

**§ 109-38.301-1.52**

property. Such use shall be documented and the documentation retained for three years.

**§ 109-38.301-1.52 Maintenance of records.**

Designated contractors shall maintain logs or other records on the use of a Government motor vehicle for transportation between an employee's residence and place of employment. As a minimum, these logs shall indicate the employee's name, date of use, time of departure and arrival, miles driven, and names of other passengers. Cognizant finance offices shall be provided with applicable data on employees who utilize Government motor vehicles for such transportation for purposes of the Deficit Reduction Act of 1984 concerning the taxation of fringe benefits.

**§ 109-38.301-1.53 Responsibilities of motor vehicle operators.**

Designated contractors shall assure that their employees are aware of their responsibilities, identical to those listed in §109-6.400-50 of this chapter for DOE employees, concerning the use and operation of Government motor vehicles.

**Subpart 109-38.4—Use and Replacement Standards**

**§ 109-38.401 Use standards.**

**§ 109-38.401-2 Use of self-service pumps.**

It is DOE policy that motor vehicle operators shall use self-service pumps in accordance with the provisions of 41 CFR 101-38.401-2.

**§ 109-38.402 Replacement standards.**

(a) [Reserved]

(b) Motor vehicles may be replaced without regard to the replacement standards in 41 CFR 101-38.402 only after certification by the Director of Administrative Services or the Head of the field organization for their respective organizations that a motor vehicle is beyond economical repair due to accident damage or wear caused by abnormal operating conditions.

**41 CFR Ch. 109 (7-1-10 Edition)**

**§ 109-38.402-50 Prompt disposal of replaced motor vehicles.**

A replaced motor vehicle shall be removed from service and disposed of prior to or as soon as practicable after delivery of the replacement motor vehicle to avoid concurrent operation of both motor vehicles.

**§ 109-38.403 Responsibility for damages.**

**§ 109-38.403-1 Policy.**

The policy for assigning responsibility for vehicle damage is to recover from users the costs for damages which would adversely affect the vehicle's resale.

**§ 109-38.403-2 Responsibility.**

The designated contractor will charge the using organization all costs resulting from damage, including vandalism, theft and parking lot damage to a DOE vehicle which occurs during the period that the vehicle is assigned to an employee of that organization. The charges recovered by the designated maintenance operation will be used to repair the vehicle. Other examples for which organizations will be charged are as follows:

(a) Damage caused by misuse or abuse inconsistent with normal operation and local conditions; or

(b) Repair costs which are incurred as a result of user's failure to obtain required preventative maintenance; or

(c) Unauthorized purchases or repairs, including credit card misuse, provided there is a clear, flagrant, and documented pattern of such occurrences.

**§ 109-38.403-3 Exceptions.**

Exceptions to §109-38.403-2 of this subpart are as follows:

(a) As the result of the negligent or willful act of a party other than the organization or its employee, and the responsible party can be determined; or

(b) As a result of mechanical failure and the employee was not otherwise negligent. Proof of the failure must be provided; or

(c) As a result of normal wear comparable to similar vehicles.