



**ADMINISTRATIVE POLICY AND PROCEDURE NO. 1.22
County Vehicle Policy**

Effective Date: August 15, 2006
Review Date: August 15, 2008
Prepared By: County Administrator
Type: Policy & Procedure

Approved:

Matthew H. Hymel, County Administrator

SUBJECT

The purpose of this policy is to define the responsibilities and rules for the use of County vehicles and private vehicles in the conduct of County business.

AUTHORITY

This regulation is issued pursuant to Chapter 2.08 of the Marin County Code and has been approved by the Board of Supervisors.

APPLICABILITY & PURPOSE

This policy applies to all County elected officials, appointed officers, department heads, employees, and other authorized individuals as specified in this policy. This policy supercedes all previous County vehicle policies and resolutions of the Marin County Board of Supervisors related to these topics and shall become effective August 15, 2006 upon adoption by the Board of Supervisors.

The authority to assign vehicles to departments, authorize reimbursement for the use of private vehicles on County business, and the administration of this policy are the responsibility of the County Administrator or his/her designee, except that it shall be the duty of each department head to carry out and enforce this policy within his/her department. Any violation of this policy may result in disciplinary action, up to and including termination, consistent with County policy.

1.0 POLICY AND PROCEDURE

County Vehicle Policy and Procedure.

1.1 Introduction

The basic guideline of this policy shall be that the use of a County vehicle by an employee, or the compensation for the use of a private vehicle, will be only for official County business and in compliance with the rules and regulations detailed in this policy.

2.0 RESPONSIBILITY AND ACCOUNTABILITY

2.1 Employee Responsibilities

- A. Responsible Driving: Each County driver shall drive responsibly, anticipate emergency situations and make every effort to avoid collisions. All employees operating a vehicle on County business represent the County of Marin and shall always project a professional and responsible image to the public.
- B. Following Traffic Laws: Employees are expected to be knowledgeable of, and follow, all applicable Federal, State and local traffic laws.
- C. Defensive Driving: Employees operating a motor vehicle while on County business are encouraged to follow the defensive driving guidelines outlined below:
 - 1) Keep a “cushion of space” between your vehicle and others. The greater the speed, the greater the cushion of space should be.
 - 2) Be alert to developing situations in the traffic ahead. Look into the rear view mirror frequently – once every five seconds is ideal.
 - 3) Use all safety devices provided, including the horn. Be sure the other driver sees you.
 - 4) Never demand the right-of-way, even if legally it is yours.
 - 5) Avoid interrupting the flow of traffic whenever possible because such interruptions can cause an accident.
 - 6) Never allow your attention to be diverted from the primary task of driving.
 - 7) Drive courteously. A courteous driver will usually not be involved in a hazardous situation.
- D. Authorized Riders: No person shall be permitted to ride in a County vehicle unless such person is a County employee on official County business, or is for emergency (i.e. medical/safety) reasons. An authorized rider is a person conducting County business and/or is a passenger authorized to be in said vehicle by appropriate County staff.
- E. Driver’s License: County employees operating vehicles or equipment on County business shall have a valid State of California driver’s license.
- F. Suspended, Revoked or Restricted Driver’s License: County employees who operate vehicles or equipment on County business shall immediately inform their supervisor in the event their driver’s license is suspended, revoked or is otherwise restricted in a way that impacts the employees’ ability to perform their job.
- G. Insurance: Employees driving private vehicles on County business must provide certification of auto liability insurance coverage. The minimum limits of the policy shall be \$25,000/\$50,000 for bodily injury liability and \$5,000 for property damage liability, subject to change by the County Administrator. (For their own financial protection,

however, employees are encouraged to obtain minimum auto liability insurance coverage of at least \$100,000/\$300,000 for bodily injury liability and \$50,000 for property damage liability.) Employees shall also have collision coverage. A system should be maintained by each department to verify insurance coverage prior to the annual policy expiration date.

