

PART I

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

J-4-
8-2212-1 OPERATION OF MOTOR VEHICLE[12-1.1 Government Operator's License

[Regulations established by the Office of Personnel Management require agencies to develop procedures to identify those employees who are qualified and authorized to operate Government-owned/leased motor vehicles for official business. In order to identify those FBI employees who are authorized and qualified to operate Government-owned/leased motor vehicles, the Government Driver's License, (Optional Form (OF) 346, formerly Standard Form (SF) 46) will be issued to FBI employees authorized and qualified to operate Government-owned/leased motor vehicles.]

12-1.1.1 Special Agents Exempted

[Special Agents of the FBI are exempt from the above provision and therefore need not be issued the Government Driver's License. However, Special Agents must possess a valid motor vehicle operator's license issued by state or local authorities where the Special Agent is domiciled or principally employed.]

12-1.2 Requirements for Government Operator's License12-1.2.1 Valid State or Local Operator's License

(1) Each employee must have a valid operator's permit issued by state or local authorities where the employee is domiciled, or principally employed, before he/she can obtain a Government operator's permit or operate a [Government-owned/leased] motor vehicle.

(2) For Bureau purposes, a valid state or local license is considered as a basic document indicating fitness to drive any motor vehicle in all cases in which no special license is required.

12-1.2.2 Physical Fitness Report (SF-47)

All employees driving motor vehicles must be certified as physically fit. Form SF-47 (Physical Fitness Inquiry For Motor Vehicle Operators) must be submitted by all employees requesting a Government operator's license.

[(1) Non-Agent] personnel should fill out this form and it should be placed in the employee's personnel file. [The SF-47 for field personnel will be initiated by their respective field offices and maintained in the employee's field personnel file. Since Special Agent personnel are not required to have a Government operator's license and receive either an annual or triennial physical examination, Special Agents are not required to execute the SF-47. Special Agent personnel need only to execute the FD-288 for certification to operate a Government-owned/leased motor vehicle.]

[(2)] Division heads or SACs are responsible for ensuring that only employees physically fit are permitted to operate a Government motor vehicle. An affirmative answer to any question on the SF-47 will require the reviewing official to determine whether a physical examination is necessary. Where doubt exists concerning the operator's physical fitness, the case should be resolved in favor of a physical examination.

[(3)] FBIHQ must be promptly advised of any employee who has been restricted from driving for any physical reason. Each case is then to be followed closely and when the restriction has been removed, by proper medical certification, FBIHQ is to be advised.

PART I

SECTION 12. MOTOR VEHICLE OPERATIONS AND ACCIDENTS

[(4)] Any employee whose vision is corrected by glasses to meet the required standards must be specifically instructed he/she may operate a Bureau vehicle only when wearing corrective lenses. [Such restrictions should also be noted on the employee's Government Driver's License (OF-346, formerly SF-46) and on the FD-288.]

12-1.2.3 Driving Certification (FD-288)

Form FD-288 (Driving Certification) is to be filled out [upon request for a Government Driver's License and every four years thereafter] by all employees who drive [Government-owned/leased] motor vehicles. FBIHQ will advise the field by SAC Memorandum when FD-288 (Driving Certification) completion is necessary for recertification of Agent personnel. Non-Agent personnel will be recertified upon renewal of their Government Driver's Licenses.]

[(1)] Agent [and Non-Agent] personnel should fill out this form and it should be placed in the employee's field personnel file.

[(2)] If at any time a question arises concerning the past safe-driving record of an employee, the division head or SAC must carefully review all aspects of the case and determine whether or not this employee must take a road test before he/she may be authorized to operate a Government motor vehicle incidental to his/her official duties.

[(3)] Any restrictions on an employee's driving permit, i.e., "valid only when wearing glasses," etc., must be noted on the FD-288 and on the Government driving permit.

12-1.2.4 Road Test (FD-288) - Requirements and Administration

Certification may also be made by official FBI road test. If the employee qualifies through the road test, notation to this effect should be made on [Form] FD-288.

