

Title XVII - Highways

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Sec. 101. Driving without a license.

(a) No person shall drive a motor vehicle on the public highways without a valid driver's license.

(b) Any person convicted of a first offense under this Section is guilty of a Class B misdemeanor. Any person convicted of a subsequent offense under this Section within a year of the first conviction is guilty of a Class A misdemeanor.

Sec. 102. Permitting an unauthorized minor to drive.

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

Sec. 103. Driving with vehicle in unsafe condition.

No person shall operate a motor vehicle on the roadways within the Reservation unless such vehicle is in safe mechanical condition.

Sec. 104. Starting, turning and stopping without regard to safety.

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

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

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

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

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

Sec. 105 Speeding.

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

(b) Where no special hazard exists that requires lower speed for compliance with paragraph (a), any speed not in excess of seventy (70) miles per hour and any night time speed not in excess of sixtyfive (65) miles per hour shall be lawful, but it is illegal for any person to drive at any speed in excess of the limits specified in this Section:

(1) fifteen (15) miles per hour within residential areas;

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

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

(4) twenty five (25) miles per hour in any urban district unless a different speed limit is posted;

(5) At a speed that is unsafe.

(c) The speed limitations set forth above shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire departments when

traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

(d) As an aid to enforcement of this Section or any other Section of this Title, BIA and Tribal law enforcement officers on the Reservation may use radio microwaves or other electrical devices to test the speed of a motor vehicle. The results of such tests shall be admissible in Tribal Court as evidence of the speed of the motor vehicle at issue. If a person charged with a violation of this Title requests a hearing under Section 125(a) (2)(B), or is required to appear for a hearing under Section 125(e), and the tribal prosecutor wishes to present the results of an electrical speed test as evidence, a law enforcement officer who operated the device or observed its operation during the alleged offense must appear to testify. This requirement does not apply if the individual charged with the offense does not contest the results of the test.

(e) Any person convicted of a violation under this Section is guilty of a Class B misdemeanor. For the third conviction within one (1) year of the first under this Section, the maximum penalty for such misdemeanors must be imposed.

(AMENDED AS PER RESOLUTION NO. 287-96-1, DATED 01/08/96, and RESOLUTION NO. 491a-2000-3, DATED 30/27/00.)

Sec. 106. Reckless or careless driving.

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

(b) Any person who drives any vehicle upon a highway carelessly in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to be likely to endanger any person or property shall be guilty of careless driving.

(c) Any person convicted of a first (1st) offense under this Section is guilty of a Class B misdemeanor. Any person convicted of a further offense under this Section within one (1) year of the first conviction is guilty of a Class A misdemeanor. In addition to the penalties prescribed for such misdemeanors, the Court in its discretion for both the first (1st) and (2nd) second offenses may suspend such person's right to operate a motor vehicle for a period of not to exceed one (1) year.

Sec. 106a. Fleeing from or eluding law enforcement officer.

(a) A person operating a motor vehicle commits the offense of fleeing from or eluding a law enforcement officer if a uniformed law enforcement officer operating a vehicle in the lawful performance of the officer's duty gives such person a visual or audible signal by hand, voice, emergency light, or siren directing such person to stop the motor vehicle and such person knowingly failed to obey the signal by increasing the speed of the motor vehicle, extinguishing the motor vehicle's lights, or otherwise fleeing from, eluding, or attempting to flee from or elude the officer.

(b)(1) Except as provided in subsection (b)(2), a person convicted of or pleading guilty or nolo contendere to an offense under subsection (a) is guilty of a Class A misdemeanor. A person committing a second and subsequent offenses is guilty of a felony.

(2) A person convicted of an offense of fleeing from or eluding a peace officer during which the person causes serious bodily injury or the death of any person is guilty of a felony.

(AS PER RESOLUTION NO. 2277-2005-10, DATED 10/24/05)

Sec. 107. Driving a motor vehicle while under the influence of intoxicating liquor or drugs.

