

LAW AND ORDER CODE
ARTICLE VI
TRAFFIC CONTROL AND OPERATIONS OF VEHICLES

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LAW AND ORDER CODE
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TRAFFIC CONTROL AND OPERATIONS OF VEHICLES

[NOTE: Except as otherwise noted, the provisions of Article VI of the Law and Order Code were enacted on December 16, 2002 by Ordinance No. 04-02, which became effective on January 27, 2003.]

CHAPTER 1. GENERAL PROVISIONS

Section 16-6101. Definitions.

In this Article, unless the context otherwise requires:

(a) "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propynol and isopropynol.

(b) "Alcohol concentration" if expressed as a percentage means either:

- (1) The number of grams of alcohol per one hundred (100) milliliters of blood.
- (2) The number of grams of alcohol per two hundred ten (210) liters of breath.

(c) "Authorized emergency vehicle" means any of the following:

- (1) A fire department vehicle.
- (2) A police vehicle.
- (3) An ambulance or emergency vehicle of a tribal or municipal department or public service corporation that is designated or authorized by a public authority.
- (4) Any other ambulance, fire truck or rescue vehicle that is authorized by a public authority and that meets liability insurance requirements prescribed by the public authority.

(d) "Bicycle" means a device that is propelled by human power and on which a person may ride and that has either:

- (1) Two (2) tandem wheels, either of which is more than sixteen (16) inches in diameter.
- (2) Three (3) wheels in contact with the ground, any of which is more than sixteen (16) inches in diameter.

(e) "Business district" means the territory contiguous to and including a highway if there are buildings in use for business or industrial purposes within any six hundred (600) feet along the highway that occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

(f) "Combination of vehicles" means a truck or truck tractor and semitrailer and any trailer that it tows, but does not include a forklift designed for the purpose of loading or unloading the truck, trailer or semitrailer.

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(g) "Controlled-access highway" means a highway with respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from except at designated access points.

(h) "Court" means the Colorado River Indian Tribes' Tribal Court, as empowered and established by Title 1, Article XII of the Constitution of the Colorado River Indian Tribes.

(i) "Crosswalk" means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs; or, in the absence of curbs, from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(j) "Drive" means to operate or to be in actual physical control of a motor vehicle.

(k) "Driver" means a person who drives or is in actual physical control of a vehicle.

(l) "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion, percussion or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(m) "Flammable liquid" means any liquid which has a flash point of seventy (70) degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.

(n) "Gross weight" means the weight of a vehicle without the load plus the weight of any load thereon.

(o) "Highway" means any highway, road, street, lane, roadway, trail or path which members of the public are entitled to use, regardless of the nature of its surface or the agency responsible for its maintenance.

(p) "Implement of husbandry" means a vehicle designed primarily for agricultural purposes and used exclusively in the conduct of agricultural operations.

(q) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines; or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty (30) or more feet apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two roadways thirty (30) or more feet apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

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- (r) "Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
- (s) "Law enforcement officer" means any police officer or deputized member of the Tribes' Department of Fish and Game.
- (t) "License" means any license, temporary instruction permit or temporary license issued under the laws of any state which pertains to the licensing of persons to operate motor vehicles.
- (u) "Licensee" means a person qualified to drive a motor vehicle and to whom a driver license has been issued.
- (v) "Metal tire" means a tire the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.
- (w) "Motor-driven cycle" means a motorcycle, including every motor scooter, with a motor that produces not more than five (5) horsepower.
- (x) "Motor vehicle" means a vehicle propelled by the use of motor vehicle fuel.
- (y) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the rider and that is designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or moped.
- (z) "Operator" means a person who drives a motor vehicle on a highway, who is in actual physical control of a motor vehicle on a highway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- (aa) "Owner" means:
- (1) A person who holds the legal title to a vehicle.
 - (2) If a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or lessee.
 - (3) If a mortgagor of a vehicle is entitled to possession of the vehicle, the mortgagor.
- (bb) "Park" means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of, and while actually engaged in, loading or unloading.
- (cc) "Pedestrian" means any person afoot. A person who is not ambulatory and is in a wheelchair or motorized wheelchair is considered a pedestrian.
- (dd) "Police officer" means an officer of the Police Department of the Colorado River Indian Tribes duly authorized to direct or regulate traffic, or make arrests or issue civil traffic complaints for violations of traffic regulations within the Reservation.

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(ee) "Private road or driveway" means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(ff) "Public authority" means the Colorado River Indian Tribes or any agency thereof, the United States government or any agency thereof and any state government or political subdivision thereof.

(gg) "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

(hh) "Railroad sign or signal" means a sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(ii) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

(jj) "Recreational vehicle" means a vehicular-type unit which is a portable camping trailer, a motor home, a park trailer, a travel trailer or a portable truck camper.

(kk) "Residential district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

(ll) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or three separate roadways, the word "roadway" as used in this Article shall refer to any such roadway separately, but not to all such roadways collectively.

(mm) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(nn) "Stop," when required, means complete cessation from movement.

(oo) "Stop, stopping or standing," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with directions of a law enforcement officer or traffic-control sign or signal.

(pp) "Through highway" means a highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing when stop signs are erected.

(qq) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

(rr) "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used

exclusively upon stationary rails or tracks.

(ss) "Traffic-control device" means any sign, signal, marking or device placed or erected by or under the authority of a public authority for the purpose of controlling, directing, regulating, warning or guiding traffic. The terms "sign," "signal," "marking" and "device" may be used, in this Article, interchangeably with traffic-control device and with each other.

(tt) "Tribes" means the Colorado River Indian Tribes.

(uu) "Tribal Council" means the Colorado River Indian Tribes Tribal Council, as empowered and established by Title 1, Article IV, Section 1 of the Constitution of the Colorado River Indian Tribes.

(vv) "Tribal Court" means the Colorado River Indian Tribes Tribal Court, as empowered and established by Title 1, Article XII of the Constitution of the Colorado River Indian Tribes.

(ww) "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

Section 16-6102. Operators to Comply with Uniform Motor Vehicle Safety Responsibility Act.

Any person who operates a motor vehicle upon a highway within the Reservation shall comply with the current requirements of the Uniform Motor Vehicle Safety Responsibility Act of the state within which the vehicle is operated. Failure to comply with such provisions shall result in a suspension of all driving privileges and a report being forwarded to the appropriate state agency.

CHAPTER 2. DRIVER LICENSE AND PRIVILEGE

Section 16-6201. Valid Driver or Chauffeur License Required.

No person shall operate any motor vehicle upon a highway within the Reservation unless he has a valid driver or chauffeur license, or is exempted from the requirement for such license, issued by one of the states of the United States or by the United States government.

Section 16-6202. Possession and Display of Driver License; Defense.

(a) A licensee shall have a legible driver license in the licensee's immediate possession at all times when operating a motor vehicle. On demand of a law enforcement officer, a licensee shall display the license.

(b) A person who is served a complaint for violating this Section is not responsible if the person produces in court or the office of the law enforcement officer a legible driver license or an authorized duplicate of the license issued to the person that was valid at the time of the alleged violation of this Section.

Section 16-6203. Permitting Unauthorized Person to Drive.

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(a) No person shall cause or permit the person's child, ward or a minor to drive a motor vehicle on a highway if the child, ward or minor does not possess a driver license.

(b) A person shall not authorize or knowingly permit a person who does not possess a current, valid driver license to drive a motor vehicle that the person owns or that is under the person's control.

Chapter 3. CRIMINAL VIOLATIONS; LICENSING AND REGISTRATION

Section 16-6301. Registration; Violation.

No person shall:

(a) Intentionally remove a manufacturer's serial or identification number from or deface, alter or destroy a manufacturer's serial or identification number on a motor vehicle.

(b) Display or possess a registration card or license plate knowing it to be fictitious or to have been stolen, canceled, revoked, suspended or altered.

(c) Lend to a person or knowingly permit the use of the person's registration card or license plate by a person not entitled to the card or plate.

Section 16-6302. Driving Violations

(a) No person shall drive a motor vehicle on a highway when the person's license to drive a motor vehicle is suspended or revoked or when the person is otherwise disqualified from driving.

(b) No person shall drive a motor vehicle on a highway when that person's privilege of driving a motor vehicle on the Reservation has been suspended or revoked pursuant to the provisions of this Article VI.

Section 16-6303. Criminal Penalties

(a) Any person who violates the provisions of this Chapter 3 of this Article shall be subject to the following criminal penalties:

- (1) Imprisonment for not less than thirty (30) days nor more than six (6) months; or
- (2) A fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00); or
- (3) Both.

(b) A judge shall not dismiss an action brought under Section 16-6302 merely because the respondent has paid the underlying penalty which resulted in the suspension.

CHAPTER 4. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Section 16-6401. Where Provisions Effective.

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(a) The provisions of this Article shall apply to all vehicles operated within the exterior boundaries of the Colorado River Indian Reservation.

(b) Any and all prior traffic ordinances, rules, regulations or other directives in conflict with this Article shall be and are hereby declared null and void within the exterior boundaries of the Colorado River Indian Reservation.

Section 16-6402. Vehicles Upon the Highways; Exceptions.

The provisions of this Article relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, except:

(a) Where a different place is specifically referred to in a given Section;

(b) The provisions concerning vehicle accidents, reckless driving, speed restrictions, racing and driving while intoxicated shall apply upon highways and elsewhere, including private property, throughout the Reservation.

Section 16-6403. Obedience to Law Enforcement Officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any law enforcement officer invested by law and authority to direct, control or regulate traffic.

Section 16-6404. Drivers Subject to Provisions of Article VI.

(a) The provisions of this Article applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles including those owned and operated by the United States or any agency thereof, any state or political subdivision thereof, and the Tribes or any agency thereof, except as provided in this Section, and subject to such specific exceptions as are set forth in this Article with reference to authorized emergency vehicles.

(b) Unless specifically made applicable, the provisions of this Article shall not apply to persons, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, or to railroad employees working on a railroad track or tracks crossing the highway, but shall apply to such persons and vehicles when traveling to or from such work.

Section 16-6405. Authorized Emergency Vehicles.

(a) If an authorized emergency vehicle is driven in response to an emergency call, in pursuit of an actual or suspected violator of law, or in response to but not on return from a fire alarm, the driver may exercise the privileges provided in this Section subject to the conditions stated in this Section.

(b) Notwithstanding the provisions of this Article, the driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this Article.

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- (2) Proceed past a red light or stop signal or stop sign, but only after slowing down as necessary for safe operation.
- (3) Exceed the maximum speed limits provided that such exceeding of speed limits does not unreasonably endanger life or property and is necessary for the protection of life or property.
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions granted by this Section to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, except that an authorized emergency vehicle operating as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The provisions of this Section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall these provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

Section 16-6406. Persons Riding Animals or Driving Animal-Drawn Vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle by this Article, except those provisions which by their very nature can have no application.

Section 16-6407. Provisions Uniform Throughout Reservation.

The provisions of this Article shall be uniform throughout the Reservation, and no public authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of this Article.

Section 16-6408. Rights of Owners of Real Property.

Nothing in this Article shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting that use, or from requiring other or additional conditions than those specified in this Article, or otherwise regulating such use as may seem best to such owner.

CHAPTER 5. TRAFFIC-CONTROL DEVICES, SIGNS, SIGNALS AND MARKINGS

Section 16-6501. Obedience to and Required Traffic-Control Devices.

(a) The driver of any vehicle shall obey the instructions of all traffic-control devices unless otherwise directed by a traffic or law enforcement officer, subject to the exemptions granted to the driver of an authorized emergency vehicle in Section 15.6405 of this Article.

(b) No provisions of this Article requiring compliance with traffic-control devices shall be enforced against an alleged violator if, at the time and place of the alleged violation, a traffic-control device is not in proper position and sufficiently visible and legible to be seen by an ordinarily observant person, or if it is an inoperative mechanical device.

Section 16-6502. Traffic-Control Signal Legend.

(a) When traffic is controlled by a traffic-control device exhibiting different colored lights or colored lighted arrows successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

- (A) Vehicular traffic facing a green signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.
- (B) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (C) Unless otherwise directed by a pedestrian control signal as provided in Section 16-6503 of this Article, pedestrians facing any green signal, except if the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication:

- (A) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- (B) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 16-6503 of this Article, are thereby warned that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Red indication:

- (A) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of

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the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivisions (B) and (C) of this subsection (3).

- (B) The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if there is no crosswalk, then at the entrance to the intersection, in obedience to a red signal, may make a right turn, but shall yield the right-of-way to pedestrians and to other traffic proceeding as directed by the signal. Right turns are prohibited against a red signal at any intersection when a sign is erected at the intersection prohibiting such turn.
- (C) The driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a red signal but may then make a left turn into such one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that any such left turn as above described is prohibited when a sign is erected at the intersection prohibiting such turn.
- (D) Unless otherwise directed by a pedestrian control signal as provided in Section 16-6503 of this Article, pedestrians facing a steady red signal alone shall not enter the roadway.
- (E) If an official traffic control device is erected and maintained at a place other than at an intersection, the provisions of this Section shall be applicable, except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made; but in the absence of a sign or marking, the stop shall be made at the signal.

Section 16-6503. Pedestrian Control Signals; Loitering Prohibited.

(a) When special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place, the signals shall indicate as follows:

- (1) Walk. Pedestrians facing the signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by drivers of vehicles.
- (2) Don't Walk. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island while the Don't Walk signal is showing.

(b) A pedestrian shall not loiter or unduly delay crossing the roadway after traffic has stopped to give him the right-of-way.

Section 16-6504. Flashing Signals.

When an illuminated flashing red or yellow signal is used in a traffic sign or signal, drivers shall obey such flashing signal as follows:

(a) Flashing red stop signal. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked; or if none, then before entering the intersection. The right of said drivers to proceed shall be subject to the rules applicable after making a stop at a stop sign set forth in Section 15.61404 of this Article.

(b) Flashing yellow caution signal. When a yellow lens is illuminated with intermittent rapid flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

Section 16-6505. Display of Unauthorized Signs, Signals, Markings or Devices.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device that:

- (1) Purports to be or is an imitation of or resembles an official traffic sign, signal or control device or railroad sign or signal.
- (2) Attempts to control or direct the movement of traffic.
- (3) Hides from view or interferes with the effectiveness of any official traffic-control device, sign or signal, or any railroad sign or signal.

(b) No person shall place or maintain any commercial advertising on any official traffic-control device or sign.

(c) This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) A sign, signal, or marking prohibited by this Section is a public nuisance, and the Tribes may remove it or cause it to be removed without notice.

Section 16-6506. Interference with Traffic-Control Devices.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

Section 16-6507. Warning Devices at Construction Sites.

A person, contractor, or public authority performing work on roads, streets or highways shall post and maintain warning signs, signals, markers and barricades at the work site until the work is completed or until such time as a public authority authorizes removal to warn those using the street, road or highway.

CHAPTER 6. ACCIDENTS

Section 16-6601. Accidents Involving Death or Personal Injuries.

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible and shall then forthwith return to and in every case shall remain at the scene of the accident until he has fulfilled the requirements of Section 16-6603 of this Article. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with the requirements of this Section shall be subject to the following criminal penalties:

- (1) Imprisonment for not less than thirty (30) days nor more than six (6) months; or
- (2) A fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00); or
- (3) Both.

(c) The Tribal Court shall revoke any and all driving privileges on the Reservation of a person so convicted and may forward notice of such action to any appropriate state or other governmental agency.

Section 16-6602. Accidents Involving Damage to Vehicle.

(a) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop his vehicle at the scene of the accident or as close thereto as possible and shall forthwith return to and in every case shall remain at the scene of the accident until he has fulfilled the requirements of Section 16-6603 of this Article. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with the requirements of this Section shall be subject to the following criminal penalties:

- (1) Imprisonment for not less than one (1) day nor more than one (1) month; or
- (2) A fine not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00); or
- (3) Both.

Section 16-6603. Duty to Give Information and Render Aid.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving; and shall upon request exhibit his driver or chauffeur license to the person struck or the driver or occupants of or person attending any vehicle or person collided with or struck; and shall render to any person injured in the accident reasonable assistance, including the making of arrangements for the transporting of the person to

a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the transporting is requested by the injured person.

Section 16-6604. Duty Upon Striking Unattended Vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop his vehicle at the scene of the accident or as close thereto as possible and shall forthwith return to and shall then and there either locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or he shall leave in a conspicuous place in or upon the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking. Further, he shall make report of the accident when and as required in Section 16-6607 of this Article.

Section 16-6605. Duty Upon Striking Fixtures Upon a Highway.

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact and of his name and address, and shall upon request exhibit his driver or chauffeur license and shall make report of the accident when and as required in Section 16-6607 of this Article.

Section 16-6606. Immediate Report of Accidents.

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication, whether oral or written, give notice of the accident to the Tribal Police Department.

Section 16-6607. Written Report of Accidents.

(a) The driver of each vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of One Hundred Dollars (\$100.00) or more shall, within five (5) days after the accident, forward a written report of the accident to the Tribal Police Department.

(b) Every law enforcement officer who investigates an accident by virtue of which a report must be filed under this Section shall submit a report within twenty-four (24) hours of the completion of the investigation. The report shall contain information gained at the time and scene of the accident, or information gathered thereafter by interviewing witnesses and participants.

Section 16-6608. When Driver Unable to Report.

(a) When the driver is physically unable to make the report required in Section 16-6606 and there is another occupant in the vehicle at the time of the accident capable of making such an immediate report, that occupant shall make the report required of the driver.

(b) If the driver is physically incapable of making the report required in Section 16-6607 and the driver is not the owner of the vehicle, then the owner shall make the report within five (5) days of learning of the accident.

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Section 16-6609. Accident Report Forms.

The Tribal Police Department shall obtain and upon request supply such forms required under this Chapter 6 as are appropriate. Forms required of law enforcement officers, investigating officers, or persons involved in an accident shall call for sufficiently detailed information in order to establish the cause, conditions then existing, and persons and vehicles involved in the accident.

Section 16-6610. Offense for Failure to Report.

The court shall impose a civil fine of not less than One Hundred Dollars (\$100) upon any person who fails to make a report as required by this Chapter.

Section 16-6611. Accident Reports Confidential.

No accident report shall be used as evidence in a civil or criminal trial except to prove the presence at the accident, or identity if not otherwise known, of the person filing the accident report.

CHAPTER 7. CRIMINAL VIOLATIONS: DRIVING UNDER THE INFLUENCE; RECKLESS DRIVING; RACING

Section 16-6701. Implied Consent to Blood, Breath, or Urine Test.

(a) Any person who operates a motor vehicle upon the highways of the Reservation shall be deemed to have given consent, subject to the provisions of Section 16-6704 of this Article, to a chemical test or tests of his blood, breath, or urine for the purpose of determining the alcohol concentration or drug content of blood if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the highways of the Reservation while under the influence of intoxicating liquor or drugs.

(b) Following the arrest by a law enforcement officer, such officer shall allow a period of fifteen (15) minutes to elapse from the time the violator is stopped before administering any test prescribed by subsection (a) of this Section. During this period the officer will inform the violator that his operating privileges shall be revoked for six (6) months by the Tribal Court if he refuses to submit to the test. A failure to expressly agree to the test or successfully complete the test will be deemed a refusal.

(c) Any person who is dead, unconscious or otherwise incapable of refusal to such tests shall be deemed not to have withdrawn consent, and such tests may be administered in accordance with Section 16-6704 of this Article.

(d) If a person under arrest refuses to submit to a chemical test designated under provision of subsection (a) of this Section, none shall be given. Upon receipt of a sworn statement by the law enforcement officer, stating that he had reasonable grounds to believe the arrested person had been driving or in actual physical control of a vehicle upon the highways of the Reservation while under the influence of intoxicating liquor or drugs, and that the person had refused to

submit to the test, the Tribal Court shall suspend the privilege of driving within the Reservation of the arrested person for a period of six (6) months.

(e) Upon taking such action, the court shall immediately cause such person to be notified of the court action, and upon his request shall afford him a court hearing. The scope of such hearing for the purposes of this Section shall cover the issues of whether the law enforcement officer had reasonable grounds to believe the person had been operating or was in actual control of a motor vehicle upon the highways while under the influence of intoxicating liquor or drugs, whether the person was placed under arrest, and whether he had refused to submit to the test. The judge shall then order the suspension rescinded or sustained.

(f) If the said suspension is sustained, the person whose privilege of driving within the Reservation has been suspended may appeal the order of the Tribal Court in the manner prescribed in Article II of this Code.

(g) When it has been finally determined under this Code that a person's operating privileges have been suspended, the Tribal Court may give information in writing of such action to appropriate authorities of any state or of the United States.

(h) For the purposes of this Section, "drugs" includes any narcotic drug prescribed in Section 354 of Article III of this Code.

Section 16-6702. Preliminary Breath Tests

(a) A law enforcement officer who has reasonable suspicion to believe that a person has committed a violation of Section 16-6704 of this Article may request that the person submit to a preliminary breath test before an arrest.

(b) In addition to a breath test or tests, the officer may require that the person submit to further testing pursuant to Section 16-6701 of this Article.

Section 16-6703. Admissibility of Breath Test or Other Records

(a) The results of a breath test administered for the purpose of determining alcohol concentration are admissible as evidence in any trial, action or proceeding on establishing the following foundational requirements:

- (1) The test was performed using a quantitative breath testing device.
- (2) The person who conducted the test possessed a valid permit issued by a public authority to operate the device used to conduct the test.
- (3) Duplicate tests were administered and the test results were within 0.02 alcohol concentration of each other or a test conductor observed the person charged with the violation for twenty (20) minutes immediately preceding the administration of the test.
- (4) The person who conducted the test followed an operational checklist for the operation of the device used to conduct the test. The testimony of the test

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conductor is sufficient to establish this requirement.

- (5) The device used to conduct the test was in proper operating condition. Records of periodic maintenance that show that the device was in proper operating condition within thirty (30) days before and thirty (30) days after the test are admissible in any proceeding as prima facie evidence that the device was in proper operating condition at the time of the test. The records are public records.

(b) Compliance with subsection (a) of this Section is the only requirement for the admission in evidence of a breath test result.

Section 16-6704 Persons Under the Influence of Intoxicating Liquor or of Drugs.

(a) It is an offense for any person who is under the influence of intoxicating liquor or drugs to drive or be in physical control of any vehicle within the Reservation.

(b) In the trial of any action or proceeding for a violation of subsection (a) of this Section relating to driving or being in physical control of a vehicle while under the influence of intoxicating liquor or drugs, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

- (1) If there was at that time 0.05 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
- (2) If there was at that time 0.10 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(c) Subsection paragraphs (b)(1) and (b)(2) of this Section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

(d) A person arrested or charged with an offense under this Section, at his own expense, may have a qualified physician or other person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by such a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(e) Upon the request of the person who shall have submitted to a chemical test or tests, full information concerning the test or tests and their results shall be made available to him or to another person designated by him.

(f) If a person under arrest refuses to submit to a chemical test under the provisions of Section 16-6701 of this Article, evidence of refusal shall be admissible in any action or proceeding

arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle upon the public highways of the Reservation while under the influence of intoxicating liquor or drugs.

(g) It is an offense for any person who is under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle, to drive a vehicle within the Reservation. The fact that any person charged with a violation of this subsection (g) is or has been lawfully entitled to use such drug shall not constitute a defense to any charge of violating this subsection (g).

(h) A person who is guilty of an offense under this Section shall be sentenced upon a first conviction to imprisonment for not less than one (1) day nor more than six (6) months or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The court may also suspend the privilege of driving within the Reservation of the offender for a period not to exceed six (6) months.

(i) A person who is guilty of a second or subsequent offense under this Section committed within a period of twenty-four (24) months shall be sentenced to imprisonment for not less than thirty (30) days nor more than one (1) year, or a fine of not more than Five Thousand Dollars (\$5,000.00), or both. In addition, the court shall suspend the privilege of driving within the Reservation of such person for a period not to exceed two (2) years.

(j) Upon conviction or pleas of guilty or no contest to an offense under this Section, the court may forward to any appropriate state or federal agency notice of such disposition.

(k) For the purpose of this Section, "drugs" includes any narcotic drug prescribed in Section 354 of Article III of this Code.

Section 16-6705. Reckless Driving.

(a) A person who drives a vehicle in reckless disregard for the safety of persons or property is guilty of reckless driving.

(b) A person guilty of reckless driving shall be sentenced upon a first conviction to imprisonment for not less than one (1) day nor more than six (6) months, and in the discretion of the court he may be sentenced also to a fine of not more than Three Hundred Dollars (\$300.00).

(c) A person who is convicted of a second or subsequent violation of this Section committed within a period of twenty-four (24) months shall be sentenced to imprisonment for not less than ten (10) days nor more than six (6) months, and in the discretion of the court he may be sentenced to a fine of not more than Three Hundred Dollars (\$300.00).

(d) Upon a first conviction, the court may suspend the privilege of driving within the Reservation of the person convicted for a period not to exceed six (6) months. Upon the conviction for a second or subsequent offense committed within twenty-four (24) months the court shall suspend the privilege of driving within the Reservation of such person for a period not to exceed two (2) years.

(e) The dates of the commission of the offense are the determining factor in applying subsection

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(c) of this Section. A second or subsequent violation for which conviction occurs as provided in this Section does not include a conviction for an offense arising out of the same series of acts.

(f) On pronouncement of a jail sentence under this Section, the court may provide in the sentence that if the defendant is employed and can continue employment the defendant may continue the employment for not more than twelve (12) hours per day nor more than six (6) days per week and shall spend the remaining day, days or parts of days in jail until the sentence is served. The defendant shall be allowed out of jail only long enough to complete the defendant's actual hours of employment. The defendant shall not drive any vehicle for the duration of the sentence.

(g) Upon conviction or plea of guilty or no contest to reckless driving, the court may forward to any appropriate state or federal agency notice of such disposition.

Section 16-6706. Racing on Highways.

(a) No person shall drive any vehicle or participate in any manner in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record on a street or highway.

(b) For the purposes of this Section:

- (1) "Drag race" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common course, from the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.
- (2) A "race" means the use of one or more vehicles in an attempt to out-gain, out-distance, or prevent another vehicle from passing.

(c) A person who violates this Section may be sentenced upon a first conviction to imprisonment for a period not to exceed ninety (90) days, or by a fine of not more than Three Hundred Dollars (\$300.00), or both.

(d) A person who is guilty of a second or subsequent violation of this Section committed within a period of twenty-four (24) months shall be sentenced to imprisonment for a period of not less than ten (10) days nor more than six (6) months, and in the discretion of the court he may also be sentenced to a fine of not more than Three Hundred Dollars (\$300.00).

