

TITLE 14

CIVIL REGULATION OF VEHICULAR TRAFFIC7

CHAPTER 1 -- GENERAL PROVISIONS

14-1-101. Purpose of Title

A) The purpose of this title is to provide regulations for the use of vehicles within the boundaries of the Crow Indian Reservation. The proper use of vehicles within the boundaries of the Crow Indian Reservation is of

7 RESOLUTION NO.

A RESOLUTION ADOPTING TITLE 14 OF THE CROW TRIBAL CODE, "CIVIL REGULATION OF VEHICULAR TRAFFIC."

WHEREAS, traffic problems involving both Indians and non-Indians are very common on the reservation, and

WHEREAS, the Crow Tribe currently does not have any means of regulating traffic within the boundaries of the reservation, as there are no traffic laws with general application, and

WHEREAS, it is within the sovereign authority of the Crow Tribe to regulate with civil enforcement, the use of roads and highways within the boundaries of the Crow Reservation, and

WHEREAS, traffic accidents, often with tragic results, have touched the lives of nearly everyone on the reservation, and

WHEREAS, enforceable traffic regulations, along with an aggressive traffic safety program designed especially for our young people, will save lives, injuries, and property, and

WHEREAS, it is the responsibility of the Crow Tribe to make the roads and highways within the boundaries of the Crow Reservation safer, and thereby improve the quality of the life for all Reservation residents, and

WHEREAS, such regulations must apply to everyone using the roads and highways within the Reservation, as the jurisdictional maze created by the law has made enforcement of any other law difficult, if not impossible, and

WHEREAS, a significant portion of the traffic problem on the Reservation is created by individuals using roads passing through the Reservation, and apparently feeling little regard for the lives and property of Reservation residents, have been creating hazardous road conditions, and

WHEREAS, the Crow Tribe hereby asserts that this regulation of vehicular traffic is a legitimate part of self-government over it's people and property.

NOW THEREFORE, BE IT RESOLVED, that the Crow Tribe hereby adopts the following Title 14 for the Crow Tribal Code., "Civil Regulating of Vehicular Traffic." This Title shall supersede all other regulations covered herein, whenever passed, except for Title 13, of the Crow Tribal Code, relating to Criminal Traffic Provisions.

PASSED, ADOPTED AND APPROVED by the Crow Tribal Council on the __ day of _____. 198_, by votes for adoption and __ votes against adoption.

Signed by Donald Stewart, Sr.-

Donald Stewart, Sr., CHAIRMAN
CROW TRIBAL COUNCIL

ATTEST:

Signed by Theodore J. Hogan

Theodore J. Hogan, SECRETARY
CROW TRIBAL COUNCIL

NOTED:

Signed by,

SUPERINTENDENT, BUREAU OF INDIAN AFFAIRS

importance to the health and safety of the individual tribal members, as well as the overall quality of life for residents of the Reservation.

B) This title is further intended to exercise the powers of self-government the Crow Tribe retains in governing its people and territory. This self-government becomes all the more important in the face of problem areas such as traffic control, where the jurisdictional maze created by laws in this area have resulted in cumbersome, if not impossible, enforcement requirements. The inherent sovereignty of the Crow Tribe is therefore being utilized in this area to deal with a growing problem brought about in part by the ever-growing sophistication, mechanization, and transitory nature of the world around us.

C) These regulations are intended to provide minimum standards for individuals operating vehicles within the boundaries of the Crow Reservation. These regulations are mandatory in nature, and must be complied with. Sanctions against violators are identified, and will be applied to be sure these minimum standards are met.

D) These regulations are intended to benefit all those who live within the Reservation boundaries, by making the streets and highways safer to use, The Crow Tribe will enforce these regulations with these purposes in mind, and said regulations shall be applied as necessary to fulfill these purposes. If in the future, any of these regulations are found to be violative of law, and therefore void, the remaining provisions shall remain in full force and effect until further action of the Crow Tribal governing body.

14-1-102. Jurisdiction and Procedure.

A) The Crow Tribal Court shall have jurisdiction to hear all cases and controversies arising under the provisions of this title. Such jurisdiction shall include all matter identified as civil in nature, and falling within the guidelines of Title 3, Chapter 2, of the Crow Tribal Code.

B) All cases and controversies arising under the provisions of this title shall be treated as civil in nature, and be controlled by the Crow Tribal Rules of Civil Procedure, unless provisions herein conflict with the Rules of Civil Procedure, in which case the provisions herein shall control.

14-4-403. Civil Nature of Proceedings.

