

August 10, 1983
NUMBER 1010.7

2



Department of Defense Directive

ASD(HA)

SUBJECT: Drunk and Drugged Driving by DoD Personnel

- References:
- (a) Secretary of Defense Memorandum, "Driving While Intoxicated (DWI)," November 26, 1982 (hereby canceled)
 - (b) DoD Instruction 1010.5, "Education and Training in Alcohol and Drug Abuse Prevention," December 5, 1980
 - (c) Federal Personnel Manual Chapter 930, "Programs for Specific Positions and Examinations" (Subchapters 1-16)
 - (d) Federal Personnel Manual System Supplement 792-2, "Alcohol and Drug Abuse Programs," Installment One, February 29, 1980
 - (e) through (i), see enclosure 1

A. PURPOSE

This Directive:

1. Establishes DoD policy regarding drunk and drugged driving by DoD personnel (hereafter referred to as "intoxicated driving").
2. Assigns responsibility for and explains DoD policy and procedures on the establishment and operation of the DoD Intoxicated Driving Prevention Program, which is designed to address the problem of and increase the awareness and attention given to intoxicated driving by DoD personnel.
3. Establishes the DoD Intoxicated Driving Prevention Task Force (DIDPTF).
4. Cancels reference (a).

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

C. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

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93-21087

This document has been approved
for release to the public
drugs and alcohol abuse

D. POLICY

1. Intoxicated driving is incompatible with the maintenance of high standards of performance, military discipline, DoD personnel reliability, and readiness of military units and supporting activities. It is DoD policy to reduce significantly the incidence of intoxicated driving within the Department of Defense through a coordinated program of education, identification, law enforcement, and treatment. Specifically, the goal of the DoD Intoxicated Driving Prevention Program is to reduce the number of fatalities and injuries suffered by DoD personnel and the amount of property damage that result from intoxicated driving. Persons who engage in intoxicated driving, regardless of the geographic location of the incident, have demonstrated a serious disregard for the safety of themselves and others. It is appropriate for military commanders, in the exercise of their inherent authority, to protect the mission of an installation and the safety of persons and property therein to restrict driving privileges of persons who engage in such actions.

2. The Department of Defense shall participate in the national effort to prevent intoxicated driving by maintaining appropriate relationships with other governmental agencies and private organizations and shall cooperate with responsible civil authorities consistent with statutory and regulatory constraints in detecting, identifying, apprehending, prosecuting, educating, and counseling intoxicated drivers and in reporting cases as required by state laws and applicable Status of Forces Agreements.

E. PROCEDURES

1. Education and Training

a. The Military Services shall provide drug and alcohol education that focuses on intoxicated driving for each of the following: law enforcement, public information, emergency room, and safety personnel. Club managers, bartenders, and waitresses serving alcoholic beverages and Class VI or package sales personnel shall receive annual refresher training. In addition, leadership curricula at all levels (PCO/PXO indoctrination, training for judge advocates and military judges, and officer and noncommissioned officer schools) shall include specific information and a review of current Military Service policy on intoxicated driving.

b. Other DoD Components shall provide similar instruction in conjunction with the training and education requirements of DoD Instruction 1010.5 (reference (b)).

c. DoD Components shall cooperate, to the extent feasible and permitted by law and regulation, with community leaders and existing grassroots organizations that are working to combat intoxicated driving, in planning and implementing local education efforts.

2. Suspension of Driving Privileges. Each DoD Component or its supporting agency that regulates driving privileges shall establish procedures for mandatory suspension of driving privileges on military installations and in areas subject to military traffic supervision. They shall establish procedures for

acquiring arrest reports and other official documentation of intoxicated driving incidents consistent with applicable laws and regulations. Such procedures shall be sufficiently flexible to meet local needs.

a. Military personnel and their family members, retired members of the Military Services, DoD civilian personnel, and others with installation driving privileges may have those driving privileges suspended, regardless of the geographic location of an intoxicated driving incident.

(1) Suspension is authorized for non-DoD civilians only with respect to incidents occurring on the military installation or in areas subject to military traffic supervision.

(2) With respect to DoD civilian personnel covered by a negotiated agreement, a suspension under this subsection may be reviewed only to the extent required by the negotiated agreement applicable to the affected employee. Such matters mandatorily are excluded from DoD Component administrative grievance procedures. A grievance under such a procedure will not delay imposition of a preliminary or 1-year suspension of driving privileges.

(3) A notice of suspension will not become effective until 24 hours after the incident for which a suspension is imposed. However, this provision does not preclude appropriate action to prevent an intoxicated person from operating a motor vehicle, nor does it affect the validity of an earlier suspension imposed on the same individual.

(4) A hearing authorized under paragraph E.2.b., E.2.c., or E.2.e., below, shall be conducted by the installation commander. The power to conduct a hearing and make a decision may be delegated only to an official whose primary duties are not in the field of law enforcement. At a hearing under this subsection, the individual shall have the right to present evidence and witnesses at his or her own expense. The individual may be represented by counsel at his or her own expense. DoD civilian personnel may have a personal representative present in accordance with applicable laws and regulations.

b. Suspension Based upon Lawful Apprehension

(1) Preliminary suspension of driving privileges is mandatory based upon an arrest report or other official documentation of the circumstances of an apprehension for intoxicated driving.

