

WEST VIRGINIA LEGISLATURE
2018 FIRST EXTRAORDINARY SESSION

Introduced

Senate Bill 1003

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Introduced May 20, 2018]

1 A BILL to amend and reenact §5A-12-5, §5A-12-6, §5A-12-7, and §5A-12-10 of the Code of West
2 Virginia, 1931, as amended, as contained in Chapter 106, Acts of the Legislature, Regular
3 Session, 2018; and to amend and reenact §17A-3-23, §17A-3-25, and §17A-3-26 of said
4 code, as contained in Chapter 106, Acts of the Legislature, Regular Session, 2018, all
5 relating to the management and inventory of state vehicles; requiring spending units to
6 prepare and maintain a list of all employees provided a state vehicle that sets forth the
7 specific bona fide noncompensatory business reasons for which the state vehicle is being
8 provided to each employee and submit such list to the Fleet Management Division;
9 modifying vehicle log requirements; modifying reporting requirements; eliminating
10 language related to perjury penalties; and eliminating provisions related to traffic citations.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 12. FLEET MANAGEMENT DIVISION.

§5A-12-5. Rule-making authority; emergency rules.

1 (a) The director shall propose legislative rules as may be necessary to implement this
2 article, in accordance with §29A-3-1 *et seq.* of this code. Those rules shall include, but not be
3 limited to:

- 4 (1) Requirements governing the use of state vehicles;
- 5 (2) Reporting requirements and responsibilities for fleet coordinators;
- 6 (3) Requirements and responsibilities for each driver or operator of a state vehicle;
- 7 (4) Information to be collected and maintained on state vehicle log sheets, including
8 information related to mileage, destinations, and purpose of ~~trip~~ use;
- 9 (5) The form and manner for each spending unit fleet coordinator to report to the division,
10 including any electronic format as deemed necessary by the director;

11 (6) The information that each spending unit fleet coordinator shall collect and maintain
12 regarding state vehicle use by the spending unit;

13 (7) The information for spending unit fleet coordinators to annually report to the division
14 regarding state vehicle use;

15 (8) Requirements and policies governing commuting in and taking home state vehicles;
16 and

17 (9) Requirements and policies governing volunteer and non-public employee drivers.

18 (b) All rules of the Fleet Management Office in effect on the effective date of this article
19 shall remain in effect until they are amended, replaced, or repealed: *Provided*, That these rules
20 shall expire on July 1, 2021, if not sooner superseded.

21 (c) On or before June 15, 2018, the director shall propose emergency legislative rules
22 which may amend or modify existing legislative rules governing the use of state vehicles pursuant
23 to §5A-12-1 et seq. of this code to implement the provisions of this article.

§5A-12-6. Vehicle operator regulations; training.

1 (a) Each operator of a state vehicle, ~~or a personal vehicle for which reimbursement is~~
2 ~~sought~~ shall maintain the vehicle logs to the level of detail required by the division through
3 legislative rules, and as may be required by the spending unit.

4 (b) Each operator of a state vehicle shall comply with the laws, rules, and policies
5 governing state vehicle use, including spending unit rules and policies.

6 (c) Prior to operating a state vehicle, each operator shall be required to take such training
7 courses as may be required by the Board of Risk and Insurance Management, the Travel
8 Management Office, the Fleet Management Division, and the spending unit.

9 (d) If any public employee or public official fails to comply with any rule or regulation for
10 state vehicle use, the spending unit may require that the individual attend training, be restricted
11 from using state vehicles, or be prohibited from using state vehicles: *Provided*, That nothing in

12 this section authorizes the division to restrict the use of state vehicles except for those employees
13 under its control.

§5A-12-7. Spending unit duties and responsibilities.

1 (a) Every spending unit shall report all vehicles and equipment requiring a state license
2 plate, including those vehicles with a rating of more than one ton, those requiring a commercial
3 driver's license to operate, and all-terrain vehicles, as fixed assets in the centralized accounting
4 system maintained by the Enterprise Resource Planning Board.

5 (b) Every spending unit that owns state vehicles shall annually affirm to the State Agency
6 for Surplus Property on or before July 15 of each year, that the vehicles and assets reported to
7 the centralized accounting system as required by §5A-12-7(a) of this code are accurate and
8 current.

9 (c) Every spending unit shall prepare and maintain a list of all employees who are provided
10 a state vehicle. The list shall set forth the specific bona fide noncompensatory business reasons
11 for which the state vehicle is being provided to each employee. Spending units shall submit the
12 list required by this section to the division, which shall act solely as a repository for the information,
13 on or before July 1, 2018, and shall update the list on or before July 1 of each year thereafter.

§5A-12-10. Annual reports by spending units.

