



DEPARTMENT OF THE NAVY  
NAVAL AMPHIBIOUS BASE LITTLE CREEK  
2600 TARAWA COURT SUITE 100  
NORFOLK, VIRGINIA 23521-3297

MASTER FILE

IN REPLY REFER TO:

NAVPHIBASELCREEKINST 5560.10C  
N03LC

1 Jul 99

NAVPHIBASELCREEK INSTRUCTION 5560.10C

Subj: PROCEDURES FOR DISPOSITION OF TRAFFIC VIOLATIONS

Ref: (a) SECNAVINST 5300.29 (Series)  
(b) OPNAVINST 11200.5 (Series)  
(c) OPNAVINST 5100.12 (Series)  
(d) Title 49 CFR  
(e) Motor Vehicle Code of Virginia (Virginia Traffic Laws)  
(f) Virginia Beach City Code

Encl: (1) Table of Penalties for Traffic Violations

1. Purpose. This instruction prescribes procedures for processing traffic violations committed aboard the Naval Amphibious Base, Little Creek, (NABLC), and its housing areas. Changes to this instruction constitute a major revision; therefore, additions, deletions, or changes are not individually marked.

2. Cancellation. NAVPHIBASELCREEKINST 5560.10B is hereby cancelled and superceded

3. Authority. The authority for this directive is derived from references (a) through (f). Regulations concerning traffic violations, citations, penalties and appeals are contained herein.

4. Scope. This instruction is applicable to all persons operating a motor vehicle, moped, or bicycle onboard NABLC, and its concurrent jurisdictional Housing areas.

5. Policy. In general, traffic law offenders (including parking violators) will be penalized by administrative actions. The exceptions to this are certain moving violations, as designated by the NABLC Staff Judge Advocate, which will be issued a US Federal Violations Notice (1805), or Virginia Beach Summons.

6. Procedures.

a. Issuance of Citations. Active duty military, (including Coast Guard), civilians, and reservists on active duty will be issued a Armed Forces Traffic Ticket (DD Form 1408), or a Federal Violations Notice (DD Form 1805), or Virginia Beach Summons for all traffic law violations committed on NABLC. Driving under the influence (DUI), DUI refusal, vehicular manslaughter, traffic accidents, and certain instances of reckless driving violations, will also have a Department of the Navy (DON) Incident/Complaint

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Report (OPNAV 5527/1) completed and forwarded to the violators command. In addition, in all felony cases a DON Incident/ Complaint Report will be completed and forwarded to NABLC Staff Judge Advocate's Office.

b. Administrative Action

(1) Administrative actions will be in accordance with enclosure (1). Points and suspensions/revocations will be assessed by the NABLC Security Department, when applicable, from enclosure (1) and will be annotated on the individual's driving record.

(2) Violators not registered with the NABLC Security Department will have a copy of the violations forwarded to the activity which issued the DOD vehicle decal.

c. Punitive Actions

(1) In addition to referral of traffic violations to the appropriate court system (i.e., Virginia Beach traffic, or Federal Court), mandatory revocation/suspension of on base driving privileges will be assessed in accordance with enclosure (1).

(2) Driving Under the Influence (DUI)

(a) When an individual is stopped on base for suspected DUI, a breathalyzer/blood test will be administered to determine the person's Breath Alcohol Content (BAC). If a BAC of between 0.06% & 0.07% level is registered the offender will be issued an Administrative Traffic Summons, (1408), for impaired driving and ordered to appear. If the offender registers a 0.08% BAC or above, or upon refusal to take the test, the offender will be processed for DUI, a Federal Summons (1805) issued, and the month & year designator portion of the vehicle decal will be removed by Base Police. The offender will be issued a preliminary Base suspension letter, and a 24 hour temporary pass will be issued to the owner of the vehicle. The vehicle will be detained until a responsible person can drive the vehicle off base. The incident will be entered into the individual's driving record, indicating a one year revocation, so that visitor passes will not be issued to those drivers who have had their driving privileges revoked. If the violator is a multi-car owner, all vehicle decals except one must be surrendered to the Security Department Pass and ID Office. At that time a NAB **male** or **female** sticker will be issued to the owner. Only one sticker will be issued per family. If the individual is found to be "not guilty" and charges are reduced or dismissed in a Court of Law, the vehicle decal may be reinstated.

