

## 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 ALL  
 6 VEHICLES FROM THE DEPARTMENT OF TRANSPORTATION; PROVIDING CERTAIN MILEAGE  
 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, 2-17-415, 2-17-416, 2-17-417, 2-17-418, ~~AND~~ 2-17-422, AND 2-17-423, MCA."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 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 **"2-17-412. Assignment and transfer.** (1) The department of transportation may assign the use of

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

3 (2) The department of transportation may not permanently assign a state-owned or state-leased motor  
4 vehicle to a state officer or employee of a state agency if the motor vehicle is driven less than 10,000 miles in a  
5 fiscal year.

6 ~~———(2) All motor vehicles in the custody of the department of transportation that are not placed under custody~~  
7 ~~of the department by 2-17-411 must be equitably transferred to the custody of those agencies that have need of~~  
8 ~~vehicles as demonstrated by use records."~~

9

10 **Section 3.** Section 2-17-414, MCA, is amended to read:

11 **"2-17-414. State vehicles to use ethanol-blended gasoline -- definition.** (1) A department, agency,  
12 institution, office, board, and commission of the executive, legislative, and judicial branches of state government  
13 and a state institution of higher education ~~owning or~~ operating a motor vehicle capable of burning ethanol-blended  
14 gasoline shall take all reasonable steps to ensure that the operators of those vehicles use ethanol-blended  
15 gasoline in the vehicles if ethanol-blended gasoline is commercially available within the operating area of the  
16 vehicle and is priced competitively with the gasoline otherwise used by the vehicle.

17 (2) For purposes of this section, "ethanol-blended gasoline" means a fuel mixture of gasoline and ethanol  
18 produced from agricultural products, including grain and wood or wood products, and that is used for the purpose  
19 of effectively and efficiently operating internal combustion engines.

20 (3) An entity subject to the requirements of subsection (1) may not take any disciplinary, judicial,  
21 administrative, or other adverse action against the operator of a motor vehicle for failing to purchase  
22 ethanol-blended gasoline for the operation of the motor vehicle."

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24 **SECTION 4. SECTION 2-17-415, MCA, IS AMENDED TO READ:**

25 **"2-17-415. Definitions.** As used in 2-17-415 through 2-17-418, the following definitions apply:

26 (1) "Agency" has the meaning provided in 2-15-102, but does not include the office of the governor, the  
27 attorney general, or the highway patrol.

28 (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 ~~2-15-1004~~  
30 2-15-2501.

1 (4) "Director" means the director of the department.

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

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5 **Section 5.** Section 2-17-416, MCA, is amended to read:

6 **"2-17-416. Fuel economy standards -- exceptions.** (1) The department shall, in coordination with a  
7 designated representative in ~~each agency that purchases new vehicles of the department of transportation~~ OF  
8 EACH AGENCY THAT USES OR LEASES MOTOR VEHICLES FROM THE DEPARTMENT, develop a plan to ensure that each  
9 vehicle purchased on or after January 1, 2008, meets or exceeds the CAFE standard.

10 (2) The director may exempt certain vehicles from the CAFE standard that meet any one of the following  
11 conditions:

- 12 (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;  
15 (d) vehicles used primarily for moving and distributing large items or a large quantity of items;  
16 (e) vehicles with a manufacturer-stated seating capacity of more than six persons; or  
17 (f) vehicles using alternative fuels."

18

19 **Section 6.** Section 2-17-417, MCA, is amended to read:

20 **"2-17-417. Vehicle fleet energy conservation plan.** (1) ~~Before January 1, 2008, each agency~~ The  
21 department shall develop and implement a program to reduce the fuel consumption of any ~~agency~~ state vehicle,  
22 other than those vehicles listed in 2-17-416(2), including:

- 23 (a) fuel consumption, miles traveled, and vehicle fleet fuel economy;  
24 (b) car pooling and van pooling requirements for state employees when feasible; and  
25 (c) options for cost-effective use of technologies that allow for a reduction in the number of car and van  
26 trips.

27 (2) ~~Each agency~~ The department shall COORDINATE WITH THE DEPARTMENT OF ADMINISTRATION TO include  
28 materials relating to travel conservation measures in new employee orientation and training materials."

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

