

**TITLE VIII
TRAFFIC CODE**

CHAPTER 1 GENERAL PROVISIONS

Section 8-1-1 Jurisdiction

(1) This Traffic Code shall apply to all persons subject to the jurisdiction of the Shoshone and Arapaho Tribal Court who operate any motorized vehicle or bicycle within the Wind River Indian Reservation, including all hard surfaced or all-weather roads and rights-of-way.

(2) All matters arising under this Traffic Code shall be heard in the Shoshone and Arapaho Tribal Court, except for persons under the age of 18 to be heard in the Children's Court.

Section 8-1-2 Violation Not a Misdemeanor

Any violation of this Traffic Code is not a misdemeanor, except for reckless driving and driving while under the influence of intoxicating beverages or drugs, and driving in violation of court order.

Section 8-1-3 Fines, Costs and Payable Sentences

All monies collected under this Law and Order Code shall be paid into the general fund of the Shoshone and Arapaho Tribes and used as they shall designate.

Section 8-1-4 Costs

Costs of \$10.00 shall be imposed for each separate violation of the Traffic Code by the court.

Section 8-1-5 Consent to Chemical Test of Blood, Breath or Urine Implied; Suspension of License for Refusal to Take Test; When Suspension Effective

(1) Any person who operates a motor vehicle upon a public street or highway is deemed to have given consent, subject to the provisions herein, to a chemical test of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood if arrested and officially charged for an offense as defined by the Tribal Traffic Code Section 8-3-7 Driving While Under the Influence of Intoxicating Liquors or Drugs. The test or tests shall be incidental to a lawful arrest and shall be given as promptly as possible after the arrest and be administered at the direction of a law enforcement officer having probable cause to believe the person to have been driving or in actual physical control of a motor vehicle upon a street or highway while under the influence of intoxicating liquor to a degree which renders him incapable of safely

driving the vehicle. The arrested person shall be told that his failure to submit to a chemical test may result in the suspension of his privilege to operate a motor vehicle. The law enforcement officer shall further advise the arrested person that he may go to the nearest hospital or clinic and secure a test at his own expense or he shall have the test administered by a person at a place and in a manner prescribed by the law enforcement agency and at the expense of the arresting agency. If the arrested person elects to secure a test at his own expense, the results of the test shall be made available to the arresting officer and to the arrested person. Disclosure of the test results by the person administering it shall not be a violation of the doctor/patient relationship.

(2) Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal is deemed not to have withdrawn his consent provided by subsection (1) of this section, and the test or tests may be administered by a physician or a qualified medical technician in a clinical facility.

(3) If a person under arrest refuses upon request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency as provided in subsection (1) of this section, none shall be given, but upon the receipt of the law enforcement officer's sworn report or statement that he had probable cause to believe the arrested person was driving or was in actual physical control of a motor vehicle upon a public street or highway while under the influence of intoxicating liquor to a degree which rendered him incapable of safely driving such vehicle, and that the person refused to submit to the test upon the request of the law enforcement officer, the Wyoming Motor Vehicle Division shall suspend his operator's license for a period of six (6) months subject to review as hereinafter provided.

(4) No such suspension is effective until twenty (20) days after receipt by the arrested person of written notice thereof submitted by certified mail to the last known address furnished the Wyoming Motor Vehicle Division or a personal service. Failure to demand a hearing within the twenty (20) day period is a waiver of the right of hearing, and the Wyoming Motor Vehicle Division shall continue the suspension without further hearing. If demand for hearing is made, the Wyoming Motor Vehicle Division shall establish a time and place for the hearing within forty-five (45) days in the county where the arrested person resides, unless the Wyoming Motor Vehicle Division and the arrested person agree that the hearing be held in some other county. The prosecuting attorney shall give at least ten (10) days' notice of the hearing to the arrested person. Any hearing shall be conducted by a judge, hearing examiner or justice of the peace of the county. It is the duty of the prosecuting attorney wherein the hearing is conducted to represent the Wyoming Motor Vehicle Division in all proceedings and hearings in the matter.

CHAPTER 2 BICYCLES AND MOTORCYCLES

Section 8-2-1 Bicycle Violations

(1) Every person operating a bicycle on any hard surfaced or all-weather road within the exterior boundaries of the Wind River Reservation shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle.

(2) Persons riding bicycles on any hard surfaced or all-weather road within the exterior boundaries of the Wind River Reservation shall not ride more than two (2) abreast.

(3) Every person operating a bicycle at night on any hard surfaced or all-weather road within the interior boundaries of the Wind River Reservation shall have the bicycle equipped with a lamp on the front which shall emit a white beam of light visible from at least 500 feet to the front, and a red reflector or lamp on the rear of the bicycle of a type which shall be visible for at least 250 feet to the rear when in front of the headlamps of an approaching motor vehicle.

(4) Any violation of any of the foregoing provisions by any person shall be deemed an offense, and upon conviction thereof, the guilty person shall be assessed a fine not to exceed \$10.00. In the case of violation of any of the foregoing provisions by any minor, the adult or adults responsible for the care and custody of the minor shall be deemed guilty of a misdemeanor, if they authorize or knowingly permit such violation of the part of the minor, and upon conviction thereof the guilty person or persons shall be assessed a fine not to exceed \$10.00.

