

**BY ORDER OF THE COMMANDER  
45TH SPACE WING**

**45TH SPACE WING INSTRUCTION 31-116**

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**Operations**

**45TH SPACE WING MOTOR VEHICLE  
TRAFFIC SUPERVISION INSTRUCTION**

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This instruction supplements Air Force Instruction (AFI) 31-218 (I), *Motor Vehicle Traffic Supervision* and AFMAN 31-116, *Air Force Motor Vehicle Traffic Supervision*. It assigns responsibilities and procedures for motor vehicle traffic supervision on areas under jurisdiction of the 45th Space Wing (45 SW) Commander. AFI 31-218 (I) is the core document utilized and 45 SWI 31-116 incorporates AFMAN 31-116, as well outlines local procedures unique to 45 SW installations. This includes, but is not limited to, granting, suspending or revoking the privilege to operate a Privately Owned Vehicle (POV), driver performance records, driver improvement program, police traffic supervision, and off-installation traffic activities. AFI 31-204, *Air Force Motor Vehicle Traffic Supervision*, 14 July 2000, has been rescinded and has been replaced by AFI 31-218 (I) which is a joint DoD publication. This instruction applies to all individuals reside on, work on, or visit areas under 45 SW jurisdiction. Refer recommended changes and questions about this publication to the OPR listed above using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate chain of command. Requests for waivers must be submitted to the OPR listed above, or as otherwise stipulated within this publication, for consideration and approval. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force.

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## Chapter 1

### INTRODUCTION

**1.1. Purpose and Program Management.** This instruction implements policy, responsibilities and procedures for motor vehicle traffic supervision on Air Force installations where the 45 SW/CC has jurisdiction. This instruction provides additional Air Force specific guidance to complement guidance found in AFI 31-218 (I) and AFMAN 31-116. The objective of the traffic control program is the safe and efficient flow of vehicles and pedestrians through reduction of factors contributing to accidents.

#### **1.2. Responsibilities.**

1.2.1. Tasked agencies have established this instruction as the traffic supervision program. 45 SW tasked agencies will cooperate with civilian police agencies and other local, State, or Federal Government agencies concerned with traffic supervision, ensure traffic supervision is properly integrated in the overall installation traffic safety program through the Traffic Control Board, participate actively in alcohol safety action projects in neighboring communities, and ensures 45th Security Forces Squadron (45 SFS) engages in law enforcement and adjudication activities follow the provisions of AFI 31-203, *Security Forces Informational Management System (SFMIS)*, in reporting all criminal and traffic violations, utilizes SFMIS to support reporting requirements and procedures, and revokes driving privileges in accordance with this regulation.

1.2.2. Installation Defense Force Commander (DFC). The DFC is the 45 SW/CC's principal advisor on issues pertaining to the lawful movement of personnel and traffic. The DFC exercises staff responsibility for directing, regulating and controlling traffic, and enforcing laws and regulations pertaining to traffic control. The DFC assists traffic engineering functions by ensuring 45 SFS participate in traffic control studies designed to obtain information on traffic problems and usage patterns through participation in the 45 SW Traffic Control Board/Sign Committee.

1.2.3. Installation Safety Officer. The Safety Officer participates in and develops traffic accident prevention initiatives in support of the installation traffic safety program through participation in the 45 SW Traffic Control Board/Sign Committee.

1.2.4. Installation Civil Engineer. 45th Civil Engineer Squadron (45 CES), in close coordination with 45 SFS, designs, constructs, and maintains streets, highways and abutting lands. Select, determine appropriate design of, procure, construct, install, and maintain permanent traffic and parking control devices in coordination with 45 SFS and installation safety officer. They ensure traffic signs, signals and pavement markings conform to the standards in the current *Manual on Uniform Traffic Control Devices for Streets and Highways* and also ensure planning, design, construction, and maintenance of streets and highways conform to National Highway Safety Program Standards through participation in the 45 SW Traffic Control Board/Sign Committee.

1.2.5. Installation Traffic Engineer. Traffic engineer conducts formal traffic engineering studies in close coordination with the 45 SFS. They apply traffic engineering measures, including traffic control devices, to reduce the number and severity of traffic accidents through participation in the 45 SW Traffic Control Board/Sign Committee.

1.2.6. Mental Health Office. The mental health substance abuse control program provides treatment and education services to personnel with alcohol and/or drug abuse problems through participation in the 45 SW Traffic Control Board/Sign Committee.

1.2.7. Group/Squadron Commanders. Will refer personnel identified with alcohol and/or drug abuse problems to the mental health substance abuse control program.

**1.3. Delegation of Authority.** In accordance with (IAW) AFMAN 31-116, the 45 SW/CC may delegate his/her responsibilities to the 45 SW/CV, 45 MSG/CC or other group commanders provided the individual does not occupy a position, such as law enforcement, which would constitute a conflict of interest. At Patrick Air Force Base (PAFB) and Cape Canaveral Air Force Station (CCAFS) the 45 MSG/CC is delegated the authority for suspension and/or revocation of driving privileges. Antigua Air Station (Detachment 1) and Ascension Auxiliary Air Field (Detachment 2) Commanders are delegated the authority for their respective installations.

## Chapter 2

### DRIVING PRIVILEGES

#### 2.1. Requirements for Driving Privileges.

2.1.1. Driving a Government Owned Vehicle (GOV) or POV on 45 SW installations is a privilege granted by the 45 SW/CC. Persons who accept the privilege must:

2.1.1.1. Lawfully be licensed to operate motor vehicles in appropriate classifications and not be under suspension or revocation in any State or host country.

2.1.1.2. Comply with laws and regulations governing motor vehicle operations on any US military installation.

2.1.1.3. Possess, while operating a motor vehicle, and produce on request by 45 SFS personnel, the following:

2.1.1.3.1. Proof of State registration.

2.1.1.3.2. A valid State drivers license and/or AF Form 2293 (US Air Force Motor Vehicle Operator's Identification Card), as applicable to the class vehicle to be operated, supported by a DD Form 2 ACT (Armed Forces of the United States Geneva Convention), Common Access Card (CAC), or other appropriate identification for non-Department of Defense (DoD) civilians.

2.1.1.3.2.1. Persons may drive in Florida and on 45 SW properties if they have a valid International License or valid driver's license from their state or country of residence.

2.1.1.3.3. Regulatory permits or other pertinent documents relative to shipping and transportation of special cargo.

2.1.1.3.4. Documents that establish identification and status of cargo or occupants, when appropriate.

2.1.1.3.5. Proof of valid insurance. Proof of insurance consists of an insurance card, or other documents issued by the insurance company, that has a policy effective date and an expiration date.

2.1.1.3.6. Operators of GOVs must have proof of authorization to operate the vehicle via AF Form 2293.

#### 2.2. Stopping and Inspecting Personnel or Vehicles.

2.2.1. Government vehicles may be stopped by 45 SFS personnel on 45 SW installations when there is reasonable suspicion of criminal activity or a violation of traffic regulation.

2.2.1.1. Stops and inspections of vehicles at installation gates or entry points and in restricted areas will be conducted IAW Appendix 3 and 6 to Annex C to 45 SW IDP 31-1.

2.2.2. Stops and inspections of POVs within 45 SW installations, other than at restricted areas or at an installation gate, are authorized only when there is a reasonable suspicion of criminal activity, or a violation of a traffic regulation.

2.2.3. At the time of stop, the driver and occupants may be required to display all pertinent documents, including but not limited to:

2.2.3.1. Documents that establish the identity and status of civilians, for example, CAC; DD Form 1173 (United States Uniformed Services Identification and Privilege Card); AF Form 354 (Civilian Identification Card); Defense Biometrics Identification card/pass; or AF IMT 75 (Visitor Pass).

2.2.3.2. Proper POV registration documents.

2.2.3.3. Authorization to operate a GOV, if applicable.

2.2.3.4. Drivers license or AF Form 2293 valid for the particular vehicle and area of operation.

2.2.3.5. Proof of insurance.

### **2.3. Implied Consent.**

2.3.1. Implied consent to blood, breath, or urine tests. Persons who drive on 45 SW installations shall be deemed to have given their 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 45 SW installations to determine the influence of intoxicants.

2.3.2. Implied consent to impoundment. Any person granted the privilege to operate a motor vehicle on 45 SW installations shall be deemed to have given his or her consent for the removal and temporary impoundment of the POV when it is parked illegally, or for unreasonable periods (greater than 72 hours), interfering with military operations, creating a safety hazard, disabled by accident, left unattended in a restricted or controlled area, or abandoned. The authority to determine the existence of these conditions has been delegated to the DFC. Such persons further agree to reimburse the Air Force for the cost of towing and storage should their motor vehicle be removed or impounded.

2.3.3. Motor vehicle or criminal infraction. Any person who operates or is in control of a motor vehicle on 45 SW installations involved in a motor vehicle or criminal infraction shall be informed that notice of the violation of law or regulation will be 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.

**2.4. Suspension or Revocation of Driving Privileges.** The 45 MSG/CC may for cause, or any lawful reason, administratively suspend or revoke driving privileges on 45 SW installations. The suspension or revocation of installation driving privileges for lawful reasons unrelated to traffic violations or safe vehicle operation, is not limited or restricted by this regulation.

2.4.1. Suspension.

2.4.1.1. Driving privileges are usually suspended when other measures fail to improve a driver's performance. Measures should include counseling, remedial driving training, and rehabilitation programs if violator is entitled to the programs. Driving privileges may also be suspended for up to 6 months if a driver continually violates installation parking regulations. The accumulation of 12 points in a 12-month period or 18 points in a 24-month period for repeated parking violations may result in suspension of driving

privileges. Any vehicle parked without authorization in an area restricted due to force protection measures may subject the driver to immediate suspension by the 45 SW/CC. Vehicle will be towed at the owner's and/or operator's expense.

2.4.1.2. The 45 SW/CC has discretionary power to withdraw the authorization of active duty military personnel, DoD civilian employees, non-appropriated funds (NAF) employees, contractors, and subcontractors to operate Government vehicles. Notify 45th Contracting Squadron (45 CONS) and the cognizant Contracting Officer who oversees the contract execution of actions taken against contractors, subcontractors or their employees.

