WAGANAKISING ODAWAK STATUTE 2010-011

CIVIL TRAFFIC

SECTION I. SHORT TITLE

This Statute may be cited as the "Civil Traffic Statute", and repeals and replaces any prior law, Statute or resolution.

SECTION II. PURPOSE

The purpose of this Statute is to establish a Civil Traffic Statute.

SECTION III. CREATION AND AUTHORITY

The Tribal Council of the Little Traverse Bay Bands of Odawa Indians creates the Tribal Police Department as an Executive Department to protect the peace and safety of the Tribe and its Tribal Citizens and has the full authority to enforce all Sections within this Statute.

SECTION IV. DEFINITIONS

Terms used in this Statute shall have the meaning given to them in this Statute except where otherwise defined, and unless the context clearly indicates otherwise:

A. "Alcoholic beverage" means any spirituous, vinous, malt or fermented liquor, liquors and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half of one percent (½ of 1%) or more alcohol by volume, which are fit for use for beverage purposes.

B. "Authorized emergency vehicle" means fire, police, or ambulance of the Tribe or of any other foreign jurisdiction including federal, state or local governments including private ambulatory services.

C. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter.

D. "Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but does not include motor homes.

E. "Cancel" in all its forms, means invalidation indefinitely.

F. "Center line" means the line, marked or unmarked, parallel to and equal distance from the sides of a two-way traffic road except where otherwise indicated by painted lines or markers.

G. "Center of intersection" means the point of intersection of the center lines of intersecting public roads.

H. "Combination of vehicles" means every combination of motor vehicle and motor vehicle, motor vehicle and trailer or motor vehicle and semitrailer.

I. "Commercial vehicle" means any vehicle whose principal use is transporting commodities, merchandise, produce, freight, animals, or passengers for hire.

J. "Crosswalk" means the portion of the roadway between the intersection area and a line ten feet from the intersection, unless modified by a marked crosswalk.

K. "Department" means the Little Traverse Bay Bands of Odawa Indians Law Enforcement Department.

L. "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustible units or other ingredients such that an ignition by fire, friction, concussion, percussion or detonation of any part of the compound mixture may generate

such highly heated gases that the resultant pressures are capable of damaging nearby objects or of destroying life or limb.

M. "Farm tractor/Farm Vehicle" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor and is only incidentally operated on or moved along public roads for the purpose of going from one farm to another.

N. "Farming" means the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm incident to or in conjunction with farming operations.

O. "Flammable liquid" means any liquid which has a flash point of 70° Fahrenheit, or less.

P. "For hire vehicle" means any motor vehicle used for the transportation of persons for compensation, except auto stages and ride-sharing vehicles.

Q. "Foreign Government" includes state, county, municipal, or other local public board or body having authority to adopt police or public safety regulations.

R. "Governmental transit vehicle" includes every motor vehicle which is owned or operated by the Tribe or a foreign government that provides public transportation for the purpose of carrying passengers and incidental baggage and freight on a regular schedule.

S. "Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly seen from five hundred feet.

T. "Intersection area" means the area included within the area in which vehicles traveling upon different roads joining at any angle may come in conflict. The junction of an alley with a street or road is not an intersection.

U. "Intersection control area" means intersection area, together with any modification of the adjacent roadway area resulting from the arc of curb corners and any marked or unmarked crosswalks adjacent to the intersection.

V. "Lane road" means a road divided into clearly marked lanes for vehicular traffic.

W. "Law Enforcement Officer/ Officer" means Little Traverse Bay Bands of Odawa Indians Tribal Law Enforcement Officer or an Officer from a foreign government who is authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

X. "Legal owner" means a person having a security interest in a vehicle according to applicable Tribal, state or federal laws, or the registered owner of a vehicle without a security interest or the lessor of a vehicle without a security interest.

Y. "Marked crosswalk" means any portion of a roadway identified for pedestrian crossing by lines or other markings.

Z. "Mobile home, manufactured home" means a structure, designed and constructed to be transportable in one or more sections, built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including plumbing, heating, and electrical systems. Manufactured home does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition even if it is no longer transportable.

AA. "Moped" means a motorized device designed to travel with not more than three sixteen-inch or larger diameter wheels in contact with the ground, having fully operative pedals, and a motor that is capable of propelling the device at not more than thirty miles per hour on level ground. Any other vehicle properly licensed by an authorized state or federal authority may also be considered a moped.

BB. "Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for lodging and cooking or sewage disposal, and

is enclosed within a solid body shell with the vehicle. A camper or like unit constructed separately and attached to a motor vehicle is not a motor home.

CC. "Motor vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including an automobile, motor truck, motor home, motorcycle, or any other self-propelled except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except for the purpose of titling and registration of a mobile home.

DD. "Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar. Farm tractors and mopeds are excluded. Or any motor vehicle authorized by a foreign government that is approved of and defined as a "motorcycle".

EE. "Muffler" means a device consisting of a series of chambers, or other mechanical designs which receives exhaust gas from an internal combustion engine and is effective in reducing noise.

FF. "Multiple lane road" means any road wide enough to reasonably accommodate two or more separate lanes of traffic in the same direction, each lane not less than the maximum legal vehicle width, whether or not the lanes are marked.

GG. "Operator or Driver" means every person who drives or is in actual physical control of a vehicle.

HH. "Owner" means a person who has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle is subject to a security interest. It means registered owner where the reference to owner may be construed as either to registered or legal owner.

II. "Park or Parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

JJ. "Passenger car" means every motor vehicle, except motorcycles, designed for carrying ten passengers or less and used for the transportation of persons.

KK. "Pedestrian" means any person who is afoot or who is using a wheelchair or a means of conveyance propelled by human power other than a bicycle.

LL. "Person" includes every natural person, firm, co-partnership, corporation, association, or organization.

MM. "Pneumatic tires" includes every tire of rubber or other resilient material designed to be inflated with compressed air to support the load.

NN. "Pole trailer" means every vehicle without power, designed to be attached to a towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads capable of sustaining themselves as beams between the supporting connections.

OO. "Private carrier bus" means every motor vehicle having a seating capacity for eleven or more people, used regularly to transport people for any organized agricultural, religious or charitable purpose. This term does not include buses operated by common carriers.

PP. "Private road or driveway" includes every place in private ownership used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons.

QQ. "Registered owner" means the person whose lawful right of possession of a vehicle has most recently been recorded with a licensing department.

RR. "Rental car" means a passenger car that is used solely by a rental car business for rental to others, without a driver provided by the rental car business, for periods of not more than thirty consecutive days. A "Rental car" does not include vehicles rented or loaned to customers by automotive repair businesses while the customer's vehicle is under repair; or vehicles licensed and operated as taxicabs.

SS. "Rental car business" means a person engaging in the business of renting rental cars.

TT. "Residence district" means the area next to and including a public road not comprising a business district, when the property on the public road for a continuous distance of three hundred feet or more on either side is mostly improved with residences or residences and buildings in use for business.

UU. "Revoke" in all its forms, means the invalidation for a period of one calendar year and thereafter until reissued.

VV. "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to be in danger of a collision unless one gives way to the other.

WW. "Road" means the entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for vehicular travel.

XX. "Roadway" means that portion of a road improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though the sidewalk or shoulder is used by persons riding bicycles.

YY. "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 marked or indicated by painted marks, signs, buttons, standards, or otherwise.

ZZ. "School bus" means every motor vehicle used regularly to transport children to and from school or in connection with school activities.

AAA. "Semitrailer" includes every vehicle without power designed and constructed so that an appreciable part of its weight and that of its load rests on and is carried by a towing vehicle, motor vehicle, or truck tractor.

BBB. "Sidewalk" means that property between the curb lines or the edge of a roadway and the adjacent property, set aside and intended for the use of pedestrians or the portion of private property parallel and next to a public road and dedicated to use by pedestrians.

CCC. "Solid tire" includes every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load.

DDD. "Stand or standing" means the stopping of a vehicle, occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

EEE. "Stop" when required, means complete cessation from movement.

FFF. "Stop or stopping" when prohibited, means any halting even momentarily of a vehicle, occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of an Officer or traffic control sign or signal.

GGG. "Suspend" in all its forms and unless a different period is specified, means invalidation for any period less than one calendar year and thereafter until reinstatement.

HHH. "Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians" means "areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries *of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs 'third and fourth' of the Treaty of 1855, 11 Stat.621."* Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

III. "Traffic" includes pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together, while using any public roads for purposes of travel.

JJJ. "Traffic-control devices" means all signs, signals, markings and devices not inconsistent with this Statute, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

KKK. "Trailer" includes every vehicle without power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests on or is carried by the motor vehicle.

LLL. "Tribal Council" means the Legislative Branch of the Little Traverse Bay Bands of Odawa Indians Tribe.

MMM. "Tribal Court" means the court within the Judiciary Branch of the Little Traverse Bay Bands of Odawa Indians Tribe.

NNN. "Tribe" means the Little Traverse Bay Bands of Odawa Indians Tribe.

OOO. "Used vehicle" means a vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning.

PPP. "Wheelchair conveyance" means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a propulsion device capable of propelling the vehicle. The Chief of Police may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

SECTION V. LIABILITY OF OPERATOR, OWNER, LESSEE FOR VIOLATIONS

A. Whenever an act or omission is declared to be in violation of this Statute, if the operator of the vehicle is not the owner or lessee of the vehicle, but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee are both subject to the provisions of this Statute with the primary responsibility to be that of the owner or lessee.

B. If the person operating the vehicle at the time of the violation or omission is not the owner or lessee of the vehicle, the person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

SECTION VI. ALLOWING UNAUTHORIZED PERSON TO DRIVE

It is a violation for the registered owner of a vehicle to knowingly permit another person to drive the vehicle when the other person is not a legally authorized driver.

SECTION VII. OPERATOR'S LICENSE, REGISTRATION, INSURANCE AND PLATES

A. Operator's License

1. No person shall operate a vehicle within the jurisdiction of the Tribe unless he or she has a valid operator's license, chauffeur's license or permit, issued to him or her by any jurisdiction recognized by the Tribe, on his or her person or within the vehicle being operated.

