Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
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Summary of Change

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<td>Added clarifying information on MVR requests and MVR frequency.</td>
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Section 1: Fleet Management Office

1.0 General:

The Fleet Management Office (FMO) is an organizational unit within the Cabinet Secretary’s Office, Department of Administration that has statutory responsibility for performing fleet management for vehicles owned or leased by the State of West Virginia.

2.0 Vision:

To be the safest, most reliable, most successful state fleet in the nation – for our state, its employees, and West Virginia citizenry.

3.0 Mission:

Provide safe, efficient, and reliable air and ground fleet services in the most cost effective manner possible. We will be enablers for state spending units by providing exceptional fleet service, promoting professional development, and working as one team to accomplish the State’s strategic goals and objectives.

4.0 Goals:
4.1. Enable state spending units to accomplish their missions in a safe, efficient, and fiscally predictable manner.

4.2. Achieve significant programmatic savings by effectively managing the operating cost of the fleet.

4.3. Provide accurate and consistent accountability of all state-owned motor vehicles, operational data, and utilization.

4.4. Maintain sound financial systems and practices to support continued fleet service.

4.5. Integrate succession planning into day-to-day activities and strategic objectives.

5.0 Objectives:

5.1. Establish a Fleet Management Office that will be a catalyst for improved fleet practices in West Virginia.

5.2. Leverage fleet-related state spending to provide the absolute best value to the citizenry of West Virginia.

5.3. Facilitate inclusion by stakeholders and transparency in all fleet activities.

5.4. Develop state-of-the-art Enterprise Resource Planning (ERP) functionality to support fleet-related activities and processes (asset management, inventory management, maintenance management, fuel management, garage management, transportation management, fringe benefit management, and management reporting).

5.5. Develop formal educational opportunities for aspiring state employees that will provide for continuance of fleet-related best practices within their respective organizations.

5.6. Working with Higher Education and private-sector stakeholders, foster educational opportunities for aspiring young leaders that will generate continued expertise in fleet management, project management, and other lean processes.

6.0 FMO Services:

The Fleet Management Office currently offers the following services to spending units:

6.1. Information Systems
6.1.1. Dedicated Customer Relationship Management (xRM) FLEET HEAT

6.1.2. Agency training for all fleet-related systems

6.1.3. Access to real-time centralized data warehouse

6.1.4. Integration with ERP systems (e.g., SAP, PeopleSoft, JD Edwards)

6.2. **Account Management**

6.2.1. Standard Agency Support

6.2.2. Single point CRM

6.2.3. Customer reporting requests

6.2.4. Status inquiries for vehicle orders, registrations, used vehicle purchases

6.2.5. Account reviews

6.2.6. Strategic Fleet Consulting Services

6.3. **Asset Management**

6.3.1. Vehicle Leasing / Financing

6.4. **Maintenance Management**

6.4.1. Cars and light-duty truck under 10,000 lbs. GVWR

6.4.2. Trucks over 10,000 and under 26,000 lbs. GVWR

6.5. **Roadside Assistance**

6.5.1. 24-hour toll-free assistance line

6.5.2. 24-hour emergency tow service

6.5.3. 24-hour tire change service

6.5.4. 24-hour battery jump

6.5.5. 24-hour lockout service
6.6. **Fuel Management**

6.6.1. Fraud protection through exception reports

6.6.2. Consolidated billing

6.6.3. Administration of lost, stolen, or additional cards

6.7. **Registration Renewal**

6.7.1. Direct interaction with the Agency drivers or field managers

6.7.2. Administration of transfers, replacement of lost or stolen plates

6.8. **Title Management**

6.8.1. Assume responsibility of titles for Agency-owned vehicles

6.8.2. Titles electronically tracked

6.8.3. Safe, centralized storage in the Fleet Record Center

6.9. **Accident Management**

6.9.1. Monitor repairs through completion

6.9.2. Arrange towing where needed

6.10. **Driver Risk Assessment Program**

6.10.1. Monitor Motor Vehicle Records (MVR’s), collision incidents, driver monitoring events, etc.

6.10.2. Establish an overall risk assessment for each fleet driver

6.10.3. Assign specialized driver training matched to a driver’s behavior, vehicle and job function

6.11. **Motor Vehicle Record Program**

6.11.1. Capture of driver permissions MVR’s
6.11.2. Obtaining MVR’s from various states

6.12. **Fringe Benefit Reporting Program**
   6.12.1. Personal use reporting options
   6.12.2. Driver website and SMS reporting
   6.12.3. Calculation options

6.13. **Telematics (GPS/GIS)**
   6.13.1. Analysis and utilization of best vendor for the Agency
   6.13.2. Coordination of hardware installation
   6.13.3. Integration of telematics system with fleet management system for alerts, exception reporting, and data capture
   6.13.4. Timely preventive maintenance monitoring based on odometer readings
   6.13.5. Alerts to impending maintenance problems
   6.13.6. Improved fuel consumption after identifying idling patterns, acceleration trends and route optimization
   6.13.7. Reduced liability by addressing driver behavior (such as speeding, hard breaking, and cornering)
   6.13.8. Eliminated unauthorized vehicle use beyond geophone and work hour limits

6.14. **Garage Management System**
   6.14.1. Web-based garage management and parts inventory system
   6.14.2. Integration of new vehicle delivery, vehicle disposal, licensing, fuel, accident, and vehicle data change activity
   6.14.3. One-click access to vehicle history
   6.14.4. Payroll reporting of labor time
   6.14.5. Controlled authorization of outside vendor repairs
6.14.6. Processing and payment of all outside vendor invoices

6.14.7. Complete audit trail of all outside vendor repairs

6.14.8. Email notification to user group and garage supervisor of vehicle status

6.14.9. Bar coding capabilities for parts and labor

6.14.10. Integration with ERP systems (e.g., SAP, PeopleSoft, JD Edwards)

6.14.11. Management reporting that benchmarks garage performance both internally and externally

**Section II: Definitions**

1.0 **Accident** – Damage to a state-owned or leased vehicle that involves another vehicle regardless of who is at fault.

2.0 **Alternate Fuel** – Any fuel other than gasoline, diesel, and other substantially petroleum based fuels that is less polluting than gasoline or diesel fuel. Alternate fuel will include, but is not limited to, natural gas, propane, ethanol (E-85), biodiesel, and electricity, etc.

3.0 **Alternate Fuel Vehicle** – Any vehicle powered in whole or in part by non-petroleum-based fuels.

4.0 **Assigned Cabinet Secretary** – The cabinet secretary assigned responsibility for a spending unit. In cases where a spending unit has not been assigned a cabinet secretary, the Cabinet Secretary, Department of Administration will fulfill the fleet-related administrative function for the unassigned spending unit.

5.0 **Assigned Constitutional Officer** – The constitutional officer assigned responsibility for a spending unit. In cases where a spending unit has not been assigned to a constitutional officer, the Cabinet Secretary, Department of Administration will fulfill the fleet-related administrative function for the unassigned spending unit.

6.0 **Authorized Passenger** – A personnel classification such as agent, broker, contractor, persons involved in mission of mercy or medical emergency; other personnel not employed by the State of West Virginia who have a connection with or may have an official business relationship with the state; and recipients of health, public safety, and welfare services performed by the State; and who are formally authorized by the spending unit director.

7.0 **Biodiesel** – Fuel refined from agriculturally derived oils that is suitable for use in diesel
8.0 **Capital Equipment** – An item (single vehicle or piece of equipment) of non-consumable tangible personal property having a normal useful life of one year or more and a total acquisition cost, or fair market value if donated, of $5,000 or greater. Managing vehicles and equipment includes the proper disposition, decommissioning, and transfer of equipment.

9.0 **Carbon Dioxide** – A standard component of conventionally powered vehicle emissions and a principal greenhouse gas.

10.0 **Carpool Vehicle** – A vehicle which is generally used each workday to carry at least three employees to and from work in a spending unit-sponsored commuting pool.

11.0 **Centralized Fleet** - Vehicles and aircraft, regardless of acquisition method, i.e., donation, long-term lease, or purchase, that are available for use by state spending units.

12.0 **Citation** – Any administrative or criminal notice, including written warnings, provided directly to a vehicle driver or to a spending unit where the identity of the vehicle driver is contained on the notice. A notice may take the form of a traffic ticket, parking ticket, toll violations, or vehicle tow notice.

13.0 **Commissioning** – The administrative process to receive, verify purchase/release order compliance, and add a vehicle to asset management or fleet management databases. The commissioning date may proceed the “in-service” date (date vehicle became mission capable).

14.0 **Commuting** – The act of driving a vehicle, whether permanently or temporarily assigned, to and from an employee’s home and office.

15.0 **Compressed Natural Gas** – Natural gas under pressure; vehicles can use natural gas as either a liquid or a gas; most vehicles use the gaseous form.

16.0 **Constitutional Officer** – Those officers authorized by the West Virginia Constitution (W.Va. Const. art. VII, Section one), i.e., governor, secretary of state, auditor, treasurer, commissioner of agriculture and attorney general.

17.0 **Control Employee** – An elected official or employee whose compensation equals or exceeds the compensation paid to a Federal Government employee holding a position as defined in the Federal Tax Regulations §1.61-21, as amended.

18.0 **Custodian** - The elected or appointed official charged with administering a public body.
19.0 **Decommissioning** – The administrative process to remarket, dispose, and delete a vehicle from either asset management or fleet management databases. The decommissioning date may proceed the “surplus” date (date vehicle placed in “sold” status).

20.0 **Department** – An entity of the State government, as created by W.Va. Code §5F-1-2.

21.0 **Department of Administration** – The entity of State government created by W.Va. Code §5F-1-1 et seq.

22.0 **De minimis Fringe Benefits** – include property or services, provided by a spending unit for an employee, with a value so small that accounting for it is unreasonable or administratively impractical. The value of the benefit is determined by the frequency it is provided to each individual employee, or, if this is not administratively practical, by the frequency provided by that spending unit to the workforce as a whole [IRC §132(e); Reg. §1.132-6(b)]. The law does not specify a dollar threshold for benefits to qualify as de minimis. The determination will always depend on situational facts and circumstances.

23.0 **Donated Vehicle** – The result of an act by which the owner of a vehicle, voluntarily transfers the title and possession of the vehicle, from himself to any activity, agency, authority, board, bureau, center, college, commission, constitutional office, council, department, division, extension, fund, institute, institution, network, office, organization, partnership, program, region, service, unit, or university (hereinafter referred to collectively as “spending unit”) without any consideration. The donation of the vehicle is perfected if the vehicle has been accepted by the spending unit and has been placed in any asset management category other than “sold.”

24.0 **Driver Qualification File (DQF)** – A file maintained by the Spending Unit Fleet Coordinator for each assigned driver. Elements of this file will include such items as: Employment Application, Interview notes, MVR checks, Driver training information, Driver corrective action plan and Driver evaluation and performance reviews.

25.0 **Eco Driving** – Driving best-practices that reduce fuel consumption, GHG emissions, and accident rates.

26.0 **Electric Vehicle** – A vehicle which uses one or more electric motors for propulsion.

27.0 **Emergency Vehicles** – Public safety emergency response vehicles used by State of West Virginia.

28.0 **Employee** - Any individual authorized to operate a state-owned vehicle on behalf of the State of West Virginia, e.g., part-time, hourly, full-time employees, and any individual under contract to perform services.

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Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.

Regulatory authority: *Code of State Rules 148 CSR 3.*

Revision date: See Summary of Change
29.0 **Event** – Damage to a state-owned or leased vehicle attributable to acts of nature, e.g., hail, water, wind, fire, rock slide, mud slide, earthquake, etc.

30.0 **Fleet Management Office (FMO)** - The entity within the DOA hereinafter referred to as FMO. FMO is responsible for the storage, purchase, lease, maintenance and repair of all state-owned or leased vehicles and aircraft.

31.0 **Handheld or Permanently Installed Two-way Radio Communication Device** – Any electronic device that may be used to send and receive (two-way) voice communications without voice command or manual data inputs regardless of wavelength, amplitude, frequency, phase, pulse width, transmission channel or medium including: general radio service, aviation radio service, marine radio service, general mobile radio service (GMRS), microwave broadcast service, cellular radiotelephone, or voice over internet protocol (VOIP).

32.0 **Hands-free Wireless Communication Device** – A wireless communication device equipped with an internal feature or function, or an attachment or addition, whether or not permanently part of the device, by which a user engages in a conversation, sends or receives a message, interchanges information, or otherwise communicates without the use of either hand: Provided, That this definition does not preclude the use of either hand to activate, deactivate or initiate a function of the device.

33.0 **Hazardous Material** – Materials that are radioactive, flammable, explosive, corrosive, oxidizing, asphyxiating, bio-hazardous, toxic pathogenic, or allergenic. Also included are physical conditions such as compressed gases and liquids or hot materials, including all materials that may have other characteristics that render them hazardous in specific circumstances.

34.0 **Home Office** - The employee's home is the official location from which he/she begins and ends work duties and the employee does not report on any routine frequency to an official state facility prior to beginning work or at the conclusion of work. The location of the employee's home must be within the geographic confines of the employee's assigned work area.

35.0 **Hybrid Vehicle** – A vehicle that uses two or more distinct power sources to move the vehicle. Most commonly refers to hybrid electric vehicles (HEV) which combines an internal combustion engine and one or more electric motors.

36.0 **Incident** – Damage to a state-owned or leased vehicle that does not involve either another vehicle or an act of nature, e.g. vandalism, curb-strike, property damage, deer-strike, unknown causes, etc.

37.0 **Life-Cycle Environmental Impacts** – Life-cycle assessment to determine the
environmental impacts of products, processes or services, through production, usage, and disposal.

38.0 **Long-term Vehicle Lease** – Any vehicle lease agreement where the lease period includes twelve monthly lease periods or one annual period regardless of accounting timeframes used, i.e. calendar year or fiscal year.

39.0 **Metered Equipment** – Any powered implement that is metered for hours of use.

40.0 **Non-employee** – An agent, broker, contractor, person involved in missions of mercy or medical emergency, or other persons outside the state government of the State of West Virginia who have a connection with or may have a relationship to State business.

41.0 **Official Business** – Business on behalf of the State of West Virginia.

42.0 **Office** – The official work location where the employee routinely begins their tour of duty.

43.0 **Operator** – A person to whom a state owned vehicle is assigned.

44.0 **Person** – Includes any natural person, corporation, partnership, firm or association.

45.0 **Preventable Accident** – A preventable accident or incident is one in which the driver failed to do all that could be reasonably expected of them to avoid the accident or incident.

46.0 **Public Body** - Every state officer, agency, department, including the executive, legislative and judicial departments, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission council or agency thereof; and any other body which is created by state or local authority or which is primarily funded by the state or local authority.

47.0 **Public Record** – Includes any writing containing information relating to the conduct of the public's business, prepared, owned and retained by a public body.

48.0 **Public Safety Officer** – An individual serving a public agency in an official capacity, with or without compensation, as a:

48.1. Law enforcement officer, with power of arrest, authority to carry firearms, and execute search warrants

48.2. Firefighter

48.3. Chaplain

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Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change
48.4. Member of a rescue squad or ambulance crew.

49.0 **Secretary** – The Secretary of the Department of Administration (DOA).

50.0 **Seized or Forfeited Vehicle** – The result of an act by a court ordering the forfeiture of a vehicle, that directs that: (1) The title of the seized or forfeited vehicle be vested in a petitioning law enforcement agency; or (2) The law enforcement agency responsible for the vehicle seizure retains the vehicle for “official use”. Detailed information for the seized or forfeited vehicle will be reported by the law enforcement agency accepting or operating the seized or forfeited vehicle to the Fleet Management Office when the seized or forfeited vehicle has been placed in any asset management category other than “sold.”

51.0 **Short-term Vehicle Lease** – Any vehicle lease agreement where the lease period includes thirty days or more; but less than twelve monthly lease periods or one annual period regardless of accounting timeframes used, i.e. calendar year or fiscal year.

52.0 **Spending Officer** – The executive head of a spending unit, or the person designated in writing by him or her to perform the spending officer function.

53.0 **Spending Unit** – Any activity, agency, authority, board, bureau, center, college, commission, constitutional office, council, department, division, extension, fund, institute, institution, network, office, organization, partnership, program, region, service, unit, or university (hereinafter referred to collectively as “spending unit”).

54.0 **Spending Unit Fleet Coordinator (SUFC)** – The designated individual in each spending unit that oversees vehicle acquisition, management, reporting, and utilization; may access shared-use, central motor pool vehicles, or state aviation assets; and serves as the link for that spending unit with FMO.

55.0 **State Owned Vehicle** – Any vehicle owned by the State of West Virginia.

56.0 **State Fleet Administrator** - The West Virginia Department of Administration, Fleet Management Office Executive Director.

57.0 **State Fleet Manager** – The Administrative Services Manager(s) assigned fleet management duties within the Fleet Management Office.

58.0 **Use of A Wireless Communication Device** – To verbally or visually converse, message, or otherwise interchange information, including utilization of the internet on a wireless communication devise, whether by audio or video communication, telephone, text messaging, or other form of electronic communication.
59.0 **Vehicle** – Any state or agency-owned, leased or acquired vehicle regardless of intended use with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. *Provided*, that this definition does not apply to all terrain vehicles (ATV) or vehicles requiring a commercial driver’s license to operate. Spending units may request a written determination of applicability from the DOA Fleet Management Office for other special-use equipment that may be eligible for exclusion based on the scope of this paragraph. Factors effecting applicability determination will include the manufacturer’s intended use of the equipment; and any specialty training, certification, or additional licensures required for safe operation.

60.0 **Vehicle Maintenance File** – A complete maintenance record on each vehicle in the fleet. It will include basic vehicle information and information indicating the nature and due date of any inspection and maintenance operations to be performed on the vehicle, and a record of any inspections, repairs and maintenance performed on the vehicle in question, including dates performed and specifics on the nature of the operations.

61.0 **Vehicle Maintenance Support Center (VMSC)** – Located at the Automotive Resources International headquarters in Mount Laurel, New Jersey. The control center [1-800-CAR-CARE (227-2273)] manages the maintenance activities of FMO-owned or leased vehicles and certain spending unit-owned or leased vehicles.

62.0 **Vehicle Utilization Criteria** – All vehicles governed by this rule should meet minimum utilization criteria established by the Fleet Management Office. Justification for each underutilized vehicle will be provided by either the assigned cabinet secretary or assigned constitutional officer using the Fleet Management Office designated form. Utilization criteria will apply to each vehicle individually; consider periods of inactivity; specialized vehicle mission; cost effectiveness; minimum mileage requirements; and the current replacement methodology established by the Fleet Management Office. Minimum utilization criteria will be reviewed by the fleet Management Office each fiscal year, provided to either the assigned cabinet secretary or assigned constitutional officer, and included in an annual report to the Executive and Legislative branches of State Government.

63.0 **Violation** – Any administrative or criminal notice, including citation where the vehicle driver’s name is not contained on the notice. A notice may take the form of a parking ticket, missing toll payment, or vehicle tow notice.

64.0 **Wireless Communication Device** – A cellular, analog, wireless or digital device, computer or telephone, capable of accessing, sending or receiving wireless electronic messages, conversation or other interchange or information, including, but not limited to, a wireless telephone service, a wireless internet service or a wireless text messaging service. *Provided*, that this definition does it apply to hand held radios necessary by a driver during the course of their employment.

65.0 **Writing** – Includes any books, papers, maps, photographs, cards, tapes, recordings or
other documentary materials regardless of physical form or characteristics.

Section III: Introduction

1.0 Authority:

1.1. Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.


2.0 Applicability of Policies and Procedures:

2.1. These policies and procedures apply to anyone that operates or is responsible (directly or indirectly) for the safe operation of any vehicle or equipment owned or leased by the State of West Virginia.

2.2. These policies and procedures apply to any state or agency-owned, leased or acquired vehicle regardless of intended use, with a gross vehicle weight rating (GVWR) of 10,000 pounds or less excepting all-terrain vehicles (ATV) or vehicles requiring a commercial driver’s license to operate. Spending units may request a written determination of applicability from the DOA Fleet Management Office for other special-use equipment that may be eligible for exclusion based on the scope of this paragraph. Factors effecting applicability determination will include the manufacturer’s intended use of the equipment; and any specialty training, certification, or additional licensures required for safe operation.

3.0 Disciplinary Action:

3.1. Any breach of these policies and procedures may subject the driver to disciplinary action by the assigned spending officer, up to and including employment termination.

4.0 Responsibilities:

4.1. The DOA is responsible for developing policies and procedures for the purchase, use, storage, maintenance, repair, and disposal of state-owned vehicles.

4.1.1. The Fleet Management Office (FMO) is responsible for:

4.1.2. The administration of the state fleet.

4.1.3. Developing, monitoring, and enforcing fleet-related policies and procedures:

4.1.4. Vehicle assignment.
4.1.5. Utilization.

4.1.6. Vehicle loss and damage.

4.1.7. Vehicle violations and driver citation.

4.1.8. Driver risk assessment and training.

4.1.9. Scheduled and unscheduled maintenance practices.

4.1.10. Repair authorization controls.

4.1.11. Decommissioning and cannibalization.


4.1.13. Fleet-related citizen inquiries.

4.2. The FMO will work in concert with:

4.2.1. The DOA Board of Risk and Insurance Management (BRIM) and spending units on loss or damage reporting, driver violations, insurability, employability, driver risk assessment, and safety-related training.

4.2.2. The DOA Central Purchasing Division on fleet-related procurement activities including review of vehicle purchase or release order accuracy; specification development; commodity council participation; and when requested, participation in bid evaluation.

4.2.3. The DOA State Surplus Office and spending units exempt from the DOA State Surplus Office to ensure maximum vehicle remarketing efforts.

4.2.4. The DOA Travel Management Office to ensure complementary policies and procedures related to travel by state employees.

4.2.5. The DOA Aviation Division to ensure that vehicular and aviation services are conjoined in supporting the efficient use of state-owned or leased assets by authorized passenger(s) or vehicle drivers.

4.2.6. The DOA Finance Division:

4.2.6.1. To maintain an acceptable credit rating for future financing.
opportunities by retiring debt in accordance with financing agreements.

4.2.6.2. Providing the Finance Division Accounts Payable and Accounts Receivable Sections accurate data in which to provide timely payment to vendors and to minimize aging receivable payments by spending units.

4.2.7. West Virginia Constitutional Offices:

4.2.7.1. To ensure complementary fleet-related policies and procedures for assignment, utilization, replacement, fringe benefit reporting; state-owned or leased vehicle acquisition; specification development; commodity council participation; and when requested, participation in bid evaluation.

4.2.7.2. To ensure minimal vehicle cannibalization and maximum vehicle remarketing efforts.

4.2.7.3. Maintain an acceptable credit rating for future state financing opportunities by retiring debt in accordance with financing agreements.

4.2.7.4. Providing accurate data in which to provide timely payment to vendors and to minimize aging receivable payments by spending units.

4.3. Spending officers are responsible for:

4.3.1. Monitoring and enforcing policies and procedures governing the acquisition, assignment, use, loss or damage, maintenance, and repair of state vehicles.

4.3.2. The timely submission of various FMO forms, and reports.

4.3.3. The prompt payment of fleet-related invoices.

4.3.4. Designating a SUFC using the DAO-FM-006, Fleet Duty Appointment.

4.3.5. Designating an individual using the DAO-FM-006, Fleet Duty Appointment to request, maintain, and manage confidential license plates (optional).

4.4. Spending Unit Fleet Coordinator (SUFC) is responsible for:
4.4.1. Carrying out the duties and responsibilities as assigned by their spending officer.

4.4.2. Complying with FMO and spending unit policies and procedures.

4.4.3. Establishing internal spending unit procedures to ensure vehicles are maintained and safely operated. Spending units may develop internal policies and procedures to supplement and strengthen FMO policies and procedures.

4.4.4. Orienting and training of employees using FMO-provided, web-enabled applications to ensure vehicle drivers are aware of FMO policies and procedures and of their individual responsibilities concerning the safe use of state-owned or leased vehicles.

4.4.5. Ensuring vehicle drivers are registered users of FMO-provided, web-enabled applications to continuously verify the possession of a valid driver's license and maintenance of acceptable driving record based on West Virginia driver point system.

4.4.6. Reporting initial vehicle or driver assignment and vehicle garage location to FMO by 30 June 2011 using DOA-FM-007B, Fleet Administrative Fee/Driver Authorization; and any subsequent vehicle or driver changes using the web-enabled fleet management program.

4.4.7. Reporting to FMO using DOA-FM-012, Fleet Driver Report of Accident or Incident and BRIM using the Insurance Loss Notice, within one work day of discovery, when practical; any vehicle loss, damage, towing, or violation; and any driver citation that may result in either temporary or permanent driver’s license suspension.

4.4.8. Controlling vehicle utilization to ensure optimum use and efficiency.


4.4.10. Monitoring vehicle use and taking appropriate action, e.g., training and/or progressive discipline, when an employee’s vehicle use is determined to be inappropriate or is not in accordance with either FMO or spending unit policies and procedures.

4.4.11. Submitting reports to FMO, as requested or required.

4.5. Spending unit driver supervisor will ensure driver compliance with FMO and
spending unit policies and procedures. Additionally, the spending unit driver supervisor or designee will be responsible for:

4.5.1. Certifying driver imputed data for commuter/home office use of state-owned or leased vehicles using DOA-FM-010, Fleet Statement of Commuting Value, or by using FMO-provided, web-enabled Trip Log System.

4.5.2. Certifying driver imputed data for use of privately owned vehicles using DOA-FM-010, Fleet Statement of Commuting Value, or by using FMO-provided, web-enabled Trip Log System.

4.5.3. Certifying driver imputed data for use of third-party daily rental or long-term lease vehicles for any purpose using DOA-FM-010, Fleet Statement of Commuting Value, or by using FMO-provided, web-enabled Trip Log System.

4.5.4. Reporting vehicle or driver assignment and/or location using the FMO-provided, web-enabled fleet management program.

4.5.5. Forwarding to the SUFC using DOA-FM-012, Fleet Driver Report of Accident or Incident and BRIM using the Insurance Loss Notice, within one work day of discovery, when practical; any vehicle loss, damage, towing, or violation; and any driver citation that may result in either temporary or permanent driver’s license suspension.

4.5.6. Controlling vehicle utilization to ensure optimum use and efficiency.

4.5.7. Submitting reports to FMO, as requested or required.

4.6. Vehicle drivers are responsible for reviewing and complying with all policies and procedures pertaining to the use, maintenance, repair, and safe operation of state-owned or leased vehicles:

4.6.1. Conforming to all laws, ordinances and rules governing the safe operation of a motor vehicle;

4.6.2. Responding to any and all citations or warrants issued or fines levied regarding the operation or parking of the vehicle, to which he or she is assigned (either temporarily or permanently) and is personally liable for any and all fines or penalties – criminal or civil.

4.6.3. Reporting to their supervisor using DOA-FM-012, Fleet Driver Report of Accident or Incident and BRIM using the Insurance Loss Notice, within one
work day of discovery, when practical; any vehicle loss, damage, towing, or violation; and any driver citation that may result in either temporary or permanent driver’s license suspension.

4.6.4. Reporting to their supervisor or spending unit designee any commuter/home office use of state-owned or leased vehicles using DOA-FM-010, Fleet Statement of Commuting Value, or by using FMO provided web-enabled Trip Log System;

4.6.5. Reporting to their supervisor or spending unit designee any use of privately owned vehicles using DOA-FM-010, Fleet Statement of Commuting Value, or by using FMO provided web-enabled Trip Log System; and

4.6.6. Reporting to their supervisor or spending unit designee any use of third-party daily rental or long-term, private-sector lease vehicles for any purpose using DOA-FM-010, Fleet Statement of Commuting Value, or by using FMO provided web-enabled Trip Log System; and

4.6.7. Submitting reports to spending unit and FMO as requested or required.

Section IV: Vehicle Lifecycle

Subsection I: Assignment

1.0 Assignment:

1.1. To ensure full and proper utilization, vehicles will be assigned to a spending unit and managed by the SUFC in coordination with the spending officer. While the needs of a specific employee, activity, department, division, etc. may be used as justification for assignment of a vehicle, responsibility for the assigned vehicle will remain with the SUFC for utilization, maintenance, repair, and transfer within the spending unit.

