

DRAFT
**REVISED NORTHERN CHEYENNE LAW &
ORDER CODE**

TITLE 8
TRAFFIC CODE

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TRAFFIC CODE

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TITLE 8
TRAFFIC CODE

Chapter 1. GENERAL PROVISIONS AND DEFINITIONS

8-1-1.

- A. Purpose. The purpose of the Northern Cheyenne Traffic Code is to implement regulations regarding persons, Indian and non-Indian, living within and passing through the Northern Cheyenne Reservation while driving any motorized vehicle in order to protect the health, safety and welfare of the Northern Cheyenne Tribe and its members
- B. Authority. The Northern Cheyenne Tribe has authority to promulgate regulations regulating the conduct of persons and vehicles on and travelling through lands belonging to and under the authority and control of the Northern Cheyenne Tribe pursuant to the Amended Northern Cheyenne Tribe's Constitution, Article IV., Section 1(h), (k), (m), (o), (p), (q) and (n); and inherent sovereign authority not otherwise limited by federal law.
- C. Jurisdiction. The Northern Cheyenne Tribal Court is authorized to enforce the provisions of this Code pursuant to the stated authority in Section 8-1-1(B) and Section 1-2-4. All persons, Indian and non-Indian, are deemed to have consented to the civil regulatory authority of the Northern Cheyenne Tribe and are subject to all civil regulatory laws, regulations and policies, including the Northern Cheyenne Traffic Code, Title 8.
- D. The Code delegates authority and responsibility to the Northern Cheyenne Police Department and other law enforcement agencies recognized by the Northern Cheyenne Tribe to enforce the Northern Cheyenne Traffic Code. Federal officials, including the United States Department of Justice and Department of the Interior, as well as State of the Montana law enforcement officials that have been deputized by the Northern Cheyenne Tribe are authorized to enforce provisions of Title 8 of the Northern Cheyenne Law and Order Code.
- E. Violation of any provisions of this section are considered civil offenses limiting penalties to payment of a reasonable fine, unless otherwise stated in this Title.
- F. Any person cited for a traffic violation in Title 8, other than criminal offenses which are Class A, Class B or Class C offenses, may elect to pay a civil fine in the amount of \$75.00 unless another amount is provided as a fine for a particular violation in this Title, to the Police Department in person or by mail, or request a hearing in Tribal Court by filing an answer to the citation with the Tribal Court within 20 days of receiving the citation. The Northern Cheyenne Rules of Civil Procedure, Title IV of this Code, will apply to such proceedings. The Tribal Court will utilize the rules as needed to secure a just, speedy and inexpensive determination. No jury trial will be available for such actions.

- G. Traffic Violation also a Criminal Offense. If the violation of a traffic code would also meet the necessary elements for establishing a criminal offense, the law enforcement officer may detain the person and immediately contact the appropriate law enforcement agency which possesses criminal jurisdiction over the person for processing.

8-1-2. Definitions.

1. Motor vehicle means every vehicle propelled by its own power and designed primarily to transport persons or property upon Federal, State and Tribal highways.
2. Tribe means the Northern Cheyenne Tribe.
3. Motorcycle means a motor vehicle having not more than three (3) wheels in contact with the ground. The term does not include a tractor or a bicycle.
4. Bicycle means every device propelled by human power having two tandem wheels upon which any person may ride and which shall not be considered a motorized vehicle.
5. Truck means every motor vehicle designed, used or maintained primarily for the transportation of property.
6. Road tractor means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any thereon either independently or any part of the weight of a vehicle or load so drawn.
7. Pole trailer means every vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach pole or by being boomed or otherwise secured to the towing vehicle.
8. Bus means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons.
9. School bus means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.
10. Police vehicle means any vehicle used in the service of the Northern Cheyenne Police Department or any law enforcement agency.
11. Authorized emergency vehicle means emergency service vehicles of the Northern Cheyenne Tribe or the state, county and other municipal agencies.
12. Highways means the entire width between the boundary lines of every publicly-maintained way when any part thereof is open to the use of the public for the purpose of vehicular travel.
13. Street means the entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

14. Intersection means the area embraced within the prolongation or connection of the lateral curb of lines or if non-curbed 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) feet or more apart, then crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
15. Chief of Police means the Chief of Police of the Northern Cheyenne Police Department.
16. Police Officer means every officer of the Northern Cheyenne Police Department or police officers authorized by the Northern Cheyenne Tribe to direct or regulate traffic or to make arrests for violations of traffic regulations.
17. Highway Patrolman means every state officer authorized to direct or regulate traffic on state highways or to make arrests for violation of traffic violations on state highways that are so maintained by the State of Montana.
18. Local authorities means the Northern Cheyenne Tribal Council which has the authority to enact laws relating to traffic under the constitution and laws of the Northern Cheyenne Tribe but not contrary to federal law.
19. Pedestrian means every person or any person afoot.
20. Driver means every person who drives or is in actual physical control of a vehicle.
21. Owner means the person who holds the legal title to a vehicle.
22. Operator means a person who is in actual physical control of a motor vehicle.
23. Traffic means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highways for purposes of travel.
24. Traffic-control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
25. Official traffic control devices means all signs, signals, markings and devices not inconsistent with this Title, placed or erected by the authority of the Northern Cheyenne Tribal Council or official having jurisdiction, for the purposes of regulating, warning or guiding traffic.
26. Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
27. Stop means complete cessation from movement when required.

28. Right-of-way means the privilege of the immediate use of the roadway.
29. Suspension means the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn, but only during the period of such suspension.
30. Registration means a registration certificate or certificates and registration plates issued under the laws of the State of Montana or any other state pertaining to the registration of motor vehicles.
31. Certificate of ownership means the certificate issued by the division of motor vehicles of the State of Montana to the transferee upon a transfer of ownership of a motor vehicle.
32. Nonresident means every person who is not a resident of the Northern Cheyenne Reservation.

Chapter 2: ROAD SIGNS, SIGNALS AND MARKINGS

8-2-1. Signs, Signals And Markings.

- A. The Northern Cheyenne Roads Department will erect signs or otherwise identify all roads of the Tribe.
- B. The Northern Cheyenne Roads Department will place and maintain such traffic control devices, conforming to its needs and specifications, upon all roads of the Tribe as it may deem necessary to indicate and to carry out the provisions of this Code or to regulate, warn or guide traffic, provided all such actions by the Roads Department or any other local authority authorized by the Council.

8-2-2. Obedience To Traffic-Control Devices.

- A. The driver of any vehicle must obey the instruction of any official traffic-control device placed in accordance with the provisions of this Code, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Code.
- B. No provision of this Code for which traffic-control devices are required may be enforced against an alleged violator if at the time and place of the alleged violation an official traffic-control device was not in proper position and sufficiently legible to be seen by an ordinarily observant person.

8-2-3. Flashing Signals. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it requires obedience by vehicular traffic as follows:

- A. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles must 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 to proceed will be subject to the rules applicable after making a stop at a stop sign.

- B. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles must proceed through the intersection or past such signal with caution.

8-2-4. Display Of Unauthorized Signs, Signals Or Marking.

- A. It is unlawful for a person to display any unauthorized sign or like device which is intended to direct traffic movements or hide from view an official traffic control device, nor can a person place any commercial or political advertising on any traffic sign.
- B. A prohibited sign, signal, or marking is declared to be a public nuisance is authorized by the Police Department to remove or cause it to be removed without notice.

8-2-5. Interference With Official Traffic-Control Devices. It is unlawful for a person to in a negligent, willful or wanton manner, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or signal or any inscription, shield, or insignia or any other part of it.

8-2-6. Penalty. A person who violates the provisions of this chapter will be deemed guilty of a Class C Offense and, upon conviction, will be subject to a fine of not more than One Hundred Dollars (\$100.00) or confinement not to exceed sixty (60) days or to both such fine and confinement.

Chapter 3: ACCIDENTS

8-3-1. Accidents Involving Death, Personal Injuries Or Damage To Vehicles. The driver of a vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle will immediately stop the vehicle at the scene of the accident or as close as possible and in every event will remain at the scene of the accident until he has fulfilled the requirements of Section 8-4-3. Every such stop will be made without obstructing traffic more than is necessary.

8-3-2. Duty To Give Information And Render Aid. The driver of a 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 a person must give his name, address, insurer and the registration number of the vehicle he is driving and must upon request exhibit his operators or chauffeurs license to the person struck or the driver or occupant of or person attending any vehicle collided with and must render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

8-3-3. Duty Upon Striking Unattended Vehicle. The driver of a vehicle which collides with any vehicle which is unattended must immediately stop and must then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or must leave in a conspicuous place in the vehicle struck a written notice giving the name, address and insurer of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances.

8-3-4 Duty Upon Striking Fixtures Or Other Property 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 such property of such fact, of his name, address and insurer and the registration number of the vehicle he is driving and shall upon request exhibit his operators or chauffeurs license and shall make report of such accident as soon as possible to the proper law enforcement agency. The driver shall, if physically possible, remove all property and debris from the highway before leaving the scene.

8-3-5. Immediate Notice Of Accidents. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of Twenty-Five Dollars (\$25.00) or more must immediately by the quickest means of communication give notice of such accident to the Northern Cheyenne Police Department and/or to the local Montana State police officer.

8-3-6. When Driver Unable To Report.

- A. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in this Code and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant must give or cause to be given the notice required by this chapter.
- B. Whenever the driver is physically incapable of giving an immediate notice of an accident as required in this Code and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident must, immediately upon learning of the accident, give the notice required by this chapter.

8-3-7. Garages, Dealers And Wreckers Of Vehicles To Report. The person in charge of any garage or repair shop, dealers, or wreckers of vehicles to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in this Code, or struck by a bullet, must report to the Northern Cheyenne Police Department within twenty-four (24) hours after the motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of such vehicle.

8-3-8. Penalty For Failure To Comply. Any person failing to stop or to comply with the requirements of this chapter must, upon conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00) or confinement not to exceed six (6) months or to both such fine and confinement.

CHAPTER 4: TRAFFIC REGULATIONS

8-4-1. Speed Regulations.

- A. It is unlawful for a person to drive a vehicle on a highway at a speed greater than:
 - 1. Fifteen (15) miles per hour on all highways when passing a school zone while children are going to or leaving school and when the school zone is properly posted;

2. twenty-five (25) miles per hour in any business or residence district;
 3. forty-five (45) miles per hour on highways through or near residence district;
 4. sixty-five (65) miles per hour on highways in open country.
- B. In every event, speed must controlled necessary:
1. To avoid colliding with any person, vehicle or other conveyance on or entering the highway; and
 2. To comply with legal requirements and the duty of all persons to use due care, and to drive in such manner and at such speed that he will not endanger life, health or property.
- C. Any person found to violate Section 8-4-1(A) or (B) will be subject to the following fine schedule:
1. 1-10 Miles per Hour over Posted Speed Limit: \$75.00
 2. 2-20 Miles per Hour over Posted Speed Limit: \$100.00
 3. 20-30 Miles per Hour over Posted Speed Limit: \$200.00
 4. Construction Zone Speed Limit: Two times the fine depending posted construction zone speed limit.
- D. The speed limits set forth in this Section may be changed by resolution of the Tribal Council.
- E. This Section will not apply to authorized emergency vehicles as defined and regulated in this Code.

8-4-2. Establishment Of Speed Zones. Whenever the Council determines upon the basis of an engineering and traffic investigation or the recommendation of the Police Department that any speed provided is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, the Council may determine and declare a reasonable and safe speed limit at that location which will be effective at all times when appropriate signs giving notice which are erected at such location.

- A. Construction Zone – means the adjusted speed limit for the temporary duration of construction to occur on the particular road, street or highway.
- B. Annual 4th of July Pow-Wow Zone – means the BIA Road/Tribal Highway 4, also known as East Fork Lame Deer Creek Road from the intersection with highway 212 until it reaches the pow-wow grounds entrance and exit.
- C. Unless otherwise stated, the fine schedule provided in Section 8-4-1 (C) will apply.
- D. The speed limits set forth in this Section may be changed by resolution of the Tribal Council.

8-4-3. Minimum Speed Regulations. It is unlawful for a person to drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when slow speed is necessary for safe operation or in compliance with law. The Tribe's police officers and other law enforcement officers are authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer, and the continued slow operation by driver will be a violation of this Chapter.

8-4-4. Charging Violations And Rule In Civil Actions.

- A. In every charge of violation of any speed regulation in this Code, the law enforcement officer will issue a Citation, which will also serve as the complaint and the summons or notice to appear must specify:
 - 1. the speed at which the defendant is alleged to have driven, and
 - 2. the speed limit applicable at the location of the alleged violation.
- B. The law enforcement officer must inform the defendant that he or she may:
 - 1. elect to appear in court to contest the citation and appear before a hearing in front of a judge of the Northern Cheyenne Tribal Court; or
 - 2. pay the bond immediately.
- C. The provisions of this Code declaring speed limitations will be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

8-4-5. Drive On Right Side Of Roadway; Exceptions.

- A. Upon all roadways of sufficient width a vehicle must be driven upon the right half of the roadway, and where practicable, entirely to the right of the center, 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 a 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; or
 - (4) Upon a roadway designated and signposted 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 will be driven in the right-hand curb or edge of the roadway, except when overtaking and passing another car proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

8-4-6. Passing Vehicles Proceeding In Opposite Directions. Drivers of vehicles proceeding in opposite directions must pass each other to the right, and upon roadways having width for not more than one (1) lane of traffic in each direction each driver must give to the other at least one-half (1/2) of the main-traveled portion of the roadway.

8-4-7. Overtaking A Vehicle On The Left. The following rules will govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

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

8-4-8. When Overtaking On The Right Is Permitted.

- A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - 1. When the vehicle overtaken is making or about to make a left turn;
 - 2. Upon a highway with unobstructed pavement of sufficient width, exclusive of parked vehicles, for two (2) or more lanes of moving vehicles in each direction;
 - 3. Upon a one-way street, or upon any highway on which traffic is restricted to one (1) direction of movement, where the highway is free from obstruction and of sufficient width for two (2) or more lanes of moving vehicles.
- B. The driver of the vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event will such movement be made by driving off the pavement or main-traveled portion of the highway.

8-4-9. Limitations On Overtaking On The Left. No vehicle will be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made 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-hand side of the highway before coming within one-hundred fifty (150) feet of any vehicle approaching from the opposite direction.

8-4-10. Further Limitations On Driving To The Left Of Center Of Roadway.

- A. No vehicle may at any time be driven to the left side of the highway whether passing another vehicle or otherwise, under any of the following conditions:
 - 1. When approaching the crest of a grade or upon a curve in the highway where the drivers view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing;
3. When the view is obstructed or upon approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

B. The foregoing limitations shall not apply upon a one-way highway.

8-4-11. No Passing Zones. The Council is authorized to determine through engineering or traffic investigations those portions of any highway within the Reservation where overtaking and passing or driving on the left of the highway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle must obey.

8-4-12. One-Way Highways And Rotary Traffic Islands.

- A. The Council may designate one-way traffic and may authorize the erection of appropriate signs giving notice thereof.
- B. Upon a highway designated and signposted for one-way traffic a vehicle must be driven only in the direction designated.
- C. A vehicle passing around a rotary traffic island must be driven only to the right side of such island.

8-4-13. Driving On Highways Laned For Traffic. Whenever any highway has been divided into two (2) or more clearly marked lanes for traffic the following rules, in addition to others consistent with this Code, the following will apply:

- A. A vehicle must be driven as nearly as practicable entirely within a single lane and must not be moved from such lane until such movement can be made in safety;
- B. Upon a highway which is divided into three (3) lanes a vehicle must not be driven in the center lane except in preparation for a left turn or when overtaking and passing another vehicle where the highway is clearly visible and such center lane is clear of traffic within a safe distance;
- C. Official signs may be erected directing slow moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the highway and drivers of vehicles must obey the directions of every such sign.

8-4-14. Following Too Closely.

- A. The driver of a motor vehicle must not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, and the traffic upon and the condition of the highway.
- B. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a highway outside of a business or residential district must not follow another motor vehicle or motor truck drawing another vehicle within

three hundred (300) feet, except that this must not prevent a motor vehicle or motor truck drawing another vehicle from overtaking and passing any like vehicle or other Vehicle.

- C. Motor vehicles being driven on any highway outside of a business or residential district in a caravan or motorcade whether or not towing other vehicles must not follow the preceding vehicles closer than three hundred (300) feet. This provision will not apply to funeral processions.

8-4-15 Driving On Divided Highways. Whenever 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 must be driven only on the right-hand side of the highway, and no vehicle must be driven over, across, or within any such dividing space, barrier, or Section, except through an opening in such physical barrier or dividing Section or space or at a crossover or intersection established by the written resolution of the Council.

8-4-16. Restricted Access. No person must drive a vehicle onto or from any controlled access highway except at such entrances and exits as are established by the Council.

8-4-17. Required Position And Method Of Turning At Intersections. The driver of a vehicle intending to turn at an intersection must do so as follows:

- A. Right Turns. Both the approach for a right turn and a right turn must be made as close as practicable to the right-hand curb or edge of the highway.
- B. Left Turns on Two-Way Roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn must be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn must be made so as to leave the intersection to the right of the center line of the roadway being entered.

Whenever practicable the left turn must be made in that portion of the intersection to the right of the center of the intersection.

- C. Left Turns on Other Than Two-Way Roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection must approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicles and after entering the intersection the left turn must be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.
- D. Signs at Intersections. The Council may have signs placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection, and when signs are so placed no driver of a vehicle must turn a vehicle at an intersection other than as directed and required by such signs.

8-4-18. Turning On Curve Or Crest Of Grade Prohibited. No U-turns are allowed to be made by a vehicle upon any curve or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within one-thousand (1,000) feet.

8-4-19. Starting Parked Vehicles. It is unlawful for a person to start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

8-4-20. Turning Movements And Required Signals.

- A. It is unlawful for a person to turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 8-4-17, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. It is unlawful for a person to turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.
- B. A signal of intention to turn right or left when required must be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.
- C. It is unlawful for a person to stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in the following sections 8-4-21 and 8-4-22 to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal.

8-4-21. Signals By Hand And Arm Or Signal Device.

- A. Any stop or turn signal when required must be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device except as otherwise provided in section 8-4-22.
- B. Any motor vehicle in use on a highway must be equipped with, and required signal must be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement will apply to any simple vehicle and also to any combination of vehicles.

8-4-22. Method Of Giving Hand And Arm Signals. All signals herein required to be given by hand and arm must be given from the left side of the vehicle in the following manner and such signals will indicate as follows:

- A. Left Turn. Hand and arm extended horizontally.
- B. Right Turn. Hand and arm extended upward.
- C. Stop or Decrease Speed. Hand and arm extended downward.

8-4-23. Vehicle Approaching Or Entering Intersection.

- A. The driver of a vehicle approaching an intersection must yield the right-of-way to a vehicle which has entered the intersection from a different highway.
- B. When two (2) vehicles enter an intersection from different highways at approximately the same time the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.
- C. The right-of-way rules declared in in this section 8-4-23(A) and (B) are modified at through highways and otherwise as hereinafter stated in the next four Sections.

8-4-24. Vehicle Turning Left At Intersection. The driver of a vehicle within an intersection intending to turn to the left must 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 an immediate hazard.

8-4-25. Vehicle Entering Through Highway, Stop Or Yield Intersection.

- A. The driver of a vehicle must stop at the entrance to a through highway and must yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard during the time the driver is moving across or within the through highway.
- B. The driver of a vehicle must likewise stop in obedience to a stop sign at an intersection and must proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.
- C. The driver of a vehicle approaching a yield sign must, in obedience to the sign, slow down to a speed reasonable for the existing conditions and must 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 the driver is moving across or within the intersection.

8-4-26. 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 must yield the right-of-way to all vehicles approaching on such highway.

8-4-27. Operation Of Vehicle On Approach Of Authorized Emergency Vehicles.

- A. Upon the immediate approach of an authorized emergency vehicle equipped with at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle must yield the right-of-way and must immediately drive to a position parallel to, and as close as possible to the right-hand curb or edge of the highway clear of any intersection and must stop and remain in such position, until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

- B. This Section will 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.

8-4-28. Pedestrians Right-Of-Way In Crosswalks.

- A. When traffic-control signals are not in place or not in operation the driver of a vehicle must yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.
- B. It is unlawful for a pedestrian to 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. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear must not pass such stopped vehicle.

8-4-29. Crossing At Other Than Crosswalks.

- A. Every pedestrian crossing a highway at any point other than within a marked crosswalk or within any unmarked crosswalk at an intersection must yield the right-of-way to all vehicles upon the highway.
- B. Any pedestrian crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided must make use of such tunnel or overhead crossing and must not cross directly upon the highway.
- C. Between adjacent intersections at which traffic-control signals are in operation pedestrians must not cross at any place except in a marked crosswalk.

8-4-30. Drivers To Exercise Due Care. Every driver of a vehicle must exercise due care to avoid colliding with any pedestrian upon any highway and must give warning by sounding the horn when necessary and must exercise proper precaution upon observing any child or any confused or incapacitated person upon a highway.

8-4-31. Pedestrians To Use Right Half Of Crosswalk. Pedestrians must move, whenever practicable, upon the right half of the crosswalks.

8-4-32. Pedestrians On Highways.

- A. Where sidewalks are provided it will be unlawful for any pedestrian to walk along and upon an adjacent highway.
- B. Where sidewalks are not provided any pedestrian walking upon a highway may walk on the right side of the highway or its shoulder with their back facing traffic which may approach from the same direction. However, it is recommended that pedestrians walk on the left side facing traffic.

8-4-33. All Vehicles Must Stop At Stop Signs.

- A. The Council with reference to highways within the reservation may designate through highways and may authorize the erection of stop signs at specified entrances thereto or may designate any intersection as a stop intersection and authorize the erection of like signs at one (1) or more entrances to such intersection.
- B. Every stop sign must bear the word stop in letters not less than eight (8) inches in height.
- C. Every stop sign must be erected as near as practicable to the nearest line of the crosswalk, then as close as practicable to the nearest line of the highway.
- D. Every driver of a vehicle approaching a stop sign must stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk must stop at a clearly marked stop line, but if none, then at the point nearest the intersecting highway where the driver has a view of approaching traffic on the intersecting highway before entering the intersection except when directed to proceed by a police officer or traffic control signal.

8-4-34. Stop Before Emerging From Alley Or Private Driveway.

The driver of a vehicle within a business or residential district emerging from an alley, driveway, or building must stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and must yield the right-of-way to any pedestrian as may be necessary to avoid collision and upon entering the highway must yield the right-of-way to all vehicles approaching on such highway.

8-4-35. Overtaking And Passing School Bus.

- A. The driver of a vehicle upon approaching or overtaking from either direction any school bus which has stopped on the highway with special school bus signals in operation, for the purpose of receiving or discharging any school children, must stop the vehicle at least thirty (30) feet before reaching the school bus and must not proceed until the special school bus signals are turned off, the school bus resumes motion or the school bus driver signals to proceed.
- B. Every bus used for the transportation of school children must bear upon the front and rear thereof a plainly visible sign containing the words School Bus in letters not less than eight (8) inches in height.
- C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different highway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the highway.

8-4-36. Stopping, Standing Or Parking Outside Of Business Or Residence Districts.

- A. Upon any highway outside of a business or residential district no person is permitted to stop, park, or leave standing any vehicle, whether attended or unattended, on the paved or main-traveled part of the highway when it is practicable to stop, park, or leave such vehicle off such part of the highway.

The highway must be left unobstructed for the free passage for other vehicles and a clear view of such stopped vehicles must be available from a distance of three hundred (300) feet in each direction of the highway.

- B. This Section will not apply to the driver of any vehicle which 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 such disabled vehicle in such position.

8-4-37. Officers Authorized To Remove Illegally Stopped Vehicles.

- A. Whenever any police officer of the Tribe finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this Code, such officer is authorized to move such vehicle, or 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 such highway.
- B. Whenever any police officer of the Tribe finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
- C. No driver of a vehicle may permit a vehicle to remain unattended on or adjacent to any public road, highway, or highway right-of-way within the Tribe for a period exceeding twenty-four (24) hours without notifying the Police Department where such vehicle is parked or such vehicle will be deemed abandoned. The Tribe's police officer may cause such abandoned vehicles to be removed and the owner of the vehicles will be required to pay all costs incident to the removal of such vehicle, provided that wrecked vehicles may be removed at any time and without regard for the twenty-four (24) hour period herein above provided.
- D. Whenever an officer orders a dealer or wrecker to remove from a highway, or territory adjacent thereto, any damaged or abandoned vehicle the officer must, at the time, issue signed and dated instructions in writing to the dealer or wrecker specifically stating whether the vehicle is to be held for investigation or if it may be released to the owner.

8-4-38. Stopping, Standing Or Parking Prohibited In Specified Places.

- A. It is unlawful for a person to stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, 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 of the approach to any flashing beacon, stop sign, yield sign, or traffic-control signal 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 the traffic authority indicates a different length by signs or markings;
- (9) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance (when properly sign 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;
- (14) At a bus stop;
- (15) At any place where official signs prohibit stopping.

8-4-39. Additional Parking Regulation. The Tribal Council may direct the placing of signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion, as evidenced by engineering or traffic investigation, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs will be official signs and no person may stop, stand or park any vehicle in violation of the restrictions stated on such signs.

8-4-40. Unattended Motor Vehicle. No person driving or in charge of a motor vehicle may permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels in such a manner that the vehicle will be held by the curb or will leave the highway if the brakes fail.

