



FORT SILL LEGAL ASSISTANCE

Suspension & Revocation of On-Post Driving Privileges



Under the provisions of Army Regulation 190-5, the installation commander or his designee may, for any lawful reason, suspend or revoke driving privileges on the installation.

I. Suspension. Immediate suspension of installation driving privileges pending resolution of an intoxicated driving incident is authorized for active duty personnel, family members, retirees, DOD civilians, and others with installation driving privileges, regardless of the geographic location of the intoxicated driving incident. Installation driving privileges will be immediately suspended pending resolution of the intoxicated driving accident in the following circumstances:

- a. Refusal to submit to or complete a test to measure alcohol or other drug content in the blood;
- b. Operating a motor vehicle with a BAC of .08 percent or higher;
- c. Operating a motor vehicle with a BAC between .05 and .08 in violation of law of the jurisdiction in which the vehicle is being operated; or
- d. On an arrest report or other official documentation of the circumstances of an arrest for intoxicated driving.

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

- a. Installation commander or designee has determined that the person lawfully apprehended for driving under the influence refused to submit to or complete a test to measure alcohol or other drug content in the blood; or
- b. A conviction, nonjudicial punishment, or military or civilian administrative action resulting in the suspension or revocation of driver's license for intoxicated driving.

III. Due Process for Suspension and Revocations.

a. *For intoxicated driving offenses*, suspension or revocation may take place immediately. The accused person will be notified of his or her rights, including a right to an administrative hearing. The request for hearing must be made within 14 days of the suspension or revocation. A request for hearing should be made in writing through your commander to the Provost Marshal. If a hearing is requested, it must take place within 14 calendar days of receipt of the request. The suspension will remain in effect until a decision has been made by the installation commander or designee, but will not exceed 14 calendar days after the hearing. If no decision

has been made by that time, full driving privileges will be restored until such time the accused is notified of a decision to continue the suspension.

b. *For offenses other than intoxicated driving*, suspension or revocation of the installation driving privilege will not become effective until the installation commander or designee notifies the affected person and offers that person an administrative hearing. The suspension or revocation will take place 14 calendar days after written notice is received unless the affected person makes a request for a hearing within this period. If a request is made, the suspension or revocation will not take place until a hearing is granted. If after a hearing, revocation or suspension is imposed, the affected person has the right to appeal or request reconsideration. Such requests must be sent through command channels to the installation commander within 14 days of being notified of the result of the administrative hearing.

IV. Restoration of Driving Privileges. The suspension of driving privileges shall be restored if a final disposition indicates a finding of not guilty, charges are dismissed or reduced to an offense not amounting to intoxicated driving, or where an equivalent determination is made in a nonjudicial proceeding. This rule is subject to a few exceptions (see AR 190-5, Chapter 2-9), including where the suspension was based on a refusal to take a BAC test.

V. Reinstatement of Driving Privileges. Reinstatement of driving privileges is automatic, provided all revocations have expired, proper proof of completion of driving or substance abuse courses has been provided, and any state reinstatement requirements have been met.

VI. For More Information and Assistance. Consult AR 190-5, Chapter 2 and CAM Regulation 190-5, Chapter 2. If you plan to exercise your rights in fighting a suspension or revocation, or if you plan on requesting restoration/reinstatement of your driving privileges, request to meet with a Legal Assistance attorney as soon as possible upon receiving notice of the suspension or revocation.

Updated April 2014

If you have questions concerning the information in this fact sheet, please call the Legal Assistance Office (580) 442-5058 or (580) 442-5059. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Sill Legal Assistance Office is located on the 4th floor of Building 4700, Hartell Hall on Mow-Way Road.