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

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

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

(2) If there was at that time in excess of 0.05 percent but less than 0.80 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(3) If there was at that time 0.08 percent (0.08%) or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

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

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

(c) Any person who is convicted of a violation of this Section is guilty of a Class A misdemeanor, except that the fifth (5th) and subsequent convictions within one (1) year of the first (1st) such conviction shall be felonies. In addition to the penalties prescribed, the Court in its discretion may suspend such person's right to operate a motor vehicle for a period of not to exceed one (1) year. On the second (2nd) and subsequent convictions under this Section within one (1) year of the first (1st) such conviction, the Court must suspend the defendant's right to operate a motor vehicle for at least thirty (30) days. On the third conviction the Court must impose a penalty of at least thirty (30) days imprisonment. On the fourth (4th) conviction, the judge must impose a penalty of at least sixty (60) days imprisonment. On the fifth (5th) conviction and any subsequent convictions, the Court must impose a sentence of at least six (6) months imprisonment.

(AMENDED AS PER RESOLUTION NO. 1781-2001-5, DATED 05/14/01).

Sec. 108. Chemical blood, breath, or urine tests.

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

administered.

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

(c) If the test to be given is a blood test, only a physician or registered nurse or other qualified person acting under the supervision and direction of a physician or registered nurse, may, at the request of a police officer, withdraw blood for the purpose of determining any measured amount or detected presence of alcohol, drugs, or any combination of alcohol and drugs in the person. Any person withdrawing blood shall not incur any civil or criminal liability as a result of his/her assistance.

(AMENDED AS PER RESOLUTION NO. 52-2003-11, DATED 11/25/2003)

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

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

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

(AMENDED AS PER RESOLUTION NO. 52-2003-11, DATED 11/25/2003)

(g) If a person under arrest refuses upon the request of a police officer to submit to a chemical test designated by the arresting officer as provided in paragraph (a) of this Section, none shall be given, but the officer shall, on behalf of the Fort Peck Tribal Court, immediately seize his/her driver's license. The police officer shall forward the license to the Court, along with a sworn report that he/she had reasonable grounds to believe the arrested person had been driving or was in actual control of a motor vehicle upon the highways and roads of the Reservation while under the influence of intoxicating liquor or drugs, and that the person had refused to submit to the test on the request of the police office. Upon receipt of the report, the Court shall suspend the license for ninety (90) days.

(h) Upon seizure of the license, the police officer shall issue, on behalf of the Court, a temporary driving permit, which is valid for seventy two (72) hours after the time of issuance. (i) All suspensions under subsection (g) are subject to appeal to the Tribal Court. The issue on appeal shall be limited to whether a police officer had reasonable grounds to believe that the person had been driving or was in actual physical control of a motor vehicle upon the highways and roads of the Reservation while under the influence of intoxicating liquor or drugs, whether the person was placed under arrest, and whether the person refused to submit to the test.

Sec. 109. Admissibility of evidence.

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

(b) If the person under arrest refused to submit to the test as hereinabove provided, proof of refusal shall be admissible in any criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle upon the highways and roads of the Reservation while under the influence of intoxicating liquor or drugs.

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

Sec. 110. Failure to drive on right side of roadway.

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

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

Sec. 111. Following too closely.

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

Sec. 112. Overtaking a vehicle without regard for safety.

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

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

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

Sec. 113. Failure to stop for school bus flashing lights.

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

Sec. 114 Failure to give right-of-way.

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

(b) When two (2) vehicles from different highways enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the

right.

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

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

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

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

Sec. 115. Stopping, standing or parking on highway.

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

(b) The prohibition in paragraph (a) shall not apply to any person who, by reason of a traffic accident or other emergency, is unable to move a vehicle off the highway in accordance with this Section.

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

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

Sec. 116. Obstruction to driver's view or driving mechanism.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or so as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his/her control over the driving mechanism of the vehicle.

Sec. 117. Riding on fenders, bumpers, hoods, or other exterior parts of motor vehicles, and attachment to the exterior parts of motor vehicles.

(a) While the motor vehicle is in motion, no driver shall permit passengers to ride on the fenders, bumpers, hood, or any other exterior part of a motor vehicle, or attach themselves to an exterior part of the motor vehicles so as to be propelled or pulled by such motor vehicle, nor shall any passengers ride on any such exterior part, or attach themselves to any such part in the manner herein described.