A) As the proceedings intended under this title are civil in nature, a finding of liability for one of the sanctions identified, shall impose no legal disability or disadvantage.

B) When presenting a case provided for herein before the Tribal Court, the representative of the Tribe must show by a preponderance of the evidence that the named defendant was in non-compliance with these regulations, and should therefore be liable for the listed fine amount.

C) All cases going to trial shall be presented in open court before a judge of the Crow Tribal Court. Because of the small amounts involved as fines, and the expensive nature of jury trials, jury trials shall be allowed only at the leave of court, after a showing that such is necessary to receive a fair trial.

D) A cause of action brought under the provisions of this title does not preempt other causes of action arising from the same incident, whether criminal or civil, as long as there is a separate basis for such cause of action. A finding of liability under this title may be used as evidence in further actions, where appropriate. Actions arising under this title must be treated separate from criminal actions, and shall not be used as the basis of plea bargaining arrangements.

14-1-104. Definitions.

A) Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn on land, except snowmobiles and devices moved by human power or used exclusively upon stationary rails or tracks.

B) Authorized Emergency Vehicle: Any vehicle in official use for emergency purposes by the Crow Tribe, State or Federal Agency, and private ambulances.

- C) Bicycle: Every device propelled by human power upon which or persons may ride on land, having one, two or more person wheels.
- D) Motorcycle: Ever motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with ground; but excluding a tractor.
- E) Motor Vehicle: Every vehicle which is self-propelled and every vehicle which is propelled by electric power, but not operated upon rails, or upon water, except snowmobile.
- F) Operator: Any person who operates, drives, controls, or otherwise has charge of a vehicle.
- G) Traffic: Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

CHAPTER II-- VEHICLE OPERATION REQUIREMENTS

14-2-101. Bicycles.

- A) Bicycle riders must comply with all applicable traffic regulations, including the provisions of this title, and all posted traffic signs. Bicycle riders shall keep bicycles under complete control at all times.
- B) Each bicycle must exhibit a white light on the front and a red reflector on the rear, during periods of low visibility or during the period of time between sundown and sunrise.
- C) Any person found to have been in non-compliance with this section be liable for a fine of not more than \$10.00 nor less than \$5.00.

14-2-102. Motorcycles.

- A) Motorcycle operators and riders must comply with all applicable traffic regulations, including the provisions of this title, and all posted traffic signs. Bicycle riders shall keep bicycles under complete control at all times.
- B) Each motorcycle operated on any road within the Crow Indian Reservation must have a light in the front capable of dimming from high beam, have a rear tail light, have turning lights both front and back, and have appropriate rear view mirrors. Turning lights are required only during periods of low visibility, or between the time of sundown and sunrise.
- C) Each motorcycle operated within the boundaries of the Crow Indian Reservation must have a muffler in good working order, as required in section 14-2-106.
- D) Any person found to have been in non-compliance with this section shall be liable for a fine of not more than \$10.00 nor less than \$5.00.

14-2-103. Commercial Towing Service.

- A) An operator of a vehicle used to provide commercial towing service for another vehicle following an accident, or for any other reason, must give immediate notice by the quickest available means of communication to the Crow Law Enforcement officials, before moving the vehicle, unless traffic is being obstructed, in which case notification shall be made before leaving the Crow Indian Reservation. In no event shall notice be more than twelve (12) hours after moving the vehicle.
- B) Any person found to have been in non-compliance with this section shall be liable for a fine of not more than \$25.00, nor less than \$15.00.

14-2-104 Excessive Revving of Engines/Acceleration.

A) The excessive revving of the engine of a motor vehicle or motorcycle when such vehicle is not moving, so as to cause a disturbance of the peace, is prohibited. This prohibition shall not apply to vehicles being repaired or when such revving can be shown to have legitimate purposes.

B) Every operator of a vehicle must keep their vehicle under control at all times. The excessive acceleration of a vehicle when approaching or leaving a stopping place is prohibited. Acceleration is excessive when control is difficult to maintain under normal driving conditions, because of the acceleration.

C) Any person found to have been in non-compliance with this section shall be liable for a fine of not more than \$25.00, nor less than \$15.00.

14-2-105 False Report.

A) When reporting an accident or the non-compliance of an individual with traffic regulations, information related must be true and accurate to the best of the knowledge and memory of the person reporting. Any person found to have deliberately given a false or fictitious report shall be liable for a fine of not more than \$35.00, nor less than \$20.00.

14-2-106 Mufflers.

A) Every motor vehicle shall be equipped with a muffler in good working order whenever the vehicle is operated on roads within the boundaries of the Crow Indian Reservation.

