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that the individual committed the offense for which he or she is listed as a subject. It is emphasized that the decision to list a person's name in the title block of a USACIDC report of investigation is an investigative determination that is independent of whether or not subsequent judicial, nonjudicial or administrative action is taken against the individual. Within these parameters, any changes in the ROI rest within the sole discretion of the Commanding General. USACIDC, whose decision will constitute final action on behalf of the Secretary of the Army with respect to this regulation.

§ 633.13 Submission of requests.

Requests for access to or amendment of USACIDC investigative reports will be forwarded to Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, VA 22041.

PART 634—MOTOR VEHICLE TRAFFIC SUPERVISION

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APPENDIX A TO PART 634—REFERENCES
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5525.4, ENFORCEMENT OF STATE LAWS ON
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APPENDIX D TO PART 634—GLOSSARY

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otherwise noted.

Subpart A—Introduction

§ 634.1 Purpose.

(a) This regulation sets policy, responsibilities, and procedures for motor vehicle traffic supervision on military installations in the continental United States (CONUS) and overseas areas. This includes but is not limited to the following:

(1) Granting, suspending, or revoking the privilege to operate a privately owned vehicle (POV).

(2) Registration of POVs.

(3) Administration of vehicle registration and driver performance records.

(4) Driver improvement programs.

(5) Police traffic supervision.

(6) Off-installation traffic activities.

(b) Commanders in overseas areas are authorized to modify these policies and procedures in the following instances:

(1) When dictated by host nation relationships, treaties, and agreements.

(2) When traffic operations under military supervision necessitate measures to safeguard and protect the morale, discipline, and good order in the Services.

§ 634.2 References.

Required and related publications and prescribed and referenced forms are listed in appendix A.

§ 634.3 Explanation of abbreviations and terms.

Abbreviations and special terms used in this regulation are explained in appendix D.

§ 634.4 Responsibilities.

(a) *Departmental*. The Deputy Chief of Staff for Operations and Plans, Headquarters, Department of the Army (HQDA); Commander, Naval Security

and Investigative Command U.S. Navy (USN); Chief of Air Force Office of Security Police, Headquarters, U.S. Air Force (USAF); Deputy Chief of Staff, for Plans, Policies, and Operations, Headquarters, U.S. Marine Corps (USMC); and Staff Director, Office of Command Security, Headquarters, Defense Logistics Agency (DLA), will—

(1) Exercise staff supervision over programs for motor vehicle traffic supervision.

(2) Develop standard policies and procedures.

(3) Maintain liaison with interested staff agencies and other military departments on traffic supervision and establish working groups and committees.

(4) Maintain liaison with departmental safety personnel on traffic safety and accident reporting systems.

(5) Coordinate with national, regional, and State traffic officials and agencies, and actively participate in conferences and workshops sponsored by Government or private groups at the national level.

(6) Help organize and monitor police traffic supervision training.

(7) Maintain liaison with the Department of Transportation (DOT) and other Federal departments and agencies on the National Highway Safety Program Standards (NHSPS) and programs that apply to U.S. military traffic supervision.

(8) Participate in the national effort to reduce intoxicated driving.

(b) *All major commanders*. Major commanders of the Army, Navy, Air Force, Marine Corps, and DLA will—

(1) Manage traffic supervision in their commands.

(2) Cooperate with the support programs of State and regional highway traffic safety organizations.

(3) Coordinate regional traffic supervision activities with other major military commanders in assigned geographic areas of responsibility.

(4) Monitor agreements between installations and host State authorities for reciprocal reporting of suspension and revocation of driving privileges.

(5) Participate in State and regional efforts to reduce intoxicated driving.

(6) Establish awards and recognition programs to recognize successful installation efforts to eliminate intoxicated driving. Ensure that criteria for these awards are positive in nature and include more than just apprehensions for intoxicated driving.

(7) Modify policies and procedures when required by host nation treaties or agreements.

(c) *Major Army commanders.* Major Army commanders will ensure subordinate installations utilizing automated vehicle registration programs implement Vehicle Registration System-2 (VRS-2) when fielded.

(d) *Commanding General, U.S. Army Training and Doctrine Command (CG, TRADOC).* The CG, TRADOC will ensure that VRS-2 technical training for functional users is incorporated into service school instructional programs.

(e) *Installation or activity commander.* The installation or activity commander will—

(1) Establish an effective traffic supervision program.

(2) Cooperate with civil police agencies and other local government agencies or civil traffic organizations concerned with traffic supervision.

(3) Ensure that traffic supervision is properly integrated in the overall installation traffic safety program.

(4) Actively participate in Alcohol Safety Action Projects (ASAP) in neighboring communities.

(f) *Installation or activity law enforcement officer.* The installation or activity law enforcement officer will—

(1) Exercise overall staff responsibility for directing, regulating, and controlling traffic, and enforcing laws pertaining to traffic control.

(2) Perform traffic engineering functions at installations by conducting traffic control studies designed to obtain information on traffic problems and usage patterns.

(g) *Safety officer.* The safety officer will participate in and develop traffic accident prevention initiatives in support of the installation traffic safety program.

(h) *Facility engineer (public works officer at Navy installations).* The facility engineer or engineer officer, will—

(1) Perform that phase of engineering concerned with the planning, design,

construction, and maintenance of streets, highways, and abutting lands.

(2) Select, determine appropriate design, procure, construct, install, and maintain permanent traffic and parking control devices in coordination with the law enforcement officer and safety officer.

(3) Ensure that traffic signs, signals, and pavement markings conform to the standards in the current Manual on Uniform Traffic Control Devices for Streets and Highways.

(4) Ensure that planning, design, construction, and maintenance of streets and highways conform to the NHSPS as implemented by the Services.

(i) *Traffic engineer.* The traffic engineer, in close coordination with the law enforcement officer, will—

(1) Conduct formal traffic engineering studies.

(2) Apply traffic engineering measures, including traffic control devices, to reduce the number and severity of traffic accidents. (If there is no installation traffic engineer, installation commanders may request these services through channels from the Commander, Military Traffic Management Command, 5611 Columbia Pike, Falls Church, VA 22041-5050.)

(j) *Army Alcohol and Drug Control Officer (ADCO).* The ADCO will provide treatment and education services to personnel with alcohol or drug abuse problems.

(k) *Navy Counseling and Assistance Center (CAAC) Directors.* These directors will—

(1) Supervise the alcohol/drug rehabilitation services to personnel with alcohol or drug abuse problems.

(2) Provide remedial/motivational education for all persons identified as alcohol or drug abusers who are evaluated as not dependent on alcohol or drugs and who have been referred to Level One rehabilitation by their commands.

(l) *Marine Corps Substance Abuse Program Officer.* This officer will provide alcohol/drug education, treatment, and rehabilitation services to personnel with alcohol/drug abuse problems.

(m) *DLA Employee Assistance Program Officer*. This officer will provide alcohol/drug counseling and referral services to identified personnel with alcohol/drug abuse problems in accordance with procedures prescribed by the Chief, Staffing, Labor, and Employee Relations Division, Office of Civilian Personnel, HQ DLA.

§ 634.5 Program objectives.

The objectives of motor vehicle traffic supervision are to assure—

(a) Safe and efficient movement of personnel and vehicles.

(b) Reduction of traffic deaths, injuries, and property damage from traffic accidents. (Because most traffic accidents can be prevented, motor vehicle accidents should be examined in terms of the roadway conditions, environment, operator, vehicle, and the supervision and control measures involved.)

(c) Integration of installation safety, engineering, legal, medical, and law enforcement resources into the installation traffic planning process.

(d) Removal of intoxicated drivers from installation roadways followed by the expeditious application of appropriate sanctions.

Subpart B—Driving Privileges

§ 634.6 Requirements for driving privileges.

(a) Driving a Government vehicle or POV on a military installation is a privilege granted by the installation commander. Persons who accept the privilege must—

(1) Comply with laws and regulations governing motor vehicle operations on the installation.

(2) Comply with installation registration requirements in subpart C if applicable.

(3) Possess, while operating a motor vehicle and produce on demand to law enforcement personnel, the following:

(i) Proof of vehicle ownership or State registration if required by the issuing State.

(ii) A valid State, overseas command, host nation, or international driver's license and/or OF 346 (U.S. Government Motor Vehicle Operator's Identification Card), as applicable, supported by a DD Form 2A (U.S. Armed Forces

Identification Card) or other identification for non-Department of Defense (DOD) civilians.

(iii) A valid record of motor vehicle safety inspection if required.

(b) Operators of Government motor vehicles must have proof of authorization to operate the vehicle.

§ 634.7 Stopping and inspecting personnel or vehicles.

(a) Military vehicles may be stopped by law enforcement personnel on military installations based on the installation commander's policy.

(1) In overseas areas, military vehicles may be stopped on or off installations as determined by host nation agreement and command policy.

(2) Stops and inspections of vehicles at installation gates or entry points and in restricted areas will be conducted according to separate Service policy.

(3) Stops and inspections of POVs within the military installation, other than at restricted areas or at an installation gate, are authorized only when there is a reasonable basis to believe the stop/inspection is necessary to enforce a traffic regulation or the stop is based on suspicion of criminal activity. (Army users, see AR 210-10. Marine Corps users, pending publication of a specific Marine Corps order, will be guided by Military Rules of evidence 311-316 and local command regulations. DLA users, see DLAR 5700.7.)

(b) At the time of stop, the driver and occupants may be required to display all pertinent documents, including but not limited to—

(1) DD Form 2A.

(2) Documents that establish the identity and status of civilians; for example, DD Form 1173 (Uniformed Services Identification and Privilege Card), DA Form 1602 (Civilian Identification), AF Form 354 (Civilian Identification Card), DLA Form 572 (Identification Card), DLA Form 1486 (Application for Identification Card), post pass, or national identity card.

(3) Proper POV registration documents.

(4) Host nation vehicle registration documents if applicable.

(5) Authorization to operate a U.S. Government vehicle if applicable.

(6) Drivers license or OF 346 valid for the particular vehicle and area of operation.

§634.8 Implied consent to blood, breath, or urine tests.

Persons accepting installation driving privileges shall be deemed to have given their consent to evidential tests for alcohol or other drug content of their blood, breath, and/or urine if lawfully stopped, apprehended, or cited for any offense allegedly committed while driving or in physical control of a motor vehicle on the installation while under the influence of intoxicants.

§634.9 Implied consent to impoundment.

Any person granted the privilege of operating a motor vehicle on an installation shall be deemed to have given his or her consent for the removal and temporary impoundment of the POV when it is parked illegally for unreasonable periods, interfering with operations, creating a safety hazard, disabled by accident, left unattended in a restricted or controlled area, or abandoned. Such persons further agree to reimburse the United States for the cost of towing and storage should their motor vehicle be removed or impounded. Existence of the conditions described above will be determined by the installation commander or designee.

§634.10 Suspension or revocation of driving privileges.

The installation commander (or designee not assigned primarily to law enforcement duties) may, for cause, administratively suspend or revoke driving privileges on the installation. The suspension or revocation of installation driving privileges or POV registrations, for lawful reasons unrelated to traffic violations or safe vehicle operation, is not limited or restricted by this regulation.

(a) *Suspension.* (1) Driving privileges are usually suspended when other measures have failed to improve a driver's performance. Measures should include counseling, remedial driving training, and rehabilitation programs. Driving privileges may also be suspended for up to 6 months if a driver

continually violates installation parking regulations. The commander will determine standards for suspension based on frequency of parking violations and publish those standards.

(2) The installation commander has discretionary power to withdraw the authorization of active duty military personnel, DOD civilian employees, and nonappropriated fund (NAF) employees to operate U.S. Government vehicles.

(3) Immediate suspension of installation or overseas command POV driving privileges pending resolution of an intoxicated driving incident is authorized for active duty military personnel, family members, retired members of the military services, DOD civilian personnel, and others with installation or overseas command driving privileges regardless of the geographic location of an intoxicated driving incident. Suspension is authorized for non-DOD affiliated civilians only with respect to incidents occurring on the installation or in areas subject to military traffic supervision. After a review of available evidence as specified in §634.11, installation driving privileges will be immediately suspended pending resolution of the intoxicated driving incident in the following circumstances;

(i) Refusal to take or complete a lawfully requested chemical test to determine contents of blood for alcohol or other drugs.

(ii) Operating a motor vehicle with a blood alcohol content (BAC) of 0.10 percent by volume or higher or in violation of the law of the jurisdiction that is being assimilated on the military installation.

(iii) Operating a motor vehicle with a BAC of at least 0.05 percent by volume but less than 0.10 percent blood alcohol by volume in violation of the law of the jurisdiction in which the vehicle is being operated if the jurisdiction imposes a suspension solely on the basis of the BAC level.

(iv) On an arrest report or other official documentation of the circumstances of an apprehension for intoxicated driving.

(b) *Revocation.* (1) The revocation of installation or overseas command POV driving privileges is a severe administrative measure to be exercised for serious moving violations or when other

available corrective actions fail to produce the desired driver improvement. Revocation of the driving privilege will be for a specific period, but never less than 6 months, applies at all military installations, and remains in effect on reassignment.

(2) Driving privileges are subject to revocation when an individual fails to comply with any of the conditions requisite to the granting of the privilege. (See §634.6.) Revocation of installation driving and registration privileges is authorized for military personnel, family members, civilian employees of DOD, and other individuals with installation driving privileges. For civilian guests, revocation is authorized only with respect to incidents occurring on the installation or in the areas subject to military traffic supervision.

(3) Driving privileges will be revoked for a mandatory period of not less than 1 year in the following circumstances:

(i) The installation commander or designee has determined that the person lawfully apprehended for intoxicated driving refused to submit to or complete a test to measure the alcohol content in the blood, or detect the presence of any other drug, as required by the law of the jurisdiction, installation traffic code, or by Service directive.

(ii) A conviction, nonjudicial punishment, or a military or civilian administrative action resulted in the suspension or revocation of a driver's license for intoxicated driving. Appropriate official documentation of such conviction is required as the basis for revocation.

(4) When temporary suspensions under §634.10(a)(3) are followed by revocations, the period of revocation is computed beginning from the date the original suspension was imposed, exclusive of any period during which full driving privileges may have been restored pending resolution of charges. (Example: privileges were initially suspended on 1 January 1996 for a charge of intoxicated driving with a blood alcohol content of 0.14 percent. A hearing was held, extreme family hardship was substantiated, and privileges were restored on 1 February pending resolution of the charge. On 10 March, the driver was convicted for intoxicated

driving. The mandatory 1-year revocation period will consist of January 1996 plus March 1996 through January 1997, for a total of 12 months with no installation driving privileges.)

§634.11 Administrative due process for suspensions and revocations.