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(b) When military personnel assigned to NABLC or it's tenant commands are apprehended by local civilian police departments and found guilty of DUI, Hampton Roads Area Shore Patrol (HASP) liaison Office will notify the NABLC SJA. The data will be entered on the individual's driving record and a letter will be sent to the individual's commanding officer directing that the individual report to Base Police Headquarters to have their revocation placed into effect per reference (a).

(c) Authorized operators of a privately owned vehicle, not their own, who are charged for DUI will have the loss of driving privileges on the NABLC applied to their own vehicles. If the owner of the vehicle is in the vehicle at the time of the violation he/she will receive the same penalty as the driver. If the violator is a spouse or dependent and the sponsor (registered owner) is not in the vehicle, the decal will not be removed. However, a letter revoking the spouse's or dependent's driving privileges for one year will be issued. The sponsor's driving record will be annotated with the spouse's or dependent's offense.

(d) If illegal drugs are found in a vehicle, a one year revocation of driving privileges will be awarded to the driver of that vehicle, the registered owner (if registered on a military installation), and any person found using, or in possession of illegal drugs in that vehicle. Use of a vehicle to transport or conceal illicit drugs on the NABLC may result in forfeiture of the vehicle. The driving privileges of the registered owner may be reinstated upon showing by a preponderance of the evidence that he/she neither had knowledge of, nor consented to the possession of illegal drugs.

d. Suspension/Revocation of On-Base Driving Privileges

(1) On-base driving privileges will be suspended or revoked if:

(a) An offense listed in enclosure (1) is committed requiring mandatory revocation/suspension of on-base driving privileges. The period of revocation/suspension will be as listed in enclosure (1).

(b) An individual accumulates 12 points in 12 months or 18 points in 24 months. Period of revocation is 6 months.

(2) When an individual is suspended from driving on the NABLC and as a consequence loses his/her vehicle decal, this action does not prohibit the use of his/her vehicle on the base by his or her spouse or legal dependents. To enter the NABLC with a vehicle that has had the decal removed due to a violation of base regulations, the operator must stop at the Security

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Department Pass and ID Office (BLDG. #3505, Boone Clinic, located adjacent Nider Blvd. outside Gate #4), and obtain a visitor's pass. This pass shall be issued only to a legal dependent/spouse after it has been ascertained that the operator's name does not appear on the restricted list.

e. Appeals

(1) Appeals may be made to the NABLC SJA in reference to any decisions made by the Traffic Hearing Officer. Requests for an appeal before the NABLC SJA must be made in writing within 10 working days. The NABLC SJA will review the request and the traffic infraction. If appropriate, he/she may call in the parties involved. Decisions by the NABLC SJA will be final.

(2) Magistrate Summons DD Form 1805/Virginia Uniform Summons. The appeal process for a DD Form 1805/Virginia Uniform Summons is through the Federal Court System and the Virginia Beach Traffic Court.

(3) In those cases where suspension/revocation of driving privileges creates an extreme hardship or an adverse impact on unit mission accomplishment, limited suspension or reduced driving privileges may be considered on a case by case basis.

(4) If an appeal of suspension/revocation action is desired, the individual must submit in writing (via his/her commanding officer if military or DON civilian employee) an appeal which addresses the specific reason for the appeal or description of the hardship which would be created by the suspension/revocation.

f. Training Programs

(1) Driver Improvement Training

(a) NABLC Safety Department has established a Drive Safe School to include a Drivers Improvement Program. Quotas may be obtained by contacting 462-7774.

(b) Military personnel and DON civilian employees will attend driver improvement training when:

(1) Their on base driving privileges are suspended/revoked. Completion of the course may be required prior to on base driving privileges being reinstated.

(2) They have been convicted of any serious moving violation, or have been determined at fault in a traffic mishap while operating a USN vehicle, reference (c).

