

## **Federal Management Regulation**

## **§ 102-34.220**

new plates to: General Services Administration, ATTN: GSA Fleet (QMDB), 2200 Crystal Drive, Arlington, VA 22202.

### **§ 102-34.195 Must we submit a report concerning motor vehicles exempted under this subpart?**

Yes. If asked, the head of each executive agency must submit a report concerning motor vehicles exempted under this subpart. This report, which has been assigned interagency report control number 1537-GSA-AR, should be submitted to the: General Services Administration, ATTN: MT, Washington, DC 20405. E-mail: *vehicle.policy@gsa.gov*.

## **Subpart D—Official Use of Government Motor Vehicles**

### **§ 102-34.200 What is official use of Government motor vehicles?**

Official use of a Government motor vehicle is using a Government motor vehicle to perform your agency's mission(s), as authorized by your agency.

### **§ 102-34.205 May I use a Government motor vehicle for transportation between my residence and place of employment?**

No, you may not use a Government motor vehicle for transportation between your residence and place of employment unless your agency authorizes such use after making the necessary determination under 31 U.S.C. 1344 and part 102-5 of this title. Your agency must keep a copy of the written authorization within the agency and monitor the use of these motor vehicles.

### **§ 102-34.210 May I use a Government motor vehicle for transportation between places of employment and mass transit facilities?**

Yes, you may use a Government motor vehicle for transportation between places of employment and mass transit facilities under the following conditions:

(a) The head of your agency must make a determination in writing, valid for one year, that such use is appropriate and consistent with sound budget policy, and the determination must be kept on file;

(b) There is no safe and reliable commercial or duplicative Federal mass transportation service that serves the same route on a regular basis;

(c) This transportation is made available, space provided, to other Federal employees;

(d) Alternative fuel vehicles should be used to the maximum extent practicable;

(e) This transportation should be provided in a manner that does not result in any additional gross income for Federal income tax purposes; and

(f) Motor vehicle ridership levels must be frequently monitored to ensure cost/benefit of providing and maintaining this transportation.

### **§ 102-34.215 May Government contractors use Government motor vehicles?**

Yes, Government contractors may use Government motor vehicles when authorized in accordance with the Federal Acquisition Regulation (FAR), GSA Fleet procedures, and the following conditions:

(a) Government motor vehicles are used for official purposes only and solely in the performance of the contract;

(b) Government motor vehicles cannot be used for transportation between residence and place of employment, unless authorized in accordance with 31 U.S.C. 1344 and part 102-5 of this chapter; and

(c) Contractors must:

(1) Establish and enforce suitable penalties against employees who use, or authorize the use of, Government motor vehicles for unofficial purposes or for other than in the performance of the contract; and

(2) Pay any expenses or cost, without Government reimbursement, for using Government motor vehicles other than in the performance of the contract.

### **§ 102-34.220 What does GSA do if it learns of unofficial use of a Government motor vehicle?**

GSA reports the matter to the head of your agency. The agency investigates and may, if appropriate, take disciplinary action under 31 U.S.C. 1349 or may report the violation to the Attorney General for prosecution under 18 U.S.C. 641.

**§ 102-34.225****§ 102-34.225 How are Federal employees disciplined for misuse of Government motor vehicles?**

If an employee willfully uses, or authorizes the use of, a Government motor vehicle for other than official purposes, the employee is subject to suspension of at least one month or, up to and including, removal by the head of the agency (31 U.S.C. 1349).

**§ 102-34.230 How am I responsible for protecting Government motor vehicles?**

When a Government motor vehicle is under your control, you must:

- (a) Park or store the Government motor vehicle in a manner that reasonably protects it from theft or damage; and
- (b) Lock the unattended Government motor vehicle. (The only exception to this requirement is when fire regulations or other directives prohibit locking motor vehicles in closed buildings or enclosures.)

**§ 102-34.235 Am I bound by State and local traffic laws?**

Yes. You must obey all motor vehicle traffic laws of the State and local jurisdiction, except when the duties of your position require otherwise. You are personally responsible if you violate State or local traffic laws. If you are fined or otherwise penalized for an offense you commit while performing your official duties, but which was not required as part of your official duties, payment is your personal responsibility.

**§ 102-34.240 Who pays for parking fees?**

You must pay parking fees while operating a Government motor vehicle. However, you can expect to be reimbursed for parking fees incurred while performing official duties.

**§ 102-34.245 Who pays for parking fines?**

If you are fined for a parking violation while operating a Government motor vehicle, you are responsible for paying the fine and will not be reimbursed.

**41 CFR Ch. 102 (7-1-10 Edition)****§ 102-34.250 Do Federal employees in Government motor vehicles have to use all safety devices and follow all safety guidelines?**

Yes, Federal employees in Government motor vehicles have to use all provided safety devices including safety belts and follow all appropriate motor vehicle manufacturer safety guidelines.

**Subpart E—Replacement of Motor Vehicles****§ 102-34.255 What are motor vehicle replacement standards?**

Motor vehicle replacement standards specify the minimum number of years in use or miles traveled at which an executive agency may replace a Government-owned motor vehicle (see § 102-34.270).

**§ 102-34.260 May we replace a Government-owned motor vehicle sooner?**

Yes. You may replace a Government-owned motor vehicle if it needs body or mechanical repairs that exceed the fair market value of the motor vehicle. Determine the fair market value by adding the current market value of the motor vehicle plus any capitalized motor vehicle additions (such as a utility body or liftgate) or repairs. Your agency head or designee must review the replacement in advance.

**§ 102-34.265 May we keep a Government-owned motor vehicle even though the standard permits replacement?**

Yes. The replacement standard is a minimum only, and therefore, you may keep a Government-owned motor vehicle longer than shown in § 102-34.270 if the motor vehicle can be operated without excessive maintenance costs or substantial reduction in resale value.

**§ 102-34.270 How long must we keep a Government-owned motor vehicle?**

You must keep a Government-owned motor vehicle for at least the years or miles shown in the following table, unless it is no longer needed and declared excess: