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RESOLUTION NO. 489-10


- WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and
- WHEREAS, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, §§ 1[c] and 1[o], is authorized to promote and protect the health, education and general welfare of the members of the Tribe; to manage, protect and preserve the property of the Tribe and to safeguard and promote the peace, safety, morals, and physical and general welfare of the Tribe; and
- WHEREAS, the Standing Rock Sioux Tribal Judicial Committee shall have the duty and responsibility to propose ordinances to govern the conduct of Indians on the Reservation, and the maintenance of law and order and the administration of justice by the courts on the Reservation and to define their duties and powers pursuant to the Standing Rock Code of Justice §§ 19-205[c][5] and [6]; and
- WHEREAS, on July 12, 2010 the Judicial Committee caused amendments to Title XI, Highways, Chapter 2 "Occupant Safety," to be posted for a 10-day period; and
- WHEREAS, the Tribe did not receive comments from the public on said amendments; and
- WHEREAS, the Judicial Committee at a duly called meeting on August 2, 2010, duly moved and seconded and passed a motion to recommend to the Standing Rock Sioux Tribal Council to adopt the proposed amendments;
- NOW THEREFORE BE IT RESOLVED, that the aforementioned amendments to the Standing Rock Sioux Code of Justice Title XI, Highways, Chapter 2, "Occupant Safety" be and hereby are approved;
- BE IT FURTHER RESOLVED, that the Chairman and secretary of the Tribal Council are hereby authorized and instructed to sign this resolution on behalf of the Standing Rock Sioux Tribe.

CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of [17] member, of whom 12, constituting a quorum, were present at a meeting duly and regularly, called, noticed, convened and held on the 03rd day of AUGUST, 2010, and that the foregoing resolution was duly adopted by the affirmative vote of 10 members, with 0 and with 2 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.**

DATED THIS 03rd DAY OF AUGUST, 2010.

ATTEST:


Adele M. White, Secretary
Standing Rock Sioux Tribe


Charles W. Murphy, Chairman
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

Meeting Date: 08-03-2010
Motion No.: 102

RESOLUTION NO. 039-03

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Article 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribe, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[c], and 1[o] is authorized to promote and protect the health, education and general welfare of the members of the Tribe; to manage, protect and preserve the property of the Tribe and to safeguard and promote the peace, safety, morals, physical and general welfare of the Tribe; and

WHEREAS, the Standing Rock Sioux Tribe Judicial Committee shall have the duty and responsibility to propose ordinances to govern the conduct of Indians on the Reservation, and the maintenance of law and order and the administration of justice by the courts on the Reservation and defining their duties and powers pursuant to the Standing Rock Sioux Tribe Code of Justice Section 19-205 [c] [5] and [6]; and

WHEREAS, the Judicial Committee has posted the amendments to TITLE XI, Section 11-129, DRIVING WITHOUT LIABILITY INSURANCE, and have received comments, and has reviewed the proposed amendments in light of the comments; and

WHEREAS, the Judicial Committee at a duly called Special Meeting on February 3, 2003, duly moved seconded and passed a motion to recommend to the Standing Rock Sioux Tribal Council to adopt the proposed amendments;

NOW THEREFORE BE IT RESOLVED, the pursuant to the power vested in the Standing Rock Sioux Tribal Council under the Constitution of the Standing Rock Sioux Tribe, the foregoing amendments to TITLE XI, Section 11-129, DRIVING WITHOUT LIABILITY INSURANCE, be and the same is hereby approved.


CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council, are hereby certify that the Tribal Council is composed of [17] members, of whom 13, constituting a quorum, were present at a meeting thereof, duly and regularly, called, noticed, convened and held on 14th day of FEBRUARY, 2003, and that the foregoing resolution was duly adopted by the affirmative vote of 10 members, with 2 opposing, and with 1 not voting. THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.

DATED THIS 14th DAY OF FEBRUARY, 2003:


Charles W. Murphy, Chairman
Standing Rock Sioux Tribe

ATTEST:


Sharon Two Bears, Secretary
Standing Rock Sioux Tribe

[Official Tribal Seal]

TITLE XI. HIGHWAYS

Chapter 1. Highways

11-101. Driving Without a License

No person shall drive a motor vehicle on the public highways without a valid drivers license. Any person violating this section shall be sentenced to a fine not to exceed \$150.00 and/or imprisonment not to exceed thirty (30) days.

11-102. Permitting an Unauthorized Minor to Drive

(a) No person shall permit a child or ward to drive a motor vehicle on the public highways, unless such minor is licensed to drive.

