

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 27

TRAFFIC CODE

- 27-01-01 **GENERAL PROVISIONS:** This Code shall apply to all persons within the jurisdiction of the Sisseton-Wahpeton Sioux Tribe.
- 27-02-01 **DEFINITIONS**
- 27-02-01 Authorized Emergency Vehicle - shall mean vehicles of the fire department, police vehicles, and such ambulances and other emergency vehicles designated or authorized as such.
- 27-02-02 Laned Roadway - shall mean a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
- 27-02-03 Motor Vehicle - shall mean every vehicle which is self-propelled.
- 27-02-04 Road or Highway - shall mean the entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel.
- 27-02-05 Roadway - shall mean that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- 27-02-06 Vehicle - shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- 27-02-07 Racing: is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a destination ahead of another vehicle or vehicles.
- 27-03-01 **ENFORCEMENT**  
The Sisseton-Wahpeton Sioux Tribal Police, shall be responsible for the enforcement of all regulations, rules and controls as established in this Chapter.

S.W.S.T. CODE

Amendment

New Adoption

Judicial Approved

5-29-86

Council Adopted

5-29-86

27-04-01

**STATUTE OF LIMITATIONS**

No prosecution shall be maintained under this Chapter unless the action shall have been commenced within one (1) year after commission of the offense.

27-05-01

**SPEED - REASONABLE AND PRUDENT**

No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under existing road and traffic conditions. Speed shall be so controlled as may be necessary to avoid collision with any person, vehicle or other conveyance on or before entering the highway.

27-06-01

**RESTRICTIONS**

The following restrictions on speed of any vehicle are prescribed for roads and highways of the Lake Traverse Reservation and any violation thereof shall be unlawful.

27-06-02

**BUSINESS, RESIDENTIAL, SCHOOL AREA**

The maximum speed on any highway in business, residential, or school district shall be 20 mph.

27-06-03

**SCHOOL ZONE**

The maximum speed when passing a school during recess or while the children are going to or leaving school during opening and closing hours shall be 15 mph.

27-06-04

**MAXIMUM SPEED**

The maximum speed under circumstances other than those defined in 27-06-02 and 27-06-03 shall be 55 mph, or as otherwise posted.

27-07-01

**PENALTIES**

Any person that drives in an excess of the maximum speed limit, as provided in this section, or though not driving in excess of such maximum speed limit, drives at a speed greater than is reasonable under the condition existing shall be penalized as provided in S.D.C.L.

27-08-01

**SPEED LIMIT - WHEN NOT APPLICABLE**

The speed limitation set forth in 27-06-02, 27-06-03 and 27-06-04 shall not apply to vehicles when operated with due regard for safety under the direction of a Tribal Police Officer in the chase or apprehension of violators of the law, or of persons charged with or suspected of any such violation, not to fire departments when traveling in response to a fire alarm, or to public or private ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicles from the consequences of reckless disregard of the safety of others.

**27-09-01 UNREASONABLE SLOW SPEED PROHIBITED**  
No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law. Violation of this section is a Class F Misdemeanor.

**27-10-01 SPEEDING ON HIGHWAY - NOT ALLOWED**  
No person shall drive any vehicle in any race on a highway. A violation of this section is a Class C Misdemeanor.

**27-11-01 RECKLESS DRIVING**  
Any person who drives any vehicle upon a highway carelessly and heedlessly in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner as to endanger or likely to endanger any person or property, shall be deemed guilty of a Class C Misdemeanor.

**27-12-01 EXHIBITION DRIVING**  
Any person who drives a vehicle within the jurisdiction of the Sisseton-Wahpeton Tribal Court in such manner that creates or causes unnecessary engine noise or tire squeal, skid or slide upon acceleration or stopping, or that simulates a temporary race, or that causes the vehicle to unnecessary turn abruptly or away, shall be deemed guilty of a Class D Misdemeanor.

S.W.S.T. CODE  
 Amendment  
 New Adoption  
Judicial Approved  
06-06-84  
Council Adopted  
06-06-84

**27-13-01 OPEN CONTAINER**  
No person shall keep in a motor vehicle or have in his possession while in a vehicle, a bottle or receptacle containing alcoholic beverages which has been opened or the contents of which have been partly consumed. A violation of this section shall be a Special Class Misdemeanor, but not to exceed a one hundred (\$100.00) dollar fine, with no jail time.

**27-14-01 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**  
No person shall drive or be in actual physical control of any motor vehicle if there is either: An amount equal to .10 percent by weight of alcohol in his blood, as measured by a blood, breath, urine or other reliable test.

**27-14-02 INCAPABLE OF SAFE DRIVING**  
Under the influence of an alcoholic beverage to such a degree that he is incapable of safe driving.

27-14-03 MARIJUANA OR CONTROLLED DRUGS  
Under the influence of Marijuana or any controlled drugs as listed in the Uniform Controlled Substance Act (21 U.S.C., 8-12) to such a degree that he is incapable of safe driving.

27-14-04 COMBINATION OF ALCOHOL AND MARIJUANA  
Under the influence of a combination of alcohol, marijuana, or any controlled drug to such a degree that he is incapable of safe driving.

W.S.T. CODE 27-14-05  
Amendment  
New Adoption  
Judicial Approved  
5-24-89  
Council Adopted  
1-09-89

PENALTIES  
For the purpose of this section, a mandatory jail sentence is one which must be imposed by the Court. Nothing in this Chapter shall be construed to prohibit parole being granted on a mandatory sentence pursuant to SWST Code Chapter 24, Section 24-05-01.