2.4.1.3. Immediate suspension of installation POV driving privileges pending resolution of an intoxicated driving incident is authorized for active duty military personnel, family members, retired members of the military services, DoD civilian personnel, and others with installation driving privileges, regardless of the geographic location of the intoxicated driving incident. Suspension is authorized for non-DoD affiliated civilians only with respect to incidents occurring on the installation or in areas subject to military traffic supervision. After a review of available informational as specified in paragraph 2.6, installation driving privileges will be immediately suspended pending resolution of the intoxicated driving accident in the following circumstances:

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

2.4.1.3.2. Operating a motor vehicle with a blood alcohol content (BAC) of 0.08 percent by volume (0.08 grams per 100 milliliters) or higher.

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

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

2.4.1.3.5. Persons under the age of 21, when in the United States or where legal alcohol consumption age is 21, operating a motor vehicle with a BAC or BrAC level standard of .01 or higher is reason for automatic suspension. Refer to AFI 31-218(I) 2-4.a.(3).(a).(b).(c).(d). for additional guidance.

## 2.4.2. Revocation.

2.4.2.1. The revocation of installation POV driving privileges is a severe administrative measure to be exercised for serious moving violations or when other available corrective actions fail to produce the desired driver improvement. Revocation of the driving privilege will be for a specified period but never less than 6 months, will apply at all military installations and remain in effect upon reassignment.

2.4.2.2. Driving privileges are subject to revocation when an individual fails to comply with any of the conditions requisite to the granting privilege (see para 2.1). Revocation of installation driving privileges is authorized for military personnel, family members, DoD civilian employees, contractors, and other individuals with installation driving privileges. For civilian guests, revocation is authorized only with respect to incidents

occurring on 45 SW installations. Notify 45 CONS and the cognizant Contracting Officer of actions taken against contractors, subcontractors or their employees.

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

2.4.2.3.1. The 45 MSG/CC has determined that the person lawfully apprehended for driving under the influence refused to submit to or complete a test to measure the alcohol content in the blood, or detect the presence of any other drug.

2.4.2.3.2. A conviction, nonjudicial punishment, or a military or civilian administrative action resulting in the suspension or revocation of driver's license for intoxicated driving. Appropriate official documentation of such conviction is required as the basis for revocation.

2.4.2.4. When temporary suspensions under paragraph 2.4.1.3, above, are followed by revocations, the period of revocation is computed beginning from the date the original suspension was imposed, exclusive of any period during which full driving privileges may have been restored pending resolution of charges. (Example: privileges were initially suspended on 1 January 2000 for a charge of intoxicated driving with a BAC of 0.14 percent. A hearing was held, extreme family hardship was substantiated, and privileges were restored on 1 February pending resolution of the charge. On 1 March 2000, the driver was convicted for intoxicated driving. The mandatory 1-year revocation period will consist of January 2000 plus March 2000 through January 2001, for a total of 12 months with no installation driving privileges.)

2.4.2.5. The 45 SW/CC will immediately revoke driving privileges for a period of not less than 1 year when a serious incident involving a motor vehicle occurs and the 45 SW/CC determines immediate revocation of driving privileges is required to preserve public safety or the good order and discipline of military personnel.

**2.5. Remedial Driver Training Programs.** 45 SW does not conduct remedial driver training programs. Personnel may arrange for participation in courses conducted by local civil authorities. The 45 SW will incur no expenses for personnel attending courses off the installation.

## **2.6. Administrative Due Process for Suspensions and Revocations.**

2.6.1. A preliminary suspension for intoxicated driving remains in effect until the 45 SW/CC makes a final decision. Requested hearings must take place within 14 calendar days of notice.

2.6.2. For offenses other than intoxicated driving, suspension or revocation of the installation driving privilege will not become effective until the 45 MSG/CC notifies the affected person and offers that person an administrative hearing. Suspension or revocation will take place 14 calendar days after written notice is received unless the affected person makes an application for a hearing within this period. Such application will stay pending suspension or revocation for a period of 14 calendar days.

2.6.2.1. 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 45 MSG/CC. 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.

2.6.2.2. If it is determined as a result of a hearing to suspend or revoke the affected person's driving privilege, the suspension or revocation will become 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 will determine the effective date on a case-by-case basis.

2.6.2.3. 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 45 MSG/CC within 14 calendar days from the date the individual is notified of the suspension or revocation resulting from the administrative hearing. The suspension or revocation will remain in effect pending a final ruling on the request. Requests for restricted privileges will be considered per paragraph 2.9.

2.6.2.4. If driving privileges are temporarily restored (that is, for family hardship) pending resolution of charges, the period of revocation (after final authority determination) will still total the mandatory 12 months. The final date of the revocation will be adjusted to account for the period when the violator's privileges were temporarily restored, as this period does not count towards the revocation time.

2.6.3. For drunk driving or driving under the influence offenses, reliable evidence readily available will be presented promptly to 45 MSG/CC for review and authorization for immediate suspension of installation driving privileges.

2.6.3.1. Reliable evidence includes witness statements, military or civilian police report of apprehension, chemical test results if completed, refusal to consent to complete chemical testing, videotapes, statements by the apprehended individual, field sobriety or preliminary breath tests results and other pertinent evidence. Immediate suspension should not be based solely on published lists of arrested persons, statements by parties not witnessing the apprehension, or telephone conversations or other informational not supported by documented and reliable evidence.

2.6.3.2. Reviews normally will be accomplished within the first normal duty day following final assembly of evidence.

2.6.3.3. The 45 SW/CC authorizes the DFC to conduct reviews and authorize suspensions in cases where the 45 MSG/CC is not reasonably available and, in the judgment of the DFC, such immediate action is warranted. 45 SFS personnel act in an advisory capacity to 45 SW/CC. Review by the 45 MSG/CC will follow as soon as practical in such cases. When a suspension notice is based on the DFC's review, there is no requirement for confirmation notice following subsequent review by the 45 MSG/CC.

2.6.3.4. For active duty military personnel, final written notice of suspension for intoxicated driving will be provided to the individual's chain of command for immediate presentation to the individual. 45 SFS provide a copy of the temporary suspension to the

individual at the time of the incident or may provide a copy of the final determination at the time of the incident, as predetermined by the 45 MSG/CC.

2.6.3.5. For civilian personnel, written notice of suspension for intoxicated driving will normally be provided without delay via certified mail. 45 SFS personnel provide a copy of the temporary suspension to the individual at the time of the incident if available or may provide a copy of the final determination at the time of the incident. If the person is employed on 45 SW installations, such notice will be forwarded through the military or civilian supervisor. When the notice of suspension is forwarded through the supervisor, the person whose privileges are suspended will be required to provide written acknowledgment of receipt of the suspension notice.

2.6.3.6. Notices of suspension for intoxicated driving will include the following:

2.6.3.6.1. The fact that the suspension can be made a revocation under paragraph 2.4.2.

2.6.3.6.2. The right to request, in writing, a hearing before the 45 MSG/CC to determine if installation driving privileges will be restored pending resolution of the charge; and that such request must be made within 14 calendar days of the final notice of suspension.

2.6.3.6.3. The right of military personnel to be represented by counsel at his or her own expense and to present evidence and witnesses at his or her own expense.

2.6.3.6.4. The right of DoD civilian employees to have a personal representative present at the administrative hearing in accordance with applicable laws and regulations.

2.6.3.6.5. Written acknowledgment of receipt to be signed by the individual whose privileges are to be suspended or revoked.

2.6.3.7. If a hearing is requested, it must take place within 14 calendar days of receipt of the request. The suspension for intoxicated driving will remain in effect until a decision has been made by the 45 MSG/CC, but will not exceed 14 calendar days after the hearing while awaiting the decision. If no decision has been made by that time, full driving privileges will be restored until such time as the accused is notified of a decision to continue the suspension.

2.6.3.8. Hearing on suspension actions under paragraph 2.4.2 for drunk or impaired driving pending resolution of charges will cover only the following pertinent issues of whether:

2.6.3.8.1. Law enforcement officials had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle under the influence of alcohol or other drugs.

2.6.3.8.2. The person was lawfully cited or apprehended for a driving under the influence offense.

2.6.3.8.3. The person was lawfully requested to submit his or her blood, breath, or urine in order to determine the content of alcohol or other drugs, and was informed of the implied consent policy (consequences of refusal to take or complete the test).

2.6.3.8.4. The person refused to submit to the test for alcohol or other drug content of blood, breath, or urine; failed to complete the test; submitted to the test and the result was 0.08 or higher BAC, or between 0.05 and 0.08 BAC on 45 SW installations; or showed results indicating the presence of other drugs for an on-installation apprehension or in violation of State laws for an off-installation apprehension.

2.6.3.8.5. The testing methods were valid and reliable and the results accurately evaluated.

2.6.3.9. For revocation actions under paragraph 2.4.2.3 for intoxicated driving, the revocation is mandatory on conviction or other findings that confirm the charge. (Pleas of nolo contendere (no contest) are considered equivalent to guilty pleas.)

2.6.3.9.1. Revocations are effective as of the date of conviction or other findings that confirm the charges. Test refusal revocations will be in addition to any other revocation incurred during a hearing. Hearing authority will determine if revocations for multiple offenses will run consecutively or concurrently taking into consideration if offenses occurred on same occasion or different times, dates. The exception is that test refusal will be 1 year automatic revocation in addition to any other suspension.

2.6.3.9.2. The notice that revocation is automatic may be placed in the suspension letter. If it does not appear in the suspension letter, a separate letter must be sent and revocation is not effective until receipt of the written notice.

2.6.3.9.3. Revocations cancel any full or restricted driving privileges that may have been restored during suspension and the resolution of the charges. Requests for restoration of full driving privileges are not authorized.

## **2.7. Alcohol and Drug Abuse Programs.**

2.7.1. After coordination with the Staff Judge Advocate (SJA), unit commanders will direct drug and/or alcohol testing within 24 hours of suspected alcohol related motor vehicle/traffic incidents or misconduct, episodes of aberrant or bizarre behavior or where there is reasonable suspicion of drug use and the member refuses to provide consent for testing. Commanders are also encouraged to ensure Blood Alcohol Tests (BAT) is taken as soon after the incident as possible to determine the level and intensity of alcohol involvement. For additional information refer to AFI 31-218(I).

2.7.2. The commander will ensure military personnel are referred to the 45 SW's Alcohol and Drug Abuse Program when they are convicted of, or receive an official administrative action for, any offense involving driving under the influence. A first offender may be referred to treatment if evidence of substance abuse exists in addition to the offense of intoxicated driving. The provisions of this paragraph do not limit the commander's prerogatives concerning other actions that may be taken against an offender under separate Air Force policies.