2. No person shall drive a motorcycle or a motor-driven cycle, except a moped, unless such person has a valid driver's license specially endorsed by a jurisdiction recognized by the Tribe to enable the holder to drive such vehicles, nor may a person drive a motorcycle of a larger engine displacement than that authorized by the special endorsement.

B. Registration of Vehicle

1. A certificate of license registration issued by the Tribe or other jurisdiction recognized by the Tribe for the limited purpose of this Section, to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued.

2. It shall be a violation for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration. Any person in charge of such vehicle shall, upon demand of an officer, permit an inspection of such certificate of license registration.

3. It shall be a violation for any person to sell or transfer any motor vehicle without having proper certificates of ownership.

4. A person may secure or obtain a certificate of ownership without obtaining a certificate of license registration and vehicle license plates, if the vehicle is not operated on a public road.

C. Liability Insurance or Other Financial Responsibility Required

1. It shall be a violation for a person to operate a motor vehicle on roads within tribal jurisdiction without insurance under an acceptable motor vehicle liability policy, is self-insured, is covered by an acceptable certificate of deposit, or is covered by an acceptable liability bond.

2. **"Acceptable"** means, for purposes of this Section, an amount consistent with tribal law or that of a jurisdiction recognized by the Tribe for the limited purpose of this Section. Written proof of financial responsibility for motor vehicle operation must be provided on the request of an Officer.

3. It shall be a violation to fail to display an insurance identification card when asked to do so by an Officer and shall create a presumption that the person does not have motor vehicle insurance.

4. If a person cited for a violation of this Section provides evidence to the Tribal Court that shows that at the time the person was cited, he or she was insured then the court may dismiss the violation without cost or fine.

5. The provisions of this Section shall not apply to operation of a motorcycle, a motor-driven cycle, or a moped.

6. It shall be a violation for any person who knowingly provides false evidence of financial responsibility to an Officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit.

D. License Plate

1. It shall be a violation for a person to operate any vehicle over and along a public roadway without first obtaining and keeping in full force and effect a current and proper vehicle license plate and displaying the vehicle license plate properly registered to the vehicle and the current registered owner.

2. Exceptions.

a. Farm vehicle[s] if operated within a radius of fifteen miles of the farm where principally used or garaged and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when the equipment has lights that comply with the law.

b. "Special road construction equipment" which is designed and used primarily for grading of roads, paving of roads, earth moving, and other construction work on roads and which is only incidentally operated or moved over the road.

c. Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilizing in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation.

d. Forklifts operated during daylight hours on public highways adjacent to and within five hundred (500') feet of the warehouses they serve.

3. Attachment of Plates to Vehicles

a. Vehicle license number plates shall be attached conspicuously at the rear of the vehicle so it can be plainly seen and read at all times.

b. It is unlawful to display a vehicle license number plate not legally issued to the vehicle or plate(s) which have been in any manner changed, altered, disfigured or have become illegible.

c. It is unlawful to use any holders, frames, or any materials that in any manner change, alter, or make the vehicle license number plates illegible.

E. Legal Owner Not Liable for Acts of Registered Owner

The person, firm, co-partnership, association or corporation to whom a certificate of ownership has been issued shall not incur liability or be responsible for damage resulting from any act or contract made by the registered owner or by any person acting for, by or under the authority of the registered owner.

F. Alteration or Forgery

It shall be a violation for any person to alter, forge, or causes to be altered or forged any Operator's License, Registration, Insurance and/or Plates, Certificate of Title, or any assignment thereof, or any release or notice of release of any encumbrance, or who holds or uses any certificate or assignment, or release or notice of release, knowing it to be altered or forged.

SECTION VIII. PARKING PERMITS FOR PERSONS WITH DISABILITIES

A. The Department may issue parking permits for persons who have a disability that limits or impairs the ability to walk. The issuance of such permit shall allow the person to park in designated "Disabled" parking spaces.

B. Parking permits shall be in the form of a removable windshield placard and shall be displayed by hanging on the rear-view mirror when the vehicle is parked or in the form of a special license plate designated for persons with a Disability.

C. Any unauthorized use of the special placard or the special license plate is a violation.

D. It shall be a violation to park a vehicle in a parking place provided for persons with permits, whether on private property without charge or on public property reserved for permit parking. The Department may remove such violating vehicles at the owner's expense.

SECTION IX. VEHICLE LIGHTING AND OTHER EQUIPMENT

A. Violation

1. It shall be a violation for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is not equipped with the lamps and other equipment in proper condition and adjustment as mandated by this Statute.

2. Exceptions

a. Farm vehicle[s] or other implements of husbandry, road machinery, road rollers, or farm tractors.

b. motorcycles or motor-driven cycles except as specifically made applicable.

B. Lighted Lamps and Signaling Devices Requirements

Any person operating a motor vehicle shall display lighted head lights, other lights, and illuminating devices as required for different classes of vehicles, subject to exceptions with respect to parked vehicles any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible

at a distance of one thousand feet ahead. The stop lights, turn signals, and other signaling devices shall be lighted as prescribed for the use of the devices.

C. Visibility Distance and Mounted Height of Lamps Requirements

1. Whenever a requirement is declared as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, these provisions shall apply during the times that lights are required in respect to a vehicle without load, on a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

2. The mounted height of lamps or devices means from the center of the lamp or device to the level ground when the vehicle is without a load.

3. No additional lamp, reflective device, or other motor vehicle equipment shall be added which impairs the effectiveness of this standard.

D. Head Lamps on Motor Vehicles Requirements

1. Any person operating a motor vehicle shall be equipped with at least two head lamps, with at least one on each side of the front of the motor vehicle, which comply with the requirements and limitations in this Statute.

2. Every head lamp upon every motor vehicle shall be located at a height of not more than fifty-four inches nor less than twenty-four inches.

E. Tail Lamps Requirements

1. Any person operating a motor vehicle, trailer, semitrailer, pole trailer, and any other vehicle being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted during the time that lights are required, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, shall have at least one tail lamp.

2. With a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

3. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two-inches but not less than fifteen inches.

4. Either a tail lamp or a separate lamp shall 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 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be lighted whenever the head lamps or auxiliary driving lamps are lighted.

F. Reflectors Requirements

1. Any person operating a motor vehicle, trailer, semitrailer, and pole trailer without carrying on the rear, either as a part of the tail lamps or separately, shall be equipped with two or more red reflectors.

2. Every reflector shall be mounted on the vehicle at a height not less than fifteen inches nor more than seventy-two inches, and shall be of a size and characteristics and so mounted as to be visible at night from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful upper beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within three hundred and fifty feet to one hundred feet when directly in front of lawful upper beams of head lamps.

G. Stop Lamps and Turn Signals Requirements

1. Any person operating a motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps, except that passenger cars manufactured or assembled prior to January 1, 1964, shall be equipped with at

least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance required.

2. Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps, except that passenger cars, trailers, semitrailers, pole trailers, and trucks less than eighty inches in width, manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

H. Additional Equipment Required on Certain Vehicles

1. Any person operating a Bus, Truck, Motor Home, and Motor Vehicle with Mounted Camper Eighty Inches or More in Over-All Width shall be equipped as follows:

a. On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps.

b. On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps.

c. On each side, two side marker lamps, one at or near the front and one at or near the rear.

d. On each side, two reflectors, one at or near the front and one at or near the rear.

2. Trailers and Semitrailers Eighty Inches or More in Over-All Width:

a. On the front, two clearance lamps, one at each side.

b. On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps.

c. On each side, two side marker lamps, one at or near the front and one at or near the rear.

d. On each side, two reflectors, one at or near the front and one at or near the rear.

e. A mobile home need not be equipped with side marker lamps or reflectors while operated under the terms of a special permit.

3. Truck Tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps.

4. Trailers, Semitrailers, and Pole Trailers Thirty Feet or More in Over-All Length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle. A mobile home need not be equipped with side marker lamps or reflectors while being operated under the terms of a special permit.

5. Pole Trailers:

a. On each side, one amber side marker lamp at or near the front of the load.

b. One amber reflector at or near the front of the load.

c. On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

6. Boat Trailers Eighty Inches or More in Overall Width:

a. One on each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp.

b. On the rear, after June 1, 1978, three identification lamps.

c. One on each side, two side marker lamps, one at or near the front and one at or near the rear.

d. On each side, two reflectors, one at or near the front and one at or near the rear.

e. Identification lamps required or permitted by this Statute shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline. When the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab complies with the requirements for front identification lamps.

7. Color of Lamps and Reflectors

a. Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

b. Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

c. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber, or yellow, and except that on any vehicle forty or more years old, the taillight may also contain a blue or purple insert of not more than one inch in diameter, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

8. Mounting of Reflectors and Lamps

a. Required reflectors shall be mounted at a height not less than twenty-four inches and not higher than sixty inches, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at that point shall be mounted as high as the permanent structure will permit.

b. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

c. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but the reflector shall meet all the other reflector requirements of this Statute.

d. Clearance lamps shall be mounted on the permanent structure of the vehicle so as to indicate the extreme height and width of the vehicle. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required by both.

e. No rear clearance lamp may be combined in any shell or housing with any tail lamp or identification lamp.

9. Visibility of Reflectors and Lamps

a. Every required reflector on any vehicle shall be of a size and characteristics and maintained so as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of the lawful upper beams of headlamps.

b. Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric

conditions at the times that lights are required at all distances between five hundred feet and fifty feet from the front and rear, respectively, of the vehicle.

c. Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times that lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle.

I. 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. This does 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 be lighted.

J. Lamps, Reflectors, and Flags on Projecting Load Requirement

1. When the load on any vehicle extends four feet or more beyond the rear of the bed or body of the vehicle during the time that lights are required, two red lamps, visible from a distance of at least five hundred feet to the rear; two red reflectors, visible at night from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful lower beams of headlamps and located so as to indicate maximum width; and, on each side, one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang, shall be displayed at the extreme rear end of the load.

2. At all other times, any vehicle that has a load which extends beyond its sides or more than four feet beyond its rear, shall display red flags, not less than twelve inches square, marking the extremities of the loads at each point where a lamp would otherwise be required by this section when lights are required.

