

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4170**

BY DELEGATES CRISS, PAYNTER, MARTIN, GRAVES,  
JENNINGS, WARD, HOWELL, PYLES, SYPOLT, HILL AND  
DISERIO

[Introduced January 17, 2018; Referred  
to the Committee on Government Organization then  
Finance.]

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, and §5A-12-  
5 12; to amend said code by adding thereto a new section, designated §12-6D-7; to amend  
6 and reenact §17A-3-23 of said code; to amend said code by adding thereto three new  
7 sections, designated §17A-3-25, §17A-3-26, and §17A-3-27; and to amend and reenact  
8 §29B-1-4 of said code, all relating to the management and continuous inventory of  
9 vehicles owned, leased, operated, or acquired by the state and its agencies; repealing  
10 provisions relating to the central motor pool; continuing management of state owned or  
11 leased aircraft through an aviation division; continuing the Fleet Management Office;  
12 providing powers and duties of the Director of the Fleet Management Office; continuing  
13 special fund; requiring reporting of state vehicles to Fleet Management Office; requiring  
14 reporting to and inventory of vehicles by State Agency for Surplus Property; requiring  
15 reporting to and inventory of vehicles by Enterprise Resource Planning Board; authorizing  
16 a rental pool; requiring legislative compliance audit; requiring new title, registration, and  
17 license plates for state vehicles; allowing the Commissioner of the Division of Motor  
18 Vehicles to issue special plates to organizations and entities; requiring agencies to apply  
19 for a new uniform vehicle title and registration plate; exempting confidential information  
20 relating to certain vehicles from public disclosure under the Freedom of Information Act;  
21 authorizing rule-making; and requiring annual reports to Legislature and Governor.

*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 a Finance Division, a Fleet  
9 Management Office, a General Services Division, an Information Services and Communications  
10 Division, Division of Personnel, and a Purchasing Division. Each division shall be headed by a  
11 director who may also head any and all sections within that division and who shall be appointed  
12 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~~ 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 §5A-3-48 and §5A-3-49 of this code; 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. Special funds for travel management created Aviation Fund.**

1 [Repealed.]

**§5A-3-52. Special funds for travel management created.**

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 ~~(c) There is created in the State Treasury a The special revenue account, to be known as~~  
17 ~~the Aviation Fund, is hereby continued and shall be administered by the secretary. Expenditures~~  
18 ~~from this fund are authorized from collections but are to be made only in accordance with~~  
19 ~~appropriation by the Legislature and in accordance with the provisions of §12-3-1 et seq. of this~~  
20 ~~code and upon fulfillment of the provisions of §11B-2-1 et seq. of this code. Any balance remaining~~  
21 ~~in the special revenue account at the end of any state fiscal year does not revert to the General~~  
22 ~~Revenue Fund but remains in the special revenue account and shall be used solely in a manner~~

23 consistent with this article. All costs and expenses incurred pursuant to this section, including  
24 administrative, shall be paid from those funds. Charges for operating, repairing and servicing  
25 aircraft made against any institution, agency or department shall be paid into the Aviation Fund  
26 by that institution, department or agency.

## **ARTICLE 12. FLEET MANAGEMENT OFFICE.**

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

1 (a) Beginning July 1, 2018, the Fleet Management Office, as previously authorized by  
2 §5A-1-2 of this code, is hereby created in the Department of Administration for the purpose of  
3 maintaining a state vehicle fleet.

4 (b) The Fleet Management Office shall, in cooperation with the Travel Management Office  
5 within the Department of Administration, develop and maintain state policies for the utilization of  
6 state vehicles including establishing best practices for state vehicle use.

7 (c) The Fleet Management Office may provide assistance to any spending unit related to  
8 financing, purchasing, leasing, operating, maintaining, transferring, and decommissioning state  
9 vehicles.

10 (d) The special revenue account, known as the Fleet Management Office Fund, previously  
11 created by §5A-3-52 of this code, is hereby continued and shall be administered by the secretary.  
12 Expenditures are authorized from collections, but are to be made only in accordance with  
13 appropriation by the Legislature and in accordance with §12-3-1 et seq. of this code and upon  
14 fulfillment of §11B-2-1 et seq. of this code. Any balance remaining in the special revenue account  
15 at the end of any state fiscal year does not revert to the General Revenue Fund but remains in  
16 the special revenue account and may be used solely in a manner consistent with this article. All  
17 costs and expenses incurred pursuant to §5A-12-1 et seq. of this code, including administrative,  
18 shall be paid from those funds.