1 (a) Each spending unit that owns or operates a state vehicle, rents vehicles for a state
2 purpose, or reimburses an employee for personal vehicle use, shall annually report the Fleet
3 Management Division, beginning on or before October 31, 2018, and on or before October 31
4 each year thereafter, in the manner required by this article and by legislative rule.

5 (b) Each spending unit that owns or leases a state vehicle or rents or reimburses an
6 employee for personal vehicle use, shall periodically compile and maintain the individual specific
7 vehicle records of each state vehicle, and all records of vehicle rental and private vehicle use
8 expenditures, for not less than three years, or as may be required by the division or the State
9 Auditor pursuant to §5A-12-13 of this code.

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF
CERTIFICATES OF TITLE.**

**§17A-3-23. Registration plates to state, county, municipal and other governmental
vehicles; use for undercover activities.**

1 (a) Any motor vehicle designed to carry passengers, owned or leased by the state of West
2 Virginia, or any of its departments, bureaus, commissions, or institutions, except vehicles used
3 by the Governor, Treasurer, not to exceed eight vehicles operated by investigators of the Office
4 of the Attorney General, three vehicles per elected office of the Board of Public Works not
5 otherwise specified, vehicles operated by the State Police, not to exceed five vehicles operated
6 by the office of the Secretary of Military Affairs and Public Safety, not to exceed five vehicles
7 operated by the Division of Homeland Security and Emergency Management, vehicles operated
8 by natural resources police officers of the Division of Natural Resources, not to exceed 10 vehicles
9 operated by the arson investigators of the Office of State Fire Marshal, not to exceed two vehicles
10 operated by the Division of Protective Services, not to exceed 16 vehicles operated by inspectors
11 of the Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West
12 Virginia Wing of the Civil Air Patrol, and vehicles operated by probation officers employed under
13 the Supreme Court of Appeals may not be operated or driven by any person unless it has
14 displayed and attached to the front thereof, in the same manner as regular motor vehicle
15 registration plates are attached, a plate of the same size as the regular registration plate, with
16 white lettering on a green background bearing the words "West Virginia" in one line and the words
17 "State Car" in another line, and the lettering for the words "State Car" shall be of sufficient size to
18 be plainly readable from a distance of 100 feet during daylight: *Provided*, That beginning January
19 1, 2019, state vehicle license plates shall be gold with blue lettering.

20 The vehicle shall also have attached to the rear a plate bearing a number and any other
21 words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall
22 also be green with the number in white: *Provided*, That beginning January 1, 2019, state vehicle
23 license plates shall be gold with blue lettering.

24 (b) Registration plates issued to vehicles owned by counties shall be white on red with the
25 word "County" on top of the plate and the words "West Virginia" on the bottom.

26 (c) Registration plates issued to a city or municipality shall be white on blue with the word
27 "City" on top and the words "West Virginia" on the bottom.

28 (d) Registration plates issued to a city or municipality law-enforcement department shall
29 include blue lettering on a white background with the words "West Virginia" on top of the plate
30 and shall be further designed by the commissioner to include a law-enforcement shield together
31 with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-
32 enforcement department motor vehicle. The colors may not be reversed and shall be of
33 reflectorized material. The registration plates issued to counties, municipalities, and other
34 governmental agencies authorized to receive colored plates hereunder shall be affixed to both
35 the front and rear of the vehicles.

36 (e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed
37 by the commissioner in cooperation with the sheriffs' association with the word "Sheriff" on top of
38 the plate and the words "West Virginia" on the bottom. The plate shall contain a gold shield
39 representing the sheriff's star and a number assigned to that plate by the commissioner. Every
40 county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless
41 otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

42 (2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil
43 Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and
44 include the words "Civil Air Patrol" on the plate. The Civil Air Patrol shall provide the commissioner

45 with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section,
46 and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

47 (f) The commissioner is authorized to designate the colors and design of any other
48 registration plates that are issued without charge to any other agency or nonstate government
49 entity entitled to registration plates at no charge in accordance with the motor vehicle
50 laws: *Provided*, That where the institutions of higher education opt to have their logo displayed on
51 the state license plate, such institution shall bear any additional costs of those added features:
52 *Provided, however*, That no public service districts or designated nongovernmental organizations
53 shall be issued a license plate designated for vehicles owned or leased by the State of West
54 Virginia, or any of its departments, bureaus, commissions, or institutions.

55 (g) Upon application, the commissioner is authorized to issue a maximum of five Class A
56 license plates per applicant to be used by county sheriffs and municipalities on law-enforcement
57 vehicles while engaged in undercover investigations.

58 (h) The commissioner is authorized to issue a maximum of five Class A license plates to
59 be used on vehicles assigned to the Division of Motor Vehicles investigators for commercial driver
60 examination fraud investigation and driver's license issuance fraud detection and fraud
61 prevention.

