

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 2004**

BY DELEGATES HOWELL, NELSON, COWLES, ZATEZALO,  
HAMRICK, WARD, DEEM, SUMMERS, SYPOLT, LANE AND

ATKINSON

[Originating in the Committee on Finance;

March 17, 2017]



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 and  
4 §5A-12-5; to amend and reenact §17A-3-23 of said code; to amend said code by adding  
5 thereto a new section, designated §17A-3-23a; and to amend and reenact §29B-1-4 of  
6 said code, all relating to the management and continuous inventory of vehicles owned,  
7 leased, operated or acquired by the state and its agencies; repealing provisions relating  
8 to the central motor pool; continuing management of state owned or leased aircraft  
9 through an aviation division; continuing the Fleet Management Office; providing powers  
10 and duties of the Director of the Fleet Management Office; continuing special fund;  
11 requiring reporting of state vehicles to Fleet Management Office; requiring reporting to and  
12 inventory of vehicles by State Agency for Surplus Property; requiring reporting to and  
13 inventory of vehicles by Enterprise Resource Planning Board; authorizing a rental pool;  
14 requiring legislative compliance audit; requiring new title, registration and license plates  
15 for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue  
16 special plates to organizations and entities; requiring agencies to apply for a new uniform  
17 vehicle title and registration plate; exempting confidential information relating to certain  
18 vehicles from public disclosure under the Freedom of Information Act; authorizing  
19 legislative rules; and requiring annual reports to Legislature and Governor.

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

1 That §5A-3-49 of the Code of West Virginia, 1931, as amended, be repealed; that §5A-  
2 1-2 of said code be amended and reenacted; that §5A-3-52 of said code be amended and  
3 reenacted; that said code be amended by adding thereto a new article, designated §5A-12-1,  
4 §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10  
5 and §5A-12-11; that §17A-3-23 of said code be amended and reenacted; that said code be

6 amended by adding thereto three new sections, designated §17A-3-25, §17A-3-26 and §17A-3-  
7 27; and that §29B-1-4 of said code be amended and reenacted, all to read as follows:

## **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 section two-a, article seven, chapter six of  
8 this code.

9 (d) There shall be in the Department of Administration a Finance Division, a General  
10 Services Division, an Information Services and Communications Division, Division of Personnel  
11 and a Purchasing Division. Each division shall be headed by a director who may also head any  
12 and all sections within that division and who shall 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 section one, article two, chapter five-f of this code.

15 (f) The secretary may establish a ~~Fleet Management Office~~ an aviation division within the  
16 Department of 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 of  
22 ~~sections~~ section 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  
25 sections fifty through fifty-three, article three of this chapter.

### ARTICLE 3. PURCHASING DIVISION.

#### **§5A-3-52. ~~Special funds for travel management created.~~ Aviation Fund.**

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

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

12 ~~(c) There is created in the State Treasury a The special revenue account, to be known as~~  
13 ~~the Aviation Fund, is hereby continued and shall be administered by the secretary. Expenditures~~

14 from this fund are authorized from collections but are to be made only in accordance with  
15 appropriation by the Legislature and in accordance with the ~~provisions of~~ article three, chapter  
16 twelve of this code and upon fulfillment of the provisions of article two, chapter eleven-b of this  
17 code. Any balance remaining in the special revenue account at the end of any state fiscal year  
18 does not revert to the General Revenue Fund but remains in the special revenue account and  
19 shall be used solely in a manner consistent with this article. All costs and expenses incurred  
20 pursuant to this section, including administrative, shall be paid from those funds. Charges for  
21 operating, repairing and servicing aircraft made against any institution, agency or department  
22 shall be paid into the Aviation Fund by that institution, department or agency.

**ARTICLE 12. FLEET MANAGEMENT OFFICE.**

**§5A-12-1. Fleet Management Office; purpose; Fleet Management Office Fund.**

1 (a) Beginning July 1, 2017, the Fleet Management Office, as previously authorized by  
2 section two, article one of this chapter, is hereby created in the Department of Administration for  
3 the purpose of maintaining a centralized state vehicle inventory system.

4 (b) In coordination with the Commissioner of the Division of Motor Vehicles, the Fleet  
5 Management Office shall participate in the State Vehicle Title, Registration and Relicensing  
6 Project of 2017, as provided for in section twenty-five, article three, chapter seventeen-a of this  
7 code.

