WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Administration

RULE TYPE: Legislative TITLE-SERIES: 148-03

RULE NAME: State-Owned Vehicles

CITE AUTHORITY: W.Va. Code §5A-12-5.

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Misty Peal -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 148
LEGISLATIVE RULE
DEPARTMENT OF ADMINISTRATION

SERIES 3
STATE-OWNED VEHICLES

§148-3-1. General.

1.1. Scope. -- This legislative rule establishes guidelines for management of all motor vehicles with a vehicle rating of one-ton (3500/350) or less owned or possessed by the State of West Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or authorities. This rule does not apply to all terrain vehicles (ATVs) or vehicles requiring a commercial driver's license to operate. ~~Spending units may request a determination of applicability from the Department of Administration Fleet Management Division for other special-use equipment. Factors determining eligibility will include the manufacturer's intended use of the equipment, and any special training, certification, or additional licensures required for safe operation.~~

1.2. Authority. -- W.Va. Code §5A-12-5.

1.3. Filing Date. -- ~~March 12, 2024.~~

1.4. Effective Date. -- ~~March 12, 2024.~~

1.5. Sunset provision. -- This rule shall terminate and have no further force or effect on August 1, ~~2032~~ 2032.

§148-3-2. Definitions

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

2.1. "Agency fleet coordinator" means the person within a spending unit designated to be the contact for the spending unit to the Fleet Management Division and for compiling and reporting vehicle information to the Fleet Management Division.

2.2. "Authorized passenger" means a personnel classification such as agent, broker, contractor, persons involved in mission of mercy or medical emergency; volunteer acting in an official capacity, 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.

2.3. "Commuting" means the use of a state vehicle by an employee who has been assigned a state vehicle, whether permanent or temporary, to drive to and from the employee's home and regular place of employment, in accordance with the Internal Revenue Service Publication 15-B, *Employer's Tax Guide to Fringe Benefits*.

2.4. "*De Minimis* personal use" means the use of a state-owned vehicle for personal purposes, of which the value of that personal use is so small that accounting for it would be unreasonable and administratively impractical, including while commuting when permitted, in accordance with the Internal Revenue Service Publication 15-B, *Employer's Tax Guide to Fringe Benefits*.

2.5. "Fleet Management Division," or "Fleet", means the agency within the Department of Administration that manages state-owned vehicles, including purchase, fueling, maintenance and repairs.

2.6. "Hazardous material" means materials that are radioactive, flammable, explosive, corrosive, oxidizing, asphyxiating, biohazardous, toxic, pathogenic, or allergic. Also included are physical characteristics such as compressed gases and liquids or hot materials, including all materials that may render them hazardous in specific circumstances.

2.7. "Indirect costs" means expenses of operating state-owned vehicles that may not be attributable to a specific vehicle, such as expenses for cleaning supplies, shop supplies, small parts, office and administrative expenses attributable to agency fleet coordinator activity, training for agency fleet coordinators or drivers, facilities costs, administrative overhead, parking, or equipment.

2.8. "Pool vehicle" means a vehicle that is owned by a spending unit and is available for use by multiple employees in the performance of their job duties.

2.9. "State-owned vehicle" means any vehicle that is owned, operated or acquired, regardless of intended use, by the State of West Virginia on which a state vehicle license plate is required, but does not include employees' personal vehicles used for official state business or vehicles rented on behalf of a state agency.

2.10. "Spending unit" means the department, agency or institution of the state government for which an appropriation is requested, or which an appropriation is made by the Legislature as defined by *W.Va. Code* §5A-1-1.

2.11. "Under-utilized vehicle" means a vehicle that does not meet the standards set forth in Section 9 of this rule and has received a waiver for the minimum mileage requirement by the Fleet Management Division.

2.12. "Vehicle log" means the record of state vehicle use, specific to each state vehicle, maintained by the driver and reported to the agency fleet coordinator.