(2) The individual shall be notified in writing of the preliminary suspension. The notice shall include the arrest report or other documentation and shall inform the individual that a 1-year suspension can be imposed upon conviction, imposition of nonjudicial punishment, or action by civilian authorities leading to suspension or revocation of the individual's driver's license. The notice shall inform the individual that he or she has the right to submit a request within 5 working days to vacate the preliminary suspension and that failure to request such a hearing will result in continuation of the preliminary suspension.

(3) If a hearing has not been requested within 5 working days, the preliminary suspension shall be continued until there has been a criminal, nonjudicial, or administrative disposition.

(4) If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days of the request. If the official conducting the hearing determines that the apprehension was based upon probable cause, the preliminary suspension shall be continued; if not, it shall be vacated. Such determinations are solely for purposes of acting on the preliminary suspension and are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

(5) If the individual is acquitted, the charges are dismissed, or there is an equivalent determination in a nonjudicial punishment proceeding or civilian administrative action, the preliminary suspension shall be vacated.

(6) If there is a conviction, nonjudicial punishment, or civil suspension or revocation of driving privileges, the suspension shall be continued for 1 year from the date of the original preliminary suspension. Such action shall be taken only on the basis of an official report.

c. Suspension for Refusal to Take a Blood Alcohol Content (BAC) Test

(1) Preliminary suspension of driving privileges is mandatory based upon an official report that an individual refused to submit to a lawfully requested BAC test.

(2) The individual shall be notified of the preliminary suspension in writing. The notice shall include the arrest report or other documentation and shall inform the individual that a 1-year suspension can be imposed after a hearing under subparagraph E.2.c.(4), below. The notice also shall inform the individual that he or she has the right within 5 working days to submit a request for a hearing to validate the preliminary suspension and that the suspension will be for 1 year if a hearing is not requested.

(3) If a hearing is not requested within 5 working days, the suspension shall be for 1 year.

(4) If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days of the request. The hearing shall consider the arrest report or other official documentation, information presented by the individual, and such other information as the hearing officer may deem appropriate. The official conducting the hearing shall consider the following issues: (a) Did the official have reasonable grounds to believe that the person had been operating, or was in actual physical control of, a motor vehicle while intoxicated? (b) Was the person lawfully cited or apprehended for an intoxicated driving offense? (c) Was the individual lawfully requested to submit to a BAC test? (d) Did the person refuse to submit to or fail to complete a BAC test required by the law of the jurisdiction in which the test was requested? If, in view of these issues, the test was lawfully requested, the suspension shall be for 1 year, irrespective of the ultimate disposition of the underlying intoxicated driving offense. If not, the preliminary suspension shall be vacated. Such determinations are solely for purposes of acting on the preliminary suspension and are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

d. Suspension upon Conviction, Nonjudicial Punishment, or Civilian Administrative Action

(1) Suspension of driving privileges for 1 year is mandatory when there has been a conviction, nonjudicial punishment, or civilian revocation or suspension of driving privileges for intoxicated driving, regardless of any prior administrative determination under paragraph E.2.b., E.2.c., or E.2.e.

(2) Such action shall be taken only on the basis of an official report.

(3) The individual shall be notified in writing of the suspension and shall be notified that an exception may be granted only under paragraph E.2.f., below.

(4) The suspension shall be issued by the installation commander. This authority may be delegated only to an official whose primary responsibilities are not in the field of law enforcement.

e. Repeat Offenders

(1) Preliminary increase in suspension of driving privileges is mandatory based upon an arrest report or other official documentation of an individual's driving in violation of a suspension imposed under this Directive or under similar rules previously issued by a DoD Component.

(a) The individual shall be notified in writing of the preliminary increase in suspension. The notice shall include the arrest report or other documentation of the violation as well as documentation of the original suspension and shall inform the individual that his or her original suspension can be increased by 2 years after a hearing under subparagraph E.2.e.(1)(c), below. The notice shall inform the individual that he or she has the right within 5 working days to submit a request for a hearing to vacate the preliminary increase in suspension and that the original suspension will be increased by 2 years if such a request is not submitted.

(b) If a hearing has not been requested within 5 working days, the original suspension shall be increased by 2 years.

(c) If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days of the request. The hearing shall consider the arrest report or other official documentation, information presented by the individual, documentation of the original suspension, and such other information as the hearing officer may deem appropriate. If the official conducting the hearing determines that the allegation of driving in violation of a suspension is supported by a preponderance of the evidence, the original suspension shall be increased by 2 years. If not, the preliminary increase in suspension shall be vacated. Such determinations are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

(d) If in a subsequent judicial, nonjudicial, or administrative proceeding, it is determined that the individual did not violate a suspension, the preliminary increase in suspension shall be vacated.