8 (c) The Fleet Management Office shall develop and maintain a centralized state vehicle  
9 inventory system, which includes the capability of monitoring the utilization of state vehicles for  
10 best practices for vehicle use, and to track the costs of purchasing, leasing, operating,  
11 maintaining, transferring, and decommissioning state vehicles.

12 (d) The special revenue account, known as the Fleet Management Office Fund, previously  
13 created by section fifty-two, article three of this chapter, is hereby continued and shall be  
14 administered by the secretary. Expenditures are authorized from collections, but are to be made  
15 only in accordance with appropriation by the Legislature and in accordance with article three,

16 chapter twelve of this code and upon fulfillment of article two, chapter eleven-b of this code. Any  
17 balance remaining in the special revenue account at the end of any state fiscal year does not  
18 revert to the General Revenue Fund but remains in the special revenue account and may be used  
19 solely in a manner consistent with this article. All costs and expenses incurred pursuant to this  
20 article, including administrative, shall be paid from those funds. Charges for operating, repairing  
21 and servicing state vehicles made against any spending unit shall be paid into the Fleet  
22 Management Office Fund by that spending unit.

**§5A-12-2. Scope of article; exemption.**

1 (a) This article applies to all spending units of state government relating to the purchase,  
2 lease or use of any vehicle with a rating of one ton and under utilized with the expenditure of  
3 public funds, except as otherwise provided by this code.

4 (b) Spending units shall report annually to the Fleet Management Office the records,  
5 information and data as required by this article, to facilitate the development, operation and  
6 maintenance of an accurate and updated centralized state vehicle inventory system; and

7 (c) Each spending unit of the state that owns, leases, purchases or uses vehicles with a  
8 rating of one ton and under for any purpose, shall comply with the reporting provisions of this  
9 article when any public money is expended to own, lease, purchase or use a state vehicle,  
10 regardless of the source of the funds: *Provided*, That this article does not apply to the reporting  
11 of information related to undercover vehicles as provided in section twenty-three, article three,  
12 chapter seventeen–a of this code: *Provided, however*, That the Fleet Management Office may  
13 require aggregate vehicle data regarding undercover vehicle use that does not identify any  
14 specific undercover vehicle, location or any other undercover vehicle information exempt from  
15 disclosure under chapter twenty-nine–b of this code.

**§5A-12-3. 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 state vehicle inventory system” means the database to be maintained by  
5 the Fleet Management Office and must include, but not be limited to, the physical devices,  
6 hardware, software, inventory records, agency reports, and other data sources necessary to  
7 identify every state vehicle, by vehicle type, make, model, year, the location, agency assigned to  
8 own, lease, or otherwise use any vehicle by each spending unit in this state for a public purpose  
9 for which public funds have been expended;

10           (c) “Director” means the Director of the Fleet Management Office;

11           (d) “Fleet Coordinator” means the head of a spending unit, or his or her designee, who is  
12 responsible for the duties as required by this article;

13           (e) “Office” means the Fleet Management Office, under the Department of Administration,  
14 as established pursuant to this article;

15           (f) “Secretary” means the Secretary of the Department of Administration;

16           (g) “State vehicle” means a vehicle with a rating of one ton or less that is owned,  
17 purchased, or leased by any state spending unit, on which a state vehicle license plate is required,  
18 where the use of such vehicle is paid for with public funds regardless of the source of such  
19 funding, but does not include all-terrain vehicles (ATVs) or vehicles requiring a commercial  
20 driver’s license to operate;

21           (h) “State vehicle fleet” means all state vehicles;

22           (i) “State vehicle license plate” means a license plate authorized to be issued by the  
23 Division of Motor Vehicles, which identifies the vehicle as owned or leased by the state or a  
24 spending unit;

25           (j) “State Vehicle Title, Registration and Relicensing Project of 2017” means the  
26 requirement for all spending units owning or leasing state vehicles, to report to the Division of  
27 Motor Vehicles and obtain new titles, new registration cards and new state vehicle license plates



28 by December 31, 2017, pursuant to sections twenty-three and twenty-five, article three, chapter  
29 seventeen-a of this code, to standardize the naming conventions on titles and registration cards  
30 of state vehicles in order to facilitate the creation and maintenance of a centralized state vehicle  
31 inventory system;

32 (k) "Undercover vehicle" means any motor vehicle that is registered as a Class A motor  
33 vehicle and that is owned or leased by, or assigned to, an agency authorized by section twenty-  
34 three, article three, chapter seventeen-a of this code to use motor vehicles for undercover activity;  
35 and

36 (l) "Vehicle log" means the record of state vehicle use to track the type of travel, time of  
37 travel, starting and ending destinations, mileage, and other information as required to be compiled  
38 and maintained pursuant to this article.

