



Under international law and practice, persons enjoying immunity from the jurisdiction of the host country's laws are nonetheless obligated to respect those laws.

Immunity is not a license for misconduct. **It is important that the law enforcement and judicial authorities of the United States always treat foreign diplomatic and consular personnel with respect, and with due regard for the privileges and immunities to which they are entitled under international law.** Any failure to do so has the potential of casting doubt on the commitment of the United States to carry out its international obligations, and possibly negatively influencing larger foreign policy interests. There are various categories of immunity and personal inviolability enjoyed to some degree by the majority of foreign diplomatic and consular personnel. This inviolability precludes handcuffing, placing the individual under arrest, etc. So it is important for law enforcement officers, in the course of a traffic stop or any incident, to immediately verify the violator's immunity status with the State Department.

However, appropriate caution should not lead to a "hands off" attitude in connection with criminal law enforcement actions involving foreign diplomats. Foreign diplomats who violate traffic laws should be cited for violations they commit. Allegations of serious crimes should be fully investigated, promptly reported to the U.S. Department of State, and procedurally developed to the maximum permissible extent. Local law enforcement authorities should never be inhibited in their efforts to protect the public welfare in extreme situations.

Per Congressional mandate, the Office of Foreign Missions (OFM) is the official vehicle registering and driver licensing authority for all foreign diplomatic and consular personnel entitled to privileges and immunities residing in the United States. Therefore, OFM maintains driving records for all persons who possess a U.S. State Department driver's license. Drivers who demonstrate a pattern of bad driving habits or

who commit an egregious offense such as DWI are subject to having their licenses suspended or revoked as appropriate. This policy can be enforced effectively only if all driving infractions (including DWI, DUI, reckless driving, etc.) are reported promptly to the U.S. Department of State. It is U.S. Department of State policy to assign "points" for driving infractions and to suspend the operator's license of foreign mission personnel who abuse the privilege of driving in the United States by repeatedly committing traffic violations and demonstrating unsafe driving practices. Serious offenses, as well as two DUIs, will cause an individual's departure from the U.S.

OFM utilizes a point system similar to those used by individual states to record traffic (moving) violations. All individuals who receive a traffic ticket that carries a fine are expected to either pay the fine or contest the ticket in local traffic court. If the individual wishes to go to court, the Department will request that applicable immunities be waived by the sending government so that the mission member may appear in court to contest the ticket. If a mission member is issued a citation for a DWI/DUI, OFM will formally request a waiver of immunity so the case may be adjudicated in accordance with local law. If the waiver is granted, the violator will appear in court on the appointed day and time and OFM will abide by the court's decision in the case, expecting that any fines or conditions imposed will be satisfied. The court's determination will be recorded on the individual's driving record. If the request for waiver of immunity is denied, OFM will certify the individual's immunity to the court and will immediately suspend the driving privileges of the offender for a period up to one (1) year.

Accumulating 8 points in a 2-year period on the driving record will cause its review and possible administrative action.

A 12 point accumulation within a 2-year period will result in a suspension of driving privileges. Habitual violation of traffic laws will result in the revocation of driving privileges, as will driving on suspension. If necessary, the United States can request the recall of anyone who demonstrates a serious disregard for U.S. law or public safety. Please see below for common offenses and corresponding points.



INFRACTION	POINTS
Contest racing on public traffic way	8
Displayed invalid registration/title B/C altered, counterfeit, withdrawal	12
Driving in violation of a restricted license	11
Driving on road shoulder, in ditch, or on a sidewalk	2
Driving too fast for conditions	3
Driving while suspended	12
DUI/DWI - Alcohol/Narcotics	12
Evading arrest by fleeing the scene of citation or roadblock	12
Fail to obey instructions on traffic sign/control device	3
Failure to control vehicle to avoid a collision	4
Failure to follow instructions of police officer	3
Failure to keep DL or registration card in possession operating MV	2
Failure to keep in proper lane	2
Failure to maintain required liability insurance coverage	8
Failure to pay full time & attention to driving	2
Failure to reduce speed to avoid a collision	3
Failure to signal intent to change MV direction or MV speed suddenly	2
Failure to yield at yield sign, after stop sign, or entering traffic	2
Failure to yield to a school bus as required	5
Following emergency vehicles unlawfully	3
Following too closely	3
HOV violation	2
Improper driving	4
Improper lane changing	2
Making improper turn	2
Misrepresentation of ID or other facts to avoid arrest or prosecution	12
Negligent Driving	3
Operating a MV without exercise of care required to avoid danger	3
Operating a MV with registration plates missing, defaced, or obscured	2
Operating contrary to conditions specified on DL	5
Operating w/o DL or w/o DL required for type MV operated	8
Operating with defective breaks	3
Operating with defective headlights	2
Operating with expired registration	2
Passing on the wrong side	2
Passing school bus taking on or discharging passengers	5
Reckless disregard of others in a MV, endangering persons/property	12
Reckless driving/alcohol involvement	12
Reckless driving/Speed	8
Speeding in excess of 100 MPH	8
Speeding over maximum limit 1-9 MPH	2
Speeding over maximum limit 10-19 MPH	3
Speeding over maximum limit 20 or more MPH	6