

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

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2004 AUG 27 P 3:48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Department of Administration, Purchasing Division TITLE NUMBER: 148

CITE AUTHORITY: 5A-7-4a

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: State Owned Vehicles

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

BOB WISE
GOVERNOR

JOHN T. POFFENBARGER
ACTING CABINET SECRETARY

August 27, 2004

Via Hand-Delivery

The Honorable Joe Manchin, III
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

Re: Legislative Rules


Dear Secretary Manchin,

I am enclosing an original and fifteen copies of the documents listed below for filing. The proposed rules are in regard to state owned vehicles. I will provide the copies of the enclosed documents to the Legislative Rule Making Review Committee once they are marked filed by your office.

The documents enclosed consist of the following:

1. Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee,
2. Statement of Circumstance and Brief Summary of the rules,
3. Brief Summary of comments received, agency response, and amendments,
4. Proposed Rules,
5. Fiscal Note
6. Questionnaire,
7. Disc containing rules.

Thank you very much for your assistance. If you have any questions, or need any additional information, please do not hesitate to give me a call.

Sincerely,

Donna M. Lipscomb
Executive Coordinator

Enclosures

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: State Owned Vehicles

Type of Rule: Legislative Interpretive Procedural

Agency: Department of Administration, Purchasing Division

Address: 1900 Kanawha Boulevard, East

Building 1, Room E-119

Charleston, WV 25305

1. Effect of Proposed Rule:

	ANNUAL FISCAL YEAR				
	Increase	Decrease	Current	Next	Thereafter
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There will be no fiscal impact as a result of the passage of this rule. The modifications are simply to update the rules to identify all spending units which are exempt.

3. Objectives of These Rules:

Rule Title: State Owned Vehicles

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

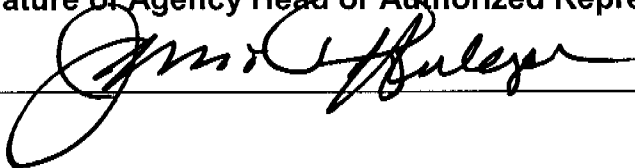
None

C. Economic Impact on Citizens/Public at Large.

None

Date: 8/27/04

Signature of Agency Head or Authorized Representative:



f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (please type)

Donna Lipscomb, Executive Coordinator

Department of Administration

1900 Kanawha Boulevard, East

State Capitol, Room E-119

Charleston, WV 25305

304-558-3392

g. IF DIFFERENT FROM ITEM "f", please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (please type)

David Tincher, Director of Purchasing

2019 Washington Street, East

Charleston, WV 25301

304-558-2538

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

July 20, 2004 through August 19, 2004

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

Agency: Department of Administration
Rule Type: Legislative

Title Number: 148
Cite Authority: 5A-3-48

STATEMENT OF CIRCUMSTANCE AND BRIEF SUMMARY

The Department of Administration is proposing to modify the Legislative rules relative to "State Owned Vehicles" to identify every spending unit who is exempt from said rules. The Legislative Auditor did an audit and their findings stated that the rules had not been updated to accurately reflect which spending units were exempt. The proposed changes simply add the names of all spending units which are exempt from the rules. No other modifications are being made to the rules.

Agency: Department of Administration
Rule Type: Legislative

Title Number: 148
Cite Authority: 5A-7-4a

BRIEF SUMMARY OF COMMENTS RECEIVED; AGENCY RESPONSE; AND AMENDMENTS

The Department of Administration received only one comment regarding the rules. The comment was from the Division of Natural Resources which simply thanked the department for amending the rules to accurately reflect that they were exempt. Therefore, no modifications were made to the rules.