8-4-41. Limitation On Backing. The driver of a vehicle must not back unless such movement can be made with reasonable safety and without interfering with other traffic.

8-4-42. Riding On Motorcycles. A person operating a motorcycle must ride only upon the permanent and regular seat attached thereto, and such operator must not carry any other person nor must any other person ride on a motorcycle unless such 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 motorcycle.

8-4-43. Obstruction To Driver's View Or Driving Mechanism.

- A. It is unlawful for a person to drive a motor vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- B. No passenger in a vehicle may ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

8-4-44. Driving On Mountain Highways. The driver of a motor vehicle through narrow passes or canyons or on mountain highways must hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred (200) feet along the highway, must give audible warning with the horn of such motor vehicle.

8-4-45. Coasting Prohibited. The driver of any motor vehicle when traveling upon a down grade must not coast with the clutch disengaged or with the vehicle transmission in a neutral position.

8-4-46. Following Fire Vehicles And Driving In Safety Zone Prohibited.

- A. The driver of any vehicle other than one on official business must not follow any fire vehicle traveling in response to a fire alarm closer than five hundred (500) feet, or drive into or park such vehicle within the block where a fire truck has stopped in answer to a fire alarm.
- B. It is unlawful for a vehicle at any time to be driven through or within a safety zone which is specifically marked for the exclusive use of pedestrians.

8-4-47. Crossing Fire Hose. It is unlawful for a vehicle to be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

8-4-48. Animals On Highway.

- A. It is unlawful for any person during the hours of darkness to ride a horse or other animal upon the traveled portion of any highway which is normally used by motor vehicles without a police escort.
- B. It is unlawful for any person to permit livestock to wander or graze upon any fenced highway at any time, or, during the hours of darkness, to drive livestock along or upon any highway which is normally used by motor vehicles.

8-4-49. Duty To Stop For Blind Pedestrian Crossing Highway Or Street. Whenever a pedestrian is crossing or attempting to cross a highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection, or place where such pedestrian is attempting to cross, must bring his vehicle to a full stop before arriving

at such intersection or place of crossing and before proceeding must take such precautions as may be necessary to avoid injuring such pedestrian.

8-4-50. Penalty. Any person found guilty of violation of 8-4-1 through 50 may be punished by confinement of not more than fifteen (15) days or by a fine not to exceed Seventy-Five Dollars (\$75.00) or by both such fine and confinement.

8-4-51. Persons Driving Under The Influence Of Intoxicating Liquor Or Of Drugs.

- A. It is unlawful for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within the reservation.
- B. It is unlawful for any person who is an habitual user of, or 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 motor vehicle, to drive a vehicle within the reservation. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drugs under the law of this State will not constitute a defense against any charge of violating this paragraph.
- C. Conviction of violation of this Section will result in mandatory confinement as follows:
 - (1) Upon the first conviction, confinement for five (5) days;
 - (2) Upon the second conviction, confinement for thirty (30) days;
 - (3) Upon the third conviction and subsequent convictions, confinement for ninety (90) days and the permanent loss of driving privileges.

In addition to the mandatory confinement, persons convicted of violation of this Section may be fined in an amount of not less than One Hundred Dollars (\$100.00) upon the first conviction, and in an amount of not less than Five Hundred Dollars (\$500.00) for the second and each subsequent conviction.

- D. Driving under the influence of Intoxicating Liquor or pf Drugs is a Class A Offense.

8-4-52. Implied Consent Law.

- A. Implied Consent to Submit to Chemical Test.
 - (1) Any person who operates a motor vehicle within the reservation will be deemed to have given consent, subject to the provisions of this Section, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood, if arrested for any offense arising out of the 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 an intoxicating liquor.

- (2) A breath test will 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 within the reservation, while under the influence of intoxicating liquor. The law enforcement officer will advise such person that failure to submit to a chemical test or tests of his breath or blood could result in fines and penalties as provided herein. If the person comes under the provisions of Section 8-4-52(D) the law enforcement officer may designate the test or tests to be given.
- B. Persons Qualified to Perform Tests; Relief from Civil and Criminal Liability. Only a physician, registered or licensed practical nurse or laboratory technician or technologist employed by the Indian Health Service will withdraw blood from any person in the performance of a blood-alcohol test. No such physician, nurse, technician or technologist who withdraws blood from any person in the performance of a blood-alcohol test that has been directed by any police officer, or by any judicial officer, will be held liable in any civil or criminal action for assault, battery, false imprisonment, or any conduct of any police officer, except for negligence, nor will any person assisting in the performance of such a test, or any hospital wherein blood is withdrawn in the performance of such a test, be subject to civil or criminal liability for assault, battery, false imprisonment, or any conduct of any police officer, except for negligence.
- C. Blood-alcohol Test Unauthorized Except in Performance of Official Duties. Nothing in this Section is intended to authorize any police officer or judicial officer to make any arrest or to direct the performance of a blood-alcohol test, except in the performance of his official duties and as otherwise authorized by law.
- D. Consent of Person Incapable of Refusal not Withdrawn. Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal, will be deemed to have consented provided by Section 8-4-52(A) and the test or tests designated by the law enforcement officer may be administered.
- E. Administration of Chemical Test; Payment of Costs; Additional Tests.
- (1) Only the persons authorized by Section 8-4-52(B) will withdraw blood from any person for the purpose of determining its alcoholic content. This limitation does not apply to the taking of samples of breath.
- (2) The person tested will be given an opportunity to arrange for a physician, registered or licensed practical nurse, or laboratory technician or technologist who is employed by a hospital or physician, of his own choosing to perform a chemical test in addition to any test performed at the direction of a law enforcement officer.

- (3) Upon the request of the person tested, full information concerning the test or tests and the results thereof performed at the direction of the law enforcement officer will be made available to him as soon as it is available from the person performing the test.
- (4) The law enforcement agency represented by the law enforcement officer at whose direction the chemical test is performed will pay for the chemical test.
- (5) If a person exercises his right under Section 8-4-52(E)(2) to have a chemical test performed upon him by a person of his own choosing, then the cost of that test will be paid by him.

F. Use of Chemical Tests in Criminal Actions; Presumptions of Intoxication.

- (1) The results of a chemical test performed pursuant to this Section may be introduced into evidence in a civil action or criminal action arising out of the acts alleged to have been committed by the person tested while driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor.
- (2) If the blood of the person tested contains:
 - (a) Four one-hundredths of one percent (.04%) or less by weight of alcohol, it will be presumed that the person was not under the influence of intoxicating liquor;
 - (b) More than four one-hundredths of one percent (.04%) but less than eight one-tenth of one percent (.08%) by weight of alcohol, no presumption will be made that the person either was or was not under the influence of intoxicating liquor. However, the amount of alcohol in the person's blood may be considered with other competent evidence in determining whether or not the person was under the influence of intoxicating liquor; or
 - (c) One-tenth of one percent (.10%) or more by weight of alcohol, it will be presumed that the person was under the influence of intoxicating liquor.
- (3) The percent by weight of alcohol will be based on the grams of alcohol in one hundred (100) cubic centimeters of blood.
- (4) The presumptions in Section 8-4-52(F)(2) do not limit the introduction of other competent evidence concerning whether or not a person was under the influence of intoxicating liquor.

G. Refusal to Submit to Chemical Test; Penalties.

- (1) If a person under arrest refuses upon request of a law enforcement officer to submit to chemical tests designated by the law enforcement agency as provided in Section 8-4-53(A), none will be administered.

- (2) The Court, upon receipt of a sworn report of a law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within the reservation while under the influence of intoxicating liquor and that, after being advised that failure to submit could result in suspension of his license and fines as described herein, will suspend the person's driver's license for one (1) year and will impose a fine of One Hundred Dollars (\$100.00) unless the person has refused in a previous incident, to consent to the tests of this Section or has been convicted previously of violating 8-6-51, in which case the fine will be Three Hundred Dollars (\$300.00).

H. Penalties; Notice; Hearing; Review.

- (1) The Court must notify the person who refused to submit to a chemical test upon request by a law enforcement officer of the penalties imposed under Section 8-4-52(G). The notice must inform the person of his right to a hearing.
- (2) Within twenty (20) days after the date of notice of the Court action has been mailed to him, the person may request an opportunity for a hearing. A date for the hearing must be set by the Court as early as practical but not exceeding twenty (20) days after the receipt of the request.
- (3) At the hearing the Court may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers.
- (4) The hearing must include the issues:
 - (a) Whether the law enforcement officer had reasonable grounds to believe that the person had been driving or in actual physical control of a motor vehicle within the reservation while under the influence of intoxicating liquor;
 - (b) Whether the person was arrested;
 - (c) Whether the person refused to submit to a chemical test upon request of the law enforcement officer; and
 - (d) Whether the law enforcement officer advised that the failure to submit to a test could result in the penalties described in Section 8-4-52(G).
- (5) The Court must enter an order either rescinding or sustaining the penalties imposed under Section 8-4-52(G).
- (6) A person adversely affected by an order of the Court may seek review within twenty (20) days in the Supreme Court, which must determine whether reasonable grounds exist for the imposition of the penalties described in Section 8-4-52(G).