2.13. "Telematic" means an electronic device or system that monitors the activity, status, location, action, or performance of state vehicles.

§148-3-3. Agency Fleet Coordinators.

3.1. Each spending unit which utilizes state-owned vehicles shall designate an agency fleet coordinator as point of contact between the agency and ~~the~~ Fleet ~~Management Division~~. The agency fleet coordinator will be charged with tracking the agency's state-owned vehicles, reporting required information to ~~the~~ Fleet ~~Management Division~~, and communicating with ~~the~~ Fleet ~~Management Division~~ regarding management of the vehicles assigned to the agency. ~~On or before July 1, 2018, each.~~ Each spending unit shall designate an agency fleet coordinator on the form prescribed by ~~the~~ Fleet ~~Management Division~~ and notify ~~the~~ Fleet ~~Management Division~~ within 30 days of any change in designated agency fleet coordinator.

3.2. Agency fleet coordinators are responsible for ensuring employees assigned a state-owned vehicle by the spending unit are familiar with all rules, policies and programs related to state-owned vehicle use. Agency fleet coordinators are required to review and document driver understanding of these rules, policies and programs no later than January 15th, each calendar year on the form designated by ~~the~~ Fleet ~~Management Division~~.

3.3. On or before July 1, 2018, each agency fleet coordinator shall input identifying information of each state-owned vehicle which the agency fleet coordinator manages into the centralized inventory database governed by the Enterprise Resource Planning Board in a manner designated by ~~the~~ Fleet ~~Management Division~~.

§148-3-4. Purchase of New or Replacement Vehicles.

4.1. Regardless of means of acquisition, a spending unit may not add or replace vehicles in its fleet without prior notification and approval by ~~the~~ Fleet ~~Management Division~~. The request shall be made on the form prescribed by ~~the~~ Fleet ~~Management Division.~~ ~~The~~ Fleet ~~Management Division~~ shall respond to the request by the spending unit within five business days of receiving the request.

4.2. ~~The~~ Fleet ~~Management Division~~ will approve the purchase of a new vehicle to replace an existing vehicle:

~~4.2.a.~~ 4.2.1. if the existing vehicle is more than five years old and has more than 120,000 miles,

~~4.2.b.~~ 4.2.2. if the existing vehicle is destroyed and is considered a total loss, or

~~4.2.c.~~ 4.2.3. if the existing vehicle requires repairs or maintenance with costs that cannot be justified based upon the remaining life of the vehicle.

§148-3-5. Financing arrangements for state-owned vehicles.

5.1. To facilitate vehicle purchases for agencies, ~~the~~ Fleet ~~Management Division~~ may use appropriated funds to secure credit for vehicle purchases and offer financing arrangements to agencies for the purchase of new vehicles.

~~5.1.a.~~ 5.1.1. ~~The~~ Fleet ~~Management Division~~ will retain title to the state-owned vehicle.

~~5.1.b.~~ 5.1.2. The financing agreements will be for a period of at least 12 months and no more than 48 months.

5.2. The purchasing agency is responsible for regular maintenance, upkeep and operation costs of a vehicle subject to a financing agreement.

5.3. ~~The~~ Fleet ~~Management Division~~ may terminate the financing agreement when the purchasing agency becomes more than 90 days delinquent on regular monthly payments, when the purchasing agency fails to adequately maintain the vehicle, or when the purchasing agency uses the vehicle inconsistent with its intended purpose.

§148-3-6. Title and registration of state-owned vehicles.

6.1. All state-owned vehicles shall be titled in the same manner as the centralized inventory database governed by the Enterprise Resource Planning Board.

6.2. Spending units must provide ~~the~~ Fleet ~~Management Division~~ with a copy of the title and registration of all state-owned vehicles, regardless of the means by which the vehicle was acquired, within 30 days of acquisition. If an agency has a state-owned vehicle that does not comply with the requirements of subsection 6.1 this rule, the agency shall obtain a corrected title and provide a copy to ~~the~~ Fleet ~~Management Division~~.

