



# 21ST TSC LEGAL INFORMER



SUMMER 2025

## Operating Bicycles, E-Bicycles and E-Scooters when Drunk

By Pete Masterton

While most of us know about the dangers of driving a motor vehicle while drunk, many are not aware that the same rules apply to operating bicycles, e-bicycles and e-scooters. For service members, operating any non-motorized vehicle (like a bicycle) or small motorized vehicle (like an e-scooter) while intoxicated can lead to a court-martial or non-judicial punishment and loss of driving privileges. Civilians can face host-nation prosecution and loss of driving privileges.



For service members, the military's drunk driving statute, Article 113 of the Uniform Code of Military Justice, will apply. Article 113 covers the operation of ALL vehicles capable of movement on land, including non-motorized vehicles like bicycles, and small motorized vehicles like e-bicycles and e-scooters. This means that service members who operate bicycles, e-bicycles and e-scooters with a blood alcohol concentration in excess of the military limit (.08 grams per 100 milliliters of blood), can receive non-judicial punishment or be tried by court-martial. In addition, such punishment will result in a number of administrative penalties, to include revocation of a U.S. Forces Certificate of License and, for Soldiers, a written reprimand from a general officer.

Host nation rules also prohibit operating these vehicles while intoxicated. These rules will apply to anyone stationed in Europe, to include service members, civilian employees and dependents. However, host nation rules vary from country to country and will depend on the type of vehicle.

Under German law it is illegal to operate a bicycle with a blood alcohol concentration above 1.6 "promille," which is equivalent to an American blood alcohol concentration of .15 grams of alcohol per 100 milliliters of blood. The German rules on e-bikes are even more complicated. There are two classes of e-bikes (pedal electric cycles or "pedelecs"). The first class includes those that can operate at up to 25 kilometers per hour ("normal pedelecs"); the second class includes those that can operate at up to 45 kilometers per hour ("S-pedelecs"). Normal pedelecs are treated like bicycles: the legal limit operating them is 1.6 promille. S-pedelecs, on the other hand, are treated like motor vehicles; the legal limit for operating them is .5 promille, which is equivalent to an American blood alcohol concentration of .047 grams of alcohol per 100 milliliters of blood. E-scooters are also treated like motor vehicles: the legal limit is also .5 promille. (Continued on next page.)

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The 21st TSC Legal Informer is the newsletter of the 21st Theater Sustainment Command (TSC) Office of the Staff Judge Advocate.

Our mission is to provide outstanding legal support to Soldiers, Civilian Employees and Family Members assigned to or supported by the 21st TSC. Our headquarters is located in Kaiserslautern, Germany. We have branch offices in Kaiserslautern and Baumholder, Germany, Mons, Belgium, Brunssum, the Netherlands and Camp Bondsteel, Kosovo.

Copies of this and previous newsletters may be found at: [https://armyetaas.sharepoint-mil.us/sites/21TSC\\_SJA](https://armyetaas.sharepoint-mil.us/sites/21TSC_SJA).

## Operating Bicycles, E-Bicycles and E-Scooters While Drunk (continued)

In Belgium and the Netherlands it is illegal to operate a bicycle, e-bike or e-scooter with a blood alcohol concentration of .5 promille, which is equivalent to an American concentration of .047 grams of alcohol per 100 milliliters of blood. In some countries in Europe, such as Romania, it is illegal to operate a bicycle, e-bicycle or e-scooter with ANY blood alcohol concentration; the legal limit is 0 promille.

The bottom line is that operating ANY vehicle while drunk is a very bad idea. The military drunk driving rules and host nation rules prohibit operating all vehicles when drunk – even if the vehicle is small (like an e-scooter) or does not have a motor (like a bicycle).

## Gifts to the Boss

The military has some very specific rules that limit gifts we can give to our superiors - and gifts we can accept from subordinates. When we run afoul of these rules it creates an uncomfortable situation for the boss or - even worse - an ethics violation for both the boss receiving the gift and the subordinates who buy the gift.

