

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2981

By Delegates W. Clark, Foggin, Adkins, McCormick,

B. Smith, Browning, Kyle, and Lewis

[By Request of the Department of Agriculture]

[Introduced February 26, 2025; referred to the

Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §5-32-1, §5-32-2, §5-32-3, and §5-32-4, all relating to the Constitutional Office
3 Fleet Management Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 32. CONSTITUTIONAL OFFICE FLEET MANAGEMENT ACT.

§5-32-1. Short Title; Legislative Findings.

1 (a) This article shall be called the Constitutional Office Fleet Management Act.

2 (b) The Legislature finds that the current Fleet Management Division laid out
3 in §5A-12-1 et seq. interferes in the constitutional duties laid out before the officers of Attorney
4 General, Secretary of State, Treasurer, Auditor, and Commissioner of Agriculture. The Legislature
5 seeks to provide with this fleet management act, a more efficient process.

§5-32-2. Definitions.

1 As used in this article:

2 (1) "Constitutional Officer" refers to the following executive officers as stated in the West
3 Virginia Constitution: Attorney General, Secretary of State, Treasurer, Auditor, and Commissioner
4 of Agriculture;

5 (2) "Constitutional Office" means a department or office that is managed by an
6 Constitutional Officer;

7 (3) "State vehicle" means, for the purpose of this article, a vehicle with a rating of one ton or
8 less that is owned, purchased, or leased by any constitutional office, on which a state vehicle
9 license plate is required, where the use of such vehicle is paid for with public funds regardless of
10 the source of such funding, but does not include all-terrain vehicles (ATVs) or vehicles requiring a
11 commercial driver's license to operate;

12 (4) "State vehicle fleet" means all state vehicles; and

13 (5) "Vehicle log" means the record of state vehicle use, to be updated by the vehicle
14 operator and maintained by the fleet coordinators, used to track vehicle utilization data required to

15 be compiled and maintained pursuant to this article.

§5-32-3.

Exemption.

1 (a) The constitutional offices of Attorney General, Secretary of State, Treasurer, Auditor,
2 and Commissioner of Agriculture and subsequent departments the officers oversee, are exempt
3 from §5A-12-1 et seq. of this code. The constitutional offices of Attorney General, Secretary of
4 State, Treasurer, Auditor, and Commissioner of Agriculture and subsequent departments shall
5 adhere to the fleet management law laid out in §5-32-1 et seq. of this code.

6 (b) Nothing in this act should be construed to grant the governor or any reporting
7 secretaries, commissions, or agents to the governor, the exemptions laid out in §5-32-1 et seq. of
8 this code.

9 (c) The constitutional offices of Attorney General, Secretary of State, Treasurer, Auditor,
10 and Commissioner of Agriculture shall, by the first of July of each year, submit an intent in writing
11 to the Fleet Management Division and the Secretary of Administration, that states the
12 constitutional office's intent to follow the fleet management guidelines as defined in §5-32-1 et seq.
13 of this code

§5-32-4.

Fleet

Management.

1 (a) All constitutional offices and officers established in this article shall follow the fleet
2 management guidelines laid out in the following:

3 (1) All personnel authorized to operate a state licensed vehicle shall have a valid driver's
4 license;

5 (2) Each operator of a state vehicle shall comply with the laws, rules, and policies
6 governing state vehicle use;

7 (3) Each operator of a state vehicle shall maintain the vehicle logs to the level of detail
8 required by the constitutional officer;

9 (4) Prior to operating a state vehicle, each 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, and the Fleet Management Division; and

12 (5) If any public employee or public official fails to comply with any rule or regulation for
13 state vehicle use, the constitutional officer of which that public employee or public official reports
14 to, may require that the individual attend training, be restricted from using state vehicles, or be
15 prohibited from using state vehicles.

16 (b) On or before December 31 of each year, the constitutional office shall submit an annual
17 report to the Fleet Management Division detailing the following:

18 (1) The total number of vehicles in the department fleet;

19 (2) The total number of state vehicle miles driven, both in the aggregate and by spending
20 unit;

21 (3) The total amount of fuel purchased, and the total expenditures for annual maintenance,
22 repair, fuel expenditures, both in the aggregate and by spending unit;

23 (4) The total number of miles reimbursed for personal vehicle use and the amount
24 reimbursed annually, both in the aggregate and by spending unit and;

25 (5) The total annual indirect costs of operating the department fleet, both in the aggregate
26 and by spending unit.

27 (c) The constitutional officer may report to the Fleet Management Division in any method
28 seen fit by the constitutional department and officer, but is not required to do so.

29 (d) Each constitutional officer may promulgate and adopt separate rules in accordance
30 with the provisions of §29A-3-1 et seq. of this code, to create department rules for vehicle
31 operation and requirements.

32 (e) When not contradictory to federal law and applicable GSA standards, the constitutional
33 officer may arrange for the own disposal or sale of vehicles otherwise obtained through funding
34 sources not associated with the state, such as federally funded or grant-source-funded vehicles.

NOTE: The purpose of this bill is to give the constitutional offices of Secretary of State,

Auditor, Treasurer, Attorney General, and Commissioner of Agriculture an opt-out exemption from the fleet management division. Such offices will still be required to follow the regulations as laid out in this law.

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