

AUGUST 16, 2021

STATE OF TENNESSEE
Sumner County



Date

Board of County Commissioners
RESOLUTION

No. 2108-18

TITLE

A RESOLUTION ACCEPTING THE USE OF COUNTY VEHICLE(S) POLICY

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 16th day of August 2021, that this body does hereby accept the use of county vehicle(s) policy, as shown on the attachment herewith.

CERTIFICATION OF ACTION

COUNTY MAYOR

COUNTY CLERK

DATE

Ayes _____ Nays _____ Abs _____

APPROVED:

REJECTED:

USE OF COUNTY VEHICLE(S) - General Operation

Section 1 - General Obligations

Sumner County Government is committed to promoting safe and responsible driving by all of its employees. An employee who, at the county's request and through the county's authorization, is asked to operate a county vehicle or a vehicle rented by the county will do so for county business use only, and, unless explicitly covered under Section 4, the vehicle will not be considered available for personal use in any way. No unauthorized persons will be permitted to operate a county vehicle or to ride as passengers in said vehicle.

The county has the sole discretion in determining who may operate county or county-sponsored vehicles; therefore, the county has the right to review any appropriate documents, including but not limited to driving records, proof of a valid license, and automobile insurance information, and must be made aware of any driving violations or changes to driver information immediately.

Employees must be at least 18 years of age to operate a county vehicle.

Employees must follow all laws while operating a county vehicle. Any individual who violates the safety expectations listed above may be subject to potential disciplinary action by the county up to and including termination.

Section 2 - Vehicle Location

All county vehicles shall be available for use in connection with county business. County vehicles not being used for county business (off-hours) shall be kept on county premises unless approved to be temporarily located elsewhere.

Section 3 - Accident Reporting

Any employee involved in an accident while driving a county-owned vehicle must immediately report it to their supervisor. If the accident occurs while commuting or during non-work-related usage of the vehicle, a claim should also be filed with the employee's insurance carrier.

All accidents, regardless of damage, must be reported to the appropriate law enforcement agency, and the complaint number along with a completed County Vehicle Accident Report Form must be forwarded to the employee's supervisor.

Section 4 - Operation of Take-Home Vehicles

In addition to the above-stated policies, an employee driver (ED) assigned a take-home vehicle due to work-related calls or trips, either before working hours or after ("extra duties"), must adhere to the following rules and standards.

- A. The county's employees and officials are prohibited from using county-owned vehicles for personal use, except for commuting when authorized and in an emergency. Such authorization shall be granted for bona fide non-compensatory reasons promoting county business and for incidental personal use.
- B. For all vehicles not covered under Section 5, the following policies apply.

- a. A daily log (“user log”) shall be kept in each county-owned vehicle. Commuting mileage or the number of commuting trips, whichever is appropriate, shall be recorded daily by the ED in the user log.
- b. All employees and county officials who are assigned vehicles with take-home (commuting) privileges must complete an Annual Vehicle Usage Report, and submit it to payroll by November 15 for the appropriate tax treatment of this fringe benefit—the annual period covered is November 1 through October 31 (the IRS Special Accounting Rule). If an employee leaves employment, this information must be turned in before their final payroll so it can be processed.
- c. The ED shall acquire and maintain liability insurance.

Section 5 – Exemptions

Qualified non-personal use vehicles are exempt from this policy and are defined as follows.

- “Clearly marked, through painted insignia or words, police, fire, and public safety vehicles, provided that any personal use of the vehicle (other than commuting) is prohibited by the governmental unit.
- Unmarked vehicles used by law enforcement officers if the use is officially authorized. Any personal use must be authorized by the employer, and must be related to law-enforcement functions, such as being able to report directly from home to an emergency situation. Use of an unmarked vehicle for vacation or recreation trips can't qualify as an authorized use.
- An ambulance or hearse used for its specific purpose.
- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
- Delivery trucks with seating for the driver only, or the driver plus a folding jump seat.
- A passenger bus with a capacity of at least 20 passengers used for its specific purpose and school buses. The working condition benefit is available only for the driver, not for any passengers.
- Tractors and other special-purpose farm vehicles.
- Bucket trucks, cement mixers, combines, cranes and derricks, dump trucks (including garbage trucks), flatbed trucks, forklifts, qualified moving vans, qualified specialized utility repair trucks, and refrigerated trucks.
- Pickup trucks. A pickup truck with a loaded gross vehicle weight of 14,000 pounds or less is a qualified nonpersonal use vehicle if it has been specially modified so it isn't likely to be used more than minimally for personal purposes. For example, a pickup truck qualifies if it is clearly marked with permanently affixed decals, special painting, or other advertising associated with your trade, business, or function and meets either of the following requirements.
 1. It is equipped with at least one of the following items.
 - a. Hydraulic liftgate
 - b. Permanent tanks or drums
 - c. Permanent side boards or panels that materially raise the level of the sides of the truck bed
 - d. Other heavy equipment (such as an electric generator, welder, boom, or crane used to tow automobiles and other vehicles)
 2. It is used primarily to transport a particular type of load (other than over the public highways) in a construction, manufacturing, processing, farming, mining, drilling,

timbering, or other similar operation for which it was specially designed or significantly modified.

- Vans. A van with a loaded gross vehicle weight of 14,000 pounds or less is a qualified non-personal use vehicle if it has been specially modified so it isn't likely to be used more than minimally for personal purposes. For example, a van qualifies if it is clearly marked with permanently affixed decals, special painting, or other advertising associated with your trade, business, or function and has a seat for the driver only (or the driver and one other person) and either of the following items.
 1. Permanent shelving that fills most of the cargo area
 2. An open cargo area and the van always carries merchandise, material, or equipment used in your trade, business, or function”.

For this policy, more than a license plate is required for a vehicle to be clearly marked. “A marking on a license plate isn't a clear marking for this purpose.”

To qualify as unmarked law enforcement vehicles, all of the following must apply.

- “The employer must officially authorize personal use.
- Personal use must be incident to use for law-enforcement purposes; that is, no vacation or recreational use.
- The employer must be a governmental unit responsible for crime prevention or investigation.
- The vehicle must be used by a full-time law enforcement officer authorized to carry firearms, execute warrants, and make arrests. The officer must regularly carry firearms, except when it is not possible to do so because of the requirements of undercover work”.