

US Army Hawaii Regulation 190-5

Military Police

US Army Hawaii Traffic Code

Department of the Army
Headquarters, 25th Infantry Division and
United States Army Hawaii
Schofield Barracks, HI
09 May 2019

UNCLASSIFIED

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Effective 09 May 2019

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UNITED STATES ARMY HAWAII TRAFFIC CODE

By Order of the Commanding General, 25th Infantry Division and US Army Hawaii:

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History. This regulation supersedes United States Army Hawaii (USARHAW) Regulation 190-5, United States Army Hawaii Traffic Code, dated 01 March 2017.

Summary. This regulation provides provisions to, and amplification of, the Hawaii Criminal and Traffic Law Manual (Hawaii Revised Statutes) 2014-2015 assimilated on US Army Hawaii installations.

Applicability. This regulation applies to all Soldiers, Civilians, Family Members, contractors and other personnel who work on, reside on, or visit any US Army installation, facility or work site in the State of Hawaii.

Suggested Improvements. The proponent of this regulation is the Directorate of Emergency Services (DES). Send comments and suggested improvements on a DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, US Army Garrison-Hawaii, ATTN: IMHW-ES, Schofield Barracks, Hawaii 96857-5000.

Distribution. This regulation is distributed through electronic media at the US Army Garrison Hawaii Homepage: <https://www.garrison.hawaii.army.mil/command/> under the "Publications" tab.

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Chapter 1

Introduction

1-1. Purpose.

a. This regulation establishes policy, responsibilities, and procedures for motor vehicle traffic supervision on United States Army Garrison-Hawaii (USAG-HI) installations and sites. This includes but is not limited to the following:

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

(2) Administration of driver performance records.

(3) Off-installation traffic activities.

b. Operating a POV on USAG-HI installations and sites is a privilege granted by the Senior Commander (SC). Individuals who accept this privilege must comply with paragraph 2-1 of this regulation.

1-2. References. Required and related publications and prescribed and referenced forms are listed in Appendix A, (page 22).

1-3. Explanation of Abbreviations and Terms. Abbreviations and special terms found in this regulation are explained in the Glossary, (page 30).

1-4. Responsibilities.

a. Senior Commander.

(1) Establishes command policy and designates responsibility for the enforcement of this regulation to the Director of Emergency Services, United States Army Garrison, Hawaii.

(2) Delegates the overall responsibility for the suspension, revocation and reinstatement of installation driving privileges to the Garrison Commander for USAG-HI installations and sites.

b. Garrison Commander.

(1) Responsible for the suspension, revocation and reinstatement of installation driving privileges on USAG-HI installations and sites.

(2) Delegates the authority to suspend, revoke and reinstate installation driving privileges to the Community Compliance Office on his or her behalf.

(3) Designated as the appellate authority for the reinstatement of installation driving privileges.

c. Director of Emergency Services. Has primary staff responsibility for establishing, administering, and enforcing the provisions of this regulation.

d. Community Compliance Office. Has primary staff responsibility for the suspension, revocation and reinstatement of installation driving privileges.

e. Installation Safety Office. Participates and assists in developing traffic accident prevention initiatives in support of the installation traffic safety program.

f. Army Substance Abuse Program (ASAP). Provides treatment and education services to personnel with alcohol or drug abuse problems.

g. Unit Commanders. Ensure the provisions of this regulation are enforced.

h. Sponsors. Military and Civilian sponsors are responsible for their Family members' and guests' awareness and understanding of this regulation.

i. Vehicle Operators. Vehicle operators are responsible for knowing, understanding, and complying with the provisions of this regulation.

j. Passengers. The senior military or DoD civilian passenger of a government vehicle is responsible for ensuring the driver of such vehicle complies with the provisions of this regulation.

1-5. Punitive Regulations. Violations of any provision of this regulation may be punishable under the following:

a. Uniform Code of Military Justice (UCMJ).

b. United States Code (USC).

c. Hawaii Criminal and Traffic Law Manual (Hawaii Revised Statutes (HRS)). All changes and amendments to the HRS apply on USAG-HI installations and sites through the Assimilative Crimes Act (18 USC, Section 13).

1-6. Authorized Traffic Tickets and Violation Notices. For the purposes of issuing traffic tickets and violation notices, this regulation is cited on the following forms:

a. Department of Defense (DD) Form 1408, Armed Forces Traffic Ticket.

(1) Military personnel, while operating government or privately owned vehicles, may receive a DD Form 1408 for violations of the Hawaii Revised Statutes (HRS) or this regulation.

(2) Civilian personnel operating government or privately owned vehicles may receive a DD Form 1408 for applicable traffic infractions.

b. United States District Court Violation Notice (CVB). Refer to Appendix B of this regulation for a list of offenses that warrant the issuance of a CVB.

1-7. Apprehension for Violations of Specific Traffic Laws. Violations of the following traffic laws result in immediate apprehension:

a. All alcohol related offenses while operating a motor vehicle.

b. Speeding that is 30 miles per hour (mph) above the speed limit established by law for the road where the offense occurred or over 80 mph, IAW HRS 291C-105.

c. Speeding to elude apprehension.

d. Driving while license suspended or revoked in violation of State Law or while installation driving privileges are suspended (Service Members only).

e. Any other violation deemed appropriate. Refer to Appendix B of this regulation for other offenses that warrant apprehension.

Chapter 2

Installation Driving Privileges

2-1. Requirements for Driving Privileges. Operating a vehicle on USAG-HI installations and sites is a privilege granted by the Senior Commander for persons of maturity, responsibility, sobriety and good judgment. Persons who wish to accept this privilege must adhere to the following:

a. Maintain a license to operate motor vehicles in appropriate classifications without suspension or revocation in any state.

b. Comply with laws and regulations governing motor vehicle operations on USAG-HI installations and sites.

c. Possess, while operating a motor vehicle, and produce on request by law enforcement personnel, the following documentation:

(1) Valid State registration.

(2) A valid state or international driver's license and/or Department of the Army (DA) Form 5984-E, United States (US) Government Motor Vehicle Operator's Identification Card, as applicable to the class of vehicle operated, supported by a common access card (CAC), or other appropriate identification (ID) for non-Department of Defense (DOD) Civilian employees. A Learner's Permit, Training certificate or any similar licensing documentation is not sufficient nor a substitute for authorization to operate a motor vehicle alone. The bearer of such permits must operate the motor vehicle IAW applicable Military Regulations and State Law.

(3) A valid motor vehicle safety inspection, as required by the registered state.

(4) Proof of valid insurance. Proof of valid insurance consists of an insurance card, or other electronic means by the insurance company, that has a current policy effective date and an expiration date.

d. Operators of government motor vehicles must have proof of authorization to operate the vehicle (valid dispatch).

