



## Walker River Paiute Tribe

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### RESOLUTION OF THE GOVERNING BODY OF THE WALKER RIVER PAIUTE TRIBE RESOLUTION NO. WR-78-2021

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE THAT:**

**WHEREAS,** the governing body of the Walker River Paiute Tribe (“Tribe”) is organized under the provisions of the Indian Reorganization Act of June, 1934, as amended, to exercise certain rights of home rule and to be responsible for the promotion of the economic and social welfare of its members; and

**WHEREAS,** the Tribe’s Constitution and By-Laws create the foundation for the governance of the Tribe and the framework for all Tribal operations and authorizes the Walker River Paiute Tribal Council to act on behalf of the Walker River Paiute Tribe and to promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Reservation; and

**WHEREAS:** pursuant to this power, the Tribal Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe’s jurisdiction; and

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

**WHEREAS:** to meet this goal, the Tribal Council drafted a new Title 7 of the Law & Order Code titled “Vehicles” addressing traffic violations; and

**WHEREAS:** the new proposed Title 7 was posted for at least thirty days to allow for public comment, the Tribal Council considered the comments and is now prepared to take action to approve Title 7;

**NOW THEREFORE BE IT RESOLVED** by the Walker River Tribal Council, the governing body of the Walker River Paiute Tribe, hereby adopts, approves and promulgates the attached version of Title 7 titled "Vehicles" of the Tribe's Law and Order Code, which shall go into effect upon approval of the Bureau of Indian Affairs, and which shall supersede and replace any and all prior versions of Title 7;


**BE IT FINALLY RESOLVED** that the Walker River Tribal Council hereby directs that the Tribal Court make Title 7 of the Law & Order Code available to those Tribal members and attorneys/advocates who request a copy. The expense for each copy will be at the cost of the requester.

**BE IT FURTHER RESOLVED**, that the Tribal Chairwoman or her designee is hereby authorized to effectuate any and all administrative actions necessary for the implementation of this resolution and the approved Title 7 of the Law & Order Code.

**BE IT FINALLY RESOLVED**, that nothing in this resolution shall be construed as a waiver of the sovereign immunity of the Tribe.

#### CERTIFICATION

It is hereby certified that the foregoing resolution of the Walker River Paiute Tribal Council of the Walker River Paiute Tribe composes of seven members, of whom 7, constituting a quorum were present at a meeting held on the 8<sup>th</sup> day of July 2021, and that the foregoing resolution was adopted by the affirmative vote of 6-FOR and 0-AGAINST and 0-ABSTENTIONS, pursuant to the authority contained in Article VI, Section I(e), of the Constitution and Bylaws of the Walker River Paiute Tribe of Nevada, approved on March 26, 1937.

  
\_\_\_\_\_  
Gina L. Wachsmuth, Tribal Council Secretary  
WALKER RIVER PAIUTE TRIBE



**Walker River Paiute Tribe**  
*Tribal Court*

# Title 7 Vehicles

Title 7 Approved by Walker River Tribal Council July 8, 2021  
Resolution No: WR-78-2021  
LJF:JBC \_\_\_\_\_, 2021

LAW AND ORDER CODE

TITLE 7 - VEHICLES

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LAW AND ORDER CODE  
TITLE 7  
VEHICLES

7-10 JURISDICTION -

7-10-010 Jurisdiction -

The Walker River Tribal Court shall have jurisdiction:

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

7-10-020 Power to Regulate -

The Walker River Paiute Tribal Council shall have the power to regulate all matters involving the ownership or operation of vehicles, including but not limited to, registration of and licensing of operators and vehicles, parking, speed limits and other traffic controls, traffic offenses and enforcement, and trial and punishment and/or imposition of forfeiture sanctions on traffic offenders.

7-20 DEFINITIONS -

7-20-010 Authorized Emergency Vehicle -

- (a) Any publicly owned ambulance, or any privately owned ambulance, being used to respond to an emergency call.
- (b) Any vehicle operated by or with the authority of a police department, sheriff's department, or state highway patrol.
- (c) Any vehicle operated by a forestry or fire department of any tribal, federal, state, or local government, or agency thereof, or
- (d) Any vehicle that the Walker River Paiute Tribal Council has authorized as an emergency vehicle.

7-20-020 Bicycle -

Any mechanical device propelled solely by human power.

7-20-030 Court Clerk -

The clerk of the Walker River Paiute Tribal Court.