**§5A-12-4. Director; office; powers, duties and responsibilities.**

1 (a) The secretary shall appoint a director of the office who has the following powers:

2 (1) Employ such staff as needed, with the approval of the secretary, to operate and  
3 maintain a centralized state vehicle inventory system;

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

6 (3) Review the reporting of spending units for compliance with the requirements of this  
7 article, and provide guidance to spending units on keeping an accurate and current inventory of  
8 state vehicles and aircraft within their supervision;

9 (4) Report annually to the Governor and to the Joint Committee on Government and  
10 Finance; and

11 (5) Recommend legislative rules to the secretary.

12 (b) The office has the following duties and responsibilities:

13 (1) Maintain a centralized state vehicle inventory system for all state vehicles and aircraft  
14 owned, leased, or used by the State of West Virginia or any of its spending units;

15           (2) Under the direction of the secretary, establish a central motor pool, which shall be  
16 maintained and administered by the Department of Administration, subject to such rules as the  
17 secretary may promulgate: *Provided*, That the Department of Administration is responsible for the  
18 storage, maintenance, and repairs of all vehicles and aircraft assigned to the central motor pool;  
19 and

20           (3) Coordinate with the Division of Motor Vehicles, the Enterprise Resource Planning  
21 Board, the Board of Risk and Insurance Management, the Travel Management Office, the State  
22 Agency for Surplus Property, and such other agencies as may be necessary to develop consistent  
23 and efficient policies and systems for identifying state vehicles and aircraft, the spending units to  
24 which they are assigned, their location, condition, cost of operation, maintenance and retirement  
25 from use.

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

1           (a) The director may recommend legislative rules to the secretary, and the secretary shall  
2 propose legislative rules as may be necessary to implement this article, in accordance with article  
3 three, chapter twenty-nine-a of this code, including but not limited to prescribe:

4           (1) The minimum requirements governing the use of state vehicles or any other vehicle  
5 use where such vehicle has a rating of one ton and under for which public funds have been  
6 expended;

7           (2) A policy governing commuting in and taking home state vehicles, including  
8 requirements for emergency use of take-home vehicles with a rating of one ton and under, and  
9 restrictions on the use of such take-home vehicles solely for commuting;

10           (3) A policy governing volunteer and nonemployee drivers of state vehicles;

11           (4) The reporting requirements and responsibilities for fleet coordinators, regarding state  
12 vehicle use, to track and maintain records regarding the direct and itemized indirect costs of state  
13 vehicle use, and any maintenance, leasing and decommissioning costs and activities;

14           (5) The requirements and responsibilities for each driver or operator of a state vehicle or  
15 vehicle with a rating of one ton and under operated for a public purpose for which public funds  
16 have been expended;

17           (6) The minimum criteria to be collected and maintained in state vehicle log sheets for  
18 each state vehicle, including what information is to be recorded by the vehicle operator, the vehicle  
19 log information to be maintained by each fleet coordinator, and the vehicle log information to be  
20 reported to the office by the spending unit and the frequency thereof;

21           (7) The form for each spending unit to report the justification of purchasing or leasing a  
22 state vehicle, which shall require, at a minimum, the frequency of anticipated use, the type of  
23 vehicle needed, the purpose for vehicle use, and other contributing factors;

24           (8) The form for each spending unit to affirm that the spending unit has notified the Division  
25 of Motor Vehicles, the Board of Risk and Insurance Management, pursuant to section six, article  
26 twelve, chapter twenty-nine of this code, and the office, that the state vehicle had been purchased,  
27 transferred or decommissioned, and the manner thereof;

28           (9) The information that each fleet coordinator shall annually report to the office, including  
29 the manner of reporting direct and itemized indirect costs associated with state vehicle use, which  
30 includes, at a minimum, the following where applicable:

31           (A) The name of the spending unit titled to own or lease each state vehicle;