(2) For each subsequent determination within a 5-year period that a 1-year suspension is authorized under paragraphs E.2.b. through E.2.d., above, driving privileges shall be suspended for 2 years. Such period shall be in addition to any suspension previously imposed. Military personnel shall be prohibited from obtaining or using a U.S. Government Motor Vehicle Operator's Identification Card, Standard Form (SF) 46, for 6 months for each such incident. A determination whether DoD civilian personnel should be prohibited from obtaining or using an SF 46 shall be made under Federal Personnel Manual Chapter 930 (reference (c)) and other laws and regulations applicable to civilian personnel. Nothing in this subsection precludes an installation commander from imposing a prohibition upon obtaining or using an SF 46 for a first offense or for such other reasons as may be authorized under applicable laws and regulations.

f. Exceptions

(1) Exceptions to the mandatory suspension provisions in this Directive may be granted under regulations by the DoD Component concerned on a case-by-case basis. Requests for exceptions shall be in writing. Such exceptions may be granted only on the basis of:

(a) Mission requirements;

(b) Unusual personal or family hardship; or

(c) In the case of a preliminary suspension following lawful apprehension, delays exceeding 90 days in the formal disposition of the allegations insofar as such delays are not attributable to the individual.

(2) With respect to a person who has no reasonably available alternate means of transportation to officially assigned duties, a limited exception shall be granted for the sole purpose of driving directly to and from such duties. This does not authorize a person to drive on a military installation if the person's driver's license is under suspension or revocation by a state, federal, or host country civil court or administrative agency. Maximum reliance shall be placed on carpools, public transportation, and reasonably available parking facilities adjacent to the installation before such a limited exception is granted. Nothing in this provision precludes appropriate or other administrative action on the basis of an intoxicated driving incident or driving in violation of a previously imposed suspension.

(3) Exceptions granted under this paragraph shall be reported in writing to the next official in the chain of command.

g. Overseas commanders with authority to issue driver's licenses shall establish procedures for suspension of such licenses for intoxicated driving. Such procedures, insofar as the commanders deem practicable, shall be similar to the procedures for suspension of installation driving privileges prescribed in paragraphs E.2.a. through f., above.

h. Persons whose installation driving privileges are suspended for 1 year or more under paragraph E.2.b., E.2.c., or E.2.d., above, shall complete an alcohol or drug safety action program or equivalent alcohol education course (minimum of 8 hours) before their installation driving privileges may be reinstated.

3. Screening. Each DoD Component or its supporting agency shall establish procedures for screening military personnel charged with intoxicated driving offenses within 7 working days of issuance of notice of the preliminary suspension to determine whether a member is dependent on alcohol or other drugs. The results of this screening shall be made available to the command having jurisdiction over the case before adjudication. Information concerning personal alcohol and drug abuse provided by a member in response to screening questions may not be used against the member in a court-martial or on the issue of characterization in an administrative separation proceeding. Nothing in this provision precludes introduction of such evidence for other administrative purposes or for impeachment or rebuttal purposes in any proceeding in which evidence of alcohol or drug abuse (or lack thereof) first has been introduced by the member, nor does it preclude disciplinary or other action based on independently derived evidence. DoD civilian personnel charged with intoxicated driving shall be advised of the Civilian Employee Assistance Program or Installation Drug and Alcohol Program and the availability of evaluation in accordance with Federal Personnel Manual Supplement 792-2 (reference (d)). Retired members of the Military Services shall be advised of the availability of evaluation and treatment programs.

4. Notification of State Driver's License Agencies. Each DoD Component or its supporting agency shall establish a systematic procedure in accordance with DoD Directive 5400.11 (reference (e)) to notify state driver's license agencies of DoD personnel whose installation driving privileges are suspended for 1 year or more following final adjudication of the intoxicated driving offense or upon suspension for refusal to submit to a lawful BAC test under subsection E.2., above. This notification shall include the basis for the suspension and the BAC level, if known. Exceptions shall be made only when such a suspension was increased for an additional 2 years for driving on an installation while installation driving privileges were suspended solely on the basis of driving in violation of suspension (see paragraph E.2.e., above). This notification shall be sent to the state in which the driver's license was issued and the state in which the installation is located. Sample letter format is provided in enclosure 3, and state driver's license agencies are listed in the attachment to the enclosure. DoD Components shall establish a system to exchange intoxicated driving and driving privilege suspension data when DoD personnel transfer from one location to another to ensure that the receiving installation continues any remaining portion of the suspension. This information requirement is exempt from formal approval and licensing.

5. The Military Services shall include the intoxicated driving prevention program as an inspection item of special interest for Inspector General or administrative inspections.

6. The Military Services shall direct installation commanders to assess the availability of drugs and alcohol in the vicinity of military installations through their Armed Forces Disciplinary Control Boards or Control Boards of

other appropriate federal agencies. Whenever the availability of alcohol or drugs, or both, at an establishment off-base presents a threat to the discipline, health, and welfare of DoD personnel, such establishments shall be dealt with as prescribed in the "Armed Forces Disciplinary Control Board and Off-Installation Military Enforcement Guidance" (Army Regulation No. 190-24, Marine Corps Order No. 162.2A, BUPERS Inst. 1620.4A, Air Force Regulation No. 125-11, Commandant Instruction No. 1620.13).

