

Chapter XVIII

Traffic Code

Section 1

Definitions

A. "CONTROLLED-ACCESS HIGHWAY"

Means a highway, street or roadway in respect to which owners or occupants or abutting lands and other persons have no legal right of access to or from except at such points only and in the manner determined by the public authority having jurisdiction over the highway, street or roadway.

B. "CROSSWALK"

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in absence of curbs, from the edges of the traversable roadway; or
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

C. "EXPLOSIVES"

Means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion, percussion or detonator or any part of the compound or mixture may cause such a sudden generation of high heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

D. "FLAMMABLE LIQUID"

Means any liquid which has a flash point of seventy degrees fahrenheit, or less as determined by a taglibue or equivalent closed-cup test device.

E. "GROSS-WEIGHT"

Means the weight of a vehicle without load plus the weight of any load thereon.

F. "INTERSECTION"

Means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Where a highway includes two roadways of such divided highway by an intersection, such highway shall be regarded as a separate intersecting highway. In the event the highway also includes two roadways thirty or more feet apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

- G. "LANDED ROADWAY"  
Means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
- H. "METAL TIRE"  
Means a tire surface of which is in contact with the highway is wholly or partly of metal or other hard, non-resilient material.
- I. "OFFICIAL TRAFFIC-CONTROL DEVICES"  
Means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
- J. "PARK"  
When prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- K. "POLICE OFFICERS"  
Means an officer authorized to direct or regulate traffic or make arrests for violations of traffic regulations.
- L. "PRIVATE ROAD OR DRIVEWAY"  
Means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- M. "RAILROAD"  
Means a carrier of persons or property upon cars operated upon stationary rails.
- N. "RAILROAD SIGN OR SIGNAL"  
Means a sign, signal or device erected by authority or a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- O. "RAILROAD TRAIN"  
Means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

- P. "ROADWAY"  
Means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways the word "roadway" as used in the chapter shall refer to any such roadway separately but not to all such roadways collectively.
- Q. "SIDEWALK"  
Means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.
- R. "STOP"  
When required, means complete cessation from movement.
- S. "STOP, STOPPING OR STANDING"  
When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic-control sign or signal.
- T. "THROUGH HIGHWAY"  
Means a highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing and when stop signs are erected as provided in this chapter.
- U. "TRAFFIC"  
Means pedestrians, ridden or herded animals, vehicles and other conveyance either singly or together while using any highway for purposes of travel.
- V. "TRAFFIC-CONTROL SIGNAL"  
Means a device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- W. "TRUCK"  
Means every motor vehicle designed, used or maintained primarily for the transportation of property.
- I. OBEEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Section 2

Provisions of Chapter Refer to Vehicles Upon The Highways; Exceptions

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of a vehicle upon highways except:

- A. Where a different place is specifically referred to in a given section.
- B. The provisions of Articles 4 and 5 of this chapter shall apply upon highways and elsewhere throughout the Reservation.

Section 3

Obedience to Police Officers

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

Section 4

Public Officers and Employees to Obey Chapters; Exceptions

- A. The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, or any county, city, town, district or any other political subdivisions of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.
- B. Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, but shall apply to such persons and vehicles when traveling to or from such work.

Section 5

Authorized Emergency Vehicles

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of law, or when responding to, but not returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.
- B. The driver of an authorized emergency vehicle may:
  - 1. Park or stand, irrespective of the provisions of this chapter.
  - 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - 3. Exceed the prima facie speed limits so long as he does not endanger life or property.
  - 4. Disregard regulations governing direction of movement or turning in specified directions.

- C. The exemptions granted by this section to an authorized emergency vehicle shall apply only when the driver operates the vehicle's whistle as may be reasonably necessary, and when visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall these provisions protect the driver from the consequences of this reckless disregard for the safety of others.

Section 6

Traffic Laws Apply to Persons Riding Animals or Driving Animal-Drawn Vehicles

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

Section 7

Operator's License

Pursuant to the provisions of Public Law 280; the Tribe and the State of Idaho exercise concurrent jurisdiction on the following highways or roadways: U.S. 191-91, Interstate 15 and Interstate 86. In compliance with the concurrent jurisdiction over the roads noted above, the Tribe shall henceforth declare that any tribal member who shall operate a motor vehicle on the roadways that the State of Idaho exercises concurrent jurisdiction over, will be required to acquire and carry on their person, a valid operator's license issued by the State of Idaho.

Section 7.1

Liability Insurance

Any tribal member who shall operate a motor vehicle upon any roadway that the State of Idaho exercises concurrent jurisdiction with the tribe, shall be required to acquire and have in their vehicle, a certificate or written verification that the vehicle in question is covered by a current liability insurance policy.

Section 7.2

Exceptions to the Provisions for Operator's License and Maintenance of Liability Insurance

It shall be the position and the law in regards to traffic offenses that on all other roads and roadways that are not covered by concurrent jurisdiction, that henceforth; Any tribal member who shall operate a motor vehicle upon roads which are under the exclusive jurisdiction of the Shoshone-Bannock Tribes, and the Shoshone-Bannock Tribal Law and Order Code, may at their option, possess a valid state operator's license, and may, at their option, maintain and possess, current liability insurance upon their

automobile, and may also, at their option, carry written verification or proof of liability insurance.

Under no circumstances shall a tribal Police Officer demand that a tribal member or other Indian residing upon the Fort Hall Indian Reservation show or exhibit a State of Idaho driver's license or proof of liability insurance while upon roads under the exclusive jurisdiction of the Tribes.

Section 7.3

Sentence - Violations of the Provisions as noted

Any person found guilty of violating any of the sections dealing with an operator's license or liability insurance, shall be order to pay a fine not to exceed one-hundred dollars (\$100.00); and at the Court's discretion, may be obligated to show proof of liability insurance or operator's license.

Section 8

Vehicle Licenses and Vehicle Registration

It is hereby declared by the Tribe that any person who should operate a motor vehicle within the exterior boundaries of the Fort Hall Indian Reservation, may at his option, obtain and possess a current and valid vehicle license and registration issued by the State of Idaho, which under said state law entitles him/her to operate a motor vehicle on the public highways. In the event that the Shoshone-Bannock Tribes Law and Order Commission enacts provisions for the licensing and the registration of motor vehicles operating within the exterior boundaries of the Fort Hall Indian Reservation; then such tribal regulations shall take complete and absolute applicability and will be in effect for all purposes of enforcement by the Tribal Police and the Bureau of Indian Affairs Police.

Section 8.1

Temporary Operator's Permit

A person may obtain a Temporary Special Permit from the Tribal Court issued by the Tribal Chief Judge. Said permit may be granted only after consideration of the circumstances stated in the application filed with the court; and the circumstances must be of a sufficient nature or upon good cause in order for the permit to be granted. Temporary Special Permits will be rarely granted, and if said permits are granted, the permit will be valid only for a limited time period to be specified on the order granting the permit.

