

SECTION XV - MOTORIZED EQUIPMENT AND VEHICLE POLICY

This policy shall not apply to POST certified and sworn officers and employees of the Millard County Sheriff's Office. Said officers and employees are subject to a similar but more stringent policy adopted and enforced in the Sheriff's Office.

Millard County assumes no liability for use of motor vehicles outside the scope of county employment or responsibility, or for activities in violation of this policy. Violation of the provisions of this policy may result in employee discipline up to and including termination from employment.

Nothing in this policy is intended or shall be construed to extend or enlarge the obligations, liability or responsibilities that Millard County currently has to employees, officials or third parties, by law or contract, if any, in regard to the operation of motor vehicles.

Assignment of county vehicles to Departments shall have the proper authorization from the County Commission.

A. Authorized Use of County Vehicles and Motorized Equipment:

1. General Provisions: Only vehicles that have been properly authorized by Millard County Commission shall be used in the course of conducting County business.
2. Any employee driving a county assigned vehicle, rental car or a private vehicle in the course of conducting county business shall:
 - a. Possess a current valid motor vehicle operator's license for the class of vehicle operated. (See Section G - Driver's License Requirements.)
 - b. Drive a private or county motor vehicle that is properly registered and insured in the amounts required by State law. (See Section H - Authorized Use of Private Vehicles for County Business and I - Private Insurance Coverage.)
 - c. Observe and inspect the vehicle for obvious defects and safety hazards. If a hazard is apparent, the vehicle shall not be operated.
 - d. Operate all vehicles with courtesy, care and caution and make the safety of the operator, authorized passengers, pedestrians and other drivers of paramount concern in the operation of the vehicle. (See Sections J - Safety and Vehicle Maintenance, K - Safety Belt Usage, L - Cell Phone Usage, and M - Motor Vehicle and Motorized Equipment.)
 - e. Operate vehicles and motorized equipment in accordance with all

federal, state and local traffic laws, rules and regulations and not under impairment from alcohol or other substances.

- f. Obey all occupational safety laws and the dictates of common sense and good judgment.
- g. Observe all accident reporting procedures. (See Sections N - Collision Investigation Involving Employees and/or Vehicles, O - Accidents Involving Defective Motorized Equipment, and P - Defensive Driver Training.) If during the course of employment, an employee exhibits a disregard for acceptable safe driving procedures, his/her department head and/or the County Commission may deny that employee further authorization to operate a vehicle while performing Millard County business.
- h. Any employee who, while driving a County vehicle in the course of County business, receives a ticket is responsible for payment of any fine incurred unless they can prove extenuating circumstances upon appeal to the County Commission.
- i. Have taken a defensive driving course offered by Millard County within the last five (5) years along with annual refresher courses in safe driving practices.

B. Use of County Vehicles by Employees:

1. County-owned vehicles and/or motorized equipment shall not be taken home overnight by county employees or officials, except the following:
 - a. Those employees or officials who have been authorized by the Board of County Commissioners to have overnight use of vehicles, which may include those county employees who are on-call to perform emergency job responsibilities at times outside assigned employee work schedules and/or which require a specially equipped vehicle in order to perform the duties as assigned.
 - b. Any county employee may, on a case by case basis when authorized by a department head, take a vehicle home overnight to achieve efficiency in performing assigned duties or travel on the next work day.
 - c. Those employees or officials authorized for overnight use of vehicles shall, when away from work for an extended period of time for vacation, sick leave, compensatory time off, travel, etc., return the assigned county-owned vehicle to the custody of his/her department head during the period of absence.
 - d. Employees are prohibited from using a county vehicle for personal use other than commuting to and from work. Those who are required to use county-provided vehicles for commuting purposes shall be subject to taxable personal use of that vehicle according to IRS guidelines.

C. Authorized Passengers in County Vehicles: Operators of County-owned vehicles and motorized equipment shall carry only authorized passengers in or on any such vehicles or motorized equipment. For the purposes of this policy the term "authorized passengers" shall mean:

1. Other county employees on county business.
2. Other persons engaged in or advising on matters related to county services or improvements.
3. Other persons who are being transported as part of a regular, approved county activity.
4. Immediate family member(s) of county employee. However, said family member shall not drive or operate said county vehicle except in cases of emergency.
5. Persons who in an emergency are required by a representative of Millard County to drive or ride in a vehicle in that emergency situation.
6. Classes of passengers specifically approved by the department head and authorized in writing by the Millard County Commission.

