

PROPOSED CRIMINAL VIOLATIONS ORDINANCE
CHAPTER H--TRAFFIC VIOLATIONS

ARTICLE 800: DEFINITIONS

1 (A) Definitions: The term "motor vehicle" shall mean every device in, upon, or by which any person or property is or may be drawn or transported upon a public road and which device is self-propelled, but not including any vehicle which an implement and designed primarily for agricultural purposes, nor any mechanical device designed or used principally for construction or maintenance purposes excepting trucks.

(B) "Public Road" shall be defined as the entire width between the boundary lines of every right of way within the exterior boundaries of the Tribal jurisdiction which is maintained by any governmental agency, and when open to the use of the public, is for the purposes of travel by motor vehicles.

ARTICLE 801: DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED

1 (A) Driving while license is suspended or revoked: No person shall drive a motor vehicle upon any public road at a time when one's driver license or permit or other driving privilege has been denied, suspended, cancelled, or revoked by any State or Indian Tribe, or by the Tribal Court.

(B) Punishment: Any person found guilty of driving while license is suspended or revoked shall be punished by a fine not to exceed One Hundred Dollars (\$100.00) and\or no more than ten (10) days in jail.

ARTICLE 802: CARELESS DRIVING

1 (A) Careless Driving: No person shall intentionally operate any motor vehicle upon any public road in a careless, unsafe, imprudent manner, without due regard to the width, curves, corners, other traffic, or existing weather conditions, and the use being made of such road conditions or other attendant circumstances.

(B) Punishment: Any person found guilty of careless driving shall be punished by a fine not to exceed (\$100.00) and\or not more than ten (10) days in jail.

ARTICLE 803: RECKLESS DRIVING

1 (A) Reckless driving: No person shall drive or operate a motor vehicle upon any public road within the Tribal jurisdiction in a such a reckless or dangerous manner as to indicate a complete or wilful disregard for the safety of persons or property.

- (B) Reckless driving shall be punishable by a fine not to exceed Two Hundred Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or by suspension of driving privileges for a period not to exceed one year or any combination of the above punishments.

ARTICLE 804: DRIVING WHILE INTOXICATED

- (A) It shall be unlawful to drive or be in actual physical control of any motor vehicle upon any private or public road within the Tribal jurisdiction while under the influence of intoxicating liquor, or controlled dangerous substances, or any other drugs which impair the ability to control or operate a vehicle.
- (B) A person is presumed to be under the influence of intoxicating liquor if there is a 0.1% or more of alcohol in the blood by weight, and a person is presumed not to be under the influence if there is less than 0.05% of alcohol in their blood, by weight. Between such percentages, results of tests showing such fact may be received in evidence, with other tests or observations, for consideration by the court or jury. A breath or blood test must be administered with the consent of the subject, by a qualified operator using a properly maintained apparatus in order to be admissible, provided, that if any person refuses to take such test when requested to do so by an Officer having a reasonable suspicion that such person may be intoxicated, the persons driving privileges within the Tribal Jurisdiction shall be suspended by the Court for a period of six months whether or not such person is convicted of any offense. Such suspension is mandatory.
- (C) Driving under the influence shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed six months, or by suspension of driving privileges for a period not to exceed two years or any combination of the above punishments. For a second or subsequent conviction under this Article, or a violation resulting in serious injury, not more than one (1) year in jail and/or a fine not to exceed \$5,000.00 or both.

ARTICLE 805: DUTIES OF DRIVERS INVOLVED IN ACCIDENTS INVOLVING DEATHS OR PERSONAL INJURIES

- (A) It shall be unlawful for the driver of any motor vehicle directly involved in an accident resulting in injury to, or death of any person or damage to any other moving or attended vehicle to fail to immediately stop his vehicle at the scene of the accident or as close thereto as possible; or fail to return to and remain at the scene of the accident and render such aid and assistance as may be necessary in the circumstances; or fail to give his name, address and the registration number of his motor vehicle and his\her operator's or chauffeur's license number and security verification information to all other drivers involved in the accident; or to fail to render to any injured person such assistance as may be necessary in the circumstances; or to fail to notify, or have another notify the Tribal Police of the accident and its location as soon as possible.
- (B) Failure to perform the duties of drivers involved in accidents involving deaths or personal injuries shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or by suspension of driving privileges for a period not to exceed one year.

ARTICLE 806: DUTY UPON STRIKING UNATTENDED VEHICLE

- (A) It shall be unlawful for the driver of any motor vehicle which collides with any unattended vehicle to fail to immediately stop and attempt to locate and notify the operator or owner of such vehicle of both the name and address of the driver and owner of the vehicle striking the unattended vehicle; or to fail to leave securely attended in a place where it may be easily seen in the vehicle struck, a written notice giving the name and address of the driver and the circumstances thereof; or to fail to inform the Tribal Police of the accident and its location as soon as possible.
- (B) Failure to perform the duty of a driver upon striking an unattended vehicle shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or by suspension of driving privileges for a period not to exceed one year.

