

UNITED STATES MARINE CORPS
MARINE CORPS LOGISTICS BASE
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Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Ref: (a) MCO 5100.19F
(b) MCO 5110.1D
(c) MCO 5580.2B
(d) Georgia Criminal and Traffic Law Manual, Title 40
(e) Manual on Uniform Traffic Control Devices
(f) DoD 4160.21-M
(g) 10. U.S.C. 2575
(h) Uniform Code of Military Justice
(i) JAGMAN
(j) Hazardous Materials Transportation Act, 49 App. U.S.C §1801
(k) ALMAR 014/08
(l) CMC WASHINGTON DC 071442Z May 09
(m) Presidential Executive Order of 1 Oct 09
(n) National Highways Safety Program Standards
(o) Code of Federal Regulations, Chapter 752

Encl: (1) Locator Sheet

1. Purpose. To revise the policy for motor vehicle and traffic regulations for Marine Corps Logistics Base (MCLB) Albany, as per the references.

2. Cancellation. BO 5560.9D.

3. Mission. Ensure all personnel aboard MCLB Albany adhere to the regulations in this Order.

4. Execution. This Order establishes policy for motor vehicle and traffic regulations for MCLB Albany, per the references.

5. Administration and Logistics. This Order contains a substantial number of changes and should be completely reviewed.

6. Command and Signal

a. Command. This Order is applicable to MCLB Albany and tenants activities aboard the installation.

b. Signal. This Order is effective on the date signed.


JAMES C. CARROLL III

Distribution: A

LOCATOR SHEET

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Location: _____
(Indicate the location(s) of the copies of this Order)

RECORD OF CHANGES

Log Completed Change Action as Indicated.

Change Number	Date of Change	Date Entered	Signature of Person Entering Change

MOTOR VEHICLE AND TRAFFIC REGULATIONS

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MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 1

GENERAL PROVISIONS

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MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 1

GENERAL PROVISIONS

1. State Definition Application. Whenever any words and phrases used in this Order are not defined, State of Georgia motor vehicle law definitions shall apply.

2. Official Time Standard. Hours referred to in this Order shall mean standard time or daylight-saving time (whichever may be in current use aboard MCLB Albany).

3. Words and Phrases

a. Arterial Street. Any U.S. or state numbered route, controlled access highway, or other major radial street or highway designated by MCLB Albany as a part of a major arterial system of streets or highways.

b. Authorized Emergency Vehicle. Such as fire department vehicles, police vehicles, and ambulances, and such other publicly or privately owned vehicles as are designated authorized emergency vehicles under the provisions of the applicable law or regulation.

c. Bicycle. Every vehicle propelled solely by human power upon which a person may ride, having two tandem wheels, except scooters and similar devices.

d. Bikeway. Every way, including highways, which is publicly maintained and which is in some manner specifically designated as open to public bicycle travel, regardless of whether the way is designated for the exclusive use of bicycles or is to be shared with other transportation modes.

e. Crosswalks. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversal roadway. In the absence of a sidewalk on one side of the roadway, that part of the roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

f. Driver/Operator. An individual that drives or that is in actual physical control of a vehicle.

g. Fire Zone. A space reserved for the exclusive use of fire department vehicles for the execution of official duties.

h. Gross Weight. The weight of a vehicle without load plus the weight of any load thereon.

i. Hazardous Material. Has the same meaning as that found in Section 103 of the Hazardous Materials Transportation Act (49 App. U.S.C. §1801 et seq; reference (j) pertains).

j. Highway/Street. The entire width between the boundary lines of every publicly maintained roadway when any part thereof is open to the use of the public for the purposes of vehicular travel. (By the preceding definition the term "street" and highway are synonymous and interchangeable.)

k. Human Powered Vehicle. Every vehicle designed to be moved solely by human power.

l. Intersection

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles for the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes (2) roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes (2) roadways 30 feet or more apart, then every crossing of (2) roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway shall not constitute an intersection.

m. Loading Zone. A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

n. Motor Vehicles. Any vehicle driven or drawn by mechanical power, manufactured primarily for use on public streets, roads, or highways. However, vehicles operated only on rails and motorized wheelchairs are excluded from this definition.

o. Moped. Per reference (d), read Title 40.

p. Motorcycle. Any motor vehicle that has a seat or saddle for use of the rider and is designed to travel on not more than three wheels. Tractors and mopeds are excluded.

q. Official Traffic Control Device. All signs, signals, markings, and devices not inconsistent with the state vehicle code placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating a warning, or guiding traffic.

r. Park or Parking. The standing of a vehicle, whether occupied or not, otherwise that temporarily for the purpose of and while actually engaged in loading or unloading of property and/or passengers.

s. Passenger Loading Zone. A place reserved for the exclusive use of vehicles while receiving or discharging passengers.

t. Pedal Cycle. Every vehicle, having two or three wheels (except scooters or similar devices), propelled solely by human power, upon which any person may ride.

u. Person. Every natural person, firm, co-partnership, association, or corporation.

v. Police Officer. Every officer authorized to direct or regulate traffic or to make arrests or issue citations for violations of traffic laws or ordinances.

(1) DoD Law Enforcement Officials. Security Police, Military Law Enforcement personnel, Master at Arms personnel, members of the Shore Patrol, and persons designated by proper authorities to perform military criminal investigation, guard, or police duties whether subject to the Uniform Code of Military Justice or not, who are authorized to direct, regulate and control traffic, and to apprehend or arrest violators of laws and/or regulations.

(2) Civilian Law Enforcement Officials. Every officer authorized by the State of Georgia to direct or regulate traffic and to make arrests or issue citations for violations of traffic laws or ordinances.

w. Residence District. The territory continuous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more improved with residences or residences and buildings in use for business.

x. Revocation

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

(2) Revocation of Driving Privileges. The action taken by an installation commander to terminate a privilege to operate a motor vehicle on a military installation.

y. Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

z. Safety Zone. An area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by official traffic control devices as to be plainly visible at all times.

aa. Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

bb. Stand or Standing. Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

cc. Suspension

(1) Suspension of Driver's License. The temporary withdrawal by formal action of state, host nation, or overseas command authority of a person's license or privilege to operate a motor vehicle on the public highways.

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

dd. Stop. When required, means complete cessation from movement.

ee. Stop or Stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

ff. Through Street or Highway. Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrance to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through street or highway in obedience to a stop sign, yield sign, or other official traffic control device, when such signs or devices are erected as provided in this ordinance or in the state vehicle code.

gg. Traffic. Pedestrians, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

hh. Traffic Control Signal. Any device, whether manually, electronically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

ii. Traffic Unit. The traffic unit of the Marine Corps Police Department. If a traffic unit is not established, said term shall refer to the police officers.

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

kk. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 2

TRAFFIC CONTROL AND RESPONSIBLE AGENCIES

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MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 2

TRAFFIC CONTROL AND RESPONSIBLE AGENCIES

1. Duties of the Chief of Police. The Chief of Police will:

a. Exercise overall staff responsibility for directing, regulating, and controlling traffic and enforcing laws pertaining to traffic control.

b. Perform traffic control studies to provide information for upcoming road maintenance, special events, and operations (i.e. traffic control points and detour routes).

c. Cooperate with civilian police agencies and other local government agencies or civil traffic organizations concerned with traffic supervision.

d. Establish a Marine Corps Police Department (MCPD) Traffic Unit.

2. Duties of Law Enforcement (LE) Personnel

a. The MCPD will enforce all traffic regulation of MCLB Albany and all assimilated State of Georgia traffic laws (18 USC 13), and issue citations or make apprehensions for traffic violations or infractions, and investigate traffic accidents.

b. LE personnel are authorized to stop, detain, apprehend, and cite any person who violates this Order. All persons shall obey orders given by LE personnel in connection with their authority to enforce laws and regulations. Alleged violations will be cited using either the United States District Court Violation Notice (DD Form 1805), or the Armed Forces Traffic Ticket (DD Form 1408), and an Incident Complaint Report (ICR), or Minor Offense Report (MOR) as necessary, as per the general guidance.

(1) DD Form 1805. Issued in connection with any alleged violation of the Georgia criminal and traffic laws assimilated to the installation, to include but not limited to the following offenses:

(a) Driving under the influence (DUI) of, or while intoxicated by alcohol or drugs.

(b) Excessive speed above the speed limit, or any form of reckless driving.

(c) Driving with a revoked or suspended state license, or driving a vehicle without a valid state license or registration.

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(d) Fleeing the scene of an accident (hit and run), or fleeing from or attempting to elude a police officer.

(e) Any use of a motor vehicle in connection with offenses that are felonies.

(f) Any alleged motor vehicle offense that causes or contributes to death or serious injury.

(g) Fraudulent application for, use or alteration of any driver's license, vehicle registration, DD Form 2220 (DoD decal), temporary visitor's pass or another document required for operation of the motor vehicle aboard the installation.

(h) Possession of an open container of alcoholic beverage while operating a motor vehicle.

(i) Any other offense as may be subsequently determined to be appropriate for prosecution in the Federal Magistrate Court.

