



DEPARTMENT OF THE NAVY

U.S. NAVAL STATION
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U.S. NAVAL STATION, GUANTANAMO BAY, CUBA INSTRUCTION 11200.1D

From: Commanding Officer, U.S. Naval Station, Guantanamo Bay, Cuba

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Ref: (a) OPNAVINST 11200.5D
(b) OPNAVINST 5100.12J
(c) NAVSTAGTMOINST 11240.1G
(d) DoD Directive 1010.7

Encl: (1) Guantanamo Bay Motor Vehicle Code (GBMVC)
(2) Notarized Bill of Sale
(3) Motor Vehicle Safety Inspection Form
(4) DD 2504 Abandoned Vehicle Notice

1. Purpose. To promulgate regulations governing registration and operation of motor vehicles at U.S. Naval Station, Guantanamo Bay, Cuba (NSGB).

2. Cancellation. NAVSTAGTMOINST 11200.1C.

3. Applicability. This instruction applies to all persons owning and/or operating a motor vehicle on NSGB. Sanctions imposed under this instruction are administrative in nature, not punitive. However, such administrative action, or the absence of it, does not preclude subsequent disciplinary action under the Uniform Code of Military Justice (UCMJ) or removal and debarment from NSGB.

4. Background. This instruction implements the Department of the Navy traffic safety policy and regulations in references (a) and (b), consistent with the special circumstances of NSGB.

5. Responsibilities

a. Security Officer. Shall maintain, supervise, and initiate the enforcement of this instruction, and serve as principal advisor to the Commanding Officer (CO) on matters of motor vehicle regulation. In furtherance of such duties, the Security Officer shall:

(1) Represent NSGB in cooperative efforts with all commands and activities on installation to promote traffic safety.

(2) Administer the registration and safety inspection of privately owned motor vehicles on NSGB and maintain a central record of vehicle registrations.

(3) Maintain a central system of violations.

- (4) Administer the remedial driver safety course.
- (5) Administer the motorcycle safety course per reference (b).
- (6) Administer the Traffic Safety Council.

b. Chief Magistrate, NSGB Traffic Review Board. The Operations Officer or other Department Head as designated by the CO shall:

- (1) With the approval of the CO, appoint, train, and supervise one or more Traffic Magistrates for the NSGB Traffic Review Board (E8 and above).
- (2) Take final action on all appeals of suspensions or revocations of driving privileges.
- (3) Take final action on all requests for restricted driving privileges and for reinstatement of driving privileges on probation.
- (4) Provide authoritative written interpretation of reference (a).

c. NSGB Operations Officer/Traffic Officer shall:

- (1) Conduct informal administrative hearings to satisfy all requirements of administrative due process hearings per reference (a).
- (2) Advise the Security Officer and Command Judge Advocate of problems in enforcement or interpretation of enclosure (1).

d. Public Works Officer shall:

- (1) Plan and program traffic signs and controls in coordination with NSGB Safety Departments.
- (2) Advise the CO concerning the planning, construction, and maintenance of roadways on NSGB.
- (3) Procure, install, and maintain permanent traffic control devices and signs.
- (4) Issue U.S. Government Motor Vehicle Operator's Identification Cards, Private Vehicle Operator's permits, and Private Motorcycle Operator's Permits per reference (c).

e. Command Pay and Personnel Administrator (CPPA):

- (1) Ensure personnel checking out received a stamp from the Vehicle Registration Office (VRO) to ensure any personal vehicles have been shipped, sold, transferred or otherwise removed from transferring individual's name.
- (2) Report anyone not in possession of a stamp to the Security Officer.

f. Tenant Commands/Government Contractors/other U.S. Government personnel: Shall ensure personnel checking out follow section (e) for their assigned personnel prior to transfer off island.

6. Review Responsibility. The Security Officer is overall responsible for the annual review of this instruction.

7. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per SECNAVINST 5210.8.



D. C. CULPEPPER

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NAVAL STATION GUANTANAMO BAY MOTOR VEHICLE CODE (GBMVC)



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Chapter 1

GENERAL PROVISIONS

101. Definitions and Interpretation

a. General Rule of Interpretation. The U.S. Naval Station, Guantanamo Bay, Cuba (NSGB) Motor Vehicle Code shall be interpreted in a manner that best protects public safety and provides for the efficient administration and/or enforcement of these regulations.

b. Abandoned Motor Vehicle. Any privately owned motor vehicle that meets one of the following:

(1) Has expired registration greater than 60 days.

(2) Has expired registration greater than 30 days and has not been moved for at least seven days.

c. Conviction. Includes any verdict, adjudication, finding, or determination of guilt by court-martial or civilian court, or any imposition of non-judicial punishment, under Article 15 of the Uniform Code of Military Justice (UCMJ).

d. Golf Carts. Golf carts typically operate at speeds no greater than 15 to 20 Miles per Hour (MPH) and offer no occupant protection in a collision. They are not classified as private or government motor vehicles or a low-speed vehicle. They do not meet the requirements in reference (a) and shall not be used on roadways that are used for commercial, government, or private motor vehicle traffic.

e. License Issuing Jurisdiction. Any country, or any province, state, or territory thereof that issues driver's licenses. For purpose of this instruction, licenses and permits issued by Public Works are issued by a license issuing jurisdiction. Tenant commands and activities, government contractors, and concessionaires on NSGB are not license issuing jurisdictions. Specific guidance for local issuance of licenses is delineated in reference (c).

f. Low Speed Vehicle (LSV). LSVs are defined as any four or more wheel vehicle with at least four wheels in contact with the ground in normal operation; has a speed attainable of more than 20 MPH, but not more than 25 MPH on a paved level surface; and has a gross vehicle weight rating of less than 3,000 pounds. As per reference (b), LSVs will be defined as a motor vehicle and will be required to meet all standards set forth in this instruction.