DIVISION OF NATURAL RESOURCES

**State Capitol
Building 3, Room 669
Charleston WV 25305
Telephone (304) 558-2754
Fax (304) 558-2768
TDD (304) 558-1439
TDD 1-800-354-6087**

**Bob Wise
Governor**

**Ed Hamrick
Director**

August 6, 2004

Donna Lipscomb, Executive Coordinator
Department of Administration
Office of the Cabinet Secretary
Building 1, Room E-119
1900 Kanawha Boulevard, East
Charleston, WV 25305-0120

Dear Ms. Lipscomb:

Thank you for forwarding a copy of the proposed Legislative Rule change concerning State-owned vehicles.

It is my understanding from a conversation with you today, August 6, 2004, the proposed change exempts the Division of Natural Resources and makes the rules accurately reflect the language of the State Code.

We appreciate your efforts on our behalf.

Sincerely,

A handwritten signature in cursive script that reads "Harry F. Price".

Harry F. Price
Executive Secretary

HFP/mb

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2004 AUG 27 P 3:48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**TITLE 148
PROCEDURAL RULE
DEPARTMENT OF ADMINISTRATION**

**SERIES 3
STATE OWNED VEHICLES**

§148-3-1. General.

1.1. Scope. -- This Procedural Rule governs all State owned vehicles with the exception of those vehicles owned or leased by Division of Highways of the Department of Transportation and the Division of Public Safety of the Department of Military Affairs and Public Safety, the Division of Natural Resources, the Division of Forestry, the Department of Agriculture, the Higher Education Policy Commission and the Higher Education Governing Boards and their Institutions.

1.2. Authority. -- W. Va. Code §5A-3-48.

1.3. Filing Date. -- November 6, 1992.

1.4. Effective Date. -- December 6, 1992.

§148-3-2. Definitions.

For purposes of these rules, unless a different meaning clearly appears from the context:

2.1. "Control employee" means an elected official or employee whose compensation equals or exceeds the compensation paid to a Federal Government employee holding a position defined in the Federal Tax Regulations §1.61-21, as amended.

2.2. "Department" means an entity of State government, as created by W. Va. Code §5F-1-2.

2.3. "Department of Administration" means the entity of State government created by W. Va. Code §5F-1-1 et seq.

2.4. "Official business" means business on behalf of the State of West Virginia.

2.5. "Privately owned vehicle" means a vehicle owned by the operator.

2.6. "Purchasing Division" means the entity of State government within the Department of Administration created by W. Va. Code §5A-1-2.

2.7. "Qualified Nonpersonal Use" means official business use or de minimis personal use, such as stopping for meals while traveling.

2.8. "Secretary" means the Secretary of the Department of Administration.

2.9. "Spending unit" means a department, agency or institution of State government for which an appropriation is requested, or to which an appropriation is made by the West Virginia Legislature.

2.10. "State owned vehicle" means a vehicle owned by the State of West Virginia and licensed to the Travel Management Office of the Purchasing Division of the Department of Administration.

2.11. "Travel Management Office" means the entity within the Purchasing Division responsible for the storage, maintenance and repairs of all State owned vehicles.

§148-3-3. Questions and Interpretations.

Questions concerning this rule should be directed to the Department of Administration, Travel Management Office. Interpretations of matters contained within this rule may be issued by the Secretary either directly or through the Administrator of the Travel Management Office, at the discretion of the Secretary.

§148-3-4. Titles to State Owned Vehicles.

All State owned vehicles, other than those owned or leased by the Division of Highways or the Division of Public Safety, must be titled in the name of the State of West Virginia, Department of Administration, Travel Management Office.

§148-3-5. Leasing of Vehicles -- Generally.

5.1. All vehicles utilized by spending units must be leased from the Travel Management Office, unless the Travel Management Office has approved leasing a vehicle from another source.

5.2. At the discretion of the Travel Management Office, on behalf of the Secretary, a vehicle lease may be terminated by the Travel Management Office at any time for any reason or purpose.

5.3. State owned vehicles should be used when the mission of the traveler requires a vehicle to be at his or her disposal either for official business transportation requirements enroute, at his or her destination, and/or at his or her assigned headquarters, as defined by the Executive Officer of the Department or by the Executive Officer of a spending unit not assigned to a Department.