(a) Individual Services will promulgate separate regulations establishing administrative due process procedures for suspension or revocation of driving privileges. The procedures in paragraphs (b) and (c) of this section apply to actions taken by Army commanders with respect to Army military personnel and family members and to civilian personnel operating motor vehicles on Army installations. For Marine Corps users, the provisions of this paragraph apply pending publication of a Marine Corps order addressing administrative due process.

(b) For offenses other than intoxicated driving, suspension or revocation of the installation driving privilege will not become effective until the installation commander or designee notifies the affected person and offers that person an administrative hearing. Suspension or revocation will take place 10 days after this written notice is received unless an application for a hearing is made by the affected person within this period. Such application will stay the pending suspension or revocation for a period of 10 days.

(1) If, due to action by the Government, a hearing is not held within 10 days, the suspension will not take place until such time as the person is granted a hearing and is notified of the action of the installation commander or designee. However, if the affected person requests that the hearing be continued to a date beyond the 10-day period, the suspension or revocation will become effective immediately on receipt of notice that the request for continuance has been granted.

(2) If it is determined as the result of a hearing to suspend or revoke the affected person's driving privilege, the suspension or revocation will become effective when the person receives the written notification of such action. In the event that written notification cannot be verified either through a returned receipt for mail or delivery

through command channels, the hearing authority will determine the effective date on a case-by-case basis.

(3) If the revocation or suspension is imposed after such hearing, the person whose driving privilege has been suspended or revoked will have the right to appeal or request reconsideration. Such requests must be forwarded through command channels to the installation commander within 10 days from the date the individual is notified of the suspension or revocation resulting from the administrative hearing. The suspension or revocation will remain in effect pending a final ruling on the request. Requests for restricted privileges will be considered per § 634.16.

(c) For drunk driving or driving while intoxicated offenses, reliable evidence readily available will be presented promptly to an individual designated by the installation commander for review and authorization for immediate suspension of installation driving privileges.

(1) The reviewer should be any officer whose primary duties are not in the field of law enforcement.

(2) Reliable evidence includes material such as witness statements, military or civilian police report of apprehension, chemical test results if completed, refusal to consent to complete chemical testing, video tapes, statements by the apprehended individual, field sobriety or preliminary breath test results, and other pertinent evidence.

(3) Reviews normally will be accomplished within the first normal duty day following final assembly of evidence.

(4) When detailed and reliable evidence is not available, immediate suspension should not be based on published lists of arrested persons, statements by parties not witnessing the apprehension, or telephone conversations or other information not supported by documented and reliable evidence.

(5) Installation commanders may authorize the installation law enforcement officer to conduct reviews and authorize suspensions in cases where the designated reviewer is not reasonably available and, in the judgment of the installation law enforcement officer,

such immediate action is warranted. Review by the designated officer will follow as soon as practicable in such cases. When a suspension notice is based on the law enforcement officer's review, there is no requirement for confirmation notice following subsequent review by the designated officer.

(6) For active duty military personnel, written notice of suspension for intoxicated driving will be provided to the individual's chain of command for immediate presentation to the individual.

(7) For civilian personnel, written notice of suspension for intoxicated driving normally will be provided without delay via certified mail. If the person is employed on the installation, such notice will be forwarded through the military or civilian supervisor. When the notice of suspension is forwarded through the supervisor, the person whose privileges are suspended will be required to provide written acknowledgment of receipt of the suspension notice.

(8) Notices of suspension for intoxicated driving will include the following:

(i) The fact that the suspension can be made a revocation under § 634.10(b).

(ii) The right to request, in writing, a hearing before the installation commander or designee to determine if post driving privileges will be restored pending resolution of the charge; and that such request must be made within 10 days of the notice of suspension.

(iii) The right of military personnel to be represented by counsel at his or her own expense and to present evidence and witnesses at his or her own expense. Installation commanders will determine the availability of any local active duty representatives requested.

(iv) The right of Department of the Army (DA) civilian employees to have a personal representative present at the administrative hearing in accordance with applicable laws and regulations.

(v) Written acknowledgment of receipt to be signed by the individual whose privileges are to be suspended or revoked.

(9) If a hearing is requested, it must take place within 10 days of receipt of

the request. The suspension for intoxicated driving will remain in effect until a decision has been made by the installation commander or designee, but will not exceed 10 working days after the hearing while awaiting the decision. If no decision has been made by that time, full driving privileges will be restored until such time as the accused is notified of a decision to continue the suspension.

(10) Hearing on suspension actions under § 634.10(a) for intoxicated drivers pending resolution of charges will cover only the pertinent issues of whether—

(i) The law enforcement official had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or other drugs.

(ii) The person was lawfully cited or apprehended for an intoxicated driving offense.

(iii) The person was lawfully requested to submit to a test for alcohol or other drug content of blood, breath, or urine and was informed of the consequences of refusal to take or complete such test.

(iv) The person refused to submit to the test for alcohol or other drug content of blood, breath, or urine; failed to complete the test; or submitted to the test and the result was 0.10 percent or higher blood alcohol content, or showed results indicating the presence of other drugs for an on-post apprehension or in violation of State laws for an off-post apprehension.

(v) The testing methods used were valid and reliable, and the results accurately evaluated.

(11) For revocation actions under § 634.10(b)(3) for intoxicated driving, the revocation is mandatory on conviction or other findings that confirm the charge. (Pleas of nolo contendere are considered equivalent to guilty pleas.)

(i) Revocations are effective as of the date of conviction or other findings that confirm the charges.

(ii) The notice that revocation is automatic may be placed in the suspension letter. If it does not appear in the suspension letter, a separate letter must be sent and revocation is not effective until receipt of the written notice.

(iii) Revocations cancel any full or restricted driving privileges that may have been restored during suspension and the resolution of the charges. Requests for restoration of full driving privileges are not authorized.

§ 634.12 Army administrative actions against intoxicated drivers.

Army commanders will take appropriate action against intoxicated drivers. These actions will include the following:

(a) A written general officer reprimand, administrative in nature, will be issued to active duty Army officers, commissioned and warrant, and non-commissioned officers, to include soldiers in the grade of E-4 appointed on official orders to corporal, in the cases described below. This reprimand may be issued by an officer frocked to the grade of brigadier general. Subsequent filing of the reprimand will be in accordance with the provisions of AR 600-37.

(1) Conviction of intoxicated driving or driving under the influence of alcohol or other drugs either on or off the installation.

(2) Refusal to take or failure to complete a lawfully requested test to measure alcohol or drug content of the blood, breath, or urine, either on or off the installation, when there is reasonable belief of driving under the influence of alcohol or drugs.

(3) Driving or being in physical control of a motor vehicle on post when the blood alcohol content is 0.10 percent or higher, irrespective of other charges, or off post when the blood alcohol content is in violation of State laws, irrespective of other charges.

(4) Driving or being in physical control of a motor vehicle, either on or off the installation, when lawfully requested chemical tests reflect the presence of illegal drugs.

(b) A written reprimand, administrative in nature, may be issued by a general officer or other appropriate official to active duty soldiers in the grade of E-4 (except corporals) and below in cases described in paragraph (a) of this section.

(c) Review by commanders of the service records of active duty soldiers apprehended for offenses described in

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(a) above to determine if the individual warrants warrant—

(1) Administrative reduction per AR 600-200.

(2) Bar to reenlistment per AR 601-280.

(3) Administrative discharge per AR 635-200.

§ 634.13 Remedial driver training programs.

(a) Navy activities will comply with OPNAVINST 5100.12D, Air Force activities with AFR 30-2, and Marine Corps activities with MCO 5100.19C.

(b) Installation commanders may establish a remedial driver training program to instruct and educate military personnel requiring additional training. Personnel will be chosen for the program on the basis of their individual driving records. The curriculum should provide instruction to improve driving performance and compliance with traffic laws.

(c) Installation commanders may schedule periodic courses if courses on a continuing basis are not practical. If civil authorities conduct such courses, commanders may arrange for installation personnel to attend these courses in lieu of operating a course on or by the installation.

(d) Civilian personnel employed on the installation, contractor employees, and family members of military personnel may voluntarily attend these or similar courses.

§ 634.14 Alcohol and drug abuse programs.

(a) Commanders will refer military personnel suspected of drug or alcohol abuse for evaluation in the following circumstances:

(1) Behavior is indicative of alcohol or drug abuse.

(2) Continued inability to drive a motor vehicle safely because of alcohol or drug abuse.

(b) The commander will ensure military personnel are referred to the installation alcohol and drug abuse program or other comparable facilities when they are convicted of, or receive an official administrative action for, any offense involving intoxicated driving. A first offender may be referred for treatment if more evidence of sub-

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stance abuse exists than merely the offense of intoxicated driving. The provisions of this paragraph do not limit the commander's prerogatives concerning other actions that may be taken against offenders under separate Service policies. (Army, see AR 600-85; Marine Corps, see MCO P5300.12.)

(c) Active duty Army personnel apprehended for drunk driving, on or off the installation, will be referred to the local Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) for evaluation within 10 days to determine if the person is dependent on alcohol or other drugs which will result in enrollment in Track I or other level of treatment in accordance with AR 600-85.

(d) Active duty Navy personnel apprehended for drunk driving, on or off the installation, will be screened by the respective CAAC facility within 10 days to determine if the individual is dependent on alcohol or other drugs. Active duty Marines apprehended for intoxicated driving, on or off the installation, will be referred for interview by a Level II substance abuse counselor within 10 days for evaluation and determination of the appropriate level of treatment required subsequent to this evaluation, the Marine will be assigned to the appropriate treatment program as prescribed by MCO P5300.12.

(e) The Services may develop preventive treatment and rehabilitative programs for civilian employees with alcohol-related problems section 4561, title 42, U.S. Code (42 U.S.C. 4561).

(f) Army supervisors of civilian employees apprehended for drunk driving will advise employees of ADAPCP services available. Army civilian employees apprehended for intoxicated driving while on duty will be referred to the ADAPCP for evaluation in accordance with AR 600-85. Army commanders will ensure that sponsors encourage family members apprehended for drunk driving to seek ADAPCP evaluation and assistance.

(g) Navy and DLA civilian personnel charged with intoxicated driving will be referred to the Civilian Employee Assistance Program for evaluation in accordance with FPM Supplement 792-2. Such referral does not exempt the

employee from appropriate administrative or disciplinary actions under civilian personnel regulations.

(h) Marine Corps civilian employees charged with intoxicated driving, on or off the installation, will be referred to the Employee Assistance Program as prescribed by MCO P5300.12. Marine dependents charged with intoxicated driving, on or off the installation, will be provided assistance as addressed in MCO P5300.12. Such referral and assistance does not exempt the individual from appropriate administrative or disciplinary action under current civilian personnel regulations or State laws.

(i) For Army, DLA, and Marine Corps, installation driving privileges of any person who refuses to submit to or fails to complete chemical testing for blood-alcohol content when apprehended for intoxicated driving, or convicted of intoxicated driving, will not be reinstated unless the person successfully completes either an alcohol education and treatment program sponsored by the installation, State, county, or municipality, or a private program evaluated as acceptable by the installation commander.

(j) For Navy, on-base driving privileges will not be reinstated for Navy personnel convicted of driving under the influence, on- or off-base, unless the person completed the full 36-hour Navy Alcohol and Drug Safety Action Program (NADSAP). The condensed NADSAP supervisor course will not be used for this purpose.

§634.15 Restoration of driving privileges on acquittal.

When an official report pertaining to drunk driving or driving while intoxicated indicates a finding of not guilty, that the charges have been dismissed or reduced to an offense not amounting to intoxicated driving, or that an equivalent determination has been made in a nonjudicial punishment proceeding or military or civilian administrative action, the suspension of driving privileges will be vacated except in cases in which:

(a) The preliminary suspension was based on refusal to take a BAC test.

(b) The preliminary suspension resulted from a BAC test (unless disposition of the charges was based on inva-

lidity of the BAC test). When a valid BAC test is involved, the suspension will continue pending completion of a hearing. In such instances, the individual will be notified in writing of the continuation of the preliminary suspension and of the opportunity to request a hearing within 10 working days. At the hearing the arrest report, the commander's report of official disposition, information presented by the individual, and such other information as the hearing officer may deem appropriate will be considered. If the hearing officer determines by a preponderance of evidence that the individual was engaged in intoxicated driving, the revocation will be for 1 year from the date of the original preliminary suspension.

(c) The person was driving or in physical control of a motor vehicle while under a preliminary suspension or revocation.

(d) An administrative determination has been made by the State or host nation licensing authority to suspend or revoke driving privileges based on local law or pertinent regulations.

(e) The individual has failed to complete a formally directed substance abuse or driver's training program.

§634.16 Restricted driving privileges or probation.

(a) For the Navy, Air Force, Marine Corps, and DLA, the installation commander may modify a suspension or revocation of driving privileges in certain cases per paragraph (d) of this section.

(b) Army requests for restricted driving privileges subsequent to suspension or revocation of installation driving privileges will be referred to the installation commander or designee for determination under criteria of (d) below, except for intoxicated driving cases, which must be referred to the General Court Martial Convening Authority. Withdrawal of restricted driving privileges is within the installation commander's discretion.

(c) Probation or restricted driving privileges will not be granted to any person whose driver's license is under suspension or revocation by a State, Federal, or host nation licensing authority.

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(d) Aside from any other provisions of this regulation, the installation commander or designee may grant restricted driving privileges or probation on a case-by-case basis to accommodate any of the following reasons, provided the person's State driver's license remains valid:

(1) Mission requirements.

(2) Unusual personal or family hardships.

(3) Delays exceeding 90 days, not attributed to the person concerned, in the formal disposition of an apprehension or charges that are the basis for any type of suspension or revocation.

(4) When there is no reasonably available alternate means of transportation to officially assigned duties. (In this instance, a limited exception can be granted for the sole purpose of driving directly to and from the place of duty.)

(e) The limitations on a restricted driving privilege (for example, an authorization to drive to and from place of employment or duty, selected installation facilities such as hospital and commissary, or other facilities) will be specified in writing and provided to the individual concerned. Persons found to be in violation of the restricted privilege are subject to revocation action as prescribed in § 634.10(b). For good cause, the appropriate authority may withdraw the restricted driving privilege and continue the suspension or revocation period (for example, driver at fault in a traffic accident, or driver cited for a moving traffic violation).

(f) The conditions and terms of probation will be specified in writing and provided to the individual concerned. The original suspension or revocation term in its entirety may be activated to commence from the date of the violation of probation. In addition, separate action may be initiated based on the commission of any traffic, criminal, or military offense that constitutes a probation violation.