K. Lamps on Parked or Stopped Vehicles Requirements

1. Every parked or stopped vehicle shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front, and a red light visible from a distance of one thousand feet to the rear of the vehicle.

2. The location of the lamp or lamps shall always be such that at least one 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.

3. Whenever a vehicle is parked or stopped on a roadway or shoulder, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon the highway, the vehicle shall be equipped with and shall display light visible from a distance of one thousand feet to the front, and a red light visible from a distance of one thousand feet to the rear of the vehicle

4. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

L. Hazard Warning Lights and Reflectors on Farm Equipment Requirements

1. Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with vehicular hazard warning lights visible from a distance of not less than one thousand feet to the front and rear in normal sunlight, which shall be displayed whenever any vehicle is operated upon a highway.

2. Every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall at all times, and every other motor vehicle shall during the time that lights are required, be equipped with lamps and reflectors as follows:

a. At least two headlamps;

b. At least one red lamp visible when lighted from a distance of not less than one thousand feet to the rear mounted as far to the left of center of the vehicle as practicable;

c. At least two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful lower beams of headlamps.

3. After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear.

M. Lamps and Reflectors on Other Vehicles and Equipment Requirements

1. Animal-drawn vehicles are to be equipped with lamps or other lighting devices, shall, during the time that lights are required, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred to one hundred feet to the rear when illuminated by the lawful lower beams of head lamps.

2. Every animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle emblem.

N. Spot Lamps and Auxiliary Lamps Requirements

1. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

2. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches and so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall project to the left of the center of the vehicle at a distance of twenty-five feet ahead higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams.

3. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches.

4. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches.

O. Red Flashing Lights on Fire Department Vehicles Requirements

All fire department vehicles in service may be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of five hundred feet under normal atmospheric conditions. The red flashing lights shall be well separated from the headlights so that they will not black out when headlights are on. The red flashing lights shall be in operation at all times when the vehicle is on emergency status.

P. Firemen's Private Cars

1. Firemen, when approved by the chief of their respective service, are authorized to use a green light on the front of their private cars when on emergency duty only. The green light shall be visible for a distance of two hundred feet under normal atmospheric conditions. The use of the green light is only for the purpose of identification, and the operator of a vehicle so equipped is be entitled to any of the privileges provided the operators of authorized emergency vehicles.

2. Any sign or plate indicating fire department connection on a private car of any member of a fire department shall include the name of the municipality or fire department organization to which the owner belongs.

3. No private vehicle that bears a sign or plate indicating a fire department connection, shall be driven or operated on any public highway, except when the owner is a bona fide member of a fire department.

4. Any individual displaying a green light, or a sign or plate, shall also carry attached to a convenient location on the private vehicle to which the green light or sign or plate is attached, an identification card showing the name of the owner of the vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved.

Q. Warning Devices on Vehicles Requirements

1. Authorized emergency vehicles shall be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

2. A school bus and private carrier bus shall be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

3. Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways may be equipped with a siren and either red or blue lights of a type designated for that purpose.

4. The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency

or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the Chief of Police.

5. The use of the signal equipment described herein, used in conjunction with emergency equipment, shall impose upon drivers of other vehicles the obligation to yield right of way and stop.

R. Signs on Buses Requirements

1. Every school bus and private carrier bus shall bear upon the front and rear, above the windows, plainly visible signs containing only the words "school bus" on a school bus and only the words "private carrier bus" on a private carrier bus, in letters not less than eight inches in height.

2. Every school bus shall, in addition to any other equipment required by this Statute, be equipped with a crossing arm mounted to the bus that, when extended, will require students who are crossing in front of the bus to walk more than five feet from the front of the bus.

S. Emergency Tow Trucks Requirements

All emergency tow trucks shall be identified by an intermittent or revolving red light capable of 360° visibility at a distance of five hundred feet under normal atmospheric conditions. This intermittent or revolving red light shall be used only at the scene of an emergency or accident, and it is unlawful to use the light while traveling to or from an emergency or accident, or for any other purposes.

T. Stop Lamps and Electric Turn Signals Requirements

1. Any vehicle may be equipped and when required under this Statute shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal

sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

2. Any vehicle may be equipped and when required, shall be equipped, with electric turn signals mounted on the same level and as widely spaced laterally as practicable, which indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall, when signaling, emit amber light. On any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamp showing to the rear shall, when signaling, emit a red or amber light, or any shade of color between red and amber.

3. Turn signal lamps shall be visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. Turn signal lamps may, but need not, be incorporated in other lamps on the vehicle.

U. Additional Lighting Equipment Optional

1. Any motor vehicle may be equipped with:

a. Not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

b. Not more than one running-board courtesy lamp on each side which shall emit a white or amber light without glare.

c. One or more back-up lamps either separately or in combination with other lamps, but any back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

d. One or more side marker lamps, and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.

2. Any vehicle eighty inches or more in over-all width, if not otherwise required, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare.

V. Hazard Warning Lamps Requirements

1. Any vehicle may be equipped with lamps for the purpose of warning operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

2. After June 1, 1978, every motor home, bus, truck, truck tractor, trailer, semitrailer, or pole trailer eighty inches or more in overall width or thirty feet or more in overall length shall be equipped with lamps meeting the requirements of this section.

3. Vehicular hazard warning signal lamps used to display the warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights. On any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display the warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet in normal sunlight.

W. Multiple-Beam Road-Lighting Equipment Requirements

Except as provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and the lamps may be arranged so the selection can be made automatically subject to the following limitations:

1. There shall be an upper distribution of light so aimed and of such intensity as to reveal persons and vehicles at a distance of four hundred fifty feet ahead for all conditions of loading.

2. There shall be a lower distribution of light so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred fifty feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. Every motor vehicle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the upper distribution of light from the head lamps is in use, and shall not otherwise be lighted. This indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

X. Use of Multiple-Beam Road-Lighting Equipment Requirements

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the time that lights are required, the driver shall use a distribution of light directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, the driver shall use a distribution of light aimed so that the glaring rays are not projected into the eyes of the oncoming driver. The lower distribution of light shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle approaches another vehicle from the rear within three hundred feet the driver shall use a distribution of light permissible under this Statute other than the upper distribution of light.

Y. Single-Beam Road-Lighting Equipment Requirements

Head lamp systems which provide only a single distribution of light are permitted on all farm tractors regardless of date of manufacture, and on all other motor vehicles manufactured and sold prior to one year after March 18, 1955, in lieu of multiple-beam road-lighting equipment if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be aimed so that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two-hundred feet.

Z. Special Restrictions on Lamps Requirements

1. Except as required by this Statute, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device displaying a red light visible from directly in front of the center of the vehicle.

2. Flashing lights are prohibited except those required by this Statute.

SECTION X. BRAKING EQUIPMENT REQUIRED

A. Violation

1. It shall be a violation for a vehicle and combination of vehicles that is not equipped with service brakes adequate to control the movement of and to stop and hold the vehicle under all conditions of loading, and on any grade incident to its operation, unless indicated otherwise.

2. It shall be a violation for a vehicle and combination of vehicles that is not equipped with parking brakes adequate to hold the vehicle on any grade on which

it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material, unless indicated otherwise.

B. Maintenance of Brakes and Failure Indicator Requirements

1. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the front and back wheels and to wheels on opposite sides of the vehicle.

2. All passenger cars manufactured on or after January 1, 1968, and other types of vehicles manufactured on or after September 1, 1975, shall be equipped with brake system failure indicator lamps which shall be maintained in good working order. The brake system shall demonstrate good working order and integrity by the application of a force of one-hundred and twenty-five pounds to the brake pedal for ten seconds without the occurrence of any of the following:

a. Illumination of the brake system failure indicator lamp.

b. A decrease of more than eighty percent of service brake pedal height as measured from its free position to the floorboard or any other object which restricts service brake pedal travel.

c. Failure of any hydraulic line or other part.

3. Brake hoses shall not be mounted so as to contact the vehicle body or chassis. In addition, brake hoses shall not be cracked, chafed, flattened, abraded, or visibly leaking. Protection devices such as "rub rings" shall not be considered part of the hose or tubing.

SECTION XI. WHEELS AND FRONT SUSPENSION

A. Violation

1. It shall be a violation for a vehicle not to be equipped with wheel nuts, hub caps, or wheel discs extending outside the body of the vehicle when viewed from directly above which:

a. Incorporate winged projections; or

b. Constitute a hazard to pedestrians and cyclists.

B. Requirements

1. For the purposes of this section, a wheel nut is defined as an exposed nut which is mounted at the center or hub of a wheel, and is not one of the ordinary hexagonal nuts which secure a wheel to an axle and are normally covered by a hub cap or wheel disc.

2. Tire rims and wheel discs shall have no visible cracks, elongated bolt holes, or indications of repair by welding. In addition, the lateral and radial run-out of each rim bead area shall not exceed one-eighth of an inch of total indicated run-out.

3. King pins or ball joints shall not be worn to the extent that front wheels tip in or out more than one-quarter of an inch at the lower edge of the tire.

SECTION XII. STEERING AND SUSPENSION SYSTEMS

A. Violation

It shall be a violation for a vehicle not to be equipped with a steering control system shall be constructed and maintained so that no components or attachments, including horn activating mechanism and trim hardware, can catch the driver's clothing or jewelry during normal driving maneuvers.

B. Requirements

1. System play, lash, or free play in the steering system shall not exceed the values tabulated herein.

Steering wheel diameter	Lash in inches:
16 or less	2
18	2 1/4
20	2 1/2
22	2 3/4

2. Free play in the steering linkage shall not exceed one-quarter of an inch.

3. Other components of the steering system such as the power steering belt, tie rods, or idler arms or Pitman arms shall not be broken, worn out, or show signs of breakage.

4. Ball joint seals shall not be cut or cracked. Structural parts shall not be bent or damaged. Stabilizer bars shall be connected. Springs shall not be broken, or extended by spacers. Shock absorber mountings, shackles, and U-bolts shall be securely attached. Rubber bushings shall not be cracked, or extruded out or missing from suspension joints. Radius rods shall not be missing or damaged.

