

# **Hoopa Valley Traffic Code**

## **Title 44**

**Approved March 20, 2003  
Ordinance no. 01-03**

## Chapter 1. Title

### §100. Title

This act shall be known as the "Hoopa Valley Traffic Code" or "HVTC".

## Chapter 2. Findings, Purposes and Construction

### Section

- 200. Findings
- 201. Purposes
- 202. Construction

### §200. Findings

The Hoopa Valley Tribe finds that traffic violations endanger the life, safety, and welfare of all people within the Hoopa Valley Reservation. Despite the fact three state highways (Highway 101, Highway 299, and Highway 96) funnel traffic through the Hoopa Valley Reservation, Humboldt County has not assigned sufficient officers to patrol and intercept traffic violators and reduce the number of traffic violations on the Reservation. Tourism, logging and other traffic on Highway 96, which bisects the Hoopa Valley Reservation, poses a particular threat to children and the elderly, who cross the roadway on foot or walk along the roadway. Indeed, the safety of all pedestrians, cyclists, and vehicle operators is threatened by repeated and unpunished traffic violations perpetrated by individuals using their vehicles in an unsafe manner.

### §201. Purposes

The HVTC is adopted to affirm tribal sovereignty and principles of self-governance and to provide essential protection for the tribal community and all persons within the Hoopa Valley Reservation.

### §202. Construction

The provisions of the HVTC shall be construed and applied to promote the Purposes.

## Chapter 3. Definitions

### §300. Definitions

The following definitions shall apply to all sections of the HVTC, unless context otherwise requires.

- a. "Authorized emergency vehicle" means properly marked and equipped fire department vehicles, police vehicles, ambulances, or other emergency vehicles designated as such by the Hoopa Valley Tribe, the state of California, or the United States government.
- b. "Bicycle" means every device propelled by human power upon which a person may ride, having two or more tandem wheels, one of which is more than sixteen inches diameter.
- c. "Business district" is that portion of a roadway and the contiguous property where:
  - i. Upon one side of which roadway, for a distance of 600 feet, 50 percent or more of the contiguous property fronting thereon is occupied by buildings in use for business.
  - ii. Upon both sides of which roadway, collectively, for a distance of 300 feet, 50 percent or more of the contiguous property fronting thereon is occupied by buildings in use for business. A business district may be longer than the distances specified in this section if the above ratio of buildings in use for business to the length of the roadway exists.

- d. "Civil infraction" means any violation or failure to comply with the provisions of the HVTC that occurs on the Hoopa Valley Reservation and is not classified as a public offense.
- e. "Court" means the Hoopa Valley Tribal Court.
- f. "Crosswalk" means:
  - i. The portion of a roadway at an intersection or elsewhere distinctly marked for pedestrian crossing.
  - ii. The portion of a roadway at an intersection included within the prolongations or connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs or, in the absence of curbs, from the edge of the roadway.
- g. "Domicile" means a permanent residence.
- h. "Driver" means every person who drives or is in actual physical control of a motor vehicle upon a roadway.
- i. "HVTC" means the Hoopa Valley Traffic Code.
- j. "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. Where two roadways are thirty or more feet apart, then every crossing of each roadway shall be regarded as a separate intersection.
- k. "Judge" means a judge of the Hoopa Valley Tribal Court.
- l. "Laned roadway" means a roadway divided into two or more clearly marked lanes for vehicular traffic.
- m. "Motorcycle" means every motor vehicle having a seat or saddle for the use of a rider designed to travel with not more than three wheels in contact with the ground, but excluding a tractor.
- n. "Motor vehicle" means every vehicle which is self-propelled by the use of an internal combustible engine, electricity, or motor vehicle fuel.
- o. "Negligence" means the failure to use a reasonable degree of care which an ordinarily prudent person would exercise under the circumstances.
- p. "Official traffic-control devices" means all signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- q. "Operator" means a person who drives or is in actual physical control over a motor vehicle upon a roadway.
- r. "Owner" means a person who holds the legal title of a vehicle.
- s. "Park" means the standing of a vehicle whether occupied or not.

- t. "Passenger vehicle" means a motor vehicle designed to carry passengers, except for commercial buses.
- u. "Peace officer" means every officer duly authorized or commissioned by the authority of the Hoopa Valley Tribe to enforce the HVTC.
- v. "Pedestrian" means a traveler by foot, wheelchair, walker, or stroller.
- w. "Person" means every natural person and business association.
- x. "Public offense" means any violation or failure to comply with the provisions of the HVTC that occurs on the Hoopa Valley Reservation and that can be penalized by a public offense fine of up to five thousand dollars (\$5000), community service, exclusion, mandatory traffic safety or alcohol abuse classes, or any combination of the preceding sanctions.
- y. "Race" means the use of one or more vehicles to outgain or outdistance another vehicle or to arrive at a given destination ahead of another vehicle.
- z. "Residential district" exists where any of the following conditions exist on the particular portion of roadway and the property contiguous thereto, other than a business district:
  - i. Upon one side of the roadway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by thirteen (13) or more separate dwelling houses or business structures.
  - ii. Upon both sides of the roadway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures.
  - iii. The portion of roadway is longer than one-quarter of a mile but has the ratio of separate dwelling houses or business structures to the length of the roadway described in either subparagraph (i) or (ii).
- aa. "Right-of-way" means the privilege of immediate use of the roadway.
- bb. "Roadway" means a thoroughfare designed or ordinarily used for vehicular traffic, except the shoulder.
- cc. "School bus" means any motor vehicle operating under the jurisdiction of a school district, private school, parochial school, community school, government school, or contract school which is used to transport children, students or teachers to and from school, or to and from any school activity.
- dd. "Shoulder" means the area immediately adjacent to the edge of a paved road.
- ee. "Stop" means a complete cessation of movement.
- ff. "Stop, stopping or standing" means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with directions of a peace officer or traffic-control sign, signal, or marking.
- gg. "Terminating roadway" means a roadway which intersects, but does not continue beyond the intersection.

- hh. "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances upon a roadway.
- ii. "Traffic violation" means any failure to comply with the HVTC; i.e. any civil infraction or public offense committed within the Hoopa Valley Reservation.
- jj. "Valid License" means a license issued by a nation or state that is current and not suspended.
- kk. "Vehicle" means every device in, upon, or by which a person or property may be transported or drawn upon a roadway.
- ll. "Wearing a safety helmet" means having a safety helmet on the person's head that is fastened with the helmet straps and that is of a size that fits the wearing person's head securely.
- mm. "Wrongful operation of a vehicle" means any operation of a vehicle in violation of the HVTC.