Under no circumstances will a Temporary Special Permit be granted for longer than three (3) months; and said permit will be only valid and lawful on the roadways that the Tribe exercises exclusive jurisdiction.

Section 8.2

Sentence for Violations of the Sections Stated

Any person found guilty of violating the sections noted, shall be order to pay a fine not to exceed one-hundred dollars (\$100.00), or be subject to, at the court's discretion, show proof of a current and valid vehicle license and registration.

Section 9

Violations of License Provisions

It is a public offense for any person:

- A. To display or cause or permit to be displayed or have in his possession a cancelled, revoked, suspended fictitious or fraudulently altered operator's license or chauffuer's license, or
- B. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another, or
- C. To display or represent as one's own an operator's or chauffeur's license not issued to him, or
- D. To permit an unlawful use of an operator's or chauffeur's license issued to him, or
- E. To cause or unknowingly permit his child or ward of any person under the age of eighteen years to drive a motor vehicle upon a highway when such a person is not authorized under this chapter, or in violation of any of the provisions of this chapter, or
- F. To authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under this chapter or in violation of any of the provisions of this chapter.

II. TRAFFIC SIGNS, SIGNALS AND MARKINGS

Section 10

Obedience To and Required Traffic-Control Devices

- A. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter unless otherwise directed by a traffic or police officer subject to the exemptions granted the driver of an authorized emergency vehicle in this chapter.

No provisions of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. When a particular section does not stated that the signs are required, that section shall be effective even though no signs are erected or in place.

## Section 11

### Traffic-Control Signal Legend

- A. When traffic is controlled by traffic control signals exhibiting the words "Go", "Caution" or "Stop", or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and apply to drivers of vehicles and pedestrians as follows:
1. Green alone or "Go":
    - a. Vehicular traffic facing the signal may proceed or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.
    - b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
  2. Yellow alone or "Caution" when shown following the green or "Go" signal:
    - a. Vehicular traffic facing the signal is warned that the red or "Stop" signal will be exhibited immediately thereafter and vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
    - b. Pedestrians facing the signal are advised that there is insufficient time to cross the roadway, and a pedestrian then starting to cross shall yield the right of way to all vehicles.
  3. Red alone or "Stop":
    - a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or if there is no crosswalk then before entering the intersection, and shall remain standing until green or "Go" is shown alone, except as provided in subdivision B of this paragraph.
    - b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, in obedience to a red or "Stop" signal may make a right turn, but shall yield the right of way to pedestrians and other traffic proceeding as directed by the signal



The Business Council may, by ordinance, prohibit a right turn against a red or "Stop" signal at any intersection within a central traffic district as defined by Ordinance or within any business district, or at any intersection outside a central traffic district or business district when a signal is erected at the intersection prohibiting a right turn against a red or "Stop" signal.

4. Red with green arrow:

a. Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow but shall yield the right of way to pedestrians lawfully within the crosswalk and to other traffic lawfully using the intersection.

b. No pedestrian facing the signal shall enter the roadway unless he can do so safely and without interfering with vehicular traffic.

B. If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of a sign or marking the stop shall be made at the signal.

Section 12

Pedestrian Walk and Wait Signals

When special pedestrian-control signals exhibiting the words "Walk", "Wait" are in place the signals shall indicate as follows:

A. WALK - Pedestrians facing the signal may proceed across the roadway in the direction of the signals and shall be given the right of way by the drivers of vehicles.

B. WAIT - No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

Section 13

Flashing Signals

When an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

- A. FLASHING RED STOP SIGNAL - When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when parked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- B. FLASHING YELLOW CAUTION SIGNAL - When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

Section 14

Interference with Official Traffic Control Devices or Railroad Signs or Signals

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

III. ACCIDENTS

Section 15

Accidents Involving Death or Personal Injuries

- A. The driver of any vehicle in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirement of Section 17. Every such stop shall be made without obstructing traffic more than is necessary.
- B. Any person failing to stop or to comply with the requirements under the circumstances shall be punished by imprisonment in the Tribal Jail for not more than six months, by a fine of not more than five hundred dollars, or both.
- C. The Tribal Judge shall revoke the right to drive on the Reservation of the person so convicted, and shall notify the agency, licencing such driver, of the action taken by the Tribal Judge.

Section 16

Accident Involving Damage to Vehicle

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop his vehicle at the scene of the accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of the accident until he fulfilled the requirements of Section 17.

Every stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with the requirements under the circumstances is guilty of an offense.

Section 17

Duty to Give Information and Render Aid

The driver of any vehicle in an accident resulting in injury or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall upon request exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of a person attending any vehicle collided with and shall render to any person injured in the accident reasonable assistance, including the making of arrangements for the carrying of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the carrying is requested by the injured person.

Section 18

Duty Upon Striking Unattended Vehicle

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 the 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.

Section 19

Duty Upon Striking Fixtures Upon a Highway

The driver of any vehicle involved in an 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 the property of that fact, of his name and address and of the registration number of the vehicle he is driving, and shall upon request exhibit his operator's license and shall make report of the accident when and as required in Section 21.

Section 20

Immediate Reports of Accidents

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication, whether oral or written, give notice of the accident to the Tribal Police Department if the accident occurs within the Fort Hall Reservation.

Section 21

Written Reports of Accidents

- A. The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication, whether oral or written, give notice of the accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of one hundred dollars (\$100.00), or more shall, within five days after the accident, forward a written report of the accident to the State of Idaho, Department of Law Enforcement.
- B. The Tribal Judge may require any driver of a vehicle involved in an accident of which report must be made as provided in this section, to file supplemental reports when the original report is insufficient in the opinion of the Tribal Judge, and may require witnesses of accidents to render reports to the Tribal Judge.
- C. Every law enforcement officer, who, in the regular course of duty, investigates a motor vehicle accident thereafter by interviewing participants or witnesses shall, within twenty-four (24) hours after completing such investigation, forward a written report of the accident to the State of Idaho, Department of Law Enforcement.

Section 22

When Driver Unable to Report

- A. When the driver of a vehicle is physically incapable of making an immediate report of an accident required in Section 21 and there was another occupant in the vehicle at the time of the accident capable of making the report, the occupant shall make or cause to be made the report not made by the driver.
- B. When the driver is physically incapable of making a report of an accident as required in Section 21, and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within five days after learning of the accident make the report not made by the driver.

Section 23

Accident Report Forms

- A. The Tribal Police Department shall prepare and upon request supply to police departments, coroners, sheriffs, garages and other suitable agencies or individuals, forms for accident reports required under this article, appropriate with respect to the persons required to make the reports and the purposes to be served. The written reports to be made by person involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.

B. Every accident report required to be made in writing shall be made on the appropriate form approved by the Tribal Judge and shall contain all of the information required therein unless not available.

Section 24

Penalty for Failure to Report

The Tribal Judge shall suspend the right to drive on the Reservation of any person failing to report an accident as provided by this article until the report has been made. Any person convicted of failing to make a report as required by this article shall be punished as provided in Section 125.