Section 8-2-2 Motorcycle Violations

(1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

(3) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars, or obstructs his vision or interferes with safe operation of the motorcycle.

(4) No operator shall carry any person, nor shall any person ride in a position that will interfere with the safe operation or control of the motorcycle or the view of the operator.

(5) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two (2) abreast in a single lane.

(6) The operator of a motorcycle shall not overtake and pass any vehicle except a single motorcycle in the same lane occupied by the vehicle being overtaken.

(7) No person shall operate a motorcycle between lanes of traffic, or between adjacent lines or rows of vehicles.

(8) Paragraphs (6) and (7) shall not apply to police officers in the performance of their official duties.

(9) Motorcycles shall not be operated more than two (2) abreast in a single lane.

(10) No person riding upon a motorcycle shall attach himself or the motorcycle to any other moving vehicle on a roadway.

(11) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.

(12) No person shall operate any motorcycle with handlebars more than fifteen inches (15") in height above that portion of the seat occupied by the operator.

(13) No person shall operate or ride nor shall the operator permit a person to ride upon a motorcycle unless he is wearing protective headgear securely fastened on his head and of a type which complies with standards established by the American National Standard Institute. This subsection shall not apply to persons riding within an enclosed cab.

(14) Any person operating a motorcycle shall have the headlamps of the motorcycle activated at all times, including daylight hours.

(15) Operators of motorcycles operating in an officially authorized parade shall be exempt from subsections (5) through (12).

(16) The standard for protective headgear shall meet or exceed the Z90.1-1971 standard of the American National Standards Institute. However, all existing equipment meeting the Z90.1-1966 standard of the American National Standards Institute shall be accepted.

(17) No person shall drive a motorcycle upon any road on the Wind River Reservation unless such person has a valid driver's license, Class "M," issued by the State of Wyoming in his possession.

(18) Violation of any of the provisions of this ordinance shall be an offense punishable by a fine of not less than \$10.00 or more than \$50.00.

CHAPTER 3 TRAFFIC OFFENSES

Section 8-3-1 Driving Without a License

(1) No person shall drive a motor vehicle on the public highways without a valid driver's or chauffeur's license in his possession.

(2) Any person convicted of violating this section shall be fined not more than \$120.00.

Section 8-3-2 Permitting an Unauthorized Minor to Drive

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

(2) Any person convicted of violating this section shall be fined not more than \$60.00.

Section 8-3-3 Driving Without Required Registration or With Vehicle in Unsafe Condition

No person shall operate a motor vehicle on the roadways within the reservation unless such vehicle is in good working order and adjustment as required by the laws of the State of Wyoming and is in safe mechanical condition and complies with the registration and licensing laws of the State of Wyoming.

Section 8-3-4 Starting, Turning and Stopping Without Regard to Safety

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

(2) 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 signal of intention to turn right or left, when required, has been given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning.

(3) 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 when there is opportunity to give such signal.

(4) The signals herein required shall be given either by means of the standard hand and arm signals or by mechanical or electrical signal device.

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

Section 8-3-5 Speeding

(1) 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 and having regard for the actual and potential hazards then existing. In any event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Where no special hazard exists that requires lower speed for compliance with paragraph (1), any speed not in excess of the limits specified in this section shall be lawful, but it is illegal for any person to drive at any speed in excess of the limits specified in this section:

- a) Twenty (20) miles per hour in any business district or in a marked school zone during opening, recess or closing hours.
- b) Thirty (30) miles per hour in residence or urban districts.
- c) Fifty-five (55) miles per hour for commercial vehicles.
- d) Fifty-five (55) miles per hour in other places for noncommercial vehicles.

(3) 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.

(4) Any person who drives in excess of the maximum speed as provided in this section, or at a speed greater than is reasonable and proper under conditions then existing, is guilty of speeding and upon conviction thereof shall be sentenced to a fine not to exceed \$15.00 and costs for the first offense, not to exceed \$50.00 and costs for the second offense committed within one (1) year of the first offense, and not to exceed a fine of \$100.00 with costs, for every further offense committed within one (1) year of such first offense.

(5) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Section 8-3-6 Reckless Driving

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(2) Every person convicted of reckless driving shall be punished by imprisonment for a period of not more than ninety (90) days or to a fine not to exceed \$150.00, or to both such imprisonment and fine, with costs, and may be deprived of the right to operate a motor vehicle for a period of not to exceed one (1) year.

Section 8-3-7 Driving While Under the Influence of Intoxicating Liquors or Drugs

(1) It is unlawful and punishable for any Indian who is under the influence of intoxicating liquor, to a degree which renders him incapable of safely driving a motor vehicle, to drive or have actual physical control of any vehicle within the Wind River Indian Reservation.

(2) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

a) If there was at the time 0.10% or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor to a degree which renders him incapable of safely driving a motor vehicle;

b) The foregoing provisions of subsection (2) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

(3) It is unlawful and punishable as provided in subsection (4) of this section for any person who is under the influence of any controlled substance or under the combined influence of alcohol and any controlled substance, to a degree which renders him incapable of safely driving a vehicle, to drive a vehicle on the Wind River Indian Reservation.

(4) Every person convicted of violating subsections (1) and (2) shall be punished by imprisonment for not more than ninety (90) days, or by a fine of not more than \$250.00 or by both such fine and imprisonment with costs, and shall be deprived of the right to operate a motor vehicle for a period of ninety (90) days for the first offense, and upon a conviction of a second

offense within two (2) years of the first conviction shall be deprived of the right to operate a motor vehicle for a period of one hundred eighty (180) days, and for a third or subsequent conviction shall be deprived of the right to operate a motor vehicle for a period of one (1) year and shall be imprisoned for not less than thirty (30) days nor more than ninety (90) days.

Section 8-3-8 Failure to Drive on Right Side of Roadway

(1) Upon all highways of sufficient width, the driver of a vehicle shall drive upon the right half of the highway, except:

 a) When overtaking and passing another vehicle proceeding in the same direction; or

 b) When the right half of the roadway is closed to traffic while under construction or repair or sign posted for one-way traffic or other conditions.

(2) No person shall at any time drive a vehicle to the left side of the roadway:

 a) 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;

 b) When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing; or

 c) When the view is obstructed upon approaching within one hundred feet (100') of any bridge, viaduct, or tunnel.

Section 8-3-9 Following Too Closely

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

Section 8-3-10 Overtaking Without Regard for Safety

(1) 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.

(2) 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 vehicle until completely passed by the overtaking vehicle.

(3) 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. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet (100') of any vehicle approaching from the opposite direction.

(4) No driver shall overtake another vehicle in a marked NO PASSING zone.

Section 8-3-11 Failure to Stop for a School Bus Flashing Lights

(1) Every driver 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.

(2) Any driver failing to stop and wait at such signal commits an offense and upon conviction thereof shall be sentenced to a fine not to exceed \$120.00, with costs.

Section 8-3-12 Failure to Give Right-of-Way

(1) 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.

(2) When two 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.

(3) 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 an immediate hazard.

(4) 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 intention to turn.

(5) 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.

(6) 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.

Section 8-3-13 Stopping, Standing or Parking on Highway

(1) 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 feet (500') to the drivers of vehicles approaching from either direction.

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

(3) Whenever any duly authorized law officer finds a vehicle standing upon a highway in violation of this provision, he 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.

Section 8-3-14 Coasting

No driver of a motor vehicle when traveling upon a down grade shall coast with the gears of the vehicle in neutral or with the clutch manually disengaged.

Section 8-3-15 Obstruction to Driver's View or Driving Mechanism

(1) 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 as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) 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 control over the driving mechanism of the vehicle.

Section 8-3-16 Riding on Fenders, Bumpers or Running Boards

No driver shall permit passengers to ride on the fenders, bumpers or running boards nor shall any passenger ride on the fenders, bumpers or running boards of a vehicle.

Section 8-3-17 Pedestrians on Roadways Without Regard for Safety

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) 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.

(3) No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

(4) No person shall walk upon or along the highway while under the influence of intoxicating liquor.

Section 8-3-18 Putting Glass, Etc., on Highway

(1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway, any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Section 8-3-19 Driving in Violation of an Order of the Court or While License is Suspended

(1) Any person whose right to operate a motor vehicle has been suspended and who within the period fixed by the court's order drives or attempts to drive a motor vehicle upon a public highway is guilty of an offense.

(2) Any person who is convicted of driving in violation of an order of the court shall be sentenced to labor for a period not to exceed six (6) months or to a fine not to exceed \$300.00, or to both such imprisonment and fine, with costs, and within the discretion of the court may be further deprived of the right to operate a motor vehicle for an additional period of one (1) year.

Section 8-3-20 Duties in the Event of Accident

(1) 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 is driving and shall upon request, and if available, exhibit his 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 arrangements for hospital or medical attention.

(2) 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 the vehicle doing the striking and a statement of the circumstances thereof.

(3) The driver of any vehicle involved in an accident resulting only in damage 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 name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license.

(4) The driver of a 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 \$50.00 or more shall, as soon as practicable thereafter, give notice of such accident to the chief of police. If more than \$500.00, the driver must notify the Wyoming State Motor Vehicle Division within ten (10) days.

(5) Violation of any of the requirements of this section shall be an offense.

Section 8-3-21 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.

Section 8-3-22 Penalties Not Otherwise Prescribed

Any person who is convicted of an offense enumerated in this code for which the penalty is not otherwise prescribed shall be sentenced under this section to a fine or not more than

\$25.00 for each such offense, and the court shall take into consideration any circumstances urged for the imposition of a fine of lesser amount.

Section 8-3-23 Statute of Limitations

No prosecution shall be maintained under this code unless the action shall have been commenced within twelve (12) months after the commission of the offense.