2.7.3. Active duty Air Force personnel apprehended for drunk driving, on or off the installation, will be referred by their respective chain of command to the Air Force Substance Abuse Office for evaluation in accordance with AFI 44-121, *Alcohol and Drug Abuse Prevention and Treatment*, within 7 calendar days.

2.7.4. Active duty Air Force personnel involved in any alcohol incident will immediately be subjected to a urinalysis for drug content. If consent is not given for the test, a command-directed test will be administered in accordance with guidance from SJA. Contact SJA for Air Force civilian personnel involved in any alcohol incidents as to whether a urinalysis for drug content is required.

**2.8. Restoration of Driving Privileges Upon Acquittal of Intoxicated Driving.** 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:

2.8.1. The preliminary suspension was based on refusal to take a BAC test.

2.8.2. 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 2.6. 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.

2.8.2.1. At the hearing, the arrest report, the commander's report of official disposition, information presented by the individual, and such other information as the 45 MSG/CC may deem appropriate will be considered.

2.8.2.2. If the 45 MSG/CC 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.

2.8.3. The person was driving or in physical control of a motor vehicle while under a preliminary suspension or revocation.

2.8.4. An administrative determination has been made by the State licensing authority to suspend or revoke driving privileges.

2.8.5. The individual has failed to complete a formally directed substance abuse or driver's training program.

**2.9. Restricted Driving Privileges or Probation.**

2.9.1. Probation or restricted driving privileges will not be granted to any person whose driver 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. Revocations for test refusals shall remain.

2.9.2. The 45 MSG/CC may grant restricted driving privileges or probation on a case-by-case basis provided the person's State driver's license or right to operate motor vehicles remains valid to accommodate any of the following reasons:

2.9.2.1. Mission requirements.

2.9.2.2. Unusual personal or family hardships.

2.9.2.3. Delays exceeding 90 days, not attributed to the person concerned, in the formal disposition of an apprehension or charges that are the basis for any type of suspension or revocation.

2.9.2.4. 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.

2.9.3. 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. Persons found in violation of the restricted privilege are subject to revocation action as prescribed in paragraph 2.4.

2.9.4. 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.

2.9.5. Any DoD employees and contractors, who can demonstrate that suspension or revocation of installation driving privileges would constructively remove them from employment, may be given a limiting suspension/revocation that restricts driving on the 45 SW installations to the most direct route to and from their respective work sites (see 5 USC 2302(b)(10)). This is not to be construed as limiting the commander from suspension or revocation of on-duty driving privileges or seizure of AF Form 2293, even if this action would constructively remove a person from employment in those instances in which the person's duty requires driving from place to place on the 45 SW installations.

## **2.10. Reciprocal State-Military Action.**

2.10.1. Commanders will recognize the interests of the States in matters of POV administration and driver licensing. Statutory authority may exist within some States reciprocal suspension and revocation of driving privileges. See Chapter 4 of this instruction for additional information on exchanging and obtaining information with civilian law enforcement agencies concerning infractions by Armed Service personnel off-installation. 45 SW will honor the reciprocal authority and direct the 45 SFS to pursue reciprocity with State licensing authorities. Upon receipt of written or other official law enforcement communication relative to the suspension/revocation of driving privileges, the 45 SW/CC will terminate driving privileges as if violations occurred within its own jurisdiction.

2.10.2. When imposing a suspension or revocation for an off-installation offense, the effective date should be the same as civil disposition, or the date that State driving privileges are suspended or revoked. This effective date can be retroactive.

2.10.3. If statutory authority does not exist within the State for formal military reciprocity, the following procedures will be adopted:

2.10.3.1. Commanders will recognize official documentation of suspensions/revocations imposed by State authorities. Administrative actions (suspension/revocations, or if

recognized, point assessment) for moving traffic violations off the installation should not be less than required for similar offenses on the installation. When notified by state authorities of a suspension or revocation, the person's AF Form 2293 may also be suspended.

2.10.3.2. The 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. The notification will be sent to the appropriate State DMV per reciprocal agreements. In the absence of electronic communication technology, the appropriate State DMV will be notified by official certified mail. The notification will include the basis for the suspension/revocation and the BAC level if applicable.

## **2.11. Extensions of Suspensions and Revocations.**

2.11.1. Driving in violation of a suspension or revocation imposed under this regulation will result in the original period of suspension or revocation being increased by 2 years. In addition, administrative action may be initiated based on the commission of any traffic, criminal, or military offenses, for example, active duty military personnel driving on the installation in violation of a lawful order.

2.11.2. For each subsequent determination within a 5 year period that revocation is authorized under paragraph 2.4.2, military personnel, DoD civilians, contractors, and NAF employees will be prohibited from obtaining or using an AF Form 2293 for 6 months for each such incident. A determination whether DoD civilian personnel should be prohibited from obtaining or using an AF Form 2293 will be made in accordance with the laws and regulations applicable to civilian personnel. Contact 45 SW Civilian Personnel office for further guidance. This does not preclude a commander from imposing such prohibition for a first offense, or for a longer period of time for a first or subsequent offense, or for such other reasons as may be authorized.

2.11.3. Commanders may extend a suspension or revocation of driving privileges on personnel until completion of an approved remedial driver training course or alcohol or drug counseling programs after proof is provided.

2.11.4. Commanders may extend a suspension or revocation of driving privileges on civilian personnel convicted of intoxicated driving on the installation until successful completion of a State or installation approved alcohol or drug rehabilitation program.

**2.12. Reinstatement of Driving Privileges.** Reinstatement of driving privileges shall be automatic, provided all revocations applicable have expired, proper proof of completion of remedial driving course and/or substance abuse counseling has been provided, and reinstatement requirements of individual's home State and/or State the individual may have been suspended in, have been met.

## Chapter 3

### PRIVATELY OWNED VEHICLE OPERATION REQUIREMENTS

#### 3.1. Privately Owned Vehicle Operation Requirements.

3.1.1. Personnel seeking to operate their POVs within 45 SW installations will be in possession of, and produce upon request to 45 SFS, the items listed below. Failure to meet the below requirements will result in denial to operate the POV on 45 SW installations.

3.1.1.1. A valid State or another country driver's license (within appropriate classification).

3.1.1.2. A certificate of State registration as required by the State in which the vehicle is registered.

3.1.1.3. Automobile insurance as required by the state of Florida.

3.1.1.4. Other documentation as required by the state in which the vehicle is registered.

**3.2. Motorcycle Operations, Motor Scooters and Mopeds.** See AFI 91-207, *The US Air Force Traffic Safety Program*, for requirements to operate motorcycles, motor scooters and mopeds on AF installations. Refer to AFI 91-207, para 4.6., for motorcycle training requirements.

**3.3. AF Form 75, (Visitor/Vehicle Pass).** The Security Forces Management Information System (SFMIS), the Defense Biometric Identification System (DBIDS) generated vehicle/visitor passes or the AF Form 75 are methods to control and identify personnel and vehicles on a temporary basis. Specific procedures can be found in AFI 31-201, *Security Forces Standards and Procedures*, and AFI 31-113, *Installation Perimeter Access Control*.

**3.4. Handicapped Person Identification.** The 45 SW will honor local and state-issued handicap decals, placards, signs, etc. These items must be prominently displayed in the windshield of the vehicle when occupying a handicapped parking space or on the State issued license plate.

## Chapter 4

### TRAFFIC SUPERVISION

#### 4.1. Traffic Planning.

4.1.1. Safe and efficient movement of traffic on an installation requires traffic supervision. A traffic supervision program includes traffic circulation planning and control of motor vehicle traffic; publication and enforcement of traffic laws and regulations; and investigation of motor vehicle accidents.

4.1.2. The 45 SW/CC has developed traffic circulation plans that provide for the safest and most efficient use of primary and secondary roads. Circulation planning is a major part of all long-range master planning at 45 SW installations. The traffic circulation plan is developed by the 45 SW Traffic Control Board/Sign Committee. Highway engineering representatives from adjacent civil communities are consulted, as needed, to ensure 45 SW plans are compatible with the current and future circulation plan of the community. The plan should include the following:

4.1.2.1. Normal and peak load routing based on traffic control studies.

4.1.2.2. Effective control of traffic using planned direction, including measures for special events and adverse road or weather conditions.

4.1.2.3. Point control at congested locations by law enforcement personnel or designated traffic directors or wardens, including trained school-crossing guards.

4.1.2.4. Use of traffic control signs and devices.

4.1.2.5. Efficient use of available parking facilities.

4.1.2.6. Efficient use of mass transportation.

4.1.3. Traffic control studies will provide factual data on existing roads, traffic density and flow patterns, and points of congestion. The 45 SW Traffic Control Board/Sign Committee coordinates traffic control studies to obtain the data. Accurate data will help determine major and minor routes, location of traffic control devices, and conditions requiring engineering or enforcement services.

#### 4.2. Installation Traffic Code.

4.2.1. The traffic code contains the rules of the road (parking violations, towing instructions, safety equipment, and other key provisions). These codes, where possible, conform to the code of the State or territory in which the 45 SW installations are located. In addition, the development and publication of 45 SW traffic codes are based on the following:

4.2.1.1. Highway Safety Program Standards (23 USC 402).

4.2.1.2. Applicable portions of the Uniform Vehicle Code and Model Traffic Ordinance published by the National Committee on Uniform Traffic Laws and Ordinances.

4.2.2. The 45 SW traffic code contains policy and procedures for the towing, searching, impounding, and inventorying of POVs. These provisions contain the following:

- 4.2.2.1. Specific violations and conditions under which the POV will be impounded and towed.
- 4.2.2.2. Procedures to immediately notify the vehicle owner.
- 4.2.2.3. Procedures for towing and storing impounded vehicles.
- 4.2.2.4. Actions to dispose of the vehicle after lawful impoundment.
- 4.2.2.5. Violators are responsible for all costs of towing, storage, and impounding of vehicles for other than evidentiary reasons.

