

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2166

BY DELEGATES HOWELL AND J. KELLY

[Introduced January 9, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §5A-3-48 of the Code of West Virginia, 1931, as amended, relating
2 to prohibiting employees of the state who have convictions for driving under the influence
3 from driving or operating state owned vehicle; authorizing those employees to use
4 personal vehicles and be reimbursed at the regular mileage rate for travel on state
5 business; and requiring promulgation of rules relating to this amendment.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-48. Travel rules; exceptions.

1 (a) The Secretary of Administration shall promulgate rules, including emergency rules,
2 relating to the ownership, purchase, use, storage, maintenance, and repair of all motor vehicles
3 and aircraft owned or possessed by the State of West Virginia or any of its departments, divisions,
4 agencies, bureaus, boards, commissions, offices, or authorities.

5 (b) If, in the judgment of the Secretary of Administration, economy or convenience indicate
6 the expediency thereof, the secretary may require all vehicles and the aircraft subject to regulation
7 by this article, or those he or she may designate, to be kept in garages and other places of storage
8 and to be made available in a manner and under the terms necessary for the official use of any
9 departments, institutions, agencies, officers, agents, and employees of the state as designated
10 by the secretary in rules promulgated pursuant to this section.

11 (c) The secretary may administer the travel regulations promulgated by the Governor in
12 accordance with §12-3-11 of this code, unless otherwise determined by the Governor.

13 (d) The secretary shall propose rules for legislative approval in accordance with §29A-3-
14 1 et seq. of this code prohibiting employees of the state, who have convictions for driving under
15 the influence in the public record Division of Motor Vehicles of the person's driving record, from
16 driving or operating state-owned vehicles, as long as that conviction remains on record. The rules
17 shall also authorize those employees to use their personal vehicles in their employment and to
18 be reimbursed at the established mileage rate for travel on state business.

NOTE: The purpose of this bill is to prohibit employees of the state, who have convictions for driving under the influence, from driving or operating state-owned vehicle. The bill authorizes those employees to use personal vehicles and be reimbursed at the regular mileage rate for travel on state business.

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