



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved May 16, 2008

12.1

Motor Vehicles

Acquisition of State Vehicles

1. Authority and Application.

- (a) This Policy is adopted pursuant to the authority granted to the Council pursuant to the provisions of O.C.G.A. §§ 15-18-12(d)(2); 15-18-40(c); and 15-18-44(c) and Chapter 8 of the Rules of the Prosecuting Attorneys' Council of Georgia. It is the intent of the Council in adopting this policy to implement sound practices to insure that state vehicles are acquired, operated and managed in an effective, efficient and responsible manner consistent with the policies applicable to other State agencies and the duties of the District Attorney under the Constitution and laws of this State.
- (b) This Policy applies to any motor vehicle that is titled to the Council in accordance with O.C.G.A. § 40-2-37 regardless of the manner in which such vehicle is acquired or the source of the funds used to purchase such vehicle.
- (c) By accepting a state motor vehicle for use in the performance of his or her office's official duties, the district attorney agrees that such vehicle shall be maintained and operated in accordance with this Policy and Chapter 8 of the Rules of the Prosecuting Attorneys' Council of Georgia.
- (d) This policy supersedes Council Policy 4.7 (Motor Vehicles), dated Oct. 17, 2002.

2. Acquisition of Motor Vehicles for District Attorneys' Offices.

- (a) Purchase of Motor Vehicles.
 - (1) The Council will purchase vehicles for district attorneys' offices only when state funds have been appropriated for such purpose or funds are otherwise specifically available for such purpose.¹
 - (2) If State appropriated funds are to be used to purchase a motor vehicle, they must be budgeted as "Motor Vehicle Equipment Purchases" in a budget request submitted to and approved by the Prosecuting Attorneys' Council by

¹ An example of this would be the Council being awarded a federal grant that includes funds earmarked to purchase one or more vehicles for district attorneys' offices.



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June 1 of each year.² Any request for motor vehicle purchase must be justified in the budget request by demonstrating the following:

- (A) All current vehicles are being used for official purposes;
 - (B) No current vehicles are available to replace a worn out vehicle;
 - (C) If replacing a current vehicle, the vehicle to be replaced will have:
 - (i) Been driven over 135,000 miles or more by the end of the fiscal year; or
 - (ii) The annual operating costs of the vehicle will cost substantially more than the average cost of maintaining similar make and model vehicles.
 - (D) If funds are appropriated or are otherwise available, the Council fiscal division will notify the District Attorney of the amount available and the procedures to be followed.
- (3) If grant or Food Stamp Fraud funds are to be used to purchase a motor vehicle, the Council staff will be contacted in advance.
- (4) If funds are appropriated or are otherwise available, the Council will attempt to purchase vehicles on the statewide contract, which usually contains law enforcement and regular fleet vehicles, as well as some special purpose type vehicles such as cargo and passenger vans.
- (5) Vehicles not listed on the statewide contract will be purchased through a bidding process.
- (b) Vehicles acquired by a district attorney and to be titled to the Council.

² O.C.G.A. § 15-18-40(c)(1).



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- (1) Any vehicle acquired by a District Attorney to be titled to the Prosecuting Attorneys' Council must be approved in advance by the Council staff.
- (2) A request to have a vehicle titled to the Council must be submitted in writing³ and contain the following information:
 - (A) Vehicle make, model, year and VIN;
 - (B) Date of purchase;
 - (C) Odometer reading;
 - (D) Purchase price and fund source (county, federal, forfeiture, etc.); and
 - (E) Justification, which includes the type of use and need for the vehicle.
- (3) If the vehicle was acquired pursuant to a forfeiture action, a copy of the order of distribution and the title must be submitted along with request.
- (4) If the vehicle was donated, the name and address of the person or entity making the donation.
- (5) Following the receipt of the request for transfer of title the Council staff will review the request for approval. The Executive Director will reply to the District Attorney in writing their approval or disapproval of the request for transfer of title. If the request is denied the Council staff will provide a justification in writing to the District Attorney. Any denial can be appealed to the Council.
- (6) Upon the approval of the Council the District Attorney can proceed with the acquisition and title transfer. The District Attorney should work with the Council staff during this process to assure that all requirements are met.

