

## Chapter 8

### Acquisition and Use of State Owned Motor Vehicles

#### 8.01 Authority.

- (a) These rules are adopted pursuant to O.C.G.A. § 15-18-12(d)(2).
- (b) Generally these Rules are based on OPB and DOAS Policy Memorandum No. 10 (Revision 5), subject: *Rules, Regulations and Procedures Governing the Purchasing and Use of Motor Vehicles and Associated Recordkeeping* (July 1, 2005), which are applicable to agencies of the Executive Branch of state government. They have been modified to extent necessary to be consistent with the duties of the district attorneys under the Constitution and laws of this State.

Authority: O.C.G.A. §§ 15-18-12; 15-18-19(c); 15-18-40(c); 15-18-44(c); and 15-18-73(b); original Rule ratified 5/5/1999, effective 5/5/1999; revised in its entirety and ratified 7/10/2008, effective 7/1/2008.

#### 8.02 General Provisions.

- (a) These Rules are intended to provide for the effective and efficient operation of state motor vehicles titled to the Prosecuting Attorneys' Council of Georgia (hereinafter "the Council") and assigned to a district attorney's office for use by the employees of those offices in accomplishing their official duties under the Constitution and laws of this State.
- (b) The acquisition and use of state owned motor vehicles is subject to review by the State Auditor and to strict scrutiny by the public and press.
- (c) The acquisition and continued use and possession of a state vehicle is subject to the following conditions:
  - (1) The district attorney agrees to maintain and operate such vehicle in accordance with these Rules and the Policies adopted by the Council for the acquisition, use and disposal of state vehicles; and
  - (2) Any use of a state vehicle in a manner not authorized by law or these rules, or any willful damage or destruction of a state vehicle, will result in disciplinary action, criminal prosecution and/or civil liability.

Authority: O.C.G.A. §§ 15-18-12; 15-18-19(c); 15-18-40(c); 15-18-44(c); and 15-18-73(b); original Rule ratified 5/5/1999, effective 5/5/1999; revised in its entirety and ratified 7/10/2008, effective 7/10/2008.

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### 8.03 Definitions. As used in these Rules:

- (a) "Employee" means any person employed in a district attorney's office regardless of the source of compensation;
- (b) "State vehicle" means a motor vehicle which is titled or leased by the Prosecuting Attorneys' Council of Georgia
- (c) "Work location" means the physical location of the office to which an employee is assigned.

Authority: O.C.G.A. §§ 15-18-12; 15-18-19(c); 15-18-40(c); 15-18-44(c); and 15-18-73(b); original Rule ratified 5/5/1999, effective 5/5/1999; revised in its entirety and ratified 7/10/2008, effective 7/1/2008.

### 8.04 Application.

- (a) These Rules apply to all motor vehicles titled to or leased by the Prosecuting Attorneys' Council of Georgia.
- (b) These rules **do not** apply to vehicles owned by a county or other political subdivision which may be operated by a district attorney's office. Such vehicles shall be operated in accordance with the policies and procedures of the county or other political subdivision in whose name the vehicle is titled and registered.
- (c) These Rules apply to all personnel employed by or otherwise assigned or attached to a district attorney's office regardless of their source of compensation when operating state motor vehicles titled to the Council.
- (d) Individuals who are contractors or employees of contractors performing work for a district attorney's office (i.e., a temporary employment service) are not covered by the motor vehicle insurance policies of the State Risk Management Program. Such individuals must provide evidence to the Council staff that their personal liability insurance policy covers the operation of state vehicles before they are allowed to operate a state vehicle.

Authority: O.C.G.A. §§ 15-18-12; 15-18-19(c); 15-18-40(c); 15-18-44(c); and 15-18-73(b); original Rule ratified 5/5/1999, effective 5/5/1999; revised in its entirety and ratified 7/10/2008, effective 7/1/2008.

### 8.05 Acquisition and Disposal of Motor Vehicles Titled to the Prosecuting Attorneys' Council of Georgia

- (a) Acquisition.

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- (1) No motor vehicle shall be titled in the name of the Council without the prior, written approval of the Executive Director or his or her designee in accordance with the policies adopted by the Council for the acquisition of state vehicles.<sup>1</sup>
- (2) District attorney's offices may acquire motor vehicles that are titled to the Council **only** when the district attorney follows these Rules and the policies adopted by the Council for the acquisition, use and disposal of state vehicles. This includes, but is not limited to, vehicles purchased from state appropriated funds, purchased with circuit or local government funds, vehicles transferred to the Council by a local government and vehicles acquired pursuant to state forfeiture statutes.

### (b) Registration and Licensing.

The Council staff will be responsible for the registration and licensing of all vehicles titled to the Prosecuting Attorneys' Council of Georgia.

### (c) Insurance.

- (1) All vehicles titled to the Prosecuting Attorneys' Council of Georgia will be insured by the Council under the State Risk Management Program managed by the Department of Administrative Services.
- (2) All collision or comprehensive losses may be subject to a deductible per covered vehicle. **Payment of deductibles are the responsibility of the district attorney's office to which the vehicle is assigned.**
- (4) The Council cannot provide insurance coverage for motor vehicles that are not titled to the Prosecuting Attorneys' Council of Georgia.

