.

14                       This bill would provide for motor vehicle  
15                        transportation pools in the City of Montgomery and  
16                        other areas of the state as designated by the State  
17                        Fleet Manager.

18                       This bill would provide for regular reports  
19                        of the operation of the Office of Fleet Management  
20                        to the Green Fleets Review Committee.

21                       This bill would repeal all laws or parts of  
22                        laws that conflict with this act.

23                       This bill would provide for disciplinary  
24                        action for certain violations, and provides that  
25                        certain violations constitute a Class C  
26                        misdemeanor.

1                   Amendment 621 of the Constitution of Alabama  
2                   of 1901, now appearing as Section 111.05 of the  
3                   Official Recompilation of the Constitution of  
4                   Alabama of 1901, as amended, prohibits a general  
5                   law whose purpose or effect would be to require a  
6                   new or increased expenditure of local funds from  
7                   becoming effective with regard to a local  
8                   governmental entity without enactment by a 2/3 vote  
9                   unless: it comes within one of a number of  
10                  specified exceptions; it is approved by the  
11                  affected entity; or the Legislature appropriates  
12                  funds, or provides a local source of revenue, to  
13                  the entity for the purpose.

14                  The purpose or effect of this bill would be  
15                  to require a new or increased expenditure of local  
16                  funds within the meaning of the amendment. However,  
17                  the bill does not require approval of a local  
18                  governmental entity or enactment by a 2/3 vote to  
19                  become effective because it comes within one of the  
20                  specified exceptions contained in the amendment.

21  
22                                   A BILL  
23                                   TO BE ENTITLED  
24                                   AN ACT  
25

1           To establish the Office of Fleet Management within  
2 the Department of Transportation; to provide for the  
3 appointment of the State Fleet Manager; to provide for the  
4 powers and duties of the Office of Fleet Management and the  
5 State Fleet Manager; to create the Transportation Revolving  
6 Fund to provide funding for the operation of the Office of  
7 Fleet Management; to provide for motor vehicle transportation  
8 pools in the City of Montgomery and other areas of the state  
9 as designated by the State Fleet Manager; to provide for  
10 regular reports of the Office of Fleet Management to the Green  
11 Fleets Review Committee; to repeal all laws or parts of law  
12 that conflict with this act, specifically Sections 41-17-1 to  
13 41-17-9, inclusive, Code of Alabama 1975; and to provide for  
14 disciplinary action and Class C misdemeanor punishment for  
15 certain violations, and in connection therewith would have as  
16 its purpose or effect the requirement of a new or increased  
17 expenditure of local funds within the meaning of Amendment 621  
18 of the Constitution of Alabama of 1901, now appearing as  
19 Section 111.05 of the Official Recompilation of the  
20 Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22           Section 1. The following terms shall have the  
23 following meanings:

24           (1) DEPARTMENT or ALDOT. The Department of  
25 Transportation created pursuant to Section 23-1-22 of the Code  
26 of Alabama 1975, as amended

1           (2) DIRECTOR. The Director of Transportation  
2 provided in Section 23-1-21 of the Code of Alabama 1975, as  
3 amended.

4           (3) FLEET or STATE FLEET. All state-owned or leased  
5 motor vehicles and facilities.

6           (4) FUND. The Transportation Revolving Fund created  
7 pursuant to this act.

8           (5) MOTOR VEHICLE. Any self-propelled device used to  
9 provide necessary transportation of the officers and employees  
10 of the various state agencies, departments, boards, and  
11 commissions.

12           (6) OFFICE or OFM. The Office of Fleet Management  
13 created pursuant to this act.

14           (7) STATE AGENCY or AGENCY. Any agency, department,  
15 board, commission, committee, corporation, and office of the  
16 State of Alabama.

17           (8) STATE FLEET MANAGER or MANAGER. The individual  
18 appointed by the director pursuant to this act to administer  
19 the provisions of this act and manage the Office of Fleet  
20 Management.

21           Section 2. (a) The Office of Fleet Management is  
22 created within the Department of Transportation. The OFM shall  
23 manage the acquisition, purchase, lease, operation,  
24 maintenance, and disposal of all motor vehicles needed to  
25 provide necessary motor vehicle transportation for state  
26 officers and employees. The OFM shall also manage the

1 allocation and assignment of motor vehicles to the various  
2 state agencies, for the purpose of providing necessary motor  
3 vehicle transportation for its officers and employees.

