

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4015**

BY DELEGATES HOWELL, CRISS, HILL, HAMRICK,  
STATLER, QUEEN, BLAIR, SUMMERS, SYPOLT, MOORE  
AND STORCH

[Originating in the Committee on Government  
Organization; February 9, 2018.]



1 A BILL to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact  
2 §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code  
3 by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4,  
4 §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10, §5A-12-11, §5A-12-12,  
5 §5A-12-13 and §5A-12-14; to amend said code by adding thereto a new section,  
6 designated §12-6D-7; to amend and reenact §17A-3-23 of said code; to amend said code  
7 by adding thereto three new sections, designated §17A-3-25, §17A-3-26, and §17A-3-27;  
8 and to amend and reenact §29B-1-4 of said code, all relating to the management and  
9 continuous inventory of vehicles owned, leased, operated, or acquired by the state and its  
10 agencies; repealing provisions relating to the central motor pool; continuing management  
11 of state owned or leased aircraft through an Aviation Division; continuing the Fleet  
12 Management Office as the Fleet Management Division; defining terms; providing powers  
13 and duties of the division director; continuing the Fleet Management Office Fund as the  
14 Fleet Management Division Fund; requiring spending units designate fleet coordinators;  
15 requiring reporting of state vehicles use to the division; requiring fleet coordinator annual  
16 reporting to the division; requiring reporting to the State Agency for Surplus Property;  
17 requiring reporting to centralized inventory system as maintained by Enterprise Resource  
18 Planning Board; providing for spot compliance audits by the State Auditor; requiring  
19 legislative compliance audits; requiring new title, registration, and license plates for state  
20 vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special  
21 plates to organizations and entities; requiring agencies to apply for a new uniform vehicle  
22 title and registration plate; providing for a citation to drivers of vehicles without the proper  
23 license plate; exempting confidential information relating to certain vehicles from public  
24 disclosure under the Freedom of Information Act; authorizing rule-making; and requiring  
25 annual reports to the Governor and Legislature.

*Be it enacted by the Legislature of West Virginia:*

## CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

### ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

#### §5A-1-2. Department of Administration and Office of Secretary; secretary; divisions; directors.

1 (a) The Department of Administration and the Office of Secretary of Administration are  
2 continued in the executive branch of state government. The secretary is the Chief Executive  
3 Officer of the department and shall be appointed by the Governor, by and with the advice and  
4 consent of the Senate, for a term not exceeding the term of the Governor.

5 (b) The Department of Administration may receive federal funds.

6 (c) The secretary serves at the will and pleasure of the Governor. The annual  
7 compensation of the secretary shall be as specified in §6-7-2a of this code.

8 (d) There shall be in the Department of Administration an Aviation Division, a Finance  
9 Division, a Fleet Management Division, a General Services Division, an Information Services and  
10 Communications Division, Division of Personnel and a Purchasing Division. Each division shall  
11 be headed by a director who may also head any and all sections within that division and who shall  
12 be appointed by the secretary.

13 (e) There shall also be in the Department of Administration those agencies, boards,  
14 commissions and councils specified in §5F-2-1 of this code.

15 ~~(f) The secretary may establish a Fleet Management Office within the Department of~~  
16 ~~Administration to:~~

17 ~~(1) Manage all motor vehicles and aircraft owned or possessed by the State of West~~  
18 ~~Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or~~  
19 ~~authorities: *Provided*, That, such vehicles and aircraft shall not be used for personal purposes,~~  
20 ~~other than for de minimis personal use;~~

21 ~~(2) Administer the rules, including emergency rules, promulgated under the provisions~~  
22 ~~of sections forty-eight and forty-nine, article three of this chapter; and~~

23 ~~(3) Perform any duties relating to motor vehicles and aircraft owned or possessed by the~~  
24 ~~State of West Virginia assigned by the secretary, which duties may include those set out in §5A-~~  
25 ~~3-50 through §5A-3-53 of this code.~~

### ARTICLE 3. PURCHASING DIVISION.

#### §5A-3-49. Central motor pool for state-owned vehicles and aircraft.

1 [Repealed]

#### §5A-3-52. ~~Special funds for travel management created.~~ Aviation division; fund.

1 ~~(a) The travel management special fund is terminated. All deposits currently in this special~~  
2 ~~fund from aviation fees shall be transferred into the Aviation Fund created in subsection c of this~~  
3 ~~section. All funds in this special fund from the monthly fee for vehicles shall be transferred into~~  
4 ~~the Fleet Management Office Fund created in subsection (b) of this section.~~

5 ~~(b) There is created in the State Treasury a special revenue account, to be known as the~~  
6 ~~Fleet Management Office Fund. Expenditures are authorized from collections, but are to be made~~  
7 ~~only in accordance with appropriation by the Legislature and in accordance with the provisions of~~  
8 ~~article three, chapter twelve of this code and upon fulfillment of the provisions of article two,~~  
9 ~~chapter eleven-b of this code. Any balance remaining in the special revenue account at the end~~  
10 ~~of any state fiscal year does not revert to the General Revenue Fund but remains in the special~~  
11 ~~revenue account and shall be used solely in a manner consistent with this article. All costs and~~  
12 ~~expenses incurred pursuant to this section, including administrative, shall be paid from those~~  
13 ~~funds. Charges for operating, repairing and servicing motor vehicles made against any institution,~~  
14 ~~agency or department shall be paid into the Fleet Management Office Fund by that institution,~~  
15 ~~department or agency.~~

16 (a) The secretary may establish an aviation division within the Department of  
17 Administration to:

18 (1) Manage all aircraft owned or possessed by the State of West Virginia or any of its  
19 departments, divisions, agencies, bureaus, boards, commissions, offices or  
20 authorities: *Provided*, That, such aircraft shall not be used for personal purposes;

21 (2) Administer the rules, including emergency rules, promulgated under the provisions of  
22 §5A-3-48 of this code; and

23 (3) Perform any duties relating to aircraft owned or possessed by the State of West Virginia  
24 assigned by the secretary, which duties may include those set out in §5A-3-50 through §5A-3-53  
25 of this code.