(2) DD Form 1408. Issued in connection with any alleged violation of this Order expressly provided that the offense is only a violation of this Order and not a state or other federal law.

c. Disposition of Offense. Offenses cited by LE personnel using DD Form 1805 may be adjudicated in the Federal Magistrate Court in Albany, Georgia. Offenses cited by LE personnel using DD Form 1408 may be the subject of administrative disposition in the Command Traffic Court as per reference (a). ICR's and MOR's will be sent to the military member's Commanding Officer, and to respective supervisors in the case of civilian employees.

3. Duties of the Staff Judge Advocate. Appoint an officer to prosecute in Federal District Court offenses that are cited by LE personnel using the United States District Court Violation Notice (DD Form 1805). Advise the Chief of Police, as necessary, concerning Federal Laws applicable to motor vehicle and traffic supervision.

4. Authority to Direct Traffic. LE personnel, Fire Department personnel, and other persons designated by the Chief of Police are authorized to direct traffic by voice, hand, or signal in conformance with traffic laws, and in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, they may direct traffic as temporary conditions require.

5. Emergency and Experimental Regulations

a. The Chief of Police, with approval from the Commanding Officer (CO) is hereby empowered to make regulations necessary to make effective the provisions of MCLB Albany and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

b. The Chief of Police may authorize the temporary placing of official traffic control devices when required by an emergency. The Chief of Police shall notify the Director, Installation and Environment Division, and the Risk Management Office of action as soon thereafter as is practicable.

6. Traffic Unit

a. The Traffic Unit will be under the control of the Chief Traffic Investigator, who is appointed by and directly responsible to the Chief of Police.

b. The Traffic Unit, with such aid as may be rendered by other members of the MCPD, will enforce the traffic regulations of MCLB Albany, make apprehensions or issue citations for traffic violations or infractions, and investigate traffic accidents. The Director, Installation and Environment Division and other officials of the base shall assist in the administration of traffic laws, and in developing ways to improve traffic conditions, to ensure the adherence of duties imposed by this Order and traffic regulations of MCLB Albany.

7. Record of Traffic Violations. The MCPD shall keep a record of all violations of the traffic regulations of MCLB Albany, or of State of Georgia vehicle laws of which any person has been charged and final disposition of the charges. Such record shall be so maintained as to show all types of violations and the total of each, and shall be maintained complete for at least the most recent (2) year period. All such records shall be public records.

8. Traffic Accident Studies. Whenever traffic accidents at any specific location become numerous, the Traffic Unit shall cooperate with the Director, Installation and Environment Division, Risk Management Office and if necessary a contracted traffic engineer, in conducting studies and determining remedial measures.

9. Traffic Accident Reports. The Traffic Unit shall maintain a suitable system for filing traffic accident reports. Such reports shall be available for the use and information of the Director, Installation and Environment Division and Risk Management Office. Any

person specifically involved in the traffic accident may obtain a copy of the report upon completing a Freedom of Information Act (FOIA) request through the MCPD. The completed report will be forwarded to the Office of Counsel to the FOIA representative for final action and distribution to the person requesting the report. No reports will be released directly from the MCPD.

10. Traffic Unit Annual Report. The MCPD Traffic Unit shall annually prepare a traffic report which shall be filed with the CO via the Chief of Police. Such reports shall contain information on traffic matters pertaining to MCLB Albany as follows:

a. The number of traffic accidents, the number of persons killed, the number of persons injured, and the other pertinent traffic accident data.

b. The number of traffic accidents investigated and other pertinent data on the safety activities of the LE personnel.

c. The plans and recommendations of the department for future traffic safety activities.

11. Impounding Vehicles

a. Privately Owned Vehicles (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.

b. Per reference (b), members of MCPD may remove and temporarily impound motor vehicles that are left parked illegally for unreasonable periods of time, interfering with operations, creating a safety hazard, involved in criminal activity or abandoned. The owner of the vehicle will be monetarily liable for any cost incidental to towing and storage should his/her motor vehicle be removed or impounded.

(1) Abandoned Vehicles

(a) Whenever a POV is left unattended for a period of (3) days aboard MCLB Albany, an Abandoned Vehicle Notice (DD Form 2504) will be conspicuously placed on the POVs considered unattended. This action will be documented by an entry in the Installation Law Enforcement Desk Journal or blotter. If the vehicle has not been removed after (3) days, it will be removed by the installation towing service or the contracted wrecker service. If a contracted wrecker service is used, an Abandoned Vehicle Removal Authorization (DD Form 2505) will be completed and issued to the contractor by the MCPD.

(b) After the vehicle has been removed, the installation LE Officer or the contractor will complete a Vehicle Impoundment Report (DD Form 2506) as a record of the actions taken and comply with the following procedures:

1. An inventory listing personal property will be completed to protect the owner, LE personnel, the contractor, and the CO.

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.

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

4. A notice of Vehicle Impoundment (DD Form 2507) 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 information concerning the owner's intentions pertaining to the disposition of the vehicle.

(2) Stolen Vehicles

(a) Per reference (b), members of MCPD may impound stolen POVs or vehicles involved in criminal activity when:

1. POV is to be held for evidentiary purposes, the vehicle should remain in the custody of MCLB Albany until law enforcement purposes are served.

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

3. A POV held on request of other authorities will be retained in the custody of MCLB Albany until the vehicle can be released to such authorities.

(b) The search of a POV in conjunction with impoundment based on criminal activity will likely occur in one of the following general situations:

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 plain view or exigent circumstances exist whereby fruits of a crime could be compromised.

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.

(c) A DD Form 2506 will be completed and a copy of the report will be maintained by the Traffic Unit. A DD Form 2507 will be sent to the registered owner of the vehicle via certified mail to notify him or her of the vehicle impoundment, and to request information concerning the owner's intentions pertaining to the disposition of the vehicle.

12. Towing/Impoundment and Storage

a. When authorized by reference (b), and chapter (2), paragraphs 11 and/or 13 of this Order, members of MCPD may remove a vehicle from a street or highway to the nearest garage or other designated location, or to an impound lot designated or maintained by the Chief of Police or otherwise maintained by MCLB Albany. LE personnel will release the vehicle to the appointed authority to be processed in accordance with the policy of the State of Georgia.

b. A DD Form 2506 will be completed and a copy of the report will be maintained by the Traffic Unit. A DD Form 2507 will be sent to the registered owner of the vehicle via certified mail to notify him or her of the vehicle impoundment, and to request information concerning the owner's intentions pertaining to the disposition of the vehicle.

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

(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 2507, the vehicle will be disposed of by one of the following procedures:

(a) Release to the lien holder, if known.

(b) Process as abandoned property in accordance with reference (f).

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

2. The diligent effort to find one of those mentioned above, shall begin no later than (7) days after the date on which the property comes into custody or control of the LE agency.

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

4. If the owner or those mentioned in the paragraphs 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.

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, the LE official may not dispose of the property until 45 days after the date it is received at the storage point.

(c) All contracts for the disposal of abandoned vehicles must comply with reference (g).

13. Immobilization/Impound of Vehicles of Habitual Violators

a. Whenever LE personnel have knowledge that a person is a habitual violator and whenever LE personnel find any vehicle registered in the name of such person upon any street, LE personnel may immobilize such vehicle.

b. Immobilization of a vehicle under this section shall be in a manner as to prevent its operation by means of a device which will cause no damage to the vehicle unless the vehicle is moved. Notice of immobilization shall be attached to the vehicle in a conspicuous manner. After immobilizing a vehicle under this section, notice shall be given in writing to its owner.

14. Installation and Environment Division. The Installation and Environment Division will:

a. Perform that phase of engineering concerned with the planning, design, construction, and maintenance of streets, highways, and abutting lands.

b. Select, determine appropriate designs, procure, construct, install, and maintain permanent traffic and parking control devices in coordination with the Chief of Police, and Risk Management Office.

c. Ensure that traffic signs, signals, and pavement markings conform to the standards in the current Manual of Uniform Traffic Control Devices, reference (e).

d. Ensure that planning, design, construction, and maintenance of streets and highways conform to the National Highway Safety Program Standards (NHSPS), reference (n), as implemented by the DoD.

e. Fulfill the traffic engineering service normally performed by requesting those services through the appropriate channels from the Commander, Military Traffic Management Command.

15. Traffic Engineer. When necessary, a contracted traffic engineer, in close coordination with the Chief of Police, will conduct formal traffic engineering studies to recommend placement and maintenance of official traffic control devices when required under the traffic ordinances of this Installation and may recommend placement and maintain such additional official traffic control devices as necessary to regulate, warn or guide traffic under the traffic ordinances of this Installation or the State Vehicle Code. All traffic control signs, signals and devices shall conform to the standards of reference (e).

16. Authority of The Traffic Engineer. The Contracted Traffic Engineer shall have the following specific responsibilities subject to any limitations in reference (e), and/or the state vehicle codes in reference (d):

a. Recommend designated crosswalks, safety zones, loading zones and passenger loading zones.

b. Determine and recommend establishment of speed limits applicable to any street.

c. Regulate the kinds and classes of traffic and the maximum size and weight of vehicles permitted on any street or portion of street.

d. Determine and recommend lanes for the exclusive use of transit buses or high-occupancy vehicles, reverse-flow lanes and commercial vehicle routes.

e. Recommend regulations concerning the stopping, standing and parking of vehicles.

f. Determine and recommend hazardous material routes subject to any law or regulation of the State of Georgia or of the United States Government.