g. Minimum Age to Operate a Motor Vehicle. No person under the age of 15 years and six months may operate a motor vehicle on NSGB, even if in the possession of a valid driver's license issued from a jurisdiction permitting persons under the age of 15 years and six months to operate motor vehicles.

h. Motor Vehicle. Any wheeled vehicle designed for travel on public roads under motor power or assisted by motor power that meets the minimum safety requirements set forth in this instruction. This includes LSVs and golf carts manufactured to meet all safety standards.

i. Motorcycle

(1) Passengers must be able to reach foot pedals with all correct Personal Protection Equipment (PPE) per reference (b).

j. Private Motor Vehicle. Any motor vehicle not owned, leased, or controlled by the United States government, or any agency or instrument thereof.

k. Roadway. Any paved, be it asphalt or concrete, or any hard packed road, i.e. access roads to public beaches, used to travel from one location to another.

l. Valid Motorcycle Safety Card. All operators must successfully complete a motorcycle safety foundation rider course to register his/her motorcycle. NSGB will also accept the completion card of any COMNAVSAFECEN approved state motorcycle training course that includes a written and riding evaluation.

m. Valid Driver's License. A driver's license issued by a license issuing jurisdiction, including a license issued by the U.S. government, which is not currently suspended or revoked. A driver's license which appears on its face to be expired, is nonetheless a valid driver's license for purposes of this instruction, if the issuing jurisdiction is a State that automatically extends or renews driver's licenses for residents located outside the jurisdiction on the expiration date, but only to the extent and for the period that the issuing jurisdiction extends or renews such licenses. At NSGB, only U.S. State and/or territory-issued licenses and locally issued NSGB licenses from Public Works are considered valid.

Chapter 2

MOTOR VEHICLE REGISTRATION

201. Registration and License Plates. All private motor vehicles and motorcycles on NSGB are required to be registered by his/her owner or the owner's agent at the VRO for identification and database entry.

a. Before a private motor vehicle or motorcycle may be operated on NSGB, it must be registered in accordance with all applicable provisions of this chapter at the VRO and be issued a NSGB license plate and decals or a temporary license plate. All license plates shall be affixed with bolts or screws to the rear of the vehicle. NSGB license plates will have the current registration stickers placed with the month on the top left corner and the year on the top right corner. Temporary license plate will be placed in the rear window directly behind driver in a manner that can easily be read from a distance greater than 25 feet. License plate protective covers, regardless of tint or color, are not authorized for use over the rear license plate.

202. Registration Requirements. The following documents are required to register a private motor vehicle or motorcycle prior to operating:

a. NSGB motor vehicle safety inspection form, enclosure (3). Satisfactory completion of a safety and mechanical vehicle inspection by the Morale, Welfare and Recreation (MWR) Auto Skills Center, located in building 1842 or state inspection authority within one year.

b. Proof of ownership issued to and in the name of the owner of the vehicle to be registered. Notarized Bill of Sale, state registration, military base registration or vehicle title will satisfy this requirement.

c. If registering a motorcycle or scooter a mandatory "check-in" with NSGB Safety Department is required. The owner/operator must also have a valid Motorcycle Safety Card within the last three years, and a state-endorsed license. Operators and passengers must wear proper Personal Protective Equipment (PPE) at all times while operating a motorcycle or scooter.

d. Proof of Liability Insurance meeting the following requirements:

(1) Minimum coverage:

(a) Personal injury or death, \$25,000 per person and \$50,000 per incident.

(b) Property damage, \$25,000 per incident.

(2) The insurance policy or certificate must:

(a) Be issued to, and in the name of the registered owner.

(b) List the policy number

(c) Describe beyond a reasonable doubt the vehicle or vehicles covered under the policy. (Minimum of Vehicle Identification Number, Year and Make of vehicle).

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- (d) State the limits of liability under the policy.
- (e) Specifically state that it covers a vehicle or vehicles at NSGB or in Cuba.
- (f) Be issued for a minimum period of six months
- (g) List the expiration date of the policy.

203. Expiration Date and Renewal of Registration

a. Expiration Date. Registration shall expire at midnight on the last day of the month in which the vehicle was registered. Failure to register by this time will subject the owner of the vehicle to citation for expired registration.

b. Registration/Renewal of Registration. Vehicles will be registered only upon presentation of evidence satisfying the requirements in sections 202.a through 202.b of this code.

204. Temporary Registration

a. Ten Day Temporary Registration. A temporary registration is valid for 10 days and may be issued when a vehicle does not meet the safety inspection requirements of Chapter 10. This registration is valid only for the purpose of delivering the vehicle to the repair facility. This temporary registration is not authorized for vehicles that fail inspection due to defects in steering, suspension, brakes and/or any other condition that can be deemed unsafe for operation.

b. 30 day Temporary Registration. A temporary registration valid for 30 days may be issued for the following reasons:

(1) When shipping the vehicle off island, a temporary registration license plate will be issued for a period of up to 75 days, dependent on the ultimate destination. The VRO will only issue the temporary plate and registration upon receipt of the NSGB license plate. The temporary license plate should be honored as a dealer's license plate by most states until expiration displayed on license plate. Each state has laws governing the requirements to register vehicles. It is the owner's responsibility to ensure they meet all local requirements to register motor vehicles in that state.