4.2.3. The 45 SW traffic code also contains the provisions discussed below.

4.2.3.1. Motorcycles and mopeds. For motorcycles and other self-propelled, open, 2-wheel, 3-wheel, and 4-wheel vehicles powered by a motorcycle-type engine, the following traffic rules apply:

- 4.2.3.1.1. Headlights will be on at all times when in operation.
- 4.2.3.1.2. A rear view mirror will be attached to each side of the handlebars.
- 4.2.3.1.3. Approved protective helmets, eye protection (goggles, wrap around glasses, or full-face shield designed to meet or exceed American National Standards Institute (ANSI) Standard ZZ87.1), sturdy over-the-ankle footwear that affords protection for the feet and ankles, long trousers, long-sleeved shirt or jacket and full-fingered gloves or mittens that are made from leather or other abrasion-resistant materials will be worn by operators and passengers when in operation. Brightly colored or reflective outer upper garments are highly recommended.

4.2.3.2. Restraint systems.

4.2.3.2.1. All drivers and passengers on 45 SW installations will wear seat belts, or in the case of infants, be properly restrained. Seat belts will be worn by all operators and passengers of US GOVs on or off the 45 SW installations. Seat belts will also be worn by all military Service members and Reserve Component members on active Federal Service driving or riding in a POV whether on or off the 45 SW installations.

4.2.3.2.2. Require the use of child safety seats consistent with Florida or host nation laws. If there is no host nation law, all children under 4 years of age regardless of weight or less than 45 pounds regardless of age shall be properly secured in an appropriate child restraint system. Children ages 4 through 7, weighing 45 pounds or more and less than 4 feet 9 inches shall be properly secured in a booster seat or other appropriate child restraint system. Children ages 8 and above and no less than 4 feet 9 inches in height will be properly secured in a vehicle seat belt or booster seat. The child safety seat or booster seat will be certified by the manufacturer to meet all applicable Federal performance standards or host nation requirements and will be installed in accordance with the manufacturer's instructions.

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

4.2.3.3. Driver distractions. Vehicle operators on 45 SW installations and operators of GOVs will not use cell phones unless the vehicle is safely parked or unless they are using

a hands-free device. The wearing of any other portable headphones, earphones, or other listening devices (except for hands-free cellular phones) while operating a motor vehicle is prohibited. Use of those devices impairs driving and masks or prevents recognition of emergency signals, alarms, announcements, the approach of vehicles, and human speech.

4.2.3.4. Only administrative actions (reprimand, assessment of points, loss of on-installation driving privileges, or other actions) will be initiated against Service members for off-installation violations of the 45 SW traffic code.

4.2.3.5. 45 SW installations areas having concurrent or exclusive Federal jurisdiction, traffic law violations which are State criminal offenses, are made applicable under the provisions of 18 USC 13.

4.2.3.6. In Florida, not all violations of traffic law are considered criminal offenses and cannot be assimilated under 18 USC. IAW DoDD 5525.4, enclosure 1, expressly adopts the vehicular and pedestrian traffic laws of Florida and makes these laws applicable to 45 SW installations having concurrent or exclusive Federal jurisdiction. It also delegates authority to 45 SW/CC to establish additional vehicular and pedestrian traffic rules and regulations for 45 SW installations. Persons found guilty of violating the vehicular and pedestrian traffic laws made applicable on 45 SW installations under provisions of that directive are subject to a fine as determined by the local magistrate or imprisonment for not more than 30 days, or both, for each violation.

4.2.3.7. In 45 SW installations where violations of traffic laws cannot be assimilated because the Federal Government's jurisdictional authority on the installations or parts of the installations is only proprietary, neither 18 USC 13 nor the delegation memorandum in DoDD 5525.4, enclosure 1, will permit enforcement of Florida traffic laws in Federal courts. 45 SFS on proprietary 45 SW installations must rely on either administrative sanctions related to the 45 SW installation driving privilege or enforcement of traffic laws by Florida law enforcement authorities.

### **4.3. Traffic Law Enforcement Principles.**

4.3.1. Traffic law enforcement should motivate drivers to operate vehicles safely within traffic laws and regulations and maintain an effective and efficient flow of traffic. Effective enforcement should emphasize voluntary compliance by drivers and can be achieved by the following actions:

4.3.1.1. Publishing a realistic traffic code well known by all personnel.

4.3.1.2. Adopting standard signs, markings, and signals in accordance with National Highway Traffic Safety Administration (NHTSA) and the Manual on Uniform Traffic Control Devices for Streets and Highways.

4.3.1.3. Ensuring enforcement personnel establish courteous, personal contact with drivers and act promptly when driving behavior is improper or a defective vehicle is observed in operation.

4.3.1.4. Maintaining an aggressive program to detect and apprehend persons who drive while privileges are suspended or revoked.

4.3.1.5. Using sound discretion and judgment in deciding when to apprehend, issue citations, or warn the offender.

4.3.2. Selective enforcement will be used when practical. Selective enforcement deters traffic violations and reduces accidents by the presence or suggested presence of law enforcement personnel at places where violations, congestion, or accidents frequently occur. Selective enforcement applies proper enforcement measures to traffic congestion and focuses on selected time periods, conditions, and violations that cause accidents. 45 SFS personnel use selective enforcement because that practice is the most effective use of resources.

4.3.3. Enforcement activities against intoxicated driving will include:

4.3.3.1. Detecting, apprehending, and testing persons suspected of driving under the influence of alcohol or drugs.

4.3.3.2. Training law enforcement personnel in special enforcement techniques.

4.3.3.3. Enforcing BAC standards (see para 4.11).

4.3.3.4. Denying installation driving privileges to persons whose use of alcohol or other drugs prevents safe operation of a motor vehicle.

4.3.4. 45 SW Traffic Control Board/Sign Committee will formally evaluate traffic enforcement on a regular basis. That evaluation will examine procedures to determine if the following elements of the program are effective in reducing traffic accidents and deaths:

4.3.4.1. Selective enforcement measures.

4.3.4.2. Suspension and revocation actions.

4.3.4.3. Chemical breath-testing programs.

**4.4. Speed-Measuring Devices.** Speed-measuring devices will be used in traffic control studies and enforcement programs.

4.4.1. Equipment purchases. Operators will attend an appropriate training program for the equipment in use (Radar/Lidar is used on 45 SW installations).

4.4.2. Training and certification standards.

4.4.2.1. The 45 SW/CC has delegated to the DFC responsibility to ensure that personnel selected as operators of such devices meet training and certification requirements prescribed by the State of Florida to issue DD Form 1805 (United States District Court Violation Notice). Familiarization from a certified operator annotated in training records is sufficient to issue a DD Form 1408.

4.4.2.2. Familiarization training must include the ability to:

4.4.2.2.1. Describe the association between excessive speed and accidents, deaths, and injuries, and describe the traffic safety benefits of effective speed control.

4.4.2.2.2. Describe the basic principles of radar speed measurement.

4.4.2.2.3. Identify and describe the policy and procedures affecting radar speed measurement and speed enforcement.

4.4.2.2.4. Identify the specific radar instrument used and describe the instrument's major components and functions.

4.4.2.2.5. Demonstrate basic skills in checking calibration and operating the specific radar instrument.

4.4.2.2.6. Demonstrate basic skills in preparing and presenting records and courtroom testimony relating to radar speed measurement and enforcement.

4.4.3. Recertification. Recertification of operators is not required by Florida.

**4.5. Traffic Accident Response and Investigation.** 45 SFS respond to all on-installation major vehicle accidents and make detailed investigations of accidents described below:

4.5.1. Render first aid and arrange for medical assistance.

4.5.2. Protect personal property.

4.5.3. Normalize traffic.

4.5.4. Identify witnesses and personnel involved.

4.5.5. Conduct a formal investigation on the following:

4.5.5.1. Accidents involving GOVs or Government property on the 45 SW installations involving a fatality, personal injury, or estimated property damage in the amount of \$10,000 or more. The contracted vehicle repair company will provide current estimates of the cost of repairs if available. Investigations of off-installation accidents involving GOVs will be made in cooperation with the civilian law enforcement agency.

4.5.5.2. Any POV accidents on the installation involving a fatality, personal injury, or when a POV is inoperable as a result of an accident.

4.5.6. Contact 45 SFS/S5R for local response and investigation procedures for various types of accidents to include minor vehicle accidents.

4.5.7. Accident information will be recorded in the 45 SFS blotter. This information should include the accident type, time and date, location, name(s) of vehicle operator(s), unit (or address when civilian not affiliated with military), vehicle description and license number(s)/plate. Also, a brief summary of any damage and circumstances behind or causing the accident, as well as any traffic citations issued will be included.

**4.6. Traffic Accident Investigation Reports.**

4.6.1. Accidents requiring immediate reports. The driver or owner of any vehicle involved in an accident, as described in paragraph 4.5, above, on the installation, must immediately notify the 45 SFS Base Defense Operations Center (BDOC). The operator of any GOV involved in a similar accident off the installation must immediately notify the local civilian law enforcement agency having jurisdiction, as well as BDOC of the nearest military installation.

4.6.1.1. 45 SFS/S5R is the focal point for sharing, exchanging and gathering off-installation accident information of military affiliated personnel. For off-installation accidents involving hospitalization or arrest of military affiliated personnel will be annotated in the 45 SFS blotter, along with the associated case number from the investigating police agency. Contact 45 SFS/S5R for receiving, processing and securing traffic related incident reports.

4.6.2. Investigation records. 45 SFS will record traffic accident investigations on AF Form 1315, *Accident Report*. Information will be released according to Air Force policy, the Privacy Act, and the Freedom of Informational Act.

4.6.3. All privately owned vehicle accidents not addressed in paragraph 4.5. Guidance for reporting these cases is provided below:

4.6.3.1. Drivers or owners of POVs will be required to submit a written report to 45 SFS/S5R within 24 hours of an accident in the following cases.

4.6.3.1.1. The accident occurred on the installation.

4.6.3.1.2. The accident involved no personal injury.

4.6.3.1.3. The accident involved only minor damage to the POV and the vehicle was safely and normally driven from the scene under its own power.

4.6.3.2. Information in the written report cannot be used in criminal proceedings against the person submitting it unless it was originally categorized a hit and run and the violator is the person submitting the report. Rights advisement will be given prior to any criminal traffic statements provided by violators. 45 SFS may require such reporting on AF Form 1168, *Statement of Suspect/Witness/Complainant*. Minor vehicle accidents will be recorded in 45 SFS blotters.

#### **4.7. Use of Traffic Accident Investigation Report Data.**

4.7.1. Data derived from traffic accident investigation reports and from vehicle owner accident reports will be analyzed to determine probable causes of accidents. When frequent accidents occur at a location, the conditions at the location and the types of accidents (collision diagram) will be examined.

4.7.2. 45 SFS personnel will indicate whether or not seat restraint devices were being used at the time of the accident.