(e) The court may suspend the privilege of driving within the Reservation of a person guilty of a first violation of this Section for a period not to exceed ninety (90) days. Upon a second or subsequent violation of this Section committed within twenty-four(24) months, the court shall suspend the privilege of driving within the Reservation of such person for a period not to exceed two (2) years.

(f) Upon conviction or plea of guilty or no contest to an offense under this Section, the court may forward to any appropriate state or federal agency notice of such disposition.

(g) The dates of the commission of the offense are the determining factor in applying subsection

(d) of this Section. A second or subsequent violation for which conviction occurs as provided in this Section does not include a conviction for an offense arising out of the same series of acts.

(h) The Tribal Council may give authorization in writing for any organized and properly controlled event otherwise prohibited by this Section to utilize a highway or part of a highway. The authorization shall specify the time of the event, the location and any other conditions imposed by the Tribal Council.

CHAPTER 8. SPEED RESTRICTIONS

Section 16-6801. Reasonable and Prudent Speed.

(a) A person shall not drive a vehicle on a highway or private residential road at a speed greater than is reasonable and prudent under the circumstances, conditions, and actual and potential hazards then existing. A person shall control the speed of a vehicle as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

(b) Except as provided in subsection (c) of this Section, or where a special hazard requires a lesser speed, it shall be a violation of this Section for a driver of a vehicle to exceed the posted speed limit, or if no limit is posted to exceed the following speeds:

- (1) Fifteen (15) miles per hour in known or posted school crossings or school zones.
- (2) Twenty-five (25) miles per hour in any business or residential district.
- (3) Fifty-five (55) miles per hour in other locations.

(c) The maximum lawful speed as provided in this Section shall be reduced to that which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, such as when:

- (1) Approaching and crossing an intersection or rail road crossing;
- (2) Approaching and going around a curve;
- (3) Approaching a hill crest;
- (4) Traveling upon any narrow or winding roadway;
- (5) Special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
- (6) A person shall not drive a motor vehicle at a speed that is more than the speed that is reasonable and prudent under existing conditions.

(d) A person who violates the provisions of this Section shall be issued a civil traffic complaint for violation of this Section.

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Section 16-6802. Excessive Speeds; Classification.

(a) A person shall not:

- (1) Exceed thirty-five (35) miles per hour approaching a school crossing.
- (2) Exceed the posted speed limit in a business or residential district by more than twenty (20) miles per hour, or if no speed limit is posted, exceed forty-five (45) miles per hour in a business or residential district.
- (3) Exceed eighty-five (85) miles per hour in other locations.

(b) A person who violates subsection (a) of this Section 16-6802 shall be issued a civil traffic complaint for a violation of this Section in addition to Section 16-6801 of this Article.

Section 16-6803. Minimum Speed Regulation.

No person shall operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Section 16-6804. Special Speed Limitation on Motor-Driven Cycles.

No person shall operate any motor-driven cycle at any time from a half hour after sunset to a half hour before sunrise at a speed greater than thirty-five (35) miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred (300) feet ahead.

Section 16-6805. Towing Trailer.

A person shall not drive a vehicle towing a trailer or semitrailer at a rate of speed that causes the trailer or semitrailer to sway laterally from the line of traffic.

Section 16-6806. Violations and Rule in Civil Actions.

(a) In every charge of a violation of any speed regulation in this Chapter, the civil traffic complaint shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable at the location of the violation.

(b) The provisions of this Chapter 8 declaring maximum speed limitations do not relieve the plaintiff in any civil action, other than a civil action to impose a civil penalty, from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

CHAPTER 9. DRIVING ON RIGHT SIDE OF ROADWAY; OVERTAKING AND PASSING

Section 16-6901. Driving on Right Side of Roadway; Exceptions.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the

roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
- (2) When the right half of the roadway is closed to traffic while under construction or repair.
- (3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon.
- (4) Upon a roadway designated and posted for one-way traffic.

(b) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Section 16-6902. Passing Vehicles Proceeding in Opposite Directions

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

Section 16-6903. Passing Vehicles Proceeding in the Same Direction.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules otherwise set forth in this Chapter:

- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, or blinking of headlamps at nighttime, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Section 16-6904. Overtaking a Vehicle on the Right.

(a) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or is about to make a left turn.
- (2) Upon a highway with unobstructed roadway not occupied by parked vehicles of

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sufficient width for two or more lines of moving vehicles in each direction.

- (3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and is of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting the movement in safety. In no event shall the movement be made by driving off the pavement or off the main-traveled portion of the roadway.

Section 16-6905. Limitation on Overtaking on the Left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming vehicles for a sufficient distance ahead to permit the overtaking and passing to be made completely without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

Section 16-6906. Further Limitations on Passing to the Left of Center of Roadway.

(a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

- (1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might be approaching from the opposite direction.
- (2) When approaching within one hundred (100) feet of or traversing any bridge, viaduct, tunnel, intersection or railroad grade crossing, or where appropriate signs or markings have been installed to define a no passing zone.

(b) The limitations set forth in subsection (a) of this Section shall not apply upon a one-way roadway which is at least two lanes in width.

Section 16-6907. No Passing Zones.

No driver shall overtake or pass another vehicle within a designated no passing zone.

Section 16-6908. One-Way Roadways and Traffic Islands.

(a) Upon a highway designated and posted for one-way traffic, a vehicle shall be driven only in the direction designated.

(b) A vehicle passing around a traffic island shall be driven only to the right of the island.

Section 16-6909. Driving on Roadways Laned for Traffic.

When any roadway has been divided into two or more marked lanes for traffic, the following rules in addition to all others consistent with this Section shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety.

(b) On a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted to give notice of the allocation.

Section 16-6910. Following Too Closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon the condition of the highway.

Section 16-6911. Driving on Divided Highways

When any highway has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within the dividing space, barrier or section, except at an officially designated crossover or intersection or through an opening in the physical barrier or dividing section.

Section 16-6912. Restricted Access.

No person shall drive a vehicle onto or from any controlled-access highway except at officially designated entrances and exits.

Section 16-6913. Restrictions on Use of Controlled-Access Highway.

No person shall disobey official posted signs prohibiting the use of any part of a controlled-access highway by pedestrians, bicycles or persons operating motor-driven cycles.

CHAPTER 10. TURNING, STARTING AND SIGNALS ON STOPPING AND TURNING.

Section 16-61001. Required Position and Method of Turning.

The driver of a vehicle intending to turn shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns. At any intersection where traffic is restricted to one (1) direction on one (1) or

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more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of one (1) vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in that direction upon the roadway being entered.

(c) Two-way left turn lanes. If a special lane for making left turns by drivers proceeding in opposite directions has been indicated by traffic control devices:

- (1) A driver shall not make a left turn from any other lane.
- (2) A driver shall not drive a vehicle in the lane except if preparing for or making a left turn from or into the roadway or if preparing for or making a u-turn if otherwise permitted by law.

Section 16-61002. Limitations on Turning Around.

No vehicle shall be turned to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

Section 16-61003. Moving Stopped Vehicle.

No person shall commence the movement of a vehicle which is stopped, standing or parked unless and until the movement can be made safely.

Section 16-61004. Turning Movements and Required Signals.

(a) No person shall turn a vehicle at an intersection unless the vehicle is in the proper position upon the roadway as required by Section 15.61001 of this Article, or turn a vehicle to enter a private road or driveway or otherwise turn unless and until the movement can be made safely. No person shall so turn any vehicle without giving an appropriate signal in the manner provided by this Chapter in the event any other traffic may be affected by the movement.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided by this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

Section 16-61005. Signals by Hand and Arm or Signal Device.

Any stop or turn signal when required by this Chapter shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device. When a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of the vehicle then the signals must be given by a lamp or lamps or signal device.

Section 16-61006. Method of Giving Turn or Stop Signals.

(a) All signals required by this Chapter to be given by hand and arm shall be given from the left side of the vehicle and in the following manner and the signals shall indicate as follows:

- (1) Left turn. Hand and arm extended horizontally.
- (2) Right turn. Hand and arm extended upward.
- (3) Stop or decrease. Hand and arm extended downward.

(b) All turn signals required or permitted by this Chapter to be given by lamp or lamps shall be by blinking amber lights as installed by the manufacturer of the vehicle; such lights to be visible from the front and rear of the vehicle and shall indicate the direction of turn by the side of the vehicle on which they are blinking.

Section 16-61007. Vehicle Approaching or Entering Intersection; Right-of-Way Exception; Entering Highway.

(a) When two (2) vehicles enter or approach an uncontrolled intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. This subsection (a) does not apply to vehicles approaching or entering an uncontrolled "T" intersection when the vehicle on the left is on a continuing street or highway and the vehicle on the right is on the terminating street or highway. The vehicle on the terminating street or highway shall yield to the vehicle on the continuing street or highway.

(b) Converging road crossings between the main roadway of a highway and merging acceleration lanes or ramps are not intersections within the definition stated in Section 16-6101 of this Article and the provisions of subsection (a) of this Section do not control questions of right-of-way at such mergers. A vehicle entering a highway from an acceleration lane or ramp shall yield the right-of-way to a vehicle on the main roadway of the highway entering such merging area at the same time.

