

MS 522 Motor Vehicle Use and Insurance Procedures

Effective Date: November 16, 2015

Responsible Offices: Office of Global Operations, Office of Management/Administrative Services, and Office of General Counsel

Supercedes: 2/8/2013

MS 522_Motor Vehicle Use and Insurance

1.0 Purpose

These mandatory procedures implement MS 522 *Motor Vehicle use and Insurance* for:

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

2.0 Definitions

2.1 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 a motor vehicle by a Country Director.

2.2 Business use means use of a motor vehicle for the conduct of the Peace Corps and other U.S. Government business or to further the purposes of the U.S. Government. These procedures have examples of business uses.

2.3 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. It 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.

2.4 Employee means a U.S. citizen direct-hire, Foreign Service National, or Peace Corps personal services contractor (PSC).

2.5 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.

2.6 Home-to-work transportation means the use of a Peace Corps vehicle between the operator's residence and place of employment.

2.7 Incidental use means non-business use of motor vehicle where the use is a prudent and reasonable under the circumstances and in the interest of the Peace Corps. These procedures have example of incidental uses.

2.8 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.

2.9 Official use means the use of a motor vehicle for home-to-work transportation or a business, incidental or other authorized use.

2.10 Other authorized use means use of a motor vehicle in accordance with the Chief of Mission's countrywide policy for a country where a Post is located.

2.11 Other authorized drivers are individuals who are not Peace Corps employees or Volunteers.

2.12 Roadway means any passageway cleared for vehicular travel. Roadways include, but are not limited to paved roads, dirt tracks, gravel roads, dirt and gravel paths, etc.

2.13 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), including 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 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 the roadway where it is safe and legal to remain stationary.

2.14 Volunteer means a Peace Corps Volunteer or Trainee.

3.0 Roles and Responsibilities

3.1 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 staff, and others who may use Peace Corps vehicles, are familiar with MS 522 and the MS 522 procedures. The Chief of Administrative Services is responsible for issuing a broadcast announcement to employees and contractors reminding them of the text messaging bans at least annually.

3.2 Country Directors

3.2.1 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 staff, and others who are permitted to use Peace Corps vehicles, are familiar with MS 522 and the MS 522 procedures.

3.2.2 Country Directors must establish Post-specific procedures to ensure that:

- (a) At least one Peace Corps vehicle is available at all times for medical treatment of Volunteers.
- (b) The vehicle is appropriate for transporting sick or injured Volunteers given local road conditions.
- (c) The procedures are developed in consultation with the PCMO at Post.
- (d) The procedures must address the following medical concerns:
 - (1) Vehicle access (24-hour access).
 - (2) Need for a driver (24-hour access and method of contact).
 - (3) Need for a translator.
 - (4) Need for medical accompaniment.
 - (5) Emergency equipment and medications (stretcher, back board, stiff cervical collar, head stabilization equipment).
 - (6) To the extent practical, the need to accommodate backboard or stretcher.
 - (7) Travel documents (license, special permits, visas, proof of insurance).

3.3 Chief Acquisition Officer

The Peace Corps Chief Acquisition Officer is responsible for establishing and disseminating to procurement officials contractual language to include in future contracts, grants, and cooperative agreements encouraging contractors and subcontractors to comply with the text messaging bans.

3.4 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.

3.5 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 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 may be permitted to use Peace Corps vehicles, are familiar with MS 522 and these procedures.

3.6 Peace Corps Employees, Volunteers, and Contractors

Peace Corps employees and Volunteers must be familiar with and comply with federal, state, local, and Peace Corps motor vehicle safety requirements and policies, including the bans on text messaging and phone use.

4.0 Business Use

4.1 Examples of business use:

- (a) Transportation of Peace Corps staff, U.S. Government employees and property related to the conduct of U.S. Government business;
- (b) Transportation of Volunteers;
- (c) Transportation of family members in furtherance of an official U.S. Government activity, such as representational events and activities;
- (d) Transportation of contractor's employees when considered necessary to perform work within the scope of their contracts or to further the purposes of the U.S. Government;

- (e) Transportation of counterparts, host government officials, community members, family members of Volunteers and others to further the purposes of the U.S. Government, e.g. to visit a project site; and
- (f) Transportation in exceptional circumstances where the Country Director or Administrative Services determines that the use of the Peace Corps vehicle will further the purposes of the U.S. Government.

4.2 Travel Before and After TDY

Managers and supervisors may authorize an employee to use a Peace Corps vehicle between work and home prior to or after a TDY involving the use of the vehicle where the TDY starts or end at the employee's home.