26 (b) The special revenue account, to be known as the Aviation Fund, is hereby continued  
27 and shall be administered by the secretary. Expenditures from this fund are authorized from  
28 collections but are to be made only in accordance with appropriation by the Legislature and in  
29 accordance with the provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the  
30 provisions of §11B-2-1 *et seq.* of this code. Any balance remaining in the special revenue account  
31 at the end of any state fiscal year does not revert to the General Revenue Fund but remains in  
32 the special revenue account and shall be used solely in a manner consistent with this article. All  
33 costs and expenses incurred pursuant to §5A-3-52 of this code, including administrative, shall be  
34 paid from those funds. Charges for operating, repairing and servicing aircraft made against any  
35 institution, agency or department shall be paid into the Aviation Fund by that institution,  
36 department or agency.

## **ARTICLE 12. FLEET MANAGEMENT DIVISION.**

### **§5A-12-1 Definitions.**

1 As used in this article:

2 (a) "Central motor pool" means, under the direction and control of the Secretary of  
3 Administration, the group of state vehicles to be shared among spending units;

4 (b) "Centralized accounting system" means the system of record for the maintenance of  
5 an accurate inventory of state vehicle fixed assets as maintained by the Enterprise Resource  
6 Planning Board pursuant to §12-6D-1 *et seq.* of this code;

7 (c) "Director" means the Director of the Fleet Management Division;

8 (d) "Division" means the Fleet Management Division, under the Department of  
9 Administration, as established pursuant to this article;

10 (e) "Fleet Coordinator" means the head of a spending unit, or his or her designee, who is  
11 responsible for the duties of fleet coordinator as required by this article;

12 (f) "Indirect costs" means the expenses of operating state vehicles that may or may not be  
13 attributable to a specific vehicle, including miscellaneous expenses for cleaning supplies, shop  
14 supplies, small parts, office and administrative expenses attributable to fleet coordinator activity,  
15 training costs for fleet coordinators and state vehicle driver training, facilities costs, administrative  
16 office overhead, parking costs, and shop equipment costs where applicable;

17 (g) "Secretary" means the Secretary of the Department of Administration;

18 (h) "Spending unit" means the State of West Virginia and all agencies, offices,  
19 departments, divisions, boards, commissions, councils, committees or other entities of the state  
20 government for which an appropriation is requested or to which an appropriation is made by the  
21 Legislature. "Spending unit" does not mean any county, city, township, public service district or  
22 other political subdivision of the state;

23 (i) "State vehicle" means, for the purpose of this article, a vehicle with a rating of one ton  
24 or less that is owned, purchased, or leased by any state spending unit, on which a state vehicle  
25 license plate is required, where the use of such vehicle is paid for with public funds regardless of  
26 the source of such funding, but does not include all-terrain vehicles (ATVs) or vehicles requiring  
27 a commercial driver's license to operate;

28 (j) "State vehicle fleet" means all state vehicles;

29 (k) "State vehicle license plate" means a license plate authorized to be issued by the  
30 Division of Motor Vehicles pursuant to §17A-3-23 and §17A-3-25 of this code, which identifies the  
31 vehicle as owned or leased by the state or a spending unit;

32 (l) "State Vehicle Title, Registration and Relicensing Project of 2018" means the  
33 requirement for all spending units owning or leasing state vehicles, to report to the Division of  
34 Motor Vehicles and obtain new titles, new registration cards and new state vehicle license plates  
35 by December 31, 2018, pursuant to §17A-3-23 and §17A-3-25 of this code, to standardize the  
36 naming conventions on titles and registration cards of state vehicles in order to facilitate the  
37 creation and maintenance of a centralized state vehicle inventory system; and

38 (m) "Vehicle log" means the record of state vehicle use, to be updated by the vehicle  
39 operator and maintained by the fleet coordinators, used to track vehicle utilization data required  
40 to be compiled and maintained pursuant to this article.

**§5A-12-2. Scope of Article.**

1 This article applies to all spending units of state government relating to the purchase, lease  
2 or use of any state vehicle with the expenditure of public funds, except as otherwise provided by  
3 this code. Notwithstanding any exemption given to a spending unit by this code from the  
4 provisions of §5A-3-1 et seq. of this code or any prior exemption from the Fleet Management  
5 Division granted administratively, each spending unit of the state that owns, leases, purchases or  
6 reimburses for personal vehicle use, shall comply with the reporting provisions of this article.

**§5A-12-3. Fleet Management Division created; director; duties and responsibilities.**

1 (a) Beginning July 1, 2018, the Fleet Management Office, as previously authorized  
2 pursuant to §5A-1-2 and §5A-3-52 of this code, is hereby established in the Department of  
3 Administration as the "Fleet Management Division" for the purpose of maintaining a state vehicle  
4 fleet.