(2) Alcohol and Drug related traffic offenders will not be reinstated unless Alcohol/Drug Treatment (NADSAP) Rehabilitation authorities state in writing that they consider the individual has been sufficiently rehabilitated and is no longer a high safety risk on the highways, references (a) & (b).

g. Miscellaneous

(1) Persons charged with illegal parking, will receive a warning for their first two offenses. A third offense within a 12 month period will result in a 30 day suspension of their vehicle decal regardless of issuing command. Upon issuance of the third parking citation, the individual will be summoned to appear at the NABLC Security Department. All charges of illegal parking will be entered on driving records. If the illegal parking includes blocking fire lanes, operations, or a right of way, additional penalties will be awarded as specified in enclosure (1).

(2) Persons whose vehicles do not meet the requirements of a base decal, (i.e., current registration, insurance, safety inspection and operators permit), will be issued a traffic citation and instructed to report in person to NABLC Police Headquarters, (BLDG. #3015), within ten (10) working days. If the discrepancy is corrected prior to reporting to the NABLC Police Headquarters no administrative action will be taken. If the discrepancy has not been corrected prior to reporting to the NABLC Police Department Headquarters, an on-base driving suspension will automatically be placed in effect. Reapplication for base decals will be required when the discrepancy is corrected. Persons charged with subsequent offenses or with driving while under suspension will be penalized as described in enclosure (1).

(3) In those cases where personnel are summoned to appear at NABLC Police Department and are unable to appear due to deployment, hospitalization, TAD out of the area, or emergency leave, the individual or his/her command must contact the NABPD Traffic Clerk for rescheduling (462-8243/8558).

(4) Unexcused failure to report to the NABPD as directed on the traffic citation, may result in an additional penalty. Multiple offenses on one citation may result in compounding penalties.

(5) Certain penalties, or suspensions may be held in abeyance depending upon any mitigating circumstances related to a particular offense.

NAVPHIBASELCREEKINST 5560.10C  
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W. C. WRIGHT, Sr.

Distribution:  
NAVPHIBASELCREEK/REGPUBSAFETYINST 5216.2P  
List IA, IB, IC  
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Stocked by:  
Commanding Officer  
Naval Amphibious Base Little Creek  
2600 Tarawa Court, Suite 100

TABLE OF PENALTIES FOR TRAFFIC VIOLATIONS AND GUIDELINES FOR  
SUSPENSION/REVOCAION OF DRIVING PRIVILEGES/POINT ASSESSMENT FOR  
TRAFFIC VIOLATIONS IN ACCORDANCE WITH TABLE 5-1 OF REFERENCE (b);

<u>VIOLATION</u>	<u>PENALTY</u>
Manslaughter (or negligent homicide by vehicle) resulting from operation of a motor vehicle.	One Year Revocation Mandatory upon Conviction.
Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor (.08% BAC or greater: VSC 18.2-266)	One Year Revocation Mandatory upon Conviction
DUI; under 21 years of age, with BAC from .02% -to- .07% (VSC 18.2-266.1)	Six Months Revocation Mandatory upon Conviction
Driving a motor vehicle while a habitual user or under the influence of any narcotic or while under the influence of any other drug to a degree rendering him incapable of safe operation thereof.	One Year Revocation Mandatory on Conviction.
Any felony in the commission of which a motor vehicle is used.	One Year Revocation Mandatory on Conviction.
Fleeing the scene - death or personal injury. Hit and Run.	One Year Revocation Mandatory on Conviction.
Perjury or making a false affidavit or statement under oath to responsible officials or under law or regulations relating to the ownership or operation of motor vehicles.	One Year Revocation Mandatory on Conviction
Unauthorized use of a motor vehicle belonging to another which act does not amount to a felony.	One Year Revocation Mandatory on Conviction
Refusal to submit to chemical tests. (implied consent/18 USC 3118 -or- VSC 18.2-268.3)	Six Months Revocation Mandatory.

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VIOLATION

Commission of an offense for which mandatory revocation is required on conviction.

Is incompetent to drive a motor vehicle, e.g., mental, physical impairment.