Section 25

Coroners To Report

Every Coroner or other official performing like functions shall on or before the tenth day of each month report in writing to the Tribal Judge the death of any person within his jurisdiction during the preceeding calendar month as the result of a traffic accident, giving the time and place of the accident and the circumstances relating thereto.

Section 26

Garages to Report

The person in charge of any garage or repair shop on the Reservation to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in Section 21, or struck by any bullet, shall report to the Tribal Judge within twenty-four hours after the motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of the vehicle.

Section 27

Accident Reports Confidential

All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting, and shall be for the confidential use of the Tribal Judge or other state agencies having use for the records for accident prevention purpose, or for the administration of the laws of the Shoshone-Bannock Reservation relating to the deposit of security and proof of financial responsibility by persons driving or the owners identity is not otherwise known or when the person denies his presence at the accident. No such report shall be used as evidence in any trial, civil, or criminal, arising out of an accident, except that the Tribal Judge shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove compliance or a failure to comply with the requirement that a report be made to the Tribal Judge.

Section 28

Tribal Police Shall Tabulate and Analyze Accident Reports

The Tribal Police shall tabulate and may analyze all accident reports, and shall publish annually, or at most frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

IV. DRIVING WHILE INTOXICATED AND RECKLESS DRIVING

Section 29

Persons Under the Influence of Intoxicating Liquor or Drugs

- A. It is unlawful and punishable as provided in subsection D of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within the Fort Hall Reservation.
- B. In any criminal prosecution for a violation of subsection 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, 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 0.10 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 0.10 percent or more by weight of alcohol the presumption shall arise that the defendant was under the influence of intoxicating liquor.
  4. Paragraphs 1, 2, or 3 of this subsection shall not be construed as limiting that introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.
- C. It is unlawful and punishable as provided in subsection D of this section for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle, to drive or be in actual physical control of any vehicle

within the Fort Hall Reservation. The fact that any person charged with a violation of this subsection is, or has been entitled to use such drug under the laws of the Fort Hall Reservation shall not constitute a defense against any charge of violating this subsection.

- D. A person who is convicted of a violation of this section shall be punished by imprisonment for not more than three (3) months, by a fine of not more than three hundred (\$300.00) dollars, or both.

On a second or subsequent conviction such person shall be punished by imprisonment for not more than six (6) months and in the discretion of the Tribal Court by a fine of not more than five hundred (\$500.00) dollars.

- E. The Tribal Judge may revoke the right to drive on the Reservation of any person who has been convicted a second time in any twelve-month period under this section, and shall notify the agency licensing such driver of the action taken by the Tribal Judge.

### Section 30

#### Reckless Driving

- A. Any person who drives any vehicle in wanton disregard for the safety of person or property is guilty of reckless driving.
- B. A person convicted of reckless driving shall be punished upon a first conviction by imprisonment for not more than ninety (90) days, by a fine of not more than three hundred (\$300.00) dollars, or both. On a second or subsequent conviction, such person shall be punished by imprisonment of not more than six (6) months, by a fine of more than five hundred (\$500.00) dollars, or both.
- C. The Tribal Judge may revoke the right to drive on the reservation of any person who has been convicted a second time in any twelve month period under this section, and shall notify the agency licensing such driver of the action taken by the Tribal Judge.

#### V. SPEED RESTRICTIONS

### Section 31

#### Special Restrictions

- A. A person shall not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard

to the actual and potential hazards then existing. In every 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.

- B. Where no special hazards exist that require lower speed for compliance with Subsection A of this Section the speed of any vehicle not in excess of the limits specified in this Section or established as authorized by this article shall be lawful, but any speed in excess of the limits specified in this section or established as authorized by this article shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:
  - 1. Fifteen mile per hour approaching school crossing and hospital areas.
  - 2. Twenty-five miles per hour in any business or residential district.
  - 3. Fifty miles per hour in other locations during the day time except Reservation highways, unless otherwise posted.
  - 4. Forty-five miles per hour during the night time on other locations except Reservation highways, unless otherwise posted.
  - 5. Fifty-five miles per hour during the night time on State highways, unless otherwise posted.
  - 6. Fifty-five miles per hour on Reservation highways unless otherwise posted.
- C. Day time means from a half hour before sunrise to a half hour after sunset. Night time means any other hour.
- D. The prima facie speed limits set forth in this Section may be altered as authorized in Section 32.
- E. The driver of every vehicle shall, consistent with the requirements of Subsection A, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when travelling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reasons of weather or highway conditions.



Section 32

Establishment of Reservation Speed Zones

When the Shoshone-Bannock Tribal Council determines upon the basis of an engineering and traffic investigation that any prime facie speed set forth in this article is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a Reservation highway, the Shoshone-Bannock Tribal Council may determine and declare a reasonable and safe prima facie speed limit there at which shall be effective at all times or during hours of day light or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at the intersection or other place or part of the highway.

Section 33

Minimum Speed Regulations

- A. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of the traffic except when reduced speed is necessary for safe operation or in compliance with the law.
- B. Police Officers are authorized to enforce this section by directions to drivers, and in the event of apparent willful disobedience to this section and refusal to comply with the direction of an officer in accordance with this section, the continued slow operation by a driver is an offense.

Section 34

Special Speed Limitations

- A. No person shall drive any vehicle equipped with solid rubber tires at a speed greater than a maximum of ten miles per hour.
- B. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure where a sign is posted as provided in this section.
- C. The Shoshone-Bannock Tribal Council upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway and if it thereupon finds that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article, the Shoshone-Bannock Tribal Council shall determine and declare the maximum speed of vehicle which the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of three hundred feet before each of the structures.

- D. Upon the trial of any person charged with a violation of this section, proof of determination of the maximum speed by the Shoshone-Bannock Tribal Council and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

Section 35

Charge Violations and Rule in Civil Actions

- A. In every charge of violation for any speed regulation in this article, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and the prima facie speed applicable within the district or at the location.
- B. The provisions of this article declaring prima facie speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

VI. DRIVING ON RIGHT SIDE OF ROADWAY-OVERTAKING AND PASSING

Section 36

Drive on Right Side of Roadway Exceptions

- A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
  2. When the right half of a roadway is closed to traffic while under construction or repair.
  3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.
  4. Upon a roadway designated and sign-posted for one-way traffic.
- B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Section 37

Passing Vehicles Proceeding in the Opposite Direction

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one half of the main traveled portion of the roadway as nearly as possible.

Section 38

Overtaking A Vehicle On the Left

The following rules shall govern the overtaking and passing of a vehicle proceeding in the same direction, subject to those limitations, exceptions and special rules stated in this section.

- A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway, until he can do so in a safe manner.
- B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, or blinking of headlamps at night time, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Section 39

When Overtaking on the Right is Permitted

- A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions.
  1. When the vehicle overtaken is making or about to make a left turn.
  2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles or sufficient width for two or more lines of moving vehicles in each direction.
  3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
- B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement in safety. In no event shall the movement be made by driving off the pavement or main traveled portion of the roadway.

