

13-1134

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission, and wishes to announce that the Department's Office of Foreign Missions ("OFM") is implementing a new measure to assist missions in ensuring that all missions and their eligible members maintain liability insurance on all vehicles in accordance with the Diplomatic Relations Act of 1978 ("DRA") and its implementing regulations, the Foreign Missions Act of 1982 ("FMA"), and applicable FMA determinations.

All foreign missions and their eligible members are required to acquire and maintain current and sufficient federally-mandated levels of liability insurance for all motor vehicles owned, leased, or otherwise regularly used, as more fully detailed at <http://www.state.gov/ofm/dmv/insurance/index.htm>. Missions are required to provide written proof that the insurance is in effect. The Chiefs of Mission are further informed that non-compliance with this requirement is viewed by the Department as a failure to "respect the laws and regulations of the receiving state" as required by the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. Moreover, it is the responsibility of the

Chiefs of Mission under the FMA to notify the Department promptly of the lapse or termination of any liability insurance coverage held by eligible mission members or members of their families.

In order to assist missions in meeting this requirement, effective June 1, 2013, OFM commenced the following new procedures applicable for all foreign missions located in the Washington, D.C., Metropolitan Area:

1. Bi-Monthly Insurance Expiration Notices

To ensure there is ample time to renew policies prior to their expiration, OFM already has commenced sending courtesy reminder notices between 30 and 45 days prior to the policy expiration date in OFM records as follows:

- On the first business day of each month, a reminder notice is sent to applicable missions concerning any insurance policies associated with either mission or personal vehicles that OFM's records indicate will expire between the 1st and the 15th of the following month.
- On or about the fifteenth day of each month, OFM sends a separate reminder notice to applicable missions concerning any insurance policies associated with either mission or personal vehicles that OFM's records indicate will expire between the 16th and the last day of the following month.

By way of illustration, missions should have received a reminder notice on July 1, 2013 for insurance policies that expired between August 1 and 15, 2013. Further, missions also should have received a separate monthly reminder notice on July 15, 2013 for insurance policies that expired between August 16 and 30, 2013.

2. Follow-Up Letters – Proof of Insurance Renewals Required

To prevent a lapse of insurance, the Chiefs of Mission are further informed that OFM sends follow-up letters twice per month, addressed to the Deputy Chiefs of Mission (“DCMs”), reminding them to provide proof of insurance renewals for all insurance policies that OFM’s records indicate have not been renewed and will expire during the two-week period beginning approximately 15 days from the date of the letter.

- On the first business day of each month, DCMs are sent a letter regarding any insurance policies that OFM records show will expire between the 16th and the last day of the present month.
- On or about the 15th day of each month, DCMs are sent a separate letter regarding any insurance policies that OFM records show will expire between the first day of the following month and the 15th day of the following month.

3. Diplomatic Note – Failure to Provide Proof of Insurance Renewal

The Chiefs of Mission are advised that, beginning January 1, 2014, should the requested proofs of insurance renewal not be provided as requested as of the expiration date of the policy, missions will be notified of this failure by diplomatic note.

Such notes will require missions to submit to OFM within five business days of the date of the note written proof of the referenced insurance renewals. The process through which such information must be provided is described in the Department's diplomatic note No. 12-342, dated December 19, 2012, (a copy of which is available electronically at www.state.gov/documents/organization/202508.pdf).

A mission's failure to provide such information within the indicated period of time will result in OFM requiring the immediate return of the diplomatic plates of the non-compliant registrant's vehicle(s) accompanied by a written undertaking from the mission that the vehicle will not be operated.

In addition, should the Department be unable to obtain compliance by the mission with the aforementioned federally mandated insurance requirements, the goal of which is to protect the public, the Department will consider taking additional actions, to include, for personally owned vehicles, the suspension of the driving privileges of the associated vehicle's owner and his/her family members.

Per longstanding Department policy, non-compliance will also result in non-renewal of vehicle registrations of all other vehicles owned by the mission (for mission vehicles) or mission member (for personally owned vehicles). Vehicles that are driven with suspended or expired registrations risk being issued citations by law enforcement. The Department expects foreign missions and their members to fully satisfy any such citations.

The Chiefs of Mission are further reminded that the FMA establishes that whenever the Department finds that a member of a foreign mission, or a member of the family of such member:

- is at fault for personal injury, death, or property damage arising out of the operation of a motor vehicle, vessel, or aircraft in the United States,
- is not covered by liability insurance, and
- has not satisfied a court-rendered judgment against him or is not legally liable, the Department shall impose a surcharge or fee on the foreign mission of which such member or individual is a part, amounting to the unsatisfied portion of the judgment rendered against such member or individual or, if there is no court-rendered judgment, an estimated amount of damages incurred by the victim. The payment

of any such surcharge or fee shall be available only for compensation of the victim or his estate.

The Department expects missions to act expeditiously with respect to this matter and to ensure that this new insurance compliance process is thoroughly disseminated to all mission members. Please direct any questions concerning this new policy to OFM's Office of Diplomatic Motor Vehicles either by electronic mail to OFMDMVInsurance@state.gov or by telephone at 202-895-3500.

Enclosure: As stated.

Department of State,

A handwritten signature in black ink, appearing to be a stylized 'A' or similar character, located to the right of the Department of State text.

Washington, December 3, 2013.