7. Cases Involving Death or Serious Injury

a. To the extent permitted by law and consistent with the Uniform Code of Military Justice (UCMJ) and the "Manual for Courts-Martial" (references (f) and (g)) and in accordance with trial counsel's judgment of appropriate tactical and ethical concerns, consideration shall be given to presenting a victim's impact statement (oral or written statement by victims or survivors) before sentencing in cases involving intoxicated driving.

b. Trial counsel are encouraged to make reasonable efforts to ensure that the victim or the victim's family is provided information about the progress and disposition of cases processed under reference (f).

8. DoD Components with field installations shall establish an awards and recognition program to recognize successful local installation intoxicated driving prevention programs.

9. Each DoD Component or its supporting agency is encouraged to use, as guidance, "Report on a National Study of Preliminary Breath Test (PBT) and Illegal Per Se Laws" (reference (h)) and "Interim Report to the Nation by the Presidential Commission on Drunk Driving" (reference (i)).

F. RESPONSIBILITIES

1. The Assistant Secretary of Defense (Health Affairs) (ASD(HA)) shall:

a. Develop a coordinated approach to the reduction of intoxicated driving, consistent with this Directive, recognizing that intoxicated driving prevention programs shall be designed to meet local needs.

b. Appoint the chair of the DIDPTF.

c. Monitor Military Service and DoD Component regulations that implement the DoD Intoxicated Driving Prevention Program.

d. Act as focal point for the Department of Defense for interagency and nongovernmental coordination of national intoxicated driving prevention programs.

e. Evaluate and report biennially to the Secretary of Defense on the effectiveness and efficiency of the DoD Intoxicated Driving Prevention Program.

2. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)) shall:

a. Ensure the DoD Dependents Schools system and Section VI schools include specific material in the curriculum (grades 7 through 12) on the effects that alcohol and drugs have on the impairment of driving skills.

b. Ensure that intoxicated driving, accident, mishap, and injury data include:

(1) BAC of drivers in three categories - .01-.04, .05-.09, and .10 and above.

(2) Time of day and day of the week the mishap or injury occurred.

(3) Type of vehicle (include MOPEDs with motorcycle data).

(4) Death and injury data on DoD personnel killed or injured as a result of intoxicated driving, including those who were not intoxicated themselves but were involved in a mishap as a result of intoxicated driving by another party.

(5) Government property damage cost.

(6) Cost of treatment of injured DoD personnel.

(7) Pertinent data on military personnel separated or retired as a result of injury or other action taken because of:

(a) Intoxicated driving by the person being separated or retired; or

(b) Intoxicated driving by another person.

(8) Other chemical substances causing intoxicated driving that contributed to an accident.

c. Provide an annual report to the Secretary of Defense that assesses the impact of intoxicated driving on the Department of Defense. The report shall include intoxicated driving arrest, apprehension, and conviction data as well as the number of exceptions granted to the mandatory suspension of driving privileges under paragraph E.2.f., above.

d. Establish procedures (when feasible) under which DoD personnel convicted for driving while intoxicated will pay administrative restitution to the government for property damage or medical expenses to the extent permitted by applicable law.

e. Amend appropriate DoD issuances to include the use of a preliminary or prearrest breath test (PBT) to be used by law enforcement personnel to indicate impairment when the arresting officer has reason to believe the operator of a motor vehicle may be intoxicated. (See "Report on a National Study of Preliminary Breath Test (PBT) and Illegal Per Se Laws," reference (h)).

3. The Head of Each DoD Component or Its Supporting Agency shall establish and operate intoxicated driving prevention programs prescribed by this Directive.

G. DOD INTOXICATED DRIVING PREVENTION TASK FORCE

1. Organization and Management

a. The DIDPTF shall be chaired by a representative of the Deputy Assistant Secretary of Defense (Health Promotion), Office of the ASD(HA).

b. The DIDPTF shall consist of representatives of the Military Services' drug and alcohol programs and law enforcement communities and a representative of the Deputy Assistant Secretary of Defense (Equal Opportunity and Safety Policy), Office of the ASD(MRA&L).

c. Meetings generally shall be held bimonthly; however, special sessions may be required by the chair.

2. Functions. The DIDPTF shall:

a. Monitor Military Service and DoD Component policy as it applies to the prevention of intoxicated driving.

b. Review programs and policy developed by other federal and state agencies and make recommendations of suitable adaptation within the Department of Defense.

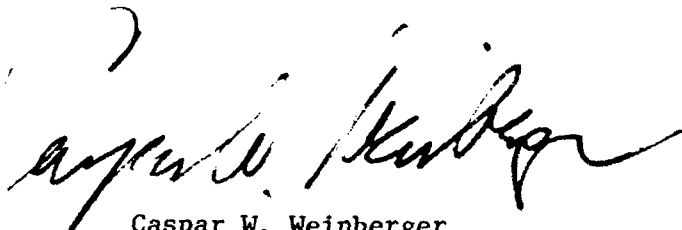
c. Make recommendations to the ASD(HA) and the ASD(MRA&L) on matters pertaining to intoxicated driving.

H. INFORMATION REQUIREMENTS

Information requirements of this Directive are prescribed in subsection E.4. and paragraphs F.1.e. and F.2.c., above.

I. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Health Affairs) within 120 days.



