

Public Safety Take Home Vehicles to Alabama

July 11, 2023

Columbus Consolidated Government



Public Safety Take Home Vehicles to Alabama (?)

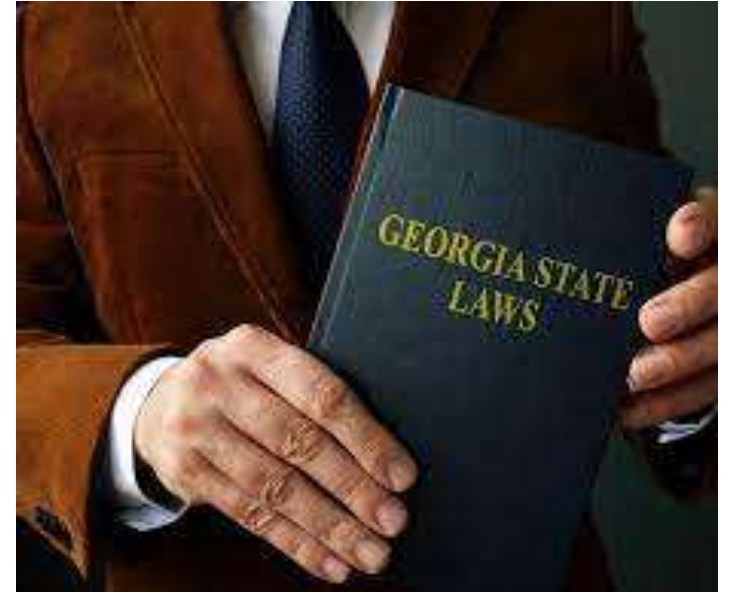
- What is the risk of allowing Public Safety take home vehicles to Alabama?
- Can we purchase a limited insurance policy?
- How other cities/counties handle this risk?
- Options to consider

The Risk of PS Take Home Vehicles to Alabama?

- Sovereign Immunity for motor vehicle accidents only recognized in the state of GA
 - Limited liability exposure up to maximum of \$750,000
- Alabama does not recognize Georgia's immunity, and the caps which protect us in Georgia will not protect us in Alabama
 - Potential for unlimited liability exposure
- Exposure for CCG city-owned vehicles in Alabama

Is Sovereign Immunity at Risk?

- Sovereign Immunity at Risk if -
 - Purchasing limited insurance for CCG city-owned vehicles in Alabama opens liability exposure to all city vehicles
 - Purchasing a commercial insurance policy exposes CCG in excess of \$750,000
 - Purchasing a commercial insurance policy w/\$750,000 (cap in Georgia, per O.C.G.A. 36-92-2), waives CCG's immunity, exposure to this amount and a court verdict could be much higher.
- Not recommended at this time to purchase additional insurance – consulted w/Insurance Broker, internal and external Legal Teams, ACCG and GMA



Insurance Limits

- \$500,000 bodily injury/death per one person per one occurrence
- \$700,000 bodily injury/death of two or more persons per one occurrence
- \$50,000 property damage



Risks vs Benefits



Risks	Benefits
Higher Risk/Liability	Optimize Response Time
Additional Vehicle Maintenance Costs	Recruitment and Retention Enhanced
Waive Immunity provided by Georgia law	Increase Morale for Alabama Resident/Alabama Personnel
More Vulnerable to Accident/Property Damage Claims	Personnel is Commuting/Limited Accidents and/or Incidents
Alabama doesn't recognize Immunity provided by Georgia law	
Opens Exposure	

What Other Cities are Doing Authorized Across State Lines

Cities/Counties	Authorized	Not Authorized	Insured/ Self-Funded	Assume the risk?
Columbus		✓	Self-Funded	No
Augusta/Richmond*		✓	Self-Funded	No
Chatooga County	✓		ACCG	Yes
LaGrange	✓		Self-Funded	Yes
Rome		✓	Self-Funded	No
Savannah		✓	Self-Funded	No
Trenton	✓		GMA	Yes
West Point	✓		Wright Specialty	Yes

*City policy does not allow, however, the Sheriff is allowed his own policies, and allows deputies across state lines.

Public Safety Departments

Department	Number of Public Safety Employees
Columbus Fire/EMS	6
Columbus Police Department	45
Emergency Management	2
Muscogee County Prison	2
Muscogee County Sheriff	35
TOTAL	90

Options

- **Option 1:** Leave policy as is; take no action.
- **Option 2:** Amend policy; stay self-funded; allow Public Safety employees to Alabama; potentially at risk for liability
- **Option 3:** Purchase insurance; waive immunity
- **Option 4:** Leave policy as is; provide a stipend for Public Safety employees that live in Alabama.



Recap

- Immunity will be waived if we allow Public Safety Personnel to take home vehicles to Alabama.
- Immunity will be waived if we purchase commercial liability insurance for either the entire CCG fleet or a limited policy.
- If an insurance policy is purchased, the exposure will be raised to the amount of the policy.
- Current caps (O.C.G.A. 36-92-2 c.):
 - \$500,000 bodily injury or death of any one person in any one occurrence
 - Collective total of \$700,000 bodily injury or death of two or more persons in any occurrence
 - \$50,000 property damage
- If an accident occurs in Georgia, the caps will protect us. If the same accidents occurs in Alabama, there is no protection.
- Out of 18 Cities/Counties researched:
 - 4 allow out of state take-home vehicles
 - 6 do not allow out of state take-home vehicles
 - 8 do not have employees living out of state and are not concerned with sovereign immunity or are insured

Questions?



Every dollar spent on property damage, work-related injuries, liability claims, automobile claims, accidents, and insurance premiums are a dollar not spent on services.