### **§5A-12-2. Scope of article; and required annual reports.**

1 (a) This article applies to all spending units of state government relating to the purchase,

2 lease or use of any state vehicle with the expenditure of public funds, except as otherwise  
3 provided by this code. Each spending unit of the state that owns, leases, purchases or uses state  
4 vehicles for any purpose, shall comply with the reporting provisions of this article.

5 (b) Every spending unit shall maintain such records of state vehicle use, and report  
6 annually to the Fleet Management Office, as required by this article, the records, information, and  
7 data to facilitate the development of an accurate and updated inventory of the state vehicle fleet.

8 (c) Every spending unit shall report state vehicles as fixed assets in the states centralized  
9 accounting system as maintained by the Enterprise Resource Planning Board in the manner  
10 prescribed pursuant to this article and §12-6D-1 et seq. of this code.

11 (d) Every spending unit shall annually report to the State Agency for Surplus Property, on  
12 or before July 15, a report describing all state vehicles that are state, or agency owned, leased,  
13 operated, or acquired, regardless of the intended use, including vehicles with a vehicle rating of  
14 more than one ton, vehicles requiring a commercial driver's license to operate, trailers or any  
15 other vehicles so owned, leased, operated or acquired. Every spending unit shall affirm that the  
16 report of state vehicle assets is verified to be accurate and that such information is accurately  
17 reflected in the states centralized accounting system as maintained by the West Virginia  
18 Enterprise Resource Planning Board pursuant to §12-6D-1 et seq. of this code: *Provided, That*  
19 notwithstanding any other provision of this code to the contrary spending units exempt under the  
20 provisions of §5A-3-1 et seq. shall file with the State Agency for Surplus Property, on or before  
21 July 15 of each year, a report describing the state vehicles as required pursuant to §5A-12-2(d)  
22 of this code: *Provided, however,* That the spending unit may submit to the State Agency for  
23 Surplus Property a copy of the annual report as submitted to the State Board of Risk and  
24 Insurance Management pursuant to §29-12-6 of this code: *Provided further,* That a spending unit  
25 that submits to the State Agency for Surplus Property a copy of the annual report as submitted to  
26 the State Board of Risk and Insurance Management shall be considered to have satisfied the  
27 requirements of §5A-12-2(d) of this code.

**§5A-12-3. Definitions.**

1        As used in this article,

2        “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        “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        “Director” means the Director of the Fleet Management Office;

8        “Fleet Coordinator” means the head of a spending unit, the head of a department and the  
9 head of a state institution, or his or her designee, who is responsible for the duties of fleet  
10 coordinator as required by this article. Department and institution fleet coordinators shall be  
11 responsible for coordinating the subordinate spending unit agency, division, office, board,  
12 authority, or commission fleet coordinator vehicle use data, in order to efficiently collect and  
13 manage documentation of state vehicles necessary to identify utilization, expenses and costs  
14 associated with the operation and maintenance of a state vehicle fleet;

15        “Indirect costs” means the expenses of operating state vehicles that may or may not be  
16 attributable to a specific vehicle, including miscellaneous expenses for cleaning supplies, shop  
17 supplies, small parts, office and administrative expenses attributable to fleet coordinator activity,  
18 training costs for fleet coordinators and state vehicle driver training, facilities costs, administrative  
19 office overhead, parking costs, and shop equipment costs where applicable;

20        “Office” means the Fleet Management Office, under the Department of Administration, as  
21 established pursuant to this article;

22        “Secretary” means the Secretary of the Department of Administration;

23        “State vehicle” means a vehicle with a rating of one ton or less that is owned, purchased,  
24 or leased by any state spending unit, on which a state vehicle license plate is required, where the  
25 use of such vehicle is paid for with public funds regardless of the source of such funding, but does

26 not include all-terrain vehicles (ATVs) or vehicles requiring a commercial driver's license to  
27 operate;

28 "State vehicle fleet" means all state vehicles;