62 (i) The commissioner is authorized to issue an unlimited number of license plates per
63 applicant to authorized drug and violent crime task forces in the State of West Virginia when the
64 chairperson of the control group of a drug and violent crime task force signs a written affidavit
65 stating that the vehicle or vehicles for which the plates are being requested will be used only for
66 official undercover work conducted by a drug and violent crime task force.

67 (j) The commissioner is authorized to issue 20 Class A license plates to the Criminal
68 Investigation Division of the Department of Revenue for use by its investigators.

69 (k) The commissioner may issue a maximum of 10 Class A license plates to the Division
70 of Natural Resources for use by natural resources police officers. The commissioner shall

71 designate the color and design of the registration plates to be displayed on the front and the rear
72 of all other state-owned vehicles owned by the Division of Natural Resources and operated by
73 natural resources police officers.

74 (l) The commissioner is authorized to issue an unlimited number of Class A license plates
75 to the Commission on Special Investigations for state-owned vehicles used for official undercover
76 work conducted by the Commission on Special Investigations.

77 (m) The commissioner is authorized to issue a maximum of two Class A plates to the
78 Division of Protective Services for state-owned vehicles used by the Division of Protective
79 Services in fulfilling its mission.

80 (n) The commissioner is authorized to issue Class A registration plates for vehicles used
81 by the Medicaid Fraud Control Unit created by §9-7-7 of this code.

82 (o) The commissioner is authorized to issue Class A registration plates for vehicles used
83 by the West Virginia Insurance Fraud Unit created by §33-41-8 of this code.

84 (p) No other registration plate may be issued for, or attached to, any state-owned vehicle.

85 (q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and
86 rear plates produced to attach to all state-owned or leased vehicles.

87 (r) The commissioner shall, after consultation with the Fleet Management Division
88 established pursuant to §5A-12-1 et seq. of this code and the Enterprise Resource Planning
89 Board established pursuant to §12-6D-1 et seq. of this code, develop and adopt a standardized
90 naming convention for the title, registration, and licensing of state vehicles, pursuant to ~~§17A-3-~~
91 ~~23 and §7A-3-25~~ §17A-3-25 of this code. The naming convention adopted shall be consistent with
92 the naming convention adopted for the centralized accounting system as maintained by the
93 Enterprise Resource Planning Board for the purpose of creating and maintaining an accurate and
94 up to date inventory of the state vehicle fleet.

95 (s) It is the duty of each office, department, bureau, commission, or institution furnished
96 any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle
97 by any official or employee.

98 (t) The commissioner may issue special registration plates for motor vehicles titled in the
99 name of the Division of Public Transit or in the name of a public transit authority as defined in this
100 subsection and operated by a public transit authority or a public transit provider to transport
101 persons in the public interest. For purposes of this subsection, "public transit authority" means an
102 urban mass transportation authority created pursuant to §8-27-1 et seq. of this code or a nonprofit
103 entity exempt from federal and state income taxes under the Internal Revenue Code and whose
104 purpose is to provide mass transportation to the public at large. The special registration plate shall
105 be designed by the commissioner and shall display the words "public transit" or words or letters
106 of similar effect to indicate the public purpose of the use of the vehicle. The special registration
107 plate shall be issued without charge.

108 (u) Each green registration plate with white letters affixed to a state vehicle, and each
109 corresponding title and registration certificate for all state vehicles, other than those vehicles with
110 Class A registration plates as provided in this section, terminates at midnight on December 31,
111 2018. Each spending unit assigned a state vehicle that is required to display a state vehicle
112 license plate and registration shall obtain a new title, new registration card, and new state vehicle
113 license plate prior to January 1, 2019: *Provided*, That no state vehicle license plate shall be issued
114 unless the spending unit has provided an affirmative statement ~~under penalty of perjury~~ that the
115 vehicle is a state asset recorded in the central accounting system as maintained by the Enterprise
116 Resource Planning Board, and the same has been verified by the commissioner, as required by
117 §17A-3-25 of this code. When new registrations are issued pursuant to this article and for
118 subsequent, non-Class A registrations of state owned or leased vehicles, the state vehicle
119 registration plate and certificate shall be valid for a period of not more than 24 months and shall
120 be required to be renewed every two years.

121 (v) The commissioner is authorized to prepare and promulgate emergency rules, pursuant
122 to §29A-3-1 *et seq.* of this code in order to implement amendments to this section.

123 (w) Any person who violates the provisions of this section is guilty of a misdemeanor and,
124 upon conviction thereof, shall be fined not less than \$50 nor more than \$100. Magistrates have
125 concurrent jurisdiction with circuit courts for the enforcement of this section.