6.3. When a spending unit dispenses with a state-owned vehicle, the spending unit shall provide a copy of the executed title to ~~the~~ Fleet ~~Management Division~~ within 30 days of dispensation. Additionally, the agency shall remove the vehicle from its inventory in the centralized inventory database governed by the Enterprise Resource Planning Board and notify the Division of Motor Vehicles that the vehicle is no longer assigned to the agency.

6.4. State-owned vehicles shall be licensed with the official state license plate on the rear bumper and display the "State Car" license plate on the front bumper, except for those vehicles authorized to display a Class A license plate pursuant to West Virginia Code §17A-3-23.

§148-3-7. Permissible use and care of state-owned vehicles.

7.1. It is the responsibility of the spending unit to monitor vehicle use and take appropriate action when an employee's use of the vehicle is not in accordance with this rule.

~~7.1.a.~~ 7.1.1 State-owned vehicles may be used or occupied by state employees, non-employees, (such as agency-approved contractors or their agents), volunteers acting in an official capacity, or authorized passengers as defined in this rule. No passengers other than state employees, non-employees, and authorized passengers are permitted in vehicles without specific approval of the spending officer.

7.2. A state-owned vehicle may be used for official state business only by either primarily one employee or by multiple employees as a pool vehicle.

~~7.2.a.~~ 7.2.1. Use by primarily one driver.

~~7.2.a.~~ 7.2.1.a. State-owned vehicles may be assigned to an employee whose job duties require continuous access to a vehicle.

~~7.2.a.2.~~ 7.2.1.b. The driver to which the vehicle is assigned is responsible for recording information that must be reported to the agency fleet coordinator and ~~the~~ Fleet ~~Management Division~~.

~~7.2.b.~~ 7.2.2. Use by multiple drivers as a pool vehicle.

~~7.2.b.1.~~ 7.2.2.a. When a state-owned vehicle is used by multiple employees, the vehicle must be kept on state-owned or leased property when not in use, if practical.

~~7.2.b.~~ 7.2.2.b. Each driver of the pool vehicle is responsible for recording information that must be reported to the agency fleet coordinator and ~~the~~ Fleet ~~Management Division~~ when the driver is using the vehicle.

7.2.2.c. All pool vehicles must have a telematics fob reader installed that identifies the driver.

7.3. State-owned vehicles cannot be used for personal use except for *de minimis* personal use.

7.4. Preventive Maintenance of state-owned vehicles is the responsibility of the spending unit to which the vehicle is assigned. Routine checking of tire pressure, tire wear, as well as other safety-related equipment is the responsibility of the driver, or in the case of a pool vehicle, the responsibility of the spending unit.

~~7.4.a.~~ 7.4.1. All preventive maintenance costs must be reported to ~~the~~ Fleet ~~Management Division~~ or arranged through the maintenance program provided by ~~the~~ Fleet ~~Management Division~~.

~~7.4.b.~~ 7.4.2. The cost of repairs to or replacement of a state-owned vehicle as a result of failure to obtain preventive maintenance on a regular and routine basis is the responsibility of the spending unit to which the vehicle is assigned. The spending unit may seek reimbursement from the driver for misuse or abuse of the state-owned vehicle.

~~7.4.c.~~ 7.4.3. All preventive maintenance, service and safety recalls must follow manufacturers recommendations.

7.5. State-owned vehicles must be refueled using the fuel management program offered by ~~the~~ Fleet ~~Management Division Office~~.

7.6. Routine cleaning and upkeep of the vehicle is the responsibility of the assigned driver, or in the case of a pool vehicle, the responsibility of the spending unit.

7.7. Smoking or the use of e-cigarettes or smokeless tobacco is prohibited in state-owned vehicles. Smoking is prohibited while the driver is refueling the vehicle.