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

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

38 "Vehicle log" means the record of state vehicle use, to be updated by the vehicle operator  
39 and maintained by the fleet coordinators, used to track the type of travel, time of travel, starting  
40 and ending destinations, mileage, and other information as required to be compiled and  
41 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 state vehicle fleet;

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

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



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

11 (1) Provide management services, including fueling and vehicle maintenance, and any  
12 other services necessary to properly manage the operation and use of state vehicles;

13 (2) Preapprove and assist with purchase of new or replacement vehicles for agencies, in  
14 cooperation with the Purchasing Division, including facilitating financing arrangements;

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

17 (4) Provide or contract for management, maintenance, and fuel services for state vehicles;

18 (5) Charge a fee for office services by spending units utilizing state vehicles;

19 (6) Provide training and notice to fleet coordinators and spending units, which shall include  
20 for the purpose of education fleet coordinators as to amendments to the West Virginia Code and  
21 corresponding Legislative Rules related to state vehicle use, the requirement to keep accurate  
22 and current records of state vehicles use, and responsibilities for compliance with other state and  
23 federal regulations, including the Internal Revenue Service policies on fringe benefit accounting.

24 (7) Develop safe operation and other policies governing state vehicle use;

25 (8) Recommend legislative rules to the secretary; and

26 (9) Report annually to the Governor and to the Joint Committee on Government and  
27 Finance, regarding the operations of the state fleet and the utilization of state vehicles.

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

1 (a) The director shall 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 §29A-  
3 3-1 et seq. of this code: *Provided*, That the director shall consult with the Travel Management  
4 Office within the Department of Administration to ensure uniformity among the travel and vehicle  
5 use regulations in this state: *Provided, however*, That the secretary shall resolve all disputes  
6 between the director and the Travel Management Office.

7 (b) On or before June 15, 2018, the director shall propose emergency legislative rules

8 which may amend or modify existing legislative rules governing the use of state vehicles pursuant  
9 to §5A-12-1 et seq. of this code. Emergency and future legislative rules shall include:

10 (1) The minimum requirements governing the use of state vehicles;

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

14 (3) The minimum requirements and responsibilities for each driver or operator of a state  
15 vehicle, including when a vehicle is refueled, it shall be filled to capacity;

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

19 (A) Starting and ending mileage for each trip;

20 (B) Starting and ending destinations for each trip;

21 (C) A statement of the purpose of each trip;

22 (D) The driver's name and title;

23 (E) The mileage at the point of refueling, the amount of fuel purchased in gallons, the cost  
24 of the fuel, and a brief statement of circumstances if the vehicle is not refueled to capacity; and

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

27 (5) The vehicle log information to be maintained by each fleet coordinator, and the vehicle  
28 log information to be reported to the department or institution fleet coordinator by the spending  
29 unit, and the frequency thereof;

30 (6) The form for each spending unit to report to the office, including justification for  
31 purchasing or leasing a state vehicle, and a cost benefit analysis of the benefits of purchasing or  
32 leasing compared to renting or contracting with the central motor pool, and a description of the  
33 frequency of anticipated vehicle use, the type of vehicle needed, the purpose for vehicle use, and

34 other contributing factors deemed necessary by the director;

35 (7) The information that each spending unit fleet coordinator shall collect and maintain  
36 regarding state vehicle use by the spending unit, which shall include, but not be limited to, the  
37 following:

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

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

41 (C) The frequency of use of each state vehicle and purpose for which the vehicle is used;

42 (D) The name of the vendor, dealership, manufacturer, or lessor from which the vehicle  
43 was obtained;

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

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

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

47 (H) The license plate renewal date;

48 (I) The date of acquisition;

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

50 (K) The assigned user or users of the vehicle;

51 (L) Vehicle log sheets and periodic odometer readings;

52 (M) Fuel use and fuel expenditure records for each vehicle;

53 (N) The maintenance and service event costs for each state vehicle;

54 (O) State vehicle inspection data and inspection event details, including the date of the  
55 inspection, the vendor who performed the state inspection, and notation for all required repairs;

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

58 (Q) The costs associated with vehicle rental expenses;

59 (R) Annual reimbursement totals for personal vehicle use, which shall include at a

60 minimum, the total miles of personal vehicle used by the spending unit, and the reimbursement  
61 rate;

62 (S) Mechanical event logs; and

63 (T) Accident event logs.