8-4-53. Aggravated Reckless Driving. (Class A Offense)

- A. Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others and without due caution and circumspection and at a speed or in a manner so as to cause any person serious bodily injury or cause serious property is guilty of reckless driving.
- B. A person convicted of aggravated reckless driving will be punished upon a first conviction by confinement for a period of not less than five (90) days nor more than 1 year, or by fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and confinement.

8-4-54. Reckless Driving. (Class B Offense)

- A. Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others and without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person causing minor injury or causing minor damage to property is guilty of reckless driving.
- B. Every person convicted of reckless driving will be punished upon a first conviction by confinement for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by both such fine and confinement, and on a second or subsequent conviction will be punished by confinement for not less than ten (10) days nor more than six (6) months, or by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or both such fine and confinement.

8-4-55. Careless Driving. (Class C Offense)

- A. Any person operating a vehicle on the highway must give his full time and attention to the operation of the vehicle.
- B. Any person who operates a vehicle in a careless, inattentive or imprudent manner, without due regard for the width, grade, curves, corners, traffic, weather and road conditions.
- C. A person found guilty of an careless driving may be punished by confinement for not more than fifteen (15) days or by a fine not to exceed Seventy-Five Dollars (\$75.00) or both such confinement and fine.

8-4-56. Parties To A Crime. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be illegal, whether individually or in connection with one (1) or more other persons or as principal, agent, or accessory, will be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such offense.

8-4-57. Offenses By Person Owning Or Controlling Vehicles. It is unlawful for the owner, or any other person employing or otherwise directing the driver of any vehicle, to

require or to permit the operation of such vehicle upon a highway in any manner contrary to law.

Chapter 5. RECREATION VEHICLES OFF-HIGHWAY

8-5-1. Off-Highway Vehicle Operation. It is unlawful for any person to operate a vehicle off-highway except on Tribal roads officially designated by the Tribal Council, subject to the following restrictions:

- A. Off-highway operation will be permitted only during dry weather conditions;
- B. Such operation is permitted only during hours of daylight; and
- C. Any recreational vehicle operated off-highway must be equipped with an antenna with a visible flag attached which exceeds the height of the vehicle by a minimum of six (6) feet.

8-5-2. Exceptions. Nothing in this Chapter will be construed to apply to the use of motorized vehicles off-highway by a person engaged in business such as grazing cattle, gathering wood with proper authorization, environmental, natural resource monitoring or similar pursuits. The sole purpose of this Chapter is to place certain restrictions upon the off-road use of recreational vehicles solely for recreational purposes.

8-5-3. Penalty. Any person found guilty of violation of this chapter may be punished by confinement of not more than fifteen (15) days or by a fine not to exceed Seventy-Five Dollars (\$75.00) or by both such fine and confinement.

Chapter 6. EQUIPMENT REQUIRMENT FOR VEHICLES

8-6-1. Scope And Effect Of Regulations.

- A. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required under this Chapter or for any person to drive or move or for the owner to cause or 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 at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this Chapter or which is equipped in any manner in violation of this Chapter.
- B. Nothing contained in this Chapter will be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this Chapter.
- C. The provisions of this Chapter with respect to equipment on vehicles will not apply to farm tractors or other farming, road machinery or road rollers except as herein made applicable.

8-6-2. When Lighted Lamps Are Required.

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 must display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated.

8-6-3. Visibility Distance And Mounted Height Of Lamps.

- A. Whenever a requirement is declared as to the distance from which certain lamps and devices must render objects visible or within which such lamps or devices must be visible, such provisions will apply during the times stated in Section 8-6-2 with respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.
- B. Whenever a requirement is hereinafter declared as to the mounted height of lamps or devices it will mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

8-6-4. Head Lamps On Motor Vehicles.

- A. Every motor vehicle other than a motorcycle or motor-driven cycle must be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps must comply with the requirements and limitations set forth in this Chapter.
- B. Every motorcycle and every motor-driven cycle must be equipped with at least one (1) and not more than two (2) head lamps which must comply with the requirements and limitations of this chapter.
- C. Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, must be located at a height of not more than fifty-four (54) inches nor less than twenty-eight (28) inches to be measured as set forth in Section 8-6-3(B).

8-6-5. Tail Lamps.

- A. Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, must be equipped with at least one (1) tail lamp mounted on the rear, which, when lighted as hereinbefore required, must emit a red light plainly visible from a distance of five hundred (500) feet to the rear.
- B. Every tail lamp upon every vehicle must be located at a height of not more than seventy-two (72) inches nor less than twenty (20) inches.
- C. Either a tail lamp or a separate lamp must be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, must be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

8-6-6. New Motor Vehicles To Be Equipped With Reflectors.

- A. Every motor vehicle operated upon a highway, other than a truck tractor, must carry on the rear, either in a part of the tail lamps or separately, two (2) red reflectors, except that every motorcycle and every motor-driven cycle must carry at least one (1) reflector, meeting the requirements of this Section, and except the vehicles of the type mentioned in Section 8-6-9 must be equipped with reflectors as required in those Sections applicable thereto.
- B. Every such reflector must be mounted on the vehicle at a height of not less than twenty (20) inches or more than sixty (60) inches measured as set forth in Section 8-6-3(B) and must be of such size and so mounted as to be visible at night from all distances within three hundred (300) feet and fifty (50) feet from such vehicle when directly in front of lawful upper beams of head lamps (except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles).

8-6-7. Stop Lamps And Turn Signals Required On New Motor Vehicles.

- A. It will be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, on this Reservation or for any person to drive such vehicle on the highways unless it is equipped with at least one (1) stop lamp meeting the requirements of Section 8-6-5.
- B. It is unlawful for a person to sell or offer for sale or operate on the highways any motor vehicle, trailer, or semi-trailer unless it is equipped with mechanical or electrical turn signals meeting the requirements of Section 8-6-28. This paragraph will not apply to any motorcycle or motor-driven cycle.

8-6-8. Application Of Succeeding Sections. The succeeding Sections will apply in lieu of Sections 8-6-4, 8-6-5, and 8-6-6 as to passenger buses, trucks and trailers, semi-trailers, and pole trailers provided for therein when operated upon any highway, and such vehicles must be equipped as required. Sections 8-6-9 through 8-6-23 or any part will also apply to all motor vehicles when appropriate.

8-6-9. Lamps And Reflectors; Small Buses And Trucks. Every bus and truck less than eighty (80) inches overall width must be equipped as follows:

- A. On the front, two (2) head lamps and two (2) auxiliary head lamps;
- B. On the rear, one (1) red tail lamp; one (1) red or amber stop lamp; two (2) red reflectors, one (1) at each side.

8-6-10. Lamps And Reflectors; Large Buses And Trucks. Every bus or truck eighty (80) inches or more in overall width must be equipped as follows:

- A. On the front, two (2) head lamps and two (2) auxiliary head lamps; two (2) amber clearance lamps, one (1) at each side;
- B. On the rear, one (1) red tail lamp; one (1) red or amber stop lamp; two (2) red clearance lamps, one (1) at each side; two (2) red reflectors, one (1) at each side;

- C. All lighting devices and reflectors mounted on the rear of any vehicle must display or reflect a red color, except the stop light or other signal device, which may be red, amber, or yellow, and except that the light illuminating the license plate must be white and the light emitted by a back-up lamp must be white or amber;
- D. On each side, one (1) amber side-marker lamp, located at or near the front; one (1) red side-marker lamp, located at or near the rear; one (1) amber reflector, located at or near the front; one (1) red reflector, located at or near the rear.

8-6-11. Lamps And Reflectors; Truck-Tractors And Road Tractors. Every truck-tractor and road tractor must be equipped as follows:

- A. On the front, two (2) head lamps; two (2) amber clearance lamps, one (1) at each side; for the truck-tractor only, two (2) auxiliary head lamps;
- B. On the rear, one (1) red tail lamp; one (1) red or amber stop lamp.