32           (B) Each state vehicle owned or leased by the spending unit;

33           (C) The frequency of use of each state vehicle;

34           (D) The vehicle identification number;

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

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

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

38           (H) The license renewal date;

39           (I) The date of acquisition;

40 (J) The funding source for the purchase or lease of each state vehicle;

41 (K) The assigned user or users of the vehicle if known;

42 (L) Periodic odometer readings;

43 (M) Fuel use and fuel expenditures for each vehicle;

44 (N) The maintenance expenditures, including corresponding maintenance and service  
45 records for each state vehicle;

46 (O) State vehicle inspection records, including the date of the inspection and the vendor  
47 who performed the state inspection;

48 (P) The location of where each state vehicle is housed, including any monthly parking or  
49 storage costs as applicable;

50 (Q) The costs associated with vehicle rental expenses; and

51 (R) Monthly reimbursements for personal vehicle use shall include at a minimum, the date,  
52 the starting and ending points, the total miles, and the reimbursement rate.

53 (10) The form for affirming, at a minimum, that the person in charge of the spending unit  
54 has verified the accuracy of the spending unit annual reports to the office, and that the spending  
55 unit has reconciled the report against the spending unit actual inventory of state vehicles, and as  
56 compared to the applicable databases, including the Division of Motor Vehicles, the recording of  
57 fleet assets in the state's central financial system maintained by the Enterprise Resource Planning  
58 Board, and the Board of Risk and Insurance Management, within the scope and capabilities of  
59 each database; and

60 (11) The procedures by which the director shall annually report irregularities and errors  
61 among the databases and state systems, and for reconciling errors and omissions thereof.

62 (b) The secretary may promulgate emergency and legislative rules under article three,  
63 chapter twenty-nine-a of this code, in coordination with the Commissioner of Motor Vehicles, the  
64 Enterprise Resource Planning Board, the Board of Risk and Insurance Management, and those  
65 other agencies as may be necessary to develop a standardized naming convention for universal

66 use by state spending units for the registration, titling, and licensing of state vehicles in the  
67 centralized state vehicle inventory system; and for the development of reporting criteria that is  
68 consistent, standardized, and the least burdensome for the agencies as practicable; *Provided,*  
69 That the Commissioner of the Division of Motor Vehicles, with the advice of the Enterprise  
70 Resource Planning Board, has the authority to promulgate rules describing the standard naming  
71 conventions for the registration, titling, and licensing of state vehicles as provided in sections  
72 twenty-three and twenty-five, article three, chapter seventeen-a of this code.

73 (c) The secretary may amend or modify existing legislative rules and propose new rules  
74 governing the use of state vehicles pursuant to this article: *Provided,* That the Fleet Management  
75 Office legislative rules in effect upon the effective date of this article shall be and remain in effect  
76 unless modified, repealed, or replaced by the Legislature.

**§5A-12-6. Statewide inventory of motor vehicles; annual report to Governor and Joint  
Committee on Government and Finance.**

1 (a) The Fleet Management Office shall maintain sufficient records for an accurate  
2 centralized state vehicle inventory system that identifies, at a minimum, each state vehicle, the  
3 spending unit titled to own or lease each state vehicle, the frequency of use of each state vehicle,  
4 the vehicle identification number of each state vehicle, class of vehicle or vehicle type,  
5 manufacturer, make, model, year, state issued license plate number, the license renewal date,  
6 the date of acquisition, the funding source for the purchase or lease of each state vehicle, the  
7 assigned user or users of the state vehicle if known, periodic odometer readings, fuel use and  
8 fuel expenditures for each state vehicle, maintenance expenditures, maintenance and service  
9 records, vehicle inspection records, the location of where each state vehicle is housed, monthly  
10 parking or storage costs for each vehicle where applicable.

11 (b) Beginning December 31, 2017 and by each December 31 thereafter, the office shall  
12 report to the Governor and the Joint Committee on Government and Finance, describing the total  
13 cost of maintaining the state vehicle fleet, the direct and itemized indirect costs associated with

14 the state vehicle fleet operation and maintenance, the total number of state vehicles operated in  
15 the state vehicle fleet, and a breakdown of state vehicles by spending units. The annual report  
16 shall include a cost benefit analysis of fleet activity, including comparing leasing, vehicle rental  
17 costs and reimbursement for personal vehicle use, as compared to state ownership of certain  
18 vehicles, and make recommendations for the proper allocation of spending unit use, ownership  
19 or leasing of state vehicles.