5 (b) The Division has the following duties and responsibilities:

6 (1) Provide or contract for management services, including fueling and vehicle  
7 maintenance, and any other services necessary to properly manage the operation and use of  
8 state vehicles;



9           (2) Preapprove and assist with purchase of new or replacement vehicles for agencies  
10 including facilitating financing arrangements;

11           (3) Maintain a state vehicle fleet for all state vehicles owned or leased by the State of West  
12 Virginia or any of its spending units;

13           (4) Charge a fee for division services by spending units utilizing state vehicles;

14           (5) Provide training and notice to fleet coordinators and spending units, which shall include  
15 any changes to state law related to state vehicle use, the requirement to keep accurate and  
16 current records of state vehicles use, responsibilities for compliance with other state and federal  
17 regulations, including the Internal Revenue Service policies on fringe benefit accounting, and any  
18 requirements related to the State Vehicle Title, Registration and Relicensing Project of 2018,  
19 pursuant to §17A-3-25 of this code;

20           (6) Develop safe operation and other policies governing state vehicle use;

21           (7) Recommend legislative rules to the secretary; and

22           (8) Report annually to the Governor and to the Joint Committee on Government and  
23 Finance, regarding the operations of the state fleet and the utilization of state vehicles.

24           (c) The Fleet Management Division shall, in cooperation with the Travel Management  
25 Office within the Department of Administration, develop and maintain state policies for the  
26 utilization of state vehicles including establishing best practices for state vehicle use.

27           (d) The Fleet Management Division may provide assistance to any spending unit related  
28 to financing, purchasing, leasing, operating, maintaining, transferring, and decommissioning state  
29 vehicles.

30           (e) The secretary shall appoint a director of the division who has the following powers:

31           (1) Employ such staff as needed, with the approval of the secretary, to operate and  
32 maintain a state vehicle fleet;

33           (2) Maintain adequate office space, with the approval of the secretary, for staff and  
34 equipment as needed to effectuate the provisions of this article; and

35 (3) Under the direction of the secretary, establish a central motor pool, which shall be  
36 maintained and administered by the Department of Administration, subject to such rules as the  
37 secretary may promulgate: *Provided*, That the Department of Administration is responsible for the  
38 storage, maintenance, and repairs of all vehicles assigned to the central motor pool.

**§5A-12-4. Fleet Management Division Fund.**

1 The special revenue account, known as the “Fleet Management Office Fund”, previously  
2 created by §5A-3-52 of this code, shall terminate, effective July 1, 2018. On and after July 1,  
3 2018, all funds previously belonging to the Fleet Management Office Fund shall transfer to the  
4 special revenue account which shall be known as the “Fleet Management Division Fund” which  
5 shall be created in the state Treasury, and shall be administered by the secretary. Expenditures  
6 are authorized from collections but are to be made only in accordance with appropriation by the  
7 Legislature and in accordance with §12-3-1 *et seq.* of this code and upon fulfillment of §11B-2-1  
8 *et seq.* of this code. Any balance remaining in the special revenue account at the end of any state  
9 fiscal year does not revert to the General Revenue Fund but remains in the special revenue  
10 account and may be used solely in a manner consistent with this article.

**§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) The minimum requirements governing the use of state vehicles;  
5 (2) The reporting requirements and responsibilities for fleet coordinators, regarding state  
6 vehicle use, to track and maintain records regarding the direct and indirect costs of state vehicle  
7 use, and operations, leasing and decommissioning costs and activities;  
8 (3) The minimum requirements and responsibilities for each driver or operator of a state  
9 vehicle;

10           (4) The minimum criteria to be collected and maintained on state vehicle log sheets,  
11 including what information is to be recorded by the vehicle operator. Vehicle log information shall  
12 contain at a minimum:

13           (A) Daily starting and ending mileage;

14           (B) Daily starting and ending destinations;

15           (C) A daily statement of the purpose of usage;

16           (D) The drivers name and title;

17           (E) The mileage at the point of refueling, the amount of fuel purchased in gallons, the cost  
18 of the fuel; and

19           (F) Any other information the director, spending unit, department or institution may require;

20           (5) The form and manner for each spending unit fleet coordinator to report to the division,  
21 including any electronic format as deemed necessary by the director;

22           (6) The information that each spending unit fleet coordinator shall collect and maintain  
23 regarding state vehicle use by the spending unit, which shall include, but not be limited to, the  
24 following:

25           (A) The title to own or lease each state vehicle;

26           (B) The vehicle identification number of each state vehicle owned or leased by the  
27 spending unit;

28           (C) A justification statement that includes the purpose or purposes for which each vehicle  
29 is to be used, the frequency of anticipated use in miles per month, and a cost evaluation  
30 comparing the purchase or lease to the cost of renting the vehicle;

31           (D) The name of the vendor, dealership, manufacturer, grantor, or lessor from which the  
32 vehicle was obtained;

33           (E) The class of vehicle or vehicle type;

34           (F) The manufacturer, make, model, and year;

35           (G) The license plate number of each vehicle as issued by the Division of Motor Vehicles;

