

ACTION: FINAL
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5101:1-39-29 **Automobiles and other modes of transportation as resources.**

- (A) An automobile means any vehicle used for transportation. It can include, in addition to cars and trucks: boats, snowmobiles, animal-drawn vehicles, and even animals.
- (B) One automobile is excluded regardless of value if, for the individual or a member of the individual's household, it is: necessary for employment; necessary for the treatment of specific or regular medical problems; modified for operation by, or the transportation of, a handicapped person; or necessary, because of climate, terrain, distance or similar factors, for the performance of essential daily activities.
- (1) For the purposes of determining the resource assessment for couples when one spouse is institutionalized, one automobile is considered totally exempt, regardless of its use and value in accordance with rule 5101:1-39-35 of the Administrative Code.
 - (2) If no automobile is excluded for one of the above listed reasons, up to four thousand five hundred dollars of the current market value of one automobile is excluded. If the current market value exceeds four thousand five hundred dollars, the excess counts as a resource unless the automobile can be excluded under some other rule. Equity value is not a consideration for purposes of this exclusion.
 - (3) Any automobile an individual owns in addition to the one wholly or partly excluded and which cannot be excluded under another rule (e.g., property essential for self-support) is a resource in the amount of its equity value.
 - (4) If one of two cars can be excluded as necessary for one of the reasons listed above, and the other will be a countable resource, the exclusion applies to the car with the greater equity value regardless of which car is actually used.
 - (5) The equity value is counted for all additional vehicles used as transportation, regardless of the type of vehicle (e.g., automobiles, boats, etc.).
 - (6) The equity value is counted for all vehicles that are not used for transportation (e.g., pleasure boats, snowmobiles, etc.) or excluded under another rule (e.g., necessary for self-employment). These vehicles are considered countable, not excludable, personal property.

- (C) For the purpose of determining whether a vehicle is used for transportation (i.e., whether it is an automobile for medicaid purposes), accept the individual's account of its use unless a question arises. If a vehicle is not being used for transportation, find out why.
- (1) A temporarily broken-down vehicle normally used for transportation still qualifies as an automobile. One that has been junked or that is used only as a recreational vehicle (such as a boat used weekends on the lake) does not qualify as an automobile.
 - (2) Vehicles that do not meet the definition of an automobile are personal property. The value they have as a resource is their equity value, and the personal effects exclusion (see rule 5101:1-39-28 of the Administrative Code) does not apply to them.
- (D) The current market value of an automobile is determined by the average trade-in value shown for the vehicle in the most recently published of either the "NADA Official Used Car Guide" or the "NADA Older Car Guide". The description of the car must be complete enough to enable the eligibility workers to find it in the appropriate N.A.D.A. guide. The description should include the year, make, model, number of doors, equipment, etc. Absent evidence to the contrary, assume the vehicle to be in average condition.
- (1) If the NADA guide cannot be used (e.g., animal-drawn vehicle), obtain a current market value estimate from a disinterested knowledgeable source.
 - (2) If the individual disagrees with the value of the vehicle he can rebut the value by obtaining a written appraisal of the vehicle's current market value from a disinterested knowledgeable source, such as a used car or truck dealer or an automobile insurance company. The ~~CDHS~~ county department of job and family services (CDJFS) is not bound by this appraisal but the appraisal should be considered in the evaluation of the vehicle.
 - (3) Always verify the collector value of an antique or other collectible vehicle.

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