**UNITED STATES MARINE CORPS**
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
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MAR 31 2017

From: Deputy Assistant Chief of Staff, G-7
To: Distribution List

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS INSTRUCTIONS MANUAL (SHORT TITLE: VEHICLE AND TRAFFIC REGS INSTR MANUAL)

Ref: (a) Title 10, United States Code, Section 801-940, "Uniform Code of Military Justice"
(b) U.S. Department of Transportation, Federal Highway Administration's Manual on Uniform Traffic Control Devices
(c) California Vehicle Code
(d) MCO 5110.1D
(e) CCO 6280.2F
(f) Department of the Navy Civilian Human Resource Manual, Subchapter 792
(g) Title 42, United States Code, Section 290 DD-1, "Admission of Substance Abusers to Private and Public Hospitals and Outpatient Facilities"
(h) MCO 5100.19F
(i) Privacy Act of 1974
(j) Freedom of Information Act
(k) Military Surface Deployment and Distribution Command Transportation Engineering Agency
(l) MCO 11210.2D
(m) National Fire Protection Act
(n) MCO 5580.2B w/Ch 1
(o) CCO 1630.6_
(p) CCO 1630.8_

Encl: (1) Motor Vehicle and Traffic Regs Instr Manual

1. Per reference (p), the Provost Marshal's Office is responsible for ensuring that the Commanding General's policy, procedures, and guidelines for motor vehicle and traffic regulations aboard the Combat Center are met.

2. Enclosure (1) clarifies and establishes procedures for the motor vehicle and traffic regulations aboard the Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center. Enclosure (1) is accessible at http://www.29palms.marines.mil/Staff/G7MissionAssurance/ProvostMarshal.aspx.

3. The Motor Vehicle and Traffic Regulation Instruction Manual will be reviewed annually to ensure compliance with higher level directives.

J. L. SANDERSON

MOTOR VEHICLE AND TRAFFIC REGULATIONS INSTRUCTION MANUAL

LOCATOR SHEET

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Location: _____

(Indicate the location(s) of the copy(ies) of this Order.)

Enclosure (1)

RECORD OF CHANGES

Log completed change action as indicated.

| Change Number | Date of Change | Date Entered | Signature of Person Incorporated Change |
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MOTOR VEHICLE AND TRAFFIC REGULATIONS INSTRUCTION MANUAL

TABLE OF CONTENTS


| IDENTIFICATION | TITLE | PAGE |
|---|---|---|
| Chapter 1 | REQUIREMENTS FOR DRIVING PRIVILEGES | 1-1 |
| 1. | Driving a Privately Owned (POV) or Government Owned Motor Vehicle (GOV) | 1-1 |
| 2. | Alcohol, Drug Treatment, or Rehabilitation Program | 1-1 |
| 3. | Stopping and Inspecting Persons or Motor Vehicles. | 1-1 |
| 4. | Implied Consent to Blood or Breath Tests | 1-2 |
| 5. | Implied Consent to Tow and Impound Vehicles | 1-2 |
| 6. | Suspension or Revocation of Driving Privileges | 1-2 |
| 7. | Violations | 1-2 |
| Chapter 2 | ADMISSION AND REGISTRATION OF MOTOR VEHICLES | 2-1 |
| 1. | General Information | 2-1 |
| 2. | General Requirements | 2-1 |
| 3. | Permanent Personnel | 2-1 |
| 4. | Temporary Pass | 2-2 |
| 5. | Visitor Pass | 2-2 |
| 6. | Requirements for Motorcycles | 2-3 |
| 7. | Registration of Off-Highway Motor Vehicles (OHV) | 2-3 |
| 8. | Restrictions | 2-3 |
| 9. | Display of Inappropriate Material | 2-3 |
| 10. | Motor Vehicle Modifications | 2-4 |
| 11. | Admission of Motor Vehicles | 2-4 |
| Chapter 3 | TRAFFIC CODE | 3-1 |
| 1. | Driving Regulations | 3-1 |
| 2. | California Vehicle Code | 3-1 |
| 3. | Speed | 3-1 |
| 4. | Cellular Telephones | 3-1 |
| 5. | Restraint Systems (Seat Belts) | 3-1 |
| 6. | Motorcycles | 3-2 |
| 7. | Off-highway Vehicles (OHV) | 3-3 |
| 8. | Pedestrians | 3-3 |
| 9. | Troops in Formation | 3-3 |
| 10. | Bicycles | 3-3 |
| 11. | Skates, Skateboards, and Roller Skates | 3-3 |
| 12. | Global Electric Motorcars (GEMs) | 3-3 |
| 13. | Motorized Bicycles, Motorized Pedicyles, Mini-Choppers, and Pocket Bikes | 3-3 |
| 14. | Restricted Areas | 3-4 |
| 15. | Headphones/Earphones | 3-4 |
| Chapter 4 | ENFORCEMENT OF MOTOR VEHICLE AND TRAFFIC REGULATIONS | 4-1 |
| 1. | Objective | 4-1 |
| 2. | Provost Marshal's Office (PMO) | 4-1 |
| 3. | Selective Enforcement | 4-2 |
| 4. | Inspection of Motor Vehicles | 4-2 |
| 5. | Processing Violations | 4-2 |
| 6. | Third Party Traffic Citations | 4-3 |
| 7. | Speeding in a Designated Housing Area | 4-3 |

TABLE OF CONTENTS


| IDENTIFICATION | TITLE | PAGE |
|---|---|---|
| Chapter 5 | DRIVING UNDER THE INFLUENCE | 5-1 |
| 1. | Driving Under the Influence of Alcohol or Drugs | 5-1 |
| 2. | Laws Applicable | 5-1 |
| 3. | Detection, Apprehension, and Testing | 5-1 |
| 4. | Enforcement Activities | 5-1 |
| 5. | Voluntary Breath and Bodily Fluid Testing Based on Implied Consent | 5-1 |
| 6. | Training of Law Enforcement Personnel in Procedures for Handling Drivers Under the Influence of Alcohol or Drugs | 5-2 |
| 7. | Testing | 5-3 |
| 8. | Blood Alcohol Concentration Standards | 5-3 |
| 9. | Incapable of Refusal | 5-4 |
| 10. | Refusal | 5-4 |
| 11. | Chemical Tests of Personnel Involved in a Fatal Accident | 5-4 |
| 12. | Intoxicated Driving, Civilian Employees or Dependents | 5-6 |
| 13. | Driving Privileges and Intoxicated Driving | 5-6 |
| 14. | Alcoholics, Problem Drinkers, and Drug Abusers | 5-6 |
| 15. | Notification of State Driver's License Agencies | 5-7 |
| 16. | State of California's Guilty Plea to a Lesser Charge on Driving Under the Influence Cases | 5-7 |
| 17. | Temporary Suspensions for Driving Intoxicated | 5-7 |
| Chapter 6 | COMBAT CENTER TRAFFIC COURT | 6-1 |
| 1. | Mission | 6-1 |
| 2. | Traffic Court Hearing Officers | 6-1 |
| 3. | Appearance before Traffic Court | 6-1 |
| 4. | Hearings | 6-2 |
| 5. | Serious Crime Convictions | 6-3 |
| 6. | General Information Concerning Suspension and Revocation | 6-3 |
| 7. | Suspension | 6-3 |
| 8. | Revocation | 6-3 |
| 9. | Restricted Privileges | 6-4 |
| 10. | Probation | 6-5 |
| 11. | Administrative Action - Due Process | 6-5 |
| 12. | Rights of the Individual | 6-6 |
| 13. | Other Offenses | 6-6 |
| 14. | Appeal Process | 6-6 |
| 15. | Reinstatement | 6-6 |
| 16. | Failure to Appear (FTA) | 6-7 |
| 17. | Remedial Driver Training | 6-7 |

TABLE OF CONTENTS


| IDENTIFICATION | TITLE | PAGE |
|---|---|---|
| Chapter 7 | THE TRAFFIC POINT SYSTEM | 7-1 |
| 1. | The Traffic Point System | 7-1 |
| 2. | Action Taken | 7-1 |
| 3. | Driver Improvement Measures | 7-1 |
| 4. | Suspension or Revocation Based on Points | 7-2 |
| 5. | Driving Records | 7-2 |
| Chapter 8 | MOTOR VEHICLE ACCIDENTS | 8-1 |
| 1. | General Requirements | 8-1 |
| 2. | Injury Accidents | 8-1 |
| 3. | Unattended Motor Vehicle Accidents | 8-1 |
| 4. | Run-Away-Motor Vehicle Accidents | 8-1 |
| 5. | Other Accidents | 8-1 |
| 6. | Exceptions | 8-1 |
| 7. | Off-Base GOV Accidents | 8-2 |
| 8. | Accident Investigation Reports | 8-2 |
| 9. | Judge Advocate General Investigations | 8-2 |
| 10. | Release of Information | 8-2 |
| 11. | Use of Traffic Accident Investigation Report Data | 8-2 |
| Chapter 9 | GOVERNMENT OWNED AND COMMERCIAL MOTOR VEHICLES | 9-1 |
| 1. | General | 9-1 |
| 2. | Operators | 9-1 |
| 3. | Use and Operation | 9-1 |
| 4. | Pushing and Towing | 9-2 |
| 5. | Speed Restrictions | 9-2 |
| 6. | Passengers | 9-2 |
| 7. | Accidents | 9-3 |
| 8. | Driving Off the Combat Center | 9-3 |
| 9. | Admission | 9-3 |
| Chapter 10 | MISCELLANEOUS TRAFFIC REGULATIONS | 10-1 |
| 1. | Off-Installation Traffic Activities | 10-1 |
| 2. | Compliance with State Laws | 10-1 |
| 3. | Reciprocal State/Military Action | 10-1 |
| 4. | Traffic Planning | 10-1 |
| Chapter 11 | PARKING REGULATIONS AND UNATTENDED MOTOR VEHICLES | 11-1 |
| 1. | General | 11-1 |
| 2. | Parking Regulations | 11-1 |
| 3. | Other Parking Control Measures | 11-2 |
| 4. | Movement of Parked Motor Vehicles | 11-2 |
| 5. | Authorized Reserved Parking | 11-2 |
| 6. | Establishing Reserved Parking Spaces | 11-3 |
| 7. | Handicapped Parking | 11-3 |
| 8. | Motorcycle Parking | 11-3 |

TABLE OF CONTENTS


| IDENTIFICATION | TITLE | PAGE |
|---|---|---|
| 9. | Government Owned Motor Vehicles | 11-4 |
| 10. | Tactical Motor Vehicles | 11-4 |
| 11. | Maintenance Motor Vehicles | 11-4 |
| 12. | Taxis | 11-4 |
| 13. | Military Police Motor Vehicles | 11-4 |
| 14. | Unattended or Disabled Motor Vehicles | 11-5 |
| 15. | Unit Deployment Program (UDP) | 11-5 |
| 16. | Towing and Impoundment of POVs | 11-5 |
| 17. | Provost Marshal | 11-8 |
| 19. | Adjudication | 11-9 |
| APPENDIX A | TRAFFIC POINT ASSESSMENT TABLE | A-1 |
| APPENDIX B | GLOSSARY | B-1 |
| APPENDIX C | PROCEDURAL GUIDE FOR TRAFFIC COURT HEARINGS | C-1 |
| APPENDIX D | TRAFFIC HEARING ACTION LETTER SAMPLE | D-1 |
| APPENDIX E | NOTICE OF TEMPORARY SUSPENSION OF COMBAT CENTER DRIVING PRIVILEGES LETTER SAMPLE | E-1 |
| APPENDIX F | REINSTATEMENT OF DRIVING PRIVILEGES SAMPLE | F-1 |
| APPENDIX G | LIMITED DRIVING PRIVILEGES SAMPLE | G-1 |
| APPENDIX H | APPEAL OF TRAFFIC COURT HEARING ACTION SAMPLE | H-1 |

# Chapter 1

## Requirements for Driving Privileges

1. Driving a Privately Owned Vehicle (POV) or Government Owned Motor Vehicle (GOV). The CG, Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) grants persons the privilege of driving POVs and GOVs aboard the Combat Center. Persons authorized and exercising this privilege shall:

a. Comply with the laws and regulations governing motor vehicle operations aboard the Combat Center;

b. Comply with the Combat Center's motor vehicle registration requirements, as applicable in Chapter 2 of this Order; and

c. While operating a motor vehicle, possess and produce on request to Law Enforcement officers (LEO), to include both military and Marine Corps civilian law enforcement, the following documents.

(1) A valid state registration for the vehicle.

(2) As applicable, a valid state driver's license or a GOV Operator's Identification Card Optional Form (OF) 346 valid for the type of motor vehicle being driven (e.g. High Mobility Multipurpose Wheeled Motor Vehicle license, supported by an Armed Forces Identification Card). Other documents establishing identity and status include Common Access Card, Uniform Services Identification and Privilege Card DoD Form 1173, Combat Center Temporary or Visitors Pass with identification, RAPIDGate Access Card, Identification Card Defense Logistics Agency (DLA) Form 572, Application for Identification Card DLA Form 1486, and national security card.

(3) Proof of Insurance. The only exception is a motor vehicle covered by a contractor's insurance when proof of insurance is not maintained in the motor vehicle (e.g., taxis). Contractors must provide proof of insurance within 10 working days when an employee of the contractor is involved in a traffic accident on MAGTFTC, MCAGCC. Electronic proof of insurance is acceptable.

(4) Trip Ticket. Trip tickets authorize the operation of a GOV and are mandatory for all trips taken off of the installation, excluding 801 Housing. A trip ticket is not required for daily usage aboard the installation.

(5) Bill of Lading. Commercial and delivery motor vehicles shall provide a valid bill of lading or equivalent and are subject to content verification.

2. Alcohol, Drug Treatment, or Rehabilitation Program. Persons operating a POV or GOV shall participate in an alcohol or drug treatment or rehabilitation program when directed by competent authority, or when their record indicates that such treatment is necessary and appropriate.

3. Stopping and Inspecting Persons or Motor Vehicles. The action of operating a POV, GOV, tactical, commercial, or delivery motor vehicle aboard the Combat Center is recognized as consent for LEO to conduct authorized

content verification, motor vehicle inspection, and personal inspection. Drivers and occupants may be required to provide all pertinent documents to include but not limited to the documents identified within this Order.

4. Implied Consent to Blood or Breath Tests. Persons having accepted installation driving privileges shall be deemed to have given their consent to evidentiary testing for alcohol or other drug content of their blood and breath. Testing shall be carried out when a person is lawfully stopped, apprehended/detained, or suspected of committing a traffic offense aboard the installation while under the influence of alcohol or an illegal substance.

5. Implied Consent to Tow and Impound Vehicles. Persons having accepted installation driving privileges shall be deemed to have given their consent to tow, remove, and impound their vehicles when it is determined that the vehicle interferes with military operations, is illegally parked, is a safety hazard, is disabled by an accident, is left unattended in a restricted or controlled area, or is abandoned.

6. Suspension or Revocation of Driving Privileges. When it is determined that a person fails to operate a motor vehicle in a safe, prudent, or lawful manner consistent with the provisions and references of this Order, their driving privileges may be suspended or revoked. Anyone whose driving privileges have been suspended or revoked is forbidden to drive a motor vehicle aboard the installation.