2-2. Implied Consent.

a. Implied consent to blood, breath or urine tests. Persons who drive on the installation are deemed to have given consent to evidential tests for alcohol or other drug content of their blood, breath or urine when lawfully stopped, apprehended or cited for any offense allegedly committed while driving or in physical control of a motor vehicle on military installations to determine the influence of intoxicants.

b. Implied consent to impoundment. Any person granted the privilege to operate a motor vehicle on a military installation is deemed to have given consent for the removal and temporary impoundment of their POV under the following conditions.

(1) Parked illegally, for unreasonable periods as determined by the SC.

(2) Interfering with military operations.

(3) Creating a safety hazard.

(4) Disabled by accident.

(5) Left unattended in a restricted or controlled area.

(6) Abandoned. Any vehicle found parked on USAG-HI property without a valid registration and safety inspection sticker, as applicable, is deemed abandoned. The only exception is when the vehicle is parked in the assigned parking, driveway or carport of the owner's residence.

(7) Vehicles are towed at the expense of the owner, who is required to pay the towing contract company for the service of towing, impoundment and any applicable administrative fees.

(8) Motor vehicle or criminal infractions. Any person who operates a motor vehicle on a military installation involved in a motor vehicle or criminal infraction is informed that notice of the violation of law or regulation is forwarded to the Department of Motor Vehicles (DMV) of the host state and/or home of record for the individual, and to the National Register, when applicable.

2-3. Suspension or Revocation of Installation Driving Privileges.

a. Appendices B and C list common violations and the point value, fine or consequence assigned to the violation. Both on-post and off-post moving violations count towards a driver's points or suspensions.

b. Driving with no valid insurance, registration or license results in a suspension of on-post driving privileges for 90 days.

c. Abandoning a vehicle will result in the suspension of on post driving privileges for 180 days.

d. Receipt of four parking tickets within one year results in a 90 day suspension of on-post driving privileges.

e. A reckless or excessive speed driving citation results in suspension of on-post driving privileges for 180 days.

f. Operating any motor vehicle while using a cellular phone (without a hands-free device), will result in the following:

(1) First offense: issuance of a CVB with associated collateral forfeiture and a 7 day suspension of on post driving privileges.

(2) Second offense: issuance of a CVB with associated collateral forfeiture and a 30 day suspension of on post driving privileges.

(3) Third offense: issuance of a CVB with associated collateral forfeiture and a 180 day suspension of on post driving privileges.

(4) Fourth offense: issuance of a CVB with associated collateral forfeiture and a 1 year suspension of on post driving privileges.

g. Operating any motor vehicle while failing to use safety restraints (seatbelts) and/or child restraint systems, or failing to wear required personal protective equipment (PPE) while operating a motorcycle will result in the following:

(1) First offense: Seven day suspension of on-post driving privileges.

(2) Second offense: 30 day suspension of on-post driving privileges.

(3) Third offense: 180 day suspension of on-post driving privileges.

h. An accumulation of 12 traffic points within 12 months or 18 traffic points within 24 months will result in a suspension of installation driving privileges for a period of 180 days (refer to Appendix C).

i. Driving While Suspended (DWS) results in suspension of on-post driving privileges for five years. This includes both DWS in violation of state law and DWS in conjunction with this regulation.

2-4. Immediate Suspension of Installation Driving Privileges for Impaired Driving.

a. After a review of reliable evidence readily available, the Directorate of Emergency Services Community Compliance Office will immediately suspend driving privileges for one year in the following circumstances:

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

c. Operating a motor vehicle with a blood alcohol content (BAC) of 0.08 percent by volume (0.08 grams per 100 milliliters) or higher or in violation of the law of the jurisdiction that is being assimilated on the military installation.

d. Operating a motor vehicle with a BAC of 0.05 percent blood alcohol by volume but less than 0.08 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 (as measured in grams per 100 milliliters).

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

f. Any person under the age of twenty-one (21) operating, driving, or assuming actual physical control of the operation of any vehicle with a measurable amount of alcohol concentration. For purposes of this section, "measurable amount of alcohol" means a test result equal to or greater than .02 but less than .08 grams of alcohol per one hundred milliliters or cubic centimeters of blood or equal to or greater than .02 but less than .08 grams of alcohol per two hundred ten liters of breath.

2-5. Procedures for Suspension of Installation Driving Privileges.

a. The Community Compliance Office (CCO) prepares a suspension letter based on the vehicle/traffic infraction as identified on Violation Notice (CVB), Armed Forces Traffic Ticket (DD FM 1408), Blotters, Military Police Reports, and Hawaii Armed Services Police Reports. Suspension letters are electronically distributed to the Service Member/Family Member/employee through the chain of command for immediate presentation to the suspended driver. For non-DoD drivers, retirees and their Family Members, administrative suspension letters are sent via certified mail. The host and issuing State licensing authority will be notified as soon as practical when a person's installation driving privileges are suspended or revoked for any period, and immediately for refusal to submit to a lawful BAC test.

b. Suspended drivers acknowledge receipt and the suspension or revocation takes place 14 days after the notice is received unless the affected person applies for a hearing within this period. Suspended drivers should have valid state driving privileges before requesting a hearing. ***(Note: Any impaired driving suspension IAW paragraph 2-4 of this regulation is effective immediately and not held in abeyance regardless if an administrative hearing is requested)***

c. Once CCO receives a request for a hearing, the suspension is held in abeyance for 14 additional days, during which time the hearing is scheduled.

d. Refusal to take or complete a lawfully requested chemical test to determine contents of blood for alcohol or other drugs will preclude the operator from requesting an administrative hearing.

e. If, due to action by the unit, a hearing is not held within 14 calendar days, the suspension will not take place until such time as the person is granted a hearing and is notified of the action by CCO. However, if the affected person requests a continuance to a date beyond the 14-day period, the suspension or revocation becomes effective immediately on receipt of notice that the request for continuance is granted, and remains in force pending a hearing at a scheduled hearing date.

f. When a hearing is held, the Garrison Commander (GC) makes the final decision and takes final action. Notification of his/her decision is presented to the Deputy/Executive Officer/Law Enforcement Operations from DES via email to present to the Service Member (SM) of the Garrison Commanders final decision or certified mail for Civilians.

g. If it is determined as a result of a hearing to suspend or revoke the affected person's driving privilege, the suspension or revocation becomes effective when the person receives the written notification of such action. In the event that written notification cannot be verified either through a return receipt for mail or delivery through command channels, the hearing authority determines the effective date on a case-by-case basis.

h. Suspended drivers are entered in the ALERTS and the Installation suspensions roster that is uploaded by CCO. Reinstatement of driving privileges is NOT automatic. Drivers must request reinstatement in writing via the applicable level Commander in the chain of command to CCO and, if required, provide documentation of remedial training. Upon reinstatement, the suspension is removed from ALERTS.

i. Failure to reinstate privileges results in records remaining flagged as pending reinstatement. Drivers are not allowed to clear the installation without prior clearance from the USAG-HI DES.