27-14-06

FIRST OFFENSE  
\$250.00, 30 days in jail, plus court costs.  
- Mandatory 3 day jail time  
- Driving privileges restricted on reservation for 45 days  
- Attend DWUI Classes

W.S.T. CODE 27-14-07  
Amendment  
New Adoption  
Judicial Approved  
1-09-84  
Council Adopted  
1-09-84

SECOND OFFENSE  
\$360.00 fine, 30 days in jail, plus Court costs.  
- Mandatory 15 days in jail, can be released for work or school  
- Driving privileges restricted for 90 days  
- Attend DWUI Classes

27-14-08  
W.S.T. CODE  
Amendment  
New Adoption  
Judicial Approved  
5-24-89  
Council Adopted  
1-09-89

THIRD OFFENSE  
\$500.00 fine, 6 months in jail, plus Court costs.  
- Mandatory 6 months in jail but can be released for work or school  
- Driving privileges restricted for 6 months after jail  
- Attend DWUI Classes

27-14-09

Whenever possible, a person convicted of Third Offense Driving While Under the Influence of Alcohol or Drugs shall be allowed to participate in a residential chemical dependency treatment program. Credit toward jail time and/or parole time shall be granted on a day-for-day basis for all persons who satisfactorily complete such a program.

27-15-01

**IMPLIED CONSENT ORDINANCE**

Any person suspected of Driving Under the Influence, on the Lake Traverse Reservation, shall be informed of their rights, including the suspension of their driving privileges upon the refusal to submit to a chemical analysis of blood, breath, or urine, for the purpose of determining the amount of alcohol and drugs in their body. A person's refusal to take a chemical test of blood, breath or urine can be used against them in Court at a trial.

W.S.T. CODE

Amendment

New Adoption

Judicial Approved

10-02-84

Council Adopted

10-62-84

W.S.T. CODE

Amendment 27-16-01

New Adoption

Judicial Approved

**WARNING TICKETS**

Tribal Police Officers are authorized to issue a warning ticket to any driver who is in violation of any provision of this chapter, excluding Driving While Under the Influence.

Council Adopted

2-06-84 27-17-01

**CHEMICAL ANALYSIS - LIABILITY OF COSTS**

Any person convicted of a violation or violations of any section in this Chapter shall be liable for the cost of any scientific or chemical test used to determine the amount of alcohol or other drugs in his body and shall be taxed as costs against said convicted individual.

27-18-01

**ACTION REQUIRED AT STOP SIGN**

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has view of approaching traffic on the intersection roadway before entering the intersection. Any person failing to come to a full stop as specified in this section shall be deemed guilty of a Class F Misdemeanor.

27-19-01

**RULES OF ROAD**

Upon all highways of sufficient width, the driver of a vehicle shall drive upon the right half of the highway, except when over taking or passing another vehicle. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.

27-19-02

**PASSING ONCOMING VEHICLES**

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the travel portion of the roadway as nearly as possible. Any person violating this section, shall be deemed guilty of a Class F Misdemeanor.

- 27-19-03 RIGHT OF WAY AT INTERSECTION**  
When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle at the left shall yield the right-of-way to the vehicle on the right. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.
- 27-19-04 YIELDING RIGHT OF WAY TO EMERGENCY VEHICLES**  
Any driver of a vehicle on a highway shall yield the right-of-way to police officers, fire department vehicles and ambulances when such vehicles are operated upon official business and the drivers thereof use appropriate signal by siren, whistle, horn, and/or warning lights. Any person violating this section will be deemed guilty of a Class F Misdemeanor.
- 27-19-05 RIGHT TURNING VEHICLES**  
Any driver of a vehicle attempting to turn to the right of an intersection shall approach the intersection in the lane of traffic nearest to the right hand side of the highway and in turning shall keep as close as possible to the right hand curve or edge of the highway. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.
- 27-19-06 LEFT TURNING VEHICLES**  
Any drivers of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left hand lane which is available to traffic moving in the direction of travel of the vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection of lane lawfully available to traffic. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.
- 27-19-07 TURNING FROM WRONG LANE**  
No driver shall turn said vehicle at an intersection unless the vehicle is in proper position as defined in 27-19-05 and 27-19-06. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.
- 27-19-08 TURN SIGNAL REQUIRED**  
A signal of an intention to turn right or left shall be given continuously during not less than two hundred (200) feet traveled by the vehicle. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.
- 27-19-09 LEFT TURNING VEHICLES RIGHT OF WAY OF OPPOSING TRAFFIC**  
Any driver of a vehicle within the intersection intending to turn to the left shall yield the right of way to the vehicles approaching from the opposite direction which is

in the intersection or so close as to constitute an immediate hazard. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.

**27-19-10 DRIVING UPON SIDEWALK PROHIBITED**

No person shall drive any vehicle upon a sidewalk or sidewalk area except when crossing the sidewalk for entry upon a driveway. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.

**27-19-11 U-TURN PROHIBITED**

No vehicle within a passing zone which is marked as required by this Chapter shall be turned to proceed in the opposite direction, nor may any such turning movement be made unless it can be made safely without interfering with other traffic. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.

**27-19-12 PASSING OF VEHICLES**

Any driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass with a safe distance to the left. The driver of the overtaking vehicle shall pass in a safe distance to the side of the overtaken vehicle. Any person violating this section shall be deemed guilty of an Class F Misdemeanor.

**27-19-13 PASSING ON RIGHT**

Any driver of a vehicle may overtake and pass another vehicle upon the right only in conditions permitting such movement is safe. Any person in violation of this section shall be deemed guilty of a Class G Misdemeanor.

**27-19-14 DRIVING TO LEFT OF CENTER**

Any driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made safely. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.

**27-19-15 PASSING CURVES**

No vehicle shall be driven on the left side of the roadway when approaching or upon the rest of a grade or curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the other direction. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.

