

SECTION HR 38

AMAHLATHI
MUNICIPALITY

POLICY ON
VEHICLE USAGE
AND
VEHICLE
ACCIDENTS

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POLICY ON VEHICLE USAGE AND VEHICLE ACCIDENTS

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POLICY ON VEHICLE USAGE AND VEHICLE ACCIDENTS

1. Preamble

Amahlathi Municipality, its Council and executive Committee has a legal, moral and financial obligation to protect municipal assets from abuse, which could result in a loss to the Municipality. It is accepted that the Council has in the past sustained such losses, and that this has a negative impact on the Council's insurance claims experience. This policy seeks to address these shortcomings.

These assets include vehicles. The policy excludes those vehicles, which are used subject to specific agreement, such as vehicles used by Councillors, and vehicles that are subject to specific conditions of employment. It is therefore accepted that where an official or Councillor has access to a vehicle subject to such an agreement an official or Councillor will not have the automatic right to use an official Council vehicle. A decision to allow such an official or Councillor to use an official vehicle can only be granted by the Municipal Manager.

2. Purpose of the Policy

- a) To regulate the use of official Municipal vehicles and to ensure that they are used in a safe and efficient manner in order to minimise accidents and abuse of vehicles.
- b) To provide a procedure for accidents and modus operandi for conducting an inquiry into vehicle accidents involving Municipal vehicles.
- c) To provide a framework for remedial actions to be instituted by Management.

3. Application of the Policy

- a) This policy will apply to all users of Municipal vehicles. Where an employee of Council is required to drive during the course of his/her duty he/she will fully subscribe to the conditions of this policy.
- b) This applies to casual drivers as well as full-time drivers.

4. Regulations

4.1 Driver's Licences

- 4.1.1 Every employee required to drive, will furnish the Municipality with a certified copy of his/her driver's licence. Only the new credit card type driver's licence will be applicable.
- 4.1.2 It is incumbent upon the employee to renew his/her driver's licence on the expiry date indicated on his/her driver's licence.
- 4.1.3 Departmental Managers will ensure that new employees are competent before handing over a vehicle to a new employee.
- 4.1.4 Copies of driver's licences will be kept on the employee's personal file.
- 4.1.5 It is incumbent upon the employee to inform his/her superior of all endorsements or other restrictions placed on his/her driver's licence.

4.2 Use of Municipal Vehicles

- 4.2.1 Municipal vehicles will only be used for authorised and essential trips on Council business.
- 4.2.2 Employees driving a Municipal vehicle will ensure that the logbook, provided for the vehicle, is properly completed after each trip. Logbooks will be returned to the Departmental Manager or his/her designate before or on the 6th day of the following month.
- 4.2.3 Departmental Managers will ensure that a Vehicle Authorisation Form is completed for every trip.
- 4.2.4 Council vehicles are not to be taken home except with the written permission of the relevant Departmental Manager. In that case an employee will ensure that the vehicle is kept in a lock-up garage or yard. Where such facility is not available, the vehicle will be parked at a police station or Municipal depots or workshops where there is security.
- 4.2.5 Authorisation to take vehicles home will only be granted by Departmental Managers. The standard authorisation form will be completed whenever a vehicle is to be taken home.

- 4.2.6 Only Municipal employees on official duty and work-related passengers will be carried as passengers in Council vehicles.
- 4.2.7 Employees undertake to look after Municipal vehicles and to keep these vehicles in a clean, safe and roadworthy state at all times.
- 4.2.8 It is incumbent upon Departmental Managers to inspect vehicles in the care of his/her department on a monthly basis.
- 4.2.9 All vehicles will be driven with due care at all times.
- 4.2.10 No intoxicating liquor may be consumed whilst in charge of a Municipal vehicle.

4.3 Vehicle Accidents

The following procedure shall be followed in the event of a Municipality-owned motor vehicle being involved in an accident, no matter how trivial, and irrespective of whether or not any person or animal or property, other than the Council vehicle is involved:

- 4.3.1 Call a police or a traffic officer and, if requested to so do supply name and address of the driver of the motor vehicle to any person having reasonable grounds for requiring this information.
- 4.3.2 If a police or traffic officer is not available, report the accident to a police station as soon after the occurrence of the accident as practicable.
- 4.3.3 In no circumstances shall liability be admitted or unguarded statements be made to any person or payment offered or made to a third party.
- 4.3.4 Should any third party involved admit liability, endeavours should be made to obtain a statement in writing from him/her to this effect.
- 4.3.5 Should a driver of a vehicle be suspected of being under the influence of intoxicating liquor or narcotic drugs, this fact must be brought to the notice of the police or traffic officer present at the scene of the accident, with the least possible delay and every assistance should be rendered to such police or traffic officer in ensuring that the suspected person

is examined by a doctor as soon as possible, or be subjected to a legally permissible Alco-test.

4.3.6 Obtain as soon as possible, preferably at the scene of the accident at least the following particulars, which are required for completing the accident report form:

- 4.3.6.1 Registration number, make and type of other vehicle.
- 4.3.6.2 Names(s) and address(es) of driver(s) of the other vehicle.
- 4.3.6.3 Name(s) and address(es) of person(s) involved in an accident be it he/she/they was/were passenger(s) of the Municipal vehicle's driver or the third party or pedestrian(s).
- 4.3.6.4 Name and address of the third party's insurance company.
- 4.3.6.5 Name, occupation and address and age or estimated age of any pedestrian(s) involved in the accident and of any pedestrian(s) killed or injured.
- 4.3.6.6 Description of animals and fixed objects involved in the accident and the name and address of the owner.
- 4.3.6.7 Name and address of witnesses including the occupants of the other vehicle(s) in their capacities as witnesses.
- 4.3.6.8 Measurements for the preparation of a sketch of the scene of the accident (pave off the distance if there is no specific tape measure).
- 4.3.6.9 Note the geographical landscape of the place of accident, type of road, accident related obstructive substances of object on or around the road, road make-up including any fencing and weather condition at the time of the accident.

