

**TITLE 148
PROCEDURAL RULE
DEPARTMENT OF FINANCE AND ADMINISTRATION**

**SERIES 3
REGULATIONS AND RULES GOVERNING THE LEASING AND
USAGE OF DEPARTMENT OF FINANCE AND ADMINISTRATION,
TRANSPORTATION DIVISION (STATE MOTOR POOL
VEHICLES) TO VARIOUS STATE AGENCIES**

§148-3-1. General.

1.1. Scope. -- The Commissioner of the Department of Finance and Administration shall have the sole authority to promulgate rules and regulations relating to the ownership, purchase, use, storage, maintenance and repair of all motor vehicles except those vehicles belonging to the Department of Highways and the Department of Public Safety.

1.2. Authority. -- W. Va. Code §5A-6-1

1.3. Filing Date. -- January 15, 1986

1.4. Effective Date. -- February 14, 1986

§148-3-2. General rules and regulations.

2.1. "Commissioner" means Commissioner of the Department of Finance and Administration.

2.2. "Director" means Head of the Transportation Division of the Department of Finance and Administration.

2.3. "Agency" means any state department, agency, board, commission or institution. The Department of Highways and Department of Public Safety excluded.

2.4. "Category 'A' Vehicles" means passenger vehicles and light duty trucks.

2.4.1. "Category 'B' Vehicles" means heavy trucks and equipment.

2.5. "Central Motor Pool" means administrative activity under the supervision of the Director of Transportation, responsible for issuance, storage,

maintenance and repair of vehicles.

2.6. "Domicile" means the place of residence or home of any employee or operator.

2.7. "Official Use" means the use of state-owned vehicle by a state employee exercising the official duties of state employment.

2.7.1. "Unofficial Use" means the use of a state-owned vehicle for personal transportation between domicile and place of employment, work office or area, and for social, shopping, recreational or religious purposes not directly required in performance of official duties.

2.8. "Vehicle Operator's Log" means an operating and cost record issued with each vehicle and maintained by the operator, covering miles of operation, quantities and cost of gasoline, oil, tires, repairs and other items, and services incidental to the operation of the vehicle. (See Form TD-1)

2.9. Ownership.

Central motor pool vehicles shall be titled to the Transportation Division of the Department of Finance and Administration and titles will be kept on file within the Transportation Division. At the discretion of the Commissioner of Finance and Administration, state agencies may hold title to nontransportation division vehicles.

In certain situations, agencies of state government may transfer titles of their vehicles to the Department of Finance and Administration. However, the central motor pool will normally only retain Category A vehicle titles and state agencies normally will hold title to Category B vehicles. The West Virginia Code

specifically exempts the Department of Public Safety and the Department of Highways from this policy.

2.10. Assignment of motor pool vehicles.

Vehicles will be assigned to the various agencies of state government in accordance with their needs and upon their request. When a vehicle is to be used on an average of 1,500 miles per month, the agency should request permanent assignment of the vehicle. Permanently assigned Category A vehicles which fail to meet minimum mileage figures may be subject to immediate recall unless a written exemption request is submitted to, and approved by, the Transportation Director. When in the judgment of the Commissioner of Finance and Administration and the Transportation Director, the needs of the requesting agency do not justify the permanent assignment of the vehicle, it may be recalled to the central motor pool.

When a vehicle is needed for temporary usage, a state agency may request a vehicle from the central motor pool in accordance with the operating procedures outlined in Section 3.1.1 of these rules.

2.11. Use.

All state-owned vehicles must be used for "Official Use" and must be operated by authorized state officials and employees possessing a valid operator's or chauffeur's license. Vehicles will not be used for transportation between domicile and designated normal duty headquarters, except as justified in the state travel regulations. State law enforcement and Board of Regents officials can authorize their designated employees to use a publicly owned vehicle to travel from their residence to their workplace and return, when such usage is subject to the supervision of such official and is directly connected with and required in the performance of the employee's duties and responsibilities. Violations of this rule may be punishable either under the provision of the Transportation Act or the state travel regulations.

Operators of state-owned vehicles shall be personally responsible for such vehicles while assigned or dispatched to them. Should an accident or loss occur, the agency which authorizes or employs the operator shall be liable for the damages or losses which are not covered by insurance. The agency will make reimbursement for such damages to the Transportation

Division. In the event of nonpayment of damages or losses, no vehicle will be issued and any vehicle in current assignment to the agency will be recalled until payment has been made.