- 27-19-16 NO PASSING ZONES**  
Any driver of any vehicle shall not overtake and pass any other vehicle proceeding in the same direction when traveling in a no passing zone on highway or bridges whether the passing maneuver is safely completed or not. Any person violating this section shall be deemed guilty of a Class F Misdemeanor.
- 27-19-17 DESIGNATION OF NO PASSING ZONE**  
The Sisseton-Wahpeton Sioux Tribe shall designate no passing zones, if they have not already been designated. Any currently marked as no passing zones will remain no passing zones without further tribal action being necessary.
- 27-19-18 FOLLOWING TOO CLOSELY**  
Any driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and condition of the highway. Any person violating this section shall be deemed guilty of a Class G Misdemeanor.
- 27-19-19 PEDESTRIANS**  
Any driver of a vehicle upon a highway shall yield the right of way to pedestrians crossing the highway. Any person violating this section shall be deemed guilty of a Class F Misdemeanor.
- 27-20-01 ABANDONED VEHICLES - UNATTENDED FOR MORE THAN EIGHT HOURS**  
Whenever any vehicle is left unattended on any public road, highway or highway right of way for a longer period than eight (8) hours without notifying the Sisseton-Wahpeton Sioux Tribal Police, it shall be deemed an abandoned vehicle and subject to the provisions contained in 27-20-03 through 27-20-07.
- 27-20-02 MODIFICATION OF ABANDON VEHICLE PROVISIONS**  
The Sisseton-Wahpeton Sioux Tribal Council may, by ordinance, modify or change any provision of any section 27-20-01 through 27-20-07, inclusive to meet its needs or to clarify the duties of the Sisseton-Wahpeton Tribal Police Department.
- 27-20-03 REMOVAL OF ABANDONED VEHICLES**  
Whenever an officer of the Sisseton-Wahpeton Sioux Tribal Police Department finds an abandoned vehicle, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or place of safety.



**27-20-04 VEHICLE BLOCKING TRAFFIC - WRECKED VEHICLES**

A vehicle found unattended upon a bridge or causeway or in any tunnel or where such vehicle constitutes an obstruction and hazard to traffic or a wrecked vehicle may be removed at any time and without regard to eight hour period provided in 27-20-01.

**27-20-05 NOTIFICATION TO OWNER OF REMOVAL**

It shall be the duty of every officer of the Sisseton-Wahpeton Sioux Tribal Police Department who has provided for the removal of an abandoned or wrecked vehicle to notify the registered owner and if encumbered, the lien holder by certified mail of the removal and in whose custody such vehicle has been placed and that the registered owner may recover said vehicle upon payment of all costs incident to the removal and storage of the same.

**27-20-06 SALE OF UNCLAIMED VEHICLE - PUBLICATION OF NOTICE**

If after three (3) months from the date of mailing notice pursuant to 27-20-05, the vehicle remains unclaimed, such vehicle may be sold by the Tribal Court, as may be designated by its governing body at public auction upon notice to be published in the newspaper of general circulation in the county not less than once a week for two consecutive weeks. Such notice shall contain a description of the vehicle, including year, make, model, serial number, color and license number, if any; a statement that the vehicle was found abandoned and the date thereof, and the place, date and time at which such vehicle (s) will be sold, which date shall not be sooner than one (1) week following the date of the last publication of notice.

**27-20-07 DISPOSITION OF FUNDS RECEIVED ON SALE OF VEHICLES**

After the costs of removing, storing, advertising the selling of a vehicle pursuant to 27-20-06 are deducted, the balance of the sale price shall be held for the owner of such vehicle for a period of ninety (90) days after the sale. If such proceeds are not claimed at the expiration of ninety (90) days after the sale, such proceeds shall be paid to the Treasurer of The Sisseton-Wahpeton Sioux Tribe to be deposited on account for the Sisseton-Wahpeton Tribal Police Department.

**27-21-01 FAILURE TO STOP ON SIGNAL OR ELUDING A POLICE OFFICER**

Any driver of a vehicle who intentionally fails or refuses to bring his vehicle to a stop or who otherwise flees or attempts to elude a pursuing police vehicle when given visual or audible signal to bring the vehicle to a stop, shall be deemed guilty of a Class One (1) Misdemeanor.

**27-22-01 DUTY OF VEHICLE OPERATOR TO STOP IN CASE OF ACCIDENT**  
Any driver of a vehicle involved in any accident, resulting in injury or death to any person or damage to property shall immediately stop and give his name and address and the name and address of the owner and the license number of the vehicle he is driving to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance.

**27-22-02 DUTY TO STOP AFTER ACCIDENT**  
Any driver of a vehicle which collided with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address, and the name and address of the owner and the license number of the vehicle he is driving, or shall attach securely, in a conspicuous place in or on such vehicle or other property, a written notice giving his name, address, and the name and address of the owner and license number of the vehicle he is driving, and shall without unnecessary delay, notify the nearest officer of a duly authorized Public Safety authority. Every such stop shall be made without obstructing traffic more than is necessary.

**27-23-01 HIT AND RUN ACCIDENT RESULTING IN DEATH OR INJURY**  
Any driver of a vehicle involved in an accident resulting in injury or death to any person who shall fail to stop immediately such vehicle at the scene of such accident and comply with the laws herein, shall be deemed guilty of a Class One (1) Misdemeanor

**27-23-02 HIT AND RUN ACCIDENT RESULTING IN PROPERTY DAMAGE**  
Any driver of a vehicle involved in an accident resulting in damage to property who fails immediately to stop such vehicle at the scene of such accident and give his name and address, and the name and address of the owner of the vehicle, shall be deemed guilty of a Class A Misdemeanor.

**27-24-01 PARKING AND NO PARKING ZONES - VIOLATION PROHIBITED**  
The Tribal Police Department is authorized to place signs prohibiting, restricting or allowing parking, stopping, or restricting vehicles from those areas which are posted by signs. The Police are further authorized to give tickets to those violating any part of this section and any violation shall be deemed a Class G Misdemeanor.