ARTICLE 807: DUTY UPON STRIKING HIGHWAY FIXTURES

- (A) It shall be unlawful for the driver of any motor vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway to fail to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and his name and address and of the registered number of the vehicle he\she is driving; or to fail to report such accident to the Tribal police as soon as possible.
- (B) Failure to perform the duty of a driver upon striking highway fixtures shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or both.

ARTICLE 808: WHEN DRIVER UNABLE TO REPORT

- (A) It shall be unlawful for another occupant in the vehicle at the time of an accident who is capable of making the report to fail to do so when the driver of the motor vehicle is physically unable to make a required accident report to the Tribal Police.
- (B) Failure to make such a report shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 809: DRIVERS LICENSE IN POSSESSION

- (A) It shall be unlawful to operate a motor vehicle upon any public road within the Tribal jurisdiction without possession of a valid Federal, Tribal, or State operator's license, chauffeur's license, or permit, which must be exhibited upon demand by an authorized person.
- (B) Failure to have a driver's license in possession shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 810: PERMITTING UNAUTHORIZED PERSON TO DRIVE

- (A) It shall be unlawful to knowingly cause or permit any unauthorized person to operate a motor vehicle upon any public road.
- (B) Permitting an unauthorized person to drive shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 811: TRAFFIC CONTROL AND SIGNAL DEVICES

- (A) It shall be unlawful to turn a vehicle from a direct course on a public road until such movement can be made with safety, and then only after giving an appropriate signal, either by hand or arm or by a directional signal device.
- (B) Failure to properly signal shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).
- (C) It shall be unlawful to disobey the lawful command or instruction of any law enforcement officer. Failure to obey a lawful command shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 812: FOLLOWING TOO CLOSELY

- (A) It shall be unlawful to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon the condition of the highway.
- (B) Following too closely shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 813: STOPPING FOR SCHOOL BUS

- (A) It shall be unlawful, when meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging passengers, to fail to stop immediately and not proceed again until all passengers are received or discharged and the bus is again in motion.
- (B) Failure to stop for a school bus shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 814: ENTERING PUBLIC ROAD FROM PRIVATE ROAD

- (A) It shall be unlawful for the driver of a motor vehicle about to enter or pass a public road from a private road or driveway to fail to yield the right of way to all vehicles approaching on said public road.
- (B) Failure to yield the right of way when entering a public road from a private road shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 815: RIGHT OF WAY AT A INTERSECTION

- (A) It shall be unlawful for the driver of a motor vehicle approaching an intersection to fail to yield the right of way to any vehicle approaching from the right, unless otherwise directed by sign, traffic light, or a proper official directing traffic.
- (B) Failure to yield the right of way at an intersection shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 816: FAILURE TO STOP AT STOP SIGN AND YIELDING RIGHT OF WAY

- (A) It shall be unlawful for the driver of a motor vehicle to fail to come to a complete stop at all intersections marked by a stop sign before entering an intersection, unless otherwise directed by an officer directing traffic.
- (B) It shall be unlawful for the driver of a motor vehicle approaching an intersection marked by a sign requiring him\her to yield the right of way to fail to decrease the speed of such vehicle and yield the right of way to any traffic proceeding on the road given the right of way by such sign.
- (C) Failure to stop at a stop sign or to yield the right of way shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 817: DRIVING ON THE RIGHT SIDE OF THE ROAD

- (A) It shall be unlawful to fail to drive on the right half of the roadway, except when overtaking and passing another vehicle proceeding in the same direction.
- (B) Failure to drive on the right side shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 818: PASSING ON COMING VEHICLES

- (A) It shall be unlawful to drivers proceeding in opposite directions to fail to pass each other to the right and to give to the other at least half of the main traveled portion of the roadway.
- (B) Improper passing of oncoming vehicles shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 819: PASSING AND TURNING ON CURVE OR CREST

- (A) It shall be unlawful to pass a vehicle going in the same direction unless the driver can see the road for a sufficient distance ahead to pass safely and such passing can be accomplished safely without colliding with on coming traffic.
- (B) It shall be unlawful for a vehicle to be driven so as to pass or turn in any direction on a curve or crest or on any approach to a crest or on a bridge unless such vehicle can pass or be turned safely and seen by traffic approaching in either direction.
- (C) Improper passing or turning on a curve or crest shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 820: UNSAFE VEHICLES