1.2. In cases where the spending unit cannot justify continued assignment of a vehicle using DOA-FM-013, Request for Utilization Exemption, FMO may recommend intra/-inter spending unit vehicle transfer or decommissioning of the affected vehicle.

2.0 Assignment Criteria:

2.1. Assignments may be approved on the basis of one of the following:

2.2. The vehicle will be driven 18,000 or more annual official business miles.

2.3. The vehicle will be assigned to a public safety officer.
2.4. The vehicle will be assigned to an employee whose job duties require the constant use or continuous availability of specialized equipment which cannot feasibly or economically be either transferred between centralized fleet vehicles or carried in personal vehicles. Such equipment may include medical supplies; monitoring or testing apparatus or other supplies; equipment or material necessary to perform the spending unit's mission or function.

2.5. The vehicle will be assigned to an employee, on 24-hour call, who must respond to emergencies on a regular or continuing basis where the emergency response is normally to a location other than the employee's official work station.

2.6. The vehicle will not be permanently assigned to a specific employee, but will be used for essential travel related to the transportation of authorized passengers on a routine basis; or for the essential administrative functions of the spending unit for which the use of a temporary assignment vehicle, daily rental vehicle, long-term lease vehicle, or personally owned vehicle using mileage reimbursement is neither feasible nor economical.

3.0 Future Vehicle Assignment:

3.1. Assignment, including any terms or conditions contained in an employment contract, of a state-owned or leased vehicle to a specific employee will not create a right or entitlement to future vehicle use or assignment.

4.0 Request for Assignment:

4.1. Requests by spending units for vehicle assignment will be submitted to FMO using either DOA-FM-005, Fleet Vehicle Request or DOA-FM-009, Fleet Permanent (one-year or more) Increase Request. All fleet-related requests must be routed through the SUFC, spending officer, and either assigned cabinet secretary or assigned constitutional officer or designee prior to transmission or delivery to FMO. Forms should be transmitted or submitted at least 90 days prior to the need for the vehicle, when feasible.

4.2. Requests may contain original signatures; may contain certified digital signatures; or may be unsigned when other methods are used to document approval, such as a supporting email or cover letter/memorandum. In cases where either the assigned cabinet secretary or assigned constitutional officer is not available for signature or has authorized delegation of authority, each request must contain the following statement: “I have been delegated authority to approve fleet-related requests by my assigned [cabinet secretary] [constitutional officer].”
4.3. The FMO will review the DOA-FM-005, Fleet Vehicle Request and approve, disapprove, or request additional information within five (5) business days from receipt.

4.3.1. For spending units requesting:

4.3.1.1. To lease vehicles from the FMO.

4.3.1.2. For FMO to finance and lease to the spending unit.

4.3.2. A purchase order number is not required.

4.4. The FMO will review the DOA-FM-005, Fleet Vehicle Request and approve, disapprove, or request additional information within five (5) business days from receipt.

4.4.1. For spending units requesting:

4.4.1.1. To purchase vehicles outright using the statewide motor vehicle contract.

4.4.1.2. To purchase vehicles outright using statutorily authorized purchasing methods.

4.4.2. A purchase order number is required on the DOA-FM-005 as well as a copy of the purchase order/release order.

4.5. The FMO will review the DOA-FM-009, Fleet Permanent (one-year or more) Increase Request and endorse as appropriate or return to spending unit for additional information. Once approved, the spending unit will be provided an annotated copy of the completed DOA-FM-009.

4.6. Upon receipt of the DOA-FM-009, spending units may:

4.6.1. Attach purchase/release order and return to FMO for additional endorsement and continued processing by the Central Purchasing Division using the statewide motor vehicle contract.

4.6.2. Attach purchase/release order and return to FMO for additional endorsement, return to the spending unit, and continued processing by spending unit purchasing office using statutorily authorized purchasing methods.

5.0 Term of Assignment:
5.1. Assignment of a vehicle to a spending unit will normally be for a minimum period of four years or 100,000 miles whichever occurs later. The FMO will prepare vehicle utilization criteria and replacement methodology annually.

5.2. Exceptions to the minimum term of assignment may be granted by the FMO when in the best interest of the State of West Virginia or the affected spending unit.

5.3. Vehicle assignments will terminate upon notification by FMO; at the expiration of vehicle financing agreement; or as determined by the spending officer for vehicles without lien holder.

6.0 Asset Management:

6.1. Each spending unit retains responsibility for adding and updating state and spending unit legacy asset management computer systems and managing vehicles and equipment (capital equipment) utilized by their spending unit. The FMO will be responsible for adding and updating vehicles and equipment in the automated fleet management system utilized by the FMO.

6.2. Beginning with Model Year 2011, spending units authorized to accept vehicles at locations other than the State Surplus, Dunbar, West Virginia location are required to photograph each vehicle upon receipt, annually thereafter, and forward electronic copies to the FMO. The following convention will be used for each picture transmitted to the FMO: [spending unit] [photo description (front, rear, dside, pside, top)] [last eight digits of VIN] [date of photo (mm/dd/yyyy)]. Photographs should include the front, rear, sides (passenger-ps and driver-ds), and roof of each vehicle and contain sufficient clarity to determine if damage to the vehicle has occurred. Photographs will be added to the FMO Vehicle Maintenance File and available to spending units using a secure, web-enabled program.

6.3. Capital equipment is an item (single vehicle or piece of equipment) of non-consumable tangible personal property having a normal useful life of one year or more and a total acquisition cost, or fair market value if donated, of $5,000 or greater. Managing vehicles and equipment includes the proper disposition, decommissioning, and transfer of equipment.

7.0 Request for Confidential Plates:

7.1. Initial Requests:

7.1.1. State spending units who meet the requirements of West Virginia Code §17A-3-23, will annotate the DOA-FM-005, Fleet Vehicle Request or DOA-FM-
009, Fleet Permanent (one-year or more) Increase Request using the “Desired Vehicle Options” space to either request a confidential license plate for the vehicle or to annotate that an existing confidential license plate will be transferred from a vehicle being decommissioned and provide the plate number.

7.1.2. Requests for confidential license plates issued by other states must be approved in writing by the Commissioner, Department of Motor Vehicles. If approved, the DMV will authorize FMO to obtain confidential plates issued by another state on behalf of the spending unit. DMV approval for an out-of-state confidential plate does not constitute authority to increase fleet size by the spending unit, nor does it constitute authority to exceed the total number of confidential license plates authorized by West Virginia Code §17A-3-23.

7.1.3. There is no fee associated with obtaining a West Virginia confidential license plate.

7.1.4. Any fees associated with obtaining a confidential license plate issued by other states will be borne by the affected spending unit.

7.1.5. Requirements for issuance of temporary license plates by car dealerships remain unaffected.

7.2. Renewal or Change of Registration Requests:

7.2.1. State spending units who meet the requirements of West Virginia Code §17A-3-23, may coordinate directly with the DMV to obtain necessary changes in registration information or to obtain a replacement of confidential license plates. In cases where a confidential license plate has been lost or stolen, a new (replacement) license plate may be requested by either FMO or the spending unit from the DMV. In cases where the spending unit has maintained physical possession of the confidential license plate to be replaced, the spending unit will surrender the confidential license plate being replaced to the DMV within five (5) work days, when practical, of receipt of the replacement confidential license plate.

7.2.2. Change of registration information renewals for confidential license plates issued by other states must be approved in writing by the Commissioner, Department of Motor Vehicles. If approved, the DMV will authorize FMO to request change in registration information or to renew confidential plates issued by another state on behalf of the spending unit. DMV approval for an out-of-state confidential plate does not constitute authority to increase fleet size by the spending unit, nor does it constitute authority to exceed the total
number of confidential license plates authorized by West Virginia Code §17A-3-23.

7.2.3. Any changes in vehicle status (confidential license plate to “official use” license plate) require a DOA-FM-021, Fleet Vehicle Change Request, to FMO prior to, when practical, any changes being made.

7.2.4. Any fees associated with obtaining changes in registration information or renewals for confidential license plates issued by other states will be borne by the affected spending unit.

8.0 Request for State “Official Use” License Plate:

8.1. Spending units must ensure all vehicle purchases, donations, release orders, or long-term lease contracts are approved by FMO and that DOA-FM-002A/B, Fleet Mandatory Requirements are met.

8.2. Any changes in vehicle status (official use license plate to confidential license plate) require a DOA-FM-021, Fleet Vehicle Change Request, to FMO prior to, when practical, any changes being made.

8.3. FMO will request initial issuance or replacement of “official use” license plates for DOA-leased vehicles, including spending unit specialty plates that have been approved by West Virginia Code. Spending units are required to provide initial state “official use” license plate information for Model Year 2011 and earlier vehicles to FMO not later than June 30, 2011.

8.4. Upon decommissioning and retirement, revenue generated from the sale of the DOA-leased vehicle will be applied (minus applicable surplus property fee, if any) as a discount against the replacement lease for the vehicle being decommissioned. In the event, the spending unit fails to execute a replacement lease for the vehicle being decommissioned, revenue generated from the sale of the DOA-leased vehicle being decommissioned will be paid (minus applicable surplus property fee, if any) to DOA FMO to use at its sole discretion.

8.5. Regardless of intended use, spending units may not:

8.6. Increase fleet size without approval. DOA-FM-009, Fleet Permanent (one-year or more) Increase Request must be prepared by the spending unit and approved prior to taking possession of the seized or forfeited vehicle.

8.7. Vehicles that are proposed for donation and retention by a state spending unit must be approved through the use of a DOA-FM-005, Fleet Vehicle Request or DOA-FM-009,
Fleet Permanent (one-year or more) Increase Request. FMO will request initial issuance or replacement of all “official use” license plates for donated vehicles, including spending unit specialty plates that have been approved by West Virginia Code. Spending units are required to provide initial state “official use” license plate information for Model Year 2011 and earlier donated vehicles to FMO not later than June 30, 2011.

8.8. Upon decommissioning and retirement, revenue generated from the sale of donated vehicles will be paid to (minus applicable surplus property fee, if any) or retained by the spending unit in which the vehicle was bequeathed or donated.

8.9. Regardless of bequeathing or donation instructions to the contrary, spending units may not:

8.10. Increase fleet size without approval. DOA-FM-009, Fleet Permanent (one-year or more) Increase Request must be prepared by the spending unit and approved prior to perfecting the acceptance of the donated vehicle.

8.11. Vehicles that are forfeited through court process or seized by a state spending unit and intended for official use (whether temporary or permanent) by a law enforcement agency must be approved through the use of a DOA-FM-005, Fleet Vehicle Request or DOA-FM-009, Fleet Permanent (one-year or more) Increase Request. FMO will perform the initial administrative processes leading to titling and registration; and request initial issuance or replacement of all “official use” license plates for forfeited or seized vehicles, including spending unit specialty plates that have been approved by West Virginia Code. Spending units are required to provide initial state “official use” license plate information for Model Year 2011 and earlier forfeited or seized vehicles to FMO not later than June 30, 2011.

8.12. Upon decommissioning and retirement, revenue generated from the sale of seized or forfeited vehicles will be paid to (minus applicable surplus property fee, if any) or retained by the spending unit that affected the forfeiture or seizure to administer as directed by federal or state statute/code or regulation.

8.13. Regardless of intended use, spending units may not:

8.14. Increase fleet size without approval. DOA-FM-009, Fleet Permanent (one-year or more) Increase Request must be prepared by the spending unit and approved prior to taking possession of the seized or forfeited vehicle.

8.15. Requirements for issuance of temporary license plates by car dealerships remain unaffected.
8.16. No fee is attached for West Virginia registration renewal for “official use” licensed vehicles.

9.0 Request for Non-“Official Use” License Plate:

9.1. Spending units must ensure that long-term lease contracts are pre-approved by FMO using DOA-FM-005, Fleet Vehicle Request or DOA-FM-009, Fleet Permanent (one-year or more) Increase Request and DOA-FM-002A/B, Fleet Mandatory Requirements are met.

9.2. Leasing companies are responsible for obtaining the initial non-“official use” license plate, initial registration, and initial inspection. Subsequent registration renewals and inspections will be obtained by the spending unit in accordance with the lease contract.

9.3. Obtaining a long-term lease vehicle does not constitute authority to increase fleet size by the spending unit, nor constitute authority to exceed the total number of non-“official use” license plates authorized by West Virginia Code §17A-3-23.

9.4. Spending units are required to provide initial state non-“official use” license plate information to FMO not later than June 30, 2011.

9.5. Any fees associated with long-term lease contract vehicles will be borne by the spending unit assigned the vehicle.

9.6. Requirements for issuance of temporary license plates by car dealerships remain unaffected.

10.0 Titling Authority and Convention:

10.1. FMO will perform the administrative processes leading to initial titling and registration of state-owned vehicles. The original title will be maintained securely by FMO in the Fleet Record Center. Spending units will be provided secure, web-enabled access to vehicle titling and registration information.

10.2. Vehicles may be titled in the name of the spending unit that funded the vehicle purchase or as required by federal or state statute/code, regulation, or federal grant contract.

10.3. Donated vehicles may be titled in the name of the spending unit in which they are bequeathed or donated.

10.4. Forfeited or seized vehicles may be titled in the name of the law enforcement agency affecting the forfeiture or seizure.
10.5. Long-term lease vehicles may be titled in the name of the leasing company (vehicle owner) in care of (C/O) the spending unit.

10.6. Spending units are required to provide the original title for Model Year 2011 and earlier vehicles to the FMO Fleet Record Center for safekeeping not later than June 30, 2011.

10.7. Any changes in vehicle status or requested changes in titling or registration information require a DOA-FM-021, Fleet Vehicle Change Request, to FMO prior to, when practical, any changes being made.

10.8. Costs associated with annual registration change/renewal will be borne by the spending unit.

11.0 Term of Assignment:

11.1. Assignment of a vehicle to a spending unit will normally be for a minimum period of four years or 100,000 miles whichever occurs later. The FMO will prepare vehicle utilization criteria and replacement methodology annually.

11.2. Exceptions to the minimum term of assignment may be granted by the FMO when in the best interest of the State of West Virginia or the affected spending unit.

11.3. Vehicle assignments will terminate upon notification by FMO; at the expiration of vehicle financing agreement; or as determined by the spending officer for vehicles without lien holder.

Subsection II: Vehicle Utilization

1.0 Spending Unit Fleet Coordinator (SUFC) Role:

1.1. To ensure full and proper utilization, vehicles are assigned to a spending unit and managed by the SUFC in coordination with the spending officer. While the needs of a specific employee, activity, department, division, etc. may be used as justification for assignment of a vehicle, the assigned vehicle will remain under the direct control of the SUFC for utilization, maintenance, repair, and transfer authority within the spending unit.

2.0 Request for Exemption to Minimum Mileage Criteria:

2.1. Exemptions to the minimum mileage specified for assignment or retention of a vehicle may be submitted to FMO using DOA-FM-013, Fleet Utilization Exemption
2.2. Using DOA-FM-013, Fleet Utilization Exemption Request, select one of the following Exemption Reason Codes:

2.2.1. PSV - Vehicles assigned to public safety officers.

2.2.2. SEV - Vehicles assigned to employees whose job duties require the constant use or continuous availability of specialized equipment which cannot feasibly or economically be either transferred between centralized fleet vehicles or carried in personal vehicles. Such equipment may include medical supplies; monitoring or testing apparatus or other supplies; equipment or material necessary to perform the spending unit's mission or function.

2.2.3. ERV - Vehicles assigned to employees, on 24-hour call, who must respond to emergencies on a regular or continuing basis where the emergency response is normally to a location other than the employee's official work station.

2.2.4. ETV - Vehicles assigned to employees for essential travel related to the transportation of authorized passengers on a routine basis; or for the essential administrative functions of the spending unit for which the use of a temporary assignment vehicle, daily rental vehicle, long-term lease vehicle, or personally owned vehicle using mileage reimbursement is neither feasible nor economical.

2.2.5. ENV - Vehicles that are free of lien and in the judgment of the spending officer are both economical and necessary for spending unit mission accomplishment. No more than ten percent (20%) of the spending unit’s vehicles may be exempted using this Exemption Reason Code.

3.0 Reassignment of Vehicles Due to Underutilization:

3.1. In cases where spending units cannot justify continued assignment of a vehicle using DOA-FM-013 Fleet Utilization Exemption Request, FMO will recommend to the spending officer an –intra/-inter spending unit vehicle transfer or decommissioning of the affected vehicle.

3.2. FMO will advise the spending unit in writing of its recommendation using DOA-FM-
013, Fleet Utilization Exemption Request within five (5) days of receipt of the form by FMO.

3.3. The spending unit may appeal the FMO recommendation to the Cabinet Secretary, Department of Administration using the disapproved DOA-FM-013, Fleet Utilization Exemption Request. A failed utilization exemption appeal will result in an –intra/-inter spending unit vehicle transfer or failing attempts over a 30-day period by spending unit to coordinate an –intra/-inter spending unit vehicle transfer, instructions will be issued by FMO to the spending unit to decommission and retire the affected vehicle. Salvage revenue (minus surplus property fee, if any) for the retired vehicle will be paid to the spending unit that funded the vehicle purchase initially.

3.4. In cases where an –intra/-inter spending unit vehicle transfer is successful, the gaining spending unit will pay to the losing unit a one-time payment equal to the expected salvage value of the vehicle (minus surplus property fee, if any) unless waived or reduced by the losing spending unit. Payment, if appropriate, to the losing spending unit will be concurrent to the transfer date of the vehicle to the gaining spending unit. Upon decommissioning and retirement, any future salvage revenue will be paid to the gaining spending unit.

3.5. Upon transfer, the gaining spending unit will become responsible for expenses associated with the vehicle, e.g., fuel, insurance, maintenance, repair, and prevailing monthly FMO administrative fee, etc.

3.6. An –intra/-inter spending unit transfer does not constitute authority to increase fleet size. Request to increase fleet size will be made by the gaining spending unit using DOA-FM-009, Fleet Permanent (one-year or more) Increase Request.

3.7. In all cases, the transfer or retirement of an underutilized vehicle will be tracked by FMO and may not be used by the losing spending unit to offset a future FMO authorized purchase without an approved DOA-FM-009, Fleet Permanent (one-year or more) Increase Request.

4.0 Reassignment of Vehicles Due to Failure to Comply with Lease Requirements:

4.1. Vehicles owned by DOA FMO and leased to spending units may be reassigned if any of the following events occur:

4.1.1. The vehicle is not exempt from the minimum mileage for assignment or retention requirement using DOA-FM-013, Fleet Utilization Exemption Request.

4.1.2. Vehicle abuse occurs, which includes but is not limited to:
4.1.2.1.1. Improper care and maintenance.

4.1.2.1.2. Excess or extended periods of filth.

4.1.2.1.3. Operating the vehicle without servicing at the specified maintenance frequency.

4.1.2.1.4. Damage to the vehicle caused by willful disregard or improper use.

4.1.3. Lease payments are 60 days in arrears.

4.1.4. Vehicle spending unit is delinquent in the payment of any violation (any administrative or criminal notice, including citation where the vehicle driver’s name is not contained on the notice. A notice may take the form of a parking ticket, missing toll payment, or vehicle tow notice) on more than two occasions in a six-month period.

4.1.5. Vehicle driver is delinquent in the payment of any citation (administrative or criminal notice, including written warnings, provided directly to a vehicle driver or to a spending unit where the identity of the vehicle driver is contained on the notice. A notice may take the form of a traffic ticket, parking ticket, toll violations, or vehicle tow notice) on more than two occasions in a six-month period.

5.0 Suspension of Fleet Service Due to Failure to Pay Violation or Citation:

5.1. Use of central motor pool vehicles owned by DOA FMO and provided on a daily, weekly, monthly, or quarterly basis to spending units will be suspended if any of the following events occur:

5.1.1. Vehicle abuse occurs, which includes but is not limited to:

5.1.1.1.1. Improper care and maintenance.

5.1.1.1.2. Excess or extended periods of filth.

5.1.1.1.3. Damage to the vehicle caused by willful disregard or improper use.

5.1.2. Short-term lease payments are 60 days in arrears.

5.1.3. Vehicle spending unit becomes 30 days delinquent in the payment of any violation (any administrative or criminal notice, including citation where the


Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change
vehicle driver’s name is not contained on the notice). A notice may take the form of a parking ticket, missing toll payment, or vehicle tow notice.

5.1.4. Vehicle driver becomes 30 days delinquent in the payment of any citation (administrative or criminal notice, including written warnings, provided directly to a vehicle driver or to a spending unit) where the identity of the vehicle driver is contained on the notice. A notice may take the form of a traffic ticket, parking ticket, toll violations, or vehicle tow notice.

5.2. Periods of suspension:

5.2.1. The period of suspension for reasons identified in subdivisions 5.1.1. through 5.1.2. will be at the sole discretion of the FMO.

5.2.2. The period of suspension for reasons identified in subdivisions 5.1.3. through 5.1.4. will run concurrent with non-payment, until receipt of waiver by the issuing authority, or successful appeal to the Cabinet Secretary, Department of Administration.

5.2.2.1. Documentation of payment, waiver, or successful appeal must be provided to the FMO for service reinstatement to occur.

5.3. Formal Notification and Appeal Process:

5.3.1. Spending Officers will be formally notified of fleet service suspension and provided documentary evidence supporting the suspension.

5.3.2. Fleet service suspension may be appealed to the Cabinet Secretary, Department of Administration. The appeal must:

5.3.2.1. Be in written or electronic format;

5.3.2.2. Signed or transmitted by the Spending Officer;

5.3.2.3. Provide specific information why the spending unit or driver should not be required to pay the violation or citation.

Subsection III: Green Fleet Initiatives

1.0 Introduction

1.1. Purpose
1.1.1. This policy defines and documents the process for purchasing, oversight, operation, and management of the State's diverse vehicle fleet. As such, this policy covers all spending units that have vehicles or metered equipment that operate on gasoline, diesel, electricity, or other types of fuel or energy.

1.1.2. This policy sets guidelines to minimize greenhouse-gas (GHG) emissions of current and future fleet vehicles. Implementation of this policy will help the state meet its sustainability goals while reducing the short- and long-term costs of purchasing, maintaining, and operating state vehicles.

1.2. The overall objectives of this policy are to:

1.2.1. Inventory and report fleet-wide GHG emissions.

1.2.2. Optimize the fleet size, by eliminating or reassigning unused or under-utilized vehicles while promoting car-pooling across spending unit lines.

1.2.3. Encourage and educate state employees in eco-driving best practices (e.g., reduced idling).

1.2.4. Reduce tailpipe emissions (e.g., through advanced emissions controls).

1.2.5. Purchase, when necessary, new vehicles that provide the best available net reduction in vehicle fleet emissions, considering life-cycle economic and environmental impacts (e.g., by purchasing more efficient or alternative fuels vehicles).

2.0 Oversight: The Green Fleet Team

2.1. The Green Fleet Team will oversee refinement and implementation of the Green Fleet Policy.

2.2. The Green Fleets Team will be composed of representatives from:

2.2.1. Department of Administration, Fleet Management Office

2.2.2. Department of Administration, Central Purchasing Division

2.2.3. Department of Environmental Protection

2.2.4. Department of Commerce, Division of Energy

2.2.5. Spending units desiring to participate
2.3. The Green Fleet Team will be to monitor purchasing of state vehicles, metered equipment, and sustainable maintenance products and services in accordance with the goals and objectives of the Green Fleet policy.

2.4. Progress toward these goals will be measured against the Base Year 2011.

2.5. Beginning in 2012, the Green Fleet Team will present annual reports of findings and progress to the executive and legislative branches.

2.6. The Green Fleet Team will recommend acceptable initial incremental costs for improved environmental performance based on fuel savings and emissions reductions over the service life of a vehicle.

2.7. The Green Fleet Team will conduct comprehensive life-cycle cost analyses (including fuel, maintenance, and operational costs, as well as factors specific to emergency vehicles) prior to purchasing fleet replacements or additions. The corresponding bid process will reflect this analysis.

3.0 Establishing a Baseline Inventory

3.1. The State of West Virginia will establish and maintain an inventory of the vehicles in its fleet. The inventory will also be used for the State’s broader GHG-reduction initiatives and to monitor specific emissions parameters that have been captured since the base year.

3.2. The baseline year for the inventory and for the Green Fleet Policy will be Fiscal Year 2011.

3.3. The State’s Executive Director, Fleet Management Office will develop this baseline inventory. The Executive Director will thereafter provide updated inventory information on an annual basis, in a reliable and verifiable manner, to the Green Fleet Team, executive and legislative branches.

3.4. The baseline inventory metrics will include, for each vehicle class and fuel or energy type the following information:

3.4.1. Number of vehicles by EPA vehicle size classification.

(The size class for cars is based on interior passenger and cargo volumes as described below. The size class for trucks is defined by the gross vehicle weight rating (GVWR), which is the weight of the vehicle and its carrying capacity. Fuel economy regulations do not apply to heavy-duty vehicles, so
they are not tested.)

<table>
<thead>
<tr>
<th>Vehicle Size Classes Used in the Fuel Economy Guide</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CARS</strong></td>
</tr>
<tr>
<td>Class</td>
</tr>
<tr>
<td>Two-Seaters</td>
</tr>
<tr>
<td><strong>Sedans</strong></td>
</tr>
<tr>
<td>Mini-compact</td>
</tr>
<tr>
<td>Subcompact</td>
</tr>
<tr>
<td>Compact</td>
</tr>
<tr>
<td>Mid-Size</td>
</tr>
<tr>
<td>Large</td>
</tr>
<tr>
<td><strong>Station Wagons</strong></td>
</tr>
<tr>
<td>Small</td>
</tr>
<tr>
<td>Mid-Size</td>
</tr>
<tr>
<td>Large</td>
</tr>
<tr>
<td><strong>TRUCKS</strong></td>
</tr>
<tr>
<td>Class</td>
</tr>
<tr>
<td>Pickup Trucks Through Model Year 2007</td>
</tr>
<tr>
<td>Small</td>
</tr>
<tr>
<td>Standard</td>
</tr>
<tr>
<td><strong>Vans</strong></td>
</tr>
<tr>
<td>Passenger Through 2010</td>
</tr>
<tr>
<td>Passenger</td>
</tr>
<tr>
<td>Cargo</td>
</tr>
<tr>
<td>Minivans</td>
</tr>
</tbody>
</table>


Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change
<table>
<thead>
<tr>
<th>Sport Utility Vehicles (SUVs)</th>
<th>Through 2010</th>
<th>Beginning 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less than 8,500 lbs.</td>
<td>Less than 10,000 lbs.</td>
</tr>
<tr>
<td>Special Purpose Vehicles</td>
<td>Through 2010</td>
<td>Beginning 2011</td>
</tr>
<tr>
<td></td>
<td>Less than 8,500 lbs.</td>
<td>Less than 8,500 lbs. or less than 10,000, depending on configuration</td>
</tr>
</tbody>
</table>

*Gross Vehicle Weight Rating (GVWR) is calculated as truck weight plus carrying capacity.

3.4.2. Annual miles driven (or annual hours of metered equipment).

3.4.3. GHG emissions (i.e., carbon dioxide equivalent).

3.4.4. Non-GHG tailpipe emissions (i.e., EPA criteria pollutants).

3.4.5. Quantity of fuel consumed by fuel type.

3.4.6. Cost of fuel consumed by fuel type.

3.4.6.1. Gasoline

3.4.6.2. E-85

3.4.6.3. Diesel

3.4.6.4. Biodiesel

3.4.6.5. Compressed natural gas

3.4.6.6. Electricity (i.e., kWh taken from the grid)

3.5. This information will allow the Green Fleet Team to derive or request additional, relevant information, including the above metrics for the State’s fleet (calculated by summing each metric across all classes of vehicles and metered equipment) or on an average per-vehicle basis (calculated by dividing the total number of vehicles into the report metrics).

4.0 Implementation Strategies

4.1. Optimize Fleet Size
4.1.1. The Fleet Management Office will provide utilization reports to each spending unit and make recommendations about possible fleet reductions including using alternative transportation modes.

4.2. Replacement Vehicles

4.2.1. Replacement vehicles will achieve the greatest level of emission reductions possible while still meeting the operational needs of the State and being cost effective. Alternative fuel replacement vehicles should be procured only when there is fueling infrastructure in place at State operated or local commercial fueling stations to support the operation of these vehicles.