(b) Any person convicted of violating this section shall be sentenced to a fine not to exceed \$100.00, with costs.

11-103. Driving Without Required Registration or with Vehicle in Unsafe Condition

No person shall operate a motor vehicle on the roadways within the Reservation unless such vehicle is in safe condition and is in compliance with the registration laws of any state or tribe.

11-104. Starting, Turning and Stopping Without Regard to Safety

(a) No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

(b) No person shall turn a vehicle at an intersection unless the vehicle is in such position on the highway that such movement can be made with reasonable safety and a signal of intention to turn right or left, when required, has been given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear where there is opportunity to give such signal.

(d) The signals herein required shall be given either by means of the standard hand and arm signals or by mechanical or electrical signal device.

(e) Every driver of a vehicle approaching an intersection with a stop sign, or a flashing red light, shall stop on the near side of the intersection, or railroad grade crossing, at the point where he has a view of approaching traffic and shall not proceed until the intersection is clear.

(f) No vehicle shall at any time be driven through, over, or within a safety zone.

11-105. Speeding

(a) Every person operating or driving a vehicle of any character on a highway shall drive in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, condition of surface, freedom from obstruction to view ahead and the rights of any other person entitled to use the street or highway.

(b) Where no special hazard exists that requires lower speed for compliance with paragraph (a), any speed not in excess of the limits specified in this section shall be lawful, but it is illegal for any person to drive at any speed in excess of the limits specified in this section:

(1) Twenty-five (25) miles per hour in any urban district unless a different speed limit is posted;

(2) Twenty (20) miles per hour when passing a school during recess or when children are coming to or from school during opening or closing hours;

(3) Twenty (20) miles per hour when approaching within 50 feet of a railroad grade crossing or highway intersection or when the driver's view is obstructed within a distance of 100 feet;

(4) At a speed that is unsafe, or at a speed exceeding the speed limit prescribed by the law of the State in which the vehicle is traveling.

(c) The speed limitations set forth above shall not apply to vehicles when operated with due regard for safety under the direction of the policy in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire departments when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

(d) Any person who drives in excess of the maximum speed as provided in this section, or at a speed greater than is reasonable and proper under the conditions then existing is guilty of speeding and upon conviction thereof, shall be sentenced to a fine not to exceed \$2.00 per mile for each mile over the speed limit.

11-106. Reckless or Careless Driving

(a) Any person who drives a vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another is guilty of reckless driving.

(b) Any person who drives any vehicle upon a highway carelessly in disregard of the rights or safety of others, or without due caution and circumspection and at a

speed or in a manner so as to be likely to endanger any person or property shall be guilty of careless driving.

(c) Every person convicted of reckless or careless driving shall be punished by imprisonment for a period of not more than 30 days or to a fine not to exceed \$250.00, or to both such imprisonment and fine, with costs, and may be deprived of the right to operate a motor vehicle for a period of not to exceed one year.

11-107. Driving a Motor Vehicle While Under the Influence of Intoxicating Liquors or Drugs.

(a) It is unlawful and punishable for any person who is under the influence of intoxicating liquors, under the influence of any drug, or under the combined influence of alcohol and any drug, to a degree which renders him/her incapable of safely driving a motor vehicle to operate or be in actual physical control of any motor vehicle upon a highway or upon public or private areas to which the public accesses for vehicular use within the Reservation.

(b) In any criminal prosecution for a violation of paragraph (a) of this section. relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

(1) If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

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

(3) If there was at that time 0.10 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(4) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood.

(5) In addition to the results of chemical analysis as set forth in paragraph (b), other competent evidence may be introduced on the question of whether the defendant was under the influence of intoxicating liquor.

(6) Every person convicted of a first offense within five years shall be subject to imprisonment of not less than 96 hours must be served consecutively nor more than ninety days, a fine of not less than \$100.00 nor more than \$150.00, or both imprisonment and fine, ordered to undergo an evaluation for addiction to alcohol or other drugs by an appropriate addiction program, ordered to complete an

appropriate course consisting of a class or classes relating to Driving While Under The Influence, and be deprived of the right to operate a motor vehicle within the Reservation for a period of thirty days.

(7) Every person convicted of a second offense within a five year period shall be subject to imprisonment of not less than thirty days nor more than ninety days, a fine of not less than \$250.00 nor more than \$500.00 or both imprisonment and fine, ordered to undergo an evaluation for addiction to alcohol or drugs by an appropriate addiction program, and be deprived of the right to operate a motor vehicle within the Reservation for a period of one hundred and eighty days.