Enclosure (1)

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 3

TRAFFIC RULES

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MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 3

TRAFFIC RULES

1. Provisions Apply on Roadways. The provisions of this regulation relating to the operation of vehicles refer exclusively to the operation of vehicles upon all road ways, paved or unpaved, except where a different place is specifically referred to in a given section.

2. Required Obedience to Traffic Regulations

a. It is unlawful for any person to do any act forbidden or fail to perform any act required in this regulation.

b. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this Order.

3. Public Employees to Obey Traffic Regulations. The provisions of this regulation shall apply to the drivers of all vehicles subject to specific exceptions as set forth in this Order, federal regulations, or in the State of Georgia Vehicle Code.

4. Authorized Emergency Vehicles (AEVs)

a. The driver of an AEV, when responding to an emergency call or when in pursuit of a suspected violator of the law, or when responding to but not upon returning from a fire alarm, may park or stand irrespective to the provisions of this regulation.

b. The foregoing provision shall not relieve the driver of an AEV from the duty to drive, park or stand with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of such driver's reckless disregard for the safety and/or property of others.

c. Every driver of an ambulance shall not drive at a speed in excess of the maximum lawful limit notwithstanding the provisions in reference (d), Official Code Georgia Annotated (O.C.G.A) §40-1-6-6.

d. Prior to assignment, operators of AEVs shall complete an Emergency Vehicle Operator Course. Operators of AEVs shall maintain qualification as required by statute or regulation.

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5. Vehicles Propelled by Human Power. Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle by this regulation except as to those provisions of this regulation, which by their nature can have no application.

6. Toy Vehicles. No person riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when crossing, such person, shall be granted all of the rights and shall be subject to all of the duties applicable to all pedestrians.

7. Official Traffic Control Devices Requirements

a. No provision of this Order for which official traffic control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall still be effective even though no devices are erected or in place.

b. No prohibition, regulation, or limitation relating to stopping, standing or parking imposed under this or any other regulation of this Installation shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense.

8. Official Traffic Control Devices--Presumption of Legality

a. Whenever official traffic control devices are placed in a position approximately conforming to the requirements of this Order, such devices shall be presumed to have been so placed by the official act or direction of a lawful authority, unless the contrary shall be established by competent evidence.

b. Any official traffic control devices placed pursuant to the provisions of this Order and conforming to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Order, unless the contrary shall be established by competent evidence.

9. Permit Requirements for Parades and Processions. No funeral, procession or parade containing 200 or more persons or 50 or more vehicles except the Armed Forces of the United States, the military forces of the State of Georgia and the forces of Marine Corps Police Department and Fire Department, shall occupy, march or proceed along

any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

10. Restricted Driving Areas (Limited Access). Operators of government vehicles and POVs are restricted from driving in designated areas aboard the installation. These areas are restricted due to the safety and security of the installation.

a. No vehicle will be driven into any area designated as "Off Limits", "Dangerous" or "Restricted" unless the operator is authorized access on official business or by a proper authority.

b. Training areas, ranges, and off-road travel restrictions are as follows:

(1) Vehicular travel on paved roads in or adjacent to training areas and ranges is authorized as long as range gates are open, except as restricted below.

(2) Due to live-firing and safety, closed range gates will not be circumvented by any means without express permission from Range Control.

c. The following areas are restricted or have limited access

(1) Perimeter Road (Shaw Road) is the roadway that circles the installation following the perimeter fence line. This roadway is restricted at all times to all vehicles and drivers, unless the following conditions are met:

(a) Emergency vehicles, game warden vehicles, and contractor vehicles in the performance of their duties. This is to include all emergency response vehicles, and vehicles in the performance of security duties.

(b) During the hunting season, vehicles operated by permitted hunters are authorized access to only those hunting areas accessible by Perimeter Road. These vehicles are only authorized in areas during allowed hunting times and while scouting their area to hunt. The vehicles are required to display their MCLB Albany hunting permit issued by the Game Warden, visible through the windshield of the vehicle. Vehicles are not authorized to park next to perimeter fence at any time.

(2) Other restricted or limited access areas to vehicles may be prescribed at the direction of the Chief of Police at any time.

Enclosure (1)

11. General Rules of Driving. The rules for drivers contained in this article are not intended to be all inclusive. A violation of federal law, regulation, or Georgia State Law pertaining to the possession, use, or operation of a motor vehicle is chargeable under this Order, whether mentioned herein or not. In case of a conflict, this Order shall take precedence.

12. Driving off the Roadway to Avoid Compliance. A person driving a vehicle upon a roadway shall not leave the roadway and drive across private or public property adjacent to an intersection in order to avoid stopping for a traffic control device, or otherwise drive off the roadway in order to avoid compliance with any traffic law or official traffic control device.

13. Speed Restrictions. No person shall operate a motor vehicle at a greater speed than is reasonable and prudent under the existing roadway, traffic and weather conditions. It is unlawful to operate a vehicle in excess of the posted speed upon a roadway or the following speeds unless otherwise provided in these regulations:

- a. 35 miles per hour (MPH) on roads not having posted speed limits.
- b. 10 MPH speed limit in all parking lots.
- c. 5 MPH speed limit while backing.
- d. 10 MPH speed limit on all roads where troops are in formation, whether marching or running..
- e. 25 MPH on all unimproved roads to include roadways traveling the perimeter of the installation.

14. Use Of Radar Detectors. The use of radar detectors or any other device designed or used for the purpose of detecting the presence of speed measuring devices or transmit erroneous speeds is prohibited on the installation.

15. Open Alcoholic Containers. No driver or passenger inside a motor vehicle will have in his/her possession, any open alcoholic container unless said container is locked in the storage area of the vehicle. If an open container is not in physical possession of a passenger within the vehicle, then the driver of the vehicle is deemed to have possession.

16. Driver Transporting Hazardous Material. The driver of a vehicle transporting hazardous materials, explosives, or flammable liquids on the installation shall drive only on those streets which have been designated to provide a continuous route for such vehicles, except as necessary to make local deliveries.

17. Drunk or Impaired Driving. Drunk or impaired is any intoxication which is sensibly sufficient to impair the rational and full exercise of the mental or physical faculties. The term "drunken driving" is synonymous with the term "intoxicated driving".

a. Driving Under the Influence (DUI). A person can be found guilty of DUI when he/she is driving, operating, or being in actual physical control of a motor vehicle (other than a commercial motor vehicle (CMV)) with a blood alcohol concentration (BAC) of .08 or higher. A person operating a CMV with a BAC of .04 or higher can also be found guilty of this offense.

(1) DUI Less Safe. A person can be found guilty of DUI Less Safe when he/she is driving, operating, or being in actual physical control of a motor vehicle (other than a CMV) with a BAC of 0.05 to 0.079.

(2) Persons operating a motor vehicle with a BAC 0.02 or higher who are involved in a traffic accident, driving a GOV, or under the age of 21, can also be found guilty of a DUI offense.

(3) For persons with a BAC of 0.01 to 0.049, there will be no presumption of intoxication. Persons suspected of DUI with a BAC of 0.049 and under will be tested for drug use.

b. Implied Consent. Person(s) suspected of drunk or impaired driving must submit to an evidential test for alcohol or other drug content of their blood, breath, and/or urine as required. Failure to submit to such test will result in the mandatory revocation of base driving privileges for a period of no less than 1 year.

18. Use of Cellular Phones. Operators of POVs will not use cellular phones while the vehicle is in operation, unless they are using a hands-free device. A hands-free device is a feature that is included or available with most of today's cellular telephones that permits a driver to use the telephone without lifting or holding the handset. Cell phone use is not authorized in a GOV, regardless of hands-free device.

19. Text Messaging While Driving. Reference (m) prohibits federal employees from engaging in text messaging when driving a GOV, or when driving a POV while on official government business, or when using electronic equipment supplied by the government while driving. The definitions of text messaging and driving in reference (m) apply.

a. Aboard MCLB Albany, this mishap prevention initiative extends to all vehicle operators aboard base to include federal employees, contractor personnel, family members, visitors and guests, regardless of their duty status or category of vehicle. Penalties for text messaging while driving are the same as for cellular phone violations.

20. Seat Belt Requirements. The use of seat belts is mandatory for all occupants inside of a motor vehicle aboard MCLB Albany. Furthermore, it is the responsibility of the operator to ensure seatbelt usage.

a. Seat belts will be worn by all operators and passengers of GOVs on and off base.

b. Seat belts will be worn by all operators and passengers of POVs on base. All active duty personnel are required to wear seat belts while operating a motor vehicle on and off base.

c. All children under the age of (8) years old shall use an infant or child safety seat in the proper manner, as approved by the Department of Transportation, while riding in any vehicle aboard the base.

d. Each minor child (8) years of age and above, who is an occupant of a passenger vehicle, shall be restrained by a seat belt.