**§17A-3-25. State vehicle title, registration and relicensing project of 2018; emergency and
legislative rules.**

126 (a) On or before July 1, 2018, the commissioner shall coordinate with the Fleet
127 Management Division established pursuant to §5A-12-1 *et seq.* of this code and the Enterprise
128 Resource Planning Board established pursuant to §12-6D-1 *et seq.* of this code and other
129 applicable agencies, to develop a standardized titling and registration system for state vehicles.
130 To the extent practicable, the standardization of vehicle title, registration, and state vehicle license
131 plates shall conform to the state's central accounting system maintained by the Enterprise
132 Resource Planning Board. The standardization of state vehicle titles, registrations, and license
133 plates, as described in this section, shall be known as the "State Vehicle Title, Registration, and
134 Relicensing Project of 2018." Every spending unit shall comply with the provisions of this section,
135 and §17A-3-23 of this code.

136 (b) The commissioner, in coordination with the Fleet Management Division, shall develop
137 a standard system for identifying and recording the names of agencies, offices, or spending units
138 to which each state vehicle is assigned, or registered, and such standard naming conventions
139 shall be developed to align with the state's central accounting system, and the centralized state
140 vehicle inventory system. The commissioner shall propose legislative and emergency rules,
141 pursuant to §29A-3-1 *et seq.* of this code, establishing those standard naming conventions for the
142 registration, titling, and licensing of every state vehicle, and assigning by rule a list of the
143 standardized naming conventions for each spending unit for the purpose of issuing new title,
144 registration, and license plates to each state vehicle by December 31, 2018.

145 (c) Once the commissioner has promulgated legislative and emergency rules as
146 authorized pursuant to subsection (b) of this section, and not later than September 1, 2018, the
147 division shall begin to issue the standardized title, registration, and state vehicle license plates for
148 all state vehicles.

149 (d) Any spending unit applying to license or relicense a state vehicle pursuant to this
150 section shall include with the application an affirmative statement ~~under the penalty of perjury~~ that
151 the vehicle is a state asset recorded in the central accounting system as maintained by the
152 Enterprise Resource Planning Board before the commissioner is required to issue any motor
153 vehicle registration plates: *Provided*, That for leased vehicles, the spending unit shall affirm to the
154 commissioner that the vehicle is leased and not required to be recorded in the state central
155 accounting system.

156 (e) The commissioner shall confirm that each vehicle for which an agency applies for a
157 license, title, or registration is properly listed within the centralized accounting system as being a
158 vehicle owned by a state agency before processing the application.

159 (f) The commissioner is authorized, by legislative and emergency rule, to establish a
160 procedure whereby the commissioner shall reject the application for a state vehicle title,
161 registration and state vehicle license plate if that application does not conform to the standard
162 naming convention requirements. The commissioner shall provide by rule for the reasonable
163 remedy, correcting of errors, or to compel compliance with the standard naming conventions.

164 (g) At midnight on December 31, 2018, all green state vehicle license plates with white
165 lettering affixed to vehicles shall expire. The commissioner, in coordination with the Fleet
166 Management Division, shall provide notice to each spending unit, and advertise as deemed
167 appropriate, to inform the fleet coordinators, as defined in §5A-12-3 of this code, that such license
168 plates expire and the procedure for being issued new titles, registrations, and license plates
169 pursuant to this article. The head of each spending unit with state vehicles shall cooperate and
170 comply with the requirements of the State Vehicle Title, Registration, and Relicensing Project of

171 2018, and the centralized accounting system.

172 (h) Upon receipt of the new title, registration, and license plates, each spending unit shall
 173 enter the appropriate information into the state's central accounting system maintained by the
 174 Enterprise Resource Planning Board, in such detail and specificity as required by the board, the
 175 Fleet Management Division established pursuant to §5A-12-1 *et seq.* of this code.

§17A-3-26. Enforcement; report.

1 (a) Beginning January 1, 2019, any state vehicle in this state with a green state license
 2 plate with white lettering is in violation of this article.

3 ~~(b) After January 1, 2019, any law enforcement officer who discovers a state vehicle with~~
 4 ~~an expired state vehicle license plate shall issue a citation with a penalty of \$100 per violation.~~
 5 ~~Upon payment of such penalty, notwithstanding court costs, the clerk of the court shall remit the~~
 6 ~~amount of the penalty to the law enforcement agency having brought the charge before the court.~~

7 ~~(c) Any spending unit issued a citation pursuant to this section shall file a report with the~~
 8 ~~Fleet Management Division within 30 days of the citation and describe the state vehicle by the~~
 9 ~~vehicle identification number, the make, model, and year of the vehicle, the state vehicle license~~
 10 ~~plate, and the date on which the license plate was renewed~~

NOTE: The purpose of this bill is to provide technical cleanup and clarifying language to the 2018 House Bill 4015, which reformed the management of state vehicles.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.