

Federal Property Management Regulations

§ 101-38.400

times. Officers and employees entrusted with a motor vehicle are responsible for the proper care, operation, maintenance, and protection of the vehicle. Any officer or employee who uses or authorizes the use of such vehicle for other than official purposes is subject to a suspension of at least 1 month or, up to and including, removal by the head of the agency (31 U.S.C. 1349).

[62 FR 327, Jan. 3, 1997]

§ 101-38.301-1 Contractors' use.

Heads of agencies are responsible for ensuring that the employees of contractors and subcontractors use Government-owned or -leased motor vehicles for official purposes only. ("Official purposes" do not include transportation of a contractor's employee between domicile and place of employment unless specifically provided for under the terms of the contract; and approved in writing by the contracting officer or otherwise provided by law); that employees of contractors and subcontractors authorized to use Government motor vehicles use such vehicles solely in the performance of the Government contract and subcontract thereunder; that such contractors and subcontractors establish and enforce suitable penalties for their employees who use or authorize the use of such vehicles for other than official purposes; and that appropriate provision is made for the assumption by the contractor or subcontractor of any cost or expense incident to use not related to the performance of the contract without the right of reimbursement from the Government for such cost or expense.

§ 101-38.301-2 Violations.

Whenever the Administrator of General Services becomes aware of any violation of the provisions of § 101-38.301 or § 101-38.301-1 concerning the unauthorized use of Government motor vehicles, the Administrator, GSA, shall report the violation to the Head of the agency in which the vehicle operator is employed, for further investigation and appropriate disciplinary action under 31 U.S.C. 1349, or where appropriate, re-

ferral to the Attorney General for prosecution under 18 U.S.C. 641.

§ 101-38.301-3 Violation of State and local motor vehicle traffic laws.

Operators of Government-owned or -leased motor vehicles shall become familiar with and obey all motor vehicle traffic laws of the State(s) and local jurisdictions in which they operate. Violation of State or local motor vehicle traffic laws can result in fines and/or imprisonment of the motor vehicle operator.

(a) Fines imposed on a Government employee for an offense committed by him or her while in the performance of, but not as a part of, the employee's official duties are imposed on the employee personally and payment thereof is his or her personal responsibility. This includes fines for parking violations while operating a Government-owned or -leased motor vehicle. However, reimbursement of parking fees is normally allowed when the fees are incurred by Federal employees in the performance of their official duties.

(b) Except when the scope of their employment dictates otherwise, operators of Government motor vehicles shall obey posted speed limits. Operators will also be cognizant of the effects that weather and traffic conditions have on travel speeds.

[54 FR 30895, July 25, 1989]

Subpart 101-38.4—Use and Replacement Standards

§ 101-38.400 Applicability.

The motor vehicle replacement standards prescribed in this subpart are the minimum standards to be used by all executive agencies desiring to replace motor vehicles. Executive agencies may retain motor vehicles that are in usable and workable condition even though the standard permits replacement, provided that the vehicle can be used or operated an additional period without excessive maintenance cost or substantial reduction in resale value. The fuel economy criteria set forth in § 101-38.101-3 must be followed in acquiring replacement vehicles.