7-20-040 Driver -

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

- 7-20-050 Farm Vehicle –  
Any vehicle primarily used in connection with a farming or ranching purpose.
- 7-20-060 He, Him, or His –  
Words of masculine gender include the feminine gender, and the singular includes the plural, where appropriate.
- 7-20-070 Indian –  
A member of a federally recognized Indian tribe.
- 7-20-080 Owner –  
A person to whom the real and beneficial use of a vehicle belongs.
- 7-20-090 Person –  
Any person subject to the jurisdiction of the Tribal Court.
- 7-20-100 Police Officer –  
Any person empowered by the Walker River Police Department under the Walker River Paiute Tribe to enforce the Tribe's Law and Order Codes.
- 7-20-110 Reservation –  
The Walker River Paiute Reservation.
- 7-20-120 Right-of-Way –  
The privilege of the immediate use of the road.
- 7-20-130 Road –  
All paved, gravel, or dirt streets, roads or highways within the exterior boundaries of the Walker River Paiute Reservation that are provided for public use or that are commonly used by the public.
- 7-20-140 School Bus –  
Any vehicle clearly marked as a school bus.
- 7-20-150 Traffic –  
Vehicles, bicycles, pedestrians, or domestic animals moving along a road.
- 7-20-160 Tribal Court –  
The Walker River Paiute Tribal Court.
- 7-20-170 Valid Driver's License –  
Any current and valid driver's license issued by:  
(a) Any state of the United States of America.

(b) The Government of the United States of America, or

(c) The Government of any foreign country.

7-20-180 Valid License Plate -

Any current and valid vehicle license plate issued by:

(a) Any state of the United States of America,

(b) The government of the United States of America; or

(c) The Government of any foreign country.

7-20-190 Vehicle -

Every mechanical device that may be used for transportation or driven by a person upon a road, including but not limited to trucks, cars, and other four-wheeled vehicles, motor cycles, motor scooters, and motor bikes and other two or three-wheeled vehicles, but not including mechanical devices propelled solely by human power.

7-30 DUTIES IMPOSED BY THIS TITLE 7 -

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

(a) All Police Officers employed and authorized by the Walker River Paiute Tribe shall have the general duty and authority to enforce Title 7.

(b) Police Officers shall have specific duty and authority:

(1) To direct traffic at the scene of an accident, when traffic control signals are not working, or when traffic is too heavy to be controlled by traffic control devices;

(2) To issue civil citations for violations of the Title to Indians and Non-Indians.

(3) To arrest Indians who violate this Title 7, and to take accused violators into custody as provided in this Title 7.

(4) To investigate and prepare a written "Accident Report" on any accident occurring on a road and involving a vehicle that results in property damage or personal injury; and to file all such reports with the Tribal Court Clerk within one (1) working day after completing an investigation.



- (5) To have a badge indicating his official authority conspicuously displayed upon his person while on duty or while exercising his authority.

7-30-020 Duties of Drivers and Owners –

- (a) It is the duty of all drivers and owners to comply with the provisions of this Title 7.
- (b) It is the duty of all drivers to exercise due care in operating any vehicle on the Reservation, to avoid injury to or interference with persons, property, and the peace and quiet of the Reservation.

7-40 ENFORCEMENT PROCEDURES –

7-40-010 Citations –

- (a) Initiating Proceedings – Proceedings against a defendant shall be initiated by issuing a civil citation to the defendant. Issuing of a citation constitutes a civil summons to appear in court. A copy of the citation shall be filed with the Court Clerk and a second copy shall be retained by the citing officer. When filed with the Court Clerk, the citation shall serve as a civil complaint.
- (b) Issuance – The citation shall be issued to the defendant personally, except that if the offense is a non-moving violation, then issuance may be made by affixing the citation to a visible location on the offending vehicle.
- (c) Contents – The citation shall contain at least the following:
  - (1) The name and driver's license number of the defendant, if available.
  - (2) The license number of the vehicle involved.
  - (3) The date, location and time of the alleged offense.
  - (4) The section of this Title 7 alleged to have been violated.
  - (5) A notice requiring the defendant to appear in Tribal Court on a stated date, time and location.
  - (6) An agreement that the Police Officer will release the defendant if the defendant signs the citation promising to appear in court or to pay the cash equivalent to the maximum civil forfeiture scheduled for the violation paid to the Tribal Court prior to the scheduled court date, unless the defendant is required to be taken into custody pursuant to this Title 7. If the defendant refuses to sign the citation, the Police Officer shall note on the citation that the defendant refused to sign, and then shall provide a copy of the citation to the defendant. If the defendant refuses to accept the citation, the defendant may be charged

under Law and Order Code § 5-80-120, or if defendant is not an Indian then charged for interfering with law enforcement procedures; and

