

CRIMINAL OFFENSES

CHAPTER SIX

TRAFFIC OFFENSES

Section 601. Definitions

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

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

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 602. Driving While License Is Suspended Or Revoked

(a) It shall be unlawful to drive any motor vehicle upon any public road at a time when one's driver's license or permit or other driving privilege has been denied, suspended, canceled or revoked by any State or Indian Tribe, or when one's driving privilege has been suspended by the Tribal Court.

(b) Driving while license is suspended or revoked is punishable by a fine not to exceed two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or by supervision or revocation of one's driver's license, or any combination of the above punishments.

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 603. Careless Driving

(a) It shall be unlawful to operate any motor vehicle upon any public road in a careless or imprudent manner, without due regard for the width, grade, curves, corners, traffic, or existing weather conditions, and the use being made of such road or other attendant circumstances.

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(b) Careless driving shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 604. Reckless Driving

(a) It shall be unlawful to drive any motor vehicle upon any public road within the Tribal jurisdiction in such a manner as to indicate either a wanton or willful disregard for the safety of persons or property.

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

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 605. Driving While Intoxicated

(a) It shall be unlawful to drive or be in actual physical control of any motor vehicle upon any private or public road within the Tribal jurisdiction while under the influence of intoxicating liquor, or controlled dangerous substances, or any other drugs which impair the ability to control or operate a vehicle.

(b) A person is presumed to be under the influence of intoxicating liquor if there is 0.1% or more of alcohol in the blood by weight, and a person is presumed not to be under the influence if there is less than 0.05% of alcohol in their blood, by weight. Between such percentages, results of tests showing such fact may be received in evidence, with other tests or observations, for consideration by the court or jury. A breath or blood test must be administered with the consent of the subject, by a qualified operator using a properly maintained apparatus in order to be admissible, provided, that if any person refuses to take such test when requested to do so by an Officer having a reasonable suspicion that such person may be intoxicated, the persons driving privileges within the Tribal jurisdiction shall be suspended by the Court for a period of one year whether or not such person is convicted of any offense. Such suspension is mandatory.

(c) Driving under the influence shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or by suspension of driving privileges for a period not to exceed two years or any combination of the above punishments. For a second or subsequent conviction under this section,

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or a violation resulting in serious injury, a term of banishment may be imposed for a period not less than one year nor more than five years, in addition to the above authorized punishments.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59
May 28, 1987.]

Section 606. Duties Of Drivers Involved In Accidents Involving Deaths Or Personal Injuries

(a) It shall be unlawful for the driver of any motor vehicle directly involved in an accident resulting in injury to or death of any person or damage to any other moving or attended vehicle to fail to immediately stop his vehicle at the scene of the accident or as close thereto as possible; or fail to return to and remain at the scene of the accident and render such aid and assistance as may be necessary in the circumstances; or fail to give his name, address and the registration number of his motor vehicle and his operator's or chauffeur's license number and security verification information to all other drivers involved in the accident; or to fail to render to any injured person such assistance as may be necessary in the circumstances; or to fail to notify, or have another notify, the Tribal Police of the accident and its location as soon as possible.

(b) Failure to perform the duties of drivers involved in accidents involving deaths or personal injuries shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or by suspension of driving privileges for a period not to exceed one year.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59
May 28, 1987.]

Section 607. Duty Upon Striking Unattended Vehicle

(a) It shall be unlawful for the driver of any motor vehicle which collides with any unattended vehicle to fail to immediately stop and attempt to locate and notify the operator or owner of such vehicle of both the name and address of the driver and owner of the vehicle striking the unattended vehicle; or to fail to leave securely attended in a place where it may be easily seen in the vehicle struck, a written notice giving the name and address of the driver and the circumstances thereof; or to fail to inform the Tribal Police of the accident and its location as soon as possible.

(b) Failure to perform the duty of a driver upon striking an unattended vehicle shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or by suspension of driving privileges for a period not to exceed one year.

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

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Section 608. Duty Upon Striking Highway Fixtures

(a) It shall be unlawful for the driver of any motor vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway to fail to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and his name and address and of the registered number of the vehicle he is driving; or to fail to report such accident to the Tribal police as soon as possible.

(b) Failure to perform the duty of a driver upon striking highway fixtures shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 609. When Driver Unable To Report

(a) It shall be unlawful for another occupant in the vehicle at the time of an accident who is capable of making the report to fail to do so when the driver of the motor vehicle is physically unable to make a required accident report to the Tribal Police.

(b) Failure to make such a report shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 610. Driver's License In Possession

(a) It shall be unlawful to operate a motor vehicle upon any private or public road within the Tribal jurisdiction without possession of a valid Federal, Tribal, or State operator's license, chauffeur's license, or permit, which must be exhibited upon demand by an authorized person.