20 (c) An annual report produced in an electronic format complies with the reporting  
21 requirements of this article.

**§5A-12-7. Spending unit duties; annual report.**

1 (a) Each spending unit shall designate a Fleet Coordinator, who is responsible for  
2 reviewing spending unit state vehicle information, including that previously submitted to the office,  
3 and as maintained in other applicable state databases, including the Division of Motor Vehicles,  
4 the state's central financial system maintained by the Enterprise Resource Planning Board, and  
5 the Board of Risk and Insurance Management, to verify the accuracy of such information against  
6 the actual inventory of state vehicles used by the spending unit: *Provided*, That the head of each  
7 spending unit is responsible for affirming the accuracy of all reports submitted to the office,  
8 including such reports submitted by the Fleet Coordinator.

9 (b) Each spending unit that uses a state vehicle, or reimburses for personal vehicle use,  
10 shall annually report to the office beginning on or before October 31, 2017 and on or before  
11 October 31 each year thereafter, in the manner required by this article.

12 (c) Each spending unit shall track its vehicle use and report to the office all information, as  
13 required by this article and legislative rules, related to the ownership, purchase, lease and use of  
14 any vehicle with a rating of one ton and under where public funds have been expended.

15 (d) Each spending unit that purchases or leases a state vehicle, or rents or reimburses an  
16 employee for personal vehicle use, shall periodically compile and maintain the record of each  
17 vehicle log, or records of rental and private vehicle use expenditures, for not less than two years.

**§5A-12-8. 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 office 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) Each time a state vehicle is refueled, it shall be refilled as full as practical and shall be  
7 recorded on the vehicle log, including the fuel amount, and a description of the circumstances  
8 where the state vehicle is not fully refueled.

9           (d) In order to operate a state vehicle, the operator shall be required to take such training  
10 courses as may be required by the Board of Risk and Insurance Management, the Travel  
11 Management Office, the Fleet Management Office, and the spending unit.

**§5A-12-9. Enforcement of regulations.**

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

**§5A-12-10. Notice to spending units.**

1           The office, in coordination with the Commissioner of the Division of Motor Vehicles, shall  
2 provide notice to each spending unit, and advertise as deemed appropriate, to inform the Fleet  
3 Coordinators that certain state vehicle license plates expire December 31, 2017, and the  
4 procedure for being issued new titles, registration and license plates pursuant to sections twenty-  
5 three and twenty-five, article three, chapter seventeen-a. The head of each spending unit with

6 state vehicles shall cooperate and comply with the requirements of the State Vehicle Title,  
7 Registration and Relicensing Project of 2017 and the centralized state vehicle inventory system.

**§5A-12-11. Compliance audit.**

1 On or before December 31, 2020, the Legislative Auditor, in accordance with article ten,  
2 chapter four of this code, shall audit the office for state spending unit compliance with the reporting  
3 requirements and applicable provisions of this article, including evaluating the data collected by  
4 the office to determine if the data being provided in the spending unit annual reports is sufficient  
5 to evaluate the state costs of owning, maintaining and leasing state vehicles and for evaluating  
6 vehicle use and expenditure trends among the spending units. The Legislative Auditor may make  
7 recommendations for future compliance monitoring of any spending unit found not in compliance  
8 with the reporting requirements of this article, and may make such recommendations for  
9 administrative penalties for noncompliance with this article.

**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, three vehicles per elected office of the Board of Public Works, vehicles  
4 operated by the State Police, not to exceed five vehicles operated by the office of the Secretary  
5 of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division of  
6 Homeland Security and Emergency Management, vehicles operated by natural resources police  
7 officers of the Division of Natural Resources, not to exceed ten vehicles operated by the arson