## **Chapter 4. General Application**

### Section

- 400. Jurisdiction
- 401. Application of traffic laws
- 402. Enforcement
- 403. Cooperative agreements
- 404. Opportunity to be heard
- 405. Forum
- 406. Authority of Hoopa Valley Tribal Court and hearing officers
- 407. Traffic Violation Fund

### **§400. Jurisdiction**

- a. **Jurisdiction over subject matter**  
The Hoopa Valley Tribe shall have jurisdiction over all traffic violations committed within the Hoopa Valley Reservation.
- b. **Jurisdiction over parties**  
The Hoopa Valley Tribe shall have jurisdiction over all persons who commit traffic violations within the Hoopa Valley Reservation.
- c. **Jurisdiction over property**  
The Hoopa Valley Tribe shall have jurisdiction over all property used to commit traffic violations within the Hoopa Valley Reservation.

### **§401. Application of the traffic laws**

- a. **Application to operation of vehicles**  
The HVTC shall apply to the operation of vehicles within the Hoopa Valley Reservation.
- b. **Application to pedestrians**  
The provisions of the HVTC shall apply to pedestrians within the Hoopa Valley Reservation, except those provisions which by their very nature can have no application.
- c. **Application to persons riding animals or driving animal-drawn vehicles**

Every person riding or driving an animal upon a roadway has all of the rights and duties applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

d. **Application to bicycles**

Every person riding a bicycle upon a roadway has all the rights and is subject to all the provisions of the HVTC, including, but not limited to, provisions concerning driving under the influence of alcoholic beverages or drugs, except those provisions which by their very nature can have no application.

e. **Authorized emergency vehicles**

i. The driver of an emergency vehicle, authorized under federal, state or tribal law, is exempt from the provisions of this section when responding to an emergency call, engaging in rescue operations, or when in immediate pursuit of a suspected violator of the law.

ii. No provision of the HVTC shall relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons within the Hoopa Valley Reservation. Nor shall a provision exempt the driver from the consequences of a reckless disregard for the safety of others or an arbitrary use of the privileges afforded in subsection (d) (i).

**§402. Enforcement**

The Hoopa Valley Tribal Police shall be responsible for the enforcement of the HVTC.

**§403. Cooperative agreements**

The Hoopa Valley Tribe may enter into cooperative agreements with federal, state, tribal or private entities to enforce the HVTC.

**§404. Opportunity to be heard**

Any person who has been cited for a traffic violation shall have an opportunity to be heard at a Hoopa Valley Traffic Hearing.

**§405. Forum**

a. **Hoopa Valley Tribal Court**

The Court shall conduct Hoopa Valley Traffic Hearings. The Court shall promulgate the rules, regulations, and procedures to be followed at Hoopa Valley Traffic Hearings.

b. **Hearing officers**

The Court may appoint traffic hearing officers to preside over Hoopa Valley Traffic Hearings involving civil infractions. The Court shall supervise all hearing officers.

**§406. Authority of Hoopa Valley Tribal Court and hearing officers**

Judges and hearing officers may dispose of traffic violations in any manner consistent with the HVTC. They may, *inter alia*, dismiss an infraction, impose sanctions within the limits set by the code, offer alternative sanctions or report an infraction to State authorities.

**§407. Traffic Violation Fund**

Civil penalties, public offense fines, and forfeitures collected under the HVTC shall be used for the funding of law enforcement, public safety and the Hoopa Valley Tribal Court.

## **Chapter 5. Accidents**

Section

- 500. Liability for negligent or wrongful operation of vehicle
- 501. Runaway vehicles
- 502. Accidents resulting only in injury to property
- 503. Accidents resulting in death or personal injuries
- 504. Written reports of accidents
- 505. When driver physically unable to report
- 506. Accident reports confidential; exceptions

**§500. Liability for negligent or wrongful operation of a vehicle**

Every owner and driver of a vehicle is liable and responsible for damage to public or private property that results from a negligent or wrongful operation of a vehicle.

**§501. Runaway vehicles**

A person who parks a vehicle that, prior to the vehicle again being driven, becomes a runaway vehicle involved in an accident resulting in damage to any person or property shall be subject to this Chapter.

**§502. Accidents resulting only in injury to property**

a. **Duty to stop and notify**

The driver of a vehicle involved in an accident resulting only in injury to public or private property shall immediately stop the vehicle at the nearest location that will not impede traffic or jeopardize the safety of other motorists. Once stopped, the driver shall:

- i. Locate and notify the manager, operator, or owner of the property and upon request the driver shall, give his name, address, registration and insurance information; or
- ii. Leave in a conspicuous place on the property damaged, a written notice giving the name and address of the driver and the owner of the vehicle involved and a statement of the circumstances of the accident and shall without unnecessary delay notify the Hoopa Valley Tribal Police if required by §504.

b. **Classification of violation**

It shall be a civil infraction to violate this provision.

**§503. Accidents resulting in death or personal injuries**

a. **Duty to stop, notify police, and render aid**

The driver of a vehicle involved in an accident resulting in death or personal injuries shall immediately stop the vehicle at the nearest location that will not impede traffic or jeopardize the safety of other motorists. Once stopped, the driver shall:

- i. Notify the police; and
- ii. Render to any person injured in the accident reasonable assistance, including transporting, or making arrangements for transporting, any injured person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if transportation is requested by any injured person; and
- iii. Upon request, give his name, address, insurance and registration information.

b. **Classification of violation**

It shall be a public offense to violate this provision.

**§504. Written reports of accidents**

- a. **Duty to file a written report**  
The driver of a vehicle involved in an accident resulting in death, personal injury, or total property damage to an apparent extent of more than [five hundred dollars (\$500)] shall without unnecessary delay file a written report with the Hoopa Valley Tribal Police.
- b. **Duty of investigating officer to complete and submit report**  
Every peace officer who investigates a vehicle accident resulting in death, personal injury, or total property damage to an apparent extent of more than [five hundred dollars (\$500)] shall within [seventy-two hours] complete and submit a written report of the accident.

**§505. When Driver physically unable to report**

Whenever the driver of a vehicle is physically incapable of making a required accident report, the owner of the vehicle or any occupant in the vehicle at the time of the accident shall make the report or cause it to be made.