S.W.S.T. CODE

Amendment

New Adoption

Judicial Approved

06-06-84

Council Adopted

06-06-84

**27-25-01 VEHICLE EQUIPMENT**

**27-25-02 HEADLIGHTS REQUIRED**

Every motor vehicle other than a motorcycle, road roller, road machinery or farm tractor shall be equipped with at least two head lights with at least one on each side of the front of the motor vehicle. A violation of this section is a Class G Misdemeanor.

**27-25-03 PERIODS DURING WHICH LAMPS MUST BE LIGHTED**

Every vehicle upon a highway within the reservation during the period from a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred (200) feet ahead, shall be equipped with lighted front and rear lamps as respectively required in 27-25-02 and 27-25-09 inclusive. A violation of this section is a Class G Misdemeanor.

**27-25-04 CIRCUMSTANCES UNDER WHICH HEADLAMPS MUST BE DIMMED**

Whenever a motor vehicle is being operated upon a highway, or a portion thereof, which is sufficiently lighted to reveal a person on the highway at a distance of two hundred (200) feet ahead of the vehicle, it shall be mandatory to tilt the beam downward. Whenever, a motor vehicle meets another vehicle or overtakes another vehicle proceeding in the same direction on any highway it shall be mandatory to tilt the beams downward, provided that at all times as required by 27-25-03 at least two (2) lights shall be displayed on front of, and opposite sides of every motor vehicle. A violation of this section is a Class G Misdemeanor.

**27-25-05 REAR LAMPS REQUIRED**

Every motor vehicle, trailer, semi-trailer, and pole trailer, or any other vehicle which is being drawn at the end of a combination of vehicles shall be equipped with at least two (2) tail lamps mounted on the rear, when lighting is required by 27-25-03 shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear. A violation of this section is a Class G Misdemeanor.

**27-25-06 STOP LAMPS REQUIRED**

Every motor vehicle trailer, semi-trailer and pole trailer shall be equipped with two (2) or more stop lamps. The stop lamp shall display a red light visible from a distance of not less than three hundred (300) feet to the rear in normal sunlight. A violation of this section is a Class G Misdemeanor.

- 27-25-07 RED LIGHTS ON FRONT OF VEHICLE PROHIBITED**  
Except as to police or fire departments, or fire patrol vehicles or such ambulances and emergency vehicles, any person who drives or moves any vehicle upon the highway with any red light visible from directly in front thereof is guilty of a Class G Misdemeanor.
- 27-25-08 LICENSE PLATE ILLUMINATION**  
Either the rear lamps required by 27-25-05 or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear license plate and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear license plate is illuminated by an electric lamp other than the required rear lamp, said lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted. A violation of this section is a Class G Misdemeanor.
- 27-25-09 LIGHTS ON PARKED VEHICLES**  
Whenever a vehicle is stopped or parked on a highway whether attended or unattended during the times mentioned in 27-25-03, there shall be displayed upon such vehicle one or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of five hundred (500) feet to the rear, except that no lights need be displayed upon any such vehicle parked within corporate limits of a municipality or within a housing site. A violation of this section is a Class G Misdemeanor.
- 27-25-10 REPLACEMENT OF OPENING WITH SAFETY GLASS REQUIRED**  
It shall be an offense for any person to replace any glass or glazing material used in partitions, doors, windows, windshields or wind deflectors in any motor vehicle with any material other than safety glass or a type complying with the definition of safety glass. A violation of this section is a Class G Misdemeanor.
- 27-25-11 NONTRANSPARENT MATERIAL ON WINDOWS PROHIBITED**  
It shall be an offense for any person to drive any vehicle upon a highway with any sign, poster, or other nontransparent material upon the front windshield, side wings, side windows or rear window of such motor vehicle other than a certificate or other paper required to be displayed by law or other temporary driving instruction placed thereon by the manufacturer unless the same shall not obstruct the driver's clear view of the highway or any intersecting highway. A violation of this section is a Class G Misdemeanor.

- 27-25-12 OBJECTS DANGLING BETWEEN DRIVER AND WINDSHIELD**  
It shall be an offense for any person to drive any vehicle upon a highway with any object or gadget dangling between the view of the driver and the windshield of said vehicle. A violation of this section is a Class G Misdemeanor.
- 27-25-13 WINDSHIELD WIPERS REQUIRED**  
The windshield on every vehicle except farm tractors and motorcycles shall be equipped with a device or devices for cleaning rain, snow, or other moisture from the windshield, which device shall be operated by the driver of the vehicle. No person shall operate a motor vehicle upon the highways unless such vehicle shall be equipped with such device or devices in good working order capable of cleaning the windshield thereof and shall provide the driver a clear view of the highway. A violation of this section is a Class G Misdemeanor.
- 27-25-14 REAR-VISION MIRRORS REQUIRED**  
Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such vehicle, whether operated singly or towing another vehicle. A violation of this section is a Class G Misdemeanor.
- 27-25-15 MUFFLER REQUIRED**  
No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A violation of this section is a Class G Misdemeanor.
- 27-25-16 BRAKES REQUIRED**  
Every motor vehicle, trailer, semi-trailer, and any combination of such vehicles operating upon a highway within the reservation shall be equipped with brakes. A violation of this section is a Class G Misdemeanor.
- 27-25-17 CRACKED OR BROKEN GLASS PROHIBITED**  
No glass or glazing material, at any location where it is used, cracked or broken so as to cut or injure any person in or around a vehicle. A violation of this section is a Class G Misdemeanor.
- 27-25-18 GLASS IMPAIRING OPERATOR'S VISION PROHIBITED**  
No glass or glazing material may be cracked, broken, shattered or distorted to the extent that it significantly impairs the vision of the motor vehicle operator. A violation of this section is a Class G Misdemeanor.

