

FALLON PAIUTE-SHOSHONE TRIBE



LAW AND ORDER CODE

TITLE 7 TRAFFIC

Fallon Paiute-Shoshone Tribe Law & Order Codes

TITLE 7 TRAFFIC

Amended Title 7 Approved by FBC June 12, 2018
Resolution No. 18-F-132: Effective August 1, 2018.
Amended October 10, 2019 by Resolution No. 19-F-190
(Revised Section 7-40-010 – Citations; Revised Section 7-70-190 – Driver’s License Offenses;
Effective November 1, 2019)

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TITLE 7 – TRAFFIC

7-10 JURISDICTION

7-10-010 Jurisdiction

The Tribal Court shall have jurisdiction:

- (a) Over all vehicles located on or operated within the territorial boundaries of the Tribe and;
- (b) As provided herein, over owners and drivers of vehicles, where ever found, in connection with matters arising from the ownership or operation of vehicles within the Reservation.

7-10-020 Power To Regulate

The Fallon Business Council shall have the power to regulate all matters involving the ownership or operation of vehicles, including but not limited to, registration of and licensing of operator and vehicles, parking, speed limits and other traffic controls, traffic offenses and enforcement, trial and punishment of traffic offenders.

7-10-030 In General

Violation of this Code subjects the offender to civil forfeiture in the amount set in the civil forfeiture schedule. In addition, suspension of a driver’s license may be imposed, as provided in this Title 7, as an additional penalty for offenses listed in Chapter 7-70 of this Title 7.

7-20 DEFINITIONS

7-20-010 Road

All paved, gravel or dirt streets, roads, or highways within the Reservation and Colony (as defined in Title 1) which are provided for public use or which are commonly used by the public.

7-20-020 Vehicle

Every mechanical device which may be used for transportation or driven by a person upon a road, including but not limited to trucks, cars, and other four-wheeled vehicles, motorcycles, motor

scooters, and motorbikes and other two or three-wheeled vehicles, but not including mechanical devices propelled solely by human power.

7-20-030 Bicycle

Any mechanical device propelled solely by human power.

7-20-040 Driver

A person who drives or is in actual physical control of a vehicle.

7-20-050 Right Of Way

The privilege of the immediate use of the road.

7-20-060 Traffic

Vehicles, bicycles, pedestrians, or domestic animals moving along a road.

7-20-070 Person

Any person subject to the jurisdiction of the Tribal Court.

7-20-080 He, Him, Or His

Words of masculine gender include the feminine gender, and the singular includes the plural, where appropriate.

7-20-090 Police Officer

Any person empowered by Fallon Business Council resolution to enforce the Tribe's Law and Order Code.

7-20-100 Owner

A person to whom the real and beneficial use of a vehicle belongs.

7-20-110 School Bus

Any vehicle clearly marked as a school bus.

7-20-120 Farm Vehicle

Any vehicle primarily used in connection with a farming or ranching purpose.

7-20-130 Authorized Emergency Vehicle

- (a) Any publicly owned ambulance, or any privately owned ambulance being used to respond to an emergency call; or
- (b) Any vehicle operated by or with the authority of a Police department, Sheriff's department, or State Highway Patrol; or
- (c) Any vehicle operated by a Forestry or Fire department, or agency thereof; or
- (d) Any vehicle which the Fallon Business Council has authorized as an emergency vehicle.

7-20-140 Valid Driver's License

Any current and valid driver's license issued by:

- (1) A federally recognized Indian tribe if the State where the tribe is located recognizes the tribe's license;
- (2) The Government of the United States of America;
- (3) Any state of the United States of America; or
- (4) The Government of any foreign country.

7-20-150 Valid License Plate

Any current and valid vehicle license plate issued by:

- (1) A federally recognized Indian tribe if the State where the tribe is located recognizes the tribe's license plate;
- (3) The Government of the United States of America;
- (4) Any state of the United States of America; or
- (5) The Government of any foreign country.