Operators shall not exceed the posted speed limits or a safe driving speed for weather and road conditions. Defensive driving will be practiced at all times

Operators shall obey all local and state ordinances pertaining to the operation and parking of motor vehicles. Violations resulting in citations or fines shall be the responsibility of the operator involved.

Operators shall "Not" permit passengers in state-owned vehicles unless they are state officials or employees. Other persons may be transported: Provided, That the operator has been specifically instructed or authorized to do so by the agency head. Hitchhikers shall "Not" be permitted to ride in state-owned vehicles.

State-owned vehicles shall be used for the purposes for which they were designed. Under no circumstances will they be overloaded or capacity limits be exceeded.

2.11.1. Storage and overnight parking of vehicles.

Vehicles will be parked overnight in state parking facilities and will "Not" be used for travel to and from a person's place of domicile. When the nature of an individual's duties require that the vehicle be parked at his domicile, the individual's appropriate agency head will submit a statement requesting authority to keep the vehicle at his domicile and certify that it will not be used for other than official business. These requests must be submitted to the Commissioner of Finance and Administration for approval.

2.12. Insurance.

Automobile liability insurance has been arranged for state-owned vehicles by the Board of Insurance, for the protection of an employee of the state while operating a vehicle in the performance of official business. Liability coverage is extended to employee-owned vehicles when used in the performance of official business, but this coverage is effective only after the employees personal insurance limits may be ex-

ceded.

2.13. Purchase, replacement and disposal.

Responsibility for the purchase, replacement and disposal of central motor pool vehicles is assigned to the Commissioner of Finance and Administration. All motor pool vehicles permanently assigned to state agencies will be replaced by the Transportation Division as their age and mileage warrants and funds permit. Responsibility for the purchase, replacement and disposal of agency-owned vehicles is assigned to the agencies holding title to the vehicles, subject to such legislative and administrative instructions now in effect or as may be promulgated.

2.14. Use of privately-owned vehicles for official travel.

When state-owned vehicles are available, privately-owned vehicles should not normally be used for official travel. Reimbursement for the use of privately-owned vehicles must be approved by the employee's department head in accordance with the state travel regulations. Agency heads or their designated representatives should compare the cost of utilizing a state-owned vehicle versus the cost and risk of using a privately-owned vehicle.

2.15. Parking building regulations.

All authorized vehicles should be parked by "Head In" method to allow easy identification of vehicle license plate. Unauthorized parked vehicles may be towed away at the owner's expense.

The public shall be notified by conspicuous signs that no parking is permissible in the state parking building unless such parking has been authorized by the Transportation Division Director. As need requires, the Transportation Director may post parking regulations for the control of vehicles.

§148-3-3. Operating procedures.

Requests for vehicles.

3.1. Monthly or permanent basis.

Requests for the assignment of vehicles on a permanent or fixed period basis will be submitted to the Transportation Division on Form TD-2. The requesting agency will be notified by the Transporta-

tion Division of action taken on each request.

3.1.1. Daily or trip basis.

In the Charleston area, vehicles may be requested for temporary use on a daily or trip basis by calling the dispatcher's office. To substantiate the request for the vehicle, Form TD-3, in quadruplicate shall be presented to the dispatcher at the central motor pool at the time the vehicle is assigned.

3.2. Out-of-state travel.

Central motor pool cars may be used for out-of-state travel, but it should be determined by the agency if the use of public transportation would be more economical. Permission to use a state vehicle for out-of-state travel does not supersede any permission that may have to be obtained from the Governor pertaining to out-of-state travel.

3.3. Charges.

The Transportation Division will bear all operating, repair and maintenance expenses of state-owned vehicles under its jurisdiction and in turn will charge the agencies for use on a daily or mileage basis.

At the close of each month, interdepartmental bills will be processed on the basis of mileage reported on completed operator's logs. Charges for parking, ferry, bridge and road tolls shall not be charged to the central motor pool. Such charges shall be paid by the operator who will be reimbursed in accordance with the state travel regulations.

3.4. Methods of securing gasoline and motor oil.

State vehicles clearly identified as such will be permitted to secure gasoline and oil from the Department of Highways facilities and from other state agency facilities when arrangement can be completed. All gasoline, oil and servicing "Should" be obtained from state-owned facilities except when "Emergencies" arise or when circumstances are such that the use of state-owned facilities is not feasible. A list of Department of Highways facilities is included with this publication.