8-6-12. Lamps And Reflectors; Large Semi-Trailers, Full Trailers And House Trailers. Every semi-trailer, full trailer or house trailer eighty (80) inches or more in overall width must be equipped as follows:

- A. On the front, two (2) amber clearance lamps, one (1) at each side;
- B. On the rear, one (1) red tail lamp; one (1) red or amber stop lamp; two (2) red clearance lamps, one (1) at each side; two (2) red reflectors, one (1) at each side;
- C. On each side, one (1) amber side-marker lamp, located at or near the front; one (1) red side-marker lamp, located at or near the rear; one (1) amber reflector, located at or near the front; one (1) red reflector, located at or near the rear;
- D. Side-marker lamps may be in combination with clearance lamps and may use the same light source.

8-6-13. Lamps And Reflectors; Small Semi-Trailers And Trailers. Every semi-trailer or trailer less than eighty (80) inches in overall width must be equipped as follows: on the rear, one (1) red tail lamp; two (2) red reflectors, one (1) at each side; one (1) red or amber stop lamp if the semi-trailer or trailer obscures the stop lamp on the towing vehicle.

8-6-14. Lamps And Reflectors; Pole Trailers. Every pole trailer must be equipped as follows:

- A. On the rear, one (1) red tail lamp; two (2) red reflectors, one (1) at each side, placed to indicate extreme width of the pole trailer;
- B. On each side, on the rearmost support for the load, one (1) combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate the maximum width of the pole trailer; one (1) red reflector, located at or near the rear; and on a pole trailer thirty (30) feet or more in overall length, an amber marker lamp on each side near the center.

8-6-15. Lamps And Reflectors; Combinations In Driveaway-Towaway Operations. Combinations of motor vehicles as enumerated in Section 8-6-8, engaged in driveaway-towaway operations must be equipped as follows:

- A. On the towing vehicle:
 - (1) On the front, two (2) head lamps and two (2) amber clearance lamps, one (1) at each side;
 - (2) On each side and near the front, one (1) amber side-marker lamp;
 - (3) On the rear, one (1) red tail lamp; one (1) red or amber stop lamp;
 - (4) Provided, however, that vehicles of less than eighty (80) inches in width must be equipped as provided in Section 8-6-9.
- B. On the towed vehicle of a tow-bar combination, the towed vehicle of a single saddle-mount combination and on the rear-most towed vehicle of a double saddle-mount combination:
 - (1) On each side, and near the rear, one (1) red side-marker lamp;
 - (2) On the rear, one (1) red tail lamp; two (2) red clearance lamps, one (1) at each side; one (1) red or amber stop lamp; two (2) red reflectors, one (1) at each side.
- C. On the first saddle-mounted of a double saddle-mounted combination: on each side, and near the rear, one (1) amber side-marker.
- D. Combinations of vehicles less than eighty (80) inches in width in driveaway-towaway operations must carry lamps and reflectors as required in Section 8-6-9.

8-6-16. Mounting Of Reflectors, Clearance Lamps And Side-Marker Lamps.

- A. Reflectors. Reflectors required by Section 8-6-9 to 8-6-15 inclusive must be mounted upon the motor vehicle at a height of not less than twenty-four (24) inches nor more than sixty (60) inches above the ground on which the motor vehicle stands, except that reflectors must be mounted as high as practicable on motor vehicles which are so constructed as to make compliance with the twenty-four (24) inch requirements impractical. They must be so installed as to perform their function adequately and reliably and except for temporary reflectors required for vehicles in driveaway-towaway operations, all reflectors must be permanently and securely mounted in a workmanlike manner so as to provide the maximum of stability and the minimum likelihood of damage. Required reflectors otherwise properly mounted may be securely installed on flexible strapping or belting provided that under conditions of normal operation they reflect light in the required directions. Required temporary reflectors mounted on motor vehicles during the time they are in transit in any driveaway-towaway operation must be firmly attached.
- B. Color. All reflectors on the rear and those nearest to the rear on the side, except those referred to in Section 8-6-16(C), must reflect a red color; all other reflectors, except those referred to in Section 8-6-16(C), must reflect an

amber color, provided that this requirement must not be construed to prohibit the use of motor vehicles in combination if such motor vehicles are severally equipped with reflectors as required by §Section 8-6-9 to 8-6-15 inclusive.

- C. **Retroreflective Surfaces.** Notwithstanding the requirements of §Section 8-6-1 to 8-6-15 inclusive, retroreflective surfaces other than required reflectors may be used provided:
- (1) Designs do not resemble traffic control signs, lights or devices, except that straight edge stripping resembling a barricade pattern may be used;
 - (2) Designs do not tend to distort the length and/or width of the motor vehicle;
 - (3) Such surfaces must be at least three (3) inches from any required lamp or reflector unless of the same color as such lamp or reflector;
 - (4) No red color must be used on the front of any motor vehicle;
 - (5) No provision of paragraph (C) will be construed as to prohibit the use of retroreflective registration plates required by any state or local authorities.

8-6-17. Clearance Lamps To Indicate Extreme Width, Height And Length. Clearance lamps must, so far as is practicable, be mounted as to indicate the extreme width of the truck-tractor cab.

8-6-18. Side-Marker Lamps Combined With Clearance Lamps. Side-marker lamps may be combined with clearance lamps and may use the same light source.

8-6-19. Combining Tail And Stop Lamps. Tail lamps may be incorporated in the same housing with stop lamps so long as the requirements for each are fulfilled.

8-6-20. Lighting Devices To Be Electric. Lighting devices must be electric, except that red liquid burning lanterns may be used on the end of loads in the nature of poles, pipes and ladders projecting to the rear of the vehicle.

8-6-21. Requirements For Head Lamps And Auxiliary Road Lighting Lamps.

- A. Head lamps or auxiliary road lighting lamps must be mounted so that the beams are readily adjustable, both vertically and horizontally, and the mounting must be such that the aim is not readily disturbed by ordinary conditions of service.
- B. **Head Lamps and Auxiliary Road Lamps Required.** Every bus, truck or truck-tractor equipped with two (2) single-beam head lamps supplemented by two (2) auxiliary single-beam head lamps must install such lamps to furnish respectively an upper and lower distribution of light, selectable at the driver's will.

- C. Aiming and Intensity of Head Lamps. Head lamps must be constructed and installed so as to comply with the provisions of Section 8-6-30, 8-6-31 and 8-6-32.

8-6-22. Requirements For Clearance, Side-Marker And Other Lamps.

- A. Clearance, Side-marker, and Other Lamps; Mounting. Except for temporary side-marker and clearance lamps on motor vehicles, as enumerated in Section 8-6-8, being transported in driveaway-towaway operations, temporary electric lamps on projecting loads and temporary marker lamps on pole trailers, all lamps must be permanently and securely mounted in workmanlike manner on a permanent part of the motor vehicle. All clearance lamps and side-marker lamps must be firmly attached.
- B. Clearance, Side-marker, Tail and Projecting Load-marker Lamps; Visibility. Clearance, side-marker, tail and projecting load-marker lamps must be so mounted as to be capable of being seen from a distance of at least five hundred (500) feet under clear atmospheric conditions during the time lamps are required to be lighted. The light from front clearance lamps must be visible to the front and that from side-marker lamps to the side, that from rear clearance and tail lamps to the rear. This Section will not be construed to apply to lamps which are obscured by another unit of a combination of vehicles.
- C. Clearance, Side-marker, Tail and Projecting Marker Lamps; Specifications. Clearance, side-marker, tail and projecting load marker lamps must be constructed and installed so as to provide an adequate and reliable warning signal.

8-6-23. Obstructed Lights Not Required. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this will not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination must be lighted as required by this Chapter.

8-6-24 Lamp Or Flag On Projecting Load.

- A. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle there must be displayed at the extreme rear end of the load, at the times specified in Section 8-6-2, a red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or lantern required under this Section will be in addition to other lamps and reflectors required upon such motor vehicle. At any other time there must be displayed at the extreme rear end of such load a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.
- B. If any part of a vehicle, or any load thereon, or any mechanical device, whether a temporary or permanent part of the vehicle, extends beyond the front bumpers thereof, the extreme front corners of such projection must at the times

specified in Section 8-6-2 be indicated by amber lights or lanterns visible from a distance of at least five hundred (500) feet to the sides and front.

8-6-25. Lamps On Parked Vehicles.

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway, no lights need be displayed upon such parked vehicle.
- B. Whenever a vehicle is parked or stopped upon a highway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped must be equipped with one (1) or more lamps meeting the following requirements: at least one (1) lamp must display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle and the same lamp or at least one (1) other lamp must display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of such lamp or lamps must always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions will not apply to a motor-driven cycle.

8-6-26. Lamps On Other Vehicles And Equipment.