5.4. All vehicles governed by this rule must meet the minimum mileage criteria established by the Travel Management Office. Mileage criteria will be issued by the Travel Management Office and approved by the Secretary of the Department of Administration. Exceptions to the mileage criteria may be granted by the Travel Management Office with the consent of the Secretary of the Department of Administration.

§148-3-6. Use of State Owned Vehicles.

6.1. State owned vehicles may be used by State employees and/or non-employees, as necessary or reasonable. Non-employees are agents, brokers, contractors, persons 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. Necessary and reasonable are relative terms. The use of a vehicle is necessary if it is the best way to accomplish the business objectives of the State of West Virginia; the use of a vehicle is reasonable if the offsetting advantages or the value to the State of West Virginia will surpass the actual costs for providing and operating the vehicle.

When State owned vehicles are used by non-employees for other than a temporary assignment, one day or less, advance approval in writing is required to be issued by the Travel Management Office.

6.2. No passengers, other than state employees and/or non-employees, as necessary or reasonable, are permitted in vehicles without the specific written approval of the Secretary of the Department, or the Executive Officer of the spending unit if the spending unit is not part of a Department, to which the vehicle is leased. Non-employees may be agents, brokers, contractors, persons involved in missions of mercy or medical emergency, board or commission members, clients, patients, prisoners, students, or others entrusted to the State for their care, incarceration, placement, or protection, 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.

§148-3-7. Insurance Coverage.

Liability insurance is provided for vehicles by the State Board of Risk and Insurance Management. Coverage is extended for the protection of the authorized operator and authorized passengers while using a vehicle within the confines of this rule and all applicable laws, ordinances or rules.

§148-3-8. Safe Operation Required.

8.1. General Responsibility.

The operator of a State owned vehicle is responsible for the vehicle he or she operates. All operators of State owned vehicles are subject to all laws, ordinances and rules governing the operation of a motor vehicle. Failure to operate a State owned vehicle in a safe and reasonable manner, or in contravention to this rule or any other applicable law, ordinance or rule may result in the suspension of use of vehicles for that operator.

The vehicle operator is responsible for responding to any and all citations or warrants issued or fines levied regarding the operation or parking of the vehicle, including towing charges, 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.

8.2. Leaving Vehicle.

Whenever a vehicle is left unattended, the operator shall turn the vehicle off, remove the keys from the vehicle, close all windows, lock all doors/hatches/trunks, and remove or conceal from outside view all business and personal items.

8.3. Use of seat belts.

The operator and front passengers must use combination lap and shoulder safety belts, if available. When combination lap and shoulder safety belts are available in the rear seat of a vehicle, the safety belts must be used.

8.4. Driver's license required.

When a lease of a vehicle is requested, an inquiry may be made to the Division of Motor Vehicles of the Department of Transportation for a review of the proposed operator's driving record. All operators must have a valid operator's (driver's) license in good standing.

8.5. Injuries.

In the event an injury occurs in conjunction with the operation of the vehicle, failure to comply with this rule may result in a determination that the

operator or passenger contributed to his or her injury(ies).

8.6. Reviewing Driving Records of Operators.

In the event of an accident, property damage of any kind, or any damage to any State owned vehicle, the Travel Management Office will review the involved operator's driving record with the Division of Motor Vehicles. Additionally, the Travel Management Office will randomly review the driving records of the operators of State owned vehicles. Results of the Division of Motor Vehicles inquiries which indicate a record of accidents or violations will be brought before an Accidents & Violations Review Committee.

The Accidents & Violations Review Committee will be comprised of a representative of the Travel Management Office, one representative of the Division of Personnel, one representative of the Secretary of Administration's office, and two representatives of the operator's department - one representative selected by the Secretary of that department and the second representative selected by the vehicle operator. Decisions by the committee will be based on the administrative action chart attached hereto as Exhibit A.

§148-3-9. Permissible Uses.