B) Operating a vehicle equipped with a muffler cut-out, bypass, or similar device will not meet the standard of operating a vehicle with a muffler in good working order.

C) Any person found to have been in non-compliance with this section, shall, when first discovered, be issued a written warning directing the operator to install on his vehicle, a muffler in good working order. Any person found to have to have been in non-compliance with this section after being issued the above written notice, shall be liable for a fine of not more than \$25.00, nor less than \$15.00.

14-2-207 Obstructing Traffic.

A) When stopping, parking, or leaving any vehicle, whether attended or unattended, upon the paved or maintained surface of a road, every operator must leave at least ten (10) feet of the width of the same traffic lane for the free or unobstructed movement of other vehicles. Stopping, parking, or leaving any vehicle upon a designated fire lane is prohibited. The above shall not apply in the event of an accident or other condition beyond the immediate control of the operator, or if otherwise directed by an authorized person.

B) No operator shall interfere with the normal flow of traffic by permitting a vehicle under his/her control to obstruct traffic by making turns from the wrong lane, by weaving in and out of traffic, by driving too unreasonable slow, or in any other unreasonable manner.

C) Any person found to have been in non-compliance with this section shall be liable for a fine of not more than \$25.00, nor less than \$10.00.

14-2-108. Reporting Accidents.

A) The operator of any vehicle involved in a collision or accident resulting in damage to property or injury to or death of any person shall immediately stop such vehicle at the scene of the incident, or as close thereto as possible. The operator shall in every event described above, remain at the scene of said event until he has fulfilled the requirements or paragraphs B and C of this section.

B) The operator of any vehicle involved in a collision with an unattended vehicle or other property in the absence of the owner, shall at the time and place of the incident, give in writing his name, address and identification of his vehicle to the operator or owner of the other property involved. If, after waiting for a reasonable time, the owner or operator of the other property does not appear, then an operator may leave the above information along

with his license number, if any, in a secure and conspicuous place, where said information will be found by the other owner or operator.

C) Where possible, the operator of a vehicle involved in a collision with any vehicle or other property, shall at the time and place of the incident, give in writing his/her name, address, license number, and identification of his/her vehicle to the operator or owner of the other property involved. In every situation where the collision causes bodily injury to someone, or physical damage to property so as to render one of the vehicles unsafe or unable to drive, the Crow Law enforcement department shall be notified, and both owner/operators shall remain at the scene until law enforcement officials have investigated the incident.

D) The operator of any vehicle involved in a collision or accident shall, no matter how serious the incident, give notice of such incident by the quickest available means of communication to the Crow law enforcement department. Said operator shall also provide a written report of the incident within 24 hours, when requested by an authorized person. This report does not relieve the operator from the responsibility of making any other motor vehicle accident report which may be required.

E) Any person found to have been in non-compliance with this section shall be liable for a fine of not more than \$50.00, nor less than \$10.00.

14-2-1 09. Yielding Right of Way.

A) The operator of any vehicle, when approached from any direction by any authorized emergency vehicle giving an audible or visual signal, shall yield the right of way to the emergency vehicle, by pulling off to the side of the road, and allowing the vehicle to pass.

B) The operator of any vehicle upon the roads or highways within the Crow Indian Reservation shall also yield to a signaling school bus. No operator shall pass a school bus when it's red lights are flashing.

C) Any person found to have been in non-compliance with this section shall be liable for a fine of not more than \$50.00, nor less than \$25.00.

14-2-110. Speed Limits.

A) The operator of any vehicle within the boundaries of the Crow Reservation shall limit the speed of his/her vehicle to the following maximum limits, unless otherwise provided in this section:

1. Fifteen (15) miles per hour, within all school zones, business parking areas, residential areas, and at sites of emergencies such as fires or motor vehicle accidents.

2. Twenty-five (25) mile per hour, upon sections of road repairs.

3. The speed limit on all other roads within the reservation shall be fifty-five (55) miles per hour, except as posted otherwise.

B) The Crow Law and Order Commission may establish greater or lesser speed limits upon any road or other way when the maximum speed limits set forth above are determined to be greater or less than is reasonable or safe. Such speed limits shall be established by the posting of appropriate signs and no person shall drive any vehicle at a speed in excess of the maximum limits posted. The Law and Order Commission, when intending to change the speed limit for any stretch or road, must post said change in at least four (4) public places, three (3) weeks in advance of said change, and provide for a public hearing to take public comment on the proposed change, at least one week before the proposed change. When implementing any change, the Commission must post notices stating the reasons behind any change, and addressing the major issues, if any, raised for or against the change, at the public hearing.