8 investigators of the Office of State Fire Marshal, not to exceed two vehicles operated by the  
9 Division of Protective Services, not to exceed sixteen vehicles operated by inspectors of the Office  
10 of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia Wing of  
11 the Civil Air Patrol and vehicles operated by probation officers employed under the Supreme Court  
12 of Appeals may not be operated or driven by any person unless it has displayed and attached to  
13 the front thereof, in the same manner as regular motor vehicle registration plates are attached, a  
14 plate of the same size as the regular registration plate, with white lettering on a green background  
15 bearing the words "West Virginia" in one line and the words "State Car" in another line and the  
16 lettering for the words "State Car" shall be of sufficient size to be plainly readable from a distance  
17 of one hundred feet during daylight: Provided, That passenger vehicles with a rating of one ton  
18 and under may not be operated or driven by any person unless it has displayed and attached to  
19 the front thereof, in the same manner as regular motor vehicle registration plates are attached, a  
20 plate of the same size as the regular registration plate, with blue lettering on a gold background  
21 bearing the words "West Virginia" in one line and the words "State Car" in another line and the  
22 lettering for the words "State Car" shall be of sufficient size to be plainly readable from a distance  
23 of one hundred feet during daylight .

24 The vehicle shall also have attached to the rear a plate bearing a number and any other  
25 words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall  
26 also be green with the number in white: Provided, That passenger vehicles with a rating of one  
27 ton and under shall also have attached to the rear a plate bearing a number and any other words  
28 and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall be gold  
29 with the number in blue. The commissioner may also designate additional insignia or stencils to  
30 be displayed on the front and rear plates for the purpose of identifying motor vehicles within the  
31 higher education system, public service districts, or designated nongovernmental organizations:  
32 Provided, That where the institutions of higher education opt to have their logo displayed on the  
33 state license plate, such institution shall bear any additional costs of those added features.

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

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

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

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

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

57 (f) The commissioner is authorized to designate the colors and design of any other  
58 registration plates that are issued without charge to any other agency in accordance with the  
59 motor vehicle laws.

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

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

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

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

74 (k) The commissioner may issue a maximum of ten Class A license plates to the Division  
75 of Natural Resources for use by natural resources police officers. The commissioner shall  
76 designate the color and design of the registration plates to be displayed on the front and the rear  
77 of all other state-owned vehicles owned by the Division of Natural Resources and operated by  
78 natural resources police officers.

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

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

85           (n) The commissioner is authorized to issue Class A registration plates for vehicles used  
86 by the Medicaid Fraud Control Unit created by section seven, article seven, chapter nine of this  
87 code.

88           (o) The commissioner is authorized to issue Class A registration plates for vehicles used  
89 by the West Virginia Insurance Fraud Unit created by section eight, article forty-one, chapter thirty-  
90 three of this code.

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

92           (q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and  
93 rear plates produced to attach to all state-owned cars. ~~The numbered registration plates for the~~  
94 ~~vehicles shall start with the number five hundred and the commissioner shall issue consecutive~~  
95 ~~numbers for all state-owned cars~~ or leased vehicles. The commissioner shall, in cooperation with  
96 the Fleet Management Office, established pursuant to article twelve, chapter five-a of this code,  
97 and the Enterprise Resource Planning Board, established pursuant to article six-d, chapter twelve  
98 of this code, develop a standardized naming convention for the title, registration and licensing of  
99 state vehicles, pursuant to this article.

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

103           (s) The commissioner may issue special registration plates for motor vehicles titled in the  
104 name of the Division of Public Transit or in the name of a public transit authority as defined in this  
105 subsection and operated by a public transit authority or a public transit provider to transport  
106 persons in the public interest. For purposes of this subsection, "public transit authority" means an  
107 urban mass transportation authority created pursuant to ~~the provisions of~~ article twenty-seven,  
108 chapter eight of this code or a nonprofit entity exempt from federal and state income taxes under  
109 the Internal Revenue Code and whose purpose is to provide mass transportation to the public at  
110 large. The special registration plate shall be designed by the commissioner and shall display the

111 words "public transit" or words or letters of similar effect to indicate the public purpose of the use  
112 of the vehicle. The special registration plate shall be issued without charge.

113 (t) Each green registration plate with white letters affixed to a passenger vehicle with a  
114 rating of one ton and under, and each corresponding title and registration certificate for all state  
115 vehicles with a rating of one ton and under, other than those vehicles with Class A registration  
116 plates as provided in this section, terminates at midnight on December 31, 2017, pursuant to  
117 section twenty-five of this article. The owner or lessee of every vehicle with a rating of one ton  
118 and under that is required to display a state vehicle license plate and registration shall obtain a  
119 new title, a new registration card, and a new state vehicle license plate prior to the termination  
120 dates specified in this article. When new registrations are issued pursuant to this article and for  
121 subsequent, non-Class A registrations of state owned or leased vehicles, the state vehicle  
122 registration plate and certificate shall be valid for a period of not more than twelve months and  
123 shall be renewed annually.