2-6. Procedures for Reinstatement of Installation Driving Privileges.

a. For paragraph 2-3b. Driving with no valid insurance, registration or license. Submitting proof of appropriate documentation (valid driver's license, registration, or car insurance) to the CCO results in an immediate reinstatement of driving privileges. If no proof is provided, reinstatement occurs upon completion of the suspension, submission of a written request through the first O3 Commander in the chain of command, and proof of valid documentation for which the individual received the suspension.

b. For paragraphs 2-3c – 3i. To reinstate driving privileges at the end of the suspension period, suspended drivers must present proof of valid state driving privileges and that they successfully completed Driver Improvement/Remedial Driver training.

(1) Civilians requesting reinstatement will complete a national or state approved Remedial/Driver Improvement course.

(2) Soldiers will complete the Driver Improvement/Remedial Driver training available through the Installation Safety Office. Soldiers must sign up using a CAC-enabled computer at https://imc.army.mil/airs/usg_disclaimer.aspx (Region - select "Pacific", Garrison – select "Hawaii" and Courses – select "Driver Improvement/ Remedial Driver Training").

c. For paragraph 2-4. To reinstate driving privileges at the end of the suspension period, suspended drivers must present proof of valid state driving privileges and that they successfully completed Driver Improvement/Remedial Driver training at www.NSCDDOnline.com, memorandum from their first O5 requesting reinstatement and an Alcohol Substance Abuse Program (ASAP) Alcohol Education and Treatment Course. Soldiers will complete Substance Use Disorder Clinical Care Program training through the USAG-HI Substance Use Disorder Clinical Care Program (SUDCC). For more information on SUDCC, call (808) 655-4470.

(1) Civilians requesting reinstatement will complete a national or state approved Remedial/Driver Improvement course and a national or state approved Alcohol Substance Abuse/Alcohol Education and Treatment Course.

d. The suspension of driving privileges for military and civilian personnel shall be restored if a final disposition indicates a finding of not guilty, charges are dismissed or reduced to an offense not amounting to intoxicated driving, or where an equivalent determination is made in a nonjudicial proceeding. The following are exceptions to the rule in which suspensions will continue to be enforced:

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

(2) The preliminary suspension resulted from a valid BAC test (unless disposition of the charges was based on invalidity of the BAC test). In the case of a valid BAC test, the suspension will continue, pending completion of a hearing as specified in paragraph 2-5. In such instances, the individual will be notified in writing that the suspension will continue and of the opportunity to request a hearing within 14 calendar days.

(a) 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.

(b) If the hearing officer determines by 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.

(3) 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.

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

2-7. Administrative Hearing process. If the hearing results in a decision to continue with the suspension of installation driving privileges for reasons other than Operating a Vehicle Under the Influence of an Intoxicant, the driver may request reconsideration within 14 days of receipt of notice of the hearing results. The Garrison Commander acts on these requests for reconsideration. If the suspended driver is acquitted of the suspended offense, 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, he/she should contact CCO to see if he/she is eligible for reinstatement of installation driving privileges.

2-8. Restricted/Limited Driving Privileges. Issues related to any hardship or other basis that may warrant a grant of restricted/limited driving privileges after suspension will not be considered at the administrative hearing. Requests for restricted/limited driving privileges are submitted separately. These requests will be submitted through the chain of command, up to and including the Brigade level commander and then forwarded to CCO. The Garrison Commander acts on these requests, except for suspension based on impaired driving (OVUII/DUI), which are forwarded from CCO to the respective General Court Martial Convening Authority.

(a) Soldiers requesting restricted/limited driving privileges will require a hardship letter from their first O5 commander, valid driver's license, and strip maps of the most direct route to and from the requested areas.

(b) DOD Civilians requesting restricted/limited driving privileges will require a hardship letter from their first line supervisor, valid driver's license, and strip maps of the most direct route to and from the requested areas.

(c) Non-DOD Civilians requesting restricted/limited driving privileges will submit their own hardship letter, valid driver's license, and strip maps of the most direct route to and from the requested areas.

(d) Restricted limited driving privileges will be limited to the alleviation of the hardship presented by the restriction.

Chapter 3

Traffic Supervision

3-1. Speed Restrictions.

a. General.

(1) A moving violation is a violation of any traffic law or regulation committed by the driver while the vehicle is in motion. Appendix C of this regulation and HRS Section 291 define moving violations.

(2) Except as otherwise provided in this regulation, it is unlawful to operate a vehicle in excess of the speeds outlined in paragraph 3-1(b) below.

b. Maximum Speed Limits. Except when a special hazard exists, which requires a lower speed, the speed limits specified in this paragraph are the maximum lawful speeds.

- (1) 15 mph in all housing areas, unless otherwise posted.
- (2) 15 mph in all school zones during applicable school hours, unless otherwise posted.
- (3) 10 mph when entering or exiting access control points (gates).
- (4) 10 mph in any service drive of a housing area.
- (5) 10 mph in any parking area, motor pool or motor park, unless otherwise posted.
- (6) 10 mph when passing troops in formation.
- (7) Insert tactical Vehicle max limits (25mph) on main cantonment.

3-2. Restraint Systems.

a. Government Owned Vehicles. Restraint systems (seat belts) are worn by all operators and passengers of US Government vehicles on and off the installation.

b. Privately Owned Vehicles.

(1) Restraint systems are worn by all operators and passengers of POVs on the installation.

(2) Restraint systems are worn by all military members and Reserve or National Guard component members on active Federal service while driving or riding in a POV whether on or off the installation.

c. A child less than eight years of age and less than 80 pounds in weight is properly secured in a weight appropriate child passenger restraint system. In vehicles equipped with an active passenger side front air bag, if the vehicle has a rear seat, a child less than five years of age and less than 40 pounds in weight is properly secured in a rear seat, unless the child restraint system is designed for use with air bags. If no seating position equipped with a lap and shoulder belt to properly secure the weight appropriate child passenger restraint system is available, a child less than eight years of age and between 40 and 80 pounds is restrained by a properly fitted lap belt only.

- d. Restraint systems are required only in vehicles manufactured after model year 1966.

3-3. Driver Distractions and Prohibited Devices. Driver distraction occurs when the driver's focus is on something other than the primary task of driving. This increases the risk of driver error and accident involvement. The use of devices that cause driver distractions impairs driving and masks or prevents recognition of emergency signals, alarms, announcements, and the approach of vehicles or human speech. Although eating, drinking (non-alcoholic beverages), operating radios or CD/MP3 players and global positioning equipment (GPS) while driving is not illegal, it is strongly discouraged and whenever possible should be conducted with the motor vehicle safely parked.

- a. The following rules regarding driver distractions apply to all individuals operating a motor vehicle on USAG-HI installations and sites. Additionally, these rules apply to all operators of government vehicles (Tactical and Non-tactical).

- (1) The use of cell phones or other similar listening devices is prohibited unless the vehicle is safely parked or a hands-free device is implemented. A hands-free device is equipment used without manual manipulation by the hands (e.g., voice commands, Bluetooth, etc.). Motorcycle operators may wear motorcycle helmets equipped with operator-passenger intercom systems.