5. Shock absorber system. Shock absorbers shall not be loose from mountings, leak, or be inoperative.

SECTION XIII. HORNS, WARNING DEVICES, AND THEFT ALARMS

A. Violation

It shall be a violation to operate a motor vehicle upon a highway without being equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet.

B. Requirements

1. No horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary

to insure safe operation give audible warning with the horn but shall not otherwise use the horn.

2. No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

3. A vehicle may be equipped with a theft alarm signal device so long as it is arranged so that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but not a siren.

4. 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 not less than five hundred feet, but the siren shall not be used except when the 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 case the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

SECTION XIV. MUFFLERS

A. Violation

It shall be a violation to operate a motor vehicle that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

B. Requirements

No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine above that emitted by the muffler originally installed on the vehicle.

SECTION XV. MIRRORS

A. Violation

It shall be a violation to operate a motor vehicle that is not 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. Requirements

1. Every motor vehicle shall 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.

2. All mirrors required by this section shall be maintained in good condition.

SECTION XVI. WINDSHIELDS REQUIRED, UNOBSTRUCTED AND EQUIPPED WITH WIPERS

A. Violation

It shall be a violation to operate a motor vehicle on a public roadway that is not 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 shall wear approved safety glasses, goggles, or face shields.

B. Requirements

1. No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows which obstruct the driver's clear view of the highway or any intersecting highway.

2. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall 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 vehicle first sold or delivered after January 1, 1938, which is 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.

3. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

SECTION XVII. TIRES, PNEUMATIC AND RE-GROOVED

A. Violation

It shall be a violation to operate a vehicle upon the public highways unless it is completely equipped with pneumatic rubber tires except vehicles equipped with temporary-use spare tires that meet federal standards that are installed and used in accordance with the manufacturer's instructions.

B. Requirements

1. No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway.

2. It is a traffic violation for any person, firm, or corporation to sell or offer for sale any new pneumatic passenger car tire which does not meet the standards of federal motor vehicle safety standard No. 109, as promulgated by the United States Department of Transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407)

unless the tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing the tires for use on the public highways.

3. It is a traffic violation for any person, firm, or corporation to sell or offer for sale any re-grooved tire which does not meet the standard established by federal motor vehicle standard part 569 – re-grooved tires, as promulgated by the United States Department of Transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407) unless the tires are sold or re-grooved for off-highway use, as evidenced by a statement signed by the purchaser or the person who re-grooved the tire at the time of sale or re-grooving certifying that he is not purchasing or re-grooving the tires for use on the public highways.

4. No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, unless the vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section.

5. A tire shall be considered unsafe if it has:

a. Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed.

b. Any bump, bulge, or knot, affecting the tire structure.

c. Any break repaired with a boot.

d. A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire.

e. A legend which indicates the tire is not intended for use on public highways such as, "not for highway use" or "for racing purposes only".

f. Such condition as may be reasonably demonstrated to render it unsafe.

g. If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle, except for temporary-use spare tires that meet federal standards that are installed and used in accordance with the manufacturer's instructions.

6. No person, firm, or corporation shall sell any vehicle for use on the public highways unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause the tires to be removed from the vehicle and shall equip the vehicle with tires that are incompliance with the provisions of this section.

SECTION XVIII. SUN-SCREENING OR COLORING OF WINDOWS

A. Violation

It shall be a violation to operate a motor vehicle that has film sun-screening material applied to any window except the windshield, outside mirrors on both the left and right sides so as to reflect to the driver a view of the roadway, through each mirror, a distance of at least two hundred feet to the rear of the vehicle.

B. Requirements

1. The following types of film sun-screening material are not permitted:

a. Mirror finish products.

b. Red, gold, yellow, or black material.

c. Film sun-screening material that is in liquid pre-application form, brushed or sprayed on.

2. Nothing in this section prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet federal standards for the safety glazing materials.

SECTION XIX. DISABLED VEHICLE - DISPLAY OF WARNING DEVICES

A. Violation

Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway, or the shoulder, at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning devices during the time the vehicle is so disabled on the highway or shall be found in violation of this Statute.

B. Requirements

1. A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

2. As soon thereafter as possible, but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

a. One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane.

b. One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle.

c. One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic

3. Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

4. Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices shall be placed as follows:

a. One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

b. one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane;

c. and one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

5. Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside any municipality at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

6. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway, the driver of the vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by the vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type.

SECTION XX. VEHICLES TRANSPORTING EXPLOSIVES

A. Violation

It shall be a violation to operate a motor vehicle that is transporting any explosive as a cargo or part of a cargo upon a highway and not obey the following requirements.

B. Requirements

1. Be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of the vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high.

2. Be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle.

SECTION XXI. FUEL SYSTEM

A. Violation

It shall be a violation to operate a motor vehicle that is not equipped with a fuel system that is manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public.

B. Requirements

1. Fuel tanks shall be equipped with approved caps.

2. There shall be no signs of leakage from the carburetor or the fuel pump or the fuel hoses in the engine compartment or between the fuel tank and the engine compartment.

3. No person shall operate any motor vehicle upon the public highways unless the fuel tank is securely attached and so located that another vehicle would not be exposed to direct contact with the fuel tank in the event of a collision.

SECTION XXII. VEHICLE WITH ALTERNATIVE FUEL SOURCE

A. Violation

It shall be a violation to operate a motor vehicle fueled by an alternative fuel that does not bear a reflective placard issued by the national fire protection association indicating the vehicle is so fueled.

B. Requirement

As used in this section "alternative fuel source" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

SECTION XXIII. TELEVISION VIEWERS - EARPHONES

A. Violation

It shall be a violation to operate a motor vehicle that is equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

B. Requirements

1. No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses.

2. This section does not apply to authorized emergency vehicles or to motorcyclists wearing a helmet with built-in headsets or earphones.

SECTION XXIV. SAFETY LOAD CHAINS AND DEVICES REQUIRED

It shall be a violation to operate any vehicle upon the public highways without having the load securely fastened and protected by safety chains or other devices.

SECTION XXV. FENDERS OR SPLASH APRONS

A. Violation

Except as authorized under this section, it is a violation to operate any motor vehicle, trailer, or semitrailer that is not equipped with fenders, covers, flaps, or splash aprons adequate for minimizing the spray or splash of water or mud from the roadway to the rear of the vehicle. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

B. Requirements

A motor vehicle that is not less than forty years old and is owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads.

SECTION XXVI. SEAT BELTS AND SHOULDER HARNESSES

A. Violation

It shall be a violation to sell any automobile manufactured or assembled after January 1, 1964, unless the automobile is equipped with seat belts installed for use on the front seats.

B. Requirements

1. Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for the front seating positions.

2. Every passenger car manufactured or assembled after January 1, 1968, except police vehicles, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position.

3. Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for the front seating positions.

SECTION XXVII. BUMPERS AND BODY HARDWARE

A. Violation

When any motor vehicle was originally equipped with bumpers or any other collision energy absorption or attenuation system, that system shall be maintained in good operational condition, and it shall be a violation to remove or disconnect, and no owner shall cause or knowingly permit the removal or disconnection of any part of that system except temporarily in order to make repairs, replacements, or adjustments.

B. Requirements

1. The body, fenders, and bumpers shall be maintained without protrusions which could be hazardous to pedestrians. In addition, the bumpers shall be so attached and maintained so as to not protrude beyond the original bumper line.

2. The hood, hood latches, hood fastenings, doors, and door latches shall be maintained in a condition sufficient to ensure proper working equal to that at the time of original vehicle manufacture.

SECTION XXVIII. ODOMETERS

A. Violation

1. It shall be a violation for any person to disconnect, turn back, or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

2. It shall be a violation for any person to sell a motor vehicle if the seller has knowledge that the odometer on the motor vehicle has been turned back and fails to notify the buyer, prior to the time of sale, that the odometer has been, or seller had reason to believe the odometer has been turned back.

3. It shall be a violation for any person to sell a motor vehicle if the seller has knowledge that the odometer on the motor vehicle has been replaced with another odometer and fails to notify the buyer, prior to the time of sale, that the odometer has been, or seller believes the odometer has been replaced.

4. It shall be a violation for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that driven by the car as registered by the odometer within the manufacturer's designed tolerance.

B. In any suit brought by the purchaser of a motor vehicle against the seller of a vehicle, the purchaser shall be entitled to recover his court costs and a reasonable attorney's fee fixed by the court, if:

1. The suit or claim is based substantially upon the purchaser's allegation that the odometer on the vehicle has been tampered with or replaced contrary to this Statute; and

2. It is found in the suit that the seller of the vehicle or any of the sellers employees or agents knew or had reason to know the odometer on the vehicle had been tampered with or replaced and failed to disclose this knowledge to the purchaser prior to the time of sale.

SECTION XXIX. MOTORCYCLES AND MOTOR-DRIVEN CYCLES - HEAD LAMPS

A. Violation

It shall be a violation to operate a motorcycle and motor-driven cycle that is not equipped with at least one lamp which shall comply with the requirements and limitations of this section.

B. Requirements

1. Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four inches nor less than twenty-four inches from the center of the lamp to the ground.

2. Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment, which shall:

a. Reveal persons and vehicles at a distance of at least three hundred feet ahead when the uppermost distribution of light is selected.

b. Reveal persons and vehicles at a distance of at least one hundred fifty feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. Every motorcycle and motor-driven cycle shall have its head lamps and tail lamps lighted whenever the vehicle is in motion upon a highway.

4. 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 shall comply with the requirements and limitations as follows:

a. Every such head lamp or head lamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five 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 shall meet the minimum requirements set forth for upper beam lights, and the lower beam shall meet the requirements applicable to a lower distribution of light.

c. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

SECTION XXX. MOTOR-DRIVEN CYCLES TAIL LAMPS, REFLECTORS, AND STOP LAMPS

A. Violation

It shall be a violation to operate a motorcycle and motor-driven cycle that is not equipped with at least one tail lamp which shall comply with the requirements and limitations of this section.

B. Requirements

1. Every motorcycle and motor-driven cycle shall have at least one tail lamp which shall be located at a height of not more than seventy-two nor less than fifteen inches.

2. Either a tail lamp or a separate lamp shall 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 feet to the rear. The tail lamp or tail lamps, and any separate lamp or lamps for illuminating the rear registration plate, shall be wired so as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

3. Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one red reflector.

4. Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp.

SECTION XXXI. MOTORCYCLES AND MOTOR-DRIVEN CYCLES - BRAKE REQUIREMENTS

A. Violation

It shall be a violation for a Motorcycle not to be equipped with brakes operating on both the front and rear wheels unless the vehicle was originally manufactured without both front and rear brakes. A front brake shall not be required on any motorcycle over twenty-five years old which was originally manufactured without a front brake and which

has been restored to its original condition and is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show or other such assemblage, and no front brake shall be required on any motorcycle manufactured prior to January 1, 1931.

B. Requirements

1. Motorcycles and motor-driven cycles need not be equipped with parking brakes.

2. Every motorcycle and motor-driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

a. Decelerating to a stop from not more than twenty miles per hour at not less than fourteen feet per second per second.

b. Stopping from a speed of twenty miles per hour in not more than thirty feet, the distance to be measured from the point at which movement of the service brake pedal or control begins.

3. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface free from loose material.

SECTION XXXII. MOTORCYCLES, MOTOR-DRIVEN CYCLES, OR MOPEDS EQUIPMENT

A. Violation

1. It shall be a violation to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle.

2. It shall be a violation to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing safety glasses, goggles, or a face shield.

3. It shall be a violation to operate or ride upon a motorcycle, motor-driven cycle, or moped on a public highway, unless wearing upon his or her head a protective helmet of a type conforming to federal rules except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle.

B. Requirements

1. Mirrors are not required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage. No mirror is required on any motorcycle manufactured prior to January 1, 1931.

2. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion,

SECTION XXXIII. MOTORCYCLES' EXHAUST SYSTEM

It shall be a violation for a person to modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine of the vehicle above that emitted by the muffler originally installed on the vehicle. It is unlawful to operate a motorcycle not equipped as required by this section or which has been amplified as prohibited by this section.

SECTION XXXIV. MOTORCYCLES AND MOTOR-DRIVEN CYCLES ADDITIONAL REQUIREMENTS AND LIMITATIONS

It shall be a violation for a motorcycle or a motor-driven cycle not to comply with the requirements and limitations concerning horns and warning devices, mufflers and prevention of noise, mirrors, and tires.

SECTION XXXV. COLLISIONS

A. Striking Unattended Vehicle or Other Property

1. It shall be a violation for a operator of any vehicle which collided with any unattended vehicle or any property on or next to a public road resulting only in damage to the vehicle or property and not immediately stop and either locate or notify the operator or owner of the vehicle or property and provide the following information:

a. Name

b. Date of birth

c. Address of the operator and owner of the vehicle

2. If the owner or operator of the damaged vehicle or property is not available then the operator shall leave a note in a conspicuous place on the vehicle or property damaged.

3. The driver shall further make report of the accident as in the case of other accidents upon the public roads.

B. Striking Attended Vehicle causing Injuries

1. It shall be a violation for a driver of any vehicle involved in an accident resulting in the injury to or death of any person and not immediately stop at or as close as possible to the scene of the accident without obstructing traffic more than is necessary, and shall immediately return to and remain at the scene of the accident.

2. The person shall provide his or her name, date of birth, address, insurance company, insurance policy number, and vehicle license number and shall show his or her driver's license to any person struck or injured or the driver or any occupant of, or any person attending the vehicle.

3. If none of the persons specified are in condition to receive the information to which they are entitled under subsection 2 and no police officer is present, the driver of any vehicle involved in the accident, shall, as soon as possible, report the accident to the Department and shall submit the required information.

4. The driver of the vehicle involved in the accident shall file an accident report with the Department.

5. Whenever the driver of the vehicle involved in any accident is physically incapable of submitting the required accident report and there is another occupant, other than a passenger for hire, in the vehicle at the time of the accident capable of making a report, that occupant shall make a report. Upon recovery the driver shall make a report as required.

6. The driver shall also give to any person injured in the accident reasonable assistance, including the carrying or the making of arrangements for the carrying of the person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if the carrying is requested by the injured person or on his/her behalf.

7. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for the accident.

C. Striking Attended Vehicle without causing Injuries

1. It shall be a violation of a driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property and not immediately stop at or as close as possible to the scene of the accident without obstructing traffic more than is necessary, and

shall immediately return to the scene of the accident and provide the following information:

a. Name

b. Date of birth

c. Address of the operator and owner of the vehicle

2. The driver of any vehicle involved in an accident may file an accident report with the Department.

D. Officer's Report

Any police officer present at the scene of any accident or in possession of any facts concerning any accident by way of official investigation shall make a report the same as is required of the parties to the accident and as fully as the facts in his possession will permit.

E. False Information

It shall be a violation for a person who knowingly gives false information in required oral or written reports.

SECTION XXXVI. TOWING AND IMPOUNDMENT

A. Definitions

1. "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ninety-six consecutive hours.

2. "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds - public and private.

3. "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

4. "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

5. "Junk vehicle" means a vehicle that meets at least three of the following requirements:

a. Is three years old or older;

b. Is extensively damaged, including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor, or transmission;

c. Is apparently inoperable;

d. Has an approximate fair market value equal only to the approximate value of the scrap in it.

6. "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

7. "Residential property" means property that has no more than four living units located on it.

8. "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles.

9. "Tow truck service" means the transporting upon the public streets and highways of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

10. "Unauthorized vehicle" means a vehicle that is subject to removal and impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

a. Public locations:

i. Constituting an accident or a traffic hazard; immediately

ii. On a highway and tagged; 24 hours

iii. In a publicly owned or controlled posted parking facility; immediately

b. Private locations:

i. On residential property; immediately

ii. On private, nonresidential property, properly posted; immediately

iii. On private, nonresidential property, not posted; 24 hours

B. Tow Truck Operator's Registration Requirements

It shall be a violation for a person to engage in or offer to engage in the activities of a registered tow truck operator without a current registration either issued by Tribal, Federal, State or local authority that authorizes such activities.

C. Impounding Unauthorized Vehicles Posting Requirements

It shall be a violation for a person to impound, tow, or otherwise disturb any unauthorized vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on the property that clearly indicates:

1. The times a vehicle may be impounded as an unauthorized vehicle; and

2. The name, telephone number, and address of the towing firm where the vehicle may be redeemed.

D. Impoundment of Vehicles without Serial Number by Law Enforcement

1. Any vehicle, watercraft, camper, or any component part, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, may be impounded and held by the Department for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it has been reported stolen.

2. Within five days of the impounding of any vehicle, watercraft, camper, or component part thereof, the Department shall send written notice of the impoundment by certified mail to all persons known to the agency as claiming an interest in the article or articles. The notice shall advise the person of the seizure, the possible disposition of the article or articles, the requirement of filing a written claim requesting notification of potential disposition, and the right of the person to request a hearing to establish a claim of ownership. Within five days of receiving notice of other persons claiming an interest in the article or articles, the Department shall send a like notice to each.

3. If reported as stolen, the Department shall promptly release the vehicle, watercraft, camper, or parts, to the person who is the lawful owner or the lawful successor in interest, upon receiving proof that the person presently owns or has a lawful right to the possession of the article or articles.

4. If the vehicle is not claimed then the Department may dispose of the vehicle, watercraft, camper, or component part by destruction, by selling at public auction to the highest bidder, or by holding the article or articles for the official use of the Department, when:

a. The true identity of the article or articles cannot be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks or by any other means;

b. After the true identity of the article or articles has been established, the Department cannot locate the person who is the lawful owner or if the lawful owner or his successor in interest fails to claim the article or articles within thirty (30) days after receiving notice from the Department that the article or articles is in its possession.

5. Before the release or use by the Department of any impounded article an identification number shall be assigned to the article.

E. General Impoundment by Law Enforcement

1. If a vehicle is subject to removal after the indicated period of time as stated in this Statute, it may be impounded by a registered tow truck operator at the direction of a law enforcement officer if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property.

2. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

3. The person requesting a private impound or a law enforcement officer requesting a public impound shall provide a signed authorization for the impoundment at the time and place of the impoundment to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impoundment authorization or, independent of the property owner, identify a vehicle for impoundment.

4. Whenever an officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

5. Whenever an officer determines the vehicle to be unsafe to drive;

6. Whenever an officer discovers a vehicle that the officer determines or has reasonable grounds to believe to be a stolen vehicle;

7. Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person is parked in a stall or space clearly and conspicuously marked for disabled parking, which space is provided on private property without charge or on public property.

F. Impoundment of a Vehicle in Right-of-Way

1. A law enforcement officer discovering an unauthorized vehicle left within a highway right-of-way shall attach to the vehicle a readily visible notification. The notification shall contain the following information:

a. The date and time attached;

b. The identity of the officer;

c. A statement that if the vehicle is not removed within twenty-four hours from the time the notification is attached, the vehicle may be taken into custody and stored at the owner's expense; and

d. The address and telephone number where additional information may be obtained.

2. If the vehicle has current plates, the officer shall check the records to learn the identity of the last owner of record. The officer shall ensure that a reasonable effort is made to contact the owner by telephone in order to give the owner the information on the notification.

3. If the vehicle is not removed within twenty-four hours from the time the notification is attached, a law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety including the business location of a registered tow truck-operator. If the vehicle does not pose a safety

hazard it may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies the Department.

G. Responsibility of Registered Owner

The last registered owner of record is liable for costs incurred in abandonment of any vehicle including removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction, unless the register owner can show a report of sale or transfer regarding the vehicle involved or a vehicle theft report filed with a law enforcement agency.

H. Junk Vehicle Disposition

1. Any law enforcement officer having jurisdiction shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

2. The law enforcement officer shall provide information on the vehicle's registered and legal owner to the landowner.

3. Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

4. If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

5. If no information on the vehicle's registered and legal owner is found, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

6. The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

7. For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a Tribal official having jurisdiction over trust land.

8. A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

SECTION XXXVII. APPLYING RULES OF THE ROAD-WAY

A. General Application

The provisions of this Statute relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given section.

B. Persons Riding Animals or Driving Animal-Drawn Vehicles

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

C. Persons Working on Highway Right of Way

Unless specifically made applicable, the provisions of this Statute shall not apply to persons, motor vehicles and other equipment while legitimately engaged in work within the right of way of any highway but shall apply to these persons and vehicles when traveling to or from such work.

D. Authorized Emergency Vehicles

The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated.

1. The driver of an authorized emergency vehicle may:

a. Park or stand, irrespective of the provisions of this Statute;

b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

c. Exceed the maximum speed limits so long as he does not endanger life or property;

d. Disregard regulations governing direction of movement or turning in specified directions.

2. The exemptions granted to an authorized emergency vehicle shall apply only when the vehicle is making use of visual signals, except that:

a. An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle;

b. authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

3. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall these provisions protect the driver from the consequences of his reckless disregard for the safety of others.

SECTION XXXVIII. OBEDIENCE TO POLICE OFFICERS, FLAGMEN, OR FIRE FIGHTERS

It shall be a violation for a person to willfully fail or refuse to comply with any lawful order or direction of any duly authorized flagman or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic.

SECTION XXXIX. TRAFFIC SIGNS, SIGNALS, AND MARKINGS

A. Violation

It shall be a violation for a driver of any vehicle, every bicyclist, and every pedestrian not to obey the instructions of any applicable official traffic control device placed in accordance with the provisions of this Statute, unless otherwise directed by a police officer, subject to the exception granted the driver of an authorized emergency vehicle in this Statute.

B. Requirements

1. No provision of this Statute for which official traffic control devices are required is enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, that section is effective even though no devices are erected or in place.

2. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Statute, the devices are presumed to have been so placed by the official act or direction of lawful authority, unless the contrary is established by competent evidence.

3. Any official traffic control device placed pursuant to the provisions of this Statute and purporting to conform to the lawful requirements pertaining to these

devices is presumed to comply with the requirements of this Statute, unless the contrary is established by competent evidence.

C. Display of Unauthorized Signs, Signals, or Markings

1. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device, sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any sign or signal.

2. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

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

4. Every prohibited sign, signal or marking is hereby declared to be a public nuisance and the Department is hereby empowered to remove the same or cause it to be removed without notice.

SECTION XL. INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES SIGNS OR SIGNALS

It shall be a violation for a person, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any sign or signal or any inscription, shield or insignia, or any other part.

SECTIONS XLI. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING AND USE OF ROADWAY

A. Violation

It shall be a violation to drive a vehicle upon the left half of a roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes and providing for two-way movement traffic under the rules applicable thereon; or

4. Upon a street or highway restricted to one-way traffic.

B. Requirements

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

2. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereafter stated:

a. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe distance 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 audible signal and shall not increase the

speed of his vehicle until completely passed by the overtaking vehicle.

3. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

a. When the vehicle overtaken is making or about to make a left turn;

b. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

c. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement in safety. The movement shall not be made by driving off the roadway.

4. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by this Statute and unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

5. No vehicle shall be driven on the left side of the roadway under the following conditions:

a. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

b. When the view is obstructed upon approaching within one hundred feet of any bridge or viaduct.

c. The foregoing limitations shall not apply upon a one-way roadway, nor when an obstruction exists making it necessary to drive to the left of the center of the highway, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

6. The appropriate Tribal or state authorities shall determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of the zones.

7. Where signs or markings are in place to define a no-passing zone, no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

8. The appropriate Tribal or state authorities may determine any highway, roadway, part of a roadway, or specific lanes be designated for one-way traffic where upon vehicular traffic shall proceed in one direction as indicated by official traffic control devices.

9. Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules, consistent with all others, shall apply:

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

b. Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except in preparation for making a left turn and the allocation shall be designated by official traffic-control devices.

c. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall

obey the directions of every such device.

SECTION XLII. FOLLOWING TOO CLOSELY

A. Violations

It shall be a violation for a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

B. Requirements

1. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

2. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between the vehicles or combination of vehicles so as to enable any other vehicle to enter and occupy the space without danger. This provision shall not apply to funeral processions.

SECTION XLIII. YIELDING

A. Violation

It shall be a violation for any person operating any vehicle where designated, and bearing the required signs to fail and neglect to yield the vehicle as required.

B. Requirements

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

2. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard.

3. Preferential right of way may be indicated by stop signs or yield signs as authorized.

4. Except when directed to proceed by a duly authorized flagman, police officer, or fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when the driver is moving across or within the intersection or junction of roadways.

5. The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

6. If a driver is involved in a collision with a vehicle in the intersection or

junction of roadways, after driving past a yield sign without stopping, the collision is deemed prima facie evidence of his failure to yield right of way.

SECTION XLIV. STOP OR STOPPING

A. Violation

It shall be a violation for any person operating any vehicle when entering any intersection determined, designated, and bearing the required sign to fail and neglect to bring the vehicle to a complete stop before entering the intersection.

B. Requirements

1. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic control signal indications to proceed.

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

SECTION XLV. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

A. Violation

It shall be a violation for a driver of a vehicle not to immediately yield the right of way to an approaching authorized emergency vehicle making use of audible and visual signals, or of a police vehicle properly and lawfully making use of an audible signal only.

B. Requirements

1. The driver of a vehicle shall immediately drive to a position parallel to,

and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SECTION XLVI. HIGHWAY CONSTRUCTION AND MAINTENANCE

A. Violation

It shall be a violation for a driver of a vehicle not to yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic control devices.

B. Requirement

The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle displays flashing amber lights.

SECTION XLVII. TRANSIT VEHICLES

A. Violation

It shall be a violation for a driver of a vehicle not to yield the right of way to a transit vehicle traveling in the same direction that has signaled and is reentering the traffic flow.

B. Requirement

Nothing in this section shall operate to relieve the driver of a transit vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

SECTION XLVIII. PEDESTRIANS' RIGHTS AND DUTIES

A. Violation

It shall be a violation for a pedestrian and/or driver of a vehicle not to follow traffic-control signs and signals at intersections as it relates to pedestrians and the following requirements.

B. Stopping for Pedestrians in Crosswalks Requirements

1. The operator of an approaching vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within an unmarked or marked crosswalk when the pedestrian is upon or within one lane of the half of the roadway upon which the vehicle is traveling or onto which it is turning. For purposes of this section "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

2. No pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to stop.

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

C. Crossing at Other Than Crosswalks Requirements

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

2. Where curb ramps exist at or adjacent to intersections or at marked crosswalks in other locations, disabled persons may enter the roadway from the

curb ramps and cross the roadway within or as closely as practicable to the crosswalk. All other pedestrian rights and duties as defined elsewhere in this Statute remain applicable.

3. No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits the crossing.

D. Drivers to Exercise Care Requirements

Notwithstanding the foregoing provisions of this Statute every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

E. Pedestrians on Roadways Requirements

Where sidewalks are not provided any pedestrian walking or otherwise moving along and upon a highway shall, when practicable, walk or move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall move clear of the roadway.

F. Pedestrians Soliciting Rides or Business Requirements

1. No person shall stand in, on, or alongside a public roadway at any place where a motor vehicle cannot safely stop off the main traveled portion for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle.

2. The provisions of subsection (a) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

3. No person shall stand in a roadway for the purpose of soliciting

employment or business from the occupant of any vehicle.

4. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

G. Pedestrians' Right of Way on Sidewalk Requirements

The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

H. Pedestrians Yield to Emergency Vehicles Requirements

1. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or of a police vehicle making use of an audible signal, every pedestrian shall yield the right of way to the authorized emergency vehicle.

2. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

SECTION XLIX. TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

A. Violation

It is a violation for a driver of a vehicle is not to follow the requirements for turning, starting, signaling and stopping as set forth in this section.

B. Position and Method of Turning at Intersections Requirements

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

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

2. Left Turns: The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

3. Two-Way Left Turn Lanes: A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in either direction from or into the roadway. Two-way left turn lanes shall be designated by distinctive uniform roadway markings.

4. Upon a roadway where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from either direction, no vehicles may turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. A signal, either electric or manual, for indicating a left turn movement, shall be made at least one hundred feet before the actual left turn movement is made.

C. "U" Turns Requirements

1. The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made safely and without interfering with other traffic.

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

D. Starting Parked Vehicle Requirements

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

E. Turning, Stopping, Moving Right or Left and Use of Signals Requirements

1. No person shall turn a vehicle or move right or left upon a roadway unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided.

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

3. 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 when there is opportunity to give a signal.

4. The signals provided for shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

F. Signals by Hand and Arm or Signal Lamps Requirements

1. Any stop or turn signal when required shall be given either by means of the hand and arm or by signal lamps.

2. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps 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 the motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load exceeds fourteen feet. The latter measurements shall apply to any single vehicle, also to any combination of vehicles.

G. Method of Giving Hand and Arm Signals

All required signals given by hand and arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate as follows:

1. Left turn: Hand and arm extended horizontally.

2. Right turn: Hand and arm extended upward.

3. Stop or decrease speed: Hand and arm extended downward.

SECTION L. SPECIAL STOPS

A. Violation

It is a violation for a driver of a vehicle not to follow the requirements for special stops as set forth in this section.

B. Emerging From Alley, Driveway, or Building Requirement

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

C. Overtaking or Meeting School Bus and Duties of Bus Driver Requirement

1. The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the roadway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching the school bus when there is in operation on the school bus a visual signal, and the driver shall not proceed until the school bus resumes motion or the visual signals are no

longer activated.

2. The driver of a vehicle upon a highway with three or more marked traffic lanes need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

3. The driver of a school bus shall actuate the visual signals only when the bus is stopped on the roadway for the purpose of receiving or discharging school children.

4. The driver of a school bus may stop completely off the roadway for the purpose of receiving or discharging school children only when the school children do not have to cross the roadway. The school bus driver shall actuate the hazard warning lamps before loading or unloading school children at such stops.

D. Overtaking or Meeting Private Carrier Bus and Duties of Bus Driver Requirements

1. The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the roadway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching the private carrier bus when there is in operation on said bus a visual signal and the driver shall not proceed until the bus resumes motion or the visual signals are no longer activated.

2. The driver of a vehicle upon a highway with three or more lanes need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

3. The driver of a private carrier bus shall actuate the required visual signals only when the bus is stopped on the roadway for the purpose of receiving or discharging passengers.

4. The driver of a private carrier bus may stop a private carrier bus completely off the roadway for the purpose of receiving or discharging passengers

only when the passengers do not have to cross the roadway. The private carrier bus driver shall actuate the hazard warning lamps before loading or unloading passengers at such stops.

SECTION LI. SPEED RESTRICTIONS

A. Violation

It shall be a violation for a person to drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

B. Speed Limit Requirements

1. Except when a special hazard exists that requires lower speeds, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of the maximum limits.

a. Fifteen miles per hour in residential courts and on unpaved roads

b. Twenty-five miles per hour on paved streets;

c. Fifty-five miles per hour on state highways.

2. The driver of every vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

C. Minimum Speed Regulation and Passing Slow-Moving Vehicle Requirements

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. A person following a vehicle driving at less than the legal maximum speed and desiring to pass the vehicle may exceed the speed limit on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

D. Slow-Moving Vehicle to Pull Off Roadway Requirements

On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

E. School and Playground Requirements

It is unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour upon a highway when passing any marked school or playground zone when the marked school or playground zone is fully posted with standard school speed limit signs or standard playground speed limit signs.

F. Due Care Requirements

Compliance with speed requirements of this Statute shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require.

G. Vehicles with Solid or Hollow Cushion Tires Requirements

Except for vehicles equipped with temporary-use spare tires that meet federal standards, it is unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center

cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway at a greater rate of speed than ten miles per hour, provided the temporary-use spare tires are installed and used in accordance with the manufacturer's instructions.

H. Special Speed Limitation on Motor-Driven Cycle Requirements

No person shall operate any motor-driven cycle during the time that lights are required at a speed greater than thirty-five miles per hour unless the motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

I. Reckless Driving and Exceeding Speed Limit Requirements

1. No person shall operate any motor vehicle in a manner which causes damage to any person or property, or in a manner which endangers or is likely to endanger any person or property.

2. The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this Statute at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner.

SECTION LII. ALCOHOL

A. Violation

It is a violation to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a highway or for a person to have in his or her possession while in a motor vehicle upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.

B. Requirements

1. It is not a violation if the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

2. This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, to any passenger for compensation in a for-hire vehicle licensed under city, county, or state law, or to a privately-owned vehicle operated by a person possessing a valid operator's license endorsed for the appropriate classification in the course of his usual employment transporting passengers at the employer's direction.

3. Nothing in this subsection shall be construed to authorize possession or consumption of an alcoholic beverage by the operator of any vehicle while upon a highway.

SECTION LIII. OPERATING MOTOR VEHICLE IN A NEGLIGENT MANNER

A. Violation

It is a violation for any person to operate a motor vehicle in a negligent manner.

B. Requirements

1. For the purpose of this section to "operate in a negligent manner" means the operation of a vehicle in such a manner as to endanger or be likely to endanger any persons or property.

2. Any person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent shall not be guilty of negligent driving.

3. The violation of operating a vehicle in a negligent manner is considered to be a lesser violation than, but included in, the violation of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be found to have committed the lesser violation of operating a vehicle in a negligent manner.

SECTION LIV. ROADWAY CONSTRUCTION ZONES

A. Violation

It shall be a violation to drive a vehicle in a roadway construction zone at a speed greater than that allowed by traffic control devices.

B. Requirements

1. A roadway construction zone is an area where construction, repair, or maintenance work is being conducted by public employees or private contractors, on or adjacent to any public roadway.

2. A person found to have a violation relating to speed restrictions in a roadway construction zone shall be assessed a monetary penalty equal to twice the penalty normally assessed for the same violation. This penalty may not be waived, reduced, or suspended.

3. A person who drives a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device is guilty of reckless endangerment of roadway workers.

SECTION LV. RACING OF VEHICLES ON HIGHWAYS AND RECKLESS DRIVING

A. Violation

It shall be a violation for a person or persons to race any motor vehicle or motor vehicles upon any public highway.

B. Requirement

Any person or persons who willfully compare or contest relative speeds by operation of one or more motor vehicles is guilty of racing, which shall constitute reckless driving, whether or not the speed is in excess of the maximum speed prescribed by law. Any comparison or contest of the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute racing.

SECTION LVI. STOPPING, STANDING, AND PARKING

A. Violation

It shall be a violation for any person to stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway if found in violation of this section.

B. Requirements

1. Any vehicle stopped, parked or left:

a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

b. On a sidewalk or street planting strip;

c. Within an intersection;

d. On a crosswalk;

e. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

f. Upon any bridge or other elevated structure upon a highway;

g. At any place where official signs prohibit stopping.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

a. In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

b. Within fifteen feet of a fire hydrant;

c. Within twenty feet of a crosswalk;

d. Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

e. Within twenty 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 feet of said entrance when properly posted; or

f. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers at any place where official signs prohibit parking.

4. Parking or standing is permitted in the manner provided by law at all other places, except a time limit may be imposed or parking restricted at other places, but the limitation and restriction shall be by Tribal Statute.

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

6. It is unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other person, nor shall any person be granted such right.

7. The following exclusions apply:

a. The driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle.

b. The driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers.

c. The driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both.

C. Additional Requirements

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right- hand shoulder.

2. Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

SECTION LVII. UNATTENDED MOTOR VEHICLE AND REMOVAL FROM HIGHWAY

A. Violation

It shall be a violation for the operator of a vehicle to leave the vehicle unattended within the limits of any highway unless the operator of the vehicle arranges for the prompt removal of the vehicle.

B. Requirements

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

SECTION LVIII. LIMITATIONS ON BACKING

It shall be a violation for any driver of a vehicle to back up unless the movement can be made safely and without interfering with other traffic.

SECTION LIX. DRIVING ON SIDEWALK PROHIBITED

It shall be a violation for any person to drive any motor vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

SECTION LX. OPERATING MOTORCYCLES ON ROADWAYS

A. Violation and Requirements

Motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. It shall be a violation for the following actions:

1. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

2. No person shall operate a motorcycle between lanes of traffic or between

adjacent lines or rows of vehicles.

3. Motorcycles shall not be operated more than two abreast in a single lane.

4. Subsections (b) and (c) of this section shall not apply to police officers in the performance of their official duties.

SECTION LXI. RIDING ON MOTORCYCLES

A. Violation

It shall be a violation for a person operating a motorcycle to carry any other person, or for any other person to ride on a motorcycle, unless the motorcycle meets the following requirements

B. Requirements

1. Is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

2. The motorcycle must contain foot pegs, of an approved type, for each person the motorcycle is designed to carry.

SECTION LXII. MOTORCYCLES ADDITIONAL VIOLATIONS

A. It shall be a violation for a person to operate on a public highway a motorcycle in which the handlebars or grips are more than fifteen inches higher than the seat or saddle for the operator.

B. It shall be a violation for a person to ride a motorcycle in a position where both feet are placed on the same side of the motorcycle.

C. It shall be a violation for a person to ride upon a motorcycle and to attach their self or the motorcycle to any other vehicle on a roadway.

SECTION LXIII. THROWING DANGEROUS MATERIALS ON HIGHWAY PROHIBITED

It shall be a violation for the following:

A. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon the highway.

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 a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

SECTION LXIV. DROPPING LOAD, OTHER MATERIALS AND REQUIREMENTS

A. Violation

1. It is a violation for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless a suitable harness, cage or enclosure is provided and so attached as to protect the animal from falling or being thrown.

2. It is a violation for any person to transport any persons upon the running board, fenders, hood or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles.

3. It shall be a violation for a vehicle to be driven or moved on any public highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping, except that sand may be dropped for the purpose of securing traction and shall meet the following requirements.

B. Requirements

1. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon a public highway shall immediately cause the public highway to be cleaned of all the glass or objects and shall pay any costs associated.

2. No person may operate on any public highway any vehicle with any load unless the load and the covering as required by subsection (c) of this section are securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(a) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping is covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(b) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(c) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

SECTION LXV. MOTOR VEHICLE ADDITIONAL VIOLATIONS

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, 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 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.

C. No person shall open the door of a motor vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle adjacent to moving traffic for a period of time longer than necessary to load or unload passengers.

D. No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

E. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of the vehicle in neutral.

F. The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

G. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or stop the vehicle within five hundred feet of any fire apparatus stopped in answer to a fire alarm.

H. No vehicle shall 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.

I. It is unlawful for any person to operate a motor vehicle upon the highways when the person has in his or her embrace another person which prevents the free and unhampered operation of the vehicle.

J. It is unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one, two, or all of the wheels off the roadway, except for the purpose of stopping off the roadway, or having stopped, for proceeding back onto the pavement, gravel or crushed rock surface.

K. It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of the passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with the roadway.

SECTION LXVI. CHILD RESTRICTIONS AND REQUIRMENTS

A. Leaving Children Unattended

It is a violation for any person, while operating or in charge of a vehicle, to park or willfully allow the vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended in the vehicle.

B. Child Passenger Restraint Required

1. Whenever a child who is less than ten years of age is being transported in a motor vehicle that is in operation and that is required to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

a. If the child is less than three years of age, the child is properly restrained in a child restraint system that complies with standards of the United States Department of Transportation and that is secured in the

vehicle in accordance with instructions of the manufacturer of the child restraint system;

b. If the child is less than ten but at least three years of age, the child shall be restrained either as specified in (1) of this subsection or with a safety belt properly adjusted and fastened around the child's body.

3. This section does not apply to hire vehicles, or vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, and vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals.