(8) Every person convicted of a third or subsequent offense within five years shall be subject to imprisonment of not less than ninety days nor more than six months, a fine of not less than \$350.00 nor more than \$500.00 or both imprisonment and fine, ordered to undergo an evaluation for addiction to alcohol or drugs by an appropriate addiction program, and be deprived of the right to operate a motor vehicle within the Reservation for a period of one year.

(9) A sentence imposed pursuant to Subparts 7, 8 or 9 of Subsection (b) may not be suspended. Failure to pay a fine imposed under this section within the time period ordered by the court shall result in the revocation of the suspension of any suspended imprisonment imposed as a part of the sentence.

(10) The five year period for the consideration of prior convictions under this section for the purpose of sentencing shall be dated from its effective date.

11-107.1 Chemical Blood, Breath, or Urine Tests

(a) Any person who operates a motor vehicle upon the highways, roads, or private areas to which the public accesses for vehicular use within the Reservation shall be deemed to have given consent subject to the provisions of this section, to a chemical test of his/ her blood, breath, or urine for the purpose of determining the alcoholic content of his/ her blood. This test shall be administered at the direction of an arresting police officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the highways, roads, or private areas to which the public has a right of access for vehicular use within the Reservation while under the influence of intoxicating liquor. The arresting officer may designate which one of the aforesaid tests shall be administered.

(b) Any person who is unconscious or who is otherwise in a condition rendering him/her incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this section.

(c) If the test if given is a blood test, only a physician or registered nurse acting at the request of a police officer may administer the test, neither shall incur any civil or criminal liability as a result of his/her assistance.

(d) If the test to be given is a chemical test of urine, the person tested shall be given such privacy in the taking of urine specimen as will ensure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

(e) Upon the request of the person tested, full information concerning the test taken at the direction of the police officer shall be made available to such person or his/her counsel.

(f) The person tested may, at his own expense, have a physician or registered nurse of his/her own choosing administer a test, in addition to any administered at the direction of a police officer, for the purpose of determining the amount of alcohol in his/her blood at the time alleged as shown by chemical analysis of his/her blood, breath or urine.

(g) If a person under arrest refuses upon the request of a police officer to submit to a chemical test designated by the arresting officer as provided in paragraph (a) of this section, none shall be given, but the officer shall submit a sworn report that he/she had reasonable grounds to believe the arrested person had been driving or was in actual control of motor vehicle upon the highways, roads, or private areas to which the public has a right of access for vehicular use within the Reservation while under the influence of intoxicating liquor or drugs, and that the person had refused to submit to the test on the request of the police officer. Upon receipt of the report, the Court shall suspend the arrested person right to drive for ninety (90) days.

(h) Upon suspension of the right to drive, the Court shall issue, on behalf of the Court, a temporary driving permit, which is valid for ten (10) days after issuance or until an appeal to the Court under Subpart (l) is heard.

(i) All suspensions under Subsection (g) are subject to appeal to the Court. The issues on appeal shall be limited to whether the arresting officer had reasonable grounds to believe that the person had been driving or was in actual physical control of a motor vehicle upon the highways, roads, or private areas to which the public had access for vehicular use within the Reservation while under the influence of intoxication liquor or drugs, whether the person was placed under arrest, and whether the person refused to submit to the test. All hearings of appeals under this subsection shall be set for hearing within the effective period of any temporary driving permit issued under Subsection (h) provided that the appeal is with the Court within five (5) days of the issuance of the permit. All such permit shall bear a notice informing the person to whom it issued of his/her rights under this subsection.

11-107.2 Admissibility of Evidence

(a) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, evidence of the amount of alcohol in the persons blood at the time of the act alleged as shown by a chemical analysis of his /her blood, breath, or urine is admissible.

(b) If the person under arrest refused to submit to the test as hereinabove provided, proof of refusal shall be admissible in any criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical

control of motor vehicle upon the highways, roads, or private areas to which the public has a right of access for vehicular use within the Reservation while under the influence of intoxicating liquor or drugs.

(c) The provisions of this section do not limit the introduction of any competent evidence bearing on the question of whether the person was under the influence of intoxication liquor or drugs.

11-108. Failure to Drive on Right Side of Roadway

(a) Upon all highways of sufficient width, the driver of a vehicle shall drive upon the right half of the highway, except (1) when overtaking and passing another vehicle proceeding in the same direction, or (2) when the right half of the roadway is closed to traffic while under construction or repair or signposted for one-way traffic or other conditions.

(b) No person shall at any time drive a vehicle to the left side of the road way (1) when approaching the crest of a grade or upon a curve in the highway where the driver's view of the highway is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction, or (2) when approaching within 100 feet of or traversing any intersection or railroad grade crossing, or (3) when the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

11-109. Following too Closely

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

11-110. Overtaking a Vehicle without Regard for Safety

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass it at a safe distance to the left, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(c) No person shall drive a vehicle to the left side of the center line of a highway in overtaking another vehicle unless such left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead to permit such overtaking to be made in safety. No driver shall over take another vehicle in a NO PASSING zone.

11-111. Failure to Stop for School Bus Flashing Lights

(a) Every driver shall stop before reaching a school bus receiving or discharging school children, when flashing lights are in operation, and shall not proceed until the school bus resumes motion, or signaled by the driver to proceed.

(b) Any driver failing to stop and wait at such signal commits an offense and upon conviction thereof shall be sentenced to a fine not to exceed \$150.00, with costs.

11-112. Failure to Give Right of Way

(a) The driver of a vehicle about to enter or cross a highway from a private drive or road shall yield the right of way to all vehicles approaching on the highway.

(b) When two vehicles from different highways enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

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

(d) The driver of a vehicle approaching, but not having entered, an intersection, shall yield the right of way to a vehicle already within such intersection and making a left turn, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn.

(e) Upon the immediate approach of an authorized emergency vehicle making use of audible or flashing light signals, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position as close as possible to the right hand edge of the road and stop until the emergency vehicle has passed. This provision shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(f) The driver of any vehicle upon a highway within a business or residence district shall yield the right of way to a pedestrian crossing at any marked or unmarked crosswalk at an intersection.

11-113. Stopping, Standing or Parking on Highway

(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or unpaved or main traveled portion of any highway outside of a business or residence district when it is practicable to park or leave such vehicle standing off of the paved or unpaved or main traveled portion of such highway; but in every event an unobstructed width of highway opposite the standing vehicle shall be left free for the passage of other vehicles and the vehicle must be clearly visible for a distance of 500 feet to the drivers of vehicles approaching from either direction.

(b) Whenever any duly authorized law officer finds a vehicle standing upon a highway in violation of this provision, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to the nearest place of safety.

(c) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, effectively setting the brake, and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

11-114. Coasting

No driver of a motor vehicle when traveling upon a down grade shall coast with the gears of the vehicle in neutral or with the clutch manually disengaged.

11-115. Obstruction to Driver's View or Driving Mechanism

(a) No person shall drive a 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 so as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall 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.

11-116. Riding on Fenders, Bumpers, or Running Boards

No driver shall permit passengers to ride on the fenders, bumpers, or running boards, nor shall any passenger ride on the fenders, bumpers, or running boards of a vehicle.

11-117. Pedestrians on Roadways without Regard for Safety

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

(b) Where sidewalks are provided, it is unlawful for any pedestrian to walk along or upon an adjacent roadway. Where sidewalks are not provided, a pedestrian walking along a highway shall, when practical, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(c) No person shall, stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

(d) No person shall walk upon or along the highway while under the influence of intoxicating liquor.

11-118. Garbage, Glass, etc., on Highways

(a) No person shall throw or deposit upon the highway any glass bottle, glass, nails, tacks, wire, cans, rubbish, or any other thing likely to injure any person, animal or vehicle.

(b) Any person who drops or permits to be dropped or thrown, upon any highway, any

destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from the highway shall remove any glass or injurious substance dropped upon the high way from such vehicle.

11-119. Emergency Medical Assistance

Any person who in good faith shall administer emergency care at or near the scene of a motor vehicle accident to the victims of the accident shall not be held liable for any damages resulting from the rendering of that care, provided that a physician rendering such care shall at the least render such emergency care as in his judgment is indicated at the time. The provisions of this section shall not apply to injuries or death resulting from intoxication, willful misconduct or gross negligence of the person rendering the care, nor in instances where the emergency care was provided with the expectation of remuneration.

11-120. Driving in Violation of an Order of the Court

(a) Any person whose right to operate a motor vehicle has been suspended by the Court and who within the period fixed by the Court's order drives or attempts to drive a motor vehicle upon a public high way is guilty of an offense.

(b) An occupational permit may be issued by the Court on such conditions as the Court may impose to any person whose right to operate a motor vehicle has been suspended.

(c) Every person who is convicted of driving in violation of an order of the Court shall be punished by imprisonment for a period of not more than six months or a fine not to exceed \$300, or to both such imprisonment and fine, with costs, and within the discretion of the Court may be further deprived of the right to operate a motor vehicle for an additional period of one year.

11-121. Duties in the Event of Accident

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall give his name, address, and the registration number of the vehicle he is driving and shall upon request, and if available, exhibit his driver's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including hospital or medical attention.

(b) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall 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 shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

(c) The driver of any vehicle involved in any 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 the accident, and of his name and address, and of the registration number of the vehicle he is driving, and shall upon request and if available exhibit his operator's or chauffeur's license.

(d) The driver of any vehicle involved in an accident resulting in injury to or death of any person or property damage to another or others to an apparent extent of \$50.00 or more shall as soon as practicable there after, give notice of such accident to a police officer.

(e) Every person convicted of a violation of this section shall be punished by a fine of not more than \$150.00, with costs.

11-122. Law Officers to Report Accidents

Every Reservation law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses shall, within 24 hours after completing such investigation, forward a written report of such accident to the Chief of Police.

11-123. Unlawful Use or Tampering of a Motor Vehicle

Any person who shall tamper with the motor vehicle of another, with intent to injure the same or cause inconvenience to the owner thereof, or who shall take and operate the motor vehicle of another without the consent of the owner or person lawfully in charge thereof, under such circumstances as not to constitute larceny, shall be guilty of an offense and upon conviction thereof, shall be punished by imprisonment for a period of not more than 30 days or to a fine not to exceed \$250.00, or to both such imprisonment and fine, with costs.

11-124 Open Container in a Motor Vehicle

A person may not drink or consume alcoholic beverages in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not have in that person's possession on that person's person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. However, it is lawful to keep any open container in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment must be deemed to be within the area occupied by the driver and passengers.

11-125. Traffic Violations Procedures

(a) Any person cited for violations of any provision of this Title, other than Sections 11-101, 11-103, 11-106, 11-107, 11-120, 11-121, or 11-123, shall elect among the

following alternative options:

(1) Prior to the date scheduled for hearing on the citation, he may pay a fine in the amount provided in Section 11-124(d) either in person or by mail, which fine shall be specifically noted on the citation; or

(2) The person shall appear for a hearing in Court at the time scheduled on the citation. At that appearance, he may either:

(A) make a statement in explanation of his action, and the Judge may at that time, in his discretion, impose, waive, increase, reduce, or suspend the statutory fine provided in Section 11-124(d); or

(B) request a hearing on the violation charged.

(b) If the person cited follows the procedures in Sections 11-124(a)(1) or 11-124(a)(2)(A), he shall be deemed to have admitted the violation and to have waived his right to hearing on the issue of commission of the violation.

(c) If a person fails to choose one of the methods of proceeding set forth in Section 11-124(a), he shall be deemed to have admitted commission of the violation charged. Failure to appear at the time designated, without first paying the fine provided in Subsection (d), shall be punishable as disobedience to a lawful order of Court, and shall also be deemed to admit commission of the violation charged.

(d) The following fines shall be assessed for the following offenses for any person electing to pay the fine in advance of the hearing. A person so electing need not attend the hearing scheduled on the citation. Each citation shall clearly and plainly advise the person of this option, and of the fine to be paid for the offense charged:

(1) For a non-moving violation as defined in Sections 11-113, 11-114, 11-115, and 11-117-a fine in the amount of twenty-five dollars.

(2) For a moving violation as defined in Sections 11-104, 11-110, 11-111, 11-112, and 11-116-a fine in the amount of fifty dollars.

(3) For a violation of Sections 11-102, 11-108, 11-109, or 11-118 a fine in the amount of seventy five dollars.

(4) For a speeding violation, \$15 for the first offense, \$30 for a second offense within one year of the first offense, and \$75 for each additional offense within one year of the first.

(e) A person cited for a violation of Sections 11-101, 11-103, 11-106, 11-107, 11-120, 11-121, or 11-123 shall appear for a hearing in Court at the time scheduled on the citation. Failure to appear at the time designated shall be punishable as disobedience to a lawful order of Court, and shall also be deemed to admit commission of the violation charged.

11-126. Notification of Parents or Guardians of Juvenile Traffic Offenders

The juvenile officer shall notify the parent or guardian of any juvenile scheduled to appear before the Court on a traffic offense of the charge as contained in the citation,

the penalty attached to the offense, and the time and place of any court hearing on the matter.

11-127. Penalties not otherwise prescribed.