2.2 Department Responsibilities

- A. Enforcement and Administration: Department heads are responsible for enforcing this policy within their Department; for ensuring the safe and economical operation of County vehicles; for authorizing individuals to operate County vehicles on County business; and for informing individuals of the provisions of this and other appropriate administrative regulations.
- B. Driver's License Checks:
 - 1) For new or prospective employees that, as an essential function, drive a vehicle on official County business, it is the Department of Human Resources' responsibility to include in all job announcements a statement that driving histories will be required from the State Department of Motor Vehicles, and that a satisfactory driving history is a requirement for employment in such positions. Notwithstanding the foregoing, the County may make reasonable accommodations for the known physical or mental limitations of qualified applicants or candidates with a disability.
 - 2) Prior to hiring, promotion or transfer, it is the individual Department's responsibility to require the driving history from the State Department of Motor Vehicles of each person certified for a position which requires the driving of a vehicle on official County business. A candidate's driving history, as defined by the criteria detailed in Section 3.3(B) of this policy, shall be considered in the event of employment, promotion or transfer to any position, permanent or extra-hire, requiring the operation of a vehicle on official County business.
- C. Drivers License Verification: Department heads are responsible for verifying that their employees who drive on County business have a valid California driver's license and that the license is the appropriate license for the vehicle(s). This departmental obligation does not diminish the employee's obligations pursuant to Sections 2.1(E) and 2.1(F) of this policy.
- D. The driving record of all County employees whose job requires them to drive a County vehicle, or their own vehicle, more than 50 days per fiscal year on County business (approximately once per week), will be reviewed at least annually by the department head, or assistant department head, through the California Department of Motor

Vehicles (DMV) Pull Notice Program. Department heads, at their discretion, may choose to apply this section to employees within their department who drive less than 50 days per fiscal year. These records should be maintained by the department for at least the current fiscal year and the prior fiscal year.

Please note that, per DMV regulations, employee consent may be required before the DMV may release such data to an employer. Authorized drivers subject to this section of the policy who decline to provide such consent may constitute cause for the Department to reconsider whether such employee(s) should continue to be authorized to drive on County business.

- E. DOT Driver Records: Departments shall maintain accurate records of employees who are required by Department of Transportation (DOT) regulations to have a commercial driver's license as defined by DOT.

3.0 AUTHORIZED COUNTY DRIVERS

3.1 Authority:

- A. The County Administrator, in consultation with the Department of Public Works, shall authorize the permanent assignment of vehicles to departments on an as-needed basis. The Director of Public Works shall be responsible for the on-going evaluation and replacement of assigned department vehicles. Department heads will be responsible for day-to-day employee assignment issues regarding any vehicle(s) assigned to their department. Vehicles may be assigned to a department if either of the following conditions exist:
 - 1) The vehicle has special fittings and/or carries special equipment applicable to a single department or a single position. Special fittings or equipment include such items as red lights, sirens, undercover car radios and fittings, and utility bodies, but do not include portable equipment.
 - 2) The need for a vehicle is demonstrated where no vehicle pooling arrangements are reasonably available to the employee's regular place of employment.
- B. The County Administrator shall prescribe the records and reports to be maintained by County departments and department heads relating to the use of County-owned automobiles to the extent that misuse may be discovered with a minimum of record keeping. The County Administrator shall also govern the use and storage of County-owned automobiles.
- C. The County Administrator shall administer the provisions of this section, except that it shall be the duty of each department head to carry out and enforce this section within his/her department.

3.2 Authorized Use of County Vehicles:

- A. Authorization: County-owned vehicles shall be driven only by appropriately licensed and authorized County employees or other authorized persons. Authorization shall be by the appropriate department head.
- B. Employees are encouraged to use County vehicles when they are available. Factors to be considered when deciding between the appropriate use of a County vehicle vs. personal vehicle include: availability of County vehicles, cost of a County vehicle vs. mileage reimbursement, the appropriateness of the vehicle for the required use, and best use of employees' time and operational efficiency. Departments are responsible for determining which option best meets the needs of the County.
- C. Authorized Riders: Consistent with Section 2.1(D) of this policy, no person shall be permitted to ride in a County vehicle unless such person is a County employee on official County business, or is for emergency (i.e. medical/safety) reasons. An authorized rider is a person conducting County business and/or is a passenger authorized to be in said vehicle by appropriate County staff.
- D. County Business Use Only: County vehicles shall be used for official County business only, unless authorized under this policy.
- E. Authorized Volunteers: Volunteers listed with the County's Human Resources Department and assigned to a specific program may be authorized by the department head to drive County vehicles in their volunteer status. The Department is responsible to ensure that authorized volunteers have the appropriate driver's license for the vehicle they are driving. Authorized volunteers are required to follow all driving rules as outlined in this policy.
- F. Extra Hire/Special Appointment Employees: Extra hire or special appointment employees may be authorized to drive County vehicles with the approval of the department head. The Department is responsible to ensure that extra hire employees have the appropriate driver's license for the vehicle they are driving. Authorized extra hire/special appointment employees are required to follow all driving rules as outlined in this policy.
- G. Independent Contractors: Independent Contractors are not authorized to drive County vehicles, even if the vehicle will be used only on official County business.
- H. Other Local Agencies: Employees of other local public agencies or local community based organizations may be authorized use of County vehicles if there is a written agreement between the County and the agency or organization that states that the use of the County vehicle is authorized by a County Department for a program related to