(b) Nothing in this Section shall be construed to prevent passengers from riding in the back of a pick-up truck or other similar vehicle, nor shall it be construed to prohibit an individual from riding in a reasonably safe manner on the exterior part of a motor vehicle as an official participant in a parade or other ceremony permitted by the Tribes.

Sec. 118. Pedestrians on roadways without regard for safety.

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

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

(c) No pedestrian shall be upon or along any roadway while under the influence of intoxicating liquor, drugs or other substances.

Sec. 119. Unlawful use of or tampering with a motor vehicle.

(a) No person shall tamper with the motor vehicle of another with intent to injure the same or cause inconvenience to the owner thereof, or take and operate the motor vehicle of another under such circumstances as not to constitute larceny, but without the consent of the owner or person lawfully in charge thereof.

(b) Any person convicted of a violation of this Section is guilty of a Class A misdemeanor.

Sec. 120. Abandonment of motor vehicle.

(a) Any motor vehicle which is abandoned on (1) Tribal trust land or in any urban area within the Fort Peck Reservation, except in areas designated for abandonment by the Tribal Executive Board, or (2) on individual trust land within the Fort Peck Reservation, except with the consent of an Indian owner of the land, shall be removed to designated sites by law enforcement officials authorized by the Tribal Executive Board.

(b) A motor vehicle shall be deemed abandoned if it is (1) lacking in one or more parts essential to its mechanical functioning, or is otherwise inoperable so that it has no substantial potential for further use consistent with usual functions, and (2) is not moved and no repairs are attempted for seven (7) consecutive days.

(c) The Tribal Executive Board may designate sites where motor vehicles may be abandoned lawfully. The Tribal Executive Board shall provide the public with appropriate notice of the location of designated sites.

(d) Upon removal of any abandoned vehicle, law enforcement officials shall inspect an abandoned vehicle for evidence of ownership, and shall make a reasonable effort to learn or determine its ownership and any liens of record. If the name and address of the owner and/or lien holder of the vehicle are ascertained, the officer shall notify the owner and/or lien holder by certified or registered mail of the impoundment and location of the vehicle. If the name and address of the

owner and/or lien holder cannot be ascertained, notice shall be posted at the Tribal Office, which notice may contain multiple listings. The notice shall specify that the owner or lien holder may redeem the vehicle upon presenting satisfactory proof of ownership or right to possession, and payment of the civil penalty and expenses of removing and storing the vehicle as provided in paragraph (f) not more than ten (10) days after the date of notice; otherwise the vehicle will be sold in accordance with the provisions of this Chapter.

(e) If the vehicle is not redeemed within ten (10) days after the date of notice as provided in paragraph (d) of this Section, the vehicle may be sold or otherwise disposed of by the Court, provided that it first finds that the vehicle has been abandoned within the meaning of subsection 120(a) and (b). When any vehicle is sold, the Court shall execute a certificate of sale in duplicate, deliver an original copy to the purchaser and retain the copy. The certificate of sale shall contain the name and address of the purchaser, the date of sale, the consideration paid, a description of the vehicle and a stipulation that no warranty is made as to the condition or title of the vehicle.

(f) Any person who (1) unlawfully abandons a motor vehicle; or (2) owns a motor vehicle that is abandoned unlawfully is guilty of a Class B misdemeanor, and in addition to the penalties prescribed for such misdemeanors shall be charged with the expenses of moving and storing the vehicle.

Sec. 121. Driving in violation of an order of the Court.

(a) No person whose right to operate a motor vehicle has been suspended by the Court shall operate or attempt to operate a motor vehicle upon a public highway in violation of the Court's order.

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

(c) Any person who is convicted of driving in violation of an order of the Court is guilty of a Class A misdemeanor, and in addition to the penalties prescribed for such misdemeanors, the Court may deprive such person of the right to operate a motor vehicle for a period not to exceed one (1) year.

Sec. 122. Emergency medical assistance.

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

Sec. 123. Duties in the event of accident.

