



Smith County

Vehicle Policy

Effective: October 1, 2018

Smith County Vehicle Policy

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 apply to all Smith County vehicles. Additional rules or statutory requirements may apply to certain vehicles including vehicles requiring Commercial Drivers License (CDL), vehicles acquired with grant funds, vehicles legally seized and forfeited to law enforcement agencies, or vehicles used exclusively for law enforcement purposes.

IV. Assignment of Vehicles

The acquisition and assignment of fleet vehicles shall be controlled by the policies of Commissioners Court and administered by the Fleet Administrator. Upon acquisition, the Purchasing Director will reflect the vehicle's acquisition in the County's fixed asset inventory records.

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 include:

1. The employees responds to on call emergencies or critical situations as a primary responder;
2. 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.
3. Vehicles which are assigned to individual officials/employees may be taken to the employee's primary residence only if the Department Head has approved the assignment;
4. 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 while 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.

In no instance shall an individual be approved for a take-home vehicle if that person resides more than 15 miles outside of the County line in any direction. 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.

Allowed passengers in County vehicles are:

- a. Anyone in the care and custody of a law enforcement official;
- b. County employees;
- c. Non-employee on County-related business.

V. Personal Use.

The Commissioners Court or elected officials may authorize the use of off duty Smith County law enforcement vehicles during off duty security employment to promote public safety and preserve peace. County vehicles may not be used for personal gain, personal business, to drive to a place of secondary or part-time employment not related to County business or public safety at any time. In the event a County owned vehicle is damaged by an employee while not in the furtherance of an authorized use the employee shall be responsible for the cost of repairs.

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 Commissioners' Court may authorize the department to maintain temporary control of the vehicle until the review process is completed.

The Commissioners Court or the appropriate Elected Official 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.

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.

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, or it is in the best interest of the County for a take-home vehicle to be assigned.

Departments may request the installation of a Global Positioning System (GPS) telematic device on a County vehicle for operational, safety and routing efficiencies. The device is a tool that provides information on trip routes, location of vehicle, fuel consumption, idle time, and safe operation of the vehicle. The tool enhances employee safety and security; lowers maintenance costs through better preventative and predictive maintenance schedules; improves fuel economy, no idle compliance, and optimizes a customer service and vehicle utilization. If an employee's supervisor has a compelling issue with an employee's behavior while operating a County vehicle, the GPS telematics information may assist in resolving the issue with the employee, correcting unsafe driver behavior and ensuring employee accountability.

VI. MVR Checks and Driver Qualifications

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

Employees must meet minimum qualifications to operate Smith County vehicles in order to protect the County from liability and to ensure that Smith County is represented with safe and courteous drivers. At a minimum:

1. Employee must have a valid Texas drivers license for the type of vehicle to be operated.
2. Employee must be 18 years of age with two years minimum driving experience.
3. Employee cannot have any combination of more than three moving violations or at fault accidents in 36 months.
4. Employee cannot have any of the following convictions in the previous 36 months
 - A) Alcohol- and drug-related violations, including operating under the influence of intoxicating liquor, narcotic, or dangerous drugs, implied consent violations, including BAC (Blood Alcohol Content)
 - B) Vehicle used in commission of a felony
 - C) Eluding or attempting to elude a law enforcement officer
 - D) Operating with revoked or suspended license
 - E) Homicide or manslaughter with a vehicle

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.

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.

VII. Accidents and Accident Review Board

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 Fleet Administrator. The Department Head shall forward comprehensive written report to Fleet Administration within 48 hours of the accident. This report shall 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 practical. 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 or designated repair facility shall prepare a report which includes the vehicle 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 Fleet Administrator.

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. No witness statements shall be given at or after an accident without authorization. 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.

1. If the vehicle has been disabled to the point that repairs are necessary for its safe operation, Fleet Administration will coordinate the repairs with the department the vehicle is assigned to and the appropriate repair facility.
2. Commissioners Court shall appoint an Accident Review Board to review all Motor Vehicle Accidents (MVA) and incident reports of County-owned vehicles and/or equipment where property damage, personal injury or death occurs.

Facts that should be presented to the Accident Review Board include:

- 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

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.

VIII. 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 by all occupants at all times when the vehicle is moving.
5. The use of tobacco is prohibited in all County vehicles.
6. 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. Remember: A driver is held responsible for the vehicle he/she is driving, the passengers riding and the load he/she is carrying.
7. Trucks transporting materials shall secure said material tightly to prevent movement in transport. All cargo must comply with current transportation code.
8. Lights, brakes and all safety equipment shall be checked before use 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.
9. 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 and TX Manual on Uniform Traffic Control Devices.