4.7.3. When accidents warrant, the 45 SW/CC may establish a traffic accident review board. The board should consist of SFS, CES, Safety, SJA and MDG personnel. The board will determine principal factors leading to the accident and recommend measures to reduce the number and severity of accidents on and off the installation. Data received from the traffic accident review board may be used to inform and educate drivers and to conduct traffic engineering studies.

#### **4.8. Parking.**

4.8.1. The 45 SW Traffic Control Board/Sign Committee is chaired by the 45 MSG/CD. Members review and approve all requests for reserved parking.

4.8.2. The most efficient use of existing on and off-street parking space should be stressed on a non-reserved (first-come, first-served) basis.

4.8.3. Requests will be considered for the following: accessible, short-term customer (time limited between 15-minutes and 1-hour), delivery/service, visitors, volunteers, organizations with unusual working requirements, and government-owned or leased vehicles.

4.8.3.1. The board will address traffic safety problems and reserve parking issues on 45 SW installations.

4.8.3.2. The board will be made up, as a minimum, of the traffic engineer and a representative from 45 SFS, 45 SW/SEG and 45 CES/CEO.

4.8.3.3. If issues cannot wait for a scheduled meeting, proposed action from off-line meetings will be reviewed and approved by 45 MSG/CD.

4.8.3.4. Traffic safety problems will include issues stemming from personal observations, results of 45 SFS or 45 SW/SEG mishap investigations, hazard report evaluations and safety inspection findings.

4.8.3.5. Reserved parking facilities should be designated as parking by permit or numerically by category of eligible parkers. Designation of parking spaces by name, grade, rank, or title should be avoided.

4.8.3.6. The board will assign parking spaces according to the following priorities, based on the shortest walking distance to work/service areas: accessible, official vehicles used during duty hours, van and car pools and single occupant vehicles.

4.8.3.7. Mark spaces with appropriate signs according to the base striping and sign standards.

4.8.3.8. If reserved parking spaces are not used according to their assignment or there is a change in the requirement for the space, the space is reviewed for removal. Report changes to the 45 SW Traffic Control Board/Sign Group via the 45 CES Customer Service Desk.

4.8.3.9. Reserved parking spaces are valid 24 hours a day, 7 days a week. Vehicles parking in the reserved spaces without a permit or proper justification are subject to being issued citations. Organizations with reserved parking spaces are responsible for reporting violations to the 45 SFS.

4.8.3.10. Clearly mark visitor parking at convenient locations.

4.8.3.11. Reserved parking in community areas will receive more strict scrutiny in order to better facilitate the customer. Community areas include the Base Exchange, Commissary, Mini-Mall, Medical Clinic, Dental Clinic, Satellite Pharmacy, Fitness Center, and Base Library. They will be limited to only 45 SW/CC, 45 SW/CV, other O-6, E-9, handicap accessible, volunteer by permit, motivational/incentive-based, and short-term spaces. No more than a total of 5% of the non-accessible parking in these areas may be reserved.

4.8.3.12. Certain community areas on base have been identified as multi-use facilities. These facilities are classified "multi-use" because of their unique nature. They can serve as either their primary function or as a meeting place for official business (commander's call, retirement ceremony, formal functions, etc.). These locations are: The Tides (north and south), Riverside Dining, Manatee Cove Golf Course and Marina and the Bowling Alley. Parking is typically reserved at these facilities for positions such as 45 SW/CC, 45 SW/CV, 45 SW/CCC, flag officers, colonels, etc.

4.8.3.13. Reserved parking for key personnel is limited to, but not necessarily includes, all of the following: 45 SW/CC, group commanders in the grade of O-6 or above, squadron commanders, first sergeants, deputy commanders/directors of equal civilian grade and persons specifically designated by the 45 SW/CC.

4.8.3.14. Organizations requesting reserved parking spaces must submit their request in writing to the 45 CES Customer Service Desk. The request will be accomplished on an AF Form 332 (Work Order) and signed by the unit commander or designee. The AF Form 332 must contain the name; grade, office symbol, and duty phone of the requesting official and have an exact description of the parking space location. Upon approval, 45 CES will install the appropriate reserved/restricted parking signs, bumper blocks, pavement striping, and/or curb markings.

4.8.3.15. Accessible spaces will be designated according to the most current Americans with Disabilities Act Accessibility Guidelines or Uniform Federal Accessibility Standards, whichever is more stringent. More accessible spaces than required will be considered on a case-by-case basis. Some areas may need more spaces due to entrance locations or function. Accessible parking spaces will be located immediately adjacent to the nearest accessible building entrance. **NOTE:** These spaces will be assigned in every parking area in addition to any other reserved parking spaces guidelines.

4.8.3.16. Organizational commanders may request a limited number of reserved parking spaces, normally not exceeding 10% of the total number of parking spaces in the parking area. Up to 1/2 of these spaces may be reserved for key personnel. The remainder should be reserved for government owned/leased vehicles, functional specific vehicles, and visitors. This 10% does not include accessible spaces in accordance with 4.8.2.15 above.

4.8.3.17. Bicycles should be secured in a bike rack, to a fixed object, or at a secured area when not in use.

4.8.3.18. Motorcycle parking is permitted at the end of parking lanes in yellow or white hashed areas.

4.8.4. Illegal parking contributes to congestion and slows traffic flow on an installation. Strong enforcement of parking restrictions results in better use of available parking facilities and eliminates conditions causing traffic accidents.

4.8.5. The “Denver boot” should not be used on 45 SW installations.

#### **4.9. Traffic Violation Reports.**

4.9.1. Most traffic violations occurring on 45 SW installations should be referred to the US Magistrate. (Refer to AFI 51-905, *Use of Magistrate Judges for Trial of Misdemeanors Committed By Civilians*) However, violations are not referred when:

4.9.1.1. The operator is driving a GOV at the time of the violation.

4.9.1.2. A Federal Magistrate is either not available or lacks jurisdiction to hear the matter because the violation occurred in an area where the Federal Government has only proprietary legislative jurisdiction.

4.9.1.3. Mission requirements make referral of offenders impractical.

4.9.1.4. A US Magistrate is available but the accused refuses to consent to the jurisdiction of the court and the US Attorney refuses to process the case before a US District Court.

4.9.2. Administrative procedures for processing traffic violations.

4.9.2.1. All traffic violators on military installations will be issued either a DD Form 1408 *Armed Forces Traffic Ticket*) or a DD Form 1805, as appropriate.

4.9.2.2. A copy of all reports on military personnel and DoD civilian employees apprehended for intoxicated driving will be forwarded to the mental health alcohol and drug abuse facility.

4.9.3. The following procedures will be used for disposing of traffic violation cases through administrative or judicial action consistent with the Uniform Code of Military Justice (UCMJ) and Federal law:

4.9.4. The DD Form 1805 will be used to refer violations of Florida traffic laws made applicable to the 45 SW installations (Assimilative Crimes Act (18 USC 13) and the delegation memorandum in DoDD 5525.4, enclosure 1, and other violations of Federal law) to the US Magistrate.

4.9.4.1. A copy of DD Form 1805 and any traffic violation reports on military personnel and DoD civilian employees will be forwarded to the commander or supervisor of the violator.

4.9.4.2. Detailed instructions for properly completing DD Form 1805 are IAW AFI 31-201, Volume 3, *Flight Operations*.

4.9.4.3. For cases referred to US Magistrates, normal distribution of DD Form 1805 will be as follows:

4.9.4.3.1. 45 SFS/S5R will forward copy 1 (white) and copy 2 (yellow) to the US District Court (Central Violation Bureau).

4.9.4.3.2. 45 SFS/S5R will file copy 3 (pink).

4.9.4.3.3. 45 SFS personnel will provide copy 4 (envelope) to the violator.

4.9.4.4. When DD Form 1408 is used, one copy (including written warnings) will be forwarded through command channels to the service member's commander, to the commander of the military family member's sponsor, or to the civilian's supervisor or employer.

4.9.4.4.1. . Previous traffic violations committed by the offender and points assessed may be shown.

4.9.4.4.2. For violations that require a report of action taken, the DD Form 1408 will be returned to 45 SFS/S5R.

4.9.4.4.3. When the report is received by 45 SFS/S5R, action will be entered on the violator's driving record.

#### **4.10. Standards and Procedures for Processing Drunk Drivers.**

4.10.1. Training of Law Enforcement Personnel. As a minimum, 45 SFS personnel will be trained to do the following:

4.10.1.1. Recognize signs of alcohol and other drug impairment in persons operating motor vehicles.

4.10.1.2. Prepare DD Form 1920 (Alcohol Incident Report).

4.10.1.3. Perform the three field tests of the improved sobriety testing techniques (see para 4.13.2, below).

4.10.1.4. Determine when a person appears intoxicated but is actually physically or mentally ill and requires prompt medical attention.

4.10.1.5. Understand the operation of breath-testing devices.

4.10.2. The DFC will ensure that operators of breath-testing devices:

4.10.2.1. Are chosen for integrity, maturity, and sound judgment.

4.10.2.2. Meet State of Florida certification requirements.

4.10.3. Operators must maintain proficiency through refresher training every 4 years as required by the State of Florida.

#### **4.11. Blood Alcohol Concentration Standards.**

4.11.1. Administrative revocation of driving privileges and other enforcement measures will be applied uniformly to offenders driving under the influence of alcohol or drugs. When a person is tested under the implied consent provisions of paragraph 2.3, the results of the test will be evaluated as follows:

4.11.1.1. If the percentage of alcohol in the person's blood is less than 0.05 percent, presume the person is not under the influence of alcohol.

4.11.1.2. If the percentage is 0.05 but less than 0.08, presume the person may be impaired. This standard may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

4.11.1.3. If the percentage is 0.08 or more, or if tests reflect the presence of illegal drugs, the person was driving under the influence.

4.11.2. Percentages in paragraph 4.11.1, above, are percent of weight by volume of alcohol in the blood based on grams of alcohol per 100 milliliters of blood. These presumptions will be considered with other evidence in determining intoxication.

#### **4.12. Chemical Testing Policies and Procedures.**

4.12.1. Validity of chemical testing. Results of chemical testing are valid under this regulation only under the following circumstances:

4.12.1.1. Blood, urine, or other bodily substances are tested using generally accepted scientific and medical methods and standards.