Section 16-61008. Vehicle Turning Left at Intersection.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute a hazard.

Section 16-61009. Vehicle Entering Highway From Private Road or Driveway.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all approaching vehicles on the highway, and such driver shall not proceed onto or across the highway until he can do so without endangering or impeding vehicles on the highway.

Section 16-61010. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle, and when the driver of

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the emergency vehicle is giving audible signal by siren, exhaust whistle or bell:

- (1) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as practicable to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, unless otherwise directed by a law enforcement officer or the attending circumstances make such movement impossible or manifestly impractical, in which case the other vehicle shall stop in place.
- (2) The driver of any vehicle other than one on official business of the Tribes or other public authority officially concerned with the emergency shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

CHAPTER 11. PEDESTRIANS RIGHTS AND DUTIES.

Section 16-61101. Pedestrians Subject to Traffic Regulations.

Pedestrians shall be subject to traffic-control signals at intersections as provided in Chapter 5 of this Article.

Section 16-61102. Pedestrians Right-of-Way in Crosswalks.

(a) When traffic-control devices are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

Section 16-61103. Crossing at Other Than Crosswalks.

(a) Any pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the highway.

(b) Between intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

Section 16-61104. Drivers to Exercise Due Care.

Notwithstanding the provisions of this Chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any highway and shall give warning by sounding the horn when necessary, and shall exercise particular precaution upon observing any child or confused or incapacitated person upon or near a highway.

Section 16-61105. Pedestrians on Highways.

(a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along or upon an adjacent highway.

(b) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic.

(c) No person shall stand immediately adjacent to or on a highway for the purpose of soliciting a ride from the driver of any vehicle.

Section 16-61106. School Crossings and Zones.

No vehicle shall enter or cross a school crossing when it is occupied by pedestrians, or pedestrians are waiting or preparing to enter it, unless otherwise directed by an attending law enforcement officer or other adult charged with the duty of directing traffic.

Section 16-61107. Provisions for Blind Pedestrians.

(a) Any person who is blind shall, when walking on a street or other highway, unless guided by a guide dog or assisted by a person with sight, carry a white cane which shall have a red end eight (8) inches in length.

(b) For the purposes of this Section, a person is blind who has central visual acuity of 20/200 or less in the better eye or central visual acuity of more than 20/200 in the better eye if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty (20) degrees.

(c) It shall be a violation of this Section for a person who is not blind to carry on the streets or highways a white cane with a red end.

(d) Any person operating a vehicle, other than an emergency vehicle the siren of which is being sounded, shall bring the vehicle to a stop and yield the right-of-way at a street, avenue, alley or other highway intersection to a blind person carrying a white cane with a red end, or who is being guided by a guide dog, when the blind person enters the intersection. Notwithstanding the foregoing, upon seeing a blind person with such a cane in a roadway or preparing to cross a roadway at any point, any person operating a vehicle which may jeopardize such blind person shall stop or yield the right-of-way to the blind person.

(e) This Section shall not be construed to deprive a blind person not carrying a white cane with a red end or not being guided by a dog or sighted person of the rights and privileges conferred by

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law upon pedestrians, nor shall the failure of a blind person to carry a white cane with a red end or be guided by a guide dog or sighted person be held to constitute prima facie evidence of contributory negligence.

CHAPTER 12. OPERATION OF BICYCLES AND PLAY VEHICLES.

Section 16-61201. Application of Provisions.

(a) The parent of a child and the guardian of a ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this Chapter.

(b) Except as otherwise provided in this Chapter 12, the provisions of this Chapter shall apply to a bicycle when it is operated anywhere within the Reservation, and are not restricted to the operation of a bicycle upon any highway or path set aside for the exclusive use of bicycles as specified in Section 16-6101 of this Article.

Section 16-61202. Traffic Laws Apply to Persons Riding Bicycles

Every person riding a bicycle upon a highway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by this Article, except as to special provisions in this Chapter, and except as to those provisions of this Article which by their nature can have no application.

Section 16-61203. Operation Restrictions.

It is a violation of this Chapter for a person to ride a bicycle:

- (1) With a willful and wanton disregard for the safety of other persons or property.
- (2) In such a manner as to injure, disfigure, deface or destroy any object of archaeological or historical interest or value.

Section 16-61204. Clinging to Vehicles

No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same or himself to any vehicle upon a highway.

Section 16-61205. Riding in Highways and Bicycle Paths

(a) Every person operating a bicycle upon a highway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a highway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Wherever a usable path for bicycles has been provided adjacent to a highway, bicycle riders shall use the path and shall not use the highway.

Section 16-61206. Lamps and other Equipment on Bicycles

(a) When in use at nighttime, every bicycle shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred (500) feet and with a red reflector on the rear which shall be visible to three hundred (300) feet from the rear when directly in front of lawful upper beams of head lamps on motor vehicles. A lamp emitting a red light to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle equipped with a siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Section 16-61207. Civil Penalty; Bicycle Safety Course.

Any person who violates the provisions of this Chapter or other provisions of this Article applicable to bicycle operators may, in addition to or in lieu of the fines prescribed by this Article, be ordered to complete an approved bicycle safety course.

CHAPTER 13. OFF-HIGHWAY VEHICLES

Section 16-61301. Definitions

(a) "Off-Highway recreation facility" includes off-highway vehicle use areas and trails specifically developed and designated for use by off-highway vehicles.

(b) "Off-highway vehicle":

- (1) means a motorized vehicle when operated off of highways on land, water, snow, ice or other natural terrain or on a combination of land, water, snow, ice or other natural terrain.
- (2) Includes a two-wheel, three-wheel or four-wheel vehicle, motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground effects or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind.
- (3) Does not include a vehicle that is either:
 - (A) Designated primarily for travel on, over or in the water.
 - (B) Used in installation, inspection, maintenance, repair or related activities involving facilities for the provision of utility or railroad service.

(c) "Off-highway vehicle trail" means a multiple use corridor that is all of the following:

- (1) Open to recreational travel by an off-highway vehicle.
- (2) Not normally suitable for travel by conventional two-wheel drive vehicles.

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- (3) Opened by the managing authority of the property that the trail traverses for the specific designated purpose of recreational off-highway vehicle use.

(d) "Off-highway vehicle use area" means the entire area of a parcel of land, except for camping and approved buffer areas, that is managed specifically for off-highway vehicle use through the development or designation of off-highway vehicle trails.

Section 16-61302. Applicability; Private Lands

This Chapter applies to all lands within the Reservation.

Section 16-61303. Operation Restrictions, Violation, Classification.

- (a) It is a violation of this Chapter for a person to drive an off-highway vehicle:
 - (1) With a wilful and wanton disregard for the safety of other persons or property.
 - (2) In such a manner as to injure, disfigure, deface or destroy any object of archaeological or historical interest or value.

CHAPTER 14. SPECIAL STOPS REQUIRED

Section 16-61401. Obedience to Signal Indicating Approach of Train.

(a) When any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of the vehicle shall stop within fifty (50) feet but not less than (15) feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (1) A visible electric or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or when a flagman gives or continues to give a signal of the approach or passage of a railroad train.
- (3) A railroad train approaching within approximately fifteen hundred (1500) feet of the highway crossing emits a signal audible from such distance and the railroad train, by reason of its speed or nearness to the crossing, is an immediate hazard.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing when the gate or barrier is closed or is being opened or closed.

Section 16-61402. All Vehicles Must Stop at Certain Railroad Grade Crossings.

Where a stop sign has been placed at a railroad grade crossing, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad

and shall proceed only upon exercising due care.

Section 16-61403. Certain Vehicles Must Stop at All Railroad Grade Crossings.

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying or returning after delivery of explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop the vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as provided in this Chapter, and shall not proceed until he can do so safely. After stopping as required by this Section, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a law enforcement officer or a traffic-control signal directs traffic to proceed.

Section 16-61404. Moving Heavy Equipment at Railroad Grade Crossings.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half ($\frac{1}{2}$) inch per foot of the distance between any two (2) adjacent axles, or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without complying with this Section.

(b) Advance notice of any such intended crossing shall be given to the supervisor of the railroad.

(c) Before making any such crossing the person operating or moving the vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal, crossing gates, a flagman or otherwise of the approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

(e) This Section shall not apply to the normal movement of implements of husbandry in the regular course of farm operation.

Section 16-61405. Stop Signs and Yield Signs.

(a) Every stop sign shall have an octagonal shape, bearing the word "Stop" in white letters not less than six (6) inches in height on a red background. Every yield sign shall be triangular in shape bearing the word "Yield" in black letters not less than six (6) inches in height on a yellow background. The sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting

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elements on the face of the sign.

(b) Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the nearest line of the intersecting roadway.

(c) Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line; but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a law enforcement officer or traffic control signal. Upon stopping in compliance with the direction of a stop sign, if not directed to proceed by a law enforcement officer, the driver shall not enter or cross the intersection until he can do so without endangering or impeding any other vehicle or pedestrian in or approaching the intersection.