64 (7) The criteria for justifying state vehicle ownership, leasing, renting, or reimbursing for  
65 personal vehicle use, including an analysis of the information collected by the fleet coordinators.

66 The analysis of spending unit vehicle utilization information shall include a comparison of the cost  
67 of owning, leasing, or renting vehicles, a report on expenditure trends, proposals for increasing  
68 efficiencies, and a summary of how vehicle utilization data has been useful as indicators of  
69 maintenance or mechanical issues, and opportunities for reducing operating costs.

70 (8) Requirements for spending unit, department, and institution fleet coordinators to  
71 annually report to the office regarding state vehicle use, including;

72 (A) The total number of vehicles owned and leased per fiscal year;

73 (B) The total amount of fuel purchased per fiscal year, and the total cost of fuel  
74 expenditures;

75 (C) The total miles driven per fiscal year;

76 (D) The total number of vehicle miles for rented vehicles, including total rental and fuel  
77 costs for rental vehicles per fiscal year;

78 (E) The total amount of miles driven and the total amount reimbursed for personal vehicle  
79 use per fiscal year; and

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

82 (9) Requirements and policy governing commuting in and taking home state vehicles; and

83 (10) Requirements and policy governing volunteer and nonpublic employee drivers.

**§5A-12-6. Record keeping; state vehicle fleet annual report to the Governor and the Joint**  
**Committee on Government and Finance; and electronic reporting.**

1           (a) The Fleet Management Office 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, 2018, the office shall report to the Governor, and to the  
5 Joint Committee on Government and Finance, describing, at a minimum:

6           (1) The total aggregate number of state vehicles,

7           (2) A list of each department, institution or spending unit titled to own or lease state  
8 vehicles, and the aggregate total number of vehicles operated by each;

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

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

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

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

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

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

20           (9) A summary of the State Auditor's Spot Compliance Audit Report authorized pursuant  
21 to §5A-12-7(f) of this code, and a summary of any recommended statutory or policy changes to  
22 address material weaknesses in the policies and procedure of the office as may be necessary to  
23 maintain the state vehicle fleet pursuant to the provision of this article;

24           (10) The operating revenue and expenses of the office including:

25           (A) The fee source for each category of office 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; and

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) On or before December 31, 2019, and each December 31 thereafter, the office shall  
33 report to the Governor, and to the Joint Committee on Government and Finance, describing the  
34 information required pursuant to §5A-12-6(b) of this code, and shall include a brief description of  
35 any changes regarding the reported information from the previous year.

36 (d) An annual report produced in an electronic format complies with the reporting  
37 requirements of this article, and shall be made available on the office website.

**§5A-12-7. Spending unit, department and institution fleet coordinator duties; annual reports; and compliance auditing.**

1 (a) Each spending unit, department, and institution, shall designate a fleet coordinator,  
2 who shall be responsible for the management and maintenance of state vehicle information, and  
3 for reporting state vehicle utilization reports to the office as required pursuant to this article. Each  
4 fleet coordinator is required to attend the fleet coordinator training provided by the Fleet  
5 Management Office, and is responsible for providing adequate training to each operator of a state  
6 vehicle.

7 (b) Fleet coordinators are responsible for reporting annually to the department or  
8 institution, or to the Fleet Management Office, as applicable, all state vehicle utilization data as  
9 required pursuant to this article. Each department and institution fleet coordinator shall be  
10 responsible for maintaining and managing the spending unit fleet coordinator reports for each  
11 spending unit under their jurisdiction.

12 (c) The head of each spending unit is responsible for affirming the accuracy of all reports  
13 submitted to the department, institution, or office, including such reports submitted by the fleet

14 coordinator.

15 (d) Each spending unit that uses a state vehicle, rents vehicles for a state purpose, or  
16 reimburses for personal vehicle use, shall annually report to the appropriate department, or  
17 institution fleet coordinator, or to the Fleet Management Office, beginning on or before October  
18 31, 2018, and on or before October 31 each year thereafter, in the manner required by this article.

19 (e) Each spending unit that owns or leases a state vehicle, or rents or reimburses an  
20 employee for personal vehicle use, shall periodically compile and maintain the individual specific  
21 vehicle records of each state vehicle, and all records of vehicle rental and private vehicle use  
22 expenditures, for not less than three years, or as may be required by the State Auditor pursuant  
23 to §5A-12-7(f) of this code.