9.1. Generally.

Leased State owned vehicles, including temporarily leased vehicles, may be used under only one of the following two (2) categories or conditions:

9.1.1. Use by a number of employees; or

9.1.2. Use by primarily one (1) employee.

9.2. Use by a Number of Employees.

When a State owned vehicle is leased for use by a number of employees, the vehicle:

9.2.1. must be kept on State property when not in use (the State property and the residence of the employee cannot be the same except as approved in writing by the Travel Management Office);

9.2.2. cannot be used for personal purposes except for minimal (de minimis) personal convenience, i.e., stopping for meals while traveling;

9.2.3. is designated as a "qualified nonpersonal use vehicle".

9.3. Use by Primarily One Employee.

When a State owned vehicle is leased for State business use by primarily one employee, the vehicle:

9.3.1. is assigned to an employee that has been required by his or her Department Executive Officer, or the Executive officer of his spending unit if the spending unit has not been assigned to a department, to commute to and/or from work for bona fide noncompensatory business reasons;

9.3.2. cannot be used for personal purposes except for commuting and minimal personal convenience, i.e., stopping for meals while traveling;

9.3.3. is designated as a "qualified nonpersonal use vehicle" and/or is not assigned to an employee designated a "control employee" or "law enforcement officer" as defined by the Internal Revenue Services of the Department of the Treasury; and

9.3.4. is assigned to an employee that authorizes a monthly payroll deduction for the commuting value or completes a "Statement of Commuting Value" as designated by the Travel Management Office.

9.4. Determining Commuting Value.

In accordance with Federal Tax Regulations

issued by the Internal Revenue Service of the Department of the Treasury, the State of West Virginia will place a "commuting value" of \$1.50 one way or \$3.00 roundtrip per day (or the amount referenced in the "Commuting Valuation Rule" or equivalent of the Department of the Treasury, Internal Revenue Service of the Federal Government rules and/or regulations, whichever is greater) for each day the vehicle is used for commuting purposes based on two (2) methods:

9.4.1. An assignment to an individual employee when used for commuting will have a monthly payroll deduction based on the following:

Business days per year	261
Average non-business days (includes holidays and annual/sick leave)	49
Business days for calculation	212
"Commuting Value" per day	\$ 3.00
"Commuting Value" per month	\$ 53.00
"Commuting Value" per year	\$636.00

9.4.2. Temporarily Assigned Vehicles:

If an employee has been assigned a vehicle on a temporary basis 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 a "Statement of Commuting Value" as designated by the Travel Management Office with payment attached to reimburse the State for the "commuting value".

A "Statement of Commuting Value" must be completed for each month in which the employee has been assigned a State owned vehicle and has used it for commuting. The "Statement of Commuting Value" must be submitted to the employee's spending unit business office with a copy to the Travel Management Office within fifteen (15) business days from the last day of the reporting month. Failure to submit the form may result in the termination of the assignment of a vehicle to the employee as well as any applicable

penalties by the Department of the Treasury, Internal Revenue Service of the Federal Government.

9.5. Use of Privately Owned Vehicles.

When a State owned vehicle is not available or the operator is not eligible for a vehicle assignment, a privately owned vehicle may be used in lieu of a State owned vehicle. Reimbursement shall be at a rate equal to the amount authorized for privately owned vehicle use stated in the travel regulations governing the operator.

§148-3-10. Leasing and/or Purchasing Non-Travel Management Vehicles.

10.1. The Travel Management Office may authorize the lease and/or purchase of vehicles by spending units from entities other than the Travel Management Office, with the spending unit to operate and maintain the vehicles and to assume the responsibility for all vehicle-related expenses.

10.2. The spending unit will report all vehicle-related activity, assignments and expenses, including administrative and clerical expenses, to the Travel Management Office within the time frame and in the format specified by the Travel Management Office. All leasing, mileage, operator and passenger criteria specified in this rule apply to spending unit maintained vehicles unless otherwise specified by the West Virginia Code.