(g) DOD employees of the Services or DLA, who can demonstrate that suspension or revocation of installation driving privileges would constructively remove them from employment, may be given a limited suspension/revocation that restricts driving on the installation or activity (or in the overseas command) to the most direct

route to and from their respective work sites (5 U.S.C. 2303 (b)(10)). This is not to be construed as limiting the commander from suspension or revocation of on-duty driving privileges or seizure of OF 346, even if this action would constructively remove a person from employment, in those instances in which the person's duty requires driving from place to place on the installation.

§ 634.17 Extensions of suspensions and revocations.

(a) Driving in violation of a suspension or revocation imposed under this regulation will result in the original period of suspension or revocation being increased by 2 years. In addition, administrative action may also be initiated based on the commission of any traffic, criminal, or military offense (for example, active duty military personnel driving on the installation in violation of an order not to do so).

(b) For each subsequent determination within a 5-year period that revocation is authorized under § 634.10(b), military personnel, DOD civilians, and NAF employees will be prohibited from obtaining or using an OF 346 for 6 months for each such incident. A determination whether DOD civilian personnel should be prohibited from obtaining or using an OF 346 will be made under FPM 930, and other laws and regulations applicable to civilian personnel. This does not preclude a commander from imposing such prohibition for a first offense, or for a longer period of time for a first or subsequent offense, or for such other reasons as may be authorized.

(c) Commanders may extend a suspension or revocation of the installation driving privileges of military personnel until completion of an approved remedial driver training course or alcohol or drug counseling program.

(d) Commanders may extend a suspension or revocation of the installation driving privileges of civilian personnel convicted of intoxicated driving on the installation until successful completion of a State or installation approved alcohol or drug rehabilitation program.

§ 634.18 Reciprocal State-military action.

The Services recognize the interests of the States in matters of POV administration and driver licensing. The following procedures will apply:

(a) Statutory authority may exist within some host nations or States for reciprocal suspension and revocation of driving privileges. If so, the installation commander or designee will honor the reciprocal agreements with State or host nation driver licensing authorities. On receipt of written notice, the receiving party may suspend or revoke driving privileges as if the violations or incidents had occurred within its own jurisdiction.

(b) If statutory authority does not exist within the State for formal military reciprocity, the procedures below will be used.

(1) Where military reciprocity has not been established by State law, commanders will act on reports of suspensions or revocations received from state authorities where the installation is located. When any State authority suspends or revokes a person's driver's license, the installation's driving privilege will be automatically terminated. Administrative actions (suspension, revocation, or point assessment) for moving traffic violations off the installation reported by State authorities should not be less than that required for similar offenses on the installation. When notified by a State of a suspension or revocation, the installation commander may suspend or revoke the person's OF 346.

(2) In CONUS, the appropriate State licensing authority will be notified when a person's installation driving privileges are revoked for a period of 1 year or more following final adjudication of an intoxicated driving offense or for refusal to submit to a BAC test. The notification will be sent to the licensing authority of the State where the individual is licensed. (See appendix B to part 634.) The notification will include the basis for the revocation and the blood alcohol concentration level.

(c) Overseas installation commanders may be affected by provisions of the applicable status of forces agreement (SOFA) and the law of the host nation concerning reciprocal suspension and

revocation. To the extent an agreement concerning reciprocity may be permitted at a particular overseas installation, the installation commander must have prior authorization to negotiate and conclude such an international agreement in accordance with applicable directives, DODD 5530.3, June 1987 and individual Service instructions.

Subpart C—Motor Vehicle Registration

§ 634.19 Registration policy.

(a) Motor vehicles will be registered according to guidance in this regulation and in policies of each Service and DLA. Unless otherwise specified by this regulation or other competent authority, a person who lives or works on a military installation or often uses the facilities will be required to register his or her vehicle. The person need not own the vehicle to register it, but must have a lease agreement, power of attorney, or notarized statement from the owner of the vehicle specifying the inclusive dates for which permission to use the vehicle has been granted.

(b) Vehicles intended for construction and material handling or used solely off the road are not usually registered as motor vehicles. Installation commanders may require registration of off-road vehicles and bicycles under a separate local system.

(c) Commanders can grant limited temporary registration for up to 45 days, pending permanent registration, or in other circumstances for longer terms.

(d) Except for reasons of security, all installations and activities of the Services and DLA within the United States and its territories will honor the DD Form 2220 (Department of Defense Registered Vehicle) issued by other installations or activities.

(e) Visitor identification may be developed and issued locally. (Air Force, see AFR 125-15.)

(f) Registration of POVs is not required at Army installations; however, the conditions in § 634.20 must be met to gain the privilege of operating a POV on an Army installation.

(1) For those installations not registering vehicles, failure to comply

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with conditions in § 634.20 will be detected through traffic enforcement actions. Failure of an owner to comply with these conditions may result in administrative suspension or revocation of his or her installation driving privileges (§ 634.10).

(2) Installation commanders are authorized to use the Vehicle Registration System (VRS) of the Military Police Management Information System (MPMIS). VRS is a Standard Army Management Information System (STAMIS). For installations using VRS, the maximum number of monthly computer runs will not exceed 15 in peacetime and 4 in wartime.

(3) When fielded, VRS-2, a redesigned system, will be employed by all installations using an automated vehicle registration program.

§ 634.20 Registration requirements.

Systems for registration of POVs on military installations within the United States or its territories and in overseas areas will include the requirements specified below (Registration in overseas commands may be modified in accordance with international agreements or military necessity.)

(a) Possession of a valid State, overseas command, host nation, or international driver's license (as applicable), supported by DD Form 2 (U.S. Armed Forces Retired Identification Card), or other appropriate identification for DOD civilians.

(b) Possession of a certificate of State registration as required by the state in which the vehicle is registered.

(c) Continuing compliance with the minimum requirements of the automobile insurance laws or regulations of the State or host nation. In overseas commands where host nation laws do not require minimum personal injury and property damage liability insurance, the major overseas commander may set reasonable liability insurance requirements for registration and operation of POVs within the confines of military installations and areas. Prior to implementation, insurance requirements in host nations should be formally coordinated with the appropriate host nation agency.

(d) Satisfactory completion of safety and mechanical vehicle inspection by

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State or jurisdiction in which the vehicle is licensed or located. If neither State nor local jurisdiction requires a periodic safety inspection, installation commanders may require and conduct an annual POV safety inspection; however, inspection facilities must be reasonably accessible to those requiring use. Inspections will meet minimum standards established by the National Highway Traffic Safety Administration (NHTSA) in §§ 570.1 through 570.10, part 570, chapter V, title 49, Code of Federal Regulations (CFR). Lights, turn signals, brake lights, horn, and wipers should be included in the inspection.

(e) Vehicles with elevated rear ends are unsafe and will be denied registration on Army, DLA, and Marine Corps installations. The CFR (§ 570.8 (Suspension Systems), part 570, chapter V, title 49) states that springs should not be extended above the vehicle manufacturer's design height.

§ 634.21 Specifications for DD Form 2220.

(a) *Use.* DD Form 2220 will be used to register POVs on Army, Navy, Air Force, Marine Corps, and DLA installations or facilities. The form is produced in single copy for placement on the front of the vehicle only.

(1) Each Service and DLA will procure its own forms and installation and expiration tabs. For the Army, the basic decal may be ordered through publications channels. Army installations must procure their own installation and expiration tabs using installation funds.

(2) DD Form 2220 and installation and expiration tabs will be removed from POVs when the registration expires or is terminated.

(3) The normal expiration term for registration on Army installations will be 4 years.

(b) *Specifications.* (1) DD Form 2220 will consist of international blue borders and printing on a white background. Printer information will include the following:

(i) Form title (Department of Defense Registered Vehicle).

(ii) Alphanumeric individual form identification number.

(iii) DOD seal.

(2) Name of the installation will be specified on a separate tab abutting the decal. Each Service or DLA may choose optional color codes of the registrant. Army installations having vehicle registration programs will use the following standard color scheme for the installation tab:

- (i) Blue-officers.
- (ii) Red-enlisted.
- (iii) Green-DA civilian employees (including NAF employees).
- (iv) Black-Contractor personnel and other civilians employed on the installation.

(3) An expiration tab identifying the month and year (“6-97”) or simply the year (“97”) will be abutted to the decal. For identification purposes, the date of expiration will be shown in bold block numbers on a lighter contrasting background such as traffic yellow, lime, or orange.

(4) The decal, installation tab, and expiration tab will be theft resistant when applied to glass, metal, painted, or rubberized surfaces after full adhesion had developed and will be manufactured to “tear” or “self destruct” when any attempt to remove it is made with a sharp instrument or chemical.

(5) On Army installations, a single decal with tabs will be prominently affixed to the front windshield or bumper of registered vehicles. Local policy will specify the exact placement. Some States prohibit or restrict placement of decals on windshields. In such cases, State law will be complied with.

§ 634.22 Termination or denial of registration.

Installation commanders or their designated representatives will terminate POV registration or deny initial registration under the following conditions (decal and tabs will be removed from the vehicle when registration is terminated):

- (a) The owner fails to comply with the registration requirements. (See § 634.20)
- (b) The owner sells or disposes of the POV, is released from active duty, is separated from the Service, is transferred to a new duty station, or terminates civilian employment with a military Service or DOD agency.

(c) The owner is other than an active duty military or civilian employee and discontinues regular operation of the POV on the installation.

(d) The owner’s State, overseas command, or host nation driver’s license has been suspended or revoked, or the installation driving privilege has been revoked. Where vehicle registration is terminated in conjunction with the revocation of installation driving privileges, the affected person must apply to re-register the POV after the revocation expires. Registration should not be terminated if other family members having installation driving privileges require use of the vehicle.

§ 634.23 Specified consent to impoundment.

Personnel registering POVs on Service or DLA installations must consent to the impoundment policy. POV registration forms will contain or have appended to them a certificate with the following statement:

I am aware that (insert number and title of separate Service or DLA directive) and the installation traffic code provide for the removal and temporary impoundment of privately owned motor vehicles that are either parked illegally for unreasonable periods, interfering with military operations, creating a safety hazard, disabled by incident, left unattended in a restricted or controlled area, or abandoned. I agree to reimburse the United States for the cost of towing and storage should my motor vehicle(s), because of such circumstances, be removed and impounded.

Subpart D—Traffic Supervision

SECTION I—TRAFFIC PLANNING AND CODES

§ 634.24 Traffic planning.

(a) Safe and efficient movement of traffic on an installation requires traffic supervision. A traffic supervision program includes traffic circulation planning, supervision, and control of motor vehicle traffic; publication and enforcement of traffic laws and regulations; and investigation of motor vehicle accidents.

(b) Installation commanders will develop traffic circulation plans that provide for the safest and most efficient use of primary and secondary roads.

Circulation planning should be a major part of all long-range master planning at installations. The traffic circulation plan is developed by the installation law enforcement officer, engineer, safety officer, and other concerned staff agencies. Highway engineering representatives from adjacent civil communities must be consulted to ensure the installation plan is compatible with the current and future circulation plan of the community. The plan should include the following:

(1) Normal and peak load routing based on traffic control studies.

(2) Effective control of traffic using planned direction, including measures for special events and adverse road or weather conditions.

(3) Point control at congested locations by law enforcement personnel or designated traffic directors or wardens, including trained school-crossing guards.

(4) Use of traffic control signs and devices.

(5) Efficient use of available parking facilities.

(6) Efficient use of mass transportation.

(c) Traffic control studies will provide factual data on existing roads, traffic density and flow patterns, and points of congestion. The installation law enforcement officer and traffic engineer usually conduct coordinated traffic control studies to obtain the data. Accurate data will help determine major and minor routes, location of traffic control devices, and conditions requiring engineering or enforcement services.

(d) The Military Traffic Management Command Transportation Engineering Agency (MTMCTEA) will help installation commanders solve complex highway traffic engineering problems. MTMCTEA traffic engineering services include—

(1) Traffic studies of limited areas and situations.

(2) Complete studies of traffic operations of entire installations. (This can include long-range planning for future development of installation roads, public highways, and related facilities.)

(3) Assistance in complying with established traffic engineering standards.

(e) Installation commanders should submit requests for traffic engineering services in accordance with AR 55-80/OPNAVINST 11210.1B/AFR 75-88/MCO 11210.2C/DLAR 4500.19.

§ 634.25 Installation traffic codes.

(a) Installation or activity commanders will establish a traffic code for operation of motor vehicles on the installation. Commanders in overseas areas will establish a traffic code, under provisions of this regulation, to the extent military authority is empowered to regulate traffic on the installation under the applicable SOFA. Traffic codes will contain the rules of the road (parking violations, towing instructions, safety equipment, and other key provisions). These codes will, where possible, conform to the code of the State or host nation in which the installation is located. In addition, the development and publication of installation traffic codes will be based on the following:

(1) Highway Safety Program Standards (23 CFR part 1230).

(2) Applicable portions of the Uniform Vehicle Code and Model Traffic Ordinance published by the National Committee on Uniform Traffic Laws and Ordinances (23 CFR part 1204).

(b) The installation traffic code will contain policy and procedures for the towing, searching, impounding, and inventorying of POVs. These provisions should be well publicized and contain the following:

(1) Specific violations and conditions under which the POV will be impounded and towed.

(2) Procedures to immediately notify the vehicle owner.

(3) Procedures for towing and storing impounded vehicles.

(4) Actions to dispose of the vehicle after lawful impoundment.

(c) Installation traffic codes will also contain the provisions discussed below. (Army users, see AR 385-55.)

(1) Motorcycles and mopeds. For motorcycles and other self-propelled, open, two-wheel, three-wheel, and four-wheel vehicles powered by a motorcycle-type engine, the following traffic rules apply:

(i) Headlights will be on at all times when in operation.

(ii) A rear view mirror will be attached to each side of the handle bars.

(iii) Approved protective helmets, eye protection, and highly reflective clothing or vests will be worn by operators and passengers when in operation.

(2) Restraint systems.

(i) Restraint systems (seat belts) will be worn by all operators and passengers of U.S. Government vehicles on or off the installation.

(ii) Restraint systems will be worn by all civilian personnel (family members, guests, and visitors) driving or riding in a POV on the installation.

(iii) Restraint systems will be worn by all military service members and Reserve Component members on active Federal service driving or riding in a POV whether on or off the installation.

(iv) Infant/child restraint devices (car seats) will be required in POVs for children 4 years old or under and not exceeding 45 pounds in weight.

(iv) Restraint systems are required only in cars manufactured after model year 1966.

(3) Headphones and earphones. The wearing of headphones or earphones is prohibited while driving a U.S. Government vehicle, POV, motorcycle, or other self-propelled two-wheel, three-wheel, and four-wheel vehicles powered by a motorcycle-type engine. This does not negate the requirement for wearing hearing protection when conditions or good judgment dictate use of such protection.