Section 40

Limitations on Overtaking on the Left

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and permits the overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction.

Section 41

Further Limitations on Driving to Left of Center of Roadway

- A. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
1. When approaching within one hundred feet or traversing any intersection or railroad grade crossing.
  2. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.
- B. The limitations set forth in subsection A of this section shall not apply upon a one-way roadway.

Section 42

Driving on Roadways Laned for Traffic

When any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all other consistent with this section shall apply:

- A. A vehicle shall be driven as nearly as practicable entirely within a single lane, and shall not be moved from that lane until the driver has first ascertained that the movement can be made safely.
- B. Upon a roadway which is divided into three lanes except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and a sign posted to give notice of the allocation.

Official signs may be erected directing slow moving traffic to use a designated lane or designating three lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every sign.

Section 43

Following too Closely

- A. 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 the vehicles and the traffic upon and the condition of the highway.
- B. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, when conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicles.
- C. Motor vehicles being driven upon any roadway outside of a business or residence district not a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy the space without danger. This provision shall not apply to funeral processions.

Section 44

Driving on Divided Highways

When any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within the dividing space, barrier or section, except through an opening in the physical barrier or dividing section or space or at a crossover or intersection established by public authority.

VII. TURNING, STARTING AND SIGNALS ON STOPPING  
AND TURNING

Section 45

Required Position and Method of Turning at Inter-  
Section

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- A. RIGHT TURNS - When approaching for a right turn it shall be made as close as practicable to the right hand curb or edge of the roadway.
- B. LEFT TURNS ON TWO-WAY ROADWAYS - Any intersection where traffic permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in the portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection, and after entering the intersection to the right of the center line of the roadway being entered. When practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- C. LEFT TURNS ON OTHER THAN TWO-WAY ROADWAYS - At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in that direction upon the roadway being entered.

Section 46

Turning on Curve or Crest of Grade Prohibited

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of grade, where the vehicle cannot be seen by the driver of any vehicle approaching from either direction within five hundred feet.

Section 47

Starting Parked Vehicle

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

Section 48

Turning Movements and Required Signals

- A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 45 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until the movement can be made with reasonable safety.

No person shall so turn any vehicle without giving an appropriate signal in the manner provided by the movement.

- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet travelled by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided by this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

Section 49

Signals by Hand and Arm or Signal Device

Any stop or turn signal when required by this article shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of the vehicle, then the signals must be given by lamp or lamps or signal device.

Section 50

Method of Giving Hand and Arm Signals

All signals required by this Chapter to be given by hand and arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate as follows:

- A. LEFT TURN - Left hand and arm extended horizontally.
- B. RIGHT TURN - Left hand and arm extended upward.
- C. STOP OR DECREASED SPEED - Left hand and arm extended downward.

VIII RIGHT OF WAY

Section 51

Vehicle Approaching or Entering Intersection

- A. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.
- B. When two vehicles enter an intersection from different highways 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 right of way rules declared in Subsection A and B of this Section shall not apply where traffic signals or signs direct otherwise.

Section 52

Vehicle Turning Left at Intersection

The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but such driver, having so yielded and having given a signal when and as required by this chapter, may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn.

Section 53

Vehicle Entering Through Highway or Stop Intersection

- A. The driver of a vehicle shall stop as required by Section 11 at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard, but such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right of way to the vehicle on proceeding into or across the through highway.
- B. The driver of a vehicle shall likewise stop in obedience to a stop sign if erected at one or more entrances thereto although not a part of a through highway, and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

Section 54

Vehicle Entering Highway From Private Road or Road-Way

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

Section 55

Operation of Vehicles on Approach of Authorized Emergency Vehicles

- A. Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front to the vehicle, other than a police vehicle when operated as an authorized emergency vehicle,



and when the driver is giving audible signal by siren, exhaust whistle or bell:

1. The driver of every vehicle shall yield the right of way and shall immediately drive to a portion parallel to, and as close as possible to, the right hand edges or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive without due regard for the safety of all persons using the highway.

B. This section 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.

#### IX. PEDESTRIANS' RIGHTS AND DUTIES

##### Section 56

##### Pedestrians Subject to Traffic Regulations

- A. Pedestrians shall be subject to traffic-control signals at intersections as provided in Section 115 unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privilege and shall be subject to the restrictions stated in this article.

##### Section 57

##### Pedestrians' Right of Way in Crosswalks

- A. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the condition stated in subsection B of Section 58.

- B. When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

Section 58

Cross at Other Than Crosswalks

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right of way to all vehicles upon the roadway.
- B. Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

Section 59

Drivers to Exercise Due Care

Notwithstanding the provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Section 60

Pedestrians to Use a Right Half of Crosswalk

Pedestrians shall move expeditiously, when practicable, upon the right half of crosswalks.

Section 61

Pedestrians on Roadways

- A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.
- C. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

Section 62

Use of White Cane

- A. Any person who is wholly or industrially blind shall, when walking on a street or highway, unless guided by a guide dog or assisted by a person with sight, carry a white cane with red tip of approximately eight inches.

- B. For the purpose of this section a person is blind who has central visual acuity of 20/200 in the better eye or central visual acuity of more than 20/200 in the better eye if there is a field defect in which the peripheral field has contracted to such an extent that the widest of visual field subtends an angular distance no greater than twenty degrees.
- C. It is unlawful for a person who is not blind or industrially blind to carry on the streets or highways a white cane with a red tip.
- D. Any person operating a motor vehicle other than an emergency vehicle, the siren of which is being sounded, shall bring the motor vehicle to a stop and yield the right of way at a street, avenue, alley or other public highway intersection to a blind or industrially blind person carrying a white cane with a red tip, or who is being guided by a guide dog when the person enters the intersection.
- E. This section shall not be construed to deprive a totally or industrially blind person not carrying a white cane or being guided by a dog of the rights and privileges conferred by the law upon pedestrians crossing ways, nor shall the failure of a blind person to carry a white cane or be guided by a guide dog while on the way constitute prima facie evidence of contributory negligence.

X. OPERATION OF BICYCLES AND PLAY VEHICLES

Section 63

Application of Provisions

- A. The parent of a child and the guardian of a ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this chapter.
- B. The regulations of this chapter in their application to bicycles shall apply when a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated in this chapter.

Section 64

Traffic Laws Apply to Persons Riding Bicycles

Every person riding a bicycle upon a highway shall be granted all the rights and be subject to all the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this chapter, and except as to those provisions of this chapter which by their nature can have no application.

Section 65

Riding on Bicycles

- A. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 66

Clinging to Vehicles

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Section 67

Riding on Roadways and Bicycle Paths

- A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadway set aside for the exclusive use of bicycles.
- C. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.

Section 68

Carrying Articles

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Section 69

Lamps and Other Equipment and Bicycles

- A. Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the Tribal Police Department which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on motor vehicles; a lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the rear reflector.
- B. No person shall operate a bicycle equipped with a siren or whistle.
- C. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

XI. SAFETY ZONES

Section 70

Driving Through Safety Zone Prohibited

A. When any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach of passage of a railroad train.
3. A railroad train approaching within approximately fifteen hundred feet emits a signal audible from such distance and the railroad train by reason of its speed or nearness to the crossing is an immediate hazard.
4. An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened.

XII. SPECIAL STOPS REQUIRED

Section 71

Certain Vehicles Must Stop At All Railroad Grade Crossings

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying or returning after delivery of explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at any track or tracks of a railroad, shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train except as provided in this chapter, and shall

not proceed until he can do so safely, after stopping as required by this section, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears of the vehicle while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.

- B. No stop need be made at any such crossing where a police officer or a traffic-control directs traffic to proceed.
- C. This section shall not apply at street-railway grade crossings within a business or residence district.

Section 72

Moving Heavy Equipment at Railroad Grade Crossings

- A. No person shall operate or move any crawler type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operation speed of ten or less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.
- B. Notice of any such intended crossing shall be given to a station agent of the railroad.
- C. Before making any such crossing the person operating or moving the vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad and while so stopped, shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- D. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.
- E. This section shall not apply to the normal movement of farm equipment in the regular course of farm operation.

Section 73

Vehicles Must Stop at Through Highways

- A. The Shoshone-Bannock Tribal Council with reference to Fort Hall Reservation highways and with reference to other highways under their jurisdiction may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to the intersection.
- B. Every such sign shall bear the word "Stop" in letters not less than six inches in height and the sign shall at night time be rendered luminous by steady or internal illumination, or by a fixed flood-light projected on the face of the sign, or by efficient reflecting elements on the face of the sign.
- C. Every stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection, or, if there is not a crosswalk, then as close as practicable to the nearest line of the roadway.
- D. Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting highway where the driver has view of approaching traffic on the intersection, except when directed to proceed by a police officer or traffic-control signal.

Section 74

Stop Before Emerging From Alley or Private Driveway

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving into a sidewalk area extending across any alleyway or private driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all closely approaching vehicles on the roadway.

Section 75

Overtaking and Passing School Bus

- A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging

any school children shall stop the vehicle before reaching the school bus and shall not proceed until the school bus resumes motion, or until signaled by the driver to proceed.

- B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purpose other than the actual transportation of children either to or from school all markings thereon indicating "School Bus" shall be covered or concealed.
  - 1. The reason for concealing "School Bus" markings when a school bus is being used for purposes other than transportation of children to or from school is that only during this time are drivers required to stop for the bus loading or unloading children. It is not necessary to stop traffic every time the bus stops.
- C. Every bus used for the transportation of school children shall be equipped with a signal with the word "Stop" printed on both sides in black letters not less than five inches high on a yellow background. The signal shall not be less than twenty inches long and shall be manually operated by the operator of the school bus in such manner as to be clearly visible from both front and rear when extended from left of the body of the bus. It shall be displayed only when passengers are being received or discharged from the bus.
- D. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

### XIII. STOPPING, STANDING OR PARKING

#### Section 76

#### Stopping, Standing or Parking Outside of Business or Residence District



- A. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave the vehicle off the part of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and clear view of the stopped vehicles shall be available from a distance of two hundred feet in each direction upon the highway.
- B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-travelled portion of a highway in such manner and to such an extent that is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

Section 77

Officers Authorized to Remove Illegally Stopped Vehicles

- A. When any police officer finds a vehicle standing upon a highway in violation of the provisions of Section 76 the officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move the same to a position off the paved or main-traveled part of the highway.
- B. When any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where the vehicle constitutes an obstruction to traffic the officer is authorized to provide for the removal of the vehicle to the nearest garage or other place of safety.

Section 78

Stopping, Standing or Parking Prohibited in Specified Places

- A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
  - 1. On a sidewalk.
  - 2. In front of a public or private driveway.
  - 3. Within an intersection.
  - 4. Within fifteen feet of a fire hydrant.
  - 5. On a crosswalk.

6. Within twenty feet of a crosswalk at an intersection.
  7. Within thirty feet upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
  8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the Shoshone-Bannock Tribal Council indicates a different length by signs or markings.
  9. Within fifty feet of the nearest rail of a railroad crossing or within eight feet six inches of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading railroad cars.
  10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance when properly posted.
  11. Along side or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
  12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
  13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
  14. At any place where official signs prohibit stopping.
- B. No person shall move a vehicle not lawfully under his control in any such prohibited area or away from a curb such a distance as is unlawful.

#### Section 79

##### Additional Parking Regulations

- A. Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall so stop or park with the right-hand wheels of the vehicle parallel to and within eighteen inches of the right-hand curb.

- B. The Shoshone-Bannock Tribal Council may by Ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.
- C. The Shoshone-Bannock Tribal Council may by Ordinance permit angle parking on any roadway, except that angle parking on any roadway, shall not be permitted on any federal aid or state highway, unless the Shoshone-Bannock Tribal Council has determined by Resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- D. The Shoshone-Bannock Tribal Council with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by Resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. The signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on the signs.

XIV. MISCELLANEOUS RULES

Section 80

Limitations on Backing

The driver of a vehicle shall not back the same unless the movement can be made with reasonable safety and without interfering with other traffic.

Section 81

Riding on Motorcycles

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and the operator 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 the permanent and regular seat which is designed for two persons, or upon another seat firmly attached to the rear side of the operator.

Section 82

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 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.

- B. No passenger in a vehicle shall ride in such a 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 83

Driving at Speed Which Causes Trailer to Sway  
Any person who drives a vehicle towing a trailer or semi-trailer at a rate of speed which causes the trailer or semi-trailer to sway laterally from the line of traffic is guilty of a public offense.

Section 84

Crossing Fire Hose  
No vehicle shall be driven over any unprotected hose of a fire department when laid down to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Section 85

Placing Glass or Other Objects on Roadway Prohibited

- A. No person shall throw or deposit upon any roadway a glass bottle, glass, nails, tacks, wire, cans or any other substances likely to injure any person, animal or vehicle upon the roadway.
- B. Any person who drops, or permits to be dropped or thrown, upon any roadway any destructive or injurious material shall immediately remove the same or cause it to be removed.
- C. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substances dropped upon the highway from the vehicle.

Section 86

Allowing Barbed Wire to Lie Loose Along Highway; Penalty; Liability in Damages

A person owning, leaving, having in charge or possession a barbed wire fence along a public highway, who willfully permits or allows the wire of such fence to lie loose along or on the highway so as to endanger the safety of a person or animal passing along the highway, is guilty of an offense punishable by a fine of not less than ten (\$10.00) nor more than fifty (\$50.00) dollars, and shall be liable for all damages arising from such loose wire.

XV. EQUIPMENT

Section 87

Scope and Effect of Regulations

- A. It is an offense for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as

required in this article, or which is equipped in any manner in violation of this article, or for any person to do any act forbidden or fail to perform any act required under this article.

- B. Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.
- C. The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except equipped with an electric lighting system shall at all times mentioned in Section 88 display a red tail lamp and either multiple-beam or single-beam head lamps meeting the requirements of Section 91; 101; and 103.

Section 88

When Lighted Lamps are Required

Every vehicle upon a highway within the Fort Hall Reservation at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render it clearly discernible shall display lighted lamps and illuminating devices as required by this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles as stated in this chapter.

Section 89

Visibility Distance and Mounted Height of Lamps

- A. When a requirement is set forth in this chapter as to the distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, such provisions shall apply during the times stated in Section 88 in respect to a vehicle without load when upon a straight, level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.
- B. When a requirement is set forth in this chapter as to the mounted height of lamps or devices it shall mean from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.

Section 90

Head Lamps on Motor Vehicles

- A. Every motor vehicle other than a motor-cycle or motor driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.
- B. Every motorcycle and every motor driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations set forth in this article.
- C. Every head lamp upon every motor vehicle, including every motorcycle and motor driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches or less than twenty-eight inches to be measured as set forth in subsection B of Section 89.

Section 91

Tail Lamps

- A. Every motor vehicle, trailer, semi-trailer and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which when lighted as required by this article, shall emit a red light plainly visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rear-most vehicle need actually be seen from the distance specified.
- B. Every tail lamp upon every vehicle shall be located at a height of not more than sixty inches nor less than twenty inches to be measured as set forth in subsection B of Section 89.
- C. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

Section 92

New Motor Vehicles to be Equipped with Reflectors

- A. Every new motor vehicle sold and operated upon a highway other than a truck tractor, shall carry on the rear, either as part of the tail lamps

or separately, two red-reflectors, except that every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section.

- B. Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches, such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from the vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is required of reflectors on certain types of vehicles.

Section 93

Stop Lamps Required on New Motor Vehicles

It is unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, on the Fort Hall Reservation or for any person to drive such a vehicle on the highways unless it is equipped with a stop lamp meeting the requirements of Section 99.

Section 94

Obstructed Lights Not Required

When motor and other vehicles are operated in combination during such a time that lights are required, any lamp, except tail lamps need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear most vehicle of any combination shall be lighted.

Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Section 95

Lamp or Flag on Projecting Load

When the load upon any vehicle extends to the rear four feet or more beyond the bed or body of the vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 88, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of the load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Section 96

Lamps on Parked Vehicles

- A. When a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon the street or highway, no lights need be displayed upon the parked vehicle.
- B. When a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon the highway, the vehicle so parked or stopped shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible for a distance of five hundred feet to the front of the vehicle and a red light visible from a distance of five hundred feet to the rear. The foregoing provisions shall not apply to a motor-driven cycle.
- C. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Section 97

Lamps on Other Vehicles and Equipment

All vehicles, including animal-driven vehicles and including those referred to in subsection C of Section 87 not specifically required by this article to be equipped with lamps, shall at the times specified in Section 88 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the rear.

Section 98

Spot Lamps and Auxiliary Lamps

- A. A motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that not part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.
- B. A motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet



ahead project higher than a level of four inches below the level of the center of the lamp from which it comes.

- C. A motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands, and every auxiliary passing lamp shall meet the requirements and limitations set forth in Section 88 through Section 100.
- D. A motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands and every auxiliary driving lamp shall meet the requirements and limitations set forth in Section 89.

#### Section 99

##### Signal Lamps and Signal Devices

- A. A motor vehicle may be equipped and when required under this chapter shall be equipped with the following signal lamps and devices:
  - 1. A stop lamp on the rear which shall emit red or yellow light and which shall be actuated upon application of service or foot brake and which may but need not be incorporated with tail lamp.
  - 2. A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.
- B. A stop lamp shall be plainly visible and understandable from a distance of one hundred feet to the rear both during normal sun-light and at night time and a signal lamp or lamps indicating intention to turn shall be visible and understandable during the day time and night-time from a distance of one hundred feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamps shall project a glaring or dazzling light.
- C. All mechanical signal devices shall be self-illuminated when in use at the times mentioned in Section 89.

Section 100

Additional Lighting Equipment

- A. Motor vehicles may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
- B. A motor vehicle may be equipped with not more than one runningboard courtesy lamp on each side thereof which shall emit a white or amber light without glare.
- C. A motor vehicle may be equipped with not more than two backup lamps either separately or in combination with other lamps, but a backup lamp shall not be lighted when the motor vehicle is in forward motion.

Section 101

Multiple-Beam Road Lighting Equipment:

Except as provided in this article, the head lamps or the auxiliary driving lamp, or the auxiliary passing lamp, or combinations thereof on motor vehicles other than a motorcycle or motor driven cycle shall be so arranged that selection may be made between distributions of light projected to different elevations, subject to the following requirements and limitations:

- A. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred feet ahead for all conditions of loading.
- B. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead, and under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
- C. Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this State, which has multiple-beam road lighting equipment shall be lighted whenever the upper most distribution of light from the head lamps is in use, and shall not otherwise be lighted, such indicator shall be so designed and visible without glare to the driver of the vehicle so equipped.

Section 102

Use of Multiple Beam Road-Lighting Equipment

When a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 89, the driver shall use a distribution of light, or composite beam,

directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

- A. When a driver of a vehicle approaches an oncoming vehicle within five hundred feet the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in paragraph B of Section 101 shall be deemed to avoid glare at all times regardless of road contour and loading.
- B. When the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this article other than the uppermost distribution of light specified in paragraph A of Section 101.

#### Section 103

##### Single-Beam Road Lighting Equipment

Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to January 1, 1959 in lieu of multiple-beam road lighting equipment specified in this article if the single distribution of light complies with the following requirements and limitations:

- A. The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.
- B. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

#### Section 104

##### Lighting Equipment of Motor-Driven Cycle

- A. Every head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor driven cycle is operated at any speed less than twenty-five miles per hour and the motor-driven cycle shall be subject to the speed limitations in Section 34.

- B. In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth in paragraph A of Section 101 and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in paragraph B of Section 101.
- C. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

Section 105

Alternate Road-Lighting Equipment

Any motor vehicle may be operated under the conditions specified in Section 88 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in Section 101 or Section 103, provided, however, that at no time shall it be operated at a speed in excess of twenty miles per hour.

Section 106

Number of Driving Lamps Required or Permitted

- A. At all times specified in Section 89, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when the vehicle is parked subject to the regulations governing lights on parked vehicles.
- B. When a motor vehicle equipped with head lamps as required by this article is also equipped with any auxiliary lamps or spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Section 107

Special Restrictions on Lamps

- A. Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, auxiliary or flashing front direction signals which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of roadway on which the vehicle stands at a distance of no more than seventy-five feet from the vehicle.

- B. No person shall drive or move any vehicle or equipment upon any highway without any lamp or device thereon displaying a red light visible from directly in front to the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.
- C. Flashing lights are prohibited except on an authorized emergency vehicle, school bus, or removal equipment or on any vehicle as a means for indicating a right or left turn.

Section 108

Brakes

A. The following brake equipment is required:

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in anyway, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
2. Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake which may be operated by hand or foot.
3. Every trailer or semi-trailer of gross weight of three thousand pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle, and so designed as to be applied by the driver of the towing motor vehicle from its cab, and the brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.
4. Every new motor vehicle, trailer or semi-trailer sold in this State and operating upon the highway shall be equipped with service brakes upon all wheels of every vehicle, except any motorcycle or motor-driven cycle, and except that any semi-trailer of less than one thousand five hundred pounds gross weight need not be equipped with brakes.

5. In any combination of motor-drawn vehicles, means shall be provided for applying the rear-most trailer brakes of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rear-most wheels at the fastest rate, or means shall be provided for applying braking effort first on the rear-most trailer equipped with brakes, both of the above means capable of being used alternatively may be employed.
6. One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes for bands and this brake shall be capable of holding this vehicle or combination of vehicles, stationary under any condition of leading on any upgrade or downgrade upon which it is operated.
7. The brake shoes operating with or upon the drums on the vehicle wheels of any motor vehicle may use for both service and hand operation.

B. Every motor vehicle or combination of motor drawn vehicles shall be capable at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the services or foot brake, within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

Feet to stop from 20 miles per hour	Deceleration in feet per second
---	---------------------------------------

VEHICLES OR COMBINATIONS OF VEHICLES HAVING BRAKES  
ON ALL WHEELS

30	14
----	----

VEHICLES OR COMBINATIONS OF VEHICLES HAVING BRAKES  
ON ALL WHEELS

40	10.7
----	------

C. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Section 109

Horns and Warning Devices

- A. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting a sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonable loud or harsh sound or whistle. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with his horn but shall not otherwise use the horn or warning device when upon a highway.
- B. No vehicle shall be equipped with nor any person use upon a vehicle any siren, whistle, or bell except as otherwise permitted in this Section.
- C. It is permissible but not required for any vehicle to be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
- D. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred feet, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

Section 110

Mufflers; Prevention of Noise

- A. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.
- B. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

Section 111

Mirrors

Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view to the highway for a distance of at least two hundred feet to the rear of the vehicle.

Section 112

Windshields Must be Unobstructed and Equipped With Wipers

- A. No person shall drive any motor vehicle with a sign, poster or other non-transparent material upon the front windshield, side wings or side or rear windows of the vehicle which obstruct the driver's clear view of the highway or any intersection highway.
- B. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- C. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Section 113

Restrictions as to Tire Equipment

Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

Section 114

Certain Vehicles to Carry Flares or Other Warning Devices

- A. No person shall operate any motor truck, passenger bus or truck tractor upon any highway at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in the vehicle the following equipment except as provided in subsection B of this section:
  1. At least three flares or three red electric lanterns each of which shall be capable of being seen and distinguished at a distance of five hundred feet under normal atmospheric conditions at night time. Each flare or liquid-burning torch shall be capable of burning for not less than twelve hours in five miles per hour wind velocity and capable of burning in any air velocity from zero to forty miles per hour. Every such flare shall be substantially constructed so as to withstand reasonable shocks without leaking. Every such flare shall be carried in the vehicle in a metal rack or box. Every such red electric lantern shall be capable of operating continuously for not less than twelve hours and shall be substantially constructed so as to withstand reasonable shock without breakage.
  2. At least three red-burning fuses unless electric lanterns are carried; and shall be



capable of burning at least fifteen minutes.

3. At least two red cloth flags, not less than twelve inches square with standards to support same.
- B. No person shall operate at the time and under the conditions stated in subsection A of this section any motor vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases, unless there shall be carried in the vehicle three red electric lanterns meeting the requirements stated in subsection A of this section, and there shall not be carried in such vehicle any flares, fuses or signals produced by a flame.
- C. As an alternative it shall be deemed a compliance with this section in the event a person operating any motor vehicle described in this section shall carry in the vehicle three portable reflector units on standards of a type approved by the Tribal Judge. No portable reflector unit shall be approved unless it is so designed and constructed as to include two reflectors, one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within five hundred feet to fifty feet under normal atmospheric conditions at night time when directly in front of lawful upper beams of head lamps.

Section 115

Display of Warning Devices When Vehicle Disabled

A. When any motor truck, passenger bus, truck tractor, trailer, semi-trailer or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof at any time when lighted lamps are required on vehicles the driver of the vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection B of this section.

1. A lighted fuse shall be immediately placed on the roadway at the traffic side of the motor vehicle unless electric lanterns are displayed.
2. Within the burning period of the fuse and as promptly as possible three lighted flares or pot torches or three electric lanterns shall be placed on the roadway as follows:
  - (a) One at a distance of approximately one hundred feet in advance of the

vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle, each in the center of the lane of traffic occupied by the disabled vehicle.

- (b) One at the traffic side of the vehicle approximately ten feet rearward of forward thereof.

- B. When any vehicle used in the transportation of flammable liquids in bulk or transporting compressed flammable gases is disabled upon a highway at any time or place mentioned in subsection A of this section, the driver of the vehicle shall display upon the roadway the following lighted warning devices.
  - 1. One red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle.
  - 2. Two other red electric lanterns shall be placed to the front and rear of the vehicle in the same manner prescribed for flares in subsection A of this section.
- C. When a vehicle of a type specified in subsection B of this section is disabled, the use of flares, fuses or any signal produced by flame as warning signals is prohibited.
- D. When any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fuses, flares, or electric lanterns is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet to the rear of the vehicle.
- E. In the alternative it shall be deemed a compliance with this section in the event three portable reflector units on standards of a type approved by the department are displayed at the times and under the conditions specified in this section either during the day time or at night time and the portable reflector units shall be placed on the roadway in the locations as described with reference to placing of electric lanterns and lighted flares.

- F. The flares, fuses, lanterns and flags to be displayed as required in this section shall conform with the requirements of Section 114, applicable thereto.

Section 116

Vehicle Transporting Explosives

A. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the following provisions:

1. The vehicle shall be marked or placarded on each side and on the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of the vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.
2. Every such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

Section 117

Television Installations

No person shall drive any motor vehicle equipped with any television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible, directly or indirectly, to the driver while operating the motor vehicle.

XVI. INSPECTION OF VEHICLES

Section 118

Vehicles Without Required Equipment or in Unsafe Condition

No person shall drive or move on any motor vehicle, trailer, semi-trailer, or any combination thereof unless the equipment upon any and every such vehicle is in good working order and adjustment as required in this chapter and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Section 119

Inspection by Federal and Tribal Officers

A. Federal Indian Service Officers, Tribal Police Officers, and such other officers of the Fort Hall Indian Reservation as the Tribal Judge may designate, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit

the vehicle to an inspection and such test with reference thereto as may be appropriate.

- B. In the event, the vehicle, and its equipment are found to be in safe condition and in full compliance with the law, the officer making the inspection shall issue to the driver an official certificate of inspection and approval of the vehicle specifying those parts of equipment so inspected and approved.
- C. In the event the vehicle is found to be in unsafe condition or any required part of equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy to the Tribal Judge. The notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto and that a certificate of inspection and approval be obtained within five days.

Section 120

Owners and Drivers to Comply with Inspection Laws

- A. No person driving a vehicle shall refuse to submit the vehicle to an inspection and test when required to do so by the Tribal or Federal Law Enforcement Officers.
- B. Every owner or driver, upon receiving a notice as provided in Section 119 shall comply therewith and shall within five days secure an official certificate of inspection and approval which shall be issued in duplicate, one copy to be retained by the owner or driver and the other copy to be forwarded to the Shoshone-Bannock Tribal Court. In lieu of compliance with this subsection the vehicle shall not be operated, except as provided in subsection C of this section.
- C. No person shall operate any vehicle after receiving a notice with reference thereto as provided in subsection B of this section, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver, or if within a distance of twenty miles or to a garage, until the vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter, and a certificate of inspection and approval shall be obtained as promptly as possible thereafter.
- D. In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of the vehicle may obtain the repair or adjustment at any place he may choose, but in every

event an official certificate of inspection and approval must be obtained, otherwise the vehicle shall not be operated upon the highways of the Fort Hall Indian Reservation.

Section 121

Projecting Loads on Passenger Vehicles

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

Section 122

Loads of Vehicles

- A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.
- B. No person shall operate on any highway a vehicle with a load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

Section 123

Trailers and Towed Vehicles

- A. When one vehicle is towing another, the draw bar or other connection shall be of sufficient strength to pull all weight towed thereby and the draw bar or other connection shall not exceed fifteen feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.
- B. When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon the connection, a white flag, or cloth not less than twelve inches square.

Section 124

When the Shoshone-Bannock Tribal Council May Restrict Right to Use Highways

- A. The Shoshone-Bannock Tribal Council with respect to highways under their jurisdiction may by Ordinance or resolution prohibit the operation of vehicles upon the highway or impose restrictions as to weight of vehicles to be operated upon such highway, for a total period of not to exceed ninety days in any one calendar year, when such highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

- B. The Shoshone-Bannock Tribal Council enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of the portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until the signs are erected and maintained. The Shoshone-Bannock Tribal Council with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on the highways.

XVII. PENALTIES

Section 125

Penalties for Offense; Disposition of Penalties

- A. It is an offense for a person to violate any of the provisions of this chapter.
- B. A person convicted of an offense for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than one hundred (\$100.00) dollars or by imprisonment for not more than ten (10) days. For a second conviction within one year thereafter the person shall be punished by a fine of not more than two hundred (\$200.00) dollars, by imprisonment for not more than twenty (20) days, or both. Upon a third or subsequent conviction within one year after the last conviction the person shall be punished by a fine of not more than three hundred (\$300.00) dollars, by imprisonment for not more than six (6) months, or both.

Section 126

Injuring or Preventing Operation of Vehicle; Penalty

- A. A person is guilty of an offense who:
1. Willfully breaks, injures, tampers with or removed any part of a vehicle for any purpose against the will or without consent of the owner of the vehicle.
  2. In any manner willfully or maliciously interferes with or prevents the running or operation of the vehicle.
  3. Without consent of the owner or person in charge of a vehicle climbs into or upon a vehicle with intent to commit any crime, malicious mischief or injury thereto.

4. While a vehicle is stopped and unattended attempts to manipulate any levers, starting crank or other starting device, brakes or other mechanism thereof, or sets the vehicle in motion.

B. The provisions of subsection A of this section shall not apply when any of the conduct described therein is committed in an emergency, in furtherance of public safety or convenience or by or under the direction of an officer in the performance of his duty.

XVIII. PARTIES, PROCEDURES UPON ARREST AND REPORTS IN CRIMINAL CASES

Section 127

Parties to an Offense; Accomplice(s)

A person who commits, attempts to commit, conspires to commit or aids or commits in the commission of, any act declared in this chapter to be an offense, whether individually or in connection with one or more other persons or as a principal, agent or accessory, is guilty of the offense, and a person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits, or directs another to violate any provisions of this chapter is likewise guilty of the offense.

Section 128

Offense by Person Owning or Controlling Vehicles

It is unlawful for the owner, or any other person, employing or otherwise directing, the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to law.

Section 129

When Person Arrested Must Be Taken Immediately Before a Judge

When a person is arrested for any violation of this chapter punishable as an offense, the arrested person shall be taken before the Tribal Judge without reasonable delay, within the Fort Hall Indian Reservation in which the offense charged is alleged to have been committed and who has jurisdiction of the offense, provided, a person taken before the Tribal Judge shall be taken before the nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

- A. When a person arrested demands an immediate appearance before the Tribal Judge.
- B. When the person is arrested upon a charge of negligent homicide.

- C. When the person arrested is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs.
- D. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries or damage to property.
- E. In any other event when the person arrested refuses to give his written promise to appear in court as provided in this article.

Section 130

When Person Arrested for an Offense to be Given Five Days Notice to Appear in Court.

- A. When a person is arrested for any violation of this chapter punishable as an offense, and the person is not immediately taken before the Tribal Judge as required by Section 129, the arresting officer shall prepare in quadruplicate written notice to appear in court containing the name and address of the person, the license number of his vehicle, if any, the offense charged and the time and place when and where the person shall appear in court.
- B. The time specified in the notice to appear shall be at least five days after the arrest unless the person arrested demands an earlier hearing.
- C. The place specified in the notice to appear shall be before the Tribal Judge within the Fort Hall Indian Reservation in which the offense charged is alleged to have been committed and who has jurisdiction of the offense.
- D. The arrested person in order to secure release as provided in this section, shall give his written promise to appear in court by signing at least one copy of the written notice prepared by the arresting officer. The Officer shall deliver a copy of the notice to the person promising to appear. Thereupon, the officer shall forthwith release the person arrested from custody.
- E. An officer violating any of the provisions of this section is guilty of misconduct in office and is subject to removal from office.

Section 131

Violation of Promise to Appear

- A. Any person willfully violating his written promise to appear in court, given as provided in this Chapter



is guilty of an offense regardless of the disposition of the charge upon which he was originally arrested.

- B. A written promise to appear in court may be complied with by an appearance by Counsel.

Section 132

Procedures Prescribed Not Exclusive

The provisions of Sections 127 through 131 shall govern all police officers in making arrests without a warrant for violations of this Chapter, but the procedures prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Section 133

Form for Traffic Citations

- A. Every traffic enforcement agency on this Reservation shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this Chapter.
- B. The Chief Administrative Officer of every agency shall be responsible for the issuance of the books and shall maintain a record of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

Section 134

Traffic Violations Not Covered Herein

Any traffic violation not covered or explicitly stated in this Chapter, which would be a violation in a similar situation under Idaho Law may be incorporated and may serve a limited part of this Chapter. Said violation must be reviewed individually and specifically at the time that the Tribal Court adjudicates the matter. In no instance will the Idaho State Traffic Code supercede this Chapter in application or interpretation.