County business and the agency or organization has met the County's insurance requirements.

- I. Reimbursement Claims: When County employees use a private vehicle on County business, they shall be reimbursed at the current published IRS reimbursement rate. Claims for mileage reimbursement shall be submitted on County claim forms and processed in accordance with Auditor-Controller procedures.

Those designated to receive a vehicle allowance shall not be permitted mileage reimbursement except as permitted in accordance with Administrative Regulation No. 1. No claim for mileage reimbursement may be filed with the County if a claim for mileage reimbursement has been submitted with another agency.

3.3 Satisfactory Driving Record

- A. County Employee Driver Qualifications: County employees, whose job requires them to drive a County vehicle, or their own vehicle, shall maintain a driver record without major traffic violations or accidents pursuant to the criteria listed in the Driver Record Criteria portion of this policy, Section 3.3(B).

B. Driving Record Criteria:

- 1) Convictions Related to the Operation of a Vehicle:
 - a) Any convictions/citations for the following offenses shall be evaluated by the Department, and may be cause for the Department to consider disciplinary measures, up to and including termination, consistent with County policy:
 - i. Driving while intoxicated or under the influence of drugs,
 - ii. Failure to stop and report when involved in an accident (hit and run),
 - iii. Manslaughter, homicide, or assault arising out of the operation of a motor vehicle,
 - iv. Any conviction resulting in suspension or revocation of an operator's license, or
 - v. Reckless driving, evading an officer, engaging in a speed contest on a public street, or driving a motor vehicle at an excessive rate of speed where injury to persons or damage to property results from that excessive speed.
 - b) Convictions/citations for any other moving traffic violations (excluding equipment violations) may be evaluated by the Department, and may be cause for the Department to consider disciplinary measures if the Department concludes that the employee's driving record may expose the County to undue potential liability, consistent with County policy.

2) Accidents

- a) Moving Violation. Each accident involving an employee, while operating any vehicle on County business, which results in damage to property, including his/her own vehicle, or bodily injury, shall be considered a moving violation.
- b) Exceptions: Accidents shall not be considered a moving violation under 3.3(B)(2)(a) above if the employee can demonstrate that he or she was not at fault, or that the accident involved mitigating circumstances that the Department Head should consider.

Any accident while operating any vehicle on County business shall be reported as required by policy.

- 3) Review and Departmental Action: Departmental review, determination of "satisfactory driving record," per Section 3.3 of this policy, and resulting action, if any, shall be performed consistent with County policy.

3.4 Other Rules

- A. Vehicle Markings: All County vehicles, except for those used in special law enforcement or undercover operations, shall have exempt license plates and may be marked with the vehicle number and County marking visible to the public. No other markings, decals or bumper stickers shall be displayed on County-owned vehicles and equipment without approval of the County Administrator.
- B. Departmental Rules: Departments may adopt internal procedures for the allocation and operation of vehicles assigned to the Department. Such procedures shall be consistent with foregoing rules and regulations established by the Board of Supervisors.

4.0 VEHICLE USE

4.1 Safety:

- A. Seat Belts: Seat belts shall be used by the driver and all passengers in a County vehicle or in a private vehicle being used on County business in accordance with California Vehicle Code (CVC) 27315.
- B. Child Safety Seats: All children riding in a County vehicle shall be properly seat belted. Child safety seats shall be used as required by the California Vehicle Code (CVC 27360 through 27364).
- C. Vehicle Operation: Drivers shall be familiar with the manner of operation of vehicles that they operate on County business. If drivers

are unsure of the operation of their vehicle, they should check the owner's manual or contact the County Garage for assistance.

