

CHAPTER 104  
SENATE BILL No. 501

AN ACT relating to the state vanpool program; amending K.S.A. 75-46a02, 75-46a03, 75-46a04, 75-46a06 and 75-46a09 and K.S.A. 2003 Supp. 75-46a05 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. To assist the secretary of administration in making policy decisions relating to the vanpool program, a vanpool program review committee composed of the secretary of administration, the director of the Kansas energy office, the secretary of the Kansas department of transportation, or their designees, and a vanpool rider, shall be convened at the discretion of the chairperson. The chairperson of the committee shall be the secretary of administration or the secretary's designee. The committee shall review instances of mishap or misconduct relating to the vanpool program operations and, if necessary, recommended remedial action.

Sec. 2. K.S.A. 75-46a02 is hereby amended to read as follows: 75-46a02. The purpose of K.S.A. 75-46a02 to 75-46a09, inclusive, *and amendments thereto*, is to promote conservation of petroleum resources, reduce traffic and parking congestion, and diminish air pollution by ~~providing~~ *facilitating the creation of self-supporting* commuter vanpools in which state employees living and working in similar locations may ride to and from their places of employment.

Sec. 3. K.S.A. 75-46a03 is hereby amended to read as follows: 75-46a03. ~~The department~~ *Subject to the availability of sufficient revenues from passenger fees under K.S.A. 75-46a06, and amendments thereto, the* secretary of administration shall purchase such motor vehicles necessary to accomplish the purposes set forth in K.S.A. 75-46a02 to 75-46a09, inclusive, *and amendments thereto.* ~~Said department~~ *The secretary* is authorized to obtain and disburse any federal funds made available to accomplish ~~said~~ *such* purposes.

Sec. 4. K.S.A. 75-46a04 is hereby amended to read as follows: 75-46a04. (a) ~~The department~~ *secretary* of administration shall select and assign a driver and an alternate driver for each motor vehicle designated for use in accomplishing the purposes of K.S.A. 75-46a02 to 75-46a09, inclusive, *and amendments thereto.* Each ~~said~~ driver shall be an employee of the state and shall possess a valid driver's license issued by the state.

~~(b) All state employees participating in the vanpool program shall be considered to be in the scope or course of their employment for worker's compensation purposes only.~~

~~(c)~~ (b) Every motor vehicle designated for use in the state vanpool program shall be owned and registered in the name of the state, ~~and~~ *In accordance with K.S.A. 75-4101 et seq., and amendments thereto, the* state shall purchase for each ~~said~~ *vehicle in the state vanpool program* such liability, property damage and ~~such~~ *other* insurance as deemed necessary by the committee on surety bonds and insurance, *except that a minimum of \$1,000,000 of liability coverage shall be purchased for each vehicle in the state vanpool program.*

Sec. 5. K.S.A. 2003 Supp. 75-46a05 is hereby amended to read as follows: 75-46a05. ~~(a)~~ The driver of every motor vehicle designated for use in the state vanpool program shall *not* be authorized to use the same for personal nonbusiness purposes ~~but shall reimburse the state for such personal use at the prevailing state motor pool mileage rate as determined by the secretary of administration. The reimbursement for the private use is due and payable each month to the department of administration at the time of the monthly log review.~~ Each driver shall keep a log of all miles driven in the vehicle ~~assigned to such driver as being for commuter or personal use.~~ The log shall be reviewed every month by the department of administration.

~~(b) The secretary of administration shall remit all moneys received under this section and K.S.A. 75-46a06, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the motor pool service fund.~~

Sec. 6. K.S.A. 75-46a06 is hereby amended to read as follows: 75-

46a06. (a) The driver of each motor vehicle designated for use in the state vanpool program shall charge each passenger a ~~monthly rate passenger fee in an amount to be determined for each vanpool by the department~~ *passenger fee in an amount to be determined for each vanpool by the department secretary of administration. The secretary of administration shall set the passenger fee for each vanpool at an amount that enables each vanpool to be self-supporting, including, but not limited to, all operating, servicing, repair, insurance, vehicle replacement and administrative costs.* Within six ~~(6)~~ days of the first of each month ~~said~~, *such* funds shall be remitted by the driver to the department of administration.

(b) The provision of maintenance and repair services shall be the responsibility of the state motor pool. All drivers shall be responsible for arranging for necessary maintenance services with the motor pool. All drivers shall be provided with state credit cards for the purchase of fuel.

(c) *The secretary of administration shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the motor pool service fund.*

Sec. 7. K.S.A. 75-46a09 is hereby amended to read as follows: 75-46a09. ~~The department secretary of administration may bring to the legislature a proposal to terminate the vanpool program at any time that it is no longer felt to be in the best interests of the state if the secretary of administration determines that it is no longer feasible to operate the program in a manner consistent with the provisions of K.S.A. 75-46a02 through 75-46a08, and amendments thereto.~~

Sec. 8. K.S.A. 75-46a02, 75-46a03, 75-46a04, 75-46a06 and 75-46a09 and K.S.A. 2003 Supp. 75-46a05 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 16, 2004.

---