21. Headlights. When aboard MCLB Albany, vehicles will be operated with headlights turned on during periods of precipitation and other conditions of reduced visibility. Reduced visibility includes periods of obscuration due to fog, smoke, or heavy rain, to include the hours of darkness such as, after evening colors and before morning colors.

22. Crossing at Right Angles. Except where otherwise indicated by a crosswalk or other official traffic control devices, a pedestrian shall cross a roadway at right angles to the curb or the shortest route to the opposite curb.

23. Boarding or Dismounting from Vehicles. No person shall board or dismount from any motor vehicle while such motor vehicle is in motion.

24. Unlawful Riding. No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers. This regulation shall not apply to an employee engaged in the necessary discharge of duty, or to persons riding within enclosed truck bodies in space intended for merchandise.

25. Use of Reflective Vest. A reflective belt or vest that is visible from a 360 degree field of view shall be worn during physical training outdoors while walking, jogging, running, skating, skateboarding, bicycling, or using a personal transportation device before morning colors (0800), after evening colors (sunset), and during periods of reduced visibility (e.g., rain, fog, etc.). Individuals preparing to participate in and/or departing for physical training outdoors with the approach of evening colors shall wear a reflective belt or vest that is visible from a 360 degree field of view.

26. Use of Traffic Lanes. In order to ensure the safety and welfare of all pedestrians, joggers and walkers, when practicable, all shall walk, jog, or run at a distance not less than (3) feet from the hard surface roadway, and shall face oncoming traffic.

27. Parking Not to Obstruct Traffic. No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley or in such position as to block the driveway entrance to any abutting property or any intersecting alley.

28. Parking Offenses

a. No person shall park a vehicle upon any roadway for the purpose of:

(1) Displaying such vehicle for sale

(2) Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

b. No person shall stop, stand, or park a vehicle in a passenger or loading zone except for the purpose of loading or unloading passengers and/or property, and for a period not to exceed that identified on signs at the locations.

c. No person shall park in any space marked as handicap, unless the individual has a permit to park in such space.

d. No person shall park in areas with signs prohibiting parking.

e. No person shall park within 15 feet of any fire hydrant, intersection, traffic sign, or in such a position as to obstruct intersections, signs, or warning devices from the vision of other traffic, or counter to the flow of traffic on roads or in parking lots.

f. No person shall park a vehicle outside of a marked stall in such a manner that the vehicle obstructs more than one parking stall.

Enclosure (1)

g. Bicycles will be equipped with a white headlight or reflector highly visible from the front and at least one red reflector visible from the rear, and be equipped with spoke/wheel-mounted reflectors for increased visibility from the side. To enhance visibility, bicycle riders should wear light colored clothing during the day and reflective clothing at night.

29. Bicycle Safety

a. Bicycle safety will be emphasized aboard MCLB Albany. All bicycle operators must wear helmets approved by the American National Safety Institute (ANSI) OR SNELL Memorial Foundation on installation streets and roadways. Personnel operating bicycles in areas that require the use of ANSI approved helmets (hard hats) for protection from falling and flying objects can use those helmets instead of approved bicycle helmets.

30. Roller Skates, Skateboards, And In-Line Skates (Roller Blades). ANSI approved helmets are required for skating/skateboarding. Protective equipment such as elbow pads, kneepads, and wrist guards are strongly recommended. All skaters should wear light colored clothing during the day and reflective clothing at night.

31. Headphones/Earphones or Other Listening Devices. The wearing of listening devices, in or over one or both ears while jogging, walking, skating, skateboarding, or bicycling on roads and streets or using personal transportation device on or within three feet of any traveled portion of any street, roadway, highway, avenue, or parking lot aboard MCLB Albany is prohibited. The use of personal devices while on a running/walking track or trail, sidewalk, or pathway where vehicles are prohibited is authorized. Personal listening devices shall be completely removed prior to and while crossing streets, roadways, highways, avenues, and entrances to parking lots. This does not apply to hearing aids, nor does it negate the requirements for PPE where work conditions dictate hearing protection.

32. Motorcycles. Any two or three-wheeled motor vehicle with an engine displacement of 50cc or higher is classified, for the purposes of this regulation, as a motorcycle.

a. License Requirements. Active duty personnel operating a motorcycle aboard this Installation must have in his or her possession at all times, a valid state driver's license with a motorcycle endorsement and a current Motorcycle Safety Course Card. Civilian personnel are not required to have a Motorcycle Safety Course Card.

Enclosure (1)

b. Personal Protective Equipment (PPE)

(1) Per reference (1), the following PPE is mandatory for all persons operating or riding as a passenger on a motorcycle aboard MCLB Albany, and for all military personnel operating or riding on a motorcycle off the installation, on and off road, in uniform or civilian clothes:

(a) A properly fastened (under the chin) protective helmet that meets the standards of SNELL, the ANSI, or the Department of Transportation (DOT).

(b) Impact or shatter resistant goggles or full-face shield attached to the helmet. A windshield, eyeglasses, or fairing alone is not considered proper eye protection.

(c) Hard-soled shoes with heels. The use of leather boots or over the ankle shoe is encouraged.

(d) Properly worn long-sleeved shirt or jacket, long-legged trousers and full-fingered gloves or mittens are required. Wearing abrasion-resistant protective outerwear and the use of fluorescent colors and retro reflective material is strongly encouraged.

(2) The PPE for motorcycle off-road operations should also include knee and shin guards, off-road Marine Corps boots, and padded full-fingered gloves.

c. Passengers. No passenger will ride on a motorcycle except on the seat to the rear of the driver, and only when the motorcycle is designed for two people.

d. Roadway Operation. As required by reference (d), motorcycle operators will:

- (1) Have valid motorcycle insurance coverage.
- (2) Be properly licensed for the motorcycle.
- (3) Have no more than (2) headlights.
- (4) Not travel more than (2) abreast in a single lane.
- (5) Not operate the motorcycle between lanes of traffic.
- (6) Be equipped with footrests if riding with a passenger.
- (7) Ensure handlebars are no more than 15 inches above the seat.

Enclosure (1)

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 4

ADMISSION AND REGISTRATION

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MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 4

ADMISSION AND REGISTRATION

1. Entrances and Exits. The only authorized entrances and exits to MCLB Albany are those paved roads manned by a police officer. All vehicles and personnel shall enter and exit through authorized entrances and exits only.

2. Admission of Motor Vehicles. The operation of a motor vehicle upon MCLB Albany is a privilege granted by the Commanding Officer (CO), and may be revoked at any time. In order to ensure the security of this Installation, the CO may require each individual seeking entry to provide an Armed Forces Identification (ID) card, current state driver's license, or equivalent photo identification. The practice of using DD Form 2220 (DoD decal) decals or passes for vehicle identification serves only to identify the vehicle itself. The driver and any passengers may be identified by other means such as personal recognition and/or ID card.

a. Motor vehicles displaying a valid DoD decal or temporary pass shall normally be admitted as follows:

(1) Active Duty Military and Dependents. Without restrictions at any hour.

(2) Civilians. Only in conjunction with the operator's official duties, job, service to the base or other authorized activities, i.e., command sponsored special events, as a guest of an authorized sponsor, or on official business at the Child Development Center and Navy Federal Credit Union, or as directed by the CO.

b. Motor vehicles bearing a valid DoD decal from other installation will normally be authorized entry; however, the operator may be required to produce photo identification.

c. Motor vehicles (other than motorcycles) not bearing a DoD decal or pass may be admitted provided the operator qualifies for one of the following passes:

(1) Day/Visitors Pass. Visitor passes will not be used to circumvent the requirements for temporary or permanent registration. These passes are for non-contract employees and issued for periods of less than 30 days. Sporting/special events, family visits, business meetings, and conferences are all examples of short duration visits. Authorized personnel, (active duty family members, retirees, and DoD civilians) will sponsor visitors in person aboard the base.

Enclosure (1)

This request will be directed to the Pass and Identification Section, Building 3010 during normal business hours or by the MCPD Law Enforcement Desk, Building 7520 during non-business hours. The sponsor need not be present at the time visitors are admitted; however, will need to provide the following at the time of request:

- (a) Personal identification and contact information.
- (b) Visitor name and contact information.
- (c) Vehicle make, model, year, color, and tag number (if known).
- (d) Date and time of arrival and departure.

1. When arriving at the installation, visitors will need to provide the following:

a. A valid federal or state government identification containing a photograph. Current/existing state identification and other government issued ID's are both acceptable forms of credentials.

b. If driving a motor vehicle, a valid driver's license, vehicle registration, and proof of insurance will be required.

c. Special Event Passes. Non-sponsored visitors may bring motor vehicles aboard base during daylight hours for command sponsored special event and must depart the base with their vehicles within 30 minutes upon conclusion of the event.

(2) Temporary Passes. Temporary passes are normally issued for a period of 30 days, and will be displayed in the lower left corner of the windshield. These passes are subject to verification by LE personnel at any time. Temporary passes are issued by the Pass and ID Unit at Building 3010 and are valid until 2400 on the date of expiration.

(3) Deadline Pass. The Chief of Police may authorize the issue of a Temporary Pass marked "deadline", for vehicles, which are authorized aboard the base for storage or mechanical work, but are not to be driven. These vehicles may be towed, using a tow bar.