- (A) It shall be unlawful for any person to drive or cause or knowingly permit to be driven on any public road any motor vehicle which is in such unsafe condition so as to endanger any person or is not at all times equipped with the following:
 - (1) HEADLIGHTS: One on each side of the front of the motor vehicle, said lights to be multibeam so that the driver can adjust lights from bright to dim, and such lights must be in proper working order at all times so as to be seen by on coming traffic for a reasonable distance during hours or darkness or other times when light conditions require the use of headlights.
 - (2) REAR LAMPS: One lighted red lamp on each side of the back of the motor vehicle that will be plainly visible for a reasonable distance to the rear, and such lamp must be in proper working order at all times.
 - (3) STOP LIGHTS: All motor vehicles shall be equipped with a stop light in good working order at all times, such stop lights to be automatically controlled by brake adjustment.
 - (4) BRAKES: Every motor vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.
 - (5) HANDBRAKE: Every motor vehicle shall be equipped with a handbrake.

- (6) HORN: Every motor vehicle shall be equipped with a horn in good working order.
 - (7) WINDOWS UNOBSTRUCTED - WIPERS: No person shall drive any motor vehicle with any sign or other nontransparent material upon the windshield, side wings, side or rear windows of such vehicle that would obstruct the driver's view, other than a paper or certificate required to be so displayed by law. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other obstructions from the wind shield and must be in proper working order at all times.
 - (8) LICENSE TAG LIGHT: All motor vehicles shall be equipped with a rear tag light in good working order at all times.
 - (9) PROOF OF VEHICLE INSPECTION TO BE DISPLAYED: All motor vehicles shall display a valid state motor vehicle inspection decal.
- (B) Violation of this section is punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 821: SPEED LIMITS

- (A) Speed limits on any public road shall be set by the Tribal Police Chief. Speed Limits may be posted at such places and at such maximum allowable speeds as deemed necessary by the Chief of the Tribal Police.
- (B) In any area of the Tribal jurisdiction where the speed limit is not posted and where no special hazard exists, the following speeds shall be lawful, but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.
 - (1) School Zones, grounds, and crossings, designated areas - 20 MPH
 - (2) Residential Areas - 30 MPH
 - (3) Open Highway - 55 MPH

It shall be unlawful to exceed the above limits, the limits posted by authority of the Chief of the Tribal Police, or a speed which is reasonable and proper under the conditions prevailing upon the roadway.

- (C) The fact that the speed of a motor vehicle is lower than the foregoing prima facie limits does not relieve the driver from the duty of all persons to use due care.
- (D) Exceeding the speed limit or operating a motor vehicle at a speed which is not reasonable and proper shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 822: WHEN LIGHTS ARE REQUIRED TO BE ON

- (A) It shall be unlawful for a vehicle to be on a public roadway at any time from a half hour after sunset to a half hour before sunrise or at any other time when objects on the road cannot be seen clearly at a distance of five hundred feet because of light conditions without displaying lighted lamps on the vehicle.
- (B) Every vehicle stopped or parked on the side of any road or highway during the hours set forth above, shall burn lamps, flares, or otherwise alert other drivers of the potential danger, unless the vehicle is positioned at least thirty inches from the main traveled portion of the roadway in such fashion that no part of the main traveled portion of the roadway, nor the thirty inches safety zone is impeded.
- (C) Violation of this section shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 823: PEDESTRIANS

- (A) It shall be unlawful for a pedestrian crossing a roadway at any point other than a marked crosswalk or within an unmarked crosswalk at an intersection to fail to yield the right of way to all motor vehicles on the roadway.
- (B) Notwithstanding the provisions of Sub-Article (a) herein, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any person upon a public road.
- (C) Violation of this section shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 824: THROWING TRASH ON ROADS AND ROADWAYS

- (A) It shall be unlawful to discard trash or refuse of any type on a roadway or public highway or right-of-way within the Tribal jurisdiction.
- (B) Throwing trash on roads and roadways shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

ARTICLE 825: ILLEGAL PARKING

- (A) It shall be unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of a public roadway when it is practical to stop, park, or leave such vehicle off such part of said roadway, but in every event a clear and unobstructed width of at least twenty feet of such part of the roadway opposite such standing vehicle shall be left for the free passage of other vehicles, a clear view of such stopped vehicle shall be available from distance of two hundred feet in each direction upon said roadway, and the vehicle must be positioned at least thirty inches outside the maintained traveled portion of the roadway.
- (B) This Article shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position, provided that reasonable provision is made by the driver thereof for the warning and safety of other vehicles traveling upon such roadway until the vehicle can be removed.
- (C) It shall be unlawful to stop, park, or leave standing a vehicle except when necessary to avoid collision with other traffic or in compliance with the directions of a police officer or traffic control sign, 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 twenty-five feet of a fire hydrant;
 - (5) On a crosswalk.
- (D) A violation of this Section shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).