

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 5613**

By Delegate Phillips

(By Request of the Department of Administration)

[Originating in the Committee on Government

Organization; Reported on February 23, 2026]



1 A BILL to amend and reenact §5A-12-1, §5A-12-3, §5A-12-5, §5A-12-7, and §5A-12-12 of the  
2 Code of West Virginia, 1931, as amended; and to repeal §5A-12-14 of said code, relating  
3 to the responsibilities and authority of the Fleet Management Division; providing a  
4 definition; requiring the division to provide or contract for telematics services; authorizing  
5 legislative rulemaking; removing obsolete requirement; requiring spending units to report  
6 certain information to the division; requiring certain information to be included in the annual  
7 report; repealing an antiquated audit requirement.

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

## **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 an  
5 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 or  
24 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 a  
27 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           "Telematic" means an electronic device or system used by Fleet Management Division to  
39 monitor the activity, locations, action, or performance of state vehicles; and

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

**§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, telematics, and any other services necessary to properly manage the operation and  
7 use of state 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;

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

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

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

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

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

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

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

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

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

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

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

4 (1) Requirements governing the use of state vehicles;

5 (2) Reporting requirements and responsibilities for fleet coordinators;

6 (3) Requirements and responsibilities for each driver or operator of a state vehicle;

7 (4) Information to be collected and maintained on state vehicle log sheets, including  
8 information related to mileage, destinations, and purpose of use;

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

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

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

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

16 and

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

18 (10) Requirements and policies governing telematics, including, but not limited to, the

19 following:

20 (A) Notifications to employees concerning the use of telematics;

21 (B) Immediate review of telematics-provided data for vehicles involved in collisions or  
22 accidents; and

23 (C) Notifications to spending unit fleet coordinators concerning telematics-identified  
24 violations of applicable statutes or rules and any other unsafe driving behavior.

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

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

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

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

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

8 (c) Every spending unit shall prepare and maintain a list of all employees who are provided  
9 a state vehicle. The list shall set forth the specific bona fide noncompensatory business reasons

10 for which the state vehicle is being provided to each employee. Spending units shall submit the list  
11 required by this section to the division, which shall act solely as a repository for the information, on  
12 or before July 1, 2018, and shall update the list on or before July 1 of each year thereafter.

13 (d) Every spending unit that has been exempted from utilizing telematics services provided  
14 by the division and that is using alternative telematics services shall report to the division, on a  
15 monthly basis, all violations of applicable statutes or rules and any other unsafe driving behavior  
16 that has been identified by telematics: *Provided*, That in the event of any accident, collision, or  
17 other reckless driving behavior, the spending unit shall notify the division immediately.

18 (e) Every spending unit utilizing telematics services provided by the division, as well as any  
19 spending unit that has been exempted from the division's telematics requirements and that is  
20 using alternative telematics services, shall report to the division, on a monthly basis, all corrective  
21 or disciplinary actions that have been taken by the spending unit in response to telematics-derived  
22 data.

**§5A-12-12. 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, containing, at a minimum:

- 7 (1) The total number of state vehicles;
- 8 (2) The total number of vehicles operated by each spending unit;
- 9 (3) The total number of state vehicle miles driven, both in the aggregate and by spending  
10 unit;
- 11 (4) The total amount of fuel purchased, and the total expenditures for annual maintenance,  
12 repair, fuel expenditures, both in the aggregate and by spending unit;

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

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

17 (7) The total annual indirect costs of operating the state vehicle fleet, both in the aggregate  
18 and by spending unit;

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

20 (9) Telematics data that includes, but is not limited to, the following:

21 (A) The total number of division vehicles equipped with telematics;

22 (B) The total number of exemptions from telematics services that have been granted by the  
23 division;

24 (C) A summary of telematics-identified violations of applicable statutes or rules and any  
25 other unsafe driving behavior, both in the aggregate and by spending unit;

26 (D) A summary of corrective or disciplinary actions taken by spending units in response to  
27 telematics-derived data, both in the aggregate and by spending unit, that the division has received  
28 from spending units pursuant to §5-12-7 of this code; and

29 (E) A cost-benefit analysis of telematics usage, including total program costs, estimated  
30 savings and cost avoidance, and a conclusion as to whether the benefits of utilizing telematics  
31 exceed the costs and a recommendation as to whether the division should continue utilizing  
32 telematics.

33 ~~(9)~~(10) A summary of the State Auditor's spot compliance audit report authorized pursuant  
34 to §5A-12-13 of this code;

35 ~~(10)~~(11) The operating revenue and expenses of the division; and

36 ~~(11)~~(12) Recommendations for any policy or statutory changes the director determines  
37 may be necessary to maintain accurate records of the state vehicle fleet, utilization of state  
38 vehicles, and the expenses necessary to maintain such vehicle fleet.

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

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

1           [Repealed.]