(4) VIP Passes. VIP passes are issued to local officials or individuals authorized by the CO. VIP passes are issued by the CO's office. Persons who possess a VIP pass, upon showing it to the police officers at any gate, will be allowed entry onto the base.

Enclosure (1)

d. Admission of any motor vehicle may be denied by the Chief of Police or CO when such denial is deemed to be in the best interest of the government.

e. Person(s) who knowingly introduce a motor vehicle without proper authorization or who knowingly operate vehicles on the base when such acts are prohibited by these regulations or other competent orders shall be subject to prosecution for violation of a lawful order for trespassing and upon conviction, may be punished in accordance with applicable federal laws.

f. Exceptions can be made by the CO. Examples of these exceptions are, but not limited to, personnel attending the Base Motorcycle Safety Course only for the duration of the course.

g. All passes are issued by, and remain the property of the DoD. The unauthorized removal, sale, transfer to another vehicle, mutilation, or altering of an MCLB Albany pass is prohibited.

3. Registration of Motor Vehicles, Less Motorcycles. All personnel permanently assigned to the base and/or tenant organizations and all civilian employees are required to register their motor vehicles within 30 days of reporting aboard the installation. The following documents must be presented at the time of registration to obtain a DD Form 2220:

a. Valid Armed Forces Identification Card (AFIC), DoD civilian employee ID, or a locally issued MCLB Albany Badge. In the case of civilian contractors/vendors, a letter from the sponsoring organization or Division Director, owner of companies or supervisory personnel must submit a listing to the Chief of Police of all employees and a listing of all subcontractors, if applicable. Contracts Department will provide the Chief of Police with a list of all companies/businesses that have Blanket Purchase Agreements (BPA's) with the base.

b. A valid state operator's license for the class of vehicle being registered.

c. Motor vehicle certificate of registration. An applicant who is not the owner of the vehicle may submit a notarized letter from the owner authorizing the applicant to register/use the vehicle.

d. A valid liability insurance policy for the vehicle conforming to the requirements established under Georgia State Law, listing the applicant as an authorized driver.

e. A completion certificate of a certified driver improvement course, if military and under 26 years of age, as required by reference (a).

Enclosure (1)

4. Categories of Base Decal Identifiers. Base decal identifiers are the colored sticker; affixed directly below the DoD decal. This decal identifies the specific military base where the vehicle is currently registered. Base decal identifiers are color coded by the following:

a. Blue. Will be issued to all active duty and retired commissioned officers and warrant officers and their dependents.

b. Red. Will be issued to all active duty and retired enlisted personnel and their dependents.

c. Green. Will be issued to civil service, non-appropriated fund employees, and other permanent civilian employees.

d. Black. Will be issued to contractors and other individual and corporate members of the public, whose vehicles are authorized by appropriate authority unless the length of the contract is less than 6 months. If the length of the contract is less than 6 months, a temporary paper pass will be issued. Vendors that access the installation more than three times a week will be issued black base decal identifiers for their vehicles.

5. Decals Issued to Suspended/Revoked Drivers. Individuals who have their base driving privileges suspended or revoked and have a licensed dependent residing in the household, will have their vehicles marked as follows:

a. Suspended/revoked male drivers will have a red decal bearing SM (suspended male) affixed to the Left of the DoD decal and another on the left rear corner of the rear window.

b. Suspended/revoked female drivers will have a red decal bearing SF (suspended female) affixed to the left of the DoD decal and another to the left rear corner of the rear window.

6. Motor Vehicle Inspections

a. Prior to the issuance of a temporary pass, DoD decal or renewal, vehicles must meet the Motor Vehicle Safety Inspection Standard set forth by the State of Registration.

b. Personnel applying for a temporary pass, DoD decal or renewal, will sign a statement verifying their vehicle meets applicable safety standards.

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c. Random administrative vehicle safety inspections of POVs will be conducted by LE personnel at the gates, parking lots, and other locations as directed by the CO or the Chief of Police.

7. De-Registration Of Motor Vehicles. All owners of registered vehicles for which a permanent DoD decal has been issued, shall notify the Pass and ID Section of the MCPD upon sale, transfer, or state registration change, to de-register the vehicle decal. The loss, mutilation or defacing of a permanent decal shall be reported to the Pass and ID Section. The sale or transfer of a vehicle without first removing the DoD decal is prohibited.

8. Illegible DoD Decals. An illegible DoD decal is one which the six character registration code is faded or no longer discernable by LE personnel. It is the responsibility of the registrant to maintain the DoD decal and safeguard its condition by routine care. Any DoD decal which is deemed illegible by LE personnel is subject to removal.

9. Registration of Motorcycles. Motorcycle riders will be issued a DoD decal after the applicant submits documentation certifying the applicant meets the following requirements:

a. Valid active duty or retired military or military dependent ID card. Civilian employees must present a valid ID card issued from MCLB Albany.

b. Valid state operator's license with a current motorcycle endorsement.

c. Valid state registration in the name of the applicant or applicant's spouse.

d. Valid insurance for the motorcycle.

e. Active Duty personnel must also show completion of a Motorcycle Safety Foundation Course. Civilian Marines, contractors, military dependents, military retirees, and visitors are not required to complete a Motorcycle Safety Foundation Course.

f. Reference (a) requires Marine motorcycle riders to complete a Motorcycle Safety Foundation Basic Rider's Course prior to operating a motorcycle on a DoD installation. References (c) and (k) require owners of motorcycles to register their motorcycle with the MCPD on the installation. Reference (k) requires each Marine motorcyclist to complete the Basic Rider Course, followed (no later than 120 days) by the Military Sport Bike Rider course for sport bike riders, or the Experienced Rider Course. Refresher training is subsequently mandated every (3) years. Expiration of the motorcycle DoD decal issued to Marine motorcyclists will match the training requirements above.

10. Contractor/Vendor Pass. Service providers such as vendors, contractors and other service type providers who require routine access to the installation will be vetted and granted access to the installation using the following procedures:

a. All contractors must contact the MCLB government representative and submit all required base access request forms in order to be considered for base access.

b. Foreign born applicants will need to provide proof of U.S. citizenship, or permanent resident card or resident work-permit card and proof of a social security card.

c. All Common Access Card (CAC) contractors will follow the same procedures with the exception of being assigned a trusted agent to input the information into the Contracting Verification System.

d. Criminal records checks shall be conducted annually prior to renewal of badges.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 5

MOTOR VEHICLE ACCIDENTS

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MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 5

MOTOR VEHICLE ACCIDENTS

1. Traffic Accident Investigations. MCPD, LE personnel, and the Traffic Unit conduct detailed investigations in the event of the following accidents described below:

a. Accidents involving GOVs or government property on the installation involving a fatality, personal injury, or estimated property damage in the amount established by separate Service/Defense Logistics Agency (DLA) policy. Minimum damage limits are the following: Army \$1,000; Air Force, as specified by the installation commander; Navy and Marine Corps \$500. The installation motor pool will provide current estimates of the cost of repairs. Investigations of off base accidents involving GOVs will be made in cooperation with the civilian law enforcement agency.

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

2. Responsibility of Traffic Investigators. LE traffic investigators will respond to and investigate all POV and GOV traffic accidents occurring on and off the installation that meet the criteria stated below:

a. GOVs or government property on the installation involving a fatality, personal injury, or estimated government property damage in excess of \$500.

b. POV accidents on the installation involving a fatality, personal injury, or estimated property damage to a POV in excess of \$500, or when a POV is inoperable as a result of an accident.

c. The MCPD has no jurisdiction to investigate accidents off the installation, but will establish close coordination with local LE to obtain copies of reports of their investigations of any accident involving a GOV or the fatality/serious bodily harm of a military member. Information will be gathered as required by the command.

3. Responsibility of Drivers

a. POVs. Drivers of POVs involved in an accident on base, regardless of the amount of damage or the event of injury will stop at the scene and report the accident to the MCPD immediately.

Enclosure (1)

b. Give aid and assistance to injured person(s) if possible. Wait for Police/Fire/EMT personnel to arrive on scene. Do not remove an injured person(s) from the motor vehicle unless extreme conditions exist, such as a vehicle on fire. The injured person should be carefully removed from the vehicle to a safe location.

c. Exchange names, addresses, insurance information, phone numbers, and driver's license numbers with the persons involved.

d. Do not move the vehicle(s) until directed to do so by LE personnel, except in the case of serious injury, when there are no other means available to transport the injured party to a medical facility, or if any vehicle involved constitutes a continued hazard to others and other vehicles on the roadway.

e. Make statements concerning the circumstances surrounding the accident to military and/or civilian LE personnel only.

4. Responsibility of Other Drivers and Witnesses Not Directly Involved

a. POVs. Drivers of POVs who witness the accident, but are not directly involved will:

(1) Stop at the scene and report the accident to the MCPD immediately.

(2) Never enter the accident scene area, except to give aid and assistance to injured person(s) if possible. Wait for Police/Fire/Emergency Management Services (EMS) personnel to arrive on scene. Do not remove an injured person(s) from the motor vehicle unless extreme conditions exist, such as a vehicle on fire. The injured person should be carefully removed from the vehicle to a safe location.

