

used, a DD Form 2505 (Abandoned Vehicle Removal Authorization) will be completed and issued to the contractor by the installation law enforcement office.

(3) After the vehicle has been removed, the installation law enforcement officer or the contractor will complete DD Form 2506 (Vehicle Impoundment Report) as a record of the actions taken.

(i) An inventory listing personal property will be done to protect the owner, law enforcement personnel, the contractor, and the commander.

(ii) The contents of a closed container such as a suitcase inside the vehicle need not be inventoried. Such articles should be opened only if necessary to identify the owner of the vehicle or if the container might contain explosives or otherwise present a danger to the public. Merely listing the container and sealing it with security tape will suffice.

(iii) Personal property must be placed in a secure area for safekeeping.

(4) DD Form 2507 (Notice of Vehicle Impoundment) will be forwarded by certified mail to the address of the last known owner of the vehicle to advise the owner of the impoundment action, and request information concerning the owner's intentions pertaining to the disposition of the vehicle.

(b) *Stolen POVs or vehicles involved in criminal activity.* (1) When the POV is to be held for evidentiary purposes, the vehicle should remain in the custody of the applicable Service or DLA until law enforcement purposes are served.

(2) Recovered stolen POVs will be released to the registered owner, unless held for evidentiary purposes, or to the law enforcement agency reporting the vehicle stolen, as appropriate.

(3) A POV held on request of other authorities will be retained in the custody of the applicable Service or DLA until the vehicle can be released to such authorities.

§634.53 Search incident to impoundment based on criminal activity.

Search of a POV in conjunction with impoundment based on criminal activity will likely occur in one of the following general situations:

(a) The owner or operator is not present. This situation could arise during traffic and crime-related impoundments and abandoned vehicle seizures. A property search related to an investigation of criminal activity should not be conducted without search authority unless the item to be seized is in plain view or is readily discernible on the outside as evidence of criminal activity. When in doubt, proper search authority should be obtained before searching.

(b) The owner or operator is present. This situation can occur during either a traffic or criminal incident, or if the operator is apprehended for a crime or serious traffic violation and sufficient probable cause exists to seize the vehicle. This situation could also arise during cases of intoxicated driving or traffic accidents in which the operator is present but incapacitated or otherwise unable to make adequate arrangements to safeguard the vehicle. If danger exists to the police or public or if there is risk of loss or destruction of evidence, an investigative type search of the vehicle may be conducted without search authority. (Army, see AR 190-22; and Air Force, see AFP 125-2.)

§634.54 Disposition of vehicles after impoundment.

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

(b) If the vehicle is unclaimed after 120 days from the date notification was mailed to the last known owner or the owner released the vehicle by properly completing DD Form 2505, the vehicle will be disposed of by one of the following procedures:

(1) Release to the lienholder, if known.

(2) Processed as abandoned property in accordance with DOD 4160.21-M.

APPENDIX A TO PART 634—REFERENCES

Publications and forms referenced in this part may be viewed at the Office of Provost

Marshal at any Army installation. Department of Defense publications are also available from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161; telephone (703) 487-4684.

Section I

Required Publications

AFP 125-2. Technical Guide for Police Traffic Operations. (Cited in §634.53.)

AFR 30-2. Social Action Program. (Cited in §634.13.)

AFR 75-24/AR 55-162/DLAR 4580.8/MCO 4643.5C/OPNAVINST 4600.11D. Permits for Oversize, Overweight, or Other Special Military Movements on Public Highways in the U.S. (Cited in §634.42.)

AFR 75-88/AR 55-80/DLAR 4500.19/MCO 11210.2C/OPNAVINST 11210.1B. Highways for National Defense. (Cited in §634.32.)

AFR 110-15. Use of U.S. Magistrates for Trial of Misdemeanors Committed by Civilians. (Cited in §634.32.)

AFR 125-15. Motor Vehicle Registration and Related Requirements. (Cited in §634.19.)

AFR 160-12. Professional Policies and Procedures. (Cited in §634.38.)

AR 190-22. Searches, Seizures, and Disposition of Property. (Cited in §634.53.)

AR 190-29. Minor Offenses and Uniform Violation Notices Referred to U.S. District Courts. (Cited in §634.32.)

AR 210-10. Administration. (Cited in §634.7.)

AR 385-40. Accident Reporting and Records. (Cited in §634.30.)

AR 385-55. Prevention of Motor Vehicle Accidents. (Cited in §634.25.)

