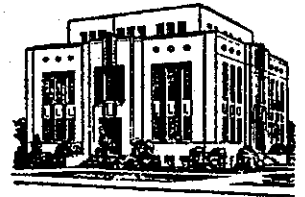




**H. Michael Bartley**

DELTA COUNTY ATTORNEY  
COURTHOUSE, SUITE 300  
P.O. Box 462 COOPER, TEXAS 75432  
903-395-4400, EXT. 235



**RECEIVED**

JUN 09 2009

June 4, 2009

**OPINION COMMITTEE**

FILE # ML-46087-09  
I.D. # 46087

The Honorable Greg Abbott  
Attorney General of Texas  
P. O. Box 12548  
Austin, TX 78711-2548

**RQ-0807-GA**

Subject: Request for Opinion regarding the legality of a county employee using a county vehicle to transport a non-county employee

Dear General Abbott:

The County Judge of Delta County, Texas, has asked me to obtain an Attorney General's Opinion in regard to the following problem.

The specific request concerns a county road commissioner who has used his county vehicle to transport his spouse to numerous places, both in the county and out, such as beauty salon, restaurants, discount store. These trips have been made during employee hours and after hours as well. Several tax payers within the county have questioned the county judge regarding the commissioner's actions which have occurred over an extended period of time.

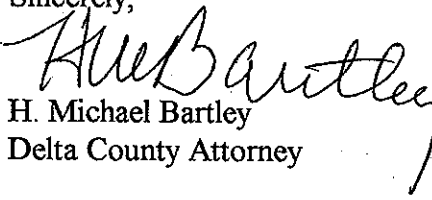
Our office requested a review of the insurance policy through our reference person with Texas Association of Counties. We were informed that there are no restrictions on our Liability policy regarding passengers. Delta County does not carry the Person Injury Protection endorsement which would cover the passenger in a county vehicle in the event of an accident. If there is an accident the possibility of a law suit is present.

We have reviewed the Delta County Personnel Policy handbook (October, 2003, page 11) in regard to county property. It states in Section XVIII. POLICY ON COUNTY PROPERTY: "Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any vehicle, tool, or other County equipment assigned to him/her. County employees shall only use equipment, vehicle, tools and other county property that they are authorized to use.

A. Personal use of County vehicles, equipment, supplies, tools, and any other County property shall not be permitted."

In conclusion, we are requesting an opinion as to the legality of a passenger, who is not an employee of the county, being transported in a county vehicle? Is this a local decision to be made by the Commissioners Court or is there other precedents that should be followed? Thank you for your consideration and direction in this very important matter.

Sincerely,

A handwritten signature in cursive script that reads "H. Michael Bartley". The signature is written in black ink and is positioned above the printed name and title.

H. Michael Bartley  
Delta County Attorney

HMB:ls