7.8. All state-owned and leased vehicles must have a valid state inspection sticker at all times.

7.9. Insurance coverage is provided for state-owned vehicles by the Board of Risk and Insurance Management. Proof of insurance is provided by ~~the~~ Fleet ~~Management Division~~. The agency fleet coordinator is responsible for ensuring that proof of insurance is placed in each vehicle.

7.10. Each state-owned vehicle shall have a vehicle log sheet associated with the vehicle. Drivers, whether the vehicle is assigned to an individual or is used by multiple drivers, shall record the driver's name and information related to total mileage, miles commuted, destinations and purpose.

7.11. All state vehicles must have a telematic device installed, unless exempted by Fleet.

§148-3-8. Safe Operation.

8.1. The assigned driver or drivers of state-owned vehicles are responsible for the safe operation of the vehicle according to all laws, ordinances and rules governing the operation of any vehicle.

8.2. Whenever a state-owned vehicle is unattended, the driver shall, when practical, turn the vehicle off, remove the keys, close all windows, lock all doors/hatch/trunk/tool boxes, and remove or conceal any valuable items.

8.3. All drivers of state-owned vehicles must have a valid driver's license that is not suspended or revoked.

8.4. The use of a wireless electronic communication device by the driver of a state-owned vehicle is prohibited while the vehicle is in motion, except when the device is a hands-free wireless electronic communication device being used hands-free. The use of a hands-free electronic communication device means to verbally or visually communicate, message, or otherwise exchange information. The use of a handheld communication device is permissible according to the provisions of *W.Va. Code* §17C-14-15(c).

8.5. Hazardous material transported in state-owned vehicles must be kept in a secured container and in accordance with the requirements of the U.S. Department of Transportation Hazardous Materials rules found in 49 CFR §172, and with applicable state or local laws and regulations.

8.6. Reporting and review of accidents, damage and violations.

~~8.6.a.~~ 8.6.1. Accidents or any damage to state-owned vehicles must be reported to the Board of Risk and Insurance Management by the spending unit using the designated form as soon as practical after the accident occurs.

~~8.6.b.~~ 8.6.2. The spending unit will take any necessary measures to prevent future accidents, damage or violations such as driver training or employee discipline if the failure of the driver to properly operate and maintain the vehicle is found to be the cause of the accident or damage to the vehicle, or results in a violation.

~~8.6.c.~~ 8.6.3. In the event of an accident or violation, or periodically, to determine operator license status, ~~the~~ Fleet ~~Management Division~~ or spending unit may request and review the driving records of an employee assigned a state-owned vehicle. Any information affecting employability or insurability will be referred to the spending unit for action as appropriate.

8.6.4. Within 30 days of notification, each Spending Unit must review telematics-provided data for vehicles involved in collisions or accidents.

§148-3-9. Minimum Utilization.

9.1. To ensure proper utilization and to justify the size of the state's fleet, state-owned vehicles must meet an annual average minimum monthly mileage of 1,100, less any commuting miles.

9.2. For vehicles with an annual average of less than 1,100 miles per month, if the spending unit wishes to retain the vehicle, the spending unit must request a waiver from the minimum mileage required in Subsection 9.1 of this section. The request shall be submitted to ~~the~~ Fleet ~~Management Division~~ on the prescribed form. A waiver granted by ~~the~~ Fleet ~~Management Division~~ is valid until the end of the fiscal year and must be resubmitted by the spending unit annually.

9.3. Requests for waiver of the average minimum monthly mileage will be categorized as follows:

~~9.3.a.~~ 9.3.1. PSV - Vehicles assigned to public safety officers.

~~9.3.b.~~ 9.3.2. SEV - Vehicles assigned to employees whose job duties require the constant use or continuous availability of specialized equipment which cannot feasibly or economically be transferred between a pool vehicle or carried in personal vehicles. Such equipment may include medical supplies, monitoring or testing equipment, or equipment necessary to carry out the mission of the spending unit.