4.3. The State will make every effort to obtain the vehicles that are the most efficient and emit the lowest pollutants as possible as measured by available emissions certification standards and those published by the vehicle manufacturers:

4.3.1. Light Duty Vehicles: The State will purchase or lease only models of passenger vehicles and light duty trucks that are U.S. EPA certified, where service levels are not negatively impacted.

4.3.2. Medium Duty Vehicles: The State will purchase or lease only Medium Duty Vehicles whose engines are EPA certified as low-emission when available for the given application and where service levels are not negatively impacted.

4.3.3. Heavy-Duty Vehicles and Equipment: The State will purchase or lease only Heavy Duty Vehicles or Equipment whose engines are EPA certified as low-emission, when available for the given application and where service levels are not negatively impacted.

4.4. Emission and GHG-reduction targets will be reviewed initially on an annual basis, using the current and future EPA formula, by the Green Fleet Team and modified based on vehicles available for that model year and anticipated fleet purchases.

4.5. Once a meaningful baseline measurement is established, three-year and five-year target goals will be identified. Updates on target progress will be reported annually or at more-frequent intervals as determined by the Executive Director, Fleet Management Office.

4.6. Vehicle purchase requests will be reviewed and minimum emission reduction targets will be employed when possible. The Fleet Management Office will work with spending units to identify the most fuel-efficient vehicle with maximum emission reduction available that can meet the operational needs of the spending
unit, while taking into account the vehicle life-cycle costs and fuel availability.

4.7. Request for exemptions to the Green Fleet Policy will be submitted in writing to the Fleet Management Office. The Executive Director, Fleet Management Office will determine if there is sufficient justification to award an exemption.

4.8. Reduce Vehicle Size

4.8.1. Encourage the selection of vehicles of a smaller class size whenever possible in order to achieve increased miles per gallon and lower emissions. Requests for new vehicle purchases must be supplemented with written justification addressing the need for a class or type. The Fleet Management Office will work with the spending units to determine whether a proposed vehicle could be downsized and still fulfill its required function within the department.

4.9. Increase Use of Alternate-Fuel Vehicles and Equipment

4.9.1. Alternate-Fuel Vehicles and Equipment will be considered for procurement, when appropriate to the application, as new environmentally-friendly technology becomes available that fits the organizational need and the lifecycle cost analysis demonstrates the procurement and utilization of the vehicle to be economically feasible.

4.10. Fuels with lower emissions (such as compressed natural gas, ethanol, electricity, and biodiesel) will be used when feasible. Vehicles using these fuel types will be strongly considered when evaluating vehicle replacement.

4.11. Fleet Management Office will provide a summary list of alternative fuel vehicles (by fuel type) in the State’s fleet to the Department of Environmental Protection and Department of Commerce, Division of Energy as part of its Green Fleet Annual Report.

5.0 Vehicle Maintenance

5.1. Emission systems will be inspected annually.

5.2. Environmentally friendly products, such as recycled coolants and re-refined oils, will be used where available when cost effective and when it will not void the manufacturer's warranty. Re-treaded tires will be purchased for large-wheeled or slow-moving vehicles, when applicable.

6.0 Operation of Alternate-Fuel Vehicles
6.1. All alternate-fuel vehicles owned by the State of West Virginia will bear notice of the type of fuel source to be used in one or more locations that are plainly visible to the vehicle driver.

7.0 Reducing Other Environmental Impacts of Vehicles

7.1. In addition to tailpipe emissions, motorized vehicles and equipment may have other negative environmental impacts that can occur in their production, operation, and eventual disposal. Radiator fluids and other substances used in vehicles can have harmful consequences for the environment. Of particular concern are persistent, bio-accumulative, and toxic materials such as mercury, lead, and arsenic, which can be released at the end of the life of a vehicle. When possible, the Fleet Management Office will continue to reduce the life cycle environmental impacts of the vehicles. State vehicles that are identified for retirement will be evaluated on age, mileage, and emissions in order to determine the most appropriate disposal option in accordance with federal, state, and local rules and regulations.

8.0 Implementation Procedures

8.1. The Executive Director, Fleet Management Office is responsible for performing the analysis and making recommendations or decisions regarding vehicles that are most appropriate for the state to purchase, with input from spending units. The Executive Director, Fleet Management Office will base the recommendation or decision for a new or replacement vehicle on the purchasing values described below. While consideration will be given to the type of vehicle requested by the spending units, Fleet Management Office will purchase vehicles that follow the State of West Virginia Green Fleet Policy and the desire to create a more fuel efficient, cost-effective, and environmentally responsible state fleet.

9.0 Guidelines

9.1. Prior to the acquisition of any new or replacement vehicle, the following purchasing values will be considered and carefully examined:

9.1.1. Justification for the vehicle
9.1.2. Frequency of use (utilization)
9.1.3. Suitability for intended job
9.1.4. Fuel efficiency and vehicle size
9.1.5. Environmental impact

9.1.6. Initial and long-term cost

9.1.7. Safety and repair record

9.1.8. Hybrid or alternative fuel vehicle availability or preference

9.2. The Fleet Management Office will make every effort to purchase and use the lowest emission vehicle or equipment item possible, while taking into account the vehicle's lifecycle costs, life cycle environmental impacts, and ability to support spending unit operation and services.

10.0 Exemptions

10.1. The Fleet Management Office may grant an exemption from the requirements of this policy under any one of the following circumstances:

10.1.1. Where the analysis demonstrates to the satisfaction of Fleet Management Office of the following:

10.1.1.1. That any amortized additional incremental cost of purchasing a lower emission vehicle that complies with the requirements of this policy cannot be recovered over the operational life of the vehicle or metered equipment through a reduction in fuel, maintenance, and other costs incurred during the operating life of such vehicle or equipment; and

10.1.1.2. That Fleet Management Office, or another spending unit, has unsuccessfully applied for grant funding for the purchase of the vehicle or motorized equipment that complies with the requirements of this policy. In such cases, the Fleet Management Office will refer back to preceding exemption criteria.

10.1.1.3. New emergency vehicles purchased under this policy must provide comparable performance, safety, and fuel availability during emergencies as conventionally powered emergency vehicles.

11.0 Increase to Fleet Size

11.1. Spending units seeking additional vehicles for their fleet must submit a DOA-FM-
009, Fleet Permanent (One-year or more) Increase Request. The series of questions on the form provides needed information for the Executive Director, Fleet Management Office to complete a business need analysis. The Executive Director, Fleet Management Office will then work with the spending unit to reach a decision about expanding the fleet. The completion and filing of this form with the Executive Director, Fleet Management Office does not guarantee that an additional vehicle will be purchased, nor does it imply that the spending unit will receive the vehicle of their choice.

11.2. A DOA-FM-009, Fleet Permanent (One-year or more) Increase Request will also be completed by the spending unit if they wish to purchase a vehicle that is a different in vehicle class from the one being replaced.

12.0 Annual Reporting

12.1. The Fleet Management Office will provide a Green Fleet Annual Report. This report will include updated fleet-inventory information, along with an update on progress toward the emissions reduction goal, the percentage of alternate fuel vehicles in the state fleet, and year-by-year performance for each matrix. The report will also include reporting on the number of exemptions, approved by spending unit and justification cited.

12.2. The Green Fleet Annual Report will be reviewed by members of the Fleet Green Team to determine program effectiveness.

12.3. Annual Fleet Management Office purchasing plans will be developed using the options listed above, recommendations from the Environmental Coordinating Team and in accordance with other applicable state policies.

12.4. Alternate Fuel: Any fuel other than gasoline, diesel, and other substantially petroleum based fuels that is less polluting than gasoline or diesel fuel. Alternate fuel will include, but is not limited to, natural gas, propane, ethanol (E-85), biodiesel (85 or higher), and electricity, etc.

Subsection IV: Strategic Performance Review (SPR)

1.0 Annual SPR:

1.1. FMO will provide spending units with access to a secure, web-enabled fleet management program to monitor, maintain, and report data for assigned vehicles and drivers.

1.2. FMO will provide a State Fleet Annual Performance Report by October 31st of
each year on the previous calendar year to the Executive, Legislative, and Judicial branches of state government. The State Fleet Annual Performance Report will provide data and narrative explanation on the following categories:

1.2.1. Asset management.

1.2.2. Accident, damage, and loss costs and trends.

1.2.3. Driver risk evaluation program results.

1.2.4. Citation trends.

1.2.5. Driver safety training program results.

1.2.6. Vehicle violation trends.

1.2.7. Utilization below 18,000 miles by associated Exemption Reporting Codes.

1.2.8. Annual cost of ownership (depreciation, financing, fuel, insurance, maintenance, repair, etc.).

1.2.9. Per vehicle per month (PVPM) average maintenance expenditure by vehicle classification (passenger, sport utility, minivan, pickup, full-size van, etc.).

1.2.10. Environmental Protection Act (EPAct) fleet reporting results.

1.2.11. Corporate Automotive Fuel Economy (CAFE) fleet compliance.

1.2.12. Planned FMO initiatives.

1.3. FMO will provide a Spending Unit Fleet Annual Performance Report by March 31st of each year on the previous calendar year to the Executive, Legislative, and Judicial branches of state government. The Spending Unit Fleet Annual Performance Report will provide data and narrative explanation on the following categories:

1.3.1. Asset management.

1.3.2. Accident, damage, and loss costs and trends.

1.3.3. Driver risk evaluation program results.

1.3.4. Citation trends.
1.3.5. Driver safety training program results.

1.3.6. Vehicle violation trends.

1.3.7. Utilization below 18,000 miles by associated Exemption Reporting Codes.

1.3.8. Annual cost of ownership (depreciation, financing, fuel, insurance, maintenance, repair, etc.).

1.3.9. Per vehicle per month (PVPM) average maintenance expenditure by vehicle classification (passenger, sport utility, minivan, pickup, full-size van, etc.).

1.3.10. Environmental Protection Act (EPAAct) fleet reporting results.

1.3.11. Corporate Automotive Fuel Economy (CAFE) fleet compliance.

1.3.12. Planned spending unit initiatives.

Subsection V: Ad Hoc Reporting and Freedom of Information Act (FOIA) Requests:

1.0 Ad Hoc Reporting:

1.1. The FMO will provide ad hoc reports to non-spending unit requestors as required by federal/state statute/code, regulation, or DOA policy. Costs associated with report preparation, duplication, or dissemination will be borne by the requestor at the prevailing FMO Freedom of Information Act (FOIA) rate.

1.2. Spending units may request ad hoc reports at any time from the FMO at no cost to the spending unit. Unless otherwise specified by the spending unit, ad hoc reports will be provided to the spending unit within five (5) workdays of report request receipt by the FMO. Ad hoc report requests must be transmitted electronically to: Fleet@wv.gov using DOA-FM-015, Fleet Ad Hoc Report Request.

2.0 Freedom of Information Act (FOIA) Requests:

2.1. The West Virginia Freedom of Information Act provides that any person has a right, enforceable in court, of access to state records, except to the extent that such record is protected from disclosure by exemptions or exclusions. More comprehensive information is also available in the Frequently Asked Question Section of these policies and procedures.

2.2. The following sample letters may be used to request information from the FMO. The

__________

Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change
bracketed [ ] areas explain how to use these sample letters to write your own letter.

**Freedom of Information Act Request Letter**

Department of Administration  
Fleet Management Office - FOIA  
2101 Washington Street East  
P.O. Box 50121  
Charleston, WV 25305-0121

Re: Freedom of Information Act Request

Dear Sir/Ma’am:

This is a request under the West Virginia Freedom of Information Act, §29B-1-1.

I request that a copy of the following documents [or documents containing the following information] be provided to me:

[identify the documents or information as specifically as possible].

In order to help to determine my status to assess fees, you should know that I am [insert a suitable description of the requester and the purpose of the request].

[Sample requester descriptions:

--a representative of the news media affiliated with (a newspaper, magazine, television station, etc., or a public interest organization that publishes or disseminates information, etc.), and this request is made as part of news gathering and not for a commercial use.

--affiliated with an educational or noncommercial scientific institution and this request are made for a scholarly or scientific purpose and not for a commercial use.

--an individual seeking information for personal use and not for a commercial use.

--affiliated with a private corporation and am seeking information for use in the company's business.]

I understand that a FOIA processing request deposit of $50 (non-refundable) must be made prior to my FOIA request being actioned by the FMO. I am willing to pay this fee for this request (check or money order enclosed and made payable to FMO) and any additional fees up to a maximum of $[ ]. If you estimate that the fees will exceed this amount, please inform me
first.

[Optional] I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. [Include a specific explanation.]

I request the requested information be provided [hard copy or digital format], [black/white and grey scale only or black/white and color if hard copy], and be delivered via [email, most economical alternative method, two-day, or overnight delivery method].

Thank you for your consideration of this request.

Sincerely,

Name
Address
City, State, Zip Code
Telephone Number [optional]
E-mail Address [optional]

Freedom of Information Act Appeal Letter

Department of Administration
General Counsel
Building 1, Room E-119
1900 Kanawha Blvd. East
Charleston, WV 25305

Re: Freedom of Information Act Appeal

Dear Sir/Ma’am:

This is an appeal under the Freedom of Information Act.

On [date], I requested documents under the Freedom of Information Act. My request was
assigned the following identification number [00-000-00].

On [date], I received a response to my request in a letter signed by [name of official]. I appeal the denial of my request.

[Optional] The documents that were withheld must be disclosed under the FOIA because

[provide details]

[Optional] I appeal the decision to deny my request for a waiver of fees. I believe that I am entitled to a waiver of fees. Disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interests. [provide details]

[Optional] I appeal the decision to require me to pay review costs for this request. I am not seeking the documents for commercial use. [provide details]

[Optional] I appeal the decision to require me to pay search charges for this request. I am a reporter seeking information as part of news gathering and not for commercial use.

Thank you for your consideration of this appeal.

Sincerely,

Name
Address
City, State, Zip Code
Telephone Number [optional]
Email Address [optional]

3.0 FOIA Exemptions

3.1. The following categories of information are specifically exempt from disclosure under the provisions of this paragraph:

3.1.1. Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate
minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors;

3.1.2. Information of a personal nature such as that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance: Provided, That nothing in this subdivision shall be construed as precluding an individual from inspecting or copying his or her own personal, medical or similar file;

3.1.3. Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination;

3.1.4. Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement;

3.1.5. Information specifically exempted from disclosure by statute;

3.1.6. Records, archives, documents or manuscripts describing the location of undeveloped historic, prehistoric, archaeological, paleontological and battlefield sites or constituting gifts to any public body upon which the donor has attached restrictions on usage or the handling of which could irreparably damage such record, archive, document or manuscript;

3.1.7. Information contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions, except those reports which are by law required to be published in newspapers;

3.1.8. Internal memoranda or letters received or prepared by any public body;

3.1.9. Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the public health;

3.1.10. Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of law enforcement or emergency response personnel;


Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change
3.1.11. Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, state and local law enforcement and other agencies within the Department of Military Affairs and Public Safety;

3.1.12. National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;

3.1.13. Computing, telecommunications and network security records, passwords, security codes or programs used to respond to or plan against acts of terrorism which may be the subject of a terrorist act;

3.1.14. Security or disaster recovery plans, risk assessments, tests or the results of those tests;

3.1.15. Architectural or infrastructure designs, maps or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located;

3.1.16. Codes for facility security systems; or codes for secure applications for such facilities referred to in subdivision (15) of this subsection;

3.1.17. Specific engineering plans and descriptions of existing public utility plants and equipment;

3.1.18. Customer proprietary network information of other telecommunications carriers, equipment manufacturers and individual customers, consistent with 47 U.S.C. §222; and

3.1.19. Records of the Division of Corrections and the Regional Jail Authority relating to design of corrections and jail facilities owned or operated by the agency, and the policy directives and operational procedures of personnel relating to the safe and secure management of inmates, that if released, could be utilized by an inmate to escape a corrections or jails facility, or to cause injury to another inmate or to facility personnel.

3.2. As used above, the term "terrorist act" means an act that is likely to result in serious
bodily injury or damage to property or the environment and is intended to:

3.2.1. Intimidate or coerce the civilian population;

3.2.2. Influence the policy of a branch or level of government by intimidation or coercion;

3.2.3. Affect the conduct of a branch or level of government by intimidation or coercion; or

3.2.4. Retaliate against a branch or level of government for a policy or conduct of the government.

3.3. Nothing in the preceding subparagraphs should be construed to make subject to the provisions of this section any evidence of an immediate threat to public health or safety unrelated to a terrorist act or the threat thereof which comes to the attention of a public entity in the course of conducting a vulnerability assessment response or similar activity.

Subsection VI: Decommissioning, Retirement, and Remarketing

1.0 Decommissioning and Retirement Criteria:

1.1. Vehicles will not be decommissioned and retired until they qualify for at least one of the following criteria:

1.1.1. Vehicle has 100,000 miles and is 4 years old or older, whichever occurs last.

1.1.2. Vehicle without lien holder has damage or needs repair that is greater than 50% of the vehicle’s depreciated value.

1.1.3. Board of Risk and Insurance Management or other insurance underwriter has taken possession of a damaged “total loss” vehicle.

1.1.4. Spending unit has determined that vehicle is no longer needed, is excess to their needs, and the FMO has been unsuccessful in assisting with an –intra/-inter spending unit transfer.

2.0 Vehicle Remarketing:

2.1. Once a vehicle has met a minimum decommissioning and retirement requirement above, the spending unit must make every effort to remarket the vehicle and obtain
the maximum residual value.

2.2. A joint cost-benefit analysis will occur between the spending unit and its authorized surplus property location to determine what, if any, repairs should occur prior to remarketing the vehicle.

2.3. In all cases, the following will occur prior to releasing any state-owned or leased vehicle to any non-state spending unit, individual, or company:

2.3.1. All seals, decals, and spending unit equipment will be removed from the vehicle; or when removal of seals and decals is not practical due to damage, identifying markings will be permanently covered with paint or paint primer.

2.4. The vehicle will be returned to the spending unit authorized surplus property location. If the vehicle is not drivable, the SUFC will make arrangements for the vehicle to be transported to the spending unit authorized surplus property location or gain approval from the surplus property office to dispose of the vehicle locally.

Section V: Safety Program

Subsection I: General

1.0 Introduction:

1.1. The safety program and Loss Control Questionnaire was developed by the Board of Insurance and Risk Management. SUFC’s are required to:

1.2. Complete Section III (Vehicle/Driver Safety) annually and provide an updated copy to FMO and the spending unit Loss Control Program Coordinator not later than 30 days following the end of each fiscal year.

1.3. Ensure a vehicle safety plan exists for the spending unit and that each driver has signed the Policy and Procedure Acknowledgement Form

1.4. Questions on completing the Loss Control Questionnaire or spending unit driver safety program may be directed to:

Jeremy C. Wolfe       Clay Chandler, MBA, CPFP
Loss Control Manager   Executive Director, FMO
Board of Risk and Insurance Management   2101 Washington Street East
90 MacCorkle Avenue, S.W., Suite 203     P.O. Box 50121
South Charleston, WV 25303-1444           Charleston, WV 25305-0121
Jeremy.C.Wolfe@wv.gov               Clay.D.Chandler@wv.gov
2.0 Purpose:

1.5. The purpose of the Loss Control Questionnaire is to provide BRIM and FMO with information to better understand spending unit efforts to limit and control preventable claims and also to provide detailed information regarding specific loss control policies and programs. In addition, the information provided will help identify specific risk management areas where technical assistance may be of the greatest benefit to each spending unit.

2.0 Example Fleet Loss Control Questionnaire

(This questionnaire applies whether employees, board members/officers, or volunteers drive spending unit vehicles or use their own vehicles on spending unit-related travel).

<table>
<thead>
<tr>
<th>Do you have individuals that drive on your organization’s behalf?</th>
<th>Yes □</th>
<th>No □</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you verify that all employees who drive vehicles on your behalf have a valid driver’s license</th>
<th>Yes □</th>
<th>No □</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you have a copy of each of their driver’s licenses in your files?</th>
<th>Yes □</th>
<th>No □</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you check DMV driver records for every employee who drives a vehicle on your behalf?</th>
<th>Yes □</th>
<th>No □</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you provide training on safe vehicle operations to your employees? If the answer is “yes”, who provides this training? _______ _______ ___ _______</th>
<th>Yes □</th>
<th>No □</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you perform regular preventive maintenance on all spending unit owned or leased vehicles?</th>
<th>Yes □</th>
<th>No □</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you verify that all vehicles driven by employees on work-related duties (whether private or spending unit-owned) are properly insured and registered with valid inspections?</th>
<th>Yes □</th>
<th>No □</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Do you have a policy to, and do you perform root cause analyses in the event of vehicle accidents?</th>
<th>Yes □</th>
<th>No □</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>What action is taken as a result of these analyses?</th>
<th></th>
<th></th>
</tr>
</thead>
</table>
Do you have a program for recognizing safe drivers and accident-free driving? If “yes”, how do you recognize these drivers? ________________________________
________________________________________

(Please count the number of yes’s and no’s and provide the numbers in the area provided below).

NUMBER OF YES’S AND NO’S _______ _______

“Root Cause” accident investigations are investigations whose purpose is to identify all the contributing factors that lead to an accident, including: failure to follow procedures (“driver error”); inadequate training; improper maintenance; failure to enforce rules (“supervisor error”); weather conditions, etc., and thus, to eliminate all factors that contributed to an accident so they will not be repeated. “Assigning blame” is not a root cause investigation, and will not help prevent future accidents.

3.0 Policy Statement:

3.1. The State of West Virginia is committed to instituting and maintaining a Fleet Safety Program. The goal of the Fleet Safety Program is to take the proper steps to prevent loss of life, injury, or property damage to all employees and members of the general public. The FMO recognizes that the responsibilities for safety and loss prevention must be shared by everyone.

Subsection II: Responsibilities

1.0 Responsibilities

1.1. Management

1.1.1. Assume responsibility for the driving record of employees while they are on duty.

1.1.2. Frequently check for compliance of the established requirements and policies in which all personnel are required to adhere to.

1.1.3. Personally review the decisions on accidents and take all steps necessary to prevent a recurrence.

1.1.4. Establish and adhere to policies on disciplinary actions in accordance with the
policy regarding actions that will be taken against employees who show a repeated disregard for good driving practices.

1.1.5. Insist that all assigned vehicles are maintained adequately for safe operation.

1.1.6. Establish periodic inspection of assigned vehicles for safety discrepancies, malfunctions, and signs of abuse, unreported damage and cleanliness. Have repairs made as soon as possible.

1.1.7. Fully support the BRIM and FMO driver training program to promote defensive driving.

1.1.8. Review each preventable vehicle accident and unsafe driving report with the employee and his supervisor to emphasize management's intolerance of irresponsibility behind the wheel.

1.1.9. Establish an aggressive campaign to enforce the wearing of seat belts on all trips.

1.2. Supervisors

1.2.1. Ensure that employees do not drive any state-owned or leased vehicle unless they have a valid driver's license and are familiar with spending unit driving rules and regulations.

1.2.2. Ensure that only authorized personnel are allowed to operate state-owned or leased vehicles, special purpose vehicles, and trucks.

1.2.3. Must be alert in observing unsafe practice of employees and ensure that action is taken immediately to correct the driver.

1.2.4. Review all preventable vehicle collisions with employees at Safety Meetings and discuss each unsafe act that was contributed to the vehicle collision.

1.2.5. Periodically ride along with the vehicle driver to check for compliance with operating instructions and traffic regulations.

1.2.6. Ensure that unsafe vehicles are not driven until safety discrepancies have been corrected.

1.2.7. Fully execute the decisions and recommendations provided by the Safety/Loss Control Committee.
1.3. Employees

1.3.1. Employees who drive state-owned or leased vehicles are required to formally acknowledge using the DOA-FM-the guidelines provided in this policy and procedure manual responsible for:

1.3.2. Safe operation of vehicles and for the safety of passengers and cargo.

1.3.3. Having a valid driver's license in their possession.

1.3.4. Inspecting the vehicle which they are about to drive, in accordance with established policies.

1.3.5. Reporting any vehicle accidents.

1.4. SUFC and Safety/Loss Control Officer

1.4.1. The SUFC and Safety/Loss Control Officer will implement the policies the Fleet Safety Program. Those responsibilities include:

1.4.2. Monitoring the driving experience of employees who operate state-owned or leased vehicles.

1.4.3. Ensuring proper maintenance procedures are being followed to keep vehicles in a safe operating condition.

1.4.4. Verifying that adequate insurance limits are maintained by drivers who use their personal vehicle for state business.

Subsection III: Driver Eligibility

1.0 Driver's License:

1.1. Anyone driving a state-owned, leased, rented, or operated vehicle must have a valid driver's license. Vehicle drivers must show the license prior to obtaining any shared – use vehicle from FMO or the spending unit. Spending units must have policies and procedures in place to verify individuals authorized to drive any state-owned or leased vehicle possess and maintain a valid driver's license for the vehicle that they will be operating.

1.2. Spending units will obtain a legible copy of the license of all driver applicants. A review of the license will be conducted to be certain it is valid, has not expired, and is the appropriate for the class of vehicles in which driving is required.
1.3. Whenever driving state-owned or leased vehicles or operating their personal vehicle for state official business, employees must have in their possession a valid driver's license. Employees will notify their supervisor within one business day if their license is suspended, revoked, or expired.

1.4. Employees who drive vehicles, which require a Commercial Driver’s License (CDL), will comply with the West Virginia State Department of Motor Vehicles' requirements for medical examinations and license renewal.

1.5. SUFC’s will maintain a system that ensures all employees operating vehicles have the proper class of license and check licenses for current status at frequent intervals.

2.0 Monitoring Driver Status:

2.1. For temporary assignments, an employee must show the supervisor a driver's license before using the vehicle.

2.2. For permanent assignments, an employee must show the SUFC or FMO a driver’s license before signing for the vehicle.

2.3. For commercial daily rental vehicle use, an employee must meet the requirements of the rental company contract before using the vehicle and must comply with any additional requirements by the Travel Management Office.

2.4. For FMO daily rental vehicle use, an employee must show FMO a driver’s license before signing for the vehicle.

2.5. For long-term lease vehicle use, an employee must meet the requirements of the leasing company contract before using the vehicle.

2.6. For any privately owned vehicle used to transport authorized passengers, an employee must show the supervisor a driver’s license before using the vehicle.

2.7. The DOA FMO, DOA Board of Risk and Insurance Management, or spending unit may request and review driving record/s for state employees and non-employees at any time. Information affecting employability or insurability will be referred to the spending unit for action as appropriate.

2.8. Violation or Citation:

2.8.1. State employees and non-employees are responsible for responding to any and all citations or warrants issued or fines levied regarding the operation or
parking of the vehicle, to which he or she is assigned (either temporarily or permanently) and is personally liable for any and all fines or penalties – criminal or civil.

2.8.2. Employees and non-employees are required to report to their supervisor no later than the next business day, when practical, any vehicle loss, damage, towing, or violation; and any driver citation that may result in either temporary or permanent driver’s license suspension.

2.8.3. The SUFC will ensure that each employee has completed a DMV-101-PS-2 Driver Authorization no later than 30 June 2011.

2.8.4. The State of West Virginia believes knowing the ability, experience and attitude of drivers is a key factor in the selection process. An important area in this process is to establish qualification standards for new employees and existing employees that have driving duties. To enforce these standards, the FMO has implemented the following driver qualification procedures.

3.0 Driver Age Requirements

3.1. All drivers must be a minimum of eighteen (18) years of age.

4.0 Application for Employment

4.1. All driver applicants shall complete a DOA-FM-022, Fleet Employment Application Driving Position Supplement containing the information required for positions in which driving is required.

4.2. The State of West Virginia's hiring standards also require that driver applicants list all former employers for the past ten (10) years. Any gaps in employment for more than a one-year period must be satisfactorily accounted for on the application.

4.3. Spending units will, when practical, contact all former and current employers of the driver applicant to verify as much of the following information as possible:

4.3.1. Dates of employment.

4.3.2. Type of work performed.

4.3.3. Type of vehicle(s) operated.

4.3.4. Extent of driving experience.
4.3.5. Vehicle accident record.

4.3.6. Overall work history and performance

4.4. All former and current employer information gathered from the inquiries must be in writing and will be retained in the driver's (if hired) qualification file. In the event a former or current employer refuses to release information, a note stating this fact will be placed in the file.