- (7) A notice that if the defendant fails to appear in court his cash that he paid to the Tribal Court will be forfeited.
- (8) A statement of the maximum civil forfeiture for each violation alleged.
- (d) Other Applicable Code provisions – The provisions of Chapter 4-30 of Title 4, Criminal Procedure, dealing with citations, are also applicable to proceedings under this Title 7, when the defendant is an Indian charged with a criminal violation.

7-40-020 Civil Forfeiture –

- (a) Availability – The Tribal Court may release a defendant who has been taken into custody upon the posting of cash equivalent to the civil forfeiture set for the offense.
- (b) Civil Forfeiture Schedule – Each offense under Title 7 has a civil forfeiture incorporated within.
- (c) Forfeiture of Cash – The cash equivalent to the civil forfeiture set for each offense may be forfeited by written agreement or a failure to appear for trial.

7-40-030 Issuance of Citation to Non-Indians –

A non-Indian who refuses to agree to post cash equivalent to the maximum civil forfeiture scheduled for the violation to the Tribal Court or to sign the citation promising to appear in court shall be issued a state or federal citation for violation of the appropriate section of state law.

7-40-040 Immediate Arrest of Indian Defendants –

- (a) Standards – An Indian defendant shall be taken into custody and brought before the Tribal Court without unreasonable delay, if:
  - (1) He or she refuses to sign the citation promising either to appear in court or prior to the scheduled court date to post cash equivalent to the maximum criminal fine scheduled for the violation paid to the Tribal Court; or
  - (2) He or she is accused of a serious offense against the safety of persons or property.
- (b) Setting of Trial – A trial of a defendant in custody shall be held immediately or no later than the next court date. If a defendant is released from custody, a date for trial may be set no more than thirty (30) days after the arrest.

- (c) Applicability of Other Code Provisions – The provisions of Chapter 4-30, Title 4, Criminal Procedure, dealing with arrest are also applicable to proceedings under this Title 7, when the defendant is an Indian charged with a criminal violation.

7-40-050 Bail –

- (a) Availability – The Tribal Court may release an Indian accused who has been taken into custody, upon the posting of a cash bail in an amount determined by the Court. A person accused of a Class D or Class E offense under this Title 7 shall be released upon the posting of cash bail as specified in the Bail Schedule, or if no Bail Schedule is adopted, upon posting cash bail as follows:

Class D Offense – fifty dollars (\$50.00)

Class E Offense – twenty-five dollars (\$25.00)

- (b) Bail Schedule – The Tribal Court shall adopt a Bail Schedule, specifying cash bail for Class D and Class E offenses. The Bail Schedule may also specify bail for other classes of offenses. If no Bail Schedule is adopted, the following bail amounts shall be in effect:

Class D Offense – fifty dollars (\$50.00)

Class E Offense – twenty-five dollars (\$25.00)

- (c) Forfeiture of Bail – Notwithstanding any other provisions of this Title 7, a person accused of a Class D or Class E offense may forfeit the posted bail in lieu of appearing for trial. Forfeiture of bail shall constitute a plea of “guilty” for all purposes. Bail may be forfeited by written agreement or by a failure to appear for trial.

7-50 TRIAL OF TRAFFIC OFFENDERS –

The trial of defendants in civil traffic cases shall be governed by the provisions of the Title 2 on Civil Procedure. The trial of defendants in criminal traffic cases shall be governed by the provisions of Chapter 4-60, Title 4 of Criminal Procedure.

7-60 TRAFFIC OFFENSES –

7-60-010 In General –

- (a) Violation of this Title subjects the offender to civil forfeiture in the amount set in the civil forfeiture schedule. In addition, suspension of a driver's license or privilege to drive upon the Reservation may be imposed, as provided in this Title 7, as an additional penalty for offenses listed in Title 7.

- (b) Violations of this Title by an Indian, including the offenses listed in Chapter 7-70, subjects the offender to the penalties for classes of offenses as established in Section 4-70-070, Title 4, Criminal Procedure. In addition, suspension of a driver's license or privilege to drive upon the Reservation may be imposed, provided in this Title 7, as an additional penalty for offenses listed in Chapter 7-70 of this Title 7.

7-60-020 Suspension of License or Privilege to Drive Upon the Reservation -

- (a) The Tribal Court may order the suspension of any person's Driver's License or privilege to operate a vehicle on the Reservation, for a period of up to one (1) year. Suspensions may be ordered if a judgment has been entered against a person for offenses listed in Chapter 7-70 of this Title 7:
  - (1) Three (3) times within one (1) year,
  - (2) Four (4) times within two (2) years, or
  - (3) Five (5) times within three (3) years.

7-70 TRAFFIC OFFENSES -

7-70-010 Driving Under the Influence of Alcohol -

- (a) Offenses -- No person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, shall drive a vehicle upon any road. A violation of this subsection shall result in a civil forfeiture of not less than six hundred dollars (\$600.00) nor more than one thousand dollars (\$1000.00).
- (b) Presumption --
  - (1) If, at the time of an alleged offense, there was .08 percent or more by weight of alcohol in the accused blood, it shall be presumed that the accused was under the influence of intoxicating liquor at that time. The applicable percentages to be applied for this section for a person operating a commercial vehicle shall be .04 percent or more, and for drivers under twenty-one (21) years of age .02% percent or more.
  - (2) The foregoing provision shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question of whether the accused was under the influence of intoxicating liquor at the time of the alleged offense.
- (c) Implied Consent -- Any driver who is operating a vehicle upon the Reservation shall be considered to have consented to scientific evidentiary tests to determine blood alcohol level when reasonably requested to do so by a police officer. If a driver refuses to submit to any scientific test, his privilege to operate a vehicle upon the Reservation may be suspended for a

period of up to one (1) year.

(d) Violation of this section 7-70-010 by an Indian is a Class A offense.

7-70-020 Drinking Alcoholic Beverages in a Motor Vehicle -

No person shall drink any alcoholic beverage while in a vehicle when such vehicle is upon a road. Violation of this section shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Violation of this section by an Indian is a Class C offense.

7-70-030 Driving Under the Influence of Drugs -

(a) Controlled Substance - No person who is under the influence of any controlled substance listed in Schedules I, II, III, IV, and V of Title 21, United States Code, Section 812, or any successor legislation to the schedules shall drive a vehicle upon any road. Violation of this subsection shall result in a civil forfeiture of not less than six hundred dollars (\$600.00) nor more than one thousand dollars (\$1000.00). Violation of this subsection by an Indian is a Class A offense.

(b) Non-Narcotic Drugs - No person who is under the influence of any drug, other than a controlled substance as specified in subsection (a) above, to a degree that renders him incapable of safely driving a vehicle shall drive a vehicle upon any road. Violation of this subsection shall result in a civil forfeiture of not less than six hundred dollars (\$600.00) nor more than one thousand dollars (\$1000.00). Violation of this subsection by an Indian is a Class A offense.

(c) Implied Consent - Any driver who is operating a vehicle upon the Reservation shall be considered to have consented to scientific evidentiary tests to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present when reasonably requested to do so by a police officer. If a driver refuses to submit to any scientific test, his privilege to operate a vehicle upon the Reservation may be suspended for a period of up to one (1) year.

7-70-040 Depositing Matter on the Road -

No person shall deposit upon any road any bottles, cans, garbage, glass, nails, paper, wire or any other substance likely to injure or damage traffic using the road. Violation of this section shall result in a civil forfeiture of not less than four hundred dollars (\$400.00) nor more than six hundred dollars (\$600.00). Violation of this section by an Indian is a Class D offense.

7-70-045 Obstruction of Right of Way -

It shall be unlawful to stand, stop or park a vehicle so as to obstruct a right of way. Violation of this section shall result in a civil forfeiture of not less than fifty

dollars (\$50.00) nor more than one hundred dollars (\$100.00). Violation of this section by an Indian is a Class D offense.

7-70-050 Reckless Driving

Anyone who drives a vehicle upon a road in a manner so as to endanger any person or property shall be guilty of reckless driving. Violation of this section shall result in a civil forfeiture of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00). Violation of this section by an Indian is a Class B offense.