- A. All vehicles, including animal-drawn vehicles and including those referred to in Section 8-6-1(C) not specifically required by the provisions of Section 8-6-1 through 8-10-38, to be equipped with lamps, must at the time specified in Section 8-6-2 be equipped with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear.
- B. Every farm tractor not equipped with an electric lighting system must at all times mentioned in Section 8-6-2 be equipped with lamps or lanterns meeting the requirements of Section 8-6-26(A) above. Every farm tractor equipped with an electric lighting system must at all times mentioned in Section 8-6-2 display a red tail lamp and either multiple-beam or single-beam head lamps meeting the requirements of Section 8-6-5, 8-6-30 and 8-6-32.
- C. All combinations of farm tractors and towed farm equipment must, in addition to the lighting equipment required by Section 8-6-26(B) above, be equipped with a lamp or lamps displaying a white or amber light visible from a distance of five hundred (500) feet to the front and red light visible from a distance of five hundred (500) feet to the rear, and such lamp or lamps must be installed or capable of being positioned so that visibility from the rear is not obstructed by the towed equipment and so as to indicate the furthestmost projection of such

towed equipment on the side of the road used by other vehicles in passing such combinations. And further, all such towed farm equipment must be equipped either with two (2) tail lamps displaying red light visible from a distance of five hundred (500) feet to the rear or two (2) red reflectors visible from a distance of fifty (50) to five hundred (500) feet to the rear when illuminated by the upper beam of head lamps, and the location of such lamps or reflectors must be such as to indicate as nearly as practicable the extreme left and right rear projections of such towed equipment on the highway.

8-6-27. Spot Lamps And Auxiliary Lamps.

- A. Spot Lamps. Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp must be so aimed and used that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred (100) feet ahead of the vehicle, provided, however, that lighted spot lamps must be turned off at least five hundred (500) feet from approaching motor vehicles.
- B. Fog Lamps. Any motor vehicle may be equipped with not to exceed two (2) fog lamps mounted on the front at a height not less than twelve (12) inches nor more than thirty (30) inches above the level surface upon which the vehicle stands and so aimed when the vehicle is not loaded that none of the high-intensity portion of the light to the left of the center of the vehicle must, at a distance of twenty-five (25) feet ahead, project higher than a level of 4 inches below the level of the center of the lamp from which it comes.
- C. Auxiliary Driving Lamp. Any motor vehicle may be equipped with not to exceed one (1) auxiliary driving lamp mounted on the front at a height not less than sixteen (16) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. Any lighted auxiliary driving lamp must be turned off at least five hundred (500) feet from approaching motor vehicles. The provisions of 8-6-26 must apply to any combination of head lamps and auxiliary driving lamp.

8-6-28. Stop Lamps, Signal Lamps And Signal Devices.

- A. Any motor vehicle may be equipped and when required under this Code must be equipped with the following signal lamps or devices:
 - (1) A stop lamp or stop lamps on the rear which must emit a red, amber or yellow light and which must be actuated upon application of the service brakes and which may, but need not be, incorporated with one (1) or more other rear lamps;
 - (2) A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which must be visible both from the front and rear.
- B. Every stop lamp must be plainly visible and understandable from a distance of one hundred (100) feet to the rear both during normal sunlight and at nighttime, and a signal lamp or lamps indicating intention to turn must be

visible and understandable during daytime and nighttime from a distance of one hundred (100) feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps must at all times be maintained in good working condition. A stop lamp or signal lamp must not project a glaring or dazzling light.

- C. All mechanical signal devices must be self-illuminated when in use at the time mentioned in Section 8-6-2.

8-6-29. Additional Lighting Equipment.

- A. Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which must emit an amber or white light without glare.
- B. Any motor vehicle may be equipped with not more than one (1) running-board courtesy lamp on each side thereof which must emit a white or amber light without glare.
- C. Any motor vehicle may be equipped with not more than two (2) back-up lamps either separately or in combination with other lamps, but any such back-up lamp must not be lighted when the motor vehicle is in forward motion.

8-6-30. Lighting Equipment On Motor-Driven Cycles. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type, but in either event must comply with the requirements and limitations as follows:

- A. Every such head lamp or head lamps on a motor-driven cycle must be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred (100) feet when the motor-driven cycle is operated at any speed less than twenty-five (25) miles per hour, and at a distance of not less than two hundred (200) feet when the motor-driven cycle is operated at a speed of twenty-five (25) or more miles per hour, and at a distance of not less than three hundred (300) feet when the motor-driven cycle is operated at a speed of thirty-five (35) or more miles per hour.
- B. In the event the motor-driven cycle is equipped with a multiple- beam head lamp or head lamps the upper beam must meet the minimum requirements set forth in Section 8-6-30(A) above.
- C. Every such lamp or lamps must be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five (25) feet ahead, must project higher than the level of the center of the lamp from which it comes.

8-6-31. Number Of Head Or Other Lamps Permitted. Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamp or spot lamps or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle must be lighted at any one (1) time when upon a highway.

8-6-32. Special Restrictions On Lamps.

- A. Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, fog lamps, auxiliary lamps, or flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower must be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.
- B. It is unlawful for a person to drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from the front. This Section will not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this Code.
- C. Flashing lights are prohibited except as provided in Section 8-6-32(D) and except on authorized emergency vehicles, school buses, snow-removal equipment, highway marking equipment, and on any vehicle as a means of indicating a right or left turn.
- D. Tow cars when standing on highways for the purpose of removing, and when actually engaged in removing, disabled vehicles may display flashing red lights. This will not be construed as permitting the use of such lights by tow cars in going to or returning from the scene where the disabled vehicles are located.

8-6-33. Brakes.

- A. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway must be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means must be effective to apply the brakes to at least two (2) wheels. If those two (2) separate means of applying the brakes are connected in any way, they must be so constructed that failure of any one (1) part of the operating mechanism must not leave the motor vehicle without brakes on at least two (2) wheels.
- B. Every motorcycle and every motor-driven cycle, when operated upon a highway, must be equipped with at least one (1) brake which may be operated by hand or foot and which is adequate to control the movement of and to stop such motorcycle or motor driven cycle.
- C. Every bus, truck, truck-tractor, trailer, semi-trailer, and pole trailer must be equipped with brakes on all wheels in contact with road surfaces, except trailers, semitrailers and pole trailers of a gross weight of less than three thousand (3,000) pounds.
- D. Brakes on House Trailers. Every house trailer of a gross weight in excess of three thousand (3,000) pounds must be equipped with brakes on at least two (2) wheels in contact with road surfaces. Every house trailer of a gross weight of three thousand (3,000) pounds or more, when operated upon a highway, must be equipped with brakes adequate to control the movement of, and to stop and to hold such vehicle.

- E. Parking Brakes. Every bus, truck, road-tractor, or truck-tractor must be equipped with parking brakes capable of locking the rear driving wheels and adequate under any condition of loading to hold, to the limit of traction of such braked wheels, such vehicle or combination of vehicles to which such motor vehicle may be attached. The operating controls of such parking brakes must be independent of the operating controls of the service brakes.

8-6-34. Brakes On Motor-Driven Cycles.

The Council is authorized to require an inspection of the brake on any motor-driven cycle and to disapprove any such brake which an authorized inspector finds will not comply with the performance ability standard set forth in Section 8-6-33(B), or which in his opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

8-6-35. Horns And Warning Devices.

- A. Every motor vehicle when operated upon a highway must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of at least two hundred (200) feet, but no horn or other warning device must be used which does not produce a monotone or simultaneous monotones. The driver of a motor vehicle must, when reasonably necessary to insure safe operation, give audible warning with his horn, but must not otherwise use such horn when upon a highway.
- B. It is unlawful for a vehicle to be equipped and a person to use upon a vehicle any siren, whistle, or bell except as otherwise permitted in this Section.
- C. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of at least five hundred (500) feet and of a type approved by the Police Department, but such device must not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which event the driver of such vehicle must sound said device when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

8-6-36. Windshields Required, Unobstructed and Equipped with Wipers.

- A. All motor vehicles operated on a public roadway must be equipped with a front windshield manufactured of safety glazing materials for use in motor vehicles, except, however, on vehicles not so equipped or where windshields are not in use, the operators of the vehicles must wear approved safety glasses, goggles, or face shields.
- B. It is unlawful for a person to drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows which obstructs the driver's clear view of the highway or any intersecting highway, with exception given to parades accompanied by police escorts and barricades.

- C. The windshield on every motor vehicle must be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device must be so constructed as to be controlled or operated by the driver of the vehicle. It is unlawful for any person to operate a motor not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.
- D. Every windshield wiper upon a motor vehicle must be maintained in good working order.

8-6-37. Mirrors.

