

BISHOP PAIUTE TRIBE
TITLE 7.– HEALTH AND SAFETY
CHAPTER 7.7– TRAFFIC AND MOTOR VEHICLE CODE

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Section 1. Findings and Purpose

The peace and security of all tribal members, guests and visitors of the Bishop Paiute Reservation (“Reservation”) shall be preserved and protected by the Bishop Paiute Tribe (“Tribe”). It is the policy of the Tribe that all persons on the Reservation are entitled to the peaceful and tranquil pursuit of their lifestyles, and safe travel on all roadways on the Reservation. The passage of this Code is in furtherance of that policy.

After careful study and evaluation the Bishop Paiute Tribal Council (“Tribal Council”), as the governing body of the Tribe, finds that in order to protect the health, safety and welfare of the tribal community and of all persons who use the roadways within the jurisdiction of the Bishop Paiute Indian Reservation (“Reservation”) passage of this Code is necessary and will provide for fair and efficient disposition of civil traffic infractions.

Section 2. Authority and Jurisdiction; Appeals and Rules of Court

The Tribe shall exercise its sovereign authority and jurisdiction under this Code to regulate traffic and motor vehicles on all lands, rights-of-way, easements, streets, alleys, highways or other roadways within the Reservation as a matter of tribal law. Once this Code is adopted by the Bishop Paiute Tribal Council, it shall be known as the “Traffic and Motor Vehicle Code.”

The Bishop Paiute Tribal Court (“Tribal Court”) shall have jurisdiction over all civil infractions and violations issued under this Code. All rulings from the Tribal Court are final and not be subject to appeal. The Bishop Paiute Tribe Rules of Court are applicable to this Code as established and amended by the Bishop Paiute Tribal Court under the authority given in the Bishop Paiute Tribal Court Ordinance No. 2003-03.

Section 3. Driving is a Privilege

The operation of a motor vehicle, non-street legal vehicle, or bicycle on the Reservation is a privilege which may be granted, denied, suspended or revoked by the Tribe.

Section 4. Definitions

The following terms, when used in this Code shall have the meanings ascribed to them in this Section, except where context clearly indicates a different meaning:

- A. “Bicycle” means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels. Persons riding bicycles are subject to the provisions of this Code specified in Section 22 and any other enumerated provision including Bicycles.
- B. “Driver” means any person who is the operator of a vehicle or is in physical control of a vehicle.
- C. “Emergency Vehicle” means any vehicle used by a Fire Department, Law Enforcement Department, Sheriff’s Department, California Highway Patrol, or ambulance.
- D. “Infraction”, means an action or in-action taken by a person that does not comply with a provision of this Code and may be used interchangeably with “Violation.”
- E. “Motor Vehicle” or “Vehicle” includes street licensed motorcycles as defined below, trucks, cars, automobiles, buses, sports utility vehicles (aka SUV’s), and all other forms of motorized transportation not included in the definition of non-street legal vehicle below.
- F. “Motorcycle” means every street legal motor vehicle having a seat for the use of the rider and designed to travel

on not more than three (3) wheels in contact with the ground, excluding mopeds and farm vehicles.

- G. "Non-Street Legal Vehicle" means a vehicle that may not be legally driven on a California roadway, highway or street and includes but is not limited to: off-highway motorcycles, pocket bikes, motorized bicycles or mopeds, golf carts, motorized quad and all-terrain vehicle (aka ATV).
- H. "Owner" means the person who has lawful right of possession of a vehicle.
- I. "Park or parking" means to stop and keep standing a vehicle for a time other than for the purpose of temporarily loading or unloading.
- J. "Pedestrian" means any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.
- K. "Right-of-way" means the privilege of the immediate use of the roadway.
- L. "Roadway" means a place or way of whatever nature publicly maintained and open to the use of the public for the purpose of vehicular travel, including but not limited to alleys, easements, streets, highways, and roadways.
- M. "Traffic" means pedestrians, ridden or herded animals, vehicular conveyances, vehicles, non-street legal vehicles, either singly or together, while using a roadway for purpose of travel.
- N. "Tribal Court" and "Court" means Bishop Paiute Tribal Court.
- O. "Tribal Police" mean any and all officers of the Bishop Paiute Tribal Police Department.