7-70-060 Speeding

(a) Speeding Restrictions – It shall be unlawful for any person to operate any vehicle upon the Reservation at a speed exceeding a posted speed limit or exceeding thirty (30) miles per hour if no speed limit is posted or exceeding a reasonable and proper speed dictated by road and weather conditions. Violation of this subsection shall result in a civil forfeiture of five dollars (\$5.00) for each mile per hour over the posted or applicable speed limit.

(b) Violations of subsection (a) above by an Indian is a Class C offense if the speed limit was exceeded by more than twenty (20) miles per hour; a Class D offense if the speed limit was exceeded by more than ten (10) but less than twenty (20) miles per hour; a Class E offense if the speed limit was exceeded by ten (10) or less miles per hour; and a Class D offense if a reasonable and proper speed was exceeded.

(c) Exception to speed restrictions – The speed restrictions designated in this Title shall not apply to authorized emergency vehicles on an emergency call. This provision shall not relieve the driver of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from civil liability or criminal prosecution as a consequence of reckless driving.

7-70-070 Driving on the Wrong Side of the Road –

A driver shall operate his vehicle upon the right half of any road, except when that half of the road is out of repair or impassable, or when the driver's vehicle is safely overtaking and passing another vehicle. Violation of this section shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). Violation of this section by an Indian is a Class D offense.

7-70-080 Unlawful Passing –

(a) Offense – It shall be unlawful to overtake and pass a moving vehicle:

(1) On a bridge, overpass, or tunnel;

- (2) On a railway crossing or an underpass.;
- (3) At an intersection;
- (4) When coming up to the top of a hill or on a curve where one does not have an unobstructed view five hundred (500) feet ahead;
- (5) When there is a solid yellow line in the driver's lane; or
- (6) When an on-coming vehicle is so close that it is not safe to cross the center line.

(b) Penalty – Violation of this section shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Violation of this section by an Indian is a Class C offense.

7-70-090

Failure to Signal –

- (a) Mechanical Signals – When a driver of a vehicle slows, turns, changes lanes, or stops, he shall give the proper mechanical signal in sufficient time to indicate his intentions to other drivers and pedestrians. Turn signals must be given for the driver(s) approaching as well as for the driver(s) behind him.
- (b) Hand Signals – When mechanical signals are not given, signals must be given with the left arm as follows:
  - (1) For Stopping, arm extended downward.
  - (2) For Left Turn, arm extended horizontally.
  - (3) For Right Turn, arm extended at a 90-degree angle.
- (c) Violation of this section shall result in a civil forfeiture of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Violation of this section by an Indian is a Class E offense.

7-70-100

Improper U-Turns –

A driver shall not make a U-Turn where it is not safe to do so, or where there is a "No U-Turn" sign. Violation of this section shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). Violation of this section by an Indian is a Class D offense.

7-70-110

Failure to Yield Right of Way –

- (a) A vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection.

- (b) If two or more vehicles approach or enter an intersection from different roads at the same time, the driver shall yield the right of way to the vehicle on the right.
- (c) All vehicles shall yield the right of way to pedestrians.
- (d) All vehicles about to enter or cross a road shall yield the right of way to vehicles on the road.
- (e) Violation of this section shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). Violation of this section by an Indian is a Class D offense.

7-70-120 Failure to Yield Right of Way to Emergency Vehicles --

Upon the approach of any authorized emergency vehicle displaying flashing lights and/or giving an audible signal by siren, the driver of every other vehicle shall immediately stop as far as possible off the right hand edge of the road, and parallel to the right hand edge or curb of the road, clear of any intersection or other roads, and shall remain so stopped until the authorized emergency vehicle has passed or unless otherwise directed by a police officer. Violation of this section shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Violation of this section by an Indian is a Class D offense.

7-70-130 Improper Passing of a School Bus --

All vehicles shall stop before meeting or passing a clearly marked school bus from any direction, to receive or discharge school children. Vehicles shall not proceed until the school bus starts moving or until signaled by the bus driver to proceed. Violation of this section shall result in a civil forfeiture of not less one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00). Violation of this section by an Indian is a Class C offense.

7-70-140 Failure to Obey Traffic Control Devices --

All drivers, while driving a vehicle, shall obey all traffic control devices. Violation of this section shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one-hundred dollars (\$100.00). Violation of this section by an Indian is a Class D offense.