- 36           (H) The license plate renewal date;
- 37           (I) The date of acquisition;
- 38           (J) The cost of and the funding source for the purchase or lease of each state vehicle;
- 39           (K) The assigned user or users of the vehicle;
- 40           (L) Vehicle log sheets and periodic odometer readings;
- 41           (M) Fuel use and fuel expenditure records for each vehicle;
- 42           (N) The maintenance and service event costs for each state vehicle;
- 43           (O) State vehicle inspection data, and inspection event details, including the date of the
- 44 inspection, the vendor who performed the state inspection, and notation for all required repairs;
- 45           (P) The location of where each state vehicle is housed, including any monthly parking or
- 46 storage costs as applicable;
- 47           (Q) The costs associated with vehicle rental expenses;
- 48           (R) Annual reimbursement totals for personal vehicle use, which shall include at a
- 49 minimum, the total miles of personal vehicle used by the spending unit, and the reimbursement
- 50 rate; and
- 51           (S) Accident event logs.
- 52           (7) Requirements for spending unit fleet coordinators to annually report to the division
- 53 regarding state vehicle use, including:
- 54           (A) The total number of vehicles owned or leased, per year;
- 55           (B) The total amount of fuel purchased per year, and the total cost of fuel expenditures;
- 56           (C) The total miles driven per year by the spending unit;
- 57           (D) The total number of vehicle miles for rented vehicles, including total rental and fuel
- 58 costs for rental vehicles per year;
- 59           (E) The total amount of miles driven, and the total amount reimbursed for personal vehicle
- 60 use per year;
- 61           (F) The total commuting miles per year;

62 (G) The manner of calculating and reporting direct and indirect costs associated with state  
63 vehicle use, and any other information deemed necessary by the director.

64 (8) Requirements and policy governing commuting in and taking home state vehicles; and

65 (9) Requirements and policy governing volunteer and non-public employee drivers.

66 (b) All rules of the Fleet Management Office under the Department of Administration, in  
67 effect on the effective date of this article, shall remain in effect until they are amended, replaced,  
68 or repealed, and references to the such rules are interpreted to mean the rules authorized  
69 pursuant to this article.

70 (c) On or before June 15, 2018, the director shall propose emergency legislative rules  
71 which may amend or modify existing legislative rules governing the use of state vehicles pursuant  
72 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 described in this article, as required  
3 by the division through 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 governing  
5 state vehicle use, including spending unit rules and policies.

6 (c) In order to operate a state vehicle, the 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 prohibited from using state vehicles: *Provided*, That nothing in this  
12 section authorizes the division to restrict the use of state vehicles except for employees under its  
13 control.

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

1           (a) This article applies to all spending units that own state vehicles for which a state license  
2 plate is required, vehicles which are leased by the spending unit for official state business, and  
3 state spending units that reimburse employees for use of their personal vehicles for official state  
4 business: *Provided*, That this article does not apply to those state vehicles with a rating of more  
5 than one ton, vehicles that require a commercial driver's license to operate, or all-terrain vehicles.

6           (b) Every spending unit shall report all vehicles and equipment requiring a state license  
7 plate, including those vehicles with a rating of more than one ton or those requiring a commercial  
8 driver's license to operate, as fixed assets in the centralized accounting system maintained by  
9 the Enterprise Resource Planning Board.

10           (c) Every spending unit that owns state vehicles shall annually affirm to the State Agency  
11 for Surplus Property on or before July 15 of each year, that the vehicles and assets reported to  
12 the centralized accounting system as required by subsection (b) are accurate and current.

**§5A-12-8. Fleet coordinators.**

1           (a) Each spending unit fleet coordinator shall be responsible for the management and  
2 maintenance of state vehicle information, and for reporting state vehicle utilization reports to the  
3 division as required pursuant to this article.

4           (b) Each spending unit shall provide to the division the name and contact information for  
5 the spending unit fleet coordinator.

6           (c) Each fleet coordinator is required to attend the Fleet Coordinator training provided by  
7 the Fleet Management Division.

8           (d) Each fleet coordinator shall be responsible for providing adequate training to each  
9 operator of a state vehicle within his or her spending unit.

**§5A-12-9. Utilization of Vehicle Management Services; exemption.**

1           (a) Each spending unit which owns, uses, or maintains a state vehicle shall utilize the  
2 vehicle management services provided by the Fleet Management Division for all state vehicles.

3           (b) Spending units may request an exemption from part or all of the services provided by  
4 the Fleet Management Division. The division shall review each request and may recommend  
5 approval of the request by the secretary. The division shall submit a legislative rule describing  
6 each spending unit for which an exemption has been approved, which shall state the nature of  
7 the proposed exemption, which services will be used, provide for the manner in which the  
8 spending unit will comply with all other requirements of this article, including the information to be  
9 reported to the division, and any other information which the division may require: *Provided, That*  
10 no request for exemption pursuant to this section may be effective without the enactment of a  
11 legislative or emergency rule pursuant to the provisions of §29A-3-1 *et seq.* of this code.

**§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 for personal vehicle use, shall annually report the Fleet Management  
3 Division, beginning on or before October 31, 2018, and on or before October 31 each year  
4 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.

**§5A-12-11. State vehicle fleet annual report.**

1           (a) The Fleet Management Division shall maintain sufficient records and fleet coordinator  
2 reports to produce a State Vehicle Fleet Annual Report, regarding the maintenance and operation  
3 of the state vehicle fleet.