C) The provisions of this section shall not apply to authorized emergency vehicles; provided, however, that such vehicles shall not be operated at speeds in excess of those which are prudent under the circumstances when speeding occurs.

D) Any person found to have been in non-compliance with this section shall be liable for a fine of five (5) dollars during the daylight hours between sunrise to sunset. After sundown and before sunrise, the fine assessed shall be the basic five (5) dollar fine plus one (1) for each mile per hour found to be in excess of the posted speed limit.

14-2-111. Traffic Control and Signs.

A) The Crow Law and Order Commission may erect signs which regulate traffic, prohibit or restrict stopping, standing or parking, the direction of travel, and the hours during which roads and parking areas are open to the public. Any change propose by the Commission must be implemented pursuant the procedure set forth in section 12-2-110(B). All persons shall comply with the directions of any signal or posted traffic sign.

B) All persons shall obey the lawful order or signal of any authorized person directing, controlling, or regarding the movement of traffic.

C) The operator of a motor vehicle shall comply with and observe all visual or audible sign as given by any authorized person directing the operator to bring his/her motor vehicle to a stop. This shall include obeying the instructions of an individual with apparent authority giving traffic instructions at a construction site, as long as given instructions are reasonable and prudent.

D) The Crow Law and Order Commission is authorized to erect signs which regulate traffic, prohibit or restrict stopping, standing or parking, the direction of travel, and hours during which roads and parking areas are open to the public during sun dances, Crow Fair, and other temporary tribal functions. The Chief of Police is authorized to regulate all motor vehicle traffic during these temporary tribal functions, pursuant to these temporary regulations. All persons shall comply with the directions of any signal or posted traffic sign.

E) Any person found to have been in non-compliance with this section shall be liable for a fine of not more than \$25.00, nor less than \$5.00.

14-2-112. Motor Vehicle Operating Standards.

A) Every motor vehicle operated on the roads within the boundaries of the Crow Indian Reservation shall be equipped with headlights in front, capable of dimming from high beam, and have lights in rear, capable of indicating when the brakes are applied. All vehicles with four wheels, shall have at least two working headlights in front, and at least two working re taillights in the rear of the vehicle.

B) Every motor vehicle shall also be equipped with at least one rear-view mirror, brakes sufficient to stop the vehicle as necessary, tires with adequate tread to allow safe operation at speeds operated, and windshields, windows, and a vantage point adequate to provide the driver with a safe view of the road and it's conditions. The general condition of the car must be maintained so as to make the car safe to operate under existing conditions.

C) When complying with traffic signals and signs, all operators must comply fully. When stopping, a vehicle must reach a full stop. When turning, an operator must signal in advance so as to give other operators and pedestrians notice of his/her intentions. Signaling shall be accomplished by turn indicators front and rear on a vehicle, or by hand signals by the driver during daylight hours only. No vehicle shall be operated in such a manner so as to endanger the safety of another operator, pedestrian or passenger.

D) Any person found to have been in non-compliance with this section shall be liable for a fine of not more than \$25.00, nor less than \$5.00, or shall receive a written warning to correct the non-compliance.

CHAPTER III ENFORCEMENT

14-3-101 Enforcement Responsibilities.

A) The law enforcement department at Crow Agency shall have the responsibility to see that the above regulations are enforced. This responsibility shall include, but is not limited to the authority to stop all vehicles not complying with this title, issue written citations to individuals informing them of the type of non-conformance they

will be held accountable for, setting hearing dates for adjudicating the liability of the cited individual, and accepting money in advance from the cited individual.

B) When an operator of a vehicle is stopped and issued a citation, the officer shall include, as a part of the citation, a notice that a hearing will be held to determine the validity of the alleged non-compliance. The citation shall state that the officer will institute a civil complaint against the cited individual, list the basis of the complaint, inform the individual that they will have ten (10) working days from the date of the citation to file a written answer to the citation with the Crow Tribal Clerk of Court, if they wish to contest the allegation on non-compliance, and set forth a date, fifteen (15) working days from the date of issuance, when a hearing will be held to adjudicate the matter. Specific times will be designated by Rules of Court.

C) The Chief Judge, after consultation with the Law and Order Commission, shall appoint a representative for the Tribe and law enforcement department to carry through on the civil complaints initiated by law enforcement officers or others. This representative shall receive the citations issued, and prepare them for trial as necessary.

D) All officers, when stopping vehicles, or issuing citations, shall be in regular dress uniforms, and be driving distinctly marked police vehicles.

