

Airport Courtesy Cars and Other Personal Use of County Vehicles

We recently became aware that some counties provide county vehicles to their airports to be used as airport courtesy cars. The purpose of these courtesy cars is to provide free, complimentary transportation to nearby cities to pilots and/or airport visitors. In some instances, the county and airport have assumed that auto liability coverage is being provided by the Colorado Counties Casualty and Property Pool (CAPP).

The CAPP Insuring Agreements relative to this issue state in part that coverage is extended to “(2) Those individuals who were or now are elected or appointed officials of the Participating Members, including members of their governing bodies or any other committees, trustees, boards or commissions of the Participating Members; district attorneys, their assistants, and staff while acting for or on behalf of district attorneys; agents, volunteers, and useful public servants as that term is used under Colorado statutes governing useful public service; **all of the foregoing while acting for or on behalf of the Participating Members**” and “(5) Any person while using an automobile owned or hired by a Participating Member and any person or entity permitting or authorizing that person to use the automobile, but **only if the automobile is actually used for or on behalf of a Participating Member** and within the scope of permission or authorization of the Participating Member.” For complete coverage language, refer to the CAPP Excess Liability Policy available at www.ctsi.org.

The bold text points out that the coverage exists only when the vehicle is being used on behalf of the county for its business purpose. A courtesy car or any county vehicle being driven by a private individual for their personal use does not fit this definition.

OTHER PERSONAL USE OF COUNTY VEHICLES

This same situation occurs when a county is asked to provide one of its vehicles to a private group for their personal use. For example, a private community group may approach the county requesting the use of a county van for a shopping trip or sightseeing tour. These requests should be turned down as CAPP's auto liability coverage is only for the business use of county vehicles. The pool and county's coverage are at risk when vehicles are used for personal business.

What about the county employee who has a county vehicle assigned to them for county business and uses it for casual personal errands? For instance, on the way to work an employee may drop off the kids at school or stop at the store. CAPP coverage would apply as the primary use of the vehicle is for county business. Using the county vehicle for a vacation trip, however, would put the pool and county's coverage at risk.

WHAT THIS MEANS FOR COUNTIES

Airport courtesy cars should have their own coverage outside of CAPP. Airport courtesy car coverage is available by contacting Nathan Kathol at 303 889 2532 or Nathan_Kathol@ajg.com. Counties should have a policy in place that limits vehicle use to county purposes.

For more information, contact at CTSI, 303 861 0507.