**§506. Accident reports confidential; exceptions**

- a. All accident reports shall be without prejudice to the individual reporting. The Hoopa Valley Tribal Police may disclose:
  - i. The identities of the parties involved in an accident; and
  - ii. The fact that the owner or operator of the vehicle involved in the accident is or is not insured and if the owner or operator is insured, the name and address of the insurance carrier.
- b. **Right to proof of compliance or failure to comply with duty to report**  
The Hoopa Valley Tribal Police shall furnish upon demand of any court or any person or their representative who claims to have made an accident report, evidence that a specified accident report has or has not been made to the Hoopa Valley Tribal Police. This evidence shall be furnished solely to prove compliance or failure to comply with the requirement that a report be made to the Hoopa Valley Tribal Police.
- c. **Right to copy of accident report**  
The Hoopa Valley Tribal Police shall, upon request, furnish a copy of the investigating officer's accident report to the parties involved and to any court of competent jurisdiction.

## **Chapter 6. Civil Infractions**

### ***Subchapter 1. General Application***

Section

- 600. Violations
- 601. Civil penalties
- 602. Seizure of security

### ***Subchapter 2. Driver's License and License Plates***

Section

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- 621. Valid state or tribal license plates required



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#### **Section**

- 640. Equipment and safety
- 641. Lighting equipment, brakes, tires, size, weight, and load
- 642. Mufflers
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- 660. Obedience to traffic signs, signals, and markings
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Section

780. Pedestrians subject to traffic regulations  
781. Pedestrian's right-of-way in crosswalks  
782. Crossing not at a crosswalk  
783. Pedestrian's duty to move safely

***Subchapter 1. General Application***

**§600. Violations**

It shall be a civil infraction to violate a provision of this Chapter.

**§601. Civil penalties**

A person who commits a civil infraction shall be subject to a civil penalty of no more than five hundred dollars (\$500) for any infraction for which a specific amount is not stated.

**§602. Seizure of security**

A peace officer, citing a defendant pursuant to this Chapter, may seize such property in the possession of the defendant as the officer deems reasonably necessary to secure payment of any civil penalty which may be levied upon the defendant upon conviction of the civil infraction. The officer shall, at the time of seizure, give to the defendant a receipt accurately describing the items seized.

***Subchapter 2. Driver's License and License Plates***

**§620. Possession of valid license to drive required**

No person shall operate a motor vehicle within the Hoopa Valley Reservation while not in possession of a valid license to drive.

**§621. Valid state or tribal license plates required**

No person shall operate a motor vehicle within the Hoopa Valley Reservation without valid tribal or state license plates on the front and rear of the vehicle.

***Subchapter 3. Vehicle Equipment and Safety***

**§640. Equipment and safety**

**a. Unsafe and unsafely loaded vehicles**

No person shall operate an unsafe or unsafely loaded vehicle.

**b. Vehicles not equipped as required by the HVTC**

No person shall operate a vehicle that is not equipped as required by the HVTC.

**c. Duty to repair or not operate vehicles that are unsafe or not equipped as required by the HVTC**

No person shall operate a vehicle after notice by a peace officer that the vehicle is unsafe or is not equipped as required by the HVTC, except as necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage and until the vehicle and its equipment have been made to conform with the requirements of the HVTC.

**d. Permits authorizing the operation of vehicles otherwise prohibited by HVTC**

The Hoopa Valley Tribe may issue permits authorizing the operation of vehicles that would otherwise be prohibited by the HVTC.

**§641. Lighting equipment, brakes, tires, size, weight, and load**

No person shall operate a vehicle that is not equipped as required by, or in violation of, the California Vehicle Code provisions relating to lighting equipment (Division 12. Chapter 2. §24250 through §26106.), brakes (Division 12. Chapter 3. §26301 through §26522.), tires (Division 12. Chapter 5. Article 4. §27450 through §27453.), and size, weight, and load limits (Division 15. §35000 through §35796.).

**§642. Mufflers**

**a. Noise prevention**

Every motor vehicle shall be equipped with a muffler in good working order to prevent excessive or unusual noise.

**b. Emission-control**

The muffler, emission-control equipment device, engine and power mechanism of every motor vehicle shall be equipped and adjusted to prevent the escape of excessive fumes or smoke.

**§643. Windshields and car windows**

**a. Passenger vehicles must have windshields**

Every passenger vehicle, other than motorcycles, shall be equipped with an adequate windshield.

**b. Windshield and windows must be unobstructed and transparent**

i. No person shall operate a motor vehicle with any object or substance upon the vehicle that obstructs or reduces the driver's clear view through the windshield or side windows.

ii. No person shall operate a motor vehicle when the windshield or rear window is in such a defective condition as to impair the driver's vision either to the front or rear.

**c. Windshield must be equipped with wiper**

The windshield on every motor vehicle, except a motorcycle, shall be equipped with a wiper to clean rain, snow or other moisture from the windshield. The wiper shall be controlled by the operator of the vehicle and maintained in good working order.

**§644. Mirrors**

Every motor vehicle shall be equipped with outside mirrors on both the left- and right-hand sides of the vehicle located to reflect to the driver, under all conditions of loading, an unobstructed view of the roadway through each mirror for a distance of at least 200 feet (200 ft.) to the rear of the vehicle.

**§645. Horns and warning devices**

**a. Motor vehicles must have a horn**

Every motor vehicle operated on a roadway 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 200 feet (200 ft.). No horn shall emit an unreasonably loud or harsh sound.

**b. Use of horn**

The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with a horn. The horn shall not otherwise be used, except as part of a theft alarm system.

c. **Authorized Emergency Vehicles**

An authorized emergency vehicle may be equipped with an air horn that emits sounds that do not comply with the requirements of this section. The horn shall only be used when the vehicle is responding to an emergency call, engaging in rescue operations, or when in immediate pursuit of a suspected violator of the law. The driver of the vehicle shall sound the horn when reasonably necessary to warn pedestrians and other drivers.

**§646. Stopped vehicles not to impede traffic or jeopardize the safety of other motorists**

No vehicle shall be stopped, parked, or left standing, whether attended or unattended, upon the traveled portion of any roadway, when it is practicable to stop, park, or leave such vehicle elsewhere. If it is impossible to move the vehicle from the traveled portion of the roadway, the driver shall make every effort to leave all possible width of the roadway opposite the vehicle for the free and safe passage of other vehicles and shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear.

**§647. Emergency signals; stopped or parked vehicles**

Whenever for any cause other than necessary traffic stops, any motor vehicle is stopped upon the traveled portion of a roadway, or shoulder, the driver shall immediately operate the vehicle's emergency flashing lights.

**§648. Safety belts**

a. **Safety belts required**

All persons in passenger vehicles, except motorcycles, shall have a safety belt, which meets the standards of the Society of Automotive Engineers, properly fastened about the body at all times when the vehicle is in motion.

b. **Sanctions**

All persons in passenger vehicles who do not have a safety belt properly fastened about the body when the vehicle is in motion, as required in subsection (a), are subject to a civil penalty of not less than twenty-five dollars (\$25) and not more than seventy-five dollars (\$75).

**§649. Child safety restraints**

a. **Child safety restraints required**

It shall be a civil infraction for any parent, guardian or custodian of an infant or child six (6) years of age or younger and weighing under sixty (60) pounds to permit a child or ward to be transported in a non-commercial motor vehicle without providing and properly securing the child or ward, in a child passenger restraint system meeting applicable federal motor vehicle safety standards.

b. **Sanctions**

A violation of this provision is subject to a civil penalty of not less than twenty-five dollars (\$25) and not more than one hundred dollars (\$100). In lieu of or in addition to the civil penalty, the Court may refer the defendant to a community education program that includes, but is not limited to, education on the proper installation and use of child passenger restraint systems for children of all ages. Upon completion of the program, the defendant shall provide, to the Court, proof of participation in the program.

**§650. Unattended child in motor vehicle**

- a. **Supervision Required**  
A parent, legal guardian, or other person responsible for a child who is six (6) years of age or younger may not leave that child inside a motor vehicle without the supervision of a person who is twelve (12) years of age or older, under either of the following circumstances:
  - i. Where there are conditions that present a significant risk to the child's health or safety.
  - ii. When the vehicle's engine is running or the vehicle's keys are in the ignition, or both.
- b. **Sanction**  
A violation of this provision is subject to a civil penalty of not less than twenty-five dollars (\$25) and not more than one hundred dollars (\$100). In lieu of or in addition to the civil penalty, the Court may refer the defendant to a community education program that includes, but is not limited to, education on the dangers of leaving children unattended in motor vehicles. Upon completion of the program, the defendant shall provide, to the Court, proof of participation in the program.

#### §651. Motorcycles

- a. **General Application**  
This section applies to persons who are riding on motorcycles on the roadway.
- b. **Drivers**  
No person shall drive any motorcycle:
  - i. Equipped with a seat so positioned that the driver's feet, when sitting astride the seat, cannot reach the ground.
  - ii. Equipped with handlebars so positioned that the hands of the driver, when upon the grips, are at or above shoulder height when sitting astride the seat.
- c. **Passengers**  
No driver of a motorcycle shall carry any passenger except on a seat securely fastened at the rear of the driver and provided with footrests, or in a sidecar attached to a motorcycle and designed for the purpose of carrying a passenger. Every passenger on a motorcycle shall keep his feet on the footrests while the motorcycle is in motion.
- d. **Helmets**  
No person shall operate or ride as a passenger on a motorcycle without wearing a safety helmet.

#### *Subchapter 4. Traffic Signs, Signals, and Markings*

##### §660. Obedience to traffic signs, signals, and markings

All persons shall obey the instructions of any official traffic-control device and the HVTC, unless otherwise directed by a traffic or peace officer, subject to the exemptions granted by the HVTC to the driver of an authorized emergency vehicle.

##### §661. Legend for traffic signs, signals, and markings

- a. **Green, Red, Yellow**

Whenever traffic is controlled by official traffic control signals showing different colored lights, or color-lighted arrows, one at a time, or in combination, only the colors green, yellow, and red shall be used and apply, except for pedestrian control signals.

b. **Green**

- i. A driver facing a circular green signal shall proceed straight through or turn right or left or make a U-turn unless a sign prohibits a U-turn. A driver shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.
- ii. A driver facing a green arrow signal, shown alone or in combination with another indication, shall enter the intersection only to make the movement indicated by that green arrow or any other movement that is permitted by other indications shown at the same time. A driver facing a left green arrow may also make a U-turn unless prohibited by a sign. A driver shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.
- iii. Unless otherwise directed by a pedestrian control signal, pedestrians facing any green signal, except if the sole green signal is a turn arrow, may proceed across the roadway within a marked or unmarked crosswalk.

c. **Yellow**

- i. A driver facing a steady circular yellow or yellow arrow signal is, by that signal, warned that the green movement is ending and that a red indication will be shown immediately thereafter.
- ii. A pedestrian facing a steady circular yellow or a yellow arrow signal, unless otherwise directed by a pedestrian control signal is, by that signal, warned that there is insufficient time to cross the roadway and shall not enter the roadway.

d. **Red**

- i. A driver facing a steady circular red signal alone shall stop at a marked limit line before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subsection (ii).
- ii. Except when a sign is in place prohibiting a turn, a driver, after stopping as required by subsection (i), facing a steady circular red signal, may turn right, or turn left from a one-way street onto a one-way street. A driver making that turn shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to any vehicle that has approached or is approaching so closely as to constitute an immediate hazard to the driver, and shall continue to yield the right-of-way to that vehicle until the driver can proceed with reasonable safety.
- iii. A driver facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked limit line before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain stopped until an indication permitting movement is shown.

- iv. Unless otherwise directed by a pedestrian control signal, a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.
- e. **Limit Line**  
Any stop required shall be made at a sign or crosswalk or limit line indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
- f. **Pedestrian control signal**
  - i. Whenever a pedestrian control signal showing the words "WALK" or "WAIT" or "DONT WALK" or other approved symbol is in place, the signal shall indicate as follows:
    - a. "WALK" or approved "Walking Person" symbol. A pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.
    - b. Flashing or steady "DONT WALK" or "WAIT" or approved "Upraised Hand" symbol. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the "WAIT" or "DONT WALK" or approved "Upraised Hand" symbol is showing.
  - ii. A pedestrian shall not loiter or unduly delay crossing the roadway after traffic has stopped to give the right-of-way.
- g. **Flashing signals**  
Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by drivers as follows:
  - i. Flashing red (stop signal): When a red lens is illuminated with rapid intermittent flashes, a driver shall stop at a clearly marked limit line before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the driver may proceed subject to the rules applicable after making a stop at a stop sign.
  - ii. Flashing yellow (caution signal): When a yellow lens is illuminated with rapid intermittent flashes, a driver may proceed through the intersection or past the signal only with caution.