- D. **Attentive Driving:** Drivers should remain attentive to driving at all times. Drivers should not eat or drink, read, or deal with passengers or other distractions while the vehicle is moving. Whenever possible, drivers should pull off the road and stop when having to deal with such distractions in the vehicle.
- E. **Smoking:** Smoking is prohibited in all vehicles owned, leased or operated by the County, or otherwise under the control of the Board of Supervisors.
- F. **Alcohol, Drugs and Other Intoxicants:** Consumption of alcohol, drugs or other intoxicants while operating a County-owned vehicle, or a private vehicle, on County business - or the consumption of alcohol, drugs or other intoxicants before operating a County-owned or private vehicle on County business to the extent that such consumption would impair one's ability to safely operate a motor vehicle - is strictly prohibited.
- G. **Dangerous or Defective Vehicle:** Any County-owned vehicle, or private vehicle, while being used for County business, shall not be operated when in a known dangerous or defective condition.
- H. **Reporting an Unsafe Vehicle:** When a County vehicle is found to be in a dangerous or defective condition, it shall be reported to the County Garage as soon as is practical.
- I. **Visual Inspections:** Employees shall conduct a visual inspection of the County assigned vehicle or pool vehicle for damage prior to use. Any damage or safety problems observed shall be reported to the County Garage immediately upon discovery.
- J. **Parking County Vehicles:** All vehicles shall be legally and safely parked and locked when unattended.
- K. **Traffic Citations:** Any employee who receives a traffic citation other than for illegal parking while operating a County-owned vehicle, or while operating a private vehicle on County business, shall report such citation to his/her department head. All traffic or parking citations are the sole responsibility of the driver.
- L. **Returning Pool Vehicles:** Pool vehicles shall be returned promptly to the County Garage after use and consistent with Department of Public Works pool vehicle procedures.
- M. **Motorcycles:** No employee shall operate a motorcycle on County business without specific authorization of the department head.

4.2 Vehicle Collisions, Incidents or Damage

- A. Safe Driving: It is the responsibility of the driver of County-owned vehicles, or private vehicles while being used for County business, to exercise reasonable care to avoid impediments or obstructions in the path of the vehicle which might cause damage to the vehicle, other vehicles or property, or injury to drivers, passengers and pedestrians.
- B. Collision, Incident or Damage Reporting: All collisions or vehicle damage in a County vehicle, or piece of equipment, or a private vehicle being used on County business, regardless of severity, shall be reported within one (1) business day to the employee's supervisor and to the Risk Management Division of the County Administrator's Office. Additionally, vehicle collisions involving property damage of more than \$750, personal injury or loss of life, shall be reported to the appropriate law enforcement agency (request an official collision report from the responding officer), as well as to the Department of Motor Vehicles (DMV) within 10 days of the incident (Use State Form SR1). It is the employee's responsibility to report the incident to the DMV.

If the employee is unable to make the report because of injury or other incapacity, the appropriate supervisor or manager shall submit a report.

- C. Collisions/Incident Report Forms: Collision/Incident reports shall contain information on other vehicles, drivers, property involved, witnesses, weather conditions, road conditions, and any other pertinent information regarding such collision.
- D. Department Reporting Responsibilities:
 - 1) Notify the department head and Risk Management as soon as possible upon learning of injuries to anyone involved in an accident – regardless of perceived fault or cause.
 - 2) In cases where employees were injured as a result of the incident, the department head or his/her designee shall ensure that workers compensation procedures are followed.
 - 3) When employees report County-owned vehicle/equipment incidents, the department head or designee is responsible for ensuring a "Vehicle Incident Report" form is completed within one business day of the initial report, with a copy to Risk Management .
- E. Primary Insurance Coverage: If an employee is involved in a collision or incident in a private vehicle, while on authorized County business, the employee's automobile insurance is assumed to be primary to any other coverage.

4.3 Vehicle Allowance:

- A. It shall be the policy of Marin County that the County Administrator may designate a vehicle allowance to executive managers, with the rate and designation to be determined by the County Administrator. Department Heads with emergency response duties, such as the Sheriff, Fire Chief, Director of Public Works and the Coroner, may be provided a specially equipped county vehicle, in lieu of a vehicle allowance, because of their need to travel under emergency-response conditions in the course of their duties.
- B. In recognition that a vehicle allowance is considered a part of an executive manager's compensation package, in addition to a specially-equipped county vehicle the County Administrator may designate to Department Heads with emergency response duties an allowance equal to one-half of the standard vehicle allowance granted to other executive managers per this Section.
- C. Rates for vehicle allowances may be amended by the County Administrator to reflect increases in costs.
- D. No use of gas cards or County-owned gas pumps shall be permitted for those designated to receive a vehicle allowance per Section 4.3 (A); receipt of a vehicle allowance per Section 4.3 (A) shall mean that the recipient generally must furnish his or her own automobile for County business.