D. Unauthorized Use of County Vehicles and Motorized Equipment:

1. Use of county vehicles and/or motorized equipment for purposes not germane to Millard County business is prohibited.
2. Use of county vehicles and/or motorized equipment to transport family members, other employees or private citizens for personal business or recreation is prohibited.
3. Use of alcohol or any other substances that could impede judgment or the safe operation of county vehicles and/or motorized equipment is prohibited.
4. Use of tobacco products in county owned vehicles or motorized equipment is prohibited.

E. Personal Use of Motor Vehicles on County-Authorized Business Trips:

1. Millard County will not be liable for injuries or damages arising from activities outside the scope of employment, including but not limited to, personal use of rented vehicles by officials or employees during a county-authorized business trip.
2. Employees and officials conducting personal business during a county-authorized business trip are encouraged to use licensed public carriers.
3. During a county-authorized business trip, employees or officials will not use a private or rented motor vehicle unless said motor vehicle has been insured in at least the minimum amounts required by state law.

F. Requirements to Operate County Vehicles and Motorized Equipment:

1. The following criteria shall be necessary to obtain/maintain the privilege of operating a county vehicle:
 - a. A current Utah drivers license with the correct class for the vehicle.
 - b. Be the age of 18 or older.
 - c. A license that is not under suspension or revocation.
 - d. Not be mentally or physically unable to drive safely.
 - e. Not have a habitual problem with alcohol or drugs.
 - f. Not be a habitual violator of traffic laws.
 - g. Not have been convicted of driving while under the influence of alcohol or drugs or of reckless driving within the previous 2 years.
 - h. Not have been cited for 2 or more moving violations within the previous 2 years.
 - i. Satisfactory completion of defensive driving course offered by the county every (5) years and an annual refresher course on safe driving practices.

G. Driver=s License Requirements:

1. Any employee whose work requires that he/she drive a vehicle in the performance of assigned duties must hold a valid Utah State Driver's License, including appropriate endorsements and class requirements.
2. All prospective employees who are assigned work requiring the operation of a vehicle shall be required to submit to a State of Utah, Department of Motor Vehicles driving records check after receiving a conditional offer of employment and annually thereafter should an employment relationship be established. Such checks shall be coordinated by the Millard County Personnel Department as part of a pre-employment background investigation.
3. The department of an employee utilizing a county vehicle shall maintain a current copy of the employee's driver's license and verify it's validity on an annual basis. Any employee who does not hold a valid driver's license shall not be allowed to operate a vehicle in the performance of county duties. Employees without a valid license may, with the approval of the Personnel Department, be:
 - a. assigned duties within the same job classification that do not require the driving or operating of vehicles;
 - b. temporarily reassigned, or demoted, to a job classification for which the employee qualifies (An employee temporarily demoted shall not be compensated at a level exceeding the new

classification's salary range); or

c. authorized leave without pay.

4. An employees shall satisfactorily complete a driver training course approved by the County prior to September 1 of the current year if any of the following offenses become of record after June 1 of the current year:
 - a. DUI (drug or alcohol) or related reckless driving;
 - b. 2 or more moving violations;
 - c. Driver=s license revoked or suspended.

No accommodation for a suspended or revoked driver's license shall exceed six (6) months. If the suspension or revocation of an employee's drivers license exceeds six (6) months, the employee may be permanently reassigned to a vacant position not requiring a valid driver's license, demoted into a vacant position for which he/she qualifies, or terminated from county employment.