7-70-150 Operation or Sale of Unsafe Vehicles --

- (a) It shall be unlawful to operate any vehicle in an unreasonably dangerous condition.
- (b) Whenever a federal vehicle safety standard is established, such as those established by the Federal Motor Vehicle Safety Standards and/or under 49 U.S.C. §§30101, *et seq.*, no person shall sell or offer for sale a vehicle or



item of equipment to which the standard is applicable unless:

- (1) The vehicle or equipment conforms to the applicable federal standard.  
or
  - (2) The vehicle or equipment displays a certification by the manufacture or distributor that the vehicle or equipment complies with the applicable federal standards.
- (c) Violation of this section shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00).  
Violation of this section by Indian is a Class D offense.

7-70-160

Equipment Violations -

- (a) Headlights and Taillights -
  - (1) During darkness, every vehicle shall be equipped with and have in operation two (2) functioning headlights, except that motorcycles shall be equipped with and have in operation one (1) functioning headlight.
  - (2) During darkness, every vehicle shall be equipped with and have in operation one (1) or more functioning taillights. Taillights shall be red in color and shall be plainly visible from all distances within five hundred (500) feet to the rear.
- (b) Brake Lights - Every vehicle shall be equipped with one or more functioning brake lights. Brake lights shall be plainly visible from three hundred (300) feet to the rear during normal sunlight and at night.
- (c) Backup Lights - Every vehicle, other than a motorcycle, shall be equipped with one (1) or more functioning backup lights if such lights were standard equipment on the vehicle as manufactured.
- (d) Turn Signals - All vehicles shall be equipped with a mechanical turn signal system capable of clearly indicating an intention to turn either right or left.
- (e) Brakes -
  - (1) Every vehicle shall be equipped with a service brake system and every vehicle with more than two (2) wheels shall be equipped with a parking brake system. The two (2) systems shall be constructed so that failure of any part except for failure of drums, brake shoes, or other mechanical part of the wheel brake assemblies, shall not leave the vehicle without operative brakes.

- (2) All brakes and component parts shall be maintained in good condition and in working order.
- (3) Upon application of the service brake system, every vehicle, at any time and under all conditions of loading, shall be capable of stopping within forty (40) feet from an initial speed of twenty (20) miles per hour.
- (f) Windshields – Every vehicle with more than two (2) wheels, except farm and off-road vehicles, shall be equipped with an adequate windshield.
- (g) Horns – Every vehicle, when operated upon a road, shall be equipped with a horn in good working order and capable of emitting a sound audible under normal conditions from a distance of two hundred (200) feet.
- (h) Tires – No persons shall use a vehicle with a pneumatic tire that is worn less than one thirty-second (1/32) of one inch of tread depth remains in any two (2) adjacent grooves at any location on the tire.
- (i) Mufflers – Every vehicle shall always be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise.
- (j) Violation of this section shall result in a civil forfeiture of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Violation of this section by an Indian is a Class E offense.

7-70-170 Joy Riding –

No person shall take or use any vehicle without permission or authority from the owner of the vehicle. The fact that such person did not intend to permanently deprive the owner of said vehicle shall be no defense to a charge brought against him under this section. Violation of this section shall result in a civil forfeiture of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00). Violation of this section by an Indian is a Class B offense.

7-70-180 Negligent Injury to Animals on the Road –

The driver of a vehicle shall exercise due care to avoid injuring wild or domestic animals on the roadway. Violation of this section shall result in a civil forfeiture of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Violation of this section by an Indian is a Class E offense.

7-70-190 Following Too Closely –

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

one hundred dollars (\$100.00). Violation of this section by an Indian is a Class D offense.

7-70-200

Leaving the Scene of an Accident -

- (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person, or damage to a vehicle or property, shall immediately stop as close as possible to the scene of the accident. Violation of this subsection shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00). Violation of this subsection by an Indian is a Class B offense.
- (b) If personal injury has occurred, or if the damaged vehicle or property is attended by any person, the driver shall give his name, address, the registration number of the vehicle he is driving, the name (s) and address (s) of the owner(s) thereof, information on any applicable insurance policy, and shall show his driver's license to the driver or passenger of or person attending any damaged vehicle or property. The driver shall give to any person injured in an accident reasonable assistance. Violation of this subsection shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00). Violation of this subsection by an Indian is a Class B offense.
- (c) The driver of a vehicle involved in an accident resulting in injury or death of any person or apparent property damage shall immediately give notice of the accident to the Tribal Police Department. Violation of this subsection shall result in a civil forfeiture of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00). Violation of the subsection by an Indian is a Class B offense.
- (d) The driver of any vehicle which hits another vehicle or other property which is unattended shall immediately stop and attempt to locate and notify the driver or owner of such vehicle or property of his name and address. If the driver after reasonable effort cannot locate the owner or driver, he shall leave in a safe and conspicuous place in or attached to the damaged vehicle or property a note giving his name and address. Violation of this subsection shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00). Violation of this subsection by an Indian is a Class D offense.