24 (f) Beginning July 1, 2019, the State Auditor shall conduct spot compliance audits to  
25 monitor spending unit, department, and institution fleet coordinator report accuracy and  
26 compliance with the record keeping provisions of this article. The State Auditor shall conduct a  
27 spot compliance audit of not less than five percent of the total state vehicle fleet: *Provided, That*  
28 the spot compliance auditing authorized pursuant to §5A-12-7(f) of this code shall be rotated  
29 among the department, institution, and spending unit fleet coordinators so that no fleet coordinator  
30 may be audited less than every 3 years: *Provided, however, That* a spending unit found to be  
31 noncompliant with the record keeping provisions of this article shall be subject to further  
32 compliance monitoring as the State Auditor deems necessary. The State Auditor shall report to  
33 the Fleet Management Office the findings of each annual spot compliance audit. Spot compliance  
34 audits shall list the fleet coordinators and spending units audited, and verify:

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

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

39 (3) To verify the accuracy of fleet coordinator reporting in the manner consistent with the

40 provisions of this article.

**§5A-12-8. Utilization of Vehicle Management Vehicle Services.**

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 Office 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 Office. The office shall review and may approve each request. The office  
5 shall submit a legislative rule for each spending unit for which it approves an exemption. The  
6 rules should state the nature of the proposed exemption, which services will be used, provide for  
7 the manner in which the spending unit will comply with all other requirements of this article, and  
8 any other information which the office may require.

**§5A-12-9. 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  
5 governing 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-12-10. Enforcement of regulations; establishing a complaint process.**

1 (a) If any public employee or public official fails to comply with any rule or regulation for  
2 state vehicle use, the spending unit may require that the individual attend training, be restricted  
3 from using state vehicles, or prohibited from using state vehicles: *Provided*, That nothing in this



4 section authorizes the office to restrict the use of state vehicles except for employees under its  
5 control.

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

13 (c) Each spending unit shall investigate each complaint it receives and provide an update  
14 to the office on a regular basis and at the conclusion of the investigation.

**§5A-12-11. Notice to spending units.**

15 The director, in coordination with the Commissioner of the Division of Motor Vehicles, shall  
16 provide notice to each fleet coordinator, and advertise as deemed appropriate, to inform the fleet  
17 coordinators that green and white state vehicle license plates expire December 31, 2018, and the  
18 procedure for issuing new titles, registration, and license plates pursuant to §17A-3-23 and §17A-  
19 3-25 of this code. The head of each spending unit with state vehicles shall cooperate and comply  
20 with the requirements of the State Vehicle Title, Registration, and Relicensing Project of 2018 and  
21 the centralized state vehicle inventory system.

**§5A-12-12. Compliance audit.**

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

7 among the spending units.

8 (b) The Legislative Auditor may make recommendations for future compliance monitoring  
9 of any spending unit found not in compliance with the reporting requirements of this article, may  
10 recommend adding reporting criteria to improve efficiencies as may be needed to evaluate  
11 utilization reports to facilitate realizing the benefits of economies of scale, may recommend  
12 reducing the reporting requirements if deemed redundant, overly burdensome, or irrelevant, and  
13 may make recommendations for administrative penalties for noncompliance with this article.