### (d) Disposition.

Vehicles titled to the Council will be disposed of in accordance with the policies adopted by the Council for the disposal of state vehicles.

Authority: O.C.G.A. §§ 15-18-12; 15-18-19(c); 15-18-40(c); 15-18-44(c); and 15-18-73(b); original Rule ratified 5/5/1999, effective 5/5/1999; revised in its entirety and ratified 7/10/2008, effective 7/1/2008.

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<sup>1</sup> See Council Policy 12.1.  
Revised: 7/21/08 1546

**8.06 Assignment of State Vehicles.**

(a) General criteria.

- (1) Consistent with state policy, employees should be provided a government vehicle to the extent possible where needed to conduct state business.
- (2) State vehicles should be kept available for collective use and not assigned to an individual, except as provided herein. “Assigned” means that an employee has exclusive control over a vehicle’s use during the workday or is the only employee who routinely drives the vehicle.

(b) Assignment of Vehicles to an Employee for Work Day Use.

- (1) Vehicles will be assigned by the district attorney (or in the case of the Council staff, the Executive Director) for the **exclusive** use of an employee only where it is necessary to conduct state business. District attorneys must certify that individuals meet the requirements by signing the DOAS MV-1 form.<sup>2</sup>
- (2) For a vehicle to be assigned to an employee for that employee’s exclusive use, one of the following conditions must be met:
  - (A) The employee must drive at least 14,000 state business miles each year that the vehicle is assigned to the employee;
    - (i) The minimum number of miles referred to above are solely those miles driven exclusively for conducting state business,
    - (ii) Miles driven between an employee's residence and their work location **are not state business miles** and are considered “commuting miles,”
    - (iii) If, after one year, the employee assigned a vehicle fails to drive 14,000 state business miles, the exclusive assignment shall be revoked and the vehicle returned to pooled use; or
  - (B) The employee is on-call both during the normal work hours and after normal work hours and the employee is required to travel directly to a remote site other than his or her work-site after normal work hours;

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<sup>2</sup> DOAS Form MV-1 should not be confused the Department of Revenue MV-1 used annually to register motor vehicles.

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- (i) On-call employees must maintain documentation of the number of times they are called to a scene on a month-to-month basis,<sup>3</sup>
    - (ii) Only those individuals who have 12 call-outs per year should be authorized an assigned vehicle; or
  - (C) The vehicle is assigned to the district attorney.<sup>4</sup>
  - (3) Assignment of a state vehicle to an employee shall be documented on the DOAS MV-1.
  - (4) An employee assigned a state vehicle must provide the Council staff with such records and reports as required by the policies adopted by the Council for the use of state vehicles.
- (c) Authorization for Vehicles to be Driven Home Overnight.
- (1) The number of employees who are authorized to drive state vehicles to and from their residences shall be kept to a minimum.
  - (2) No employee shall be authorized to drive a state vehicle to and from the employee's residence based solely on the justification that it is required to enable the employee who routinely works in an office to be in radio contact with the office (as opposed to directing activities of other employees or law enforcement agencies in other radio or cellular equipped vehicles). Such employees should be provided paging devices or cellular phones instead of vehicles with radios or vehicle mounted cellular telephones.
  - (3) An employee is **not** authorized to drive a state vehicle to and from his or her residence unless the following criteria are met:
    - (A) The employee is an investigator assigned to a position that requires him or her to perform the duties of a sworn POST-certified (or registered) law

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<sup>3</sup> This information must be documented on the individual DOAS MV-1 form submitted to the Council.

<sup>4</sup> See OPB and DOAS. Policy Memorandum No. 1 (Revision 2), subject: *Rules, Regulations and Procedures Governing the Purchasing and Use of Motor Vehicles and Associated Recordkeeping*, para. 2.2. For the purpose of these Rules, the district attorney is considered the "chief executive officer of a statutorily created organization."

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enforcement officer<sup>5</sup> and the vehicle assigned to the employee is specially equipped for law enforcement purposes and having the vehicle readily available is essential for the employee to carry out their job functions, or

- (B) The district attorney has authorized the employee to work out of his or her residence and the employee will travel to different work sites as part of routine duties,<sup>6</sup> or
- (C) There is no overnight security at the employee's work site **and** there is documented evidence of vandalism of vehicles or property at the work site **and** security cannot be obtained for a modest cost, or
- (D) The employee must travel directly to a remote site (of sufficient distance for the employee to be on travel status) from his or her home the following morning, or the employee will suffer a great inconvenience by having to return the state vehicle to his or her office at the end of the work day during which the employee has used the vehicle for an authorized purpose, or
- (E) The employee is required to be on-call for work assignment and the duties of his or her position make it necessary for the employee to be the first to arrive on the scene in an emergency situation;
  - (i) When appropriate, the district attorney should establish a "designated first responder," thus limiting the number of individuals who are "on-call."
  - (ii) An employee who is on-call after normal work hours is authorized to drive a state vehicle home only if the employee does not anticipate reporting to his normal worksite when called to duty and if the vehicle:
    - A) Has special equipment other than a radio or cellular telephone; or
    - B) Is used to transport equipment which is too large or heavy, or has special features which makes it impractical to be

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<sup>5</sup> For a district attorney's office, an investigator must be authorized by local law to make arrests, execute search warrants and perform similar duties as a peace officer.