4.4 Assigned/Take-Home Vehicles

- A. Work Hour Retention: A department head may assign a vehicle to an individual for the hours the individual is working. The minimum transportation needs for this category of vehicle assignment shall include the following conditions:
 - 1) Department management has determined the assignee's duties cannot be satisfactorily performed without continuous availability of a suitable vehicle during work hours, and
 - 2) The tasks performed during work hours require a specially equipped vehicle; or
 - 3) The need cannot be met by use of an interdepartmental pool or department vehicle; or
 - 4) The monthly mileage claim costs of a private vehicle would exceed costs of a County vehicle.
- B. Overnight Retention: Department heads may authorize an employee to retain a vehicle overnight, and/or on weekends, or for a limited/intermittent term to enable completion of special or unusual assignments, or as otherwise authorized by a department head. Such authorization shall be limited to business use only. Except when emergency work is required, this approval shall be obtained in advance and shall be conditioned upon the following circumstances:

- 1) It is in the public interest and the tasks to be performed when called during off-duty hours require immediate travel to the job location.
- 2) The assignee is authorized to drive the County vehicle only during actual conduct of official County business. However, the assignee may drive the vehicle to and from home when after-hours availability of the vehicle is required.
- 3) Overnight retention vehicles shall be stored in an area that reasonably provides for the protection of the vehicle.
- 4) When the need for after hour availability is no longer present, assignee shall not continue to drive the vehicle to and from work. At that time the vehicle should be returned. This requirement applies but is not limited to the following periods:
 - a) When assignee is on vacation, sick leave or otherwise off duty for more than three working days.
 - b) When required conditions that justified overnight retention are interrupted for more than three working days.

C. Short-Term Emergency Authorization: The department head may authorize an employee to retain a vehicle overnight and/or on weekends under certain conditions that shall be approved by the individual department head. Such authorization shall be limited to business use only. Except in an emergency, this approval shall be obtained in advance. Emergency work, in this case, is defined as necessary work requiring immediate attention for the protection of persons or property that specifically requires the presence of the assignee in a supervisory and/or technical capacity to reduce the emergency.

D. Permanent/Individual Assignment:

- 1) With reference to Section 4.3 of this policy, the permanent assignment of vehicles to Board Members and executive managers will be prohibited, with the exception of department heads with emergency response duties, as determined by the County Administrator.
- 2) Department heads with emergency-response duties may authorize the appropriate long-term assignment of a county-owned department vehicle to an employee to adequately fulfill their emergency-response duties. Emergency response departments include the Sheriff's Office, Fire Department, Department of Public Works, and the Coroner.

E. Driving a County vehicle home may subject the driver to Internal Revenue Service rules concerning additional compensation. In the following situations, vehicles are generally considered exempt because they are categorized as "qualified non-personal use vehicles"

and there are no tax consequences for employees authorized to take vehicles home that fall in these categories:

- 1) Clearly marked police and fire vehicles.
- 2) Unmarked vehicles used by law enforcement officers if the use is officially authorized.
- 3) An ambulance or hearse used for its specific purpose.
- 4) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
- 5) Delivery trucks with seating for the driver only, or the driver plus a folding jump seat.
- 6) A passenger bus with a capacity of at least 20 passengers used for its specific purpose.
- 7) School buses.
- 8) Tractors and other special purpose farm vehicles.

4.5 Pool Vehicles

- A. Employees who are authorized County drivers with a valid drivers license, and are traveling on official County business, may be authorized by their department head to use pool vehicles from the Civic Center vehicle pool.
- B. The Department of Public Works shall create a monitoring system to manage pool vehicles efficiently and consistent with County policy.
- C. If a pool vehicle is required outside of regular working hours, the keys will be obtained from the Garage Supervisor during regular office hours. The vehicle and keys should be returned promptly following the trip.

4.6 Adverse Action:

Failure to comply with this policy may result in disciplinary action up to and including termination. It is up to the discretion of the department head to take appropriate corrective action, consistent with County policy.