4.5. The SUFC and Safety/Loss Control Officer will review all former and current employer information to determine if the driver applicant meets the hiring standards regarding past and current employment, and to determine if the applicant was truthful about information listed on the employment application.

5.0 MVR Check and Evaluation

5.1. Spending units will request an MVR using the appropriate form for the state in which the driver is licensed. An MVR will be requested from every state the applicant has lived in during the past ten (10) years. The SUFC and Safety/Loss Control Officer will review all MVR information to determine if driver applicant meets the qualification standards regarding driving records.

5.2. A formal review of the driver’s MVR will be conducted on an annual basis during the driver’s birth month (or more frequently where warranted, e.g., vehicle accident, incident, event, violation, etc.) to ensure that existing drivers are continuing to meet established qualification standards.

5.3. Each MVR received will be reviewed in a timely manner and evaluated for compliance.

5.4. A copy of all records will be maintained in the employee’s Driver Qualification File (DQF) along with any corrective action documentation.

5.5. MVR’s are personal, protected from disclosure by the Motor Vehicle Records Disclosure Act, and should only be discussed with the driver or other persons authorized by the Act. Spending units are required, when practical, to complete corrective action within thirty (30) calendar days from receipt of MVR results.

Subsection IV: Driver Qualification Standards

1.0 General:

1.1. To ensure that potential new and existing drivers meet the State of West Virginia’s
qualification standards for motor vehicle operation, the following policies have been instituted regarding:

1.1.1. Corrective action plans executed based on the number of points and violations shown from the MVR checks and evaluations for existing state employees.

1.1.2. Corrective action plans executed or drivers involved in preventable accidents.

1.2. The State of West Virginia has established a point structure system to evaluate potential new and current driver motor vehicle records.

1.3. If a potential employee will be required to operate a state vehicle as part of his/her job requirements, an MVR check must be completed either by The SUFC or Safety/Loss Control officer or the supervisor for that employee before an employee may be offered employment.

1.4. If a potential new employee meets or exceeds seven (7) points total within the previous three (3) years or exceeds four (4) points within the previous 12 months, they are not eligible for a position that requires driving a state-owned or leased vehicle.

1.5. The same point policy applies to existing employees as in terms of points assessed for traffic violations or motor vehicle offenses. Drivers who meet or exceed seven (7) points accumulated in a three (3) year period will not be allowed to drive a state-owned or leased vehicle until such time as the MVR reveals six (6) or fewer points — and only after completing the following corrective action plan.

1.6. If the MVR reveals seven (7) or greater points, the following corrective action plan will be taken:

1.6.1. Drivers will be required to complete a Driver Risk Assessment Program and specialized driver training provided by the FMO.

1.6.2. Drivers will be required to complete a state Division of Motor Vehicle (DMV) approved Defensive Driving Course (DDC). Review the DMV website for currently approved DDC providers.

1.6.3. Associated cost will be borne by the spending unit. The spending unit may, at its discretion, require reimbursement by the driver and take additional corrective or disciplinary action.

1.7. If the MVR reveals six (6) or fewer points during the preceding thirty-six (36) months, the following corrective action plan will be taken:

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Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change

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1.7.1. Drivers will be required to complete a Driver Risk Assessment Program and 
specialized driver training provided by the FMO.

1.7.2. Associated cost will be borne by the spending unit. The spending unit may, at 
its discretion, require reimbursement by the driver and take additional 
corrective or disciplinary action.

1.8. No potential new or existing driver will be allowed to drive a state-owned or leased 
vehicle or their privately owned vehicle on state official business if there MVR reveals:

1.8.1. A currently suspended, revoked, or cancelled driver’s license.

1.8.2. The following offenses:

1.8.2.1. Murder or assault with a motor vehicle.

1.8.2.2. Negligent homicide.

1.8.2.3. Theft of a motor vehicle.

1.8.2.4. Hit and run or fleeing the scene of an accident.

1.8.2.5. Any single offense assessing six (6) or more points during the 
preceding thirty-six (36) months, e.g., DUI/DWI, illegal drug 
offense, fleeing a police officer, speeding in a school zone, 
reckless driving, racing on public road, etc.

1.9. Spending units may, at their sole discretion, take additional corrective or disciplinary 
action.

1.10. Each employee involved in a preventable, at fault vehicular accident, whether it 
volves the public or not, will be required to:

1.10.1. Complete a Driver Risk Assessment Program and specialized driver training 
provided by the FMO.

1.10.2. Complete a DMV approved DDC.

1.11. Associated cost will be borne by the spending unit. The spending unit may, at its 
discretion, require reimbursement by the driver and take additional corrective or 
disciplinary action.
1.12. An employee who receives any moving violation must notify his/her supervisor of the incident within one business day. Corrective action will be evaluated based on the type and severity of the incident.

2.0 Driver Qualification File (DQF)

2.1. The driver selection process, ongoing training, and corrective action plans will be retained by the SUFC for one year following employment with the spending unit, unless the driver is transferred to another spending unit. Upon transfer, the DQF will be forwarded to the gaining SUFC and include such items as:

2.1.1. Employment Application.

2.1.2. Interview notes.

2.1.3. MVR checks.

2.1.4. Driver training information.

2.1.5. Corrective action plans.

2.1.6. Driver evaluation and performance reviews.

3.0 Driver Training and Review:

3.1. The State of West Virginia's goal is to have a process in place to hire only qualified and safe drivers. Once employed, the state is committed to retaining these drivers. In order to keep drivers and supervisors well trained and informed, the FMO has instituted a number of policies regarding driver training. These policies include driver orientation, periodic driver meetings, and driver performance evaluation and reviews.

3.1.1. Driver Orientation

3.1.1.1. Each spending unit will have an orientation program in which all new drivers are required to complete. The orientation program will consist of comprehensive classroom training that will cover a variety of subjects. Among the topics are established driving policies and procedures, regulatory compliance, vehicle maintenance and inspections, accident reporting procedures, and defensive driving procedures.
3.1.1.2. After successfully completing the classroom portion of the orientation, all new drivers will be assigned to a driver trainer. The purpose is to evaluate the new employee's overall driving skills and techniques, and to apply what has been learned in classroom to an actual job situation. This time should also be used to familiarize the new driver with administrative procedures relating to vehicle maintenance and inspections and to answer any questions or concerns that were not addressed in the classroom training.

3.1.2. Driver Meetings

3.1.2.1. A drivers meeting will be conducted by driver supervisors no less than monthly. These meetings will be held to share news and information, and to give drivers a forum to discuss issues, questions, or concerns. All drivers are expected to participate in these meetings, and all driver input is welcomed and appreciated.

4.0 Driver Evaluation and Performance Reviews

4.1. Driver supervisors are responsible for conducting periodic, structured performance reviews with each of their drivers no less than every four months.

4.2. It is important for state drivers to understand that their performance will be evaluated on an on-going basis, and they may request, or their supervisor may recommend, a review at any time. However, all drivers will receive periodic structured reviews of their individual performance.

5.0 On Road Performance Evaluation

5.1. The on road evaluation is conducted by the supervisor to monitor the performance of current drivers by riding with them or following them. The supervisor should document the results and counsel drivers concerning problems or deficiencies that were observed. This is the best way for the supervisor to ensure that the driver is following the proper vehicle inspection and defensive driving procedures.

6.0 The Performance Review

6.1. Driver performance reviews should be held in private and away from the driver operations area. The review is considered the driver's time and interruptions should not be allowed.

6.2. The driver performance review should cover, but is not limited to, five basic areas:
6.2.1. The measurement of the driver's actual results against established goals and standards of the spending unit.

6.2.2. Recognition of the driver's contributions and accomplishments.

6.2.3. Correction of any new or existing performance problems.

6.2.4. Establishment of goals or standards or corrective action plan for the next review period.

6.2.5. Review of Driver’s most recent MVR.

6.3. Once the driver and supervisor have concluded their discussion of past performance; addressed any development, training, or corrective action needs; and have established new goals and standards for the future, they are expected to reach mutual agreement and wrap up the review. The wrap-up should include the following:

6.3.1. A positive summary of the performance review discussion including all mutually agreed upon plans and goals.

6.3.2. Opportunities for the driver to react, ask questions, and give additional ideas and suggestions.

6.3.3. A sincere and meaningful expression of appreciation for the driver's participation, time, and efforts.

6.3.4. A written record of what was discussed, agreed upon, and corrective action/training plans.

7.0 Recordkeeping

7.1. A copy of the written performance review and MVR check shall be given to the driver and the original MVR placed in the DQF.

Subsection V: Defensive Driving

1.0 General:

1.1. The State of West Virginia is strongly committed to a sound and thorough defensive driving policy.

1.2. While operating state vehicles, drivers should always drive in the safest manner.
possible.

1.3. Full-time and designated part-time employees driving state vehicles are required to complete a state-approved resident Defensive Driving Course.

1.4. Assignments for classes shall be made by the SUFC to ensure class quotas are met and to maintain satisfactory work schedules.

1.5. Frequency of employee attendance of a Defensive Driving Course shall be within 60 days of employment and every three years thereafter.

1.6. New employees required to drive State vehicles shall be required to complete the Defensive Driving Course satisfactorily before starting their driving assignment.

1.7. In addition to resident DDC completion, each driver will receive two hours of annual defensive driving training administered by the spending unit. Training topics will be related to vehicle operations and safety.

1.8. Supervisors are required to complete a DOA-FM-023, Fleet Defensive Driving Completion Record for each employee, forward a copy to the SUFC for placement in the Driver Qualification File (DQF).

2.0 Core Concepts:

2.1. The core concepts of defensive driving are:

2.1.1. Recognize the hazard.

2.1.2. Understand the defense.

2.1.3. Act in time.

3.0 Defensive Driving Procedures

3.1. Intersection

3.1.1. Getting into and out of intersections without an accident is a mark of a good defensive driver. Besides your own skill level, intersections also demand anticipation of the actions of other drivers and taking appropriate evasive action as required.

3.2. Backing
3.2.1. Backing is an extremely hazardous maneuver. Whenever practical, use of a ground guide is required. Ultimate responsibility for the safety of the backing maneuver remains with the driver.

3.3. Front-End Collisions

3.3.1. The primary way to avoid front-end collisions is by maintaining a safe and adequate following distance. Be prepared for possible obstructions on the roadway, either in plain sight or hidden by curves or the crests of hills. At night reduce speed to stop within the distance illuminated by the headlights of the vehicle.

3.4. Rear-End Collisions

3.4.1. As a driver, you risk being struck from behind if you do not maintain an adequate margin of safety in your own following distance. If enough space is not allowed in front of your vehicle, chances increase that somebody can (and will) impact your vehicle from the rear.

3.5. Passing

3.5.1. Failure to pass safely indicates poor judgment on the part of a defensive driver as well as failure to consider one or more of the factors that need to be routinely checked:

   3.5.1.1. Is there enough room ahead?

   3.5.1.2. Is there adequate space to move back into your lane of traffic after passing?

   3.5.1.3. Have you signaled your intentions?

3.6. Being Passed

3.6.1. Be aware of the actions of other drivers, and yield the right of way if another driver begins to sideswipe you or to cut you off. A good defensive driver will avoid problems with this kind of accident situation.

3.7. Encroaching on Other Traffic Lanes

3.7.1. Observant defensive drivers will not usually get trapped when other drivers change lanes abruptly. In the same manner, entrapment in merging traffic can be successfully avoided by a good defensive driver with a little
preplanning and willingness to yield. Blind spots are not valid excuses for this kind of accident. Allowances must be made in areas of limited sight distance.

3.8. Railroad Grade Crossings

3.8.1. Driving across railroad crossings, or in areas where there are rail vehicles of some sort, demands special care. Careful observance of the traffic situation is your best defense.

3.9. Oncoming Traffic

3.9.1. A defensive driver will avoid a collision with an oncoming vehicle at all costs. Even if the vehicle enters your lane of traffic, an accident can be avoided with evasive maneuvers.

3.10. Turning

3.10.1. Turning, like passing, is a dangerous maneuver, and demands special care and an observant eye from a defensive driver. Be aware of other vehicles in your path, and the complete configuration of the turn you are about to undertake.

3.11. Pedestrians

3.11.1. Always assume that if there is a pedestrian (or small vehicle of some sort) involved in an event, slowing down is the best defense. Be certain to give people and small vehicles the benefit of the doubt.

3.12. Extreme Weather and Road Conditions

3.12.1. Bad weather and other road hazards place special stress upon any defensive driver. The best rule in any kind of bad weather or extreme road condition is get off the road safely and as soon as possible. If you absolutely must continue, slowing down and increasing following distance are the best defenses, along with increased awareness.

3.13. Fog

3.13.1. Fog reduces available visibility and impairs distance perception, making it perhaps the most dangerous type of extreme weather condition.

3.13.2. Whenever possible, drivers are to avoid driving in foggy conditions. Pull off the road and park safely until such time as the fog dissipates or is burned off.
if at all possible. If you cannot safely pull off the road, follow these procedures:

3.13.3. You should never assume the depth or thickness of any fog. Fog can range from a momentary blurring of the windshield to being several miles thick.

3.13.4. Slow your vehicle's speed. Reduction in speed should be done gradually in order to avoid becoming a hazard for other motorists. Determining a correct and safe speed depends on the thickness of the fog and your judgment.

3.13.5. Use low-beam headlights only when driving in fog. Low-beams serve two purposes. They help you see the immediate roadway and also allow other motorists to see your vehicle.

3.13.6. Avoid the use of high-beam headlights while driving in fog. The water particles that make up fog will reflect more light back at you than onto the roadway when high beams are used, and will further reduce visibility for you.

3.13.7. Use the windshield wipers and the defroster when driving in fog. Driving in foggy conditions will cause a constant fine mist of water to develop on the vehicle's windshield, reducing visibility in the process. Using the windshield wipers and defroster will alleviate this condition.

3.13.8. Avoid passing other vehicles while driving in fog.

3.13.9. You should avoid stopping on any roadway while driving in foggy conditions unless absolutely necessary. If you must stop, use the emergency or breakdown lane, activate your emergency flashers, turn off the headlights, and follow FMO breakdown procedures.

3.14. Rain

3.14.1. Rain causes roadways to become slippery, especially when it first begins. Roadways become covered with a thin layer of oil and other residues. When rain mixes with this layer, it results in an extremely slippery and dangerous road surface. This condition remains until additional rain can break down and wash away the oily mixture from the pavement. This process can take a few minutes to several hours, depending on the severity of the rain.

3.14.2. Water on the road surface can also create a potential hazard of hydroplaning. Hydroplaning happens when a thin layer of water separates the vehicle's tires from the road surface. When a vehicle is hydroplaning, it is literally riding on water. When the tires ride on water, they lose all traction and create an
extremely dangerous situation. The faster a vehicle travels on standing water, the greater the chance of hydroplaning. Reducing speed is the best and safest way to avoid hydroplaning.

3.14.3. Rain also reduces visibility. Because rain presents these hazards, drivers are expected to adhere to the following procedures when driving in rainy conditions:

3.14.4. Slow the vehicle's speed to avoid hydroplaning. Reduction in speed should be done gradually in order to avoid becoming a hazard for other motorists. Determining the correct and safe speed depends on how heavy the rain will be left to your judgment.

3.14.5. You are expected to increase your following distance from other motorists. Since rain causes the road surface to become slippery, you need to allow for greater stopping distance if the need to stop arises.

3.14.6. You should make use of windshield wipers and the defroster when driving in rain. Driving in rainy conditions will cause a constant film of water to develop on the vehicle's windshield, reducing visibility in the process. Using the windshield wipers and defroster will alleviate this condition.

3.14.7. You should avoid passing other vehicles while driving in rain. In addition, you are encouraged to follow other vehicles at a safe distance since vehicles traveling ahead will throw water off the pavement and leave "tracks". Driving in these tracks will give you the best possible traction under rainy conditions.

3.15. Snow

3.15.1. Snow, depending on the type and severity, can present a variety of dangerous conditions. Because of this, the following procedures have been developed for this defensive driving policy:

3.15.2. Light, powdery snow presents few problems since it is quickly blown off the road surface. However if there is enough of this type of snow to cover the roadway, it will form a slick, smooth surface. You should reduce speed and increase following distance. Determining the correct speed and safe following distance will be based on your best judgment.

3.15.3. Heavier, slushy snow can affect vehicle control. If snow becomes hard packed it can cause an ice hazard on the road surface. Again, you should reduce speed and increase following distance. Determining the correct speed and safe following distance will be on your best judgment.
3.15.4. All slow maneuvers such as starting out, steering, backing, and turning should
be done smoothly and with extreme care to minimize skids and slides.

3.15.5. Falling or blowing snow can greatly reduce visibility. In addition, falling and
blowing snow can make it hard to see the road, road markings, road signs, and
off ramps. If you must continue in snowy conditions, reducing speed and
increasing following distance are the best techniques a driver can use to
maintain vehicle control.

3.15.6. As with driving in foggy conditions, the use of high beam headlights while
driving in snowy conditions should be avoided at all times. The high-beam
"shooting" light will reflect off falling and blowing snow and reflect back at
you, further reducing visibility.

3.15.7. Drivers will also be educated on the dangers of "snow hypnosis". Snow
hypnosis occurs when a driver is traveling directly into heavy snow and
begins to focus on the falling snow instead of the road ahead. This can cause
a hypnotic-like effect on the driver. The danger of snow hypnosis is
especially prevalent at night.

3.15.8. In extreme conditions, tire chains may be necessary.

3.16. Ice

3.16.1. Be aware of changes in road surface conditions that may affect the vehicle's
traction. To help, the following procedures for driving on icy roads have been
developed:

3.16.2. As with other extreme weather conditions, if you must continue, the safest
techniques to employ are to reduce speed and increase following distance. Of
these two techniques, increasing following distance is by far the most
important. Depending on the temperature and road conditions, stopping
distance (distance needed to come to a complete stop) on icy roads can
increase four to ten times versus stopping from the same speed on a dry road.

3.16.3. “Black Ice” forms when temperatures drop rapidly and any moisture on the
road surface freezes into a smooth, almost transparent layer of ice. Black ice
is particularly dangerous as you may not realize you are on it until it's too late.
Determining the correct speed and safe following distance will be your best
judgment.

3.16.4. Bridges and overpasses are other areas to which you should give special
attention. Ice will tend to form first on bridges and overpasses because cold
air circulates both above and below these structures causing the temperature to drop more rapidly than on normal roads. Any moisture on the road surface of a bridge or overpass will freeze quicker and harder than elsewhere on the road. Extreme caution and a reduction in speed should be used while traveling over bridges and overpasses.

3.17. Night Driving

3.17.1. Be aware of the potential hazards driving at night present. These hazards include fatigue, reduced visibility, poor lighting, other (impaired) motorists, and animals on the road. To help drivers better prepare for driving at night, the following procedures have been developed:

3.17.2. Fatigue is perhaps the most dangerous hazard of driving at night. Nothing we do is worth anyone getting hurt. Fatigue usually sets in at night, but a tired driver, at any time of day, is an unsafe driver. Fatigue reduces drivers' reaction time and perception. Review the following fatigue warning signs:

3.17.2.1. Your eyes close or go out of focus by themselves.

3.17.2.2. You can't stop yawning.

3.17.2.3. You are experiencing trouble keeping your head up.

3.17.2.4. You experience short-term memory loss. For example, you can't remember the last several miles you have driven.

3.17.2.5. Your thoughts wander or you begin to daydream.

3.17.2.6. You start drifting into other lanes of traffic, tailgate, or miss traffic signs.

3.17.2.7. You experience an inability to maintain a constant rate of speed.

3.17.2.8. You must jerk the steering wheel hard to correct a drift and get back into your lane.

3.17.3. If you experience any of these signs, it's time to get off the road as soon as safely possible and get some rest.

3.18. Other Factors

3.18.1. Reduced visibility is a hazard of driving at night. At night, visual acuity
(degree of perception) and peripheral vision (side vision) are reduced, and the eyes may have difficulty adjusting from light to darkness. These factors all contribute to reduced visibility while driving at night. The best and safest techniques to counteract these night driving hazards are to reduce your speed and increase your following distance. Reducing speed is also the best way to prevent "out driving" your headlights.

3.18.2. Poor lighting on the open highway or on rural roads is another hazard drivers should be made aware of. At night, with poor or no lighting aside from the vehicle's headlights, hazards in the road are much more difficult to see and avoid. You should reduce speed and use extra caution when traveling on poorly lit or unfamiliar roads.

3.18.3. Impaired motorists (drunk drivers) are a hazard to everyone on the road. Drivers should be especially cautious when driving between the hours of midnight and 0300 (typical bar and tavern closing times). Drivers should be wary of motorists driving in an erratic manner including weaving in and out of traffic lanes, having difficulty maintaining a constant rate of speed, or braking suddenly. If you, as a driver, suspect that you are sharing the road with an impaired motorist, reduce your speed, let the motorist pass, and increase following distance.

3.18.4. Animals on the road present another kind of hazard while driving at night. Drivers are to be especially alert when driving on roadways lined by woods or tall grass. Animals, especially deer, jump out in front of oncoming traffic with little or no warning. The best techniques to avoid collisions with animals are to not "outdrive" your headlights and to reduce speed. If a collision with an animal is unavoidable, you should drive "through" the animal. This will help prevent a rollover type accident.

3.19. Road Construction

3.19.1. From time-to-time drivers will be faced with roadways that are being repaired or under construction. Road construction presents several hazards. Approach road construction work zones the same way they would any adverse driving situation and follow these procedures:

3.19.2. Reduce speed and maintain a safe following distance.

3.19.3. Drive at or under all special or reduced posted speed limits while traveling through road construction work zones. Safe following distance will be left to your best judgment.
3.19.4. Be aware of your immediate surroundings, anticipate the possible actions of other motorists, and expect sudden stops.

3.19.5. Watch for construction workers or vehicles crossing the roadway.

3.19.6. Use the lane furthest from a construction zone when possible.

3.19.7. Avoid sudden lane changes and use headlights and four-way flashers when traveling through construction zones.

3.20. Road Hazards

3.20.1. Be aware of the potential danger of encountering various types of road hazards including:

3.20.2. Soft shoulders or severe pavement drop-offs that can cause rollover type accidents.

3.20.3. Road debris such as tire recaps, metal or lumber can cause severe damage to tires, tire rims, electrical systems, and brake lines.

3.20.4. Be aware of the road ahead to identify potential road debris early and take safe and appropriate avoidance maneuvers.

3.21. Underpasses

3.21.1. Hitting a bridge, underpass, or viaduct is a danger you should be constantly aware of. Be aware that the posted height of an underpass is not always accurate. Re-paving and packed snow can reduce the clearance of an overpass enough to cause a problem. Make thorough trip plans. When in doubt of the clearance of an underpass, you should get out of your vehicle and make a visual inspection or find an alternate route.

3.22. Fixed Objects and Special Intersections

3.22.1. A good defensive driver will observe items in the area around the vehicle that might cause problems. Checking to be certain there is adequate clearance is the primary thing to watch. In the areas of driveways, alleyways or plant entrances, analyze the situation carefully, slow down, sound a warning when appropriate, and be ready to yield.

3.23. Physical and Mental Condition
3.23.1. Drivers are expected to manage their physical and mental condition. Keeping a positive attitude when behind the wheel and taking good care of physical health will reduce accidents. Fatigue is an especially dangerous factor to be aware of.

3.24. Following Distance

3.24.1. Tailgating is probably the single most common complaint lodged by the general driving public against truck drivers. Here are some specific following distance guidelines:

3.24.2. 3-second interval at speeds up to 40 mph.

3.24.3. 4-second interval at any speed over 44 mph.

3.24.4. Add extra time in bad weather or poor road conditions.

3.24.5. Add extra following distance if you are being tailgated.

3.25. Driving Speed

3.25.1. Drive consistent with posted speed limits, with regard to existing traffic, weather and highway conditions. Never overdrive your headlights at night. That means you should be able to stop safely in the distance you can see clearly in your headlights.

3.26. Right of Way

3.26.1. Never attempt to exercise the right of way principle. Let the other driver go first. Keep to the right except to pass, or when getting into position to turn left. In cities, when you enter a main thoroughfare from a side street, alley, driveway or a highway ramp, make a full stop at any crosswalk, then another full stop before actually moving into traffic.

3.27. Meeting Other Vehicles

3.27.1. Keep to the right when meeting other vehicles on a roadway. If a vehicle approaches on your side of the road, slow down and pull to the right as far as you safely can. If you have to take this kind of evasive action, and have actually gone off the highway onto the shoulder, be certain you slow the vehicle down sufficiently before you attempt to come back onto the highway. Never pull to the left to avoid an oncoming vehicle.
3.27.2. When merging into traffic:

3.27.2.1. Signal early.

3.27.2.2. Be patient and watch for an opening.

3.27.2.3. Build speed and merge smoothly.

3.27.2.4. Check mirrors constantly.

3.27.2.5. When exiting traffic drivers are expected to:

3.27.2.6. Signal and change into the right-hand lane early and safely.

3.27.2.7. Signal intentions to exit early.

3.27.2.8. Check mirrors constantly.

3.27.2.9. Reduce speed and exit.

3.28. Curves and Turns

3.28.1. Remember to slow down when negotiating curves and turns. That will provide for any needed adjustments in steering, etc.

Section VI: Vehicle Use

Subsection I: General

1.0 General Operation:

1.1. Drivers must practice defensive driving by anticipating and observing the actions of other drivers and controlling the vehicle in a manner so as to avoid accidents. When operating the vehicle, be aware that averting your eyes from the road may cause an accident. Use ‘best judgment’ when changing climate control settings, using the radio, or accessing other settings on the vehicle’s dashboard.

1.2. Drivers will perform a 360 degree visual inspection of a state vehicle prior to moving. The inspection will check for the following:

1.2.1. Fluid levels including gas, oil, and other fluid levels.

1.2.2. Tire pressure and tire wear.
1.2.3. Other safety-related equipment such as lights and brakes

1.3. In the case of multiple-driver vehicles, the spending unit to which the vehicle is assigned will ensure completion of the visual inspection. The cost of repairs or replacement as a result of the vehicle not being maintained on a regular and routine basis will be the responsibility of the spending unit to which the vehicle is assigned. It will be at the discretion of the spending unit to seek reimbursement from the vehicle driver.

1.4. The spending unit will furnish vehicle drivers with a Fleet Inspection Checklist, DOA-FM-018. Any safety-related defect will be repaired before use.

2.0 Vehicle Abuse:

2.1. No employee will use a vehicle or equipment for any purpose for which it was not designed, operate it beyond its designed limits, and operate it in areas or locations for which it was not designed, or cause damage through neglect, misuse, improper driving techniques, or improper handling.

3.0 Indemnification:

3.1. By operating state-owned or leased vehicles and equipment, the employee agrees to indemnify and save harmless the state against any claims, demands, suits, obligations, actions, causes of action, damages, liability, costs, and expenses of any character arising from injury to person or property caused, in whole or part, by the employee’s grossly negligent, reckless, or intentional conduct relating to the vehicle or equipment while in the care of the employee, excepting only claims, demands, suits, obligations, actions, causes of action, damages, liability, costs, and expenses attributable to the state’s sole negligence or the employee’s simple negligence.

4.0 Routine Cleaning:

4.1. The routine cleaning of the assigned vehicle, including the interior and exterior of the vehicle, is the responsibility of the assigned driver or spending unit, in the case of multiple-driver vehicles, to which the vehicle is assigned. The cost of repairs or extensive cleaning as a result of the vehicle not receiving reasonable care and cleaning will be the responsibility of the spending unit to which the vehicle is assigned. It will be at the discretion of the spending unit to seek reimbursement from the assigned driver.

5.0 Smoking:

5.1. Smoking and the use of other tobacco products are prohibited in any state-owned or
leased vehicle.

6.0 Eating or Drinking:

6.1. Eating food or drinking is prohibited while driving a state-owned vehicle.

7.0 State Vehicle Inspection Program:

7.1. State owned and leased vehicles must have a valid state inspection sticker at all times. The cost of inspection will be the responsibility of the spending unit.

8.0 Unattended Vehicle and Vehicle Parking:

8.1. Whenever a vehicle is left unattended, the driver will, when practical, turn the vehicle off, remove keys from the vehicle, close all windows, lock all doors/hatches/trunks, and remove or conceal from outside view all business and personal item.