A universal credit card is provided for vehicles assigned by the Transportation Division. The credit card will bear the vehicle license plate number and will be honored at Amoco, Exxon, Gulf, Texaco and

Union Oil service stations. "However, every effort should be made to use state-owned gasoline facilities."

3.5. Towing charges.

Towing charges for motor pool vehicles will be invoiced to and paid by the Transportation Division. When towing services are required within 50 miles of Charleston, the driver shall call the central motor pool (collect) and request service. In all other instances, the driver should call the nearest commercial garage and the vehicle should be towed to the nearest Department of Highways facility. Arrangements for towing of agency vehicles will be made by the agency holding title to these vehicles.

3.6. Routine maintenance and care of vehicles.

All deficiencies noted during operation of a state vehicle should be reported to the dispatching office. (Particularly the mechanism affecting safe and efficient operation of the vehicle.) Each state agency, through their transportation officer, shall be responsible for complying with the state vehicle inspection laws and for having maintenance service performed on the vehicles assigned or titled to their agency. This service should be performed in accordance with the warranty of each individual vehicle on a regular basis (4,000 miles).

On a minimum, the maintenance and service will consist of the following:

- (a) Chassis lubrication (in accordance with warranty);
- (b) Crankcase oil change and oil filter every second oil change;
- (c) Check fluid level in transmission;
- (d) Check fluid level in differential;
- (e) Check fan belt and adjust;
- (f) Clean air filter;
- (g) Check and adjust brakes, including fluid;
- (h) Check and adjust steering gear;
- (i) Check and fill battery;
- (j) Check tires for proper inflation and defects;

(k) Check and adjust lights, horn, etc.; and

(l) Check anti-freeze during winter season.

It is recommended that the vehicle operator inspect the vehicle prior to operation to insure the proper radiator coolant level, battery fluid level, oil level and the proper inflation of tires. Unless contrary to the vehicle manufacturer's specifications, regular unleaded gasoline should be used instead of higher octane gasoline. Nonstate-owned vehicles "Will Not" be serviced, i.e. fueled, washed, greased, etc. at any state-owned transportation facilities or at state expense.

3.6.1. Major repairs, purchase of tires and other accessories.

Before any repairs on state-owned vehicles are made or any estimates obtained, permission must be received from the Director of Transportation. Emergency requisitions for work already performed will not be honored. Agency motor representatives are cautioned not to authorize the purchase of any accessories such as batteries, chains or anti-freeze, except in extreme emergencies inasmuch as these items can be obtained at reduced rates as a result of a state contract entered into by the State Purchasing Division. Billings for such repairs and purchases will be made out to the agency holding title to the vehicles.

3.7. Reporting of accidents.

No matter how slight the accident, the operator should always stop and investigate. Vehicle collisions which do not result in any apparent injury or damage, should be reported to the Transportation Division and department head upon return of the vehicle.

In the event of a serious accident, proceed to take all necessary actions which will protect the life of the injured and prevent further injury to individuals at the scene. This action includes summoning medical aid for the injured, warning other traffic of the accident, cautioning bystanders of hazardous conditions, etc. The operator should contact the local police department or State Police and request an investigation of the accident.

An Operator's or Owner's Accident Report Form DMW-121-F should be completed within five (5) days of the accident. This report will require that you obtain the names and addresses of all persons involved including the extent of any injuries, and also obtain the names and addresses of each of the witnesses. If

possible, this form should be filled out at the scene of the accident. (A copy of this form is included in these rules.) The original copy of the report should be immediately sent to the Transportation Division and the using agency should retain a copy.

In addition to reporting the accident to the police, the driver of a state vehicle involved in an accident will also fill out the State Board of Risk and Insurance Management, Report of Motor Vehicle Accident, Form #RM1-1. The original copy of the report, when completed in detail, should be submitted immediately to the Transportation Division for processing. A copy of the accident report should be retained for the using agency files. When serious damage to life or property has occurred, a collect telephone call should be made to the appropriate supervisor and the Transportation Division.

3.8. Vehicle operator's log.

A Vehicle Operator's Log Form TD-1 will be issued with each "Permanently Assigned" Category A vehicle. It is most important that the vehicle operator's log be filled out accurately and in accordance with the instructions on the form. The information it contains is needed for determining vehicle operating costs and for billing the agencies using the vehicles.

The vehicle operator's log will be signed by the operator, approved by the agency head or his authorized representative and forwarded to the Transportation Division by the fifth day of the month, following the month of operation. It should have attached the customer's receipts for all charges made against the vehicle.