7-70-210

Registration Offenses -

- (a) Offense -- No driver shall operate any vehicle on any road within the Reservation unless the driver has in his possession a valid certificate of registration for such vehicle and unless the vehicle displays a set of valid license plates.

- (b) Farm Vehicles Exemption – This section shall not apply to farm vehicles that are being driven on a road in connection with farming or ranching purpose.
- (c) Penalty – Violation of this section shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Violation of this section by an Indian is a Class D offense.

7-70-220

Driver's License Offenses –

- (a) No driver shall operate a vehicle without his valid driver's license in his possession. Violation of this subsection shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).
- (b) No person shall possess or display or operate a vehicle with a cancelled, revoked, suspended, fictitious or fraudulently altered driver's license or a valid license not issued to him. Violation of this subsection shall result in a civil forfeiture of not less than four hundred dollars (\$400.00) nor more than six hundred dollars (\$600.00).
- (c) No person shall allow another to use his driver's license for identification. Violation of this subsection shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00).
- (d) No person shall cause or knowingly permit any unlicensed person to operate a vehicle, except for a farm vehicle, on a road. Violation of this subsection shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).
- (e) No person whose driving privilege as a nonresident has been canceled, suspended, or revoked shall drive any motor vehicle upon a road while such privilege is canceled, suspended or revoked. Violation of this subsection shall result in a civil forfeiture of not less than four hundred dollars (\$400.00) nor more than six hundred dollars (\$600.00).
- (f) A violation of any provision of this section by an Indian is a Class C offense.

7-70-230

Protective Headgear –

No driver or passenger on a two or three wheel vehicle shall operate it unless that person is wearing an approved protective headgear that meets the minimum standards established by the U.S. Department of Transportation. Violation of this section shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). Violation of this section by an Indian is a Class D offense.

7-70-240

Due Care --

Every driver shall have the duty to decrease speed under conditions when special hazards exist or may exist due to weather or other highway conditions, and speed must be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway. Any person who fails such duty to use due care shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Violation of this section by an Indian is a Class D offense.

7-70-250

Impeding Traffic --

Every driver of a motor vehicle shall have the duty to not operate the motor vehicle at speeds so slow as to impede the safe, normal and reasonable movement of traffic, and/or shall not bring a vehicle to a complete stop upon a roadway or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation. Violation of this section shall result in a civil forfeiture of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Violation of this section by an Indian is a Class E offense.

7-70-260

Administrative/Temporary Roadblocks --

It is unlawful for a person to proceed or travel through a roadblock without subjecting himself to the traffic control established at the roadblock or to disobey a lawful order(s) or directions of a police officer or person(s) conducting the roadblock. Violation of this section shall result in a civil forfeiture of not less than four hundred dollars (\$400.00) nor more than six hundred dollars (\$600.00). Violation of this section by an Indian is a Class C offense.

7-70-270

Operating a Vehicle Without Proof of Insurance --

No owner of a motor vehicle shall operate or allow another to operate his motor vehicle without possessing evidence of valid insurance on the vehicle. Every driver shall be required to provide proof of insurance if requested by a police officer during a stop. If the driver is not the owner of the vehicle, the citation shall be issued to the owner if the police officer can deliver the citation to the owner. Violation of this section shall result in a civil forfeiture of not less than four hundred dollars (\$400.00) nor more than six hundred dollars (\$600.00). Violation of this section by an Indian is a Class D offense.

7-70-280

Safety Belt Requirement for Child and Passenger --

Any driver and any passenger of a motor vehicle who is five (5) years of age or more, or weighs more than sixty (60) pounds who rides in the front or back seat of any motor vehicle on any road shall wear a safety belt if one is available for his seating position. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required. If the passenger is a child less than eighteen (18) years of age, a citation must be issued to the driver for his failure to require that child to wear the safety belt, but if both the driver and child are not wearing safety belts, only one (1) citation may be issued to the driver for both violations. The requirements of this section shall not apply if compliance would

be impractical. Violation of this section shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

Violation of this section by an Indian is a Class E offense.