- (2) The wearing of any portable headphones, earphones or other listening devices while operating a motor vehicle is prohibited with the exception of hands free cellular phone devices (e.g., Bluetooth, etc.)

- (3) Emergency responders using hand-held radios are exempt from this provision. This exception includes, but is not limited to, police, firefighters, emergency maintenance personnel, hazardous material handlers operating in immediate cleanup situations and range safety personnel operating radios on active ranges.

- b. The use of radar or laser detection devices (e.g. Radar Detectors) to indicate the presence of speed measuring and/or recording instruments or to transmit simulated erroneous speeds is prohibited. Devices must not be present in the operating configuration or displayed in such a manner while driving on USAG-HI installations and sites.

3-4. Motorcycles and Mopeds. Any individual, military or civilian, who operates or is a passenger of a motorcycle or other self-propelled, open, 2-wheel, 3-wheel and 4-wheel vehicle powered by a motorcycle-type engine, must apply the following traffic rules.

- a. Headlights are on at all times when in operation.

- b. Will be equipped with both a left-hand and right-hand rearview mirror mounted on the handlebars or fairing.

- c. Department of Transportation (DOT) Federal Motor Vehicle Safety Standard Number 218 approved protective helmet.

- d. Eye protection designed to meet or exceed ANSI Z87.1 reference (z), goggles, wrap around glasses, or full face shield. Face shields in the up position or non Z87.1 lens over the eyes are not authorized. A windshield does not constitute as eye protection.

- e. Protective clothing will include:

(1) A reflective vest.

(2) Long-sleeved shirt or jacket

(3) Sturdy over-the-ankle footwear that provides protection to feet and ankles. (Leather, Cordura, or Kevlar type boots). High-top Basketball shoes do not suffice to meet the latter requirement.

(4) Long trousers (APFT pants do not constitute protective clothing).

(5) Full-fingered gloves (made from leather or other abrasion-resistant material).

(6) During daylight hours (0700-1900), a fluorescent (brightly colored) and reflective vest, jacket, or upper garment or a motorcycle specific jacket, vest or apparel designed to limit injuries will be worn. During low-light (1900-0700), a reflective jacket, or reflective upper outer garment must be worn. Wearing a reflective PT belt alone does not suffice to meet the latter requirement. Additionally, the reflective material must be present on both the front and back of the garment that is worn to meet this requirement. Backpacks will have a minimum of two PT belts visible from the rear, unless the backpack is fluorescent or reflective in design by the manufacturer.

f. Military personnel must complete an approved Motorcycle Safety Foundation (MSF) Basic Riders Course (BRC) before operating any motorcycle on USAG-HI installations and sites. This does not apply to individuals traveling between their residence and the MSF BRC location (rider maintains documentation on his/her person indicating the date of the course).

g. Motorcycles display a firmly affixed, clearly visible license plate at all times.

h. Refer to USARHAW Policy Letter 6 (Motorcycle Safety Policy) for additional information and requirements.

i. Can-Am Spyders® and three-wheeled motorcycles.

(a) Powered non-enclosed three wheelers will be considered a MC unless the owner submits to HQDA, USACR/Safety Center, via his or her chain of command, all documentation that the vehicle is classified by vehicle identification number as an automobile by the National Highway Traffic Safety Administration. **Note. State Department of Motor Vehicles and HN interpretations will not suffice.**

(b) All PPE requirements applicable to MCs remain applicable to three-wheeled variants.

3-5. Other Motorized/Non-Motorized and Toy Wheeled Vehicles and conveyances.

a. Basic Rules.

(1) The use of Motorized/Non-Motorized and Toy Wheeled Vehicles and conveyances that do not meet DOT motor vehicle standards for public roadways is prohibited on USAG-HI roadways. These vehicles are only authorized for operation on sidewalks, private driveways, and housing areas.

(2) A list of these vehicles include, but are not limited to, skateboards, roller skates, in-line skates, sleds and razors.

b. Equipment.

(1) All individuals operating non-motorized and toy vehicles adhere to the following requirements:

(2) Wear an approved helmet that meets or exceeds the American National Standards Institute (ANSI) or Snell Memorial Foundation Standards for bicycle helmets.

(3) Wear reflective clothing during limited visibility or hours of darkness.

c. Individuals operating non-motorized and toy vehicles will not attach themselves to any vehicle being operated on a roadway.

d. Individuals under the age of 18 must wear a helmet, elbow pads and knee pads while riding a skateboard, roller skates, in-line skates and similar conveyances.

3-6. Bicycles.

a. All cyclists will wear a helmet when riding a bicycle on the installation.

b. Cyclists are required to obey the same rules of the road as motorized vehicles (e.g., stop at stop signs).

c. No bicycle shall carry more passengers at one time than the number for which it was designed and equipped. Small children may ride in permanently affixed or towed child carrier seats.

d. Cyclists can chose to ride on the sidewalk or the roadway. When operating a bicycle on the sidewalk they must obey the same rules of the road and stay as near to the right side of the roadway or sidewalk as practicable, exercising due care when passing a standing vehicle or pedestrian. A person may not operate a low-speed electric bicycle or low-speed gas bicycle at a speed greater than 20 miles per hour upon any sidewalk.

e. Cyclists ride single file when vehicle traffic is present. They may not ride more than two abreast at any other time.

f. Cyclists are not authorized to carry any package or bundle that prevents the operator from safely operating the bicycle.

g. Cyclists yield right of way to pedestrians.

h. Cyclists will not attach themselves to any vehicle operated on a roadway.

i. Every bicycle in operation from one-half hour before sunset to one-half hour after sunrise requires use of a headlamp on the front and a red tail light on the rear.

j. Every bicycle requires a brake that enables the operator to make the braked wheel skid on dry, level and clean pavement.

3-7. Noise Abatement. Excessive noise damages hearing, poses a safety risk, undermines good order and discipline and disturbs the peace of the community.

a. Excessive noise is prohibited on USAG-HI installations and sites. No person shall operate or permit the operation of any sound amplification system, which emanates unreasonably loud or excessive sound, or noise, which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities.

b. Excessive noise is defined as the following.

(1) Music, vibrations or other sounds emanating from a sound amplification system located in or on any motor vehicle on any street, parking lot or other open area of the installation, which is audible at a distance of greater than 50 feet from the source of the sound.

(2) Profanity emanating from any music or sound source from a motor vehicle that can be heard from any distance from the vehicle.

(3) Motor vehicles and motorcycles emitting excessive noise due to lack of a functioning muffler, or exhaust pipe or muffler of which has been so changed from the factory design as to increase the volume or audibility of the explosions within the motor thereof.

(4) Exceptions. The provisions of this regulation do not apply to the following:

(a) Use of a horn, alarm, or other warning device which signals unsafe or dangerous situations or which summons the assistance of law enforcement when used for such purpose, or when used in conjunction with a permitted event.

(b) Noise caused by military operations or other official activities.