**27-26-01 SCHOOL BUSES DEFINED**

School bus shall mean every vehicle with a capacity of ten (10) or more pupils owned or operated by or for a school or school district used for the purpose of transporting school children to and from school or used in connection with school activities.

**27-26-02 MARKING OF SCHOOL BUS - COVERING WHEN NOT USED FOR TRANSPORTATION OF CHILDREN**

Every school bus owned or operated by or for a school or school district shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than eight (8) inches in height. When any such vehicle is being operated upon a highway for purposes other than the actual transportation of children either to and from school in connection with school activities all marking thereon indicating "School Bus" shall be covered or concealed. A violation of this section is a Class G Misdemeanor.

**27-26-03 FLASHING RED AND AMBER LIGHTS REQUIRED**

Any school bus with a capacity for ten (10) or more students used to transport children to and from a public or non-public school, shall be equipped on the front and rear thereof the alternately flashing amber caution lights and alternately flashing red signal lights. A violation of this section is a Class F Misdemeanor.

**27-26-04 USE OF RED AND AMBER LIGHTS BY SCHOOL BUS**

When stopping to receive or discharge pupils the operator of a school bus to which 27-25-03 applies shall cause the amber caution light to be lighted at a distance of not less than three hundred (300) feet nor more than five hundred (500) feet from the point where said pupils are to be received or discharged from the bus. If the point of receiving or discharging pupils is:

1. On the roadway or in a business or residential district where the speed limit is thirty-five (35) miles per hour or more, the operator shall bring the bus to a stop, turn off the amber caution lights, and turn on the red flashing signals, or
2. Off the roadway or in a business or residential district where the speed limit is thirty-five (35) miles per hour, the operator shall bring the bus to a stop and continue to flash amber caution lights.

**27-26-05 RECEIVING OR DISCHARGING PUPILS**

After receiving or discharging pupils the operator shall turn off the flashing signal lights and proceed on route. A violation of this section is a Class E Misdemeanor.

**27-26-06 DUTY OF MOTORISTS TO SLOW OR STOP - EXCEPTION FOR SPECIFIED HIGHWAYS**

The operator of a motor vehicle upon a two-lane highway meeting or overtaking a school bus on which the amber warning lights are flashing shall reduce the speed of his vehicle to not more than twenty (20) miles per hour and proceed past said school bus with caution. The operator of a motor vehicle upon meeting or overtaking a school bus on which the red flashing signal lights are flashing shall bring his vehicle to a complete stop not closer than fifteen (15) feet from the school bus and shall remain stopped until the flashing red signal lights are extinguished.

**27-26-07.** The operator of a motor vehicle upon a highway providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though the school bus is stopped and red signal lights are flashing thereon. A violation of this section is a Class E Misdemeanor.

**27-27-01 VEHICLE LICENSES AND DRIVER'S LICENSES**

Vehicles, including motorcycles, operated within the reservation shall be licensed in accordance with the applicable laws of the state of South Dakota. The tribe herein adopts and all regulations of said state, now in existence or hereinafter adopted by the state. Any person violating any of the provisions on licensing of vehicles shall be punished in accordance with the statute provided.

**27-27-02 DRIVER'S LICENSE**

Every person operating a motor vehicle within the reservation shall be licensed in accordance with the applicable laws of the state of South Dakota.

**27-27-03 PROHIBITION AGAINST MORE THAN ONE LICENSE**

No person shall be permitted to have more than one valid operator's license at any time, excluding Tribal license for operation of tribal vehicles only. A violation of this section is a Class G Misdemeanor.

**27-27-04 PROHIBITION AGAINST DRIVING WITHOUT LICENSE**

No person except those hereinafter expressly exempted shall drive any motor vehicle upon a highway within the reservation unless such persons has a valid license as an operator under the provisions provided. A violation of this section is a Class F Misdemeanor.

- 27-27-05 LICENSE NOT REQUIRED FOR OPERATION OF TRACTOR**  
Any person is exempt from license under this section while operating a farm tractor or implement of husbandry to or from the home farm buildings to or from any adjacent or nearby farmland for the exclusive purpose of conducting farm operations, provided; however, that no person whose license is under suspension or revocation shall operate a farm tractor or implement of husbandry upon the streets or highways within any municipality. A violation of this section is a Class G Misdemeanor.
- 27-27-06 GOVERNMENT EMPLOYEES EXEMPT FROM LICENSING REQUIREMENTS**  
Any employee of the United States Government is exempt from license under this chapter while operating a motor vehicle owned by or leased to the United States Government and being operated on official business.
- 27-27-07 NON-RESIDENT OUT-OF-STATE LICENSE EXEMPT**  
A non-resident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle on the reservation without a license under this chapter.
- 27-27-08 RESIDENT OF JURISDICTION NOT REQUIRING LICENSE EXEMPT**  
A non-resident who is at least sixteen (16) years of age whose home state or country does not require the licensing of operators, may operate a motor vehicle without a license under this chapter, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such non-resident.
- 27-27-09 PERIOD OF RESIDENCY**  
Any person who has resided on the reservation for a period of ninety (90) days is considered a resident for the purpose of being licensed to drive a motor vehicle under the laws of the state of South Dakota.
- 27-27-10 MILITARY PERSONNEL, DOMESTIC VOLUNTEERS AND DEPENDENTS WITH OUT-OF-STATE LICENSE EXEMPT**  
Any non-resident who is stationed in this state while in the military service of the United States or any non-resident who is assigned in this state under the Domestic Volunteer Service Act of 1973 and any dependent of such non-resident and who has in his possession a valid driver's license or permit issued in his home state or country may operate a motor vehicle on the reservation.