Section 5. Officers to Enforce; Tribal Police Duty and Authority

- A. Officers that May Enforce This Code.** The Bishop Paiute Tribal Police Department and any of its officers, or law enforcement officers commissioned by the United States Government, shall have the authority to enforce the provisions of this Code and shall be included and referenced in this Code as "Tribal Police."
- B. Duty of Tribal Police.** It shall be the duty of Tribal Police to enforce this Code and all implementing rules and regulations.
- C. Authority to Issue Citation of Infraction.** Tribal Police have the authority to issue a civil citation for a traffic infraction for a violation of this Code as provided for under this subsection:
 - 1. When the violation occurs in Tribal Police presence;
 - 2. When Tribal Police are investigating the scene of an accident have reasonable cause to believe a civil traffic infraction has been committed; or
 - 3. When Tribal Police discover an unattended vehicle or non-street legal vehicle parked, stopped, or standing in violation of any provision of this Code, in which event the Tribal Police shall affix a citation of the infraction in plain view on the vehicle or non-street legal vehicle.

Section 6. Exemption of Authorized Emergency Vehicles

The driver of an authorized emergency vehicle is exempt from this Code if the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm, except that fire department vehicles are exempt whether directly responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of an emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call.

Section 7. Vehicle Registration and License Plates

A. Registrations Required

No person shall drive, move or leave standing upon a roadway or in an off roadway parking facility any motor vehicle which requires registration unless the fees have been paid and are current.

B. Possession of Vehicle Registration Card

1. The driver of a motor vehicle shall present the registration or identification card or other evidence of registration of any and all motor vehicles under their immediate control for examination upon demand of Tribal Police.
2. No person shall display upon a motor vehicle, nor present to Tribal Police, any registration card, identification card, temporary receipt, license plate, device or permit not issued for that vehicle.

C. Display of License Plates

1. When two license plates are issued by the Department of Motor Vehicles for a vehicle, they shall be attached to the vehicle for which they are issued, one to the front and the other in the rear, unless a valid reason, as determined by Tribal Police, is accepted.
2. It is unlawful to operate a motor vehicle displaying license plates not assigned to that vehicle.
 - a. Inadvertent erroneous placement of a license plate assigned to a different vehicle also registered to the same cited party is eligible for Proof of Correction (POC).
 - b. Placement of a license plate on a vehicle to which it is not assigned, and was not assigned to another vehicle owned or registered to the cited party is not eligible for proof of correction.

D. Positioning of License Plates

License plates shall at all times be securely fastened to the vehicles for which they are issued and be clearly visible. License plates shall be maintained in a condition so that they are clearly legible. Neither the rear plate nor the front plate shall be less than 12 inches nor more than 60 inches from the ground.

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E. Registration Tabs Displayed on License Plate

The current year tab and a valid month tab shall be attached to the rear license plate assigned to the vehicle for which they are issued.

1. Inadvertent erroneous placement of a tab assigned to a different vehicle also registered to the cited party is eligible for Proof of Correction (POC).
2. Placement of a tab assigned to another vehicle that is not owned or registered to the cited party is not eligible for proof of correction.

Section 8. Drivers License and Privileges

A. Driving While Unlicensed

A person may not drive a motor vehicle upon a roadway, unless the person holds a valid driver's license, learner's permit, or an endorsement

B. Drivers License in Possession

1. The driver of a motor vehicle shall have their valid driver's license issued to them in their immediate possession at all times when driving a motor vehicle.
2. The driver of a motor vehicle shall present their license for examination upon demand of Tribal Police enforcing the provisions of this Code.