7. Violations. This Order concerns matters over which MAGTFTC, MCAGCC exercises command, control, or supervision. Violations of these regulations may be punishable under the Uniform Code of Military Justice (UCMJ) regardless of whether the violation results in a penalty imposed by MAGTFTC, MCAGCC Traffic Court.

# Chapter 2

## Admission and Registration of Motor Vehicles

1. General Information. This chapter discusses requirements to obtain and maintain approval to operate a motor vehicle aboard the Combat Center. The requirements for vehicles to access and operate aboard the Combat Center are independent of an owner's, operators, or occupant's personal approval to access the installation. Installation access procedures and requirements for personnel are outlined within this Order.

2. General Requirements. All persons requesting to register a motor vehicle aboard the Combat Center or obtain a Temporary or Visitor Pass are required to present the following information.

a. Valid military, military dependent, retired, or civilian identification card.

b. Valid state operator or chauffeur's license for the type of motor vehicle being registered.

c. Evidence of valid licensing or registration of the motor vehicle in a political subdivision, e.g., state or territory, of the United States.

d. Proof of motor vehicle liability insurance that meets or exceeds minimum requirements of the State of California. The owner of each motor vehicle registered aboard the installation must maintain the minimum insurance required by the State of California throughout the period of registration.

e. Notarized written permission to operate the motor vehicle if the applicant is not the registered owner, legal owner, or dependent of the owner of the motor vehicle to be registered. Motor vehicles belonging to other than the immediate family of the person desiring to register the motor vehicle will normally not be registered.

f. Driver Improvement Class. Prior to motor vehicle registration, military personnel 25 years of age or under, who register their motor vehicles aboard the Combat Center, must show evidence of having satisfactorily completed a Driver Improvement Class. The Combat Center Safety Office offers assistance to those requiring the Driver Improvement Class.

g. Sponsorship. See chapter 3 and 7 within ref (o) for sponsorship eligibility and identification card issuance.

h. Passes, Temporary or Visitor, for motor vehicles supplement, but do not serve as primary identification for persons; do not solely serve as the authorization for an owner, operator, or occupant to access the installation; and do not provide authorizations for other purposes, such as reserved parking or admittance to security or limited access areas.

3. Permanent Personnel. Permanent personnel assigned to a unit or organizations located aboard the Combat Center are required to register their motor vehicles with the Motor Vehicle Registration Office within three working days of reporting to their unit or organization.

4. Temporary Pass.

a. Temporary Passes for vehicles may be issued under the following conditions:

(1) Contractor Employees. A Contractor Employee may receive a one-time Temporary Pass for his/her vehicle that is valid for 30 days and may receive an additional Temporary Pass every four days thereafter until completion of the contract.

(2) Authorized Guests. An authorized guest aboard the Combat Center who will reside in the local community, at temporary lodging, or aboard the installation in government quarters, may be issued a Temporary Pass for his/her vehicle for the duration of stay or a period of 30 days, whichever is less.

(a) The Sponsor of the Authorized Guest (see ref (o)) must be available, telephonically or in person, at the Vehicle Registration Office at the time the Temporary Pass is issued unless previous arrangements have been made. If telephonic contact is not satisfactorily obtained, the sponsor shall go in person to escort the guest.

(b) Sponsors of Authorized Guests must reside or work aboard the Combat Center and are responsible for the behavior of their guests at all times. As such, a sponsor can lose sponsorship privileges if their guest actions are in violation of Combat Center orders or other laws and regulations.

b. The Temporary Pass shall be displayed at all times in the lower left corner of the windshield, except for motorcycles, in which case the pass shall be in the operator's possession while operating the motorcycle.

c. Temporary Passes will not be transferred to another motor vehicle or individual.

5. Visitor Pass

a. One-day visitor passes for vehicles may be issued to persons having a need to access the Combat Center but who do not otherwise rate a Temporary Pass.

b. The visitor pass shall be displayed at all times in the lower left corner of the windshield, except for motorcycles, in which case the pass shall be in the operator's possession while operating the motorcycle.

c. Visitor passes expire at midnight of the day issued. The motor vehicle must be off of the installation by the time of expiration.

d. A visitor's pass may be issued to visitors attending any special event to which the public is invited. This pass will be valid from the Main Gate to the location of the special event and the return trip upon completion of the event. Certain special events may not require the issuance of a Visitor Pass.

e. Persons desiring a one-time or infrequent access to a Class "C" Marine Corps Community Services' facility (e.g. Golf Course) may receive a visitor pass for their vehicle of the MCAGCC ID card(see ref (o)).

6. Requirements for Motorcycles

a. In addition to the above requirements and in accordance with reference (h), all military motorcycle operators must present, when asked by Law Enforcement, evidence of having completed the Commandant of the Marine Corps (Safety Division) approved Level I and Level II training. The course must be either the Motorcycle Safety Foundation Courses or the State-approved curriculum taught by certified or licensed instructors. Non-Service members are encouraged, but not required to attend. Per reference (h), state motorcycle endorsement qualifies as Level I training.

b. Operators of motorcycles aboard the Combat Center must present a valid state operator's permit or license specifically endorsed as permitting motorcycle operation in order to register or receive a pass.

7. Registration of Off-Highway Motor Vehicles (OHV). Motor vehicles designed for off-highway travel will be registered in the owner's state of residence or the state of California. If the OHV is not registered in another state, the owner must register the motor vehicle with the State of California.

8. Restrictions. The privilege of retaining vehicle passes shall be subject to the following restrictions:

a. The Combat Center's motor vehicle passes are issued as government property and remain so until surrendered or removed by competent authority. The unauthorized removal, sale, transfer to another motor vehicle, mutilation, forgery, or obscuring of a pass is prohibited.

b. It is the responsibility of registrants to maintain and safeguard their vehicle pass. The loss, mutilation, or defacement of a Pass shall be reported immediately to the Vehicle Registration Office.

c. The registered owner of any motor vehicle shall immediately notify the Vehicle Registration Office of their transfer from or termination of employment at the Combat Center, cancellation of motor vehicle liability insurance, or change of motor vehicle description as to body style or color.

d. Any person who knowingly falsifies information contained in an application for any motor vehicle Pass and, on the basis of this information, is issued and accepts a vehicle pass, shall be subject to prosecution and punishment in accordance with applicable law.

9. Display of Inappropriate Material. Any motor vehicle, private or commercial, displaying flags, pennants, decals, stickers or advertising that depicts obscene or vulgar language or pictures; brings discredit upon the United States of America or the Armed Forces; is not in keeping with the Marine Corps' core values of Honor, Courage, and Commitment; or endorses illegal substances or activities, shall not be authorized access to the Combat Center. The remedy is permanent removal of the inappropriate material. Vehicle passes will not be issued for motor vehicles not in compliance. The policy's intent is to maintain a proper sense of decorum

aboard the Combat Center. Disposition of complaints about displays that do not clearly fall within the defined standards rests with the CG.

10. Motor Vehicle Modifications. All motor vehicles owned by active duty members or their immediate family entering the State of California must comply with state motor vehicle safety standards of the state in which they are registered. Registration will be denied for any motor vehicle with modifications that do not comply with these requirements.

11. Admission of Motor Vehicles

a. Motor vehicles displaying a RAPIDGate ID card or valid temporary pass are authorized admittance in conjunction with the operator's official duties, job, or service aboard the Combat Center.

b. POVs are only authorized access to and exit from the Combat Center on hard surface roads at the main gate on Adobe Road, the Ocotillo Housing Gate on Morongo Road, and the Condor Gate near the Adobe Flats Housing area. The use of other roads to access or exit the Combat Center by POVs is prohibited. The only exception to this requirement is access that is needed and gained within the training areas by military personnel, government employees, and contractors. Prior to entering through a designated training area, persons will coordinate with range scheduling and range control (BEARMAT).

c. Delivery motor vehicles, commercial trucks, and tactical vehicles are required to access the installation through the main gate unless otherwise stipulated in this order.

d. LEO may deny admission of any motor vehicle when such denial is considered to be in the best interest of the Government.

e. Admission of motor vehicles is independent of admission of owners, operators, and occupants of motor vehicles.

# Chapter 3

## Traffic Code

1. Driving Regulations

a. Persons who accept the privilege of operating a motor vehicle aboard the installation must abide by MAGTFTC, MCAGCC's Motor Vehicle and Traffic Regulations. Violators are subject to administrative sanctions and, possibly, criminal penalties.

b. The CG, MAGTFTC, MCAGCC specifically orders all persons, subject to the UCMJ, to obey MAGTFTC, MCAGCC Motor Vehicle and Traffic Regulations. Failure to abide by the regulations may constitute a violation of a lawful general order under the UCMJ.

2. California Vehicle Code. The Combat Center's motor vehicle and traffic regulations conforms to the CVC and other regulations listed in this Order. Operators of motor vehicles may review the CVC on the State's website for further information. The PMO may enforce provisions of the CVC if not covered in this Order aboard the Combat Center. PMO may refer any violation to unit Commanders, the MAGTFTC, MCAGCC Traffic Court, and/or State authorities. Additionally, CHP and the SBCSD may enforce State law aboard the Combat Center.

3. Speed

a. No person shall operate a motor vehicle at a greater speed than is posted or at a greater speed than is reasonable and prudent under existing conditions, with the exception of emergency response vehicles in the performance of emergency response duties. Operators of emergency response vehicles shall follow written instructions provided by the Provost Marshal or California Law, whichever is more restrictive.

b. No person shall operate a motor vehicle in excess of the following speeds:

(1) 10 mph while passing troops;

(2) 10 mph in any parking area;

(3) 15 mph in housing and troop billeting areas, unless otherwise posted.

4. Cellular Telephones. While a motor vehicle is in operation, operators shall not use cellular telephones or other communication devices that require lifting or holding the device to the operator's ear or mouth or lifting or holding the device for texting. Exceptions to this regulation include: when the operator uses a hands-free device that allows the operator to communicate without the use of either hand; when the purpose of the phone call is to communicate an emergency; or when operating an authorized emergency motor vehicle in the performance of emergency duties and in compliance with PMO written instruction.

5. Restraint Systems (Seat Belts)

a. All persons (operators and passengers) shall properly wear seat belts as designed by the manufacturer when operating the vehicle on any roadway. This means that the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest (over the shoulder) in front of the occupant.

b. Operators shall ensure that all children under the age of 8 years old are appropriately restrained in the rear seat of the vehicle in an appropriate child passenger restraint system.

6. Motorcycles

a. Operation

(1) No person shall operate a motorcycle on or off the installation without first successfully completing a rider or operator's course. Motorcyclists are permitted to drive to and from the rider or operator's course and their residence during their course of instruction.

(2) Motorcyclists shall not travel abreast in the same traffic lane.

(3) Motorcyclists shall not travel in the unused space between two lines of moving or stationary motor vehicles (commonly referred to as lane sharing, white lining, or filtering).

(4) Motorcyclists shall operate motorcycles with headlights on at all times.

(5) Motorcycles shall have a rearview mirror attached to each side of the handlebars.

b. Motorcycle Operating Equipment

(1) Motorcyclists shall have a properly fastened (under the chin) protective helmet, which meets the standards of SNELL, ANSI, or the Department of Transportation.

(2) Motorcyclists shall have impact or shatter resistant goggles or a full face shield attached to the helmet. A windshield, eyeglasses, or fairing alone is not considered proper eye protection.

(3) Motorcyclists shall have sturdy, above the ankle shoes or boots that provide support and traction when riding or when in transition of movement from a stop/starting position. Unacceptable footwear is defined as any shoe or boot that has an open toe, open foot/heel design, and extensive heel over two inches, or a total canvas or rubber material construction.

(4) Motorcyclists shall have properly worn long-sleeved shirt or jacket, long-legged trousers, and full-fingered gloves.

(5) For off-road operations, motorcyclists shall have knee and shin guards or off-road boots and padded full-fingered gloves.

(6) Ref (h) contains greater detail of required safety gear for on and off-road operation.

7. Off-highway Vehicles (OHV). Privately owned OHVs that are capable of safely maintaining the posted speed limit may be operated aboard the Combat Center in order to transit to an off-road area, such as BLM land in the vicinity of Ocotillo gate or movement to the training area in a government owned OHV. All applicable safety gear will be worn and traffic regulations will be followed. Failure to comply may result in the revocation of driving privileges or the impoundment of the OHV at the owner's expense.

8. Pedestrians

a. Pedestrians, other than military formations, shall walk, run, and jog on the left side of the roadway facing oncoming traffic.

b. Persons participating in individual physical training (running, jogging, walking) must wear a reflective vest or a reflective belt during periods of reduced visibility and dark hours.

c. Persons are prohibited from running, jogging, or walking on Del Valle Road.

9. Troops in Formation

a. When it is necessary to march on the road, troop formations shall march with vehicular traffic on the right side of the roadway.

b. Troop formations of any size shall have road guards with reflective vests. During periods of reduced visibility, road guards shall be equipped with reflective vests and flashlights.

c. Troop formations are prohibited on Del Valle Road. Additionally, during heavy motor traffic times (i.e. 0530-0800; 1100-1300; and 1530-1730), troop formations are prohibited on 1st, 3d, 5th, 6th, 8th, and 10th streets.

10. Bicycles

a. Bicyclists shall observe the same traffic rules and regulations required of motorists and will ride on the right edge of the roadway with the flow of traffic in single file.

b. Bicyclists shall wear bicycle helmets.

c. During hours of darkness and periods of reduced visibility, bicyclists must were a reflective vest and use illuminated headlights and rear reflectors or lights.

11. Skates, Skateboards, and Roller Skates. Operators shall wear helmets.

12. Global Electric Motorcars (GEMs). GEMs are an authorized mode of transportation aboard the installation, where speed limits are equal to or less than 25 mph. Operators shall follow traffic regulations required for motor vehicles.

13. Motorized Bicycles, Motorized Pedicycles, Mini-Choppers, and Pocket Bikes.

a. Pedal bicycles with helper motors (MOPEDS) are rated at two-brake horsepower or less and incapable of exceeding 25 mph. Vehicles exceeding these standards are classified as motorcycles and governed by motorcycle regulations.

b. Operators shall wear helmets, must be 14 years of age or older, must have a valid California learner's permit or license, and must turn-on headlights during all hours when the vehicle is in operation.

c. Mini-Choppers or Pocket Bikes are prohibited aboard the installation.

14. Restricted Areas. No person shall drive in areas designated as "Off Limits", "Danger", "Exclusion", or "Restricted" unless the operator is authorized access on official business by proper authority.

15. Headphones/Earphones. The wearing of headphones, earphones, or other listening devices while walking, jogging, running, skating, skateboarding, bicycling, or using a personal transportation device on or within three feet of any traveled portion of any street, roadway, highway, avenue, or parking lot is prohibited. The use of listening devices while on a running/walking track, sidewalk, or pathway is authorized. Pedestrians using listening devices must ensure they face traffic and maintain a minimum of three feet of clearance from the traveled portion of roadways, streets, and parking lots or are otherwise protected from traffic (e.g. a curbed sidewalk, pedestrian bridge, and designated pedestrian pathways).

# Chapter 4

## Enforcement of Motor Vehicle and Traffic Regulations

1. Objective

a. The CG has established policies, responsibilities, and procedures to enforce traffic regulations aboard the installation to maintain a safe and efficient flow of traffic; reduce traffic deaths, injuries, and property damage from traffic accidents; and remove intoxicated drivers from the installation's roadways.

b. To ensure the motor vehicle and traffic regulations are enforced the CG has directed that:

(1) LEOs act promptly when driving behavior is observed to be improper or a defective motor vehicle is observed in operation,

(2) LEOs take steps to detect and apprehend persons who drive while privileges are suspended or revoked, and

(3) Persons properly operate and maintain their vehicles to improve safety and reduce costs associated with motor vehicle accidents.