(b) Failure to have a driver's license in possession shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00)

[History : PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 611. Permitting Unauthorized Person To Drive

(a) It shall be unlawful to knowingly cause or permit any unauthorized person to operate a motor vehicle upon any public road.

(b) Permitting an unauthorized person to drive shall be punishable by a fine not to

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exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 612. Traffic Control And Signal Devices

(a) It shall be unlawful to turn a vehicle from a direct course on a public road until such movement can be made with safety, and then only after giving an appropriate signal, either by hand or arm or by a directional signal device.

(b) Failure to properly signal shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

(c) It shall be unlawful to disobey the lawful command or instruction of any law enforcement officer. Failure to obey a lawful command shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 613. Following Too Closely

(a) It shall be unlawful to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon the condition of the highway.

(b) Following too closely shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 614. Stopping For School Bus

(a) It shall be unlawful, when meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging passengers, to fail to stop immediately and not proceed again until all passengers are received or discharged and the bus is again in motion.

(b) Failure to stop for a school bus shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

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Section 615. Entering Public Road From Private Road

(a) It shall be unlawful for the driver of a motor vehicle about to enter or pass a public road from a private road or driveway to fail to yield the right of way to all vehicles approaching on said public road.

(b) Failure to yield the right of way when entering a public road from a private road shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 616. Right Of Way At Intersection

(a) It shall be unlawful for the driver of a motor vehicle approaching an intersection to fail to yield the right of way to any vehicle approaching from the right, unless otherwise directed by sign, traffic light, or a proper official directing traffic.

(b) Failure to yield the right of way at an intersection shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 617. Failure To Stop At Stop Sign And Yielding Right Of Way

(a) It shall be unlawful for the driver of a motor vehicle to fail to come to a complete stop at all intersections marked by a stop sign before entering an intersection, unless otherwise directed by an officer directing traffic.

(b) It shall be unlawful for the driver of a motor vehicle approaching an intersection marked by a sign requiring him to yield the right of way to fail to decrease the speed of such vehicle and yield the right of way to any traffic proceeding on the road given the right of way by such sign.

(c) Failure to stop at a stop sign or to yield the right of way shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 618. Driving On Right Side

(a) It shall be unlawful to fail to drive on the right half of the roadway, except when overtaking and passing another vehicle proceeding in the same direction.

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(b) Failure to drive on the right side shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 619. Passing On Coming Vehicles

(a) It shall be unlawful for drivers proceeding in opposite directions to fail to pass each other to the right and to give to the other at least half of the main traveled portion of the roadway.

(b) Improper passing of oncoming vehicles shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 620. Passing And Turning On Curve Or Crest

(a) It shall be unlawful to pass a vehicle going in the same direction unless the driver can see the road for a sufficient distance ahead to pass safely and such passing can be accomplished safely without colliding with oncoming traffic.

(b) It shall be unlawful for a vehicle to be driven so as to pass or turn in any direction on a curve or crest or on any approach to a crest or on a bridge on any approach to a bridge unless such vehicle can pass or be turned safely and seen by traffic approaching in either direction.

(c) Improper passing or turning on a curve or crest shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 621. Unsafe Vehicles

(a) It shall be unlawful for any person to drive or cause or knowingly permit to be driven on any public road any motor vehicle which is in such unsafe condition so as to endanger any person or is not at all times equipped with the following:

(1) **HEADLIGHTS:** One on each side of the front of the motor vehicle, said lights to be multibeam so that the driver can adjust lights from bright to dim, and such lights must be in proper working order at all times so as to be seen by oncoming traffic for a reasonable distance during hours of darkness or other times when light conditions require the use of headlights.

(2) **REAR LAMPS:** One lighted red lamp on each side of the back of the

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motor vehicle that will be, plainly visible for a reasonable distance to the rear, and such lamp must be in proper working order at all times.

(3) STOP LIGHTS: All motor vehicles shall be equipped with a stop light in good working order at all times, such stop lights to be automatically controlled by brake adjustment.

(4) BRAKES: Every motor vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.

(5) HANDBRAKE: Every motor vehicle shall be equipped with a handbrake.

(6) HORN: Every motor vehicle shall be equipped with a horn in good working order.

(7) WINDOWS UNOBSTRUCTED - WIPERS: No person shall drive any motor vehicle with any sign or other nontransparent material upon the windshield, side wings, side or rear windows of such vehicle that would obstruct the driver's view, other than a paper or certificate required to be so displayed by law. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other obstructions from the windshield and must be in proper working order at all times.

(8) LICENSE TAG LIGHT: All motor vehicles shall be equipped with a rear tag light in good working order at all times.

(9) PROOF OF VEHICLE INSPECTION TO BE DISPLAYED: All motor vehicles shall display a valid state motor vehicle inspection decal.

(b) Violation of this section is punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 622. Speed Limits

(a) Speed limits on any public road shall be set by the Tribal Police Chief. Speed limits may be posted at such places and at such maximum allowable speeds as deemed necessary by the Chief of the Tribal Police.

(b) In any area of the Tribal jurisdiction where the speed limit is not posted and where no special hazard exists, the following speeds shall be lawful, but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

(1) School Zones, grounds, and crossings, designated areas - 20 MPH

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- (2) Residential areas - 30 MPH
- (3) Open highway - 55 MPH

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

(c) The fact that the speed of a motor vehicle is lower than the foregoing prima facie limits does not relieve the driver from the duty of all persons to use due care.

(d) Exceeding the speed limit or operating a motor vehicle at a speed which is not reasonable and proper shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 623. When Lights Are Required To Be On

(a) It shall be unlawful for a vehicle to be on a public roadway at any time from a half hour after sunset to a half hour before sunrise or at any other time when objects on the road cannot be seen clearly at a distance of five hundred feet because of light conditions without displaying lighted lamps on the vehicle.

(b) Every vehicle stopped or parked on the side of any road or highway during the hours set forth above, shall burn lamps, flares, or otherwise alert other drivers of the potential danger, unless the vehicle is positioned at least thirty inches from the main traveled portion of the roadway in such fashion that no part of the main traveled portion of the roadway, nor the thirty inch safety zone is impeded.

(c) Violation of this section shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00)

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 624. Pedestrians

(a) It shall be unlawful for a pedestrian crossing a roadway at any point other than a marked crosswalk or within an unmarked crosswalk at an intersection to fail to yield the right of way to all motor vehicles on the roadway.

(b) Notwithstanding the provisions of Subsection (a) herein, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any person upon a public road.

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(c) Violation of this section shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 625. Throwing Trash On Roads And Roadways

(a) It shall be unlawful to discard trash or refuse of any type on a roadway or public highway or right-of-way within the Tribal jurisdiction.

(b) Throwing trash on roads and roadways shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 626. Illegal Parking

(a) It shall be unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of a public roadway when it is practical to stop, park, or leave such vehicle off such part of said roadway, but in every event a clear and unobstructed width of at least twenty feet of such part of the roadway opposite such standing vehicle shall be left for the free passage of other vehicles, a clear view of such stopped vehicle shall be available from distance of two hundred feet in each direction upon said roadway, and the vehicle must be positioned at least thirty inches outside the main traveled portion of the roadway.

(b) This Section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position, provided that reasonable provision is made by the driver thereof for the warning and safety of other vehicles traveling upon such roadway until the vehicle can be removed.

(c) It shall be unlawful to stop, park, or leave standing a vehicle except when necessary to avoid collision with other traffic or in compliance with the directions of a police officer or traffic control sign, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within twenty-five feet of a fire hydrant;

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(5) On a crosswalk.

(d) A violation of this Section shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 627. Failure to Stop When Directed by Police

- (a) It shall be unlawful to fail to immediately pull over to the right-hand edge or curb of the public road clear of the any intersection and stop and remain when approached by a police vehicle making of audible and/or visual signals.
- (b) Failure to stop when directed by a police officer shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or by suspension of driving privileges for a period not to exceed one year or any combination of the above punishments.

[History: Resolution SF-89-05, November 21, 1988.]

Section 628. Failure to Yield Right of Way to Emergency Vehicle

- (a) Upon the approach of any emergency vehicle making use of audible and/or visual signals, it shall be unlawful to fail to immediately pull over to the right-hand edge or curb of the public road clear of the any intersection and stop and remain until the emergency vehicle has passed, unless otherwise directed by a police officer.
- (b) Failure to yield right of way to emergency vehicle shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or by suspension of driving privileges for a period not to exceed one year or any combination of the above improvements.

[History: Resolution SF-89-05, November 21, 1988.]

Section 628. State Traffic Laws Applicable

- (a) In the approach of an applicable Tribal offense, the State of Oklahoma motor vehicle and traffic laws shall be applicable and enforceable to the operation of a motor vehicle in the tribal jurisdiction, provided that in lieu of the penalties provided under state law, a person may be sentenced in accordance with the maximum range of punishment provided under Tribal law..
- (b) Such state law shall be effective and enforceable insofar as the motor vehicle laws are not inconsistent with tribal law, procedure or policy.

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[History: Resolution SF-02-135, June 13, 2002. (*Note - duplicate Section 628 as assigned by Resolution, probably should have been numbered Section 630.*)]

Section 629. Improper Display or Use of a License Plate

- (a) It shall be unlawful for a person to unlawfully remove a license plate from a vehicle or to affix or display a license plate not authorized by law for use on said vehicle.
- (b) It shall be unlawful to lend to or sell to, or knowingly permit the use of by, a person not entitled thereto any license plate issued to or in the custody of the person so lending or permitting the use thereof.
- (c) Improper Display or Use of a License Plate shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or both.

[History: Resolution SF-89-05, November 21, 1988.]