C. Driving While License is Suspended or Revoked

No person shall drive a motor vehicle when their driving privilege is suspended or revoked for any reason by the Tribe or any State.

D. Permitting Unlicensed Minor to Drive.

No person shall cause or knowingly permit a minor (under the age of 18) or minor employee to drive a motor vehicle upon the roadways unless such child or ward is licensed or has a valid temporary learners permit.

E. Unlawful Use of Driver's License

1. For purposes of this subsection, "driver's license" includes a temporary permit to operate a motor vehicle.
2. It is unlawful for any person:
 - a. To display or cause or permit to be displayed or have in their possession any canceled, revoked, suspended, fictitious, fraudulently altered, or fraudulently obtained driver's license;
 - b. To lend their driver's license to any other person or knowingly permit the use thereof by another;

- c. To display or represent any driver's license not issued to them as being their license;
- d. To fail or refuse to surrender to Tribal Police upon its lawful demand any driver's license which has been suspended, revoked or canceled;
- e. To permit any unlawful use of a driver's license issued to them;
- f. To do any act forbidden or fail to perform any act required by this subsection;
- g. To photograph, photostat, duplicate, or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in their possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of this Code.
- h. To alter any driver's license in any manner not authorized by this Code.

Section 9. Financial Responsibility and Responsibilities Upon Collision

A. Proof of Insurance

Upon the demand of Tribal Police, every person who drives a motor vehicle upon a roadway shall provide evidence of financial responsibility for the vehicle that is in effect at the time the demand is made. However, Tribal Police shall not stop a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of this subsection.

B. Responsibilities Upon Collision

It is unlawful for any person driving or operating a motor vehicle, non-street legal vehicle, or bicycle, who is involved in a collision, involving another motor vehicle, non-street legal vehicle, motorcycle, bicycle, real or personal property, to fail to do any of the following:

1. Immediately stop;
2. If anyone is injured, to fail to render reasonable aid, and summon emergency assistance as reasonably necessary;
3. To fail to provide their true name, mailing address, telephone number, driver's license number, date of birth, vehicle registration information, license plate number, insurance information, and allow the other party or parties involved in the collision to have the reasonable opportunity to take photographs of the driver, the driver's vehicle including the license plate and any damage to the vehicle;
4. If the other driver, registered owner, property owner, or person entitled to possession of the damaged vehicle or property is not present at the scene of the collision, to fail to make reasonable efforts to promptly notify said person(s), and provide the information required in subsection "3" above; and

5. Notwithstanding good faith reasonable efforts, if the driver is unable to comply with subsections 3 and 4 above, to fail to promptly make a report to the Bishop Paiute Tribal Police Department;

C. Unlawful False Identification Upon Collision

It is unlawful for anyone to falsely identify themselves or provide false identification to the other party or parties involved in any collision.

D. Federal and State Law Implications

Complying with the obligations provided herein, does not necessarily constitute compliance with state and/or federal law.

Section 10. Rules of the Road

A. Traffic Signs, Signals and Markings

The driver of any vehicle and any non-street legal vehicle shall obey the instructions of any official traffic sign, signal and marking placed within the jurisdiction of the Tribe, unless otherwise directed by Tribal Police, other law enforcement officer, Flagger, or Firefighter.

B. Double Yellow Lines

When double parallel solid lines are in place on the roadway surface, no person driving a vehicle or non-street legal vehicle shall drive to the left thereof, except as permitted by law.

C. Stop Signs and Requirements

1. The driver of any motor vehicle or non-street legal vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, or otherwise before entering the crosswalk on the near side of the intersection.
2. If there is no limit line or crosswalk, the driver of the vehicle or non-street legal vehicle shall stop at the entrance to the intersecting roadway.

Section 11. Driving, Overtaking and Passing

A. Drive on Right Side of Roadway

Upon all roadways, a motor vehicle or non-street legal vehicle shall be driven upon the right half of the roadway, except,

1. When placing a vehicle or non-street legal vehicle in a lawful position for, and when the vehicle or non-street legal vehicle is lawfully making, a left turn;
2. When the right half of a roadway is closed to traffic under construction or repair;
3. Upon a roadway restricted to one-way traffic;

4. When the roadway is not of sufficient width.

B. Overtake and Pass

1. The following rules shall govern the overtaking and passing of vehicles and non-street legal vehicle proceeding in the same direction:
 - a. A driver may overtake and pass another vehicle or non-street legal vehicle only while traveling on the left side of the road and shall not return to the right side of the road until safely clear of the overtaken vehicle or non-street legal vehicle;
 - b. A driver may overtake and pass another vehicle or non-street legal vehicle only when the left side of the road is clearly visible and free of oncoming traffic; and
 - c. No vehicle or non-street legal vehicle shall be driven on the left side of the road when approaching the crest of a grade, a curve, or where markings are in place to define a no passing zone.
2. All passing shall be done in a safe manner.

C. Overtake and Pass on the Right

The driver of a motor vehicle or non-street legal vehicle may overtake and pass another vehicle upon the right only when necessary and under conditions permitting such movement in safety.

Section 12. Right-of-Ways

A. Right-of-Way at Intersections

1. The driver of a motor vehicle or non-street legal vehicle approaching an intersection shall yield the right-of-way to any vehicle or non-street legal vehicle which has entered the intersection from a different roadway.
2. When two motor vehicles or non-street legal vehicles enter an intersection from different roadways at the same time, the driver of the vehicle or non-street legal vehicle on the left shall yield the right-of-way to the vehicle or non-street legal vehicle on their immediate right, except that the driver of any vehicle or non-street legal vehicle on a terminating roadway shall yield the right-of-way to any vehicle or non-street legal vehicle on the intersecting continuing roadway.

B. Left Turn and U-turn Right-of-Way

1. The driver of a motor vehicle or non-street legal vehicle intending to turn to the left or to complete a U-turn upon a roadway, or to turn left into public or private property, shall yield the right-of-way to all vehicles or non-street legal vehicles approaching from the opposite direction which are close enough to constitute a hazard at any time during the turning movement, and shall continue to yield the right-of-way to the approaching vehicles or non-street legal vehicle until the left turn or U-turn can be made with reasonable safety.

2. A driver having yielded as prescribed in subsection (1) above, and having given a signal when and as required by this Code, may turn left or complete a U-turn, and the drivers of vehicles or non-street legal vehicle approaching the intersection or the entrance to the property or roadway from the opposite direction shall yield the right-of-way to the turning vehicle or non-street legal vehicle.

C. Right-of-Way at Stop Signs and Intersection

1. The driver of any motor vehicle or non-street legal vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop as required by Section 10(C). The driver shall then yield the right-of-way to any vehicles or non-street legal vehicle 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 or non-street legal vehicles until they can proceed with reasonable safety.
2. A driver having yielded as prescribed in subsection (1) may proceed to enter the intersection, and the drivers of all other approaching vehicles or non-street legal vehicles shall yield the right-of-way to the vehicle or non-street legal vehicle entering or crossing the intersection.
3. This subsection does not apply where stop signs are erected upon all approaches to an intersection.

D. Entry onto a Roadway

1. The driver of any motor vehicle or non-street legal vehicle about to enter or cross a roadway from any public or private property, shall yield the right-of-way to all traffic, as defined in Section 4(M), approaching on the roadway close enough to constitute an immediate hazard, and shall continue to yield the right-of-way to that traffic until they can proceed with reasonable safety.
2. A driver having yielded as prescribed in subsection (1) may proceed to enter or cross the roadway, and the drivers of all other vehicles or non-street legal vehicle approaching on the roadway shall yield the right-of-way to the vehicle or non-street legal vehicle entering or crossing the intersection.

E. Right-of-Way to Authorized Emergency Vehicle

Upon the immediate approach of an authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light that is visible, under normal atmospheric conditions, from a distance of 1,000 feet to the front of the vehicle or non-street legal vehicle, the surrounding traffic shall, except as otherwise directed by Tribal Police, other law enforcement officer, Flagger, or Firefighter, do the following:

1. The driver of every other motor vehicle or non-street legal vehicle shall yield the right-of-way and shall immediately drive to the right-hand edge or curb of the roadway;
2. Clear any intersection, stop and remain stopped until the authorized emergency vehicle has passed.

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F. Right-of-Way at Crosswalk

1. The driver of a motor vehicle or non-street legal vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this Code.
2. This subsection does not relieve a pedestrian from the duty of using due care for their safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle or non-street legal 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.
3. The driver of a motor vehicle or non-street legal vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or non-street legal vehicle, or take any other action relating to the operation of the vehicle or non-street legal vehicle as necessary to safeguard the safety of the pedestrian.
4. Subsection (2) above does not relieve a driver of a vehicle or non-street legal vehicle from the duty of exercising due care for the safety of any pedestrian within any marked or unmarked crosswalk.

G. Pedestrian Outside of Crosswalk

1. Every pedestrian upon 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 or non-street legal vehicle upon the roadway so near as to constitute an immediate hazard.
2. The provisions of this subsection shall not relieve the driver of a vehicle or non-street legal vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

Section 13. Turning, Stopping, Following

A. Turning Upon a Roadway

The driver of any motor vehicle or non-street legal vehicle intending to turn upon a roadway shall do so as follows:

1. "Right Turns." Both the approach for a right-hand turn and a right-hand turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
2. "Left Turns." The approach for a left turn shall be made as close as practicable to the left-hand edge of the right-hand lane or portion of the roadway lawfully available to traffic moving in the direction of travel of the vehicle or non-street legal vehicle and, 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.

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B. Unsafe Parking and Unsafe Backing

No person shall stop and park a vehicle or non-street legal vehicle on a roadway, nor shall any person back a vehicle or non-street legal vehicle on a roadway until such movement can be made with reasonable safety.

C. Unsafe Turning and Required Signaling

No person shall turn a motor vehicle or non-street legal 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 in the event any other vehicle or non-street legal vehicle may be affected by the movement.

D. Approach of a School Bus

A driver of any motor vehicle or non-street legal vehicle, upon meeting or overtaking from either direction any school bus equipped with proper signs that is stopped for the purpose of loading or unloading school children and displays a flashing red light signal and stop signal, or holding a stop sign, visible from the front or rear, shall bring the vehicle or non-street legal vehicle to a stop immediately before passing the school bus and shall not proceed past the school bus until the flashing red light signal and stop arm cease operation.

E. Following Too Close

The driver of a motor vehicle or non-street legal vehicle shall not follow another vehicle or non-street legal vehicle more closely than is reasonable for the speed and travel conditions.

F. U-Turn

The driver of any motor vehicle or non-street legal vehicle shall not turn such vehicle or non-street legal vehicle so as to proceed in the opposite direction unless such movement can be made safely, without interfering with other traffic and without violating any other Section of this Code.

Section 14. Parking

A. Stopping or Parking Interference With Traffic on Roadway

1. No person shall stop, park or leave standing any vehicle or non-street legal vehicle so as to interfere with traffic on the travel portion of the road. This shall not apply to the driver of any vehicle or non-street legal vehicle which is disabled to the extent that it is impossible to avoid temporarily leaving the vehicle or non-street legal vehicle in such position, provided that the driver shall arrange for prompt removal of the vehicle or non-street legal vehicle.
2. No person shall stop, park, or leave standing any vehicle or non-street legal vehicle, except momentarily to pick up or unload a passenger:
 - a. In front of any driveway as to block for the owner;
 - b. Facing the wrong direction of the road;

- c. Within fifteen (15) feet of a fire hydrant;
- d. On any crosswalk or pedestrian path;
- e. On any sidewalk or drive on same;
- f. On any roadway when stopping or parking would obstruct the flow of traffic in any direction;
- g. In any area posted "No Parking";
- h. Fire Lane; or
- i. Any place where official signs or markings prohibit stopping, standing, or parking.