4.12.1.2. Breath tests are administered by qualified personnel (see para 4.10).

4.12.1.3. An evidential breath-testing device approved by the State of Florida is used. The device is listed on the NHTSA conforming products list published in the "Conforming Products List for instruments that conform to the Model Specifications for Evidential Breath Testing Devices (58 FR 48705), and amendments," (see 70 FR 18982, para 634.35).

4.12.1.4. Chemical testing will follow procedures established by the State of Florida.

#### 4.12.2. Chemical tests of personnel involved in fatal accidents.

4.12.2.1. 45 MDG or local medical authorities will immediately notify 45 SFS of the following:

4.12.2.1.1. The death of any person involved in a motor vehicle accident.

4.12.2.1.2. The circumstances surrounding such an accident, based on information available at the time of admission or receipt of the body of the victim.

4.12.2.2. Medical authorities will examine the bodies of those persons killed in a motor vehicle accident to include drivers, passengers, and pedestrians subject to military jurisdiction. They will also examine the bodies of dependents, who are 16 years of age or older, if the sponsors give their consent. Tests for the presence and concentration of alcohol or other drugs in the person's blood, bodily fluids, or tissues will be made as soon as possible and where practical within 8 hours of death. The test results will be included in the medical reports.

4.12.2.3. As provided by law and medical conditions permitting, a blood or breath sample will be obtained from any surviving operator whose vehicle is involved in a fatal accident.

#### **4.13. Detection, Apprehension, and Testing of Intoxicated Drivers.**

4.13.1. 45 SFS personnel usually detect drivers under the influence of alcohol or other drugs by observing unusual or abnormal driving behavior. Drivers showing such behavior will be stopped immediately. The cause of the unusual driving behavior will be determined, and proper enforcement action will be taken.

4.13.2. When 45 SFS personnel reasonably conclude that the individual driving or in control of the vehicle are impaired, field sobriety tests will be conducted on the individual. The DD Form 1920 will be used in examining, interpreting, and recording results of such tests. 45 SFS personnel will use a standard field sobriety test consisting of one-leg stand, walk and turn and horizontal gaze nystagmus (if certified), as sanctioned by the NHTSA.

#### **4.14. Voluntary Breath and Bodily Fluid Testing Based on Implied Consent.**

4.14.1. Implied consent policy is explained in paragraph 2.3.

4.14.2. Tests may be administered only if the following conditions are met:

4.14.2.1. The person was lawfully stopped while driving, operating, or in actual physical control of a motor vehicle on 45 SW installations.

4.14.2.2. Reasonable suspicion exists to believe that the person was driving under the influence of alcohol or drugs.

4.14.2.3. A request was made to the person to consent to the tests combined with a warning that failure to voluntarily submit to or complete a chemical test of bodily fluids or breath will result in the revocation of driving privileges.

4.14.3. As stated in paragraphs 4.14.1 and 4.14.2, above, the 45 SFS personnel relying on implied consent will warn the person that driving privileges will be revoked if the person fails to voluntarily submit to or complete a requested chemical test. The person does not have the right to have an attorney present before stating whether he or she will submit to a

test, or during the actual test. 45 SW/CC has prescribed testing via bodily fluid (urine or blood) or breath. Testing will follow policies and procedures in paragraph 4.12, above. The results of chemical tests conducted under the implied consent provisions of this regulation may be used as evidence in courts-martial, nonjudicial proceedings under UCMJ, Article 15, administrative actions, and civilian courts.

4.14.4. Special rules exist for persons who have hemophilia, other blood-clotting disorders, or any medical or surgical disorder being treated with an anticoagulant. These persons:

4.14.4.1. May refuse a blood extraction test without penalty.

4.14.4.2. Will not be administered a blood extraction test to determine alcohol or other drug concentration or presence under this regulation.

4.14.4.3. May be given breath or urine tests, or both.

4.14.5. If a person suspected of driving under the influence refuses to submit to a chemical test, a test will not be administered except as specified in paragraph 4.15, below.

#### **4.15. Involuntary Extraction of Bodily Fluids in Traffic Cases.**

4.15.1. The procedures outlined herein pertain only to the investigation of individuals stopped, apprehended, or cited on a military installation for any offense related to driving a motor vehicle and for whom probable cause exists to believe that such individual is intoxicated. Extractions of body fluids in furtherance of other kinds of investigations are governed by the Manual for Courts–Martial, United States, Military Rule of Evidence 315 (2002), and regulatory rules concerning requesting and granting authorizations for searches. Nonconsensual extraction of blood samples is addressed in AFI 44-102, *Medical Care Management*.

4.15.2. Involuntary bodily fluid extraction must be based on valid search and seizure authorization. An individual subject to the UCMJ who does not consent to chemical testing, as described above, may nonetheless be subjected to an involuntary extraction of bodily fluids, including blood and urine, only in accordance with the following procedures:

4.15.2.1. An individual subject to the UCMJ who was driving a motor vehicle and suspected of being under the influence of an intoxicant may be subjected to a nonconsensual bodily fluid extraction to test for the presence of intoxicants only when there is a probable cause to believe that such an individual was driving or in control of a vehicle while under the influence of an intoxicant.

4.15.2.1.1. A search authorization by an appropriate commander or military magistrate obtained pursuant to the Manual for Courts-Martial, United States, Military Rule of Evidence 315 (2002), is required prior to such nonconsensual extraction. Authorization must be obtained via AF Form 1176 (Authorization for Search and Seizure) or through verbal acknowledgement to 45 SFS (AF Form 1176 will be completed within 72 hours of verbal consent).

4.15.2.1.2. A search authorization is not required under such circumstances when there is a clear indication that evidence of intoxication will be found and there is reason to believe that the delay necessary to obtain a search authorization would result in the loss or destruction of the evidence sought.

4.15.2.1.3. Because warrantless searches are subject to close scrutiny by the courts, obtaining an authorization is highly preferable. Warrantless searches generally should be conducted only after coordination with the servicing staff judge advocate or legal officer, and attempts to obtain authorization from an appropriate official prove unsuccessful due to the unavailability of a commander or military magistrate.

4.15.2.2. If authorization from the military magistrate or commander proves unsuccessful due to the unavailability of such officials, the commander of a medical facility is empowered by the Manual for Courts-Martial, United States, Military Rule of Evidence 315 (2002), to authorize such extraction from an individual located in the facility at the time the authorization is sought.

4.15.2.2.1. Before authorizing the involuntary extraction, the 45 MDG/CC should, if circumstances permit, coordinate with the 45 SW/SJA or legal officer

4.15.2.2.2. The 45 MDG/CC authorizing the extraction under the Manual for Courts-Martial, United States, Military Rule of Evidence 315 (2002), need not be on duty as the attending physician at the facility where the extraction is to be performed and the actual extraction may be accomplished by other qualified medical personnel.

4.15.2.2.3. The authorizing official may consider his or her own observations of the individual in determining probable cause.

4.15.3. Role of 45 MDG personnel. Authorization for the nonconsensual extraction of blood samples for evidentiary purposes by qualified medical personnel is independent of, and not limited by, provisions defining medical care, such as the provision for nonconsensual medical care pursuant to AFI 44-102. Extraction of blood will be accomplished by qualified medical personnel (see the Manual for Courts-Martial, United States, Military Rule of Evidence 312(g)).

4.15.3.1. In performing this duty, medical personnel are expected to use only that amount of force that is reasonable and necessary to administer the extraction.

4.15.3.2. Any force necessary to overcome an individual's resistance to the extraction normally will be provided by 45 SFS personnel or by personnel acting under orders from the member's unit commander.

4.15.3.3. Life endangering force will not be used in an attempt to effect nonconsensual extractions.

4.15.3.4. All 45 SFS and medical personnel will keep in mind the possibility that the individual may require medical attention for possible disease or injury.

4.15.4. Nonconsensual extractions of blood. Nonconsensual extractions of blood will be done in a manner that will not interfere with or delay proper medical attention. Medical personnel will determine the priority to be given involuntary blood extractions when other medical treatment is required.

#### **4.16. Testing at the Request of the Apprehended Person.**

4.16.1. A person subject to tests under paragraph 2.3 may request that an additional test be done privately. The person may choose a doctor, qualified technician, chemist, registered nurse, or other qualified person to do the test. The person must pay the cost of the test. The

test must be a chemical test approved by the State of Florida. All tests will be completed as soon as possible, with any delay being noted on the results.

4.16.2. If the person requests this test, the suspect is responsible for making all arrangements. If the suspect fails to or cannot obtain any additional test, the results of the tests that were done at the direction of 45 SFS personnel are not invalid and may still be used to support actions under separate AFIs, UCMJ and the US Magistrate Court.

**4.17. Off-Installation Traffic Activities.** In areas not under military control, civil authorities enforce traffic laws. 45 SFS/S5R will exchange information with civil authorities to enhance the chain of command's visibility of Airman's off-installation traffic violations. These agreements will provide for the assessment of traffic points based on reports from State licensing authorities involving military personnel. 45 SFS/S5R receive reports from civil authorities on serious traffic violations, accidents, and driving under the influence incidents involving persons subject to this instruction.

**4.18. Compliance with State Laws.**

4.18.1. The 45 SW/CC directs all Service members, contractors and DoD civilian employees to comply with State of Florida and local traffic laws when operating GOVs.

4.18.2. Commanders will coordinate with the proper civil law enforcement agency before moving Government vehicles that exceed legal limits or regulations or that may subject highway users to unusual hazards (see *Defense Transportation Regulation – Part III Mobility*).

4.18.3. The 45 SW/CC through 45 SFS maintains liaison with civil enforcement agencies and encourage the following:

4.18.3.1. Release of a GOV operator(s) to military authorities unless one of the conditions below exists:

4.18.3.1.1. The offense warrants detention.

4.18.3.1.2. The person's condition is such that further operation of a motor vehicle could result in injury to the person or others.

4.18.3.2. Prompt notice to military authorities when military personnel or drivers of Government motor vehicles have:

4.18.3.2.1. Committed serious violations of civil traffic laws.

4.18.3.2.2. Been involved in traffic accidents.

4.18.3.3. Prompt notice of actions by a State to suspend, revoke, or restrict the State driver's license (vehicle operation privilege) of persons who:

4.18.3.3.1. Operate GOVs.

4.18.3.3.2. Operate a POV on the installation regularly.

**4.19. Additional Roadway Considerations.**

4.19.1. Individuals jogging, running or walking on roadways at night or in inclement weather will wear clothing/accessories with retro-reflective properties visible from the front and back.

