



DEPARTMENT OF THE ARMY  
US ARMY INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, UNITED STATES ARMY GARRISON DAEGU  
UNIT #15746  
APO AP 96218-5746

IMDA-ZA

20 March 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: US Army Garrison (USAG) Daegu Policy Letter #49, Suspension of On-Post Driving Privileges and Driving Under the Influence of Alcohol or Drugs

1. **REFERENCE:**

- a. AR 190-5, Motor Vehicle Traffic Supervision, dated 22 May 2006
- b. USFK Regulation 190-1, Motor Vehicle Traffic Supervision, dated 10 May 2012

2. **PURPOSE:** To establish procedures for suspension of on-post driving privileges and driving under the influence of alcohol or drugs.

3. **APPLICABILITY:** This memorandum applies to all vehicle operators, Soldiers, Family Members, Civilians, Retirees, and Contractors who possess a U.S. Government driver's license or vehicle registration issued by a USAG licensing or registration agency of U.S. government.

4. **GENERAL:** The following steps will be accomplished when a vehicle operator is suspected to be driving under the influence of alcohol or drugs.

5. **DRIVING PRIVILEGES AND SUSPENSIONS**

a. **REQUIREMENTS FOR DRIVING PRIVILEGES.** All operators of privately-owned vehicles on Area IV Camps or installations must have a valid operator's license, valid USFK or Korean National vehicle registration, and proof of liability insurance. If a driver has a state license that is suspended, all other operators' licenses are invalid.

b. **AUTHORITY TO SUSPEND AND REVOKE.** For all alcohol related offenses involving the operation of a motor vehicle, the Garrison Commander has delegated authority to conduct a review for suspension or revocation of installation driving privileges for all Soldiers and civilians (including Korean National) assigned or attached to the installation. The Garrison Commander is the reviewing authority for all other Soldiers and all civilians involved in alcohol- or drug-related offenses involving the operation of a motor vehicle. For all other offenses, the Garrison Commander authority to suspend or revoke driving privileges in Area IV. The Director of Emergency Services will act as the notification authority, and record keeper for all suspension and revocation actions.

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c. **SUSPENSION OF DRIVING PRIVILEGES.** A suspension is defined as a temporary withdrawal of a person's driving privileges on military installations. Privileges are not automatically restored at the end of the suspension period. Those persons whose driving privileges are suspended must appeal to the Garrison Commander to have their driving privileges restored.

d. **Non-Moving Violations.** On the recommendation of the Director of Emergency Service (DES) or his designated representative, the Garrison Commander may suspend installation driving privileges for Privately Owned Vehicles (POVs) and Government Owned Vehicles (GOVs) for up to 60 days of an individual who receives three non-moving violations within a cumulative 6-month period. Non-moving violations may include, but are not limited to, illegal parking.

e. **Moving Violations.** On the recommendation of the DES or his/her designated representative, the Garrison Commander may suspend installation driving privileges (for POVs and GOVs) for up to 6 months of an individual who receives three moving violations within a cumulative 6-month period. Factors to be considered by the Garrison Commander include, but are not limited to, the seriousness of the violations, whether the violations reflect a pattern of disregard for traffic regulations, and the potential risk those violations posed to the safety, welfare and efficient traffic management of the installation. Moving violations include all those listed in the USFK 190-1, AR 190-5 and this regulation. Also included are cell phone uses while driving, no insurance, motorcyclist fails to wear Personal Protective Equipment and Clothing (PPEC) and failure to wear seatbelts.

## 6. USFK 190-1

a. Based upon severity and threat to the safety of the installation and/or the gross negligence of the driver, the Garrison Commander may suspend the installation driving privileges (for POVs and GOVs) for up to 6 months of an individual who receives just one citation.

b. When it is determined that a person's operator license or driving privileges have been suspended or revoked by an authorized licensing authority, the following occurs:

(1) The person's installation driving privileges are immediately suspended. Commanders will immediately revoke or suspend the person's military license for the same period.

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(2) When the individual shows proof to the Daegu Police, in writing from the state, that their operator's license or driving privileges have been reinstated, the person will be removed from the installation suspension list.

c. A person's privilege to operate a motor vehicle on Area IV camps and installations will be suspended immediately upon review of reliable evidence of an alcohol related offense involving the operation of a motor vehicle, regardless of the location of the incident. Reliable evidence may include witness/investigators statements, military or civilian police reports of apprehension, chemical test results, field sobriety or preliminary breath test results. Immediate suspension will automatically result from:

(1) Refusal to submit to or complete a chemical test for alcohol, drugs or both.

(2) A chemical test result of .05 percent or more by weight of alcohol in the defendant's blood.

(3) A chemical test result of .05 percent or more by weight of alcohol in the defendant's blood, when the defendant is under the age of 21 years.

(4) A chemical test result of positive for other intoxicating drugs in the defendant's blood.

