

## TITLE 18. TRANSPORTATION

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**TITLE 18. TRANSPORTATION**

**ARTICLE I**

**GENERAL PROVISIONS**

[Note: Except as otherwise noted, the provisions of Article 1, Title 18 were enacted on October 20, 2010 by Reso. No. 24-2010]

**CHAPTER 1. IN GENERAL**

**Sec. 18-1101. Authority and Purpose**

(a) The Tribe has the inherent sovereign power to enact laws to further the welfare of its members and others within its territory.

(b) The Tribal Police Department shall administer and enforce the provisions of this title relating to traffic on roadways of the Settlement, including those relating to the safe and legal operation of passenger cars, motorcycles, motor trucks and buses, and to see that proper safety rules are observed in order to promote public safety and preserve order on the Settlement.

(c) All local officials charged with the administration and enforcement of this chapter shall be governed in their official acts by the rules promulgated by the Tribal Police Department.

**Sec. 18-1102. Jurisdiction**

Except as otherwise provided within any article, chapter, or section, this Title shall apply to all persons located on the Settlement or otherwise subject to the jurisdiction of the Tribe by virtue of its inherent sovereign authority, or as established by other applicable rules.

**CHAPTER 2. CONSTRUCTION OF TITLE**

**Sec. 18-1201. Use of Language from Other Laws**

Inclusion of, or reference to, language, definitions, procedures, or other statutory or administrative provisions of other jurisdictions in this Title shall not be deemed an adoption of that law by the Sac & Fox Tribe of the Mississippi in Iowa, and shall not be deemed an action deferring to or consenting to such other jurisdiction by the Sac & Fox Tribe of the Mississippi in Iowa.

**Sec. 18-1202. Severability**

If any article, chapter, section or provision of this Title or amendment made by this Title is held invalid, the remaining articles, chapters, sections or provisions of this Title and amendments made by this Title shall continue in full force and effect.

**Sec. 18-1203. Sovereign Immunity**

Unless expressly provided otherwise, nothing in this Title shall be construed as limiting, waiving or abrogating the sovereignty or the sovereign immunity of the Sac & Fox Tribe of the Mississippi of Iowa or any of its agencies, departments, enterprises, agents, officials or employees.

**CHAPTER 3. DEFINITIONS****Sec. 18-1301. Definitions**

Unless the context requires otherwise, or a different definition is provided for a particular Article or Chapter, as used in this Title:

- (a) "Alcohol concentration" means the number of grams of alcohol per any of the following:
- (1) One hundred milliliters of blood.
  - (2) Two hundred ten liters of breath.
  - (3) Sixty-seven milliliters of urine.
- (b) "Alcoholic beverage" includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.
- (c) "All-terrain vehicle" means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.
- (d) "Ambulance" means a motor vehicle which is equipped with life support systems and used to transport sick and injured persons who require emergency medical care to medical facilities.
- (e) "Authorized emergency vehicle" means fire department vehicle, police vehicles, ambulances, and emergency vehicles owned by the United States, the Tribe, the State of Iowa, and any subdivision of these governments, and any other vehicle which is designed or authorized as an emergency vehicle.
- (f) "Chauffeur" means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation, or hire, or a person who operates a truck tractor, road tractor, or a motor truck which has a gross vehicle weight rating exceeding sixteen thousand pounds. A person is not a chauffer in the following situations:
- (1) When the operation of the motor vehicle, other than a truck tractor, by the owner or operator is occasional and merely incidental to the owner's or operator's principal business.
  - (2) When the operation is by a volunteer fire fighter operating fire apparatus, or is by a volunteer ambulance or rescue squad attendant operating ambulance or rescue squad apparatus. If a volunteer fire fighter or ambulance or rescue squad operator receives nominal compensation not based upon the value of the services performed, the fire fighter or operator shall be considered to be receiving no compensation and classified as a volunteer.
  - (3) When transporting inmates, probationers, parolees, or work release

persons as an employee of the Meskwaki Nation Police Department or Tribal Court.

- (4) When operating a truck, other than a truck tractor, as a farmer and used exclusively in connection with the transportation of the farmer's own products or property.
- (5) When transporting patients or clients as an employee of the Meskwaki Health Clinic, Indian Health Service, or as a home care aide in the course of his or her duties.

(g) "Combination" or "combination of vehicles" shall be construed to mean a group consisting of two or more motor vehicles, or a group consisting of a motor vehicle and one or more trailers, semitrailers or vehicles, which are coupled or fastened together for the purpose of being moved on the highways as a unit.

(h) "Component part" means any part of a vehicle, other than a tire, having a component part number.

(i) "Conviction" means a final conviction or an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court.

(j) "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(k) "Driver's license" means any license or permit issued to a person by any jurisdiction to operate a motor vehicle, including but not limited to a temporary restricted or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, or temporary permit.

(l) "Financial liability coverage" means an owner's policy of liability insurance which is issued by an insurance carrier to or for the benefit of the person named in the policy as insured, and insuring the person named as insured and any person using an insured motor vehicle with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured motor vehicle.

(m) "Hazardous material" means a substance or material which has been determined by the director of Tribal Public Works or the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

(n) "Implement of husbandry" means a vehicle or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. "Implements of husbandry" includes all-terrain vehicles operated for agricultural purposes, fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less. "Reconstructed" as used in this subsection means materially altered from the original construction

by the removal, addition, or substitution of essential parts, new or used.

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

(p) "Low-speed vehicle" means a motor vehicle manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. § 571.500. A low-speed vehicle which is in compliance with the equipment requirements in [49 C.F.R. § 571.500](#) shall be deemed to be in compliance with all equipment requirements of this chapter.

(q) "Metal tire" means every tire the surface of which in contact with the roadway is wholly or partly of metal or other hard, nonresilient material.

(r) "Motorcycle" definitions:

(1) "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including a motor scooter but excluding a tractor and a motorized bicycle.

(2) "Motorized bicycle" or "motor bicycle" means a motor vehicle having a saddle or a seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, with an engine having a displacement no greater than fifty cubic centimeters and not capable of operating at a speed in excess of thirty miles per hour on level ground unassisted by human power.

(3) "Bicycle" means a device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

(s) "Motor truck" means every motor vehicle designed primarily for carrying livestock, merchandise, freight of any kind, or over nine persons as passengers.

(t) "Motor vehicle" definitions:

(1) "Motor vehicle" means a vehicle which is self-propelled, but not operated upon rails.

(2) "Car" or "automobile" means a motor vehicle designed primarily for carrying nine passengers or less, excluding motorcycles and motorized bicycles.

(u) "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(v) "Official traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(w) "Operator" or "driver" means every person who is in actual physical control of a motor vehicle. A person shall be deemed to be operating a motor vehicle if the engine is running and the person is seated within or on the vehicle in a position from which he or she can immediately control the vehicle, regardless of whether the vehicle is in gear or motion.

(x) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of a security agreement with an immediate right of possession vested in the debtor, then such debtor shall be deemed the owner for the purpose of this chapter.

(y) "Peace officer" shall be give the same definition as in Title 13 of this Code. .

(z) "Pedestrian" means any person afoot.

(aa) "Person" means every natural person, firm, copartnership, association, or corporation. Where the term "person" is used in connection with the registration of a motor vehicle, it shall include any corporation, association, copartnership, company, firm, or other aggregation of individuals which owns or controls such motor vehicle as actual owner, or for the purpose of sale or for renting, whether as agent, salesperson, or otherwise.

(bb) "Pneumatic tire" means every tire in which compressed air is designed to support the load.

(cc) "Proof of financial liability coverage card" means a liability insurance card issued under proof of security against liability – driving without liability coverage.

(dd) "Railroad sign" or "signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(ee) "Railroad train" means an engine or locomotive with or without cars coupled thereto, operated upon rails.

(ff) "Reconstructed vehicle" means every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(gg) "Rescue vehicle" means a motor vehicle which is equipped with rescue, fire, or life support equipment used to assist and rescue persons in emergencies or support emergency personnel in the performance of their duties.

(hh) "Residential area" means the territory contiguous to and including a roadway, not comprising a school zone, where forty percent or more of the frontage on such roadway for a distance of three hundred feet or more is occupied by dwellings.

(ii) "Right-of-way" means the privilege of the immediate use of the highway.

(jj) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(kk) "Roadway" means that portion of land improved, designed, or ordinarily used for vehicular travel.

(ll) "Road work zone" means the portion of a roadway which is identified by posted or moving signs as the site of construction, maintenance, survey, or utility work. The zone starts upon meeting the first sign identifying the zone and continues until a posted or moving sign indicates that the work zone has ended.

(mm) "School bus" means every vehicle operated for the transportation of children to or from school, except vehicles which are:

- (1) Privately owned and not operated for compensation.
- (2) Used exclusively in the transportation of the children in the immediate family of the driver.
- (3) Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. The vehicles operated under the provisions of this paragraph shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.

(nn) "School zone" means the territory contiguous to and including a roadway for a distance of three hundred feet in either direction from a school facility.

(oo) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Wherever the word "trailer" is used in this chapter, same shall be construed to also include "semitrailer".

(pp) "Sidewalk" means that portion of a roadway between the curb lines, or the lateral lines, and the adjacent property lines intended for the use of pedestrians.

(qq) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(rr) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the roadways, including road construction or maintenance machinery and ditch-digging apparatus. This description does not exclude other vehicles which are within the general terms of this subsection.

(ss) "Through (or thru) roadway" means every roadway or portion thereof at the entrances to which vehicular traffic from intersecting roadways is required by law to stop before entering or crossing the same, and when stop signs are erected as provided in this chapter or such entrances are controlled by a peace officer or traffic-control signal. The term "arterial" is synonymous with "through" or "thru" when applied to roadways.

(tt) "Towing or recovery vehicle" means a motor vehicle equipped with booms, winches, slings, or wheel lifts used to tow, recover, or transport other motor vehicles.

(uu) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any roadway for purposes of travel.

(vv) "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(ww) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. However, a truck tractor may have a box, deck, or plate for carrying freight, mounted on the frame behind the cab, and forward of the fifth-wheel connection point.

TITLE 18. TRANSPORTATION

ARTICLE II

VEHICLE EQUIPMENT

[Note: Except as otherwise noted, the provisions of Article II, Title 18 were enacted on October 20, 2010 by Reso. No. 24-2010]

CHAPTER 1. SAFETY STANDARDS

Sec. 18-2101. Movement of Unsafe or Improperly Equipped Vehicles

It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any roadway on the Settlement any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped with one or more unsafe tires, or which is equipped in any manner in violation of this chapter.

Sec. 18-2102. Operation of Low Speed Vehicles

On all roadways with a posted speed limit equal to or greater than thirty-five miles per hour no vehicle, except those listed in §18-2104, shall be operated at a speed less than twenty miles per hour under the posted speed limit. This section shall not prohibit a low-speed vehicle from crossing a street with a posted speed limit equal to or greater than thirty-five miles per hour.

Sec. 18-2103. Upgrade Pulls – Minimum Speed

A motor vehicle or combination of vehicles, which cannot proceed up a three percent grade, on dry concrete pavement, at a minimum speed of twenty miles per hour, shall not be operated upon the roadways of this Settlement.

Sec. 18-2104. Exceptions – Slow Vehicles Identified

(a) This chapter, with respect to equipment on vehicles, does not apply to implements of husbandry, road machinery, or bulk spreaders and other fertilizer and chemical equipment defined as special mobile equipment, except as made applicable in this section. However, the movement of implements of husbandry on a roadway is subject to safety rules adopted by the Settlement. The safety rules shall prohibit the movement of any vehicle towing more than one implement of husbandry from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

(b) When operated on a roadway on the Settlement at a speed of thirty-five miles per hour or less, every farm tractor, or tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, horse-drawn vehicle, or any other vehicle principally designed for use off the roadway shall be identified with a reflective device sufficient to identify said vehicle to other motorists; however, this provision shall not apply to such vehicles when traveling in an escorted parade. The reflective device or alternative reflective device shall be visible from the rear. A vehicle other than those specified in this section shall not display a reflective device or an alternative reflective device. On vehicles operating at speeds equal to or greater than thirty-five miles per hour, the reflective device or alternative

reflective device shall be removed or hidden from view.

(c) Garbage collection vehicles, when operated on the roadways on the Settlement at speeds less than thirty-five miles per hour, may display a reflective device. At speeds equal to or greater than thirty-five miles per hour the device shall not be visible.

## **CHAPTER 2. LIGHTING EQUIPMENT**

### **Sec. 18-2201. When Lighted Lamps are Required**

(a) Every motor vehicle upon a roadway within the Settlement, at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the roadway at a distance of five hundred feet ahead, shall display lighted head lamps as provided in Sec. 18-2221, subject to exceptions with respect to parked vehicles as hereinafter stated.

(b) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection 1 of this section upon a straight level unlighted roadway on the Settlement under normal atmospheric conditions unless a different time or condition is expressly stated.

(c) All lamps and lighting equipment originally manufactured on a motor vehicle shall be kept in working condition or shall be replaced with equivalent equipment.

### **Sec. 18-2202. Head Lamps on Motor Vehicles**

Every motor vehicle other than a motorcycle or motorized bicycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

### **Sec. 18-2203. Head Lamps on Motorcycles and Motorized Bikes**

Every motorcycle and motorized bicycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

### **Sec. 18-2204. Rear Lamps**

Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with a lighted rear lamp or lamps, exhibiting a red light plainly visible from a distance of five hundred feet to the rear.

### **Sec. 18-2205. Illuminating Plates**

On all vehicles, either the rear lamp or a separate lamp shall be so constructed and placed as to illuminate the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. When the rear registration plate is illuminated by an electric lamp other than the required rear lamp, the two lamps shall be turned on or off only by the same control switch at all times when head lamps are lighted.

**Sec. 18-2206 Color and Mounting**

(a) A lighting device or reflector, when mounted on or near the front of any motor vehicle, except a school bus, shall not display any other color than white, yellow, or amber.

(b) No lighting device or reflector, when mounted on or near the rear of any motor vehicle, shall display any other color than red, except that the stop light may be red, yellow, or amber. At no time other than when a vehicle is moving in reverse or about to immediately do so shall a white light be displayed from the rear of a vehicle.

(c) The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber light when such lighting device or reflector is mounted on a motor vehicle owned by the Tribe or any official of the Tribe acting within the scope of his duties, while such equipment is being used for snow removal, sanding, maintenance, or repair of the Settlement roadways.

**Sec. 18-2207. Lamp or Flag on Projecting Load**

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Sec. 18-2201, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.

**Sec. 18-2208. Lamps on Parked Vehicles**

Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent to the roadway during the times mentioned in Sec. 18-2201, such vehicle shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

**Sec. 18-2209. Exception**

Sec. 18-2209 shall not apply when an accident extinguishes said light and renders a vehicle incapable of use, and when the person in control of the vehicle erects, at the earliest opportunity after the accident, such proper light at or near the vehicle as will give warning of the presence of said vehicle.

**Sec. 18-2210. Lamps on Bicycles**

Every bicycle shall be equipped with a lamp on the front exhibiting a white light, at the times specified in Sec. 18-2201, visible from a distance of at least three hundred feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear; except that a red reflector may be used in lieu of a rear light. A peace officer riding a

police bicycle is not required to use either front or rear lamps if duty so requires.

**Sec. 18-2211. Lamps on Other Vehicles and Equipment**

All vehicles, including animal-drawn vehicles and including those referred to in Sec. 18-2104 not hereinbefore specifically required to be equipped with lamps, shall at the times specified in Sec. 18-2201 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and, except for animal-drawn vehicles, with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear. Animal-drawn vehicles shall be equipped with a flashing amber light visible from a distance of five hundred feet to the rear of the vehicle during the time specified in Sec. 18-2201.

**Sec. 18-2212. Spot Lamps**

Any motor vehicle may be equipped with one, and only one, spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

**Sec. 18-2213. Auxiliary Driving Lamps**

Any motor vehicle may be equipped with up to, but not more than, three auxiliary driving lamps mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface upon which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in this chapter.

**Sec. 18-2214. Signal Lamps and Signal Devices**

(a) Every motor vehicle shall be equipped with a signal lamp or signal device which is so constructed and located on the vehicle as to give a signal of intention to stop, which shall be red or yellow in color, which signal shall be plainly visible and understandable in normal sunlight and at night from a distance of one hundred feet to the rear, but shall not project a glaring or dazzling light.

(b) Directional signal devices shall be designed with a white, yellow or amber lamp or lamps to be displayed on the front of vehicles and with a lamp or lamps of red, yellow or amber to be displayed on the rear of vehicles. Such devices shall be capable of clearly indicating any intention to turn either to the right or to the left and shall be visible and understandable during both daylight and darkness from a distance of at least one hundred feet from the front and rear of a vehicle equipped therewith.

(c) It is unlawful for any person to sell, offer for sale, or operate on the roadways of the Settlement any motor vehicle manufactured after January 1, 1954 not equipped with a directional signal device of a type in compliance with the provisions of subsection b. Motorcycles and motorized bicycles are exempt from the provisions of this subsection b.

(d) When a vehicle is equipped with a directional signal device, such device shall at all times be maintained in good working condition. No directional signal device shall project a glaring or dazzling light. All directional signal devices shall be self-illuminated when in use while

other lamps on the vehicle are lighted.

**Sec. 18-2215. Light-Restricting Devices Prohibited**

A person shall not operate a motor vehicle, motorcycle, or motorized bicycle on the roadways of the Settlement if it is equipped with a device that restricts the light output of a head lamp required under Sec. 18-2202 or Sec. 18-2203, a rear lamp required under Sec. 18-2204, a signal lamp or signal device required under Sec. 18-2214, or a directional signal device.

**Sec. 18-2216. Self-Illumination**

All mechanical signal devices shall be self-illuminated when in use.

**Sec. 18-2217. Cowl Lamps**

Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

**Sec. 18-2218. Back-Up Lamps**

Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp; except that no such back-up lamp shall be lighted when the motor vehicle is in forward motion.

**Sec. 18-2219. Mandatory Lighting Equipment**

Except as hereinafter provided, the head lamps, the auxiliary driving lamp, the auxiliary passing lamp, or a combination thereof on motor vehicles other than motorcycles or motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and additionally the lamps may be so arranged that selection can be made automatically, subject to the following limitations:

- (a) There shall be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead of all conditions.
- (b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead. On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
- (c) Every new motor vehicle, other than a motorcycle or motorized bicycle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle.

**Sec. 18-2220. Required Usage of Lighting Devices**

(a) Whenever a motor vehicle is being operated on a roadway or shoulder during the times specified in Sec. 18-2201, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

- (1) Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in Sec. 18-2219, Subd. b, shall be deemed to avoid glare at all times, regardless of road contour and loading.
- (2) Whenever the driver of a vehicle follows another vehicle within four hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in Sec. 18-2219, Subd. a.

(b) The provisions of subsection a, paragraphs 1 and 2, do not apply to motorcycles or motorized bicycles being operated between sunrise and sunset.

#### **Sec. 18-2221. Single-Beam Road-Lighting Equipment**

Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 1, 1938, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

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

#### **Sec. 18-2222. Alternate Road-lighting Equipment**

Any motor vehicle may be operated under the conditions specified in Sec. 18-2201 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in Sec. 18-2219 and Sec. 18-2220, or Sec. 18-2221, provided, however, that at no time shall it be operated at a speed in excess of twenty miles per hour.

#### **Sec. 18-2223. Number of Driving Lamps Required or Permitted**

At all times specified in Sec. 18-2201 at least two lighted lamps, except where one only is permitted, shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

**Sec. 18-2224. Number of Lamps Lighted**

Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

**Sec. 18-2225. Special Restrictions on Lamps**

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

**Sec. 18-2226. Red Light Placement**

No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or reflecting a red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles, or school buses. No person shall display any color of light other than red on the rear of any vehicle, except that stop lights and directional signals may be red, yellow, or amber.

**Sec. 18-2227. Flashing Lights**

(a) **Definitions.** As used in this section, unless the context otherwise requires:

- (1) "Emergency medical care provider" means an individual trained to provide emergency and non-emergency medical care at the first-responder, EMT-basic, EMT-intermediate, or EMT-paramedic level.
- (2) "Fire department" means a paid or volunteer fire protection service provided by the Tribe, a benefited fire district under Iowa Code § 357B, by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for the Tribe, a benefited fire district, county, municipality, township or political subdivision of the State of Iowa.
- (3) "Member" means a person who is a member in good standing of a fire department or a person who is an emergency medical care provider employed or operating on a volunteer basis as such.

(b) **Prohibited lights.** A flashing light on or in a motor vehicle is prohibited except as follows:

- (1) On an authorized emergency vehicle.
- (2) On a vehicle as a means of indicating a right or left turn, a mechanical failure, or an emergency stop or intent to stop.

- (3) On a motor vehicle used by a mail carrier when stopping or stopped on or near a roadway in the process of delivering mail, if such a light is any shade of color between white and amber and if it is mounted as a dome light on the roof of the vehicle.
  - (4) On a vehicle being operated under an excess size permit issued under any Tribal or State law.
  - (5) A flashing blue light on a vehicle upon which a blue light is permitted pursuant to subsection c of this section.
  - (6) Flashing red and amber warning lights on a school bus as described in Sec. 18-31101, and a white flashing strobe light mounted on a school bus as permitted under Sec. 18-31103, Subd. d.
  - (7) A flashing amber light is permitted on a towing or recovery vehicle, a utility maintenance vehicle, a Tribal maintenance vehicle, or a roadway maintenance vehicle.
  - (8) Modulating headlamps in conformance with [49 C.F.R. § 571.108](#) S7.9.4. are permitted on a motorcycle.
- (c) **Blue light.** A blue light shall not be used on any vehicle except for the following:
- (1) A vehicle owned or exclusively operated by a fire department or emergency medical care provider.
  - (2) A vehicle authorized by the chief of the fire department if the vehicle is owned by a member of the fire department, the request for authorization is made by the member on forms provided by the department, and necessity for authorization is demonstrated in the request.
  - (3) An authorized emergency vehicle, other than a vehicle described in paragraph "a" or "b", if the blue light is positioned on the passenger side of the vehicle and is used in conjunction with a red light positioned on the driver side of the vehicle.
  - (4) A person shall not use only a blue light on a vehicle unless the vehicle meets the requirements of paragraph "a" or "b".

(d) **Amber flashing light.** A farm tractor, farm tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, or other vehicle principally designed for use off the roadway which, when operated on a primary or secondary road, is operated at a speed of thirty miles an hour or less, shall be equipped with and display an amber flashing light visible from the rear at any time from sunset to sunrise. If the amber flashing light is obstructed by the towed equipment, the towed equipment shall also be equipped with and display an amber flashing light as required under this subsection.

### CHAPTER 3. BRAKES, HITCHES AND SWAY CONTROL

#### Sec. 18-2301. Brake, Hitches and Control Requirements

(a) Every motor vehicle, other than a motorcycle or motorized bicycle, when operated upon a roadway shall be equipped with brakes adequate to control the movement of, and to stop and hold, such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle and motorized bicycle, when operated upon a roadway of the Settlement, shall be equipped with at least one brake, which may be operated by hand or foot.

(c) Except as otherwise provided in this chapter, every new motor vehicle hereafter sold on the Settlement and operated upon the roadways shall be equipped with service brakes upon all wheels of every such vehicle with the following exceptions:

- (1) Any motorcycle or motorized bicycle.
- (2) Only such brakes on the vehicle or vehicles being towed in a driveway-towaway operation need be operative as may be necessary to insure compliance by the combination of vehicles with the performance requirements of Sec. 18-2302. The term "driveway-towaway" operation as used in this subsection means any operation in which any motor vehicle or motor vehicles, new or used, constitute the commodity being transported, when one set or more of wheels of any such motor vehicle or motor vehicles are on the roadway during the course of transportation, whether or not any such motor vehicle furnishes the motive power.

**Sec. 18-2302. Performance Ability**

(a) The service brakes upon any motor vehicle or combination of motor vehicles, when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent, when traveling twenty miles an hour shall be adequate:

- (1) To stop such vehicle or vehicles having a gross weight of less than five thousand pounds within a distance of thirty feet.
- (2) To stop such vehicle or vehicles having a gross weight in excess of five thousand pounds within a distance of forty-five feet.

(b) Under the above conditions the hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.

(c) Under the above conditions the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the vehicle within a distance of forty-five feet and the hand brake adequate to stop the vehicle within a distance of fifty-five feet.

(d) All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity

permitted under this chapter.

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

#### **CHAPTER 4. MISCELLANEOUS EQUIPMENT**

##### **Sec. 18-2401. Horns and Warning Devices**

Every motor vehicle when operated upon a roadway on the Settlement shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with the horn, but shall not otherwise use such horn when upon a roadway.

##### **Sec. 18-2402. Sirens, Whistles, and Bells Prohibited**

A vehicle shall not be equipped with, and a person shall not use upon a vehicle, any siren, whistle, or bell except as otherwise permitted in this section. It is permissible, but not required, that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet, but the siren, whistle, or bell shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, and the driver of the vehicle shall sound the siren, whistle, or bell when necessary to warn pedestrians and other drivers of the approach of the vehicle.

##### **Sec. 18-2403. Mufflers, Prevention of Noise**

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a roadway on the Settlement.

##### **Sec. 18-2404. Mirrors**

(a) Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the roadway for a distance of at least two hundred feet to the rear of such vehicle. Any motor vehicle so loaded, or towing another vehicle in such manner, as to obstruct the view in a rear view mirror located in the driver's compartment shall be equipped with a side mirror so located that the view to the rear will not be obstructed. All van or van type motor vehicles shall be equipped with outside mirrors of unit magnification, each with not less than nineteen point five square inches of reflective surface, installed with stable supports on both sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable in both the horizontal and vertical directions to view the rearward scene.

(b) Notwithstanding this chapter, a combination of vehicles coupled together which is used exclusively for the transportation of passenger vehicles, light delivery trucks, panel

delivery trucks, pickups, boats, and recreational chassis, may permanently attach a convex-type mirror on either or both of the vertical supports, forward of the steering axle of the power unit, provided that the mirror shall not extend beyond the limit of any other rearview mirror on the vehicle.

**Sec. 18-2405. Windshields and Windows**

(a) A person shall not drive a motor vehicle equipped with a windshield, sidewings, or side or rear windows which do not permit clear vision.

(b) A person shall not operate on the roadway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver, or a side-wing forward of and to the left or right of the driver which does not permit at least 70% of available light to pass through it, as measured by tint meters used by the Meskwaki Nation Police Department.

(c) Every motor vehicle, except a motorcycle or a slow vehicle included in the provisions of Sec. 18-2104, or antique vehicles, shall be equipped with a windshield in accordance with Sec. 18-2411.

**Sec. 18-2406. Windshield Wipers**

The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

**Sec. 18-2407. Restrictions as to Tire Equipment**

Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. Any pneumatic tire on a vehicle shall be considered unsafe if it has:

- (a) Any part of the ply or cord exposed.
- (b) Any bump, bulge or separation.
- (c) A tread design depth of less than one-sixteenth of an inch measured in any two or more adjacent tread grooves, exclusive of tie bars or, for those tires with tread wear indicators, worn to the level of the tread wear indicators in any two tread grooves.
- (d) A marking "not for highway use", "for racing purposes only", "unsafe for highway use".
- (e) Tread or sidewall cracks, cuts or snags deep enough to expose the body cord.
- (f) Such other conditions as may be reasonably demonstrated to render it unsafe.
- (g) Been regrooved or recut below the original tread design depth, excepting special tires which have extra under tread rubber and are identified as

such, or if a pneumatic tire was originally designed without grooves or tread.

**Sec. 18-2408. Metal Tires Prohibited**

No person shall operate or move on a paved roadway any motor vehicle, trailer, or semitrailer having any metal tire or metal track in contact with the roadway.

**Sec. 18-2409. Projections on Wheels**

No tire on a vehicle moved on a roadway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use:

- (a) Farm machinery with tires having protuberances which will not injure the roadway.
- (b) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.
- (c) Pneumatic tires with inserted ice grips or tire studs projecting not more than one-sixteenth inch beyond the tread of the traction surface of the tire upon any vehicle from November 1 of each year to April 1 of the following year, except that a school bus and fire department emergency apparatus may use such tires at any time.

**Sec. 18-2410. Exceptions**

The Tribal Council shall review any application for a special permit and may, with good cause being shown, issue special permits authorizing the operation upon a roadway of traction engines, tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks, farm tractors, or other farm machinery, the operation of which upon a roadway would otherwise be prohibited under this chapter.

**Sec. 18-2411. Safety Glass**

- (a) No person shall sell any new motor vehicle, nor shall any motor vehicle manufactured since July 1, 1935 be registered or operated, unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields. Replacements of glass in doors, windows, or windshields shall be of safety glass.
- (b) "Safety glass" means any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken. Safety glass and glazing materials shall comply with federal motor vehicle safety standard number 205 as published in [49 C.F.R. § 571.205](#).

**Sec. 18-2412. Safety Belts and Safety Harnesses – Use Required**

- (a) Except for motorcycles or motorized bicycles, 1966 model year or newer motor vehicles shall be equipped with safety belts and safety harnesses which conform with federal motor vehicle safety standard numbers 209 and 210 as published in [49 C.F.R. § 571.209-571.210](#), and with prior federal motor vehicle safety standards for seat belt assemblies and seat belt

assembly anchorages applicable for the motor vehicle's model year.

(b) The driver and front seat occupants of a motor vehicle, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in motion on a roadway, except that a child under eleven years of age shall be secured as required under Sec. 18-2413. This subsection does not apply to:

- (1) The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses.
- (2) The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.
- (3) The driver of a motor vehicle while performing duties as a letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.
- (4) Passengers on a bus.
- (5) A person possessing a written certification from a health care provider that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.
- (6) The person or vehicle exempt from seat belt requirements under the laws of the Tribe or state where the vehicle is registered because the motor vehicle is owned, leased, rented or primarily used by person's with physical disabilities who use collapsible wheelchairs.
- (7) Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

(c) The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under subsection b. The owner of the motor vehicle may be charged for equipment violations under subsection a.

#### **Sec. 18-2413. Child Restraint Devices**

(a) A child under one year of age and weighing less than twenty pounds who is being transported in a motor vehicle, except a school bus, shall be secured during transit in a rear-facing child restraint system that is used in accordance with the manufacturer's instructions.

(b) A child under six years of age who does not meet the description in paragraph "a"

and who is being transported in a motor vehicle, except a school bus, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions.

(c) A child at least six years of age but under eleven years of age who is being transported in a motor vehicle, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions or by a safety belt or safety harness of a type approved under Sec. 18-2412.

(d) This section does not apply to peace officers acting on official duty. This section also does not apply to the transportation of children in 1965 model year or older vehicles, authorized emergency vehicles, buses, or motor homes, except when a child is transported in a motor home's passenger seat situated directly to the driver's right. This section does not apply to the transportation of a child who has been certified by a licensed physician as having a medical, physical, or mental condition that prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.

(e) For purposes of this section, "child restraint system" means a specially designed seating system, including a belt-positioning seat or a booster seat, that meets federal motor vehicle safety standards set forth in [49 C.F.R. § 571.213](#).

#### **Sec. 18-2414. Motor Carrier Safety Rules**

(a) A person shall not operate a commercial vehicle on the roadways of the Settlement except in compliance with the federal motor carrier safety regulations promulgated under United States Code, Title 49, and found in 49 C.F.R. §§ 385, 390.

(b) Rules concerning driver qualifications, hours of service, and recordkeeping requirements do not apply to the operators of public utility trucks, trucks hauling gravel, construction trucks and equipment, trucks moving implements of husbandry, and special trucks, other than a truck tractor, operating on the Settlement. Except as otherwise provided in this section, trucks for hire on construction projects are not exempt from this section.

(c) Rules concerning physical and medical qualifications for drivers of commercial vehicles engaged in commerce within the Settlement shall not be construed as disqualifying any individual who was employed as a driver of commercial vehicles engaged in commerce within the Settlement whose physical or medical condition existed prior to July 29, 1996.

(d) Rules concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the transportation of fertilizers and chemicals used in the farmer's crop production within the Settlement.

(e) Rules concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the transportation of agricultural commodities or feed within the Settlement;

(f) Rules shall not impose any requirements which impose any restrictions upon a person operating an implement of husbandry or pickup to transport fertilizers and pesticides in that person's agricultural operations within the Settlement;

- (g) Rules shall not apply to any vehicle owned or operated by the Tribe.

**Sec. 18-2415. Hazardous Materials Transportation Regulations**

(a) A person shall not transport or have transported or shipped within the Settlement any hazardous material except in compliance with federal hazardous materials regulations adopted under United States Code, Title 49, and found in 49 C.F.R. § 107, 171 to 173, 177, 178, and 180.

(b) Notwithstanding other provisions of this section, rules concerning physical and medical qualifications for drivers of commercial vehicles engaged in intrastate commerce shall not be construed as disqualifying any individual who was employed as a driver of commercial vehicles engaged in intrastate commerce, and whose physical or medical condition existed, prior to July 29, 1996.

(c) Notwithstanding other provisions of this section, rules shall not apply to a farmer or employees of a farmer when transporting an agricultural hazardous material, except class 2 material, between the sites in the farmer's agricultural operations. As used in this subsection, "farmer" means a person engaged in the production or raising of crops, poultry, or livestock; "farmer" does not include a person who is a commercial applicator of agricultural chemicals or fertilizers.

**CHAPTER 5. PENALTIES**

**Sec. 18-2501. Civil Penalty**

Any violation of any vehicle equipment requirement or safety regulation imposed by Article II of Title 18 of the Sac & Fox Tribe of the Mississippi in Iowa Code shall be deemed a civil infraction, and be punishable as follows:

- (a) For any violation other than a violation of Sec. 18-2413, assessment of a \$50.00 fine per violation.
- (b) For a violation of Sec. 18-2413, assessment of a \$100.00 fine per child improperly restrained.
- (c) For all violations, assessment of court costs as determined by the Clerk of Court per each violation. Such court costs shall be deposited in a fund to be used only for Tribal Court purposes.

**Sec. 18-2502. Fix-It Tickets for Lighting Equipment**

Citations issued for the following violations shall first provide for a seventy-two hour period before they are filed with the Clerk of Court within which the person charged with the violation shall replace or repair the faulty equipment. If the person complies with the directive to replace or repair the equipment within the allotted time period, the issuing officer shall not file the citation with the Court, and the matter shall be expunged. If the person fails to comply within the allotted time period, the citation shall be filed with the Clerk of Court and processed in the same manner as other citations. Applicable violations include:

- (a) Head lamp violations under Sec. 18-2202, 18-2203, or 18-2223.
- (b) Rear lamp violations under Sec. 18-2204.
- (c) Plate lamp violations under Sec. 18-2205.
- (d) Signal lamp violations under Sec. 18-2214.
- (e) Displaying white light to the rear violations under Sec. 18-2206(b).
- (f) Red lamp placement violations under Sec. 18-2226.
- (g) Bicycle lamp violations under Sec. 18-2210.
- (h) Miscellaneous vehicle lamp violations under Sec. 18-2212.

## TITLE 18. TRANSPORTATION

## ARTICLE III

## RULES OF THE ROAD - CIVIL OFFENSES

[Note: Except as otherwise noted, the provisions of Article III, Title 18 were enacted on October 20, 2010 by Reso. No.24-2010]

## CHAPTER 1. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

## Sec. 18-3101. Obedience to Peace Officers

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

## Sec. 18-3102. Public Officers Not Exempt

The provisions of this chapter applicable to the drivers of vehicles upon the roadways on the Settlement shall apply to the drivers of all vehicles owned or operated by the United States, the Tribe, any State or any county, city, district, or any other political subdivision of a state, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

## Sec. 18-3103. Authorized Emergency Vehicles and Police Bicycles

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected perpetrator of a crime, when responding to an incident dangerous to the public, or when responding to a fire alarm, may exercise the privileges set forth in this section.
- (b) The driver of any authorized emergency vehicle may:
- (1) Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.
  - (2) Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.
- (c) The driver of a fire department vehicle, police vehicle, or ambulance, or a peace officer riding a police bicycle in the line of duty, may do any of the following:
- (1) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - (2) Exceed the maximum speed limits so long as the driver does not endanger life or property.
- (d) The exemptions granted to an authorized emergency vehicle under subsection b and for a fire department vehicle, police vehicle, or ambulance as provided in subsection c shall apply only when such vehicle is making use of an audible signaling device meeting the

requirements of Sec. 18-2402 or a visual signaling device, except that use of an audible or visual signaling device shall not be required in exercising the exemption granted under subsection c, paragraph 2 of this section when the vehicle is operated by a peace officer pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter for the purpose of determining the speed of travel of such suspected violator.

(e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others. Nothing in this section, however, shall be construed as abrogating, waiving, or limiting the sovereign immunity of the Sac and Fox Tribe of the Mississippi in Iowa.

#### **Sec. 18-3104. Radar Jamming Devices – Penalty**

(a) A person shall not sell, operate or possess a radar jamming device, except as otherwise provided in this section.

(b) This section does not apply to radar speed measuring devices purchased by, held for purchase for, or operated by peace officers using the devices in their official duties.

(c) A radar jamming device may be seized by a peace officer and subjected to forfeiture if it violates this section.

