

Department of the Army, DoD

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APPENDIX A TO PART 636—REFERENCES
APPENDIXES B-C TO PART 636 [RESERVED]
APPENDIX D TO PART 636—GLOSSARY

AUTHORITY: 10 U.S.C. 30112(g); 5 U.S.C. 2951; Pub. L. 89-564; 89-670; 91-605; and 93-87.

SOURCE: 56 FR 28077, June 19, 1991, unless otherwise noted.

§ 636.0 Scope of this part.

This part contains regulations which are in addition to the motor vehicle supervision regulations contained in 32 CFR part 634. Each subpart in this part contains additional regulations specific to the named installation.

Subpart A—Fort Stewart, Georgia

§ 636.1 Responsibilities.

In addition to the responsibilities described in § 634.4 of this subchapter, Unit Commanders will:

(a) Monitor and control parking of military and privately owned vehicles within the unit's area, to include motor pools and assigned training areas.

(b) Establish a program in accordance with 24th Infantry Division (Mechanized) and Fort Stewart Regulation 755-2 to identify abandoned privately owned vehicles in the unit's area and coordinate with the Military Police for impoundment.

(c) In coordination with the Military Police, identify problem drivers in the unit and take appropriate action to improve their driving habits.

(d) Ensure that the contents of this part are explained to all newly assigned personnel, including personnel on temporary duty with their unit for 10 days or more.

(e) Identify unit member's vehicles which have obvious safety defects (see § 636.33) and take appropriate action to have the defect corrected. Commanders who cause a vehicle to be removed from the installation without the consent of the owner could be found liable for subsequent damage done to the vehicle provided that the damage was the result of negligence on the part of the government personnel.

(f) Identify those individuals required to attend the Defensive Driving Course (DDC) or Motorcycle Defensive Driving Course (MDDC) and ensure their attendance at the course.

§ 636.2 Program objectives.

In addition to the requirements of § 634.5 of this subchapter:

(a) The entry of motor vehicles on the Fort Stewart/Hunter Army Airfield reservation is permitted by the Commanding General under the conditions prescribed by this part. Upon entering the military reservation, the driver subjects himself and his vehicle to reasonable search. The authority to search vehicles on post is subject to the provisions of AR 190-22 and AR 210-10. This part is not applicable to vehicle safety inspections and spot checks conducted primarily for purposes of safety.

(b) The Military Police may:

(1) Inspect any vehicle operated on the reservation for mechanical condition.

(2) Impound, exclude, or remove from the reservation any vehicle used as an instrument in a crime, suspected of being stolen, abandoned, inoperable, unregistered, or being operated by a person under the influence of intoxicants or drugs. No vehicle will be impounded unless the impoundment meets the requirements of AR 190-5, paragraph 6-2 (32 CFR 634.50) and § 636.38 of this subpart. In the event a vehicle is impounded as an instrument of crime (particularly in the transport of illegal drugs or weapons), coordination will be made with the appropriate civilian law enforcement agencies.

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(3) Subsequent to a lawful apprehension, seize for administrative forfeiture proceedings all conveyances which are used, or are intended to be used to transport, sell or receive, process or conceal illegal drugs or drug paraphernalia, or in any way facilitate the foregoing. A conveyance is defined as any mobile object capable of transporting objects or people (e.g., automobile, truck, motorcycle, boat, airplane, etc.).

(c) The Commander or other persons designated authority by the Commander may suspend or revoke the installation driving privileges of any person as authorized by part 634 of this subchapter and this section.

(d) Unit commanders may request temporary suspension of an assigned member's installation driving privilege for cause (e.g., continued minor driving infractions, numerous parking violations, etc.). Such requests will be submitted in writing to the Commander, 24th Infantry Division (Mechanized) and Fort Stewart, ATTN: AFZP-PM, Fort Stewart, Georgia 31314-5000. Reasons for such requests will be explained. Unit commanders retain the authority to suspend a soldier's military vehicle driving privileges in accordance with AR 385-55.

§ 636.3 Suspension or revocation of driving privileges.

In addition to the requirements of § 634.10 of this subchapter:

(a) Administrative suspension or revocation of installation driving privileges applies to the operation of a motor vehicle on Fort Stewart/Hunter Army Airfield.

(b) Installation driving privileges will be suspended for up to 6 months for drivers who accumulate 12 traffic points within 12 consecutive months, or 18 traffic points within 24 consecutive months.

(c) The Garrison Commander and Deputy Garrison Commander are designated as suspension/revocation authorities for:

(1) Suspension of driving privileges should the evidence indicate that a charge of driving under the influence is warranted or;

(2) The suspension/revocation for accumulation of 12 traffic points within

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12 months or 18 points within 24 consecutive months.

§ 636.4 Administrative due process for suspensions and revocations.

In addition to the requirements of § 634.11(a) of this subchapter:

(a) The Provost Marshal or his designee will provide the written notice of pending action and offer of an administrative hearing using AFZP Form Letter 316, Suspension of Installation Driving Privileges.

(b) The Garrison Commander and Deputy Garrison Commander are designated as reviewing authorities to conduct administrative hearings.

(c) Individuals who desire an administrative hearing to review a decision to impose immediate suspension, or to appeal the decision of the administrative hearing officer, will adhere to the following procedures. A request for an administrative hearing will be forwarded through their supervisory chain of command. Requests from family members or non-employee civilians can be forwarded to the Provost Marshal's Administrative Section at Fort Stewart or Hunter Army Airfield and can either be delivered or post marked within ten days of notification of the suspension action.

(d) Individuals who were initially charged with driving under the influence (DUI) based in part on a blood alcohol content (BAC) test which has not subsequently been invalidated and who are found not guilty of DUI may request a hearing to determine if their driving privileges should be restored. Such requests shall be forwarded through their chain of command to arrive at the Provost Marshal's Office (AFZP-PMA for Fort Stewart or AFZP-PM-H for Hunter Army Airfield) not later than ten working days after the date of court action.

§ 636.5 Army administrative actions against intoxicated drivers.

For this installation, in violation of State law referenced in § 634.12(a)(3) of this subchapter, means a blood alcohol content of 0.10 percent or higher as set forth in Official Code of Georgia Annotated 40-6-392(b)(3).