(d) Only administrative actions (reprimand, assessment of points, loss of on-post driving privileges, or other actions) will be initiated against service members for off-post violations of the installation traffic code.

(e) In States where traffic law violations are State criminal offenses, such laws are made applicable under the provisions of 18 U.S.C. 13 to military installations having concurrent or exclusive Federal jurisdiction.

(f) In those States where violations of traffic law are not considered criminal offenses and cannot be assimilated under 18 USC, DODD 5525.4, in appendix C to part 634 expressly adopts the vehicular and pedestrian traffic laws of such States and makes these laws applicable to military installations having concurrent or exclusive Federal ju-

risdiction. It also delegates authority to installation commanders to establish additional vehicular and pedestrian traffic rules and regulations for their installations. Persons found guilty of violating the vehicular and pedestrian traffic laws made applicable on the installation under provisions of that directive are subject to a fine of not more than \$50.00 or imprisonment for not more than 30 days, or both, for each violation (40 U.S.C. 318c). In those States where traffic laws cannot be assimilated, an extract copy of this paragraph and a copy of DODD 5525.4 in Appendix C, will be posted in a prominent place accessible to persons assigned, living, or working on the installation.

(g) In those States where violations of traffic laws cannot be assimilated because the Federal Government's jurisdictional authority on the installation or parts of the installation is only proprietary, neither 18 U.S.C. 13 nor the delegation in appendix C to part 634 will permit enforcement of the State's traffic laws in Federal courts. Law enforcement authorities on those military installations must rely on either administrative sanctions related to the installation driving privilege or enforcement of traffic laws by State law enforcement authorities.

SECTION II—TRAFFIC LAW ENFORCEMENT

§ 634.26 Traffic law enforcement principles.

(a) Traffic law enforcement should motivate drivers to operate vehicles safely within traffic laws and regulations and maintain an effective and efficient flow of traffic. Effective enforcement should emphasize voluntary compliance by drivers and can be achieved by the following actions:

(1) Publishing a realistic traffic code well known by all personnel.

(2) Adopting standard signs, markings, and signals in accordance with NHSPS and the Manual on Uniform Traffic Control Devices for Streets and Highways.

(3) Ensuring enforcement personnel establish courteous, personal contact with drivers and act promptly when driving behavior is improper or a defective vehicle is observed in operation.

(4) Maintaining an aggressive program to detect and apprehend persons who drive while privileges are suspended or revoked.

(5) Using sound discretion and judgment in deciding when to apprehend, issue citations, or warn the offender.

(b) Selective enforcement will be used when practical. Selective enforcement deters traffic violations and reduces accidents by the presence or suggested presence of law enforcement personnel at places where violations, congestion, or accidents frequently occur. Selective enforcement applies proper enforcement measures to traffic congestion and focuses on selected time periods, conditions, and violations that cause accidents. The military services use selective enforcement because that practice is the most effective use of resources.

(c) Enforcement activities against intoxicated driving will include—

(1) Detecting, apprehending, and testing persons suspected of driving under the influence of alcohol or drugs.

(2) Training law enforcement personnel in special enforcement techniques.

(3) Enforcing blood-alcohol concentration standards. (See §634.34.)

(4) Denying installation driving privileges to persons whose use of alcohol or other drugs prevents safe operation of a motor vehicle.

(d) Installation officials will formally evaluate traffic enforcement at least once a year. That evaluation will examine procedures to determine if the following elements of the program are effective in reducing traffic accidents and deaths:

(1) Selective enforcement measures.

(2) Suspension and revocation actions.

(3) Chemical breath-testing programs.

§634.27 Speed-measuring devices.

Speed-measuring devices will be used in traffic control studies and enforcement programs. Signs may be posted to indicate speed-measuring devices are being used.

(a) *Equipment purchases.* Installations located in States having a formal training and certification program will purchase the same brand and model of

equipment used by the State and will ensure operators attend an appropriate training program. Otherwise, equipment in appropriate Service or DLA tables of allowances will be used.

(b) *Training and certification standards.* (1) The commander of each installation using traffic radar will ensure that personnel selected as operators of such devices meet training and certification requirements prescribed by the States in which the installation is located. Specific information on course dates, costs, and prerequisites for attending may be obtained by contacting the State agency responsible for police traffic radar training.

(2) Installation commanders located in States or overseas areas where no formal training program exists, or where the military personnel are unable or ineligible to participate in police traffic radar training programs, may implement their own training program or use a selected civilian institution or manufacturer's course.

(3) The objective of the civilian or manufacturer-sponsored course is to improve the effectiveness of speed enforcement through the proper and efficient use of speed-measurement radar. On successful completion, the course graduate must be able to—

(i) Describe the association between excessive speed and accidents, deaths, and injuries, and describe the traffic safety benefits of effective speed control.

(ii) Describe the basic principles of radar speed measurement.

(iii) Identify and describe the Service's policy and procedures affecting radar speed measurement and speed enforcement.

(iv) Identify the specific radar instrument used and describe the instrument's major components and functions.

(v) Demonstrate basic skills in calibrating and operating the specific radar instrument(s).

(vi) Demonstrate basic skills in preparing and presenting records and courtroom testimony relating to radar speed measurement and enforcement.

(c) *Recertification.* Recertification of operators will occur every 3 years.

§ 634.28 Traffic accident investigation.

Installation law enforcement personnel must make detailed investigations of accidents described below:

(a) Accidents involving Government vehicles or Government property on the installation involving a fatality, personal injury, or estimated property damage in the amount established by separate Service/DLA policy. (Minimum damage limits are: Army and Air Force, \$1,000; Navy and Marine Corps, \$500.) The installation motor pool will provide current estimates of the cost of repairs. Investigations of off-installation accidents involving Government vehicles will be made in cooperation with the civilian law enforcement agency.

(b) POV accidents on the installation involving a fatality, personal injury, or estimated property damage to a POV in excess of \$1,000 or the amount established by Service/DLA policy.

§ 634.29 Traffic accident investigation reports.

(a) *Accidents requiring immediate reports.* The driver or owner of any vehicle involved in an accident, as described in § 634.28, on the installation, must immediately notify the installation law enforcement office. The operator of any Government vehicle involved in a similar accident off the installation must immediately notify the local civilian law enforcement agency having jurisdiction, as well as law enforcement personnel of the nearest military installation.

(b) *Investigation records.* Installation law enforcement officials will record traffic accident investigations on Service/DLA forms. Information will be released according to Service/DLA policy, the Privacy Act, and the Freedom of Information Act.

(c) *Army law enforcement officers.* These officers provide the local Safety Office copies of traffic accident investigation reports pertaining to accidents investigated by military police that resulted in a fatality, personal injury, or estimated damage to Government vehicles or property in excess of \$1,000.

(d) *POV accidents not addressed in § 634.28.* Guidance for reporting these cases is provided below:

(1) Drivers or owners of POVs will be required to submit a written report to the installation law enforcement office within 72 hours of an accident in the following cases:

(i) The accident occurs on the installation.

(ii) The accident involves no personal injury.

(iii) The accident involves only minor damage to the POV and the vehicle can be safely and normally driven from the scene.

(2) Information in the written report cannot be used in criminal proceedings against the person submitting it. Within the United States, the installation law enforcement official may require such reporting on Service forms or forms of the State jurisdiction.

(3) Reports required in paragraph (d)(1) of this section will include the following about the accident:

(i) Location, date, and time.

(ii) Identification of all drivers, pedestrians, and passengers involved.

(iii) Identification of vehicles involved.

(iv) Speed and direction of travel of each vehicle involved, including a sketch of the collision and roadway with street names and north arrow.

(v) Property damage involved.

(vi) Environmental conditions at the time of the incident (weather, visibility, road surface condition, and other factors).

(vii) Narrative description of the events and circumstances concerning the accident.

§ 634.30 Traffic accident investigation report data.

(a) Data derived from traffic accident investigation reports and from vehicle owner accident reports will be analyzed to determine probable causes of accidents. When frequent accidents occur at a location, the conditions at the location and the types of accidents (collision diagram) will be examined.

(b) Law enforcement personnel and others who prepare traffic accident investigation reports will indicate whether or not seat restraint devices were being used at the time of the accident.

(c) When accidents warrant, an installation commander may establish a

traffic accident review board. The board will consist of law enforcement, engineer, safety, medical, and legal personnel. The board will determine principal factors leading to the accident and recommend measures to reduce the number and severity of accidents on and off the installation. (The Air Force will use Traffic Safety Coordinating Groups. The Navy will use Traffic Safety Councils per OPNAVINST 5100.12D.)

(d) Data will be shared with the installation legal, engineer, safety, and transportation officers. The data will be used to inform and educate drivers and to conduct traffic engineering studies.

(e) Army traffic accident investigation reports will be provided to Army Centralized Accident Investigation of Ground Accidents (CAIG) boards on request. The CAIG boards are under the control of the Commander, U.S. Army Safety Center, Fort Rucker, Alabama 36362-5363. These boards investigate Class A, on-duty, non-POV accidents and other selected accidents Army-wide. (See AR 385-40.) Local commanders provide additional board members as required to complete a timely and accurate investigation. Normally, additional board members are senior equipment operators, maintenance officer, and medical officers. However, specific qualifications of the additional board members may be dictated by the nature of the accident.

(f) The CAIG program is not intended to interfere with, impede, or delay law enforcement agencies in the execution of regulatory responsibilities that apply to the investigation of accidents for a determination of criminal intent or criminal acts. Criminal investigations have priority.

(g) Army law enforcement agencies will maintain close liaison and cooperation with CAIG boards. Such cooperation, particularly with respect to interviews of victims and witnesses and in collection and preservation of physical evidence, should support both the CAIG and law enforcement collateral investigations.

§ 634.31 Parking.

(a) The most efficient use of existing on- and off-street parking space would

be stressed on a nonreserved (first-come, first-served) basis.

(b) Reserved parking facilities should be designated as parking by permit or numerically by category of eligible parkers. Designation of parking spaces by name, grade, rank, or title should be avoided.

(c) Illegal parking contributes to congestion and slows traffic flow on an installation. Strong enforcement of parking restrictions results in better use of available parking facilities and eliminates conditions causing traffic accidents.

(d) The "Denver boot" device is authorized for use as a technique to assist in the enforcement of parking violations where immobilization of the POV is necessary for safety. Under no circumstances should the device be used to punish or "teach a lesson" to violators. Booting should not be used if other reasonably effective but less restrictive means of enforcement (such as warnings, ticketing, reprimands, revocations, or suspensions of on-post driving privileges) are available. Procedures for booting must be developed as listed below.

(1) Local standing operating procedures (SOPs) must be developed to control the discretion of enforcers and limit booting to specific offenses. SOPs should focus on specific reasons for booting, such as immobilization of unsafe, uninspected, or unregistered vehicles or compelling the presence of repeat offenders. All parking violations must be clearly outlined in the installation traffic code.

(2) Drivers should be placed on notice that particular violations or multiple violations may result in booting. Also, drivers must be provided with a prompt hearing and an opportunity to obtain the release of their property.

(3) To limit liability, drivers must be warned when a boot is attached to their vehicle and instructed how to have the boot removed without damaging the vehicle.

§ 634.32 Traffic violation reports.

(a) Most traffic violations occurring on DOD installations (within the UNITED STATES or its territories) should be referred to the proper U.S. Magistrate. (Army, see AR 190-29; DLA,

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see DLAR 5720.4; and Air Force, see AFR 110-15.) However, violations are not referred when—

(1) The operator is driving a Government vehicle at the time of the violation.

(2) A Federal Magistrate is either not available or lacks jurisdiction to hear the matter because the violation occurred in an area where the Federal Government has only proprietary legislative jurisdiction.

(3) Mission requirements make referral of offenders impractical.

(4) A U.S. Magistrate is available but the accused refuses to consent to the jurisdiction of the court and the U.S. Attorney refuses to process the case before a U.S. District Court.

(b) Installation commanders will establish administrative procedures for processing traffic violations.

(1) All traffic violators on military installations will be issued either a DD Form 1408 (Armed Forces Traffic Ticket) or a DD Form 1805 (United States District Court Violation Notice), as appropriate. Unless specified otherwise by separate Service/DLA policy, only on-duty law enforcement personnel (including game wardens) designated by the installation law enforcement officer may issue these forms.

(2) A copy of all violation reports on military personnel and DOD civilian employees apprehended for intoxicated driving will be forwarded to the installation alcohol and drug abuse facility.

(c) Installation commanders will establish procedures used for disposing of traffic violation cases through administrative or judicial action consistent with the Uniform Code of Military Justice (UCMJ) and Federal law.

(d) DD Form 1805 will be used to refer violations of State traffic laws made applicable to the installation (Assimilative Crimes Act (18 U.S.C. 13) and app C and other violations of Federal law) to the U.S. Magistrate. (Army users, see AR 190-29.)

(1) A copy of DD Form 1805 and any traffic violation reports on military personnel and DOD civilian employees will be forwarded to the commander or supervisor of the violator.

(2) Detailed instructions for properly completing DD Form 1805 and con-

tained in separate Service policy directives.

(3) The assimilation of State traffic laws as Federal offenses should be identified by a specific State code reference in the CODE SECTION block of the DD Form 1805 (or in a complaint filed with the U.S. Magistrate).

(4) The Statement of Probable Cause on the DD Form 1805 will be used according to local staff judge advocate and U.S. Magistrate court policy. The Statement of Probable Cause is required by the Federal misdemeanor rules to support the issuance of a summons or arrest warrant.

(5) For cases referred to U.S. Magistrates, normal distribution of DD Form 1805 will be as follows:

(i) The installation law enforcement official will forward copy 1 (white) and copy 2 (yellow) to the U.S. District Court (Central Violation Bureau).

(ii) The installation law enforcement office will file copy 3 (pink).

(iii) Law enforcement personnel will provide copy 4 (envelope) to the violator.

(e) When DD Form 1408 is used, one copy (including written warnings) will be forwarded through command channels to the service members's commander, to the commander of the military family member's sponsor, or to the civilian's supervisor or employer as the installation commander may establish.

(1) Previous traffic violations committed by the offender and points assessed may be shown.

(2) For violations that require a report of action taken, the DD Form 1408 will be returned to the office of record through the reviewing authority as the installation commander may establish.

(3) When the report is received by the office of record, that office will enter the action on the violator's driving record.

SECTION III—STANDARDS AND PROCEDURES FOR PROCESSING DRUNK DRIVERS

§634.33 Training of law enforcement personnel.

(a) As a minimum, installation law enforcement personnel will be trained to do the following:

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(1) Recognize signs of alcohol and other drug impairment in persons operating motor vehicles.