(d) For the purposes of this section "radar jamming device" means any mechanism designed or used to transmit radio waves in the electromagnetic wave spectrum to interfere with the reception of those emitted from a device used by peace officers to measure the speed of motor vehicles on the roadways of the Settlement and which is not designed for two-way transmission and cannot transmit in plain language.

#### **Sec. 18-3105. Road Workers Exempted**

This chapter does not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the surface of a roadway officially closed to traffic, but does apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of Sec. 18-3301, and the provisions of Sec. 18-3401, Sec. 18-3402, and Sec. 18-3605, do not apply to road workers operating maintenance equipment on behalf of any Tribal, Federal, State or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a Settlement roadway, whether or not the roadway is closed to traffic.

#### **Sec. 18-3106. Bicycles, Animals or Animal-Drawn Vehicles**

(a) A person riding an animal or driving an animal drawing a vehicle upon a roadway is subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application.

(b) A person, including a peace officer, riding a bicycle on a roadway is subject to the provisions of this chapter and has all the rights and duties under this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police

bicycles.

(c) A person propelling a bicycle on a roadway on the Settlement shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.

(d) This section does not apply to the use of a bicycle in a parade authorized by proper permit from local authorities.

## **CHAPTER 2. TRAFFIC SIGNS, SIGNALS AND MARKINGS.**

### **Sec. 18-3201. Uniformity of Signs**

The Tribe shall adopt a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon roadways on the Settlement. Such uniform system shall correlate with, and so far as possible conform to, the system then current as approved by the American association of state highway and transportation officials.

### **Sec. 18-3202. Tribe to Erect Signs**

The Tribe shall place and maintain such traffic-control devices upon all roadways on the Settlement as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

### **Sec. 18-3203. Obedience to Official Traffic-Control Devices**

No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, except under the following circumstances:

- (a) The driver is at the time otherwise directed by a peace officer
- (b) The driver is at the time subject to the exceptions granted the driver of an authorized emergency vehicle.

### **Sec. 18-3204. Official Traffic Control Signal**

(a) For the purposes of this section, "stop at the official traffic control signal" means stopping at the first opportunity at the clearly marked stop line, before entering the crosswalk, or before entering the intersection.

(b) Official traffic control signals consisting of colored lights or colored lighted arrows shall regulate vehicle and pedestrian traffic in the following manner:

- (1) A "steady circular red" light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or a left turn from a one-way street to a one-way street from the left lane of traffic on a one-way street onto the leftmost lane of traffic on a one-way street. Turns made under this paragraph shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the

intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic.

- (2) A "steady circular yellow" or "steady yellow arrow" light means vehicular traffic is warned that the related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right of way to all vehicles.
- (3) A "steady circular green" light means vehicular traffic may proceed straight, turn right or turn left through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right of way to other vehicular and pedestrian traffic lawfully within the intersection.
- (4) A "steady green arrow" light shown alone or with another official traffic control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right of way to other vehicles and pedestrians lawfully within the intersection.
- (5) A "flashing circular red" light means vehicular traffic shall stop, and after stopping may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard.
- (6) A "flashing yellow" light means vehicular traffic shall proceed through the intersection or past such signal with caution.
- (7) A "don't walk" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone.
- (8) A "walk" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right of way by drivers of all vehicles.

**Sec. 18-3205. Arrangement of Lights on Official Traffic Control Signals**

(a) Colored lights placed on a vertical official traffic control signal face shall be arranged from the top to the bottom in the following order when used: Circular red, circular yellow, circular green, straight through yellow arrow, straight through green arrow, left turn yellow arrow, left turn green arrow, right turn yellow arrow, and right turn green arrow.

(b) Colored lights placed on a horizontal official traffic control signal face shall be arranged from the left to the right in the following order when used: Circular red, circular yellow,

left turn yellow arrow, left turn green arrow, circular green, straight through yellow arrow, straight through green arrow, right turn yellow arrow, and right turn green arrow.

**Sec. 18-3206. Unauthorized Signs, Signals, or Markings**

(a) No person shall place, maintain, or display upon or in view of any roadway any sign, signal, marking, or device which purports to be, is an imitation of, or resembles an official parking sign, curb or other marking, traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, if such sign, signal, marking, or device has not been authorized by the Tribe, and no person shall place or maintain, nor shall any public authority permit upon any roadway, any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to roadways of signs giving useful directional information of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the public works department or police department are hereby empowered to remove the same or cause it to be removed without notice.

**Sec. 18-3207. Interference with Devices, Signs, or Signals - Unlawful Possession**

(a) A person who willfully, intentionally, and without lawful authority, attempts to, or does, alter, deface, injure, knock down, or remove an official traffic-control device, an authorized warning sign, signal or barricade, whether temporary or permanent, a railroad sign or signal, an inscription, shield, or insignia on any of such devices, signs, signals, or barricades, or any other part thereof, shall, upon conviction, be guilty of a civil offense and shall be required to make restitution.

(b) It shall be unlawful for any person to have in the person's possession any official traffic-control device except by legal right or authority.

(c) A person shall not sell, own, possess, or use a traffic signal preemption device except as permitted in connection with the lawful operation of an authorized emergency vehicle or as otherwise authorized by the Tribe. For purposes of this subsection, "traffic signal preemption device" means a device that, when activated, is capable of changing an official traffic control signal to green out of sequence.

**CHAPTER 3. SPEED RESTRICTIONS.**

**Sec. 18-3301. Speed Restrictions**

(a) Any person driving a motor vehicle on a roadway on the Settlement shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard for the traffic, surface, and width of the roadway and of any other conditions then existing, and no person shall drive any vehicle upon a roadway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said roadway will observe the law.

(b) The following shall be the lawful speed, and any speed in excess thereof shall be unlawful:

- (1) The speed limit indicated by a lawfully posted sign of the Tribe.
- (2) If no speed limit is posted,
  - (i) Twenty-five miles per hour in any designated school zone.
  - (ii) Thirty-five miles per hour in any residential area.
  - (iii) Fifty-five miles per hour for roadways not in a designated school zone or residential area.
  - (iv) Sixty-five miles per hour on fully controlled-access, divided, multilaned highways. For the purposes of this subsection, "fully controlled-access highway" means a roadway on the Settlement that gives preference to through traffic by providing access connections with selected roadways only and by prohibiting crossings at grade or direct private driveway connections.
  - (v) As otherwise in accordance with Sec. 18-3302, Sec. 18-3303, Sec. 18-3304 and Sec. 18-3307.

**Sec. 18-3302. Control of Vehicle - Reduced Speed**

A person operating a motor vehicle shall have the vehicle under control at all times and shall reduce the speed to a reasonable and proper rate:

- (a) When approaching and passing a person walking in the traveled portion of the roadway.
- (b) When approaching and passing an animal which is being led, ridden, or driven upon the roadway.
- (c) When approaching and traversing a crossing or intersection of roadways, or a bridge, sharp turn, curve, or steep descent on a roadway.
- (d) When approaching and passing an emergency warning device in use, or an emergency vehicle displaying a revolving or flashing light.
- (e) When approaching and passing a slow moving vehicle displaying a reflective device or alternative reflective device as provided by Sec. 18-2104.
- (f) When approaching and passing through a designated work zone upon the roadway.

**Sec. 18-3303. Speed Signs – Duty to Install**

The Tribe shall furnish and place on roads suitable standard signs showing the points at which the rate of speed changes and the maximum rate of speed in the district which the vehicle is entering. Despite such duty, nothing in this section shall be construed as abrogating, waiving, or limiting the sovereign immunity of the Tribe.

**Sec. 18-3304. Special Restrictions**

Whenever the Tribe shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or upon any part of the road system it shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such location.

**Sec. 18-3305. Information or Notice**

In every charge of violation of Sec. 18-3301 the information, and also the notice to appear, shall specify the speed at which the defendant is alleged to have driven and the speed limit applicable within the district or at the location.

**Sec. 18-3306. Civil Action Unaffected**

The foregoing provisions of Sec. 18-3301 shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

**Sec. 18-3307. Minimum Speed Regulation**

A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Peace officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a civil offense.

**CHAPTER 4. DRIVING ON RIGHT SIDE OF ROADWAY - OVERTAKING AND PASSING**

**Sec. 18-3401. Driving on Right-Hand Side of Roadway – Exceptions**

(a) A vehicle shall be driven upon the right half of the roadway upon all roadways of sufficient width, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
- (2) When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard.

- (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.
- (4) Upon a roadway restricted to one-way traffic.

(b) Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic upon all roadways, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, an alley, private road or driveway.

(c) A vehicle shall not be driven upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection a, paragraph 2. This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

#### **Sec. 18-3402. Meeting and Turning to Right**

Vehicles or persons on horseback meeting each other on any roadway shall yield one-half of the roadway by moving to the right.

#### **Sec. 18-3403. Overtaking a Vehicle**

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

#### **Sec. 18-3404. Overtaking and Passing**

(a) Unless otherwise prohibited by law, the driver of a vehicle on a roadway with unobstructed pavement of sufficient width for two or more lines of traffic moving in the same direction as the vehicle being passed may overtake and pass upon the right of another vehicle which is making or about to make a left turn when such movement can be made in safety.

(b) Unless otherwise prohibited by law, the driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety.

(c) The driver of a vehicle shall not drive off the pavement or upon the shoulder of the roadway or upon the apron or roadway of an intersecting roadway in overtaking or passing on the right or the left.

**Sec. 18-3405. Limitations on Overtaking on the Left**

A vehicle shall not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or a vehicle overtaken. The overtaking vehicle shall return to the right-hand side of the roadway before coming within three hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit in excess of thirty miles per hour, and the overtaking vehicle shall return to the right-hand side of the roadway before coming within one hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit of thirty miles per hour or less.

**Sec. 18-3406. Prohibited Passing**

No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

- (a) When approaching the crest of a grade or upon a curve where the driver's view along the roadway is obstructed for a distance of approximately seven hundred feet.
- (b) When approaching within one hundred feet of any narrow bridge, viaduct, or tunnel, or when approaching within one hundred feet of, or traversing, any intersection or railroad grade crossing.
- (c) Where official signs are in place directing that traffic keep to the right or a distinctive center line or off-center line is marked regulating such movement.

**Sec. 18-3407. One-Way Roadways and Rotary Traffic Islands**

- (a) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.
- (b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

**Sec. 18-3408. Roadways Laned for Traffic**

Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

- (a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly

visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

(d) Vehicles moving in a lane designated for slow-moving traffic shall yield the right of way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane.

(e) A portion of a roadway provided with a lane for slow-moving vehicles does not become a roadway marked for three lanes of traffic.

**Sec. 18-3409. Following Too Closely**

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

**Sec. 18-3410. Motor Trucks and Towed Vehicles – Distance Requirements**

The driver of any motor truck, or of a motor vehicle drawing another vehicle, when traveling upon a roadway outside of a school district or residential area shall not follow within three hundred feet of another motor truck or a motor vehicle drawing another vehicle. The provisions of this section shall not be construed to prevent overtaking and passing, nor shall the same apply upon any lane specially designated for use by motor trucks.

**Sec. 18-3411. Towing – Convoys**

A person pulling or towing by motor vehicle another motor vehicle in convoy or caravan shall maintain a distance of at least five hundred feet between the units of the convoy or caravan.

**Sec. 18-3412. Towing Four-Wheeled Trailers**

A motor vehicle shall not tow a four-wheeled trailer with a steering axle, or more than one trailer or semitrailer, or both in combination. However, this section does not apply to a motor home, multipurpose vehicle, motor truck, truck tractor or road tractor nor to a farm tractor towing a four-wheeled trailer, nor to a farm tractor or motor vehicle towing implements of husbandry, nor to a wagon box trailer used by a farmer in transporting produce, farm products or supplies hauled to and from market.

**CHAPTER 5. TURNING, STARTING, AND SIGNALS ON STOPPING AND TURNING**

**Sec. 18-3501. Turning at Intersections**

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

- (1) Both the approach for a right turn and right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
- (2) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof, and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the center line of the roadway being entered.
- (3) Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

(b) The Tribe may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

**Sec. 18-3502. Turning on Curve or Crest of Grade**

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

**Sec. 18-3503. Starting Parked Vehicle**

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

**Sec. 18-3504. When Signal Required**

No person shall turn a vehicle from a direct course upon a roadway unless and until such movement can be made with reasonable safety, and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

**Sec. 18-3505. Signal Continuous**

A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning when the speed limit is forty-five miles per hour or less, and a continuous signal during not less than the last three hundred feet when the speed limit is in excess of forty-five miles per hour.

**Sec. 18-3506. Stopping**

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the

rear when there is opportunity to give such signal.

