



Smith County

Vehicle Policy

Smith County

I. Purpose

To increase efficiency in County governmental operations, the Smith County Commissioners Court has formulated a policy which will maximize the County's vehicle resources. The purpose of this policy is to establish the County's guidelines in the use of County-owned vehicles.

II. Role of the Commissioners Court

The Commissioners Court, being the policy development and budgetary control unit of County government, shall be the final authority in determining the utilization of the County's vehicle resources. The policy is subject to revision at any time by the Commissioners Court.

III. Categories of Vehicles

This policy shall affect six (6) categories of County vehicles:

1. Support Vehicles - Support vehicles are those vehicles whose main purpose is to support road construction and maintenance. These vehicles include, but are not limited to, pick-ups, dump trucks, fuel trucks, and other vehicles.
2. Departmental Support Vehicles - Departmental support vehicles are those vehicles which County departments utilize to accomplish the department's objectives. These vehicles include, but are not limited to transport vehicles, law enforcement vehicles, supply vehicles, probation vehicles and pick-ups.
3. Department Vehicle - Department vehicles are those vehicles which are utilized by county department heads in the performance of their managerial and departmental duties.
4. Elected Officials and Support Staff Vehicles - Elected officials and support staff vehicles are those vehicles which are utilized by elected officials and their immediate staff in the performance of their duties.
5. Forfeited Vehicles - Vehicles seized by county law enforcement agencies are those vehicles which are legally seized and forfeited to the seizing county law enforcement agency by the appropriate judicial body.
6. Grant Vehicles - Grant vehicles are those vehicles which are purchased or leased solely by non-county grant funds.

IV. Assignment of Vehicles

1. The acquisition and assignment of fleet vehicles shall be controlled by the policies of Commissioners Court. Upon acquisition, the Purchasing Director will reflect the vehicle's acquisition in the County's fixed asset inventory records.
2. Certain employees may be identified by the Commissioners Court, the appropriate Elected Official and/or Department Head as requiring a county owned vehicle on a twenty-four hour basis. The criteria used for determining if the assignment of a take home vehicle is appropriate are: the employee responds to on call emergencies or critical situations as a primary responder; the employee's primary duties are in the field or at a County facility other than their primary departmental location; the vehicle carries specialized equipment utilized in response to emergencies, and the employee assigned to said vehicle has special skills and knowledge concerning the operation of the equipment.

County employees who operate County owned vehicles must comply with all applicable State and Local laws. If an employee receives a traffic citation while in a County owned vehicle, it is the employee's responsibility to inform his or her supervisor as soon as possible, but, no later than 24 hours from the time the citation was issued. Any and all costs associated with the adjudication of such a citation shall be the sole responsibility of the employee. In cases where a citation has resulted from a malfunction of the vehicle or its systems, the employee's supervisor shall determine if the employee or the County was responsible for the malfunction of said equipment. Employees involved in accidents in a County vehicle while not engaged in the "course and scope of their employment" shall be responsible for all liabilities arising from the accident and shall be subject to future forfeiture of their use of a County vehicle.

3. Vehicles which are assigned to individual officials/employees may be taken to the employee's primary residence only if:
 - A) The Department Head has approved the assignment;

All such assignments must be considered temporary subject to review and revocation at any time. Each department shall maintain a listing of those officials/employees authorized to take a county vehicle to the employee's primary residence and a copy shall be furnished to the Smith County Auditor. Vehicles may be used only for work-related duties and to drive to and from work. They may be used for no other purpose except in an emergency or for trips completely incidental to County employment or driving to and from a County-related job site. These officials/employees will be assessed "taxable mileage" in accordance with IRS guidelines. All other vehicles must be parked on County property at the end of the day.

Only County officials/employees, duly commissioned reserve officers authorized by the County Sheriff or Constable, or officers assigned to special operations and/or task force units approved by Commissioners Court, or pursuant to the policies of the Commissioners Court, are authorized to drive a county vehicle. A list of duly commissioned reserve officers, including all relevant necessary information, authorized by the County Sheriff or Constable to drive a county vehicle shall be maintained by the respective elected official and approved by the Commissioners Court and a copy kept by the Purchasing Department and Human Resource Department.