AR 600-20. Army Command Policies and Procedures. (Cited in §634.38.)

AR 600-85. Alcohol and Drug Abuse Prevention and Control Program. (Cited in §634.14.)

AR 601-280. Total Army Retention Program. (Cited in §634.12.)

DLAR 5700.7. Search and Seizure. (Cited in §§634.7 and 634.38.)

DLAR 5720.4. Preparing and Processing Minor Offenses and Violation Notices Referred to U.S. District Court. (Cited in §634.32.)

DOD 4160.21-M, September 1982. Defense Disposal Manual. (Cited in §634.54.)

DODD 5530.3, June 1987. International Arguments. (Cited in §634.18.)

FPM Supp 792-2. Alcohol and Drug Abuse Programs. (Cited in §634.14.)

MCO 5100.19C. Marine Corps Traffic Safety Program. (Cited in §634.13.)

MCO P5300.12. USMC Substance Abuse Program. (Cited in §§634.13 and 634.30.)

OPNAVINST 5100-12D. Navy Traffic Safety Program. (Cited in §§634.13 and 634.30.)

Section II

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 600-37. Unfavorable Information.

AR 600-200. Enlisted Personnel Management System.

AR 635-20. Enlisted Personnel.

Section III

Prescribed Forms

DA Form 3626. Vehicle Registration/Driver Record. (Prescribed in §634.44.)

DD Form 1920. Alcohol Influence Report. (Prescribed in §634.33.)

DD Form 2220. DOD Registered Vehicle. (Prescribed in §634.19.)

DD Form 2504. Abandoned Vehicle Notice. (Prescribed in §634.52.)

DD Form 2505. Abandoned Vehicle Removal Authorization. (Prescribed in §634.52.)

DD Form 2506. Vehicle Impoundment Report. (Prescribed in §634.52.)

DD Form 2507. Notice of Vehicle Impoundment. (Prescribed in §634.52.)

APPENDIX B TO PART 634—NOTIFICATION OF STATE DRIVER'S LICENSE AGENCIES

The installation commander will notify the State driver's license agency of those personnel whose installation driving privileges are revoked for 1 year or more, following final adjudication of the intoxicated driving offense or for refusing to submit to a lawful blood-alcohol content test in accordance with §634.8. This notification will include the basis for the suspension and the blood-alcohol level. The notification will be sent to the State in which the driver's license was issued. A sample letter format is provided at figure B-1. State driver's license agencies are listed below:

Alabama

Motor Vehicle Division, 2721 Gunter Park Drive, Montgomery, AL 36101, (205) 271-3250

Alaska

Motor Vehicle Division, P.O. Box 100960, Anchorage, AK 99510, (907) 269-5572

Arizona

Motor Vehicle Division, 1801 West Jefferson Street, Phoenix, AZ 85007, (602) 255-7295

Arkansas

Motor Vehicle Division, Joel & Ledbetter Bldg., 7th and Wolfe Streets, Little Rock, AR 72203, (501) 371-1886

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California

Department of Motor Vehicles, P.O. Box 932340, Sacramento, CA 94232, (916) 445-0898

Colorado

Motor Vehicle Division, 140 West Sixth Avenue, Denver, CO 80204, (303) 866-3158

Connecticut

Department of Motor Vehicles, 60 State Street, Wethersfield, CT 06109, (203) 566-5904

Delaware

Motor Vehicle Director, State Highway Administration Bldg., P.O. Box 698, Dover, DE 19903, (302) 736-4421

District of Columbia

Department of Transportation, Bureau of Motor Vehicles, 301 C Street, NW., Washington, DC 20001, (202) 727-5409

Florida

Division of Motor Vehicles, Neil Kirkman Building, Tallahassee, FL 32301, (904) 488-6921

Georgia

Motor Vehicle Division, Trinity-Washington Bldg., Room 114, Atlanta, GA 30334, (404) 656-4149

Hawaii

Division of Motor Vehicle and Licensing, 1455 S. Benetania Street, Honolulu, HI 96814, (808) 943-3221

Idaho

Transportation Department, 3311 State Street, P.O. Box 34, Boise, ID 83731, (208) 334-3650

Illinois

Secretary of State, Centennial Building, Springfield, IL 62756, (217) 782-4815

Indiana

Bureau of Motor Vehicles, State Office Building, Room 901, Indianapolis, IN 46204, (317) 232-2701