4           (b) On or before December 31, 2019 and each December 31 thereafter, the division shall  
5 submit the State Vehicle Fleet Annual Report to the Governor, and to the Joint Committee on  
6 Government and Finance, describing, at a minimum:

7 (1) The total number of state vehicles,

8 (2) A list of each department, institution or spending unit, and the total number of vehicles  
9 operated by each;

10 (3) The total number of state vehicle miles driven, shown by department, institution or  
11 spending unit;

12 (4) The total amount of fuel purchased in gallons, and the expenditure for annual  
13 maintenance, repair, fuel expenditures, shown by department, institution or spending unit;

14 (5) The total number of miles reimbursed for personal vehicle use and the amount  
15 reimbursed annually, by department, institution or spending unit;

16 (6) The total number of vehicles owned and operated by the division, including the annual  
17 maintenance, repair, fuel amount and fuel expenditures, and total miles driven;

18 (7) The total annual indirect costs of operating the state vehicle fleet, by department,  
19 institution or spending unit;

20 (8) A summary of complaints received concerning state vehicle usage;

21 (9) A summary of the State Auditor's Spot Compliance Audit Report authorized pursuant  
22 to §5A-12-13 of this code;

23 (10) The operating revenue and expenses of the division including:

24 (A) The fees collected annually, by billing category of services, resulting in division  
25 revenue;

26 (B) An annual expense report that includes rent, utilities, vehicle maintenance costs,  
27 contract service expenses, personnel services; and

28 (C) Any other financial information the director deems appropriate.

29 (11) Any policy or statutory changes the director recommends as may be necessary to  
30 maintain accurate records of the state vehicle fleet regarding utilization of state vehicles and the  
31 expenses necessary to maintain such vehicle fleet.



32 (c) An annual report produced in an electronic format complies with the reporting  
33 requirements of this article and shall be made available on the division website: *Provided*, That  
34 the division shall redact any personally identifiable information or confidential information.

**§5A-12-12. Complaint process.**

1 (a) The director shall provide a complaint process for use by the general public to report  
2 to the division issues relevant to the operation and maintenance of a state vehicle fleet.  
3 Complaints may be received by the division in writing, by telephone, or electronically: *Provided*,  
4 That the division shall review all complaints weekly, and report to the appropriate spending unit  
5 the information regarding the state vehicle in use by the spending unit, and shall describe the  
6 nature of the complaint, including, but not limited to mechanical problems, equipment failures,  
7 misuse, or illegal operation of a state vehicle.

8 (b) Each spending unit shall investigate each complaint it receives and provide an update  
9 to the division on a regular basis and at the conclusion of the investigation.

**§5A-12-13. Spot compliance audits by the State Auditor.**

1 (a) Beginning July 1, 2019, the State Auditor shall conduct spot compliance audits to  
2 monitor operator, spending unit, and fleet coordinator records and reports for accuracy and  
3 compliance with the record keeping provisions of this article. The State Auditor shall conduct a  
4 spot compliance audit on not less than 20 percent of the state vehicle fleet annually, in order to  
5 review all state vehicle records on a five-year cycle.

6 (b) A spending unit found to be noncompliant with the record keeping provisions of this  
7 article may be subject to further compliance monitoring as the State Auditor and director deem  
8 necessary.

9 (c) The State Auditor shall report to the Fleet Management Division the findings of each  
10 spot compliance audit. Such reports shall list the fleet coordinators and spending units audited,  
11 and verify:

12 (1) That state vehicle drivers of the spending unit have been trained in state vehicle policy  
13 and are keeping complete and accurate vehicle logs;

14 (2) That spending unit fleet coordinators have attended training, and are compiling and  
15 maintaining the vehicle records as required pursuant to the provisions of this article; and

16 (3) To verify the accuracy of fleet coordinator reporting in the manner consistent with the  
17 provisions of this article.

**§5A-12-14. Legislative compliance audit.**

1 On or before December 31, 2020, the Legislative Auditor, in accordance with §4-10-1 et  
2 seq. of this code, shall audit the division for state spending unit, and fleet coordinator compliance  
3 with the reporting requirements and applicable provisions of this article, including evaluating the  
4 data collected by the division to determine if the data being provided to the division in the spending  
5 unit annual reports is sufficient to evaluate the state costs of owning, maintaining and leasing  
6 state vehicles, and for evaluating vehicle use and expenditure trends among the spending units.

**CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

**ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.**

**§12-6D-7. Establishing state vehicle fixed assets record keeping.**

1 The West Virginia Enterprise Resource Planning Board shall consult with the Fleet  
2 Management Division, established pursuant to §5A-12-1 et seq. of this code, and the Division of  
3 Motor Vehicles, pursuant to the authority in §17A-3-25, to develop standard naming conventions  
4 for the title, registration and other fixed asset information to be used in the identification of state  
5 vehicles in the system of record for fixed assets, and shall designate the information to be entered  
6 by spending units into the centralized accounting system maintained by the West Virginia  
7 Enterprise Resource Planning Board, for the development and maintenance of an accurate and  
8 updated state vehicle inventory.

**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 by  
3 the Governor, Treasurer, not to exceed eight vehicles operated by investigators of the Office of  
4 the Attorney General, three vehicles per elected office of the Board of Public Works not otherwise  
5 specified, vehicles operated by the State Police, not to exceed five vehicles operated by the office  
6 of the Secretary of Military Affairs and Public Safety, not to exceed five vehicles operated by the  
7 Division of Homeland Security and Emergency Management, vehicles operated by natural  
8 resources police officers of the Division of Natural Resources, not to exceed 10 vehicles operated  
9 by the arson investigators of the Office of State Fire Marshal, not to exceed two vehicles operated  
10 by the Division of Protective Services, not to exceed 16 vehicles operated by inspectors of the  
11 Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia  
12 Wing of the Civil Air Patrol and vehicles operated by probation officers employed under the  
13 Supreme Court of Appeals may not be operated or driven by any person unless it has displayed  
14 and attached to the front thereof, in the same manner as regular motor vehicle registration plates  
15 are attached, a plate of the same size as the regular registration plate, with white lettering on a  
16 green background bearing the words "West Virginia" in one line and the words "State Car" in  
17 another line and the lettering for the words "State Car" shall be of sufficient size to be plainly  
18 readable from a distance of one hundred feet during daylight unless and until such license plates  
19 are replaced: *Provided*, That no later than January 1, 2019, no state vehicles may be operated or