2. PMO

a. The Provost Marshal shall supervise and coordinate the enforcement of all traffic regulations and safe driving practices within the limits of the Combat Center.

b. LEOs are the CG's agents to exercise traffic management aboard the Combat Center.

c. LEOs are authorized to stop any motor vehicle being operated at any place aboard the installation upon competent orders or upon reasonable suspicion that a criminal or traffic offense has been committed.

d. No person, regardless of rank, shall willfully fail or refuse to comply with any lawful order or direction from LEO.

e. The Provost Marshal or designated representative will promptly issue a traffic ticket to any person who reportedly commits a major violation of this Order.

f. The Provost Marshal may employ speed measuring devices in traffic control studies and enforcement programs. Signs may be posted to indicate speed-measuring devices are used. The Provost Marshal will ensure personnel selected as traffic radar operators meet training and certification requirements prescribed by the State of California.

g. The Provost Marshal will formally evaluate traffic enforcement at least once a year. The Provost Marshal will examine the program to determine if the following elements of the program are effective in reducing traffic accidents and deaths:

(1) Selective enforcement measures.

(2) Suspension and revocation actions.

(3) Chemical breath-testing programs.

3. Selective Enforcement. Selective enforcement will be used when practical. Selective enforcement deters traffic violations and reduces accidents by the presence or suggested presence of LEO at places where violations, congestion, or accidents frequently occur. Selective enforcement applies proper enforcement measures to traffic congestion and focuses on selected time periods, conditions, and violations that cause accidents.

4. Inspection of Motor Vehicles. All motor vehicles are subject to inspection upon entry and exit to minimize the unauthorized removal of government property from the Combat Center and to discourage the introduction of narcotics, weapons, and other undesirable material onto the Combat Center. Normally excluded from inspection are motor vehicles that are part of military formations, units, convoys, or an exercise under the direct command of a commissioned officer or staff noncommissioned officer (SNCO).

5. Processing Violations

a. Armed Forces Traffic Tickets DD Form 1408 may be issued only by LEOs and other persons authorized by the Provost Marshal for violation of any provision of this Order, State law or regulation, or other Federal law or regulation. A copy will be furnished to the violator. The original copy will be forwarded to the Combat Center Traffic Court.

b. Citation Processing

(1) Active duty personnel, civilian employees, and dependents issued a citation will be afforded the opportunity to appeal the citation before the Traffic Court Hearing Officer, unless the offense warrants a mandatory appearance, then it is directed.

(2) A person's violation may be reported to CHP or the SBCSD for adjudication.

(3) An Armed Forces Traffic Ticket issued to appear before the Combat Center's Traffic Court constitutes a lawful order, the violation of which could result in disciplinary action and/or revocation of driving privileges.

(4) Armed Forces Traffic Tickets and reports of violations pertaining to members of the Armed Forces not permanently stationed aboard the Combat Center will be forwarded to their installation's Traffic Court Magistrate when the member cannot attend the traffic court hearing aboard the Combat Center.

(5) Reports of arrest for off-base traffic violations by military personnel or DoD civilian employees will be processed by the Provost Marshal for appropriate administrative action and forwarded to the CO or sponsor of the individual concerned.

(6) The Provost Marshal will send a copy of all violation reports on military personnel and DoD civilian employees of the government apprehended or detained for intoxicated driving to the Combat Center's SACC.

(7) Fix-it Ticket. Citations for defective equipment, such as brake light out, headlight out, or license plate lamp out, will be treated as a fix-it ticket in that if the owner of the vehicle shows proof to the Traffic Court clerk of fixing the defective equipment within five working days, no points will be assessed. Failure to show proof will result in points being assessed.

6. Third Party Traffic Citations. Individuals seeking to submit a third party citation will report to the PMO Desk Sergeant. Third party citations will normally be written only at the request of SNCOs and officers; however, the PMO Operations Chief or Operations Officer may review and authorize third party citations at the request of civilian employees, dependent spouses, or Sergeants and below on a case-by-case basis.

a. Third party citations will only be written for violations such as:

(1) Speeding.

(2) Reckless driving.

(3) Failure to wear protective clothing or safety equipment while on a motorcycle.

(4) Failure to wear seat belt.

(5) Use of cell phone while operating a motor vehicle.

b. All reports should provide as much information as possible, such as the state license plate number, a description of the motor vehicle, a description of the driver, and the time and place of the violation.

c. No report will be acted upon unless the reporter identifies him/herself and indicates a willingness to testify against the violator.

d. The LEO receiving the report shall evaluate the validity and veracity of the alleged offense. If it is reasonably determined that the offense is not valid the third party citation will not be written. If the accuser wishes to contest the decision to not accept the report, he or she will be directed to the PMO Operations Chief or Operations Officer.

e. If the individual requesting the third party citation fails to appear in traffic court, the case will be dismissed.

f. Third party citations are authorized for on-base offenses, and, for active duty military, off-base offenses.

7. Speeding in a Designated Housing Area.

a. All residential housing areas aboard MCAGCC with a posted speed limit of 15 MPH are considered designated housing areas. These areas are commonly known as Adobe Flats, Ocotillo Heights, Fairway Heights, Marine Palms, Copper

Canyon, Desert View Terrace, Joshua Heights, Shadow Mountain, Condor Terrace, and Sunflower Terrace.

b. Speeding in housing will not be tolerated and will be strictly enforced. Speeding in housing of 5 MPH or more will result in an immediate 30 day suspension. This suspension can be appealed through the Traffic Court Hearing Officer.

## Chapter 5

## Driving Under the Influence

1. Driving Under the Influence of Alcohol or Drugs. Operation of any motor vehicle aboard this installation while under the influence or impaired by alcohol or drugs is specifically forbidden. Such conduct is a violation of state law, which applies to all personnel operating a motor vehicle aboard the Combat Center, and Article 111 of the UCMJ, which applies to personnel subject to the UCMJ.

2. Laws Applicable. The law of California is applied by this installation and the local courts for all administrative action under this Order. Nothing in this Order is to be interpreted as affecting the application of military law in a criminal prosecution under the UCMJ for a violation of Article 92, Article 111, or any other article, nor is this Order intended to be interpreted as changing or modifying the applicability of reference (c), Section 23152 or any federal law.

3. Detection, Apprehension, and Testing.

a. LEO usually detect drivers under the influence of alcohol or drugs by observing unusual or abnormal behavior. Drivers showing such behavior will be stopped immediately. The cause of the unusual driving behavior observed will be determined and proper enforcement action taken.

b. When the LEO reasonably conclude the individual driving or under control of the motor vehicle is impaired, field sobriety tests shall be conducted on the individual. The PMO will use Alcohol Influence Report DD Form 1920 to examine, interpret, and record results of tests.

4. Enforcement Activities. Enforcement activities against intoxicated driving will include:

a. Detecting, apprehending, and testing personnel suspected of driving under the influence (DUI) of alcohol or drugs.

b. Enforcement of blood-alcohol standards.

c. Denying installation driving privileges to persons whose use of alcohol or drugs prevents them from safely operating a motor vehicle.

5. Voluntary Breath and Bodily Fluid Testing Based on Implied Consent

a. The CG has designated the Breathalyzer as the primary instrument to determine blood alcohol content (BAC).

b. Persons operating a motor vehicle aboard the Combat Center shall be deemed to have given their consent to evidentiary tests for alcohol or other drug content in their breath when they are lawfully stopped, apprehended, or cited for any offense allegedly committed while driving, or in physical control of a motor vehicle, aboard the installation while under the influence of alcohol or drugs. More than one test may be given; however, before any tests are administered, the person being tested should be informed which tests are available or required. The proper procedure is to inform the person apprehended of the offense he or she is suspected of and the tests

that are available. The tests may be administered once the following conditions are met:

(1) The person was stopped while driving, operating, or in actual physical control of a motor vehicle aboard the installation.

(2) There were reasonable grounds to believe the person was DUI of alcohol or drugs.

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

(4) All tests must be administered by trained personnel with strict adherence to the procedures described in this Order and other applicable regulations relating to voluntary and involuntary testing.

(5) Blood Tests. Non-voluntary blood tests shall only be taken after LEOs obtain a search affidavit from the Marine's Commanding Officer or the Commanding General. Blood tests will only be conducted by designated medical personnel.

c. LEOs relying on implied consent will warn the person that driving privileges will be revoked if the person fails to voluntarily submit to or complete a requested chemical test. The person does not have the right to have an attorney present before stating whether he/she will submit to a test or during the actual test. The results of chemical tests conducted under the implied consent provisions of this Order may be used as evidence in courts-martial and non-judicial proceedings under Article 15 of the UCMJ, administrative actions, and civilian courts.

d. If a person suspected of DUI of alcohol or drugs refuses to submit to a chemical test, none will be given.

6. Training of Law Enforcement Personnel in Procedures for Handling Drivers Under the Influence of Alcohol or Drugs

a. At a minimum, the LEO will be trained to do the following:

(1) Recognize signs of alcohol and other drug impairment in personnel operating motor vehicles

(2) Prepare Alcohol Influence Report DD Form 1920

(3) Perform field sobriety test techniques

(4) Determine when a person appears intoxicated but is actually physically or mentally ill and needs prompt medical attention

(5) Understand the operation of breath-testing devices

b. The Provost Marshal will ensure operators of breath-testing devices:

(1) Are chosen for integrity, maturity and sound judgment

(2) Meet the State of California certification requirements

c. Operators must maintain their skill by taking refresher training as required by the state of California.

7. Testing

a. Any LEO, having reasonable grounds to believe a person has been driving or operating a motor vehicle aboard the installation while under the influence of alcohol or drugs may, without making any apprehension, request that person to submit to preliminary roadside field sobriety tests to be administered by the LEO, known .

b. A person lawfully apprehended for any offense allegedly committed while driving or in actual physical control of a motor vehicle under the influence of alcohol may request the apprehending LEO to have a test made of his or her breath or blood for the purpose of determining the alcohol content of his or her blood, and if requested, the LEO shall have one of the above tests performed. A person may also, at his or her own expense, have a physician, qualified technician, chemist, registered nurse, or other qualified person (non-military medical personnel) of his or her own choosing: administer a state-approved chemical test or tests, in addition to the test administered at the direction of MAGTFTC, MCAGCC LEO. Failure or inability to obtain this additional test shall not preclude use of the results of the test taken at the direction of a LEO to support actions taken under the provisions of this Order and the UCMJ.

c. If a person under military apprehension willfully consents, upon the request of the apprehending LEO, to submit to a chemical test, a copy of the test results will be delivered to the person tested. In addition, the person authorized to administer the test shall inform personnel apprehended for DUI of alcohol both verbally and in writing of the following:

(1) That they have a right to refuse to take the test.

(2) That refusal to take the test will result in revocation of driving privileges for one year in addition to any other action the Traffic Court Officer issues.

(3) That they do not have the right to have an attorney present before stating whether they will submit to a chemical test.

8. Blood Alcohol Concentration Standards

a. As a uniform basis for revocation of driving privileges or taking enforcement action against a driver suspected of driving or being in actual physical control of a motor vehicle while under the influence of alcohol, the amount of alcohol in that person's blood at the time alleged as shown by chemical analysis of breath or blood, give rise to the following:

(1) 0.049 Percent or Less. If there was at that time less than five one-hundredths of one percent (.049 percent or less) by weight of alcohol in the driver's blood, it shall be inferred that the driver was not under the influence of alcohol.

(2) 0.05 Percent but Less Than 0.079 Percent. If there was at that time five one-hundredths of one percent (.05 percent), but less than eight

one-hundredths of one percent (.079 percent or less) by weight of alcohol in the drivers blood, presume the person may be intoxicated. This standard may be considered with other competent evidence in determining if the person was DUI of an alcoholic beverage. In this case, if the operator of the motor vehicle was proven to be DUI of alcohol, the operator will be cited as such.

(3) 0.08 Percent or More. If there was at that time eight one-hundredths of one percent (.08 percent) or more by weight of alcohol in the driver's blood, or if tests reflect the presence of illegal drugs, the person is presumed to be DUI.

b. Drugs. If there is any amount of a controlled substance found in the blood of a driver, along with impairment as proven by the field sobriety tests, it shall be inferred that the driver was DUI of a controlled substance.

c. The provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the driver was under the influence of an alcoholic beverage or drugs.

9. Incapable of Refusal. Any person who is unconscious or who is otherwise in a condition rendering him or herself incapable of refusal shall be deemed not to have withdrawn consent to submit to a chemical test and the test may be administered, subject to the provisions of this chapter.

10. Refusal. If a person suspected of DUI of alcohol or drugs refuses the request of an apprehending LEO to submit to a chemical test, none will be given. The apprehending LEO invoking implied consent will warn the individual that failure to submit to or complete a chemical test will result in the revocation of privileges to operate a motor vehicle aboard the Combat Center for a period of one year in addition to any period of time prescribed by the Traffic Court. When a person refuses to submit to, or complete a test, the apprehending LEO will complete a sworn statement that reasonable cause existed to believe the person had been driving, or was in actual physical control of a motor vehicle aboard the installation while under the influence of an alcoholic beverage or drugs, and that person refused to submit to or failed to complete the test after being requested to do so. Upon receipt of the LEO's sworn statement, the MAGTFTC, MCAGCC Provost Marshal will temporarily suspend the individual's privileges to operate a motor vehicle aboard the Combat Center until his or her appearance before the Combat Center Traffic Court.

11. Chemical Tests of Personnel Involved in a Fatal Accident

a. The Robert E. Bush Naval Hospital Twentynine Palms (NHTP) medical authorities will immediately notify PMO of:

(1) The death of any person resulting from a traffic accident.

(2) Circumstances surrounding a traffic accident, based on information available at the time of admission, or receipt of a victim.

b. The NHTP medical authorities shall examine the bodies of personnel deceased in a motor vehicle accident to include drivers, passengers,

pedestrians subject to military jurisdiction and other pedestrians (16 years or younger only with sponsor's consent).

c. Tests for the presence and concentration of alcohol and other drugs in a person's blood, bodily fluids, or tissues will be made as soon as possible and when practical within eight hours of death. The test results shall be included in the medical reports.

d. Involuntary Extraction of Bodily Fluids. Nonconsensual extractions of bodily fluids will normally not be conducted for reasons other than valid medical purposes with the following exceptions. Involuntary bodily fluid extraction is based on valid search and seizure authorization. An individual subject to the UCMJ who does not consent to chemical testing, as described in the preceding paragraphs of this Order, may be subjected to an involuntary extraction of bodily fluids, including blood, breath, and urine in accordance with the following procedures:

(1) An individual subject to the UCMJ who was driving a motor vehicle involved in an accident resulting in death, personal injury, or serious property damage may be subjected to a nonconsensual bodily fluid extraction test for the presence of alcohol or drugs when there is probable cause to believe an individual was driving or in control of a motor vehicle while under the influence of alcohol or drugs.

(2) The CO (at least battalion/squadron level) of the person to be tested shall be contacted to obtain verbal authorization for the nonconsensual extraction. If the CO cannot be reached, the CG shall be called and asked to grant authorization for the nonconsensual extraction.