Has committed an offense in another state which if committed on the installation would be grounds for suspension or revocation.

Has permitted an unlawful or fraudulent use of an official driver's license.

Has been convicted of fleeing or attempting to flee a police officer.

Has been convicted of racing on highway.

PENALTY

Suspension for a period of Six Months or Less or Revocation for a Period not to Exceed One Year is Discretionary.

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THE FOLLOWING MOVING VIOLATIONS CARRY,  
 IN ADDITION TO THE PENALTY,  
 A MANDATORY POINT ASSESSMENT  
 IN ACCORDANCE WITH  
 TABLE 5-2 of reference (b).

<u>VIOLATION</u>	<u>OFFENSE</u>	<u>PENALTY</u>	<u>POINTS</u>
Reckless driving (willful and wanton disregard for the safety of persons or property).	1st	90-180 Days	6
	2nd	One Year	
	3rd	One Year	
Owner knowing and willfully permitting another to operate his motor vehicle when physically impaired.	1st	90 Days	6
	2nd	One Year	
	3rd	One Year	
Fleeing the scene (hit and run) with property damage.	1st	90 Days	6
	2nd	Six Months	
	3rd	One Year	
Driving vehicle while impaired (presumption of; between .06% and .07% BAC) (VSC 18.2-269/21+ years old)	1st	Six Months	6
	2nd	One Year	
	3rd	Indefinite Suspension	
Speed Contests/ drag racing.	1st	90 Days	6
	2nd	180 Days	
	3rd	One Year	
Exceed posted speed limit or speed too fast for conditions.	1st	0-45 Days	2
	2nd	0-120 Days	
	3rd	One Year	
1 to 10 MPH over posted speed limit			3
11 to 15 MPH over posted speed limit			4
Over 15 but not more than 20			5
Over 20 MPH over posted speed limit - (see reckless driving)			6

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<u>VIOLATION</u>	<u>OFFENSE</u>	<u>PENALTY</u>	<u>POINTS</u>
Speed too slow for traffic (impeding traffic flow)	1st	Warning	2
	2nd	30 Days	
	3rd	90 Days	
Following too close.	1st	30 Days	4
	2nd	90 Days	
	3rd	One Year	
Failure to yield right of way to emergency vehicle.	1st	60 Days	4
	2nd	Six Months	
	3rd	One Year	
Failure to stop for school bus or school crossing signals.	1st	30 Days	4
	2nd	90 Days	
	3rd	One Year	
Failure to obey traffic signals, stop signs, cross- walks, traffic instructions of an enforcement officer or traffic warden, or any official regulating a traffic device requiring a mandatory stop, yield right of way, denial of entry, or required direction of traffic (wrong way, on a one way street).	1st	15-30 Days	4
	2nd	30-180 Days	
	3rd	One Year	
Improper passing.	1st	30 Days	4
	2nd	90 Days	
	3rd	One Year	
Failure to yield (no official sign involved).	1st	30 Days	4
	2nd	90 Days	
	3rd	One Year	
Improper turning movement (no official sign involved). Improper backing.	1st	30 Days	3
	2nd	30-90 Days	
	3rd	One Year	
Improper overtaking.	1st	30 Days	3
	2nd	30-90 Days	
	3rd	One Year	

REGULATIONS ESTABLISHED BY COMMANDING OFFICER, NAVPHIBASE, LITTLE CREEK BASED ON FEDERAL, STATE LAWS, and LOCAL CODES/ORDINANCES.

