



OFFICE OF THE STAFF JUDGE ADVOCATE
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
CLIENT SERVICES
(270) 798-0910/0918

SUSPENSION & REVOCATION OF DRIVING PRIVILEGES

Under the provisions of Army Regulation 190-5 and Fort Campbell Regulation 190-5, the installation commander or his designee may for any lawful reason suspend or revoke driving privileges on the installation.

Suspension. Immediate suspension of installation driving privileges pending resolution of an intoxicated driving incident is authorized for active duty personnel, family members, retirees, DOD civilians, and others with installation driving privileges, regardless of the geographic location of the intoxicated driving incident. Installation driving privileges will be immediately suspended pending resolution of the intoxicated driving accident in the following circumstances:

- Refusal to submit to or complete a test to measure alcohol or other drug content in the blood;
- Operating a motor vehicle with a BAC of .08 percent or higher;
- Operating a motor vehicle with a BAC between .05 and .08 in violation of law of the jurisdiction in which the vehicle is being operated; or
- On an arrest report or other official documentation of the circumstances of an arrest for intoxicated driving.

The Garrison Commander or, upon delegation, the Provost Marshal, may automatically suspend/revoke an individual's post driving privileges upon:

- Commander's request
- Accumulation of 12 or more traffic points in 12 consecutive months
- Pending resolution of the following incidents: impaired driving, possession or use of a controlled substance, possession or use of a prohibited substance, possession or use of paraphernalia of any controlled or prohibited substances.

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

- Installation commander or designee has determined that the person lawfully apprehended for driving under the influence refused to submit to or complete a test to measure alcohol or other drug content in the blood; or
- A conviction, non-judicial punishment, or military or civilian administrative action resulting in the suspension or revocation of driver's license for intoxicated driving.

Restricted Privileges.

- Limited driving privileges may be substituted by the Garrison Commander in lieu of suspension or revocation if, in his opinion, suspension or revocation of the individual's privileges would have an adverse impact on the mission of the individual's unit, cause severe family hardship, or have a detrimental effect toward ongoing drug/alcohol treatment.

Due Process for Suspensions and Revocations.

• **For intoxicated driving offenses**, suspension or revocation may take place immediately. The accused person will be notified of his rights including a right to an administrative hearing. The request for hearing must be made within 14 days of the suspension or revocation. A request for hearing should be made in writing through your commander to the Provost Marshal. If a hearing is requested, it must take place within 14 calendar days of receipt of the request. The suspension will remain in effect until a decision has been made by the installation commander or designee, but will not exceed 14 calendar days after the hearing. If no decision has been made by that time, full driving privileges will be restored until such time the accused is notified of a decision to continue the suspension.

• **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. The suspension or revocation will take place 14 calendar days after written notice is received unless the affected person makes a request for a hearing within this period. If a request is made, the suspension or revocation will not take place until a hearing is granted. If after a hearing, revocation or suspension is imposed, the affected person has the right to appeal or request reconsideration. Such requests must be sent through command channels to the installation commander within 14 days of being notified of the result of the administrative hearing.

Restoration of Driving Privileges. The suspension of driving privileges shall be restored if a final disposition indicates a finding of not guilty, charges are dismissed or reduced to an offense not amounting to impaired driving, or where an equivalent determination is made in a non-judicial proceeding. There are exceptions to this rule per paragraph 2-9 of AR 190-5.

Reinstatement of Driving Privileges. Reinstatement of driving privileges is NOT automatic. When all applicable suspensions or revocations have expired the following documents must be produced for the reinstatement packet: valid driver's license, vehicle insurance, proof of remedial driving training program and ASAP counseling (if applicable), and disposition of citation from appropriate court.

For More Information and Assistance. Contact the Fort Campbell Client Services Office, Building 2765 Tennessee Ave, at 29th Street, (270) 798-0910/0918, or book an appointment with an attorney at www.sjaclientservices0366.setmore.com.

*Magistrate Court Attorneys cannot assist you with driving privileges issues.