(3) Under such circumstances when there is a clear indication that evidence of alcohol or drugs will be found and there is reason to believe that a delay to obtain a search authorization would result in the loss or destruction of the evidence sought, the Provost Marshal, or his or her representative, may authorize nonconsensual extraction.

(4) The extraction of blood shall be accomplished by qualified medical personnel.

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

(6) Force necessary to overcome an individual's resistance to the extraction will be provided by PMO when requested by medical personnel.

(7) Life endangering force will not be used in an attempt to effect nonconsensual extractions.

(8) LEO and medical personnel will keep in mind the possibility that the individual may require medical attention for possible disease or injury.

(9) Nonconsensual extraction of blood will be done in a manner that will not interfere with or delay proper medical attention. Medical personnel will determine the priority of involuntary blood extractions over required medical treatment.

12. Intoxicated Driving, Civilian Employees, or Dependents

a. Marine Corps civilian employees cited or charged with alcohol or drug driving offenses, on or off the installation, will be referred to the Employee Assistance Program as outlined in reference (f).

b. Marine dependents cited or charged with alcohol or drug driving offenses, on or off the installation, will be provided assistance equivalent to that outlined in reference (h).

c. This referral assistance does not exempt the individual from appropriate administrative or disciplinary action under current Civilian Personnel Regulations or State laws, nor does it preclude other administrative action as outlined in this order.

13. Driving Privileges and Intoxicated Driving. The MAGTFTC, MCAGCC driving privileges of any person who refuses to submit to or fails to complete chemical testing for blood-alcohol content when apprehended or convicted of DUI, will not be reinstated unless the person successfully completes an alcohol education and treatment program sponsored by MAGTFTC, MCAGCC, the State of California, or private programs accepted by the Combat Center Traffic Court.

14. Alcoholics, Problem Drinkers, and Drug Abusers

a. Commanders will refer military personnel suspected of drug or alcohol abuse for evaluation in the following circumstances:

(1) Behavior indicative of alcohol or drug abuse.

(2) Continuing inability to drive a motor vehicle safely because of alcohol or drug abuse.

b. Active duty Navy and Marine Corps personnel apprehended for drunk driving, on or off the installation, will be screened by the installation SACC within seven working days to determine if the individual is dependent on alcohol or other drugs. Active duty Marines apprehended for DUI of alcohol or drugs, on or off the installation, will be referred for an interview by a Level II substance abuse counselor within seven working days for evaluation and determination of the appropriate level of treatment required. The appropriate level treatment program will be determined.

c. Results of the SACC or Navy Alcohol and Drug Safety Action Program alcohol or drug evaluation or screening will be made available to the commander having jurisdiction over the case prior to adjudication.

d. MAGTFTC, MCAGCC may develop preventive treatment and rehabilitative programs for civilian employees.

e. Commander's may request to the Traffic Court Hearing Officer, via the Provost Marshal, to have a Marine's driving privileges revoked or suspended for up to 12 months for illegal usage or possession of narcotics that is unrelated to the operation of a motor vehicle.

15. Notification of State Driver's License Agencies

a. PMO will notify the state driver's license agency of personnel whose installation driving privileges are revoked for one year or more following final adjudication of alcohol or drug driving offenses or for refusing to submit to a lawful blood-alcohol test as directed by this Order. This notification will be sent to the state where the driver's license was issued and include the basis for the suspension and blood-alcohol level.

b. When the state driver's license agency receives the final adjudication letter of the individual's traffic court results, the driver's licensing agency may notify the individual stating whether or not they will take civil action against his or her state driving privileges.

16. State of California's Guilty Plea to a Lesser Charge on Driving Under the Influence Cases

a. In the State of California an individual may accept a plea of guilty or nolo contendere (no contest) to a charge of a violation of Section 23103 CVC in satisfaction of, or as a substitute for, an original charge of a violation of Section 23152, and the prosecution shall state for the record if there has been any consumption or ingestion of alcohol, drugs or both in connection with the case. If there was consumption or ingestion of alcohol, drugs, or both the courts will notify the Department of Motor Vehicles of each conviction.

b. If an individual accepts the plea bargain and there was alcohol, drugs or both consumed, then the installation driving privileges of that individual shall be suspended or revoked as directed by this Order as it would for a DUI.

c. Further clarification of the state's plea bargain law and how it affects base driving privileges follows:

(1) If you were originally charged with DUI and it was reduced to 23103.5 CVC, guilty plea to a lesser charge ("Wet and Reckless") offense, it means you were involved in an alcohol-related reckless driving incident and:

(a) Your base driving privileges shall be revoked for 12 months.

(b) You will be required to attend remedial driving.

(2) Whether or not the charge was reduced by civil court does not negate the fact that alcohol, drugs, or both was consumed or that a BAC may have been determined at the time of the incident.

(3) If you refused to take a BAC test, your driving privileges aboard the installation shall be revoked for 12 months.

(4) If a BAC was determined in your civil court case, base driving privileges will be revoked, regardless of the plea bargain agreement, unless official court documents can be provided proving the case was dismissed.

17. Temporary Suspensions for Driving Intoxicated. Immediate temporary suspension of base driving privileges, pending resolution of an intoxicated driving incident, is required for all persons who operate a motor vehicle

aboard the Combat Center and have base driving privileges, regardless of the geographic location of the incident. After a review of available evidence, individuals will immediately have their base driving privileges temporarily suspended, pending resolution of the intoxicated driving incident, in the following circumstances:

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

b. Operating a motor vehicle with a BAC of .08 percent volume or higher aboard the installation or in violation of the law of the state in which the offense took place;

c. Operating a motor vehicle while under the influence of alcohol or drugs or a combination of alcohol and drugs;

d. Operating a motor vehicle with a BAC of .01 percent volume or higher if under the age of 21;

e. Upon an arrest report or other official documentation of the circumstances concerning intoxicated driving while off base; or

f. Upon probable cause concerning a violation of Section 912a of reference (a) (wrongful use, possession, etc., of a controlled substance).

# Chapter 6

## Combat Center Traffic Court

1. Mission

a. The Combat Center Traffic Court is the agency through which the CG applies administrative action for traffic violations and affords the right of an individual to contest a citation.

b. The Combat Center Traffic Court will function under the staff cognizance of the OSJA.

c. The Combat Center Traffic Court shall determine whether or not and the extent to which an alleged violation warrants administrative action. The Combat Center Traffic Court may consider any acts or omissions, wherever committed, of any Service member before the court. Such acts or omissions must reasonably relate to the safe operation of a motor vehicle. As for non-Service members, the court may only consider acts or omissions that occur aboard the Combat Center.

2. Traffic Court Hearing Officers

a. Hearing Officers of the Combat Center Traffic Court are authorized to award permissible administrative action against any person directed to appear before the Court.

(1) By direction of the CG, the COS shall appoint a Hearing Officer to act as the Traffic Court Magistrate.

(2) The Hearing Officer shall be senior in grade to any military person whose case is heard.

(a) All civilians (GS-13 and below), contractors, retirees, enlisted personnel, warrant officers, and commissioned officers (O-3 and below) will report to the Combat Center Traffic Court Hearing Officer for adjudication of incurred traffic offenses on the date provided on the received citation.

(b) All others will report to the MAGTFTC, MCAGCC Chief of Staff (COS) for adjudication of incurred traffic offenses.

(3) No member of the PMO may be assigned as a Hearing Officer.

3. Appearance Before Traffic Court

a. The LEO shall provide the alleged violator a copy of the Armed Forces Traffic Ticket at the time the citation is issued. The ticket contains instructions to report to the Combat Center Traffic Court at a prescribed time and date in reference to the cited violation.

b. It is the responsibility of the individual to be present at the prescribed time for traffic court. If the individual cannot attend, arrangements must be made in advance to reschedule the date.

c. Dependents. Dependents are directed to inform their Sponsor of the violation. It is the responsibility of the Sponsor to ensure that the alleged violator appears before the Traffic Court at the time and date prescribed. If the alleged violator cannot appear as scheduled, the Sponsor is required to reschedule the appearance prior to the scheduled court date. All juveniles under the age of 18 cited for traffic violations will be accompanied by their parent or Sponsor at their Traffic Court appearance.

d. Retirees and Other Civilians. It is the responsibility of retirees and other civilians to ensure that they appear before the Traffic Court at the time and date prescribed. If they cannot appear as scheduled, they are required to reschedule their appearance prior to the scheduled court date.

e. Mandatory and Non-Mandatory Appearance

(1) Mandatory traffic court appearance is identified within Appendix A. The traffic court date will be provided on the citation and receiving the citation constitutes acceptance of provided court date. If the provided date is not feasible, contact the Traffic Court clerk (Bldg 1408), in person, within five working days to reschedule.

(2) If the alleged offense is not mandatory to appear, then the cited person may elect to appear to appeal the citation by notifying the Traffic Court Clerk (Bldg 1408), in person, within five working days to schedule a court date. Failure to schedule a court date within five working dates constitutes a guilty plea and driving points will be assessed in accordance with Appendix A. It is the driver's responsibility to track how many points they have been assessed. Questions pertaining to the status of points are directed to inquire in person to the PMO Traffic Court Clerk (Bldg 1408).

(3) This order does not preclude habitual and/or repeat violators of traditionally non-mandatory driving offenses from receiving a traffic court appearance. If a traffic court date is assigned after the citation is issued, the affected individual and command will be notified in advance of the assigned date.

4. Hearings

a. Hearings are conducted at Building 1408, but may be conducted at other locations as situations dictate.

b. Persons appearing before the Combat Center Traffic Court should have in their possession an appropriate identification card and any documentation or evidence (to include the appearance of witnesses) that will assist the Court in properly adjudicating the alleged violation.

c. Military personnel shall appear in the uniform of the day. Civilian personnel shall appear in appropriate civilian attire.

d. The Hearing Officer shall fully and fairly hear each case. The Hearing Officer shall provide alleged violators the opportunity to present evidence, which includes witness statements, and to make statements as may be relevant to their case. The procedural guide for traffic hearings is located in Appendix B.

e. The Hearing Officer shall advise alleged violators of the administrative action taken and the consequences of those actions.

5. Serious Crime Convictions. The Combat Center Traffic Court is authorized to suspend or revoke, as appropriate, the Combat Center driving privileges of individuals who have been convicted of any offense, punishable under the UCMJ by death or confinement in excess of one year, where a motor vehicle was instrumental in the commission of that offense. Reports of civil arrest and convictions for off base violations of civil law by military personnel will be processed by the Provost Marshal and forwarded to the individual's CO and to the traffic court, when applicable.

6. General Information Concerning Suspension and Revocation

a. The privilege of driving motor vehicles aboard the Combat Center is subject to either administrative suspension or revocation for cause by the CG or his designated representative, the Traffic Court Hearing Officer. The revocation of driving is authorized for all persons driving aboard the Combat Center. The suspension or revocation of either base driving privileges for a lawful reason unrelated to traffic violations or safe motor vehicle operations is not limited or restricted by this Order. The suspension/revocation includes POV, GOV, and/or tactical vehicles.

b. Notification of all traffic court results will be distributed to affected Commanders within one working day of the traffic court date.

c. Off Base Suspensions and Revocations. When civil authorities suspend or revoke an individual's driving privileges off base, that individual's driving privileges aboard the Combat Center will automatically be terminated. The Combat Center Traffic Court will take the following administrative action under these circumstances:

(1) The minimum action will be the same as if the violation had occurred aboard the Combat Center.

(2) The reinstatement of base driving privileges is authorized only when the individual provides proof that his or her driving privileges have been restored by the jurisdiction that suspended or revoked the privileges, action has been completed by the state that issued his or her driver's license (if not the same jurisdiction in which the offense occurred), and all conditions imposed by the Combat Center Traffic Court have been met.

(3) Revocation and suspension of the driving privileges applies at all military installations and remains in effect upon reassignment.

(4) Commander's shall report all serious off-base driving incidents that involve the suspension or revocation of Marines within their command.

7. Suspension. The suspension of a person's driving privileges is normally applied when other measures such as counseling, remedial driver training, or other rehabilitation programs have failed to produce the desired driver performance. Driving privileges may be suspended for a period not to exceed six months whenever an individual consistently (as determined by the Combat Center Traffic Court) violates this Order.

8. Revocation

a. Revocation of base driving privileges is a severe administrative measure to be exercised for serious moving violations or when other available corrective actions fail to produce the desired driver improvement. Revocation of driving privileges will be for a specified period, but never less than six months.

b. Driving privileges are subject to revocation when an individual fails to comply with any of the conditions required to grant the privilege.

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

(1) When the Combat Center Traffic Court finds that the person lawfully apprehended for intoxicated driving refused to submit to or failed to complete a chemical test to detect the presence of alcohol or any other drugs, as required by California State law, this Order and other appropriate directives.

(2) When there has been a conviction, imposition, nonjudicial punishment, or a civilian administrative action resulting in the suspension or revocation of a driver's license for intoxicated driving to include conviction in any state for traffic offenses in which the operator was over the legal limit for BAC (.08 for over 21 and .01 for under 21). Appropriate official documentation of the conviction is required as the basis for revocation.

d. When temporary suspensions are followed by revocations, the period of revocation is computed beginning from the date the original suspension was imposed, exclusive of any period during which full driving privileges may have been restored pending resolution of charges.

e. Driving in violation of a suspension or revocation imposed under this Order is prohibited and will result in the original period of suspension or revocation being increased by two years. In addition, administrative, disciplinary or command action may also be initiated for operating a motor vehicle while driving privileges are revoked/suspended or for the commission of any traffic, criminal, or military offense (for example, active duty military personnel driving aboard the installation in violation of an order not to do so).

f. Requests for full restoration of revoked driving privileges are not authorized.

9. Restricted Privileges

a. The Combat Center Traffic Court Hearing Officer may authorize restricted driving privileges when imposing a suspension or revocation of driving privileges (based only on point accumulation) if the Hearing Officer determines that an adverse military mission impact or severe family hardship may result. These restrictions could include authorization to drive to and from work, to drive to and from the hospital and commissary, etc.

b. The limitations on restricted driving privileges will be specified in writing and provided to the individual concerned. Persons found to be in

violation of the restricted privilege are subject to revocation and disciplinary action. In such a case, the Combat Center Traffic Court Hearing Officer may withdraw the limited driving privilege and continue the suspension or revocation period per the original determination for cause.

c. Aside from any other provisions of this Order, the CG or designee may grant restricted driving privileges or probation on a case by case basis provided the person's state driver's license remains valid. To request restricted driving privileges after traffic court, a request, along with justification, must be submitted to the CG, via the Provost Marshal and OSJA, which is endorsed by the Commanding Officer requesting restricted privileges.

10. Probation. In lieu of a suspension or revocation that may be imposed, the Hearing Officer may impose probation wherein the driver will be permitted to continue driving. The conditions and terms of probation will be specified in writing and provided to the individual concerned. If the driver becomes involved in a chargeable accident or moving traffic violation during the probation period, or any other criminal or military offense, the Hearing Officer may vacate the probation and continue the suspension or revocation period per the original determination for cause as well as administer a sentence for the current offense (if traffic related).

11. Administrative Action - Due Process

a. General. Suspension or revocation action will not take place unless the affected individual is offered a hearing, except for offenses which require immediate mandatory suspension or revocation of driving privileges. Under normal circumstances there should be at least seven days between the date the affected individual is notified and the date of the hearing. If an individual is unable to appear on the scheduled date, that individual is responsible for rescheduling or notifying his CO or Supervisor, who may then request that the hearing be rescheduled within five working days of notification.

b. Implied Consent Offenses. Hearings conducted on revocation actions under implied consent will cover only the issues whether by preponderance of the evidence:

(1) The LEO had reasonable grounds to believe the person had been driving, or was in actual physical control of a motor vehicle within the jurisdiction limits of the installation, while under the influence.

(2) The person was apprehended for DUI and refused to submit to, or failed to complete, the test as required by the LEO.

(3) The person had been told that his or her driving privileges would be revoked if he or she refused to submit to or failed to complete the test. This does not apply to persons who are incapable of refusing.

c. Impaired driving cases should be heard at the earliest possible scheduled hearing of the Combat Center Traffic Court unless the arrest occurred off base. If so, the traffic court date will be scheduled after the civilian court date.

d. Upon adjudication of impaired driving charges by the cognizant civilian criminal court resulting in a finding of not guilty, temporary

suspension of driving privileges shall remain in effect pending action of the Combat Center Traffic Court.

(1) Exception: If the available evidence does not include a BAC test, or if the finding of not guilty was determined on the basis that the BAC test conducted was invalid, the suspension shall be vacated, unless other competent evidence of impaired driving is available.

(2) If the suspension remains in effect pending action by the Combat Center Traffic Court, the driver shall be notified to appear at the next scheduled Combat Center Traffic Court hearing.

12. Rights of the Individual

a. The right of military personnel to be represented by a personal representative at their own expense and to present evidence and witnesses at their own expense.

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

c. Right to make a statement or remain silent.

d. Right to plead guilty, not guilty, or nolo contendere. A nolo contendere pleas will be treated as a guilty plea.

e. Right to appeal the decision of the Traffic Court Officer to the CG.

13. Other Offenses. For offenses other than those involving illicit drugs or alcohol, suspension or revocation of the base driving privilege will not become effective until the next scheduled Combat Center Traffic Court hearing. However, if the affected person requests that the hearing be continued to a date beyond the next scheduled hearing, the suspension or revocation will become effective immediately upon receipt of notice that request for continuance has been granted. If determined as the result of a hearing, the suspension or revocation will become effective immediately upon receipt of the notification.

14. Appeal Process. Appeals will be forwarded via the chain of command and Provost Marshal to the COS in the format provided in Appendix E. The CG will adjudicate appeals for all personnel O-5 and above. Appeals of civilians, retired personnel, and dependents should be addressed to the COS. Appeals must be initiated within 10 working days from the date the individual appeared before the Combat Center Traffic Court.

15. Reinstatement. The COS will determine reinstatement of driving privileges. A request for reinstatement of full or restricted base driving privileges will be submitted, via the Provost Marshal and OSJA, along with Commanding Officer endorsement, to the COS in the format provided in Appendix G. The request will contain an affirmation that the requester has a valid state driver's license and has satisfactorily completed a prescribed Remedial Drivers Course (as applicable). The request for reinstatement may not be submitted prior to completion of one-half of the suspension/revocation time.

16. Failure to Appear (FTA). FTA at a scheduled Combat Center Traffic Court hearing will result in the submission of a guilty plea for non-mandatory appearances. FTA for mandatory appearances will result in an indefinite suspension of the driving privileges and may result in the referral of charges to the command for failure to obey a lawful order.

17. Remedial Driver Training

a. In addition to any other action, the Combat Center Traffic Court Hearing Officer may require satisfactory completion of Remedial Driver Training Course before restoration of driving privileges.

b. The Safety Division administers the Driver Improvement Training Program and Remedial Driver Training Program.

c. Classes will be conducted during working hours and attendance will be as follows:

(1) Mandatory for personnel who have been awarded a suspension or revocation of driving privileges.

(2) Mandatory for those who have received a traffic ticket for failure to wear a seat belt and those found at fault in a traffic collision.

(3) All other cases will be left to the discretion of the CO or Traffic Court.

# Chapter 7

## The Traffic Point System

1. The Traffic Point System. The point system provides an impartial and uniform administrative device for evaluating driver performance. The system is not a disciplinary measure, a substitute for punitive action, nor is it to interfere with the CG's discretion to suspend, revoke, or deny driving privileges for cause.

a. The point system is mandatory and is not subject to modification.

b. The point system applies to military and civilian personnel operating GOVs on or off the Combat Center; to military personnel operating POVs on or off the Combat Center; and to dependents, civilian employees, and all other individuals subject to this Order operating POVs aboard the Combat Center.

c. The point system will be applied as indicated in Appendix A.

(1) When two or more violations are committed on a single occasion, points may be assessed for each individual violation. If a violator commits a series of unrelated offenses that are written on a single citation, the Combat Center Traffic Court Hearing Officer may award points for each unrelated offense at his or her discretion.

(2) The Combat Center Traffic Court Hearing Officer will also assess points when an individual is found to have committed a violation and the finding is based on evidence supplied by either the unit Commander, civilian supervisor, military court, or civilian court.

2. Action Taken

a. The Combat Center Traffic Court Hearing Officer will conduct an inquiry on receipt of a DD Form 1408 or other law enforcement report of a moving violation. The Hearing Officer may dismiss the allegation or may award administrative action.

b. Upon receipt of the decision by the Traffic Court Hearing Officer, the Combat Center Traffic Court Clerk will enter the number of points assessed or record the suspension or revocation of the driving privilege on the person's driving record. Points will not be assessed or driving privileges suspended or revoked when the report of action taken indicates that neither disciplinary nor administrative action was taken.

c. When a report of a guilty finding is received from any civilian jurisdiction or other military installation pertaining to personnel assigned to or employed by the Combat Center, or whose sponsor is assigned to the Combat Center and the offense would carry a mandatory suspension/revocation if it were to have occurred aboard the Combat Center, then the violator will appear before the Combat Center Traffic Court and the offense will be treated as though it had occurred aboard the Combat Center.

3. Driver Improvement Measures. The Combat Center Traffic Court may require the following driver improvement measures as appropriate:

a. Commander counseling or driver improvement interview of any person who has acquired more than 6, but less than 12, traffic points within a 6

month period. This counseling or interview should produce recommendations to improve driver performance.

b. Referral for medical evaluation when a driver, based on reasonable belief, has mental or physical limits that has had or may have an adverse effect on driving performance.

c. Attendance at remedial driver training to improve driving performance.

d. Referral to an alcohol/drug treatment or rehabilitation facility for evaluation, counseling, or treatment services. This is required for active duty military personnel in all cases in which alcohol or drugs are a contributing factor to a traffic ticket, incident, or accident.

4. Suspension or Revocation Based on Points. The Combat Center Traffic Court shall revoke driving privileges for a period of no less than 6 months for accumulation of 12 or more traffic points within 12 consecutive months or 18 points within 24 consecutive months. Longer periods of revocation may be imposed on the basis of the person's overall driving record and considering the frequency, flagrancy, severity of moving violations, and response to previous driver improvement measures. An accumulation of points resulting in a revocation is a mandatory Traffic Court appearance.

5. Driving Records. Driving record entries are maintained for moving violations, chargeable accidents, suspensions, or revocations. Driving record entries will remain posted on individual driving records as indicated below:

a. Chargeable non-fatal traffic accidents or moving violations - Three years.

b. Non-mandatory suspensions or revocations - Five years

c. Mandatory revocations - Seven years.

## Chapter 8

## Motor Vehicle Accidents

1. General Requirements. Operators of motor vehicles involved in any collision or accident aboard the Combat Center shall:

a. Immediately stop and report the accident to the PMO Desk Sergeant (by the most expedient means of communication available) as to the circumstances, location, number/extent of injuries and other information that will assist the LEO and medical personnel.

b. Give name, rank (if applicable), location, and provide as much detail regarding vehicles and individuals involved in the accident to include medical status.

c. Remain at the scene of the accident or collision until the arrival of the LEO, except to render assistance to injured persons or to notify the PMO of the accident.

d. Do not move any of the motor vehicles involved until the arrival and direction of the LEO. However, a motor vehicle may be moved prior to the arrival of the Accident Investigator if it is needed to transport an injured person, to notify PMO of the accident, or if leaving the motor vehicle in place would create an obvious and extreme hazard (see below exceptions).

2. Injury Accidents. Drivers of motor vehicles involved in an accident or collision resulting in an injury to any person shall render to any injured person reasonable assistance, including transportation arrangements to the Naval Hospital for medical treatment if medical treatment is apparent, necessary, or requested by the injured person.

3. Unattended Motor Vehicle Accidents. Drivers of motor vehicles involved in an accident or collision with an unattended motor vehicle resulting in damage to property shall notify the PMO Desk Sergeant and shall attempt to locate the operator or owner of the unattended motor vehicle and notify him or her of the accident or collision. In the event the operator or owner cannot be located, the driver will leave a note on the windshield of the unattended motor vehicle providing contact information and information listed in paragraph 1.b above. Any operator involved in such an accident or collision that fails to make these notifications shall be guilty of leaving the scene of an accident (hit and run).

4. Run-Away-Motor Vehicle Accidents. Any person who leaves a motor vehicle parked, whether unattended or attended, and it becomes a run-away motor vehicle resulting in property damage or injury shall notify the PMO Desk Sergeant of the accident and remain on scene until the arrival of the LEO.

5. Other Accidents. Drivers of motor vehicles involved in an accident resulting in damage to fixtures or other property or in death or injury to an animal, shall notify the PMO Desk Sergeant and adhere to his/her directions concerning leaving or remaining at the scene until the arrival of the LEO or the Accident Investigator (see below exceptions).

6. Exceptions. These two instances where drivers of motor vehicles involved in on-base accidents or collisions are not required to remain on the scene

until the arrival of the LEO; nor are they required to leave their motor vehicles in place until the arrival of the LEO:

a. Single motor vehicle accidents where there are no injuries and no damages to property other than to the operator's motor vehicle (i.e., the motor vehicle is backed into a telephone pole causing no visible damage to the pole and a minor dent to the motor vehicle).

b. Multiple motor vehicle accidents where there are no injuries, no damages to property other than to the operators' motor vehicles, and all of the involved operators agree on a mutual settlement of private property damage prior to the arrival of a LEO. Should a LEO arrive on the scene, all operators or owners of the involved motor vehicles or property will be requested to sign a traffic accident waiver form that will be filed at the Accident Investigation Office. No accident investigation report will be conducted under these circumstances.

7. Off-Base GOV Accidents

a. The operator of any GOV involved in an off-base accident involving injuries, fatalities, or property damage in excess of $500 must immediately notify the nearest civilian law enforcement personnel having jurisdiction and nearest military installation Police Department.

b. PMO will conduct active liaison with local law enforcement for any GOV accident involving injuries throughout the Morongo Basin area and if necessary, conduct a concurrent investigation.

8. Accident Investigation Reports

a. Except as listed in paragraph 6 above, the PMO Accident Investigation Division will conduct an investigation of all traffic accidents occurring aboard the Combat Center per reference (n).

b. PMO will obtain and retain any report conducted by state law enforcement authorities aboard the Combat Center.

9. Judge Advocate General Investigations. Accident investigations conducted by PMO are not substitutes for formal investigations conducted by responsible commands, especially during investigations of accidents involving fatalities. However, Accident Investigators shall provide a copy of all accident reports requested by investigating officers appointed by the responsible command.

10. Release of Information. Information will be released according to Marine Corps policy, and references (i) and (j).

11. Use of Traffic Accident Investigation Report Data. Data derived from traffic accident investigation reports and from motor 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. Based on a review of the information, PMO shall provide this information to the Combat Center Safety Officer and Traffic Engineer and make recommendations to the Public Works Officer as to possible changes in roadway markings and signage.

# Chapter 9

## Government Owned and Commercial Motor Vehicle Operation

1. General. The operation and use of GOVs shall comply with this Order and other directives and instructions relating to the use and operation of GOVs. For the purposes of this Order, in addition to military tactical motor vehicles, GOVs shall also include motor vehicles leased to the government and motor vehicles operated by appropriated and non-appropriated fund activities. In addition to the instructions contained herein, operators of commercial motor vehicles and carriers shall comply with the instructions relating to the use and operation of motor vehicles contained elsewhere in this Order.

2. Operators

a. A person must have a government license if the motor vehicle is over 10,000 pounds GVW, a four-wheel drive motor vehicle, or a tactical motor vehicle. Persons who possess a valid state operator's permit may operate all other GOVs. Student drivers will comply with the same requirements, except a licensed driver will accompany them during the operation of the motor vehicle.

b. Civilian operators of GOVs shall have in their possession a valid state operator's or chauffeur's license or permit.

c. No operators of a GOV shall have in their possession any alcoholic beverages or partake of any alcoholic beverages eight hours prior to taking control of the motor vehicle.

d. Operators of a GOV are responsible for the safe operation of the motor vehicle while it is assigned to them and for the safety of all passengers and cargo.

e. Drivers shall not operate a GOV while impaired by fatigue, illness, alcohol, drugs, or when otherwise physically unfit.

f. All motor vehicles operated by unlicensed personnel either for training or for use in the GOV operator's licensing tests shall be equipped with a sign on the front and rear of the motor vehicle with lettering at least five inches high reading "STUDENT DRIVER."

3. Use and Operation

a. No operators of a GOV with seat belts shall operate the motor vehicle without first properly employing the seat belt in the prescribed manner.

b. GOVs shall not be left unattended with the engine running at any time. While stationary, the engine of a GOV shall not be operated for a period of more than one minute, unless otherwise required for proper utilization of the motor vehicle and its equipment.

c. The operation of government commercial type motor vehicles shall be limited to developed roads, except when otherwise expressly authorized.

d. GOVs, other than tactical motor vehicles in training or maneuver areas, shall not be driven on the shoulder of the roadway unless expressly authorized.

e. Tracked motor vehicles when crossing paved roads will only do so at the areas marked for such crossings and made of concrete.

f. Cranes and similar type equipment shall not be operated closer to power lines than the boom length or height of the motor vehicle and its equipment except as may be authorized.

4. Pushing and Towing

a. No GOV shall be used to push or tow another motor vehicle unless designated for that purpose.

b. GOVs will only be towed by a wrecker truck using a tow-bar and safety chain or similar connection. Both motor vehicles shall be completely stopped before they are uncoupled and wheels shall be chocked if necessary. No person shall go between motor vehicles to uncouple them until it is certain that both motor vehicles are fully stopped.

c. Motor vehicles weighing more than wreckers shall be towed by tow-bars and safety chains and shall not be lifted.

d. Warehouse tractors may trail a maximum of five warehouse trailers.

e. "Jump" or "push starting" a motor vehicle using a GOV is prohibited.

5. Speed Restrictions

a. Fork lift trucks and tractor trailer trains shall not exceed 10 mph.

b. Tactical motor vehicles shall not exceed posted speed limits or the speed limits listed on the data plate, whichever is lower. In any case, tactical motor vehicles shall not exceed 45 mph.

c. The maximum speed limit for GOVs on unimproved roads is 15 mph unless otherwise posted or authorized.

d. Some light motor vehicles assigned to MAGTFTC, MCAGCC have the Network Car device installed, which tracks motor vehicle information (speed, location, stops and starts, diagnostics data, etc.) via global positioning system or cellular transmission. Any individual who is tracked via this device as committing any traffic violations will be issued a notice to appear at the next Combat Center Traffic Court. FTA will be handled in accordance with the guidelines of this Order. Not only may the individual's right to operate a GOV be suspended, but the right to drive a POV may be suspended as well.