<u>VIOLATION</u>	<u>OFFENSE</u>	<u>PENALTY</u>	<u>POINTS</u>
Other moving violation (involving driver behavior only).	1st	30 Days	3
	2nd	60 Days	
	3rd	Six Months	
Operating an unsafe vehicle.	1st	15 Days	2
	2nd	30 Days	
	3rd	Six Months	
Driver involved in an accident and he/she is deemed responsible (used only as additive to points assessed for specific offense).			1
Illegal parking.	1st	Warning	
	2nd	Warning	
	3rd	30 Days Suspension	
Blocking Operations.	1st	Vehicle Towed	
	2nd	Vehicle Towed	
	3rd	Vehicle Towed & 90 Days Suspension	
Failure to give required signal.	1st	Warning	
	2nd	30 Days Suspension	
	3rd	90 Days Suspension	
Illegal equipment on vehicle. (Tinted Glass/Lights, etc.)	1st	Suspend Indefinitely	
	2nd	Suspend Indefinitely	
	3rd	Suspend Indefinitely	
Defective equipment on vehicle.	1st	Warning	
	2nd	30 Days Suspension	
	3rd	90 Days Suspension	
Entering restricted area or driving in unauthorized area.	1st	Warning	
	2nd	30 Days Suspension	
	3rd	90 Days Suspension	
Illegal use of vehicle permit.	1st	30 Days Suspension	
	2nd	90 Days Suspension	
	3rd	One Year Suspension	
Driving on station after permit has been suspended.	1st	Two Year Suspension	
	2nd	Three Year Suspension	
	3rd	Indefinite Suspension	

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<u>VIOLATION</u>	<u>OFFENSE</u>	<u>PENALTY</u>	<u>POINTS</u>
Failure to possess valid license or registration card.	1st	Indefinite Suspension	
	2nd	Indefinite Suspension	
	3rd	Indefinite Suspension	
Failure to possess valid POV insurance as mandated by NAVPHIBASEINST 5530.5	1st	Indefinite Suspension	
Transporting or concealing stolen property in private vehicle.	1st	Six Months Suspension	
	2nd	One Year Suspension	
	3rd	Permanent Suspension	
Use of a private vehicle in commission of crime.	1st	Indefinite Suspension	
Transporting or concealing illegal drugs in private vehicle.	1st	One Year Suspension	
	2nd	Two Years-Permanent	
Possession of concealed weapon in private vehicle.	1st	One year suspension	
	2nd	Indefinite suspension	
Carrying a loaded firearm in a vehicle.	1st	One year suspension	
	2nd	Indefinite Suspension	
Failure to report an accident.	1st	90 Days Suspension	
	2nd	Six Months Suspension	
	3rd	One Year Suspension	
Leaving children under ten years of age unattended in motor vehicle	1st	Warning	
	2nd	30 Days Suspension	
	3rd	Six Months Suspension	
Throwing litter from vehicle.	1st	30 Days Suspension	
	2nd	One Year Suspension	
	3rd	Indefinite Suspension	
Open alcoholic container within POV.	1st	Warning	3
	2nd	30 Days Suspension	
	3rd	90 Days Suspension	
Not wearing seat belts, personnel in cargo area of vehicle, improper motorcycle equipment.	1st	Warning	3
	2nd	30 Days Suspension	
	3rd	60 Days Suspension	
Failure to use proper child restraints as mandated in Virginia State Code	1st	Warning	3
	2nd	30 Days Suspension	
	3rd	60 Days Suspension	

<u>VIOLATION</u>	<u>OFFENSE</u>	<u>PENALTY</u>	<u>POINTS</u>
Wearing earphones while operating a motor vehicle, moped or bicycle.	1st	Warning	3
	2nd	15 Days Suspension	
	3rd	30 Days Suspension	
Leaving Motor Running/ unattended motor Vehicle in roadway or parking lot.	1st	Warning	3
	2nd	30 Days Suspension	
	3rd	60 Days Suspension	
Excessive loud noise emitting from sound system within POV.	1st	Warning	1
	2nd	15 Days Suspension	
	3rd	30 Days Suspension	
Owner knowingly & willfully having an obscene, indecent, or profane slogan, object or bumper sticker displayed for public view in or affixed to a motor vehicle.	1st	Warning	1
	2nd	30 Days Suspension	
	3rd	90 Days Suspension	
Refusing to submit to random gate search.	1st	30-90 Days Suspension	
	2nd	90 Days-Six Months Susp.	
	3rd	One Year Suspension	
Failure to yield/or stop for troop movements/Failure to observe 10MPH speed limit when passing troop movements.	1st	90 Days Suspension	
	2nd	1 Year Suspension	
	3rd	Indefinite Suspension	