4.19.1.1. Individuals are not authorized to jog, run or walk on South Patrick Drive or Phillips Parkway.

4.19.2. Bicycle, tricycle, or other human powered vehicles, including motorized bicycles are prohibited on South Patrick Drive. All persons who ride a bicycle, tricycle, or other human powered vehicle, including motorized bicycles, on an 45 SW installation roadways, to include flight lines will:

4.19.3. Wear a highly visible outer garment during the day and outer garment containing retro-reflective material at night.

4.19.4. Wear a properly fastened, approved (e.g., Consumer Product Safety Commission, ANSI, Snell Memorial Foundation) bicycle helmet.

4.19.5. Ensure bicycles are equipped with a white front light visible for 500 feet and red reflector or light clearly visible from the rear for 300 feet.

4.19.6. Skateboards, kick-scooters, roller skates, in-line skates, and other similar equipment not meeting DOT motor vehicle standards are prohibited on installation roadways except for incidental road access associated with pedestrians and will comply with all pedestrian related traffic laws.

4.19.7. An approved helmet is required to be worn on AF installations.

4.19.8. The use of portable headphones, earphones, cellular phones, iPods, or other listening and entertainment devices (other than hearing aids) while walking, jogging, running, bicycling, skating or skateboarding on roadways is prohibited.

## Chapter 5

### DRIVING RECORDS AND THE TRAFFIC POINT SYSTEM

**5.1. Driving Records.** 45 SW uses SFMIS to record vehicle traffic accidents, DD Form 1408 and DD Form 1805 to record moving violations, locally developed memorandums for suspension and/or revocation actions, and this instruction to assess traffic points involving military and DoD civilian personnel, their family members, and other personnel operating motor vehicles on 45 SW installations. Refer to Table 5.1 for mandatory minimum or maximum suspension or revocation periods. Traffic points are not assessed for suspension or revocation actions.

**Table 5.1. Suspension or Revocation Periods of Driving Privileges**

Violation	Consequence
Driving while driver's license or installation driving privileges are under suspension or revocation.	A 2-year revocation is mandatory on determination of facts by the 45 SW/CC.
Refusal to submit to or failure to complete chemical tests (implied consent).	A 1-year revocation is mandatory on determination of facts by the 45 SW/CC.
Manslaughter (or negligent homicide by vehicle) resulting from the operation of a motor vehicle. 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 installation). 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. Use of a motor vehicle in the commission of a felony. Fleeing the scene of an accident involving death or personal injury (hit and run). Perjury or making a false statement or affidavit under oath to responsible officials relating to the ownership or operation of motor vehicles. Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony.	A 1-year revocation is mandatory on conviction.
Mental or physical impairment (not including alcohol or other drug use) to the degree rendered incompetent to drive. Commission of an offense in another State which, if committed on the installation, would be grounds for	Suspension for a period of 6 months or less or revocation for a period not to exceed 1 year is discretionary.

suspension or revocation. Permitting an unlawful or fraudulent use of an official driver's license. Conviction of fleeing, or attempting to elude, a police officer. Conviction of racing on the highway.	
Receiving a second 1-year suspension or revocation of driving privileges within 5 years.	Loss of AM Form 2293 for a minimum of 6 months is discretionary.

**NOTES:**

1. When imposing a suspension or revocation because of an off-installation offense, the effective date should be the same as the date of civil conviction, or the date that State or host nation driving privileges are suspended or revoked. This effective date can be retroactive.
2. No points are assessed for revocation or suspension actions. Except for implied consent violations, revocations must be based on a conviction by a civilian court or courts-martial, nonjudicial punishment under UCMJ, Art. 15, or a separate hearing as addressed in this regulation. If revocation for implied consent is combined with another revocation, such as 1 year for intoxicated driving, revocations may run consecutively (total of 24 months) or concurrently (total of 12 months). The installation commander's policy should be applied systematically and not on a case-by-case basis.

**5.2. The Traffic Point System.** The traffic point system provides a uniform administrative device to impartially judge driving performance on 45 SW installations. This system is not a disciplinary measure or a substitute for punitive action. Further, this system is not intended to interfere in any way with the reasonable exercise of an 45 SW/CC's prerogative to issue, suspend, revoke, deny, or reinstate installation driving privileges.

**5.3. Point System Application.**

- 5.3.1. 45 SW will use the point system and procedures prescribed this document.
- 5.3.2. The point system Table 5.2 applies to all operators of US Government motor vehicles, on or off Federal property. The system also applies to violators reported to installation officials in accordance with paragraph 4.9.
- 5.3.3. Points will be assessed when the person is found to have committed a violation and the finding is by either the unit commander, civilian supervisor, a military or civilian court (including a US Magistrate), or by payment of fine, forfeiture of pay or allowances, or posted bond, or collateral.
  - 5.3.3.1. All fines determined by the US Magistrate will be annotated on the DD Form 1805. 45 SW/SJA provides 45 SFS a copy of approved fines. 45 SFS will maintain a citation handbook with the fines and distribute to patrolman.

**Table 5.2. Point Assessment for Moving Violations**

<b>Violation</b>	<b>Points Assessed</b>
Reckless driving (willful and wanton disregard for the safety of persons or property).	6
Owner knowingly and willfully permitting a physically impaired person to operate the owner's motor vehicle.	6
Fleeing the scene (hit and run)—property damage only.	6
Driving vehicle while impaired (BAC more than 0.05 percent and less than 0.08 percent).	6
Speed contests.	6
Speed too fast for conditions.	2
Speed too slow for traffic conditions, and/or impeding the flow of traffic, causing potential safety hazard.	2
Failure of operator or occupants to use available restraint system devices while moving (operator assessed points, see Note 5).	2
Failure to properly restrain children in a child restraint system while moving. Refer to Para 4.2.3.2.2. and Note 5).	2
One to 10 miles per hour over posted speed limit. (operator assessed points, see Note 5).	3
Over 10 but not more than 15 miles per hour above posted speed limit. (operator assessed points, see Note 5).	4
Over 15 but not more than 20 miles per hour above posted speed limit. (operator assessed points, see Note 5).	5
Over 20 miles per hour above posted speed limit. (operator assessed points, see Note 5).	6
Following too close.	4
Failure to yield right of way to emergency vehicle.	4
Failure to stop for school bus or school-crossing signals.	4
Failure to obey traffic signals or traffic instructions of an enforcement officer or traffic warden; or any official regulatory	4

traffic sign or device requiring a full stop or yield of right of way; denying entry; or requiring direction of traffic.	
Improper passing.	4
Failure to yield (no official sign involved).	4
Improper turning movements (no official sign involved).	3
Wearing of headphones/earphones while driving motor vehicles (two or more wheels).	3
Failure to wear an approved helmet and/or PPE while operating or riding on a motorcycle, MOPED, or a three or four-wheel vehicle powered by a motorcycle-like engine.	3
Improper overtaking.	3
Other moving violations (involving driver behavior only).	3
Operating an unsafe vehicle (see Note 2).	2
Driver involved in accident is deemed responsible (only added to points assessed for specific offenses).	1
Seat belt/child restraint violations (see Note 3).	2
Operating a radar detection device to indicate the presence of speed recording instruments or to transmit simulated erroneous speed (prohibited on DoD installations) (see Note 4).	3
Failure to yield to pedestrians in designated walkway/crosswalk (see Note 4).	3

**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).
3. Applies to not using or when child restraint system is improperly installed, i.e., car seat, infant carrier, booster seat, belt/strap modification (when required by manufacturer), etc. Assess four points when no restraint system of any kind is used.
4. When violation occurs within an active school zone, add 1 point to point assessment.

5. For Seatbelt/Cell Phone, Speeding, Personal Electronic Devices (MP3 Players, Tablets, etc.) violations; and texting while driving, the following actions will also be taken:

5.1. 1st Violation:

5.1.1. Non-Gov Vehicle: AD Military – Citation (non-monetary) and disciplinary action.

5.1.2. Non-Gov Vehicle: All Other Personnel -- Citation, (\$50 fine).

5.1.3. Gov Vehicle: AD Military – Citation (non-monetary) and disciplinary action.

5.1.4. Gov Vehicle: All Other Personnel -- Citation, (\$50 fine).

5.2. 2nd Violation:

5.2.1. Non-Gov Vehicle: AD Military – Citation (non-monetary), loss of base driving privileges for 14 days and disciplinary action commensurate with second offense.

5.2.2. Non-Gov Vehicle: All Other Personnel – Citation, (\$50 fine) and loss of base driving privileges for 14 days.

5.2.3. Gov Vehicle: AD Military – Citation (non-monetary), loss of base driving privileges for 14 days and disciplinary action commensurate with second offense.

5.2.4. Gov Vehicle: All Other Personnel – Citation, (\$50 fine) and loss of base driving privileges for 14 days.

5.3. 3rd Violation:

5.3.1. Non-Gov Vehicle: AD Military -- Citation (non-monetary) and loss of base driving privileges for 45 days and disciplinary action commensurate with third offense.

5.3.2. Non-Gov Vehicle: All Other Personnel -- Citation, (\$50 fine) and loss of base driving privileges for 45 days.

5.3.3. Gov Vehicle: AD Military -- Citation (non-monetary) and loss of base driving privileges for 45 days and disciplinary action commensurate with third offense.

5.3.4. Gov Vehicle: All Other Personnel -- Citation, (\$50 fine) and loss of base driving privileges for 45 days.

5.4. 4th Violation: Same citation and fines but loss of driving privileges is for 6 months.

5.5. Points for each violation will be assessed as prescribed in instruction. Points/offenses assessed against a person will remain in effect for accumulation purposes for 24 consecutive months.

**Table 5.3. Point Assessment for Non-Moving Violations.**

<b>Violation</b>	<b>Points Assessed</b>
Unattended Child under 6 years of age left in vehicle. Animals are included if a danger exists to the animal. See note #4.	6
Improper Registration (fraudulent tags).	4
Misuse of handicap decal. See note #2.	3
Illegally parked in designated handicap area (no decal, license or placard displayed).	3
Unattended Vehicle (while running).	3
Abandoned Vehicle.	3
Improper Parking. See note #3.	2
Improper Registration (expired or unregistered).	2
<b>NOTES:</b>	
1. When two or more violations are committed on a single occasion, points may be assessed for each violation.	
2. When a vehicle has a handicap decal displayed, but the occupant is not the decal or placard registrant and is not dropping off or picking up the handicapped registrant. Also includes parking in an area designated for "Van" access only, and handicap registrant has parked another vehicle class instead.	
3. When designated in local parking plan (i.e., double parked, parked in reserved parking, against the flow of traffic and those areas designated for emergency vehicles).	
4. When an AF Form 3545 (SFMIS report) will also be accomplished. Revocation of driving privileges for 1 year will be considered by the commander. <b>Example:</b> If children or animals were left in dangerous conditions in vehicle, i.e., in hot weather where interior temperatures may reach dangerous levels, keys left accessible to children or where conditions are deemed hazardous by a reasonable person.	
5. Emergency vehicles are authorized to park in any area deemed necessary to affect a response.	