6. Passengers

a. The GOVs shall transport only authorized personnel or those personnel designated on "Official Government Business".

b. No person shall be permitted to ride in the cargo area of any GOV, trailer, or semi-trailer.

7. Accidents. The operator of a GOV involved in an accident or collision aboard the Combat Center shall immediately notify the Provost Marshal and make a report of the event on the Operator's Report of Motor Vehicle Accident Standard Form 91. The accident will be reported by the operator regardless of the nature and extent of injuries, property damage, or apparent responsibility for the accident collision.

8. Driving Off the Combat Center. All Marine GOVs require an "Off-Base Trip Ticket" (Motor Vehicle Utilization Record DD Form 1870), available from the South West Regional Fleet Transportation office, prior to operation off base, except traveling to and from Vista Del Sol housing.

9. Admission

a. Buses of recognized scheduled public carriers shall be regularly admitted aboard the installation after being inspected to ensure that only those passengers having authorized access to the base are aboard the bus. Persons aboard the bus who do not have authorized access to the base shall dismount the bus and wait at the gate until the bus exits the base.

b. Taxis displaying a sticker from the Morongo Basin Transportation Authority Taxi Administration in the lower left hand corner of the windshield will be allowed to drop off and pick up passengers aboard the installation. Taxis displaying the Sunline regulatory administration permit sticker will be allowed to only drop off passengers. Taxis permitted outside of the above administrations, or not displaying any stickers at all, will not be allowed to pick up or drop off passengers aboard the installation. Those in possession of a RAPIDGate ID card will be allowed access per ref (o).

c. All taxi passengers will be logged in at the Main Gate or the Vehicle Registration Office.

d. Commercial motor vehicles/delivery motor vehicles will be admitted upon verification of destination and contents of delivery. Drivers must present the required documentation, bill of laden, and submit to inspection upon request. Exception only applies to the inspection of ammo-laden motor vehicles.

# Chapter 10

## Miscellaneous Traffic Regulations

1. Off-Installation Traffic Activities. The Provost Marshal will establish a system to exchange information with civil authorities. Procedures will be established to process reports received from civil authorities on serious traffic violations, accidents, and intoxicated driving incidents involving persons subject to this Order.

2. Compliance with State Laws

a. All military personnel, DoD civilian employees, contractors and their employees and other personnel, with base driving privileges, will comply with state and local traffic laws when operating either GOVs or POVs.

b. The Provost Marshal will maintain liaison with civilian law enforcement agencies and encourage the following:

(1) Prompt notice to military authorities when military personnel or civilian drivers of GOVs, or military personnel operating POVs, have:

(a) Committed serious violations of civil traffic laws.

(b) Been in traffic accidents resulting in injuries or property damages.

(2) Prompt notice of actions by the state and local courts and others to suspend, revoke, or restrict the state driver's license of persons who:

(a) Operate GOVs.

(b) Regularly operate POVs aboard the Combat Center.

3. Reciprocal State/Military Action. MAGTFTC, MCAGCC recognizes the interest of the State of California in matters of POV administration and drivers licensing. The Combat Center fully supports the efforts of California in ensuring that persons with a suspended or revoked driver's license are detected and removed from the road. Statutory authority exists in California for a reciprocal suspension and revocation with many other states that are members of the non-resident violator's compact. The Combat Center Traffic Court shall suspend or revoke driving privileges as if the violation has occurred aboard the Combat Center if notified by the local authorities or any compact state that the driver's license of an individual has been revoked in the state of issuance based on violations occurring in any compact state.

4. Traffic Planning

a. Safe and efficient movement of traffic aboard the Combat Center requires police traffic supervision. A police traffic supervision program will include planning, supervision, and control of motor vehicle traffic publication and enforcement of traffic laws and regulations and investigation of motor vehicle accidents.

b. The Provost Marshal will coordinate development of traffic circulation plans that provide for the most safe and efficient use of primary and secondary roads. Circulation planning will be a major part of all long-range master planning aboard the Combat Center. Traffic circulation planning will be developed by the Provost Marshal, Chief Accident Investigator, Safety Officer, Public Works Division (PWD) Planning Officer and Civil Engineer, the Fire Department, and other relevant staff agencies. Highway engineering representatives from adjacent civilian communities should be consulted to ensure that installation plans are compatible with the current and future circulation plans of the community. Plans will include the following:

(1) Normal and peak load routing based on traffic control studies.

(2) Effective control of traffic using planned direction, including measures for special events and adverse road and weather conditions.

(3) Point control at congested locations by the LEO or designated traffic control personnel.

(4) Use of traffic control signs and devices.

(5) Efficient use of available parking facilities.

(6) Efficient use of available mass transportation.

c. Factual data on existing roads, traffic density and flow patterns, and points of congestion are required for sound traffic circulation plans. The Provost Marshal and Chief Accident Investigator, in conjunction with Facilities Management Division Planning Officer and Civil Engineer, will conduct traffic control studies to obtain the data. Accurate data can help determine major and minor routes, location of traffic control devices and conditions requiring engineering of enforcement services.

d. The Military Surface Deployment and Distribution Command Transportation Engineering Agency will help solve complex highway traffic engineering problems. The traffic engineering services include:

(1) Traffic studies of limited areas and situations.

(2) Complete studies of traffic operations of entire installations (This can include long-range planning for the future development of installation roads, public highways, and related facilities).

(3) Assistance in complying with established traffic-engineering standards.

(4) Request for traffic and engineering services will be submitted per reference (l).

# Chapter 11

## Parking Regulations and Unattended Motor Vehicles

1. General. The most efficient use of on and off street parking will be on a non-reserved (first-come, first-serve) basis. Illegal parking contributes to congestion and slows the flow of traffic. Strict enforcement of parking regulations will result in a better use of available parking facilities and eliminate conditions which may contribute to traffic accidents.

2. Parking Regulations. No person shall stop, stand, or park a motor vehicle, except when necessary to avoid interference with other traffic, in compliance with the law, at the direction of a LEO or traffic control device, or when otherwise authorized, in any of the following places:

a. On a roadway in front of a private driveway.

b. Within 20 feet of a fire hydrant.

c. Within 20 feet of the entrance to a fire station.

d. Within 25 feet of the intersection of curb lines, or if none, within 25 feet of the intersection of property lines at an intersection of roadways.

e. At any curb that is painted red or yellow.

f. Within 50 feet of any stop sign, traffic sign, or traffic warning device.

g. On the hard surface of any paved road or area except where marked parking lanes or parking signs indicate that parking is permitted.

h. On a roadway, against the flow of traffic.

i. Within an intersection or on a crosswalk.

j. On the roadway side of any motor vehicle stopped or parked at the edge of the curb of the road (double parked).

k. Within fire lanes.

l. Within 50 feet of the rear-loading ramp of any dining facility.

m. Upon any road or bridge so as to interfere with the normal flow of traffic.

n. A parking space that is reserved for someone else or another type of motor vehicle.

o. Within 15 feet of a dumpster or recyclable materials pick up point, or in any manner so as to obstruct the safe emptying of a dumpster or the retrieval of recyclable materials.

p. Parking on grass or seeded areas is prohibited, and no person shall stop, stand, or park a motor vehicle thereon, whether attended or unattended,

except in compliance with the law or at the direction of a LEO or a mechanical breakdown.

q. A motor vehicle that has a mechanical breakdown that causes a traffic hazard shall be pushed onto the shoulder of the road clear of the roadway and traffic, and parked so as to be plainly visible 200 feet in each direction upon the roadway.

r. The parking of motor vehicles, trailers, and boats on the grass in front of and on the sides of quarters in family housing areas is prohibited. These motor vehicles may be parked in the rear of family quarters provided the approval of the Family Housing Office is obtained in advance and entrance to the backyard is accessible via a service road.

s. Motor vehicles that are parallel parked or parked at an angle alongside a roadway will be parked facing the same direction as the traffic flow.

t. Parking in cul-de-sacs shall be parallel only (no "nose-in" parking) and shall allow room for the full use of the turnaround by emergency response motor vehicles.

u. Reference (c) is in full force and effect aboard the Combat Center except where specifically identified in this Order. Any violation pertaining to parking will be considered a violation of this Order.

v. "No Parking Spaces" will be marked per reference (b).

3. Other Parking Control Measures. The Provost Marshal may use other parking control measures as necessary to ensure orderly and efficient parking aboard the Combat Center. These measures will be per references (b) and (c).

4. Movement of Parked Motor Vehicles. No person, other than the owner or authorized driver, shall tamper with, block, or attempt to move a legally or illegally parked motor vehicle, except for LEO or persons acting under the direction or authority of a LEO.

5. Authorized Reserved Parking. The indiscriminate use of reserved parking signage contributes to the confusion and frustration of drivers aboard the Combat Center. Reserved parking will be kept to a minimum. Reserved parking spaces are authorized as follows:

a. Reserved spaces will be allocated for handicapped, motorcycle, and GOV parking.

b. Spaces may be reserved for maintenance motor vehicles, taxis, and Military Police (MP) motor vehicles.

c. Parking areas may be reserved for tactical motor vehicles.

d. Parking places in authorized unit parking areas, assigned to a Unit Commander by the AC/S G-4, may be nominated for reservation as the Unit Commander deems appropriate. Unit parking areas consist of off-street parking spaces that are immediately adjacent to a unit/activity and are not considered to be for public use because of their distance from otherwise public facilities.

(1) The LEO will not issue citations or tow motor vehicles parked in spaces reserved by the unit.

(2) The Accident Investigation Division (AID) will review and track all nominated reserve parking areas.

6. Establishing Reserved Parking Spaces

a. All reserved parking spaces are to be authorized by the Accident Investigation Division. Other than in the case of the installation CG, COS, and Sergeant Major, the designation of reserved parking spaces by name is prohibited.

b. Reserved parking spaces, within authorized unit parking areas, should be marked with three inch lettering on a white or plain cement colored background. The marking may be placed on a curb or cement wheel stop in front of the reserved parking space. All exceptions to the marking will be approved, on a case-by-case basis, by the Accident Investigation Division. At no time will ground markings (the physical parking stall) be marked with anything other than white paint.

c. The reserved parking spaces for the CG and COS will be marked as above with the words "COMMANDING GENERAL" or "CHIEF OF STAFF, or "MAGTFTC, MCAGCC SERGEANT MAJOR".

d. COs, ACs/S, and Special Staff Officers

(1) Submit a list of requested reserved parking spaces and their locations, to include handicapped, motorcycles, and "NO PARKING", to the Accident Investigation Division for review. Once the list has been authorized, you will be notified by the Accident Investigation Division.

(2) Reserved parking spaces must be directly in front of, or behind, the building (work space) that is requesting the reserved parking. These spaces must be unit controlled and not for public use.

7. Handicapped Parking

a. When allocated, handicapped parking will be located near building entrances.

b. Generally, four percent of the total number of spaces within a lot should be reserved for handicapped use. In small lots of 25 spaces or less, only one space is required for handicapped parking.

c. Handicapped parking spaces will be marked with a picture of a wheelchair below the words "HANDICAPPED ONLY". Both the words and picture will be blue in color and painted on the pavement.

d. Signs shall be used to designate handicapped parking.

8. Motorcycle Parking

a. The number and location of spaces to be reserved for motorcycle parking depends on the number of motorcycles expected.

b. Spaces reserved for motorcycle parking will be marked with diagonal white lines on the pavement and the words "MOTORCYCLE ONLY" or in the form of three inch lettering on a white or plain cement background placed on a curb or cement wheel stop in front of the reserved parking space.

c. Motorcycles will not park in spaces that are normally used for automobiles when spaces reserved for motorcycles are reasonably available.

9. Government Owned Motor Vehicles

a. Spaces reserved for GOV parking will be marked with the abbreviation "GOV" in three inch lettering on a white or plain cement background.

b. The marking may be placed on a curb or cement wheel stop in front of the reserved parking space.

10. Tactical Motor Vehicles

a. Tactical motor vehicles will park in the dirt area adjacent to Building 1587 and across the street (Bourke Road) from Buildings 1601 and 1603.

b. Tactical motor vehicles will not park in parking spaces/areas that are not reserved for tactical motor vehicles.

c. Tactical motor vehicles will normally not park in the same parking lots as POVs. However, in some cases this cannot be avoided or is detrimental to mission accomplishment. In these cases, tactical motor vehicles will not park within 50 feet of POVs.

d. Tactical motor vehicle parking spaces/areas will be marked with signs as deemed appropriate by the PWD Officer.

11. Maintenance Motor Vehicles

a. A reasonable number of reserved parking spaces may be reserved for maintenance motor vehicles as required.

b. These spaces will be marked with the abbreviation "MAINT" in three-inch lettering on a white or plain cement colored background on a curb or cement wheel stop in front of the reserved parking space.

12. Taxis

a. An appropriate number of spaces will be reserved for taxis in the parking lot at the intersection of Sixth Street and Sturgis Road, adjacent to Building 1532.

b. These spaces will be marked with the word "TAXI" in three inch lettering on white or plain cement colored background on a curb or cement wheel stop in front of the reserved parking space.

13. Military Police (MP) Motor Vehicles

a. Due to the need for timely response to emergency situations and incidents, spaces may be reserved for MP vehicles in the vicinity of Buildings 1407, 1408, and 901.

b. These spaces will be marked with the abbreviation "MP" in three inch lettering on white or plain cement colored background on a curb or cement wheel stop in front of the reserved parking space.

c. Other parking spaces may be reserved as directed by the PMO.

14. Unattended or Disabled Motor Vehicles

a. Before any motor vehicle shall be left unattended, the engine will be stopped, the ignition locked, the parking brake effectively set, and when standing upon any grade, the front wheel turned toward the curb or side of the road. Additionally, the key will be removed from the ignition and will not be placed elsewhere within or hidden on the motor vehicle.

b. If a motor vehicle becomes disabled, the operator will ensure that the motor vehicle is parked off the roadway. Immediately after leaving the motor vehicle unattended, the operator shall notify the PMO Desk Sergeant, giving the location, trouble, owner/operators name and phone number, and predicted time of removal. A note shall be placed under the windshield containing the same information. Any such motor vehicle not removed within 24 hours will be subject to towing.

15. Unit Deployment Program (UDP)

a. No UDP parking is allowed in the parking structure located on Bourke Street, between 3rd and 4th Street aboard the Combat Center.

b. No UDP parking is allowed in base housing other than the spouses of the deployed Marines or Sailors.

c. No UDP parking at barracks, work sections/areas, battalion or company command post areas.

d. All UDP Marines must utilize the Distribution Management Office (DMO) lot prior to deployment. Access to the lot is through the DMO.

16. Towing and Impoundment of POVs

a. The towing and impoundment of POVs is regulated by reference (d). MAGTFTC, MCAGCC has a Memorandum of Agreement (MOA) with local tow companies in the surrounding community. All motor vehicles towed from the installation will be towed in accordance with reference (d) and the MOA, at the owner's expense.

b. Procedures. Impoundment and removal of the POV is the responsibility of PMO. PMO will employ privately owned towing companies to ensure the efficient towing, removal, and storage of motor vehicles. PMO is the only section authorized to tow motor vehicles that are tagged for tow aboard the installation.

c. Towing. Motor vehicles are subject to an immediate tow off the Combat Center, at the owner's expense, if the motor vehicle meets one or more of the following:

(1) Parked or left standing upon a roadway in a position so as to obstruct the normal flow of traffic.