## **7. REVOCATION OF DRIVING PRIVILEGES**

a. A revocation is defined as a termination of one's privileges to operate a motor vehicle on Area IV Camps and Installations for a specified period of time. For a revocation to be lifted at the end of a specified period of time, an individual must apply for reinstatement.

b. Driving privileges will be revoked for not less than 6 months upon conviction of driving without liability insurance.

c. Driving privileges will be revoked for not less than 1 year for violations in accordance with AR 190-5, table 5-1.

d. In accordance with AR 190-5, table 5-1, driving privileges will be revoked for 5 years if the Garrison Commander determines that the individual was driving with a suspended license or driving while on-post driving privileges were either suspended or revoked.

e. The revocations listed in para 2-4 are mandatory and apply regardless of where the offense occurred.

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## **8. PROCEDURE FOR SUSPENSIONS AND REVOCATIONS**

a. For all alcohol-related offenses involving the operation of a motor vehicle, the suspension occurs immediately after review of reliable evidence by the Garrison Commander or his/her designated representative. For all alcohol-related offenses involving the operation of a motor vehicle involving military personnel, notice of suspension will be sent by the Director of Emergency Services through the Soldier's chain of command. For civilian employees, notice will be sent by the Director of Emergency Services through the supervisory channels. For all others, the Director of Emergency Services will mail the notice.

b. Notice of suspension for all alcohol related offenses involving the operation of a motor vehicle will include:

(1) The fact that on post driving privileges are suspended immediately.

(2) The fact that the suspension will automatically become a revocation upon conviction, diversion, or non-judicial punishment.

(3) The driver's right to request a hearing in accordance with procedures established in this regulation.

(4) The right to counsel or a representative, at one's own expense.

(5) Written acknowledgment of receipt of the notice.

(6) The fact that violation of the immediate suspension may result in a 2-year revocation of on post driving privileges.

c. Upon conviction of all alcohol related offenses involving the operation of a motor vehicle, revocation is mandatory and no hearing is authorized.

d. For offenses, other than alcohol related offenses, involving the operation of a motor vehicle, the Director of Emergency Services will provide written notification of the affected person's suspension or revocation through the chain of command.

## **9. RIGHT TO APPEAL**

a. If the affected person wishes to appeal the Garrison Commander's final decision, the appeal may be made in writing to the RSO within 10 calendar days. The suspension or revocation will remain in effect during the period of appeal.

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b. Soldiers that violate driving under the influence laws must be apprehended. All other traffic violations will require a DD Form 1408 (Armed Forces Traffic Citation Notice) to be issued.

c. Administrative Hearing. The notice, mentioned above will also inform the driver of the right to request an administrative hearing before an administrative law officer appointed by the Staff Judge Advocate. The driver has 10 calendar days from the date of receipt of notification to request a hearing. The suspension or revocation will become effective 10 calendar days from the date of receipt. In accordance with AR 190-5, para 2-6, if a hearing is requested, the suspension or revocation will be delayed for an additional 10 calendar days. If the hearing is not held within these days due to fault of the government, the suspension or revocation will be delayed until the hearing. After the hearing, the hearing officer will make findings of fact and recommendations regarding maintaining, rescinding, or modifying the suspension or revocation. These findings and recommendations will be returned to the Garrison Commander for final action.

#### **10. PENALTIES FOR DRIVING AFTER POST PRIVILEGES HAVE BEEN SUSPENDED OR REVOKED**

No person shall operate an automobile or other motor vehicle after his or her driving privileges have been suspended or revoked by the Garrison Commander or other authority authorized by this regulation. Violations of this provision will result in revocation of driving privileges for 5 years.

#### **11. RESTRICTED DRIVING PRIVILEGES**

a. Individuals whose driving privileges have been suspended or revoked may request, in writing, restricted driving privileges. Requests for restricted driving privileges will be referred to the Garrison Commander for action. Requests for restricted driving privileges will not be considered until final action is taken with regard to the suspension or revocation. All requests from Soldiers will be forwarded through the Soldier's chain of command.

(1) Restricted driving privileges will not be granted to any person who cannot meet the requirements set forth in para 2-1.

(2) Restricted driving privileges will be granted on a case-by-case basis to accommodate any of the following:

(a) Mission Requirements

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(b) Unusual personal or family hardships.

b. Delays exceeding 90 calendar days, not attributable to the person concerned, in the formal disposition of charges, which are the basis for the suspension.

c. When there is no reasonably available alternative means of transportation to officially assigned duties.

d. The limitations on a restricted driving privilege will be specified in writing and provided to the individual concerned. For good cause, the appropriate authority may withdraw the restricted privilege and continue the suspension or revocation.

12. POC for this memorandum is the DES, 768-7387/864-4106.

Encls  
Annex A Suspension Letter  
Annex B Police Responsibilities

  
JIM M. BRADFORD  
COL, IN  
COMMANDING

DISTRIBUTION:

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