

# MS 522 Motor Vehicle Use and Insurance

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MS 522 Motor Vehicle Use and Insurance Procedures

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## 1.0 Purpose

This Manual Section sets out Peace Corps policy for the use and insurance of Peace Corps Vehicles in the following circumstances:

- (a) Use of Peace Corps Motor Vehicle overseas and in the United States.
- (b) Insurance of Peace Corps Vehicles overseas.
- (c) Ownership and use of private Vehicles by employees overseas.

Refer to MS 523 *Motorcycles and Bicycles* for operation, ownership, and use of motorcycles and bicycles overseas.

Refer to MS 450 *Volunteer and Trainee Transportation* for the use of Vehicles by Volunteers on personal leave to another post outside of their country of service.

Procedures implementing this Manual Section are located in MS 522 *Motor Vehicle Use and Insurance Procedures* (Procedures).

## 2.0 Authorities

- (a) **Other Authorized Uses.** The Peace Corps has the authority to authorize the use of Motor Vehicles overseas in accordance with the “countrywide policy” issued by the Chief of the Mission under 22 U.S.C. 2700 and the Department of State implementing regulations in 14 FAM 432.5 and 433.3.
- (b) **Incidental Use.** Section 503 of Pub. L. 101–194, as amended by section 6(b) of Pub. L. 101–280, 31 U.S.C. 1344 note, authorizes an agency to prescribe regulations for the “Incidental Use” of Motor Vehicles.
- (c) **Home-to-Work Transportation.** The Peace Corps has the authority to authorize the use of Vehicles for certain Home-to-Work Transportation overseas and in the United States under 31 U.S.C. 1344 and the GSA implementing regulations in 41 CFR Part 102-5. In addition, section 1344(g) authorizes transportation between the place of employment and a mass transit facility.
- (d) **Insurance.** The Peace Corps has the authority under Section 15(d)(8) of the Peace Corps Act to purchase insurance for Peace Corps Motor Vehicles overseas.
- (e) **Safe Operation of Motor Vehicles.** Executive Order 13513 (October 1, 2009), "Federal Leadership on Reducing Text Messaging While Driving"; 5 U.S.C. 7902(d) "Safety Programs" and Executive Order 12196, “Occupational Safety and Health Programs for Federal Employees” (February. 26, 1980).

## 3.0 Definitions

- (a) **Authorizing Officials** means the Chief of the Office of Administrative Services in the U.S and Country Directors at posts, except that the Regional Director is the Authorizing Official for use of Motor Vehicle by the Country Director.
- (b) **Business Use** means the use of a Motor Vehicle for the conduct of the U.S. Government business or to further the purposes of the U.S. Government. See the Procedures for examples of Business Uses.
- (c) **Driving** means operating a Motor Vehicle on a Roadway, including while temporarily stationary because of traffic congestion, a traffic signal, a stop sign, another traffic control device, or otherwise. Driving does not include being in the Vehicle (with or

without the motor running) in a location off the Roadway where it is safe and legal to remain stationary.

- (d) **Employee** means a U.S. citizen direct-hire, Foreign Service National, or Peace Corps personal services contractor (PSC).
- (e) **Field Work** means official Peace Corps work performed by an employee whose job requires the employee's presence at various locations that are at a distance from the employee's duty station or at a remote location that is accessible only by government-provided transportation. Field Work does not include work assignments in which the employee's work day begins and ends at the employee's duty station.
- (f) **Home-to-Work Transportation** means the use of a Peace Corps Vehicle between the operator's residence and place of employment.
- (g) **Incidental Use** means the non-Business Use of a Motor Vehicle where such use is prudent and reasonable under the circumstances and in the interest of the Peace Corps. See the Procedures for examples of Incidental Uses.
- (h) **Motor Vehicle** or **Vehicle** means a motorized Vehicle with four or more wheels or an enclosed motorized three-wheeled Vehicle clearly intended for use as a truck.
- (i) **Official Use** means the use of a Motor Vehicle for Home-to-Work Transportation or for Business Use, Incidental Use, or Other Authorized Use.
- (j) **Other Authorized Use** means the use of a Motor Vehicle in accordance with the Chief of Mission's countrywide policy for a country where a post is located.
- (k) **Other Authorized Drivers** are individuals who are not Peace Corps employees or Volunteers.
- (l) **Procedures** means the procedures implementing this Manual Section.
- (m) **Roadway** means any passageway cleared for vehicular travel. Roadways include, but are not limited to, paved and gravel roads and paths, and dirt tracks.
- (n) **Texting** or **Text Messaging** means reading from or entering data into any handheld or other electronic device (including, but not limited to, cell phones, navigational tools, laptop computers or other electronic devices). This also includes, for the purpose of Short Message Service (SMS), Texting, e-mailing, instant messaging, obtaining navigational information or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or to answer an incoming call, unless this practice is prohibited by state or local law. The term also does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the Vehicle, provided that the destination and route are programmed into the device either before Driving or while stopped in a location off of the Roadway where it is safe and legal to remain stationary.