**Sec. 18-3507. Signals by Hand and Arm or Signal Device**

(a) The signals required under the provisions of this chapter may be given either by means of the hand and arm as provided in Sec. 18-3508, or by a mechanical or electrical directional signal device or light conforming to the provisions of this chapter.

**Sec. 18-3508. Method of Giving Hand and Arm Signals**

All signals herein required which may be given by hand and arm shall when so given be given from the left side of the vehicle in the following manner:

- (a) Left turn - hand and arm extended horizontally.
- (b) Right turn - hand and arm extended upward.
- (c) Stop or decrease of speed - hand and arm extended downward.

**CHAPTER 6. RIGHT-OF-WAY**

**Sec. 18-3601. Entering Intersections from Different Roadways**

When two vehicles enter an intersection from different roadways, neither of which is a through roadway, at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

**Sec. 18-3602. Left Turns – Yielding**

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to all vehicles approaching from the opposite direction which are within the intersection or so close thereto as to constitute an immediate hazard.

**Sec. 18-3603. Entering Through Roadways**

The driver of a vehicle shall stop or yield as required by this chapter at the entrance to a through roadway and shall yield the right of way to other vehicles which have entered the intersection from said through roadway or which are approaching so closely on said through roadway as to constitute a hazard.

**Sec. 18-3604. Vehicles Entering Stop or Yield Intersection**

(a) The driver of a vehicle approaching a stop sign shall stop at the first opportunity at the clearly marked stop line, before entering the crosswalk, before entering the intersection, or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(b) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line, before entering the crosswalk, before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

**Sec. 18-3605. Moving Vehicle Backward on Roadway**

A person shall not cause a vehicle to be moved in a backward direction on a roadway unless and until the vehicle can be backed with reasonable safety, and shall yield the right of way to any approaching vehicle on the roadway or an intersecting roadway which is so close as to constitute an immediate hazard.

**Sec. 18-3606. Approaching Certain Stationary Vehicles**

The operator of a motor vehicle approaching a stationary authorized emergency vehicle, towing or recovery vehicle, utility maintenance vehicle, tribal maintenance vehicle, or roadway maintenance vehicle that is displaying flashing lights shall approach the authorized emergency vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

- (a) Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions.
- (b) If a lane change under paragraph a would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

**Sec. 18-3607. Operation on Approach of Emergency Vehicles**

Upon the immediate approach of an authorized emergency vehicle displaying flashing lights or an activated siren, bell or whistle, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the highway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**Sec. 18-3608. Funeral Processions**

(a) For purposes of this section, "funeral procession" means a procession of motor vehicles accompanying the body of a deceased person during daylight hours which is being escorted by a vehicle continually displaying its emergency signal lamps flashing simultaneously and using lighted head lamps and identifying flags, and keeping all other motor vehicles with lighted head lamps in close formation.

- (b) Upon the immediate approach of a funeral procession, the driver of every other

vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.

## **CHAPTER 7. PEDESTRIANS' RIGHTS AND DUTIES**

### **Sec. 18-3701. Pedestrians Subject to Signals**

Pedestrians shall be subject to traffic-control signals at intersections as heretofore declared in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in Sec. 18-3703 to 18-3707.

### **Sec. 18-3702. Pedestrians on Left**

Pedestrians shall at all times when walking on or along a roadway, walk on the left side of such roadway.

### **Sec. 18-3703. Pedestrians' Right-of-Way**

Where traffic-control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

### **Sec. 18-3704. Crossing at other than Crosswalk**

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

(b) Where traffic-control signals are in operation at any place not an intersection pedestrians shall not cross at any place except in a marked crosswalk.

### **Sec. 18-3705. Duty of Driver – Pedestrians Crossing or Working on Roadways**

(a) Notwithstanding the provisions of Sec. 18-3704 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise due care upon observing any child or any confused or incapacitated person upon a roadway.

(b) Every driver of a vehicle shall yield the right-of-way to pedestrian workers engaged in maintenance or construction work on a roadway.

### **Sec. 18-3706. Use of Crosswalks**

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

**Sec. 18-3707. Pedestrians Soliciting Rides**

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

**CHAPTER 8. SPECIAL STOPS REQUIRED****Sec. 18-3801. Obedience to Signal of Train**

(a) When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, flag person, or otherwise of the immediate approach of a train, the driver of the vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail and shall not proceed until the driver can do so safely.

(b) The driver of a vehicle shall stop, remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train.

**Sec. 18-3802. Stop at Certain Railroad Crossings – Posting Warning**

(a) The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a railroad sign directing traffic to stop, or an official traffic control signal displaying a flashing red or steady circular red colored light shall stop prior to crossing the railroad at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad traffic.

(b) The Tribe shall be post a standard sign in advance of each railroad grade crossing to warn the motorist that the motorist is approaching a railroad grade crossing. The Tribe shall not have any other affirmative duty to warn a motor vehicle operator approaching or at the railroad grade crossing. Nothing in this section shall be construed as abrogating, waiving, or limiting the sovereign immunity of the Tribe.

**Sec. 18-3803. Certain Vehicles Must Stop**

(a) The driver of a motor vehicle carrying passengers for hire, a school bus, or a vehicle carrying hazardous material, before crossing any track of a railroad, shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail. While stopped, the driver shall listen and look in both directions for an approaching train, and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely.

(b) No stop need be made at a crossing where a peace officer or a traffic-control device directs traffic to proceed.

**Sec. 18-3804. Heavy Equipment at Crossing**

(a) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour, or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than ten feet nor more than fifty feet from the nearest rail of such railway, and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal, crossing gates, a flagman, or otherwise of the immediate approach of a railroad train or car.

**Sec. 18-3805. Stop Before Crossing Sidewalk – Right of Way**

(a) The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area, and thereafter the driver shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic, and the driver shall yield the right-of-way to any vehicular traffic on the street into which the driver's vehicle is entering.

(b) The driver of a vehicle about to enter or cross a roadway from a private road or driveway shall stop such vehicle immediately prior to driving on said roadway and shall yield the right-of-way to all vehicles approaching on said roadway.

**CHAPTER 9. STOPPING, STANDING, AND PARKING**

**Sec. 18-3901. Stopping on Traveled Way**

(a) A person shall not stop, park, or leave standing a vehicle, whether attended or unattended, upon the main traveled part of a roadway when it is practical to stop, park, or leave the vehicle off that part of the roadway. However, a clear and unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow for the free passage of other vehicles.

(b) A clear view of the stopped vehicle shall be available from a distance of two hundred feet in each direction upon the roadway. However, school buses may stop on the roadway for receiving and discharging pupils, and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in Sec. 18-31101. This section does not apply to a vehicle making a turn as provided in Sec. 18-3501. This section also does not apply to the stopping or parking of a maintenance vehicle operated by a Tribal roadway authority on the main traveled way of any roadway when necessary to the function being performed and when early warning devices are properly displayed.

**Sec. 18-3902. Disabled Vehicle**

Sec. 18-3901 shall not apply to the driver of any vehicle which is disabled while on the paved, improved, or main traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. In such situations the driver shall take all reasonable steps to warn other motorists of the danger

presented by the disabled vehicle.

**Sec. 18-3903. Officers Authorized to Remove**

Whenever any peace officer finds a vehicle standing upon a roadway in violation of any of the foregoing provisions of Sec. 18-3901 and Sec. 18-3902 such officer is authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved, improved, or main traveled part of such roadway.

**Sec. 18-3904. Removed From Bridge**

Whenever any peace officer finds a vehicle unattended upon any bridge, causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is authorized to provide for the removal of such vehicle to a place of safety.

**Sec. 18-3905. Stopping, Standing, or Parking**

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk, except a bicycle may stop, stand, or park on a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within five feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within ten feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
- (7) Between a safety zone and the adjacent curb, or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless indicated differently by signs or markings.
- (8) Within fifty feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
- (9) Within twenty feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance.
- (10) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

- (12) Upon any bridge or other elevated structure upon a roadway or within a roadway tunnel.
- (13) At any place where official signs prohibit stopping or parking.
- (14) In front of a curb cut or ramp in a manner which blocks access to the curb cut or ramp.

(b) Except as otherwise marked by signs or road markings, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.

#### **Sec. 18-3906. Moving Other Vehicle**

No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

### **CHAPTER 10. ACCIDENTS**

#### **Sec. 18-31001. Duty to Stop and Provide Aid**

The driver of any vehicle involved in an accident resulting in injury to or death of any person, or damage to any vehicle, shall immediately stop the vehicle at the scene of the accident, or as close as possible, and, if able, shall then return to and remain at the scene of the accident until the driver has fulfilled the requirements of Sec. 18-31002. Every such stop shall be made without obstructing traffic more than is necessary.

#### **Sec. 18-31002. Information and Aid – Leaving Scene of Accident**

(a) The driver of a vehicle involved in an accident resulting in injury to or death of a person, or damage to a vehicle which is driven or attended by a person, shall give the driver's name, address, and the registration number of the vehicle the driver is driving and shall, upon request and if available, exhibit his or her driver's license to the person struck, the driver or occupant of, or the person attending the vehicle involved in the accident, and shall render to a person injured in the accident reasonable assistance, including the transporting or arranging for the transporting of the person for medical treatment if it is apparent that medical treatment is necessary or if transportation for medical treatment is requested by the injured person.

(b) If the accident causes the death of a person, all surviving drivers shall remain at the scene of the accident except to seek necessary aid or to report the accident to law enforcement authorities. Before leaving the scene of the fatal accident, each surviving driver shall leave his or her driver's license, automobile registration receipt, or other identification data at the scene of the accident. After leaving the scene of the accident, a surviving driver shall promptly report the accident to law enforcement authorities and shall immediately return to the scene of the accident or inform the law enforcement authorities where he or she can be located.

#### **Sec. 18-31003. Striking Unattended Vehicles**

The driver of any vehicle which collides with any unattended vehicle shall immediately stop, locate, and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous

place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

**Sec. 18-31004. Striking Fixtures upon a Roadway**

The driver of a vehicle involved in an accident resulting in damage to property upon or adjacent to a roadway shall take reasonable steps to locate and notify the owner, a peace officer, or person in charge of the damaged property of the damage, and shall inform the person of the driver's name, address, and the registration number of the vehicle causing the damage, and shall, upon request and if available, exhibit his or her driver's license, and shall report the accident when and as required in Sec. 18-31006.

**Sec. 18-31005. Reporting Accidents**

The driver of a vehicle involved in an accident resulting in injury to or death of any person, property damage in excess of \$1,000.00, or involving any hazardous material shall immediately by the quickest means of communication give notice of such accident to a peace officer engaged in his or her professional duties.

**Sec. 18-31006. Driver Unable to Report**

Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report.

**CHAPTER 11. SCHOOL BUSES**

**Sec. 18-31101. Discharging Pupils – Regulations for Bus Drivers**

(a) The driver of a school bus used to transport children to and from a school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is forty-five miles per hour or greater, and shall turn on flashing warning lamps at a distance of not less than one hundred fifty feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is less than forty-five miles per hour.

(b) At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route.

(c) Except to the extent that reduced visibility is caused by fog, snow, or other weather conditions, a school bus shall not stop to receive or discharge pupils unless there is at least three hundred feet of unobstructed vision in each direction.

(d) The driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway.

(e) A school bus, when operating on a roadway with four or more lanes, shall not stop to load or unload pupils who must cross the roadway except at designated stops where pupils who must cross the roadway may do so at points where there are official traffic control devices or police officers.

(f) A school bus shall, while carrying passengers, have its headlights turned on.

(g) All pupils shall be received and discharged from the right front entrance of every school bus.

**Sec. 18-31102. Encountering School Buses – Regulations for Other Drivers**

(a) The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, when meeting a school bus with flashing amber warning lamps shall reduce the vehicle's speed to not more than twenty miles per hour, and shall bring the vehicle to a complete stop when the school bus stops and the stop signal arm is extended. The vehicle shall remain stopped until the stop signal arm is retracted after which time the driver may proceed with due caution.

(b) The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, overtaking a school bus shall not pass a school bus when red or amber warning signal lights are flashing. The driver shall bring the vehicle to a complete stop no closer than fifteen feet from the school bus when it is stopped and the stop arm is extended, and the vehicle shall remain stopped until the stop arm is retracted and the school bus resumes motion.

(c) The driver of a 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.

**Sec. 18-31103. Prompt Investigation of Reported Violation of Failing to Obey School Bus Warning Devices**

(a) The driver of a school bus who observes a violation of Sec. 18-31102 may prepare a written report on a form provided by the Chief of Police indicating that a violation has occurred. The school bus driver or a school official may deliver the report not more than seventy-two hours after the violation occurred to a peace officer. The report shall state the time and the location at which the violation occurred and shall include the registration plate number and a description of the vehicle involved in the violation.