10.3. A vehicle purchase must be approved by the Travel Management Office prior to the purchase. A retirement form must accompany the request for the purchase of a replacement vehicle, unless otherwise authorized by the Travel Management Office. Upon approval, the spending unit will proceed with the purchase and will title the vehicle to the State of West Virginia, Department of Administration, Travel Management Office, which will license the vehicle. The replacement vehicle will not be released to the spending unit unless the title is in the name of the State of West Virginia, Department of Administration, Travel Management Office and the

vehicle designated for surplus is in the possession of the Travel Management Office or stored by the spending unit as designated by the Travel Management Office.

§148-3-11. Leasing Travel Management Office Vehicles.

11.1. Travel Management Office Leases

11.1.1. Generally.

Vehicles may be leased from the Travel Management Office upon the terms and conditions agreed by the parties and at the rates specified by the Travel Management Office. The Travel Management Office will specify the rates for lease of vehicles to departments, with such rates approved by the Secretary of the Department of Administration. The rates will be specified on a monthly basis per type of vehicle and will provide for all reasonable vehicle expenses, including, but not limited to, authorized fuel purchases, preventative maintenance, general maintenance and repairs, tires, insurance, depreciation, replacement and administrative costs. In addition, the spending unit will pay all vehicle expenses for abuse, misuse and cleaning of the exterior and interior of the vehicle.

11.1.2. Based on number of operators.

Vehicles are to be assigned by the Travel Management Office for:

11.1.2.a. multiple operators -- -the vehicle will be used by a number of employees of the spending unit on an "as necessary" basis as determined by the spending unit;

11.1.2.b. an individual operator -- - assigned to and primarily used by one employee.

11.2. Requirements for Leasing

A department desiring to lease a vehicle from the Travel Management Office will submit a written request in the form designated by the

Travel Management Office. The determination of whether to approve the request to lease a vehicle from the Travel Management Office will be subject to:

11.2.1. spending unit requirements and justification;

11.2.2. assigned operator qualifications;

11.2.3. proper and efficient utilization of vehicles assigned to the spending unit;

11.2.4. available inventory or opportunity to transfer vehicles; and/or

11.2.5. available funding to satisfy requirements.

11.3. All Leases with Departments.

The Travel Management Office will lease all vehicles to a spending unit at a department level, e.g., the Department of Commerce, Labor, & Environmental Resources, the Public Service Commission, or the Department (State Board) of Education.

11.4. State Owned Vehicle Log.

Each month the assigned operator of a vehicle must complete a "State Owned Vehicle Log" as designated by the Travel Management Office. This log is to be returned to the Travel Management Office by the vehicle operator. Instructions on what information is to be reported are found on the log. Any questions concerning the completion of the log may be directed to the Travel Management Office or the designated contractor for vehicle services (the designated contractor and applicable telephone numbers are found in the information & registration packet in each vehicle) .

11.5. Travel Management Office Charge/Credit Card.

A charge/credit card is assigned to vehicles leased by the Travel Management Office. Fuel purchases, repair and maintenance, and towing

charges must be authorized by the designated vehicle services contractor and charged via the charge/credit card. All repairs related to an accident must be approved by the Travel Management Office regardless of the estimated amount of the repair.

Any purchase not made via the charge/credit card assigned to the vehicle must be included on the "State Vehicle Log"; such purchases are considered a personal expense of the vehicle operator and are paid or reimbursed at the sole discretion of the Travel Management Office.

11.6. Tires and Batteries Purchases.

Tires and batteries shall be requested through the Travel Management Office so that the purchases are made using any statewide contracts in effect.

11.7. Fuel Purchases.

11.7.1. Fuel purchases will only be made at state-owned or state-contracted facilities.

11.7.2. Purchases of fuel from self service facilities other than those owned by the State or under contract to the State may be approved for payment by the executive officer of the spending unit without any action from the Travel Management Office when the purchase is made out-of-state.

