DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON HUMPHREYS
UNIT #15228
APO AP 96271-5228

IMHM-ES 6 December 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy #108, Suspension of Driving Privileges

1. References:

   a. AR 190-5, Motor Vehicle Safety Traffic Supervision, 22 May 2006.

   b. USFK Regulation 190-1, Motor Vehicle Traffic Supervision, 10 May 2012.

2. The proponent for this policy is the Directorate of Emergency Services (DES).

3. This policy is effective immediately. It remains in effect until rescinded or superseded.

4. Applicability: This policy applies to personnel authorized to operate motor vehicles on USAG-Humphreys.

5. Purpose: This policy sets responsibilities and procedures for suspension of driving privileges on USAG-Humphreys.

6. General: This policy is punitive in nature and violation(s) of the provisions herein may subject military personnel to disciplinary and/or administrative actions. Family members, civilians, contractors, and visitors who do not comply with this policy may be subject to administrative actions or sanctions. The Garrison Commander of USAG-Humphreys withholds driving privilege suspension and revocation authority. This authority, however, may be further delegated down to the Deputy to the Garrison Commander (DGC) IAW USFK Reg 190-1.

7. Suspensions: Driving privileges may be suspended whenever an individual consistently violates installation traffic regulations, as determined by the revocation authority. Suspensions will apply to individuals when other measures such as counseling, remedial driver training, and rehabilitation programs fail to improve driver performance. Suspension may also be used as a temporary measure pending resolution of a revocation hearing. Suspensions, other than as a temporary measure pending the resolution of a revocation hearing, will not exceed a period of 180 days.

Suspensions will terminate at the end of the specified period and the driving privileges will automatically be reinstated. Suspensions will be discretionary or mandatory and for periods specified in subparagraphs 7a and 7b below. The period of suspension will begin on the date the U.S. Forces certificate of license is confiscated. Suspending authorities may suspend an individual's U.S. Forces certificate of license for a period of up to, but no longer than 180 days when appropriate. Offenses involving alcohol or controlled substances will require the license holder to attend and successfully complete an Army Substance Abuse Program (ASAP) or Army Drug and Alcohol Program Training (ADAPT) Program and remedial driver training.

a. **Discretionary Suspension**. Discretionary suspensions may be assessed for periods not to exceed 180 days. The suspending authority may suspend a licensee's driving privilege for the following:

(1) Evaluate a licensee's physical or mental disability after a physician has submitted a statement that the person is incapable of safely operating a POV. A U.S. Forces certificate of license will be returned only when a physician provides a statement that the person has recovered.

(2) Assess a licensee's driving skill. When the suspending authority determines that the person lacks the necessary driving skill or knowledge, the authority may suspend a U.S. Forces certificate of license until the licensee has retaken and passed tests required by this publication. If a person fails to pass the tests for a Government driver's license (OF 346), his or her U.S. Forces certificate of license may be suspended. (This suspension only applies to military personnel.)

(3) Investigate incidents involving the licensee. The driving privileges of involved persons may be suspended until the investigation is completed and final action is taken. In alcohol-related incidents, the commander or supervisor must immediately suspend the licensee's U.S. Forces certificate of license pending resolution.

(4) Review the licensee's failure to remove or cover indecent or obscene matter on a POV or to move the POV displaying indecent or obscene matter from the installation after being asked to do so.

(5) Owning or operating an unregistered or uninsured POV.

(6) Displaying a lack of good judgment about safe and prudent operation of a POV.

(7) Misconduct that indicates the licensee's poor qualifications as a driver. Examples are:

(a) Abuse of alcohol or controlled substances.

(b) Habitual acts of violence.

(c) Numerous (three or more) nonmoving violations.

(d) Allowing someone to operate a POV without a U.S. Forces certificate of license or without a U.S. Forces certificate of license valid for the vehicle class operated.

(8) Transferring license plates to another POV without properly registering the plates to the POV.

(9) Committing a traffic offense outside Korea that would require suspension or revocation under this publication if committed in Korea.

(10) Using or allowing someone else to use a U.S. Forces certificate of license in an unlawful or fraudulent manner.

(11) Fleeing or attempting to flee a police officer after committing a traffic violation.

b. **Mandatory Suspension**. The revocation authority will immediately suspend the driving privileges of an individual who commits a serious driving offense (defined as an offense assessed more than 3 points under AR 190-5/OPNAV 11200.5D/AFI 31-218(I)/MCO 5110.1D/DLAR 5720.1 while awaiting adjudication or administrative due process for commission of another driving offense and the gravity of the alleged offenses, together with the individual's previous record, causes serious concern for the safety of others. The revocation authority will also suspend driving privileges for offenses that are assessed as 3 points or less under AR 190-5/OPNAV 11200.5D/AFI 31-218(I)/MCO 5110.1D/DLAR 5720.1. Mandatory suspensions will be assessed for 7 days, 30 days, 90 days, or 180 days as indicated below.

(1) <u>7 days for</u>:

(a) Failure of operator or occupants to use available restraint system devices while moving.

(b) Failure to wear an approved helmet and/or protective equipment while operating or riding on a motorcycle or moped.

(c) Wearing/using headphones while driving and/or use of a non-hands-free Mobile Phone Electronic Device (MPED) while driving.

(d) Failure to stop vehicle during reveille or retreat.

(2) 30 days for:

(a) A second offense of (1) above or two or more of the above offenses committed within a 180 day period.

(b) Failure to stop for school bus or school crossing signals or government buses while loading and unloading.

(c) Failure to yield right of way to emergency vehicles.

(d) Failure to obey traffic instructions of an enforcement officer or traffic warden.

(e) Speeding 10 miles per hour above the posted speed limit.

(3) 90 days for:

(a) Owning or operating an unregistered or uninsured POV (two or more offenses).

(b) Speeding 20 miles per hour above the posted speed limit.

(c) Reckless driving (willful and wanton disregard for safety of persons or property).

(4) 180 days for:

(a) Having two convictions or having received two non-judicial punishments for reckless driving in a 1-year period.

(b) Accumulating 12 or more traffic points in a 1-year period or 18 traffic points in a 2-year period. The offender must complete remedial driver training before his or her U.S. Forces certificate of license may be returned.

(c) Failure of operator or occupants to use available restraint system devices while moving (third and subsequent offenses).

8. Revocations: The revocation of driving privileges is a severe administrative measure to be imposed for serious moving violations or when other available corrective actions fail to produce the desired improvement. Revocation of driving privileges will be imposed for a specific period of time, but never less than 180 days. Mandatory and discretionary revocations will be conducted IAW USFK Reg190-1.

9. The point of contact for this memorandum is CPT Joshua Fletcher, Provost Marshal, at joshua.g.fletcher.mil@mail.mil or 315-753-3109.

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