(b) Not more than seven calendar days after receiving a report of a violation of Sec. 18-31102 the peace officer shall initiate an investigation of the reported violation, contact the owner of the motor vehicle involved in the reported violation, and request that the owner supply information identifying the driver.

- (1) If, from the investigation, the peace officer is able to identify the driver and has reasonable cause to believe a violation of Sec. 18-31102 has occurred, the peace officer shall prepare a uniform traffic citation for the violation and may serve it personally or by certified mail to the driver of the vehicle.

- (2) If, from the investigation, the peace officer has reasonable cause to believe that a violation of Sec. 18-31102 occurred but is unable to identify the driver, the peace officer may serve a uniform traffic citation for the violation to the owner of the motor vehicle. In a proceeding where the peace officer who conducted the investigation was not able to identify the driver of the motor vehicle, proof that the motor vehicle described in the uniform traffic citation was used to commit the violation of Sec. 18-31102, together with proof that the defendant named in the citation was the owner of the motor vehicle at the time the violation occurred, constitutes a permissible inference that the owner was the driver who committed the violation.
- (3) For purposes of this subsection, "owner" means a person who holds the legal title to a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this subsection, or if the motor vehicle is leased, the lessee shall be deemed the owner for purposes of this subsection.

#### **Sec. 18-31104. Required Construction – Rules Adopted**

(a) Every school bus except private passenger vehicles used as school buses shall be constructed and equipped to meet safety standards set forth in federal laws and regulations, and shall conform, insofar as practicable, to the minimum standards for school buses recommended by the national conference on school transportation administered by the national commission on safety education and published by the national education association.

(b) Vehicles owned by private parties and used as school buses shall have reversed or covered the words "school bus" wherever they appear on the vehicle when the vehicle is not in use as a school bus. It shall be unlawful to operate flashing stop warning signals on such privately owned vehicles except as provided in Sec. 18-31101.

(c) No vehicle except a school bus shall be operated on a public roadway if the vehicle is painted the color known as national school bus glossy yellow. A school bus which has been permanently converted for a purpose other than transporting pupils to or from school shall be painted a color other than national school bus glossy yellow, and shall have the "school bus" signs, stop arm, and the special signal lamps removed.

(d) Each new school bus put into initial service after January 1, 1977, shall be equipped with white a flashing strobe light mounted on the roof of the bus to afford optimum visibility during periods of inclement weather.

#### **Sec. 18-31105. Inspection**

No vehicle shall be put into service as a school bus until it is given an original inspection to determine if it meets all legal and established uniform standards of construction for the protection of the health and safety of children to be transported. Thereafter, all vehicles used as school buses shall be given a safety inspection at least once a year.

**Sec. 18-31106. School Bus Drivers – Qualifications – Grounds for Suspensions**

- (a) A driver of a school bus must meet all of the following requirements:
- (1) Be at least eighteen years of age.
  - (2) Be physically and mentally competent.
  - (3) Not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children transported.
  - (4) Possess a current certificate of qualification for operation of a commercial motor vehicle issued by a licensed physician, physician's assistant, advanced registered nurse practitioner, or any other person identified by federal, Tribal or state law as authorized to perform physical examinations.
  - (5) Possess a driver's license issued by the Iowa Department of Transportation valid for the operation of the school bus. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus.
- (b) Any of the following shall constitute grounds for a school bus driver's immediate suspension from duties, pending a termination hearing by the authorities in charge of a school:
- (1) Use of nonprescription controlled substances.
  - (2) Use of alcoholic beverages during working hours.
  - (3) Operating a school bus while under the influence of a controlled substance or alcohol.
  - (4) Fraud in the procurement or renewal of a school bus driver's authorization to operate a school bus.
  - (5) The commission of, or conviction for, a public offense under any Tribal, state or federal laws if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor, physical injury to a minor, or any attempt or conspiracy to commit any of the above listed offenses.
  - (6) A change in circumstances indicating that the driver is no longer physically or mentally competent. For the purpose of an insulin-dependent diabetic, a change in circumstances includes the following:
    - (i) Results of a glycosylated hemoglobin test indicating values less than 6.0 percent or greater than 9.5 percent unless accompanied by the required medical opinion that the event was incidental and not an indication of failure to control glucose levels.
    - (ii) Results of self-monitoring indicate glucose levels less than one

hundred milligrams per deciliter or greater than three hundred milligrams per deciliter, until self-monitoring indicates compliance with specifications.

- (iii) Experiencing a loss of consciousness or control relating to diabetes.
- (iv) Failing to maintain or falsifying the required reports.

(c) Notwithstanding any provision to the contrary, an insulin-dependent diabetic may qualify under subsection a, paragraph 4, for purposes of operating a school bus under this section if a person identified by federal, state, or Tribal law as authorized to perform physical examinations annually provides a signed statement indicating that based upon an annual physical examination the individual is physically able to perform the required functions despite insulin dependency. The insulin-dependent diabetic shall not qualify to operate a school bus if, at minimum, the individual results of a glycosylated hemoglobin test indicate values less than 6.0 percent or greater than 9.5 percent on other than an incidental basis and not as a result of failure to control glucose levels. The statement shall also indicate that within the past three years the insulin-dependent diabetic has completed instruction to address diabetes management and driving safety, signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications arise.

#### **Sec.18-31107. License – Authorization – Instruction Requirement**

A person applying for employment or employed as a school bus driver shall successfully complete an approved course of instruction for school bus drivers before or within the first six months of employment and at least every twenty-four months thereafter.

### **CHAPTER 12. PARKING FOR PERSONS WITH DISABILITIES**

#### **Sec. 18-31201. Definitions**

As used in this chapter, unless the context otherwise requires:

(a) "Person with a disability" means a person with a disability that limits or impairs the person's ability to walk. A person shall be considered a person with a disability for purposes of this chapter under the following circumstances:

- (1) The person cannot walk two hundred feet without stopping to rest.
- (2) The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device.
- (3) The person is restricted by lung disease to such an extent that the person's forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest.
- (4) The person uses portable oxygen.

- (5) The person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association.
- (6) The person is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

(b) "Persons with disabilities parking permit" means a permit bearing the international symbol of accessibility which allows the holder to park in a persons with disabilities parking space, and includes the following:

- (1) A persons with disabilities registration plate, sticker, or other warning issued to or for a person with a disability under any Tribal, state, federal or foreign law.
- (2) A persons with disabilities removable windshield placard which is a two-sided placard for hanging from the rearview mirror when the motor vehicle is parked in a persons with disabilities parking space.

(c) "Persons with disabilities parking space" means a parking space, including the access aisle, designated for use by only motor vehicles displaying a persons with disabilities parking permit that meets the requirements of Sec. 18-31204 and Sec. 18-31203.

(d) "Persons with disabilities parking sign" means a sign which bears the international symbol of accessibility that meets the requirements under Sec. 18-31203.

#### **Sec. 18-31202. Reciprocity**

Persons with disabilities parking permits issued lawfully by other states and foreign governmental bodies or their political subdivisions shall be valid persons with disabilities parking permits for nonresidents traveling in or visiting the Settlement.

#### **Sec. 18-31203. Persons with Disabilities Parking Sign**

A persons with disabilities parking sign shall be displayed when any persons with disabilities parking spaces are designated as such. The persons with disabilities parking sign shall have a blue background and bear the international symbol of accessibility in white. The persons with disabilities parking sign shall be affixed vertically on another object so that it is readily visible to a driver of a motor vehicle approaching the persons with disabilities parking space. A persons with disabilities parking space designated only by the international symbol of accessibility being painted or otherwise placed horizontally on the parking space does not meet the requirements of this subsection.

#### **Sec. 18-31204. Persons with Disabilities Parking Spaces--Location and Requirements**

(a) Persons with disabilities parking spaces and access loading zones for persons with disabilities that serve a particular building shall be located on the shortest accessible route to the nearest accessible entrance to the building.

- (b) A persons with disabilities parking space shall comply with accepted national

standards for dimensions of persons with disabilities spaces. However, these dimension requirements do not apply to parallel on-street parking spaces.

- (c) Number of parking spaces:
  - (1) Where the Tribe provides parking to the general public its hall provide persons with disabilities parking spaces as stipulated below:

<u>Total Parking Spaces in Lot</u>	<u>Parking Spaces</u>
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 – 1000	*
1001 and over	**

(\*2 Percent of Total)  
 (\*\*20 Spaces Plus 1 for Each 100 Over 1000)

**Sec. 18-31205. Persons with Disabilities Parking--Display and Use of Parking Permit and Persons with Disabilities Identification Designation**

- (a) A persons with disabilities parking permit shall be displayed in a motor vehicle as a removable windshield placard or on a vehicle as a plate or sticker when being used by a person with a disability, either as an operator or passenger. The placard shall only be displayed when the motor vehicle is parked in a persons with disabilities parking space.
- (b) The use of a persons with disabilities parking space as provided in Sec. 18-31204 and Sec. 18-31203 by an operator of a vehicle not displaying a persons with disabilities parking permit, or by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person with a disability, constitutes improper use of a persons with disabilities parking permit.
- (c) A peace officer as designated shall have the authority to and shall enforce the provisions of this section on public and private property.

**Sec. 18-31206. Wheelchair Parking Cone**

- (a) A person issued a persons with disabilities parking permit who uses a wheelchair due to a disability that renders the person permanently unable to walk may park in a persons with disabilities parking space, or a parking space not designated as a persons with disabilities parking space, and reserve up to an eight foot space adjacent to the motor vehicle for the purpose of exiting and entering the motor vehicle if all of the following conditions are met:
  - (1) The person places a wheelchair parking cone within eight feet of the

motor vehicle's entry.

- (2) The person displays the persons with disabilities parking permit in the motor vehicle as described in Sec. 18-31205.
- (3) The motor vehicle and the wheelchair parking cone do not obstruct an aisle, street, or roadway so that other vehicles are unable to pass through the aisle, street, or roadway.
- (4) The person carries in the motor vehicle a copy of the statement from a physician, physician's assistant, advanced registered nurse practitioner, or chiropractor which indicates the person is permanently unable to walk. The person shall show the copy of the statement to any peace officer upon request.

(b) A person shall not interfere with a wheelchair parking cone properly placed under subsection a.

**Sec. 18-31207. Existing Parking Spaces.**

The provisions of this Chapter shall apply to any new construction of public facilities on the Settlement. Existing parking spaces already designated for persons with disabilities shall not be required to change to comply with this Chapter.

**Sec. 18-31208. No Waiver of Sovereignty.**

Nothing in this Section or this Title shall be construed as a consent to the applicability of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et. seq.* ("ADA") to the Sac & Fox Tribe of the Mississippi in Iowa or a waiver or limitation of any of the exemptions in the ADA available to the Tribe; and, without limitation, the Tribe does not waive or limit its exemption from those provisions of the ADA which provide that Indian tribes do not constitute employers for purposes of the ADA.

**CHAPTER 13. OBSTRUCTIONS ON ROADWAYS**

**Sec. 18-31301. Putting Debris on Roadway**

A person shall not drop, throw, or deposit, or permit to be dropped, thrown or deposited, upon a roadway any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. A person shall not drop, throw or deposit, or permit to be dropped, thrown or deposited, upon a roadway a substance likely to injure any person, animal, or vehicle.

**Sec. 18-31302. Spilling Load on Roadway**

A vehicle shall not be driven or moved on any roadway by any person unless such vehicle is so constructed or loaded, or the load securely covered, as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway, by approved vehicles.

**Sec. 18-31303. Removing Injurious Material**

Any person who drops, throws or deposits, or permits to be dropped, thrown or deposited, upon any roadway any destructive or injurious material, or other material as defined in Sec. 18-31301 or Sec. 18-31302, shall immediately remove the same or cause it to be removed.

**Sec. 18-31304. Clearing Up Wrecks**

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

**Sec. 18-31305. Removal**

The Tribe shall cause all obstructions on roadways to be removed. Nothing in this section shall be construed as abrogating, waiving or limiting the sovereign immunity of the Tribe.

**Sec. 18-31306. Billboards, Reflectors, and Signs Prohibited**

(a) No billboard, advertising sign or device, fence other than right of way boundary fence, or other obstruction except signs or devices authorized by law or approved by the Tribe shall be placed or erected upon the right of way of any roadway, nor shall any vehicle be abandoned upon the right of way of any roadway.

(b) Except for official traffic-control devices no person shall place, erect, or attach any red reflector, or any object or other device which shall cause a red reflectorized effect, within the boundary lines of a roadway so as to be visible to passing motorists.