The general rule is that DoD employees - Soldiers and civilians - may not give gifts (or solicit contributions for gifts) to anyone superior in their chain of command. The flip side of this rule is that DoD employees - Soldiers and civilians - may not accept gifts from personnel who receive less pay, unless there is no superior-subordinate relationship or they have a personal relationship independent of the workplace.

There are a number of exceptions that may make a farewell gift to a departing superior proper. One exception permits certain gifts on "special, infrequent occasions," which include circumstances that terminate the senior/subordinate relationship, such as retirement or PCS. The gift must be appropriate to the occasion and not exceed \$480 in value. Individuals may join together to form a donating group, but the group gift also may not exceed \$480 in value. Also, if one employee contributes to two or more donating groups, then the value of the gifts from those groups is combined for the purposes of the \$480 limit. Gifts to and from employee's spouses are subject to the same restrictions and exceptions. The cost of food, refreshments, and entertainment at the farewell event, however, is not included in the \$480 gift limit.

Some employees are eager to give or contribute to special gifts for their superiors. Others may not be so keen, for personal or financial reasons. These employees should never feel pressured or coerced. Therefore, it's best to have a junior Soldier or employee coordinate the solicitation of contributions. The donation coordinators may solicit voluntary contributions not to exceed \$10 from individual civilian employees and Soldiers (but not contractors or their employees). Donations coordinators should not keep a record of donors. Individuals may voluntarily contribute more than \$10 if they choose.

Since the answer to "what's appropriate" often is "it depends," it's always a good idea to run things by your unit ethics counselor. For more information, please consult the DoD Standard of Conduct Office resources at <https://dodsoco.osd.mil/ETHICS-TOPICS/Gifts/>.



## Civilian Employee Deferred Resignations and SOFA Status

A number of US government civilian employees accepted one of the recent “deferred resignation program” (DRP) offers. The offers provided that those who obtained an approved DRP would retain all pay and benefits regardless of daily workload until September 30, 2025. These employees will generally be exempted from all applicable in-person work requirements but must assist completing “reasonable and customary tasks” to facilitate their departure. These employees generally will not be required to work at their government job during the deferred resignation period and could even seek outside employment (with appropriate approval) or take an extended vacation. Whether such employees retain their status under the NATO Status of Forces Agreement (SOFA) will depend on each individual situation.



Employees who sever all ties with the military at the beginning of the approved deferred resignation period and move back to the United States or another country with the intent to remain there permanently will generally lose their SOFA status. However, employees who remain in their host nation of assignment during the approved deferred resignation period on administrative leave may retain their SOFA status.

Two examples demonstrate how this might work. John, a U.S. Army civilian employee stationed in Kaiserslautern, applied for the DRP and his application was properly approved by his agency. He immediately turned in all his government equipment and property, to include his computer, civilian ID card and official (no-fee) passport. He cleared his quarters in Kaiserslautern and moved to Portugal, where he plans to retire. Under these circumstances, John will lose his SOFA status and would have to apply for permission to remain in his new home country (Portugal) permanently. Jane, another U.S. Army civilian employee stationed in Kaiserslautern, also applied for the DRP and her application was properly approved. However, she plans to stay in her home in Kaiserslautern for 60 days (the maximum time she is authorized to receive her civilian living quarters allowance). She transfers her work to another employee and turns in her government computer, but keeps her US government ID card and official passport; she informs her boss that she will turn these in when she clears her quarters in 60 days. She remains available to assist in any tasks necessary to ensure her smooth departure from government service. She plans to take several short vacations in Europe, using her home in Kaiserslautern as her base. In this case, Jane will likely keep her SOFA status until she has cleared her quarters and turned in her ID card and passport. If she wishes to remain in Germany after that, she would need to apply to German authorities for permission to remain as a permanent resident or in some other lawful immigration status.



Though U.S. Army legal assistance offices cannot provide advice with regard to labor issues in general, including any questions regarding the DRP itself, those who have questions concerning their SOFA status under the program can contact their local legal assistance office for advice on this specific issue. Everyone’s situation will be different, so it is important to receive individualized advice.

