

SECOND REGULAR SESSION

HOUSE BILL NO. 1404

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KELLY (27), BRAY, GREEN (73), BEARDEN, REINHART,
HAMPTON AND SHIELDS (Co-sponsors).

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TED WEDEL, Chief Clerk

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AN ACT

To repeal sections 37.090 and 301.260, RSMo, and to enact in lieu thereof six new sections relating to state-owned motor vehicles, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 37.090 and 301.260, RSMo, are repealed and six new sections
2 enacted in lieu thereof, to be known as sections 37.090, 37.095, 37.096, 37.097, 301.260, and
3 307.402, to read as follows:

37.090. **Except as provided in section 37.095**, the moneys received by the state from
2 the sale of surplus property shall be deposited in the state treasury to the credit of the "Missouri
3 State Surplus Property Clearing Fund", hereby created. The account shall be administered by
4 the commissioner of administration. When appropriated the funds in the surplus property
5 clearing account shall be used for the purpose of paying the costs of conducting surplus property
6 sales. The commissioner of administration shall distribute all funds received in excess of the
7 costs of the sale to the fund which purchased the item sold.

**37.095. Except for corresponding proceeds from the department of highways and
2 transportation, the department of conservation, the Missouri state highway patrol, and all
3 state colleges and universities, all proceeds generated by the sale of a vehicle owned by the
4 state shall be deposited into the office of administration revolving administrative trust fund
5 with a credit given to the state agency owning the vehicle at the time of sale. Upon
6 appropriation, moneys received by the fund shall be used solely for the purchase of vehicles
7 by the state.**

37.096. 1. As used in this section, the following terms shall mean:

- 2 (1) "Commissioner", the commissioner of administration;
- 3 (2) "Fleet manager", the state vehicle fleet manager created pursuant to subsection
4 **2 of this section;**
- 5 (3) "On-call use", the restricted use of permanently assigned vehicles for employees
6 **who are subject to twenty-four hour call for emergency responses only;**
- 7 (4) "State vehicle fleet", all vehicles used by the state or titled to the state for the
8 **purpose of conducting state business; and**
- 9 (5) "Vehicle", as defined in section 301.010, RSMo.
- 10 **2. There is hereby created within the office of administration the position of state**
11 **vehicle fleet manager. The fleet manager shall be appointed by the commissioner of**
12 **administration and shall receive a salary as determined by law.**
- 13 **3. The fleet manager shall ensure that the state vehicle fleet and all state agencies**
14 **comply with the spirit and letter of this section. The fleet manager shall institute and**
15 **supervise a state fleet vehicle tracking system in which the mileage and maintenance**
16 **history of each state vehicle is documented by the agency owning the vehicle. The fleet**
17 **manager shall be responsible for obtaining any additional information from the state**
18 **agencies deemed necessary for management of the fleet. The fleet manager shall be**
19 **responsible for ensuring that state vehicles are used only for state business and not for**
20 **private purposes. The fleet manager shall comply with all purchasing policies of the state**
21 **when purchasing or maintaining state vehicles. The fleet manager shall have the authority**
22 **to suspend any agency's use of its credits established pursuant to section 37.095 if the**
23 **agency does not comply with the requirements of this section, section 301.260, or section**
24 **307.402, RSMo, until he or she is satisfied that such compliance is achieved.**
- 25 **4. All state agencies owning motor vehicles shall submit annual reports to the fleet**
26 **manager by October thirty-first of each year. These reports shall accurately state the**
27 **number of vehicles owned by that agency, proof of annual inspection and payment of state**
28 **vehicle fleet fees for each vehicle, and a brief description of the condition of each vehicle.**
29 **The fleet manager shall then submit an annual report to the speaker of the house of**
30 **representatives, the president pro tempore of the senate, and the governor before January**
31 **thirty-first of each following year. The fleet manager's report shall consist of the status of**
32 **the state vehicle fleet and any recommendations for improvements and changes necessary**
33 **for more efficient management of the fleet.**
- 34 **5. The office of administration shall establish guidelines for determining the most**
35 **cost-effective and reasonable mode of travel under the circumstances for single trips from**
36 **the following options: passenger rail, vehicle rental, fleet checkout, and reimbursement**
37 **for personal car use.**

38 **6. The office of administration shall study the possibility of provision of parking**
39 **or transit costs for state workers throughout the state as a benefit to be included in the**
40 **state cafeteria plan as provided under the Internal Revenue Code. The study and**
41 **recommendation shall be completed by December 31, 2002.**

42 **7. The commissioner shall have the authority to make rules as necessary for the**
43 **administration of this section. No rule or portion of a rule promulgated pursuant to the**
44 **authority of this section shall become effective unless it has been promulgated pursuant to**
45 **chapter 536, RSMo.**