(3) Make statements concerning the circumstances surrounding the accident to military and/or civilian LE officials only.

(4) Not move the accident vehicle(s) until directed to do so by LE personnel, except in the case of serious injury, when there are no other means available to transport the injured party to a medical facility, or if any vehicle involved constitutes a continued hazard to others and other vehicles on the roadway.

b. Drivers of GOVs, including non-appropriated fund vehicles, involved in any accident, on or off base, regardless of the amount of damage or extent of injury will, in addition to the above requirements set forth above in Chapter 5, Paragraphs 3 (a) through (e) of this order:

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(1) Notify MCPD, their supervisor or CO as soon as possible.

(2) Prepare a Motor Vehicle Accident Report, Standard Form SF-91 as soon as possible.

(3) Provide a completed SF 91 to MCPD Traffic Unit for review and signature.

(4) Make no statement from which government liability for the accident may be implied.

(5) Make statements concerning the circumstances surrounding the accident to military and/or civilian LE officials only.

5. Accident Scene. Traffic accident scenes are potential crime scene areas. The accident scene will be protected to preserve any evidence that may be compromised by access of unauthorized vehicles and personnel. The only personnel authorized to be in the accident scene area are the following:

a. Police/Fire/EMS personnel working at the accident scene.

b. MCPD Accident Investigators gathering evidence, collecting data and taking photographs.

c. CO, or appointed representative.

d. Safety officials and supervisors, only after being cleared by the on scene Watch Commander or Accident Investigators. Other personnel not directly involved in the accident will remain clear of the accident scene.

6. Extraction of Bodily Fluids in Traffic Cases. The procedures outlined herein pertain only to driving a motor vehicle and for whom probable cause exists to believe that such an individual is intoxicated. Extractions of body fluids in furtherance of other kinds of investigations are governed by the Manual for courts-martial, Military Rule of Evidence 315 (2008), and regulatory rules concerning requesting and granting authorizations for searches. Involuntary bodily fluid extraction must be based on valid search and seizure authorization. An individual subject to the Uniform Code of Military Justice (UCMJ) who does not consent to chemical testing, may nonetheless be subjected to an involuntary extraction of bodily fluids, including blood and urine. Before authorizing the involuntary extraction, the Commander of the medical facility should coordinate with the Staff Judge Advocate.

7. Use of Traffic Accident Investigation Report Data

a. 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.

b. LE personnel and others who prepare traffic accident investigation reports will indicate whether or not seat restraint devices were being used at the time of the accident.

c. When accidents warrant, the CO may establish a traffic accident review board. The board will consist of LE, a traffic engineer, safety, medical, and legal 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.

d. Data will be shared with the installation legal, engineer, safety, and transportation officers. The data will be used to inform and educate drivers and to conduct traffic engineering studies.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 6

BASE TRAFFIC COURT

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MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 6

BASE TRAFFIC COURT

1. General. The authority and responsibility of the Base Traffic Court is set forth in chapters (2) and (5) of reference (b).

2. Authority

a. BTC is authorized to conduct hearings into all cases referred to it, and after hearings, issue warnings, suspend or revoke driving privileges, assess points and assign personnel to remedial driver improvement training as appropriate. One or more of these actions may be taken, with or without a hearing, against military personnel and civilian employees for off base violations when driving a GOV. These actions may be taken against military personnel when operating POVs off base when the Base Traffic Board is notified by MCPD that grave circumstances exist where the health, safety and morale of the personnel stationed and working aboard the base are affected, or that a fine, forfeiture or other punishment for traffic violations has been adjudicated by a local, state or federal court. Administrative actions for moving violations committed off base should not be less than that required for similar offenses if committed on the installation.

b. The BTC may, after taking action, refer offenders to the CO or Labor/Employee Relations Branch, when their driving records indicate repeated violations, when they have been involved in accidents resulting from unsafe driving behavior, or when they have committed violations for which civilian authorities would normally suspend or revoke their driver's license.

c. All vehicle traffic violations in which a DD 1408 traffic citation has been issued will be referred to the BTC for adjudication. The DD 1408 will also provide written notification for a violator to attend BTC within 30 days from the date of the infraction. BTC will be conducted on the third Thursday of each month, or when special hearings are required.

3. Administrative Due Process for Suspensions and Revocations. A preliminary suspension for intoxicated driving remains in effect until the CO makes a final decision. Requested hearing must take place within a reasonable period, which is determined by the CO. For offenses other than intoxicated driving, suspension or revocation of the installation driving privilege will not become effective until the CO notifies the affected person and offers that person an administrative hearing. Suspension or revocation will take place 14

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calendar days after written notice is received unless the affected person makes an application for a hearing within this period. Such application will stay the pending suspension or revocation for a period of 14 calendar days.

4. Application. The authority of the Traffic Court applies to military and civilian personnel operating GOVs on or off base, to military personnel operating POVs on or off base and to all persons (military or civilian) operating a POV aboard MCLB Albany.

5. Procedure. Violators are responsible to see that all witnesses and counsel, if desired, appear before the BTC. The examination of witnesses shall be conducted by the BTC who will determine the procedures to be used in each case.

a. The BTC, while conducting hearings, is authorized to conduct investigations into cases and is empowered to administer oaths, if necessary, in the performance of the duties pursuant to Article 136 of reference (h) and Section 0902 of reference (i).

b. If it is determined, as a result of a hearing, to suspend or revoke the violator's privilege to operate a motor vehicle, the suspension will become effective immediately upon notification of such action. An individual whose privilege to operate a motor vehicle is suspended or revoked will have the right to appeal or request reconsideration to the CO, via the chain of command within 10 working days from the date of suspension or revocation.

c. Hearings conducted on revocation actions resulting from the use of alcohol or drugs will cover only the issue of whether:

(1) The official had probable cause to believe that the person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol and/or drugs.

(2) The person was lawfully cited or apprehended for an intoxicated driving offense.

(3) The person was apprehended for suspicion of DUI and they refused to submit to, or failed to complete a chemical test, when requested to do so by LE personnel, and had been advised that his/her driving privileges would be revoked if he/she refused to submit to, or failed to complete a chemical test by LE personnel. This does not apply to persons who are incapable of refusing.

(4) The testing methods used were valid and reliable, and the results accurately evaluated.

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d. Disciplinary action may be taken against persons under the provisions of the Uniform Code of Military Justice, or by a U.S. Federal District Court or a Magistrate thereof, or in accordance with the provisions of Chapter 752, Code of Federal Regulation (CFR), reference (o).

6. Point System

a. Points assessed against an individual will remain in effect for a period not to exceed 24 months or until separation of service, termination of employment, or deletion of entries by order of the CO. Revocation will cancel all points from the persons driving record. Driving record entries will remain on a driver's record for a period of (3) years.

b. The BTC will suspend driving privileges of individuals who accumulate 12 points within 12 consecutive months or 18 points within 24 consecutive months. Suspension of driving privileges based on accumulation of points shall not be for a period of less than 6 months. If an offender receives punishment from local, state, or federal courts which involves revocation of driver's license, and the revocation is subsequently suspended by the authority so imposing, the offender's base driving privileges may be restored upon his/her application, in writing, to the CO, MCLB, 814 Radford Boulevard, Suite 20302, Albany, Georgia 31704-0302. Applications for reinstatement must be forwarded via the chain of command.

7. Revocation. Revocation of driving privileges is a severe administrative action to be exercised for serious moving violations and/or when other corrective measures have failed to produce driver improvement.

a. Revocation of driving privileges is administered at the discretion of the CO to individuals who fail to comply with conditions of these regulations requisite to the granting of driving privileges. Revocation is mandatory for person(s) suspected of being in actual physical control of motor vehicle upon the base, while under the influence of alcohol and/or drugs until proven otherwise to the satisfaction of the CO.

b. Permanent administrative revocation will be imposed against any person(s) who has been confirmed as having possessed, used, transported or introduced into the base, any illegal drug or narcotic substance, regardless of where the offense occurred. Confirmation of such illegal activity includes conviction by civilian court, courts martial, imposition of non-judicial punishment (NJP), and results of urinalysis testing or other evidence, which is deemed preponderant by the BTC.

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8. Permanent Revocation. Any person operating a motor vehicle while under the influence of any drug to a degree rendering him/her incapable of safe operation thereof, or any confirmed instance of possession, use, or transfer of any illegal drug shall have his/her driving privileges permanently revoked.

9. One Year Mandatory Revocation. A (1) year mandatory revocation of base driving privileges shall be imposed upon any person convicted of any one of the following:

- a. Vehicular homicide or manslaughter resulting from the operation of a motor vehicle.
- b. On base DUI, with a BAC of 0.08 or higher.
- c. Operating or in physical control of a motor vehicle during the commission of any felony involving the motor vehicle.
- d. Fleeing the scene of an accident involving property damage, personal injury, or death (i.e. hit and run).
- e. Perjury or making false affidavit or statement under oath to responsible officials or under law or regulations relating to the ownership/operation of motor vehicles.
- f. Failure to submit to a chemical test.