4. Personal Use.
 - A) At no time may a County vehicle be used for personal gain, personal business, to drive to a place of secondary or part-time employment not related to County business, or for any other non County-related use.
 - B) A County law enforcement official/employee working undercover and assigned an unmarked vehicle may use the assigned vehicle for personal reasons during normal work hours, when called in to work and/or during the commute to and from a work site. Unmarked vehicles shall not be used as transportation to a secondary job.
 - C) Any County department whose employee knowingly violates the provisions of this section shall surrender that county vehicle, in which the violation occurred, to the Road and Bridge main barn facility. However, prior to the department surrendering the vehicle, the County Judge may authorize the department to maintain temporary control of the vehicle until the review process is completed.
 - D) The Commissioners Court, the appropriate Elected Official and/or Department Head may consider violations of this Section on a case-by-case basis to determine if the vehicle should be permanently removed from the violating department's inventory. While conducting the review to determine the final disposition of the vehicle, the Commissioners Court may consider what action has been taken against the individual employee who violated this Section, what restrictions have been placed on the future use of the vehicle by the employee, what the overall impact would be to the department's operations if the vehicle were removed from their inventory and any other criteria which the Commissioners Court believes is relevant to their review.
5. Allowed passengers in County vehicles are: a) anyone in the care and custody of a law enforcement official; b) County employees; and c) a non-employee on County-related business.

6. All drivers of County vehicles, and those using their personal vehicles on County business, shall comply with all applicable State and local laws. It will be the responsibility of the official/employee to pay any fines imposed for not complying with such laws.
7. An employee may not routinely be assigned a County vehicle as a take-home vehicle. In case of an emergency or special situation, the department may authorize the employee to take a County vehicle home.
8. A Department Head may be assigned a department vehicle and use it as a take-home vehicle if the Commissioners Court determines that the vehicle is an essential tool needed to perform his duties and/or the department head is subject to a continuous on-call status.
9. If the County-owned vehicle is driven out of the county on official business, actual gasoline and repair expenditures shall be reimbursed upon proper documentation and department head approval.

V. MVR Checks

Motor vehicle records (MVR) checks will be performed on the following basis:

- Employees where vehicle operation is a requirement of the job
- Position change where vehicle operation is required
- All existing drivers annually

VI. Wrecked and Disabled Vehicles

1. Whenever a County vehicle is involved in an accident, the driver of the County vehicle shall immediately notify his supervisor and/or Department Head. The Department Head shall notify the Purchasing Department. The Department Head shall forward comprehensive written report to Purchasing within 24 hours of the accident. This report must include a full narrative from the driver of all conditions of the accident, including the name, driver's license number, insurance company, vehicle description, license plate number, assessment of damage to all vehicles involved and assessment of injuries sustained by all parties, if any. It must be signed and dated by the driver of the County vehicle as soon as practicable. A copy of the police report covering the accident must also be submitted as soon as available. The Sheriff's Department should be notified immediately after the accident to come to the accident scene to take pictures, when possible.

The Road and Bridge Shop Foreman shall prepare a report which includes the above information, an evaluation of the extent of damage, and a determination regarding whether the vehicle should be repaired or sold. This report shall be made available to the respective department head and the Purchasing Director.

No Witness Statements without Authorization: Whenever there is an accident, the first priority is to call 9-1-1 for help to assist with medical emergencies, which should be followed by immediately contacting the employee's supervisor and/or department head. Employees must not make any verbal comments or give written statements to third parties or any statements to others, unless it is to assist emergency service workers or law enforcement in the performance of their duties or to answer basic questions by law enforcement. Under no circumstances should there be any statement that could be construed as an admission of liability by the employee (e.g., stating "I am sorry" or "I did not see your vehicle" etc.). If there are either personal injuries and/or substantial personal property damages, then the Civil Legal Division of the District Attorney's Office should be notified as soon as possible (903-590-4631). Additionally, it may be necessary to send out a photographer to document the scene and/or contact the County's insurance carrier immediately. If there is any doubt about taking any actions at an accident scene, please contact the Civil Legal Division immediately.