7-30 DUTIES IMPOSED BY THIS TITLE 7

7-30-010 Duties and Authority of Authorized Police Officers

- (a) All Police Officers authorized by the Fallon Business Council shall have the general duty and authority to enforce this Title 7.
- (b) Police Officers shall have the specific duty and authority:
 - (1) To direct traffic at the scene of an accident, when traffic control signals are not working, or when traffic is too heavy to be controlled by traffic control devices;
 - (2) To issue civil citations for violations of this title to Indians and Non-Indians.
 - (3) To investigate and prepare a written accident report on any accident, occurring on a road and involving a vehicle, that results in property damage or personal injury.
 - (4) To have a badge indicating his official authority conspicuously displayed upon his person while on duty or while exercising his authority.
- (c) If a Police Officer fails to perform his duty under this Title, a civil action may be brought against him in Tribal Court to recover the damages resulting from such failure. Such an action may be brought by either the Fallon Business Council or any person suffering damages, and shall be maintained in accordance with Section 1-20-020 of this code and until a Civil Code is adopted by the Tribe.

7-30-020 Duties of Drivers and Owners

- (a) It is the duty of all drivers and owners to comply with the provisions of this Title 7.
- (b) It is the duty of all drivers to exercise due care in operating any vehicle on the Reservation/Colony in order to avoid injury to or interference with persons, property, and the peace and quiet of the Reservation/Colony.
- (c) If a driver or owner fails to fulfill his duty under this Title 7, a civil action may be brought against him in Tribal Court to recover the damages resulting from such failure. Such an action may be brought by any person suffering damages, and shall be

maintained in accordance with Section 1-20-020 of this code and until a Civil Code is adopted by the Tribe.

7-40 ENFORCEMENT PROCEDURE

7-40-010 Citations

- (a) **Initiating Proceedings** - Proceedings against a defendant shall be initiated by issuing a civil citation to the defendant. Issuing of a citation constitutes a civil summons to appear in Tribal Court. A copy of the citation shall, be filed with the Court Clerk and a second copy shall be retained by citing officer. When filed with the Court Clerk, the citation shall serve as a civil complaint.
- (b) **Issuance** - The citation shall be issued to the defendant personally, except that if the offense is a non-moving violation, then issuance may be made by affixing the citation to a visible location on the offending vehicle.
- (c) **Contents** - The citation shall contain at least the following:
 - (1) The name and driver's license number of the defendant, if available;
 - (2) The license number of the vehicle involved;
 - (3) The date, location and time of the alleged offense;
 - (4) The particular section of this Title 7 alleged to have been violated;
 - (5) A notice requiring the defendant to appear in Tribal Court on a stated date, time and location;
 - (6) An agreement to appear at the Tribal Court on a stated court date and time, or to pay a civil fine by posting cash equivalent to the maximum civil forfeiture scheduled for the violation paid to the Tribal Court prior to the scheduled court date in lieu of appearance. If the defendant refuses to sign the citation, the Police Officer shall note on the citation that the defendant refused to sign, and then shall provide a copy of the citation to the defendant. If the defendant refuses to accept the citation, the defendant may be charged under Law and Order Code § 5-60-090, or if the defendant is not an Indian then charged for interfering with law enforcement procedures; and
 - (7) A statement of the maximum civil forfeiture for each violation alleged.
- (d) **Other Applicable Code Provisions** - The provisions of Chapter 4-30-090 of Title 4, Criminal Procedure, dealing with citations, are also applicable to proceedings under this Title 7, when the defendant is an Indian charged with a criminal violation.

[Revised October 10, 2019 by Resolution No. 19-F-190.]

7-40-020 Civil Forfeiture

- (a) **Civil Forfeiture Schedule** - Each offense under Title 7 has a civil forfeiture incorporated within.
- (b) **Forfeiture of Cash** - The cash equivalent to the civil forfeiture set for offense may be forfeited by written agreement or a failure to appear for trial.

7-50 TRIAL OF TRAFFIC OFFENDERS

7-50-010 Rules of Procedure

The trial of defendants in traffic cases shall be governed by the provisions of Title 2 on civil procedure in all cases or, if Title 2 has not yet been adopted, pursuant to the Federal Rules of Civil Procedure.