10. Six Month Mandatory Suspension. A (6) month mandatory suspension of base driving privileges shall be imposed upon any person convicted of any one of the following:

- a. Habitual Violator. Four or more citations in a 12 month period.
- b. Failure to de-register or an unauthorized transfer of a Base DoD decal (DO Form 2220) or temporary vehicle pass.
- c. Commission of an offense for which mandatory revocation is required upon conviction.
- d. Incompetent to drive a motor vehicle, i.e., mental or physical impairment.
- e. Failure to wear seat belt, fourth offense.

11. Suspension of (6) Months to (1) Year (Discretionary). Any person convicted of any one of the following violations may have his/her driving privileges suspended for a period of no less than (6) months and no greater than (1) year:

a. Committed an offense in another jurisdiction, which if committed on base, would be grounds for suspension or revocation.

b. Permitted an unlawful or fraudulent use of an official driver's license.

c. Convicted of fleeing or attempting to elude a police officer.

d. Convicted of racing on a highway.

12. Driver Probation. The BTC may place a driver on probation in lieu of revocation. During the probationary period, they would be allowed to continue driving unless they became involved in a traffic accident or received a moving violation. Either type of incident would reinstate the original revocation.

13. Restricted Driving Privileges. Restricted driving privileges may be granted by the BTC to prevent undue hardship of a family member, or if said revocation would adversely affect military mission. Examples of restricted driving privileges would be to and from the dispensary or to and from work. Those violating restricted driving privileges are subject to revocation as prescribed above.

14. Remedial Driver Training. Subject to the BTC remedial driver training shall be imposed for most POV moving and non-moving violations. Remedial Driver Training Courses shall be attended by persons who have been found to be at fault in a traffic mishap while operating any GOV.

15. Citation of Military Violators. LE officials will issue citations to military violators. Traffic citations DD Form 1408 will be used.

a. Active Duty military members will be issued DD Form 1408 for all traffic violations. Serious infractions that require a mandatory BTC appearance and will be assigned a court date. The police officer will write the court date on the traffic ticket and explain to the violator that he/she must report to the BTC, Building 3500, Wing 500, Room 509 at the designated date and time indicated on the traffic ticket.

b. Minor infractions are optional BTC cases that can be heard if the military violator wants to contest the traffic ticket. The violator must contact the Marine Corps Police Traffic Court liaison at (229) 639-7323 within (3) working days of receiving the traffic ticket. The Traffic Court liaison will assign the requesting violator the next available court date and time.

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c. A police officer that issues a traffic ticket that requires a mandatory court appearance will be present at the BTC to provide testimony or justification for the issuance of the traffic ticket. If there are extenuating circumstances that prevent the police officer from appearing in court, he/she should notify the court liaison officer at least (5) working days before the scheduled court date so that the court can reschedule the military violator for the next available court date. If the police officer does not show up for the reassigned court date, the case could be dismissed.

16. DD Form 1408 Mandatory Court Violations For Military. The following violations require the military violator to appear before the Base Traffic Court:

- a. False proof of insurance.
- b. Driving on a suspended or revoked driver's license.
- c. Permitting an unauthorized minor to drive.
- d. Operating a commercial vehicle without a commercial license.
- e. Driving without a driver's license in possession.
- f. Driving while declared as a habitual violator.
- g. Passing a stopped school bus that is actively engaged in discharging or admitting passengers.
- h. Operating a motor vehicle without valid insurance.
- i. Speeding 35 MPH or more over the posted speed limit.
- j. Speeding 24-34 MPH above the posted speed limit.
- k. Speeding 19-23 MPH above the posted speed limit.
- l. Speeding 15-18 MPH above the posted speed limit.
- m. Speeding 10-14 MPH above the posted speed limit.
- n. Racing on highways or streets.

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- o. Driving with an expired driver's license.
- p. Throwing litter or trash from a vehicle.
- q. Driving away without paying for gasoline (First Offense).
- r. Driving away without paying for gasoline (Second Offense and thereafter).
- s. Leaving the scene of an accident involving injury or death.
- t. Reckless driving, willful and wanton disregard for the safety of persons and property.
- u. DUI/driving a commercial vehicle under the influence of alcohol with a BAC of 0.04 or higher.
- v. DUI/endangering a child under 14 years of age.
- w. DUI/driving under the influence of marijuana or other controlled substance.
- x. DUI/driving under the influence of alcohol with a BAC of 0.02 or higher for individuals under the age of 21 years old.
- y. DUI/driving under the influence of alcohol with a BAC of 0.08 or higher for individuals 21 years or older.
- z. Fleeing or attempting to elude police officers.
- aa. Driving with an open alcoholic beverage container in the vehicle.
- bb. Improper parking in space for persons with disabilities.
- cc. Improper backing, resulting in or involving an accident.
- dd. Expired vehicle registration.
- ee. Driving with an unsecured load (littering/escaping debris).
- ff. Failure to report involvement in an accident.
- gg. Failure to wear appropriate PPE/gear while operating a motorcycle or bicycle.
- hh. Driving while using a cellular phone without a hands-free device.

- ii. Driving on the wrong side of roadway or street.
- jj. Allowing passengers to ride without appropriate PPE.
- kk. Allowing passengers to ride side-saddle while operating a motorcycle or bicycle.
- ll. Failure to yield or move over for emergency vehicle giving an audible or visible warning.
- mm. Failure to yield to a pedestrian in a marked crosswalk.
- nn. Headlight requirements/driving without headlights during periods of low visibility (rain, fog, smoke).
- oo. Headlight requirements/driving without headlights after sunset and before sunrise.
- pp. Improper turning movements involving an official sign.
- qq. Leaving the scene of an accident, no injuries.
- rr. Riding a motorcycle with more than two abreast in the same lane.
- ss. Passing in a no passing zone.
- tt. Operator and/or passenger of POV/GOV not wearing seat belts.
- uu. Speed Restrictions driving too fast for conditions (i.e. rain, fog, or smoke).
- vv. Traffic accident without injury.
- ww. Use of radar detector or other jamming devices.
- xx. Failure to restrain children in an approved child restraint system.
- yy. Passing a vehicle, which is stopped to yield to a pedestrian.

17. Citation of Civilian Violators. LE personnel will issue citations to civilian violators. Traffic citations DD Form 1805 and DD Form 1408 will be used.

a. Civilians will be issued the DD Form 1805 for all traffic violations that require a mandatory Federal Magistrate Court (FMC) or an optional fine. Infractions that require a DD Form 1805 will be referred to the Federal Magistrate for adjudication. Infractions that offer an optional fine can be paid by the civilian violator by following the instructions on the back of the violator's copy of the DD Form 1805.

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b. The police officer that issues a DD Form 1805 should be present at the FMC to provide testimony or justification for the issuance of the DD Form 1805.

c. Civilians will be issued the DD Form 1408 for all traffic violations that do not require a mandatory FMC or an optional fine. Serious infractions that require DD Form 1408 and mandatory BTC appearance will be assigned a court date. The police officer will write the court date on the traffic ticket and explain to the civilian violator that he/she must report to the BTC, Building 3500, Wing 500, Room 509 at the designated date and time indicated on the traffic ticket.

d. Minor DD Form 1408 infractions are optional traffic court cases that can be heard by the Traffic Court Liaison if the civilian violator wishes to contest the traffic ticket. The civilian violator must contact the Traffic Court Liaison at: (229)639-7323 within (3) working days of receiving the traffic ticket. The Traffic Court Liaison will assign the requesting violator the next available court date and time.

e. A police officer that issues a DD Form 1408 that requires a mandatory court appearance should be present at the Traffic Court Liaison to provide testimony or justification for the issuance of the traffic ticket. If there are extenuating circumstances that prevent the police officer from appearing in court, he should notify the Traffic Court Liaison at least (5) working days before the scheduled court date so that the court can reschedule the civilian violator for the next available court date. If the police officer fails to show up for the reassigned court date, the case could be dismissed.

18. DD Form 1805 FMC Violations For Civilians. The following violations require the civilian violator to appear before the Federal Magistrate Court:

- a. False proof of insurance.
- b. Driving on a suspended or revoked driver's license.
- c. Operating a commercial vehicle without a commercial license
- d. Driving without a driver's license in possession.
- e. Driving while declared as a habitual violator.
- f. Operating a motor vehicle without valid insurance.
- g. Speeding 35 MPH or more over the posted speed limit.
- h. Racing on highways or streets.

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- i. Driving with an expired driver's license.
- j. Driving away without paying for gasoline (second offense and thereafter).
- k. Leaving the scene of an accident involving injury or death.
- l. Reckless driving, willful and wanton disregard for the safety of persons and property.
- m. DUI/driving a commercial vehicle under the influence of alcohol with a BAC of 0.04 or higher.
- n. DUI/endangering a child less than 14 years of age.
- o. DUI/driving under the influence of marijuana or other controlled substance.
- p. DUI/driving under the influence of alcohol with a BAC of 0.02 or higher for individuals 21 years of age or younger.
- q. DUI/driving under the influence of alcohol with a BAC of 0.08 or higher for individuals 21 years old or older.
- r. Fleeing or attempting to elude police officers.
- s. Expiring vehicle registration.