**Sec. 18-31307. Right and Duty to Remove**

(a) If the following constitute an immediate and dangerous hazard, all billboards, advertising signs or devices, fences other than right of way boundary fences, or any temporary obstruction, including abandoned vehicles, except signs or devices authorized by law or approved by the Tribe, placed or erected upon the right of way of any roadway shall, without notice or liability in damages, be removable, and the costs thereof assessed against:

- (1) The owner of any billboard, advertising sign or device so removed.
- (2) The vehicle owner in the case of abandoned vehicles.
- (3) The abutting property in the case of fences other than right of way line fences and other temporary obstructions placed by the owner of or tenant on said property.
- (4) The owner or person responsible for placement of all other obstructions.

(b) Any such obstruction not constituting an immediate and dangerous hazard shall be removed without liability after forty-eight hour notice served in the same manner in which an original notice is served, or in writing by certified mail, or in any other manner reasonably calculated to apprise the person responsible for the obstruction that the obstruction will be removed at the expense of such person after the notice is given.

(c) Upon removal of the obstruction, the department may immediately send a

statement of the cost of removal to the person responsible for the obstruction. If within ten days after sending the statement the cost is not paid, the Tribe may institute proceeding in the a Tribal or State Court to collect the cost of removal.

**Sec. 18-31308. Permit Required**

A person shall not excavate, fill, or make a physical change within the right-of-way of a roadway without obtaining permission from the Tribe. Work performed with such permission shall be performed in conformity with the specifications prescribed by the Tribe. If the excavation, fill, or physical change within the right-of-way of a roadway does not conform to the specifications of the Tribe, the person shall be notified to make such conforming changes. If after twenty days the changes have not been made, the Tribe may make the necessary changes and immediately send a statement of the cost to the responsible person. If within thirty days after sending the statement the cost is not paid, the Tribe may institute proceedings in the Tribal or state court to collect the cost of correction.

**Sec. 18-31309. Roadblocks Conducted by Law Enforcement Agencies**

(a) The law enforcement agencies of the Tribe may conduct emergency vehicle roadblocks in response to immediate threats to the health, safety, and welfare of the public; and otherwise may conduct routine vehicle roadblocks only as provided in this section. Routine vehicle roadblocks may be conducted to enforce compliance with the law regarding any of the following:

- (1) The licensing of operators of motor vehicles.
- (2) The registration of motor vehicles.
- (3) The safety equipment required on motor vehicles.

(b) Any routine vehicle roadblock conducted under this section shall meet the following requirements:

- (1) The location of the roadblock, the time during which the roadblock will be conducted, and the procedure to be used while conducting the roadblock shall be determined by policymaking administrative officers of the law enforcement agency.
- (2) The roadblock location shall be selected for its safety and visibility to oncoming motorists, and adequate advance warning signs, illuminated at night or under conditions of poor visibility, shall be erected to provide timely information to approaching motorists of the roadblock and its nature.
- (3) There shall be uniformed officers and marked official vehicles of the law enforcement agency or agencies involved in sufficient quantity and visibility to demonstrate the official nature of the roadblock.
- (4) The selection of motor vehicles to be stopped shall not be arbitrary.
- (5) The roadblock shall be conducted to assure the safety of and to minimize

the inconvenience of the motorists involved.

(c) A law enforcement agency conducting a roadblock in accordance with this section may require the driver to provide proof of financial liability coverage.

#### **CHAPTER 14. DRIVER REQUIREMENTS**

##### **Sec. 18-31401. Operation of Motor Vehicle with Expired License**

A person shall not operate a motor vehicle upon a roadway with an expired driver's license.

##### **Sec. 18-31402. Unlawful Use of License or Non-Operator's Identification Card**

It is unlawful for any person:

(a) To display, cause, permit to be displayed, or have in the person's possession a canceled, revoked, suspended, fictitious, or fraudulently altered driver's license or non-operator's identification card.

(b) To lend that person's driver's license or non-operator's identification card to another person or knowingly permit the use of the license by another.

(c) To display or represent as one's own a driver's license or non-operator's identification card not issued to that person.

(d) To permit an unlawful use of a driver's license or non-operator's identification card issued to that person.

##### **Sec. 18-31403. Operators License--Operation of Commercial Motor Vehicles**

(a) A person, except those expressly exempted, shall not operate any motor vehicle upon a roadway unless the person has a driver's license.

(b) A person operating a commercial motor vehicle shall have a valid commercial driver's license.

(c) A licensee shall have his or her driver's license in immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a judge or peace officer. However, a person charged with violating this subsection shall not be convicted if the person produces to the clerk of the court, prior to the licensee's court date indicated on the citation, a driver's license issued to that person and valid for the vehicle operated at the time of the person's arrest or at the time the person was charged with a violation of this section.

##### **Sec. 18-31404. Use of Driver's License or Non-Operator's Identification Card by Underage Person to Obtain Cigarettes or Tobacco Products**

A person who is under the age of eighteen, who displays or has in the person's possession a fictitious or fraudulently altered driver's license or non-operator's identification card and who uses the license or card to violate or attempt to purchase or attempt to purchase tobacco products

commits a civil violation.

**Sec. 18-31405. Driving without Registration**

A person shall not operate, and an owner shall not knowingly permit to be operated, upon any roadway any vehicle required to be registered and titled unless there shall be attached thereto and displayed thereon a valid registration card and registration plate or plates issued therefore for the current registration year.

**Sec. 18-31406. Driving without Liability Coverage**

(a) A person shall not drive a motor vehicle on the roadway unless financial liability coverage (car insurance) is in effect for the motor vehicle and the driver has in the motor vehicle the proof of financial liability coverage card issued for the motor vehicle. An owner or driver who produces to the clerk of court, prior to the due date of the fine as indicated on the citation, proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issued shall be dismissed.

**Sec. 18-31407. Display of Plates**

(a) Registration plates issued for a motor vehicle other than a motorcycle, motorized bicycle or a truck tractor shall be attached to the motor vehicle, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear of the vehicle. The registration plate issued for a truck tractor shall be attached to the front of the truck tractor. The special plate issued to a dealer shall be attached on the rear of the vehicle.

(b) Registration plates issued for a motor vehicle which is model year 1948 or older, and reconstructed or specially constructed vehicles built to resemble a model year 1948 vehicle or older, other than a truck registered for more than five tons, motorcycle, or truck tractor, may display one registration plate on the rear of the vehicle if the other registration plate issued to the vehicle is carried in the vehicle at all times when the vehicle is operated on a roadway.

(c) It is unlawful for the owner of a vehicle to place any frame around or over the registration plate which does not permit full view of all numerals and letters printed on the registration plate.

**Sec. 18-31408. Employing Unlicensed Chauffeur**

A person shall not employ as a chauffeur of a motor vehicle a person not then holding a commercial driver's license.

**CHAPTER 15. MISCELLANEOUS RULES**

**Sec. 18-31501. Unattended Motor Vehicle**

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the

highway.

**Sec. 18-31502. Obstruction to Driver's View**

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

**Sec. 18-31503. Preventing Contamination of Food by Hazardous Material**

Food intended for human consumption shall not be shipped in a vehicle or container which has been used to transport a hazardous material unless the vehicle or container has been purged of any hazardous material or the transportation is made in a manner that prevents any contact between the food and the hazardous material.

**Sec. 18-31504. Coasting Prohibited**

The driver of a motor vehicle shall not drive with the source of motive power disengaged from the driving wheels except when disengagement is necessary to stop or to shift gears.

**Sec. 18-31505. Following Fire Apparatus**

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

**Sec. 18-31506. Crossing Fire Hose**

No vehicle shall be driven over any unprotected hose of a fire department without the consent of the fire department official in command.

**Sec. 18-31507. Operation of Motorcycles and Motorized Bicycles**

(a) **General.** The motor vehicle laws apply to the operators of motorcycles and motorized bicycles to the extent practically applicable.

(b) **Riders.**

- (1) Motorized bicycles. A person operating a motorized bicycle on the roadway shall not carry any other person on the vehicle.
- (2) Motorcycles. A person shall not operate or ride a motorcycle on the roadway with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at

the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle operator shall not carry any person, nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(c) **Sitting position.** A person operating a motorcycle or motorized bicycle shall ride only upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle.

(d) **Use of traffic lanes.** Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle.

(e) **Headlights on.** A person shall not operate a 1977 or later model year motorcycle or any model year motorized bicycle upon the roadway without displaying at least one lighted headlamp of the type described in Sec. 18-2220. However, this subsection is subject to the exceptions with respect to parked vehicles as provided in this chapter.

(f) **Packages.** The operator of a motorcycle or motorized bicycle shall not carry any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars.

(g) **Parades.** The provisions of this section do not apply to motorcycles or motorized bicycles when used in a parade authorized by the Tribe.

(h) **Bicycle safety flags required on motorized bicycles.** When operated on a roadway, a motorized bicycle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the motorized bicycle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches, and be Day-Glo in color.

## CHAPTER 16. PENALTIES

### Sec. 18-31601. Civil Penalty

Any violation by a driver of a motor vehicle of any rules of the road or safety regulations imposed by Article III of Title 18 of the Sac & Fox Tribe of the Mississippi in Iowa Code shall be deemed a civil infraction, and be punishable as follows:

(a) For any violation other than a violation of Sec. 18-3301 (speeding), Sec. 18-31001 (duty to stop and provide aid after an accident), Sec. 18-31002 (leaving the scene of an accident), or Sec. 18-31102 (encountering a school bus), assessment of a \$50.00 fine per violation.

(b) For a violation of Sec. 18-3301 (speeding), assessment of a fine for each violation as follows:

- (1) For driving at a speed exceeding the speed limit, but not exceeding said limit by ten mph or greater, a fine of \$50.00.
  - (2) For driving at a speed exceeding the speed limit by at least ten mph, but less than twenty mph, a fine of \$100.00.
  - (3) For driving at a speed exceeding the speed limit by twenty mph or greater, a fine of \$200.00.
  - (4) For any violation under subsection 1, 2 or 3 occurring in designated a school zone the stated fine shall be doubled.
- (c) For a violation of Sec. 18-31001 (duty to stop and provide aid after an accident) or Sec. 18-31002 (leaving the scene of an accident), a fine of \$100.00.
- (d) For a violation of Sec. 18-31102 (encountering a school bus), assessment of a \$200.00 fine per violation.
- (e) For all violations, assessment of court costs as determined by the Clerk of Court per each violation. Such court costs shall be deposited in a fund to be used only for Tribal Court purposes.

## ARTICLE IV

## DRIVING OFFENSES – CRIMINAL

[Note: Except as otherwise noted, the provisions of Article IV, Title 18 were enacted on October 20, 2010 by Reso. No. 24-2010]

## CHAPTER 1. OPERATING WHILE INTOXICATED

## Sec. 18-4101. Definitions

As used in this chapter unless the context otherwise requires:

(a) "Alcohol concentration" means the number of grams of alcohol per any of the following:

- (1) One hundred milliliters of blood.
- (2) Two hundred ten liters of breath.
- (3) Sixty-seven milliliters of urine.

(b) "Alcoholic beverage" includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.

(c) "Controlled substance" means any drug, substance, or compound that is listed in Iowa Code §§ 124.204 or 124.206, or any metabolite or derivative of the drug, substance, or compound.

(d) "Driver's license" means any license or permit issued by any jurisdiction to a person to operate a motor vehicle on the roadways, including, but not limited to, a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, or temporary permit.

(e) "Peace officer" means:

- (1) A member of the Tribal Police.
- (2) Any certified peace officer as defined by the Iowa Code.

(f) "Serious injury" means a bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily organ or major bodily member, or which causes the loss of any bodily member.

## Sec. 18-4102. Operating while Under the Influence of Alcohol or a Drug

(a) A person commits the offense of operating while intoxicated if the person operates a motor vehicle in any of the following conditions:

- (1) While under the influence of an alcoholic beverage, drug, or a combination of such substances.

- (2) While having an alcohol concentration of .08 or more.
  - (3) While any amount of a controlled substance is present in the person, as measured in the person's blood or urine.
- (b) A person convicted of violating subsection (a) commits:
- (1) A class 3 offense for a first offense, and shall be imprisoned not less than two days, and assessed a fine not less than \$1,000.00.
  - (2) A class 2 offense for a second offense, and shall be imprisoned not less than seven days, and assessed a fine of not less than one thousand five hundred dollars.
  - (3) A class 1 offense for a third offense and each subsequent offense, and shall be imprisoned not less than thirty days, and shall be assessed a fine of not less than two thousand five hundred dollars.
- (c) All persons convicted of, or receiving a deferred judgment for, an offense under subsection (a) shall be ordered, at the person's expense, to undergo, prior to sentencing or deferral of judgment, a substance abuse evaluation.
- (d) In determining if a violation of subsection (a) is a second or subsequent offense for purposes of charging, conviction, or sentencing, the Court shall include the following if occurring within ten years prior to being charged in the present matter:
- (1) Convictions or deferred judgments for violations of subsection (a).
  - (2) Convictions or deferred judgments in foreign jurisdictions of statutes substantially similar to this section.
- (e) A person shall not be convicted and sentenced for more than one violation of this section for actions arising out of the same event or occurrence, even if the event or occurrence involves more than one of the conditions specified in subsection (a).
- (f) This section does not apply to a person operating a motor vehicle while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner.
- (g) The alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to be the alcohol concentration at the time of driving or being in physical control of the motor vehicle.
- (h) The presence of a controlled substance or other drug established by the results of analysis of a specimen of the defendant's blood or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to show the presence of such controlled substance or other drug in the defendant at the time of driving or being in physical control of the motor vehicle.

(i) In any prosecution under this section, the results of a chemical test shall not be used to prove a violation of subsection (a), paragraphs 2 or 3, if the alcohol, controlled substance, or other drug concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal or exceed the level prohibited by subsection (a,) paragraphs 2 or 3.

**Sec. 18-4103. Preliminary Screening Test**

(a) When a peace officer has reasonable grounds to believe that either of the following have occurred, the peace officer may request that the operator of a motor vehicle provide a sample of the operator's breath for a preliminary screening test using a device designed for that purpose:

- (1) A motor vehicle operator may be violating or has violated Section 18-4102(a).
- (2) The operator has been involved in a motor vehicle collision resulting in injury or death.

(b) The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made or whether to request a chemical test authorized in this chapter, but shall not be used in any court action except to prove that a chemical test was properly requested of a person pursuant to this chapter.

**Sec. 18-4104. Implied Consent to Test**

(a) A person who operates a motor vehicle under circumstances which give reasonable grounds to believe that the person has been operating a motor vehicle in violation of Section 18-4102(a) is deemed to have given consent to the withdrawal of specimens of the person's blood, breath, or urine and to a chemical test or tests of the specimens for the purpose of determining the alcohol concentration or presence of a controlled substance or other drugs, subject to this section. The withdrawal of the body substances and the test or tests shall be administered at the request of a peace officer having reasonable grounds to believe that the person was operating a motor vehicle in violation of Section 18-4102(a), and if any of the following conditions exist:

- (1) A peace officer has lawfully placed the person under arrest for violation of Section 18-4102(a).
- (2) The person has been involved in a motor vehicle collision resulting in personal injury or death.
- (3) The person has refused to take a preliminary breath screening test provided by this chapter.
- (4) The preliminary breath screening test was administered and it indicated an alcohol concentration equal to or in excess of the level prohibited by Section 18-4102(a).
- (5) The preliminary breath screening test was administered and it indicated an alcohol concentration less than the level prohibited by Section 18-

4102(a), and the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug.

(b) The peace officer shall determine which of the three substances, breath, blood, or urine, shall be tested. Refusal to submit to a chemical test of urine or breath is deemed a refusal to submit. A refusal to submit to a chemical test of blood is not deemed a refusal to submit, but in that case, the peace officer shall then determine which one of the other two substances shall be tested and shall offer the test. If the peace officer fails to offer a test within two hours after the preliminary screening test is administered or refused, or the arrest is made, whichever occurs first, a test is not required.

(c) Notwithstanding subsection (b), if the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a urine test shall be required even after another type of test has been administered.

#### **Sec. 18-4105. Dead or Unconscious Persons**

A person who is dead, unconscious, or otherwise in a condition rendering the person incapable of consent or refusal is deemed not to have withdrawn the implied consent provided by Section 18-4104, and the test may be given if a licensed physician, physician assistant, or advanced registered nurse practitioner certifies in advance of the test that the person is unconscious or otherwise in a condition rendering that person incapable of consent or refusal. If the certification is oral, a written certification shall be completed by the physician, physician assistant, or advanced registered nurse practitioner within a reasonable time of the test.

#### **Sec. 18-4106. Tests Pursuant to Warrants**

(a) Refusal to consent to a test under Section 18-4104 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant if both of the following grounds exist:

- (1) A traffic collision has resulted in a death or personal injury reasonably likely to cause death.
- (2) There are reasonable grounds to believe that one or more of the persons whose driving may have been the proximate cause of the collision was violating Section 18-4102(a) at the time of the accident.

(b) Search warrants issued under this section shall authorize and direct peace officers to secure the withdrawal of blood specimens by medical personnel. Reasonable care shall be exercised to ensure the health and safety of the persons from whom specimens are withdrawn in execution of the warrants.

(c) If a person from whom a specimen is to be withdrawn objects to the withdrawal of blood, the warrant may be executed as follows:

- (1) If the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the warrant may be executed by the withdrawal of a specimen of breath for chemical testing,

unless the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug.

- (2) If the testimony in support of the warrant sets forth facts and information that the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a urine sample shall be collected in lieu of a blood sample, if the person is capable of giving a urine sample and the sample can be collected without the need to physically compel the execution of the warrant.

**Sec. 18-4107. Blood Withdrawal without a Warrant**

(a) Notwithstanding Section 18-4106, if a person is under arrest for an offense arising out of acts alleged to have been committed while the person was operating a motor vehicle in violation of Section 4102(a), and that arrest results from a collision that causes a death or personal injury reasonably likely to cause death, a chemical test of blood may be administered without the consent of the person arrested and without a search warrant to determine the amount of alcohol or a controlled substance in that person's blood if all of the following circumstances exist:

- (1) The peace officer reasonably believes the blood drawn will produce evidence of intoxication.
- (2) The method used to take the blood sample is reasonable and performed in a reasonable manner by medical personnel.
- (3) The peace officer reasonably believes the officer is confronted with an emergency situation in which the delay necessary to obtain a warrant under Section 18-4106 threatens destruction of the evidence.

(b) If the person from whom a specimen of blood is to be withdrawn objects to the withdrawal, a breath or urine sample may be taken under the following circumstances:

- (1) If the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the withdrawal of a specimen of the person's breath may be taken for chemical testing, unless the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug.
- (2) If the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a urine sample shall be collected in lieu of a blood sample, if the person is capable of giving a urine sample and the sample can be collected.

**Sec. 18-4108. Taking Sample for Test**

- (a) Only a licensed physician, licensed physician assistant, medical technologist, or

registered nurse, acting at the request of a peace officer, may withdraw a specimen of blood for the purpose of determining the alcohol concentration or the presence of a controlled substance or other drugs. However, any peace officer, using devices and methods approved by the commissioner of public safety, may take a specimen of a person's breath or urine for the purpose of determining the alcohol concentration, or may take a specimen of a person's urine for the purpose of determining the presence of a controlled substance or other drugs. Only new equipment kept under strictly sanitary and sterile conditions shall be used for drawing blood.

(b) The person may have an independent chemical test or tests administered at the person's own expense in addition to any administered at the direction of a peace officer. The failure or inability of the person to obtain an independent chemical test or tests does not preclude the admission of evidence of the results of the test or tests administered at the direction of the peace officer. Upon the request of the person who is tested, the results of the test or tests administered at the direction of the peace officer shall be made available to the person.

(c) Medical personnel who use reasonable care and accepted medical practices in withdrawing blood specimens are immune from liability for their actions pursuant to this chapter.

#### **Sec. 18-4109. Evidence in any Action**

Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating a motor vehicle in violation of Section 18-4102(a), evidence of the alcohol concentration or the presence of a controlled substance or other drugs in the person's body substances at the time of the act alleged as shown by a chemical analysis of the person's blood, breath, or urine is admissible. If it is established at trial that an analysis of a breath specimen was performed by a certified operator using a device intended to determine alcohol concentration and appropriate methods, no further foundation is necessary for introduction of the evidence.

#### **Sec. 18-4110. Proof of Refusal Admissible**

If a person refuses to submit to a chemical test, proof of refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating a motor vehicle in violation of Section 18-4102(a).

#### **Sec. 18-4111. Other Evidence**

This chapter does not limit the introduction of any competent evidence bearing on the question of whether a person was under the influence of an alcoholic beverage or a controlled substance or other drug, including the results of chemical tests of specimens of blood, breath, or urine obtained more than two hours after the person was operating a motor vehicle.

### **CHAPTER 2. OTHER CRIMINAL OFFENSES**

#### **Sec. 18-4201. Reckless Driving**

Any person who drives any vehicle in such manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving shall be guilty of a class 6 offense.

#### **Sec. 18-4202. Careless Driving**

(a) A person commits careless driving if the person intentionally operates a motor vehicle on a roadway in any one of the following ways:

- (1) Creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping.
- (2) Simulates a temporary race.
- (3) Causes any wheel or wheels to unnecessarily lose contact with the ground.
- (4) Causes the vehicle to unnecessarily turn abruptly or sway.

(b) A person convicted of careless driving shall be guilty of a petty offense.

#### **Sec. 18-4203. Drag Racing**

No person shall engage in any motor vehicle speed contest or exhibition of speed on any roadway, and no person shall aid or abet any motor vehicle speed contest or speed exhibition on any roadway, except that a passenger shall not be considered as aiding and abetting. "Motor vehicle speed contest" or "exhibition of speed" are defined as one or more persons competing in speed in excess of the applicable speed limit in vehicles on the roadways. A person convicted of drag racing shall be guilty of a petty offense.

#### **Sec. 18-4204. Eluding or Attempting to Elude Pursuing Law Enforcement Vehicle**

(a) The driver of a motor vehicle commits a class 3 offense if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of this section, "peace officer" means those officers designated under Section 18-4101(e).

(b) The driver of a motor vehicle commits a class 2 offense if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible signal as provided in this section, and in doing so exceeds the speed limit by twenty-five miles per hour or more.

(c) The driver of a motor vehicle commits a class 1 offense if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible signal as provided in this section, and in doing so exceeds the speed limit by twenty-five miles per hour or more, and if any of the following occurs:

- (1) The driver is in violation of Section 18-4102(a).
- (2) The offense results in bodily injury to a person other than the driver.

#### **Sec. 18-4205. Assaults and Homicide**

A conviction for violating any of the provisions of this chapter shall not be a bar to a prosecution for an assault or for a homicide committed by any person in operating motor vehicles.

**Sec. 18-4206. Open Containers in Motor Vehicles**

(a) A driver or passenger of a motor vehicle shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk or bed of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk or bed. A person convicted of a violation of this section is guilty of a petty offense.

(b) This section does not apply to a passenger being transported in a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or a passenger being transported in the living quarters of a motor home, manufactured or mobile home, travel trailer, or fifth-wheel travel trailer.

**Sec. 18-4207. Operating without Valid Driver's License or when Disqualified-- Penalties**

(a) A person whose driver's license or operating privilege has been denied, canceled, suspended, or revoked and who operates a motor vehicle upon the roadway while the license or privilege is denied, canceled, suspended, or revoked, commits a petty offense.

(b) A person who operates a commercial motor vehicle upon a roadway when disqualified from operating the commercial motor vehicle commits a petty offense.

**Sec. 18-4208. Permitting Unauthorized Minor to Drive**

A person shall not cause or knowingly permit the person's child or ward under the age of eighteen years to drive a motor vehicle upon any roadway when the minor is not authorized under this chapter. A person convicted of a violation of this section is guilty of a class 6 offense.

**Sec. 18-4209. Permitting Unauthorized Person to Drive**

A person shall not knowingly authorize or permit a motor vehicle owned by the person or under the person's control to be driven upon a roadway by a person who is not issued a driver's license valid for the vehicle's operation. A person convicted of a violation of this section is guilty of a class 6 offense.

**Sec. 18-4210. Fraudulent Use of Registration**

A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration

plate, special plate, or permit not issued for that vehicle. A person convicted of a violation of this section is guilty of a class 6 offense.

**Sec. 18-4211. False Evidence of Registration**

- (a) It is a fraudulent practice for any person to commit any of the following acts:
  - (1) To alter with a fraudulent intent any certificate of title, manufacturer's or importer's certificate, registration card, registration plate, or manufacturer's vehicle identification plate.
  - (2) To forge or counterfeit any such document or plate.
  - (3) To hold or use any such document or plate knowing the same to have been so altered, forged, or falsified.
  - (4) To hold or use any certificate of title, manufacturer's or importer's certificate, registration card, registration plate, or manufacturer's vehicle identification plate for any vehicle to which such document or plate is not legally assigned.
- (b) A person convicted of a violation of this section is guilty of a class 4 offense.