205. Transfer of Registration. Within three days of transfer of ownership of a vehicle registered on NSGB, the new owner must apply for transfer of the registration and have a vehicle safety inspection conducted within 10 days of the vehicle registration transfer utilizing enclosure (2). The former owner may not transfer the NSGB license plate to the new owner. The license plate remains the responsibility of the former owner until the new owner completes the transfer of registration or the NSGB license plate is returned to VRO with a copy of the notarized Bill of Sale. Upon return of the NSGB license plate, a temporary license plate will be issued to the former owner for the transfer of registration for no longer than three days from the date the Bill of Sale is signed and goes into effect. In the event of transfer of registration through an agent of the owner, the agent must be in possession of a notarized Power of Attorney naming the attorney in fact as having the rights to sell or transfer the vehicle in the owner's absence. VRO must be notified of the Power of Attorney and an entry made in the remark section of the owner's

registration. The attorney in fact must be able to register/re-register the vehicle per this instruction.

The owner must keep insurance for the vehicle active and a copy with his/her agent. Failure to transfer registration in a timely manner will result in the new owner and/or previous owner being issued a citation.

206. Termination of Registration. The Security Officer shall terminate the registration of a private motor vehicle when:

- a. The registration expires without timely renewal.
- b. The insurance coverage on the vehicle expires, lapses, or is canceled whether by the insurer or the owner.
- c. Permanent Change of Station or transfer from NSGB. In the event the owner transfers from NSGB or any tenant command thereof. Transfer plane tickets should not be issued unless signature and "check-out" embossed stamp are received from VRO via command check-out sheet. Signature and stamp will not be given unless the owner meets one of the below:

(1) The owner certifies that the vehicle is permanently inoperable and requests termination of registration due to disposal of vehicle. The NSGB license plate must be returned to VRO upon request of termination. The owner will also be required to provide written proof of disposal (i.e., notarized Bill of Sale to the BOS contractor, Auto Hobby Shop or Autoport) at which time the vehicle will be removed from the owner's account and the owner will be free to transfer from his/her command.

(2) The owner or agent thereof provides proof that the vehicle is being permanently removed from NSGB via Personal Vehicle shipment request. Upon receipt of the shipment request the owner will return the NSGB license plate to the VRO and will receive a temporary license plate, as per Section 204.b.(2), before shipping the vehicle. After receiving the NSGB license plate the vehicle will be placed in a temporary status set to expire in accordance with Section 204.b.(2). Proof of the vehicle's departure from the installation and the return of the license plate issued to the owner will allow the owner to transfer off the island.

207. Lost or Stolen NSGB License plates. The NSGB license plate is at all times the responsibility of the current owner of the vehicle until properly transferred to a new owner or returned to VRO. NSGB license plates are U.S. Government property and are **NOT** available for purchase or take as a keepsake. Personnel who falsely report plates as "lost/stolen" or do not return NSGB license plates can be held civilly and criminally liable.

208. Vehicle Safety

a. Requirements. All private motor vehicles shall adhere to all safety regulations promulgated in references (a) through (c).

(1) Motor Vehicle Safety Inspection

(a) High and low beam head lights

- (b) Parking lights
- (c) Front and rear turn signals
- (d) Front and rear hazard lights
- (e) Brake lights
- (f) Reverse lights
- (g) Tires (Measuring depth of grooves or textures with a minimum tread depth of 3/32).
- (h) Front and rear bumper
- (i) Factory installed seat belts
- (j) Side and rearview mirrors
- (k) Muffler
- (l) Windshield and wipers
- (m) Horn
- (n) Brakes
- (o) No excessive steering gear movement
- (p) No class 3 fluid leakages (continuous drips/leaks fluid).

Note: If parts are not available on the installation and the vehicle can be operated safely, a temporary license plate not to exceed 30 days for repairs can be issued.

(2) Occupant Protection

(a) All personnel riding in a Government Motor Vehicle (GMV) and Private Owned Motor Vehicle (POV) shall properly wear safety belts; exceptions for vehicles manufactured prior to 1968.

(b) Individuals shall not ride in seating positions where safety belts have not been installed, or have been removed or rendered inoperative.

(c) No one shall ride in the cargo areas of motor vehicles with the exception of military vehicles designed to carry passengers in the cargo area. POV's modified to include seating in cargo areas will not be authorized to operate on base.

(3) Child Safety Seat Requirements

(a) The safest location for an installed child safety seat is in the center of the rear seat. Do not install child safety seats in the front of a vehicle equipped with a passenger side air bag.

(b) Birth – 12 months. Children under the age of one will always ride in a rear-facing car seat.

(c) One – Three Years. Children will remain in a rear-facing car seat until he or she reaches the top height or weight limit allowed by your car seat's manufacturer.

(d) Four – Seven Years. Children will be in a forward-facing car seat with a harness until he or she reaches the top height or weight limit allowed by your car seat's manufacturer.

(e) Eight – 12 Years. Children will be in a booster seat until he or she is big enough to fit in a seat belt properly. For a seat belt to fit properly the lap belt must lie snugly across the upper thighs, not the stomach. The shoulder belt should fit snug across the shoulder and chest and not cross the neck or face.

209. Abandoned Vehicles. Any vehicle that is suspected of being abandoned will be cited utilizing enclosure (4). If after three working days from time of issuance there has been no effort to address the notice, the vehicle will be subject to towing and impoundment at the owner's expense. This will be the standard procedure except in the case of vehicles that have expired registration greater than 60 days or being parked in an area not normally used for parking of privately owned vehicles for longer than 24 hours. These vehicles will be subject to immediate impoundment.

210. Off-roading. The operation of any motor vehicle on any terrain other than that of a prescribed road is unauthorized, except for scheduled MWR events, approved by the CO. This prohibition includes roads, trails, and/or areas not designed as open for other than official motor vehicle travel (e.g. recreational trails, ridgelines, tank trails). Exceptions to this are golf carts, which may be used on the golf course.

Chapter 3

NAVSTA GTMO SUPERVISION AND ENFORCEMENT

301. Authority of Naval Security Forces. As used in this instruction and in enclosure (1), the term "Naval Security Force" (NSF) refers to members of the Security Department. When acting in the performance of his/her duties in the enforcement of this instruction, members of the NSF are agents of the Commanding Officer (CO). Therefore, all persons on NSGB, regardless of status or rank, shall obey such orders and directions NSF personnel may issue in the enforcement of this instruction. NSF is authorized to stop any vehicle operating on NSGB upon competent orders or reasonable belief that a criminal offense or traffic violation has occurred. No person shall flee from, attempt to elude or evade, or willfully fail to comply with any lawful order, direction, or request given by a NSF member acting in the execution of his/her duty.

302. Report of Violations. Any person may report in person to NSF any suspected violations of this code. NSF must observe traffic violations to issue a traffic citation. With the exception of the CO, senior personnel cannot direct the issuance of a citation. In incidents where reports are made of serious traffic violations, an Incident Complaint Report will be completed and the reporting person will be listed as a witness.

303. Traffic Stops or Detention. Only NSF is authorized to stop or detain persons suspected to have violated this code. Additionally, only NSF is authorized to conduct administrative checkpoints on NSGB.

304. Issuance of Citation. Any member of the NSF authorized by the Security Officer to issue traffic citations shall issue a DD Form 1408 Armed Forces Traffic Ticket.

a. Right-of-way. All persons shall yield the right-of-way to an emergency vehicle responding to an emergency call. When approached by an emergency vehicle using flashing lights and/or sirens, all other motor vehicles in the area, regardless of direction of travel, shall pull to the right side of the roadway as soon as safely possible, and shall remain there until the emergency vehicle has passed.

b. Emergency Vehicle Privilege. Emergency vehicle response is only authorized for NSGB Security, Fire, and Medical assets having direct communication with NSGB Dispatch. Other departments/tenant commands, regardless of status, are not authorized to exercise emergency vehicle privileges at any time.

c. Overtaking and Passing Vehicles. Overtaking and passing a vehicle traveling in the same direction is prohibited on all roadways on NSGB. Notwithstanding this prohibition, a slowly moving vehicle or a piece of heavy equipment traveling no faster than 10 MPH may be overtaken and passed only when the slowly moving vehicle has moved to the extreme right shoulder of the roadway.

(1) LSVs shall pull off the road to the right at the first available safe area and yield to all other vehicles.

d. Overtaking and Passing Turning Vehicles. No vehicle may overtake and pass another vehicle to the right.

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e. Approaching, Overtaking, or Passing a Stopped School Bus. No vehicle may approach, overtake, or pass any school bus stopped to board or discharge passengers.

f. U-turns. U-turns are prohibited on all roadways at NSGB with the exception of class A emergency vehicles being operated in response to a reported emergency.

g. Reduced Speed Zones. Unless otherwise posted, the following reduced speed limits apply:

(1) 10 MPH on any parking lot, taxi strip, flight line or hangar area, pier, wharf, landing, or within 100 feet of any aircraft.

(2) 15 MPH in any residential area, barracks or billeting area, training area, playground, recreational area, lyceum, or on any unpaved road.

(3) 5 MPH in areas where physical training is being conducted (i.e. command road runs and platoon runs). Command formation runs on the roadway have right-of-way.

(4) 15 MPH in any posted school zone, during posted times

h. Mandatory Traffic Review Board appearance. Personnel who receive violations resulting in an impoundment-boot, revocation, or suspension of privileges, are required to appear before a Traffic Review Board.

306. Intoxicants

a. Driving while Intoxicated or Impaired

(1) No person may operate or be in actual physical control of a motor vehicle or bicycle while intoxicated or under the influence of alcoholic beverages, drugs, or other chemical substances, or impaired in any way. Actual physical control relates to a person, whether they are conscious or not, who:

(a) Is located in the front seat of the vehicle, if the vehicle is equipped with multiple rows of seats.

(b) Is in a position that would lead a prudent person to believe that there was, is, or will be intent to cause the vehicle to move.

(c) In the case of bicycles, the rider is observed riding the bike or straddling/seated on the bicycle in a manner consistent with operation.

(2) For the purpose of this section the following presumptions are made:

(a) Driving while intoxicated. If the alcohol content of the driver's blood (BAC) or breath (BrAC), as determined by chemical testing upon or after apprehension, is 0.08 percent or greater, the driver shall be presumed to be intoxicated by alcohol. Anyone found to be operating a vehicle under the age of 21 with a BAC less than 0.08 and greater than 0.01 will be charged with Driving while impaired.

(b) **Driving under the influence.** If by reasons of probable cause or BAC/BrAC content of the driver is greater than 0.00 but less than 0.08 percent, and the driver committed an offense consistent with impairment, the driver will be presumed to be under the influence of alcohol per reference (d).

(c) **Driving while intoxicated/Driving under the influence.** If the BAC/BrAC content of the driver cannot be determined due to refusal of implied consent or the inability to consent, as defined in section 404.b, the consideration of other competent evidence, such as Standardized Field Sobriety Tests (SFTS) and/or the observations and opinions of witnesses concerning the existence/extent of impairment to drive may be used. Impairment is defined as any physiological, psychological, or perceptual effect that renders the person incapable of safe operation of a motor vehicle.

b. **Transporting and Consuming Alcoholic Beverages.** No person may operate a motor vehicle:

(1) While consuming any alcoholic beverage.

(2) With an open container of alcoholic beverage in their ready possession.

(a) **Open container** – Means any bottle, can, or other receptacle containing any amount of an alcoholic beverage that has been opened, seal broken, or the contents of which have been partially removed.

(3) **Ready possession** – Means located in the area of a motor vehicle designed for seating of the operator and passenger compartment of the motor vehicle to the driver or passenger(s) of the motor vehicle. The term does not include the following:

(a) Glove compartment or similar container that is locked.