20 driven by any person unless it has displayed and attached to the front thereof, in the same manner  
21 as regular motor vehicle registration plates are attached, a plate of the same size as the regular  
22 registration plate, with blue lettering on a gold background bearing the words "West Virginia" in  
23 one line and the words "State Car" in another line and the lettering for the words "State Car" shall  
24 be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

25 The vehicle shall also have attached to the rear a plate bearing a number and any other  
26 words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall  
27 also be green with the number in white unless and until such license plates are  
28 replaced: *Provided*, That state vehicles shall also have attached to the rear a plate bearing a  
29 number and any other words and figures as the Commissioner of Motor Vehicles shall prescribe.  
30 The rear plate shall be gold with the number in blue. The commissioner may also designate  
31 additional insignia or stencils to be displayed on the front and rear plates for the purpose of  
32 identifying motor vehicles within the higher education system, public service districts, or  
33 designated nongovernmental organizations. The spending unit shall provide to the commissioner  
34 an affirmative statement under the penalty of perjury that the vehicle is a state asset recorded in  
35 the central accounting system as maintained by the Enterprise Resource Planning Board before  
36 the commissioner is required to issue any motor vehicle registration plates: *Provided*, That for  
37 leased vehicles, the spending unit shall affirm to the commissioner that the vehicle is leased and  
38 not required to be recorded in the state central accounting system.

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

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

43 (d) Registration plates issued to a city or municipality law-enforcement department shall  
44 include blue lettering on a white background with the words "West Virginia" on top of the plate  
45 and shall be further designed by the commissioner to include a law-enforcement shield together

46 with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-  
47 enforcement department motor vehicle. The colors may not be reversed and shall be of  
48 reflectorized material. The registration plates issued to counties, municipalities and other  
49 governmental agencies authorized to receive colored plates hereunder shall be affixed to both  
50 the front and rear of the vehicles.

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

57 (2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil  
58 Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and  
59 include the words "Civil Air Patrol" on the plate. The Civil Air Patrol shall provide the commissioner  
60 with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section,  
61 and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

62 (f) The commissioner is authorized to designate the colors and design of any other  
63 registration plates that are issued without charge to any other agency or non-state government  
64 entity entitled to registration plates at no charge in accordance with the motor vehicle  
65 laws: Provided, That where the institutions of higher education opt to have their logo displayed on  
66 the state license plate, such institution shall bear any additional costs of those added features:  
67 Provided, however, That public service districts, or designated nongovernmental organizations  
68 shall be issued a colored license plate as the commissioner shall designate for each and may not  
69 be issued a license plate designated for vehicles owned or leased by the state of West Virginia,  
70 or any of its departments, bureaus, commissions or institutions.

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

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

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

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

85 (k) The commissioner may issue a maximum of 10 Class A license plates to the Division  
86 of Natural Resources for use by natural resources police officers. The commissioner shall  
87 designate the color and design of the registration plates to be displayed on the front and the rear  
88 of all other state-owned vehicles owned by the Division of Natural Resources and operated by  
89 natural resources police officers.

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

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

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

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

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

101 (q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and  
102 rear plates produced to attach to all state-owned cars. ~~The numbered registration plates for the~~  
103 ~~vehicles shall start with the number five hundred and the commissioner shall issue consecutive~~  
104 ~~numbers for all state-owned cars~~ or leased vehicles.

105 (r) The commissioner shall consult with the Fleet Management Division, established  
106 pursuant to §5A-12-1 et seq. of this code, and the Enterprise Resource Planning Board,  
107 established pursuant to §12-6D-1 et seq. of this code, to develop a standardized naming  
108 convention for the title, registration and licensing of state vehicles, pursuant to §17A-3-23 and 7A-  
109 3-25 of this code, and consistent with the capabilities of the centralized accounting system as  
110 maintained by the Enterprise Resource Planning Board, for the purpose of creating and  
111 maintaining an accurate and up to date inventory of the state vehicle fleet.

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

115 (s) (t) The commissioner may issue special registration plates for motor vehicles titled in  
116 the name of the Division of Public Transit or in the name of a public transit authority as defined in  
117 this subsection and operated by a public transit authority or a public transit provider to transport  
118 persons in the public interest. For purposes of this subsection, "public transit authority" means an  
119 urban mass transportation authority created pursuant to ~~the provisions of~~ §8-27-1 et seq. of this  
120 code or a nonprofit entity exempt from federal and state income taxes under the Internal Revenue  
121 Code and whose purpose is to provide mass transportation to the public at large. The special

122 registration plate shall be designed by the commissioner and shall display the words “public  
123 transit” or words or letters of similar effect to indicate the public purpose of the use of the vehicle.  
124 The special registration plate shall be issued without charge.