8.2. Employees will not park on the wrong side of a street or highway, unless it is mandatory to park in such a location to perform a job. All signs, cones, lights, and warning devices as required by law will be used when vehicles are parked or in use in a public travel lane. Employees will use all safety brakes, lockout devices, and other parking safety methods when parking equipment.

8.3. Vehicles will not be left on residential streets or highways overnight unless it is necessary due to mechanical failure or emergency or if you have received approval from the spending officer.

8.4. When a state-owned or leased vehicle is parked on a municipal street, it will be the responsibility of the driver or spending unit to ensure payment of all parking fees and any parking fines assessed against the vehicle.

8.5. The vehicle may be parked in a commercial or municipal parking facility, provided the driver or the driver's spending unit pays parking fees.

8.6. The assigned driver will be responsible for towing fees resulting from improper parking.

9.0 Use of Seat Belts:

9.1. No more than two employees will ride in the front seat or cab of a vehicle. Each position will be equipped with a seat belt. The driver and passengers must use safety belts when the vehicle is in operation. No employee will be authorized to ride or work from the bed or rear of a vehicle while it is in motion excepting for emergency
responders and those employee positions formally approved by the assigned cabinet secretary.

10.0 **Driver’s License Required:**

10.1. All drivers must have and maintain a valid driver’s (driver’s) license in good standing.

11.0 **“Official use” Only:**

11.1. State-owned or leased vehicles cannot be used for personal purposes except for de minimis personal use as allowed by the Internal Revenue Service (IRS) Publication 15-B, Employer’s Tax Guide to Fringe Benefits, published under U.S.Code Title 26. Drivers found to be using state-owned or leased vehicles beyond de minimis personal use are subject to disciplinary action.

11.2. Vehicles will be operated in a manner which avoids even the appearance of impropriety.

12.0 **Vehicle Markings**

12.1. Beginning with Model Year 2011 and thereafter, state owned and long-term leased vehicles shall be clearly and permanently marked with either the seal of the State of West Virginia or the seal or insignia of a state activity, agency, authority, board, bureau, center, college, commission, constitutional office, council, department, division, extension, fund, institute, institution, network, office, organization, partnership, program, region, service, unit, or university. The seal shall be produced from reflective material, affixed to the body of the vehicle, and be at least twelve inches in diameter or size from the top left corner to the bottom right corner of the seal or insignia. Each vehicle will be clearly marked with two-inch high lettering above and below the seal. The lettering above the seal shall include the words “State of West Virginia” and shall not be abbreviated. The lettering below or included in the seal or insignia of a state activity, agency, authority, board, bureau, center, college, commission, constitutional office, council, department, division, extension, fund, institute, institution, network, office, organization, partnership, program, region, service, unit, or university shall include the name of the state activity, agency, authority, board, bureau, center, college, commission, constitutional office, council, department, division, extension, fund, institute, institution, network, office, organization, partnership, program, region, service, unit, or university owning or leasing the vehicle and may be abbreviated or continued on multiple liens. Additional distinctive vehicle markings may be added at the discretion of the assigned cabinet-level Secretary.

12.2. State vehicles shall be licensed with the display State “Official Business Only”
license plates.

12.3. Exemption: Those state vehicles used for the purposes in which it is in the best interest of the State for such vehicles not to bear markings and “Official Business Only” license plates, such as vehicles used for law enforcement or similar purposes, pursuant to West Virginia Code §17A-3-23 shall be exempt from this requirement.

13.0 Use of Wireless Electronic Communication Devices:

13.1. The use of a wireless electronic communication device by the driver of a moving vehicle on a public road or highway is prohibited except when the wireless communication device is a hands-free wireless electronic communication device being used hands-free.

13.2. The provisions of this subsection do not apply to an driver who uses a wireless communication device when:

13.2.1. The driver immediately fears for his, her, or another person’s life or safety, or the driver believes that he, she, or another person is, or is about to become the victim of a criminal act; or

13.2.2. The driver uses the wireless communication device to contact law-enforcement authorities, emergency personnel for the purpose of reporting criminal activity, a fire, a traffic accident, a serious road hazard, a medical emergency, a hazardous materials emergency or any other condition which threatens bodily injury, public health, welfare or safety.

14.0 Handheld or Permanently Installed Two-way Radio Communication Devices:

14.1. The use of a handheld or permanently installed two-way radio communication device by the driver of a moving vehicle on a public road or highway is permitted under the following circumstances:

14.1.1. Emergency first responders in the execution of health, public safety, and welfare services.

14.1.2. Department of Transportation employees in the execution of their duties to the extent that failure to communicate could result in unsafe transportation conditions or pose a threat to the public.

15.0 Authorized Users:

15.1. State owned and leased vehicles may be used or occupied by State employees, non-
employees, and/or authorized passengers as defined herein.

15.2. No passengers other than state employees, and/or authorized passengers are permitted in vehicles without the specific approval of the spending officer.

15.3. It is the responsibility of the spending unit to monitor vehicle use and to take appropriate action when an employee’s use is determined to be inappropriate or is not in accordance with this policy.

16.0 Compliance with Motor Vehicle Laws:

16.1. It is the responsibility of each individual driver to observe all motor vehicle laws of West Virginia. Drivers must not knowingly operate vehicles that do not comply with legal requirements.

16.2. Each driver will at all times operate state-owned or leased vehicles in such a manner as to avoid injury to persons or damage to property.

17.0 Transporting Equipment in General:

17.1. Employees using state-owned or leased vehicles will exercise caution when transporting equipment, packages or other materials in the driver/passenger compartment that would become flying projectiles in the event of an accident. Such items as briefcases, laptop computers, tools, etc. need to be transported in the trunk of passenger vehicles. Pickups, whether standard, extended, or crew cab, should have secured storage capabilities in the bed of the vehicle such as tool storage or camper shells if they are used with any regularity to transport items that could injure the driver or passenger(s) in the event of an accident. Cargo vans used in the regular transport of such items should have bulkhead type barriers between such cargo and the driver/passenger compartment. It is always important to keep the driver/passenger as free as possible of objects that could distract the driver due to unexpected shifting or movement of cargo.

18.0 Transporting Hazardous Materials:

18.1. Hazardous material transported in a state owned or leased vehicle must be kept in a secured container in accordance with CFR 49, Subpart B, Requirements and applicable state standards or regulations.

18.2. Packages secured in a motor vehicle. Any package containing any hazardous material, not permanently attached to a motor vehicle, must be secured against shifting, including relative motion between packages, within the vehicle on which it is being transported, under conditions normally incident to transportation. Packages having valves or other fittings must be loaded in a manner to minimize the likelihood
of damage during transportation.

18.3. Each package containing a hazardous material bearing package orientation markings prescribed in CFR 49 §172.312 must be loaded on a transport vehicle or within a freight container in accordance with such markings and must remain in the correct position indicated by the markings during transportation.

18.4. No smoking while loading or unloading. Smoking on or about any motor vehicle while loading or unloading any Class 1 (explosive), Class 3 (flammable liquid), Class 4 (flammable solid), Class 5 (oxidizing), or Division 2.1 (flammable gas) materials is forbidden.

18.5. Keep fire away, loading and unloading. Extreme care will be taken in the loading or unloading of any Class 1 (explosive), Class 3 (flammable liquid), Class 4 (flammable solid), Class 5 (oxidizing), or Division 2.1 (flammable gas) materials into or from any motor vehicle to keep fire away and to prevent persons in the vicinity from smoking, lighting matches, or carrying any flame or lighted cigar, pipe, or cigarette.

18.6. Handbrake set while loading and unloading. No hazardous material will be loaded into or on, or unloaded from, any motor vehicle unless the handbrake is securely set and all other reasonable precautions are taken to prevent motion of the motor vehicle during the loading or unloading process.

18.7. Use of tools, loading and unloading. No tools which are likely to damage the effectiveness of the closure of any package or other container, or likely adversely to affect such package or container, will be used for the loading or unloading of any Class 1 (explosive) material or other dangerous article.

19.0 Alcoholic Beverages and Drugs:

19.1. Under no circumstances may a state employee operate a vehicle while under the influence of alcoholic beverages, drugs, or other intoxicating substances. Conviction of such offenses will result in the loss of the driving privileges of state-owned or leased vehicles. The loss of state-owned or leased vehicle driving privileges will remain in effect during civil/criminal license suspension or as directed by assigned cabinet secretary whichever occurs later.

19.2. No state vehicle may be used to transport alcoholic beverages unless it is operated by an employee of the Alcoholic Beverage Control Board or other state employees in the performance of their official duties.

20.0 Use of Personal Vehicles:


Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change
20.1. When authorized by the spending unit, employees may use personal automobiles in the discharge of official duties within the continental limits of the United States with reimbursement at the rate prescribed by the Cabinet Secretary, Department of Administration. The employee’s personal insurance policy is the primary coverage and, therefore, the State of West Virginia will not be responsible for any claims that arise out of any motor vehicle accident that the employee is involved while operating their personal vehicle. The mileage reimbursement the employee receives is intended to fully cover all costs of the operation of the employee’s personal vehicle including but not limited to fuel, maintenance, repairs, insurance, etc.

20.2. Spending units will certify driver imputed data for use of privately owned vehicles using DOA-FM-010, Fleet Statement of Commuting Value, or by using FMO-provided, web-enabled Trip Log System.

21.0 Toll Charges:

21.1. Toll charges incurred during travel in state-owned or leased vehicle are the responsibility of the driver and/or spending unit.

22.0 Out-of-State Travel:

22.1. Use of state-owned or leased vehicles outside of the State of West Virginia must be coordinated in advance of the travel with the SUFC.

22.2. SUFC’s should take into consideration the mileage and age of the vehicle prior to approving out of state travel.

22.3. In the event a state-owned or leased vehicle requires roadside assistance (breakdown, lock-out, fuel, etc.); the spending unit will be charged for the required roadside assistance, irrespective of fault.

23.0 State Fuel Card Program:

23.1. The Wright Express fuel-only card is available for any state-owned or leased vehicle and is normally accepted nationwide for the procurement of fuel.

23.2. FMO will process requests for initial issue of a fuel-only card for each state-owned or leased vehicle.

23.3. Replacement fuel-only cards and driver personal identification numbers (PINs) will be requested, administered, and issued by SUFC.

23.4. Drivers must verify fuel-only card acceptance with the commercial establishment.
prior to purchasing fuel.

24.0 **Vehicle Garage Location Outside West Virginia:**

24.1. Any vehicle which is routinely garaged outside of West Virginia must be approved by the spending officer, e.g., vehicle used for spending unit commuting program.

25.0 **Driving Under Adverse Weather Conditions:**

25.1. Drivers who drive a state-owned vehicle during adverse weather conditions are cautioned to take extreme care to ensure the safety of driver and passengers.

25.2. Repairs up to the insurance deductible (normally $1,000.00) for any damage to state-owned or leased vehicles will be charged to the spending unit.

26.0 **Responsibility for Loss or Damage of Personal or Spending Unit-Owned Property:**

26.1. The state is not responsible or liable for loss or damage to any personal or spending unit-owned property or belongings transported or left in a state-owned or leased vehicle.

26.2. Waiver of liability includes, but is not limited to water damage of contents caused by misalignment of trunks, doors or faulty weather-stripping resulting in interior exposure to the elements.

26.3. It is the responsibility of each driver to report defects to their SUFC for correction.

27.0 **Loss of Keys:**

27.1. Any costs for duplicate keys, locksmith services, or damage to vehicle resulting from forced entry by a state employee will be the responsibility of the spending unit assigned a state-owned or leased vehicle.

27.2. If locked out of the vehicle, contact the Vehicle Maintenance Support Center (VMSC) at 1-800-CAR-CARE (227-2273).

**Subsection II: Vehicle Accidents or Incidents**

1.0 **Notification of Appropriate Law Enforcement Agency:**

1.1. The driver must contact law enforcement and, when practical, the spending unit immediately if involved in an accident or incident.
1.2. Whenever an accident or incident occurs involving a state-owned vehicle, and while the vehicle is at the scene, the driver or a representative of the spending unit owning or using the vehicle will immediately report the accident/incident to the appropriate law enforcement agency, e.g., state, county, college, university, State Police, etc.

1.3. If the accident or incident occurs at/on/within state parking facilities, or adjacent highway under the jurisdiction of the West Virginia Capitol Police, the accident/incident will be reported to that spending unit.

1.4. All traffic accidents involving licensed state-owned vehicles and incidents involving non-licensed state-owned vehicles where a licensed vehicle is also involved will be investigated by the appropriate law enforcement agency, e.g., state, county, college, university, State Police, etc., except:

1.5. Accidents in which the vehicle has been removed from the scene. Unless the accident was the result of a hit and run or personal injury was involved. This does not include moving the vehicle from the highway as a safety precaution.

1.6. Damage to a vehicle that is discovered after the fact, other than damage resulting from a hit and run incident.

2.0 Breakdown Procedures:

2.1. Driver's responsibilities when a breakdown happens include:

2.1.1. Safely stopping and securing the vehicle and load.

2.1.2. Safely placing the warning devices.

2.1.3. Diagnosing and calling in the breakdown to the Supervisor or SUFC.

2.2. Supervisor and SUFC responsibilities when a breakdown occurs include:

2.2.1. Determining the nature of the breakdown and best course of action.

2.2.2. Contacting the Vehicle Maintenance Support Center (VMSC) at 1-800-CAR-CARE (227-2273) to make arrangements for roadside assistance or towing and the transportation of the driver and any passengers to a safe location.

2.3. Obtaining all vehicle repair records.

3.0 Towing:
3.1. The Vehicle Maintenance Support Center (VMSC) at 1-800-CAR-CARE (227-2273) will make arrangements for towing and for the transportation of the driver and any passengers to a safe location.

3.2. Any costs for towing will be the responsibility of the spending unit assigned a state-owned or leased vehicle.

4.0 Accident Investigations:

4.1. The State of West Virginia’s policy is to fully investigate any accident involving state personnel and vehicles. All accidents or incidents involving a state-owned or leased vehicle regardless of the severity must be reported immediately using DOA-FM-012, Fleet Driver’s Report of Accident/Incident.

4.2. The investigation of minor accidents or damage involving state-owned or leased property is the responsibility of the driver and supervisor only.

4.3. The SUFC and Safety/Loss Control Officer will investigate accidents in which serious property damage or death to a state employee has occurred. The SUFC or Safety/Loss Control Officer will be in charge of accident investigations in which a third party is involved. Spending Officers may initiate any other investigations deemed appropriate.

5.0 Accident Investigators:

5.1. At the scene, the accident investigator(s) will carefully survey the scene, noting the position of any debris from the accident. The investigator(s) should take photos of the scene, with careful notes of what the photos depict. A map of the site should be drawn to scale, with any landmarks near the scene noted as to position. Photos of all vehicle and property damages incurred from the accident should be taken from all sides, with careful notes made.

5.2. The more accurate the information provided, the easier to canvas the accident scene. It is important that the accident investigator(s) be as objective as possible in gathering and evaluating data from the accident scene.

5.2.1. Driver Responsibility in Accident Investigation

5.2.1.1. Driver responsibilities must be carried out at the scene of an accident.

5.2.1.2. The two immediate concerns at the scene of an accident are
providing medical aid and to gather and report pertinent accident information promptly. These two items can be broken down into a six-step accident procedure for drivers to follow.

5.2.1.2.1. **Step One:** Stop and stay calm.

5.2.1.2.2. **Step Two:** Turn on your emergency flashers as an immediate warning signal. Then do a quick evaluation of accident victims, if any, and provide assistance. Next, set out emergency warning devices on the roadway.

5.2.1.2.3. **Step Three:** Either contact local law enforcement personnel and your supervisor yourself or arrange to have someone do it for you. Be courteous and cooperative when providing information to authorities. Never admit guilt or liability at the scene of an accident. Never leave the scene of an accident.

5.2.1.2.4. **Step Four:** Write down names, license numbers and other information regarding the accident and those people involved in it. Draw a simple diagram of the accident scene. The more detail you can provide, the better it will be for insurance and/or legal purposes later. If you have a camera for use at the accident scene, document the situation with photographs from various angles.

5.2.1.2.5. **Step Five:** After the vehicle has been secured, warning devices put in place, assistance rendered to injured person(s) (if any), and law enforcement personnel contacted, the driver should communicate the accident to the supervisor.

5.2.1.2.6. **Step Six:** Complete DOA-FM-012, Fleet Driver Accident/Incident Report at the scene of the accident.

**6.0 Completion of Accident Reports:**

6.1. Accidents and incidents involving state-owned or leased vehicles must be investigated and reported to the FMO and the BRIM by the spending unit on the day
of the accident, when practical, or the next business day if it is impractical to report the accident/incident on the day of the accident.

6.2. The SUFC must provide an initial DOA-FM-012, Fleet Driver Accident/Incident Report to FMO and an Insurance Loss Notice form to BRIM.

6.3. Both forms may be submitted:

6.3.1. Electronically on either the FMO website (DOA-FM-012) or BRIM website (Insurance Los Notice) form at:

6.3.1.1. (fleet website pending).


6.3.2. USPS (or equivalent) as an original and one copy to:


Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change

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will be referred to the spending unit and DOA BRIM for action as appropriate.

6.7. Drivers are cautioned against accepting responsibility for an accident/incident or discussing it with anyone other than their supervisors, law enforcement officers, FMO, or BRIM. The name and address of the State's insurance carrier are noted in an accident packet, which is located in the glove box of each vehicle.

6.8. Prior to moving a vehicle all state drivers must perform a walk around visual inspection of the state vehicle, if damage is noticed call the VMSC immediately.

6.9. The Safety/Loss Control Officer or SUFC will review all vehicle accidents to determine the true cause and whether it was preventable or non-preventable. A preventable collision is one in which the driver failed to do all that could be reasonably expected of them to avoid the collision.

6.9.1. General guidelines – barring extenuating circumstances and maintaining the reasonable action standards, accidents are generally preventable if:

6.9.1.1. The driver was inattentive or failed to accurately observe and assess existing conditions that contributed to an accident.

6.9.1.2. The driver’s speed was not consistent with posted (prescribed) limits or existing road, weather, or traffic conditions.

6.9.1.3. The driver’s speed precluded stopping within available clearances or assured clear distance.

6.9.1.4. The driver misjudged (or did not confirm) available clearances (above, below, or on the sides) resulting in the striking of a fixed object.

6.9.1.5. The driver failed to control the vehicle.

6.9.1.6. The driver failed to yield the right of way resulting in an accident (or to avoid an accident).

6.9.1.7. The driver failed to communicate the vehicle’s presence or intended actions through the use of directional lights (signal flashers), horn, or other means.

6.9.1.8. The driver was in violation of spending unit operating rules or special instructions, the regulations of any federal of state regulatory agency, or any applicable traffic law or ordinance.
6.9.2. Struck in rear by other vehicle:

6.9.2.1. Non-preventable if:

6.9.2.1.1. The driver's vehicle was legally and properly parked: unless there were extenuating circumstances recognizable to the alert driver whose judgment should suggest "park elsewhere".

6.9.2.1.2. The driver was proceeding in his or her own lane of traffic at a safe and lawful speed.

6.9.2.1.3. The driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal, or the directions of a police officer or other person legitimately controlling traffic.

6.9.2.1.4. The driver was in proper lane, waiting to make turn, and was flashing a signal indicating his or her intention to turn.

6.9.2.1.5. The driver's vehicle was disabled and was protected by emergency warning devices as required by DOT and state regulations, or if driver was in the process of setting out or retrieving signals - except, see "Mechanical Defects Accidents" - except, if opportunity was available for driver to remove vehicle off road.

6.9.2.2. Preventable if:

6.9.2.2.1. The driver was passing slower traffic near an intersection and had to make a sudden stop.

6.9.2.2.2. The driver made a sudden stop to park, load or unload.

6.9.2.2.3. The driver was improperly or illegally parked.

6.9.2.2.4. The driver made any other type of unnecessary sudden stop.

6.9.2.2.5. The driver's vehicle rolled back into vehicle immediately behind while starting on a grade.
6.9.3. Struck while parked:

6.9.3.1. Non-preventable if:

6.9.3.1.1. The driver was properly parked in an area where permitted. Unless there was extenuating circumstances recognizable to the alert driver, whose judgment should suggest "park elsewhere." Unless there was off-the-road parking available.

6.9.3.1.2. The state-owned or leased vehicle was protected by emergency warning devices as required by DOT and state regulations, or if driver was in the process of setting or retrieving signals. The use of 4-way flashers as emergency warning lights under DOT regulations meets this provision for only the first 10 minutes.

6.9.4. Mechanical defect or breakdown accidents:

6.9.4.1. Preventable if:

6.9.4.1.1. The defect was of a type which driver should have detected during a proper pre-trip inspection of vehicle.

6.9.4.1.2. The defect was of a type that the driver should have detected during the normal operation of the vehicle.

6.9.4.1.3. The defect was caused by the driver's abusive operation of the vehicle.

6.9.4.1.4. The defect was known to the driver but was operated regardless of this knowledge.

6.9.5. Side-swiped or head-on collisions:

6.9.5.1. Preventable if:

6.9.5.1.1. The driver was not entirely in the proper lane of travel.

6.9.5.1.2. The driver did not pull to the right or left, slow down and/or stop for the encroaching vehicle lane when such action could have been taken without additional danger and to prevent a collision.
6.9.5.1.3. The driver changed lanes without ascertaining that sufficient space was available or failed to signal intent, or give sufficient warning of intent, to change lane.

6.9.5.1.4. The driver was weaving to the right or left, thus crowding the passing vehicle.

6.9.6. Striking other vehicle in rear collisions:

6.9.6.1. Non-preventable if:

6.9.6.1.1. Another vehicle rolled backward while starting on grade.

6.9.6.1.2. The driver's vehicle was stopped but was hit from behind and pushed into another vehicle.

6.9.6.2. Preventable if:

6.9.6.2.1. The driver failed to maintain safe following distance and have the vehicle under control.

6.9.6.2.2. The driver failed to stay alert and ascertain that traffic was slowing down or that vehicle ahead was moving slowly, stopped, or slowing down.

6.9.6.2.3. The driver misjudged rate of overtaking vehicle.

6.9.6.2.4. The driver came too close before pulling out to pass.

6.9.6.2.5. The driver started up too soon or too fast for vehicle ahead.

6.9.6.2.6. The driver failed to leave sufficient room for passing vehicle to get safely back in line.

6.9.6.2.7. The driver was passing and misjudged approaching traffic, and returned to right lane too fast.

6.9.7. Accidents at intersection:

6.9.7.1. Non-preventable if:

6.9.7.1.1. The driver was stopped in compliance with traffic sign or
signal or at the direction of a police officer or other person legitimately controlling traffic.

6.9.7.2. Preventable if:

6.9.7.2.1. The driver failed to control speed so that the vehicle could stop within available sight distance.

6.9.7.2.2. The driver failed to check cross traffic and wait for it to clear before entering intersection.

6.9.7.2.3. The driver pulled out in the face of oncoming traffic.

6.9.7.2.4. The driver collided with person, vehicle, or object while making a right or left turn.

6.9.7.2.5. The driver collided with vehicle making turn in front of him. The driver had collision with vehicle coming from either side, regardless of location of traffic signs or signals or whether light was green.

6.9.8. Backing accidents:

6.9.8.1. Preventable if:

6.9.8.1.1. The driver backed up when backing could have been avoided by better route planning.

6.9.8.1.2. The driver backed into traffic stream when such backing could have been avoided.

6.9.8.1.3. The driver failed to get out and check the immediate situation and proposed path of backward travel.

6.9.8.1.4. The driver depended solely on mirrors when it was practicable to look back.

6.9.8.1.5. The driver failed to get out periodically and recheck conditions when backing a long distance.

6.9.8.1.6. The driver failed to sound horn while backing.

6.9.8.1.7. The driver failed to check behind vehicle parked at curb


Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change

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before attempting to leave parking space.

6.9.8.1.8. The driver backed from blind side when a sight-side approach could have been made.

6.9.8.1.9. The driver failed to use a ground guide (spotter) to help back, or depended solely on a guide.

6.9.8.1.10. The driver relinquished all responsibility to guide.

6.9.9. Accidents while passing or being passed:

6.9.9.1. Preventable if:

6.9.9.1.1. The driver passed where view of road ahead was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.

6.9.9.1.2. The driver attempted to pass in the face of closely approaching traffic.

6.9.9.1.3. The driver failed to warn driver of vehicle being passed.

6.9.9.1.4. The driver failed to signal change of lanes.

6.9.9.1.5. The driver pulled out in front of other traffic overtaking from rear.

6.9.9.1.6. The driver cut-in short returning to right lane.

6.9.9.1.7. The driver failed to stay in own lane of traffic.

6.9.9.1.8. The driver failed to hold speed or reduce speed to permit other vehicle to pass safely.

6.9.10. Accidents while entering traffic (merging):

6.9.10.1. Preventable if:

6.9.10.1.1. The driver failed to signal when pulling out from curb.

6.9.10.1.2. The driver failed to check traffic before pulling out from curb.
6.9.10.1.3. The driver failed to look back to check traffic if he was in position where mirrors did not show traffic conditions.

6.9.10.1.4. The driver attempted to pull out in a manner that forced other vehicle(s) to change speed or direction.

6.9.10.1.5. The driver failed to make full stop before entering from side street, alley, or driveway.

6.9.10.1.6. The driver failed to make full stop before crossing sidewalk.

6.9.10.1.7. The driver failed to yield right-of-way to approaching traffic.

6.9.11. Accidents involving pedestrians and bicycles:

6.9.11.1. Non-preventable if:

6.9.11.1.1. Pedestrian or bicycle driver collided with driver's vehicle while it was legally parked or stopped.

6.9.11.2. Preventable if:

6.9.11.2.1. The driver did not reduce speed in area of heavy pedestrian traffic.

6.9.11.2.2. The driver was not prepared to stop.

6.9.11.2.3. The driver failed to yield right of way to pedestrian.

6.9.11.2.4. The driver failed to stop when passing a streetcar or bus on the right.


6.9.12.1. Preventable if:

6.9.12.1.1. The driver attempted to cross tracks directly ahead of train or streetcar.

6.9.12.1.2. The driver ran into side of train or streetcar.
6.9.12.1.3. The driver stopped or parked on or too close to tracks.

6.9.12.1.4. The driver failed to yield right-of-way to trolley.

6.9.12.1.5. The driver failed to stop at the railroad crossing.

6.9.13. Miscellaneous accidents

6.9.13.1. Preventable if:

6.9.13.1.1. The driver was making a "U" turn.

6.9.13.1.2. The driver was pulling away from the curb or other parking space.

6.9.13.1.3. The driver was entering traffic from a driveway, or private alley.

6.9.13.1.4. The driver was giving a push or was being pushed.

6.9.13.1.5. Vehicle moved due to faulty brakes.

6.9.13.1.6. The driver left vehicle unattended (with or without motor running) and failed to set parking brake and wheel chocks.

6.9.13.1.7. Collision with fixed objects - poles gates, light stanchions, etc.

6.9.13.1.8. Non-collision accidents, such as an overturn, or running off road.

6.9.13.1.9. Skidding accidents in which the vehicle is damaged because it jackknifes.

7.0 Accident Review:

7.1. The spending officer should have an internal mechanism, e.g., committee, board, etc. to review vehicle collisions. To be successful, the committee should:

7.1.1. Convene as soon as possible after a collision involving a spending unit vehicle to objectively consider the evidence presented. This evidence includes any information given by the driver, his or her supervisor and the police report of
the accident. These same rules also apply to any employee officially authorized to drive his or her personal car on official state business.

7.1.2. Determine the true cause of the collision and whether it was preventable or non-preventable.

7.1.3. Review the driver's past driving record.

7.1.4. Report in writing to the spending officer, BRIM, and FMO the Committee's findings, and the recommendations for corrective action.

7.2. In the case of a preventable finding, schedule a personal one-to-one meeting with the driver to discuss the decision, possible remedial training, and/or possible disciplinary action. This meeting will be scheduled as soon as possible after the preventability determination has been made.

8.0 Accident Repairs and Cost Responsibility:

8.1.1. For vehicles enrolled in FMO Total Maintenance System, the vehicle should be taken to a shop specified by the Vehicle Maintenance Support Center (VMSC) at 1-800-CAR-CARE (227-2273) to secure estimates and/or repair. Shop personnel will secure the necessary estimates and provide copies to the VMSC.