(b) The trunk of the vehicle

(c) The area behind the last upright seat of the vehicle, if the vehicle does not have a trunk.

307. **Implied Consent to Testing for Alcohol and Drug Content.** Any person operating a motor vehicle or bicycle on the installation shall be deemed to have given their consent to evidential tests for alcohol or other drug content of their blood, breath, and/or urine if lawfully stopped, apprehended, or cited for any offense allegedly committed while driving or in physical control of a motor vehicle or bicycle on the installation and probable cause exists to establish that the individual may be driving while under the influence of intoxicants, per reference (d). Probable cause may include slurred speech, bloodshot eyes, odor of alcohol, imbalance, or other functional or behavioral indicators.

a. **Notification to Driver.** A driver suspected of operating a motor vehicle while intoxicated and/or impaired who refuses any request for submittal of breath, blood, or urine for chemical testing to determine BAC and/or the presence of intoxicating substances will be in violation of “implied consent.”

(1) Failure to submit to such testing will result in the immediate revocation of driving privileges for one year. Appearance at Traffic Review Board is not necessary to award revocation of driving privileges due to refusal of implied consent. Appeal process and request for restricted driving privileges do not apply for this offense.

(2) The driver does not have the right to consult with an attorney before the administration of the test.

(3) Failure to submit to such testing may result in the individual being considered for removal and permanent debarment from the installation.

b. Persons Unable to Give Consent. Any person, who is unconscious, or otherwise in a condition rendering them incapable of understanding, shall be considered not to have withdrawn his/her consent. However, no such tests shall be administered unless otherwise independently indicated for medical reasons, safety investigation purposes, or pursuant to command authorization based upon probable cause.

308. Informal Administrative Hearing. Each person cited for a violation of this code may appear at an informal administrative hearing at the NSGB Traffic Review Board.

a. Nature of the Proceeding. A hearing before the NSGB Traffic Review Board is an informal administrative proceedings. Judicial concepts such as reasonable doubt, confrontation, right to counsel, and the rules of evidence applicable to criminal or civil judicial trials do not apply.

(1) All personnel with a mandatory magistrate appearance who are facing a citation which could result in a suspension or revocation of privileges will be accompanied by a command representative/supervisor. The representative will be an E7 or above, or one rank higher if personnel are E7 or above. Civilian and contractors will be accompanied by their first line supervisor. If they are a supervisor, they will be accompanied by the person directly over them.

b. Traffic Magistrate Actions. After considering all available information, the Traffic Magistrate shall take one of the following actions with respect to the citation:

(1) Dismiss the citation

(2) Dismiss the citation with a warning

(3) Enter a finding of liable to the cited violation, in which case the Traffic Magistrate shall assess points, suspension, or revocation.

(4) Enter a finding of liable to a lesser included offense than cited, in which case the Traffic Magistrate shall assess points or revocation for that lesser included offense.

(5) Have the citation rescheduled to a later date pending additional information.

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309. Adjudications of Driving while Impaired/Driving while Intoxicated/Driving Under the Influence Citations. NSGB retains the authority to conduct Article 15 proceedings and/or forward proceedings for Article 16 adjudication under the UCMJ on all military violators under his jurisdiction regardless of the plea to the citation. Military personnel may be charged under the UCMJ, and if found to have committed the offense, will in addition to the punishment awarded, have the appropriate points and license suspension/revocation assessed, pursuant to this instruction. Civilian violators, in addition to losing driving privileges may also be subject to debarment proceedings.

Enclosure (1)

Chapter 4

DRIVER RECORDS

401. Driver Records. The Security Officer shall maintain all points assessed against drivers at NSGB in the Consolidated Law Enforcement Operations Center (CLEOC) or Naval Justice Information System (NJIS).

a. Point Totals. Points assessed shall remain on the driver's record for 12 months. A revocation or suspension of driving privileges will not result in the deletion of points accumulated prior to the revocation/suspension, other than those deleted due to the lapse of 12 months since assessment.

b. Other Military Installations and Civilian Jurisdictions. The Security Officer may request and receive records of traffic violations at other military installations and in civilian jurisdictions, and may provide records of traffic violations at NSGB to other military installations. Point assessments from other military installations and civilian convictions may be transferred to NSGB records, and may be included for purposes of enforcement action under this code.

402. Point Assessment and Suspensions. Points must be assessed against a driver's record per this section. No other points may be assessed for any reason. Deviation from the number of points for an individual violation are is authorized. Multiple violations that arise out of the same act or omission can be recorded on one citation (up to three violations). If multiple violations are notated on a single citation, points can be accumulated against the driver, but this is not required.

403. Points Assessment Schedule

Violations **Point Suspension(S)/Revocation**

Driving or being in actual control of a motor vehicle while under the influence of any narcotic, or while under the influence of any drug (including alcohol), such as to render the operator incapable of safe vehicle operation	12	1 year(S)	Impound /boot
Driving Impaired/Driving Under the Influence/Driving While Intoxicated	12	1 year(S)	Impound /boot
Use of a motor vehicle in the commission of a felony	12	2 year(S)	Impound /boot
Leaving/Fleeing the scene of an accident involving death or personal injury	12	2 year(S)	Impound /boot
Leaving/Fleeing the scene of an accident involving property damage only	6	6 month(S)	Impound /boot
Leaving/Fleeing or eluding	6	1 year(S)	Impound /boot
Reckless driving (willful and wanton disregard for the safety of persons or property and or 20 mph over the posted speed limit)	6	6 month(S)	Impound /boot

Violations

Point Suspension(S)/Revocation

Speed contest/racing	6	6 month(S)	Impound /boot
Careless/Distracted driving (texting or using a cell phone without a hands-free device, including computers, PDAs, GPS, or other electronic devices)	6	2 nd offense in a year results in 3 month(S)	
Perjury or making a false statement or affidavit under oath to responsible officials relating to the ownership or operation of motor vehicle(s)	6	3 month(S)	
Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony	6		
Mental or physical impairment (not including alcohol or drug use) to the degree rendered incapable of safe vehicle operation	6	3 month(S)	
Altered driver's license or insurance papers	6	6 month(S)	
Speed 20 mph or greater over the posted speed limit (may be deemed reckless driving if circumstances pose a risk to persons or property)	6		
Speed 15-20 mph over the posted speed limit	5		
Speed 10-15 mph over the posted speed limit	4		
Speed 1-10 mph over the posted speed limit	3		
Speed too slow, causing potential safety hazard	2		
Speed excessive for road conditions (attestation, either verbal or in writing, must be provided by law enforcement official)	3		
Failure to yield right of way to an emergency vehicle	4		
Failure to stop for a school bus or school-crossing signs during posted hours	6		
Following to close	3		
Failure to obey a traffic signal, signs, or traffic instructions of an enforcement officer or traffic warden; or any official, regulatory traffic sign or device requiring a full stop or yield of right of way; denying entry; or requiring direction of traffic	4		
Failure to yield (no official sign involved)	3		
Wearing of headphones/earphones while driving a motor vehicle (two or more wheels)	3		
Improper passing	3		
Failure to wear an approved helmet while operating or riding on a motorcycle, moped, bicycle, or a three or four wheel vehicle powered by a motorcycle-like engine	3		
Operation of a bicycle without proper safety gear (front white light and rear red light during the hours of darkness)	3		
Leaving motor vehicle unattended and unsecured while the motor is running in a roadway or parking lot	3		
Improper turning movements (no official sign involved)	3		
Improper overtaking/passing	3		
Operating an unsafe vehicle	3		
Failure to give required signal	2		

Violations

Point Suspension(S)/Revocation

Failure of operator or occupants to properly use available restraint system (Seat Belts) devices while moving (operator assessed points)	3		
Failure to properly restrain children in an approved child restraint system	4		
Failure to obey Law Enforcement Officer/Willful disobedience of an Officer's direction in the authorized performance of their duties.	6	3 month(S)	
Unauthorized parking	3		
Parking in a grass area	2		
Parking on a sidewalk, obstructing pedestrian walkway	3		
Parked within a crosswalk or within 20 feet of a fire hydrant	6		
Parked in a fire lane	6		
Parked in a restricted area	6		
Parked facing traffic (oncoming)	3		
Parked in a handicap space (without permit)	6		
Vehicle illegally parked in a manner creating a potential safety or operational hazard	3		
Excessive loud noise emitting from sound system in private vehicle	2		
Owner knowingly affixes or displays on the vehicle an obscene, indecent or profane slogan, object or bumper sticker for public view	3		
Failure to report a traffic accident	6	6 month(S)	
Open alcoholic container in a vehicle	6	6 month(S)	
Throwing litter from a vehicle	6		
Driving while under suspension	12	Additional 12 month(S)	Impound /boot
Illegal equipment on vehicle (excessive or improper lighting, non-standard seats, etc)	6	Suspended until fixed	Impound /boot
Failure to wear proper gear while riding a motorcycle or scooter	6		
Failure to possess valid license or registration	6	Suspended until fixed	
Failure to possess valid vehicle insurance	6	Suspended until fixed	Impound /boot
Vehicle used in a crime	12	1 year(S)	Impound /boot
Leaving an animal inside a vehicle without taking safety precautions for the animal	6		
Vehicle tag light inoperable	2		
Improper display of tag (Tag should be displayed on the rear of the vehicle in the provided manufactured spot or rear window as to be seen. License plate covers are unauthorized.)	2		
Illegal U-turn	2		

Violations**Point Suspension(S)/Revocation**

Window tint too dark for safe operation of vehicle. Tint shall not be too dark so that you cannot see the occupants in the vehicle (must be able to see 15% or greater of visible light). Tinting of more than 30% of the front windshield is prohibited (must start at the top to allow for safe operation).	3	Suspension until corrected	
Headlights, taillights, break lights inoperable	2		
Failure to use turn signal	2		
Failure to maintain lane	2		
Impeding traffic flow (driver impedes the free flow of traffic or slows down the flow of traffic)	2		
Driving the wrong way on a one way	3		
Failure to yield the right of way to pedestrians	3		
Improper use of a horn	2		
Failure to use headlights/tail lights during low light conditions or during the hours of darkness	3		
Failure to yield to normal traffic (Low Speed Vehicle)	2		

404. Revocation for Accumulation of Points. The Magistrate can revoke all base driving privileges for one year when a driver accumulates a total of 12 points within 12 consecutive months or 18 points within 24 consecutive months.

405. Mandatory Revocation for Serious Violations. Certain offenses and traffic violations pose such a threat to public safety that revocation of all base driving privileges is mandatory without waiver or exception.

a. Two-Year Mandatory Revocation. The Magistrate can revoke all driving privileges for two years, to run consecutively with any period of suspension or revocation previously imposed, if any driver operates a motor vehicle at NSGB while his/her driver's license or base driving privileges are already suspended or revoked.

b. One Year Mandatory Revocation. The Magistrate can revoke all driving privileges for one year and notify the licensing authority for any person who receives a liable finding from the Traffic Magistrate for the following offenses or violations:

- (1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle.
- (2) Driving while intoxicated.
- (3) Driving while under the influence of any narcotic, or while under the influence of any other drug to a degree rendering the driver incapable of safe operation of the vehicle.
- (4) Any felony in which a motor vehicle is used.
- (5) Refusal to submit to "implied consent" testing, to run consecutively with any period of suspension for driving while intoxicated or driving while impaired by alcohol.