The approved use of the GOV should be only for the day before or after the TDY. But it can be authorized to take into account a weekend or days of leave. For example, the vehicle will be used on a recruiting trip starting on Monday and the employee may be authorized to take the Peace Corps vehicle home on Friday night to save time and expense of having to come into the office Monday morning.

The employee may only use the vehicle for official travel, not for personal use. The employee must record the use in the vehicle log.

4.3 While **business use** of vehicles can include the transportation of passengers other than staff and Volunteers, this does not mean that Posts are required to provide such transportation. Posts should take into account such factors as local customs and the risk of creating an unrealistic expectation for future transportation in determining whether or not to transport such passengers.

5.0 Other Authorized and Incidental Use

Other authorized and incidental uses are not an entitlement. Peace Corps employees are expected to use privately owned vehicles or public transportation for personal, non-business transportation. Under certain limited circumstances, however, non-business use of a Peace Corps vehicle may be authorized. When determining whether to authorize non-business use of a Peace Corps vehicle, authorizing officials should consider the appropriateness of the use in light of the Peace Corps mission and local perceptions of the Peace Corps in country; set limits on such use to prevent abuse; and ensure that business use of Peace Corps vehicles takes precedence.

6.0 Other Authorized Uses

6.1 The principal authority for non-business uses of a Peace Corps motor vehicle overseas is the other authorized uses approved under the Chief of Mission (COM) authority under 14 FAM 432.5 and 433.3.

6.2 There are several examples of Peace Corps-specific uses for which Country Directors have requested and obtained COM approval.

6.2.1 Employee use during the first and last 90-days at Post

Posts have routinely sought and obtained COM approval for personal use of a Peace Corps vehicle by the employee or spouse during the first and last 90 days at Post. Such use is not a specific other authorized use in the FAM, but has been approved in the past under the COM authority. Country Directors should consult with the Embassy as appropriate to determine the best way to obtain COM approval.

6.2.2 Home-to-Work Use for On-Call Medical Officer

Home-to-work transportation with a Peace Corps vehicle from the on-call medical officer's residence has been authorized by the COM where it was determined to be necessary to assure safe, reliable transportation to respond promptly to after-hours emergencies.

6.2.3 Home-to-Work Use for Rotating Duty Officer

Home-to-work transportation with a Peace Corps vehicle from the rotating duty officer's residence has been authorized by the COM where it was determined that the rotating duty officer needed to use a Peace Corps vehicle to respond to Volunteer emergencies or other urgent after-hours official business and that no safe, reliable, and reasonably quick alternative transportation was available.

6.2.4 Home-to-Work Use for Field Work

Home-to-work transportation for field work with a Peace Corps vehicle has been authorized by the COM for transportation where official Peace Corps work is 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. It does not include work assignments in which the employee's work day begins and ends at the employee's duty station.

7.0 Incidental Use

7.1 Examples of incidental uses:

- (a) vehicle is otherwise being used for official business and the passengers' presence in the vehicle does not result in additional costs to the Peace Corps;
- (b) infrequent use by an employee where it is determined that local transportation is unavailable or unsafe or the use is necessary for the sustenance, comfort, or health of the employee to foster continued efficient performance of Government business
- (c) transportation to restaurants, drug stores, barber shops, places of worship, cleaning establishments, and similar places by a temporary duty employee where it is determined that local transportation is unavailable or unsafe or the use is necessary for the sustenance, comfort, or health of the employee to foster continued efficient performance of Government.

8.0 Authorizing Use and Drivers

Authorization for other authorized and incidental uses and to drive a Peace Corps vehicle must be writing and, to the maximum extent practicable, in advance of the use or operation.

9.0 Driving Peace Corps Vehicles

9.1 Other Authorized and Volunteer Drivers. As a general rule, Peace Corps vehicles should be driven by Peace Corps staff. Authorizing officials may approve other authorized drivers where necessary for safety or program purposes. For example, contractors and their employees may be authorized to operate Peace Corps motor vehicles to perform work within the scope of their contracts or to further the purposes of the Peace Corps. Volunteers, other than Volunteer Leaders should generally not be authorized to drive Peace Corps motor vehicles.

9.2 Valid Local Driver's License. Drivers of Peace Corps vehicles must have a valid local driver's license. The driver is responsible for obtaining and paying for the driver's license. The Peace Corps may reimburse a Peace Corps employee, whose principal duty is that of a driver, for the costs of certificates or other additional requirements for the operation of Peace Corps vehicles.