11.7.3. Purchases of fuel from self-service facilities other than those owned by the State may be approved for payment or reimbursement by the Travel Management Office when the purchase is made during emergencies and/or when circumstances are such that the use of state-owned facilities is not reasonable. Such purchases must be justified by the vehicle operator, reviewed, and approved by the Travel Management Office.

11.7.4. Purchases of fuel at full-service prices, if identified as a charged item, may be added to the lease invoice to the leasing spending unit.

11.7.5. Purchases of the fuel designated by the Travel Management Office for alternative fuel, fuel-flexible, or electric powered vehicles may be approved for payment or reimbursement without any action by the Travel Management Office. Purchases of fuel other than the fuel designated for the vehicle by the Travel Management Office will not be reimbursed and, if identified as a charged item, will be added to the lease invoice issued to the leasing spending unit.

11.8. Responsibilities of Operators and Spending Units.

11.8.1. Routine Maintenance.

Routine checking of the oil level, tire pressure and tire wear is the responsibility of the assigned operator, or in the case of multiple operator vehicles, the spending unit to which the vehicle is assigned. The cost of repairs or replacement as a result of the vehicle not being checked on a regular and routine basis will be charged to 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 operator.

11.8.2. Routine Cleaning.

The routine cleanliness of the assigned vehicle, including the interior and exterior of the vehicle, is the responsibility of the assigned operator or spending unit, in the case of multiple operator 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 charged to 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 operator.

11.8.3. Operating Deficiencies.

All operating deficiencies are to be reported to the Travel Management Office as soon as discovered.

11.9. No Smoking Permitted.

All State Owned Vehicles are designated. "NO SMOKING"; assigned operators are responsible for any and all costs related to repairs, replacement, cleaning, and/or deodorizing the vehicle due to smoking by either the operator or his/her passenger(s) .

11.10. Reporting of Accidents.

Accidents, to any degree, must be

11.10.1. investigated by the operator, and the operator must complete a Division of Motor Vehicle. "Operator's or Owner's Accident Report" (DMV 121SE or equivalent), within two (2) calendar days of the accident; and

11.10.2. reported to the Travel Management Office and/or the vehicle services contractor designated by the Travel Management Office.

Accidents involving injury or injuries to any party must be immediately reported to a law enforcement agency serving the area in which the injury occurred. Failure to report such an accident can result in criminal charges being filed against the vehicle operator. The Travel Management Office will suspend the operator from using State owned vehicles for failing to immediately report an accident involving injuries.

11.11. Travel Expenses Accounts vs. State Owned Vehicles Invoices.

Receipts for use of the State Owned Vehicles are by invoices issued by or through the Department of Administration. Individual travel expense accounts are to be processed for reimbursement without corresponding receipts or invoices for the use of State owned vehicles, but the travel expense account must reference, by license number, the use of a State owned vehicle for transportation.

11.12. Travel Management Office Charges.

11.12.1. Charges.

The Travel Management Office will specify the rates for lease of vehicles to departments, with such rates approved by the Secretary of the Department of Administration. The rates will provide for reasonable vehicle expenses, including, but not limited to, authorized fuel purchases, preventative maintenance, general maintenance and repairs, insurance, tires, insurance, depreciation, replacement and administrative costs. However, the spending unit will be responsible for all expenses related to abuse and/or misuse of the vehicle.

11.12.2. Invoicing and Payments.

An invoice will be issued on a regular basis by the Department of Administration to each spending unit leasing vehicles from the Travel Management Office. The amount invoiced per vehicle will include the normal charge for the vehicle based upon the rates established by the Travel Management Office and approved by the Secretary. The rate will include, but not be limited to, authorized fuel purchases, preventative maintenance, maintenance and repairs, tires, insurance, depreciation, replacement and administrative costs.

Each invoice will reference, by license number, the vehicle leased, the monthly base rate for the vehicle, any mileage charges for the use of the vehicle beyond the mileage allotted in the base rate, any miscellaneous charges or credits, the Department of Administration account number to which the payment is to be made, and any other information that the Travel Management Office deems appropriate.