10. Whenever backing up, be sure about what is behind you even if it requires getting out of the vehicle to look. When possible, backing should be avoided.
11. Operators must constantly be aware of surrounding conditions, (i.e. ground personnel, overhead lines, pedestrians and other hazardous conditions).
12. All vehicles shall be properly parked and secured before being left unattended. Keys shall not be left in any unattended vehicle.
13. Smith County prohibits using cell phones or other mobile devices that may interfere or cause distractions to the driver while operating a county owned vehicle or personal vehicle on county business. Additional care should be taken to remain attentive and avoid distractions in situations where there is traffic, inclement weather, road hazards or the employee is driving in an unfamiliar area.
14. Smith County has a zero tolerance policy regarding operation of a vehicle while under the influence of alcohol or drugs which may impact the employee's ability to safely operate a vehicle. Therefore, the consumption of alcohol or drugs by any employee during "duty hours" is strictly prohibited. Duty hours consist of all working hours, including break periods and on-call periods, whether on or off company premises. The consumption of alcohol or drugs prior to "duty hours" which may impact the employees ability to safely operate a vehicle while performing company business or while in a company vehicle is also prohibited.
15. Drive defensively and always be courteous to your fellow drivers.

IX. 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.

The use of personal vehicles for County officials on travel status or on County business should be carefully weighed to determine the least expensive method of travel. The County has provided a Rental Car vs. Mileage Reimbursement Calculator to determine the least expensive method of automobile travel. The County reserves the right to pay the lesser of calculated rates when travel reimbursement is requested.

X. Vehicle Maintenance & Safety

Maintenance logs are kept on each County vehicle. County vehicles are serviced and checked per manufacturers recommendations. 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. Vehicle inspections are a vital part of maintaining a safe and highly functional fleet of vehicles. Drivers are the eyes and ears that will detect issues as early as possible and provide information about potential issues to their department head or the Fleet Administrator. The Smith County Vehicle Inspection Report (VIR) shall be completed at a minimum of once weekly for vehicles assigned to a particular staff member or whenever a vehicle changes control from one driver to another.

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

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

XI. Consequences

Drug & Alcohol Testing Requirement

Employees involved in vehicle collisions shall be subject to drug and alcohol testing immediately following the occurrence. The Elected Official or Department Head is responsible to ensure that the employee completes the drug and alcohol testing immediately after a vehicle collision. The Human Resources Department and Fleet Administrator shall be available to assist in the coordination and scheduling of drug and alcohol testing for employees involved in vehicle collisions.

Drivers holding a CDL will comply with all regulations and requirements necessary and applicable to their Commercial Drivers License status.

XII. 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, demotion or termination.

Specifically, preventable vehicle collisions, as determined by the Accident Review Board (ARB), will result in the following progressive disciplinary action. (Unless extenuating circumstances justify a different amount of unpaid leave or range of punishment expressly approved by the department head or the applicable Elected Official. Elected Officials reserve the right to terminate or provide harsher penalties as applicable.)

Timeframes will be a rolling 36 month timeframe.

First Offense: Written warning and the employee must take and complete a defensive driving class within ninety (90) days from the date of the ARB determination 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. Failure to complete the defensive driving course timely will count as a "second offense" as outlined below and will result in further disciplinary action.

Collisions or fleet occurrences resulting from reckless or negligent behavior may also result in unpaid leave for one to three (1-3) business days.

Second Offense: Written warning with unpaid leave for three to five (3-5) business days. 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.

In the event that a violation poses a risk to public or employee safety, the elected official or department head may choose to accelerate the progressive discipline process as deemed appropriate.

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:** _____

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: _____



Driver's Certification

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

- (a) thirty-six months if a new hire
- (b) twelve months for annual MVR review

Offense: _____

Date of conviction: _____ Location: _____

Type of vehicle operated: _____

Offense: _____

Date of conviction: _____ Location: _____

Type of vehicle operated: _____

Offense: _____

Date of conviction: _____ Location: _____

Type of vehicle operated: _____

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 time frame requested.

In conjunction with my potential or continued employment at Smith County I consent to the release of my Motor Vehicle Records (MVR) to the County. I understand these records will be used to evaluate my suitability to fulfill driving duties that may be related to my employment. I also consent to the review, evaluation, and other use of any MVR I may have provided.

Employee Signature: _____ Date: _____

Printed Name: _____ Date of Birth: _____

Drivers License: _____ Expires: _____ State of Issue: _____

Social Security Number: _____

Dept. Name _____ Job Title: _____

Smith County Vehicle Inspection Checklist				
Vehicle # _____	Mileage _____	Driver _____	Date _____	
Item	OK	N/A	Needs Repair	Comments
Documents				
Registration and License Plates				
Insurance Document				
From the Drivers Seat				
Engine - starts and runs normally				
Instrument Lighting				
Steering				
Horn				
Mirrors				
Brakes - pedal firm				
Windshield				
Windshield Wipers				
Windshield Washer				
Lights				
Headlights - High and Low Beam				
Turn Signals				
Tail Lights				
Brake Lights				
Backup Lights				
Exterior				
Tires - inflated, no visible damage				
Glass				
Body Condition				

Smith County Vehicle Inspection Checklist				
Vehicle # _____	Mileage _____	Driver _____	Date _____	
Item	OK	N/A	Needs Repair	Comments
Documents				
Registration and License Plates				
Insurance Document				
From the Drivers Seat				
Engine - starts and runs normally				
Instrument Lighting				
Steering				
Horn				
Mirrors				
Brakes - pedal firm				
Windshield				
Windshield Wipers				
Windshield Washer				
Lights				
Headlights - High and Low Beam				
Turn Signals				
Tail Lights				
Brake Lights				
Backup Lights				
Exterior				
Tires - inflated, no visible damage				
Glass				
Body Condition				