Caspar W. Weinberger
Secretary of Defense

Enclosures - 3

1. References
2. Definitions
3. Driver's License Information

REFERENCES, continued

- (e) DoD Directive 5400.11, "Department of Defense Privacy Program," Jun. 9, 1982
- (f) Title 10, United States Code, Chapter 47 (Uniform Code of Military Justice)
- (g) "Manual for Courts-Martial," United States, 1969 (revised edition)
- (h) "Report on a National Study of Preliminary Breath Test (PBT) and Illegal Per Se Laws," August 1961¹
- (i) "Interim Report to the Nation by the Presidential Commission on Drunk Driving," December 13, 1982²

¹Available from the National Technical Information Service, Springfield, Virginia 22161. Publication number DOT HS-806-048.

²Available from the Presidential Commission on Drunk Driving, Room 4109, 400 7th St. SW, Washington, D.C. 20590.

DEFINITIONS

1. Blood Alcohol Content (BAC). The percentage, by weight, of alcohol in a person's blood as determined by blood, urine, or breath analysis. Percent of weight by volume of alcohol in the blood is based on grams of alcohol per 100 milliliters of blood.
2. Conviction. An official determination or finding as authorized by state or federal law or regulation, including a final conviction by a court or court-martial (whether based on a plea of guilty or a finding of guilty and regardless of whether the penalty is rebated, deferred, suspended, or probated), an unvacated forfeiture of bail or other collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by a court, or a payment of a fine.
3. DoD Issuances. DoD Directives, Instructions, publications, and changes thereto.
4. DoD Personnel
 - a. Civilian Personnel. Employees of the Department of Defense whose salary or wages are paid from appropriated or nonappropriated funds.
 - b. Military Personnel. All U.S. military personnel on active duty, U.S. military reserve or National Guard personnel on active duty, and Military Service academy cadets.
5. Driving Privileges. Operation of a privately owned motor vehicle on an installation or in areas where traffic operations are under military supervision.
6. Intoxicated Driving. Includes one or more of the following:
 - a. Operating a motor vehicle under any intoxication caused by alcohol or drugs in violation of Article 111 of the UCMJ (reference (f)) (see paragraphs 190 and 191 of the "Manual for Courts-Martial," reference (g)) or a similar law of the jurisdiction in which the vehicle is being operated.
 - b. Operating a motor vehicle with a BAC of .10 or higher on a military installation or in an area where traffic operations are under military supervision.
 - c. Operating a motor vehicle with a BAC of .10 or higher in violation of the law of the jurisdiction in which the vehicle is being operated.
 - d. Operating a motor vehicle with a BAC of .05 but less than .10 in violation of the law of the jurisdiction in which the vehicle is being operated if the jurisdiction imposes a suspension or revocation solely on the basis of the BAC level.
7. Supporting Agency. The agency that accepts the responsibility and performs the actions necessary to accomplish any of the requirements of this Directive (for example, one of the Military Services supporting a Defense Agency through installation vehicle registration, screening of intoxicated drivers, or supervisor education).

DRIVER'S LICENSE INFORMATION (Sample Letter)

FROM: _____

TO: Department of Vehicle Registration and Licenses

SUBJECT: Notification of Person Convicted of an Intoxicated Driving Offense

This letter is your notification that on _____, _____
(date) (last name, first name,
_____, a member of
middle initial) and social security number of person)

_____,
(branch of Military Service or DoD Component) (and unit)
_____, was found guilty of (intoxicated driving or
(installation location)

refusal to take a blood alcohol content (BAC) test in a court-martial, non-
judicial proceeding under Article 15 of the UCMJ, or civil court). (If civil
court, give court name and case number.) (He or she) holds a _____
(state)

driver's license, number _____, issued _____, expiring on
_____. (He or she) was arrested _____ by
(date and base location)

_____ (or military) police while driving vehicle license number
(state)

_____. A BAC test (was or was not) taken (with a reading of
_____). Based on the above information, this individual's instal-
lation driving privileges have been suspended for (insert number of years).

The individual's current address is:

Signer

STATE DRIVER'S LICENSE AGENCIES

ALABAMA

Data Processing Unit
Driver's Licensing Division
Department of Public Safety
Montgomery, Alabama 36192
(205) 832-5100

ALASKA

MVR Desk
Motor Vehicles
Pouch N
Juneau, Alaska 99811
(907) 465-4361

ARIZONA

Phoenix City Magistrates Court
(No street number required)
Phoenix, Arizona 85001
(602) 262-4001

ARKANSAS

Driver's Control
P.O. Box 1272
Little Rock, Arkansas 72203
(501) 371-1631

CALIFORNIA

Information Services
Department of Motor Vehicles
P.O. Box 11231
Sacramento, California 95813

COLORADO

Motor Vehicle Division
Master File Section 44-489
140 W. 6th Avenue
Denver, Colorado 80204
(303) 866-3751

CONNECTICUT

Assistant Division Chief
60 State Street
Wethersfield, Connecticut 06109
(203) 566-3230

DELAWARE

Senior Clerk
Revocation Section
P.O. Box 698
Dover, Delaware 19901
(302) 736-4427