(2) Blocking a driveway.

(3) Stopped, parked or left unattended in such a way as to prevent access to a fire hydrant, fire-fighting equipment, or fire lane.

(4) Stopped, parked, or left standing, on the immediate shoulder, adjacent to any roadway for more than 24 hours, after being tagged with an Abandoned Vehicle Notice (DD Form 2504) Form by a LEO.

(5) Left unattended and being stripped or vandalized.

(6) Left unattended following the apprehension of the driver by a LEO when no other licensed driver is reasonably available to lawfully take possession of the POV.

(7) Left in a space or found upon a roadway where parking is prohibited by clearly posted signs.

(8) Illegally parked in a space or stall designated for physically handicapped persons.

(9) Illegally entered the Combat Center.

(10) The registered owner or operator is found to have their state or Combat Center driving privileges under suspension or revocation, and have no dependents and the motor vehicle is not the sole motor vehicle of the family.

(11) Motor vehicles that have violated written Combat Center housing regulations, if the housing office can provide proof that the offending resident has been notified of the offense (in writing) and the resident has failed to take appropriate action, and the POV has been tagged for towing by a LEO for at least 72 hours.

(12) Motor vehicles found in a state of disrepair, leaking fuel, oil or any other hazardous material, or missing other parts or equipment that renders the motor vehicle a public safety hazard.

(13) Motor vehicles which have been rendered unsafe or inoperative as a result of dismantling, mechanical failure, or a traffic collision.

(14) Motor vehicles found aboard the Combat Center that have been previously tagged with an Abandoned Vehicle Notice Form and the reason for the original tagging was not corrected.

(15) Motor vehicles of drivers or registered owners that have been apprehended for DUI, when the motor vehicle is not the sole motor vehicle of the family or the driver has no dependents.

(16) Motor vehicle left unattended in the parking lot adjacent to the Motor vehicle Registration Office for more than the one hour limit.

(17) As directed by the Provost Marshal or Combat Center Traffic Court Hearing Officer.

d. Towing for Evidentiary Purposes. The following motor vehicles will be towed for evidentiary purposes to the Criminal Investigation Division lot at the owner's expense. These motor vehicles, when there is no longer any evidentiary value, will be returned to the registered owner or towed off the installation by the contracted tow company, at an additional expense to the owner.

(1) Recovered stolen motor vehicles.

(2) Motor vehicles seized as evidence.

e. Impoundment. All POVs processed by PMO, to be removed by a contracted tow company off the installation, will be inventoried and the content of the motor vehicle will be annotated on the Motor vehicle Impoundment Report DD Form 2506, prior to allowing the tow company to remove the motor vehicle. The motor vehicle will then be impounded at the storage facility of the contracted tow company.

(1) All POVs seized as evidence by PMO will be inventoried and all property and discrepancies with the motor vehicle will be annotated on the Motor vehicle Impoundment Report DD Form 2506.

(2) A chain of custody will be completed and turned into the evidence custodian in accordance with reference (n).

(3) Impoundment and inventory procedures will be per reference (d).

f. PMO shall maintain a written log of all motor vehicles that are towed from the installation as a result of Law Enforcement intervention. This log will contain the date and time the motor vehicle was towed, the company that towed the motor vehicle, a full description of the motor vehicle towed, and the reason for tow.

g. Storage. Motor vehicles that are towed as a result of Law Enforcement intervention shall be stored at the storage facility of the contracted towing company. The towing company shall store the motor vehicle in accordance with the MOA and shall not sell or dispose of the motor vehicle until 120 days after the date of storage.

h. Definitions.

(1) Abandoned Motor vehicle. A motor vehicle is considered abandoned when the owner voluntarily relinquishes possession with the intention of terminating ownership, but without vesting ownership to any other person. A motor vehicle left unattended for an extended period of time, without notification to the PMO/MCPD will be considered abandoned, even if it is not the intent of the owner to relinquish possession.

(2) Derelict Motor vehicle. A motor vehicle is considered derelict when the owner voluntarily allows mandated insurance or registration

requirements to expire, or brings a motor vehicle aboard the installation without authority.

(3) Impound. Impound occurs when an LEO seize, transport, hold in legal custody, and inventory any object, such as a motor vehicle.

(4) Removal. Towing a POV from the Combat Center to a commercial storage facility off the installation, at the direction of the Provost Marshal, his representative, or accordance with this Order.

(5) Inventory. Search of a motor vehicle to identify and record the condition of the motor vehicle and catalogue its contents. After a motor vehicle's condition is noted and its contents are catalogued, the PMO representative shall release all U.S. Government property to the registered owner's command or retain it for disposition.

(6) Search incident to tow. All motor vehicles will be searched prior to being towed as a result of Law Enforcement intervention. This search will be an inventory search and all contents of the motor vehicle will be annotated on the Motor Vehicle Impoundment Report DD Form 2506. The PMO representative shall release all U.S. Government property to the registered owner or the registered owner's command. A copy of the Motor Vehicle Impoundment Report DD Form 2506 will be given to the towing agency's representative.

17. Provost Marshal

a. Serve as the approval authority for all unit parking spaces aboard the Combat Center and make the final determination on which parking areas are unit controlled and which are for public use.

b. Maintain a list of approved unit parking area spaces for enforcement purposes. This list will be updated as needed and include parking spaces reserved for the CG, COS, MAGTFTC, MCAGCC Sergeant Major, handicapped, GOVs, motorcycles, law enforcement motor vehicles, taxis, maintenance motor vehicles, and tactical motor vehicles.

c. Enforce this Order through the use of Armed Forces Traffic Tickets DD Form 1408. Traffic Tickets will not be issued for authorized unit reserved parking areas.

# APPENDIX A

## Traffic Point Assessment Table

1. General. This table implements the Traffic Suspension/Revocation of Driving Privileges/Point Assessment System that appears below. The table lists the points and/or suspensions/revocations that may be imposed for certain offenses.

a. The Traffic Court Hearing Officer may, at his discretion, award less than the maximum penalty listed, but not less than the minimum sentence. The individual's record, attitude and any extenuating and/or mitigating circumstances may affect the decision to award only points or a suspension/revocation of Combat Center driving privileges.

b. When a penalty is listed without discretion or a provided range, that penalty must be awarded in the event the defendant is found guilty of that offense. No discretion on the part of the Combat Center Traffic Court Hearing Officer is authorized.

c. At no time will the Combat Center Traffic Court Hearing Officer exceed the maximum listed penalty.

d. In cases where the violator is awarded suspension/revocation for more than one offense at a Combat Center Traffic Court Hearing (i.e., one year for violation of implied consent combined with one year for intoxicated driving) the suspension/revocation shall run consecutively.

| BASE CODE | TRAFFIC COURT APPEARANCE | VIOLATION DESCRIPTION | ADJUDICATION |
|---|---|---|---|
| 1 | M | Driving while driver's license or installation driving privileges are under suspension or revocation, or allowing a person other than a dependent to operate the suspended/revoked person's automobile aboard the installation. | 2 years revocation |
| 2 | M | Refusal to submit to or failure to complete chemical test (implied consent). | 1 year revocation, SACC referral/treatment, and Remedial Driving |
| 3 | M | Manslaughter (or negligent homicide by motor vehicle) resulting from the operation of a motor vehicle. | 1 year revocation |
| 4 | M | Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, with a BAC of .08 percent or greater or driving a motor vehicle while under the age of 21 with a BAC of .01 percent or greater. | 1 year revocation, SACC referral/treatment, and Remedial Driving |

Enclosure (1)

| | | | |
|---|---|---|---|
| 5 | M | Driving a motor vehicle while under the influence of any narcotic, or while under the influence of any other drug (including alcohol) to the degree rendered incapable of safe motor vehicle operation. | 1 year revocation, SACC referral/treatment, and Remedial Driving |
| 6 | M | Driving a motor vehicle while under the influence of alcohol, with a BAC of .05 percent to .07 percent. Impairment must be proven (evidence presented/SFSTs) by LEO. | 1 year revocation, SACC referral/treatment, and Remedial Driving |
| 7 | M | Use of a motor vehicle in the commission of a felony. | 1 year revocation |
| 8 | M | Fleeing the scene of an accident involving death or personal injury (hit & run). | 1 year revocation |
| 9 | M | Perjury or making a false statement or affidavit under oath to responsible officials relating to the ownership or operation of motor vehicles. | 1 year revocation |
| 10 | M | Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony. | 1 year revocation |
| 11 | M | Mental or Physical impairment (not including alcohol or other drug use) to the degree rendered incompetent to drive. | 1-6 month suspension or not to exceed 1 year revocation |
| 12 | M | Commission of an offense in another State which, if committed aboard the installation, would be grounds for suspension or revocation. | 1-6 month suspension or not to exceed 1 year revocation |
| 13 | M | Permitting an unlawful or fraudulent use of a Driver's license. | 1-6 month suspension or not to exceed 1 year revocation |
| 14 | M | Fleeing, or attempting to elude a police officer. | 6-12 Month revocation |
| 15 | M | Racing. | 1-6 month suspension or not to exceed 1 year revocation |
| 17 | M | Reckless driving (willful and wanton disregard for the safety of persons or property). | 6 points; up to 3 Month suspension |
| 18 | | Owner knowingly and willfully permitted a physically impaired person to operate the owner's motor vehicle. | 6 points |
| 19 | M | Fleeing the scene of a traffic accident (hit & run) - property damage only. | 6 points; up to 3 Month suspension |

| | | | |
|---|---|---|---|
| 20 | M | Speed Contests (careless driving to include spinning tires, excessive acceleration & exhibition of speed). | 1-6 month suspension or not to exceed 1 year revocation |
| | | | |
| 22 | | Speed too fast for road conditions (weather, visibility, safety of persons, road width, surface, and traffic on road). | 2 Points |
| 23 | | Speed too slow, causing a potential safety hazard (impeding traffic). | 2 Points |
| 24 | | Use of hydraulically operated suspensions while motor vehicle is in motion. | 2 points |
| 25 | | Failure of operator or occupants to properly use safety restraint system on a roadway. | 1st offense: 1 month suspension, Remedial Driving Class.<br>2nd offense: 6 month suspension<br>3rd offense: 1 year revocation |
| 28 | M | Failure to properly restrain children in a federally approved child restraint system while motor vehicle is moving (Children under the age of 8 must be secured in a car seat or booster seat in the rear seat/appropriate for child size). | 1st offense: 1 month suspension, Remedial Driving Class<br>2nd offense: 6 month suspension<br>3rd offense: 1 year revocation |
| 30 | | 1 to 10 MPH over the posted speed limit. | 3 points |
| 31 | | 11 to 15 MPH over the posted speed limit. | 4 points |
| 32 | M | 16 to 20 MPH over the posted speed limit. | 6 points; up to 1 month suspension and remedial driving |
| 33 | M | 21 or more MPH over the posted speed limit. | 6 points; up to 2 months suspension and remedial driving |
| 34 | | 5 or more MPH in a designated housing area | 3 points; 30 day suspension |
| 36 | | Following too closely. | 4 points |
| 37 | | Failure to yield right of way to emergency motor vehicle. | 4 points |
| 38 | M | Failure to stop for school bus or school crossing signals. | 4 points; up to 1 month suspension |

| | | | |
|---|---|---|---|
| 39 | | Failure to obey traffic signals or traffic instructions of a LEO or traffic warden; or any official regulatory traffic sign or device requiring a full stop, yield, or right of way; denying entry; or requiring direction of traffic. | 4 points |
| 42 | | Prohibited equipment.[1] | 3 points |
| 45 | | Improper passing. | 4 points |
| 46 | | Failure to yield (no official sign involved). | 4 points |
| 47 | | Improper turning movements (no official sign involved). | 3 points |
| 48 | | Wearing of headphones/earphones while driving a motor vehicle [two or more wheels (exclusion of hands-free cell phone devices in one ear)]. | 3 points |
| 49 | | Improper overtaking. | 3 points |
| 50 | | Operating or having a motor vehicle aboard the installation without valid insurance. | 3 points; suspension until compliant |
| 51 | | Operating or having a motor vehicle aboard the installation with expired state registration. | 3 points; suspension until compliant |
| 53 | | Failure to report involvement in a traffic accident (Hit and Run). | 6 points |
| 54 | | Driver involved in accident is deemed responsible (only added to points assessed for specific offenses). | 1 point, mandatory Remedial Driving Course |
| 55 | | Failure to give proper signal. | 3 points |
| 56 | | Inattention to driving. | 3 points |
| 57 | | Negligent operation of a motor vehicle resulting in property damage or bodily injury. | 1-3 months |
| 59 | M | Illegal entry or exit by motor vehicle onto or off of the base by other than authorized entry or exit point (Condor, Main, or Ocotillo Gate). | 4 points; up to 1 month suspension |
| 60 | | Driving without a valid state driver's license in possession (but otherwise license is valid). | 2 points |
| 61 | | Driving unlicensed. | 3 points; suspension until compliant |

| | | | |
|---|---|---|---|
| 62 | | Driving out of class or in violation of driver's license restrictions. | 3 points; suspension until compliant |
| 63 | M | Having more than one driver's license issued, altering a driver's license or fraudulent use of a driver's license. | 4 points; up to 3 month suspension |
| 64 | M | Operation of motor vehicle without the written or verbal consent of owner (Grand Theft) (other than licensed dependents). | 12 months revocation |
| 65 | | Driving on sidewalk, prohibited, restricted or seeded area. | 4 points |
| 66 | | Throwing litter or lighted/burning object from motor vehicle. | 4 points |
| 69 | | Operating a motor vehicle in excess of manufacturer specified capacity. | 3 points |
| 70 | | Fraudulent application for or use of altered state tags, base pass. | 1 month suspension |
| 71 | M | Failure to appear (FTA) at traffic court.[2] | Equivalent punishment that could be awarded for original offense |
| 76 | | Open alcoholic beverage container in motor vehicle. | 1 month suspension; CSACC |
| 77 | | Allowing an unlicensed driver to drive. | 3 points |
| 78 | | Illegal parking. | 1st offense: 1 point<br>2nd and subsequent offenses: 3 points |
| 82 | M | Illegal parking, handicapped space or fire lane. | 3 points; up to 1 month suspension |
| 84 | | Leaving child age 10 years or under unattended in a parked motor vehicle (inhumane conditions). | 3 month suspension |
| 85 | | Leaving child age 10 years or under unattended in a parked motor vehicle (engine running). | 1 month suspension |
| 86 | | Leaving animal unattended in motor vehicle under inhumane conditions. | 1 month suspension |
| 87 | M | 4 or more moving violations within a 2 month period; accumulation of 12 points within 12 months; or accumulation of 18 points within 24 months. | 1 year revocation |
| 88 | | Other moving violations (involving driver behavior only). | 3 points |
| 89 | | Operating an unsafe motor vehicle. | 2 points |

| | | | |
|---|---|---|---|
| 92 | M | Any other violation of the CVC or this Order not listed in this table. | To be determined by Traffic Court Hearing Officer in accordance with CVC; 3 points minimum, 6 points maximum |
| 94 | | Failure to register/de-register motor vehicle aboard the Combat Center.[1] | 2 points |
| 95 | | Loud Music (audible 50 ft outside the confines of the motor vehicle). | 3 points |
| 96 | | Failure to use a hands free device while driving a motor vehicle. | 6 points |
| **MOTORCYCLE PROVISIONS** | | | |
| 102 | | "Showing off" or grandstanding in any manner. | 4 points |
| 103 | | Unsafe passing of other motor vehicles in same lane on either side or weaving in and out of traffic. | 4 points |
| 104 | | Unsafe riding between lanes of moving traffic or riding between the traffic lane and parked cars. | 4 points |
| 105 | | Riding 2 or more abreast in the same lane. | 3 points |
| 106 | | Allowing passenger to ride side saddle or without protective equipment. | 3 points |
| 108 | | Allowing operation by any person other than a properly licensed motorcycle operator. | 4 points |
| 110 | M | Failure to wear approved helmet and/or protective clothing/gear while operating or riding on a motorcycle | 4 points; up to 1 month suspension |

Notes:

1. See Chapter 4 of this order for fix-it citations.

2. See Chapter 6 of this order for FTA.

# APPENDIX B

## Glossary

1. Blood Alcohol Content. The amount of alcohol in the blood by volume.

2. Chemical Breath Testing Device. An instrument that uses photoelectric cells or other physical or chemical means to quantitatively determine blood-alcohol concentrations (Breathalyzer).