## **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 Office, 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 of this code, to develop standard naming  
4 conventions for the title, registration, and other fixed asset information to be used in the  
5 identification of state vehicles in the system of record for fixed assets, and shall designate the  
6 information to be entered by spending units into the centralized accounting system maintained by  
7 the West Virginia Enterprise Resource Planning Board, for the development and maintenance of  
8 an accurate and 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  
3 by the Governor, Treasurer, three vehicles per elected office of the Board of Public Works,  
4 vehicles operated by the State Police, not to exceed five vehicles operated by the Office of the  
5 Secretary of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division  
6 of Homeland Security and Emergency Management, vehicles operated by natural resources  
7 police officers of the Division of Natural Resources, not to exceed ten vehicles operated by the  
8 arson investigators of the Office of State Fire Marshal, not to exceed two vehicles operated by  
9 the Division of Protective Services, not to exceed sixteen vehicles operated by inspectors of the  
10 Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia  
11 Wing of the Civil Air Patrol, and vehicles operated by probation officers employed under the  
12 Supreme Court of Appeals may not be operated or driven by any person unless it has displayed  
13 and attached to the front thereof, in the same manner as regular motor vehicle registration plates  
14 are attached, a plate of the same size as the regular registration plate, with white lettering on a  
15 green background bearing the words "West Virginia" in one line and the words "State Car" in  
16 another line and the lettering for the words "State Car" shall be of sufficient size to be plainly  
17 readable from a distance of one hundred feet during daylight unless and until such license plates  
18 are replaced: *Provided*, That no later than January 1, 2019, no state vehicles may be operated or  
19 driven by any person unless it has displayed and attached to the front thereof, in the same manner  
20 as regular motor vehicle registration plates are attached, a plate of the same size as the regular  
21 registration plate, with blue lettering on a gold background bearing the words "West Virginia" in  
22 one line and the words "State Car" in another line and the lettering for the words "State Car" shall  
23 be of sufficient size to be plainly readable from a distance 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 unless and until such license plates are replaced:  
27 Provided, That state vehicles shall also have attached to the rear a plate bearing a number and  
28 any other words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear  
29 plate shall be gold with the number in blue. The commissioner may also designate additional  
30 insignia or stencils to be displayed on the front and rear plates for the purpose of identifying motor  
31 vehicles within the higher education system, public service districts, or designated  
32 nongovernmental organizations: Provided, That where the institutions of higher education opt to  
33 have their logo displayed on the state license plate, such institution shall bear any additional costs  
34 of those added features: Provided, however, That public service districts, or designated  
35 nongovernmental organizations shall be issued a colored license plate as the commissioner shall  
36 designate for each and may not be issued a license plate designated for vehicles owned or leased  
37 by the state of West Virginia, or any of its departments, bureaus, commissions, or institutions.

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

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

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

50 (e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed  
51 by the commissioner in cooperation with the sheriffs' association with the word "Sheriff" on top of

52 the plate and the words "West Virginia" on the bottom. The plate shall contain a gold shield  
53 representing the sheriff's star and a number assigned to that plate by the commissioner. Every  
54 county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless  
55 otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

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

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

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

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

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

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

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

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

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

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

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

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

94 (q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and  
95 rear plates produced to attach to all state-owned cars. ~~The numbered registration plates for the~~  
96 ~~vehicles shall start with the number five hundred and the commissioner shall issue consecutive~~  
97 ~~numbers for all state-owned cars or leased vehicles. The commissioner shall consult with the~~  
98 Fleet Management Office, established pursuant to §5A-12-1 et seq. of this code, and the  
99 Enterprise Resource Planning Board, established pursuant to §12-6D-1 et seq. of this code, to  
100 develop a standardized naming convention for the title, registration, and licensing of state  
101 vehicles, pursuant to §17A-3-23 and §7A-3-25 of this code, and consistent with the capabilities of  
102 the centralized accounting system as maintained by the Enterprise Resource Planning Board, for  
103 the purpose of creating and maintaining an accurate and up-to-date inventory of the state vehicle

104 fleet.

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

108 (s) The commissioner may issue special registration plates for motor vehicles titled in the  
109 name of the Division of Public Transit or in the name of a public transit authority as defined in this  
110 subsection and operated by a public transit authority or a public transit provider to transport  
111 persons in the public interest. For purposes of this subsection, "public transit authority" means an  
112 urban mass transportation authority created pursuant to the provisions of §8-27-1 *et seq.* of this  
113 code or a nonprofit entity exempt from federal and state income taxes under the Internal Revenue  
114 Code and whose purpose is to provide mass transportation to the public at large. The special  
115 registration plate shall be designed by the commissioner and shall display the words "public  
116 transit" or words or letters of similar effect to indicate the public purpose of the use of the vehicle.  
117 The special registration plate shall be issued without charge.