(1) The following road test regulations are to be followed unless they conflict with state laws or regulations of local authorities in the state where employee is principally employed.

(a) The official FBI road test procedures are contained in [[Form] FD-288, operator's road test.

(b) The form provides a systematic method of determining employee proficiency in operating a motor vehicle properly and safely under both adverse and normal conditions.

(2) The test will be used to determine the driving ability of employees in the following categories:

(a) Those employees charged with moving violations involving driver performance or who become involved in an accident in which they are found to be at fault while operating any motor vehicle on personal or Government business. Those employees are to be road tested only when it is considered necessary to redetermine their driving competency before they are allowed to continue driving motor vehicles in the performance of official duties.

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

(b) Employees undergoing training in New Agent's class. Those employees are to be tested by the Training Division to evaluate basic driving fitness.

(c) Employees who are to drive buses and trucks are to be road tested as required with the type of vehicle to be operated by them.

(3) Administration of road test to Agent and non-Agent personnel.

(a) Tests shall be administered to investigative personnel by Special Agent examiners.

(b) Tests administered to noninvestigative employees may be given by support personnel assigned to automotive inspection duties, provided the division head or SAC indicates such employees are fully qualified to perform this work.

(c) An employee is considered competent as an examiner if:
 [[he/she]has operated a motor vehicle of the type to be used in the test for a distance of at least 3,000 miles during the previous three-year period;
 [[he/she]is considered to be an above-average driver; and[he/she]has passed the FBI road test satisfactorily.

12-1.2.5 Road Test - Failure

Employees failing the test should be so advised by the division head or[his/her]assistant (SAC or ASAC) who should point out the deficiencies of their driving and advise them that the deficiencies must be corrected within a reasonable time by instruction and practice obtained on their own time, using a non-Government-owned vehicle.

(1) Employees may not operate any motor vehicle on official business during this interim period.

(2) Employees should advise the division head or SAC within a two-week period that remedial action has been completed so that a second test may be scheduled.

(3) Support personnel failing a second test will be eliminated for a period of thirty days from being considered for further opportunities to qualify to drive[Government-owned/leased]vehicles.

If the support person occupies a position which requires driving a vehicle, FBIHQ should be advised of the employee's failure to pass the FBI road test, setting forth UACB recommendation as to further action to be taken. [FBIHQ should be advised of what duties are being assigned to the employee while he/she is in a nonqualified status as a driver of Government-owned/leased vehicles.]

[(4)] The second road test should not be given to an employee by the same examiner.

PART I

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

[12-1.3 Issuance of Government Operator's License (Optional Form 346, Formerly Standard Form 46)

[Licenses and appropriate forms (SF-47 and FD-288) will be prepared at FBIHQ for FBIHQ employees. Each field office will prepare the Government Operator's Licenses and appropriate forms (SF-47 and FD-288) for their respective employees. Each field office is responsible for the issuance and control of the Government Operator's Licenses for their respective employees. The necessary property receipt must be executed by the employee in receipt of a Government Operator's License. The Government Operator's License must be turned in when the employee leaves FBI service or is no longer required to possess the license.]

12-1.4 Renewal of Government Operator's License

[Government licenses are renewable every [four (4)] years.

[(1) [Forms SF-47 and FD-288 should be filled out in accordance with 12-1.2.2 and 12-1.2.3 by employees who drive Government-owned/leased motor vehicles.]

(2) These forms are to be reviewed by the division head or SAC to ensure that employees still meet the necessary requirements to operate a motor vehicle.

(3) A road test is not mandatory for renewing an employee's authorization to operate a vehicle on official business when he/she has a safe driving record.

[If there is a question [or] doubt about the employee's safe driving record the division head or SAC should adhere to 12-1.2.3, subparagraph [(2).]