Iowa

Department of Transportation, Office of Operating Authority, Lucas Office Bldg., Des Moines, IA 50319, (515) 281-5664

Kansas

Department of Revenue, Division of Vehicles, Interstate Registration Bureau, State Office Bldg. Topeka, KS 66612, (913) 296-3681

Kentucky

Department of Transportation, New State Office Building, Frankfort, KY 40622, (502) 564-4540

Louisiana

Motor Vehicle Administrator, S. Foster Drive, Baton Rouge, LA 70800, (504) 925-6304

Maine

Department of State, Motor Vehicle Division, Augusta, ME 04333, (207) 289-5440

Maryland

Motor Vehicle Administration, 6601 Ritchie Highway, NE., Glen Burnie, MD 21062, (301) 768-7000

Massachusetts

Registry of Motor Vehicles, 100 Nashua Street, Boston, MA 02114, (617) 727-3780

Michigan

Department of State, Division of Driver Licenses and Vehicle Records, Lansing, MI 48918, (517) 322-1486

Minnesota

Department of Public Safety, 108 Transportation Building, St. Paul, MN 55155, (612) 296-2138

Mississippi

Office of State Tax Commission, Woolfolk Building, Jackson, MS 39205, (601) 982-1248

Missouri

Department of Revenue, Motor Vehicles Bureau, Harry S Truman Bldg., 301 W. High Street, Jefferson City, MO 65105, (314) 751-3234

Montana

Highway Commission, Box 4639, Helena, MT 59604, (406) 449-2476

Nebraska

Department of Motor Vehicles, P.O. Box 94789, Lincoln, NE 68509, (402) 471-3891

Nevada

Department of Motor Vehicles, Carson City, NV 89711, (702) 885-5370

New Hampshire

Department of Safety, Division of Motor Vehicles, James H. Haynes Bldg., Concord, NH 03305, (603) 271-2764

New Jersey

Motor Vehicle Division, 25 S. Montgomery Street, Trenton, NJ 08666, (609) 292-2368

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New Mexico

Motor Transportation Division, Joseph M. Montoya Building, Santa Fe, NM 87503, (505) 827-0392

New York

Division of Motor Vehicles, Empire State Plaza, Albany, NY 12228, (518) 474-2121

North Carolina

Division of Motor Vehicles, Motor Vehicles Bldg., Raleigh, NC 27697, (919) 733-2403

North Dakota

Motor Vehicle Department, Capitol Grounds, Bismarck, ND 58505, (701) 224-2619

Ohio

Bureau of Motor Vehicles, P.O. Box 16520, Columbus, OH 43216, (614) 466-4095

Oklahoma

Oklahoma Tax Commission, Motor Vehicle Division, 2501 Lincoln Boulevard, Oklahoma City, OK 73194, (405) 521-3036

Oregon

Motor Vehicles Division, 1905 Lana Avenue, NE., Salem, OR 97314, (503) 378-6903

Pennsylvania

Department of Transportation, Bureau of Motor Vehicles, Transportation and Safety Bldg., Harrisburg, PA 17122, (717) 787-3130

Rhode Island

Department of Motor Vehicles, State Office Building, Providence, RI 02903, (401) 277-6900

South Carolina

Motor Vehicle Division, P.O. Drawer 1498, Columbia, SC 29216, (803) 758-5821

South Dakota

Division of Motor Vehicles, 118 W. Capitol, Pierre, SD 57501, (605) 773-3501

Tennessee

Department of Revenue, Motor Vehicle Division, 500 Deaderick Street, Nashville, TN 37242, (615) 741-1786

Texas

Department of Highways and Public Transportation, Motor Vehicle Division, 40th and Jackson Avenue, Austin, TX 78779, (512) 475-7686

Utah

Motor Vehicle Division, State Fairgrounds, 1095 Motor Avenue, Salt Lake City, UT 84116, (801) 533-5311

Vermont

Department of Motor Vehicles, State Street, Montpelier, VT 05603, (802) 828-2014

Virginia

Department of Motor Vehicles, 2300 W. Broad Street, Richmond, VA 23220, (804) 257-1855

Washington

Department of Licensing, Highways-Licenses Building, Olympia, WA 98504, (206) 753-6975

West Virginia

Department of Motor Vehicles, 1800 Washington Street, East, Charleston, WV 25317, (304) 348-2719

Wisconsin

Department of Transportation, Reciprocity and Permits, P.O. Box 7908, Madison, WI 53707, (608) 266-2585