<sup>6</sup> This provision contemplates that the employee does not have another work location to which he or she can be assigned.

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- transferred between vehicles or between a vehicle and a fixed location; or
- C) Is for emergency use or is specially equipped and used for a related mission-such as a law enforcement vehicle; or
  - D) Is required to be driven in sites or under conditions that would endanger a privately owned vehicle; or
- (F) An employee who uses a pooled vehicle may drive the vehicle to their residence after work hours if the employee must travel directly to a remote site (of sufficient distance for the employee to be in travel status) from the residence the following morning or the employee will suffer a great inconvenience by having to return the state vehicle to the office at the end of the work day during which the employee has used the vehicle for an authorized purpose.

Authority: O.C.G.A. §§ 15-18-12; 15-18-19(c); 15-18-40(c); 15-18-44(c); and 15-18-73(b); original Rule ratified 5/5/1999, effective 5/5/1999; revised in its entirety and ratified 7/10/2008, effective 7/1/2008.

### 8.07 Authorized Uses of State Vehicles.

- (a) Vehicles titled to the Council shall be used solely in the performance of official duties. Use of state vehicles for personal purposes having no connection with the accomplishment of official business is prohibited except as expressly provided by Council policy.
- (b) Operation of State Vehicles.
  - (1) Any person authorized to operate a state vehicle will operate the vehicle in a safe and reliable manner.
  - (2) All vehicle operators are required to know and abide by all traffic laws and/or regulations. Any driver of a state vehicle who receives a citation for or is otherwise charged with a moving traffic violation while driving a state vehicle shall promptly notify the district attorney and the Council of the violation.
  - (3) Any person given the privilege to operate a state vehicle belonging to the Council:
    - (A) **Must** provide written consent for the Council staff to periodically obtain a copy of his or her Georgia Driver's History. Forms for this purpose will be provided by the Council.

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- (B) Must have in their possession, a valid State of Georgia motor vehicle driver's license.
  - (i) If, for any reason, the employee's driver's license is revoked, suspended, or restricted, it is mandatory for the employee to immediately notify the district attorney and the Council Fleet Manager.
  - (ii) An employee whose driver's license is revoked or suspended cannot operate a state vehicle.
- (C) Must report to the district attorney and the Council if charged with a serious traffic offense under the laws of this state,<sup>7</sup> the United States or any of the several states if such offense would be a serious traffic offense if committed in Georgia;
- (4) The Council may revoke the privilege of operating a state vehicle if the operator is charged with and/or convicted of a traffic offense under the laws of this state, the United States or any of the several states if such offense would be a serious traffic offense if committed in Georgia or if charged with a series of other moving traffic violations under the laws of this state, the United States or any of the several states.

Authority: O.C.G.A. §§ 15-18-12; 15-18-19(c); 15-18-40(c); 15-18-44(c); and 15-18-73(b); original Rule ratified 5/5/1999, effective 5/5/1999; revised in its entirety and ratified 7/10/2008, effective 7/1/2008.

### 8.08 Maintenance.

- (a) Responsibility for ensuring that state vehicles are properly maintained rests with the office to which the vehicle is assigned.
- (b) This responsibility includes ensuring that regular maintenance and warranty recall work is accomplished when required, and a permanent record is maintained on all work performed.
- (c) The Council will adopt policies governing maintenance of state vehicles.

Authority: O.C.G.A. §§ 15-18-12; 15-18-19(c); 15-18-40(c); 15-18-44(c); and 15-18-73(b); original Rule ratified 12/10/1999, effective 7/1/2000; revised in its entirety and ratified 7/10/2008, effective 7/1/2008.

### 8.09 Accident Reporting.

- (a) As used in this section, "accident" includes, but is not limited to:

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<sup>7</sup> O.C.G.A. §§ 40-6-390 through 40-6-397.

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- (1) The collision of a state vehicle with another motor vehicle;
- (2) The collision of a state vehicle with an object, fixture or thing.<sup>8</sup>
- (3) The involvement of a state vehicle in an accident that results in the death or bodily injury to another individual; or
- (4) Damages done to another person's property as a result of an accident involving a state vehicle.

(b) Motor vehicle accidents, regardless of how inconsequential they may seem to the driver, must be reported as provided by Council policy.

Authority: O.C.G.A. §§ 15-18-12; 15-18-19(c); 15-18-40(c); 15-18-44(c); and 15-18-73(b); original Rule ratified 5/5/1999, effective 5/5/1999; revised in its entirety and ratified 7/10/2008, effective 7/1/2008.

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<sup>8</sup> This would include, but not be limited to, any damage to the vehicle caused by any external source, such as storm damage, animal strikes, etc.