(c) Surplus Property.

³ The request may be made by electronic means so long as it contains all of the required information.



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- (1) The Department of Administrative Services operates centers for the disposal of state and federal property which has been declared surplus by the original owning agency. District Attorneys may acquire surplus property (vehicles) from the Department of Administrative Services through the Prosecuting Attorneys' Council of Georgia.
- (2) The district attorney must follow the rules established by the Department of Administrative Services for acquiring any property and agree to pay for any costs associated with any acquisition. The District Attorney or his designee must be authorized in writing by the Council staff to acquire surplus property before acquisition is made.
- (3) The Council staff may, on behalf of the Council, authorize employees of a District Attorney's office or a Solicitor-General's office to inspect and select surplus motor vehicles at the surplus property center. In order to visit the surplus property center, the district attorney's office must contact the Council staff and set up a time and date for visiting the surplus property center. The District Attorney or his designee must be authorized in writing to acquire surplus property by the Council staff before acquisition is made.
- (4) The Surplus Property Center may charge for any vehicle acquired from the center. The district attorney is responsible for paying any such charge.
- (5) The Council staff may authorize the district attorney or his designee to sign the Bill of Sale on behalf of the Council.
- (6) Once the property transfer is completed at the Surplus Property Center, the person picking up the vehicle will contact the Council staff by telephone and provide the following information:
 - (A) Make, model, year, and VIN number of the vehicle;
 - (B) Odometer Reading;
- (7) Within three (3) business days of the transfer, the district attorney's office will send the following original documents to the Council staff:



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(A) Title and Form MV-1(if these documents were given to the person picking up the vehicle); and

(B) The Bill of Sale.

(8) Council staff will complete all necessary paper work necessary to transfer Title and obtain insurance on the vehicle..

(d) Transfer of vehicles which are property of a political subdivision.

(1) The procedures provided in subsection (b) above for vehicles acquired by a district attorney must be followed when transferring a vehicle from a political subdivision to the Council. In addition, the Council must receive documentation, signed by an authorized official of the political subdivision that the provisions of O.C.G.A. §§ 3-9-2 or 36-37-6 have been followed.

(2) If the transfer is approved, the district attorney will submit to the Council staff the original title to the vehicle, signed by the appropriate official of the political subdivision.

3. Physical Identification and Marking of Vehicles.

(a) All vehicles titled to the Prosecuting Attorneys' Council of Georgia will have State government license tags as provided by O.C.G.A. § 40-2-37, unless the Department of Revenue has authorized such vehicle to have regular Georgia license plates issued because the vehicle is employed in secret investigatory police functions.

(b) Marking of State Vehicles.

State vehicles must be marked as required by O.C.G.A. §50-19-2 unless the vehicle is being used for prosecution purposes. If a vehicle is used for both administrative and prosecution purposes, removable signs may be used.

4. Record Keeping.



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The Council shall assign a unique asset number to each vehicle and shall maintain a file which will identify each vehicle and contain:

- (a) The vehicle title;
- (b) A copy of the registration;
- (c) Emission control documentation (if required);
- (d) Other legal documentation;
- (e) The name of the Circuit or office to which the vehicle is assigned;
- (f) Name of the individual (if any) assigned to the vehicle along with the DOAS MV-1.
- (g) Documentation of all State business miles, personal miles and all incidents of commuting use.

5. Acquisition of State Vehicles for Solicitor-General's Office.

- (a) The provisions of this policy shall apply when the Council provides a motor vehicle to a solicitor-general's office pursuant to O.C.G.A. § 15-18-73(b).
- (b) Prior to receiving a state vehicle, a solicitor-general must sign an agreement that such vehicle is for use in the performance of the office's official duties, and that the vehicle will be maintained and operated in accordance with Chapter 8 of the Rules of the Prosecuting Attorneys' Council of Georgia and the policies adopted pursuant thereto.