



DEPARTMENT OF THE ARMY
U.S. ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON WEST POINT
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AMIM-MLG-ZA

15 November 2023

U.S. ARMY GARRISON WEST POINT POLICY # 31

SUBJECT: Suspension or Restriction of On-Post Driving Privileges

1. REFERENCES:

- a. AR 190-5, Motor Vehicle Traffic Supervision, 22 May 2006.
- b. DoDI 6055.04, DoD Motor Vehicle and Traffic Safety, 27 August 2021.
- c. Title 32 CFR §634.9, Suspension or revocation of driving or privately owned vehicle registration privileges, 01 August 2022.
- d. Article 20, Title 5, Chapter 71, New York State Law, 28 April 2017.

2. PURPOSE. To set forth the U.S. Army Garrison West Point (USAG WP) guidance for suspension or restriction of on-post driving privileges.

3. APPLICABILITY. This policy applies to all motor vehicle operators on the West Point Military Reservation.

4. BACKGROUND. The Garrison Commander or designee may for cause, or any lawful reason, administratively suspend or revoke driving privileges on the installation.

5. GENERAL:

a. Installation driving privileges will be immediately suspended based on credible evidence involving intoxicated driving, meaning a blood alcohol content (BAC) of .08% or higher, or refusal to take a BAC test. Immediate suspensions will also be considered for the following offenses on a case-by-case basis: reckless driving, owner willfully permitting a physically impaired person to operate the owner's vehicle, fleeing the scene of an accident involving property or personnel damage, driving while suspended, more than 3 speeding offenses within a calendar year in a school zone, speed contests, or speeding 20 MPH or more above the posted speed limit.

b. Driving privileges involving intoxicated driving and BAC test refusals will be suspended for one year, two years for the second offense, and consideration of permanent suspension for the third offense. All other offenses considered for immediate suspension will be suspended for a period of six months for the first offense; one year for the second offense; and two years for a third offense that occurs within two years.

c. For offenses that do not trigger immediate suspension, installation driving privileges will be suspended 14 calendar days after written notification is received for offenses, including but

not limited to open containers of alcohol, more than two violations of driving while operating a cell phone within six months, more than two violations of speeding within six months, or receipt of four parking tickets within a 12-month period. The suspension of installation driving privileges for such offenses will not become effective until the Garrison Commander or designee notifies the affected person and offers that person an administrative hearing. Suspension or revocation will take place 14 calendar days after written notice, via certified mail, is received unless the affected person makes an application for a hearing within that period.

d. Driving privileges for offenses that do not trigger immediate suspension will be suspended for a period of three months for the first offense; six months for the second offense; and one year for a third offense that occurs within two years of the offense.

e. Service Members or civilians who have their driving privileges suspended due to traffic violations may request reinstatement, restriction, or probation of driving privileges by submitting a written request or request a hearing in accordance with AR 190-5, paragraph 2-6b. Written requests will include the documents in paragraph 8, below.

f. In accordance with AR 190-5, paragraph 2-10, individuals whose driving privileges have been revoked for refusing a breathalyzer test and who are not authorized to drive by their State or Federal licensing authority will not be considered for restricted driving privileges until their driving privileges are reinstated by a State or Federal licensing authority. Restricted driving privileges for test refusals will be considered until a State or Federal licensing authority formally suspends a driver's license. If on-post restricted driving privileges are approved prior to suspension by a licensing authority, restrictions will be revoked, effective the day of suspension by a licensing authority.

g. Requesters are given the opportunity to provide evidence on their behalf to include mitigating and extenuating evidence. Requests should include evidence of severe family hardship, adverse military mission impact, or other mitigating matters. Requests for probation or restricted driving privileges for Service Members and Civilians must include recommendations from their chain of command. Requests for reinstatement or restricted driving privileges for contractors must include recommendations from their program managers with an acknowledgement from the Contracting Officer's Representative.