Wyoming

Department of Revenue, Policy Division, 122 W. 25th Street, Cheyenne, WY 82002, (307) 777-5273

Guam

Deputy Director, Revenue and Taxation, Government of Guam, Agana, Guam 96910, (no phone number available)

Puerto Rico

Department of Transportation and Public Works, Bureau of Motor Vehicles, P.O. Box 41243, Minillas Station, Santurce, PR 00940, (809) 722-2823

FIGURE B-1—SAMPLE LETTER TO STATE DRIVER'S LICENSE AUTHORITY

DEPARTMENT OF THE ARMY

39th Infantry Division, Fort Collins, Colorado 81079-9906

Office of the Provost Marshal,
Motor Vehicle Division, 140 West Sixth Avenue, Denver, Colorado 80204.

This letter is your notification that on 15 May 1996, ROE, Richard L., PFC 000-00-0000, a member of the U.S. Army, 39th Infantry Division, Fort Collins, Colorado was found guilty of intoxicated driving in a trial by court-martial.

He holds a Colorado driver's license, number X94U28, issued 1 June 1995, and expiring on 1 June 1999. He was arrested on 15 May 1996 at Fort Collins, Colorado by Military Police while driving a 1989 Chevrolet Nova, blue in color, bearing Colorado license plate number 359-143.

PFC Roe refused to submit to a chemical test to determine his blood alcohol content after being advised of the implied consent

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provisions of the Fort Collins installation traffic code.

Based on the above information, PFC Roe's installation driving privileges have been revoked for one year.

PFC Roe's current address is 1511 Mountain View Road, Denver, Colorado 80206.

Sincerely,

Max R. Smith,
CPT, MPC, AR 19 Administrative Officer.

APPENDIX C TO PART 634—DOD DIRECTIVE 5525.4, ENFORCEMENT OF STATE LAWS ON DOD INSTALLATIONS

DEPARTMENT OF DEFENSE DIRECTIVE

November 2, 1981

Number 5525.4, ASD (MRA&L)

Subject: Enforcement of State Traffic Laws on DoD Installations.

References: (a) DoD Instruction 6055.4, "Department of Defense Traffic Safety Program," November 7, 1978.

(b) Delegation of Authority to the Secretary of Defense by the Administrator, General Services Administration, March 20, 1981 (enclosure 1).

(c) Title 18, United States Code, section 13.

(d) Title 40, United States Code, section 318c.

A. Purpose

This Directive establishes policies pursuant to the requirements of reference (a) and to authority delegated to the Secretary of Defense under reference (b) for the enforcement, on DoD military installations, of those state vehicular and pedestrian traffic laws that cannot be assimilated under reference (c).

B. Applicability and Scope

1. The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies.

2. The provisions encompass all persons who operate or control a motor vehicle or otherwise use the streets of a military installation over which the United States exercises exclusive or concurrent legislative jurisdiction.

3. The provisions govern only vehicular and traffic offenses or infractions that cannot be assimilated under reference (c), thereby precluding application of state laws to traffic offenses committed on military installations.

C. Policy

1. It is the policy of the Department of Defense that an effective, comprehensive traffic

safety program be established and maintained at all military installations as prescribed in reference (a).

2. State vehicular and pedestrian traffic laws that are now or may hereafter be in effect shall be expressly adopted and made applicable on military installations to the extent provided by this Directive. All persons on a military installation shall comply with the vehicular and pedestrian traffic laws of the state in which the installation is located.

3. Pursuant to the authority established in enclosure 1, installation commanders of all DoD installations in the United States and over which the United States has exclusive or concurrent legislative jurisdiction are delegated the authority to establish additional vehicular and pedestrian traffic rules and regulations for their installations. All persons on a military installation shall comply with locally established vehicular and pedestrian traffic rules and regulations. (Amendment 1, Ch 1 (10/31/86))

4. A person found guilty of violating, on a military installation, any state vehicular or pedestrian traffic law or local installation vehicular or pedestrian traffic rule or regulation made applicable to the installation under the provisions of this Directive is subject to a fine of not more than \$50 or imprisonment for not more than 30 days, or both, for each violation (40 U.S.C. 318c (reference (d))). (Amendment 1, Ch 1 (10/31/86))

5. This Directive does not limit the application of any Federal law or regulation or, under 18 U.S.C. 13 (reference (c)), any state law made applicable to offenses committed on military installations.

6. A copy of this Directive shall be posted in an appropriate place on the DOD installation concerned.

D. Responsibilities

1. The Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) shall modify this Directive, as appropriate.

2. Secretaries of the Military Departments shall comply with this Directive.

E. Effective Date and Implementation

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 120 days.

William H. Taft, IV,
Deputy Secretary of Defense.

Enclosure—1

1. Delegation of Authority: Nov 2, 81, 5525.4 (Encl 1).

ENCLOSURE 1-DELEGATION OF AUTHORITY

GENERAL SERVICES ADMINISTRATION

(D-81-___ 6820-22

Delegation of Authority to the Secretary of Defense

1. Purpose. This delegation authorizes the Secretary of Defense to assist in controlling vehicular and pedestrian traffic on military installations in the United States.

2. Effective date. This delegation became effective on March 20, 1961.

3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Defense to make all needful rules and regulations, and to attach to these rules and regulations such reasonable penalties, not to exceed those prescribed in 40 U.S.C. 318c, as will ensure their enforcement for governing vehicular and pedestrian traffic on military installations of the Department of Defense, as defined in 40 U.S.C. 612, in the United States and over which the United States has exclusive or concurrent legislative jurisdiction.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and the policies, procedures, and controls prescribed by the General Services Administration.

4. Effect on other directives. FPMR Temporary Regulation D-28 is revoked.

Dated: June 24, 1981.

(Signed) Gerald P. Carmen,
Administrator.

APPENDIX D TO PART 634—GLOSSARY

Section I

Abbreviations

ADAPCP
Alcohol and Drug Abuse Prevention and Control Program
ADCO
Alcohol and Drug Control Officer
ASAP
Alcohol Safety Action Projects
BAC
blood alcohol content
CAAC
Counseling and Assistance Center
CAIG
centralized accident investigation, ground
CFR
Code of Federal Regulations
CG
commanding general
CONUS
continental United States
DA
Department of the Army
DLA

Defense Logistics Agency
DOD
Department of Defense
DOT
Department of Transportation
HQDA
Headquarters, Department of the Army
MPMIS
Military Police Management Information System
MTMCTEA
Military Traffic Management Command
Transportation Engineering Agency
NADSAP
Navy Alcohol and Drug Safety Action Program
NAF
nonappropriated fund
NHSPS
National Highway Safety Program Standards
NHTSA
National Highway Traffic Safety Administration
POV
privately owned vehicle
SOFA
status of forces agreement
SOP
standing operating procedure
STAMIS
Standard Army Management Information System
TRADOC
U.S. Army Training and Doctrine Command
UCMJ
Uniform Code of Military Justice
USAF
United States Air Force
USC
United States Code
USMC
United States Marine Corps
USN
United States Navy

Section II

Terms

Active Duty Personnel

Military personnel, whether Active Army, U.S. Army Reserve, or Army National Guard of the United States, who are on active duty under Title 10, United States Code.

Alcohol Safety Action Program (ASAP)

A program sponsored by a State, in cooperation with the NHTSA, to reduce highway deaths, injuries, and property damage resulting from traffic accidents in which alcohol is a major contributing factor.

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Army Drug and Alcohol Prevention and Control Program (ADAPCP)

An Army program that provides for alcohol and drug problems (appropriate education or treatment).

Chemical Breath-testing Device

An instrument using photoelectric or other physical or chemical means to quantitatively determine blood-alcohol concentrations.

Collision Diagram

A plan of an intersection or section of roadway on which reported accidents are diagrammed by means of arrows showing manner of collision.

Condition Diagram

A scale drawing of an intersection or section of roadway that shows all objects and physical conditions that bear on traffic movement and safety.

Conviction

A final adjudication that may include one or more of the following:

- a. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance-in-court.
- b. Pleas of nolo contendere accepted by a court.
- c. Payment of a fine.
- d. Pleas of guilty or finding of guilty on a charge of violating State, Federal, or host nation civil law; or the UCMJ.
- e. Judicial or nonjudicial punishment imposed under the UCMJ.

Driver

Any person who drives or is in physical control of a motor vehicle. A driver is in physical control when in position to control the motor vehicle, whether to regulate or restrain its operation or movement. For example, sitting in a parked car behind the steering wheel, keeping it in restraint or in a position to control its movement. The word "driver" is interchangeable with the word "operator."