(2) Prepare DD Form 1920 (Alcohol Influence Report).

(3) Perform the three field tests of the improved sobriety testing techniques (§ 634.36(b).)

(4) Determine when a person appears intoxicated but is actually physically or mentally ill and requires prompt medical attention.

(5) Understand the operation of breath-testing devices.

(b) Each installation using breath-testing devices will ensure that operators of these devices—

(1) Are chosen for integrity, maturity, and sound judgment.

(2) Meet certification requirements of the State where the installation is located.

(c) Breath-testing devices must be listed on the approved NHTSA conforming products list published in the FEDERAL REGISTER. All tests must be administered by trained personnel as specified in § 634.36 and must adhere to the procedures described in §§ 634.37 and 634.38 relating to voluntary and involuntary testing.

(d) Installations located in States or overseas areas having a formal breath-testing and certification program should ensure operators attend that training.

(e) Installations located in States or overseas areas with no formal training program will train personnel at courses offered by selected civilian institutions or manufacturers of the equipment.

(f) Operators must maintain proficiency through refresher training every 18 months or as required by the State.

§ 634.34 Blood alcohol concentration standards.

(a) Administrative revocation of driving privileges and other enforcement measures will be applied uniformly to offenders driving under the influence of alcohol or drugs. When a person is tested per § 634.8, the results of the test will be evaluated as follows:

(1) If the percentage of alcohol in the person's blood is less than 0.05 percent, presume the person is not under the influence of alcohol.

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(2) If the percentage is 0.05 but less than 0.10, presume the person is impaired. This standard may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

(3) If the percentage is 0.10 or more, or if tests reflect the presence of illegal drugs, the person was driving while intoxicated.

(b) Percentages in paragraph (a) of this section, are percent of weight by volume of alcohol in the blood based on grams of alcohol per 100 milliliters of blood.

(c) The standards in paragraph (a) of this section, may be modified locally to agree with those established by the State or host nation.

(d) These presumptions will be considered with other evidence in determining intoxication.

§ 634.35 Chemical testing policies and procedures.

(a) Validity of chemical testing. Results of chemical testing are valid under this regulation only under the following circumstances:

(1) Blood, urine, or other bodily substances are tested using generally accepted scientific and medical methods and standards.

(2) Breath tests are administered by qualified personnel (§ 634.33(c)).

(3) A non-portable breath-testing device approved by the State or host nation is used. For Army and Marine Corps, the device must also be listed on the NHTSA conforming products list published in the FEDERAL REGISTER. (See § 634.33.)

(4) Procedures established by the State or host nation or as prescribed in paragraph (b) of this section are followed.

(b) Breath-testing device operational procedures. If the State or host nation has not established procedures for use of breath-testing devices, the following procedures will apply:

(1) Portable breath-testing devices will be used—

(i) During the initial traffic stop as a field sobriety testing technique, along with other field sobriety testing techniques, to determine if further testing is needed on a non-portable evidentiary breath-testing device.

(ii) According to manufacturer operating instructions. (For Army and Marine Corps, the portable breath-testing device must also be listed on the NHTSA conforming products list published in the FEDERAL REGISTER.)

(2) Non-portable evidentiary breath-testing devices will be used as follows:

(i) Observe the person to be tested for at least 15 minutes before collecting the breath specimen. During this time, the person must not drink alcoholic beverages or other fluids, eat, smoke, chew tobacco, or ingest any substance.

(ii) Verify calibration and proper operation of the instrument by using a control sample immediately before the test.

(iii) Comply with operational procedures in the manufacturer's current instruction manual.

(iv) Perform preventive maintenance as required by the instruction manual.

(c) Chemical tests of personnel involved in fatal accidents.

(1) Installation medical authorities will immediately notify the installation law enforcement officer of—

(i) The death of any person involved in a motor vehicle accident.

(ii) The circumstances surrounding such an accident, based on information available at the time of admission or receipt of the body of the victim.

(2) Medical authorities will examine the bodies of those persons killed in a motor vehicle accident to include drivers, passengers, and pedestrians subject to military jurisdiction, and other pedestrians (16 years or older with sponsor's consent only). Tests for the presence and concentration of alcohol or other drugs in the person's blood, bodily fluids, or tissues will be made as soon as possible and where practical within 8 hours of death. The test results will be included in the medical reports.

(3) As provided by law and medical conditions permitting, a blood or breath sample will be obtained from any surviving operator whose vehicle is involved in a fatal accident.

§634.36 Detection, apprehension, and testing of intoxicated drivers.

(a) Law enforcement personnel usually detect drivers under the influence of alcohol or other drugs by observing

unusual or abnormal driving behavior. Drivers showing such behavior will be stopped immediately. The cause of the unusual driving behavior will be determined, and proper enforcement action will be taken.

(b) When a law enforcement officer reasonably concludes that the individual driving or in control of the vehicle is impaired, field sobriety tests should be conducted on the individual. The DD Form 1920 will be used by law enforcement agencies in examining, interpreting, and recording results of such tests. Law enforcement personnel should use a standard field sobriety test (such as one-leg stand or walk and turn) and portable breathalyzers to conduct field sobriety tests.

§634.37 Voluntary breath and bodily fluid testing based on implied consent.

(a) Implied consent policy is explained in §634.8.

(b) Tests may be administered only if the following conditions are met:

(1) The person was lawfully stopped while driving, operating, or in actual physical control of a motor vehicle on the installation.

(2) Reasonable suspicion exists to believe that the person was driving under the influence of alcohol or drugs.

(3) A request was made to the person to consent to the tests combined with a warning that failure to voluntarily submit to or complete a chemical test of bodily fluids or breath will result in the revocation of driving privileges.

(c) As stated in paragraphs (a) and (b) of this section, the law enforcement official relying on implied consent will warn the person that driving privileges will be revoked if the person fails to voluntarily submit to or complete a requested chemical test. The person does not have the right to have an attorney present before stating whether he or she will submit to a test, or during the actual test. Installation commanders will prescribe the type or types of chemical tests to be used. Testing will follow policies and procedures in §634.35. The results of chemical tests conducted under the implied consent provisions of this regulation may be used as evidence in courts-martial, nonjudicial proceedings under Article

15 of the UCMJ, administrative actions, and civilian courts.

(d) Special rules exist for persons who have hemophilia, other blood-clotting disorders, or any medical or surgical disorder being treated with an anticoagulant. These persons—

(1) May refuse a blood extraction test without penalty.

(2) Will not be administered a blood extraction test to determine alcohol or other drug concentration or presence under this regulation.

(3) May be given breath or urine tests, or both.

(e) If a person suspected of intoxicated driving refuses to submit to a chemical test, a test will not be administered except as specified in § 634.38.

§ 634.38 Involuntary extraction of bodily fluids in traffic cases.

(a) *General.* The procedures outlined herein pertain only to the investigation of individuals stopped, apprehended, or cited on a military installation for any offense related to driving a motor vehicle and for whom probable cause exists to believe that such individual is intoxicated. Extractions of body fluids in furtherance of other kinds of investigations are governed by Rule 312(d), Military Rules of Evidence, and regulatory rules concerning requesting and granting authorizations for searches.

(1) Air Force policy on nonconsensual extraction of blood samples is addressed in AFR 160-12.

(2) Marine Corps personnel should not undertake the nonconsensual extraction of body fluids for reasons other than a valid medical purpose without first obtaining the advice and concurrence of the installation staff judge advocate or his or her designee.

(3) DLA policy on nonconsensual taking of blood samples is contained in DLAR 5700.7.

(b) *Rule.* Involuntary bodily fluid extraction is based on valid search and seizure authorization. An individual subject to the UCMJ who does not consent to chemical testing, as described above, may nonetheless be subjected to an involuntary extraction of bodily fluids, including blood and urine, only in accordance with the following procedures:

(1) An individual subject to the UCMJ who was driving a motor vehicle involved in an accident resulting in death, personal injury, or serious property damage may be subjected to a nonconsensual bodily fluid extraction to test for the presence of intoxicants only when there is a probable cause to believe that such an individual was driving or in control of a vehicle while under the influence of an intoxicant.

(i) A search authorization by an appropriate commander or military magistrate obtained pursuant to Rule 315, Military Rules of Evidence (Manual for Courts-Martial, chapter XXVII), is required prior to such nonconsensual extraction.

(ii) A search authorization is not required under such circumstances when there is a clear indication that evidence of intoxication will be found and there is reason to believe that the delay necessary to obtain a search authorization would result in the loss or destruction of the evidence sought.

(iii) Because warrantless searches are subject to close scrutiny by the courts, obtaining an authorization is highly preferable. Warrantless searches generally should be conducted only after coordination with the servicing staff judge advocate or legal officer, and attempts to obtain authorization from an appropriate official prove unsuccessful due to the unavailability of a commander or military magistrate.

(2) If authorization from the military magistrate or commander proves unsuccessful due to the unavailability of such officials, the commander of a medical facility is empowered by Rule 315(d), Military Rules of Evidence, to authorize such extraction from an individual located in the facility at the time the authorization is sought.

(i) Before authorizing the involuntary extraction, the commander of the medical facility should, if circumstances permit, coordinate with the servicing staff judge advocate or legal officer.

(ii) The medical facility commander authorizing the extraction under Rule 315(d) need not be on duty as the attending physician at the facility where the extraction is to be performed and

the actual extraction may be accomplished by other qualified medical personnel.

(iii) The authorizing official may consider his or her own observations of the individual in determining probable cause.

(c) *Role of medical personnel.* Authorization for the nonconsensual extraction of blood samples for evidentiary purposes by qualified medical personnel is independent of, and not limited by, provisions defining medical care, such as the provision for nonconsensual medical care pursuant to AR 600-20, section IV.

(1) Extraction of blood will be accomplished by qualified medical personnel. (See Military Rules of Evidence 312(g).)

(i) In performing this duty, medical personnel are expected to use only that amount of force that is reasonable and necessary to administer the extraction.

(ii) Any force necessary to overcome an individual's resistance to the extraction normally will be provided by law enforcement personnel or by personnel acting under orders from the member's unit commander.

(iii) Life endangering force will not be used in an attempt to effect nonconsensual extractions.

(iv) All law enforcement and medical personnel will keep in mind the possibility that the individual may require medical attention for possible disease or injury.

(2) Nonconsensual extractions of blood will be done in a manner that will not interfere with or delay proper medical attention. Medical personnel will determine the priority to be given involuntary blood extractions when other medical treatment is required.

§ 634.39 Testing at the request of the apprehended person.

(a) A person subject to tests under § 634.8 may request that an additional test be done privately. The person may choose a doctor, qualified technician, chemist, registered nurse, or other qualified person to do the test. The person must pay the cost of the test. The test must be a chemical test approved by the State or host nation in an overseas command. All tests will be completed as soon as possible, with any delay being noted on the results.

(b) If the person requests this test, the apprehending police official may assist the suspect in making arrangements. If the police official fails to or cannot obtain the additional test, the results of the tests done at the direction of a law enforcement official are not invalid and may still be used to support actions under separate Service regulations, UCMJ, and the U.S. Magistrate Court.

§ 634.40 Preparation of sworn statement.

For an example of a property prepared sworn statement on an intoxicated driver, see Army Form 2823.

SECTION IV—OFF-INSTALLATION
TRAFFIC ACTIVITIES

§ 634.41 General.

In areas not under military control, civil authorities enforce traffic laws. Law enforcement authorities will establish a system to exchange information with civil authorities. Off-installation traffic activities in overseas areas are governed by formal agreements with the host nation government. Procedures should be established to process reports received from civil authorities on serious traffic violations, accidents, and intoxicated driving incidents involving persons subject to this regulation.

§ 634.42 Compliance with State laws.

(a) Installation commanders will inform service members and DOD civilian employees to comply with State and local traffic laws when operating military motor vehicles.

(b) Commanders will coordinate with the proper civil law enforcement agency before moving Government vehicles that exceed legal limits or regulations or that may subject highway users to unusual hazards. (See AR-162/OPNAVINST 4600.11D/AFR 75-24/MCO 4643.5C/DLAR 4580.8.)

(c) Installation commanders will maintain liaison with civil enforcement agencies and encourage the following:

(1) Release of a Government vehicle operator to military authorities unless one of the conditions below exists.

(i) The offense warrants detention.

(ii) The person's condition is such that further operation of a motor vehicle could result in injury to the person or others.

(2) Prompt notice to military authorities when military personnel or drivers of Government motor vehicles have—

(i) Committed serious violations of civil traffic laws.

(ii) Been involved in traffic accidents.

(3) Prompt notice of actions by a State or host nation to suspend, revoke, or restrict the State or host nation driver's license (vehicle operation privilege) of persons who—

(i) Operate Government motor vehicles.

(ii) Regularly operate a POV on the installation. (See also §634.18.)

§634.43 Civil-military cooperative programs.

(a) *State-Armed Forces Traffic Workshop Program.* This program is an organized effort to coordinate military and civil traffic safety activities throughout a State or area. Installation commanders will cooperate with State and local officials in this program and provide proper support and participation.

(b) *Community-Installation Traffic Workshop Program.* Installation commanders should establish a local workshop program to coordinate the installation traffic efforts with those of local communities. Sound and practical traffic planning depends on a balanced program of traffic enforcement, engineering, and education. Civilian and military legal and law enforcement officers, traffic engineers, safety officials, and public affairs officers should take part.

Subpart E—Driving Records and the Traffic Point System

§634.44 Driving records.

Each Service and DLA will use its own form to record vehicle traffic accidents, moving violations, suspension or revocation actions, and traffic point assessments involving military and DOD civilian personnel, their family members, and other personnel operating motor vehicles on a military installation. Army installations will use

DA Form 3626 (Vehicle Registration/Driver Record) for this purpose. Table 5-1 prescribes mandatory minimum or maximum suspension or revocation periods. Traffic points are not assessed for suspension or revocation actions.

TABLE 634.44—SUSPENSION/REVOCA-TION OF DRIVING PRIVILEGES (SEE NOTES 1 AND 2.)

Assessment 1: Two-year revocation is mandatory on determination of facts by installation commander. (For Army, 5-year revocation is mandatory.)

Violation: Driving while driver's license or installation driving privileges are under suspension or revocation.

Assessment 2: One-year revocation is mandatory on determination of facts by installation commander.

Violation: Refusal to submit to or failure to complete chemical tests (implied consent).

Assessment 3: One-year revocation is mandatory on conviction.

Violation: Manslaughter (or negligent homicide by vehicle) resulting from the operation of a motor vehicle.

Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor (0.10% or greater on DOD installations; violation of civil law off post).