6. WRITTEN REQUESTS:

a. Written requests for reinstatement or restricted driving privileges for offenses or violations involving intoxicated driving will be reviewed and approved by the Superintendent, USMA. Written requests for reinstatement or restricted driving privileges for all other offenses and violations will be reviewed and approved by the Garrison Commander. Written requests for all offenses or violations will be reviewed by the Office of the Staff Judge Advocate prior to review and approval by the approval authority.

b. The request, with supporting documents, will be submitted to the approval authority through the Provost Marshal's Office and Office of the Staff Judge Advocate. The approval authority will approve, disapprove, or request additional information regarding the request. The approval authority may grant limited reinstatement of driving privileges or restrictions to accommodate:

- (1) Mission requirements.
- (2) Unusual personal or family hardships.
- (3) Delays exceeding 90 days, not attributed to the person concerned, in the formal disposition of an apprehension or charges that are the basis for the specified suspension.
- (4) When there is no reasonably available alternate means of transportation to officially assigned duties. In this instance, a limited exception can be granted for the sole purpose of driving directly to and from the place of duty.

c. Restricted driving privileges will not be granted to any person whose driver's license or right to operate motor vehicles is under suspension or revocation by a State or Federal licensing authority. Prior to application for probation or restricted driving privileges, a State or Federal driver's license or right to operate motor vehicles must be reinstated. The burden of proof for reinstatement of driving privileges lies with the person applying for probation or restricted driving privileges.

d. The terms and limitations on a restricted driving privilege (for example, authorization to drive to and from place of employment or duty, or selected installation facilities such as hospital, commissary, and/or other facilities) will be specified in writing and provided to the individual concerned.

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

7. REQUESTS FOR HEARING:

a. The requestor may request an administrative hearing to obtain restricted driving privileges. Requests for hearings will be submitted to the Office of the Staff Judge Advocate at sjaadlaw@westpoint.edu, and forwarded to the approval authority for final decision.

b. If due to action by the Government, 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 of the installation commander or designee. However, if the affected person requests that the hearing be continued to a date beyond the 14-day period, the suspension or revocation will become effective immediately on receipt of notice that the request for continuance has been granted and remain in force pending a hearing at a scheduled hearing date.

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

d. If the revocation or suspension is imposed after such hearing, the person whose driving

privilege has been suspended or revoked will have the right to appeal or request reconsideration. Such requests must be forwarded through command channels to the appropriate approval authority (i.e.: Superintendent, USMA for all DUIs and Garrison Commander for all other violations) 14 calendar days from the date the individual is notified of the suspension or revocation resulting from the administrative hearing.

8. SUPPORTING DOCUMENTS FOR REQUESTS AND HEARINGS. Servicemembers and civilians requesting reinstatement or restricted driving privileges via a written request or hearing shall provide the following supporting documents. Failure to provide the required supporting documents will result in disapproval of pending requests.

- a. Proof that license is currently valid and not suspended by a State, Federal, or Host Nation licensing authority;
- b. Proof of ownership or state registration;
- c. Copy of valid drivers license;
- d. Valid registration and record of motor vehicle safety inspection;
- e. Proof of insurance.

9. PROCEDURES FOR INDIVIDUALS DRIVING WHILE POST PRIVILEGES ARE SUSPENDED/RESTRICTED.

- a. Military personnel will be cited on DA Form 1408 for Driving While Post Privileges are Suspended/Restricted which will be sent to the unit commander for appropriate disposition.
- b. Civilians not affiliated with the West Point Military Reservation will be cited on the District Court Violation Notice (DCVN), for Driving While Post Privileges are Suspended/Restricted. The ticket will be sent to the Special Assistant U.S. Attorney within the OSJA with a recommendation that the individual be barred from post.
- c. Civilians with military affiliation will be cited on DA Form 1408, identifying their place of work, for Driving While Post Privileges are Suspended/Restricted which will be sent to their department director for appropriate disposition.
- d. A Blotter entry will be made citing the subject with Driving While Post Privileges are Suspended/Restricted if they already have their driving privileges suspended/restricted.
- e. Individuals charged with Driving While Post Driving Privileges are Suspended/Restricted will not be permitted to drive on-post. Regardless of the vehicle being operated, all decals will be removed and returned to the Military Police Administrative section if applicable (including CPA passes and stickers). The vehicle will be released to an authorized driver, with the owner's permission, to be driven off the installation. If a driver is unavailable the vehicle will be towed at owner's expense.

10. REINSTATEMENT. Reinstatement of driving privileges shall be automatic, provided all revocations applicable have expired, proper proof of completion of remedial driving course

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and/or substance abuse counseling has been provided (for all Intoxicated or Impaired Driving Violations), and reinstatement requirements of individual's home State, and/or State the individual may have been suspended in, have been met.

11. PROPONENT. Director of Emergency Services, USMA.

12. EXPIRATION. This Policy Memorandum remains in effect until rescinded or superseded.



TRAVIS E. ROBISON
COL, FA
Commanding