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

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

5. Conviction. A final adjudication that may include one of the following:

a. An un-vacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court.

b. Pleas of nolo contendere accepted by a court.

c. Payment of a fine.

d. Pleas of guilty or finding of guilty on a charge of violating state law, federal law, or the UCMJ.

e. Judicial or nonjudicial punishment imposed under the UCMJ.

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

7. Driver's License. A license to operate a motor vehicle under the laws of a state, the District of Columbia, the U.S. Government, or overseas command.

8. Driving Privileges. The privilege extended by an installation commander to a person permitting the operation of a motor vehicle within the limits of the installation.

9. Government Owned Motor Vehicle. A motor vehicle owned, rented, or leased by DoD. This includes motor vehicles owned, rented, or leased by Non-Appropriated Funds activities of the military departments.

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

11. Intoxicated Driving. Includes one or more of the following:

a. Driving, operating, or being in actual physical control of a motor vehicle under any intoxication caused by alcohol or drugs in violation of Article 111 of the UCMJ or a similar law of the jurisdiction in which the motor vehicle is being operated.

b. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.08 percent or higher on a military installation or in an area where traffic operations are under military supervision.

c. Driving, operating, or being in actual physical control of a motor vehicle with a BAC or 0.08 percent or higher in violation of the law of the jurisdiction in which the motor vehicle is being operated.

d. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.05 percent but less than 0.08 percent in violation of the law of the jurisdiction in which the motor vehicle is being operated if the jurisdiction imposes a suspension or revocation solely on the basis of the BAC level.

12. Law Enforcement Personnel or Law Enforcement Officials. Persons under the supervision of the installation law enforcement officer, Provost Marshal, who are authorized to direct, regulate, and control traffic, and to apprehend or arrest violators of laws and regulations, MP.

13. Motorized Pedicycles. Any two or three-wheel device having operative capability by:

a. Human propulsion power (or no pedals if powered solely by electrical energy).

b. An automatic transmission.

c. A motor that produces less than two gross brake horsepower and:

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

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

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

15. Motor Vehicle. Any motor vehicle driven or drawn by mechanical power, and manufactured primarily for use on public streets, roads, and highways. (Motor vehicles operated only on a rail or rails are excluded.)

16. Motor Vehicle Registration. The process of issuing registration certificate and registration plates for a motor vehicle under the law of a State (state registration). A motor vehicle authorized to operate on a military installation in the United States or its territories.

17. Motor Vehicle Traffic Accident. An unintended event causing injury or damage, and involving one or more motor vehicles on a highway, road, or street that is publicly maintained and open for public vehicular travel.

18. Motor Vehicle Traffic Accident Classification. The classification of traffic accidents according to severity of injuries or property damage sustained. Major classifications include the following:

a. Severity of Injury

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

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

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

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

b. Severity of Motor Vehicle Damage

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

(2) Functional Damage. Any non-disabling damage to a motor vehicle that affects operation of the motor vehicle or its parts. Examples are doors, window, hood, and trunk lids that will not operate properly; or any damage that could prevent the motor vehicle from passing an official motor vehicle safety inspection.

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

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

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

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

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

(2) Motor vehicles used in traffic.

(3) A pedestrian or driver in traffic.

20. Pedicycle. A motor vehicle operated solely by pedals and propelled by human power.

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

22. Revocation of a Driver's License. The termination by formal action of a State of a person's license or privilege to operate a motor vehicle on the public roadways. This termination is not subject to renewal or restoration except that application may be presented and acted on by the State after the expiration of the period set by the State.

23. Revocation of Driving Privileges. Action taken by an installation commander to terminate a privilege to operate a motor vehicle on a military installation.

24. State. One of the U.S. States, the District of Columbia, the commonwealth of Puerto Rico, and the territory of Guam.

25. Suspension of Driver's License. The temporary withdrawal by formal action of a State of a person's driver's license or privilege to operate a motor vehicle on public roadways.

26. 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 six months.

27. Traffic. Pedestrians, ridden or herded animals, motor vehicles, streetcars, and other conveyances, either single or together, using the roadway.

28. Traffic Control Devices. Signs, signals, marking, lights, cones, and other devices placed by proper officials to regulate, warn, or guide traffic.

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

# APPENDIX C

## Procedural Guide for Traffic Court Hearings

1. The Traffic Court Hearing Officer will ensure that all persons who appear before the Hearing Officer received the following advice:

a. My name is (Name). I have been designated by the Commanding General to conduct Traffic Court Hearings. This hearing is held pursuant to Marine Corps Order 5110.1D and Combat Center Order 1630.8E.

b. The purpose of this hearing is to determine whether or not violations of laws and regulations relating to the registration and operation of motor vehicles have occurred and, if so, to take appropriate remedial measures. These measures may include revocation or suspension of MCAGCC driving privileges, or assessment of points against MCAGCC driving records. Accumulation of points may lead to suspension or revocation of MCAGCC driving privileges. The assessment of points, revocation and suspension of driving privileges is governed by an assessment table found in Marine Corps Order 5110.1D as supplemented by Combat Center Order 1630.8E.

c. These proceedings are administrative, not punitive in nature and I cannot impose a forfeiture, restriction or any other "office hours" or court-martial punishment. The purpose of this hearing is to ensure that motor vehicles on MCAGCC roads, and the people in them, are safe; and to ensure that active duty military personnel are not unreasonably endangering their own lives or lives of others while operating motor vehicles off the Combat Center. These proceedings are separate and independent of disciplinary proceedings under the UCMJ. Your respective COs may evaluate the incident that led to your appearance here and take whatever actions may be appropriate under the UCMJ.

d. You have the following rights:

(1) To present evidence and call witnesses, if reasonably available.

(2) To remain silent, that is, to make no statement at all.

(3) To confront adverse witnesses, if reasonably available. In most cases the adverse witness is a Law Enforcement officer. Experience has shown that most cases can be resolved without requiring the MP to come to the hearing. Many people admit the violation and question only the sanction. In other cases, the act alleged does not constitute a violation (for example, in an expired license case, it may turn out that the issuing state has a provision for automatic extensions for people in the service). Other cases may be disposed of by the hearing officer if the problem has been resolved and further action is not necessary. In such cases the hearing officer may simply dismiss the matter. If necessary, we will call the MP to testify, today if possible, but most likely at a later date.

(4) You also have the right to be represented by a lawyer. With respect to this right, the government will not provide a lawyer for you. If you want to be represented by a lawyer, you must make your own arrangements, that is, hire your own.

(5) You have the right to inspect the statements and reports that comprise the record of your case.

Enclosure (1)

(6) Each of you has the right to request a private hearing, and I will grant that request for good cause in the event, for example, the testimony of witnesses could be potentially embarrassing.

(7) Finally, if your case results in suspension or revocation of your MCAGCC driving privileges, you have the right to appeal my decision to the Commanding General. The appeal must be submitted in writing, via the chain of command and Provost Marshal, addressed to the Commanding General, MAGTFTC, MCAGCC, Twentynine Palms, California (Attn: SJA). If no appeal is submitted to the Provost Marshal within 10 working days from the date of the hearing, your appeal can be denied on the grounds that it is untimely. You may apply for a limited reinstatement of driving privileges if suspension or revocation of your driving privileges creates a truly extraordinary hardship or interferes with your command's military mission. Requests for reinstatement must also be submitted in writing, via the chain of command to the Commanding General, MAGTFTC, MCAGCC (Attn: SJA).

e. Are there any questions?

f. Does anyone desire a continuance to obtain a lawyer?

g. Does anyone desire a closed hearing?

2. The hearing officer will write a brief summary of each case including testimony given, witnesses presented and evidence presented. The hearing clerk will retain these summaries on file for a period of one year from the date of the hearing, and a copy will be attached to any appeal of the action.

APPENDIX D

Traffic Hearing Action Letter Sample

**CASE OF: NAME/RANK/EDI-PI/UNIT**
**CITATION: OFFENSE**
**PENALTIES: RECOMMENDATION**

( ) WARNING
( ) CASE DISMISSED
( ) FAILURE TO APPEAR TO MAGTFTC, MCAGCC TRAFFIC COURT AS DIRECTED
( ) RESCHEDULED FOR (date)
( ) REMEDIAL DRIVING MANDATORY PER COMBAT CENTER ORDER (CCO)
( ) ASSESSED (number) POINT(S) TOWARDS DRIVING RECORD
( ) SUSPENSION OF DRIVING PRIVILEGES FOR (Timeframe)

1. In accordance with current and effective directives, the above checked blocks indicate the administrative action taken against you at the MAGTFTC, MCAGCC Traffic Court on (date).

2. Per CCO 1630.8E, you may appeal this administrative action to the Commanding General (Attention: SJA) via your Commanding Officer. The appeal must be initiated within ten working days of receiving this document.

3. If your driving privileges are suspended or revoked, ***YOU*** are prohibited from driving or re-registering your vehicle(s) ***aboard any military or federal installation***. Effective immediately, if you have a suspension of 90 days or more, you are hereby lawfully ordered to report with your vehicle(s) within one working day, to the Vehicle Registration Office, Building 901, for suspension processing. DoD Decals or temporary/visitor passes will only be retained on the vehicle if you have a bona fide dependent that is properly licensed and insured. Bona fide dependents will be verified by the Vehicle Registration Office prior to authorization. Any vehicle authorized to be operated under these suspension actions must display, affixed on the windshield or indicated on the pass, the proper suspension designator, i.e., SM, SF, SS, SD.

4. Your suspension or revocation is effective ***IMMEDIATELY*** and will remain in effect until your written request for reinstatement of driving privileges is approved. All requests will be completed on form Appendix G of CCO 1630.8E. Driving while on suspension or revocation cancels all full or limited driving privileges, carries additional penalties, and is a violation of Article 92 of the Uniform Code of Military Justice.

| Traffic Hearing Officer | Traffic Court Clerk | Citation Recipient |
|---|---|---|
| (Signature) | (Signature) | (Signature) |

Enclosure (1)

APPENDIX E

Notice of Temporary Suspension of Combat Center Driving Privileges Letter Sample

**UNITED STATES MARINE CORPS**
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
PROVOST MARSHAL'S OFFICE
BOX 788107
TWENTYNINE PALMS, CALIFORNIA 92278-8107

5500
7D
(Date)

From: Provost Marshal
To: (Name/Rank/EDI-PI/Unit)

Subj: PRELIMINARY SUSPENSION OF DRIVING PRIVILEGES

Ref: (a) DoDI 6055.4
(b) MCO 5110.1D
(c) CCO 1630.8E

1. You were apprehended/detained on (date), at (time), at (location), for (Enter infraction). This is your (1st, 2nd, 3rd, 4th) offense.

2. In accordance with the references, you are notified that you are awarded a preliminary suspension of driving privileges aboard all Department of Defense (DoD) installations.

3. You have the right to appeal the temporary suspension and have your driving privileges restored. Your written appeal should be forwarded through your chain of command to the Traffic Court at the Provost Marshal Office, Building 1408, Marine Corps Base, Twentynine Palms, (760)830-5461. Upon receipt of the request, a hearing will be scheduled.

4. If you are married and your spouse is an authorized vehicle operator, the Vehicle Registration Section, located at Building 901, will make the necessary changes within the Base Vehicle Registration System and issue the appropriate decal to you in order for your spouse to operate the vehicle aboard the installation.

K. T. KEEFER

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FIRST ENDORSEMENT (Date)

From: Name/Rank/EDI-PI/UNIT
To: Provost Marshal

1. I understand that the operation of any vehicle (POV/GOV) at or on any DOD installation is prohibited. I also understand that before I can drive any government vehicle, my Commanding Officer must request, in writing, reinstatement of my driving privileges to operate government vehicles only.

2. I received this letter on (date), at (time).

Signature of Endorsee

Signature of Military Policeman

Enclosure (1)

# APPENDIX F

## Reinstatement of Driving Privileges Sample

(Date)

From: (Name/Rank/EDI-PI/Unit)
To: Commanding General, Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center
Via: (1) (Unit Commander)
(2) Provost Marshal
(3) Office of the Staff Judge Advocate

Subj: REQUEST FOR REINSTATEMENT OF DRIVING PRIVILEGES IN CASE OF (NAME/RANK)

Ref: (a) CCO 1630.8E

1. On (Date), my driving privileges were (Suspended/Revoked) for a period of (Timeframe) months, ending on (Date). In accordance with the reference, it is requested that my privileges to drive aboard MCAGCC be reinstated. The enclosures are submitted to document completion of training or treatment requisite for reinstatement.

2. (Comments).

(Signature)

Enclosure (1)

# APPENDIX G

## Limited Driving Privileges Sample

(Date)

From: (Name/Rank/EDI-PI/Unit)

To: Commanding General, Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center

Via: (1) (Unit Commander)
(2) Provost Marshal
(3) Office of the Staff Judge Advocate

Subj: REQUEST FOR LIMITED DRIVING PRIVILEGES IN CASE OF (NAME/RANK)

Ref: (a) CCO 1630.8E

1. On (Date), my driving privileges were suspended/revoked for a period of (Timeframe) months, ending on (Date) per the reference, I am requesting Limited Driving Privileges to and from (Address) for the (Reason).

2. (Comments).

(Signature)

Enclosure (1)

# APPENDIX H

## Appeal of Traffic Court Hearing Action Sample

(Date)

From: (Name/Rank/EDI-PI/Unit)
To: Commanding General, Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center
Via: (1) (Unit Commander)
(2) Provost Marshal
(3) Office of the Staff Judge Advocate

Subj: REQUEST FOR APPEAL OF TRAFFIC COURT HEARING ACTION IN CASE OF (NAME/RANK)

Ref: (a) CCO 1630.8E

1. On (Date), I appeared before the Combat Center Traffic Hearing Officer regarding a traffic citation I received on (Date), for (Infraction). The Hearing Officer found me guilty of the charge(s) and I was assessed (Number) points to my driving record and my driving privileges were (Suspended/Revoked) for a period of (Timeframe).

2. (Comments).

(Signature)

Enclosure (1)