4 (b) The OFM shall be managed by the State Fleet  
5 Manager. The State Fleet Manager shall be appointed by and  
6 serve at the pleasure of the director. The salary of the State  
7 Fleet Manager shall be set by the director with approval of  
8 the Governor.

9 (c) The manager shall promulgate, propose, develop,  
10 and implement, subject to approval of the director, fleet  
11 management rules, regulations, policies, procedures, and  
12 practices designed for the most efficient acquisition,  
13 allocation, utilization, maintenance, repair, and disposal of  
14 motor vehicles to be used by state personnel in the  
15 furtherance of their official duties.

16 (d) The manager shall, when economically feasible,  
17 manage the procurement and operation of state motor vehicles  
18 based on fuel economy and life cycle costing consistent with  
19 the policies set forth in Section 41-17A-5 of the Code of  
20 Alabama 1975, as amended.

21 (e) The manager shall be designated as the State  
22 Equipment Management Coordinator pursuant to Act 2009-650. The  
23 manager shall, when economically feasible, implement the goals  
24 of the Interagency Alternative Fuels Working Group pursuant to  
25 Act 2009-797 regarding the efforts of state agencies,  
26 counties, and municipalities to promote, educate, research,

1 develop, produce, and promote consumption of alternative  
2 fuels.

3 Section 3. (a) The Transportation Revolving Fund is  
4 created within the Department of Transportation to fund the  
5 operations of the OFM. All of the funds created pursuant to  
6 this act are hereby appropriated. These funds shall be used  
7 only for the efficient operation of the OFM and the  
8 implementation of the provisions of this act. These funds  
9 shall not revert at the end of each fiscal year, but shall  
10 carry over to each succeeding year.

11 (b) All fees collected from the various state  
12 agencies for the use of state motor vehicles shall be paid to  
13 the department and deposited in the Transportation Revolving  
14 Fund.

15 (c) On the effective date of this act, any funds  
16 remaining in the Transportation Revolving Fund of the  
17 Department of Finance pursuant to Section 41-17-5 of the Code  
18 of Alabama 1975, as amended, shall be transferred to the  
19 Transportation Revolving Fund created in subsection (a).

20 Section 4. (a) A transportation pool of motor  
21 vehicles shall be maintained at a convenient location in the  
22 City of Montgomery by the OFM for the purpose of providing  
23 necessary motor vehicle transportation for the officers and  
24 employees of the various state agencies that do not have  
25 automobiles regularly assigned to them.



1           (b) The OFM shall maintain the motor vehicles to  
2 ensure a clean, safe, and efficient fleet. Personnel shall be  
3 provided as may be necessary to effectively operate the pool.  
4 Personnel of the pool, upon request of the head of a state  
5 agency, shall provide the agency with a vehicle. A pool  
6 vehicle may be loaned for only a single trip and shall not be  
7 assigned to any officer, employee, or other person or state  
8 agency on any basis other than a trip basis. The pool  
9 dispatcher shall keep the necessary maintenance and mileage  
10 records for each pool vehicle.

11           (c) Each state agency shall be charged a mileage fee  
12 for the use of a motor pool vehicle. The mileage fee shall be  
13 charged for every mile of vehicle usage by the state agency.  
14 The manager, subject to approval of the director, shall  
15 periodically fix and adjust the mileage fee at an amount  
16 sufficient to cover the cost of motor pool operations  
17 including the salaries of motor pool employees, the cost of  
18 acquiring, operating, maintaining, and replacing pool vehicles  
19 and any other motor pool operating expenses. The OFM shall  
20 issue monthly invoices to each state agency for the use of  
21 motor pool vehicles. The mileage fees and any other funds  
22 received for motor pool vehicle usage shall be deposited into  
23 the Transportation Revolving Fund established pursuant to  
24 Section 3.

25           (d) On the effective date of this act, all motor  
26 vehicles, facilities, and personnel of the State Motor Pool as

1 provided for in Section 41-17-3 of the Code of Alabama 1975,  
2 as amended, shall be transferred to the OFM.

3 Section 5. (a) The State Fleet Manager, upon  
4 approval of the director, shall promulgate, propose, develop,  
5 and implement, subject to approval of the director, such  
6 policies, procedures, rules, and regulations as may be  
7 necessary to administer the provisions of this act to include  
8 provisions for the efficient allocation and assignment of  
9 motor vehicles to state agencies and their officers and  
10 employees.