4.4 Internal Accident Reporting

4.4.1 The driver of the Municipal vehicle shall, within twenty-four (24) hours after the accident, ensure that the accident report form is completed by the Claims Officer and also ensure that statements by witnesses and other relevant supporting documents, e.g. Case Reference numbers, are forwarded to the Claims Clerk or his/her superior in the event of his/her absence.

4.4.2 The Claims Clerk or his/her superior shall make endeavours (in addition to obtaining a mechanical report on the condition of the vehicle after the accident) to obtain a minimum of two

repair quotations from different repairing agencies or write-off report if applicable and trade-in value of the vehicle.

- 4.4.3 In the event of institution of legal action by the third party, the driver concerned shall upon receipt of summons, subpoena or notice to appear in court pass that information to the Claims Clerk or his/her superior so that the Municipality's insurers may be approached.
- 4.4.4 Any accident damage or third party claim received shall immediately be submitted to the Claims Clerk.
- 4.4.5 Any damage made to the Municipal vehicle as a result of an accident involving another vehicle or animal(s) or any object, shall be reported to the Claims Clerk.
- 4.4.6 Upon admission of complete liability in the accident report, a driver of the Municipal vehicle involved in an accident shall be given an option to personally bear all repair costs.

4.5 Duties of a Responsible Officer

- 4.5.1 Shall investigate all Vehicle Accidents and gather all documentary, photographic and other evidence that maybe relevant to the case.
- 4.5.2 If feasible the responsible officer/designee may conduct an inspection of the accident scene.
- 4.5.3 Shall objectively advise the Departmental Manager on the circumstances of any vehicle accident and, based on available evidence, whether any further action is recommended in each case.
- 4.5.4 May interview the driver, assessor, third party or any other person with information relevant to the accident.
- 4.5.5 Request witnesses to make a verbal/written statement about the accident.
- 4.5.6 Probe the nature of the trip and granting of authority to the driver.
- 4.5.7 Shall after completing an investigation on each accident case and draw and submit a report to the Departmental Manager formatted as follows:
 - 4.5.7.1 Introduction

- 4.5.7.2 Statement of case
- 4.5.7.3 Findings
- 4.5.7.4 Recommendations
- 4.5.7.5 E. signature

4.6 Framework for Remedial Actions

- 4.6.1 All remedial and corrective actions will be subject to and governed by the Municipality’s disciplinary procedure.
- 4.6.2 The following structure of progressive imposition of fines on drivers who have been found partly or mainly responsible for the occurrence of the accident involving a Municipal vehicle through direct or indirect means, shall be adhered to:

Table of Fines

| Rate of Damage (%) | Rate of Fine (R) |
|---------------------------|-------------------------|
| 0 – 10 | 500 |
| 11 – 20 | 1 000 |
| 21 – 30 | 1 500 |
| 31 – 40 | 2 000 |
| 41 – 50 | 2 500 |
| 51 – 60 | 3 000 |
| 61 – 70 | 3 500 |
| 71 – 80 | 4 000 |
| 81 – 90 | 4 500 |
| 91 – 100 | 5 000 |

- 4.6.3 These represent minimum fines. Should the cost of repairs be less than the amounts shown above, the amount of the fine will not exceed the total cost of repairs. The rate of damage shall be determined as follows:

$$\frac{\text{Approved Cost of Repairs}}{\text{Trade-in Value}} \times \frac{100}{1}$$

- 4.6.4 These fines may be imposed in addition to any sanction, which a Disciplinary hearing may decide upon.
- 4.6.5 The fine is payable by means of deduction from an employee’s salary over a period not longer than 6 months.
- 4.6.6 The Municipal employee shall sign an acknowledgement of debt in which the time frame for the payment of the fine shall also be captured.

5. Enforcement

- 5.1 Municipal Council and Officials are charged with the enforcement of this policy.
- 5.2 Municipal Council, Municipal Officials (Level 1- 3), Municipal Traffic Officers, Provincial Traffic Officers and the SAPS are authorised to impound/confiscate vehicles driven without proper authorisation.
- 5.3 Should the driver fail to produce the required documentation as proof of authorisation to use the vehicle, the vehicle shall be impounded forthwith.

6. Implementation Provisions

- 6.1 In the event of misconception, misinterpretation and misunderstanding of this policy, or any clause contained in this policy, the Municipality reserves the right to give an objective interpretation subject to appeal to Management, which shall give a final judgement of the case.
- 6.2 Any amendment or annulment of this policy shall be done upon submission of a comprehensive motivation by Management to the Municipality which will be entrusted with absolute powers of amending or annulling this policy.
- 6.3 It shall be incumbent upon the Municipality to take proper action that does not deviate from the enshrined order of this policy where this policy falls short, or does not provide a mechanism or a framework for addressing any matter or issue pertaining to the mission of this policy, in order to give the effect to the objectives of this policy in particular and to the interests of the Municipality to do so.
- 6.4 Notwithstanding the contents of this policy the Municipal Manager shall have discretionary authority to waive any clause of this policy provided that it is in the best interest of the Municipality to do so.