Driver's License

A license to operate a motor vehicle under the laws of a State, the District of Columbia, a U.S. territory or possession, a host country, or under international agreements (international driver's license). Also, a vehicle operator's permit issued by an agency of the U.S. Government, or an overseas command.

Driving Privilege

The privilege extended by an installation commander to a person permitting the oper-

ation of a motor vehicle within the limits of the installation.

General Officer

A term used to describe officers in the military grade of 0-7 or above, including officers frocked to the grade of, in the Army, Air Force, Marine Corps, or Navy.

General Officer Letter of Reprimand

A memorandum or letter of reprimand, administrative in nature, prepared in accordance with AR 600-37 and signed by any officer serving in the grade of 0-7 or above in the Army, Air Force, Marine Corps, or Navy.

Government Motor Vehicle

A motor vehicle owned, rented, or leased by DOD. This includes vehicles owned, rented, or leased by NAF activities of the military departments and DOD.

High Accident Frequency Location

A location, intersection, or length of roadway, normally not more than one-half mile in length, where an unusually high number of accidents have occurred.

Host Nation

Any foreign country or possession in which an installation is located.

Installation or Activity Commander

A term applied equally to CONUS installation commanders and overseas community commanders.

Intoxicated Driving

Includes one or more of the following:

- a. Driving, operating, or being in actual physical control of a motor vehicle under any intoxication caused by alcohol or drugs in violation of Article 111 of the UCMJ or a similar law of the jurisdiction in which the vehicle is being operated.
- b. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.10 or higher on a military installation or in an area where traffic operations are under military supervision.
- c. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.10 or higher in violation of the law of the jurisdiction in which the vehicle is being operated.
- d. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.05 but less than 0.10 in violation of the law of the jurisdiction in which the vehicle is being operated if the jurisdiction imposes a suspension or revocation solely on the basis of the BAC level.

Law Enforcement Personnel (Officials)

Persons under supervision of the installation law enforcement officer who are authorized to direct, regulate, and control traffic, and to apprehend or arrest violators of laws or regulations. They are usually identified as military police, security police, civilian guards, or DOD police.

Major Command/Major Commanders

The level of command between the base, installation, or community commander and the Service headquarters.

Moped

Any two or three-wheel device having operative capability by—

- a. Human propulsion power (or no pedals if powered solely by electrical energy).
- b. An automatic transmission.
- c. A motor that produces less than two gross brake horsepower, and—

(1) Propels the device at a maximum speed of not more than 30 miles per hour on level ground.

(2) Has a maximum engine size of 50 cubic centimeters.

Motorcycle

Every motor vehicle that has a seat or saddle for use of the rider and is designed to travel on not more than three wheels in contact with the ground. Tractors and Mopeds are excluded.

Motor Vehicle

Any vehicle driven or drawn by mechanical power, and manufactured primarily for use on public streets, roads, and highways.

(Vehicles operated only on a rail or rails are excluded.)

Motor Vehicle Registration

The process of issuing registration certificate and registration plates for a motor vehicle under the law of a State (State registration). The term also applies to the registration form and identification media issued by a host nation or overseas command, or per this regulation for a motor vehicle authorized to operate on a military installation in the United States or its territories.

Motor Vehicle Traffic Accident

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. Motor vehicle traffic accident classification. The classification of traffic accidents according to severity of injuries or property damage sustained. Major classifications include the following:

- a. Severity of injury.

(1) Fatal accident. A motor vehicle accident that results in fatal injuries to one or more personnel. A fatal injury is one that results in death within 12 months of the accident causing the injury.

(2) Incapacitating injury. An injury, other than fatal, that prevents the injured person from walking, driving, or normally continuing the activities that he or she was capable of performing before the accident. Examples are severe lacerations, broken or distorted limb, skull fracture, crushed chest, internal injury, unconsciousness when taken from the accident scene, or inability to leave the accident scene without help.

(3) Nonincapacitating evident injury. An injury, other than fatal and incapacitating, that is evident to any person at the scene of the accident. Examples are lump on head, abrasions, or minor lacerations.

(4) Possible injury. An injury reported or claimed that is not a fatal, incapacitating, or nonincapacitating evident injury. Examples are momentary unconsciousness, claim of injuries that are not evident, limping, or complaint of pain, nausea, or hysteria.

- b. Severity of vehicle damage.