12-1.5 Suspension of Driving Privileges

In any case where a question arises concerning an employee's fitness to drive, the division head or SAC must carefully review all aspects of the case and make a final determination. In all cases, a recommendation should be submitted to FBIHQ UACB as to whether the employee is to be allowed to operate a motor vehicle incidental to his/her official duties on the strength of his/her record or whether he/she must be given a road test to do so. This communication must also contain any recommendation for other disciplinary action FBIHQ should take with respect to the employee involved.

(1) The authorization of any Bureau employee to operate a motor vehicle incidental to his/her official duties shall be immediately suspended and FBIHQ advised, when:

(a) The examining medical officer finds that the employee fails to meet the required physical standards and the disqualifying defect is of a permanent nature.

(b) The employee's state or local license is suspended or revoked.

(c) The employee is convicted of operating a motor vehicle under the influence of narcotics or intoxicating liquor.

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

(d) The employee is convicted of leaving the scene of an accident.

(e) Any arrest for violations described in subparagraphs (c) and (d) must be reported immediately to FBIHQ as set out in this manual, Part I, Section 13, entitled "Disciplinary Matters."

(2) Consideration for suspension of any Bureau employee from operating a motor vehicle incidental to employee's official duties when any one of the following conditions applies:

(a) It is determined by medical examination that the employee fails to meet physical standards, but the defect is considered to be of a temporary or correctable nature.

(b) While operating a motor vehicle on official or personal business, the employee is involved in a traffic violation other than a parking violation, or is involved in an accident in which employee is found to be at fault.

(c) The employee improperly operates the motor vehicle assigned to him/her.

(3) An employee whose driving privilege is suspended shall not be reauthorized to drive a Government vehicle without FBIHQ approval. This authority will be granted only after all FBI, state and local requirements, as outlined under [12-1.2] Requirements for Government Operator's License, have been met.

12-1.6 Loss of Government Operator's License

All employees must be cautioned against loss of this identification card. Loss by an employee must be immediately reported to FBIHQ with recommendation as to administrative action to be taken.

12-1.7 Traffic Violations

(1) Division heads and SACs must advise FBI Headquarters of the issuance of traffic tickets, subpoenas or warrants to FBI employees while driving in the following situations:

(a) Only aggravated traffic violations incurred while driving a privately owned automobile, which have resulted in the employee's being arrested by local authorities and all instances involving the issuance of a traffic citation wherein the use of alcoholic beverages is cited as part of or being a contributing factor in the offense, i.e., Driving While Intoxicated (DWI), Driving Under the Influence (DUI).

(b) Any traffic violation, no matter how minor in nature, received while operating a Bureau vehicle or while performing in a duty status.

(2) An employee who receives a traffic citation in one of the above-mentioned situations must advise his/her immediate supervisor of any violations promptly. Any situation in which the employee is in doubt as to the reporting requirement is to be resolved in favor of reporting the incident for a supervisory determination.

(3) Any employee who takes any action to have a citation for a traffic violation canceled or adjusted will be subject to severe administrative action.

PART I

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

12-2 ACCIDENTS12-2.1 Reporting Requirements12-2.1.1 Employees to Division Head or SAC

Each division head or SAC must be promptly notified of all accidents involving Bureau employees while driving either Government or personally owned motor vehicles.

12-2.1.2 To FBIHQ

FBIHQ must be promptly advised of all accidents involving vehicles engaged in official business except in cases in which no personal injury is involved, no damage to third party property and property damage to Bureau vehicle(s) does not exceed \$250. In these excepted cases in which an employee is considered at fault, appropriate notation concerning accident must be placed in employee's field personnel file and FBIHQ advised so copy may be placed in employee's FBIHQ personnel file.

12-2.2 Investigations and the Reports12-2.2.1 Need for Investigation

(1) Accidents involving motor vehicles engaged in official business in which no personal injury is involved, no damage to third party property and property damage, if any, to Bureau vehicle does not exceed \$250 need not be investigated unless circumstances indicate desirability of investigation, which determination is SAC's personal responsibility.

(2) [Anytime an accident occurs while utilizing a Bureau vehicle, it will be incumbent upon each office to determine the state law for that particular state regarding the reporting of accidents and ensure the submission of any required forms to local and/or state authorities.]

(3) Any accidents involving injury to or damage to property of third party must be promptly and thoroughly investigated. Particular care should be exercised to ensure extent of property damage is properly estimated.

(4) All other accidents involving FBI personnel while on official business must be completely investigated by an Agent who was not the driver, an occupant, or witness. However, driver of Bureau vehicle involved in accident, or other employees present, should always be alert to possibility of procuring statements from driver of other vehicle and witnesses immediately after accident.

12-2.2.2 Assignment of Investigations

Investigations must be assigned to experienced Agents who must be entirely familiar with all Bureau requirements relating to these matters.

(1) Agents investigating these matters must always bear in mind possibility of suits being brought against Government as a result of accident.

(2) Investigations and reports must be completely objective.

(3) Investigations must be vigorously, speedily, and thoroughly conducted and FBIHQ kept advised of all developments.

PART I

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

[12-2.2.3 Deadline for Submission of Reports[and Copy Count]

Reports of complete investigation must be submitted to FBIHQ within ten working days after the accident. If impossible to complete investigation within that period, FBIHQ must be promptly notified, giving reason for delay. [Reports should be submitted in triplicate to FBIHQ, Attention: Automotive Management Unit, Room 6863. When applicable, the following enclosures should also be submitted in triplicate: SF-91, Operator's Report of Motor Vehicle Accident; SF-94, Statement of Witness; and all repair estimates. Photographs of damaged vehicles and/or other damaged property should be submitted in duplicate.]

12-2.2.4 Need for Accident Report

Reports must be submitted in all accident matters which require investigations.

12-2.2.5 Cover Page for Report

In every instance it is mandatory that following information be set forth in cover page(s) accompanying initial report:

- (1) Exact nature of assignment of Bureau employee(s) in Bureau vehicle at time of accident, including title of case to which assigned.
- (2) Origin and destination of Bureau vehicle at time of accident, including justification for route being taken.
- (3) Full identification of and accounting for presence of each person in Bureau vehicle.
- (4) If Bureau vehicle on surveillance, exact location of subject at time of accident. If surveillance or any other circumstances, such as weather or surface conditions, in any way contributed to accident, furnish details.

12-2.2.6 Reports Must Show

- (1) Year, make, model, and motor number of vehicles involved
- (2) Date, time, and place of accident
- (3) Description of accident scene. Photographs submitted in duplicate and/or diagrams are highly desirable. Such photographs or diagrams should be properly identified to clearly indicate directions vehicles traveling, point of impact, and any other pertinent information. Avoid administrative data which should be set out only on cover pages of report.
- (4) Visibility, weather, road conditions, and type of road surface
- (5) Pertinent distance and speeds of vehicles
- (6) Whether vehicle equipped with chains or snow tires, if pertinent. It is SAC's responsibility to establish office policy regarding use of chains or snow tires.

PART I

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

(7) Complete details as to how accident occurred, including statements of drivers, passengers, and all witnesses. Interview results of employee-driver must be specific and in-depth with regard to the circumstances of the accident. Signed statements, witnessed by Agent, should be obtained where possible from drivers of other vehicles involved, passengers, and witnesses. When signed statement not obtained, report should state specific efforts made to procure same, as well as identity of negative witnesses. Since this would at most result in civil proceedings, interviews need not include warnings as required in criminal cases.

(8) Existing traffic controls and pertinent local traffic regulations governing the actions of the drivers involved.

(9) Traffic violations of either party or anyone else. Set out whether third party vehicle is equipped with seat belts, and if operator and/or passengers in third party vehicle were wearing seat belts, if available, at time of accident. Also state whether operator (and passenger, if one) of Bureau vehicle was/were utilizing seat belt at time of accident. Set out if operator of third party vehicle has any restrictions on motor vehicle operator's license, such as requirement that operator must wear glasses when driving, and whether operator was abiding by such restrictions at time of accident. If vehicle defect may have been cause, promptly have impartial tests made.