FLORIDA

Division of Drivers Licenses & Motor
Vehicles
Department of Highway Safety
Kirkman Building
Tallahassee, Florida 32301
(904) 488-2117

GEORGIA

Drivers Support Division
Department of Public Safety
P.O. Box 1456
Atlanta, Georgia 30371-2303
(404) 656-5704

HAWAII

Administrator
District Court
1111 Alakea Street
Honolulu, Hawaii 96813
(808) 548-2467

IDAHO

Idaho Transportation Department
Driver Services
P.O. Box 34
Boise, Idaho 83731
(208) 334-2534

ILLINOIS

Abstract Informational Unit
Motor Vehicle Services
2701 S. Dirksen Parkway
Springfield, Illinois 62703
(217) 782-2720

INDIANA

Bureau of Motor Vehicles
Paid Mail Division
State Office Building
Room 416
Indianapolis, Indiana 46204
(317) 232-2894

IOWA

Chief Teletype Operator
Lucas State Office Building
Des Moines, Iowa 50319
(515) 281-5559

KANSAS

Chief
Driver Control Bureau
State Office Building
Topeka, Kansas 66626
(913) 296-3671

KENTUCKY

Division of Driver Licensing
Justice Cabinet
Room 220, State Office Building
Frankfurt, Kentucky 40601
(502) 564-6800

LOUISIANA

Department of Public Safety
Office of Motor Vehicles
P.O. Box 64886
Baton Rouge, Louisiana 70896

MAINE

Driver Record Section
Motor Vehicle Division
Statehouse Station #29
Augusta, Maine 04333
(207) 289-2733

MARYLAND

Director
Driver Records
6601 Ritchie Highway, NE
Glen Burnie, Maryland 21062
(301) 768-7225

MASSACHUSETTS

Registry Motor Vehicles
100 Nashua Street
Boston, Massachusetts 02114

MICHIGAN

Commercial Lookup Unit
Michigan Department of State
Bureau of Driver & Vehicle Services
Lansing, Michigan 48918

MINNESOTA

Driver License Division
108 Transportation Building
St. Paul, Minnesota 55155
(612) 296-2023

MISSISSIPPI

Mississippi Highway Patrol
MVR Section
P.O. Box 958
Jackson, Mississippi 39205
(601) 982-1212, Ext. 268

MISSOURI

Division of Motor Vehicles &
Driver Licensing
P.O. Box 629
Jefferson City, Missouri 65105
(No telephone inquiries)

MONTANA

Office Manager
Driver Services
303 North Roberts
Helena, Montana 59620
(406) 449-3000

NEBRASKA

Administrator
P.O. Box 94789
Lincoln, Nebraska 68509
(402) 471-3888

NEVADA

Driver Record Section
555 Wright Way
Carson City, Nevada 89701
(702) 885-5505

NEW HAMPSHIRE

Department of Safety
Division of Motor Vehicles
Hazen Drive
Concord, New Hampshire 03105
(603) 271-2486

NEW JERSEY

Supervisor, Abstract Section
Dept. of Motor Vehicles
137 E. State Street
Trenton, New Jersey 08625
(609) 292-4558

NEW MEXICO

Chief
Motor Transportation Department
Manuel Lujan Building
Santa Fe, New Mexico 87503
(505) 827-2362

NEW YORK

New York State Dept. of Motor
Vehicles
Public Service Bureau
Empire State Plaza
Albany, New York 12228
(518) 474-0705

NORTH CAROLINA

Director
Driver License Section
Division of Motor Vehicles
1100 New Bern Avenue
Raleigh, North Carolina 27697
(919) 733-9906

NORTH DAKOTA

Driving Records
Drivers License Division
600 E. Boulevard
Bismarck, North Dakota 58505
(701) 224-2603

OHIO

Bureau of Motor Vehicles
ATTN: MVOSPA
P.O. Box 16520
Columbus, Ohio 43216

OKLAHOMA

Oklahoma Department of Public Safety
Driver Improvement Division
Box 11415
Oklahoma City, Oklahoma 73136
(405) 427-6541

OREGON

Supervisor
Files and Correspondence DMV
1905 Lana Avenue, NE
Salem, Oregon 97314
(503) 371-2225

PENNSYLVANIA

Division Manager
Citation Processing Division, Room 302
Bureau of Traffic Safety Operations
Department of Transportation
Harrisburg, Pennsylvania 17120

RHODE ISLAND

Department of Motor Vehicles
State Office Building
Providence, Rhode Island 02903
(401) 277-2994

SOUTH CAROLINA

Motor Vehicle Administrator
P.O. Box 1498
Columbia, South Carolina 29216
(803) 758-8428

SOUTH DAKOTA

Driver Improvement Program
118 W. Capitol
Pierre, South Dakota 57501-2080
(605) 773-4128

TENNESSEE

Financial Responsibility Section
P.O. Box 945
Nashville, Tennessee 37202
(615) 741-3954

TEXAS

Director, Motor Vehicle Division
40th and Jackson Avenue
Austin, Texas 78779
(512) 465-7611

UTAH

Chief, Drivers License Bureau
317 State Office Building
Salt Lake City, Utah 84114
(801) 965-4411