7-60 Reserved

7-70 TRAFFIC OFFENSES

7-70-005 Suspension of License or Privilege to Drive Upon the Reservation

The Tribal Court may order the suspension of any person's Driver's License or privilege to operate a vehicle on the Reservation/Colony for a period of up to (1) year. Suspensions may be ordered if a judgment has been entered against a person for offenses listed in Chapter 7-70 of this Title 7:

- (a) Three (3) times within one (1) year;
- (b) Four (4) times within two (2) years; or
- (c) Five (5) times within three (3) years.

7-70-010 Drinking Alcoholic Beverages in a Motor Vehicle

No person shall drink any alcoholic beverage while in a vehicle, when such vehicle is upon a road. Violation of this section shall result in a civil forfeiture not less than \$50.00 nor more than \$120.00.

7-70-020 Depositing Matter on the Road

No person shall deposit upon any road any bottles, cans, garbage, glass, nails, paper, wire or any other substance likely to injure or damage traffic using the road. Violation of this section shall result in a civil forfeiture of not less than \$25.00 nor more than \$50.00.

7-70-030 Obstruction of Right-Of-Way

It shall be unlawful to stand, stop or park a vehicle so as to obstruct a right-of-way. Violation of this section shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-040 Speeding

- (a) **Speeding Restrictions** - It shall be unlawful for any person to operate any vehicle upon the Colony/Reservation at a speed exceeding a posted speed limit or exceeding forty-five (45) miles per hour if no speed limit is posted or exceeding a reasonable and proper speed dictated by road and weather conditions. Violation of this Subsection shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.
- (b) **Exception to Speed Restrictions** - The speed restrictions designated in this Code shall not apply to authorized emergency vehicles on an emergency call. This provision shall not relieve the driver of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons using the highway.

7-70-050 Driving on the Wrong Side of the Road

A driver shall operate his vehicle upon the right half of any road, except when that half of the road is out of repair or impassable, or when the driver's vehicle is safely overtaking and passing another vehicle. Violation of this section shall, result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-060 Unlawful Passing

- (a) Offense - It shall be unlawful to overtake and pass a moving vehicle:
 - (1) On a bridge, overpass, or tunnel;
 - (2) On a railway crossing or an underpass;
 - (3) At an intersection;
 - (4) When coming up to the top of a hill or on a curve where one does not have an unobstructed view fifty-five (55) feet ahead;
 - (5) When there is a solid yellow line in the driver's lane; or
 - (6) When an on-coming vehicle is so close that it is not safe to cross the center line.
- (b) Penalty - Violation of this section shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-070 Failure to Signal

- (a) Mechanical Signals - When a driver of a vehicle slows, turns, changes lanes, or stops, he shall give the proper mechanical signal in sufficient time to indicate his intentions to other drivers and pedestrians. Turn signals must be given for the driver(s) approaching as well as for the driver(s) behind him. Violation of this section shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.
- (b) Hand Signals - When mechanical signals are not given, signals must be given with the left arm as follows:
 - (1) For stopping, arm extended downward;
 - (2) For left turn, arm extended horizontally; or
 - (3) For right turn, arm extended at a 90 degree angle.
- (c) Violation of this section shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-080 Improper U-Turns

A driver shall not make a U-turn where it is not safe to do so, or where there is a "no U-Turn" sign. Violation of this section shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-090 Failure to Yield Right-Of-Way

- (a) A vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection;
- (b) If two of more vehicles approach or enter an intersection from different roads at the same time, the driver shall yield the right of way to the vehicle on the right;
- (c) All vehicles shall yield the right of way to pedestrians; or

- (d) All vehicles about to enter or cross a road shall yield the right of way to vehicles on the road. Violation of this section shall result in a civil Forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-100 Failure to Yield Right-Of-Way to Emergency Vehicles

Upon the approach of any authorized emergency vehicle displaying flashing lights and/or giving an audible signal by siren, the driver of every other vehicle shall immediately stop as far as possible off the right hand edge of the road, and parallel to the right hand edge or curb of the road, clear of any intersection or other roads, and shall remain so stopped until the authorized emergency vehicle has passed or unless otherwise directed by a Police Officer. Violation of this section shall result in a civil forfeiture of not less than \$25.00 nor more than \$100.00

7-70-110 Improper Passing of a School Bus

All vehicles shall stop before meeting or passing a clearly marked school bus from any direction, to receive or discharge school children. Vehicles shall not proceed until the school bus starts moving or until signaled by the bus driver to proceed. Violation of this section shall result in a civil forfeiture of not less than \$75.00 nor more than \$150.00.