**§662. Display of unauthorized signs, signals, or markings**

No person shall place, maintain, or display upon or in view of any roadway any unauthorized sign, signal, marking, or device which is a copy of or looks similar to an official traffic-control device, 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. No person shall place upon any traffic sign or signal any commercial advertising or political campaign literature. This section shall not prohibit the erection upon private property adjacent to roadways, of signs giving useful directional information.

**Subchapter 5. Speed Laws**

**§680. Speed regulation**

- a. **Speed limits**  
No person shall drive a vehicle upon a roadway at a speed greater than the speed limit. Unless otherwise posted, the speed limits shall be:
  - i. Twenty-five (25) miles per hour in any business district, residential district, and posted school zone.
  - ii. Fifty-five (55) miles per hour on a laned roadway not in a business district, residential district, or school zone.
- b. **Duty to drive safely**  
No person shall drive a vehicle at a speed greater than is reasonably safe having due regard for conditions, and in no event at a speed that endangers the safety of persons or property.
- c. **Duty not to impede normal movement of traffic**  
No person shall stop a vehicle upon a roadway or drive upon a roadway at such a slow speed as to impede or block the normal and reasonable movement of traffic unless the reduced speed is necessary for safe operation, because of grade, or in compliance with law.

**§681. Classification of speed violations**

The Court may elect to classify as a public offense, a complaint for speeding more than fifteen (15) miles per hour in excess of the posted or otherwise applicable speed limit or any complaint alleging the violation of a speed regulation caused or contributed to an accident resulting in injury to a person.

***Subchapter 6. Right-of-Way***

**§700. Vehicle approaching or entering intersections**

- a. **Vehicle on left shall yield the right-of-way; exception**  
When two vehicles enter an intersection from different roadways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the driver's immediate right, except that the driver of a vehicle on a terminating roadway shall yield the right-of-way to a vehicle on the intersecting continuing roadway.
- b. **Inoperative traffic control signals**  
The driver of a vehicle approaching an intersection which has official traffic control signals that are inoperative shall stop at the intersection, and may proceed with caution when it is safe to do so.

**§701. Vehicle turning left or completing a U-turn**

The driver of a vehicle intending to turn left or to complete a U-turn shall yield the right-of-way to a vehicle approaching from the opposite direction which is close enough to constitute a hazard.

**§702. Vehicles entering stop or yield intersection or approaching designated crossing**

- a. **Vehicle approaching a stop sign**  
The driver of a vehicle approaching a stop sign shall stop. The driver shall then yield the right-of-way to any vehicles which have approached from another roadway, or which are approaching so closely as to constitute an immediate hazard, and shall continue to yield the right-of-way to those vehicles until it is reasonably safe to proceed.
- b. **Vehicle approaching a yield sign**



The driver of a vehicle approaching a yield sign shall yield the right-of-way to any vehicles which have approached from another roadway, or which are approaching so closely as to constitute an immediate hazard, and shall continue to yield the right-of-way to those vehicles until it is reasonably safe to proceed.

- c. **Vehicle approaching marked crossing**  
The driver of a vehicle shall yield the right-of-way to a person or horseback rider crossing the roadway at a marked crossing.

**§703. Vehicle entering roadway from alley, private road, or driveway**

The driver of a vehicle about to enter or cross a roadway from an alley, private road, or driveway shall yield the right-of-way to all closely approaching vehicles and pedestrians.

**§704. Duty upon approach of authorized emergency vehicle**

- a. Upon the approach of an authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light, the surrounding traffic shall make all efforts to safely yield the right-of-way.
- b. The driver of a vehicle shall yield the right-of-way and shall immediately drive to the right-hand edge or curb of the roadway, clear of any intersection, stop and remain stopped until the authorized emergency vehicle has passed.
- c. Pedestrians upon the roadway shall proceed to the nearest curb or place of safety and remain there until the authorized emergency vehicle has passed.

***Subchapter 7. Driving, Overtaking, and Passing***

**§720. Driving on the right**

Where practicable, a vehicle shall be driven upon the right half of the roadway except when overtaking and passing another vehicle proceeding in the same direction.

**§721. Driving on roadways laned for traffic**

When a roadway has been divided into two or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.

**§722. Overtaking and Passing**

- a. **Overtaking on the left**
  - i. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass on the left at a safe distance and without interfering with the safe operation of the overtaken vehicle.
  - ii. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe movement of surrounding traffic.
- b. **Overtaking a vehicle on the right**  
The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

- i. When the vehicle overtaken is making or about to make a left turn.
  - ii. Upon a roadway within a business or residence district with unobstructed pavement of sufficient width for two or more lines of moving vehicles in the direction of travel.
  - iii. Upon a one-way street.
  - iv. Upon a roadway divided into two roadways where traffic is restricted to one direction upon each of such roadways.
- c. **Duty of overtaken vehicle**  
Except when passing on the right is permitted, the driver of an overtaken vehicle shall safely move to the right-hand side of the roadway in favor of the overtaking vehicle after an audible signal or a momentary flash of headlights by the overtaking vehicle, and shall not increase the speed of the vehicle until completely passed by the overtaking vehicle. The driver of an overtaken vehicle need not drive on the shoulder of the roadway in order to allow the overtaking vehicle to pass.

**§723. Following too closely**

The driver of a vehicle shall not follow another vehicle more closely than is reasonable, having due regard for the speed of the vehicle and the conditions of the roadway.

**§724. Additional Driving Rules**

- a. **Obstruction of driver's view or control**  
No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons 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 Coasting**  
The driver of a motor vehicle when traveling on down grade upon any roadway shall not coast with the gears of the vehicle in neutral.
- c. **Passenger Seating**  
No person driving a motor vehicle shall knowingly permit any person to ride upon any portion of the vehicle not designed or intended for the use of passengers.

***Subchapter 8. Turning and Turning Signals***

**§740. Required position and method of turning at intersections**

- a. **Right turns**  
The approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.
- b. **Left turns**  
The approach for a left turn and a left turn shall be made as close as practicable to the left-hand edge of the extreme left-hand lane or portion of the roadway lawfully available to traffic moving in the direction of travel. When turning at an intersection, the left turn shall not be made before entering the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in that direction upon the roadway being entered.

- c. **Additional turn lanes**  
Where an additional lane is marked for a right or left turn by appropriate signs or markings, the driver of a vehicle may turn right or left from any lane designated and marked for that turning movement.
- d. **U-turns**  
The approach for a U-turn shall be made from the far left-hand lane lawfully available to traffic moving in the direction of travel from which the turn is commenced.