## 5.4. System Procedures

5.4.1. 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.

5.4.2. On receipt of DD Form 1408 or SFMIS report of a moving violation, the unit commander, designated supervisor, or person otherwise designated by the 45 SW/CC 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.

5.4.3. On receipt of the report of action taken (including action by a US Magistrate Court on DD Form 1805), 45 SFS/S5R 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 instruction, 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.

5.4.4. The 45 SW/CC may require the following driver improvement measures, as appropriate:

5.4.4.1. Advisory letter through the unit commander or supervisor to any person who has acquired six traffic points within a 6-month period.

5.4.4.2. 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.

5.4.4.3. 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 affect on driving performance.

5.4.4.4. Attending a remedial driver training to improve driving performance.

5.4.4.5. 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.

5.4.5. An individual's driving privileges may be suspended or revoked as provided by this instruction regardless of whether these improvement measures are accomplished.

5.4.6. 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 paragraph 2.6). Except for the mandatory minimum or maximum suspension or revocation periods prescribed by table 5.1, the 45 SW/CC will establish periods of suspension or revocation for any violation not specified in this instruction. 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.

5.4.7. 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.

5.4.8. 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.

5.4.8.1. Chargeable nonfatal traffic accidents or moving violations - 3 years.

5.4.8.2. Non-mandatory suspensions or revocations - 5 years.

5.4.8.3. Mandatory revocations - 7 years.

**5.5. Disposition of Driving Records.** Follow AFI 33-364, *Records Disposition – Procedures and Responsibilities*, to maintain and destroy records of military personnel released from active duty. Driving records remain active in the case of immediate reenlistment, change of officer component or military and civilian retirement or when continued access to an installation is authorized. Retain or destroy according to AFI 33-364 records on civilian personnel who are terminating on-base employment.

5.5.1. Unit commanders will ensure personnel promptly notify 45 SFS/S5R when they are being transferred to another installation, being released from military Service, or ending employment.

5.5.2. If persons being transferred to a new installation have valid points or other entries on the driving records, 45 SFS/S5R will forward the records to SFS/S5R of the gaining installation. Gaining installation SFS 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 5.4.7, above.

5.5.3. 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.

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

5.5.5. 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.

5.5.6. 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 5.4.7 and 5.4.8, above.

## Chapter 6

### IMPOUNDING PRIVATELY OWNED VEHICLES

**6.1. General.** This chapter provides the standards and procedures for 45 SFS personnel when towing, inventorying, searching, impounding, and disposing of POVs. This policy is based on:

6.1.1. The interests of the 45 SW in crime prevention, traffic safety and the orderly flow of vehicle traffic movement.

6.1.2. The vehicle owner's constitutional rights to due process, freedom from unreasonable search and seizure, and freedom from deprivation of private property.

**6.2. Standards for Impoundment.**

6.2.1. The POVs should not be impounded unless the vehicles clearly interfere with ongoing operations or movement of traffic, threaten public safety or convenience, are involved in criminal activity, contain evidence of criminal activity, or are stolen or abandoned.

6.2.2. The impoundment of a POV would be inappropriate when reasonable alternatives to impoundment exist.

6.2.2.1. Attempts should be made to locate the owner of the POV and have the vehicle removed.

6.2.2.2. The vehicle may be moved a short distance to a legal parking area and temporarily secured until the owner is found. 45 SFS will not drive the vehicle without consent from the owner.

6.2.2.3. Another responsible person may be allowed to drive or tow the POV with permission from the owner, operator, or person empowered to control the vehicle. In this case, the owner, operator, or person empowered to control the vehicle will be informed that 45 SFS personnel are not responsible for safeguarding the POV.

6.2.3. Impounding of POVs is justified when any of the following conditions exist:

6.2.3.1. The POV is illegally parked:

6.2.3.1.1. On a street or bridge, is double parked, and interferes with the orderly flow of traffic.

6.2.3.1.2. On a sidewalk, within an intersection, on a crosswalk, on a railroad track, in a fire lane, or is blocking a driveway, so that the vehicle interferes with operations or creates a safety hazard to other roadway users or the general public. An example would be a vehicle parked within 15 feet of a fire hydrant or blocking a properly marked driveway of a fire station or aircraft-alert crew facility.

6.2.3.1.3. When blocking an emergency exit door of any public place (theater, Tide Club, Riverside Dining Facility, Medical Group, and other facilities).

6.2.3.1.4. In a "tow-away" zone that is so marked with proper signs.

6.2.3.2. The POV interferes with:

6.2.3.2.1. Street cleaning operations and attempts to contact the owner have been unsuccessful.

6.2.3.2.2. Emergency operations during a natural disaster or fire or must be removed from the disaster area during cleanup operations.

6.2.3.3. The POV has been used in a crime or contains evidence of criminal activity.

6.2.3.4. The owner or person in charge has been apprehended and is unable or unwilling to arrange for custody or removal.

6.2.3.5. The POV is mechanically defective and is a menace to others using the public roadways.

6.2.3.6. The POV is disabled by a traffic incident and the operator is either unavailable or physically incapable of having the vehicle towed to a place of safety for storage or safekeeping.

6.2.3.7. 45 SFS personnel reasonably believe the vehicle is abandoned.

### **6.3. Towing and Storage.**

6.3.1. Impounded POVs will be towed and stored by a civilian wrecker service.

6.3.2. The civilian wrecker service ensures accountability and security of towed vehicles is maintained. The civilian wrecker service will maintain all keys and will be available 24 hours a day, every day, to allow entry to Security Forces personnel, as needed.

6.3.3. Temporary impoundment and towing of POVs for violations of the installation traffic code or involvement in criminal activities will be accomplished under the direct supervision of 45 SFS personnel.

### **6.4. Procedures for Impoundment.**

6.4.1. Unattended privately owned vehicles.

6.4.1.1. The DD Form 2504, *Abandoned Vehicle Notice*, will be conspicuously placed on POVs considered unattended. This action will be documented by an entry in the 45 SFS blotter.

6.4.1.2. The owner will be allowed 3 days from the date the POV is tagged to remove the vehicle before impoundment action is initiated. If the vehicle has not been removed after 3 days, it will be removed by the civilian wrecker service. A DD Form 2505, *Abandoned Vehicle Removal Authorization*, will be completed and issued to the civilian wrecker service driver by the 45 SFS personnel.

6.4.1.3. After the vehicle has been removed, 45 SFS will complete DD Form 2506, *Vehicle Impoundment Report*, as a record of the actions taken.

6.4.1.3.1. An inventory listing personal property will be done to protect the owner, 45 SFS personnel, the civilian wrecker service, and the 45 SW.

6.4.1.3.2. 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.

6.4.1.3.3. Personal property must be placed in a secure area for safekeeping.

6.4.1.4. The 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 to request informational concerning the owner's intentions pertaining to the disposition of the vehicle.

6.4.2. Stolen privately owned vehicles or vehicles involved in criminal activity.

6.4.2.1. When the POV is to be held for evidentiary purposes, the vehicle should remain in the custody of AFOSI or 45 SFS/S2I until law enforcement purposes are served.

6.4.2.2. 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.

6.4.2.3. A POV held on request of other authorities will be retained in the custody of AFOSI or 45 SFS/S2I until the vehicle can be released to such authorities.

**6.5. 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:

6.5.1. 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.

6.5.2. 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.

**6.6. Disposition of Vehicles After Impoundment.**

6.6.1. 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.

6.6.2. 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:

6.6.2.1. Release to the lienholder, if known.

6.6.2.2. Process as abandoned property in accordance with DoD 4160.21-M.

6.6.2.2.1. Property may not be disposed of until diligent effort has been made to find the owner; or the heirs, next of kin, or legal representative of the owner.

6.6.2.2.2. The diligent effort to find one of those mentioned in paragraph 6.6.1, above, shall begin no later than 7 days after the date on which the property comes into custody or control of the 45 SFS.

6.6.2.2.3. The period for which this effort is continued may not exceed 45 days.

6.6.2.2.4. If the owner or those mentioned in paragraph 6.4.2.3, above, are determined, but not found, the property may not be disposed of until the expiration of 45 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at his or her last known address.

6.6.2.2.5. When diligent effort to determine those mentioned above is unsuccessful, the property may be disposed of without delay, except that if it has a fair market value of more than \$500, 45 SFS personnel may not dispose of the property until 45 days after the date it is received at the storage point.

6.6.3. All contracts for the disposal of abandoned vehicles must comply with 10 USC 2575.

NINA M. ARMAGNO, Brigadier General, USAF  
Commander

## Attachment 1

## GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

*Abbreviations and Acronyms*

**ACT**—Armed Forces of the United States Geneva Convention

**AD**—Active Duty

**AFI**—Air Force Instruction

**AFMAN**—Air Force Manual

**ANSI**—American National Standards Institute

**BAC**—Blood Alcohol Content

**BAT**—Blood Alcohol Tests

**BDOC**—Base Defense Operations Center

**BrAC**—Breath Alcohol Content

**CAC**—Common Access Card

**DBIDS**—Defense Biometric Identification System

**DFC**—Defense Force Commander

**DMV**—Department of Motor Vehicles

**DoD**—Department of Defense

**DoDD**—Department of Defense Directive

**DOT**—Department of Transportation

**GOV**—Government Owned Vehicle

**MCM**—Manual For Courts Martial

**NAF**—Non Appropriated Funds

**NHTSA**—National Highway Traffic Safety Administration

**OPR**—Office of Primary Responsibility

**POV**—Privately Owned Vehicle

**RDS**—Records Disposition Schedule

**SFMIS**—Security Forces Informational Management System

**SJA**—Staff Judge Advocate

**SWI**—Space Wing Instruction

**UCMJ**—Uniform Code of Military Justice

**USC**—United States Code