- 27-27-11 DRIVER EDUCATION CLASS STUDENTS**  
Students in Driver's Education class may drive a motor vehicle without a license under this chapter when such student is accompanied by an approved driver education instructor who is occupying a seat beside such student driver.
- 27-27-12 LICENSE BE IN POSSESSION OF DRIVER**  
Every licensee shall have his operator's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a judge of a court of record, or a Tribal Police Officer. A violation of this section is a Class G Misdemeanor.
- 27-27-13 EXTENDED TERM OF LICENSE HELD BY MEMBER OF ARMED FORCES**  
A valid South Dakota driver's license held by any person who enters or is in the United States Armed Forces shall continue and the person remains absent from the reservation, and not to exceed thirty (30) days following the date on which the holder is honorably separated from such service or returns to the reservation, unless the license is sooner suspended, cancelled, or revoked for cause as provided by law. The license is valid only when in the immediate possession of the licensee while driving and the licensee has his discharge or separation papers, if he has been discharged or separated from the service, in his immediate possession.
- 27-27-14 LICENSE ISSUED IN OTHER JURISDICTION PROHIBITED DURING SUSPENSION OR REVOCATION**  
Any resident or non-resident whose operator's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided by state law shall not operate a motor vehicle on the reservation under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when permitted by state law. A violation of this section is a Class F Misdemeanor.
- 27-27-15 DRIVING WHILE LICENSE IS CANCELLED, SUSPENDED OR REVOKED**  
Any person who drives a motor vehicle on any public highway within the reservation at a time when his privilege to do so is cancelled, suspended or revoked shall be guilty of a Class F Misdemeanor.
- 27-27-16 POSSESSION OF REVOKED OR ALTERED LICENSE**  
It shall be a Class E Misdemeanor for any person to display or cause or permit to be displayed or have in his possession any cancelled revoked or suspended, fictitious or fraudulently altered operator's license.

- 27-27-17 PERMITTING USE OF OPERATOR'S LICENSE**  
It shall be a Class E Misdemeanor for any person to permit any unlawful use of an operator's license issued to him.
- 27-27-18 DISPLAYING ANOTHER'S LICENSE**  
It is a Class E Misdemeanor for any person to display or represent as one's own any operator's license not issued to him.
- 27-28-01 ALLOWING UNAUTHORIZED PERSON TO USE VEHICLE**  
No person shall 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 tribal law or in violation of any of the provisions of this chapter. A violation of this section is a Class D Misdemeanor.
- 27-28-02 PERMITTING UNAUTHORIZED MINOR TO USE VEHICLE**  
No person shall cause or knowingly permit his child or ward under the age of eighteen (18) years to drive unaccompanied by an adult with a valid license, a motor vehicle upon any highway when such minor is not authorized under tribal law or in violation of any of the provisions of this chapter. A violation of this section is a Class D Misdemeanor.
- 27-28-03 UNAUTHORIZED USE OF VEHICLE UNDER RESTRICTED LICENSE**  
It is a Class F Misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.
- 27-28-04 OPERATION OF TRIBAL VEHICLE WITHOUT TRIBAL DRIVER'S LICENSE**  
Any person who operates a tribal vehicle upon the highway without a valid Tribal Driver's License as set forth in Ordinance No. 80-01, shall be deemed guilty of a Class D Misdemeanor.
- 27-29-01 MOTORCYCLE REGULATIONS**  
**DEFINITION:** As used in this chapter, the following words mean:
- 27-29-02 MOTORCYCLE** - includes motorcycle, motorbikes, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor.

- 27-29-03 **DEPARTMENT** - means the Sisseton-Wahpeton Sioux Tribal Police Department.
- 27-29-04 **MOPED** - a motor drive cycle equipped with two or three wheels, foot pedal to permit muscular propulsion and an independent power source providing a maximum of two (2) brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty (50) cubic centimeters regardless of the number of chambers in the power source. The power source may not be capable of propelling the vehicle unassisted at a speed in excess of thirty (30) miles per hour on a level road surface and is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

- 27-29-05 **SPECIAL QUALIFICATIONS TO OPERATE MOTORCYCLE - MOPED EXCEPTED**  
 No person may operate a motorcycle, except a Moped as defined in 27-29-04, on public streets or highways without a motor vehicle driver's license or permit upon which a state (South Dakota) testing officer has certified that such person is qualified to operate such motorcycle. A violation of this section shall be deemed a Class G Misdemeanor.

- 27-29-06 **PROTECTIVE HELMET REQUIRED FOR MINOR**  
 It shall be unlawful for any person to operate a motorcycle with any person under the age of thirteen (13) years as a passenger, if the passenger is not wearing a protective helmet of a type approved by the department. Moped as defined by 27-29-04 are exempt from this section. A violation of this section shall be deemed a Class G Misdemeanor.

- 27-29-07 **EYE PROTECTIVE SCREEN OR WINDSCREEN REQUIRED**  
 No person shall operate a motorcycle unless he is wearing an eye protective device of a type approved by the department, except when a motorcycle is equipped with windscreen. A violation of this section shall be deemed a Class G Misdemeanor.

- 27-30-01 **BICYCLE ORDINANCE**  
 No bicycles shall be operated within any Sisseton-Wahpeton Sioux Tribal Housing areas between thirty (30) minutes before sunset and 6:00 a.m. Bicycles shall be operated with a white headlight visible under normal atmospheric conditions from the front thereof for not less than three hundred (300) feet indicating approach or

S.W.S.T. CODE

Amendment

New Adoption

Judicial Approved

05-03-85

Council Adopted

05-03-85

presence of bicycle. Such bicycle shall also be operated with firmly attached proper lighting, or with a yellow or red light, or reflector visible from two hundred (200) feet from the rear thereof.

**27-30-02 VIOLATIONS**

Any adult person who is found in violation of this chapter shall be deemed guilty of a Class F Misdemeanor, punishable by a fine not to exceed fifty dollars (\$50.00).

**27-30-03 MINOR IN VIOLATION**

Any minor child, under eighteen (18) years of age, who is found in violation of this chapter, the parent, guardian, or custodian of the minor child shall be made responsible to a fine not to exceed fifty dollars (\$50.00). A violation of this section is a Class F Misdemeanor.