125 (u) Each green registration plate with white letters affixed to a state vehicle, and each  
126 corresponding title and registration certificate for all state vehicles, other than those vehicles with  
127 Class A registration plates as provided in this section, terminates at midnight on December 31,  
128 2018, pursuant to §17A-3-25 of this code. The each spending unit assigned a state vehicle that  
129 is required to display a state vehicle license plate and registration shall obtain a new title, a new  
130 registration card, and a new state vehicle license plate prior to the termination dates specified in  
131 this article. When new registrations are issued pursuant to this article and for subsequent, non-  
132 Class A registrations of state owned or leased vehicles, the state vehicle registration plate and  
133 certificate shall be valid for a period of not more than twenty-four months and shall be renewed  
134 every two years.

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

137 ~~(t)~~ (w) Any person who violates the provisions of this section is guilty of a misdemeanor  
138 and, upon conviction thereof, shall be fined not less than \$50 nor more than \$100. Magistrates  
139 have 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.**

1 (a) Beginning on or before July 1, 2018, the commissioner shall coordinate with the Fleet  
2 Management Division, established pursuant to §5A-12-1 et seq. of this code, and the Enterprise  
3 Resource Planning Board, established pursuant to §12-6D-1 et seq. of this code, and other  
4 applicable agencies, to develop a standardized titling and registration system for state vehicles.  
5 To the extent practical, the standardization of vehicle title, registration and state vehicle license  
6 plates shall conform to the state’s central accounting system maintained by the Enterprise



7 Resource Planning Board. The standardization of state vehicle titles, registrations and license  
8 plates, as described in this section, shall be known as the “State Vehicle Title, Registration and  
9 Relicensing Project of 2018.” Every spending unit shall comply with the provisions of this section,  
10 and §17A-3-23 of this code. Upon receipt of the new title, registration and license plates, the  
11 spending unit shall enter the appropriate information into the state’s central accounting system  
12 maintained by the Enterprise Resource Planning Board, in such detail and specificity as required  
13 by the board, the Fleet Management Division established pursuant to §5A-12-1 et seq. of this  
14 code.

15 (b) The commissioner shall propose legislative and emergency rules, pursuant to §29A-  
16 3-1 et seq. of this code, establishing the standard naming conventions for the registration, titling,  
17 and licensing of every state vehicle, and assign by rule, a list of the standardized naming  
18 conventions for each spending unit for the purpose of issuing new title, registration and license  
19 plates to each state vehicle by December 31, 2018. The commissioner, in coordination with the  
20 Fleet Management Division, shall develop a standard system for identifying and recording the  
21 names of agencies, offices or spending units to which each state vehicle is assigned, or  
22 registered, and such standard naming conventions shall be developed to align with the state’s  
23 central accounting system, and the centralized state vehicle inventory system.

24 (c) As soon as the commissioner has promulgated legislative and emergency rules as  
25 authorized pursuant to this section, and not later than September 1, 2018, the division shall begin  
26 to issue the standardized title, registration and state vehicle license plates for all state vehicles.

27 (d) The commissioner is authorized, by legislative and emergency rule, to establish a  
28 procedure whereby the commissioner shall reject the application for a state vehicle title,  
29 registration and state vehicle license plate that does not conform to the standard naming  
30 convention requirements. The commissioner shall provide by rule for the reasonable remedy,  
31 correcting of errors, or to compel compliance with the standard naming conventions.

32 (e) At midnight on December 31, 2018, all green state vehicle license plates with white  
33 lettering affixed to vehicles shall expire. The commissioner, in coordination with the Fleet  
34 Management Division, shall provide notice to each spending unit, and advertise as deemed  
35 appropriate, to inform the fleet coordinators, as defined in §5A-12-3 of this code, that such license  
36 plates expire and the procedure for being issued new titles, registrations and license plates  
37 pursuant to this article. The head of each spending unit with state vehicles shall cooperate and  
38 comply with the requirements of the State Vehicle Title, Registration and Relicensing Project of  
39 2018 and the centralized accounting system.

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

**§17A-3-26. Enforcement; report.**

1 (a) Beginning January 1, 2019, any state vehicle in this state with an expired green state  
2 license plate with white lettering is in violation of this article. After January 1, 2019, any law-  
3 enforcement officer who discovers a state vehicle with an expired state vehicle license plate, shall  
4 issue a citation with the penalty of \$100 per violation. The penalty shall be paid by the vehicle  
5 operator of the spending unit that owns or leases the vehicle. Upon payment of such penalty,  
6 notwithstanding court costs, the clerk of the court shall remit the amount of the penalty to the law-  
7 enforcement agency having brought the charge before the court.

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

**§17A-3-27. Compliance audit.**

1 On or before December 31, 2019, the Legislative Auditor, in accordance with §4-10-1 et  
2 seq. of this code, shall audit the Division of Motor Vehicles for compliance with the State Vehicle

3 Title, Registration and Relicensing Project of 2018. The Legislative Auditor may make  
4 recommendations for future compliance monitoring of any spending unit found not in compliance  
5 with the project and make such recommendations for administrative penalties for noncompliance  
6 with the project.