9.3 Daily Vehicle Log. The driver of a Peace Corps motor vehicle must record each trip taken in the daily vehicle log. The log must be reviewed by Administrative Officers on a weekly basis.

9.4 Liability Insurance Requirement. Other authorized drivers and Volunteer drivers may not be approved to operate a Peace Corps vehicle unless the Post has liability insurance for that purpose or the driver has liability insurance in an amount required by local law or a higher amount as determined by the Country Director.

9.5 Personal Liability. Posts must inform other authorized drivers and Volunteer drivers of their personal liability and the amount of liability insurance the Post has for such drivers.

9.6 Passengers. Passengers in Peace Corps vehicles are not required to sign waivers of liability.

9.7 Safe Operation. Drivers and passengers must wear seatbelts. Drivers shall not use a cell phone to make an outgoing call or answer an incoming call while driving a Peace Corps motor vehicle except in an emergency. Drivers shall not text message except in an emergency situation.

9.8 Accident Reporting. Refer to the Agency Fleet Management Guide for accident reporting requirements.

10.0 Reimbursement for Use

10.1 Reimbursement is required for other authorized uses as set forth in the Chief of Mission's countrywide policy. Reimbursement for incidental uses is required where there is an additional cost to the Peace Corps for the incidental use.

10.2 Reimbursement Rate. Reimbursement to the Peace Corps for vehicle use will be at the in-country rate established by the COM.

10.3 Collections and Deposits. On a monthly basis, Posts must use a daily vehicle log and other vehicle documentation to determine the appropriate amount of reimbursements and to record collection of reimbursements. Posts must deposit reimbursement collections against obligations for fuel expenditures established by the Post. Deposits should not exceed total liquidations against that obligation. (See MS 777 *Billing and Collection Procedures, Debts and Claims and the Overseas Financial Management Handbook.*)

11.0 Liability and Purchase of Liability Insurance

11.1 Posts are not required to purchase vehicle and liability insurance and may decide to self-insure unless required by local law.

11.2 As a general rule, Posts should self-insure for collision/comprehensive/theft or other damage to Peace Corps motor vehicles and not purchase such insurance for Peace Corps motor vehicles.

11.3 In considering the purchase of liability insurance for operators and damage to non-Peace Corps vehicles, Posts should take into consideration the following:

Peace Corps employees and Volunteers generally do not have immunity from personal civil liability under local law and may be personally liable for damages arising out of motor vehicle operations. However, Posts have administrative claim settlement authorities in section 12.0 below which in most cases, these authorities should be sufficient to cover most claims.

12.0 Administrative Settlement of Vehicle Claims

12.1 The Peace Corps has authority to settle claims filed by non-US citizens or non-US residents against the Peace Corps for up to \$20,000 relating to property damage, bodily injury or death resulting from the operation of vehicles overseas by a Peace Corps employee or Volunteer. See MS 775 *Settlement of Claims Arising Abroad*. Country Directors have authority under MS 775 for such claims up to \$2,000. This authority is not limited to business uses, but it covers all official uses. However, it cannot be used where drivers are not Peace Corps employees or Volunteers.

12.2 The Peace Corps also has general claims authority to settle claims where the Peace Corps may be liable under local law. The Chief Financial Officer (CFO) has the authority to settle such claims. Posts have authority delegated under MS 775 *Settlement of Claims Arising Abroad* to settle motor vehicle claims up to \$2,000 against the Peace Corps based on local law or where a claim does not qualify under MS 775, e.g. the driver was not an employee or Volunteer, or it is not covered by the Post insurance policy. Claims in excess of \$2,000 must be referred to the CFO.

12.3 In settling claims, Posts should attempt to settle not only claims against the Peace Corps, but also claims against the driver with the objective of reaching a final resolution for all involved.

12.4 Posts should consult with the Office of the General Counsel on motor vehicle claims that are not covered by insurance or that involve the Post in settlement negotiations.

12.5 If a party attempts to serve the Peace Corps or otherwise seeks to initiate legal action against the Post, Post should immediately contact the Office of the General Counsel and the Management Officer at the Embassy. The Post should not respond to any process, send documents to the court, appear at court, or send anyone else to the court, unless instructed to do so by the Office of the General Counsel. However, if a party seeks to take legal action against a host country national (HCN) driver or any other HCN in their personal capacity, the HCN must comply with local law, which may require the HCN to appear in court. In such a situation, the HCN does not represent the Peace Corps. Post should consult with its insurance company when an HCN is served with notice to appear in court. The HCN should also consult with his or her own insurance company.