**27-30-04 BICYCLE IMPOUNDED - AUCTION**

Any violations of 27-30-01, 27-30-02 and 27-30-03, a tribal law enforcement officer or the Sisseton-Wahpeton Housing Authority security guard assigned to the housing area where the violation occurred, may impound the bicycle for a period not to exceed fifteen (15) days. A fee for storage of ten dollars (\$10.00) shall be paid to the Sisseton-Wahpeton Sioux Tribal Police Department by the owner of the bicycle, or if the owner is a minor, the minor's parent, guardian or custodian, prior to the bicycle being released. If the bicycle is not claimed within fifteen (15) days, the bicycle shall be sold at auction.

**27-31-01 SEVERABILITY**

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgement shall have been rendered.

S.W.S.T. CODE

Amendment

New Adoption

Judicial Approved

02-24-88

Council Adopted

03-01-88

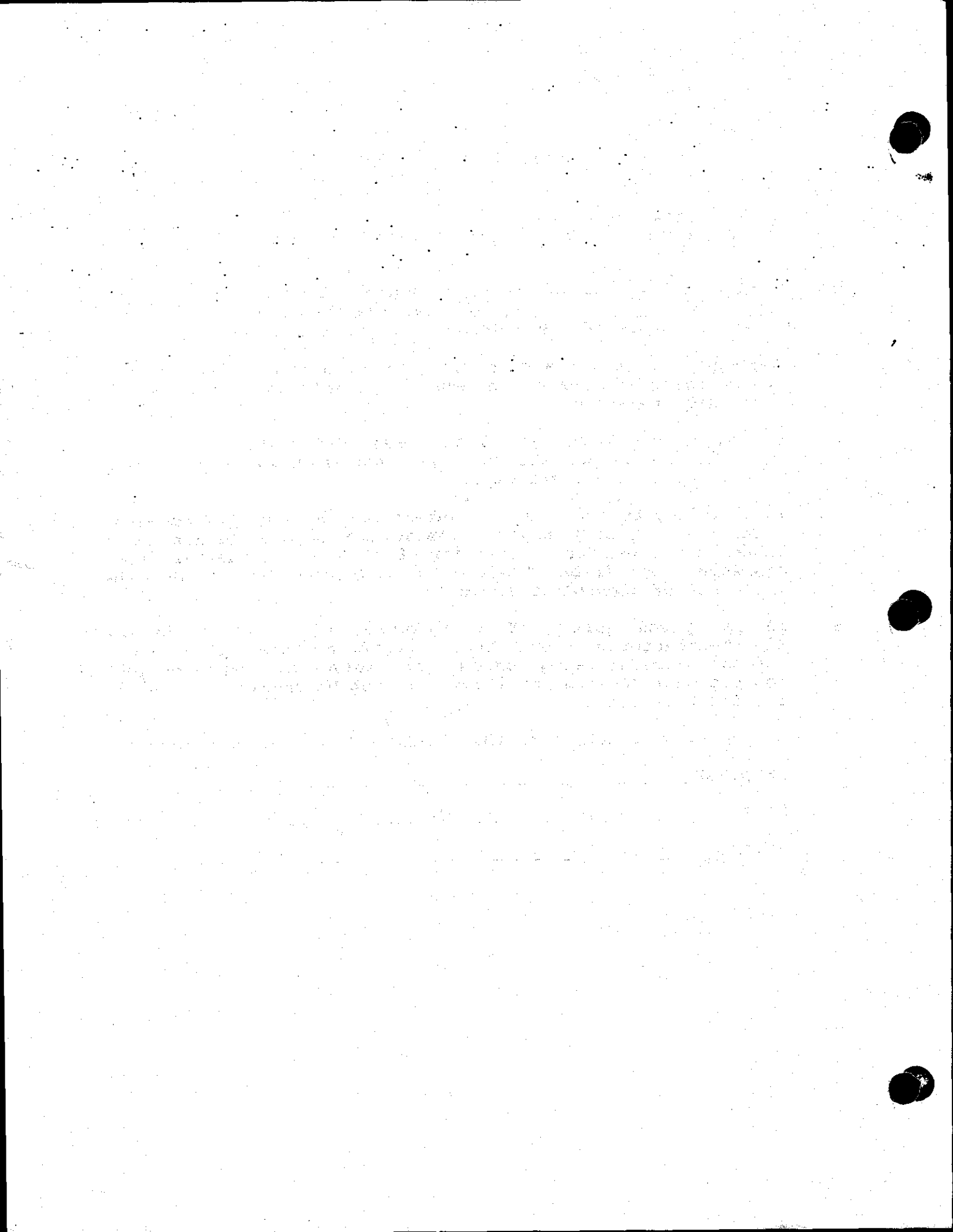
IMPLIED CONSENT FORM

1. I have arrested you for \_\_\_\_\_  
A violation of 27-13-01 of the Sisseton-Wahpeton Sioux Tribal Traffic Code.
2. I request that you submit to a chemical test of your \_\_\_\_\_  
\_\_\_\_\_ to determine the amount of alcohol,  
or the presence of other drugs, in your blood.
3. You have a right to a chemical test by a technician of your  
own choosing at your own expense, in addition to the test I  
have just requested.
4. If you refuse to submit to the requested chemical test, no  
test will be given, but the court can suspend your driving  
privileges on the reservation.
5. In addition, if you refuse to submit to the requested chemical  
test, your refusal may be admissible into evidence at a  
subsequent trial for a violation of 27-13-01 of the Sisseton-  
Wahpeton Sioux Tribal Traffic Code, driving while under the  
influence of alcohol or drugs.
6. If you plead guilty of a violation of 27-13-01 of the  
Sisseton-Wahpeton Sioux Tribal Traffic Code prior to a  
revocation order being issued, your driver's license or your  
non-resident driving privilege will not be revoked for having  
refused the test.
7. Do you wish to submit to the chemical test I have requested?

DEFENDANT \_\_\_\_\_

DATE \_\_\_\_\_ 19 \_\_\_\_\_ TIME \_\_\_\_\_ AM PM

OFFICER \_\_\_\_\_



S. W. S. T. CODE  
 Amendment  
 New Adoption  
Judicial Approved

SISSETON-WAHPETON SIOUX TRIBE  
OF THE  
LAKE TRAVERSE RESERVATION  
SISSETON, SOUTH DAKOTA 57262

Council Adopted  
01-14-80

TRIBAL COUNCIL ORDINANCE NO. 80-01

WHEREAS, The Sisseton-Wahpeton Sioux Tribe of the Lake Traverse is organized under a Constitution and by laws adopted by the members of the tribe on August 1-2, 1966; approved by the Commissioner of Indian Affairs on August 25, 1966 and,

WHEREAS, Article VII (D) to make rules governing the relationship of the members to the tribe, to tribal property and to one another as members of the tribe, and to assess fees of members to effectuate tribal purpose and,

WHEREAS, The United States and States of the Union have a policy for the use of its property and vehicles and,

WHEREAS, The Sisseton-Wahpeton tribal government does not have an Ordinance addressing the use of tribal property and vehicles,

NOW THEREFORE BE IT RESOLVED, that this tribal council be on record by this Ordinance, that the following rules, and regulations be enforced by the tribal court and law-enforcement primarily with operators, tribal vehicles, equipment, and property;

- (1) There will be forms for applications, and forms for certification (attached)
- (2) A basic requirement will be a valid state drivers license.
- (3) Operating Test:
  - A. Each applicant will be required to take a practical operating test administered by a properly certified examiner. The Tribal Chairman will certify a skilled operator to be the examiner.
  - B. The certified examiner will develop guidelines for a written and operating testing procedure. The Chairman will approve the guidelines developed.

(4) Tribal vehicles, equipment, and property shall be identified as passenger cars; pick-ups; semi-trucks; farm tractors; combines; plows; disks; swathers; back hoes; crawlers; tractors; road graders; scrapers; cranes; front end loaders; snow blowers on tractors; vans; school buses; bull dozers; police cars; ambulances; bobcats; well drilling rigs, etc.

(5) Operating Classification:

- A. The issuing office will use a system of classification for the type of equipment used.
- B. Skilled operator, is operator by profession.
- C. Incidental operator, is semi-skilled.
- D. Student operator, need to be under supervision.
- E. The issuance of the certification of the applicant, will be according to the standards in the skilled operators manual.

(6) Qualified Examiner:

- A. The test will be witnessed or conducted by the designee of the tribal chairman. A current Certified License on heavy equipment held by the applicant would be recognized by the tribe.

(7) Requirements:

- A. Age - applicant must be 18 years old or older.
- B. Physical requirements - physical examination by a qualified medical officer.
- C. Must have an annual physical examination to retain license.
- D. Eye sight - operators must have minimum vision 20/50 in either eye with or without glasses. Operators must take color test.
- E. Must possess valid state drivers license.



(8) Enforcement:

A. Tribal police are given the authority to:

1. Spot check all tribal vehicle operators for valid driver's license.
2. Spot check equipment operators for current license.
3. Check operator for written authority to operate. Authorization is to be carried in vehicle when being used.

(9) Violation: All violators will be prosecuted according to damages entailed and the tribal code.

- A. Vehicles and equipment operated by unauthorized operators will be impounded.
- B. Unauthorized operators will be prosecuted according to the Tribal Law Code.
- C. Unauthorized operators will be responsible for any damages to equipment.
- D. All operators will be liable for damages caused through negligence.

(10) Revocation of tribal operators license will follow this procedure:

A. D.W.I.

- 1st Offense - 30 days to 6 months.
- 2nd Offense - 6 months to 1 year.
- 3rd Offense - 1 year to 3 years.
- 4th Offense - Permit to be revoked indefinitely.

B. At fault accident

- 1st Offense - 30 days to 6 months.
- 2nd Offense - 6 months to 1 year.
- 3rd Offense - 1 year to 3 years.
- 4th Offense - Permit to be revoked indefinitely.

C. Expiration of valid South Dakota license shall be grounds for revocation of tribal government license. All traffic offenses will be grounds for revocation.

D. A waiver may be negotiated with the court for employment.

(11) Council Obligation:

A. All tribal vehicles and equipment shall be clearly identifiable.

B. Tribal insurance to cover all permits.

C. Council shall delegate one person to monitor and develop an operating plan to press charges, and establish a reporting system.

(12) All operators will have a written authorization to operate the vehicles and equipment signed by the chairman with the designated director and manager.

(13) This Ordinance will become effective 30 days after the approval of the Tribal Council.

(14) All vehicles will contain a log book identifying the equipment, recording mileage, maintenance received, and name of operator.

C E R T I F I C A T I O N

We the undersigned duly elected Chairman and Secretary of the Sisseton-Wahpeton Sioux Tribal Council, do hereby certify that the above ordinance was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council, which is composed of 15 members constituting a quorum, were present at a Tribal Council meeting duly noticed, called, convened and held at TiWakan Center, Sisseton, South Dakota on January 8, 1980, by vote of 14 for, 0 opposed, 1 not voting, and that said ordinance has not been rescinded or amended in any way.

Dated this 14th day of January, 1980.

\_\_\_\_\_  
Vernon L. Cloud, Tribal Secretary  
Sisseton-Wahpeton Sioux Tribal Council

ATTEST:

\_\_\_\_\_  
Jerry Flute, Tribal Chairman  
Sisseton-Wahpeton Sioux Tribal Council