E) Individuals wishing to report the non-compliance of someone may notify the law enforcement department at Crow Agency, and officers shall investigate to determine whether there is in fact non-compliance warranting a citation.

14-3-102. Default.

A) After the citation described above has been issued, it is the responsibility of the cited individual to answer the complaint as initiated by the citation. If an answer is not received by the Clerk of the Tribal Court within ten (10) working days of the time the citation was issued, the tribal representative may move the court for a default judgment for failure to answer. Upon the motion of the representative, a default will be entered in the minutes of the court record. If no answer was filed, the hearing scheduled shall be limited to a show cause proceeding to determine whether there was good cause for the individual's failure to answer. If the individual does not appear, or if good cause is not shown to prevent the default judgment, default judgment against the individual cited shall be entered.

B) If a fine was paid as a bond amount to the officer when the citation was issued, then that amount shall be forfeited to satisfy the default judgment. If no bond was posted, then the representative may proceed with the judgment pursuant to the Crow Tribal Rules of Procedure on executing against property, or may move the court to revoke the rights of the operator to use the vehicle in non-compliance with this title for thirty (30) days. The court may order whichever sanction in its discretion appears to best fulfill the purpose of this title.

C) If after failing to answer a complaint, the individual cited appears at the scheduled hearing, and presents a good cause for the failure, along with a written answer to the complaint, then the judge shall revoke any default entered, and schedule a second hearing within five (5) days, at which time evidence will be received to determine the validity of the complaint. The individual shall be served with a notice of the time and date of the second hearing before leaving the first show cause hearing.

D) If the rights to operate a designated vehicle have been revoked pursuant to a default judgment, and the operator is found to be operating said vehicle within the boundaries of the Crow Reservation, then said vehicle shall be impounded for the remaining days left on the revocation, unless the individual pays the maximum fine amount listed for the non-compliance identified in the default judgment against him/her.

14-3-103 Fines.

A) When an operator of a vehicle is stopped and issued a citation, the officer shall inform the individual that he/she may either pay a maximum fine amount identified in this title for each non-conformity, or appear at the time and date on the notice. This fine amount shall be posted as a bond to:

1) encourage conformity with vehicular operation requirements in the future;

- 2) emphasize the importance of non-conformity;
 - 3) insure action on the part of the individual cited, if he chooses to answer;
 - 4) provide a method for the convenience of the individual cited to choose the fine over a court appearance, when the individual accepts liability for his/her nonconformance. An individual posting a fine amount may answer the complaint and appear on the hearing date, if he/she so desire.
- B) If an individual is found to be in default, and a default judgment is entered, the amount posted as a bond shall be forfeited, and used to satisfy the fine imposed. If an individual is in default on a complaint, the fine assessed shall be the maximum amount set forth in the specific provision cited.

14-3-104 Hearing Procedures.

- A) The Crow Tribal Rules of Civil Procedure shall control the procedures followed in all hearings, unless specific procedures are identified in this title.
- B) At an adjudicatory hearing, the presiding judge shall receive all relevant evidence, and decide whether there is a preponderance of evidence to find the individual cited liable for a fine amount. It shall be within the discretion of the judge to determine the amount of the fine the individual cited shall be responsible for, provided the amount assessed is within the limits set forth in this title.

14-3-105. General Guidelines.

- A) All fines collected shall be deposited with the bonded Clerk of Court, so that said fines may be placed in amount C-158, Court fines, Crow Indians, or an account of a similar nature set up for traffic fines. All fines collected shall be used to defray administrative costs in enforcing this title, as well as to establish a program of seminars, classes, and/or education programs to promote highway safety on the reservation. If possible, such funds shall be used to develop a program for educating the youth on safe driving habits, and dealing with major traffic safety problems on the reservation.
- B) When exercising discretion in issuing warnings or citations, where permitted, all officers shall keep in mind the mandates of the Indian Civil Rights Act, and the rights provided for thereunder. All warnings issued shall be in lieu of issuing a citation, and are permitted only under the provisions of this title which provide for such.

C) This Code shall become law immediately upon its passage by the Crow Tribal Council. For thirty (30) day period after passage, no citations shall be issued when an individual is stopped for non-compliance with this title. Warnings shall be issued in lieu of citations, to give the general public time to become familiar with the provisions herein. Copies of this title shall be available to all who request a copy, and copies shall be posted in public places in community on the reservation.

D) The Crow Law and Order Commission is hereby authorized to raise the fine amounts listed in this title, after following the procedures set forth in section 14-2-110 of this title.