2. Any person involved in a preventable accident while driving a County vehicle shall be required to attend a defensive driving class within ninety (90) days from the date of accident.
3. If the vehicle has been disabled to the point that repairs are necessary for its safe operation, Road and Bridge will coordinate the repairs with the department the vehicle is assigned to and the Purchasing department.
4. Commissioners Court shall appoint an Accident Review Board to review all vehicle and non vehicle accident reports of County-owned vehicles and/or equipment where property damage, personal injury or death occurs.

Facts that should be presented to the Board:

- Drivers report of the accident
- Law enforcement investigation reports
- County investigation facts
- Statement of witnesses
- Diagrams, photographs, and any other available evidence
- Past County accident history

VII. Vehicle Safety

1. Each person assigned a County vehicle shall maintain a copy of this policy for reference.
2. Employees shall operate all vehicles in accordance with its designed use, taking into consideration traffic and conditions surrounding the use of the vehicle, and the safety of others.

3. All drivers of County vehicles shall comply with all State, County and local rules and regulations governing the safe and legal operation of vehicles.
4. Seat belts shall be worn and secured at all times when the vehicle is moving.
5. Employees who are convicted of Driving While Intoxicated (DWI) or Driving Under the Influence (DUI) within the last 36 months are prohibited from driving a County owned vehicle.
6. The use of tobacco is prohibited in all County vehicles.
7. The driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Under no circumstances shall passengers ride on fenders, running boards, the tops of vehicles, or any place not designed for passengers. Employee drivers are responsible to secure all doors and check seat belts prior to moving the vehicles. Extra caution should be used when closing sliding doors on vans or other vehicles.
8. Trucks transporting materials shall secure said material tightly to prevent movement in transport. All cargo must comply with current transportation code.
9. Lights, brakes and all safety equipment shall be checked regularly to verify proper working order. Any malfunction of the vehicle shall be reported to the immediate supervisor and arrangements for repairs shall be made immediately. If a vehicle is found to be unsafe, no matter how urgent the need for such vehicle, proper repairs shall be made before it is placed back in service.
10. Flashing lights shall be turned on and traffic cones in place whenever a vehicle or piece of equipment is stopped or where work is being performed, in accordance with departmental guidelines.
11. Whenever backing up, be sure about what is behind you even if it requires getting out of the vehicle to look.
12. Remember: A driver is held responsible for the vehicle he/she is driving, the passengers riding and the load he/she is carrying.
13. Operators must constantly be aware of surrounding conditions, (i.e. ground personnel, overhead lines, pedestrians and other hazardous conditions).
14. All vehicles shall be properly parked and secured before being left unattended at the end of the day. Keys shall not be left in any unattended vehicle.
15. Smith County advocates the safe use of all communication devices. Employees must use due diligence while driving, including but not limited to refraining from texting, using cell phones or other mobile devices that may interfere or cause

distractions to the driver while operating the vehicle. Special care should be taken in situations where there is traffic, inclement weather, road hazards or the employee is driving in an unfamiliar area.

16. Drive defensively and observe all traffic laws.
17. Always be courteous to your fellow drivers.

VIII. Use of Personal Vehicles

The use of personal vehicles by County officials/employees in conducting official County business may be necessary on occasion. However, because County owned vehicles are assigned to County departments performing law enforcement duties, the Commissioners Court neither encourages or condones the use of any personal vehicles by law enforcement personnel, (including cars, vans, trucks, sports utility vehicles, motorcycles, all terrain vehicles, boats, aircraft, or trailers), in conducting official County business. The use of any personal vehicle, excluding cars and trucks, is expressly prohibited without prior approval. Non-county owned vehicles may not display any markings which indicate County affiliation without prior authorization.

IX. Vehicle Maintenance & Safety

Maintenance logs are kept on each County vehicle. County vehicles are serviced and checked every 4,000 miles. It is the responsibility of the appropriate Elected Official and/or Department Head or assigned personnel to ensure scheduling for maintenance is completed in a timely manner.