## Personal Liability for Cancelled Conferences

A number of Soldiers recently entered into contracts with local hotels for official conferences and were presented with huge bills for the hotel reservations when the conferences were cancelled. European hotels do NOT have the same cancellation policies of American hotels. In some cases, a European hotel is entitled to charge the person making the reservation for the full cost of the reservation, even if it is cancelled long before the date of the stay.

Under German law a binding hotel reservation is concluded once the essential terms like type, time, and scope of the service along with the price and payment terms have been agreed upon. It can all be done verbally although a written contract is strongly recommended. If the room is not used, the hotel is entitled to the agreed upon price and the hotel guest is not entitled to a refund for any advance payments. However, the hotel will be obligated to deduct any expenses saved by the cancellation and to give a reasonable discount based on the services not used.

In order to avoid legal disputes, all hotels publish general terms and conditions, spelling out their cancellation policy, which is usually more generous than the general rule stated above. As a rule, most hotels have staggered cancellation rates which vary according to the proximity to the agreed arrival date. This means that guests that cancel close to the actual arrival date will receive a smaller refund.

If you book rooms on behalf of other Soldiers for a unit conference, you may become an "agent" of those Soldiers. Under German law, if an agent does not hold a proper authorization to make a booking on behalf of the actual guest, the agent will be the contracting party and become personally liable. This means that you may become personally liable when you book rooms for a unit conference if you do not have proper authority to bind the government or the Soldiers who will attend the conference. Therefore, it is best to seek advice from your unit legal advisor BEFORE you contact a German hotel to book rooms for a conference.



## 21st TSC Legal Offices

### Kaiserslautern

#### Kleber Law Center

#### Kleber Kaserne, Bldg. 3210

Legal Assistance: DSN 483-8848/6782

Claims: DSN 483-89687690/8859

International Law: DSN 483-

Trial Defense Service: DSN 483-8397

(Civilian: +49-631-411-XXXX)

#### Main OSJA

#### Panzer Kaserne, Bldg. 3004

Administrative Law: DSN 523-0470

Criminal Law: DSN 523-0488

Special Victim Team: 523-0524

(Civilian: +49-0611-143-523-XXXX)

### Baumholder Law Center

#### Smith Barracks, Bldg. 8680

Legal Assistance: DSN 531-2445

(Civilian: +49-611-143-531-XXXX)

### Northern Law Center

#### SHAPE (Mons, Belgium), Bldg. 318

Legal Assistance: DSN 423-4910 or 4868

(Civilian: +32-65-44-4910 or 4868)

### Netherlands Law Center

#### USAG Benelux-Brunssum, Bldg 8

Legal Assistance: DSN 597-4182

(Civilian: +31-45-534-0182)

### Kosovo Law Center

#### Camp Bondsteel, Bldg 1330C

Legal Assistance: DSN 781-4575

(Civilian: +383-49-774-628)





## Legal Outreach: Mock Trial at Europa Institute (University of Saarbrücken)



The 21st TSC legal team hosted a mock trial program at the Europa Institute (part of the University of Saarbrücken) in January 2025. The program included comparative law classes on January 9th followed by the mock trial on January 22nd. The 21st team included Joerg Modellmog, Pete Masterton, Scott McDonald, CPT Melissa Zigrang and CPT Victoria Jones.

### KAISERSLAUTERN LEGAL SERVICES CENTER (KLSC) LEGAL ASSISTANCE OFFICE

**Appointments, Hours, and Location:** Appointments may be requested directly on the KLSC website by either by Googling “Kaiserslautern Legal Services Center” or following this link: <https://home.army.mil/rheinland-pfalz/usag-rheinland-pfalz/all-services/legal-services-center-kaiserslautern>. The office is located in building 3210 on Kleber Kaserne. The most up to date hours of operation and pinpoint location of the office are located on the KLSC Google maps page, also found by entering “Kaiserslautern Legal Services Center” in your maps app or on the web.

**Self-Help and Informational Handouts:** A vast amount of helpful information and handouts are located on the above KLSC website. These handouts cover a large array of topic areas from claims, family law, estate planning and German law issues.