VERMONT

Director of Law Administration
Department of Motor Vehicles
120 State Street
Montpelier, Vermont 05603
(Mail inquiries only)

VIRGINIA

Division of Motor Vehicles
Attn: Driver's Licensing and
Information Department
2300 W. Broad Street
Richmond, Virginia 23269
(804) 257-0410

WASHINGTON

Department of Licensing
Driver Services Division
Highway Licensing Building
Olympia, Washington 98504
(206) 753-6976

WEST VIRGINIA

Department of Motor Vehicles
1800 Washington Street, East
Charleston, West Virginia 25317
(304) 348-0238

WISCONSIN

Driver Record File
Department of Transportation
P.O. Box 7918
Madison, Wisconsin 53707-7918
(608) 266-2360

WYOMING

Criminal Identification Division
Boyd Building
Cheyenne, Wyoming 82002

NDR

National Driver Register
Room 5117, NHTSA
400 7th Street SW
Washington, D.C. 20509

DISTRICT OF COLUMBIA

District of Columbia Department
of Transportation
Bureau of Motor Vehicles Services
301 C Street NW
Washington, D.C. 20001

Aug 10, 83
1010.7 (Att 1 to Encl 3)

GUAM

Mr. Patrick Wolfe
Deputy Director, Revenue
and Taxation
Government of Guam
Agana, Guam 96910

PUERTO RICO

Mr. Jose A. Zayas-Berdecia
Director
Bureau of Motor Vehicles
P.O. Box 41243
Santurce, Puerto Rico 00940

Virgin Islands

(Does not participate in the
National Driver Register)

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
1010.7, Ch 1	June 7, 1985	1000 series

ATTACHMENTS

Pages 3 and 4

INSTRUCTIONS FOR RECIPIENTS

The following changes to DoD Directive 1010.7, "Drunk and Drugged Driving by DoD Personnel," August 10, 1983, are authorized:

PEN CHANGES

Page 9, subsection F.2., line 1. Change "Reserve Affairs" to "Installations"

Page 9, subsection F.2., line 2. Change "MRA&L" to "MI&L"

Page 10, paragraph G.1.b., line 4. Change "MRA&L" to "MI&L"

Page 10, paragraph G.2.c., line 1. Change "MRA&L" to "MI&L"

Changed portions are underscored.

PAGE CHANGES

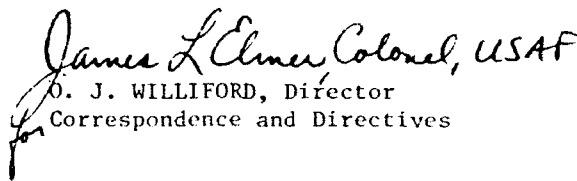
Remove: pages 3 and 4

Insert: Attached replacement pages

Changes appear on both pages and are indicated by marginal asterisks.

EFFECTIVE DATE AND IMPLEMENTATION

The above changes are effective immediately. Forward one copy of revised implementing documents to the Assistant Secretary of Defense (Health Affairs) within 120 days.


O. J. WILLIFORD, Director
for Correspondence and Directives

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

acquiring arrest reports and other official documentation of intoxicated driving incidents consistent with applicable laws and regulations. Such procedures shall be sufficiently flexible to meet local needs.

a. Military personnel and their family members, retired members of the Military Services, DoD civilian personnel, and others with installation driving privileges may have those driving privileges suspended, regardless of the geographic location of an intoxicated driving incident.

(1) Suspension is authorized for non-DoD civilians only with respect to incidents occurring on the military installation or in areas subject to military traffic supervision.

(2) With respect to DoD civilian personnel covered by a negotiated agreement, a suspension under this subsection may be reviewed only to the extent required by the negotiated agreement applicable to the affected employee. Such matters mandatorily are excluded from DoD Component administrative grievance procedures. A grievance under such a procedure will not delay imposition of a preliminary or 1-year suspension of driving privileges.

(3) A notice of suspension will not become effective until 24 hours after the incident for which a suspension is imposed. However, this provision does not preclude appropriate action to prevent an intoxicated person from operating a motor vehicle, nor does it affect the validity of an earlier suspension imposed on the same individual.

(4) A hearing authorized under paragraph E.2.b., E.2.c., or E.2.e., below, shall be conducted by the installation commander. The power to conduct a hearing and make a decision may be delegated only to an official whose primary duties are not in the field of law enforcement. At a hearing under this subsection, the individual shall have the right to present evidence and witnesses at his or her own expense. The individual may be represented by counsel at his or her own expense. DoD civilian personnel may have a personal representative present in accordance with applicable laws and regulations.

b. Suspension Based upon Lawful Apprehension

(1) Preliminary suspension of driving privileges is mandatory based upon an arrest report or other official documentation of the circumstances of an apprehension for intoxicated driving.

(2) The individual shall be notified in writing of the preliminary suspension. The notice shall include the arrest report or other documentation and shall inform the individual that a 1-year suspension can be imposed upon * conviction, imposition of nonjudicial punishment, military administrative *
* determination, or action by civilian authorities leading to suspension or *
* revocation of the individual's driver's license. The notice shall inform the individual that he or she has the right to submit a request within 5 working days to vacate the preliminary suspension and that failure to request such a hearing will result in continuation of the preliminary suspension.

