1	HOUSE BILL NO. 386					
2	INTRODUCED BY W. STAHL					
3						
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MANAGEMENT OF STATE-OWNED OR					
5	STATE-LEASED MOTOR VEHICLES; REQUIRING CERTAIN STATE ENTITIES TO RENT OR LEASE AL					
6	VEHICLES FROM THE DEPARTMENT OF TRANSPORTATION; PROVIDING CERTAIN MILEAG					
7	REQUIREMENTS FOR PERMANENTLY LEASED VEHICLES; REVISING THE AGENCY RESPONSIBLE FOR					
8	COMPLIANCE WITH FUEL ECONOMY STANDARDS; AND AMENDING SECTIONS 2-17-411, 2-17-412					
9	2-17-414, <u>2-17-415,</u> 2-17-416, 2-17-417, 2-17-418, AND 2-17-422, <u>AND 2-17-423,</u> MCA."					
10						
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:					
12						
13	Section 1. Section 2-17-411, MCA, is amended to read:					
14	"2-17-411. Motor pool department of transportation exceptions. (1) The department of					
15	transportation's motor pool is responsible for the acquisition, operation, maintenance, repair, and administration					
16	of all motor vehicles in the custody of the motor pool.					
17	(2) Unless otherwise provided by this part, a department, agency, institution, office, board, or commission					
18	of the executive, legislative, or judicial branch of state government or a state institution of higher education may					
19	rent or lease motor pool vehicles only from the department of transportation.					
20	(2)(3) Except as provided in 2-17-425, this part does not apply to a motor vehicle used in the service of					
21	the governor or the attorney general.					
22	(3)(4) This part does not apply to a motor vehicle used in the service of the highway patrol, THE GENERAL					
23	SERVICES DIVISION OF THE DEPARTMENT OF ADMINISTRATION, OR THE DISASTER AND EMERGENCY SERVICES DIVISION OF					
24	THE DEPARTMENT OF MILITARY AFFAIRS.					
25	(5) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AN ENTITY LISTED IN SUBSECTION (2) IF THE					
26	DEPARTMENT OF TRANSPORTATION IS UNABLE TO ACCOMMODATE THE ENTITY'S NEEDS OR IF THE ENTITY IS LOCATED					
27	OUTSIDE OF HELENA."					
28						
29	Section 2. Section 2-17-412, MCA, is amended to read:					
30	30 "2-17-412. Assignment and transfer. (1) The department of transportation may assign the us					
	Legislative Services - 1 - Authorized Print Version - HB 386 Division					

state-owned or leased state-leased motor vehicles under its control to state officers, state agencies, or employees
 of state agencies.

- (2) The department of transportation may not permanently assign a state-owned or state-leased motor vehicle to a state officer or employee of a state agency if the motor vehicle is driven less than 10,000 miles in a fiscal year.
- (2) All motor vehicles in the custody of the department of transportation that are not placed under custody of the department by 2-17-411 must be equitably transferred to the custody of those agencies that have need of vehicles as demonstrated by use records."

- **Section 3.** Section 2-17-414, MCA, is amended to read:
- "2-17-414. State vehicles to use ethanol-blended gasoline -- definition. (1) A department, agency, institution, office, board, and commission of the executive, legislative, and judicial branches of state government and a state institution of higher education owning or operating a motor vehicle capable of burning ethanol-blended gasoline shall take all reasonable steps to ensure that the operators of those vehicles use ethanol-blended gasoline in the vehicles if ethanol-blended gasoline is commercially available within the operating area of the vehicle and is priced competitively with the gasoline otherwise used by the vehicle.
- (2) For purposes of this section, "ethanol-blended gasoline" means a fuel mixture of gasoline and ethanol produced from agricultural products, including grain and wood or wood products, and that is used for the purpose of effectively and efficiently operating internal combustion engines.
- (3) An entity subject to the requirements of subsection (1) may not take any disciplinary, judicial, administrative, or other adverse action against the operator of a motor vehicle for failing to purchase ethanol-blended gasoline for the operation of the motor vehicle."

- **SECTION 4.** SECTION 2-17-415, MCA, IS AMENDED TO READ:
- **"2-17-415. Definitions.** As used in 2-17-415 through 2-17-418, the following definitions apply:
 - (1) "Agency" has the meaning provided in 2-15-102, but does not include the office of the governor, the attorney general, or the highway patrol.
 - (2) "CAFE standard" means the average fuel economy standard as provided in 49 U.S.C. 32904.
- 29 (3) "Department" means the department of administration transportation provided for in 2-15-1001 30 2-15-2501.



1	(4)	"Director"	means the	director of	of the	department.
1	(4)		THEATIS THE	: unector t	วเ แเษ	ucpartificin

(5) "Vehicle fleet" means all state vehicles that are owned by the state of Montana except those used in the service of the governor, the attorney general, or the highway patrol."

4

5

10

11

12

15

16

2

3

- **Section 5.** Section 2-17-416, MCA, is amended to read:
- "2-17-416. Fuel economy standards -- exceptions. (1) The department shall, in coordination with a designated representative in each agency that purchases new vehicles of the department of transportation of EACH AGENCY THAT USES OR LEASES MOTOR VEHICLES FROM THE DEPARTMENT, develop a plan to ensure that each vehicle purchased on or after January 1, 2008, meets or exceeds the CAFE standard.
 - (2) The director may exempt certain vehicles from the CAFE standard that meet any one of the following conditions:
 - (a) vehicles that are used primarily in off-road use;
- 13 (b) vehicles used for road construction and maintenance;
- 14 (c) vehicles used for maintenance, construction, or groundskeeping;
 - (d) vehicles used primarily for moving and distributing large items or a large quantity of items;
 - (e) vehicles with a manufacturer-stated seating capacity of more than six persons; or
- 17 (f) vehicles using alternative fuels."

18 19

23

24

- Section 6. Section 2-17-417, MCA, is amended to read:
- "2-17-417. Vehicle fleet energy conservation plan. (1) Before January 1, 2008, each agency The
 department shall develop and implement a program to reduce the fuel consumption of any agency state vehicle,
 other than those vehicles listed in 2-17-416(2), including:
 - (a) fuel consumption, miles traveled, and vehicle fleet fuel economy;
 - (b) car pooling and van pooling requirements for state employees when feasible; and
- (c) options for cost-effective use of technologies that allow for a reduction in the number of car and vantrips.
 - (2) Each agency The department shall COORDINATE WITH THE DEPARTMENT OF ADMINISTRATION TO include materials relating to travel conservation measures in new employee orientation and training materials."

29 30

27

28

Section 7. Section 2-17-418, MCA, is amended to read:



1	"2-17-418. Agency records Records on fuel efficiency measures. Each agency The department o
2	transportation and the highway patrol shall keep adequate records to demonstrate compliance with the provisions
3	of 2-17-416 and 2-17-417."
4	
5	Section 8. Section 2-17-422, MCA, is amended to read:
6	"2-17-422. Operating history. Each state agency The department of transportation and the highway
7	patrol shall maintain motor vehicle operating history records for motor vehicles under their control of the agency
8	These records must show the purchase price of the vehicle and the items of expense incurred in the operation
9	of the vehicle, including the expenses of gas, oil, repairs, labor, storage, and service. A complete summary of the
10	operating cost and history record of all state-owned or leased state-leased vehicles and trucks must be prepared
11	for each fiscal year."
12	
13	SECTION 9. SECTION 2-17-423, MCA, IS AMENDED TO READ:
14	"2-17-423. Rules. (1) The department of transportation may adopt and enforce reasonable rules
15	governing the maintenance and operation of motor vehicles under control of the department.
16	(2) The department shall establish reasonable rules governing:
17	(a) the manner and procedure by which motor pool vehicles may be rented or leased to state officials
18	state agencies, or state employees;
19	(b) procedures for determining when a motor pool vehicle is not available for use; and
20	(c) rental charges for a motor pool vehicle that may include reimbursement of actual costs fo
21	administration, maintenance, service, operation, storage, replacement, and disposal costs; and
22	(d) when an entity listed in 2-17-411(2) may rent a vehicle from a private company.
23	(3) The department shall adopt and formulate travel rules providing:
24	(a) for scheduling of motor pool vehicles and filing an application for travel showing destination and date
25	and time of departure and;
26	(b) for filing a report upon completion of the trip, showing mileage traveled and date and time of return.
27	- END -