Driving a motor vehicle while under the influence of any narcotic, or while under the influence of any other drug (including alcohol) to the degree rendered incapable of safe vehicle operation.

Use of a motor vehicle in the commission of a felony. Fleeing the scene of an accident involving death or personal injury (hit and run).

Perjury or making a false statement or affidavit under oath to responsible officials relating to the ownership or operation of motor vehicles.

Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony.

Assessment 4: Suspension for a period of 6 months or less or revocation for a period not to exceed 1 year is discretionary.

Violation: Mental or physical impairment (not including alcohol or other drug use) to the degree rendered incompetent to drive.

Commission of an offense in another State which, if committed on the installation, would be grounds for suspension or revocation.

Permitting an unlawful or fraudulent use of an official driver's license.

Conviction of fleeing, or attempting to elude, a police officer.

Conviction of racing on the highway.

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Assessment 5: Loss of OF 46 for minimum of 6 months is discretionary.

Violation: Receiving a second 1-year suspension or revocation of driving privileges within 5 years.

NOTES:

1. When imposing a suspension or revocation because of an off-installation offense, the effective date should be the same as the date of civil conviction, or the date that State or host-nation driving privileges are suspended or revoked. This effective date can be retroactive.

2. No points are assessed for revocation or suspension actions. Except for implied consent violations, revocations must be based on a conviction by a civilian court or court-martial, nonjudicial punishment under Article 15, UCMJ, or a separate hearing as addressed in this regulation. If revocation for implied consent is combined with another revocation, such as 1 year for intoxicated driving, revocations may run consecutively (total or 24 months) or concurrently (total of 12 months). The installation commander's policy should be applied systematically and not on a case-by-case basis.

§634.45 The traffic point system.

The traffic point system provides a uniform administrative device to impartially judge driving performance of Service and DLA personnel. This system is not a disciplinary measure or a substitute for punitive action. Further, this system is not intended to interfere in any way with the reasonable exercise of an installation commander's prerogative to issue, suspend, revoke, deny, or reinstate installation driving privileges.

§634.46 Point system application.

(a) The Services and DLA are required to use the point system and procedures prescribed herein without change.

(b) The point system in table 634.46 applies to all operators of U.S. Government motor vehicles, on or off Federal property. The system also applies to violators reported to installation officials in accordance with §634.32.

(c) Points will be assessed when the person is found to have committed a violation and the finding is by either the unit commander, civilian supervisor, a military or civilian court (including a U.S. Magistrate), or by payment of fine, forfeiture of pay or allowances, or posted a bond, or collateral.

TABLE 634.46—POINT ASSESSMENT FOR MOVING TRAFFIC VIOLATIONS (SEE NOTE 1.)

Violation: Reckless driving (willful and wanton disregard for the safety of persons or property).

Points assessed: 6

Violation: Owner knowingly and willfully permitting a physically impaired person to operate the owner's motor vehicle.

Points assessed: 6

Violation: Fleeing the scene (hit and run)-property damage only.

Points assessed: 6

Violation: Driving vehicle while impaired (blood-alcohol content more than 0.05 percent and less than 0.10 percent).

Points assessed: 6

Violation: Speed contests.

Points assessed: 6

Violation: Speed too fast for conditions.

Points assessed: 2

Violation: Speed too slow, causing potential safety hazard.

Points assessed: 2

Violation: Failure of operator or occupants to use available restraint system devices while moving (operator assessed points).

Points assessed: 2

Violation: Failure to properly restrain children in a child restraint system while moving (when child is 4 years of age or younger or the weight of child does not exceed 45 pounds).

Points assessed: 2

Violation: One to 10 miles per hour over posted speed limit.

Points assessed: 3

Violation: Over 10 but not more than 15 miles per hour above posted speed limit.

Points assessed: 4

Violation: Over 15 but not more than 20 miles per hour above posted speed limit.

Points assessed: 5

Violation: Over 20 miles per hour above posted speed limit.

Points assessed: 6

Violation: Following too close.

Points assessed: 4

Violation: Failure to yield right of way to emergency vehicle.

Points assessed: 4

Violation: Failure to stop for school bus or school-crossing signals.

Points assessed: 4

Violation: Failure to obey traffic signals or traffic instructions of an enforcement officer or traffic warden; or any official regulatory traffic sign or device requiring a full stop or yield of right of way; denying entry; or requiring direction of traffic.

Points assessed: 4

Violation: Improper passing.

Points assessed: 4

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- Violation: Failure to yield (no official sign involved).
Points assessed: 4
- Violation: Improper turning movements (no official sign involved).
Points assessed: 3
- Violation: Wearing of headphones/earphones while driving motor vehicles (two or more wheels).
Points assessed: 3
- Violation: Failure to wear an approved helmet and/or reflectorized vest while operating or riding on a motorcycle, MOPED, or a three or four-wheel vehicle powered by a motorcycle-like engine.
Points assessed: 3
- Violation: Improper overtaking.
Points assessed: 3
- Violation: Other moving violations (involving driver behavior only).
Points assessed: 3
- Violation: Operating an unsafe vehicle. (See Note 2.)
Points assessed: 2
- Violation: Driver involved in accident is deemed responsible (only added to points assessed for specific offenses).
Points assessed: 1

NOTES:

- 1. When two or more violations are committed on a single occasion, the points assessed will be for the offense having the greater value.
- 2. This measure should be used for other than minor vehicle safety defects or when a driver or registrant fails to correct a minor defect (for example, a burned out headlight not replaced within the grace period on a warning ticket).

§ 634.47 Point system procedures.

- (a) Reports of moving traffic violations recorded on DD Form 1408 or DD Form 1805 will serve as a basis for determining point assessment. For DD Form 1408, return endorsements will be required from commanders or supervisors.
- (b) On receipt of DD Form 1408 or other military law enforcement report of a moving violation, the unit commander, designated supervisor, or person otherwise designated by the installation commander will conduct an inquiry. The commander will take or recommend proper disciplinary or administrative action. If a case involves judicial or nonjudicial actions, the final report of action taken will not be forwarded until final adjudication.
- (c) On receipt of the report of action taken (including action by a U.S. Magistrate Court on DD Form 1805), the in-

stallation law enforcement officer will assess the number of points appropriate or the offense, and record the traffic points or the suspension or revocation of driving privileges on the person's driving record. Except as specified otherwise in this and other vice/DLA regulations, points will not be assessed or driving privileges suspended or revoked when the report of action taken indicates that neither disciplinary nor administrative action was taken.

(d) Installation commanders may require the following driver improvement measures as appropriate:

(1) Advisory letter through the unit commander or supervisor to any person who has acquired six traffic points within a 6-month period.

(2) Counseling or driver improvement interview, by the unit commander, of any person who has acquired more than six but less than 12 traffic points within a 6-month period. This counseling or interview should produce recommendations to improve driver performance.

(3) Referral for medical evaluation when a driver, based on reasonable belief, appears to have mental or physical limits that have had or may have an adverse affect on driving performance.

(4) Attendance at remedial driver training to improve driving performance.

(5) Referral to an alcohol or drug treatment or rehabilitation facility for evaluation, counseling, or treatment. This action is required for active military personnel in all cases in which alcohol or other drugs are a contributing factor to a traffic citation, incident, or accident.

(e) An individual's driving privileges may be suspended or revoked as provided by this regulation regardless of whether these improvement measures are accomplished.

(f) Persons whose driving privileges are suspended or revoked (for one violation or an accumulation of 12 traffic points within 12 consecutive months, or 18 traffic points within 24 consecutive months) will be notified in writing through official channels (§634.11). Except for the mandatory minimum or maximum suspension or revocation periods prescribed by table 634.44, the installation commander will establish

periods of suspension or revocation. Any revocation based on traffic points must be no less than 6 months. A longer period may be imposed on the basis of a person's overall driving record considering the frequency, flagrancy, severity of moving violations, and the response to previous driver improvement measures. In all cases, military members must successfully complete a prescribed course in remedial driver training before driving privileges are reinstated.

(g) Points assessed against a person will remain in effect for point accumulation purposes for 24 consecutive months. The review of driver records to delete traffic points should be done routinely during records update while recording new offenses and forwarding records to new duty stations. Completion of a revocation based on points requires removal from the driver record of all points assessed before the revocation.

(h) Removal of points does not authorize removal of driving record entries for moving violations, chargeable accidents, suspensions, or revocations. Record entries will remain posted on individual driving records for the period of time indicated below.

(1) Chargeable nonfatal traffic accidents or moving violations—3 years.

(2) Nonmandatory suspensions or revocations—5 years.

(3) Mandatory revocations—7 years.

§ 634.48 Disposition of driving records.

Procedures will be established to ensure prompt notice to the installation law enforcement officer when a person assigned to or employed on the installation is being transferred to another installation, being released from military service, or ending employment.

(a) If persons being transferred to a new installation have valid points or other entries on the driving records, the law enforcement officer will forward the records to the law enforcement officer of the gaining installation. Gaining installation law enforcement officers must coordinate with applicable commanders and continue any existing suspension or revocation based on intoxicated driving or accumulation of traffic points. Traffic points for per-

sons being transferred will continue to accumulate as specified in § 634.47(g).

(b) Driving records of military personnel being discharged or released from active duty will be retained on file for 2 years and then destroyed. In cases of immediate reenlistment, change of officer component or military or civilian retirement when vehicle registration is continued, the record will remain active.

(c) Driving records of civilian personnel terminating employment will be retained on file for 2 years and then destroyed.

(d) Driving records of military family members containing point assessments or other entries will be forwarded to the sponsor's gaining installation in the same manner as for service members. At the new installation, records will be analyzed and made available temporarily to the sponsor's unit commander or supervisor for review.

(e) Driving records of retirees electing to retain installation driving privileges will be retained. Points accumulated or entries on the driver record regarding suspensions, revocations, moving violations, or chargeable accidents will not be deleted from driver records except per § 634.47 (g) and (h).

(f) Army users will comply with § 634.47 (g) and (h) by mailing the individual's DA Form 3626 to the gaining installation provost marshal.

Subpart F—Impounding Privately Owned Vehicles

§ 634.49 General.

This chapter provides the standards and procedures for law enforcement personnel when towing, inventorying, searching, impounding, and disposing of POVs. This policy is based on:

(a) The interests of the Services and DLA in crime prevention, traffic safety, and the orderly flow of vehicle traffic movement.

(b) The vehicle owner's constitutional rights to due process, freedom from unreasonable search and seizure, and freedom from deprivation of private property.

§ 634.50 Standards for impoundment.

(a) POVs should not be impounded unless the vehicles clearly interfere

with ongoing operations or movement of traffic, threaten public safety or convenience, are involved in criminal activity, contain evidence of criminal activity, or are stolen or abandoned.

(b) The impoundment of a POV would be inappropriate when reasonable alternatives to impoundment exist.

(1) Attempts should be made to locate the owner of the POV and have the vehicle removed.

(2) The vehicle may be moved a short distance to a legal parking area and temporarily secured until the owner is found.

(3) Another responsible person may be allowed to drive or tow the POV with permission from the owner, operator, or person empowered to control the vehicle. In this case, the owner, operator, or person empowered to control the vehicle will be informed that law enforcement personnel are not responsible for safeguarding the POV.

(c) Impounding of POVs is justified when any of the following conditions exist:

(1) The POV is illegally parked—

(i) On a street or bridge, in a tunnel, or is double parked, and interferes with the orderly flow of traffic.

(ii) On a sidewalk, within an intersection, on a cross-walk, on a railroad track, in a fire lane, or is blocking a driveway, so that the vehicle interferes with operations or creates a safety hazard to other roadway users or the general public. An example would be a vehicle parked within 15 feet of a fire hydrant or blocking a properly marked driveway of a fire station or aircraft-alert crew facility.

(iii) When blocking an emergency exit door or any public place (installation theater, club, dining hall, hospital, and other facility).

(iv) In a “tow-away” zone that is so marked with proper signs.

(2) The POV interferes with—

(i) Street cleaning or snow removal operations and attempts to contact the owner have been unsuccessful.

(ii) Emergency operations during a natural disaster or fire or must be removed from the disaster area during cleanup operations.

(3) The POV has been used in a crime or contains evidence of criminal activity.

(4) The owner or person in charge has been apprehended and is unable or unwilling to arrange for custody or removal.

(5) The POV is mechanically defective and is a menace to others using the public roadways.

(6) The POV is disabled by a traffic incident and the operator is either unavailable or physically incapable of having the vehicle towed to a place of safety for storage or safekeeping.

(7) Law enforcement personnel reasonably believe the vehicle is abandoned.

§ 634.51 Towing and storage.

(a) Impounded POVs may be towed and stored by either the Services and DLA or a contracted wrecker service depending on availability of towing services and the local commander’s preference.

(b) The installation commander will designate an enclosed area on the installation that can be secured by lock and key for an impound lot to be used by the military or civilian wrecker service. An approved impoundment area belonging to the contracted wrecker service may also be used provided the area assures adequate accountability and security of towed vehicles. One set of keys to the enclosed area will be maintained by the installation law enforcement officer or designated individual.

(c) Temporary impoundment and towing of POVs for violations of the installation traffic code or involvement in criminal activities will be accomplished under the direct supervision of law enforcement personnel.

§ 634.52 Procedures for impoundment.

(a) *Unattended POVs.* (1) DD Form 2504 (Abandoned Vehicle Notice) will be conspicuously placed on POVs considered unattended. This action will be documented by an entry in the installation law enforcement desk journal.

(2) The owner will be allowed 3 days from the date the POV is tagged to remove the vehicle before impoundment action is initiated. If the vehicle has not been removed after 3 days, it will be removed by the installation towing service or the contracted wrecker service. If a contracted wrecker service is

used, a DD Form 2505 (Abandoned Vehicle Removal Authorization) will be completed and issued to the contractor by the installation law enforcement office.

(3) After the vehicle has been removed, the installation law enforcement officer or the contractor will complete DD Form 2506 (Vehicle Impoundment Report) as a record of the actions taken.

(i) An inventory listing personal property will be done to protect the owner, law enforcement personnel, the contractor, and the commander.

(ii) The contents of a closed container such as a suitcase inside the vehicle need not be inventoried. Such articles should be opened only if necessary to identify the owner of the vehicle or if the container might contain explosives or otherwise present a danger to the public. Merely listing the container and sealing it with security tape will suffice.

(iii) Personal property must be placed in a secure area for safekeeping.

(4) DD Form 2507 (Notice of Vehicle Impoundment) will be forwarded by certified mail to the address of the last known owner of the vehicle to advise the owner of the impoundment action, and request information concerning the owner's intentions pertaining to the disposition of the vehicle.