~~9.3.c.~~ 9.3.3. ERV - Vehicles assigned to employees who are on call 24-hours a day, or who must respond to emergencies on a regular or continuing basis where the location requiring the emergency response is not the employee's regular workplace.

~~9.3.d.~~ 9.3.4. 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 a spending unit for which the use of a temporary assignment vehicle, daily rental vehicle, long-term lease vehicle, or use of a person vehicle with mileage reimbursement is neither feasible or economical.

~~9.3.e.~~ 9.3.5. ENV - Vehicles that are free of liens and are both economical and necessary for the spending unit to fulfill its necessary functions. No more than 20 percent of the spending unit's vehicles may be granted a waiver under this justification.

9.4. In requesting a waiver from average minimum monthly mileage for vehicles categorized according to subdivision 9.3.~~b.~~2 or subdivision 9.3.~~c.~~3 of this subsection, the spending unit must report the number of times a vehicle was used annually outside of the employee's regular work schedule.

9.5. ~~The~~ Fleet ~~Management Division~~ will notify the spending unit in writing of its approval or rejection of the request for waiver of average minimum monthly mileage within 15 days of receipt of the request.

9.6. The spending unit may appeal the decision of ~~the~~ Fleet ~~Management Division~~ for request for waiver of average minimum monthly mileage to the Secretary of the Department of Administration. The appeal must be received by the Secretary within 15 days of receipt of the decision of ~~the~~ Fleet ~~Management Division~~.

9.7. After a final denial of waiver of average minimum monthly mileage of a state-owned vehicle, or if the spending unit voluntarily surrenders a vehicle that is under-utilized,~~the~~ Fleet ~~Management Division~~ may recommend an inter-agency transfer of the vehicle to another spending unit, or may recommend transferring the vehicle to the State Agency for Surplus Property for disposition.

~~9.7.a.~~ 9.7.1. In the event of an inter-agency transfer of a vehicle that is not subject to a financing arrangement, the spending unit acquiring the transferred vehicle shall pay to the spending unit transferring the vehicle an amount equal to the expected sale proceeds by the State Agency for Surplus Property at the end of the useful life of the vehicle based upon comparable salvage values obtained by the State Agency for Surplus Property when that agency sells retired vehicles. The payment shall be reduced by an amount equal to the fee that would have been collected by the State Agency for Surplus Property if it were selling the vehicle after retirement. The payment may be waived in whole or in part by the transferring spending unit.

~~9.7.b.~~ 9.7.2. If a vehicle that is subject to a financing arrangement is transferred to another agency because of under-utilization, the spending unit receiving the vehicle will make all remaining payments on the debt obligation of the vehicle after the date of transfer.

~~9.7.c.~~ 9.7.3. For vehicles not subject to a financing arrangement, a new title for the transferred vehicle will be issued with the receiving spending unit as owner.

~~9.7.d.~~ 9.7.4. After the transfer, the receiving spending unit will be responsible for all routine maintenance and operating costs of the vehicle. The spending unit shall input the vehicles identifying information into the centralized inventory database maintained by the Enterprise Resource Planning Board.

9.8. An inter-agency transfer of a state-owned vehicle does not constitute authority of the receiving spending unit to increase its fleet size. The receiving agency must have requested authority to purchase an additional state-owned vehicle to be eligible to receive a vehicle through an inter-agency transfer.

9.9. The transferring spending unit may not replace the transferred vehicle with another vehicle without requesting authority to add another vehicle to its fleet from ~~the~~ Fleet ~~Management Division~~.

§148-3-10. Commuting in state-owned vehicles.

10.1. State-owned vehicles that are assigned primarily to one employee may be used for commuting to and from the employee's regular workplace so long as the commuting value is calculated and reported as a fringe benefit.

10.2. Commuting value shall be calculated in accordance with Internal Revenue Service Publication 15-B, *Employer's Tax Guide to Fringe Benefits.*

10.3. If an employee has been assigned a vehicle and the vehicle is used to commute to and from the employee's regular workplace during that temporary assignment, commuting value must be calculated and reported for the days the employee used the state-owned vehicle to commute.

~~10.3.a.~~ 10.3.1. The employee assigned to the vehicle is responsible for accurately collecting information needed to calculate the commuting value and reporting to the appropriate person within the spending unit that manages payroll.

10.4. The spending unit shall report the commuting value as wages and salary to the Internal Revenue Service and the State of West Virginia and shall report the commuting value at least annually to ~~the~~ Fleet ~~Management Division~~ on the prescribed form.

10.5. Failure to submit the prescribed form may result in the termination of the assignment of a vehicle to the employee, will result in a determination by the spending unit business office that miles driven during the unreported period are personal use miles, and may result in applicable penalties levied by the Internal Revenue Service.

148-3-11. State-owned vehicle data required to be reported to the Fleet Management ~~Office~~ Division.

11.1. Each spending unit with state-owned vehicles shall conduct an annual survey of its fleet and reconcile its vehicle records with those of ~~the~~ Fleet ~~Management Division~~ and with the centralized inventory database maintained by the Enterprise Resource Planning Board.

11.2. ~~Agency~~ Spending unit's fleet coordinators shall provide by October 31st each year, or upon request, to ~~the~~ Fleet ~~Management Division~~ data on each state-owned vehicle, including:

~~11.2.a.~~ 11.2.1. vehicle identification number;

~~11.2.b.~~ 11.2.2. manufacturer, make, model and year of the vehicle;

~~11.2.c.~~ 11.2.3. class or type of each vehicle;

~~11.2.d.~~ 11.2.4. license plate number of each vehicle;

~~11.2.e.~~ 11.2.5. date of acquisition of each vehicle;

~~11.2.f.~~ 11.2.6. vehicle inspection records of each vehicle;

~~11.2.g.~~ 11.2.7. annual costs associated with vehicle rental expenses;

~~11.2.h.~~ 11.2.8. annual reimbursement by the agency for employees' personal vehicle use, which shall include total miles and reimbursement rate;

~~11.2.i.~~ 11.2.9. funding source for each vehicle (department number, unit number and fund number);

~~11.2.j.~~ 11.2.10. odometer readings for each vehicle;

~~11.2.k.~~ 11.2.11. fuel usage of each vehicle;

~~11.2.l.~~ 11.2.12. all maintenance events associated with each vehicle; and

~~11.2.m.~~ 11.2.13. annual total indirect costs of operating state-owned vehicles for the agency.

11.2.14. Number of agency vehicles, broken down by:

11.2.14.a. The total number of vehicles, and

11.2.14.b. The number of vehicles equipped with telematics;

11.2.15. A summary of telematic violations of applicable statutes, law, rule, and any other unsafe driving behavior, both in aggregate and by spending unit. The summary must include, at a minimum, any incident of:

11.2.15.a. Speeding event.

11.2.15.a.1. Indicate if the speeding event was over the posted speed limit, 10 miles per hour over the posted speed limit, and 20 miles per hour over the posted speed limit.

11.2.15.b. Usage outside of normal business hours.

11.2.15.c. Driver not wearing a seatbelt.

11.2.15.d. Excessive idling.

11.2.15.e. Vehicle trips without an assigned driver or fob identifier.

11.2.15.f. Hard acceleration.

11.2.15.g. Hard Braking.

11.2.16. A summary of the corrective or disciplinary actions taken by spending units in response to telematic-derived data, both in aggregate and by spending unit.

11.2.17. A cost-benefit analysis of telematics usage, including total program costs, estimated savings and cost avoidance, and a conclusion as to whether the benefits of utilizing telematics exceed the costs and a recommendation as to whether the spending unit should continue utilizing telematics. Fleet will provide the form for the spending units to report on the cost-benefit analysis.