## CHAPTER 29B. FREEDOM OF INFORMATION.

### ARTICLE 1. PUBLIC RECORDS.

#### §29B-1-4. Exemptions.

1 (a) There is a presumption of public accessibility to all public records, subject only to the  
2 following categories of information which are specifically exempt from disclosure under ~~the~~  
3 ~~provisions of~~ this article:

4 (1) Trade secrets, as used in this section, which may include, but are not limited to, any  
5 formula, plan pattern, process, tool, mechanism, compound, procedure, production data or  
6 compilation of information which is not patented which is known only to certain individuals within  
7 a commercial concern who are using it to fabricate, produce or compound an article or trade or a  
8 service or to locate minerals or other substances, having commercial value, and which gives its  
9 users an opportunity to obtain business advantage over competitors;

10 (2) Information of a personal nature such as that kept in a personal, medical or similar file,  
11 if the public disclosure of the information would constitute an unreasonable invasion of privacy,  
12 unless the public interest by clear and convincing evidence requires disclosure in this particular  
13 instance: *Provided*, That this article does not preclude an individual from inspecting or copying  
14 his or her own personal, medical or similar file;

15 (3) Test questions, scoring keys and other examination data used to administer a licensing  
16 examination, examination for employment or academic examination;

17 (4) (A) Records of law-enforcement agencies that deal with the detection and investigation  
18 of crime and the internal records and notations of such law-enforcement agencies which are  
19 maintained for internal use in matters relating to law enforcement;

20 (B) Records identifying motor vehicles used, and the agencies using them, for undercover  
21 investigation activities conducted by state law-enforcement agencies or other agencies that are  
22 authorized by this code to use undercover or unmarked vehicles;

23 (5) Information specifically exempted from disclosure by statute;

24 (6) Records, archives, documents or manuscripts describing the location of undeveloped  
25 historic, prehistoric, archaeological, paleontological and battlefield sites or constituting gifts to any  
26 public body upon which the donor has attached restrictions on usage or the handling of which  
27 could irreparably damage the record, archive, document or manuscript;

28 (7) Information contained in or related to examination, operating or condition reports  
29 prepared by, or on behalf of, or for the use of any agency responsible for the regulation or  
30 supervision of financial institutions, except those reports which are by law required to be published  
31 in newspapers;

32 (8) Internal memoranda or letters received or prepared by any public body;

33 (9) Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist  
34 acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the  
35 public health;

36 (10) Those portions of records containing specific or unique vulnerability assessments or  
37 specific or unique response plans, data, databases and inventories of goods or materials collected  
38 or assembled to respond to terrorist acts; and communication codes or deployment plans of law-  
39 enforcement or emergency response personnel;

40 (11) Specific intelligence information and specific investigative records dealing with  
41 terrorist acts or the threat of a terrorist act shared by and between federal and international law-  
42 enforcement agencies, state and local law-enforcement and other agencies within the Department  
43 of Military Affairs and Public Safety;

44 (12) National security records classified under federal executive order and not subject to  
45 public disclosure under federal law that are shared by federal agencies and other records related

46 to national security briefings to assist state and local government with domestic preparedness for  
47 acts of terrorism;

48 (13) Computing, telecommunications and network security records, passwords, security  
49 codes or programs used to respond to or plan against acts of terrorism which may be the subject  
50 of a terrorist act;

51 (14) Security or disaster recovery plans, risk assessments, tests or the results of those  
52 tests;

53 (15) Architectural or infrastructure designs, maps or other records that show the location  
54 or layout of the facilities where computing, telecommunications or network infrastructure used to  
55 plan against or respond to terrorism are located or planned to be located;

56 (16) Codes for facility security systems; or codes for secure applications for facilities  
57 referred to in subdivision (15) of this subsection;

58 (17) Specific engineering plans and descriptions of existing public utility plants and  
59 equipment;

60 (18) Customer proprietary network information of other telecommunications carriers,  
61 equipment manufacturers and individual customers, consistent with 47 U.S.C. §222;

62 (19) Records of the Division of Corrections, Regional Jail and Correctional Facility  
63 Authority and the Division of Juvenile Services relating to design of corrections, jail and detention  
64 facilities owned or operated by the agency, and the policy directives and operational procedures  
65 of personnel relating to the safe and secure management of inmates or residents, that if released,  
66 could be used by an inmate or resident to escape a facility, or to cause injury to another inmate,  
67 resident or to facility personnel;

68 (20) Information related to applications under §61-7-4 of this code, including applications,  
69 supporting documents, permits, renewals, or any other information that would identify an applicant  
70 for or holder of a concealed weapon permit: *Provided:* That information in the aggregate that does  
71 not identify any permit holder other than by county or municipality is not exempted: *Provided,*

72 *however*, That information or other records exempted under this subdivision may be disclosed to  
73 a law enforcement agency or officer: (i) to determine the validity of a permit, (ii) to assist in a  
74 criminal investigation or prosecution, or (iii) for other lawful law-enforcement purposes; and

75 (21) Personal information of law-enforcement officers maintained by the public body in the  
76 ordinary course of the employer-employee relationship. As used in this paragraph, “personal  
77 information” means a law-enforcement officer’s social security number, health information, home  
78 address, personal address, personal telephone numbers and personal email addresses and those  
79 of his or her spouse, parents and children as well as the names of the law-enforcement officer’s  
80 spouse, parents and children.

81 (b) As used in subdivisions (9) through (16), inclusive, subsection (a) of this section, the  
82 term “terrorist act” means an act that is likely to result in serious bodily injury or damage to property  
83 or the environment and is intended to:

- 84 (1) Intimidate or coerce the civilian population;  
85 (2) Influence the policy of a branch or level of government by intimidation or coercion;  
86 (3) Affect the conduct of a branch or level of government by intimidation or coercion; or  
87 (4) Retaliate against a branch or level of government for a policy or conduct of the  
88 government.

89 (c) The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section  
90 do not make subject to the provisions of this chapter any evidence of an immediate threat to public  
91 health or safety unrelated to a terrorist act or the threat of a terrorist act which comes to the  
92 attention of a public entity in the course of conducting a vulnerability assessment response or  
93 similar activity.

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