(d) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. If such driver is involved in a collision with a vehicle in the intersection after driving past a yield sign without stopping, such collision shall be prima facie evidence of his failure to yield right-of-way.

Section 16-61406. Stop Before Emerging From Alley or Driveway Onto Sidewalk.

The driver of a vehicle emerging from an alley, driveway or building shall:

(a) Stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway; and

(b) Sound his horn and yield the right-of-way to any pedestrian as may be necessary to avoid collision; and

(c) Upon entering a highway shall yield the right-of-way to all closely approaching vehicles on the highway.

Section 16-61407. Overtaking and Passing School Bus.

(a) On meeting or overtaking from either direction a school bus that has stopped on the highway, the driver of a vehicle on any highway shall:

- (1) Stop the vehicle before reaching the school bus.
- (2) Not proceed until the school bus resumes motion, or until signaled by the driver of the bus to proceed.

(b) The driver of a vehicle on a highway with separate roadways need not stop on meeting or passing a school bus that is:

- (1) On a different roadway.

- (2) On a controlled access highway and the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

Section 16-61408. Overtaking and Passing School Bus; Report by School Bus Driver.

(a) The driver of a school bus who observes a violation of Section 15.61407 of this Article may prepare a signed written report indicating that a violation occurred. The report shall include:

- (1) The date, time and approximate location of the violation.
- (2) The number and state of issuance of the license plate on the vehicle involved in the violation.
- (3) Identification of the vehicle as an automobile, a station wagon, a truck, a bus, a motorcycle or any other type of vehicle.
- (4) The color of the vehicle involved in the violation.

(b) Within two (2) days after the violation occurs, excluding weekends and holidays, the school bus driver shall send a copy of the report to the Chief of Police. On receiving the report, the Chief of Police shall promptly mail a notification letter to the last known registered owner of the vehicle. The letter shall include:

- (1) A notification containing the information included in the bus driver's report and stating that a vehicle registered in the vehicle owner's name was observed passing a school bus loading and unloading children.
- (2) A complete explanation of the provisions of Section 15.61407 of this Article.
- (3) An explanation that the notification letter is not a traffic citation but is an effort to call attention to the seriousness of the incident.

Section 16-61409. Duty When Approaching Horses and Livestock.

Every person operating a motor vehicle upon any highway and approaching any horse-drawn vehicle, or any horse upon which a person is riding, or livestock being driven upon the highway, shall exercise reasonable precaution to prevent frightening and to safeguard such animals, and to ensure the safety of any person riding or driving the animals. If such animals appear frightened the person in control of such vehicle shall reduce its speed, and if requested by signal or otherwise shall not proceed further toward such animals unless necessary to avoid accident or injury, until such animals appear to be under control.

CHAPTER 15. STOPPING, STANDING OR PARKING.

Section 16-61501. Stopping, Standing, or Parking Prohibited in Specified Places.

(a) Except when necessary to avoid conflict with other traffic or if in compliance with law or the directions of a law enforcement officer or traffic control device, a person shall not stop, stand or

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park a vehicle in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;
- (7) Within thirty (30) feet upon the approach to any traffic-control device located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (9) Within fifty (50) feet of the nearest rail of a railroad or within nine (9) feet of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading railroad cars;
- (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance when posted;
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (14) At any place where signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Section 16-61502. Stopping, Standing or Parking Outside of a Business or Residential District.

(a) Upon any highway outside of a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave the vehicle off that part of the highway.

(b) If a person stops, parks or leaves standing a vehicle, the person shall leave an unobstructed width of the highway opposite a standing vehicle for the free passage of other vehicles. A clear view of the stopped vehicles shall be available from a distance of two hundred (200) feet in each direction upon the highway.

(c) This Section shall not apply to:

- (1) The driver of any vehicle that is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.
- (2) A vehicle or the driver of a vehicle engaged in the official delivery of the United States mail that stops on the right-hand side of the highway for the purpose of picking up or delivering mail if the following conditions are met:
 - (A) A clear view of the vehicle is available from a distance of three hundred (300) feet in each direction of the highway or a flashing amber light with the word "Stop" printed on the light is attached to the rear of the vehicle.
 - (B) The vehicle has a sign with the words "U.S. mail" printed on the sign attached to the rear of the vehicle.

Section 16-61503. Officers Authorized to Remove Improperly Stopped Vehicles.

(a) When any law enforcement officer finds a vehicle standing upon a highway in violation of the provisions of Sections 16-61501 and 16-61502 of this Chapter, the law enforcement officer is authorized to move the vehicle, or to require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of the highway.

(b) Any law enforcement officer is authorized to remove or cause to be removed to a place of safety an unattended vehicle left standing upon any highway or bridge causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic or to create a hazard.

(c) Any law enforcement officer is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway in any of the following circumstances, provided that the officer has made a reasonable effort to contact the owner or custodian of the vehicle and given him a reasonable opportunity to remove the vehicle:

- (1) When a report has been made that such vehicle has been stolen;
- (2) When the person or persons in charge of such vehicle are unable or unwilling to provide for its custody or removal;
- (3) When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the arrested person before a judge without unnecessary delay;

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- (4) When any vehicle is left unattended for more than four (4) hours upon the right-of-way of any public highway outside of business or residential areas;
- (5) When any vehicle is left unattended for more than five (5) days upon the right-of-way of any public highway.

(d) Except as provided in subsection (e) of this Section:

- (1) The Colorado River Indian Tribes and its affiliated agencies and departments are not liable for the cost of towing or storing the vehicle if the officer acts under color of the officer's lawful authority.
- (2) Before release of the vehicle by the towing service, the owner, or the owner's agent, of a vehicle that is removed or caused to be removed under this Chapter shall pay or make satisfactory arrangements to pay for any reasonable towing and storage costs incurred in towing or storing the vehicle.

(e) If a tow truck operator is required in writing by the Colorado River Indian Tribes or its affiliated agencies and departments to tow or store a vehicle that is required as evidence in a criminal action or for future criminal investigation, the Tribal agency or department requiring the removal is liable for the towing and storage costs of the vehicle.

(f) Any movement of a vehicle authorized by a law enforcement officer shall not excuse or waive any violation of this Chapter, nor shall it serve as a defense of such violation.

Section 16-61504. Additional Parking Regulations.

- (a) Except as otherwise provided in this Section, every vehicle stopped or parked upon a highway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb.
- (b) No person shall disobey posted signs prohibiting the stopping, standing, or parking of vehicles.

CHAPTER 16. PARKING FOR PHYSICALLY DISABLED PERSONS

Section 16-61601 Parking Restrictions; Applicability.

This Article does not apply to zones where stopping, standing or parking is prohibited to all vehicles as provided in Sections 16-61501 and 16-61502 of this Article.

Section 16-61602. Parking Spaces for Physically Disabled Persons.

- (a) Specially designated and marked motor vehicle parking spaces shall be provided for the exclusive use of physically disabled persons.
- (b) Each parking space prescribed in this Section shall be prominently outlined with paint and posted with a permanent sign that is located at least three (3) feet but not more than six (6) feet above the space that bears the internationally accepted symbol of access.

Section 16-61603. Parking Spaces for Physically Disabled Persons; Prohibition.

(a) Except as provided in subsection (b), a person shall not stop, stand or park a motor vehicle within any specially designated and marked parking space provided pursuant to Section 16-61602 of this Article unless the motor vehicle is transporting a person who has been issued a valid placard or international symbol of access special plates and either:

- (1) The motor vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard.
- (2) The motor vehicle displays international symbol of access special plates that are currently registered to the vehicle.

(b) A person who is chauffeuring a physically disabled person without a placard or international symbol of access special plates may park momentarily in a parking space provided pursuant to this Chapter for the purpose of loading or unloading the disabled person, and a complaint shall not be issued to the driver for the momentary parking.

Section 16-61604. Civil Fines.

If a law enforcement officer finds a motor vehicle in violation of this Chapter, the officer shall issue a civil traffic complaint to the operator or other person in charge of the motor vehicle or, if an operator or person in charge is not present, to the registered owner of the vehicle for a traffic violation. The court shall impose on the operator, person in charge or owner of a vehicle parked in violation of this Chapter a minimum civil fine of fifty dollars (\$50).

CHAPTER 17. RESTRAINT SYSTEMS

Section 16-61701. Child Passenger Restraint System; Violation; Classification; Exemptions; Definition.

(a) Except as provided in subsection (f) of this Section, a person shall not operate a motor vehicle on a highway when transporting a child four (4) years of age or younger or forty (40) or fewer pounds in weight unless that child is properly secured in a child passenger restraint system.

(b) A person who violates this Section is subject to a civil fine of fifty dollars (\$50), except that a civil fine shall not be imposed if the defendant makes a sufficient showing that the motor vehicle has been subsequently equipped with a child passenger restraint system. A sufficient showing may include a receipt mailed to the appropriate court officer that evidences purchase or acquisition of a child passenger restraint system.

(c) If a law enforcement officer stops a vehicle for an apparent violation of this Section, the officer shall determine from the driver whether the unrestrained child or children in the vehicle are four (4) years of age or younger or forty (40) or fewer pounds in weight.