SECTION LXVII. SAFETY BELTS, USE REQUIRED

A. Definitions

For the purposes of this section, the term "motor vehicle" includes:

1. "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

2. "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

3. "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

4. "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

B. Violations

1. It shall be a violation for the following:

a. Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

b. No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

C. Requirements

1. This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

2. This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

SECTION LXVIII. MOPEDS GENERAL REQUIREMENTS AND OPERATION

A. Violation

1. It shall be a violation to operate a moped on a public roadway that is not equipped with the following requirements.

2. Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

B. Requirements

1. Removal of any muffling device or pollution control device from a

moped is unlawful.

2. Mopeds shall comply with those federal motor vehicle safety standards established under the national traffic vehicle safety act of 1966 (15 U.S.C. Sec. 1381, et. seq.) which are applicable to a motor-driven cycle, as that term is defined in such federal standards.

SECTION LXIX. WHEELCHAIR CONVEYANCES

It shall be a violation for the following:

A. No person may operate a wheelchair conveyance on any public roadway with a posted speed limit in excess of thirty-five miles per hour.

B. No person other than a wheelchair-bound person may operate a wheelchair conveyance on a public roadway.

C. Every wheelchair-bound person operating a wheelchair conveyance upon a roadway shall be granted all the rights and is subject to all the duties applicable to the driver of a vehicle by this Statute, except those provisions that by their nature can have no application.

SECTION LXX. OPERATION OF NON-MOTORIZED VEHICLES

A. General

It shall be a violation for a person operating a bicycle upon any highway or upon any bicycle path that does not follow the requirements, subject to those exceptions stated herein.

B. Requirements

1. Every person riding a bicycle upon a roadway shall be granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this

Statute, except as to those provisions of this Statute which by their nature can have no application.

2. All hand signals required of persons operating bicycles shall be given in the following manner:

a. Left turn: Left hand and arm extended horizontally beyond the side of the bicycle;

b. Right turn: Left hand and arm extended upward beyond the side of the bicycle, or right hand and arm extended horizontally to the right side of the bicycle;

c. Stop or Decrease Speed: Left hand and arm extended downward beyond the side of the bicycle. The hand signals required by this section shall be given before initiation of a turn.

3. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular attached seat.

4. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

5. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or their self to any vehicle upon a roadway.

6. Every person operating a bicycle upon a roadway at a rate of speed less than the normal flow of traffic at the particular time and place shall ride as near to the right side of the right through lane as is safe except as may be appropriate while preparing to make or while making turning movements, or while overtaking and passing another bicycle or vehicle proceeding in the same direction. A person operating a bicycle upon a roadway may use the shoulder of the roadway or any specially designated bicycle lane if one exists.

7. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of

bicycles.

8. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

9. Every bicycle when in use during the time that lights are required shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

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

SECTION LXXI. AUTHORITY FOR ISSUANCE OF A TRAFFIC VIOLATION CITATION

A. A law enforcement officer has the authority to issue a notice of traffic violation citation:

1. When the violation is committed in the officer's presence;

2. When the officer is acting upon the request of a law enforcement officer in whose presence the traffic violation was committed; or

3. If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic violation.

B. The Tribal court may issue a notice of traffic violation citation upon receipt of a written statement of the officer that there is reasonable cause to believe that a traffic violation was committed.

C. If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic violation citation.

SECTION LXXII. TRIBAL COURT JURISDICTION

All violations of this Statute designated as a traffic violations may be heard and determined by the Tribal Court.

SECTION LXXIII. DETERMINATION OF A TRAFFIC VIOLATION

A. A notice of traffic violation citation represents a determination that a violation has been committed. The determination will be final unless contested as provided in this Statute.

B. The form for the notice of traffic violation citation shall include the following:

1. A statement that the notice represents a determination that a traffic violation has been committed by the person named in the notice and that the determination is final unless contested as provided in this Statute;

2. A statement that a traffic violation is a noncriminal offense for which imprisonment may not be imposed as a sanction;

3. A statement of the specific traffic violation for which the notice was issued;

4. A statement of the monetary penalty established for the traffic violation;

5. A statement of the options provided in this Statute for responding to the notice and the procedures necessary to exercise these options;

6. A statement that at any hearing to contest the determination the Tribe has the burden of proving, by a preponderance of the evidence, that the violation was committed; and that the person may subpoena witnesses including the officer who issued the notice of violation;

7. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the violation the person will be deemed to have committed the violation and may not subpoena witnesses;

8. A statement that the person must respond to the notice as provided in this Statute within fifteen days or the failure to pay may incur additional costs and penalties;

9. A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances may result in additional costs and penalties;

10. A statement, which the person shall sign, that the person promises to respond to the notice of violation in one of the ways provided in this Statute.

SECTION LXXIV. RESPONSE TO NOTICE, CONTESTING DETERMINATION, HEARING AND FAILURE TO RESPOND OR APPEAR

A. Any person who receives a notice of traffic violation citation shall respond to the notice as provided in this section within fifteen days of the date of the notice.

B. If the person determined to have committed the violation does not contest the determination the person shall respond by completing the appropriate portion of the notice of violation and submitting it, either by mail or in person, to the Tribal Court specified on the notice. A check or money order in the amount of the penalty prescribed for the violation must be submitted with the response. When a response which does not contest the determination is received, an appropriate order is entered in the court's records.

C. If the person determined to have committed the violation wishes to contest the determination the person shall respond by completing the portion of the notice of violation requesting a hearing and submitting it, either by mail or in person, to the Tribal Court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

D. If the person determined to have committed the violation does not contest the determination but wishes to explain mitigating circumstances surrounding the violation, the person shall respond by completing the portion of the notice of violation requesting a hearing for that purpose and submitting it, either by mail or in person, to the Tribal Court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

E. If any person issued a notice of traffic violation citation:

1. Fails to respond to the notice of traffic violation as provided in this section; or

2. Fails to appear at a hearing requested pursuant to this section; the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic violation and may assess additional costs and penalties.

SECTION LXXV. HEARINGS, RULES OF PROCEDURE AND COUNSEL

A. Any person subject to proceedings under this Statute may be represented by counsel at their own expense.

B. An attorney representing the Tribe may appear in any proceedings under this Statute but need not appear, notwithstanding any Statute or rule of court to the contrary.

SECTION LXXVI. HEARINGS FOR CONTESTING DETERMINATION OF VIOLATION

A. A hearing held for the purpose of contesting the determination that a violation has been committed shall be without a jury.

B. The court may consider the notice of traffic violation citation and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing.

C. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.

D. The burden of proof is upon the Tribe to establish the commission of the violation by a preponderance of the evidence.

E. After consideration of the evidence and argument, the court shall determine whether the violation was committed. Where it has not been established that the violation was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the violation was committed, an appropriate order shall be entered in the court's records.

SECTION LXXVII. HEARINGS FOR EXPLANATION OF MITIGATING CIRCUMSTANCES

A. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of a violation is an informal proceeding. The person may not subpoena witnesses. The determination that an violation has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

B. After the court has heard the explanation of the circumstances surrounding the commission of the violation an appropriate order shall be entered in the court's records.

C. There may be no appeal from the court's determination or order.

SECTION LXXVIII. MONETARY PENALTIES

A. A person found to have committed a traffic violation shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this Statute or title.

B. The Tribal Court shall prescribe by rule a schedule of monetary penalties for designated traffic violations. This rule shall also specify the conditions under which the Tribal Court may exercise discretion in assessing costs and penalties for traffic violations.

C. The schedule shall be reviewed every two years to adjust for inflation.

D. Whenever a monetary penalty is imposed by a court under this Statute it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify a collection agency of the failure to pay the penalty, and the collection agency shall process the failure to pay as a bad debt.

SECTION LXXIX. ORDER OF COURT, CIVIL NATURE

A. An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the violation was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

B. The court may include in the order the imposition of any cost and/or penalties authorized by the provisions of this Statute for the commission of a violation. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the violation.

C. At the person's request the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate set by the Tribal Court.

SECTION LXXX. PRESUMPTION REGARDING STOPPED, STANDING, OR PARKED VEHICLES

In any traffic violation citation case involving a violation relating to the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the notice of traffic violation was stopping, standing, or parking in violation of any provision of this title or an equivalent resolution, together with proof that the person named in the notice of traffic violation was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

SECTION LXXXI. ATTORNEY FEES

No attorney fees may be awarded to either party in a traffic violation case.

SECTION LXXXII. CITATION RETENTION REQUIREMENTS

A. The Department shall provide in appropriate form traffic violation citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this section.

B. The Department is responsible for the issuance of the books and shall maintain a record of every book and each violation citation contained therein issued to individual members of the department and shall require and retain a receipt for every book so issued.

C. Every enforcement officer upon issuing a violation citation to an alleged violator of any provision of this Statute shall deposit the original or a copy of the traffic citation with the Tribal court.

D. Upon the deposit of the original or a copy of the violation citation with the court, this original or copy of the violation citation may be disposed of only by the court.

E. The Department shall require the return of every traffic citation issued by an officer under and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

F. The Department shall also maintain or cause to be maintained in connection with every traffic violation citation issued by an officer a record of the disposition of the charge by the court in which the original or copy of the traffic citation was deposited.

SECTION LXXXIII. SAVINGS CLAUSE

In the event that any section, subsection or phrase of this Statute is found by a court of competent jurisdiction to violate the Constitution or laws of the Little Traverse Bay Bands of Odawa Indians, such part shall be considered to stand alone and to be deleted from this Statute, the entirety of the balance of the Statute to remain in full and binding force and effect so long as the overall intent of the Statute remains intact.

SECTION LXXXIV. EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first or if the Executive vetoes the Statute, then upon Tribal Council override of the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on September 12, 2010 at which a quorum was present, by a vote of 6 in favor, 3 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Marvin Mulholland	X			
Belinda Bardwell	X			
Melvin L. Kiogima		X		
Gerald V. Chingwa		X		
Rita Shananaquet	X			
Aaron Otto		X		
John Bott	X			
Regina Gasco Bentley	X			
Julie Shananaquet	X			

Date: 9-12-10 Julie Shananaquet
Julie A. Shananaquet, Legislative Leader

Date: 9-12-10 Regina Gasco Bentley
Regina Gasco Bentley, Secretary

Received by the Executive Office on 9/17/10 by

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 10-14-10 Ken Harrington
Ken Harrington, Tribal Chairperson