Chapter 4

Parking

4-1. General. Illegal parking contributes to congestion and slows traffic. Enforcement minimizes these conditions, while reducing the potential for accidents. The best way to avoid or become subject to parking enforcement is to park legally. Except as necessary to comply with the law, the direction of law enforcement personnel or an official traffic control device, no person shall stop, stand or park a vehicle in any area not specifically designated as a parking area.

4-2. Authorized Parking. Parking is authorized only in the following areas.

a. Outside of housing areas within two white painted parking lines on streets and in parking lots.

b. In housing areas in driveways and within two white painted parking lines on streets and in parking lots.

c. Island Palms Community Housing parking areas are for residents and their guests only (see the Island Palms Housing Resident Guide and Community Standards Handbook).

d. Riders of Motorcycles, motor scooters, and mopeds may park in white striped parking areas generally located at the end of parking lanes.

e. Parking spaces marked "VISITOR" or "CUSTOMER" are reserved for bona fide visitors and customers of adjacent activities/offices and will not be used by personnel assigned to or working in those activities/offices. The maximum time limit for visitor/customer parking is two hours or as posted.

f. Limited or reserved parking is effective at all times.

4-3. Prohibited Parking. Parking is prohibited in specified places and a citable offense. Except when necessary to avoid conflict with other traffic or in compliance with law or the direction of law enforcement personnel or an official traffic control device, no person shall park a motor vehicle (automobile, motorcycle, moped, etc.).

a. On a sidewalk. No portion of a motor vehicle may extend into or block a sidewalk. This does not apply to first responders actively engaged in emergency operations.

b. In a crosswalk.

c. Against the flow of traffic.

d. In front of a driveway.

e. At any place narrow enough to make passing difficult, dangerous, or impossible.

f. Beside another vehicle parked parallel to the curb or on a roadway shoulder.

g. Where official signs prohibit parking, when curbing is painted yellow, red, or when the roadway is marked yellow or white.

h. Outside of two white painted parking lines on streets or in parking lots. The lack of two white painted lines is indicative of unauthorized parking.

i. On grassed or seeded areas unless directed by law, the direction of law enforcement personnel or proper authority.

j. Within 20 feet of a fire hydrant, crosswalk, bus stop or intersection.

k. Within 30 feet of the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of the roadway.

l. Reserved parking spaces designated by the Directorate of Emergency Services (DES) Reserved Manager, marked and identified using an alphanumeric-only designation system (e.g., RES 001" RES 002).

4-4. Recreational Vehicle (RV) Parking and Storage.

a. Boats/jet skis, boat/jet ski trailers, motor homes, campers and house/baggage trailers are considered RVs.

b. RVs may be parked or stored only in designated Directorate of Family Morale Welfare and Recreation (DFMWR) storage locations.

c. RVs may park in housing areas for up to 3 hours only for the purpose of cleaning, minor repair, preparing for or unloading from a trip. Housing area authorized parking is only within

driveways or adjacent to quarters approved by the occupants, as long as such parking does not deny the individuals access to their driveways, create a traffic safety hazard or impede the flow of traffic.

- d. RVs are not authorized to park in unit, barracks or commercial parking lots.

4-5. Handicap Parking. Parking spaces marked "HANDICAPPED" are for the exclusive use of personnel who are handicapped and possess the State of Hawaii-issued permit or Tripler Army Medical Center-issued temporary vehicle decal for handicapped parking.

- a. Handicap parking is available to all applicable employees and visitors. Marked spaces are enforced on a 24-hour basis.

- b. Vehicles not authorized to park in handicap spots are subject to immediate towing without prior notification to the vehicle owner. Towing is conducted at the expense of the owner.

- c. Motorcycles, mopeds and bicycles may not park in the areas abutting handicapped parking spaces. These areas must remain unobstructed to allow for the movement of equipment needed to assist physically impaired persons.

4-6. Non-Tactical Government Vehicle (NTV) Parking. The same restrictions apply to NTVs as to POVs, with the following two exceptions.

- a. Emergency vehicles responding to emergencies.

- b. Service vehicles (e.g. DPW and commercial contractors) which require close proximity to the job site. Personnel operating these vehicles take proper safety precautions to warn on-coming vehicle and pedestrian traffic that a hazard is ahead, by using appropriate notification and control devices.

4-7. Tactical Vehicle Parking. Tactical vehicles are not authorized in the following locations.

- a. Housing subdivision roads.
- b. Army and Air Force Exchange Services (AAFES) parking lots.

4-8. Privately Owned Vehicle (POV) Resale Lot. The only authorized location to park vehicles in a status specifically for the resale of vehicles is the POV resale lot, commonly referred to as "the lemon lot," located on Wheeler Army Airfield immediately inside the Kawamura Gate at the intersection of Warhawk Place and Santos Dumont Avenue.

- a. Sellers must register their vehicles with DFMWR. Vehicles parked at the POV resale lot, without proper registration with DFMWR, are treated as abandoned and towed at the owner's expense.

- b. Vehicles parked elsewhere on the installation with a "For Sale" sign are treated as abandoned and towed at the owner's expense. The only exception is when the vehicle is parked in the assigned parking, driveway or carport of the owner's residence.

4-9. Reserved Parking. To promote the more efficient use of existing on- and off-street parking spaces and greater alignment of existing reserved parking allocation practices and procedures with current guidance, USAG-HI will employ a "whole parking lot" management approach to parking lots.

a. Accordingly, the following measures are implemented:

(1) The number of reserved parking spaces, to include handicap parking spaces, in an applicable parking lot will be limited to 20% of the total number of parking spaces in that parking lot, rounding up one reserved parking space in the event of a partial reserved parking space tabulation.

(2) Priority allocation of reserved parking spaces is limited to the following categories: General Officers; Senior Executive Service; Battalion/Squadron or higher commanders; Command Sergeants Major; equivalent in other services; USARPAC Staff; Garrison Directorate Agencies Director/Deputy Director and Sergeant Major (if applicable).

(3) Due to limited availability of parking spaces, reserved parking may be allocated to the following categories on a case-by-case, space available basis to Company/Battery/Troop Commanders and First Sergeants.

(4) Reserved parking spaces will be stenciled without position titles and will be marked and identified using alphanumeric only designation system (e.g. DES RES 001" DES RES 002). No other method of marking reserved parking spaces is authorized.

(5) GSA Vehicles, unless otherwise assigned, should be parked in a designated motor pool or fenced in area of operation.

(6) Due to the limited number of parking spaces and high senior leader population density, senior leaders are only authorized reserved parking in their primary permanent place of duty. There will be no additional reserved parking in parking lots on or around Palm Circle on Fort Shafter.

b. Responsibilities.

(1) Military Units, Garrison Directorates and Civilian Organizations or Agencies. If the unit or agency is the primary building occupant, designate a primary and alternate point of contact to serve as the unit or agency's Reserved Parking Space Coordinator. The Reserved Parking Space Managers will serve as the liaison between the agency and the Directorate of Emergency Services (DES) Reserved Manager.