7-70-290 Child Safety Seat Requirement for Infant and Child –

Any person who is transporting a child five (5) years of age or less, or weighing less than sixty (60) pounds in a motor vehicle shall secure the child in a child restraint system approved by the U.S. Department of Transportation (as provided in 49 C.F.R. Part 571) and that is appropriate for the size and weight of the child, and is properly installed within and attached safely and securely in the motor vehicle. Violation of this section shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Violation of this section by an Indian is a Class D offense.

7-70-300 Unlawful Riding –

(a) Except as otherwise provided in subsection (b) and (c) below, a driver operating a motor vehicle on a road shall not permit a person to ride upon or within any portion of the vehicle that is primarily designed or intended for carrying goods or other cargo or that is otherwise not designed or intended for the use of passengers, including, but not limited:

(1) Upon the bed of a flatbed truck, or

(2) Within the bed of a pickup truck.

(b) A driver may permit a person to ride upon the bed of a flatbed truck or within the bed of the pickup truck if the person is:

(1) Eighteen (18) years of age or older;

(2) Under eighteen (18) years of age and the motor vehicle is being used while farming or ranching; or

(3) Being driven in a parade authorized by a local authority.

(c) The provisions of this section do not apply to the portion of the bed of a truck that is covered by a camper shell or a slide-in camper.

(d) Violation of this section shall result in a civil forfeiture of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Violation of this section by an Indian is a Class E offense.

7-70-310 Handicapped Parking –

(a) A person shall not park a vehicle in a space that is reserved for the handicapped, unless the vehicle displays a special license plate or other official placard, or the vehicle is equipped with a slide-loading wheelchair

lift. Violation of this section shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

(b) A person shall not use a plate or other official placard allowing the person to park in a designated handicapped parking space unless he is a person with a permanent disability, disability of moderate duration or temporary disability, a disabled veteran, or the driver of a vehicle in which any such person is a passenger. Violation of this section shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

(c) Violation of this section by an Indian is a Class D offense.

7-80 OFF-ROAD VEHICLES -

7-80-010 Applicability of Title 7 to Off-Road Vehicles -

All provisions of this Title 7, except for section 7-70-210, shall apply in restricted or open off-road areas, as defined herein.

7-80-020 Regulations for Off-Road Vehicles -

(a) Special Rules - The following rules shall apply to off-road vehicle use:

- (1) It shall be unlawful to operate a vehicle at a speed or in a manner causing excessive disturbance to land, terrain, wildlife, or vegetation.
- (2) It shall be unlawful to operate a vehicle in a restricted use area in any manner not permitted therein.
- (3) It shall be unlawful to operate a vehicle in an area where off-road use is prohibited.

(b) Penalty - Violation of this section shall result in a civil forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).  
Violation of this section by an Indian is a Class D offense.

7-80-030 Restricted Areas -

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

7-80-040 Permitted Use Areas -

The Walker River Paiute Tribal Council may designate areas where off-road vehicle use is permitted. Such areas shall be designated by conspicuously posted signs advising of the locations and boundaries of off-road use areas and the regulations governing the use of off-road use areas. Non-Tribal members may use the Permitted Use Areas if they are allowed to do so by the Tribal Council, and only in compliance with any conditions mandated by the tribal Council.

7-80-050 Exemption for Vehicle Operation on Private Land --

Drivers of vehicles operating on privately owned land with the consent of the landowner or occupier are exempt from the regulations of Title 7, section 07-80.

7-90 COMMERCIAL VEHICLES --

7-90-010 Radar Detectors - Use and/or Possession --

No driver shall use a radar detector in a commercial vehicle or operate a commercial motor vehicle that is equipped with or contains any radar detector. Violation of this section shall result in a civil forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Violation of this section by an Indian is a Class D offense.



CERTIFICATION

As a duly-elected official of the Walker River Paiute Tribe, I do hereby certify that a meeting duly called, noticed, and convened on the 8th day of July, 2021, at which time a quorum of 7 was present, the Title 7, Vehicles Code was duly amended by a vote of 6 FOR, 0 AGAINST, 0 ABSENT, and said Code has not been rescinded or amended in any form.

Kimber Jones

Tribal Council Chairperson

7-8-2021

Date

ATTEST:

Lisa A. Stackmuth

Tribal Secretary

7-8-2021

Date