Vehicle safety equipment should be inspected daily, prior to the vehicles use. Inspections should be documented and work orders generated to correct all deficiencies or problems.

All drivers are required to take a road or performance test using the vehicle they are to drive. Elected Officials/Department Heads shall documents the results of the test.

Annual Safety meeting shall be conduct by Human Resource Department. Supervisors should talk to drivers monthly about safety.

X. Consequences

Drug & Alcohol Testing Requirement

Employees involved in vehicle accidents shall be subject to drug and alcohol testing within the 24 hour period from the time of the accident in question. The Elected Official or Department Head is responsible to ensure that the employee is required to take drug and alcohol testing after a vehicle accident. The Human Resources Department shall be

available to assist in the coordination and scheduling of drug and alcohol testing for employees involved in vehicle accidents.

Progressive Disciplinary Policy

Employees and supervisors who fail to comply with the requirements of this policy shall be subject to disciplinary action, including but not limited to verbal or written warning, mandatory defensive driving class within ninety (90) days, suspension, termination or demotion. Specifically, preventable vehicle accidents falling within the last seven (7) year period (i.e., accidents where the employee is determined to have acted reckless or negligent) will result in the following progressive disciplinary action(s):

First Offense: Written warning with unpaid leave for ten (10) business days¹, and the employee must take and complete a defensive driving class within ninety (90) days from the date of the accident at the employee's own expense. The employee must submit a certificate of completion to his or her supervisor, a copy of which shall be kept in the employee's file in the Personnel Department. If the employee has completed the defensive driving class within the ninety (90) days but has not yet received the certificate of completion, an extension may be granted for the sole purpose of receiving the certificate of completion to be submitted. No extension will be granted for completing the course within ninety (90) days. Failure to complete the defensive driving course timely will count as a "second offense" as outlined below and will result in further disciplinary action.

Second Offense: Written warning with unpaid leave for fifteen (15) business days³. The receipt of a second warning under this policy means that a third accident or offense under this policy will result in termination of employment. If more than one year has passed since the employee's last defensive driving class, the employee must also take defensive driving training upon receipt of a second offense as outlined above for a first offense. If the second offense is based on the employee's failure to complete the defensive driving class within ninety (90) days under a first offense, then the employee shall only have sixty (60) days to finish the course. If the employee has not completed the defensive driving class after the sixty (60) day period under a second offense, the employee shall be terminated.

Third Offense: Mandatory termination, although demotion may be considered in extreme circumstances where there are mitigating factors that justify consideration of demotion in lieu of termination.

Employee and supervisors who fail to comply with the requirements of this policy shall be subject to disciplinary action.

¹ Unless extenuating circumstances justify a different amount of unpaid leave or range of punishment expressly approved by the Commissioners Court or the applicable Elected Official. Elected Officials reserve the right to terminate or provide harsher penalties within applicable legal rules.

³ See FN1, supra

Smith County Take-Home Vehicle Justification Form

Department: _____

Employee Name: _____

Employee Title: _____

Vehicle type: _____

Justification for take-home vehicle:

Address of Residence: _____

Number of miles from residence to primary work site: _____

Number of miles from residence to County limits (if residence is outside The County):

Number of callouts within the last 12 month period: _____

Special equipment on vehicle: _____

Remarks:

Begin date: _____ End date: _____

Employee Signature: _____ date: _____

Supervisor Signature: _____ date: _____

Elected Official/ Department Head: _____ date: _____

Smith County Acknowledgement Form
Use of County Vehicles

I have read the *Smith County Vehicle Policy*. I understand the criteria established for the use of the County vehicles and that non-compliance with these requirements will result in disciplinary actions. The policy describes the consequences of non-compliance with the established criteria.

Employee Signature: _____ Date: _____

Driver's Certification

I certify the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past twelve months.

Offense: _____

Date of conviction: _____ Location: _____

Type of vehicle operated: _____

If no convictions are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation during the proceeding twelve months.

Employee signature: _____ Date: _____