

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **ENGROSSED**

## **House Bill 2878**

By Delegates Howell, Linville, Cannon and Clark

[Introduced January 20, 2023; Referred to the  
Committee on Technology and Infrastructure then  
Government Organization]



1 A BILL to amend and reenact §5A-12-3, §5A-12-6, and §5A-12-9 of the Code of West Virginia,  
2 1931, as amended, relating to granting the Fleet Management Division oversight authority  
3 of the state vehicle fleet; providing an exclusion for law enforcement vehicles should such  
4 oversight conflict with any law enforcement activities; to delineate telematics as a required  
5 service for state spending units; removing the requirement to complete vehicle logs in  
6 telematics connected vehicles; removing exemptions from the Fleet Management  
7 Division; and only permitting exemptions from telematics for law enforcement.

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

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

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

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

4 (b) The Division shall have the following duties and responsibilities:

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

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

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

12 (4) To charge a fee for division services by spending units utilizing state vehicles;

13 (5) To provide training and notice to fleet coordinators and spending units concerning the  
14 duties and responsibilities under this article, including any requirements related to the State  
15 Vehicle Title, Registration and Relicensing Project of 2018, established pursuant to §17A-3-25 of  
16 this code;

(6) To develop safe operation and other policies governing state vehicle use;

(7) To propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code;

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

(9) To develop and maintain, in cooperation with the Travel Management Office, state policies for the utilization of state vehicles, including establishing best practices for state vehicle use; and

(10) To provide assistance upon request to any spending unit related to financing, purchasing, leasing, operating, maintaining, transferring, and decommissioning state vehicles; and

(11) To have oversight authority of the state vehicle fleet.

(c) The secretary shall appoint a director of the division, who shall:

(1) Employ such staff as needed to effectuate the provisions of this article;

(2) Maintain adequate office space for staff and equipment as needed to effectuate the provisions of this article; and

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

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

~~(a) Each operator of a state vehicle, shall maintain the vehicle logs to the level of detail required by the division through legislative rules, and as may be required by the spending unit.~~

(a) The Fleet Management Division shall equip all state vehicles, except for non-road vehicles, with telematics by July 1, 2025. State vehicles equipped with telematics do not require a vehicle log to be kept.

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

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

(d) If any public employee or public official fails to comply with any rule or regulation for state vehicle use, the spending unit may require that the individual attend training, be restricted from using state vehicles, or be prohibited from using state vehicles: *Provided*, That nothing in this section authorizes the division to restrict the use of state vehicles except for those employees under its control.

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

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

(b) ~~Spending units~~ Law enforcement agencies may request an exemption from part or all of the services provided by the Fleet Management Division. The division shall review each request and may recommend approval of the request by the secretary. The division shall submit a legislative rule identifying each spending unit for which an exemption has been approved, which rule shall further state the nature of the proposed exemption, and which services will be used, as well as the manner in which the spending unit will comply with all other requirements of this article, including the requirements to report certain information to the division; *Provided*, That no request for exemption pursuant to this section shall become effective without the enactment of a legislative rule pursuant to the provisions of §29A-3-1 *et seq.* of this code: :Provided however, That undercover law enforcement vehicles are exempt from all provisions of this article.

NOTE: The purpose of this bill is to grant the Fleet Management Division oversight authority of the state vehicle fleet. The bill provides an exclusion for law enforcement vehicles should such oversight conflict with any law enforcement activities. The bill delineates telematics as a required service for state spending units. The bill removes the requirement to complete vehicle logs in telematics connected vehicles. The bill removes exemptions from the Fleet Management Division. Finally, the bill allows for exemptions from telematics for law enforcement.

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