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

accident reasonable assistance, including hospital or medical attention.

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

(c) The driver of any vehicle involved in any accident resulting only in damages to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of the accident, and of his/her name and address, and of the registration number of the vehicle he/she is driving, and shall upon request and if available exhibit his/hers operator's or chauffeur's license.

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

Sec. 124. Law officers to report accidents.

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

Sec. 125. Traffic violations procedures.

(a) Any person cited for violations of any provisions of this Title, other than Sections 101, 103, 106, 107, 121, 123, 130, 131 or 132 shall elect among the following alternative options:

(1) Prior to the date scheduled for hearing on the citation, he/she may pay a fine in the amount provided in Section 125(d) either in person or by mail, which fine shall be specifically noted on the citation; or

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

(A) make a statement in explanation of his/her action, and the Court may at that time, in its discretion, impose, waive, reduce, or suspend the statutory fine provided in Section 125(d) or

(B) request a hearing on the violation charged. If at the hearing the individual is found guilty of the violation charged, the penalty imposed shall be that prescribed in the section establishing the violation, or if there is no such penalty, the penalty prescribed in Section 127.

(b) If the person cited follows the procedures in Sections 125(a)(1) or 125(a)(2)(A), he/she shall be deemed to have admitted the violation and to have waived his/her right to a hearing on the issue of commission of the violation.

(c) If a person fails to choose one of the methods of proceeding set forth in Section 125(a), he/she shall be deemed to have admitted commission of the violation charged. The penalty imposed shall be that prescribed in the section establishing the violation, or if there is not such penalty, the penalty prescribed in Section 127. Failure to appear at the time designated, without first paying the fine provided in subsection (d), shall be punishable as disobedience to a lawful order of Court, and shall also be deemed to admit commission of the

violation charged.

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

(1) For a speeding violation, twenty dollars (\$20.00) for the first (1st) offense, fifty dollars (\$50.00) for a second (2nd) offense within one (1) year of the first (1st) offense, and seventy-five dollars (\$75.00) for each additional offense within one (1) year of the first (1st).

(2) For all other violations except those listed in Section 125(a), a fine in the amount of twenty dollars (\$20.00).

(e) A person cited for a violation of Sections 101, 103, 106, 107, 121, 123, 130, 131, or 132 shall appear for a hearing in Court at the time scheduled on the citation.

Failure to appear at the time designated shall be punishable as disobedience to a lawful order of Court, and shall also be deemed to admit commission of the violation charged.

Sec. 126. Notification of parents or guardians of juvenile traffic offenders .

The juvenile officer shall notify the parent or guardian of any juvenile scheduled to appear before the Court on a traffic offense of the charge as contained in the citation, the penalty attached to the offense, and the time and place of any court hearing on the matter.

Sec. 127. Penalties not otherwise prescribed.

Any person who is convicted of an offense enumerated in this Title, for which another penalty is not specifically provided, is guilty of a Class B misdemeanor and the Court may impose any penalty prescribed for this class of offense.

Sec. 128. Right of appeal.

Any person who has been sentenced to imprisonment or whose right to operate a motor vehicle has been suspended under authority of this Title shall have the right of appeal on such sentence or suspension in accordance with Title II, Chapter 2 of this Code by filing a notice of appeal within fifteen (15) days after entry of the Court's order. Notwithstanding any other provision of this Code, no other persons on whom penalties have been imposed under authority of this Chapter shall have the right of appeal.

Sec. 129. Statute of limitations.

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

Sec. 130. Child restraint systems.

(a) No Indian resident of the Fort Peck Reservation who is the parent or legal guardian of a child between 0 and 4 years old, or weighing less than 40 pounds may transport the child in a motor vehicle owned by the resident or his/her spouse unless the child is properly restrained in a safety belt or other properly designed and manufactured child restraint system.

(b) No Indian resident or his/her spouse is required to have more than three (3) child safety restraints system in a vehicle.

(c) This section is not applicable to a vehicle that is a motorbus, school bus, moped, motorcycle or three (3) or four (4) wheel all-terrain vehicle.