**§741. Safety and required signals**

No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal.

- a. **Signal required**
  - i. A signal of intention to turn right or left shall be given continuously during the last one hundred feet (100 ft.) traveled by the vehicle before turning.
  - ii. No person shall stop or suddenly decrease the speed of a vehicle on a roadway without first giving an appropriate signal when there is opportunity to give the signal.
- b. **Signal device**  
Stop and turn signals shall be given by hand and arm or by signal lamp.
- c. **Hand and arm signals**  
All required signals given by hand and arm shall be given from the left side of a vehicle in the following manner:
  - i. Left turn – hand and arm extended horizontally.
  - ii. Right turn – hand and arm extended upward. A bicyclist may extend the right hand and arm horizontally to the right side of the bicycle.
  - iii. Stop or sudden decrease of speed – hand and arm extended downward.
- d. **Schoolbus**
  - i. On approach to a schoolbus stop where pupils are loading or unloading from a schoolbus, the driver of the schoolbus shall activate an approved flashing amber light warning system, if the schoolbus is so equipped, beginning 200 feet (200 ft.) before the schoolbus stop.
  - ii. The driver of a vehicle, upon meeting or overtaking, from either direction, a schoolbus that is stopped for the purpose of loading or unloading any schoolchildren and displays a flashing amber light warning system shall bring the vehicle to a stop immediately before passing the schoolbus and shall not proceed past the schoolbus until the flashing light ceases operation.

***Subchapter 9. Stopping, Standing, or Parking***

**§760. Stopping, standing, or parking on the roadway**

Upon any roadway outside of a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the roadway when it is practicable to stop, park or leave the vehicle off that part of the roadway.

**§761. Stopping, standing or parking in specified places**

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

- a. On a sidewalk;
- b. In front of a public or private driveway;
- c. Within an intersection;
- d. Within twenty feet (20 ft.) of a fire hydrant
- e. On a crosswalk;
- f. Within thirty feet (30 ft.) of a crosswalk at an intersection;
- g. Within thirty feet (30 ft.) upon the approach to any flashing beacon, stop sign, yield sign or traffic-control sign located along the side of the roadway;
- h. Between a safety zone and the adjacent curb or within thirty feet (30 ft.) of points on the curb immediately opposite the ends of a safety zone, unless local authorities indicate a different length by signs or markings;
- i. Within fifty feet (50 ft.) of the nearest rail or railroad crossing, except while a motor vehicle with automotive power is loading or unloading railroad cars;
- j. Within thirty feet (30 ft.) of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within seventy-five feet (75 ft.) of the entrance when properly posted;
- k. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- l. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- m. Upon any bridge or other elevated structure upon a roadway or within a roadway tunnel;
- n. At any place where official signs prohibit standing or stopping; or
- o. At any parking space designated for disabled persons.

**§762. Officers may remove illegally stopped vehicles**

- a. **Vehicle standing upon a roadway**  
When a peace officer finds a vehicle standing upon a roadway in violation of the HVTC, the officer may move the vehicle, or require the driver or other person in charge of the vehicle to move it to a position off the main-traveled part of the roadway.
- b. **Vehicle standing and obstructing normal movement of traffic**  
A peace officer may remove or cause to be removed to a place of safety an unattended vehicle illegally left standing upon a roadway that obstructs the normal movement of traffic.

**§763. Position of parked vehicle**

Unless otherwise posted, a vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of the vehicle parallel and within eighteen inches (18 in.) of the right hand curb.

**§764. Parking privileges for physically disabled**

Any disabled person or disabled veteran displaying special identification license plates or a distinguishing placard issued under tribal, state or federal law, shall be allowed to park for unlimited periods in any of the following zones:

- a. In any parking zone that is restricted as to the length of time parking is permitted as indicated by a sign erected pursuant to a local ordinance.
- b. In any metered parking space without being required to pay any parking meter fees.

**Subchapter 10. Pedestrian's Rights and Duties**

**§780. Pedestrians subject to traffic regulations**

Pedestrians shall obey traffic control signs and shall, where practicable, cross the roadway in marked crossings.

**§781. Pedestrian's right-of-way in crosswalks**

- a. Within crosswalks and at unmarked crosswalks at an intersection, the driver of a vehicle shall yield the right-of-way, slow down or stop if necessary, to allow a pedestrian to cross the roadway within a crosswalk when the pedestrian is upon the same half of the roadway as the vehicle, or when the pedestrian is close enough on the other side to be in danger.
- b. Whenever any vehicle has stopped at a marked crosswalk or at any unmarked crosswalk to permit a pedestrian to cross the roadway the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

**§782. Crossing not at a crosswalk**

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.

**§783. Pedestrian's duty to move safely**

All pedestrians shall exercise due caution and reasonable care when walking adjacent to the roadway. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

**Chapter 7. Public Offenses**

Section

800. Offenses
801. Classification of public offenses
802. Public offense sanctions
803. Seizure of security
804. Parties to offense
805. Procedures upon arrest
806. Obedience to peace officers
807. Unlicensed drivers
808. Flight from law enforcement
809. Racing on roadways
810. Throwing objects at moving vehicles
811. Driving while drinking

- 812. Open containers
- 813. Reckless driving
- 814. Driving under the influence
- 815. Failure to appear or to pay a public offense fine

**§800. Offenses**

It shall be a public offense to violate any provision of this Chapter.

**§801. Classification of public offenses**

The Court shall have the discretion to classify a public offense as a felony, misdemeanor, petty misdemeanor or civil infraction.

**§802. Public offense sanctions**

A person who commits a public offense shall be subject to a public offense fine of up to five thousand dollars (\$5000), community service, exclusion, mandatory traffic safety or alcohol abuse classes, or any combination of the preceding sanctions.

**§803. Seizure of security**

A peace officer, citing a defendant pursuant to this Chapter, may seize such property in the possession of the defendant as the officer deems reasonably necessary to secure payment of any public offense fine which may be levied upon the defendant upon conviction of the public offense. The officer shall, at the time of seizure, give to the defendant a receipt accurately describing the items seized.

**§804. Parties to offense**

A person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any public offense, is guilty of the offense. A person who falsely, fraudulently, forcibly or willfully induces, causes, requires or directs another to commit a public offense is guilty of the offense.