124 (u) The commissioner is authorized to prepare and promulgate emergency rules, pursuant  
125 to article three, chapter twenty-nine-a, of this code in order to implement amendments to this  
126 section.

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

**§17A-3-25. State vehicle title, registration and relicensing project of 2017; emergency rules.**

1 (a) Beginning on or before July 1, 2017, the commissioner shall coordinate with the Fleet  
2 Management Office, established pursuant to article twelve, chapter five-a of this code, the  
3 Enterprise Resource Planning Board, established pursuant to article six-d, chapter twelve of this  
4 code, the Board of Risk and Insurance Management, established pursuant to article twelve,  
5 chapter twenty-nine of this code, and other applicable agencies, to develop a standardized titling  
6 and registration system for state vehicles. To the extent practical, the standardization of vehicle

7 title, registration and state vehicle license plates shall conform to the state's central financial  
8 system maintained by the Enterprise Resource Planning Board. The standardization of state  
9 vehicle titles, registrations and license plates, as described in this section, shall be known as the  
10 "State Vehicle Title, Registration and Relicensing Project of 2017."

11 (b) The commissioner shall propose legislative and emergency rules, pursuant to article  
12 three, chapter twenty-nine-a of this code, establishing the standard naming conventions for the  
13 registration, titling, and licensing of every state vehicle, and assign by rule, a list of the  
14 standardized naming conventions for each spending unit for the purpose of issuing new title,  
15 registration and license plates to each state vehicle by December 31, 2017. The commissioner,  
16 in coordination with the Fleet Management Office, shall develop a standard system for identifying  
17 and recording the names of agencies, offices or spending units to which each state vehicle is  
18 assigned or registered, and such standard naming conventions shall be developed to align with  
19 the state's central financial system, and the centralized state vehicle inventory system.

20 (c) As soon as the commissioner has promulgated legislative and emergency rules as  
21 authorized pursuant to this section, and not later than September 1, 2017, the division shall begin  
22 to issue the standardized title, registration and state vehicle license plates for all state vehicles.

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

28 (e) At midnight on December 31, 2017, all green state vehicle license plates with white  
29 lettering affixed to vehicles with a rating of one ton and under shall expire. The commissioner, in  
30 coordination with the Fleet Management Office, shall provide notice to each spending unit, and  
31 advertise as deemed appropriate, to inform the fleet coordinators, as defined in section three,  
32 article twelve, chapter five-a, that such license plates expire and the procedure for being issued

33 new titles, registrations and license plates pursuant to this article. The head of each spending unit  
34 with state vehicles shall cooperate and comply with the requirements of the State Vehicle Title,  
35 Registration and Relicensing Project of 2017 and the centralized state vehicle inventory system.

**§17A-3-26. Enforcement; report.**

1 (a) Beginning January 1, 2018, any state vehicle with a rating of one ton and under in this  
2 state with an expired green state license plate with white lettering is in violation of this article.  
3 After January 1, 2018, any law-enforcement officer who discovers a state vehicle with an expired  
4 state vehicle license plate, shall issue a citation with the penalty of \$100 per violation. The penalty  
5 shall be paid by 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 Office 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, 2018, the Legislative Auditor, in accordance with article ten,  
2 chapter four of this code, shall audit the Division of Motor Vehicles and the Fleet Management  
3 Office for compliance with the State Vehicle Title, Registration and Relicensing Project of 2017.  
4 The Legislative Auditor may make recommendations for future compliance monitoring of any  
5 spending unit found not in compliance with the project and make such recommendations for  
6 administrative penalties for noncompliance 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 section four, article seven, chapter sixty-one  
69 of this code, including applications, supporting documents, permits, renewals, or any other  
70 information that would identify an applicant for or holder of a concealed weapon permit: *Provided:*  
71 That information in the aggregate that does not identify any permit holder other than by county or  
72 municipality is not exempted: *Provided, however,* That information or other records exempted  
73 under this subdivision may be disclosed to a law enforcement agency or officer: (i) to determine  
74 the validity of a permit, (ii) to assist in a criminal investigation or prosecution, or (iii) for other lawful  
75 law-enforcement purposes; and

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

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

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

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