(1) Disabling damage. Any damage to a vehicle such that it cannot be driven (or towed in the case of trailers) from the scene of the accident in the usual manner by daylight after simple repairs, and without further damage or hazard to itself, other traffic elements, or the roadway.

(2) Functional damage. Any nondisabling damage to a vehicle that affects operation of the vehicle or its parts. Examples are doors, windows, hood, and trunk lids that will not operate properly; broken glass that obscures vision; or any damage that could prevent the motor vehicle from passing an official motor vehicle inspection.

(3) Other motor vehicle damage. Any damage to a vehicle that is neither disabling nor functional damage. Such damage usually affects only the load on the vehicle or the appearance of the motor vehicle. Examples are damage to hubcaps, trim, or grill; glass cracks that do not interfere with vision; dents; scratches; body punctures; or damage to load.

Moving Violation

A violation of any traffic law, ordinance, or regulation while operating a vehicle. Moving violations typically involve one or both of the following:

a. Unsafe act. An act or omission in traffic that is hazardous.

b. Unsafe condition. Causing or permitting an illegal and possibly hazardous condition of—

(1) Highways, roads, or streets used by traffic.

(2) Vehicles used in traffic.

(3) A pedestrian or driver in traffic.

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Navy Alcohol and Drug Safety Action Program (NADSAP)

A Navy program that provides a means to identify Navy personnel involved in alcohol-related situations, within the legal and medical systems, at the earliest indication of alcohol misuse or alcoholism.

Pedicycle

A vehicle operated solely by pedals and propelled by human power.

Pedestrian

Any person not in or on a motor vehicle or other road vehicle.

Reciprocity

Reciprocal action between State or host nation and military authorities to suspend or revoke a person's OF 46, installation driving privilege, or State, host nation, or overseas command driver's license based on action initiated by either authority.

Revocation of Driver's License

The termination by formal action of State, host nation, or overseas command authority of a person's license or privilege to operate a motor vehicle on the public roadways. This termination is not subject to renewal or restoration except that application may be presented and acted on by the State, host nation, or overseas command authority after the expiration of the period set by State or host nation law or overseas command regulation.

Revocation of Driving Privileges

Action taken by an installation commander to terminate a privilege to operate a motor vehicle on a military installation. State One of the U.S. States, the District of Columbia, the Commonwealth of Puerto Rico, and the territory of Guam.

Suspension of Driver's License

The temporary withdrawal by formal action of State, host nation, or overseas command authority of a person's license or privilege to operate a motor vehicle on the public highways.

Suspension of Driving Privileges

The temporary withdrawal by an installation commander of a person's privilege to operate a motor vehicle on a military installation for up to 12 months. Privileges normally are automatically restored on the day after the date the suspension ends.

Traffic

Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together, using any roadway.

Traffic Control Devices

Signs, signals, markings, lights, and devices placed by a proper official to regulate, warn, or guide traffic.

Traffic Engineering

Planning and geometric design of streets, highways, and abutting lands, and matters concerned with traffic operations on them related to the safe, convenient, and economical transportation of persons and goods.

Traffic Laws

All laws, ordinances, and regulations concerning roadway traffic, including regulations on weight, size, and type of vehicles and vehicle cargo.

PART 636—MOTOR VEHICLE TRAFFIC SUPERVISION (SPECIFIC INSTALLATIONS)

Sec. 636.0 Scope of this part.

Subpart A—Fort Stewart, Georgia

- 636.1 Responsibilities.
636.2 Program objectives.
636.3 Suspension or revocation of driving privileges.
636.4 Administrative due process for suspensions and revocations.
636.5 Army administrative actions against intoxicated drivers.
636.6 Remedial driver training program.
636.7 Extensions of suspensions and revocations.
636.8 Registration policy.
636.9 Registration requirement.
636.10 Hunter Army Airfield vehicle registration.
636.11 Installation traffic codes.
636.12 Traffic accident investigation.
636.13 Traffic accident investigation reports.
636.14 Parking.
636.15 Traffic violation reports.
636.16 Detection, apprehension, and testing of intoxicated drivers.
636.17 Compliance with State laws.
636.18 Driving records.
636.19 Point system application.
636.20 Point system procedures.
636.21 Obedience to official traffic control devices.
636.22 Speed regulations.
636.23 Turning movements.
636.24 Driving on right side of roadway; use of roadway.
636.25 Right-of-way.
636.26 Pedestrian's rights and duties.
636.27 Regulations for bicycles.
636.28 Special rules for motorcycles/mopeds.