(10) Summary of the results of any police investigation conducted and, in addition, copies of police reports should be submitted as enclosures.

(11) Extent and amount of property damage and personal injury. Photographs of damaged vehicles or other damaged property should be taken, particularly in cases in which there is a possibility of a claim or suit being filed by or against the Government.

(12) Insurance status and financial ability of parties involved. Enclose copy of employee's liability insurance policy if personally owned vehicle has been used on official business. If Bureau vehicle is used, include information concerning coverage for damage to Bureau vehicle. All employees authorized to operate Bureau vehicles should be informed Government does not provide insurance coverage for damage to its vehicles.

(13) Items, (1) through (12), above are not all-inclusive and any other information pertinent to a particular accident should be submitted.

12-2.2.7 Obtaining Information for Possible Court Action

Information furnished by any individual who may be called upon to testify at any time in the future should be reported in accordance with instructions, regarding "Reporting Information that May Become Testimony," set out in this manual. Refer to Part II, Section 10.

12-2.2.8 Office of Origin

Office of origin is to be shown in title of all communications, except reports.

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

12-2.2.9 Cover Memorandum Forwarding Report

A cover memorandum transmitting the investigative report of the accident should only be submitted when facts of the case indicate gross or extreme negligence on the part of the employee or when the employee sustains damage to the Bureau vehicle if utilizing it on other than official business or if other violations of Bureau rules are involved. In these instances, cover memorandum must include SAC's recommendation for administrative action with a concise analysis of pertinent facts involved.

12-2.3 Forms

Standard Government forms are to be executed by the several parties involved when applicable.

12-2.3.1 SF-91 - Operator's Report of Motor-Vehicle Accident

Must be executed by the Bureau operator in all cases reported to FBIHQ and forwarded to FBIHQ with investigative report. Must be carried in all Bureau vehicles. Include no administrative information.

12-2.3.2 SF-94 - Statement of Witness

Must be executed by all available witnesses who are willing. Where it appears that claim for personal injury might result, it is imperative that signed statements be promptly procured from all witnesses if willing.

12-2.3.3 SF-95 - Claim for Damage, Injury or Death

Refer to MIOG, Part I, 197-8.

12-2.4 Claims and Suits12-2.4.1 Public Law 89-508 (Federal Claims Collection Act of 1966)

Public Law 89-508, effective 1-15-67, requires aggressive action with effective follow-up through written demands upon debtor in terms which inform of consequences of failure to cooperate.

(1) When the Bureau automobile is determined to be totaled as result of an accident, you should collect the difference between the retail value and amount received from salvage.

(2) State in general terms such as "failure to cooperate will necessitate collection through available legal remedies." Advise the debtor the amount owed with documentation. Three written demands should be made at 30-day intervals unless response to the first or second indicates further demand would be futile. Furnish FBIHQ three copies of such correspondence fully identifying it. Written demands should be prepared by the Principal Legal Advisor.

(3) When a private party damages a Bureau vehicle and is found at fault, the party responsible for the loss, either individually or through an insuring agent, may replace the vehicle in kind or have it repaired to the satisfaction of the Bureau and should make payment directly to the party that repairs the vehicle. The check or monies paid for repairs must be made directly to the individual or company making the repairs and not to the FBI.

PART I

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

(4) If principal amount does not exceed \$20,000, collection action may be terminated if no indication of fraud, misrepresentation or violation of antitrust laws and it appears no person liable on the claim has present or prospective financial ability to pay any significant amount of the claim, or when collection costs will likely exceed recovery amount. If termination, suspension, or compromise of claim seems expedient, do not so inform debtor without prior FBIHQ authority but forward to FBIHQ debtor's current address (or person upon whom service may be made), current credit data, summary of actions previously taken to collect or compromise claim, and any records and exhibits on the claim not previously forwarded. Regulations implementing the act provide that claims under \$600 exclusive of interest should not be referred for litigation unless important to a significant enforcement policy, or the debtor is able to pay[and]Government can effectively enforce payment.