(o) *Volunteer* means a Peace Corps Volunteer or Trainee.

## **4.0 Roles and Responsibilities**

### **4.1 Office of Administrative Services, Office of Management**

The Chief of the Office of Administrative Services is responsible for the management and use of Peace Corps Motor Vehicles in the United States and ensuring that all Peace Corps employees, and others who may use Peace Corps Vehicles, are familiar with this Manual Section and the Procedures. At least annually, the Chief of the Office of Administrative Services is responsible for issuing a broadcast announcement to employees reminding them of the Text Messaging bans.

### **4.2 Country Directors**

Country Directors are responsible for the day-to-day management and use of post Motor Vehicles in accordance with this Manual Section and the Chief of Mission's countrywide policy (see 14 FAM 432.5). Any conflicts between Peace Corps policy and the Chief of Mission's policy should be brought to the attention of the appropriate Regional Director. Country Directors shall take reasonable steps to ensure that all Peace Corps employees, and others who are permitted to use Peace Corps Vehicles, are familiar with this Manual Section and the Procedures.

### **4.3 Peace Corps Medical Officers**

The Peace Corps Medical Officers (PCMO) at each post are responsible for determining if an emergency medical situation of a Volunteer requires a Peace Corps Vehicle. If PCMOs make such a determination and upon notification to DMO (or designee), PCMOs are authorized priority access of a Peace Corps Vehicle which supersedes any use of a Vehicle by other post staff. For additional information, see sections 3.2.2 and 3.3 of MS 522 *Motor Vehicle Use and Insurance Procedures*.

### **4.4 Chief Acquisition Officer**

The Peace Corps Chief Acquisition Officer is responsible for establishing and disseminating to procurement officials contractual language that is to be included in future contracts, grants, and cooperative agreements, so as to encourage contractors and subcontractors to comply with the Text Messaging bans.

### **4.5 Procurement Officials**

Those individuals who have been delegated procurement authority must:

- (a) comply with requirements developed by the Peace Corps Chief Acquisition Officer to implement Text Messaging bans and encourage contractors, subcontractors, recipients and sub-recipients of contracts, grants, and cooperative agreements to adopt and enforce Text Messaging bans; and
- (b) comply with applicable Federal procurement or grant regulations that may be adopted to ban Text Messaging. Until such regulations banning Text Messaging are adopted,

procurement officials shall encourage contractors and grantees to adopt Text Messaging bans substantively comparable to Executive Order 13513.

#### **4.6 Peace Corps Managers and Supervisors**

Peace Corps managers and supervisors will:

- (a) take prompt disciplinary or other appropriate action in accordance with agency policy and in consultation with the Human Resources Management office or other appropriate office for violations of the Text Messaging bans and report all violations to the Associate Director of Management;
- (b) ensure that newly assigned personnel are informed of the Text Messaging bans; and
- (c) periodically remind employees and Volunteers of the Text Messaging bans and the ramifications and consequences of Text Messaging when Driving a government-owned Vehicle (GOV), when Driving a privately-owned Vehicle (POV) while on official business, or when using electronic equipment supplied by the government while Driving.
- (d) Ensure that all Peace Corps staff, and others who are permitted to use Peace Corps Vehicles, are familiar and comply with MS 522 and the Procedures.

#### **4.7 Peace Corps Employees, Volunteers, and Contractors**

Peace Corps employees and Volunteers must be familiar with and abide by federal, state, local, and Peace Corps Motor Vehicle safety requirements and policies, including the bans on Text Messaging and phone use.

