



United States  
General Accounting Office  
Washington, D.C. 20548

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Office of the General Counsel

B-250880

November 3, 1992

The Honorable Ralph Regula  
Member, United States House  
of Representatives  
4150 Belden Village Street  
Canton, Ohio 44718

Dear Mr. Regula:

This responds to your letter of September 8, 1991, regarding the liability of federal government employees for paying parking tickets pursuant to local traffic ordinances. Specifically, you ask whether a federal government employee, such as a military recruiter, can assert immunity from paying parking meter fees or fines imposed for parking meter violations. We understand that a military recruiter has asserted immunity from paying a parking meter fine levied by a city in your district. The recruiter apparently has provided the city with material representing the Comptroller General as concluding that parking meter fees may not be imposed on the government or the employee driving a government-owned vehicle. The material does not fully and accurately reflect the current views of our Office on this matter.<sup>1</sup>

You refer to 46 Comp. Gen. 624 (1967), in which we held that appropriated funds may be used to reimburse federal employees who are required to pay street parking meter fees while driving government-owned vehicles on official business, except where an impermissible burden would be imposed on the federal government. We stated that the requirement to pay a meter fee (where such fee is not a tax) incident to parking a government-owned vehicle on a public street would not impose an impermissible burden on the federal government.

Our decision at 46 Comp. Gen. 624 should not be read as authorizing the use of appropriated funds to pay a fine imposed on a government employee for a parking violation or other traffic offense committed while driving a government-

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<sup>1</sup>The citations to our Office's decisions in the recruiter's material are not discernable. Accordingly, we do not address them directly.

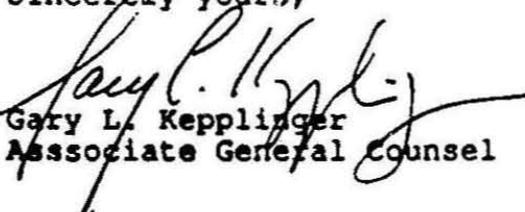
owned vehicle in the performance of official duties. In fact, we have held that such a fine is the personal responsibility of the employee and, if required to pay the fine, the employee may not be reimbursed from government funds. 57 Comp. Gen. 270 (1978); 31 Comp. Gen. 246 (1952). However, when a fine is imposed against an employee personally for an action by the government over which the employee has no control (rather than for the employee's intentional or negligent action), and the government is not immune from the type of fine imposed, the employee may be reimbursed for having paid the fine. 57 Comp. Gen. 476 (1978).

The significant factor in distinguishing cases where the fine is the personal responsibility of the employee from those where the employee may be reimbursed for paying the fine (or presumably where the fine may be paid in the first instance by the United States) is whether the action for which the fine is imposed is a necessary part of the employee's official duties. The incurrence of fines for traffic offenses has not been considered a necessary part of the employee's official duties. Compare B-238612, Apr. 16, 1990, and 44 Comp. Gen. 312 (1964).

Accordingly, a government employee such as a military recruiter is not immune from paying parking meter fees and the employee is personally liable for parking meter fines imposed for parking meter violations unless the evidence indicates that the fine was imposed for actions of the government over which the employee had no control.

I trust that this information will be of assistance to you.

Sincerely yours,

  
 Gary L. Kepplinger  
 Associate General Counsel