

National Aeronautics and Space Administration uses in the conduct of investigation or law enforcement activities.

(q) *National Labor Relations Board.* Motor vehicles that the field offices use for investigative activities.

(r) *National Security Council.* All motor vehicles operated by the Central Intelligence Agency.

(s) *Nuclear Regulatory Commission.* Motor vehicles that the Nuclear Regulatory Commission designates for use in the conduct of security operations or in the enforcement of security regulations.

(t) *Office of Personnel Management.* Motor vehicles designated by the U.S. Office of Personnel Management for use in the investigative program of the Office of Personnel Investigations and Regional Investigation activities.

(u) *Postal Service, United States.* Motor vehicles that the Postal Inspection Service uses for investigative and law enforcement activities.

(v) *State, Department of.* All motor vehicles designated for the protection of both domestic and foreign dignitaries and motor vehicles used in the investigations of passport and visa fraud cases.

(w) *Transportation, Department of.* All motor vehicles used for intelligence, investigative, or security purposes by the DOT Office of Inspector General; the OST Office of Security; the Investigations and Security Division and field counterparts in the U.S. Coast Guard; the Office of Civil Aviation Security and field counterparts in the Federal Aviation Administration; and the Idaho Division Office of Motor Carriers in the Federal Highway Administration.

(x) *Treasury, Department of the.* All motor vehicles operated by the U.S. Secret Service; Criminal Investigation Division, Internal Security Division, and vehicles used for investigative purposes by the Collection Division of the Internal Revenue Service; the Office of Enforcement and the Office of Inspection of the Bureau of Alcohol, Tobacco and Firearms; and the Office of Enforcement, Office of Compliance Operations, and Office of Internal Affairs of the U.S. Customs Service.

(y) *Veterans' Affairs, Department of.* All motor vehicles used for investigative purposes by the Office of the Inspector General.

[51 FR 11684, Apr. 4, 1986, as amended at 57 FR 53282, Nov. 9, 1992; 62 FR 327, Jan. 3, 1997]

#### **§ 101-38.204-2 Special exemptions.**

All vehicles assigned for the personal use of the President and the heads of executive departments as enumerated in 5 U.S.C. 101 are exempt from the requirement to display official identification. All vehicles, other than those assigned for the personal use of the President, shall display the official U.S. Government tags.

#### **§ 101-38.204-3 Requests for exempted motor vehicles in the District of Columbia.**

The head of each executive agency shall designate an official to approve requests for regular District of Columbia tags for motor vehicles exempted from carrying U.S. Government tags and other identification. Agencies shall furnish the name and facsimile signature for each representative to the District of Columbia, Department of Transportation, annually.

#### **§ 101-38.204-4 Report of exempted motor vehicles.**

The head of each executive agency shall submit a report, upon request, to the General Services Administration, ATTN: MTV, Washington, DC 20405, concerning motor vehicles exempted under subpart 101-38.2. Interagency report control number 1537-GSA-AR has been assigned to this reporting requirement.

[62 FR 327, Jan. 3, 1997]

### **Subpart 101-38.3—Official Use of Government Motor Vehicles**

#### **§ 101-38.300 Scope.**

This subpart prescribes the requirements governing the use of Government motor vehicles acquired for official purposes.

#### **§ 101-38.301 Authorized use.**

Officers and employees of the Government shall use Government-owned or -leased motor vehicles for official

purposes only. "Official purposes" does not include transportation of an officer or employee between his or her residence and place of employment, unless authorized under the provisions of 31 U.S.C. 1344, or other applicable law. A copy of any written approval shall be maintained at the appropriate level within the agency. Each agency should establish procedures to monitor and control the use of its vehicles at all 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, referral 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