- A. Every motor vehicle must be equipped with a mirror mounted on the left side and located so as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the vehicle.
- B. Every motor vehicle must be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and located so as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the vehicle.
- C. All mirrors required by this section must be maintained in good condition

Chapter. 7 MANDATORY SEAT BELT LAW

8-7-1. Definition. As used in this Chapter, passenger car means a motor vehicle with motive power designed to carry not more than ten (10) passengers, but does not include a motorcycle, a trailer or a vehicle constructed on a truck chassis with a gross vehicle weight of less than ten thousand (10,000) pounds.

8-7-2. Safety Belt Use Required; Exception.

- A. Except as provided in Section 8-7-2(B), each front seat occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard number 208 must have a safety belt properly fastened about his body at all times when the vehicle is in motion.
- B. This Section will not apply to an occupant of a passenger car who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt or to a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier.

8-7-3. Enforcement Programs; Penalty.

- A. Each person violating Section 8-7-2(A) will be fined an amount not less than Twenty-Five Dollars (\$25.00) or more than Fifty Dollars (\$50.00), including court costs.
- B. Failure to be secured by a child passenger restraint device or by a safety belt as required by this Chapter will not in any instance constitute fault or negligence and will not limit or apportion damages.
- C. The provisions of this Chapter must be enforced whether or not associated with the enforcement of any other statute.

8-7-4. Child Passenger Restraint; Penalty; Enforcement.

- A. It is unlawful to operate a passenger car, van or pickup truck within the reservation and not an authorized emergency vehicle, public transportation or a school bus unless each passenger under eleven (11) years of age is properly secured in a child passenger restraint device or by a safety belt, unless all seating positions equipped with safety belts are occupied, as follows:
 - (1) Children less than one (1) year of age must be properly secured in a child passenger restraint device which meets the standards prescribed in 49 C.F.R. § 571.213;
 - (2) Children one (1) year of age and older but less than five (5) years of age must be properly secured in a child passenger restraint device which meets the standards prescribed in 49 C.F.R. § 571.213 or in the rear seat by a safety belt provided in the motor vehicle in the rear seat; and
 - (3) Children five (5) years of age and older but less than eleven (11) years of age must be secured by a safety belt provided in the motor vehicle in the front or rear seat.
- B. Any person who violates this Section will be issued a citation with a fine of Fifty Dollars (\$50.00).
- C. Failure to be secured by a child passenger restraint device or by a safety belt as required by this Section will not in any instance constitute fault or negligence and will not limit or apportion damages.

Chapter 8. NORTHERN CHEYENNE TRIBAL COURT FORWARD LICENSE TO STATE MOTOR VEHICLE DIVISION OR RETAIN LICENSE

8-8-1. Court May Forward License to the Motor Vehicle Division of the Issuing State or Retain License Upon Discretion of the Court. Whenever any person is convicted of any offense for which this Code requires mandatory revocation of that person's operators or chauffeurs license, the Court will require the surrender of the operators and/or chauffeurs licenses held by the person convicted and the Court will forward the licenses to the issuing State Driver License Division or will retain such licenses, at the discretion of the Court.

8-8-2. Revocation or Suspension of Licenses by the Court.

- A. Revocation Upon Conviction of Certain Offenses. Whenever any person holding an operators or chauffeurs license is convicted on a charge of manslaughter resulting from the operation of a motor vehicle, or of driving a motor vehicle while under the influence of an intoxicating liquor or narcotic drug, or upon a charge of failing to stop and disclose his identity in an accident resulting in the death or injury of any person or damage to any property or for perjuring or making false affidavit to the Tribal Court, or for conviction of or forfeiture of bail on three (3) charges of reckless driving or speeding within any twelve (12) month period, the Court may, immediately upon such conviction, revoke such license and require such licensee to surrender his license to the Court, and the Court will endorse, in the space provided, a record of such conviction and will either forward such certificate to the issuing state's motor vehicle department or retain such certificate, at the discretion of the Court.
- B. Suspension Upon Conviction of Lesser Offenses. Whenever any person holding an operators or chauffeurs license is convicted upon the charge of reckless driving or speeding, or any misdemeanor in the commission of which a motor vehicle was used, the Court may, in its discretion, suspend the license of such person for a period not to exceed ninety (90) days upon a first conviction and a period not to exceed six (6) months upon a second conviction and for a period not to exceed one (1) year upon a third conviction unless all three (3) convictions have happened within twelve (12) months as provided above; provided that any suspension of a license under this Code will not be for a period in excess of one (1) year.
- C. Revocation or Suspension After Hearing for Incompetence or Habitual Reckless Driving. Whenever the Court has reason to believe that any licensed operator or chauffeur is or has become incompetent, rendering it unsafe for him to drive a motor vehicle upon the public highways, or has reason to believe that any licensed operator or chauffeur has become a habitually reckless driver, the Court may require such people to appear before him, or his duly authorized representative, for examination, and upon good cause appearing to the Court or his duly authorized representative, the Court will revoke such license or suspend such license for such period as the Court will prescribe.
- D. Nonresidents; Right to Drive Within the Reservation. The Court is authorized to suspend or revoke the right of any non-resident to operate a motor vehicle within the reservation for any cause for which the license of a resident operator or chauffeur may be suspended or revoked.
- E. Recommendation to State Upon Conviction of a Resident in Another State or Conviction of Nonresident of a Traffic Offense of the Tribe. The Court is authorized to recommend to the Motor Vehicle Department, Helena, Montana, or appropriate state motor vehicle division, the suspension or revocation of the Montana license of any resident of the Tribe upon receiving notice of the conviction of such person in another state of an offense therein which, if committed within the reservation, would be grounds for the suspension or

revocation of the license of such operator or chauffeur. The Court is further authorized upon receiving a record of the conviction in Court of a nonresident driver of any offense of the Traffic Code of the Tribe to forward a certified copy of such record to the Motor Vehicle Administrator, of the issuing state's motor vehicle division, or other appropriate officer, of the state or other state where such person is a resident.

- F. Suspension Period. No license can be suspended for a period of more than one (1) year, except as otherwise provided herein.
 - G. Suspension of Operators License; Return to Licensee After Endorsement on License. Whenever the Court suspends an operators license as in this Section provided, the Court will require such license certificate to be produced and surrendered to the Court, and the Court will retain such license certificate during the period of suspension, returning the same to the owner at the end of such period, only, however, after a record of such suspension has been endorsed thereon by the Court as in this Code provided.
 - H. Suspension of Chauffeurs License; Return to Licensee After Endorsement on License. Whenever the Court suspends a chauffeurs license as in this Section provided, the Court will require such license certificate, to be produced and surrendered to the Court, and the Court will retain such license certificate during the period of suspension, returning both license certificate and badge to the owner at the end of such period, only, however, after a record of suspension has been endorsed upon the license certificate by the Court as in this Code provided.
- 8-8-3. Violation of License Provisions. It will be unlawful for any persons to commit any of the following acts:
- A. To display, or cause or permit to be displayed or to have in his possession, any operators or chauffeurs license or badge knowing the same to be fictitious or to have been suspended, revoked or altered;
 - B. To lend to another or knowingly permit another to use an operators or chauffeurs license or badge issued to the person so lending or permitting the use thereof;
 - C. To display or to represent as one's own any operators or chauffeurs license or badge not issued to the person so displaying same;
 - D. To refuse to surrender to the Court, upon demand, any operators or chauffeurs license or badge which has been revoked or suspended as provided by law;
 - E. To use a false or fictitious name or to give a false or fictitious address in any application for an operators or chauffeurs license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise knowingly to commit a fraud or misrepresentation in any such application.

8-8-4. Unlawful To Permit Unlicensed Person To Drive Motor Vehicle. It is unlawful for a person to cause or knowingly permit his motor vehicle or one under his control to be driven on a highway by anyone who does not have a license to do so.

8-8-5. Unlawful To Employ Unlicensed Chauffeur. It is unlawful for a person to knowingly employ any chauffeur to operate a motor vehicle upon the highways who is not licensed under this Code.

8-8-6. Unlawful To Permit Violation Of Code. It is unlawful for a person to knowingly authorize, require or permit a motor vehicle or one under his control to be driven by any person in violation of any of the provisions of this Traffic Code.

8-8-7. Unlawful To Drive While License Suspended Or Revoked. It is unlawful for a person whose operators or chauffeurs license has been suspended or revoked as provided in this Code, to drive a motor vehicle upon the highways of the Tribe.

- A. Unless another penalty is by this Code or other ordinances of the reservation provided, every person convicted of a misdemeanor for the violation of any provisions of this Code will be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by confinement for not more than six (6) months, or by both such fine and confinement.
- B. It will be a Class B Offense for any person to violate any of the provisions of this section.

8-8-8. Application Of This Chapter. Until such time as the Tribal Council adopts a procedure for the Tribe to issue operators and chauffeurs licenses, references to licenses will mean licenses issued by the State of Montana and any other state motor vehicle division.