(2) Reserved Parking Space Managers. Develop and maintain a Reserved Parking Plan for their assigned parking lot and provide a copy of that plan to the Directorate of Emergency Services (DES) Reserved Manager/ DES Operations Office.

(3) Directorate of Emergency Services (DES) Reserved Manager / DES Operations Office.

(a) Identify applicable parking lots for reserved parking space allocation in coordination with the USAG-HI Directorate of Public Works (DPW).

(b) Coordinate directly with the military organizations' and/or agencies' Reserved Parking Space Manager to ensure effective implementation and administration of reserved parking allocation practices and procedures.

(c) Periodically inspect military organizations and/or agencies to ensure that allocation of reserved parking spaces is proportionate to senior leader building occupancy data.

(4) Directorate of Public Works.

(1) Assists Directorate of Emergency Services (DES) Reserved Manager/ DES Operations Office in identifying applicable parking lots for reserved parking space allocation.

(2) Stencils and paints reserved parking spaces in applicable parking lots in accordance with the alphanumeric-only designation system.

4-10. Parking Enforcement. Strong enforcement of parking restrictions results in better use of available parking facilities and reduces conditions causing traffic accidents and congestion.

a. Military Law Enforcement Officials may cite any parking violation.

b. Individuals receiving four or more parking violations within a one-year period are subject to suspension of installation driving privileges IAW Chapter 2-3 of this regulation and having their vehicle towed for any subsequent parking violations at their own expense.

Chapter 5

Towing and Impoundment

5-1. General. Privately-owned vehicles will not be impounded unless the vehicle clearly interferes with ongoing military operations, movement of traffic, threatens public safety or convenience, is involved in criminal activity, contains evidence of criminal activity, or is stolen or abandoned.

5-2. Vehicles are towed at the owner's expense under the following conditions.

a When the custody of the vehicle is required by a law enforcement agency as evidence.

b The vehicle is illegally parked or prohibits the flow of traffic (vehicular and/or pedestrian traffic). Illegal parking includes, but is not limited to the following situations.

(1) Parked on a sidewalk, within an intersection, on a crosswalk, in a fire lane, blocking a driveway or blocking a fire hydrant.

(2) Blocking an emergency exit of a public building such as a dining hall, hospital or movie theater.

(3) Parked in a designated "no parking" area, "tow-away zone", "restricted/reserved parking" area, prohibited area, grassed or seeded area not designated for parking.

(4) Parked in a manner interfering with street cleaning, tree pruning/removal or other Garrison improvement operations and attempts to contact the owner are unsuccessful.

c. Conditions in which a vehicle or operator are in violation of an HRS that prohibits legal operation of a motor vehicle.

d. Law enforcement personnel have a reasonable belief the vehicle is abandoned and efforts to contact the owner have failed.

e. The operator is apprehended, detained and/or otherwise separated from the vehicle by a law enforcement agency and no licensed operator is immediately available to take custody of the vehicle for the following.

- (1) Driving without a valid driver's license.
- (2) Driving while driving privileges are suspended or revoked.
- (3) Driving while installation access privileges are suspended or revoked (barred individual).
- (4) Consuming or possessing open container containing intoxicants while operating a vehicle.
- (5) Operating a vehicle under the influence of intoxicants (OVUI/DUI).
- (6) Operating a vehicle under the influence of drugs.
- (7) Reckless driving.
- (8) Excessive speeding (30MPH above posted speed limit or 80MPH and above)

f. Any violation of Chapter 4 of this regulation.

g. In the event a Soldier is absent from his/her assigned duty station for an extended period of time (6 months or more), the Soldier is required to utilize a designated storage location for securing his/her vehicle.

5-3. Procedures for Impoundment.

a. A DD FM 2504, Abandoned Vehicle Notice, will be conspicuously placed on vehicles suspected as abandoned and issued a DD FM 1408, Armed Forces Traffic Ticket, for the applicable infraction(s).

b. Upon the issuing of the traffic ticket, the owner of the vehicle has three duty days to move the vehicle or correct the deficiencies noted on the DD FM 2504 and DD FM 1408.

c. If the vehicle is not moved or the deficiency remains uncorrected after three duty days, the vehicle is towed at the owner's expense and a DD FM 2505, Abandoned Vehicle Removal Authorization, is issued to the towing contractor by the DES.

d. If the vehicle is cited for abandonment IAW with Paragraph 2-2b, (6) of this regulation and the owner relocates the vehicle but does not correct the deficiency for which the vehicle was initially cited, then the vehicle will be towed at the owner's expense and a DD FM 2505, Abandoned Vehicle Removal Authorization, is issued to the towing contractor by the DES.

5-4. Inventory of Towed/Impounded Vehicles. When a POV is towed, stored and/or impounded subsequent to law enforcement contact with the occupant(s), the MP/DACP conducts a thorough inventory of the vehicle at the scene with the towing company. The purpose of the inventory is to ensure all personal property in the POV is properly accounted for and the condition of the POV (both inside and out) is documented to protect the Army against claims for any allegations of damage or loss of property.

a. The vehicle's contents and the physical condition of all components of the vehicle (both inside and out) are thoroughly documented in exacting detail. This includes all portions of the inside of a POV (e.g. locked glove boxes and consoles, trunks, etc.) and all containers located

inside of a POV, even if such containers are locked. This also includes any containers located on/within the exterior of a POV (e.g., boxes within the bed of a pickup truck).

b. MP/DACP conduct inventories in a manner to avoid damaging property to the greatest extent possible, including requesting occupants to provide the means to open any locked portions of the POV or containers therein.

c. If the driver agrees to sign-over the keys to the vehicle, they are signed for on a DA FM 2062 to the tow company.

5-5. Disposition of Vehicles After Impoundment.

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

b. If the vehicle is unclaimed after 120 days from the date the notification was mailed to the last known owner or the owner who released the vehicle by properly completing DD FM 2505, the vehicle is disposed of by either releasing it to the lien holder, if known, or by processing it as abandoned property IAW DoD 4160.21-M.

5-6. Vehicle Claim Procedures.

a. If the registered owner is a service member, they are contacted through their chain of command and/or certified mail. If the registered owner is a civilian, they are contacted via certified mail.

b. The registered owner is provided a completed DD FM 2507 for the vehicle and instructed to proceed to the Legal Assistance Office for notary services.

c. If the owner wishes to recover his/her vehicle from the impound lot, he/she completes the following tasks prior to a scheduled release time and date.

(1) Registered owner or his/her legal representative pays the towing expense to the towing contractor and the receipt is returned to the PMO Impound Office.

(2) Registered owner or his/her legal representative provides valid proof of driver's license, vehicle insurance, vehicle registration and state safety inspection.

(3) Vehicle is released to the registered owner or his/her legal representative.

(4) Vehicles are removed at the owner's expense by tow truck if the vehicle does not have current insurance, registration and safety inspection or if vehicle is rendered non-operational.

(5) Upon receipt of the vehicle, the owner or their designated representative signs a DA FM 2062 as receiving the vehicle from the control of the Provost Marshal Office.