8.1.2. The spending unit will be responsible for the costs of repairs/loss up to the BRIM deductible rate for the vehicle (normally $1,000.00 for vehicles with physical damage coverage).

8.1.2.1. Estimates:

8.1.2.1.1. Under $2,500 – two estimates are required and the repair should be completed by the body shop with the lowest price.

8.1.2.1.2. Over $2,500 – one estimate triggers contact with BRIM for assignment of an adjuster to evaluate the damage.

8.1.2.1.3. If a vehicle is declared a “total loss,” notify FMO immediately.

8.1.3. Reminder: Vehicles being decommissioned and retired must show normal wear and tear and be free of accident damage. Normal wear and tear will be based on vehicle age and mission requirements.
8.1.4. In those cases where a law enforcement agency has identified a third party to the accident and determined the third party to be at fault for the accident, BRIM will begin loss collection and authorize repairs to the vehicle. In these cases, the SUFC should contact the third party’s insurance company and attempt to obtain a rental vehicle for the state. This vehicle should be authorized until the state-owned or leased vehicle has been repaired or a settlement to the State has been received.

Section VII: Commuting

Subsection I: Commuting General:

1.0 Permissible Uses:

1.1. State-owned or leased vehicles may be used for commuting if all of the following requirements are met:

1.2. Such use is required for bona fide *noncompensatory* business reasons with respect to the duties of the employee to which the vehicle is assigned.

1.3. State-owned or leased vehicles will not be used for the convenience of the employee.

1.4. State-owned or leased vehicles will not be used as a compensatory mechanism to circumvent hiring, salary, longevity, or other restrictions imposed by federal, state, or spending unit directives, policies, orders, or statute.


1.6. State-owned or leased vehicles will not be used for commuting without formal approval by the employee’s assigned cabinet secretary or designee using DOA-FM-006, Fleet Duty Appointment. Commuting vehicle authorizations may be issued for periods up to one year. In cases where the spending unit is not assigned a cabinet secretary, the Cabinet Secretary, Department of Administration will fulfill that responsibility.

1.7. The commuting employee completes a DOA-FM-010, Fleet Statement of Commuting Value or participates in a web-enabled, secure fringe benefit reporting application provided by the FMO at no cost to the spending unit or employee.

2.0 Determining Commuting Value:

2.2. If an employee has been assigned a vehicle and the vehicle is used to commute to and/or from work during that temporary assignment, the employee must complete and submit to his or her spending unit business office with a copy to the Fleet Management Office a DOA-FM-010, Fleet Statement of Commuting Value or participate in a web-enabled, secure fringe benefit reporting application provided by the Fleet Management office at no cost to the spending unit or employee.

2.3. A DOA-FM-010, Fleet Statement of Commuting Value or use of the FMO web-enabled, daily trip log must be completed by the employee for each month in which the employee has been assigned a state-owned or leased vehicle for periods of one day or more and has used the vehicle for commuting.

2.4. The designated DOA-FM-010, Fleet Statement of Commuting Value or use of the FMO web-enabled daily trip log must be completed and submitted by the employee to the employee’s spending unit business office with a copy to the Fleet Management Office within ten (10) business days from the last day of the reporting month.

2.5. Failure to submit DOA-FM-010, Fleet Statement of Commuting Value or use the FMO web-enabled daily trip log will result in:

2.5.1. Termination of the assignment of a vehicle to the employee.

2.5.2. A determination by the spending unit business office that miles driven during the unreported period are personal use miles.

2.5.3. Any applicable penalties levied by the Department of Treasury, Internal Revenue Service of the Federal Government.

3.0 Home-to-Official Work Station Travel Excluded:

3.1. The following are the types of home-to-official work station travel which do not require a DOA-FM-016, Fleet Commuting Vehicle Authorization to commute:

3.1.1. Employees who only travel between home and official work station when in "travel status" as defined by state travel policy.

3.1.2. Employees who only travel between home and official work station the evening preceding a trip or the morning following a trip.
4.0 Travel Time and Hours Worked:

4.1. Travel time while commuting will not be counted as hours worked unless required by the Fair Labor Standards Act or related laws or regulations and that any spending unit custom or practice allowing compensability of activities outside these legal requirements is inconsistent with state policy. This policy is also intended to satisfy the requirements of the Employee Commuting Flexibility Act.

Section VIII: Maintenance and Care of Vehicles

Subsection I: General

1.0 Maintenance Responsibilities:

1.1. Vehicle maintenance is the responsibility of the spending unit that owns, leases, or is assigned a vehicle from FMO. Each spending unit should assign a SUFC to be responsible for monitoring and controlling routine maintenance and repair of vehicles.

1.2. For FMO-leased fleet vehicles, spending units should advise their drivers to contact the Vehicle Management Support Center (VMSC) for all servicing, repairs, breakdowns, and accidents. When an FMO-leased fleet vehicle is inoperable, the driver will call the VMSC to arrange for towing or on-site repairs, or for the transportation of the driver and any passengers to a safe location.

1.3. Spending unit owned vehicles should be maintained in accordance with spending unit policies and procedures and vehicle specific preventive maintenance schedules. Spending units may contact FMO for assistance in developing spending unit specific policies and procedures.

2.0 Routine Maintenance:

2.1. Drivers of state-owned or leased vehicles or an individual designated by the spending unit will routinely check their vehicles to ensure proper oil level, water and antifreeze for radiators, wear on belts and proper inflation of tires. This service should be performed at least weekly and/or at time of fueling.

2.2. The exterior of the vehicles will be washed, the interior vacuumed and the windows cleaned as often as needed, consistent with prudent financial management policy developed by the spending unit SUFC.
2.3. The lowest cost option will be used unless authorized by the spending unit SUFC.

### 3.0 Preventive Maintenance

3.1. A good preventive maintenance program lowers repair frequency and lowers overall maintenance cost.

3.2. The service portion of Preventive Maintenance is actually scheduled maintenance.

3.3. State-owned or leased vehicles will be enrolled in a Preventive Maintenance program. Spending units may reduce mileage intervals or add additional maintenance items that are not provided below based on the mission of the vehicle or manufacturer maintenance (warranty compliance) requirements.

3.3.1. Routine Service Schedule:

<table>
<thead>
<tr>
<th>Mileage Intervals</th>
<th>Maintenance Tasks</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 mile intervals (“A” Service)</td>
<td>Change oil and filter</td>
</tr>
<tr>
<td></td>
<td>Lube chassis as required</td>
</tr>
<tr>
<td></td>
<td>Check and fill fluid levels</td>
</tr>
<tr>
<td></td>
<td>Check tire pressure</td>
</tr>
<tr>
<td>10,000 mile intervals (“B” Service)</td>
<td>“A” Service</td>
</tr>
<tr>
<td></td>
<td>Rotate tires</td>
</tr>
<tr>
<td>15,000 mile intervals (“C” Service)</td>
<td>“A” Service</td>
</tr>
<tr>
<td></td>
<td>Replace air filter</td>
</tr>
<tr>
<td></td>
<td>Replace fuel filter</td>
</tr>
<tr>
<td></td>
<td>Replace emission filter</td>
</tr>
<tr>
<td></td>
<td>Check wheel bearings</td>
</tr>
<tr>
<td></td>
<td>Check brake linings</td>
</tr>
<tr>
<td>30,000 mile intervals</td>
<td>“A,” “B,” and “C” Service</td>
</tr>
<tr>
<td></td>
<td>Replace only non-platinum spark plugs</td>
</tr>
</tbody>
</table>
4.0 Vehicle Inspections:

4.1. The State of West Virginia is committed to following a strong daily inspection program. Spending units will ensure that drivers are properly trained to perform daily vehicle inspections. Each driver will acknowledge their understanding of this policy using DOA-FM-024, Fleet Vehicle Inspection Acknowledgement.

4.2. All vehicles are to be inspected every day they are operated.

4.2.1. Pre-trip Inspection

4.2.1.1. Each driver must be satisfied that his/her assigned vehicle is in proper working condition prior to operating using DOA-FM-018, Fleet Vehicle Inspection Checklist. Each driver must also be satisfied that any cargo is properly distributed and secured.

4.2.1.2. The driver will also review the last completed Fleet Vehicle Inspection Report to verify that any needed repairs were made to the vehicle. If the defects noted were not acknowledged by an authorized signature, the driver will not drive the vehicle until the defects are either corrected (for any safety related defect) or SUFC authorization to continue driving the vehicle is received (for non-safety related defect). The current Fleet Vehicle Inspection Report will be annotated by the driver and signed by the SUFC when collocated. When the driver and SUFC are not collocated, the driver will annotate the Fleet Vehicle Inspection Report with [date, time, SUFC name, and control number (if used by SUFC)]. All original inspection reports will be retained in the Vehicle Maintenance File.

4.2.2. On-Road Inspections

4.2.2.1. Once on the road, the driver must examine any cargo and its load securing devices and make any necessary adjustments.
4.2.2.2. If a problem is found, the driver will notify his/her supervisor and either have the necessary repairs or adjustments made prior to operating the vehicle, or safely travel to the nearest repair facility.

4.2.3. Periodic Inspections:

4.2.3.1. Every 3 months inspect the following: (make required repairs)

   4.2.3.1.1. All fan, A/C, power belts
   4.2.3.1.2. Radiator, heater, A/C hoses
   4.2.3.1.3. A/C, heater system
   4.2.3.1.4. Power steering
   4.2.3.1.5. Windshield wiper blades and arms
   4.2.3.1.6. Doors and windows

4.2.3.2. Every 6 months inspect the following: (make required repairs)

   4.2.3.2.1. Alternator/generator
   4.2.3.2.2. Battery
   4.2.3.2.3. Exhaust system, muffler, converter, tail pipe
   4.2.3.2.4. Emission control system
   4.2.3.2.5. Ignition system
   4.2.3.2.6. Door locks and window mechanisms
   4.2.3.2.7. Fuel tank and suspension system

4.2.3.3. Annually inspect and/or conduct the following: (make required repairs)

   4.2.3.3.1. Comprehensive engine tune-up and analysis
   4.2.3.3.2. Comprehensive steering/brake system evaluation
4.2.3.3.3. Comprehensive body/paint check
4.2.3.3.4. Comprehensive evaluation of emission control system
4.2.3.3.5. Drain, flush, and clean cooling system-refill
4.2.3.3.6. Electrical wiring
4.2.3.3.7. Suspension system
4.2.3.3.8. Mechanical linkages
4.2.3.3.9. Interior condition

5.0 Vehicle Maintenance File:

5.1. Manual System:

5.1.1. A complete record on each vehicle in the fleet will be kept. It will include basic vehicle information and information indicating the nature and due date of any inspection and maintenance operations to be performed on the vehicle, and a record of any inspections, repairs and maintenance performed on the vehicle in question, including dates performed and specifics on the nature of the operations.

5.2. Automated System:

5.2.1. In addition to any manual or legacy fleet management system, spending units will utilize the FMO-provided automated fleet management system.

6.0 Vehicle Servicing:

6.1. It is the responsibility of the spending unit to ensure state-owned and leased vehicles are serviced at least once each 5,000 miles or six months, whichever comes first. This service frequency should be more often if the vehicle is routinely operated in dusty or dirty environments.

6.2. Vehicle servicing includes an oil and oil filter change, an inspection of the air filter, chassis lubrication and a visual inspection of the belts, hoses and tires.

7.0 Vehicle Repairs:
7.1. Mechanical trouble or deficiencies concerning a state-owned or leased fleet vehicle will be brought to the attention of the SUFC and the person responsible for vehicles at the spending unit, institution or work location.

7.2. All needed repairs or vehicle component replacements will be managed by the SUFC or VMSC as appropriate.

7.3. Drivers will notify the SUFC or VMSC when emergency repairs are needed, and follow instructions provided by the SUFC or VMSC.

7.4. The SUFC or VMSC must be contacted for authorization prior to having any repairs performed by commercial establishments.

Section IX: Fuel-only Card Program

1.0 General:

1.1. The fuel-only card program is provided at no expense to spending units and will be managed in a manner consistent with all applicable state accounting policies and procedures related to the use of charge card programs.

1.2. Fuel for state-owned or leased vehicles may be obtained from the spending unit, a DOH facility if approved by DOH, or a Wright Express fuel-only card accepting retail location. A directory of DOH motor vehicle service facilities is located in the glove compartment of each vehicle. The normal hours of operation of these facilities, unless otherwise noted in the directory, is 8:00 a.m. to 4:30 p.m., Monday-Friday. A directory of Wright Express locations can be found at [http://www.wrightexpress.com/accepting-locations](http://www.wrightexpress.com/accepting-locations)

1.3. Use only regular unleaded fuel in gasoline powered state-owned vehicles. Mid-grade or premium blends are only to be used when regular is not available or the manufacturer requires the use of high octane fuel in the vehicle. E-85 fuel is to be used in Flex-Fuel vehicles where available. A list of E85 locations and approved vehicles can be found at [http://www.e85refueling.com](http://www.e85refueling.com) Drivers are expected to use self-service pumps at commercial stations, since this service is normally more economical. A fuel-only card is provided for such purchases.

1.4. Drivers MUST enter correct odometer readings, no tenths, into the card readers at all spending unit, DOH, and retail locations. FMO will run daily fueling reports and will contact SUFCs and drivers that consistently fail to enter correct odometer readings. Correct odometer readings are critical to the fleet management system, and this requirement will be strictly enforced.
1.5. SUFCs will be notified by FMO of unusual fuel-only transactions and will have 15 days to investigate and respond to the FMO.

2.0 Spending Unit Fuel-only Card Management:

2.1. Spending units assume ultimate responsibility for employees’ use of the fuel-only card, as well as the accountability for the physical security of the fuel-only cards.

2.2. Spending officer or his/her designee will request initial and changes in driver PIN using the DOA-FM-006, Fleet Duty Appointment.

2.3. Spending units will designate a Fuel-only Card Account Manager to perform the fiscal and administrative functions required to appropriately manage the fuel-only card program for the spending unit.

2.4. Spending units will designate Fuel-only Card Custodian(s) to maintain fuel-only cards used with rental vehicles; to monitor fuel-only cards assigned to spending unit vehicles; and manage their daily use.

2.5. Fuel-only cards used in conjunction with a rental car contract may be used at spending unit, DOH (with DOH approval), or retail fuel locations.

3.0 FMO Fuel-only Card Program Administrator:

3.1. Monitor spending unit fuel-only card usage activity for:

3.1.1. Delinquent payments.

3.1.2. Inactive cards.

3.1.3. Inappropriate purchases.

3.2. Ensure spending unit Fuel-only Card Account and Card Custodians receive appropriate training and support from the fuel-only card vendor.

3.3. The Fuel-only Card Program Administrator will electronically monitor all fuel-only card accounts in the program. Questions regarding the Fuel-only Card Program, please contact the FMO (304) 558-0086 or (855) 817-1910.

4.0 Fuel-only Card Account Manager:

4.1. The Fuel-only Card Account Manager assumes responsibility for reviewing card activity to ensure appropriate use.
4.2. Fuel-only transactions by the Fuel-only Card Account Manager must be validated by a second employee not supervised by the Fuel-only Card Account Manager.

4.3. The Account Manager will perform duties that include but are not limited to:

4.3.1. Review the monthly fuel invoice for appropriateness of fuel-only card usage.

4.3.2. Reconcile all charges and process payment to the vendor.

4.3.3. Report infractions to the spending unit management.

4.3.4. Maintain records of all fuel-only card usage, sign out sheets, receipts, or other applicable documents.

4.3.5. Ensure that the fuel-only card is used only for fuel.

4.3.6. Inform the FMO Fuel-only Card Program Administrator of any change in the Fuel-only Card Account Manager’s contact information.

4.4. All fuel purchases must be for regular unleaded or diesel unless a higher grade or other type of fuel is required by the manufacturer, requested in writing by the spending officer, and approved by the Fleet Management Office. Any exception to the fuel purchases must be approved in advance by the Fleet Management Office. Fuel purchases made in violation of this section will be the responsibility of the spending unit to which the vehicle is assigned. It will be at the discretion of the spending unit to seek reimbursement from the vehicle fuel-only card user.

5.0 Fuel-only Card Custodian:

5.1. The Fuel-only Card Custodian assumes responsibility for the physical security of fuel-only cards and PIN’s. The Fuel Card Custodian may delegate use of the fuel-only card, but assumes responsibility for card transactions.

5.2. The Fuel-only Card Custodian will perform duties that include, but are not limited to:

5.2.1. Ensure physical security of fuel-only cards (e.g., locked desk drawer, file cabinet, safe, etc.). The fuel-only card may not be left in the custody of a vendor.

5.2.2. Maintain a record of all persons who have physical access to the fuel-only card (e.g., sign-out sheet, list of persons who have keys to the locked desk drawer, etc.).
5.2.3. Ensure that the fuel-only card is used only for fuel purchases in conjunction with State business.

5.2.4. Ensure users of rental vehicles, and rental vehicle fuel-only cards turn in receipts of purchases from retail fuel locations.

5.2.5. Ensure all required documentation of fuel-only card use is forwarded to the Fuel-only Card Account Manager.

5.2.6. Inform the Fuel-only Card Account Manager of any changes in Fuel-only Card Custodian’s contact information.

6.0 Fuel-only Card User:

6.1. The Fuel-only Card User assumes responsibility for the physical security of the fuel-only card and the employee’s assigned or self-selected PIN. The Fuel-only Card User is responsible for:

6.1.1. Card transactions during periods in which they possessed the fuel-only card.

6.1.2. Ensuring the fuel-only card is not left in the custody of a vendor.

6.1.3. Ensuring that the fuel-only card is used only for fuel purchases in conjunction with State business.

6.1.4. Ensuring the timely submission of receipts to the Fuel-only Card Custodian when the fuel-only card is used to purchase fuel for rental vehicles at retail fuel locations.

6.1.5. Inform the Fuel-only Card Custodian of any changes in Fuel-only Card User’s contact information.

6.2. All fuel purchases must be for regular unleaded or diesel unless a higher grade or other type of fuel is required by the manufacturer, requested in writing by the spending officer, and approved by the Fleet Management Office. Any exception to the fuel purchases must be approved in advance by the Fleet Management Office. Fuel purchases made in violation of this section will be the responsibility of the spending unit to which the vehicle is assigned. It will be at the discretion of the spending unit to seek reimbursement from the vehicle fuel-only card user.

Section X: Mileage
1.0 General:

1.1. Mileage for state-owned or leased vehicles will be captured in several ways:

1.1.1. Fuel-only card readers during vehicle fueling.

1.1.2. Value-added technology, e.g., telematics, automated fleet management programs, garage management system, fringe benefit reporting program, third-party maintenance and repair invoices, etc.

1.1.3. SUFC or driver provided to FMO as requested, but no less than quarterly on the fifth work day following each calendar quarter.

Section XI: Accounts Payable

1.0 Accounts Payable General:

1.1. Spending units will receive an itemized invoice monthly by the fifth work day following each calendar month.

1.2. A monthly administrative fee shall be assessed for every state-owned or leased vehicle as determined by the Fleet Management Office and approved by the Cabinet Secretary.

1.3. The administrative fee will ensure adequate funding to support personnel salaries, direct and indirect costs, and provide for future fleet-related initiatives which are intended to improve fleet operations and increase cost savings within state spending units.

1.4. Any spending unit that becomes delinquent more than 90 days in paying any Department of Administration or designated vehicle services contractor fees may be placed in a “suspended” status and may be required to return leased vehicles to the vehicle owner (if acquired from private-sector leasing company) or to the Fleet Management Office (if a DOA-owned vehicle).

Section XII: West Virginia Public Fleet Professional Training Program (WVPFPT)

1.0 WVPFPT General:

1.1. The West Virginia Public Fleet Professional Training Program is an FMO-funded program for state employees with the desire to become either a Certified Automotive Fleet Supervisor (CAFS) or Certified Automotive Fleet Manager (CAFM).
2.0 Certified Automotive Fleet Specialist:

2.1. The Certified Automotive Fleet Specialist (CAFS) program gives candidates the option of selecting one of three discipline sets based on their education or employment needs.


2.1.2. Discipline Set Two: Includes Asset Management, Fleet Information Management, Business Management, and Risk Management.


2.2. The CAFS program is open to any individual with at least one year experience in any fleet-related position, as well as those enrolled in a college or university program in a fleet-related discipline. Those who successfully complete a discipline set are eligible to continue their studies in the remaining disciplines to earn their CAFM designation.

3.0 Certified Automotive Fleet Manager (CAFM)

3.1. The CAFM certification program offers the most up-to-date fleet management education. Successful completion of the CAFM program requires passing all eight disciplines within a three-year period. The eight disciplines are:

3.1.1. Asset Management

3.1.2. Business Management

3.1.3. Financial Management

3.1.4. Fleet Information Management

3.1.5. Maintenance Management

3.1.6. Risk Management

3.1.7. Vehicle Fuel Management

3.1.8. Professional Development
3.2. The CAFM program is open to any individual with at least one year experience in any fleet-related position, as well as those enrolled in a college or university program in a fleet-related discipline.

4.0 Positions Available:

4.1. The number of FMO-funded program positions may vary for each fiscal year depending upon available funding. Applications are accepted year-round and will be evaluated for eligibility quarterly by the Fleet Management Office.

5.0 Priority Grouping:

5.1. Fully-eligible applicants will be slated: (1) within priority groups; and (2) based upon the quarter in which applications are received.

5.1.1. Priority groups:

5.1.1.1. Alpha – Applicant performing duties as a fleet manager, deputy fleet manager, assistant fleet manager, or automotive service center manager (administrative services manager equivalent).

5.1.1.2. Bravo – Applicant performing duties as a fleet specialist, material management specialist, automotive service writer, automotive shop foreman (administrative services specialist equivalent).

5.1.1.3. Charlie – Applicant with previous (within the last five years) fleet-related experience or currently enrolled in a college or university program in a fleet-related discipline.

6.0 Application:

6.1. Interested applicants must submit a resume with cover letter to:

Fleet Management Office
Attn: West Virginia Public Fleet Professional Training Program
2101 Washington Street East
P.O. Box 50121
Charleston, WV 25305-0121

7.0 Questions:

7.1. Questions may be emailed to Fleet@wv.com.
Section XIII: Fleet Frequently Asked Questions (FAQ)

Subsection I: FAQs – General

Q: How many vehicles does the State operate?

1.1. A: The number varies as vehicles are placed in service or surplused, but the latest asset inventory indicates there are 9,350 light-duty vehicles operated by the state. That number includes state-owned; state-leased; seized or forfeited; and donated vehicles that are in any asset management category other than “sold.”

1.2. The number does not include privately owned vehicles used for state business where mileage reimbursement occurs.

1.3. The Fleet Management Office initiated a statewide fleet review on 9 February with compiled results due to the Fleet Management Office on 9 March 2011.

1.4. The review includes those vehicles that are used for commuting purposes; vehicle garage location; owned; long-term lease; short-term lease vehicles; seized or forfeited vehicles; and donated vehicles.

Q: What is the Fleet Management Office Budget for Fiscal Year (FY) 2012?

1.1. A: The Fleet Management Office is a Special Revenue activity within the Department of Administration that currently receives no General Revenue appropriations.

1.2. Fleet Management’s budget for FY12 is $4.9 Mil which, for the most part, will be used for debt service on vehicles that were financed in previous fiscal years.

1.3. The operational portion of the Fleet Management Office budget is $480K and is paid through the use of a modest vehicle administrative fee. The administrative fee is currently $17.60 per vehicle per month for 1,835 vehicles and is re-calculated monthly to ensure no over-recovery occurs from supported agencies.

1.4. It is also important to note that the administrative fee is projected to decrease proportionally as additional vehicles are added to the Flt. Mgt. program. For example, in FY12 when enrolled vehicles reach 5,835 - the administrative fee will decrease to $12 per vehicle per month. In FY13 when enrolled vehicles reach 9,350 - the administrative fee will decrease to $9 per vehicle per month.

Q: What are the numbers behind the operational portion of the Fleet Management Budget?
1.1. **A:** The operational portion of the annual budget is comprised of salaries, direct cost, indirect cost, and R&D or value-added technology:

1.1.1. **Salary** – 52% or $249K (Exec Dir., Flt Mgt., and 3-ASA Fleet Specialist Equates to 1 FTE per 1K vehicles)

1.1.2. **Direct Cost** – 24% or $115K (Flt Mgt. Program and other Accts Payable charges)

1.1.3. **Indirect Cost** – 9% or $43.2K (utilities, rent, etc.)

1.1.4. **R&D** (Value Added Technology) – 15% or $72K (supported agency training, IRS fringe benefit reporting, GPS, rear-facing cameras, etc.)

**Q: What is prompting the 15% investment in R&D?**

1.1. **A:** Based on the results of several statewide audits, the legislature passed legislation to form a consolidated fleet management office with the mandate to improve fleet management practices within the state. The 15% investment in R&D or value-added technology is the first step in meeting the legislative mandate.

**Q: What is value-added technology?**

1.1. **A:** Value-added technology are those software, hardware, or training opportunities that will serve as a bridge to the Enterprise Record Program (ERP) project currently being solicited by the state, improve employee safety, achieve programmatic fiscal savings for the State, and increase the number of credentialed Fleet Management Professionals within supported agencies. Here are a few examples:

1.1.1. **Software** – Fringe Benefit Reporting: The Fleet Management Office will offer a web-based program at no cost to spending units or drivers that will meet the Internal Revenue Service reporting requirements for commuting, mileage reimbursement, and imputed value (leased vehicles) when appropriate.

1.1.2. **Hardware** – Rear-facing camera system, in-cab camera system, GPS: The availability of low-cost vehicle-related technology makes its targeted use cost-effective for the state.

1.1.3. Initially, the hardware would be targeted for implementation in spending units that could achieve the highest cost-benefit for each invested dollar. For example:

1.1.4. Rear-facing camera systems are appropriate initially for spending units that have vehicles where rear vision might be obscured by on-board equipment or the
vehicle is towing something.

1.1.5. In-cab camera systems are appropriate initially for spending units that have vehicles used to transport authorized passengers.

1.1.6. Global Positioning System (GPS) technology is appropriate for spending units that perform client visits, perform service or inspections, perform duties that may impact on employee safety and require immediate location of the employee or vehicle or panic button technology is needed.

1.2. Use of value-added technology will not occur without the consent of the affected spending unit or official mandate.

1.3. **Credentialed Fleet Management Professionals** – Select spending unit with state-owned vehicles will benefit from having a credentialed fleet management professional assigned to the organization.

1.4. The Fleet Management Office will provide training opportunities at no cost to the spending unit that will culminate in the assignment of a credentialed fleet management professional to the spending unit. The most widely held credentials include:

1.4.1. CPFP – Certified Public Fleet Professional (American Public Works Association)

1.4.2. CAFM – Certified Automotive Fleet Manager (National Association of Fleet Managers)

1.5. Initially, spending units with 900 or more vehicles will be targeted for the training opportunities. Subsequent training opportunities will target spending units with 500 or more vehicles.

**Q: How will spending units pay for the administrative fee charged by the FMO?**

1.1. **A:** The Fleet Management Office has experienced documented cost savings beyond the administrative fee for its current cohort of managed vehicles. We believe spending units will enjoy the same type of cost savings as they become active fleet management users. We will also work with spending units, DOA Finance Division, and the State Budget Office to develop strategies that will mitigate the administrative costs until spending units are fully integrated.

**Q: What benefit does the state derive from a consolidated Fleet Management Office?**

1.1. **A:** The state will derive the following benefits:
1.1.1. A Fleet Management Office that will be a catalyst for improved fleet practices in West Virginia.

1.1.2. Leveraged fleet-related state spending to provide the absolute best value to the citizenry of West Virginia.

1.1.3. Inclusion by fleet stakeholders and transparency in all fleet activities.

1.1.4. A state-of-the-art fleet management program supporting fleet-related activities and processes in all spending units. Those activities include: asset management, inventory management, maintenance management, fuel management, garage management, transportation management, fringe benefit reporting, and fleet management reporting.

1.1.5. Formal educational opportunities for aspiring state employees that will generate continued expertise in fleet management, project management, and other lean processes; will provide for continuance of fleet-related best practices within their respective organizations; and managed succession planning.

Q: How will transparency be maintained by the Fleet Management Office?