46 **8 The commissioner shall provide, by rule and regulation, for on-call use of state-**
47 **owned motor vehicles.**

37.097. If any provision of sections 37.095 and 37.096 or the application thereof to
2 **anyone or to any circumstances is held invalid, the remainder of those sections and the**
3 **application of such provisions to others or other circumstances shall not be affected**
4 **thereby.**

 301.260. 1. **All vehicles owned by an agency of the state of Missouri are part of the**
2 **state vehicle fleet as defined in section 37.096, RSMo, and shall be listed by the director of**
3 **revenue as a state fleet vehicle in the manner set forth in section 301.020. Each agency**
4 **shall pay a state vehicle fleet fee as established by rule for each vehicle it owns. Upon**
5 **payment of the state vehicle fleet fee, the director of revenue shall issue certificates for all cars**
6 **owned by the state of Missouri and shall assign to each of such cars two plates bearing the**
7 **words: "State of Missouri, official car number" (with the number inserted thereon),**
8 **which plates shall be displayed on such cars when they are being used on the highways. The**
9 **director of revenue shall deposit all moneys collected by the state vehicle fleet fees paid by**
10 **state agencies into the office of administration revolving administrative trust fund. The**
11 **state vehicle fleet fees so deposited shall be used for payment of the state fleet vehicle**
12 **tracking system established in section 37.096, RSMo, and for other administration expenses**
13 **incurred in management of the state vehicle fleet. The department of revenue may retain**
14 **the actual costs of administering this section, up to a maximum of one percent of all moneys**
15 **collected pursuant to this section. No officer or employee or other person shall use such a**
16 **motor vehicle for other than official use. Failure to comply with the requirements of this**
17 **section shall result in the suspension of use of an agency's credit established pursuant to**
18 **section 37.095, RSMo, until compliance is achieved.**

19 2. **Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any**
20 **municipality of this state, shall be exempt from all of the provisions of sections 301.010 to**
21 **301.440 while being operated within the limits of such municipality, but the municipality may**
22 **regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles**

23 owned by municipalities, counties and other political subdivisions of the state shall be exempt
 24 from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and
 25 display of number plates; provided, however, that there shall be displayed on each side of such
 26 motor vehicle, in letters not less than three inches in height with a stroke of not less than
 27 three-eighths of an inch wide, the name of such municipality, county or political subdivision, the
 28 department thereof, and a distinguishing number. Provided, further, that when any motor vehicle
 29 is owned and operated exclusively by any school district and used solely for transportation of
 30 school children, the commissioner shall assign to each of such motor vehicles two plates bearing
 31 the words "School Bus, State of Missouri, car no." (with the number inserted thereon),
 32 which plates shall be displayed on such motor vehicles when they are being used on the
 33 highways. No officer, or employee of the municipality, county or subdivision, or any other
 34 person shall operate such a motor vehicle unless the same is marked as herein provided, and no
 35 officer, employee or other person shall use such a motor vehicle for other than official purposes.

36 3. For registration purposes only, a public school or college shall be considered the
 37 temporary owner of a vehicle acquired from a new motor vehicle franchised dealer which is to
 38 be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to
 39 the director of revenue a copy of a lease agreement with an option to purchase clause between
 40 the authorized new motor vehicle franchised dealer and the school or college and a photocopy
 41 of the front of the dealer's vehicle manufacturer's statement of origin, and shall make application
 42 for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license
 43 plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle
 44 is plainly marked as a driver training vehicle while being used for such purpose and such vehicle
 45 can also be used in conjunction with the activities of the educational institution.

46 4. As used in this section, the term "political subdivision" is intended to include any
 47 township, road district, sewer district, school district, municipality, town or village, sheltered
 48 workshop, as defined in section 178.900, RSMo, and any interstate compact agency which
 49 operates a public mass transportation system.

**307.402. All state agencies owning motor vehicles shall be responsible for obtaining
 2 an annual inspection of each of their vehicle's mechanism and equipment in accordance
 3 with the provisions of sections 307.350 to 307.402 and obtaining a certificate of inspection
 4 and approval and a sticker, seal, or other device from a duly authorized official inspection
 5 station. Failure to comply with the requirements of this section shall result in the
 6 suspension of use of an agency's credit established pursuant to section 37.095, RSMo, until
 7 compliance is achieved as determined by the fleet manager.**

2 Section B. Because immediate action is necessary to provide more efficient tracking and
 2 administration of state-owned vehicles, the enactment of section A of this act is deemed

3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and the enactment
5 of section A of this act shall be in full force and effect upon its passage and approval.