19. DD Form 1805 Optional Fine Or FMC Appearance Violations For Civilians. The following violations require the civilian violator to pay an optional fine or appear before the FMC:

- a. Permitting unauthorized minor to drive:
Optional \$75 fine or FMC.
- b. Passing a stopped school bus that is actively engaged in discharging or admitting passengers:
Optional \$100 fine or FMC.
- c. Speeding 24-34 MPH above the posted speed limit:
Optional \$225 fine or FMC.
- d. Speeding 19-23 MPH above the posted speed limit:
Optional \$100 fine or FMC.
- e. Speeding 15-18 MPH above the posted speed limit:
Optional \$75 fine or FMC.
- f. Speeding 10-14 MPH above the posted speed limit:
Optional \$50 fine or FMC.

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g. Throwing litter or trash from a vehicle:
Optional \$50 fine or FMC.

h. Driving away without paying for gasoline:
Optional \$100 fine or FMC.

i. Driving with an open alcoholic beverage container in vehicle:
Optional \$144 fine or FMC.

j. Improper parking in space for persons with disabilities:
Optional \$100 fine or FMC.

k. Improper backing, resulting in or involving an accident:
Optional \$75 fine or FMC.

20. DD Form 1408 Mandatory Court Violations For Civilians. The following violations require the civilian violator to appear before the BTC:

a. Allowing passengers to ride side-saddle while operating a motorcycle or bicycle.

b. Allowing passengers to ride without appropriate PPE.

c. Driving on the wrong side of roadway or street.

d. Driving while using a cellular phone without a hands-free device.

e. Driving with an unsecured load on vehicle/trailer.

f. Driving with an unsecured load (littering/escaping debris).

g. Failure to report involvement in an accident.

h. Failure to wear appropriate PPE/gear while operating a motorcycle or bicycle.

i. Failure to yield or move over for emergency vehicle giving an audible or visible warning.

j. Failure to yield to pedestrian in a marked crosswalk.

k. Headlight requirements/driving without headlights during periods of low visibility (rain, fog, smoke).

l. Headlight requirements/driving without headlights after sunset and before sunrise.

m. Improper turning movements, involving an official sign.

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- n. Leaving the scene of an accident, no injuries involved.
- o. Operator/passenger of POV/GOV not wearing seat belts.
- p. Passing in a no passing zone.
- q. Riding motorcycle with more than two abreast in same lane.
- r. Speed restrictions driving too fast for conditions (i.e. rain, fog, smoke).
- s. Speeding 10-14 MPH above the posted speed limit or faster.
- t. Traffic accident without injury.
- u. Use of radar detector or other jamming devices.
- v. Failure to restrain children in approved child restraint system.
- w. Passing vehicle stopped to yield to a pedestrian.
- x. Vehicle parked illegally, third offense or thereafter.

21. Violations And Points Assessments And Other Permissible Assessments

a. The point assessments indicated are mandatory. However, the decision to impose a revocation of base driving privileges is discretionary. The mark in the "Other" column shall be used as a reference for the chart below:

*	Revocation Mandatory
**	Suspension of not more than 90 days
***	Suspension of not more than 60 days
****	Suspension of not more than 30 days

b. When two or more violations are committed on a single occasion, assessment of points will be for the offense having the greater point value.

c. When BTC appearance is mandatory for a violation and person(s) fail to appear for their scheduled appearance, then the individual will receive the full point value plus 50% point value for the violation. The only exception to this will be if the person has made prior arrangements with the Traffic Court Liaison.

d. No points are assessable in lieu of revocation. Except for implied consent violations, revocation must be based on a conviction by the BTC.

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<u>Violation</u>	<u>Points</u>	<u>Other</u>
Driving a motor vehicle Under the Influence (DUI):		
Commercial Vehicle-BAC of 0.04 or more	1 year	Revocation
Less than 21 years of age-BAC of 0.02 or more	1 year	Revocation
21 years of age or older-BAC of 0.08 or more	1 year	Revocation
Less Safe-BAC of 0.05 to 0.79	6 month	Suspension
Driving with an open alcoholic beverage container	5	***
Driving on suspended or revoked driver's license	6	**
Driving without driver's license in possession	3	***
Driving with expired driver's license	4	***
Driving while declared as a habitual violator	6	**
Endangering a child under age 14	1 year	Revocation
Marijuana or controlled substance	Permanent	Revocation
Driving away without paying for gasoline:		
1st Offense	4	***
2nd Offense	6	**
3rd Offense or more	1 year	Revocation
Driving while using a cellular phone without a hands-free device and driving while text messaging:		
1st Offense:		
30 day suspension of base driving privileges	2	****
2nd Offense:		
60 day suspension of base driving privileges	4	***
3rd Offense:		
90 day suspension of base driving privileges	6	**
Driving on the wrong side of roadway or street	4	****
Driving with an unsecured load on vehicle/trailer	2	****
Driving with a unsecured load on vehicle/trailer littering/escaping debris	3	****

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<u>Violation</u>	<u>Points</u>	<u>Other</u>
Driving on sidewalk or pedestrian areas	3	****
Failure to report involvement in an accident	6	***
Failure to obey traffic signals or instructions of traffic control man or road guard	4	**
Expired vehicle registration	4	****
False proof of insurance	4	****
Failure to properly restrain children in a child restraint system while moving (when child is 4 years of age or younger or the weight of child does not exceed 45 pounds)	2	****
Failure to yield or move over for emergency vehicle giving an audible or visible warning	4	**
Failure to yield to pedestrian in a marked crosswalk	4	**
Failure to yield (Official Sign)	4	**
Failure to yield (No Official Sign)	4	***
Failure to use turn signal	3	****
Failure to stop at a posted stop sign	4	**
Failure to dim headlight	2	****
Failure to wear required equipment/clothing while operating a motorcycle or bicycle	3	****
Fleeing or attempting to elude police		6 month suspension
Following too close to another motor vehicle	4	***
Headlight requirements/driving without headlights during periods of low visibility (rain, fog, smoke)	2	****
Headlight requirements/driving without headlights after sunset and before sunrise.	2	****
Impeding traffic flow/operation below the minimum limits or at such slow speed as to impede the normal and reasonable movement of traffic	2	****

<u>Violation</u>	<u>Points</u>	<u>Other</u>
Improper backing	3	****
Improper backing, resulting in or involving an accident	4	***
Improper overtaking	3	****
Improper parking in space marked for disabled/handicap person, without a valid permit:		
1st Offense:	2	****
2nd Offense:	4	***
3rd Offense:	6	**
Improper passing or improper lane use including crossing solid yellow lines and passing troops in formation	4	***
Improper turning movements (No Official Sign)	3	****
Improper turning movements (Official Sign)	4	***
Improper U-turn.	3	****
Leaving the scene of an accident:		
involving injury or death	1 year Revocation	
property damage only	6	***
No brake lights:		
1st Offense:	POR/Warning Ticket	
2nd Offense:	3	****
3rd Offense:	5	***
No tag light:		
1st Offense:	POR/Warning Ticket	
2nd Offense:	2	****
3rd Offense:	4	***
Operating a commercial vehicle without a commercial license	6	**
Operating an unsafe vehicle	2	****
Operating a motor vehicle without valid insurance	6	**
Operator/passenger of POV/GOV not wearing seat belt:		
1st Offense: mandatory	2	
Remedial Driver's Course, and		
30 days suspension of base driving privileges		

<u>Violation</u>	<u>Points</u>	<u>Other</u>
2nd Offense: mandatory Remedial Driver's Course, and 60 days suspension of base driving privileges	4	
3rd Offense: mandatory Remedial Driver's Course, and 90 days suspension of base driving privileges	6	
Owner knowingly and willfully permitting another person(s) to operate his/her motor vehicle when physically impaired	6	
Passing a stopped school bus that is actively engaged in discharging or admitting passengers	4	****
Passing in a no passing zone	4	****
Passing vehicle stopped to yield to a pedestrian	4	***
Permitting unauthorized minor to drive	4	****
Racing on highways or streets	6	**
Reckless driving-willful and wanton disregard for the safety of persons or property	6	**
Riding motorcycle with more than two abreast in the same lane	4	****
Riding on the handlebars of a motorcycle or bicycle	4	****
Speed restriction Driving too fast for conditions (rain, fog, smoke)	2	**
Speeding (exceeding the posted speed limit):		
1 to 10 MPH over	3	****
11 to 15 MPH over	4	***
16 to 20 MPH over	5	**
Over 20 MPH above the posted speed limit	6	**
Throwing litter or trash from a vehicle	2	****
Traffic accident-driver is deemed to be at fault	1	***
Use of a radar detector or radar jamming device	3	****

<u>Violation</u>	<u>Points</u>	<u>Other</u>
Vehicle carrying more passengers than the vehicle was designed to carry, including the carrying of passengers in an uncovered open bed pickup truck	3	****
Vehicle parked illegally		
1st Offence:		Warning
2nd Offense:	2	****
3rd Offense:	4	***
Wearing of headphones/earphones While operating a motor vehicle (2 or more wheels)	3	****
Other moving violations not listed	3	****
Other moving violations (Involving driver's behavior only)	3	****
Violation of other motor vehicle regulations not specifically cited above		Revocation not to exceed 7 days