(6) If the owner notes any damage or missing property, they will be referred to the Claims Office.

(7) Vehicles are released by appointment only (normally Monday through Wednesday (1300-1700) and Friday 1300-1700). TMCI and the towing contractor have the authority to accommodate other scheduling requests.

Appendix A References

Section I. Required References

10 USC 10

Title 10, Section 10, United States Code – Armed Forces

32 Code of Federal Regulation, Section 634.25

32 Code of Federal Regulation, Section 634.25 - Installation Traffic Codes

AR 58-1

Management, Acquisition and Use of Administrative Use Motor Vehicles

AR 190-5

Motor Vehicle Traffic Supervision

AR 385-10

The Army Safety Program

DODI 6055.4

Department of Defense Traffic Safety Program

Hawaii Criminal and Traffic Law Manual

Hawaii Revised Statutes

Uniform Code of Military Justice

Title 10, Section 801 et seq, United States Code

U.S. Army Hawaii Policy Letter 6

Motorcycle Safety Policy

Revised Ordinances of the City and County of Honolulu

Chapter 15 Traffic Code

Section II. Related References

This section not used

Section III. Referenced Forms

Central Violations Bureau Form (CVB)

United States District Court Violation Notice (formally known as DD FM 1805)

Department of Defense (DD) Form 1408

Armed Forces Traffic Ticket

Department of Defense (DD) Form 2504

Abandoned Vehicle Notice

Department of Defense (DD) Form 2506
Vehicle Impoundment Report

Department of the Army (DA) Form 3946
Military Police Traffic Accident Report

Department of the Army (DA) Form 3975
Military Police Report

Department of the Army (DA) Form 5984-E
United States (US) Government Motor Vehicle Operator's Identification Card

OF 346
U.S. Government Motor Vehicle Operator's Identification Card

Appendix B
Central Violations and Armed Forces Traffic Ticket Offenses (not all-inclusive)

1805 United States District Court Violation Notice (CVB)					
Offense	Offense Code	Military		Civilian	
NO DRIVER'S LICENSE (never had a DL)	HRS 286-102	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend		CITE & RELEASE
NO DRIVER'S LICENSE (EXPIRED)	HRS 286-102	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend		CITE & RELEASE
DRIVING WHILE LICENSE SUSPENDED OR REVOKED (HAWAII SUSPENSION / REVOCATION ONLY); IF SUSPENDED FROM ANOTHER STATE, USE HRS 286-102 (NO DRIVER'S LICENSE)	HRS 286-132	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend		CITE & PROCESS
OPERATING A VEHICLE AFTER LICENSE / PRIVILEGE SUSPENDED / REVOKED FOR OVUII	HRS 291E-62	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend		LER
SPEEDING 15-25 MPH OVER	HRS 291C-102	\$30 FINE	CVB	CITE & RELEASE	CVB
	40 USC 1315(c)				
	32 CFR 634.25(f)				
SPEEDING 26-29 MPH OVER	HRS 291C-102	\$50 FINE	CVB	CITE & RELEASE	CVB
	40 USC 1315(c)				
	32 CFR 634.25(f)				
SPEEDING 30 MPH OVER OR MORE / 80 MPH OR MORE	HRS 291C-105	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend		LER
CONSUMING OR POSSESSING INTOXICATING LIQUOR WHILE OPERATING MOTOR VEHICLE	HRS 291-3.1	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		LER		LER
STORAGE OF OPENED CONTAINER CONTAINING INTOXICATING LIQUOR	HRS 291-3.3(a)	Mandatory Court	CVB	Mandatory Court	CVB
	40 USC 1315(c)				
	32 CFR 634.25(f)				
OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL	HRS 291E-61(a)(1)	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend		Apprehend
OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF DRUG	HRS 291E-61(a)(2)	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend		Apprehend
OPERATING A VEHICLE WITH .08 OR MORE GRAMS OF ALCOHOL (BREATH)	HRS 291E-61(a)(3)	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend		Apprehend

Offense	Offense Code	Military	Civilian	Offense	Offense Code
OPERATING A VEHICLE WITH .08 OR MORE GRAMS OF ALCOHOL (BLOOD)	HRS 291E-61(a)(4)	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend LER		Apprehend LER
OPERATING A VEHICLE AFTER CONSUMING A MEASURABLE AMOUNT OF ALCOHOL (PERSONS UNDER THE AGE OF 21) [18 TO 20 YEAR OLDS]	HRS 291E-64	Mandatory Court	CVB	Mandatory Court	CVB
	40 USC 1315(c)		Apprehend LER		Apprehend LER
RECKLESS DRIVING	HRS 291-2	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13		Apprehend		Apprehend
INATTENTION TO DRIVING	HRS 291-12	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13				
DRIVING WITHOUT INSURANCE / OWNER PERMIT OPERATION OF UNINSURED VEHICLE (1ST OFFENSE)	HRS 431:10C-104	Mandatory Court	CVB	Mandatory Court	CVB
	40 USC 1315(c)				CVB
	32 CFR 634.25(f)				
DRIVING WITHOUT INSURANCE / OWNER PERMIT OPERATION OF UNINSURED VEHICLE (2ND > OFFENSE)	HRS 431:10C-104	Mandatory Court	CVB	Mandatory Court	
	18 USC 13				
OPERATING WITHOUT INSURANCE / OWNER PERMIT OPERATION OF UNINSURED (MOTORCYCLE / MOTOR SCOOTER ONLY)	HRS 431:10G-102	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13				
FRAUDULENT USE OF PLATES, TAGS, OR EMBLEMS	HRS 249-11	Mandatory Court	CVB	Mandatory Court	CVB
	40 USC 1315(c)				
	32 CFR 634.25(f)				
ACCIDENTS INVOLVING BODILY INJURY-TMCI PURVIEW	HRS 291C-12.6	Mandatory Court	CVB	Mandatory Court	CVB
	18 USC 13				
ACCIDENTS INVOLVING DAMAGE TO VEHICLE OR PROPERTY-TMCI PURVIEW	HRS 291C-13	Mandatory Court	CVB	Mandatory Court	
	18 USC 13				
PARKING IN HANDICAPPED SPACE WITHOUT PLACARD / LICENSE PLATE / FAILURE TO DISPLAY PLACARD	HRS 291-57	\$75 FINE	CVB	\$75 FINE	CVB
	40 USC 1315(c)				
	32 CFR 634.25(f)				
TRESPASSING ON MILITARY INSTALLATION	18 USC 1382	Mandatory Court	CVB	Mandatory Court	CVB

Note:

1. The Central Violations and Armed Forces Traffic Ticket Offenses listed above are not all inclusive of every offense that may warrant the issuance of an Armed Forces Traffic Ticket or United States District Court Violation Notice (formally known as DD FM 1805).

2. An Armed Forces Traffic Ticket will not be issued for any offense listed as "mandatory court." A United States District Court Violation Notice (CVB) will be issued.