1.1. A: The Fleet Management Office will maintain transparency by:

1.1.1. Accurately reporting to the public, cabinet secretaries, executive, legislative and judicial branches as required, but no less than annually, on fleet-specific information:

1.1.1.1. Number of vehicles in the state’s vehicle fleet by vehicle classification.

1.1.1.2. Number of commuting vehicles.

1.1.1.3. Total cost of ownership.

1.1.1.4. Utilization performance.

1.1.1.5. Months in service averages.

1.1.1.6. Miles reimbursed to state employees.

1.1.1.7. Fleet right-sizing efforts.

1.1.1.8. EPAct performance.
1.1.1.9. Vehicle replacement methodology for the upcoming fiscal year.

Subsection II: FAQs – Mileage Reimbursement Rate

Q: How does the IRS determine the Federal Mileage Reimbursement Rate?

1.1. A: The standard mileage rate calculated by the IRS is based upon the costs of operating a vehicle.

1.2. Most taxpayers who use a car for business qualify for a deduction based upon the standard mileage rate or actual car expenses. Reviewing both past and present mileage rates, as well as understanding the considerations that the IRS makes when deciding on the mileage rates, will aid you in understanding how the IRS determines the mileage rates from year to year.

1.3. For tax year 2011, the Internal Revenue Service announced that the standard mileage rate would be increased from 50 to 51 cents per business mile driven. According to the IRS, the new mileage reimbursement rates reflect slightly higher national transportation costs now than in 2010.

1.4. References


Q: How does West Virginia determine the State Mileage Reimbursement Rate?

1.1. A: Like the Internal Revenue Service, West Virginia is based upon the costs of operating a vehicle within West Virginia. The mileage reimbursement rate lets employees reclaim a certain amount of money for every mile traveled on the job using your vehicle for state official business purposes. Although the IRS sets a reimbursement rate annually, the rate is optional and may be set at a rate equal to or less than the Federal mileage reimbursement rate at state’s discretion. Several factors influence how much reimbursement you will receive in West Virginia.

1.2. For tax year 2011, the State announced that the standard mileage rate would be increased from 40.5 to 42.5 cents per business mile driven. According to the West Virginia Department of Administration, the new mileage reimbursement rates reflect projected
higher fuel costs for West Virginia in 2011. Other factors also influence the state mileage reimbursement rate:

1.2.1. Total Cost of Ownership (West Virginia)

1.2.1.1. Depreciation
1.2.1.2. Taxes and fees
1.2.1.3. Financing
1.2.1.4. Fuel
1.2.1.5. Insurance
1.2.1.6. Maintenance
1.2.1.7. Repair
1.2.1.8. Type of Vehicle

1.2.1.8.1. The type of vehicle you use influences your mileage reimbursement, as the State of West Virginia does not pay more than the IRS recommended amount.

1.2.1.9. Vehicle Ownership

1.3. In West Virginia, employees who apply for mileage reimbursement must do so after using their own privately owned vehicle. Employees must provide proof to the state that the mileage was for business purposes only. The mileage reimbursement rate is meant to cover not only gas costs, but also those items included in the total cost of ownership.

1.4. Longer Journeys

1.4.1. State travel policy recommends that privately owned vehicles not be used when reimbursement costs are expected to exceed $50 per day or mileage reimbursement is expected to cost more than the cost of commercial travel (air, rental car, etc.).

Q: How do I find the total cost of ownership for my vehicle?

1.1. A: There are several online resources that can provide a vehicle owner the total cost of ownership. Some of these resources include:

- Kelley Blue Book
- TrueCar
- Edmunds
- NADAguides
- Carfax

These resources can help you calculate the total cost of ownership for your vehicle, including factors such as depreciation, financing, taxes, fees, insurance, maintenance, and repair costs.
ownership based on make, model, engine size, and locality or zip code.


1.1.2. Kelly Blue Book.com - (http://www.kbb.com/compare-cars)

Q: Why is the West Virginia mileage reimbursement rate lower than the Federal mileage reimbursement rate?

1.1. A: The Federal mileage reimbursement rate is based upon a national average for evaluation criteria, whereas the West Virginia mileage reimbursement rate is limited to a West Virginia average for evaluation criteria.

Q: May I claim excess travel-related expenses on my annual income tax return?

1.1. A: Yes, the Internal Revenue allows employees to include expenses incurred in excess of state mileage reimbursement by attaching the IRS Form 2106, Employee Business Expense to their annual IRS Form 1040, Individual Income Tax Return.

1.2. If your allowance is less than or equal to the federal rate, the allowance will not be included in box 1 of your IRS Form W-2, Wage and Tax Statement. You do not need to report the related expenses or the allowance on your income tax return if your expenses are equal to or less than the allowance.

1.3. However, if your actual expenses are more than your allowance, you can complete the IRS Form 2106, Employee Business Expense and deduct the excess amount on Schedule A (IRS Form 1040, Individual Income Tax Return). If you are using the actual expenses, you must be able to prove to the IRS the total amount of your expenses and reimbursements for the entire year. If you are using the standard mileage rate, you do not have to prove that amount.

1.3.1. Example:

1.3.1.1. Nicole drives 10,000 miles in 2011 on state business. Under the State of West Virginia’s standard mileage reimbursement plan, she accounts for the time (date), place, and business purpose of each trip. The State of West Virginia pays her a mileage allowance of 42.5 cents per mile.

1.3.1.2. Since Nicole’s $5,100 expense computed under the federal standard mileage rate (10,000 x 51 cents) is more than her $4,250 under the state standard mileage rate (10,000 x 42.5 cents), she itemizes her deductions to claim the excess expense. Nicole


Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change

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completes the IRS Form 2106 (showing all her expenses and reimbursements) and enters $850 ($5,100 - $4,250) as an itemized deduction.

Q: Why don't fuel prices change as quickly as crude oil prices?

1.1. **A:** The cost of crude oil is a major component in the price of diesel fuel, gasoline, and heating oil. But there are other factors that affect retail fuel prices. Prices are determined by demand and supply in our market economy. Fuel demand is affected mainly by economic conditions (which can be affected by natural disaster, political turmoil in non-domestic markets, and our perceived ability to safeguard the continuous flow of oil to the United States) and for heating oil, the weather. Supplies come from refinery production, imports, stocks (inventories and in some cases the strategic oil reserve).

1.2. Suppliers price their products based on actual and expected demand relative to available and expected supplies over the short and longer term. Since stocks are the main buffer between short term demand and supply, stock levels are a major factor in fuel pricing.

1.3. Reductions in fuel supply, especially when demand is high, can cause prices to increase and to remain high even if crude oil prices drop. On the other hand, even if crude oil prices are increasing, retail fuel prices may not increase as much, or may even fall, if existing and expected fuel supplies are high relative to demand. The rise and fall of crude oil and gasoline prices in 2008 help to illustrate these points:

1.3.1. Retail gasoline prices increased an average of 82 cents per gallon more in the first seven months of 2008 than in the same period in 2007, while crude oil prices increased by 119 cents per gallon. Adequate supplies and slowing demand for gasoline meant that much of the crude oil price increases were not passed on at the pump.

1.3.2. High prices caused people to buy less gasoline, and gasoline and crude oil prices began falling in mid-July.

1.3.3. In September, Hurricanes Ike and Gustav caused several Gulf Coast refineries and a major gasoline pipeline supplying the Eastern U.S. to shut down. These significant supply disruptions drove gasoline prices up in many areas of the country for several weeks, even as world crude oil prices were dropping.

1.3.4. By mid-October, the supply situation improved and gasoline prices began falling along with oil prices.
Q: Where can we expect fuel prices to go based on the cost of non-domestic crude pricing?

1.1. A: There are no hard and fast algorithms we can use to determine where fuel price changes will stop. The graphic below does provide an approximation of the relationship of crude oil prices and unleaded fuel prices at the pump. There will always be a time lag...
between crude oil prices falling and lower prices at the pump. The graphic above depicts crude oil on the left vertical axis and price per gallon for regular unleaded fuel on the right vertical axis. For example when a barrel of crude oil reached $96.45, the price per gallon for regular unleaded fuel was expected to be $3.86. Using the same graphic, when the price per barrel of crude oil reaches $103.00, we should expect the price per gallon for regular unleaded fuel to reach $4.15.

Q: What does the state’s fuel dollar pay for?

1.1. A: The graphics below provide a breakdown for each dollar spent on fuel. Some state agencies benefit from state tax exemptions, but every agency pays federal tax on fuel.

Q: Will state agencies be affected by the change in fuel prices?

1.1. A: Yes, state agencies will be affected by the change in fuel prices. To what extent fuel prices will affect service levels by state agencies will depend on several factors:

1.1.1. Cash reserves available to the agency.

1.1.2. The agency’s projected fuel expenditures and fuel budget remaining for this fiscal year (FY2011) which ends on June 30th.

1.1.3. The agency’s projected fuel expenditures and fuel budget for the upcoming fiscal year (FY2012) which begins on July 1st.

1.1.4. The ability to redistribute operational dollars within each agency.

1.1.5. Which programs may be curtailed (mission enhancing versus mission essential).
Q: What steps can state agencies take to prevent possible program curtailment?

1.1. A: The following steps can be taken to offset any unforecasted increases in fuel prices:

1.1.1. Execute an immediate moratorium on commuting in state-owned or leased vehicles.

1.1.2. Reassign vehicles from individual driver assignment to shared-use assignment.

1.1.3. Park older, less fuel-efficient vehicles and use newer, smaller vehicles.

1.1.4. Institute increased driver supervision and use of route optimization technology to reduce miles driven.

1.1.5. Reduce idling (one hour of idling equals 33 miles driven).

1.1.6. Embrace value-added technology to improve driver behavior and reduce miles driven (telematics).

1.2. Develop operational plans that are based on fuel prices:

<table>
<thead>
<tr>
<th>Fuel Price Per Gallon</th>
<th>Commuting Vehicle Moratorium</th>
<th>Individual to Shared Use Vehicle Assignment</th>
<th>Use of Newer, CAFE Compliant Vehicles</th>
<th>Driver Supervision and Route Optimization</th>
<th>Reduce Vehicle Idling</th>
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Q: What does CAFE compliance mean?

1.1. A: Using vehicles that meet National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT) Corporate Average Fuel Economy (CAFE) standards for passenger cars and light trucks:

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<thead>
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<th>Model Year</th>
<th>Passenger Car MPG</th>
<th>Passenger Car CO2</th>
<th>Light Truck MPG</th>
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Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change
Q: What is value-added technology?

A: Value-added technology is any technology that will improve driver behavior, driver safety, and has a reasonable return on investment (ROI).

Q: What are examples of value-added technology?

A: Two value-added technologies that can be executed by state agencies include:

1.1.1. Secure, web-enabled Department of Administration Fleet Management Office-funded programs with proven track records in providing fleet efficiencies and cost savings:

1.1.1.1. Total Maintenance System
1.1.1.2. Truck Serve
1.1.1.3. Garage Management System
1.1.1.4. Fringe Benefit Reporting System
1.1.1.5. Daily Trip Log

1.1.2. Telematics is a relatively inexpensive technology that can best be described as a “black box” for vehicles. Telematic equipment monitors vehicle performance and driver behavior. The telematic equipment is contained in one device about the size of a CD player connected to the vehicle’s onboard diagnostic computer OBD-II and transmits information via mobile communications networks back to a central hub. An integrated GPS interface also allows the vehicle’s location to be determined and tracked. Typical reports available through telematics include:

1.1.2.1. Stop detail
1.1.2.2. Engine idling
1.1.2.3. Fuel efficiency
1.1.2.4. Environmental impact (carbon footprint)
1.1.2.5. Rout optimization

1.1.2.6. Speeding (posted speed limits)

1.1.2.7. Odd-hours use

Subsection III: Frequently Asked Questions – FOIA Requests

Q: How do I make a FOIA request?

1.1. A: Submit your request in writing to the FMO at the following address or via e-mail to Fleet@wv.gov.

   Department of Administration
   Fleet Management Office - FOIA
   2101 Washington Street East
   P.O. Box 50121
   Charleston, WV 25305-0121

Q: Do I need to complete a form?

1.1. A: No, just write a letter or send an e-mail message with as much detail as possible about the records you want.

Q: How does FMO process FOIA requests?

1.1. A: When your request arrives in the FMO, it is logged in and then sent concurrently to the Department of Administration General Counsel and Communications Officer for review. Once the reviews are completed, the FMO will forward the requests to the area(s) within FMO that may have the records you have requested. Staffs in those areas search their files for the records. If the staff finds records, they review them and send them to the Executive Director, FMO. The Executive Director, FMO then reviews the records, prepares a draft response to the FOIA request and submits concurrently to the Department of Administration General Counsel and Communications Officer who review for completeness and determine which records can or cannot be released. All releasable records are sent to the requester with a letter from the General Counsel.

Q: How long will it take FMO to respond to my request?

1.1. A: Under the FOIA, the FMO has five (5) working days to answer a request.

Q: What kinds of records can FMO withhold and on what grounds can the FMO deny a
1.1. **A:** The FMO must provide records to a requester regardless of the identity of the requester or the requester's purpose in seeking the records. It must also provide the records even if the requester can otherwise obtain them from a non-government source, so long as the requested records are "FMO records" subject to the FOIA. The FMO can refuse to disclose them only when they fall within statutory exemptions from the FOIA’s disclosure provisions under section §29B-1-4 of the law. The following categories of information are specifically exempt from disclosure under the provisions of this paragraph:

1.1.1. Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors;

1.1.2. Information of a personal nature such as that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance: *Provided,* That nothing in this subdivision shall be construed as precluding an individual from inspecting or copying his or her own personal, medical or similar file;

1.1.3. Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination;

1.1.4. Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement;

1.1.5. Information specifically exempted from disclosure by statute;

1.1.6. Records, archives, documents or manuscripts describing the location of undeveloped historic, prehistoric, archaeological, paleontological and battlefield sites or constituting gifts to any public body upon which the donor has attached restrictions on usage or the handling of which could irreparably damage such record, archive, document or manuscript;
1.1.7. Information contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions, except those reports which are by law required to be published in newspapers;

1.1.8. Internal memoranda or letters received or prepared by any public body;

1.1.9. Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the public health;

1.1.10. Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of law enforcement or emergency response personnel;

1.1.11. Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, state and local law enforcement and other agencies within the Department of Military Affairs and Public Safety;

1.1.12. National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;

1.1.13. Computing, telecommunications and network security records, passwords, security codes or programs used to respond to or plan against acts of terrorism which may be the subject of a terrorist act;

1.1.14. Security or disaster recovery plans, risk assessments, tests or the results of those tests;

1.1.15. Architectural or infrastructure designs, maps or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located;

1.1.16. Codes for facility security systems; or codes for secure applications for such
facilities referred to in 1.1.15 of this subparagraph;

1.1.17. Specific engineering plans and descriptions of existing public utility plants and equipment;

1.1.18. Customer proprietary network information of other telecommunications carriers, equipment manufacturers and individual customers, consistent with 47 U.S.C. §222; and

1.1.19. Records of the Division of Corrections and the Regional Jail Authority relating to design of corrections and jail facilities owned or operated by the agency, and the policy directives and operational procedures of personnel relating to the safe and secure management of inmates, that if released, could be utilized by an inmate to escape a corrections or jails facility, or to cause injury to another inmate or to facility personnel.

1.2. As used in subdivisions (1.1.9) through (1.1.16), inclusive, subparagraph (1.1) of this section, the term "terrorist act" means an act that is likely to result in serious bodily injury or damage to property or the environment and is intended to:

1.2.1. Intimidate or coerce the civilian population;

1.2.2. Influence the policy of a branch or level of government by intimidation or coercion;

1.2.3. Affect the conduct of a branch or level of government by intimidation or coercion;

1.2.4. Retaliate against a branch or level of government for a policy or conduct of the government.

1.3. Nothing in the provisions of subdivisions (1.1.9) through (1.1.16), inclusive, subparagraph (1.1) of this section should be construed to make subject to the provisions of this chapter any evidence of an immediate threat to public health or safety unrelated to a terrorist act or the threat thereof which comes to the attention of a public state in the course of conducting a vulnerability assessment response or similar activity.

Q: How do I know if the FMO has withheld records from me?

1.1. A: The Department of Administration General Counsel will tell you in the response letter if records or parts of records you requested have been withheld and which exemptions apply.
Q: What if I think the FMO has withheld records and should not have?

1.1. **A:** If the FMO withholds records from you, your response letter from the Department of Administration General Counsel will state your appeal rights. The letter will say that you may challenge the decision to withhold records or parts of records and will describe how you may file an appeal.

1.2. If your appeal is denied, you can institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.

Q: What happens if the FMO does not have the records I want?

1.1. **A:** The Department of Administration General Counsel will tell you in writing if the FMO is unable to locate records you requested.

1.2. If the FMO knows that another agency has the records you want, the Department of Administration General Counsel will refer you to that agency.

Q: What are the fees for filing a FOIA request?

1.1. **A:** The FOIA allows FMO to charge requesters for FOIA services, e.g., search and review time, copy costs, digital media, and special services like document certification and delivery service fees. The prevailing rate is currently:

- **Copy costs:** 25 cents per copy (black and white) and 50 cents per copy (color)
- **Digital media:** $5 per CD-ROM
- **Federal Express fees:** Prevailing rate for the type of delivery service (or equivalent) specified in the FOIA request. If no delivery service type is identified, the FMO will, at its sole discretion, select the delivery service type to be used.

Q: How can I reach the Fleet Management Office?

1.1. **A:** The Fleet Management Office can be reached by phone at (304) 558-0086, toll-free (855) 817-1910, or email Fleet@wv.gov. Their address is:

   Department of Administration
   Fleet Management Office - FOIA
   2101 Washington Street East
   P.O. Box 50121
1.2. A FOIA Reading Room will be reserved in Building 17, Capitol Complex. To access the reading room contact Fleet@wv.gov.

Section XIV: West Virginia Statutory Excerpts

Subsection I: Fleet Management

§5A-3-48. Travel rules; exceptions.
(a) The Secretary of Administration shall promulgate rules, including emergency rules, relating to the ownership, purchase, use, storage, maintenance and repair of all motor vehicles and aircraft owned or possessed by the State of West Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or authorities.

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

(c) The secretary may administer the travel regulations promulgated by the Governor in accordance with section eleven, article three, chapter twelve of this code, unless otherwise determined by the Governor.

§5A-3-49. Central motor pool for state-owned vehicles and aircraft.
The secretary may establish a central motor pool, which shall be maintained and administered by the Department of Administration, subject to such rules as the secretary may promulgate. The Department of Administration is responsible for the storage, maintenance, and repairs of all vehicles and aircraft assigned to the central motor pool.

§5A-3-50. Acquiring and disposing of vehicles and aircraft.
The secretary shall be empowered to purchase new vehicles and aircraft and dispose of old vehicles and aircraft as is practical from time to time.

§5A-3-51. Maintenance and service to vehicles and aircraft.
The secretary may utilize any building or land owned by the state, any department, institution or agency thereof, for the storing, garaging, and repairing of such motor vehicles and aircraft. The secretary shall provide for the employment of personnel needed to manage said motor pool and to repair and service such vehicles and aircraft and for the purchase of gasoline, oil, and other supplies for use in connection therewith, and may utilize the facilities, services and employees of any department, institution or agency of the state to effectuate the purposes thereof.
§5A-3-52. Special fund for travel management created.
There is hereby created a special fund in the state treasury, out of which all costs and expenses incurred pursuant to this section shall be paid. All allocations of costs and charges for operating, repairing and servicing motor vehicles and aircraft made against any institution, agency or department shall be paid into such special fund by said department or agency. All funds so paid or transferred into this special fund are hereby appropriated for the purposes of this section and shall be paid out as the secretary may designate; said funds to be transferred to include all appropriations for the acquisition, maintenance, repair and operation of motor vehicles and aircraft and for personnel.

§5A-3-53. Enforcement of travel management regulations.
If any state officer, agent or employee fails to comply with any rule or regulation of the secretary made pursuant to section forty-eight of this article, the state auditor shall, upon order of the secretary, refuse to issue any warrant or warrants on account of expenses incurred, or to be incurred, in the purchase, operation, maintenance, or repairs of any motor vehicle or aircraft now or to be in the possession or under the control of such officer, agent or employee. The secretary may take possession of any state-owned vehicle or aircraft and transfer it to the central motor pool or to make such other disposition thereof as the secretary may direct.

Subsection II: Confidential License Plates

§17A-3-23. Registration plates to state, county, municipal and other governmental vehicles; use for undercover activities.

(a) Any motor vehicle designed to carry passengers, owned or leased by the State of West Virginia, or any of its departments, bureaus, commissions or institutions, except vehicles used by the Governor, Treasurer, three vehicles per elected office of the Board of Public Works, vehicles operated by the State Police, not to exceed five vehicles operated by the office of the Secretary of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division of Homeland Security and Emergency Management, vehicles operated by natural resources police officers of the Division of Natural Resources, not to exceed ten vehicles operated by the arson investigators of the office of State Fire Marshal, not to exceed two vehicles operated by the Division of Protective Services, not to exceed sixteen vehicles operated by inspectors of the office of the Alcohol Beverage Control Commissioner and vehicles operated by probation officers employed under the Supreme Court of Appeals may not be operated or driven by any person unless it has displayed and attached to the front thereof, in the same manner as regular motor vehicle registration plates are attached, a plate of the same size as the regular registration plate, with white lettering on a green background bearing the words "West Virginia" in one line and the words "State Car" in another line and the lettering for the words "State Car" shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.
The vehicle shall also have attached to the rear a plate bearing a number and any other words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall also be green with the number in white.

(b) On registration plates issued to vehicles owned by counties, the color shall be white on red with the word "County" on top of the plate and the words "West Virginia" on the bottom. On any registration plates issued to a city or municipality, the color shall be white on blue with the word "City" on top and the words "West Virginia" on the bottom: Provided, That after December 31, 2006, registration plates issued to a city or municipality law-enforcement department shall include blue lettering on a white background with the word "West Virginia" on top of the plate and shall be further designed by the commissioner to include a law-enforcement shield together with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-enforcement department motor vehicle. The colors may not be reversed and shall be of reflectorized material. The registration plates issued to counties, municipalities and other governmental agencies authorized to receive colored plates hereunder shall be affixed to both the front and rear of the vehicles. Every municipality shall provide the commissioner with a list of law-enforcement vehicles operated by the law-enforcement department of the municipality, unless otherwise provided in this section, and a fee of $10 for each vehicle submitted by July 1, 2006.

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

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

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

(f) The commissioner is authorized to issue an unlimited number of license plates per applicant to authorized drug and violent crime task forces in the State of West Virginia when the chairperson of the control group of a drug and violent crime task force signs a written affidavit stating that the vehicle or vehicles for which the plates are being requested will be used only for official undercover work conducted by a drug and violent crime task force.
(g) The commissioner is authorized to issue twenty Class A license plates to the Criminal Investigation Division of the Department of Revenue for use by its investigators.

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

(i) The commissioner is authorized to issue an unlimited number of Class A license plates to the Commission on Special Investigations for state-owned vehicles used for official undercover work conducted by the Commission on Special Investigations. The commissioner is authorized to issue a maximum of two Class A plates to the Division of Protective Services for state-owned vehicles used by the Division of Protective Services in fulfilling its mission.

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

(k) The Commissioner of Motor Vehicles shall have a sufficient number of both front and rear plates produced to attach to all state-owned cars. The numbered registration plates for the vehicles shall start with the number "five hundred" and the commissioner shall issue consecutive numbers for all state-owned cars.

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

(m) The commissioner may issue special registration plates for motor vehicles titled in the name of the Division of Public Transit or in the name of a public transit authority as defined in this subsection and operated by a public transit authority or a public transit provider to transport persons in the public interest. For purposes of this subsection, "public transit authority" means an urban mass transportation authority created pursuant to the provisions of article twenty-seven, chapter eight of this code or a nonprofit entity exempt from federal and state income taxes under the Internal Revenue Code and whose purpose is to provide mass transportation to the public at large. The special registration plate shall be designed by the commissioner and shall display the words "public transit" or words or letters of similar effect to indicate the public purpose of the use of the vehicle. The special registration plate shall be issued without charge.

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

Subsection III: Freedom of Information Act
CHAPTER 29B. FREEDOM OF INFORMATION.

ARTICLE 1. PUBLIC RECORDS.

§29B-1-1. Declaration of policy.
Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the state of West Virginia that all persons are, unless otherwise expressly provided by law, entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government they have created. To that end, the provisions of this article shall be liberally construed with the view of carrying out the above declaration of public policy.

§29B-1-2. Definitions.
As used in this article:

(1) "Custodian" means the elected or appointed official charged with administering a public body.

(2) "Person" includes any natural person, corporation, partnership, firm or association.

(3) "Public body" means every state officer, agency, department, including the executive, legislative and judicial departments, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission council or agency thereof; and any other body which is created by state or local authority or which is primarily funded by the state or local authority.

(4) "Public record" includes any writing containing information relating to the conduct of the public's business, prepared, owned and retained by a public body.

(5) "Writing" includes any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics.

§29B-1-3. Inspection and copying.
(1) Every person has a right to inspect or copy any public record of a public body in this state,
except as otherwise expressly provided by section four of this article.

(2) A request to inspect or copy any public record of a public body shall be made directly to the custodian of such public record.

(3) The custodian of any public records, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in his or her office and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his or her duties. If the records requested exist in magnetic, electronic or computer form, the custodian of the records shall make such copies available on magnetic or electronic media, if so requested.

(4) All requests for information must state with reasonable specificity the information sought. The custodian, upon demand for records made under this statute, shall as soon as is practicable but within a maximum of five days not including Saturdays, Sundays or legal holidays:

(a) Furnish copies of the requested information;

(b) Advise the person making the request of the time and place at which he or she may inspect and copy the materials; or

(c) Deny the request stating in writing the reasons for such denial.

Such a denial shall indicate that the responsibility of the custodian of any public records or public body to produce the requested records or documents is at an end, and shall afford the person requesting them the opportunity to institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.

(5) The public body may establish fees reasonably calculated to reimburse it for its actual cost in making reproductions of such records.

§29B-1-4. Exemptions.
(a) The following categories of information are specifically exempt from disclosure under the provisions of this article:

(1) Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented which is known only to certain individuals within a
commercial concern who are using it to fabricate, produce or compound an article or trade or a
service or to locate minerals or other substances, having commercial value, and which gives its
users an opportunity to obtain business advantage over competitors;

(2) Information of a personal nature such as that kept in a personal, medical or similar file, if the
public disclosure thereof would constitute an unreasonable invasion of privacy, unless the
public interest by clear and convincing evidence requires disclosure in the particular
instance: Provided, That nothing in this article shall be construed as precluding an individual
from inspecting or copying his or her own personal, medical or similar file;

(3) Test questions, scoring keys and other examination data used to administer a licensing
examination, examination for employment or academic examination;

(4) Records of law-enforcement agencies that deal with the detection and investigation of crime
and the internal records and notations of such law-enforcement agencies which are maintained
for internal use in matters relating to law enforcement;

(5) Information specifically exempted from disclosure by statute;

(6) Records, archives, documents or manuscripts describing the location of undeveloped
historic, prehistoric, archaeological, paleontological and battlefield sites or constituting gifts to
any public body upon which the donor has attached restrictions on usage or the handling of
which could irreparably damage such record, archive, document or manuscript;

(7) Information contained in or related to examination, operating or condition reports prepared
by, or on behalf of, or for the use of any agency responsible for the regulation or supervision of
financial institutions, except those reports which are by law required to be published in
newspapers;

(8) Internal memoranda or letters received or prepared by any public body;

(9) Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist acts
or the threat of terrorist acts, the public disclosure of which threaten the public safety or the
public health;

(10) Those portions of records containing specific or unique vulnerability assessments or
specific or unique response plans, data, databases and inventories of goods or materials
collected or assembled to respond to terrorist acts; and communication codes or deployment
plans of law enforcement or emergency response personnel;
(11) Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, state and local law enforcement and other agencies within the Department of Military Affairs and Public Safety;

(12) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;

(13) Computing, telecommunications and network security records, passwords, security codes or programs used to respond to or plan against acts of terrorism which may be the subject of a terrorist act;

(14) Security or disaster recovery plans, risk assessments, tests or the results of those tests;

(15) Architectural or infrastructure designs, maps or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located;

(16) Codes for facility security systems; or codes for secure applications for such facilities referred to in subdivision (15) of this subsection;

(17) Specific engineering plans and descriptions of existing public utility plants and equipment;

(18) Customer proprietary network information of other telecommunications carriers, equipment manufacturers and individual customers, consistent with 47 U.S.C. §222; and

(19) Records of the Division of Corrections and the Regional Jail Authority relating to design of corrections and jail facilities owned or operated by the agency, and the policy directives and operational procedures of personnel relating to the safe and secure management of inmates, that if released, could be utilized by an inmate to escape a corrections or jails facility, or to cause injury to another inmate or to facility personnel.

