

Chapter 8. Traffic Offenses

Legislative History.

This chapter, containing major revisions, was enacted by the Tribal Council on September 13, 1988.

On October 6, 1988, the Captain, Sheriff's Department, Humboldt County, contacted the Tribal Chairman and informed him that after consultation with the District Attorney, Humboldt County, that is was their decision that they would not enforce tribal law on that portion of U.S. Highway 95 that is on tribal land. As a result of this communication any reference to the cross-deputization of Humboldt County Sheriff's officers. On February 25, 1989, the reference to Nevada Highway Patrol officers was deleted given their refusal to accept such cross-deputization.

Sec. 1. Reckless Driving – No Impairment; No Injury.

Any person who shall drive or operate any motor vehicle or horse in a manner dangerous to the public safety shall be deemed guilty of reckless driving and upon conviction thereof shall be sentenced to a maximum period of confinement of labor of 30 days or fined a maximum of \$500 or both.

Sec. 2. Reckless Driving – No Impairment; With Injury.

If any person be medically injured by an act of reckless driving, the maximum period of confinement or labor shall be 90 days and the maximum fine shall be \$1,000.

Sec. 3. Reckless Driving – Impairment, First Offense.

If the person driving recklessly shall be intoxicated, and this shall be their first tribal offense, the maximum period of confinement or labor shall be 45 days and the maximum fine shall be \$700.

Sec. 4. Reckless Driving – Impairment; Second Offense.

If the person driving recklessly shall be intoxicated, and this shall be their second offense, the maximum period of confinement or labor shall be 60 days and the maximum fine shall be \$1,000

Sec. 5. Reckless Driving – Impairment, Third or More Offense.

If the person driving recklessly shall be intoxicated, and this shall be their third or more tribal offense, the maximum period of confinement or labor shall be 90 days and the maximum fine shall be \$1,500.

Sec. 6. Reckless Driving – Impairment, Serious Injury or Death.

If the person driving recklessly shall be intoxicated and serious injury or death results from the actions of the reckless driver there shall be a mandatory period of confinement of 30 days with the maximum period of confinement or labor of one year or maximum fine of \$2,500 or both.

Sec. 7. Exceeding 55 MPH Speed Limit on U.S. Highway 95.

(a) Criminal Provisions. Any person exceeding the 55 MPH (Mile Per Hour) speed limit on U.S. Highway 95 as it is located within the exterior boundaries of Fort McDermitt Indian Country shall be deemed guilty of a traffic offense and upon conviction shall be fined as follows:

56 – 65MPH: \$20.00;
66 – 70MPH: 30.00;
71 – 75MPH: 45.00;
76 – 80MPH: 55.00;
81 – 85MPH: 65.00;
86 – 90MPH: 75.00;
91 – 99MPH: 85.00
Over 100MPH: 150.00.

(b) Civil Provisions. Any non-Indian exceeding the 55 MPH (Mile Per Hour) speed limit on U.S. Highway 95 as it is located within the exterior boundaries of Fort McDermitt Indian Country shall be deemed to have breached a civil regulation of the Tribe and upon a determination of responsibility shall pay to the Tribe a civil penalty based on the Miles Per Hour traveling in excess of the Speed Limit, as follows:

1 to 10MPH Over: \$20.00;
11MPH to 15MPH: 30.00;
16MPH to 20MPH: 45.00;
21MPH to 25MPH: 55.00;
26MPH to 30MPH: 65.00;
31MPH to 35MPH: 75.00;
36MPH to 40MPH: 85.00;
45MPH or Over: 150.00.

Sec. 8. Failure to Stop at a Stop Sign.

Any person who shall fail to stop at any stop sign erected by state or county officials on U.S. Highway 95 or on the county roads within the exterior boundaries of the Fort McDermitt Indian Reservation, prior to entering the prolongation of the intersection, shall be deemed guilty of a traffic offense and upon conviction shall be fined a maximum fine of \$50.

Sec. 9. Failure to Stop for School Bus When Stopped to Load or Unload Passengers and Displaying Red Lights and/or Stop Sign.

It shall be unlawful and a violation of community norms to fail to stop for a school bus stopped to load or unload children when such vehicle displays either red lights and/or stop sign advising the public to stop. A criminal penalty of \$50 shall be collected from every Indian who is found guilty of such violation. Where a non-Indian is found to have breached this community norm, a civil penalty of \$50 shall be paid.

Sec. 10. Exceeding Basic Speed Limit.

It shall be unlawful for any motor vehicle to exceed 55 miles per hour on any paved or unpaved roadway or otherwise drive too fast for conditions so as to maintain a motor vehicle on any roadway within the exterior boundaries of Fort McDermitt Indian Country. Any Indian who shall be convicted of violating this provision shall pay a fine of \$15. Any non-Indian found to have breached this community norm shall pay a \$15 civil penalty.

Sec. 11. Definitions.

- (a) "Intoxication" or "Intoxicated" while driving recklessly, as used in this chapter, means driving or operating a motor vehicle or horse with a blood alcohol content of .10 or more or driving or operating a motor vehicle under the combined influence of alcoholic beverages and drugs or narcotics whether prescribed or illegal.
- (b) "Fort McDermitt Indian Country", as used in this chapter, shall mean all lands of the Fort McDermitt Tribe, whether or not held in trust by the United States, adjacent or upon which U.S. Highway 95 rests.
- (c) "Any person", as used in this chapter, shall mean any Indian even though not a member of the Fort McDermitt Tribe, a member of the Tribe or a non-Indian.
- (d) "Non-Indian" includes not only those persons with no Indian blood but also those not eligible for membership in a federally recognized tribe as well as those members of non-federally recognized tribes.
- (e) "Motor vehicle", as used in this chapter shall mean and include the same definition found at section 43(e), Chapter 7, of this Law & Order Code.

Sec. 12. Severability.

Should any sections of this chapter be disapproved by the Secretary of the Interior, in accordance with the Constitution, or be found unconstitutional or in violation of tribal or federal law by any court of competent jurisdiction, such declaration shall not affect the remaining terms or sentences of any section or the remaining sections of this chapter.