3. The fines are based off the Hawaii Criminal and Traffic Law Manual (Hawaii Revised Statutes) dated 2014-2015 through the assimilated crimes act and subject to final adjudication through the Ninth District Court.

4. Monetary fines are maintained and processed through the US Courts on behalf of the Federal Judiciary.

5. Funds collected from the payment of petty offense cases are deposited into the Crime Victims Fund which was established by the Victims of Crime Act of 1984.

Appendix C

Consequences and/or Points Assessments for Moving Violations

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

Consequence: 5-year suspension/revocation of installation driving privileges.

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

Consequence: 1-year suspension/revocation of installation driving privileges.

Violation: Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor (0.08% 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.

Consequence: 1-year suspension/revocation of installation driving privileges.

Violation: Driving vehicle while impaired (BAC more than 0.05 percent and less than 0.08 percent).

Consequence: 1-year suspension/revocation of installation driving privileges.

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

Consequence: 6-month suspension/revocation of installation driving privileges

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

Consequence: 6-month suspension/revocation of installation driving privileges.

Violation: Operating any motor vehicle while failing to use safety restraints (seatbelts) and/or child restraint systems, or failing to wear required personal protective equipment (PPE) while operating a motorcycle

Consequence: 1st offense - seven day suspension/revocation of installation driving privileges

2nd offense - 30 day suspension/revocation of installation driving privileges

3rd offense - Six month (180 day) suspension/revocation of installation driving

privileges

Violation: Operating any motor vehicle while using a cellular phone (without a hands free device)

Consequence: 1st offense - issuance of a CVB with associated collateral forfeiture and a 7 day Suspension

2nd offense - issuance of a CVB with associated collateral forfeiture and a 30 day suspension of on post driving privileges

3rd offense - issuance of a CVB with associated collateral forfeiture and a six months suspension of on post driving privileges.

4th offense - issuance of a CVB with associated collateral forfeiture and a 1 year suspension of on post driving privileges.

Violation: Driving with no valid license, insurance or registration.

Consequence: 90 days suspension/revocation of on-post driving privileges.

Violation: Over 30 miles per hour above posted speed limit and/or Excess Speed citation.

Consequence: 6-month suspension/revocation of installation driving privileges.

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

Points assessed: 6

Violation: Driving vehicle while impaired (BAC more than 0.05 percent and less than 0.08 percent).

Points assessed: 6

Violation: Speed contests.

Points assessed: 6

Violation: Speed too fast for conditions.

Points assessed: 2

Violation: Speed too slow for traffic conditions, and/or impeding the flow of traffic, 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

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 below).

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, points may be assessed for each individual violation.

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).

1-1. 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 installation law enforcement officer will assess the number of points appropriate for 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 Service/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 6 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 effect on driving performance.

(4) Attending a remedial driver training course 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 (see para 2-5). Except for the mandatory minimum or maximum suspension or revocation periods prescribed in Appendix C, 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) Non-mandatory suspensions or revocations—5 years.

(3) Mandatory revocations—7 years.

1-2. Disposition of driving records

a. 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.

b. 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 persons being transferred will continue to accumulate as specified in paragraph 5-4g, above.

c. 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.

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

e. 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.

f. 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 paragraphs 5-4g and h, above.

g. Army users will comply with paragraphs b and e, above, by mailing the individual's DA Form 3626 to the gaining installation provost marshal.

Glossary

Section I. Abbreviations

ANSI

American National Standards Institute

CCO

Community Compliance Office

CID

Criminal Investigation Command

CVB

Central Violations Bureau (Form)

DA

Department of the Army

DES

Directorate of Emergency Services

DES-LED

Directorate of Emergency Services – Law Enforcement Division

DFMWR

Directorate of Family Morale, Welfare, and Recreation

DPW

Directorate of Public Works

DOD

Department of Defense

DODI

Department of Defense Instruction

DOT

Department of Transportation

DV

Disabled Veterans

EG

Example Given

EOD

Explosive Ordnance Disposal

GC

Garrison Commander

IAW

In Accordance With

ID

Identification

LEO

Law Enforcement Official

NTV

Non-tactical vehicle

POV

Privately owned vehicle

PX

Post Exchange

RV

Recreational vehicle

SC

Senior Commander

TMCI

Traffic Management and Collision Investigator/Investigation

UCMJ

Uniform Code of Military Justice

U.S.

United States

USAG-HI

United States Army Garrison, Hawaii

USARHAW

United States Army Hawaii

VIN

Vehicle Identification Number

Section II. Terms**Abandoned Vehicle**

Any privately owned vehicle, including recreational vehicles, left unattended on USAG-HI installations and sites with registration expired over 30 days or that appears abandoned through visual signs such as vehicles missing essential components required for operation like flat or missing tire(s), windshield, engine, steering mechanisms, on jack stand or bricks.

Agency

Any non-military governmental bureau, or the office that represents it, or any private company or civilian organization working with or for the Department of Defense that is authorized space and support on Army installations in Hawaii

Child Passenger Safety Seat System

Is an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration

Emergency Vehicles

Law enforcement, fire department, explosive ordnance disposal (EOD) vehicles, and ambulances are emergency vehicles

Military Organization

Any Department of Defense, state or foreign military unit that is authorized space and support as a tenant on Army installations in Hawaii.

Park and/or parking

Means to stand an occupied or unoccupied vehicle, other than temporarily, while loading or unloading merchandise or passengers

Privately Owned Vehicle

Any vehicle driven or drawn by mechanical power, and manufactured primarily for use on public streets, roads, and highways, which includes motorcycles but not Government owned or tactical vehicles.

Private Parking

A privately owned residential parking facility or site under the direct responsibility of Island Palm Communities, LLC.

Registered Vehicles

Properly registered vehicles must have valid state vehicle registration, proof of state safety inspection, and proof of insurance that meets the minimum requirements of the automobile insurance laws or regulations of the State of Hawaii.

Senior Leader

The term senior leader as it applies to this policy is defined as equivalent to or above the grades of E9, CW5, O5, or GS-14

Skating

Includes use of skateboards, roller skates, roller blades, and inline skates

Stand and/or standing

Means to halt an occupied or unoccupied vehicle, other than temporarily, while receiving or discharging passengers

Stop and/or stopping

Means, when required, to completely cease movement, and when prohibited, to halt, including momentarily halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic or to comply with the directions of a police officer or a traffic control device

Traffic Accident

Is 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

USAG-HI Installations and Sites

USAG-HI installations and sites refers to all land owned or leased by the United States Army under the control of United States Army Garrison, Hawaii. This includes, but is not limited to, Fort Shafter, Fort Shafter Flats, Schofield Barracks, Wheeler Army Airfield, Helemano Military Reservation, Tripler Army Medical Center, Aliamanu Military Reservation, Red Hill Community, Piliiaau Army Recreation Center, Fort DeRussy, and Mendonca Park.

Vehicles

For the purposes of this regulation, vehicles are self-propelled vehicles that are required by the State of Hawaii to be registered in the state of official residence for operation on public streets