7-70-120 Failure to Obey Traffic Control Device

All drivers, while driving a vehicle, shall obey the traffic control devices. Violation of this section shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-130 Operation of Unsafe Vehicles

- (a) It shall be unlawful to operate any vehicle which is in an unreasonably dangerous condition.
- (b) Whenever a federal safety standard is established under the National Traffic and Motor Vehicle Act of 1966 (13 U.S.C., Section 1381, et. seq.) no person shall sell or offer for sale a vehicle or item of equipment to which the standard is applicable unless:
- (1) The vehicle or equipment conforms to the applicable federal standard; or
 - (2) The vehicle or equipment displays & certification by the manufacturer or distributor that the vehicle or equipment complies with the applicable federal standards.
- (c) Violation of this section shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-140 Equipment Violations

- (a) Headlights and Taillights -
- (1) During darkness, every vehicle shall be equipped with and have in operation two functioning headlights, except that motorcycle shall be equipped with and have in operation one functioning headlight.
 - (2) During darkness, every vehicle shall be equipped with and have in operation one or more functioning taillights. Taillights shall be red in color and shall be plainly visible from all distances within 500 feet to the rear.

- (b) Brake Lights - Every vehicle shall be equipped with one or more functioning brake lights. Brake lights shall be plainly visible from a distance of 300 feet to the rear during normal sunlight and at night.
- (c) Backup Lights - Every vehicle, other than a motorcycle, shall be equipped with one or more functioning backup lights, if such lights were standard equipment on the vehicle as manufactured.
- (d) Turn Signals - All vehicles shall be equipped with a mechanical turn signal system capable of clearly indicating at intention to turn either right or left.
- (e) Brakes -
 - (1) Every vehicle shall be equipped with a service brake system and every vehicle with more than two (2) wheels shall be equipped with a parking brake system. The two systems shall be constructed so that failure of any part except for failure of drums, brake shoes, or other mechanical part of the wheel brake assemblies, shall not leave the vehicle without operative brakes.
 - (2) All brakes and component parts shall be maintained in good condition and in working order.
 - (3) Upon application of the service brake system, every vehicle, at any time and under all conditions of loading, shall be capable of stopping within 40 feet from an initial speed of 20 miles per hour.
- (f) Windshields - Every vehicle with more than two (2) wheels, except farm and off-road vehicles, shall be equipped with an adequate windshield.
- (g) Horns - Every vehicle, when operated upon a road, shall be equipped with a horn in good working order and capable of emitting a sound audible under normal conditions from a distance of 200 feet.
- (h) Tires - No persons shall use a vehicle with a pneumatic tire which is worn less than one thirty-second ($1/32$) of one inch of tread depth remains in any two adjacent grooves at any location on the tire.
- (i) Mufflers - Every vehicle shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise.
- (j) Violation of this Subsection shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-150 Negligent Injury to Animals on the Road

The driver of a vehicle shall exercise due care to avoid injuring wild or domestic animals on the roadway. Violation of this Subsection shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-160 Following too Closely

The driver of a vehicle shall not follow another vehicle so close so as to create a substantial danger of an accident, taking into account the speed of the vehicle involved, the amount of traffic, and road conditions. Violation of this Subsection shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-170 Duties From an Accident

- (a) The driver of any vehicle involved in an accident resulting in personal injury or death to anyone or damage to a vehicle or property, shall if the damaged vehicle or property is attended by any person, give his name, address, the registration number of the vehicle he is driving, the name(s) and address(s) of the owners thereof, and shall show his driver's license to the driver or passenger of or person attending any damaged vehicle or property. The driver shall give to any person injured in an accident reasonable assistance. Violation of this Subsection shall result in a civil forfeiture of not less than \$250.00 nor more than \$500.00
- (b) The driver of a vehicle involved in an accident resulting in injury or death of any person or apparent property damage shall immediately give notice of the accident to the local tribal police department. Violation of this Subsection shall result in a civil forfeiture of not less than \$250.00 nor more than \$500.00.
- (c) The driver of any vehicle which hits another vehicle or other property which is unattended shall immediately stop and attempt to locate the owner or driver, he shall leave in a safe and conspicuous place in or attached to the damaged vehicle or property a note giving his name and address. Violation of this Subsection shall result in a civil forfeiture of not less than \$10.00 nor more than \$250.00.

7-70-180 Registration Offenses/Proof of Insurance

- (a) Offense - No driver shall operate any vehicle on any road within the jurisdiction of the Fallon Paiute-Shoshone Tribe unless the driver has in his possession a valid certificate of registration for such vehicle and unless the vehicle displays a set of valid license plates and proof of insurance.
- (b) Farm Vehicle Exemption - This Section shall not apply to farm vehicles, as defined in Section 7-20-120, which are being driven on a road in connection with a farming or ranching purpose.
- (c) Penalty - Violation of this Subsection shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.

7-70-190 Driver's License Offenses

- (a) No driver shall operate a vehicle without a valid driver's license in his possession.
- (b) No person shall possess or display a cancelled, revoked, suspended, fictitious or fraudulently altered driver's license or a valid license not issued to him.
- (c) No person shall allow another to use his driver's license for identification.
- (d) No person shall cause or knowingly permit any unlicensed person to operate a vehicle, except for a farm vehicle, on a road.
- (e) Violation of this Section shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00.
- (f) Violation of this section by an Indian shall be a Class D offense.

[Revised October 10, 2019 by Resolution No. 19-F-190.]

7-70-200 Unsecured Passengers in Truck

- (a) No person shall operate a truck with any child under eighteen years of age riding unsecured upon the bed of a flatbed truck or in the bed of a pickup truck.
- (b) Exemptions. Drivers of vehicles shall not be cited under this Section under the following circumstances:
 - (1) When all riders are 18yrs of age or older;
 - (2) The truck is being used in the course of farming or ranching;
 - (3) The truck has installed a means of preventing a person riding unsecured from being thrown, falling, or jumping out of the truck (i.e. camper shell, slide-in camper, etc.); or
 - (4) The truck is engaged in hunting activities or is part of a parade.
- (c) Violation of this Section shall result in a civil forfeiture of:
 - (1) First Offense: \$50.00 fine.
 - (2) Second Offense: \$75.00 fine.
 - (3) Third and Subsequent Offenses: \$100.00 fine.

7-70-210 Safety Belt Requirements

- (a) Any person driving and any passenger who:
 - (1) Is 6 years of age or older; or
 - (2) Weighs more than 60 pounds, regardless of age,who rides in the front or back seat of any vehicle having an unladen weight of less than 10,000 pounds (passenger cars, trucks, SUVs) on any highway, road or street within the Tribe's jurisdiction shall wear a safety belt if one is available for the seating position of the person or passenger.
- (b) A citation will be issued to any driver or to any adult passenger who fails to wear a safety belt as required. If the passenger is a child who:
 - (1) Is 6 years of age or older but less than 18 years of age, regardless of weight; or
 - (2) Is less than 6 years of age but who weighs more than 60 pounds,a citation will be issued to the driver for failing to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations.
- (c) The Tribal Police Department shall exempt those types of motor vehicles or seating positions from the requirements of this Section when compliance would be impractical (vehicles manufactured before 1968 without lap/shoulder seatbelts).
- (d) The provisions of this section also will not apply to:
 - (1) A driver or passenger who possesses a written statement by a physician certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;
 - (2) Vehicles not required by federal law to be equipped with safety belts;
 - (3) To an employee of the United States Postal Service while delivering mail in the rural areas of the Reservation;
 - (4) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or

- (5) To a passenger riding in a means of public transportation, including a school bus or emergency vehicle not requiring seat belt use.
- (e) Violation of this Section shall result in a civil forfeiture of:
 - (1) First Offense: \$50.00 fine.
 - (2) Second Offense: \$75.00 fine.
 - (3) Third and Subsequent Offenses: \$100.00 fine.
- (f) A citation may be issued pursuant to this Section only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.

7-70-220 Child Seat Requirement

- (a) It shall be the responsibility of the driver of any vehicle driven within the Tribe's jurisdiction to ensure the safety of all child occupants.
- (b) No person shall operate a motor vehicle unless each child occupant under 6 years of age and weighing 60 pounds or less is secured in a properly installed child passenger restraint device:
 - (1) That meets all applicable federal motor vehicle safety standards;
 - (2) Is appropriate for the size and weight of the child; and
 - (3) Is installed within and attached safely and securely to the motor vehicle in accordance with the manufacturer's instructions, or in a manner approved by the National Highway Traffic Safety Administration.
- (c) Violation of this Section shall be considered a primary moving violation for which a law enforcement officer shall have the authority to stop a vehicle and issue a citation upon his reasonable belief that the driver is in violation of this Section.
- (d) Violation of this Section shall result in a civil forfeiture of:
 - (1) First Offense: \$50.00 fine. A fine for a first offense may be reduced or waived with submission to the Court proof that the violator has obtained a proper child passenger restraint device designed to fit the child and it has been properly installed by a certified Child Passenger Safety Technician.
 - (2) Second Offense: \$75.00 fine.
 - (3) Third and Subsequent Offenses: \$100.00 fine.
- (e) Drivers who habitually fail to comply with this section may be cited under other relevant sections of the Law and Order Code for child abuse or neglect for which appropriate penalties will apply.

7-70-230 Distracted Driving

- (a) Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway within the Tribe's jurisdiction:
 - (1) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.
 - (2) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or

her hands, other than to activate, deactivate or initiate a feature or function on the device.

- (b) The provisions of this section do not apply to:
- (1) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.
 - (2) A law enforcement officer who is acting within the course and scope of his/her employment.
 - (3) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.
 - (4) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.
 - (5) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.
 - (6) An employee or contractor of a public utility who uses a handheld wireless communications device:
 - (i) That has been provided by the public utility; and
 - (ii) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.
- (c) The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.
- (d) Violation of this Section shall result in a civil forfeiture of:
- (1) First Offense: \$50.00 fine.
 - (2) Second Offense: \$75.00 fine.
 - (3) Third and Subsequent Offenses: \$100.00 fine.
- (e) For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.
- (f) As used in this section:
- (1) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:
 - (i) The person using the device has a license to operate the device, if required; and
 - (ii) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is

used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

- (2) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use.

7-110 OFF-ROAD VEHICLES

7-110-020 Regulations for Off-Road Vehicles

- (a) Special Rules - The following rules shall apply to off-road vehicle use:
- (1) It shall be unlawful to operate a vehicle at a speed or in a manner causing excessive disturbance to land, terrain, wildlife, or vegetation.
 - (2) It shall be unlawful to operate a vehicle in a restricted use area in any manner not permitted therein.
- (b) Penalty - Violation of this section shall result in a civil forfeiture of not less than \$10.00 nor more than \$50.00

7-110-030 Restricted Areas

The Fallon Business Council shall have the power to designate areas of tribal land where vehicle operation is prohibited or restricted. In the absence of a specific designation, all Tribal lands shall be considered closed to the operation of off-road vehicles.

7-110-040 Permitted Use Areas

The Fallon Business Council may designate areas where off-road vehicle use is permitted. Such areas shall be designated by conspicuously posted signs advising of the locations and boundaries of off-road use areas and the regulations governing the use of off-road use areas.

7-110-050 Exemption for Vehicle Operation on Private Land

Drivers of vehicles operating on privately owned land with the consent of the land owner or occupier are exempt from the regulation of Chapter 7-110 of this Title 7.

7-120 BICYCLES

7-120-010 Operation of Bicycles

When operated on roads, bicycles shall be governed by the provisions of this Title 7, and shall have all of the rights and responsibilities of vehicles operated on roads.

7-120-020 Special Rules for Operations of Bicycles

- (a) Every person operating a bicycle upon a road shall ride as near as practical to the right side of the road.
- (b) Persons riding bicycle upon a road shall not ride more than two abreast except on paths or parts of road set aside for the exclusive use of bicycles.
- (c) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

7-120-030 Equipment

- (a) When in use at night, every bicycle shall be equipped with a functioning front light which gives off white light visible from a distance of at least 500 feet to the front.
- (b) When in use at night, every bicycle shall be equipped with a rear red reflector, which shall be visible at least 300 feet to the rear when directly in front of the headlamps on a vehicle.
- (c) Every bicycle shall be equipped with a brake system which will enable the rider to make the braked wheels skid on dry, level, clean pavement.

7-120-040 Duty to Exercise Reasonable Care

All bicycle riders shall exercise reasonable care to avoid injury to themselves and to other persons, and to avoid damage to any property. If a person fails to exercise reasonable care, a civil action may be brought into Tribal Court to recover the damages resulting from such failure.

7-120-050 Duty to Obey Traffic Control Devices

All bicycle riders shall obey all traffic control devices.

7-120-060 Penalty

Failure to obey any of the provisions of this Chapter 7-120 shall result in a civil forfeiture of not less than \$1.00 nor more than \$25.00.



FALLON PAIUTE-SHOSHONE TRIBE

Resolution No. 19-F-190

BE IT RESOLVED BY THE GOVERNING BODY OF THE FALLON PAIUTE-SHOSHONE TRIBE, THE FALLON BUSINESS COUNCIL, THAT:

WHEREAS: the Fallon Business Council ("Council") is the recognized Governing Body of the Fallon Paiute-Shoshone Tribe ("Tribe") and was established to exercise the privileges and powers of self-government, to conserve and develop the Tribe's resources for the social and economic well-being of its members, and to preserve and protect the civil rights of its members; and

WHEREAS: the Fallon Paiute-Shoshone Tribe is federally recognized by the United States Government and the Secretary of the Interior as a Native American Tribe, and by the power vested by the Tribal Constitution and Bylaws pursuant to Article VI – Powers & Duties of the Business Council, Section 1(h), the Business Council has the power "to promulgate and enforce ordinances governing the conduct of all people within the territorial boundaries of the Tribe, as provided by Federal Law; and to provide for the maintenance of law and order and establishment of a tribal court"; and

WHEREAS: pursuant to this power, the Business Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe's Reservation and Colony; and

WHEREAS: the Business Council has recognized the importance of reviewing and updating the Law and Order Code to ensure the Code meets the Tribe's needs and best serves to protect the interests of the Tribe, its members and persons living and working on Tribal lands; and

WHEREAS: to meet this goal, the Business Council posted for public comment revisions Title 5 of the Law and Order Code titled "Criminal Offenses" and to Title 7 of the Law and Order Code titled "Traffic Code," and no written comments were received;

NOW THEREFORE BE IT RESOLVED the Fallon Business Council, the governing body of the Fallon Paiute-Shoshone Tribe, hereby approves the amendments to Title 5 of the Law and Order Code titled "Criminal Offenses" and to Title 7 of the Law and Order Code titled "Traffic Code," which are attached hereto and which shall supersede and replace all prior versions of the revised sections (if any), and which shall go into effect November 1, 2019 and

BE IT FINALLY RESOLVED that the Fallon Business Council hereby directs that the Tribal Secretary make the amended versions of Titles 5 and 7 of the Tribe's Law and Order Code approved by this resolution be available to those Tribal members and attorneys/advocates who request a copy. The expense for each copy will be at the cost of the requester.

CERTIFICATION

At a duly held meeting of the seven members of the Governing Body of the Fallon Paiute-Shoshone Tribe, five of which constitute a quorum, there were 6 members present on the 10th day of October, 2019, who **VOTED 6 FOR, 0 AGAINST, and 0 ABSTENTION(S)**, in the adoption of the foregoing resolution, in accordance with the powers vested by the Fallon Paiute-Shoshone Tribe's Constitution and By-Laws.



Margot Dyer, Secretary
Fallon Business Council