**§805. Procedures upon arrest**

A person arrested for a public offense may be released from custody after depositing a written promise to appear in court and bail, in an amount to be set by a judge or an agent of the judge, with the clerk of courts or an agent of the clerk of courts.

**§806. Obedience to peace officers**

No person shall willfully fail to comply with the lawful order, signal, or direction of a uniformed peace officer vested by law with authority to direct, control or regulate traffic.

**§807. Unlicensed drivers**

- a. No person shall drive a motor vehicle within the Hoopa Valley Reservation unless the person then holds a valid license to drive.
- b. **Sanction**  
A violation of this provision is punishable by a fine of not more than five hundred dollars (\$500).

**§808. Flight from law enforcement vehicle**

- a. No person shall operate a motor vehicle with the intent to evade a pursuing official law enforcement vehicle if:
  - i. The pursuing vehicle exhibits at least one lighted red lamp visible from the front and the person either sees or reasonably should have seen the lamp.
  - ii. The pursuing vehicle is operated by a uniformed peace officer.

- b. **Sanction**  
A violation of this provision is punishable by a fine of not more than five hundred dollars (\$500) and/or not more than twenty-four (24) hours of community service.

**§809. Racing on roadways**

- a. No person shall engage in any motor vehicle speed contest in which vehicles exceed the speed limit. As used in this provision, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device.
- b. **Sanction**
  - i. A first violation of this provision is punishable by a fine of not more than five hundred dollars (\$500) and/or not more than twenty-four (24) hours of community service.
  - ii. A second or subsequent conviction committed within a period of twenty-four (24) months is punishable by a fine of not more than five hundred dollars (\$500) and/or forty (40) hours of community service.

**§810. Throwing objects at moving vehicles**

- a. Any person who throws any substance at a moving vehicle or any occupant thereof is guilty of public offense.
- b. **Sanction**  
A conviction under this provision is punishable by a fine of not more than five hundred dollars (\$500) and/or forty (100) hours of community service.

**§811. Drinking while driving**

- a. No driver or passenger shall drink any alcoholic beverage while in a motor vehicle upon a roadway.
- b. **Sanction**  
A violation of this provision is punishable by a fine of not more than five hundred dollars (\$500) and/or not more than twenty-four (24) hours of community service.

**§812. Open containers**

- a. No driver or passenger shall possess, while in a motor vehicle upon a roadway, an opened container containing an alcoholic beverage, unless the container is kept in the trunk of the vehicle. If the vehicle is not equipped with a trunk, the container shall be kept in some other area of the vehicle that is not normally occupied by the driver or passengers.
- b. **Sanction**  
A violation of this provision is punishable by a fine of not more than five hundred dollars (\$500) and/or not more than twenty-four (24) hours of community service.

**§813. Reckless driving**

- a. No person shall operate a vehicle in willful or wanton disregard for the safety of persons or property.
- b. **Sanction**

- i. A first violation of this provision is punishable by a fine of not more than five hundred dollars (\$500) and/or not more than twenty-four (24) hours of community service.
- ii. A second or subsequent conviction committed within a period of twenty-four (24) months is punishable a fine of not more than five hundred dollars (\$500) and/or forty (40) hours of community service.

**§814. Driving under influence**

- a. No person shall drive a vehicle under the influence of any alcoholic beverage or drug.
- b. **Under the influence**
  - i. It is unlawful for any person who has 0.08 percent or more, by weight, of alcohol in his blood to drive a vehicle.
  - ii. For purposes of this article, percent, by weight, of alcohol in a person's blood is based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. In any prosecution under this provision, it is a rebuttable presumption that the person had 0.08 percent or more, by weight, of alcohol in his blood at the time of driving the vehicle, if the person had 0.08 percent or more, by weight, of alcohol in his blood at the time of the performance of a chemical test within three hours after the driving.
- c. **Implied consent to chemical test**  
Any person who operates a vehicle within the Hoopa Valley Reservation and is arrested for any offense alleged to have been committed under the influence of any alcoholic beverage or drug, shall be deemed to have given consent to a chemical test of his breath, blood, or urine to determine the alcohol or drug content of his blood.
- d. **Refusal to submit to chemical test**  
Any person who refuses to submit to a chemical test as required in (b) shall be presumed to have been operating the vehicle under the influence of an alcoholic beverage or drug.
- e. **Performance of tests**
  - i. Only a licensed physician, surgeon, registered nurse, licensed vocational nurse, duly licensed clinical laboratory technologist or clinical laboratory bioanalyst, or certified paramedic acting at the request of a peace officer may withdraw blood for the purpose of determining the drug or alcoholic content. This limitation does not apply to the taking of breath specimens.
  - ii. The following shall not be held liable in any civil or criminal action for assault, battery, false imprisonment or any conduct of any peace officer, except for negligence:
    - a. A licensed physician, surgeon, registered nurse, licensed vocational nurse, duly licensed clinical laboratory technologist or clinical laboratory bioanalyst, certified paramedic and any assistants acting at the request of a peace office.
    - b. A hospital wherein blood is withdrawn at the request of a peace officer.



- iii. An emergency call for paramedic services takes precedence over a peace officer's request for a paramedic to withdraw blood for determining its alcoholic content.
  
- f. **Additional tests**  
The person tested shall be given an opportunity to arrange for a licensed physician, surgeon, registered nurse, licensed vocational nurse, duly licensed clinical laboratory technologist or clinical laboratory bioanalyst, or certified paramedic of his own choosing to perform a chemical test in addition to any test performed at the direction of a peace officer.
  
- g. **Costs of tests**  
The Hoopa Valley Tribe shall pay the costs of tests conducted at the request of a peace officer. A person who exercises the right to have an additional chemical test performed by a person of his choosing shall pay the cost of the test.
  
- h. **Results of test**  
Upon the request of the person tested, full information concerning the test taken at the direction of the peace officer shall be made available to the person or the person's attorney.
  
- i. **Sanctions**
  - i. A first violation of this provision is punishable by a fine of not more than five hundred dollars (\$500) and/or not more than twenty-four (24) hours of community service. The court may also require the offender to attend traffic safety or alcohol abuse classes at the offender's own expense.
  
  - ii. A second conviction is punishable a fine of not more than five hundred dollars (\$500) and/or not more than forty (40) hours of community service. The court may also require the offender to attend traffic safety or alcohol abuse classes at the offender's own expense.
  