(b) *Stolen POVs or vehicles involved in criminal activity.* (1) When the POV is to be held for evidentiary purposes, the vehicle should remain in the custody of the applicable Service or DLA until law enforcement purposes are served.

(2) Recovered stolen POVs will be released to the registered owner, unless held for evidentiary purposes, or to the law enforcement agency reporting the vehicle stolen, as appropriate.

(3) A POV held on request of other authorities will be retained in the custody of the applicable Service or DLA until the vehicle can be released to such authorities.

§634.53 Search incident to impoundment based on criminal activity.

Search of a POV in conjunction with impoundment based on criminal activity will likely occur in one of the following general situations:

(a) The owner or operator is not present. This situation could arise during traffic and crime-related impoundments and abandoned vehicle seizures. A property search related to an investigation of criminal activity should not be conducted without search authority unless the item to be seized is in plain view or is readily discernible on the outside as evidence of criminal activity. When in doubt, proper search authority should be obtained before searching.

(b) The owner or operator is present. This situation can occur during either a traffic or criminal incident, or if the operator is apprehended for a crime or serious traffic violation and sufficient probable cause exists to seize the vehicle. This situation could also arise during cases of intoxicated driving or traffic accidents in which the operator is present but incapacitated or otherwise unable to make adequate arrangements to safeguard the vehicle. If danger exists to the police or public or if there is risk of loss or destruction of evidence, an investigative type search of the vehicle may be conducted without search authority. (Army, see AR 190-22; and Air Force, see AFP 125-2.)

§634.54 Disposition of vehicles after impoundment.

(a) If a POV is impounded for evidentiary purposes, the vehicle can be held for as long as the evidentiary or law enforcement purpose exists. The vehicle must then be returned to the owner without delay unless directed otherwise by competent authority.

(b) If the vehicle is unclaimed after 120 days from the date notification was mailed to the last known owner or the owner released the vehicle by properly completing DD Form 2505, the vehicle will be disposed of by one of the following procedures:

(1) Release to the lienholder, if known.

(2) Processed as abandoned property in accordance with DOD 4160.21-M.

APPENDIX A TO PART 634—REFERENCES

Publications and forms referenced in this part may be viewed at the Office of Provost

Marshal at any Army installation. Department of Defense publications are also available from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161; telephone (703) 487-4684.

Section I

Required Publications

AFP 125-2. Technical Guide for Police Traffic Operations. (Cited in §634.53.)

AFR 30-2. Social Action Program. (Cited in §634.13.)

AFR 75-24/AR 55-162/DLAR 4580.8/MCO 4643.5C/OPNAVINST 4600.11D. Permits for Oversize, Overweight, or Other Special Military Movements on Public Highways in the U.S. (Cited in §634.42.)

AFR 75-88/AR 55-80/DLAR 4500.19/MCO 11210.2C/OPNAVINST 11210.1B. Highways for National Defense. (Cited in §634.32.)

AFR 110-15. Use of U.S. Magistrates for Trial of Misdemeanors Committed by Civilians. (Cited in §634.32.)

AFR 125-15. Motor Vehicle Registration and Related Requirements. (Cited in §634.19.)

AFR 160-12. Professional Policies and Procedures. (Cited in §634.38.)

AR 190-22. Searches, Seizures, and Disposition of Property. (Cited in §634.53.)

AR 190-29. Minor Offenses and Uniform Violation Notices Referred to U.S. District Courts. (Cited in §634.32.)

AR 210-10. Administration. (Cited in §634.7.)

AR 385-40. Accident Reporting and Records. (Cited in §634.30.)

AR 385-55. Prevention of Motor Vehicle Accidents. (Cited in §634.25.)

AR 600-20. Army Command Policies and Procedures. (Cited in §634.38.)

AR 600-85. Alcohol and Drug Abuse Prevention and Control Program. (Cited in §634.14.)

AR 601-280. Total Army Retention Program. (Cited in §634.12.)

DLAR 5700.7. Search and Seizure. (Cited in §§634.7 and 634.38.)

DLAR 5720.4. Preparing and Processing Minor Offenses and Violation Notices Referred to U.S. District Court. (Cited in §634.32.)

DOD 4160.21-M, September 1982. Defense Disposal Manual. (Cited in §634.54.)

DODD 5530.3, June 1987. International Arguments. (Cited in §634.18.)

FPM Supp 792-2. Alcohol and Drug Abuse Programs. (Cited in §634.14.)

MCO 5100.19C. Marine Corps Traffic Safety Program. (Cited in §634.13.)

MCO P5300.12. USMC Substance Abuse Program. (Cited in §§634.13 and 634.30.)

OPNAVINST 5100-12D. Navy Traffic Safety Program. (Cited in §§634.13 and 634.30.)

Section II

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 600-37. Unfavorable Information.

AR 600-200. Enlisted Personnel Management System.

AR 635-20. Enlisted Personnel.

Section III

Prescribed Forms

DA Form 3626. Vehicle Registration/Driver Record. (Prescribed in §634.44.)

DD Form 1920. Alcohol Influence Report. (Prescribed in §634.33.)

DD Form 2220. DOD Registered Vehicle. (Prescribed in §634.19.)

DD Form 2504. Abandoned Vehicle Notice. (Prescribed in §634.52.)

DD Form 2505. Abandoned Vehicle Removal Authorization. (Prescribed in §634.52.)

DD Form 2506. Vehicle Impoundment Report. (Prescribed in §634.52.)

DD Form 2507. Notice of Vehicle Impoundment. (Prescribed in §634.52.)

APPENDIX B TO PART 634—NOTIFICATION OF STATE DRIVER'S LICENSE AGENCIES

The installation commander will notify the State driver's license agency of those personnel whose installation driving privileges are revoked for 1 year or more, following final adjudication of the intoxicated driving offense or for refusing to submit to a lawful blood-alcohol content test in accordance with §634.8. This notification will include the basis for the suspension and the blood-alcohol level. The notification will be sent to the State in which the driver's license was issued. A sample letter format is provided at figure B-1. State driver's license agencies are listed below:

Alabama

Motor Vehicle Division, 2721 Gunter Park Drive, Montgomery, AL 36101, (205) 271-3250

Alaska

Motor Vehicle Division, P.O. Box 100960, Anchorage, AK 99510, (907) 269-5572

Arizona

Motor Vehicle Division, 1801 West Jefferson Street, Phoenix, AZ 85007, (602) 255-7295

Arkansas

Motor Vehicle Division, Joel & Ledbetter Bldg., 7th and Wolfe Streets, Little Rock, AR 72203, (501) 371-1886

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California

Department of Motor Vehicles, P.O. Box 932340, Sacramento, CA 94232, (916) 445-0898

Colorado

Motor Vehicle Division, 140 West Sixth Avenue, Denver, CO 80204, (303) 866-3158

Connecticut

Department of Motor Vehicles, 60 State Street, Wethersfield, CT 06109, (203) 566-5904

Delaware

Motor Vehicle Director, State Highway Administration Bldg., P.O. Box 698, Dover, DE 19903, (302) 736-4421

District of Columbia

Department of Transportation, Bureau of Motor Vehicles, 301 C Street, NW., Washington, DC 20001, (202) 727-5409

Florida

Division of Motor Vehicles, Neil Kirkman Building, Tallahassee, FL 32301, (904) 488-6921

Georgia

Motor Vehicle Division, Trinity-Washington Bldg., Room 114, Atlanta, GA 30334, (404) 656-4149

Hawaii

Division of Motor Vehicle and Licensing, 1455 S. Benetania Street, Honolulu, HI 96814, (808) 943-3221

Idaho

Transportation Department, 3311 State Street, P.O. Box 34, Boise, ID 83731, (208) 334-3650

Illinois

Secretary of State, Centennial Building, Springfield, IL 62756, (217) 782-4815

Indiana

Bureau of Motor Vehicles, State Office Building, Room 901, Indianapolis, IN 46204, (317) 232-2701

Iowa

Department of Transportation, Office of Operating Authority, Lucas Office Bldg., Des Moines, IA 50319, (515) 281-5664

Kansas

Department of Revenue, Division of Vehicles, Interstate Registration Bureau, State Office Bldg. Topeka, KS 66612, (913) 296-3681

Kentucky

Department of Transportation, New State Office Building, Frankfort, KY 40622, (502) 564-4540

Louisiana

Motor Vehicle Administrator, S. Foster Drive, Baton Rouge, LA 70800, (504) 925-6304

Maine

Department of State, Motor Vehicle Division, Augusta, ME 04333, (207) 289-5440

Maryland

Motor Vehicle Administration, 6601 Ritchie Highway, NE., Glen Burnie, MD 21062, (301) 768-7000

Massachusetts

Registry of Motor Vehicles, 100 Nashua Street, Boston, MA 02114, (617) 727-3780

Michigan

Department of State, Division of Driver Licenses and Vehicle Records, Lansing, MI 48918, (517) 322-1486

Minnesota

Department of Public Safety, 108 Transportation Building, St. Paul, MN 55155, (612) 296-2138

Mississippi

Office of State Tax Commission, Woolfolk Building, Jackson, MS 39205, (601) 982-1248

Missouri

Department of Revenue, Motor Vehicles Bureau, Harry S Truman Bldg., 301 W. High Street, Jefferson City, MO 65105, (314) 751-3234

Montana

Highway Commission, Box 4639, Helena, MT 59604, (406) 449-2476

Nebraska

Department of Motor Vehicles, P.O. Box 94789, Lincoln, NE 68509, (402) 471-3891

Nevada

Department of Motor Vehicles, Carson City, NV 89711, (702) 885-5370

New Hampshire

Department of Safety, Division of Motor Vehicles, James H. Haynes Bldg., Concord, NH 03305, (603) 271-2764

New Jersey

Motor Vehicle Division, 25 S. Montgomery Street, Trenton, NJ 08666, (609) 292-2368

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New Mexico

Motor Transportation Division, Joseph M. Montoya Building, Santa Fe, NM 87503, (505) 827-0392

New York

Division of Motor Vehicles, Empire State Plaza, Albany, NY 12228, (518) 474-2121

North Carolina

Division of Motor Vehicles, Motor Vehicles Bldg., Raleigh, NC 27697, (919) 733-2403

North Dakota

Motor Vehicle Department, Capitol Grounds, Bismarck, ND 58505, (701) 224-2619

Ohio

Bureau of Motor Vehicles, P.O. Box 16520, Columbus, OH 43216, (614) 466-4095

Oklahoma

Oklahoma Tax Commission, Motor Vehicle Division, 2501 Lincoln Boulevard, Oklahoma City, OK 73194, (405) 521-3036

Oregon

Motor Vehicles Division, 1905 Lana Avenue, NE., Salem, OR 97314, (503) 378-6903

Pennsylvania

Department of Transportation, Bureau of Motor Vehicles, Transportation and Safety Bldg., Harrisburg, PA 17122, (717) 787-3130

Rhode Island

Department of Motor Vehicles, State Office Building, Providence, RI 02903, (401) 277-6900

South Carolina

Motor Vehicle Division, P.O. Drawer 1498, Columbia, SC 29216, (803) 758-5821

South Dakota

Division of Motor Vehicles, 118 W. Capitol, Pierre, SD 57501, (605) 773-3501

Tennessee

Department of Revenue, Motor Vehicle Division, 500 Deaderick Street, Nashville, TN 37242, (615) 741-1786

Texas

Department of Highways and Public Transportation, Motor Vehicle Division, 40th and Jackson Avenue, Austin, TX 78779, (512) 475-7686

Utah

Motor Vehicle Division, State Fairgrounds, 1095 Motor Avenue, Salt Lake City, UT 84116, (801) 533-5311

Vermont

Department of Motor Vehicles, State Street, Montpelier, VT 05603, (802) 828-2014

Virginia

Department of Motor Vehicles, 2300 W. Broad Street, Richmond, VA 23220, (804) 257-1855

Washington

Department of Licensing, Highways-Licenses Building, Olympia, WA 98504, (206) 753-6975

West Virginia

Department of Motor Vehicles, 1800 Washington Street, East, Charleston, WV 25317, (304) 348-2719

Wisconsin

Department of Transportation, Reciprocity and Permits, P.O. Box 7908, Madison, WI 53707, (608) 266-2585

Wyoming

Department of Revenue, Policy Division, 122 W. 25th Street, Cheyenne, WY 82002, (307) 777-5273

Guam

Deputy Director, Revenue and Taxation, Government of Guam, Agana, Guam 96910, (no phone number available)

Puerto Rico

Department of Transportation and Public Works, Bureau of Motor Vehicles, P.O. Box 41243, Minillas Station, Santurce, PR 00940, (809) 722-2823

FIGURE B-1—SAMPLE LETTER TO STATE DRIVER'S LICENSE AUTHORITY

DEPARTMENT OF THE ARMY

39th Infantry Division, Fort Collins, Colorado 81079-9906

Office of the Provost Marshal,
Motor Vehicle Division, 140 West Sixth Avenue, Denver, Colorado 80204.

This letter is your notification that on 15 May 1996, ROE, Richard L., PFC 000-00-0000, a member of the U.S. Army, 39th Infantry Division, Fort Collins, Colorado was found guilty of intoxicated driving in a trial by court-martial.

He holds a Colorado driver's license, number X94U28, issued 1 June 1995, and expiring on 1 June 1999. He was arrested on 15 May 1996 at Fort Collins, Colorado by Military Police while driving a 1989 Chevrolet Nova, blue in color, bearing Colorado license plate number 359-143.

PFC Roe refused to submit to a chemical test to determine his blood alcohol content after being advised of the implied consent

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provisions of the Fort Collins installation traffic code.

Based on the above information, PFC Roe's installation driving privileges have been revoked for one year.

PFC Roe's current address is 1511 Mountain View Road, Denver, Colorado 80206.

Sincerely,

Max R. Smith,
CPT, MPC, AR 19 Administrative Officer.

APPENDIX C TO PART 634—DOD DIRECTIVE 5525.4, ENFORCEMENT OF STATE LAWS ON DOD INSTALLATIONS

DEPARTMENT OF DEFENSE DIRECTIVE

November 2, 1981

Number 5525.4, ASD (MRA&L)

Subject: Enforcement of State Traffic Laws on DoD Installations.

References: (a) DoD Instruction 6055.4, "Department of Defense Traffic Safety Program," November 7, 1978.

(b) Delegation of Authority to the Secretary of Defense by the Administrator, General Services Administration, March 20, 1981 (enclosure 1).

(c) Title 18, United States Code, section 13.

(d) Title 40, United States Code, section 318c.

A. Purpose

This Directive establishes policies pursuant to the requirements of reference (a) and to authority delegated to the Secretary of Defense under reference (b) for the enforcement, on DoD military installations, of those state vehicular and pedestrian traffic laws that cannot be assimilated under reference (c).