(d) If the information given to the officer indicates that a violation of this Section has not been committed, the officer shall not detain the vehicle any further unless some additional violation is involved. The stopping of a vehicle for an apparent or actual violation of this Section is not probable cause for the search or seizure of the vehicle unless there is probable cause for a violation of law.

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(e) The requirements of this Section or evidence of a violation of this Section are not admissible as evidence in a judicial proceeding except in a judicial proceeding for a violation of this Section.

(f) This Section does not apply to any of the following:

- (1) A person who operates a motor vehicle that is also a recreational vehicle as defined in Section 16-6101 of this Article.
- (2) A person who must transport a child in an emergency to obtain necessary medical care.
- (3) A person who transports more than one (1) child four (4) years of age or younger or forty (40) or fewer pounds in weight in a motor vehicle that because of the restricted size of the passenger area does not provide sufficient area for the required number of child passenger restraint devices, if both of the following conditions are met:
 - (A) At least one (1) child is restrained as required by this Section.
 - (B) The person has secured as many of the other children in child passenger restraint devices pursuant to this Section as is reasonable given the restricted size of the passenger area and the number of passengers being transported in the motor vehicle.

Section 16-61702. Vehicle Restraints Required; Exceptions; Civil Fine.

(a) Each front seat occupant of a motor vehicle that is designed for carrying ten (10) or fewer passengers, that is manufactured for the model year 1972 and thereafter and that is required to be equipped with an integrated lap and shoulder belt or a lap belt pursuant to the federal motor vehicle safety standards prescribed in 49 Code of Federal Regulations Section 571.208 shall either:

- (1) Have the lap and shoulder belt properly adjusted and fastened while the vehicle is in motion.
- (2) If only a lap belt is installed where the occupant is sitting, have the lap belt properly adjusted and fastened while the vehicle is in motion.

(b) The driver of a motor vehicle that is subject to the requirements of this Section shall require each front seat passenger under sixteen (16) years of age to comply with this Section.

(c) A law enforcement officer shall not stop or issue a citation to a person operating a motor vehicle on a highway for a violation of this Section unless the officer has reasonable cause to believe there is another alleged violation of a motor vehicle law.

(d) This Section does not apply to:

- (1) A child subject to the requirements of Section 15.61701 of this Article.
- (2) A person possessing a written statement from a physician that the person is unable for medical or psychological reasons to wear a lap and shoulder belt or a lap belt.

- (3) A letter carrier of the United States postal service while the letter carrier is performing the letter carrier's duties.

(e) If a person is found responsible for a violation of this Section, the person is subject to a maximum civil fine of twenty dollars (\$20) for each violation.

(f) The driver of a motor vehicle found responsible for a traffic violation under this Section relating to passengers under the age of sixteen (16) years is subject to a maximum civil fine of twenty dollars (\$20) for each violation.

CHAPTER 18. MISCELLANEOUS RULES

Section 16-61801. Limitations on Backing.

The driver of a vehicle shall not back the same unless the movement can be made safely and without interfering with other traffic.

Section 16-61802. Riding on Motorcycles.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

(b) An operator or passenger of a motorcycle or motor-driven cycle, under the age of eighteen (18), shall wear at all times a protective helmet while operating or riding on the motorcycle or motor-driven cycle. An operator of a motorcycle or motor-driven cycle, under the age of eighteen (18), shall wear at all times protective glasses, goggles or a transparent face shield unless the motorcycle or motor-driven cycle is equipped with a protective windshield. This subsection (b) does not apply to electrically powered three-wheeled vehicles or three-wheeled vehicles on which the operator and passenger ride within an enclosed cab.

Section 16-61803. Obstruction of Driver's View or Driving Mechanism.

(a) A person shall not drive a vehicle when the vehicle's load or passengers obstruct the driver's view to the front or sides of the vehicle or interfere with the driver's control over the vehicle's driving mechanism.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the side or as to interfere with his control over the driving mechanism of the vehicle.

Section 16-61804. Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any highway or private driveway, to be used at any fire drill, fire or alarm of fire, without the consent of the fire department official in command.

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Section 16-61805. Maximum Number in School Bus; Exceptions, Receiving or Discharging School Children at School.

(a) No school bus shall be operated on a highway while carrying more people than can be properly seated, nor while any person is standing therein, except for the purpose of conducting drills under school regulations and in the emergency evacuation and dispersal of pupils and school personnel.

(b) No person who is a driver of any vehicle carrying children to and from school shall, in receiving or discharging children at the school, fail to stop the vehicle on the side of the highway upon which the school is located.

Section 16-61806. Driving on Sidewalk.

(a) A person shall not drive a vehicle on a sidewalk area except on a permanent or duly authorized temporary driveway.

(b) This Section does not apply to a motorized wheelchair, authorized emergency vehicle, security vehicle or small service vehicle owned by a public authority or public service corporation.

CHAPTER 19. EQUIPMENT

Section 16-61901. Scope and Effect of Regulations.

(a) It is a violation of this Chapter for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which is not equipped with the parts and equipment required in this Chapter.

(b) Nothing contained in this Chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this Chapter.

(c) Except where specifically made applicable, the provisions of this Chapter do not apply to implements of husbandry, road machinery or farm tractors.

(d) Farm tractors shall display lighted lamps when driven at the times mentioned in Section 16-61902 of this Article.

Section 16-61902. When Lighted Lamps are Required.

(a) Every vehicle upon a highway within the Reservation at any time from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead, shall display lighted lamps and illuminating devices.

(b) The provisions of this Section do not apply to parked vehicles.

Section 16-61903. Equipment Required.

All vehicles or combinations of vehicles driven or moved on the highways of the Reservation shall meet the current equipment standards of the state within which the vehicle or combination of vehicles is moved or driven.

Section 16-61904. Equipment Required on School Buses.

(a) Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height.

(b) Every bus used for the transportation of school children shall be equipped in one of the following ways:

- (1) Equipped with a signal with the word "Stop" printed on both sides in black letters not less than five (5) inches high on a yellow background, which signal shall be not less than twenty (20) inches long and shall be manually operated by the operator of the school bus in such manner as to be clearly visible from both front and rear when extended from the left of the body of the bus.
- (2) Equipped with two (2) illuminated red lamps on the front of the bus and an equal number of the same type of lamps on the rear of the bus, such lamps to be not less than the diameter of the headlight lamps of the bus, each set of said red lamps to function by alternating blinking.

(c) The stop signal specified in subsection (b)(1) of this Section shall be displayed, and the blinking lights specified in subsection (b)(2) of this Section shall be operated only when passengers are being received or discharged from the bus.

CHAPTER 20. INSPECTION OF VEHICLES; SIZE, WEIGHT AND LOAD RESTRICTIONS

Section 16-62001. Definition.

For the purposes of this Chapter 20, the term "designated officer" shall mean any member of the Tribal Police Department and such other Tribal officials authorized by the Tribal Council to perform the functions set forth in this Chapter.

Section 16-62002. Inspection by Designated Officers.

(a) Any designated officer, at any time and upon reasonable cause to believe that a vehicle is unsafe or not equipped as required, or that its equipment is not in proper adjustment or repair, may require the driver of the vehicle to stop and submit the vehicle to an inspection and such test with reference thereto as may be appropriate.

(b) In the event the vehicle is found to be in an unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the designated officer shall give a written notice to the driver. The notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto, and requiring that the vehicle be presented to the Tribal Police Department for inspection and approval within five (5) days.

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(c) Any person failing to meet the requirements of subsection (b) of this Section, and subsequently operating said vehicle on any highway within the Reservation shall be in violation of this Chapter 20.

Section 16-62003. Size, Weight and Load Restrictions; Scope and Effect of Requirements; Limitations.

(a) It is a violation for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway within the Reservation any vehicle or vehicles or combination of vehicles of a size or weight exceeding the limitations of the state in which the vehicle is driven or moved.

(b) The provisions of this Chapter governing size shall not apply to fire apparatus, road machinery, implements of husbandry or farm tractors temporarily moved upon a highway or to a vehicle operated under the terms of a special permit issued pursuant to this Chapter or under appropriate state law.

Section 16-62004. Designated Officers May Weigh Vehicles and Require Removal of Excess Loads.

(a) Any designated officer, having reasonable cause to believe that the weight of a vehicle and load is unlawful, is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that the vehicle be driven to the nearest public scales in the event such scales are within ten (10) miles.

(b) When a designated officer upon weighing a vehicle and load, as provided in subsection (a) of this Section, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit as permitted under this Chapter. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by a designated officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this Section, is in violation of this Chapter and shall be subject to a Five Hundred Dollar (\$500) fine.

Section 16-62005. Permits for Excess Size and Weight.

(a) The Tribes may in their discretion upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum standards specified in this Chapter or otherwise not in conformity with the provisions of this Chapter upon any highway under the jurisdiction of the Tribes.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways for which permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

(c) Such permit may limit the number of trips, establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise limit or prescribe conditions of operation of the vehicle or vehicles when necessary to ensure against undue damage to road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or structures.

(d) The Tribes may charge a fee for each permit issued pursuant to the provisions of this Section.