5. Any employee performing work which requires the operation of a vehicle shall notify his/her immediate supervisor immediately when his/her license is expired, suspended or revoked. If an employee fails to report such an instance and/or continues to operate a vehicle in the performance of duties, he/she is subject to disciplinary action up to and including termination from county employment.
6. Commercial Driver's License (CDL) - Employees operating a commercial vehicle must comply with all of the requirements of the Commercial Motor Vehicle Safety Act of 1986 and all succeeding amendments thereto.
7. Employees operating a commercial vehicle shall:
 - a. Submit to random drug/alcohol testing as outlined in the County Policy and Procedures Manual Section on a Drug Free Work Place.
 - b. Notify their immediate supervisor within 10 days of a conviction for any traffic violation except parking citations.
 - c. Notify the State Driver's License Division within 10 days if they are convicted in any other state of any traffic violation except parking citations.
 - d. Notify their immediate supervisor immediately if their license is suspended, revoked or canceled, or if they are disqualified from driving.
 - e. Not drive without a valid Commercial Driver's License. When it is necessary for employees to renew their CDL, the county shall reimburse the cost for the written test, the cost for the skills test, and the total amount paid by the employee to obtain all endorsements required by the county. Employees shall pay the fees to obtain all endorsements not required by the county. The county shall also pay the employee's share, after insurance payment, of the required physical examination. At the discretion of the County Commission, the county may bear the cost of initially licensing

employees that are promoted or otherwise placed into positions requiring a CDL.

H. Authorized Use of Private Vehicles for County Business:

1. County employees, with the prior permission of their department head, may use their private vehicle to conduct official county business. Department heads shall only approve use of private vehicles for county business when it is in the best interest of the county to do so. In such cases, proof of liability insurance on said private vehicle shall be provided to County Personnel Department.
2. County employees who drive a private vehicle in the normal course of their duties may receive payment for mileage driven. Payment for mileage shall only be made for authorized county business and shall not be paid to cover commuting mileage between an employee's residence and his/her customary work site. Payment for commuting mileage may be paid, however, if an employee is required to respond to a work area at times when an employee has already completed his/her regularly scheduled work day/week and is required to return to work in a private vehicle.
3. Employees shall be reimbursed mileage at a rate not to exceed the IRS standard mileage rate when mileage is incurred in the conduct of authorized county business and use of a county-owned vehicle is not a viable option. Mileage reimbursement is intended to include payment for gas, vehicle depreciation, and private insurance premiums.

I. Private Insurance Coverage: Employees operating private vehicles in the performance of county duties shall have at least the minimum auto insurance for private vehicles, required by Utah State law, with proof thereof being provided to County Personnel Department. If the vehicle is being used for public safety purposes where higher limits of liability coverage may be required, the county will compensate the employee for any additional costs of public safety liability coverage. In the event a county employee is involved in an accident while driving his/her own vehicle, the employee's personal insurance shall provide the primary coverage.

J. Safety and Vehicle Maintenance: It is the county's policy to do everything reasonable to prevent injury to county employees and damage to property and to protect county employees and the public from the results of accidents and improper procedures.

1. Employees assigned a county vehicle shall be primarily responsible for the condition of their assigned vehicle, including compliance with the scheduled maintenance, reporting of needed repairs, and maintaining its cleanliness.

2. It shall also be the responsibility of each department head to ensure that all county vehicles used by his/her department are properly and safely maintained.
3. It shall be the responsibility of each driver to ensure that his/her county vehicle is properly parked and locked while the vehicle is not in use.

K. Safety Belt Usage:

1. All county owned or leased vehicles and motorized equipment designated to permit or require the installation of safety restraints shall be so equipped.
2. Safety belts and/or safety harnesses shall be properly fastened at all times when the vehicle is in motion. All occupants of vehicles owned by Millard County shall fasten their safety belts and/or safety harnesses upon entering their vehicles and shall keep them fastened as long as the vehicle is in motion.
3. Likewise, drivers and occupants of privately-owned vehicles being operated while on county business shall abide by the above-stated policy.
4. The driver shall be responsible for the safety restraint of themselves and all passengers.
5. If a county employee is observed by his/her supervisor and/or other county employees to be not wearing his/her seat belt while operating a county vehicle or his/her private vehicle while doing county business, the employee may be subject to progressive disciplinary action for each occurrence.

L. Cellular Phone Usage While Operating a Personal or County Vehicle on County-Business Trips: Since it has been deemed that using a cellular phone while driving is dangerous; all county employees are discouraged from using a cellular phone, either their own or one of county issue, while driving on county business or in the course of performing their county duties. If making or receiving a call becomes necessary, it is recommended the employee shall pull off the roadway as soon as reasonably practical.