Any person who is convicted of an offense enumerated in this Title, for which another penalty is not specifically provided, shall be punished as follows; (1) for a violation involving a moving vehicle, to a fine of not more than \$100.00, with costs; (2) for a violation not involving a moving vehicle, to a fine of not more than \$75.00, with costs.

11-128. Statute of Limitations

No prosecution shall be maintained under this Title unless the action shall have been commenced within three (3) months after the commission of the offense.

11-129. Driving without Liability Insurance

No person may drive or knowingly permit another to drive a motor vehicle without a valid policy of liability insurance in effect in order to respond to damages or liability arising out of the ownership, maintenance, or use of that motor vehicle. The liability insurance must be, at a minimum, for the amount of \$25,000.00 because of bodily injury to or death of one person in anyone accident and subject to that limit for other person, \$50,000.00 because of bodily injury or death of two or more persons in anyone accident and \$25,000.00 because of injury to or destruction of property of others in any one accident. Driving without liability insurance is a class A misdemeanor.

**Chapter 2
Occupant Safety**

11-201. Definitions

For the purposes of this chapter:

- (a) "Child" means a passenger in a motor vehicle under the age of 16
- (b) "Child restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.
- (c) "Motor vehicle" means a passenger car, light truck, sport utility vehicle, truck, or passenger van designed to transport 10 or fewer passengers, including the driver.

- (d) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.

11-202. Child Restraint Systems

(a) If a child is an occupant in a motor vehicle, the motor vehicle must be equipped with one child restraint system (car seat or booster seat) for each such child unless the child is over 56 inches tall (4 feet, 8 inches) and weighs over 80 pounds.

(b) While the motor vehicle is in motion:

1. Each child below the height and weight limits in section (a) must be properly secured in a child restraint system in accordance with the manufacturer's instructions, except that
2. A child weighing more than 40 pounds may be restrained by a safety belt.
3. All children regardless of height and weight must either be secured in a child restraint system or a safety belt.

(c) Exceptions:

1. Use of child restraint systems and safety belts is not required in motor vehicles that were not equipped with safety belts when manufactured.
2. If a child is being transported in an emergency, use of safety belts and child restraint systems is strongly encouraged but not required.

11-203. Penalty for Failure to Properly Secure Children

Any driver who operates a motor vehicle on a public highway and who fails to properly secure child passengers in accordance with this chapter shall be subject to a civil penalty of \$75.00 for each child not secured. After three occurrences, the Court may increase the penalty up to \$100.00.

11-204. Child Restraint System Guidelines

(a) **Infant Seats.** Infants must ride in rear-facing car seats until they are at least 1 year old and weigh at least 20 pounds.

(b) **Toddler Seats.** Children who weigh between 20 and 40 pounds and are over 1 year of age must ride in a forward-facing car seat with a harness.

- (c) **Booster Seats.** Children who weigh between 40 and 80 pounds and are less than 4'9" tall must use a booster seat with a lap and shoulder belt.
- (d) **Safety Belts.** Children who weigh more than 80 pounds and are more than 4'9" tall must use a lap and shoulder safety belt.

11-205. Safety Belts

- (a) A person may not operate nor ride as a passenger in a motor vehicle on a public highway without wearing a properly secured and adjusted safety belt.
- (b) **Exceptions.** This section does not apply to:
 - 1. Motor vehicle which were not manufactured with safety belts;
 - 2. Children covered under sections 11-202 through 11-204
 - 3. Operators of implements of husbandry or farm vehicles;
 - 4. Rural mail carriers while on duty delivering mail;
 - 5. Occupants with medical conditions or disabilities that physically prevent them from wearing a safety belts, provided that a qualified physician states in a signed writing the nature of the condition and the reason use of a safety belt is inappropriate;
 - 6. Occupants who cannot wear a safety belt because all other safety belts are in use by other occupants.
- (c) A violation of this section does not constitute negligence per se or contributory negligence, and is not admissible as evidence in a civil action.

11-206. Penalty for Failure to Use Safety Belt

Any individual age 16 years or older who operates a motor vehicle on any public highway without wearing a safety belt, or who rides as a passenger in a motor vehicle on any public highway without wearing a safety belt shall be subject to a civil penalty of up to \$100.00.

11-207. Primary Enforcement

- (a) Law Enforcement agencies shall enforce this chapter as a primary law, and so may stop a motor vehicle for a violation of this chapter, provided, however that no vehicle, driver, or occupant in a vehicle may be searched solely because of a violation of this chapter or a stop made under this chapter.