(5) Initial demand should not be made without prior FBIHQ [instruction. [Administrative]Services Division will consult with Legal Counsel Division prior to issuing instructions.

(6) If demands are denied or ignored, ascertain if financial responsibility laws have been complied with and, if not, arrangements should be made toward revocation of operator's permit or other legal penalties.

12-2.4.2 Public Law 89-506 - Action Instituted Against the United States

Refer to MIOG, Part I, 197-8.

12-2.4.3 Motor Vehicle Accident Results In A Suit For Or Against The Government or Bureau Employee

Refer to MIOG, Part I, Section 197.

12-2.4.4 Contacting United States Attorney

Refer to MIOG, Part I, Section 197.

12-2.4.5 Third Party's Claim Rights

Refer to MIOG, Part I, Section 197.

12-2.4.6 Forwarding Administrative Claims

Refer to MIOG, Part I, 197-8.

12-2.4.7 Compromise of Suits Against the United States

Refer to MIOG, Part I, Section 197.

12-2.4.8 Notification of Suits Against United States

Refer to MIOG, Part I, Section 197.

PART I

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

12-2.5 Responsibility of Employee

12-2.5.1 Financially Responsible

A Bureau employee will not be held financially responsible for damage to a Bureau vehicle resulting from an accident caused by employee's negligence while on official business. However, should an employee be considered grossly negligent, that is, display wanton disregard in causing damage to the Bureau vehicle, or should employee sustain damage to the Bureau vehicle if utilizing it on other than official business, employee will be held accountable for costs of repairing the Bureau vehicle. Division head or SAC should inform all employees who operate Bureau vehicles it is their responsibility to provide insurance coverage for damage to Bureau vehicle unless they elect to personally pay for such damages in the event they are held financially responsible for the accident.

12-2.5.2 Administrative Action

Division head or SAC must make recommendation regarding administrative action where facts of case indicate gross or extreme negligence on the part of the employee or when the employee sustains damage to the Bureau vehicle if utilizing it on other than official business or if other violations of Bureau rules are involved. [Instances of unauthorized use of a Bureau vehicle, misconduct involving a Bureau vehicle, or arrests (i.e., Driving While Intoxicated, willful reckless driving, resisting arrest, leaving the scene of an accident, etc.) must be immediately brought to the attention of FBIHQ as set forth in this manual, Part I, Section 13, entitled "Disciplinary Matters."]

PART I

SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

12-2.5.3 Employee's Claim for Injuries

Refer to Part I, Section 15, Subsection on "Employee Compensation Matters," concerning action to be instituted by an employee against a responsible third party for recovery of medical expenses because of injuries sustained by a Bureau employee while on official business.

12-3 USE OF PERSONALLY OWNED VEHICLES FOR OFFICIAL BUSINESS AFTER REGULAR DUTY TOURS

12-3.1 Injuries Incurred

Full facts concerning circumstances of assignment should be furnished to FBIHQ for presentation to Office of Workers' Compensation Programs (OWCP). OWCP will decide if circumstances warrant compensation benefit coverage for personal injuries.

12-3.2 Authorization

Employees must obtain authorization from only SAC, ASAC, or SA supervisor where time permits. Authorization may be oral and informal. Where time is of essence, Special Agents will not be expected to delay departure to obtain such authorization.

12-3.3 Travel Expense

The Bureau will not pay travel expense where personally owned vehicles are driven on special mission type of assignments. These instructions in no way alter existing authority to use personally owned vehicles on official business where mileage can be claimed under certain circumstances.

[12-4 OPERATING BUREAU VEHICLES IN FOREIGN COUNTRIES-INSURANCE MATTERS

[Privately purchased vehicle insurance is required for Bureau
[vehicles operated on official business in foreign countries (see MAOP,
[Part II, Section 6-6.2.1 for further details).]