(e) A permit may be issued, subject to the provision of this Section, for moving a mobile home on its own chassis, axles and wheels provided that such mobile home does not exceed fourteen (14) feet in width, fourteen (14) feet in height and seventy (70) feet in length and in combination with truck tractor or other towing vehicle does not exceed eighty-five (85) feet in length.

(f) In addition to all other remedies available at law, the Tribes may suspend or cancel, without prior hearing but with a right to appeal to the Tribal Council within ten (10) days, any permit issued pursuant to this Section whenever it is determined that the holder of the permit has violated or failed to comply with any qualification, condition, restriction or limitation contained within the permit, or has made false or misleading statements in order to secure such permit.

(g) Such a permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any designated officer and no person shall violate any of the terms or conditions of the special permit.

Section 16-62006. Liability for Damage to Highways or Structure.

(a) Any person driving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damage which the highway or structure may sustain as a result of any illegal operation, driving or moving of the vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this Chapter but authorized under the provisions of Section 16-62005 of this Article.

(b) When the driver is not the owner of the vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of the owner, the owner and driver shall be jointly and severally liable for any damage.

(c) Such damage may be recovered in a civil action brought by or on behalf of the Tribes.

CHAPTER 21. ENFORCEMENT

Section 16-62101. Civil Traffic Violations

Any failure to comply with the provisions of this Article VI, except for the provisions set forth in Sections 16-6301, 16-6302 and 16-6303 of Chapter 3, Sections 16-6601 and 16-6602 of Chapter 6, Sections 16-6704, 16-6705 and 16-06706 of Chapter 7, and Section 16-62202 of Chapter 22 shall be classified as a civil traffic violation. The fines or other civil penalties applicable to such traffic violations shall be as set forth in the particular Sections violated, or as otherwise set forth

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in Section 16-62102 of this Article.

Section 16-62102. Penalties Applicable to Civil Traffic Violations.

- (a) Unless otherwise provided for by the provisions of this Article, any person adjudged to have committed a civil traffic violation shall be subject to the following civil fines:
- (1) For a first violation, such person shall be fined not less than Fifty Dollars (\$50), but not more than Two Hundred Dollars (\$200).
 - (2) For subsequent violations committed within one (1) year after a previous violation committed under this Article, such person shall be fined not less than One Hundred Dollars (\$100), but not more than Five Hundred Dollars (\$500).

(b) Notwithstanding the provisions of subsection (a), a person adjudged to have violated the provisions of Chapter 8 of this Article shall be fined in accordance with a fine schedule approved by the Administrative Committee of the Tribes. Upon approval by the Administrative Committee, such fine schedule shall be filed with and available for public examination at the Court of the Tribes.

(c) In addition to any other penalty provided in this Article, the court shall levy a fifteen (15) percent penalty surcharge. Said surcharge shall be used to offset the administrative costs of enforcing this Article.

Section 16-62103. Commencement of Action.

- (a) A civil traffic violation case is commenced by issuance of a civil traffic complaint as provided in this Chapter.
- (b) A civil traffic violation case shall be commenced either:
- (1) Within thirty (30) days of the alleged violation.
 - (2) Within ninety (90) days if the alleged violation is under investigation in conjunction with a traffic accident.

Section 16-62104. Service of Traffic Complaint.

(a) A civil traffic complaint may be served by delivering a copy of the citation to the person charged with the violation or by any means authorized by the rules of civil procedure. At the discretion of the issuing authority, a complaint for a violation issued after an investigation in conjunction with a traffic accident may be sent by certified mail, return receipt requested, delivered to addressee only to the address provided by the person charged with the violation. Service of the complaint is complete on filing the receipt in the court.

(b) The original civil traffic complaint shall be filed in court within ten (10) court days of the time the complaint was issued. A law enforcement officer may issue the civil traffic complaint.

(c) Upon a deposit of the civil traffic complaint with the Tribal Court, the charge may be disposed of only by trial in the Tribal Court or other official action by the Court, including

payment of a fine to the Court.

(d) It is official misconduct for any Tribal officer or public employee to dispose of a civil traffic complaint, or of the record of the issuance of the same, in a manner other than as required by this Chapter.

(e) The Clerk of the Tribal Court shall maintain or cause to be maintained, in connection with every civil traffic complaint issued by a law enforcement officer, a record of the disposition of the complaint by the court.

Section 16-62105. Subsequent Disposition.

The Tribal Court may forward to any appropriate state or federal agency a report stating the disposition of any case concerning a violation of the provisions of this Article.

Section 16-62106. Service of Parking or Standing Complaint.

(a) This Chapter does not require that either the initial notification or a subsequent summons and complaint for a parking or standing violation be issued or served as required by this Chapter.

(b) If it is necessary to issue a summons and complaint because there is not a satisfactory response to the initial notice of a parking or standing violation, the summons and complaint may be sent by regular mail. Service of the summons and complaint is complete on mailing.

Section 16-62107. Authority to Detain Persons.

A law enforcement officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this Article and to serve a copy of the traffic complaint for an alleged civil or criminal violation of this Article.

Section 16-62108. Traffic Complaint; Proceedings.

(a) A person served with a civil traffic complaint shall:

- (1) Appear at the time and place stated in the complaint.
- (2) Admit or deny the allegations of the complaint.

(b) Allegations not denied at the time of appearance are deemed admitted. A fee shall not be charged for the appearance.

(c) If the allegations are admitted, the court shall enter judgment for the Tribes and shall impose a civil fine. The person may admit the allegations with an explanation, and then the court shall enter judgment for the Tribes and impose a civil fine. In determining the civil fine, the court shall consider the explanation submitted.

(d) If the person denies the allegations of the complaint the court shall set the matter for a hearing. The hearing is informal and without a jury. At the hearing, the Tribes are required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do

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not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel the person shall notify the court at least ten (10) days before the hearing date. Hearings may be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the allegation. If the court finds in favor of the Tribes, the court shall enter judgment for the Tribes and shall impose a civil fine.

(e) If a person served with a civil traffic complaint alleging a violation of the Article fails to appear at or before the time directed to appear or at the time set for a hearing by the court, the allegations in the complaint are deemed admitted, and the court shall enter judgment for the Tribes and impose a civil fine.

Section 16-62109. Witnesses.

The Tribes and the person charged with a civil traffic violation may subpoena witnesses. Witnesses are not entitled to fees for appearing in connection with a civil proceeding.

Section 16-62110. Appeal.

A party may appeal the judgment of the court. The appeal may be made as provided by the rules prescribed in Article II of this Code.

Section 16-62111. Failure to pay Civil Fine.

(a) A person shall pay all civil fines within thirty (30) days from entry of judgment, except that if payment within thirty (30) days will place an undue economic burden on a person, the court may extend the time for payment or may provide for installment payments.

(b) If the civil fine is not paid or an installment payment is not made when due, the court may declare the entire civil fine due and, if so, the court shall notify any appropriate state or federal agency of such failure to pay.

CHAPTER 22. PROCEDURE UPON ARREST; REPORTS IN TRAFFIC CASES

Section 16-62201. When Person Arrested Must Be Taken Immediately Before Court.

If a person is arrested for any criminal offenses as set forth in this Article, the arrested person shall be immediately taken before the Tribal Court in any of the following cases:

(a) When the person arrested demands an immediate appearance before the court.

(b) When the person is arrested upon a charge of an offense which resulted in the death or injury of any person.

(c) When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or drugs.

(d) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injury or damage to property.

(e) When it reasonably appears to the law enforcement officer making the arrest that the person arrested is about to leave the jurisdiction of the Tribes.

If a judge of the Tribal Court is not immediately available, a person arrested under the circumstances described in subsections (a) through (e), inclusive, of this Section shall be held for not more than thirty-six (36) hours pending availability of a judge, and for such longer period under the circumstances and for the time prescribed in Section 204(f) of Article II of this Code.

Section 16-62202. When Person Arrested to be Given Five (5) Days Notice to Appear in Court.

(a) When a person is arrested for any criminal offense as set forth in this Article, and the person is not immediately taken before the court as required in Section 16-62201 of this Article, the arresting officer shall prepare a written notice to appear in court. The notice to appear shall contain the name and address of the person, the license number of his vehicle, if any, the offense charged and the time and place when and where the person shall appear in court.

(b) The time specified in the notice to appear shall be at least five (5) days after the arrest unless the person arrested demands an earlier hearing.

(c) The arrested person, in order to secure release as provided in this Section, shall give his written promise to appear in court by signing at least one (1) copy of the written notice prepared by the arresting officer. The law enforcement officer shall deliver a copy of the notice to the person promising to appear. Thereupon, the law enforcement officer shall forthwith release from custody the person arrested.

Section 16-62203. Violation of Promise to Appear.

(a) Any person willfully violating his written promise to appear in court, given as provided in this Chapter, is guilty of a criminal offense regardless of the disposition of the charge for which he was originally arrested.

(b) A written promise to appear may be complied with by an appearance by counsel for the purposes only of entering a plea or motions, and of obtaining a trial setting, but not for conduct of a trial or the imposing of sentence.

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