

		
Policies & Procedures		Approved May 16, 2008; Amended Sep. 10, 2010, May 17, 2017
12.3	Motor Vehicles	Disposal of State Vehicles

1. Authority and Application.

- (a) This Policy is adopted pursuant to the authority granted to the Council pursuant to the provisions of O.C.G.A. §§ 15-18-12(d)(2); 15-18-40(c); and 15-18-44(c) and Chapter 8 of the Rules of the Prosecuting Attorneys' Council of Georgia. It is the intent of the Council in adopting this policy to implement sound practices to insure that state vehicles are acquired, operated and managed in an effective, efficient and responsible manner consistent with the policies applicable to other State agencies and the duties of the District Attorney or Solicitor-General under the Constitution and laws of this State.
- (b) This Policy applies to any motor vehicle that is titled to the Council in accordance with O.C.G.A. § 40-2-37 regardless of the manner in which such vehicle is acquired or the source of the funds used to purchase such vehicle. By accepting a state motor vehicle for use in the performance of official duties, the district attorney agrees to operate such vehicle in accordance with this Policy and Chapter 8 of the Rules of the Prosecuting Attorneys' Council of Georgia.
- (c) By accepting a state motor vehicle for use in the performance of his or her office's official duties, the district attorney agrees that such vehicle shall be maintained and operated in accordance with this Policy and Chapter 8 of the Rules of the Prosecuting Attorneys' Council of Georgia.
- (d) This policy supersedes Council Policy 4.7 (Motor Vehicles), dated Oct. 17, 2002.

2. Disposal of State Vehicles.

- (a) The Council Fleet Manager is responsible for the disposal of state vehicles that are either surplus or unserviceable. Vehicles may be disposed of as set forth in this section.
- (b) "Trade-ins."

		
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- (1) Vehicles titled to the Prosecuting Attorneys' Council of Georgia ("state vehicles") may be "traded-in" in order to obtain a newer vehicle(s) if the new vehicle(s) will be titled to the Council.
- (2) Procedures.
 - (A) An office wishing to use one or more state vehicles as a trade-in towards the cost of a newer motor vehicle will contact the Council Fleet Manager prior to contacting a dealer and follow the procedures set forth in Council Policy 12.1.
 - (B) If the Council Fleet Manager authorizes the trade-in, the district attorney may contact the dealer for the purpose of arranging the trade.
 - (C) When a state vehicle will be used as a trade in, the district attorney's office is responsible for payment of any other amounts that may be due the dealer as a result of the overall purchase price. The Council Fleet Manager will be kept apprised of the negotiations.
 - (D) Except as provided in 12.3(2)(b)(2)(A), all funds (including insurance proceeds) from the sale or surplus of vehicle licensed to the Council shall be retained by the council. However, in no case shall such funds be available to the district attorney for a period greater than 45 days following the receipt of said funds, or June 30th, the end of the fiscal year, whichever is sooner.
- (3) If a state vehicle was originally acquired using state appropriated funds, the Council Fleet Manager will be responsible for conducting negotiations with the dealer.
- (c) Surplus.

		
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- (1) If a state vehicle is to be turned-in to the DOAS Surplus and Supply Distribution Center in Atlanta, Americus or Swainsboro, the district attorney's office must first contact the Council Fleet Manager.
 - (A) The Council Fleet Manager will provide the district attorney's office with a vehicle inspection report. The district attorney's office will complete a vehicle inspection report and submit it to the Council Fleet Manager. Any known defects that would make the vehicle ineligible for re-issue must be detailed in the report.
 - (B) The Council Fleet Manager will prepare the necessary documents and send them to the DOAS Surplus and Supply Distribution Center.
 - (C) Once turn-in of the vehicle is scheduled, the district attorney's office will be responsible for transport of the vehicle to the DOAS Surplus and Supply Distribution Center.
 - (D) Prior to the vehicle being turned in to a Center, the inside of the vehicle must be cleaned and all property removed.
- (d) Transfers to Another Prosecutors Office.
 - (1) State vehicles may be transferred between district attorneys' offices or between a district attorney's office and the Council.
 - (2) If a vehicle is to be transferred from one district attorney's office to another or to the Council, the Council Fleet Manager will prepare the required documentation and provide detailed instructions to the affected offices concerning documentation and the physical transfer of the vehicle.
 - (3) Unless the transfer of state vehicles is directed by the Council, state vehicles will not be transferred from a district attorney's office without the consent of the district attorney.

		
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- (e) Transfer to Another State Agency.
- (1) Surplus vehicles that were acquired using state appropriated funds or which were originally obtained from the DOAS Surplus and Supply Section cannot be transferred to an agency outside state government.
 - (2) Surplus state vehicles can, with prior approval from the DOAS Surplus and Supply Section, be transferred directly to another state agency. If approval for the transfer is received, the necessary documentation will be prepared and forwarded by the Council Fleet Manager to the requesting agency. That agency will be required to sign the documentation and return it to the Council Fleet Manager for processing. Once the transfer has been completed, the vehicle will be deleted from the Council inventory.
 - (3) Under no circumstances should a district attorney or Council employee inform anyone outside state government concerning the proposed disposal of surplus State vehicles.
 - (4) State, city, and county agencies wishing to obtain surplus state vehicles are required to submit a vehicle request application to the DOAS Surplus and Supply Section. When a vehicle of the type and description requested is made available, the DOAS Surplus and Supply Section will notify the requesting agency. This is necessary in order to ensure that surplus state vehicles are equally distributed throughout all state agencies. In all instances, state agencies have first right of refusal on all surplus state vehicles.
- (f) Transfer to County or Municipality.
- (1) Except as herein provided, once a vehicle is titled to the Council it becomes state property and subject to the provisions of the gratuities clause of the State Constitution, Ga. Const. Art. III, Sect. VI, Para. V, and state law.

		
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- (2) Vehicles titled to the Council may be transferred to a county or municipality only as part of an exchange for property of equal or greater value.¹
- (3) Procedures.

Any request to transfer a vehicle to a local government as part of an exchange must be submitted in writing by the district attorney to the Council Fleet Manager. If the vehicle is eligible for transfer, the Council Fleet Manager will review the request with the Executive Director. If the Executive Director authorizes the transfer, the Council Fleet Manager will prepare the necessary documentation.

(g) Wrecked Vehicles Declared A Total Loss.

- (1) A state vehicle declared a total loss through accidents caused by an employee or when there is no clear indication of who was directly responsible for the damage must be turned-in to the nearest DOAS Surplus and Supply Section. The Council Fleet Manager will process the paper work and contact the center for a time and date for delivery of the vehicle to the Center. The same procedures will be followed as for the disposal of a vehicle through state surplus.
- (2) In accidents caused by other drivers where the vehicle is declared a total loss, the state vehicle may be sold to the insurance company of the other driver. The amount to be paid for the vehicle will be initially determined by the claim's adjuster and will generally be based on the vehicle's fair market value at the time of the accident. The negotiations with the insurance carrier as to the claim must be handled by DOAS Risk Management Division on behalf of the Council.²

¹ Ga. Op. Att'y Gen. 68-305; U71-17; see also O.C.G.A. § 50-5-143.

² If the Council staff, the district attorney or his/her staff become involved in the negotiation it could result in



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a reduction of claim amount.