Payment to the Department of Administration from the spending unit may be from either a single account or multiple accounts based on the spending unit's needs or funding requirements. Each payment must be referenced to a specific invoice.

11.12.3. Arrearages.

In order for the Travel Management Office to provide expected and promised services and to maintain secure vendor relationships, any spending unit account that becomes seriously delinquent in paying the Department of Administration will have the charge/credit cards provided by the Travel Management Office suspended for use by those vehicles leased to the spending unit and/or have the vehicles secured by the Travel Management Office, at the discretion of the Travel Management Office. Upon bringing the spending unit account to a current status with the Department of Administration, the cards will be reinstated and/or the vehicles may be returned to the spending unit.

11.13. Disposal of Vehicles.

Vehicles shall be disposed in accordance with the requirements of the West Virginia Code.

11.14. Replacement Vehicles.

Vehicle replacements are determined by a State owned vehicle Replacement Schedule issued by the Travel Management Office and approved by the Secretary of the Department of Administration.

EXHIBIT AAdministrative Action for State Owned Vehicle Operators

<u>POINTS</u>		<u>ACCIDENTS</u>	<u>ACTION</u>
04 - 06	or	1 Not-At-Fault or Non-Preventable	Verbal Counseling by the AVRC
06 - 08	or	2 Not-At-Fault or Non-Preventable or 1 At-Fault or Preventable	Written Reprimand <u>and</u> Defensive Driving Course
		3 Not-At-Fault or Non-Preventable	Written Reprimand and suspension for a Maximum 03 Months
09 - 10	or	2 At-Fault or Preventable	Suspension for a Minimum 03 Months to a Maximum 12 Months
11 - 12 or SUSPENSION or REVOCAION			Suspension until WV operators license is reinstated and operating privileges are approved by the AVRC
		3 At-Fault or Preventable	Mandatory 1 year suspension of operating privileges

Notes: Not-At-Fault Accidents are those where the vehicle operator **is not** cited by a law enforcement agency official. Non-Preventable Accidents are those that the AVRC determine to be beyond the control of the operator or those that the operator did not contribute to the circumstances that led to the accident.

At-Fault Accidents are those where the vehicle operator **is** cited by a law enforcement agency official. Preventable Accidents are those that the AVRC determine to be within the control of the operator or those that the operator contributed or appeared to contribute to the circumstances that led to the accident.

Suspension or Revocation, in the context of POINTS, is the suspension of an operator's license by the Division of Motor Vehicles. Suspension, in the context of ACTION, is the suspension of operating privileges of a State Owned Vehicle.

AVRC is the Accident & Violation Review Committee.

Not to be filed with rule

Department of Administration Purchasing Division / Travel Management Office

State Owned Vehicles Rate Chart (Effective 1 July 1991)

Vehicle Category Rate / Month (Base Rate) Rate / Mile (>1500/Month) Rate Code
Medium Sedan / Minivan \$410.00 .22/mile L1 Large Sedan\$465.00.33/mileL2 Medium Pickup Truck\$395.00.28/mileL4
Cargo/Sport Van\$395.00.28/mileL4 Maxiwagon Van\$510.00.36/mileL5 1 Ton Truck\$510.00.36/mileL5 Four
Wheel Drive\$510.00.36/mileL5

Rates are calculated by applying the "Rate/Month" plus the "Rate/Mile" for all miles driven over 1500 miles per month. Please note that all rates are subject to change as conditions dictate (note that these rates are, on the average, 4.75% less than FY90 rates) .

The "base rate" includes the vehicle lease, authorized fuel purchases, preventative maintenance, general repairs and maintenance, tires, insurance, depreciation, replacement and administrative costs. The "base rate" excludes unauthorized fuel purchases, installation and repairs to agency equipment, exterior & interior cleaning, and repairs required due to operator negligence and/or carelessness.

NO SMOKING is permitted in State Owned Vehicles.