  - iii. A third or subsequent violation of this section within a period of thirty-six (36) months is punishable by a fine of not more than five hundred dollars (\$500) and/or not more than eighty (80) hours of community service. The court may also require the offender to attend traffic safety or alcohol abuse classes at the offender's own expense.

**§815. Failure to appear or to pay a public offense fine**

- a. Any person willfully violating a written promise to appear or a lawfully granted continuance of a promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a public offense regardless of the disposition of the original charge.
  
- b. Any person willfully failing to pay a lawfully imposed fine for a violation of any provision of this code within the time authorized by the court and without lawful excuse having been presented to the court is guilty of a public offense regardless of the full payment of the fine after such time.
  
- c. **Sanction**  
A violation of this provision is punishable by a fine of not more than five hundred dollars (\$500) and/or not more than twenty-four (24) hours of community service

## **Chapter 8. Registration and Hoopa Valley Tribal License Plates**

### Section

- 900. Central Registry
- 901. License Plates

#### **§900. Central Registry**

The Hoopa Valley Tribe shall, when sufficient funds are available, establish and operate a central registry for motor vehicles domiciled on the Hoopa Valley Reservation.

#### **§901. License Plates**

Each motor vehicle registered at the central registry shall be eligible to receive two Hoopa Valley Tribal license plates.

## **Chapter 9. Sovereign Immunity**

#### **§1000. Sovereign Immunity**

No provision of the Hoopa Valley Traffic Code shall be understood as a waiver of Tribal sovereign immunity.

## **Chapter 10. Severability**

#### **§1100. Severability**

Invalidation of any provision of the Hoopa Valley Traffic Code shall not affect the validity of remaining provisions.

## **Chapter 11. Effective Date**

#### **§1200. Effective Date**

The Hoopa Valley Traffic Code shall take effect immediately after it is signed into law.

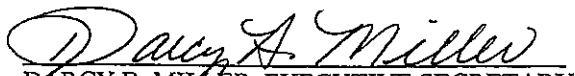
### **CERTIFICATION**

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council, do hereby certify: that the Hoopa Valley Tribal Council is composed of eight members, of which seven (7) were present, constituting a quorum, at a Regular Meeting thereof, duly and regularly called, noticed, convened, and held this 20th day of March, 2003; that this Ordinance was adopted at said meeting by a vote of six (6) for and none (0) against; and that since its adoptions this Ordinance has not been altered, rescinded, or amended in any way.

DATED THIS 20<sup>TH</sup> DAY OF MARCH, 2003.

  
CLIFFORD L. MARSHALL, CHAIRMAN  
HOOPA VALLEY TRIBAL COUNCIL

ATTEST:

  
DARCY B. MILLER, EXECUTIVE SECRETARY  
HOOPA VALLEY TRIBAL COUNCIL

**Subchapter - Enforcement**

**Fines.**

The following schedule of fines applies to the civil traffic infractions enumerated in this Chapter. If a "yes" appears under "mandatory appearance," the person must appear before the Court for a hearing and cannot pay the fine in lieu of that Court appearance.

STATUTE	INFRACTION	FINE	MANDATORY APPEARANCE
§ 502	Accident resulting only in injury to property, Duty to Stop and Notify	Civil Infraction Up to \$500.00	Yes
§ 503	Accidents Resulting in Death or Personal Injuries: Duty to Stop, notify police, and render aid	Public Offense Up to \$5,000.00	
§ 601	<b>CIVIL PENALTIES</b> Up to \$500.00 for any fine not stated in §601 through §799	See § 601 civil penalty up to \$500.00 If not listed otherwise.	
§ 620	Possession valid driver license		
§ 621	Valid state/tribal license plates		o
§ 640	Equipment and Safety		
§ 641	Lighting equipment, brakes, tires, size weight, and load		
§ 642	Mufflers	\$	
§ 643	Windshields and car windows	\$	
§ 644	Mirrors		
§ 645	Horns and Warning Devices		

§ 646	Stopped Vehicles not to impede traffic or jeopardize safety		
§ 647	Emergency signals; stopped or parked vehicles		
§ 648	Safety belts	See § 648(b)	
§ 649	Child safety restraints	See § 649 (b)	
§ 650	Unattended child in motor vehicle	See § 650(b)	
§ 651	Motorcycles, drivers, passengers, helmets		
§ 660	Obedience to traffic signs, signals, and markings		
§ 662	Display of unauthorized signs, signals, or markings		
§ 680	Speed regulation		
§ 681	Classification of speed violations	See § 681 may classify as civil offense or as public offense.	Yes
§ 700	Right of way.		
§ 701	Vehicle turning left or completing U-turn		
§ 702	Vehicles entering stop or yield intersection or approaching a designated crossing		
§ 703	Vehicle entering roadway from alley, private road, or driveway		
§ 704	Duty upon approach of emergency vehicles		

§ 720	Driving on the right		
§ 721	Driving on roadways laned for traffic		
§ 722	Overtaking and passing		
§ 723	Following too closely		
§ 724	Obstruction of drivers view or control, coasting, passenger seating		
§ 740	Right turns, left turns, additional turn lanes, U-turns, at intersections		
§ 741	Safety signals required, signal device, hand and arm signals, school bus		
§ 760	Stopping, standing, or parking on the roadway		
§ 761	Stopping, standing or parking in specified places		
§ 763	Position of parked vehicle		

§ 764	Parking privileges for physically disabled	\$	
§ 780	Pedestrians subject to traffic regulations		
§ 781	Pedestrian's right of way in crosswalks		
§ 782	Crossing not at a crosswalk		
§ 783	Pedestrian's duty to move safely		
§ 802	<b>PUBLIC OFFENSE SANCTIONS</b> Up to \$5,000.00 and other sanctions i.e. community service, exclusion, AA classes, traffic safety class or any combination thereof.	See § 802 Unless otherwise listed.	
§ 807	Unlicensed drivers	See § 807(b)	
§ 808	Flight from law enforcement vehicle	See § 808(b):	
§ 809	Racing on roadways	See § 809(b):	
§ 810	Throwing objects at moving vehicles	See § 810(b):	

§ 812	Open containers	See § 812(b).	
§ 813	Reckless driving	See § 813(b):	
§ 814	Driving under the influence	See § 814(i)	
§815	Failure to appear and/or failure to pay fine	See § 815(c)	

**Record of Traffic Charges.**

The Court shall keep or cause to be kept a record of every notice of civil traffic infraction or other legal form of traffic charge deposited with the Court and shall keep a record of every official action the Court takes in relation to the civil traffic infraction or other traffic charge.