118 (t) Each green registration plate with white letters affixed to a state vehicle, and each  
119 corresponding title and registration certificate for all state vehicles, other than those vehicles with  
120 Class A registration plates as provided in this section, terminates at midnight on December 31,  
121 2018, pursuant to §17A-3-25 of this code. The owner or lessee of every state vehicle that is  
122 required to display a state vehicle license plate and registration shall obtain a new title, a new  
123 registration card, and a new state vehicle license plate prior to the termination dates specified in  
124 this article. When new registrations are issued pursuant to this article and for subsequent, non-  
125 Class A registrations of state owned or leased vehicles, the state vehicle registration plate and  
126 certificate shall be valid for a period of not more than twenty-four months and shall be renewed  
127 every two years.

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

130           ~~(t)~~ (v) Any person who violates the provisions of this section is guilty of a misdemeanor  
131 and, upon conviction thereof, shall be fined not less than \$50 nor more than \$100. Magistrates  
132 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 Office, 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 financial system maintained by the Enterprise Resource  
7 Planning Board. The standardization of state vehicle titles, registrations, and license plates, as  
8 described in this section, shall be known as the "State Vehicle Title, Registration, and Relicensing  
9 Project of 2018." Every spending unit shall comply with the provisions of this section, and §17A-  
10 3-23 of this code. Upon receipt of the new title, registration, and license plates, the spending unit  
11 shall enter the appropriate information into the state's central financial system maintained by the  
12 Enterprise Resource Planning Board, in such detail and specificity as required by the board, the  
13 Fleet Management Office established pursuant to §5A-12-1 et seq. of this code.

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



22 central financial system and the centralized state vehicle inventory system.

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

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

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

39 (f) Upon receipt of the title, state license plate, and registration, issued pursuant to the  
40 provisions of this section, the fleet coordinator of each spending unit shall report, or verify, the  
41 vehicle asset information of every vehicle owned or leased by the spending unit, in the state's  
42 central financial system. Each spending unit shall annually verify, or update in the state's central  
43 financial system, the vehicle asset information of every vehicle owned or leased by the spending  
44 unit.

**§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 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, 2019, the Legislative Auditor, in accordance with §4-10-1 et  
2 seq. of this code, shall audit the Division of Motor Vehicles and the Fleet Management Office for  
3 compliance with the State Vehicle Title, Registration, and Relicensing Project of 2018. The  
4 Legislative Auditor may make recommendations for future compliance monitoring of any spending  
5 unit found not in compliance with the project and make such recommendations for administrative  
6 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  
8 a 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  
11 file, if the public disclosure of the information would constitute an unreasonable invasion of  
12 privacy, unless the public interest by clear and convincing evidence requires disclosure in this  
13 particular instance: *Provided*, That this article does not preclude an individual from inspecting or  
14 copying his or her own personal, medical, or similar file;

15 (3) Test questions, scoring keys, and other examination data used to administer a  
16 licensing 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  
26 any 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  
34 terrorist acts or the threat of terrorist acts, the public disclosure of which threaten the public safety  
35 or the 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  
38 collected or assembled to respond to terrorist acts; and communication codes or deployment  
39 plans of law 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  
43 Department 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  
79 those of his or her spouse, parents, and children as well as the names of the law-enforcement  
80 officer's 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.

NOTE: The purpose of this bill is to create and maintain a centralized state vehicle inventory system. The bill establishes the Fleet Management Office within the Department of Administration. The bill creates the State Vehicle Title, Registration, and Relicensing Project of 2018. The bill requires reporting by spending units utilizing state vehicles. The bill provides the new article's scope and establishes exemptions. The bill provides for new officers and establishes their powers, duties, and responsibilities. The bill defines terms. The bill continues the Fleet Management Office Fund. The bill requires the Fleet Management Office to coordinate with other agencies. The bill provides for annual reports of vehicle use by spending units. The bill requires annual reports to the Governor and the Joint Committee on Government and Finance. The bill establishes operator requirements and training. The bill provides for enforcement. The bill provides for notice. The bill requires legislative compliance audits. The bill provides a deadline date for the expiration of current state vehicle license plates. The bill creates new state vehicle license plates. The bill provides for notice to spending units regarding the expiration of title, registrations, and license plates. The bill requires a standardized naming convention for the title, registration, and licensing of all state vehicles. The bill requires annual renewal of the state vehicle registrations. The bill provides exemptions from reporting for certain undercover vehicles. The bill requires insurance cards in state vehicles. The bill authorizes rule making and emergency rule making.

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

This bill is recommended by the interim Committee on Government Organization for introduction and passage during the 2018 Regular Session.