11 (b) On the effective date of this act, all state  
12 owned or leased motor vehicles shall be transferred to the  
13 OFM. This transfer may be accomplished in stages at the  
14 direction of the manager with all transfers of motor vehicles  
15 to be completed by October 1, 2014.

16 (c) No motor vehicle may be allocated or assigned to  
17 any agency except upon the request of the head or chief  
18 executive officer of the agency and the approval of the State  
19 Fleet Manager. If motor vehicles are approved for allocation  
20 or assignment to an agency, the head or chief executive  
21 officer of the agency may assign motor vehicles to the  
22 officers and employees of the agency whose duties require the  
23 assignment of a motor vehicle.

24 (d) Each state agency shall be charged a mileage fee  
25 for the use of each motor vehicle assigned to the agency and  
26 its officers and employees. The mileage fee shall be charged

1 for every mile of vehicle usage by the state agency. The  
2 manager, subject to approval of the director, shall  
3 periodically fix and adjust the mileage fee at an amount  
4 sufficient to cover the cost of usage of motor vehicles  
5 assigned to an agency including the cost of acquiring,  
6 operating, maintaining, and replacing assigned motor vehicles  
7 and any other incidental operating expenses. The OFM shall  
8 issue monthly invoices to each state agency for the use of  
9 assigned motor vehicles. The mileage fees and any other funds  
10 received for assigned motor vehicle usage shall be deposited  
11 into the Transportation Revolving Fund created pursuant to  
12 Section 3.

13 (e) Any funds appropriated to any state agency for  
14 the lease, purchase, or replacement of motor vehicles shall be  
15 transferred to the Transportation Revolving Fund created  
16 pursuant to Section 3 for the acquisition of motor vehicles.

17 (f) On or before October 1, 2014, any funds  
18 remaining in the Public Safety Motor Vehicle Replacement Fund  
19 of the Department of Public Safety pursuant to Section 32-2-80  
20 of the Code of Alabama 1975, as amended, shall be transferred  
21 to the Transportation Revolving Fund created pursuant to  
22 Section 3.

23 Section 6. It shall be a misdemeanor for any person  
24 to use or permit any other person to use any state motor  
25 vehicle for any purpose other than official state business or  
26 travel incidental to the performance of official state

1 business. It shall be a misdemeanor for any official or  
2 employee of a state agency to obliterate, alter, cover, or  
3 conceal all or any portion of a license plate or other  
4 official insignia affixed to a state motor vehicle. Any  
5 unauthorized or improper use of a state motor vehicle by an  
6 official or employee of a state agency shall constitute  
7 grounds for suspension or dismissal.

8 Section 7. It is the intention of the Legislature  
9 that the Office of Fleet Management shall be financially  
10 self-supporting from the fees charged the various state  
11 agencies pursuant to this act and the efficient management of  
12 the acquisition, operation, maintenance, and disposal of state  
13 motor vehicles. It is also the intention of the Legislature  
14 that the Office of Fleet Management and the Transportation  
15 Revolving Fund operate in a fashion similar to the Road  
16 Machinery and Equipment Management Program and the Equipment  
17 Management Surplus Reserve Account of the Department of  
18 Transportation pursuant to Section 23-1-50.1 of the Code of  
19 Alabama 1975, as amended.

20 Section 8. The provisions of this act shall not  
21 apply to any two-year or four-year college, university, or  
22 technical institution or any local boards of education.

23 Section 9. Although this bill would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds, the bill is excluded from further  
26 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official Recompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

5 Section 10. All laws or parts of laws which conflict  
6 with the provision of this act, except provisions in Title 23  
7 of the Code of Alabama 1975, as amended, are repealed. Chapter  
8 17, Title 41 of the Code of Alabama 1975, as amended,  
9 consisting of Sections 41-17-1 to 41-17-9, inclusive, is  
10 specifically repealed.

11 Section 11. The provisions of this act are  
12 severable. If any part of this act is declared invalid or  
13 unconstitutional, that declaration shall not affect the part  
14 which remains.

15 Section 12. This act shall become effective  
16 immediately upon its passage and approval by the Governor, or  
17 its otherwise becoming law, and shall become fully implemented  
18 by October 1, 2012.