#### **5.0 Business Use Overseas and in the U.S.**

The Country Director overseas or Chief of Administrative Services in the United States may authorize Business Use.

#### **6.0 Other Authorized Use Overseas**

Country Directors may authorize Other Authorized Uses of Vehicles only after approval under the Chief of Mission's countrywide policy for that country (see 14 FAM 432.5), except that the Regional Director is the Authorizing Official for the Country Director. For more information, see the Procedures for examples of Other Authorized Uses. Reimbursement is required as set forth by the U.S. Embassy. The Peace Corps primarily relies on the Chief of Mission authority for Home-to-Work Transportation overseas and not the GSA authority in 8.0.

#### **7.0 Incidental Use Overseas and in the U.S.**

The Country Director overseas or Chief of Administrative Services in the United States may authorize Incidental Use of a Motor Vehicle, except that the Regional Director is the Authorizing Official for the Country Director. Reimbursement is required, according to the Chief of

Mission's countrywide policy, for situations in which there is an additional cost to the Peace Corps for such Incidental Use.

## **8.0 Home-to-Work Transportation under GSA Authority Overseas and in the U.S.**

The Peace Corps Director is authorized to approve Home-to-Work Transportation with Vehicles under 31 USC 1344(b) and 41 CFR Part 102-5. This authority may not be re-delegated.

## **9.0 Operation of Motor Vehicles**

In order to drive a Peace Corps Motor Vehicle overseas, an employee, Volunteer, or other driver, must be authorized to drive a Peace Corps Motor Vehicle by the Country Director or in the United States by the Chief of Administrative Services. However, any person may drive a Peace Corps Motor Vehicle in emergency situations, which involve personal health, safety, or the protection of life or government property.

## **10.0 Texting While Driving**

- (a) Except in an emergency situation, Peace Corps employees, and Volunteers, shall not text message (i) when Driving a government owned, leased, or rented Vehicle (GOV); (ii) when Driving a privately-owned Vehicle (POV) while on official government business; or (iii) while using electronic equipment supplied by the government while Driving any Vehicle (even during off-duty hours);
- (b) The Peace Corps will take appropriate disciplinary action for violation of the bans on Texting, up to and including removal from Federal service; and
- (c) Peace Corps employees and Volunteers, and their families, are encouraged to refrain from Texting or from engaging in any behavior that distracts attention from Driving safely at any time.

## **11.0 Purchase of Motor Vehicle Insurance by Posts**

Country Directors are authorized to purchase insurance for Peace Corps Vehicles and operators in such amounts as are required by local law. Posts may purchase individual or group coverage or may reimburse individuals for the cost of such insurance.

## **12.0 Privately-Owned Vehicles (POV)**

### **12.1 Personal Use of a POV**

To the extent permitted by host country law and applicable embassy regulations, U.S.-hired employees may ship to post, at their own expense, or purchase *at* post, an appropriately modest

Vehicle for their personal transportation. U.S.-hired employees must carry liability insurance on their privately-owned Vehicles to the extent required by local law.

## **12.2 Use of POVs for Official Uses**

Use of POVs for Official Use should normally not be authorized. The Country Director is the Authorizing Official for post employees, except that the Regional Director is the Authorizing Official for the Country Director. The Official Use of POVs is reimbursable to the employee at the in-country rate established by the Chief of Mission. The Peace Corps is not responsible for third-party claims or damage to POVs covered by private insurance. The Peace Corps may exercise its discretionary authority to settle third-party overseas claims not covered by, or in excess of, amounts provided by private insurance.

## **13.0 Misuse of Vehicles**

In addition to other administrative sanctions relating to Peace Corps Vehicle use, employees are subject to 31 U.S.C. 1349(a), which states:

- (a) Any officer or employee who willfully uses or authorizes the use of a passenger Motor Vehicle or aircraft owned or leased by the Government (except for an official purpose authorized by Section 1344 of this title), or otherwise violates Section 1344, shall be suspended without pay by the head of the agency. The officer or employee shall be suspended for at least one month and when circumstances warrant, for a longer period or summarily removed from office.

## **14.0 Procedures**

The Chief of Administrative Services, with the approval of the Office of the General Counsel and Office of Global Operations, is authorized to issue implementing Procedures and amendments thereto.

## **15.0 Effective Date**

This Manual Section takes effect on the date of issuance.