Enclosure (1)

c. Six-Months Mandatory Revocation. The Magistrate can revoke all driving privileges for six months upon liable finding by the Traffic Magistrate for Driving while Impaired.

406. Discretionary Suspension of Driving Privileges for Certain Offenses. Certain offenses pose such a significant threat to public safety to warrant suspension of driving privileges. Therefore, in addition to the assessment of points, a Traffic Magistrate may at his/her discretion order the suspension of all base driving privileges for a specific period of not less than one month nor more than six months, upon liable finding of any of the following offenses or violations:

- a. Fraudulent use of, or permitting the fraudulent use of, a driver's license or permit.
- b. Fleeing or attempting to elude a law enforcement officer.
- c. Racing.
- d. Driving without a valid driver's license or permitting others to do so.
- e. Reckless driving.
- f. Operating a vehicle without insurance.
- g. Failure to register a motor vehicle.
- h. Failure to correct safety violation.

407. Notification and Execution

a. Driving while impaired or intoxicated. Upon issuance of a citation for Driving while Impaired or Driving Intoxicated, all driving privileges shall be immediately suspended pending a traffic review board. The mandatory revocation of driving privileges shall go into effect immediately upon liable finding by the Traffic Magistrate.

b. Refusal to submit to implied-consent testing. Upon refusal to submit to implied-consent testing, the mandatory revocation of driving privileges shall go into effect immediately.

c. Manslaughter or negligent homicide resulting from the operation of a motor vehicle. All driving privileges shall be immediately suspended pending a Traffic Review Board. The mandatory revocation of driving privileges imposed for these violations shall go into effect immediately upon liable finding by Traffic Magistrate.

d. Other. All other suspensions/revocations shall go into effect immediately upon announcement in the Traffic Review Board by the Magistrate.

408. Appeals of Revocations and Suspensions

a. Submission of appeals. The driver may appeal within 14 calendar days of service of notification of revocation or suspension of privileges only.

The appeal must be in writing and must state the reasons why the driver believes the revocation or suspension to be erroneous or unjust. Appeals shall be forwarded to the Chief Magistrate, NSGB Traffic Review Board, via the Security Officer, and Judge Advocate General, for final action.

b. Action by Chief Magistrate. If the Chief Magistrate determines that the revocation or suspension is erroneous or unjust, they may set aside or modify the revocation or suspension. The Chief Magistrate shall notify the appellant in writing of his/her decision. The Chief Magistrate's decision on an appeal shall constitute final administrative action on the matter.

409. Restricted Driving Privileges. The Chief Magistrate may grant restricted driving privileges for the purpose of official duties or employment only. Any violation of the conditions or additional violations shall result in the automatic reinstatement of suspension. No hearing is required to reinstate the suspension. Request for restricted driving privileges shall come from the member's sponsor on official correspondence and contain information on the actual impact on military mission/employer. Restricted driving privileges do not apply to driving under the influence or driving while impaired/intoxicated offenses.

410. Remedial Driver Safety Course. As a condition of continued NSGB driving privileges, and without regard to rank, pay grade, civilian or military status, all drivers shall be required to complete the NSGB remedial driver safety course under the following circumstances:

- a. Upon accumulation of seven points in a 12 month period
- b. Upon revocation or suspension of driving privileges, before such privileges may be reinstated.
- c. Whenever directed by a traffic magistrate as a result of an informal administrative hearing in the NSGB Traffic Review Board.
- d. Whenever directed by the driver's CO, Department Head, Officer-in-Charge, or employer.

411. Failure to Comply with Directed Remedial Education. Failure to comply with an order to attend remedial education shall, at a minimum, result in continued suspension of driving privileges until the Security Officer receives certification of the satisfactory completion of the required remedial course and may result in additional periods of revocation and/or suspension.

Chapter 5

IMPOUNDING VEHICLES

501. Standards for impoundment. Vehicles can be impounded if the vehicle:

- a. Interferes with normal traffic.
- b. Is disabled as a result of a collision or mechanical failure.
- c. Is illegally parked.
- d. Represents a safety hazard.
- e. Owner/driver is apprehended for involvement in a crime, DWI/DUI or refuses implied consent.
- f. Vehicle is abandoned.

502. Procedure for impoundment

- a. Immediate impoundment of vehicles.

(1) For situations described in Section 501, Security Officer or the Deputy Security Officer will approve the removal of the vehicle, at the vehicle owner's expense.

(2) The vehicle owner must arrange payments with the towing company prior to the vehicle being released from impoundment.

- b. Abandoned vehicles

(1) The DD Form 2504 (Abandoned Vehicle Notice) will be conspicuously placed on vehicles considered abandoned. This action will be documented by entry in the installation law enforcement desk journal.

(2) The owner will be allowed three days from the date the POV is tagged to remove the vehicle before impoundment action is initiated. If the vehicle has not been removed after three days, it will be removed by the installation towing service.

NOTARIZED BILL OF SALE

YEAR: [REDACTED]	MAKE: [REDACTED]	MODEL: [REDACTED]
VIN: [REDACTED]	ODOMETER: [REDACTED]	DATE: [REDACTED]

I (SELLER'S NAME):	[REDACTED]
(SELLER'S ADDRESS):	[REDACTED]
AS OWNER OF THIS VEHICLE, TRANSFER OWNERSHIP TO	
(BUYER'S NAME):	[REDACTED]
(BUYER'S ADDRESS):	[REDACTED]
FOR THE AMOUNT OF \$:	[REDACTED]

Seller's Acknowledgement

[] Seller warrants that the Seller is the lawful owner of said property and that the vehicle is free from all liens and encumbrances. Seller warrants that the Seller has the right to sell the same as aforesaid, and that the Seller will warrant and defend the title of same against the claims and demands of all persons whomsoever.

