

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

FILED

Nov 6 9 26 AM '92

Form #5

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: Department of Administration TITLE NUMBER: 148

CITE AUTHORITY: W. Va. Code 5A-3-48

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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 NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 6, 1992

Carol Folsom

6.40

SUMMARY

There were no comments received for the Procedural Rules for State Owned Vehicles.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOV 6 9 26 AM '92

FILED



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION

State Capitol
Charleston, WV 25305

FILED
SEP 22 9 59 AM '92
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Gaston Caperton
Governor

Chuck Polan
Secretary

September 22, 1992

Honorable Ken Hechler
Secretary of State
Suite 157-K
Capitol Building
Charleston, West Virginia 25305

Re: Procedural Rule State Owned Vehicles

Dear Mr. Hechler:

Approval is hereby given for filing of the procedural rule, entitled "State Owned Vehicles," enclosed in accordance with West Virginia Code §5A-3-48.

Sincerely,

Chuck Polan
Secretary

CP:tj

Attachment

APPENDIX B

FILED

FISCAL NOTE FOR PROPOSED RULES

SEP 22 9 59 AM '92

Rule Title: State Owned Vehicles

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Type of Rule: Legislative Interpretive Procedural

Agency Department of Administration Address 1900 Kanawha Blvd., East
Room E-119 Capitol Complex Charleston, West Virginia 25305

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ none	\$ none	\$ none	\$ none	\$ none
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

Current practice is reflected in the rule, and no additional cost is incurred.

3. Objectives of these rules:

To delineate the requirements for leasing State owned vehicles by spending units.

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: 9-22-92

Signature of Agency Head or Authorized Representative

Dana Stout

FILED

SEP 22 9 59 AM '92

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SUMMARY

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.

FILED

SEP 22 10 00 AM '92

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

148 CSR 3

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.

1.2 Authority.--West Virginia Code §5A-3-48.

1.3 Filing Date.--

1.4 Effective Date.--

§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 West Virginia Code §5F-1-2.

2.3 "Department of Administration" means the entity of State government created by West Virginia 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 West Virginia 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:

- (a) Use by a number of employees; or
- (b) 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:

- (a) 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);
- (b) cannot be used for personal purposes except for minimal (de minimis) personal convenience, i.e., stopping for meals while traveling;
- (c) 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:

- (a) 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;
- (b) cannot be used for personal purposes except for commuting and minimal personal convenience, i.e., stopping for meals while traveling;
- (c) 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
- (d) 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, which ever is greater) for each day the

vehicle is used for commuting purposes based on two (2) methods:

- (a) 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

- (b) 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:

- (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;
- (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:

- (a) spending unit requirements and justification;
- (b) assigned operator qualifications;
- (c) proper and efficient utilization of vehicles assigned to the spending unit;
- (d) available inventory or opportunity to transfer vehicles; and/or
- (e) 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

- 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
- 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 A

Administrative Action for State Owned Vehicle Operators			
POINTS		ACCIDENTS	ACTION
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 <u>and</u> 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 SUSPEN- SION or REVOCA- TION			Suspension until WV operators license is reinstated <u>and</u> 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.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

APR 22 8 18 AM '93

FILED

TO: Diana Stout

AGENCY: Administration

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: April 19, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 3 TITLE: 148 Administration

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Diana Stout

TITLE OF PERSON SIGNING: General Counsel

DATE: 4-21-93

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.