(3) If a hearing has not been requested within 5 working days, the preliminary suspension shall be continued until there has been a criminal, nonjudicial, or administrative disposition.

(4) If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days of the request. If the official conducting the hearing determines that the apprehension was based upon probable cause, the preliminary suspension shall be continued; if not, it shall be vacated. Such determinations are solely for purposes of acting on the preliminary suspension and are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

(5) When there is an official report that there has been a finding of not guilty, the charges have been dismissed or reduced to an offense not amounting to intoxicated driving, or there has been an equivalent determination in a nonjudicial punishment proceeding or military or civilian administrative action, the suspension shall be vacated except as follows:

(a) If the preliminary suspension was based upon refusal to take a blood alcohol content (BAC) test, the matter shall be processed under paragraph E.2.c., below.

(b) If the preliminary suspension was based on a BAC test, the suspension shall be continued pending completion of a hearing unless disposition of the charges was based on invalidity of the BAC test. The individual shall be notified in writing of the continuation of the preliminary suspension and of the opportunity to request a hearing within 10 working days. If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days of the request. The hearing shall be conducted in accordance with the provisions of subparagraph E.2.a.(4), above. The hearing shall consider the arrest report, the report of the official disposition, other official documentation, information presented by the individual, and such other information as the hearing officer may deem appropriate. If the hearing officer determines by a preponderance of the evidence that the individual was engaged in intoxicated driving, the suspension shall be for 1 year from the date of the original preliminary suspension. If not, the preliminary suspension shall be vacated. If the individual does not request a hearing within 10 working days, the suspension shall be for 1 year.

(6) If there is a conviction, nonjudicial punishment, or civil suspension or revocation of driving privileges, the suspension shall be continued for 1 year from the date of the original preliminary suspension. Such action shall be taken only on the basis of an official report.

c. Suspension for Refusal to Take a Blood Alcohol Content (BAC) Test

(1) Preliminary suspension of driving privileges is mandatory based upon an official report that an individual refused to submit to a lawfully requested BAC test.

(2) The individual shall be notified of the preliminary suspension in writing. The notice shall include the arrest report or other documentation and shall inform the individual that a 1-year suspension can be imposed after a hearing under subparagraph E.2.c.(4), below. The notice also shall inform the individual that he or she has the right within 5 working days to submit a request for a hearing to validate the preliminary suspension and that the suspension will be for 1 year if a hearing is not requested.

(3) If a hearing is not requested within 5 working days, the suspension shall be for 1 year.

(4) If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days of the request. The hearing shall consider the arrest report or other official documentation, information presented by the individual, and such other information as the hearing officer may deem appropriate. The official conducting the hearing shall consider the following issues: (a) Did the official have reasonable grounds to believe that the person had been operating, or was in actual physical control of, a motor vehicle while intoxicated? (b) Was the person lawfully cited or apprehended for an intoxicated driving offense? (c) Was the individual lawfully requested to submit to a BAC test? (d) Did the person refuse to submit to or fail to complete a BAC test required by the law of the jurisdiction in which the test was requested? If, in view of these issues, the test was lawfully requested, the suspension shall be for 1 year, irrespective of the ultimate disposition of the underlying intoxicated driving offense. If not, the preliminary suspension shall be vacated. Such determinations are solely for purposes of acting on the preliminary suspension and are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NUMBER 1010.7, Ch 2	DATE November 20, 1985	DISTRIBUTION 1000 series
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ATTACHMENTS

None

INSTRUCTIONS FOR RECIPIENTS

The following pen changes to DoD Directive 1010.7, "Drunk and Drugged Driving by DoD Personnel," August 10, 1983 (Change 1 was issued June 7, 1985) are authorized:

PEN CHANGES

Page 1. Change originating office symbol from "ASD(HA)" to "ASD(FM&P)"

Page 8, subsection F.1., line 1. Change "(Health Affairs) (ASD(HA))" to "(Force Management and Personnel) (ASD(FM&P))"

Page 9. Delete subsection F.2., lines 1 & 2

Page 9. Change paragraphs "F.2.a., F.2.b., F.2.c., F.2.d., and F.2.e." to "F.1.f., F.1.g., F.1.h., F.1.i., and F.1.j."

Page 10. Change subsection "F.3." to "F.2."

Page 10, paragraph G.1.a., line 2. Change "(Health Promotion), Office of the ASD(HA)" to "(Force Management and Personnel), Office of the Director, Resource Management and Support"

Page 10, paragraph G.1.b., line 2. Place a period after "communities" and delete the remaining portion of lines 2, 3, and 4.

Page 10, paragraph G.2.c., line 1. Change "ASD(HA)" to "ASD(FM&P)" and delete "and the ASD(MI&L)"

Page 10, section H., line 2. Change "F.2.c." to "F.1.h."

The changed portions are underscored.

EFFECTIVE DATE. The above changes are effective immediately.


JAMES L. ELMER, Colonel, USAF
Director
Correspondence and Directives

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT