

**CITIZEN POTAWATOMI NATION
TRAFFIC OFFENSES
TITLE 19**

CHAPTER		SECTION
1	TRAFFIC OFFENSES	
	Definitions	101
	Driving While License Is Suspended or Revoked	102
	Careless Driving	103
	Reckless Driving	104
	Driving While Intoxicated	105
	Duties of Drivers Involved in Accident Involving Deaths or Personal Injuries	106
	Duty Upon Striking Unattended Vehicle	107
	Duty Upon Striking Highway Fixtures	108
	When Driver Unable to Report	109
	Drivers' License in Possession	110
	Permitting Unauthorized Person to Drive	111
	Traffic Control and Signal Devices	112
	Following Too Closely	113
	Stopping for School Bus	114
	Entering Public Road From Private Road	115
	Right of Way at Intersection	116
	Failure to Stop at Stop Sign and Yielding Right of Way	117
	Driving on Right Side	118
	Passing On-coming Vehicles	119
	Passing and Turning on Curve or Crest	120
	Unsafe Vehicles	121
	Speed Limits	122
	When Lights are Required To Be On	123
	Pedestrians	124
	Throwing Trash on Roads and Roadways	125
	Illegal Parking	126

CHAPTER ONE

TRAFFIC OFFENSES

Section 19-1-101 Definitions

- (A) “Motor vehicle” every device in, upon, or by which any person or property is or may be drawn or transported and is self-propelled, but not including any vehicle which is an implement of husbandry and designed principally for agricultural purposes, or any mechanical device designed for use principally for construction or maintenance excepting trucks.
- (B) “Public Road” the entire width between the boundary lines of every right of way within the exterior boundaries of Tribal jurisdiction maintained by any governmental agency, and, when open is for travel by motor vehicles.

Section 19-1-102 Driving While License Is Suspended Or Revoked

- (A) It is unlawful to drive any motor vehicle upon any public road at a time one’s driver’s license, permit or driving privilege has been denied, suspended, cancelled or revoked by any State or Tribe, or when suspended by the Tribal Court.
- (B) Section 19-1-102 is punishable by fine up to One Thousand Dollars (\$1,000.00); or imprisonment up to three months, or supervision or revocation of driver’s license, or any above combination.

Section 19-1-103 Careless Driving

- (A) It is unlawful to operate any motor vehicle upon any public road in a careless or imprudent manner, without regard for the width, grade, curves, corner, traffic, or existing weather conditions, and the use being made of such road or other attendant circumstances.
- (B) Section 19-1-103 is punishable by fine up to One Thousand Dollars (\$1,000.00) or imprisonment up to six months, or both.

Section 19-1-104 Reckless Driving

- (A) It is unlawful to drive any motor vehicle upon any public road with a wanton or willful disregard for the safety of person or property.
- (B) Section 19-1-104 is punishable by fine up to Two Thousand Dollars (\$2,000.00); or imprisonment up to six months, or suspension of driving privileges up to one year or any above combination.

Section 19-1-105 Driving While Intoxicated

- (A) It is unlawful to drive or be in physical control of any motor vehicle upon any private or public road while under the influence of intoxicating liquor, or controlled dangerous substances, or drugs which impair the ability to control or operate a vehicle.
- (B) A person is presumed under the influence of intoxicating liquor if there is 0.08% or more of alcohol and not under the influence if less than 0.05% of alcohol. Between such percentages, results of tests may be received in evidence, with other tests or observations, for consideration by Court or jury. A breath or blood tests must be administered with consent by a qualified operator provided, if any person refuses such test when requested by an Officer, the person's driving privileges within Tribal jurisdiction shall be suspended for six months whether or not such person is convicted. Such suspension is mandatory.
- (C) Section 19-1-105 is punishable by fine up to Three Thousand Dollars (\$3,000.00); or imprisonment up to six months, or suspension of driving privileges up to two years or any above combination. For subsequent conviction or violation resulting in serious injury, banishment may be imposed more than one year less than five years, additionally.

Section 19-1-106 Duties Of Drivers Involved In Accidents Involving Deaths Or Personal Injuries

- (A) It is unlawful for the driver of any motor vehicle directly involved in an accident resulting in injury or death of any person or damage to any other moving or attended vehicle to fail to immediately stop his vehicle at the scene or as close as possible; or fail to return and remain at the scene and render such aid and assistance as may be necessary or fail to give his name, address and the registration number of his motor vehicle and his operator's or chauffeur's license number and security verification information to all other drivers involved or to fail to render to any injured person such assistance as may be necessary or to fail to notify, or have another notify, the Tribal Police as soon as possible.
- (B) Section 19-1-106 is punishable by fine up to Three Thousand Dollars (\$3,000.00), or imprisonment up to six months, or suspension of driving privileges up to one year.

Section 19-1-107 Duty Upon Striking Unattended Vehicle

- (A) It is unlawful for the driver of any vehicle which collides with any unattended vehicle to fail to immediately stop and attempt to locate and notify the operator or owner of both the name, address of the driver and owner of the vehicle or fail to leave where it may be easily seen a written notice giving the name, address of the

driver and the circumstances or fail to inform the Tribal Police of the accident and its location as soon as possible.

- (B) Section 19-1-107 is punishable by fine up to Five Hundred Dollars (\$500.00) or imprisonment up to three months, or suspension of driving privileges up to one year.

Section 19-1-108 Duty Upon Striking Highway Fixtures

- (A) It is unlawful for the driver of any vehicle involved in damage to fixtures upon or adjacent to a highway to fail to take reasonable steps to locate and notify the owner or person in charge of such property of his name and address and the registered number of his vehicle or fail to report such accident to the Tribal Police as soon as possible.
- (B) Section 19-1-108 is punishable by fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or both.

Section 19-1-109 When Driver Unable To Report

- (A) It is unlawful for vehicle occupant who is capable of making the report to fail when the driver is physically unable to make a required accident report to the Tribal Police.
- (B) Section 19-1-109 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-110 Drivers License In Possession

- (A) It is unlawful to operate a vehicle upon any private or public road without possession of a valid Federal, Tribal, or State operator's license, chauffeur's license, or permit, which must be exhibited upon demand by an authorized person.
- (B) Section 19-1-110 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-111 Permitting Unauthorized Person To Drive

- (A) It is unlawful to knowingly cause or permit any unauthorized person to operate a vehicle upon any public road.
- (B) Section 19-1-111 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-112 Traffic Control And Signal Devices

- (A) It is unlawful to turn a vehicle from a direct course on a public road until such movement can be made with safety, and then only after giving an appropriate signal, either by arm or directional signal device.
- (B) It is further unlawful to disobey the command or instruction of any law enforcement officer.
- (C) Section 19-1-112 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-113 Following Too Closely

- (A) It is unlawful to follow more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic condition of the highway.
- (B) Section 19-1-113 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-114 Stopping For School Bus

- (A) It is unlawful when meeting or overtaking any school bus which has stopped for passengers, to fail to stop immediately and not proceed until all passengers are received or discharged and the bus is in motion.
- (B) Section 19-1-114 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-115 Entering Public Road From Private Road

- (A) It is unlawful for the driver about to enter or pass a public road from a private road or driveway to fail to yield to all vehicles approaching on said public road.
- (B) Section 19-1-115 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-116 Right-Of-Way At Intersection

- (A) It is unlawful for the driver approaching an intersection to fail to yield to any vehicle approaching from the right, unless otherwise directed by sign, traffic light, or official directing traffic.
- (B) Section 19-1-116 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-117 Failure To Stop At Stop Sign And Yielding Right-Of- Way

- (A) It is unlawful for the driver to fail to completely stop at all intersections marked by a stop sign before entering an intersection, unless otherwise directed by an officer.

- (B) It is unlawful for the driver approaching an intersection marked by a sign requiring him to yield to fail to decrease speed and yield to any traffic proceeding given the right of way by such sign.
- (C) Section 19-1-117 is punishable by fine not to exceed Five Hundred Dollars (\$500.00).

Section 19-1-118. Driving On Right Side

- (A) It is unlawful to fail to drive on the right half of the roadway, except when passing another vehicle.
- (A) Section 19-1-118 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-119 Passing On-Coming Vehicles

- (A) It is unlawful for drivers proceeding in opposite directions to fail to pass each other to the right and to give at least half of the roadway.
- (B) Section 19-1-119 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-120 Passing And Turning On Curve Or Crest

- (A) It is unlawful to pass a vehicle unless the driver can see the road for a sufficient distance ahead and such passing can be accomplished safely.
- (B) It is unlawful for driver to pass or turn in any direction on a curve or crest or approach to a crest or on a bridge or approach to a bridge unless such vehicle can pass or be turned safely and seen by approaching traffic.
- (C) Section 19-1-120 is punishable by fine up to Two Hundred Fifty Dollars (\$250.00)

Section 19-1-121 Unsafe Vehicles

- (A) It is unlawful to drive or cause or knowingly permit to be driven on any public road any vehicle in unsafe condition or is not equipped with the following:
 - (1) HEADLIGHTS: Multibeam lights one on each side front lights must be in proper working order to be seen for a reasonable distance during darkness or when light conditions require.
 - (2) REAR LAMPS: One lighted red lamp on each back side plainly visible for a reasonable distance and in proper working order.
 - (3) STOP LIGHTS: A stop light in good working order automatically controlled by brake.

- (4) BRAKES: Adequate to control movement and to stop and hold.
 - (5) HANDBRAKE:
 - (6) HORN: In good working order.
 - (7) WINDOWS UNOBSTRUCTED – WIPERS: No sign or other nontransparent material upon the windshield, side wings, side or rear windows that obstruct the driver’s view. The windshield shall have a device for cleaning rain, snow, or other obstructions and must be in proper working order.
 - (8) LICENSE TAG LIGHT: A rear tag light in good working order.
- (B) Section 19-1-121 is punishable by fine up to Two Hundred Fifty Dollars (\$250.00).

Section 19-1-122 Speed Limits

- (A) Speed limits on any public road shall be set by the governing body. Speed limits may be posted at such places as deemed necessary by the governing body.
 - (B) In any area where the speed limit is not posted and where no special hazard exists, the following speeds shall be lawful, but any speed in excess shall be prima facie evidence the speed is unlawful.
 - (1) School Zones, grounds, and crossings, designated areas -20 MPH
 - (2) Residential areas -30 MPH
 - (3) Open highway -55MPH
- It is unlawful to exceed the above limits, limits posted by the Tribe, or a speed which is reasonable and proper under the prevailing conditions.
- (C) Speed lower than the foregoing limits does not relieve the driver from the duty to use due care.
 - (D) Section 19-1-122 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-123 When Lights Are Required To Be On

- (A) It is unlawful for a vehicle to be on a public roadway from a half hour after sunset to a half hour before sunrise or when objects cannot be seen clearly at five hundred feet because of light conditions without displaying lighted lamps.

- (B) Every vehicle stopped or parked on the side of any road or highway during the hours set forth above, shall burn lamps, flares, or alert other drivers of danger, unless the vehicle is positioned as least thirty inches from the main roadway portion such that no part of the main traveled roadway nor the thirty inch safety zone is impeded.
- (C) Section 19-1-123 is punishable by fine up to Two Hundred Fifty Dollars (\$250.00).

Section 19-1-124 Pedestrians

- (A) It is unlawful for a pedestrian to cross a roadway other than a marked crosswalk or within an unmarked intersection crosswalk to fail to yield to all vehicles.
- (B) Section 19-1-124 is punishable by fine up to One Hundred Dollars (\$100.00).

Section 19-1-125 Throwing Trash On Roads And Roadways

- (A) It is unlawful to discard trash or refuse on a roadway, public highway or right-of-way within the Tribal jurisdiction.
- (B) Section 19-1-125 is punishable by fine up to Five Hundred Dollars (\$500.00).

Section 19-1-126 Illegal Parking

- (A) It is unlawful to stop, park, or leave standing any vehicle, attended or unattended, upon the paved, improved or main traveled part of a public roadway when it is practical to stop, park, or leave such vehicle off of said roadway, in every event a clear and unobstructed width of at least twenty feet opposite such standing vehicle shall be left for free passage of other vehicles, a clear view shall be available from two hundred feet and must be positioned at least thirty inches outside the main traveled roadway portion.
- (B) This Section shall not apply to a disabled vehicle while on the paved, improved or main traveled portion of a roadway that it is impossible to avoid stopping and temporarily leaving the vehicle in such position, provided that reasonable provision is made for the warning and safety of other vehicles.
- (C) It is unlawful to stop, park, or leave a vehicle except when necessary to avoid collision or with the directions of an officer or traffic control sign, in any of the following places:
 - (1) A sidewalk;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within twenty-five feet of a fire hydrant;
 - (5) On a crosswalk;

(6) In a designated handicap or accessible parking space unless the vehicle has authorized license plates, hangtags or placards issued to the driver or passenger by any Indian Tribal Tag Agency, State Department of Public Safety or State Tag Agency permitting the driver or passenger of the vehicle to park their vehicle in a designated handicap or accessible parking space.

(D) Section 19-1-126 is punishable by fine up to Two Hundred Fifty Dollars (\$250.00).

Amended by Ordinance #13-07, enacted by the Citizen Potawatomi Legislature on May 30, 2013.

Section 19-1-127 Motor Vehicle Restraints

- (A) The operator of a motor vehicle operated on a public roadway shall:
 - (1) Wear a properly adjusted and fastened safety belt.
 - (2) Provide for the protection of each person eight (8) years of age up to sixteen (16) years of age by securing or causing to be secured a properly adjusted and fastened safety belt on each person.
 - (3) When transporting a child eight (8) years of age or younger, in a non-commercial motor vehicle operated on any public roadway, properly secure the child in a child passenger restraint system. The restraint system shall meet Federal Motor Vehicle Safety Standards.
- (B) Violation of this Section is punishable by a fine of up to Two Hundred and Fifty Dollars (\$250.00).

Enacted by Ordinance #13-07, by the Citizen Potawatomi Legislature on May 30, 2013.

Section 19-1-128 Insurance

- (A) It is unlawful to drive any motor vehicle upon any roadway without proper insurance as required by any State or Tribal law.
- (B) It is unlawful to refuse or fail to produce for inspection, a current and valid insurance security verification form upon the request of Citizen Potawatomi Nation law Enforcement Officers or any peace officer.
- (C) Violation of this Section is punishable by a fine up to Two Hundred and Fifty Dollars (\$250.00).

Enacted by Ordinance #13-07, by the Citizen Potawatomi Legislature on May 30, 2013.