M. Motor Vehicles and Motorized Equipment:

1. An easily accessible fire extinguisher of 5:BC rating or higher shall be provided on all county motorized equipment.
2. Before operating a county-owned vehicle, the employee shall determine that the vehicle has in operable condition, at least the following:
 - a. Two taillights
 - b. Brake lights
 - c. Seatbelts/safety harness, properly installed
 - d. Seats, firmly secured, for the number of persons carried
 - e. Service or parking and emergency brake systems

- f. On heavy motorized equipment and trucks, audible warning devices at the operator's station, such as low air or oil pressure buzzers
 - g. Audible reverse alarms on heavy motorized equipment and large trucks, if such a device was originally installed by the manufacturer
 - h. Warning lights and "slow moving vehicle" signs as needed
 - i. Proper fluid levels and air pressure
- 3. County employees shall be prohibited from operating any heavy motorized equipment having an obstructed rear view, unless:
 - a. The vehicle/unit has an audible reverse alarm, if such a device was originally installed by the manufacturer
 - b. The vehicle/unit is backed up only when a trained observer says it is safe to do so, or
 - c. The operator has made a full inspection around the motorized equipment before each backing procedure
- 4. Parking brakes shall be required to be set whenever a vehicle or mobile motorized equipment is parked. County employees shall make sure that units which are parked on inclines have wheels turned away from the highway or street traffic, turned to the curb, as well as having parking brakes set. Also, if a vehicle is parked for an extended period of time, it is recommended that the wheels be secured with chocks or some other blocking device. Also, all blades, buckets, etc. shall be lowered to the lowest position (to the ground if possible).
- 5. County employees shall inspect all machinery and motorized equipment prior to each use, and at intervals during use to make sure it is in safe operating condition.
- 6. County employees shall park and lock any vehicles or motorized equipment left unattended at night adjacent to highways or construction areas, in locations which are identified by lights, reflectors and/or barricades. No employee shall disengage or otherwise modify or tamper with a safety device, except when undertaking authorized repairs.

- N. Collision Investigation Involving Employees and/or Vehicles: If while operating a county-owned vehicle or a privately owned vehicle in the performance of official duties, an employee is involved in an accident resulting in personal injury or property damage, he or she shall:
- 1. Request that all parties and properties concerned remain and render assistance at the scene of the accident, if possible, until a law enforcement representative has released them.
 - 2. All accidents involving county vehicles or persons on duty and actively engaged in county business shall be reported to the appropriate law enforcement agency and as soon as possible to their department head.
 - 3. Employee responsibility is to refrain from making statements regarding the

accident to anyone other than the investigating law enforcement representative, appropriate county officials, and representatives of his or her own insurance company if the employee's privately owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations.

4. A copy of all police reports and any statements attached thereto shall be forwarded to the Civil Division of the Millard County Attorney's Office two days after completion of the investigation. The County Attorney's Office will report such accidents to the County Safety, Risk Management, and Accident Review Board.
5. Any employee who while driving in the course of employment, as determined by the Accident Review Board, caused two or more accidents within a two year-period of time shall:
 - a. Lose driving privileges;
 - b. Be assigned to a non-driving position; and/or
 - c. Be terminated from employment.

O. Accidents Involving Defective Motorized Equipment: When an accident occurs where defective motorized equipment is a possibility, the following action shall be taken:

1. Attend to any injuries of employees or others.
2. Turn motorized equipment in question over to the employee's supervisor, who shall consult with the County Attorney's Office and the Millard County Safety, Risk Management, and Accident Review Board.
3. The employee's supervisor shall write a detailed report, within one day, if possible, to include all circumstances surrounding the incident and all manufacturing information available concerning the motorized equipment in question. This report shall be submitted to the County Attorney's Office. The County Attorney's Office will report such accidents to the County Safety, Risk Management, and Accident Review Board.

P. Defensive Driver Training:

1. Within six (6) months of beginning employment with Millard County and at least every five (5) years thereafter, each employee that is required to operate a vehicle in performing assigned duties shall satisfactorily complete a defensive driver training course arranged by or administered by Millard County. Any exceptions or extensions of time to comply shall be granted only with the written approval of the employee's department head and the County Commission.
2. All drivers operating a vehicle on county business shall be required to complete the above-mentioned defensive driver training course at least once every five (5) years. Records on those taking such courses shall be

kept by the County Personnel Department.

3. Volunteers who drive on county business and who are age 68 and older, must complete the AARP Driver Safety Course (or other mature driver program) before driving for the county.

.