[] Seller makes no guarantees or promises as to the condition of the property described herein. All property is sold in an "as is" condition.

[] Seller agrees to remain in compliance with NAVSTAGTMOINST 11200.1 and shall return the NAVSTA GTMO license plate to the Vehicle Registration Office with a copy of this notarized Bill of Sale, or the Seller will remain responsible for the license plate until the Buyer successfully completes the transfer of registration.

Buyer's and Seller's Acknowledgement

1. NAVSTAGTMOINST 11200.1 Section 205 requires individuals to transfer registration at the Vehicle Registration Office within three business days of this transfer of ownership. Legal Assistance Office does not maintain copies of Bills of Sale. Buyer's Initials [] Seller's Initials []

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2. Personnel at RLSO SE DET GTMO make no warranties or guarantees as to the status of the POV being sold, such as the POV's physical condition or its status free from all liens and encumbrances, or to the Seller's status, such as the Seller's status as the lawful owner of the POV with the right to sell the POV to the Buyer, or the Seller's willingness to warrant and defend the title of the POV against the claims and demands of all persons whomsoever. Buyer's Initials [] Seller's Initials []

3. RLSO SE DET GTMO personnel cannot legally advise the Buyer or Seller on the anticipated transaction. However, either party may direct legal questions to outside legal assistance offices or legal counsel on matters such as the quality or lack thereof of materials incident to this transaction. For example, if the Seller warrants title to the vehicle but cannot produce a prior Bill of Sale or certificate of title, the Buyer may consider seeking independent legal counsel before entering into this transaction. Buyer's Initials [] Seller's Initials []

* MUST SIGN DOCUMENT IN FRONT OF A NOTARY PUBLIC

I, the SELLER, hereby certify that the statements above are true, correct, and complete the best of my knowledge.

Seller's Signature

I, the BUYER, hereby certify that the statements above are true, correct and complete to the best of my knowledge.

Buyer's Signature

WITH THE UNITED STATES ARMED FORCES AT RLSO SE GUANTANAMO BAY, CUBA

Before me personally appeared the Buyer and the Seller, who, having produced an Armed Forces Identification Cards and/or valid State/Federal Government issued identification, are proven to me to be the identical persons who are described herein, and who signed and executed the foregoing instrument on this the ___ day of _____, 20___, as a true, free, and voluntary act and deed, for uses, purposes, and considerations therein set forth. And I do further certify that I am a person authorized under 10 U.S.C. § 1044a to exercise the powers of a notary without requirement of a seal, and that this document is executed by me in accordance with those powers and in that capacity.

Notary Public
Under the Authority of 10 U.S.C. §
1044a No Seal Required
Commission Exp:

Motor Vehicle Safety Inspection

Vehicle Owner: _____
Last Name First MI

Rank/Rate: _____ DoD/CIV/Contractor/Family Member: _____

Command/Employer/Sponsor: _____

Phone: _____ Plate #: _____ Color: _____ Make: _____

Model: _____ Year: _____ VIN: _____

Head Lights: R/F _____ L/F _____

Running Lights: R/F _____ L/F _____ R/R _____ L/R _____

Turn Signals: R/F _____ L/F _____ R/R _____ L/R _____

Hazard Lights: R/F _____ L/F _____ R/R _____ L/R _____

Brake Lights: Right Side: _____ Left Side: _____

Reverse Lights: Right Side: _____ Left Side: _____

Tires (3/32 Min): R/F _____ L/F _____ R/R _____ L/R _____

Seat Belts: R/F _____ L/F _____ R/R _____ L/R _____

Mirrors: Right Side: _____ Left Side: _____ Rear: _____

Muffler/Exhaust: Satisfactory/Unsatisfactory

Windshield Wipers: Satisfactory/Unsatisfactory

Horn: Satisfactory/Unsatisfactory

Fluid Leakage: Satisfactory/Unsatisfactory (No continuous drip of fluids)

Brakes: R/F _____ L/F _____ R/R _____ L/R _____

Windshield: _____

Illegal tint: Tint to dark for safe operation/Tinted front windshield in excess of 30% from top

Excessive Steering Gear Movement: Satisfactory/Unsatisfactory

Notes: _____

Final: (Circle One) Pass/Fail Stamp: _____

Inspector Signature: _____ Time/Date: _____

(VRO) Signature: _____ Time/Date: _____

(VRO Stamp): _____

ABANDONED VEHICLE NOTICE				1. DATE (YYYYMMDD)	2. TIME				
3. VEHICLE DESCRIPTION									
a. YEAR	b. MAKE	c. MODEL	d. VEHICLE IDENTIFICATION NUMBER	e. INSTALLATION DECAL NUMBER	f. VEHICLE LICENSE				
					(1) STATE (2) NUMBER				
4. LOCATION									
<p>5.</p> <p>A law enforcement patrol has stopped and made a courtesy check to see if you need assistance.</p> <p>We urge removal of the vehicle as soon as possible.</p> <p>Should this vehicle remain abandoned at this location after three working days, impoundment action will be started.</p> <p>If you cannot remove this vehicle, please contact the following law enforcement desk:</p> <table border="1" style="width: 100%;"> <tr> <td>TELEPHONE NUMBER</td> <td>BUILDING NUMBER</td> </tr> <tr> <td></td> <td></td> </tr> </table> <p>Thank you for your cooperation.</p>						TELEPHONE NUMBER	BUILDING NUMBER		
TELEPHONE NUMBER	BUILDING NUMBER								
6. REPORTED BY									
a. NAME (Last, First, Middle Initial)				b. GRADE					

DD FORM 2504, MAY 2000

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