(d) Any Indian resident cited and convicted for violating the provisions of this section shall be subject to a civil penalty as prescribed by Section 125 of this Title.

(APPROVED PER RESOLUTION NO. 1200-90-8, DATED 08/27/90.)

Sec. 131. Safety belt use required.

(a) Every person sixteen (16) 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 shall operate a motor vehicle unless all passengers under the age of sixteen (16) are either wearing a safety belt assembly or are securely fastened into an approved child restraint system as set forth in Section 130 (a) of this Title.

(c) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of any other provision under this Title. A person violating this section may be issued a written warning of the violation at the officer's discretion.

(d) This section is not applicable to:

(i) operators or passengers of motorbuses, school buses, taxicabs, mopeds, motorcycles, three (3) or four (4) wheel all-terrain vehicles or vehicles over 10,000 pounds gross vehicle weight (GVW), and

(ii) an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt assembly for physical or medical reasons.

(e) Failure to comply with the requirements of this Section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(f) Any person cited and convicted for violating the provisions of this Section shall be subject to a civil fine of not less than \$25.00 and not more than \$50.00.

(AMENDED AS PER RESOLUTION NO. 514-92-2, DATED 02/24/92.)

Sec. 132. Mandatory financial responsibility.

(a) Required maintenance of financial responsibility. Every driver and every owner of a motor vehicle, within the Reservation, shall at all times maintain in force one of the forms of financial responsibility specified in subsection (b), and shall at all times carry in the vehicle written evidence of the form of financial responsibility in effect for the vehicle, as specified in subsection (d).

(b) Forms of financial responsibility. Financial responsibility of a driver or owner is established if they are one of the following, according to the laws of any competent jurisdiction:

(1) An insured or obligee under a form of insurance or bond which complies with the requirements of subsection (c) .

(2) A self-insurer according to the provisions of subsection (c).

(3) A deposit with a governmental official in compliance with the provisions of subsection (c).

(c) Amount of minimal financial responsibility. All forms of financial responsibility shall provide the following minimal liability coverage; exclusive of interest and costs, with respect to each motor vehicle:

(1) \$25,000 because of bodily injury to or death of one person in any one accident and subject to said limit for one person.

(2) \$50,000 because of bodily injury to or death of two or more persons in any one accident; and

(3) \$10,000 because of injury to or destruction of property of others in any one accident.

(d) Evidence of financial responsibility. For purposes of subsection (a), "written evidence" shall be limited to include the following forms:

(1) (i) Name of the insurance or surety company which issued the motor vehicle liability policy or bond meeting the requirements of subsection (c),

(ii) name of the insured,

(iii) effective date of policy for the vehicle,

(iv) description of insured vehicle, and

(v) number of the insurance policy or surety bond; or

(2) If the driver or owner is self-insured under the laws of any competent jurisdiction, proof of a certification of self insurance from the issuing department of such jurisdiction;

(3) If the driver or owner has deposited security under the laws of any competent jurisdiction, proof of certification from the treasurer of such jurisdiction.

(e) Enforcement of financial responsibility. For purposes of enforcement, any law enforcement officer is hereby authorized to request written evidence, as provided in subsection (d), when the law enforcement officer has probable cause to stop an individual for violating any provision of this title or other applicable law.

(f) Criminal remedies, penalties and civil remedies.

(1) No penalty or civil remedies shall be imposed for failure to carry written evidence, provided that written evidence is produced to the Clerk of the Tribal Court within 30 days of the violation.

(2) Any Indian who fails to produce such written evidence will be subject to the following penalties:

(i) Any Indian convicted of a first offense under this Section is guilty of a Class B misdemeanor.

(ii) Any Indian convicted of a subsequent offense under this Section within one year of the first conviction is guilty of a Class A misdemeanor.

(3) Any non-Indian who fails to produce such written evidence will be subject to the following civil remedies:

(i) A civil fine of not to exceed \$100 for the first offense;

(ii) A civil fine of not to exceed \$500 for any subsequent offense.

(AMENDED AS PER RESOLUTION NO. 1781-2001-5, DATED 05/15/01.)