B. Applicability and Scope

1. The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies.

2. The provisions encompass all persons who operate or control a motor vehicle or otherwise use the streets of a military installation over which the United States exercises exclusive or concurrent legislative jurisdiction.

3. The provisions govern only vehicular and traffic offenses or infractions that cannot be assimilated under reference (c), thereby precluding application of state laws to traffic offenses committed on military installations.

C. Policy

1. It is the policy of the Department of Defense that an effective, comprehensive traffic

safety program be established and maintained at all military installations as prescribed in reference (a).

2. State vehicular and pedestrian traffic laws that are now or may hereafter be in effect shall be expressly adopted and made applicable on military installations to the extent provided by this Directive. All persons on a military installation shall comply with the vehicular and pedestrian traffic laws of the state in which the installation is located.

3. Pursuant to the authority established in enclosure 1, installation commanders of all DoD installations in the United States and over which the United States has exclusive or concurrent legislative jurisdiction are delegated the authority to establish additional vehicular and pedestrian traffic rules and regulations for their installations. All persons on a military installation shall comply with locally established vehicular and pedestrian traffic rules and regulations. (Amendment 1, Ch 1 (10/31/86))

4. A person found guilty of violating, on a military installation, any state vehicular or pedestrian traffic law or local installation vehicular or pedestrian traffic rule or regulation made applicable to the installation under the provisions of this Directive is subject to a fine of not more than \$50 or imprisonment for not more than 30 days, or both, for each violation (40 U.S.C. 318c (reference (d)). (Amendment 1, Ch 1 (10/31/86))

5. This Directive does not limit the application of any Federal law or regulation or, under 18 U.S.C. 13 (reference (c)), any state law made applicable to offenses committed on military installations.

6. A copy of this Directive shall be posted in an appropriate place on the DOD installation concerned.

D. Responsibilities

1. The Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) shall modify this Directive, as appropriate.

2. Secretaries of the Military Departments shall comply with this Directive.

E. Effective Date and Implementation

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 120 days.

William H. Taft, IV,
Deputy Secretary of Defense.

Enclosure—1

1. Delegation of Authority: Nov 2, 81, 5525.4 (Encl 1).

ENCLOSURE 1-DELEGATION OF AUTHORITY

GENERAL SERVICES ADMINISTRATION

(D-81-___ 6820-22

Delegation of Authority to the Secretary of Defense

1. Purpose. This delegation authorizes the Secretary of Defense to assist in controlling vehicular and pedestrian traffic on military installations in the United States.

2. Effective date. This delegation became effective on March 20, 1961.

3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Defense to make all needful rules and regulations, and to attach to these rules and regulations such reasonable penalties, not to exceed those prescribed in 40 U.S.C. 318c, as will ensure their enforcement for governing vehicular and pedestrian traffic on military installations of the Department of Defense, as defined in 40 U.S.C. 612, in the United States and over which the United States has exclusive or concurrent legislative jurisdiction.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and the policies, procedures, and controls prescribed by the General Services Administration.

4. Effect on other directives. FPMR Temporary Regulation D-28 is revoked.

Dated: June 24, 1981.

(Signed) Gerald P. Carmen,
Administrator.

APPENDIX D TO PART 634—GLOSSARY

Section I

Abbreviations

ADAPCP
Alcohol and Drug Abuse Prevention and Control Program
ADCO
Alcohol and Drug Control Officer
ASAP
Alcohol Safety Action Projects
BAC
blood alcohol content
CAAC
Counseling and Assistance Center
CAIG
centralized accident investigation, ground
CFR
Code of Federal Regulations
CG
commanding general
CONUS
continental United States
DA
Department of the Army
DLA

Defense Logistics Agency
DOD
Department of Defense
DOT
Department of Transportation
HQDA
Headquarters, Department of the Army
MPMIS
Military Police Management Information System
MTMCTEA
Military Traffic Management Command
Transportation Engineering Agency
NADSAP
Navy Alcohol and Drug Safety Action Program
NAF
nonappropriated fund
NHSPS
National Highway Safety Program Standards
NHTSA
National Highway Traffic Safety Administration
POV
privately owned vehicle
SOFA
status of forces agreement
SOP
standing operating procedure
STAMIS
Standard Army Management Information System
TRADOC
U.S. Army Training and Doctrine Command
UCMJ
Uniform Code of Military Justice
USAF
United States Air Force
USC
United States Code
USMC
United States Marine Corps
USN
United States Navy

Section II

Terms

Active Duty Personnel

Military personnel, whether Active Army, U.S. Army Reserve, or Army National Guard of the United States, who are on active duty under Title 10, United States Code.

Alcohol Safety Action Program (ASAP)

A program sponsored by a State, in cooperation with the NHTSA, to reduce highway deaths, injuries, and property damage resulting from traffic accidents in which alcohol is a major contributing factor.

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Army Drug and Alcohol Prevention and Control Program (ADAPCP)

An Army program that provides for alcohol and drug problems (appropriate education or treatment).

Chemical Breath-testing Device

An instrument using photoelectric or other physical or chemical means to quantitatively determine blood-alcohol concentrations.

Collision Diagram

A plan of an intersection or section of roadway on which reported accidents are diagrammed by means of arrows showing manner of collision.

Condition Diagram

A scale drawing of an intersection or section of roadway that shows all objects and physical conditions that bear on traffic movement and safety.

Conviction

A final adjudication that may include one or more of the following:

- a. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance-in-court.
- b. Pleas of nolo contendere accepted by a court.
- c. Payment of a fine.
- d. Pleas of guilty or finding of guilty on a charge of violating State, Federal, or host nation civil law; or the UCMJ.
- e. Judicial or nonjudicial punishment imposed under the UCMJ.

Driver

Any person who drives or is in physical control of a motor vehicle. A driver is in physical control when in position to control the motor vehicle, whether to regulate or restrain its operation or movement. For example, sitting in a parked car behind the steering wheel, keeping it in restraint or in a position to control its movement. The word "driver" is interchangeable with the word "operator."

Driver's License

A license to operate a motor vehicle under the laws of a State, the District of Columbia, a U.S. territory or possession, a host country, or under international agreements (international driver's license). Also, a vehicle operator's permit issued by an agency of the U.S. Government, or an overseas command.

Driving Privilege

The privilege extended by an installation commander to a person permitting the oper-

ation of a motor vehicle within the limits of the installation.

General Officer

A term used to describe officers in the military grade of 0-7 or above, including officers frocked to the grade of, in the Army, Air Force, Marine Corps, or Navy.

General Officer Letter of Reprimand

A memorandum or letter of reprimand, administrative in nature, prepared in accordance with AR 600-37 and signed by any officer serving in the grade of 0-7 or above in the Army, Air Force, Marine Corps, or Navy.

Government Motor Vehicle

A motor vehicle owned, rented, or leased by DOD. This includes vehicles owned, rented, or leased by NAF activities of the military departments and DOD.

High Accident Frequency Location

A location, intersection, or length of roadway, normally not more than one-half mile in length, where an unusually high number of accidents have occurred.

Host Nation

Any foreign country or possession in which an installation is located.

Installation or Activity Commander

A term applied equally to CONUS installation commanders and overseas community commanders.

Intoxicated Driving

Includes one or more of the following:

- a. Driving, operating, or being in actual physical control of a motor vehicle under any intoxication caused by alcohol or drugs in violation of Article 111 of the UCMJ or a similar law of the jurisdiction in which the vehicle is being operated.
- b. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.10 or higher on a military installation or in an area where traffic operations are under military supervision.
- c. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.10 or higher in violation of the law of the jurisdiction in which the vehicle is being operated.
- d. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.05 but less than 0.10 in violation of the law of the jurisdiction in which the vehicle is being operated if the jurisdiction imposes a suspension or revocation solely on the basis of the BAC level.

Law Enforcement Personnel (Officials)

Persons under supervision of the installation law enforcement officer who are authorized to direct, regulate, and control traffic, and to apprehend or arrest violators of laws or regulations. They are usually identified as military police, security police, civilian guards, or DOD police.

Major Command/Major Commanders

The level of command between the base, installation, or community commander and the Service headquarters.

Moped

Any two or three-wheel device having operative capability by—

- a. Human propulsion power (or no pedals if powered solely by electrical energy).
- b. An automatic transmission.
- c. A motor that produces less than two gross brake horsepower, and—

(1) Propels the device at a maximum speed of not more than 30 miles per hour on level ground.

(2) Has a maximum engine size of 50 cubic centimeters.

Motorcycle

Every motor vehicle that has a seat or saddle for use of the rider and is designed to travel on not more than three wheels in contact with the ground. Tractors and Mopeds are excluded.

Motor Vehicle

Any vehicle driven or drawn by mechanical power, and manufactured primarily for use on public streets, roads, and highways.

(Vehicles operated only on a rail or rails are excluded.)

Motor Vehicle Registration

The process of issuing registration certificate and registration plates for a motor vehicle under the law of a State (State registration). The term also applies to the registration form and identification media issued by a host nation or overseas command, or per this regulation for a motor vehicle authorized to operate on a military installation in the United States or its territories.

Motor Vehicle Traffic Accident

An unintended event causing injury or damage, and involving one or more motor vehicles on a highway, road, or street that is publicly maintained and open for public vehicular travel. Motor vehicle traffic accident classification. The classification of traffic accidents according to severity of injuries or property damage sustained. Major classifications include the following:

- a. Severity of injury.

(1) Fatal accident. A motor vehicle accident that results in fatal injuries to one or more personnel. A fatal injury is one that results in death within 12 months of the accident causing the injury.

(2) Incapacitating injury. An injury, other than fatal, that prevents the injured person from walking, driving, or normally continuing the activities that he or she was capable of performing before the accident. Examples are severe lacerations, broken or distorted limb, skull fracture, crushed chest, internal injury, unconsciousness when taken from the accident scene, or inability to leave the accident scene without help.

(3) Nonincapacitating evident injury. An injury, other than fatal and incapacitating, that is evident to any person at the scene of the accident. Examples are lump on head, abrasions, or minor lacerations.

(4) Possible injury. An injury reported or claimed that is not a fatal, incapacitating, or nonincapacitating evident injury. Examples are momentary unconsciousness, claim of injuries that are not evident, limping, or complaint of pain, nausea, or hysteria.

- b. Severity of vehicle damage.

(1) Disabling damage. Any damage to a vehicle such that it cannot be driven (or towed in the case of trailers) from the scene of the accident in the usual manner by daylight after simple repairs, and without further damage or hazard to itself, other traffic elements, or the roadway.

(2) Functional damage. Any nondisabling damage to a vehicle that affects operation of the vehicle or its parts. Examples are doors, windows, hood, and trunk lids that will not operate properly; broken glass that obscures vision; or any damage that could prevent the motor vehicle from passing an official motor vehicle inspection.

(3) Other motor vehicle damage. Any damage to a vehicle that is neither disabling nor functional damage. Such damage usually affects only the load on the vehicle or the appearance of the motor vehicle. Examples are damage to hubcaps, trim, or grill; glass cracks that do not interfere with vision; dents; scratches; body punctures; or damage to load.

Moving Violation

A violation of any traffic law, ordinance, or regulation while operating a vehicle. Moving violations typically involve one or both of the following:

a. Unsafe act. An act or omission in traffic that is hazardous.

b. Unsafe condition. Causing or permitting an illegal and possibly hazardous condition of—

(1) Highways, roads, or streets used by traffic.

(2) Vehicles used in traffic.

(3) A pedestrian or driver in traffic.

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Navy Alcohol and Drug Safety Action Program (NADSAP)

A Navy program that provides a means to identify Navy personnel involved in alcohol-related situations, within the legal and medical systems, at the earliest indication of alcohol misuse or alcoholism.

Pedicycle

A vehicle operated solely by pedals and propelled by human power.

Pedestrian

Any person not in or on a motor vehicle or other road vehicle.

Reciprocity

Reciprocal action between State or host nation and military authorities to suspend or revoke a person's OF 46, installation driving privilege, or State, host nation, or overseas command driver's license based on action initiated by either authority.

Revocation of Driver's License

The termination by formal action of State, host nation, or overseas command authority of a person's license or privilege to operate a motor vehicle on the public roadways. This termination is not subject to renewal or restoration except that application may be presented and acted on by the State, host nation, or overseas command authority after the expiration of the period set by State or host nation law or overseas command regulation.

Revocation of Driving Privileges

Action taken by an installation commander to terminate a privilege to operate a motor vehicle on a military installation. State One of the U.S. States, the District of Columbia, the Commonwealth of Puerto Rico, and the territory of Guam.

Suspension of Driver's License

The temporary withdrawal by formal action of State, host nation, or overseas command authority of a person's license or privilege to operate a motor vehicle on the public highways.

Suspension of Driving Privileges

The temporary withdrawal by an installation commander of a person's privilege to operate a motor vehicle on a military installation for up to 12 months. Privileges normally are automatically restored on the day after the date the suspension ends.

Traffic

Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together, using any roadway.

Traffic Control Devices

Signs, signals, markings, lights, and devices placed by a proper official to regulate, warn, or guide traffic.

Traffic Engineering

Planning and geometric design of streets, highways, and abutting lands, and matters concerned with traffic operations on them related to the safe, convenient, and economical transportation of persons and goods.

Traffic Laws

All laws, ordinances, and regulations concerning roadway traffic, including regulations on weight, size, and type of vehicles and vehicle cargo.

PART 636—MOTOR VEHICLE TRAFFIC SUPERVISION (SPECIFIC INSTALLATIONS)

Sec. 636.0 Scope of this part.

Subpart A—Fort Stewart, Georgia

- 636.1 Responsibilities.
636.2 Program objectives.
636.3 Suspension or revocation of driving privileges.
636.4 Administrative due process for suspensions and revocations.
636.5 Army administrative actions against intoxicated drivers.
636.6 Remedial driver training program.
636.7 Extensions of suspensions and revocations.
636.8 Registration policy.
636.9 Registration requirement.
636.10 Hunter Army Airfield vehicle registration.
636.11 Installation traffic codes.
636.12 Traffic accident investigation.
636.13 Traffic accident investigation reports.
636.14 Parking.
636.15 Traffic violation reports.
636.16 Detection, apprehension, and testing of intoxicated drivers.
636.17 Compliance with State laws.
636.18 Driving records.
636.19 Point system application.
636.20 Point system procedures.
636.21 Obedience to official traffic control devices.
636.22 Speed regulations.
636.23 Turning movements.
636.24 Driving on right side of roadway; use of roadway.
636.25 Right-of-way.
636.26 Pedestrian's rights and duties.
636.27 Regulations for bicycles.
636.28 Special rules for motorcycles/mopeds.