11.3. ~~The~~ Fleet ~~Management Division~~ will provide to the Governor and Joint Committee on Government and Finance an annual report of state vehicle usage, including operating costs and the number of vehicles.

§148-3-12. Vehicle management programs provided by the Fleet Management ~~Office~~ Division.

12.1. ~~The~~ Fleet ~~Management Division will offer to~~ provides spending units with vehicle management programs including, but not limited to fuel purchasing, repairs, telematics, maintenance management, towing, and short-term vehicle rentals.

12.1.1. If ~~the~~ Fleet ~~Management Division~~ provides a fuel, telematic, or maintenance management program, agencies with state-owned vehicles must utilize the program provided.

12.1.2. Agencies may request, in writing, an exemption from the management program with justification for the exemption. ~~The~~ Fleet ~~Management Division~~ will evaluate the request for exemption

and recommend approval or denial of the request to the Secretary of the Department of Administration, who will make the final decision on approval or denial of the request for exemption.

12.2. Fuel purchases.

~~12.2.a.~~ 12.2.1. Fuel purchases made outside the fuel program provided by ~~the~~ Fleet ~~Management Division~~ must be reported to ~~the~~ Fleet ~~Management Division~~ on a per-vehicle basis. The mechanism to purchase fuel outside the program provided by ~~the~~ Fleet ~~Management Division~~ must be approved by ~~the~~ Fleet ~~Management Division~~.

~~12.2.b.~~ 12.2.2. Vehicles enrolled in the fuel program provided by ~~the~~ Fleet ~~Management Division~~ must purchase all third-party fuel through the provided program.

~~12.2.c.~~ 12.2.3. All fuel purchases must be for regular unleaded or diesel, unless a higher grade or other type of fuel is required by the manufacturer. Any exception must be requested in writing by the spending unit and approved by ~~the~~ Fleet ~~Management Division~~.

12.3. Repairs and maintenance.

~~12.3.a.~~ 12.3.1. All repairs and maintenance events must be reported and approved by ~~the~~ Fleet ~~Management Division~~, regardless of whether the vehicle is enrolled in a maintenance management program provided by ~~the~~ Fleet ~~Management Division~~.

~~12.3.b~~. 12.3.2. The cost of repairs or replacement as a result of the vehicle not being maintained on a regular and routine basis are the responsibility of the spending unit to which the vehicle is assigned. It is the discretion of the head of the spending unit to take appropriate action with the vehicle operator.

12.4. Short-term rental pool.

~~12.4.a.~~ 12.4.1. ~~The~~ Fleet ~~Management Division~~ may maintain a pool of vehicles for short-term use by any agency that wishes to use a state vehicle when ownership of a vehicle may not be justifiable.

~~12.4.b.~~ 12.4.2. ~~The~~ Fleet ~~Management Division~~ is authorized to charge rental fees to agencies for use of the short-term rental pool vehicle.

12.5. Telematic Units

12.5.1. Unless an exemption is provided by Fleet in accordance with Section 12.1.2 of this Rule, state vehicles must have a telematic unit installed by a vendor contracting with or approved by Fleet.

12.5.2. Spending units must inform all drivers of the use of telematics

12.5.3. All pool vehicles must have a telematic fob reader installed that identifies the driver.

12.6. Fees.

12.6.1. ~~The~~ Fleet ~~Management Division~~ may collect an administrative fee from spending units for each vehicle assigned to the spending unit to offset the cost of vehicle management programs provided by ~~the~~ Fleet ~~Management Division~~

12.6.2. The administrative fee must be approved by the Secretary of the Department of Administration.

12.6.3. ~~The~~ Fleet ~~Management Division~~ may suspend any vehicle management services provided for any spending unit that becomes delinquent more than 90 days in administrative fees due, or for vehicles subject to a financing arrangement,~~the~~ Fleet ~~Management Division~~ may require the return of the vehicle.