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

(1) Intimidate or coerce the civilian population;
(2) Influence the policy of a branch or level of government by intimidation or coercion;

(3) Affect the conduct of a branch or level of government by intimidation or coercion; or

(4) Retaliate against a branch or level of government for a policy or conduct of the government.

c) Nothing in the provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section should be construed to make subject to the provisions of this chapter any evidence of an immediate threat to public health or safety unrelated to a terrorist act or the threat thereof which comes to the attention of a public entity in the course of conducting a vulnerability assessment response or similar activity.

§29B-1-5. Enforcement.
(1) Any person denied the right to inspect the public record of a public body may institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.

(2) In any suit filed under subsection one of this section, the court has jurisdiction to enjoin the custodian or public body from withholding records and to order the production of any records improperly withheld from the person seeking disclosure. The court shall determine the matter de novo and the burden is on the public body to sustain its action. The court, on its own motion, may view the documents in controversy in camera before reaching a decision. Any custodian of any public records of the public body found to be in noncompliance with the order of the court to produce the documents or disclose the information sought, may be punished as being in contempt of court.

(3) Except as to causes the court considers of greater importance, proceedings arising under subsection one of this section shall be assigned for hearing and trial at the earliest practicable date.

§29B-1-6. Violation of article; penalties.
Any custodian of any public records who willfully violates the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than two hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail for not more than twenty days, or, in the discretion of the court, by both fine and imprisonment.

§29B-1-7. Attorney fees and costs.
Any person who is denied access to public records requested pursuant to this article and who successfully brings a suit filed pursuant to section five of this article shall be entitled to recover
his or her attorney fees and court costs from the public body that denied him or her access to the records.

Subsection IV: Vehicular Forfeiture or Seizure

§60A-7-707. Disposition of other forfeited property; distribution of proceeds.
(a) When property other than that referred to in section seven hundred six of this article is forfeited under this article, the circuit court ordering the forfeiture, upon application by the prosecuting attorney or the chief of the law-enforcement agency that seized said forfeited property, may direct that:

(1) Title to the forfeited property be vested in the law-enforcement agency so petitioning; or

(2) The law-enforcement agency responsible for the seizure retain the property for official use; or

(3) The forfeited property shall be offered at public auction to the highest bidder for cash. Notice of such public auction shall be published as a Class III legal advertisement in accordance with article three, chapter fifty-nine of this code. The publication area shall be the county where the public auction will be held.

(b) When a law-enforcement agency receives property pursuant to this section, the court may, upon request of the prosecuting attorney initiating the forfeiture proceeding, require the law-enforcement agency to pay unto the office of said prosecuting attorney a sum not to exceed ten percent of the value of the property received to compensate said office for actual costs and expenses incurred.

(c) The proceeds of every public sale conducted pursuant to this section shall be paid and applied as follows: First, to the balance due on any security interest preserved by the court; second, to the costs incurred in the storage, maintenance and security of the property; third, to the costs incurred in selling the property.

(d) Any proceeds of a public sale remaining after distribution pursuant to subsection (c) of this section shall be distributed as follows:

(1) Ten percent of such proceeds shall be tendered to the office of the prosecuting attorney who initiated the forfeiture proceeding.

(2) The balance shall be deposited in a special law-enforcement investigation fund. Such fund shall be administered by the chief of the law-enforcement agency that seized the forfeited property.
property sold and shall take the form of an interest-bearing account with any interest earned to
be compounded to the fund. Any funds deposited in the special law-enforcement investigative
fund pursuant to this article shall be expended only to defray the costs of protracted or complex
investigations, to provide additional technical equipment or expertise, to provide matching
funds to obtain federal grants or for such other law-enforcement purposes as the chief of the
law-enforcement agency may deem appropriate; however, these funds may not be utilized for
regular operating needs.

(e) If more than one law-enforcement agency was substantially involved in effecting the seizure
and forfeiture of property, the court wherein the petition for forfeiture was filed shall equitably
distribute the forfeited property among the law-enforcement agencies. In the event of a public
sale of such property pursuant to subsection (a) of this section, the court shall equitably
distribute any proceeds remaining after distribution pursuant to subsection (c) and subdivision
(1), subsection (d) of this section among such law-enforcement agencies for deposit into their
individual special law-enforcement investigative fund. Equitable distribution shall be based
upon the overall contribution of the individual law-enforcement agency to the investigation
which led to the seizure.

(f) Upon the sale of any forfeited property for which title or registration is required by law, the
state shall issue a title or registration certificate to any bona fide purchaser at a public sale of the
property conducted pursuant to subsection (a) of this section. Upon the request of the law-
enforcement agency receiving, pursuant to the order of the court, or electing to retain, pursuant
to subsection (a) of this section, any forfeited property for which title or registration is required
by law, the state shall issue a title or registration certificate to the appropriate governmental
body.

(g) Any funds expended pursuant to the provisions of this section, shall only be expended in the
manner provided in subsection (b), section seven hundred five of this article.

(h) Every prosecuting attorney or law-enforcement agency receiving forfeited property or
proceeds from the sale of forfeited property pursuant to this article shall submit an annual report
to the body which has budgetary authority over such agency. Such report shall specify the type
and approximate value of all forfeited property and the amount of proceeds from the sale of
forfeited property received in the preceding year. No county or municipality may use
anticipated receipts of forfeited property in their budgetary process.

(i) In lieu of the sale of any forfeited property subject to a bona fide security interest preserved
by an order of the court, the law-enforcement agency receiving the forfeited property may pay
the balance due on any security interest preserved by the court from funds budgeted to the office
or department or from the special fund and retain possession of the forfeited property for
official use pursuant to subsection (a) of this section.

(j) In every case where property is forfeited, disposition of the forfeited property, in accordance with this article, shall be made within six months of the date upon which the court of jurisdiction orders forfeiture. Should the office or agency receiving the property fail either to place the property in official use or dispose of the property in accordance with law, the court of jurisdiction shall cause disposition of the property to be made with any proceeds therefrom to be awarded to the state.

(k) No disposition shall occur until all applicable periods for filing a notice of intent to appeal has expired and no party in interest shall have filed such notice. The filing of the notice of intent to appeal shall stay any such disposition until the appeal has been finally adjudicated or until the appeal period of one hundred eighty days has expired without an appeal having actually been taken or filed, unless a valid extension of the appeal has been granted by the circuit court under the provisions of section seven, article four, chapter fifty-eight of this code.

(l) The special law-enforcement investigative funds of each law-enforcement agency may be placed in an interest-bearing depository insured by the federal government.

Section XV: Sample Forms

Subsection I: Department of Administration Forms

DOA Forms – General:

1.0 Spending units may establish internal processes or forms that strengthen FMO policies and procedures.

2.0 The following forms have been approved for use by the FMO and are required for any fleet-related action processed or requiring approval outside the spending unit:
DOA-FM-001 Fleet Letterhead (FMO use only)
SPENDING UNIT PURCHASING A VEHICLE

REQUEST FOR ASSIGNMENT

Requests by spending units for vehicle assignment will be submitted to FMO using either DOA-FM-005, Fleet Vehicle Request or DOA-FM-009, Fleet Permanent (one-year or more) Increase Request. All fleet-related requests must be routed through the SUFIC, spending officer, and either assigned cabinet secretary or assigned constitutional officer or designee prior to transmission or delivery to FMO. Forms should be transmitted or submitted at least 50 days prior to the need for the vehicle, when practical.

Requests may contain original signatures; may contain certified digital signatures; or may be unsigned when other methods are used to document approval, such as a supporting email or cover letter/memorandum. In cases where either the assigned cabinet secretary or assigned constitutional officer is not available for signature or has authorized delegation of authority, each request must contain the following statement: “I have been delegated authority to approve fleet-related requests by my assigned [cabinet secretary] [constitutional officer].”

VEHICLE REQUEST FORM DOA-FM-005

The FMO will review the DOA-FM-005, Fleet Vehicle Request and approve, disapprove, or request additional information within five (5) business days from receipt.

A purchase order number is not required for spending units requesting to: 1) lease vehicles from the FMO or 2) are requesting FMO to finance and lease vehicles to the spending unit.

For spending units requesting to: 1) to purchase vehicles outright using the statewide motor vehicle contract or 2) to purchase vehicles outright using statutorily authorized purchasing methods, the following documents are required:

DOA-FM-005, Fleet Vehicle Request
WV-35 Purchase Requisition
Vehicle Order Form (provided with statewide contract by CPD)
FIMS Purchase Order Cover Sheet (Agency Sheet)
FIMS Fixed Assets Retirement Cover Sheet

Form DOA-FM-002A Revised (31 March 2011)
ENABLING STATUTE: WV Code §5A-3-48 through §5A-3-53
REGULATORY AUTHORIZATION: Code of State Rules 148 CSR 3

DOA-FM-002A Fleet Mandatory Requirements for Central Purchasing Non-exempt Agencies P1/4
SAMPLE FORM

PERMANENT (One-year or more) INCREASE TO FLEET REQUEST DOA-FM-009

This form is required if you do not have a vehicle to decommission or retire.

The FMO will review the DOA-FM-009, Fleet Permanent (one-year or more) Increase Request and endorse as appropriate, or return to spending unit for additional information. Once approved, the spending unit will be provided an annotated copy of the completed DOA-FM-009.

Upon receipt of the annotated DOA-FM-009, spending units may:

Attach and return the following documents to FMO for additional endorsement and continued processing by the Central Purchasing Division:

DOA-FM-009 Fleet Permanent (one-year or more) Increase Request
WV-35 Purchase Requisition
Vehicle Order Form (provided with statewide contract by CPD)
PIMS Purchase Order Cover Sheet (Agency Sheet)
PIMS Fixed Assets Retirement Cover Sheet

BILLING CODE/S: For vehicles that are funded using multiple sources (Federal, State Restricted, Other, etc.), please indicate the billing codes and apportionment percentage for each fund type if multiple-line billing is required.

FUNDING: Indicate the funding source/s for the vehicle. This data will ensure proper continued fiscal accountability required by Federal Code, Rules, Regulations and West Virginia Code throughout the vehicle life-cycle (commissioning through decommissioning).

DESIRED VEHICLE OPTIONS FOR MOTOR VEHICLE STATE-WIDE CONTRACT: Only list options where there is an additional cost over the base contract.

• COLOR: You may select a color for new vehicles. You cannot select a particular color for any used vehicles.

ASSET MANAGEMENT AND INSURANCE: Agencies remain responsible for inputting asset management information contained in agency-administered asset management legacy programs and insurance systems administered by the Board of Risk and Insurance Management (BRIM).

VENDOR RECEIVING THE PURCHASE ORDER

INVOICES

All invoices must be received the same day the vehicle is delivered and should be hand carried to the address indicated on the “invoice to” section of the purchase order, release order, or other procurement, acquisition, or leasing agreement used by the agency.

DOCUMENTATION

GENERAL: All documentation (Title Application, Certificate of Origin, Delivery/Odometer Statement, Lease Agreement, etc.) must read “NAME OF SPENDING UNIT.”

DELIVERY

Form DOA-FM-002A Revised (31 March 2011)
ENABLING STATUTE: WV Code §5A-3-48 through §5A-3-53
REGULATORY AUTHORIZATION: Code of State Rules 148 CSR 3

SAMPLE FORM

DOA-FM-002A Fleet Mandatory Requirements for Central Purchasing Non-exempt Agencies P2/4
DOA-FM-002A Fleet Mandatory Requirements for Central Purchasing Non-exempt Agencies P3/4
DOA-FM-002B Fleet Mandatory Requirements for Central Purchasing and Surplus Exempt Agencies P1/3
The FMO will review the DOA-FM-009, Fleet Permanent (one-year or more) Increase Request and endorse as appropriate; or return to spending unit for additional information. Once approved, the spending unit will be provided an annotated copy of the completed DOA-FM-009.

Upon receipt of the annotated DOA-FM-009, spending units will:

1. Attach and return the following documents to FMO for final endorsement, return to the spending unit, and continued processing:
   - DOA-FM-009, Fleet Permanent (one-year or more) Increase Request
   - Purchase Requisition or Order

2. BILLING CODES: For vehicles that are funded using multiple sources (Federal, State Restricted, Other, etc.), indicate the billing codes and apportionment percentage for each fund type if multiple-line billing is required.

3. FUNDING: Indicate the funding source/s for the vehicle. This data will ensure proper continued fiscal accountability required by Federal Code, Rules, Regulations and West Virginia Code throughout the vehicle life-cycle (commissioning through decommissioning).

4. DESIRED VEHICLE OPTIONS FOR MOTOR VEHICLE STATE-WIDE CONTRACT: Only provide options which have an additional cost over the base contract.
   - COLOR: You may select a color for new vehicles. You cannot select a particular color for any used vehicles.

5. ASSET MANAGEMENT AND INSURANCE: Agencies remain responsible for inputting asset management information contained in agency-administered asset management legacy programs and insurance systems administered by the Board of Risk and Insurance Management (BRIM).

VENDOR RECEIVING THE PURCHASE ORDER

INVOICES

All invoices must be received the same day the vehicle is delivered and should be hand carried to the address indicated on the “invoice to” section of the purchase order, release order, or other procurement, acquisition, or leasing agreement used by the agency.

DOCUMENTATION

GENERAL: All documentation (Title Application, Certificate of Origin, Delivery/Odometer Statement, Lease Agreement, etc.) must read: “NAME OF SPENDING UNIT.”

DELIVERY

PRIOR TO DELIVERY: All vehicle identification numbers (VINs) must be supplied to the Fleet Management Office by email, referencing the purchase order, release order, or other procurement, acquisition, or leasing agreement number, the year, make, model, and color of each vehicle to the attention of Barry Gunnoe. This information must be received – ten (10) working days prior to the delivery of each vehicle.

Form DOA-FM-002B Revised (31 March 2011)
ENABLING STATUTE: WV Code §5A-3-48 through §5A-3-53
REGULATORY AUTHORIZATION: Code of State Rules 148 CSR 3


Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through §5A-3-53.
Revision date: See Summary of Change
DOA-FM-002B Fleet Mandatory Requirements for Central Purchasing and Surplus Exempt Agencies P3/3
DOA-FM-003 Fleet Temporary or Daily Use Reservation
DOA-FM-004 Fleet Vehicle Temporary or Daily Lease Agreement P1/2
DOA-FM-004 Fleet Vehicle Temporary or Daily Lease Agreement P2/2
DOA-FM-005 Fleet Vehicle Request
DOA-FM-006 Fleet Duty Appointment
DOA-FM-007A Fleet Vehicle Lease Agreement P1/2
SAMPLE FORM

DEPARTMENT OF ADMINISTRATION
FLEET MANAGEMENT OFFICE
STATE OWNED VEHICLE
LEASE TERM AND CONDITIONS

1. Vehicles are leased at the discretion of the Lessor.
2. Rates for each vehicle will be evaluated each fiscal year and adjusted up or down as needed.
3. Lessee is responsible for operating expenses, damages, abuse, accidents, neglect, maintenance, and cleaning as well as payment of parking and driving violations.
4. All travel must be for official State business. No personal business or travel is authorized or permitted.
5. Seat belts must be worn at all times.
6. All state of West Virginia and other applicable motor vehicle laws, including speed limits must be obeyed.
7. No smoking is allowed in the vehicle.
8. Alcohol or illegal drugs are prohibited at all times.
9. Use of wireless communication devices is prohibited while the vehicle is in motion except when the wireless communication device is being used hands-free or if the operator fears for his, her, or another person’s life or safety.
10. Any modifications to the vehicle must have the approval of the Fleet Management Office.
11. Lessee will verify that all operators of state owned vehicles have a valid driver’s license.
12. Lessee agrees to return vehicle for underutilization, misuse, serious DMV violations, at-fault accidents or any other inappropriate activities at the discretion of the Lessor.
13. Vehicle condition at the end of the lease must be relative to the age/ mileage of the vehicle. Any necessary repairs/reconditioning above normal guidelines for age and levels of service are the responsibility of Lessee.
14. Vehicle must be locked at all times when not in use.
15. Lessee agrees to driver training as required by Lessor.
16. Vehicle must be cleaned, interior and exterior, at Lessee’s expense at least monthly.
17. Service performed under this agreement may be continued in succeeding fiscal years for the term of the agreement, contingent upon funds being appropriated by the Legislature or otherwise being available for this service. In the event funds are not appropriated or otherwise available for this service, the agreement shall terminate without penalty on June 30. After that date, the agreement becomes of no effect and is null and void. However, the agency agrees to use its best efforts to have the amounts contemplated under the agreement in its budget. Non-appropriation or non-funding shall not be considered an event of default.

SAMPLE FORM

Form: DOA-FM-007 Revised (10 Mar 2011)
ENABLING STATUTE: WV Code §5A-3-48 through §5A-3-53
REGULATORY AUTHORIZATION: Code of State Rules 148 CSR 3

DOA-FM-007A Fleet Vehicle Lease Agreement P2/2
DOA-FM-007B, Fleet Administrative Fee/Driver Authorization


Enabling statute:  WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date:  See Summary of Change
DOA-FM-008A Fleet Routing and Transmittal Form – Small (FMO use only)
DOA-FM-008B Fleet Routing and Transmittal Form – Large (FMO use only)
DOA-FM-009 Fleet Permanent (One-year or more) Increase Request
DOA-FM-010 Statement of Commuting Value P1/4


Enabling statute:  WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date:  See Summary of Change
DOA-FM-010 Statement of Commuting Value P2/4
DOA-FM-010 Statement of Commuting Value P3/4
SAMPLE FORM

Example Fringe Benefit Calculation Using Commuting Valuation Rule

The following is an example of a tax calculation. Please verify the current guidance provided in the Internal Revenue Service (IRS) Publication 15-B, Employer’s Tax Guide to Fringe Benefits, published under U.S. Code Title 26.

Assume the spending unit provides a vehicle valued at $20,000 to an employee that uses it 100% of the time for commuting use and that the spending unit also provides fuel for the vehicle.

<table>
<thead>
<tr>
<th>Total Mileage</th>
<th>10/1 to 10/31</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Personal Miles</td>
<td>1,000 miles</td>
</tr>
<tr>
<td>Percent Personal Use</td>
<td>10 %</td>
</tr>
<tr>
<td>Fair Market Value of Vehicle</td>
<td>$20,000</td>
</tr>
<tr>
<td>Annual Lease Value (Using IRS Publication 15-B, Table 3-1)</td>
<td>$ 5,600</td>
</tr>
<tr>
<td>Monthly Lease Value (IRS annual lease value – 12 months)</td>
<td>$466.66</td>
</tr>
</tbody>
</table>

Calculation

| Monthly Lease Value X Percent Personal Usage | $466.66 X 10 % | $ 46.66 |
| Personal Miles X 5.5 cents per mile (IRS value for fuel 5.5 cents per mile) | 100 X 5.5 cents | $ 5.50 |
| Commuting valuation rule $3 X business day (IRS value of two-way commuting use of state-owned vehicle) | $3 X 20 bus. days | $ 60.00 |
| Amount reportable as income for reporting period (10/1 to 1/31 reporting period) | $46.66 + $5.50 + $60.00 | $112.16 |

In the preceding example, the spending unit would add $112.16 to the gross reportable income on the employee’s Form W-2 statement. If applicable, the spending unit would withhold Social Security and/or Medicare taxes. Spending units should note that they are also required to pay the employer share of FICA. This charge is assessed to the spending unit if the employee is paid from an account that is normally charged for FICA. In the above example, the employee is not required to have a retirement system withholding deducted from their pay, as generally personal use of an automobile is not subject to a retirement system withholding unless the benefit is a negotiated fringe benefit in lieu of salary.

DOA-FM-010 Statement of Commuting Value P4/4
DOA-FM-011 Fleet Policy and Procedure Acknowledgement
DOA-FM-012 Fleet Driver Report of Accident/Incident P1/2
DOA-FM-012 Fleet Driver Report of Accident/Incident P2/2
DOA-FM-013 Fleet Utilization Exemption Request P1/2
DOA-FM-013 Fleet Utilization Exemption Request P2/2
Sample Request Form

Use the subsequent request form as a guide when determining the data needed for the extract.

<table>
<thead>
<tr>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUFC Email Address</td>
</tr>
<tr>
<td>SUFC Name</td>
</tr>
<tr>
<td>Requestor Name</td>
</tr>
<tr>
<td>SUFC Phone</td>
</tr>
<tr>
<td>Division Number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Report Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Title</td>
</tr>
<tr>
<td>Report Description</td>
</tr>
<tr>
<td>Report Purpose</td>
</tr>
<tr>
<td>Required Date</td>
</tr>
<tr>
<td>Extract report or ad hoc report?</td>
</tr>
<tr>
<td>Periodicity of extract</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>FMO form that is the source of the data (name and number)</td>
</tr>
<tr>
<td>- Fields Required (from FMO form)</td>
</tr>
<tr>
<td>- Column Headers for each required field</td>
</tr>
<tr>
<td>- Column / fields that require totals</td>
</tr>
<tr>
<td>- Number of decimal places required in column totals</td>
</tr>
<tr>
<td>Time Range</td>
</tr>
<tr>
<td>Other criteria (expressed as field/condition)</td>
</tr>
<tr>
<td>Sorting requirement (specific which field and how to sort)</td>
</tr>
<tr>
<td>Data grouping requirement</td>
</tr>
<tr>
<td>Calculation requirement</td>
</tr>
<tr>
<td>- Number of decimal places required in calculation</td>
</tr>
<tr>
<td>Format (tab or CSV)</td>
</tr>
</tbody>
</table>

Special requirements: Total commuting days include total commuting days for a driver from all state departments and divisions employed in 20XX

Form: DOA-FM-015 [Revised 1 April 2011]
Enabling statute: WV Code §5A-1-2(f) and §5A-3-48 through 5A-3-53.
Revision date: See Summary of Change

DOA-FM-015 Fleet Ad Hoc Report Request P1/2
Ad Hoc Report Request Form

This form is used to record the details of a request for data from the Fleet Management Office. This data could be a one-time extract, a periodic extract, or a report on the FMO Reporting Hub. (An extract results in a data file, no formatting, and usually comma delimited.) Requests for reports that are spending unit-based will be considered by the FMO. For any extract, a secure method to deliver the data will be determined and coordinated with the spending unit.

Request Submission Process
1. Print or save the attached request form.
2. Email to Fleet@wv.gov.
   a. The completed request form must be attached to the email.
   b. Use as many "rows" as needed to complete the form.
   c. Attach a sample report if possible.
   d. Attach a sample SQL if available.
3. The FMO will contact the SUPC, acknowledge receipt of the request, and agree on a proposed completion date.
4. The FMO will communicate with the SUPC to refine the needed requirements, possibly submit a sample report, and deliver the final report.
5. The FMO will open a Change Request (CR) if needed.
6. When the report is complete and accepted, the work request (and CR if appropriate) will be closed.

Notes: If there are any issues with the final report, the SUPC should submit a new request form.
Reference the original request in the new request, and indicate that this should be assigned to the FMO.

Important: After the initial report request, if new fields (columns) are added to or deleted from the report, a new request form should be submitted.

Form: DOA-FM-015 [Revised 1 April 2011]
ENABLING STATUTE: WV Code §5A-3-48 through §5A-3-53
REGULATORY AUTHORIZATION: Code of State Rules 148 CSR 3

DOA-FM-015 Fleet Ad Hoc Report Request P2/2
SAMPLE FORM

WEST VIRGINIA CERTIFICATE OF INSURANCE

This certificate of insurance is evidence of liability insurance for a state-owned or leased vehicle. The certificate is valid only as long as liability insurance remains in force.

This certificate serves as evidence of insurance when registering the state-owned or leased vehicle, when having the vehicle inspected, when an accident occurs, or upon request of a law enforcement officer.

KEEP A COPY OF THIS CERTIFICATE IN YOUR VEHICLE AT ALL TIMES.

For your convenience, additional copies are available upon request at fleet@wv.gov.

DOA-FM-017

WEST VIRGINIA CERTIFICATE OF INSURANCE

The Fleet Management Office certifies that there is in effect a motor vehicle liability policy upon this state-owned or leased vehicle in accordance with the provisions of the West Virginia Motor Vehicle Code. KEEP A COPY OF THE VEHICLE AT ALL TIMES.

Authorized Representative: January L. Hovan, State Fleet Manager

West Virginia Board of Risk and Insurance Management

Underwriter: National Union Fire Co. of Pittsburgh

Comprehensive Auto Liability Insurance

Auto Physical Damage Insurance (Including Comprehensive, Collision, and Garage Keeper's Insurance)

Policy Number: BOMA 929864-8

Policy Term: 07/01/11 - 06/30/12

Claim: Toll-free (800) 845-4665

DOA-FM-017 Form [March 2011]

DOA-FM-017 Fleet West Virginia Certificate of Insurance
### Fleet Vehicle Inspection Checklist

**Vehicle ID No.:**

**License Plate No.:**

**Expiration Date:**

**Odometer Reading:**

<table>
<thead>
<tr>
<th>X – Satisfactory</th>
<th>0 – Requires Attention</th>
</tr>
</thead>
</table>

#### VEHICLE INSPECTION:

**PRE-START UP**

<table>
<thead>
<tr>
<th>Item</th>
<th>Date</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Check Oil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radiator/Washer Fluid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Battery Fluids, Connections</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior (Start Engine)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fuel Level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alternator Function</td>
<td></td>
<td></td>
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<tr>
<td>Heat Defroster/Air</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Lights</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upholstery, Loose Object</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Safety Seat/Booster</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seatbelts/Rope Cutter</td>
<td></td>
<td></td>
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<tr>
<td>First Aid Kit/Body First Aid Kit</td>
<td></td>
<td></td>
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<tr>
<td>Fire Extinguisher</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Registration/Insurance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio/Cassette Phone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brakes (Travel, Park)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steering Wheel (Spy)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WINDOWS/MIRRORS</td>
<td></td>
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<tr>
<td>Windshield (Front/Rear)</td>
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<tr>
<td>EXTERIOR</td>
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<tr>
<td>Head Lights (High/Low)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turn Signals (Front/Rear)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Flashers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tires (Main, Tire Pressure)</td>
<td></td>
<td></td>
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<tr>
<td>Tail Lights, Back-Up Lights</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exhaust (Sound Emissions)</td>
<td></td>
<td></td>
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<tr>
<td>TRUNK/STORAGE AREA</td>
<td></td>
<td></td>
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<tr>
<td>Spare Tire (Pressure)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency (Chain, Plows, Flare, Blankets)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UNDER VEHICLE</td>
<td></td>
<td></td>
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<tr>
<td>Obvious Leaks</td>
<td></td>
<td></td>
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<tr>
<td>Loose/Jammed Objects</td>
<td></td>
<td></td>
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<tr>
<td>OPERATION</td>
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<tr>
<td>Lift</td>
<td></td>
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<tr>
<td>Transmission</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engine/Idle Speed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRIVER’S INITIALS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Form: DOA-FM-018 Revised (21 March 2011)*

**Enabling statute:** WV Code §5A-1-2(f) and §5A-3-48 through §5A-3-53.

**Regulatory authority:** Code of State Rules 148 CSR 3.

**Revision date:** See Summary of Change

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DOA-FM-020 Fleet Memorandum of Understanding
DOA-FM-021 Fleet Vehicle Change Request
DOA-FM-022 Fleet Employment Application Driving Position Supplement
DOA-FM-023 Fleet Defensive Driving Course Completion Record
DOA-FM-024 Fleet Vehicle Inspection Acknowledgement
Subsection II: Broad of Risk and Insurance Management Forms

BRIM Insurance Loss Notice (Claim)
Subsection III: Division of Motor Vehicle Forms:

DMV-101-PS-1 Request for Driving Record MVR
DMV-101-PS-2 Driver MVR Authorization