



2012-008

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

October 28, 2011

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Honorable Collins Pettaway, Jr.  
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TO THE EXTENT THERE IS A  
CONFLICT, THIS OPINION HAS BEEN  
MODIFIED BY AN OPINION ISSUED  
TO HONORABLE SIDNEY L.  
CHAPMAN, JR., BARBOUR COUNTY  
CORONER, DATED 5-22-15, A.G. NO.  
2015-047.

Coroners – Motor Vehicles – County  
Commissions – Expenses – Perry County

Whether the Perry County Coroner may use or drive the vehicle provided to him by the Perry County Commission to go to work at his place of employment in Bibb County and any other errands or personal use so he can be on call to answer any job-related duties, is a matter best suited for the Perry County Commission and the Ethics Commission to determine.

Dear Mr. Pettaway:

This opinion of the Attorney General is issued in response to your request on behalf of the Perry County Commission.

QUESTION

Can the Perry County Coroner use or drive the vehicle provided to him by the Perry County Commission to go to work at his place of employment in Bibb County and any other errands or personal use so he can be on call to answer any job-related duties?

FACTS AND ANALYSIS

In your letter of request, you informed this Office of the following:

To facilitate the effectiveness of the office of the county coroner, the Perry County Commission authorized and provided a vehicle for the Coroner to use in his official duties. . . . The coroner is also allowed to use the gasoline provided by the county and maintenance for the vehicle provided by the county. The coroner handles the deaths in the county. Rarely would he have to transport bodies as the county has a contract with a vendor for such service, although the situation could arise for that. The coroner also has a job in Bibb County (an adjacent county) and desires to use the vehicle to travel to said job so he can answer calls when and if they come.

Your inquiry questions whether the Perry County Coroner may use the vehicle provided to him by the Perry County Commission ("Commission") to commute to and from work, which is in Bibb County, and run any other personal errands. Your inquiry also notes that the Commission permits the coroner to use the county gasoline, as well as providing for the service of the vehicle. It may be surmised that the Commission questions whether such extemporaneous use is incidental to the position of the coroner.

This Office has previously determined that a county commission may furnish a coroner with an automobile. Opinion to Honorable J. Robert Faulk, Attorney, Autauga County Commission, dated May 4, 2005, A.G. No. 2005-123. Notwithstanding this determination, this Office is unaware of specific laws concerning the use of motor vehicles owned by a county. Because the Commission is given the authority to maintain county property as the commission determines to be expedient, the county may choose to consider promulgating rules and regulations regarding the use of county vehicles. ALA. CODE § 11-3-11 (2008); *see, generally*, opinion to Honorable Homer P. Cox, Mayor, Town of Arley, dated January 11, 1995, A.G. No. 95-00091.

This Office is authorized to answer questions of law. Whether the contemplated use of the county vehicle by the coroner is warranted or excessive is a factual determination that would best be suited for a decision by the Perry County Commission and/or the Ethics Commission. This Office has, however, noted that the *de minimis* personal use of governmental property is permissible. *See, generally*, opinion to Honorable James K. Lyons, Acting Director, Alabama State Docks, dated March 28, 2000, A.G. No. 2000-112. Yet, it should also be noted that any personal benefit that the coroner receives as a result of the use of the automobile is deemed taxable income by the Internal Revenue Service and should be so reported by the Commission. *Id.* at p. 3. *See also*, opinion to

Honorable Collins Pettaway, Jr.  
Page 3

Honorable John C. Starr, Jr., State Representative, dated July 5, 1983, A.G. No. 83-00376 (stating that a police officer who resides outside the city police jurisdiction may use the police department vehicle to commute to and from work, if the city council approves such action).

CONCLUSION

Whether the Perry County Coroner may use or drive the vehicle provided to him by the Perry County Commission to go to work at his place of employment in Bibb County and any other errands or personal use so he can be on call to answer any job related duties, is a matter best suited for the Perry County Commission and the Ethics Commission to determine.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE  
Attorney General  
By:



BRENDA F. SMITH  
Chief, Opinions Division

LS/MMG  
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