B. Curb and Roadway Surface Markings and Signs

1. Every driver of a motor vehicle and non-street legal vehicle shall obey any and all posted parking signs, and painted lines or curbs, including but not limited to the following markings, or may be fined for violations of this subsection. If not otherwise posted all fines shall be determined by the Tribal Court pursuant to the Traffic and Motor Vehicle Code Fine and Fee Schedule established by Tribal Council :
 - a. "Red" indicates no stopping, standing, or parking, whether the vehicle or non-street legal vehicle is attended or unattended; except that a bus may stop in a red zone marked or sign posted as a bus loading zone.
 - b. "Yellow" indicates stopping only for the purpose of loading or unloading passengers or freight for the time as may be specified.
 - c. "White" indicates stopping for either of the following purposes:
 - i. Loading or unloading of passengers for the time specified.
 - ii. Depositing mail.
 - d. "Green" indicates time limit parking as specified.
 - e. "Blue" indicates parking limited exclusively to the vehicles of disabled persons and disabled veterans. The vehicle must display in plain view on the dash a placard indicating the same with an applicable time limit or a license plate indicating the same.

Section 15. Speed and Speed Related Offenses

A. Basic Speed

1. No person shall drive a motor vehicle or non-street legal vehicle in excess of the posted speed limits within the jurisdiction of the Tribe or as designated by this Code for the particular district or location.

- a. Fines and/or fees may increase based the total miles per hour, MPH, a person is going over the posted speed limit in accordance with the Traffic and Motor Vehicle Code Fine and Fee Schedule established by Tribal Council.
2. No person shall drive a motor vehicle or non-street legal vehicle upon a roadway in a manner or at a speed greater than is reasonable and prudent having due regard for weather, visibility, the traffic on and in no event at a speed which endangers the safety of persons or property.

B. Reckless Driving

No person shall drive a motor vehicle or non-street legal vehicle upon a roadway or parking lot in a willful or wanton manner or with disregard for the safety of persons or property. A speed of 21 or more miles per hour over the speed limit shall in and of itself constitute a prima facie case of reckless driving.

C. Speed Contest and Exhibition of Speed

1. Speed Contests: No person shall engage in any motor vehicle or non-street legal vehicle speed contest on any roadway. As used in this subsection, a speed contest includes a race against another vehicle or non-street legal vehicle, against a clock or timing device.
2. Exhibition of Speed: No person shall engage in any exhibition of speed on a roadway, and no person shall aid or abet in any motor vehicle or non-street legal vehicle exhibition of speed on any roadway.

Section 16. Public Offenses

A. Enforcement Officers Obedience Required

It is unlawful to willfully fail or refuse to comply with any lawful order, signal or direction of Tribal Police or any other law enforcement officer.

B. False Identification and Information

It is unlawful for anyone to falsely identify themselves or provide false identification to a Tribal Police officer

C. Evading a Peace Officer

Any person who, while operating a motor vehicle or non-street legal vehicle with the intent to evade, willfully flee or otherwise attempts to elude pursuing Tribal Police or any other law enforcement officer (city, state, county or federal) is guilty of an infraction if all of the following conditions exist:

1. The Tribal Police or other law enforcement officer's motor vehicle is exhibiting at least one (1) lighted red lamp visible from the front and the person sees or reasonably should have seen the lamp.
2. The Tribal Police or other law enforcement officer's vehicle is sounding a siren; and
3. The Tribal Police or other law enforcement officer's vehicle is distinctly marked.

D. Driving Over a Fire Hose

No person shall drive or propel any vehicle or non-street legal vehicle or conveyance upon, over, or across, or in any manner damage any fire hose or chemical hose used by or under the supervision and control of any organized fire department. However, any vehicle or non-street legal vehicle may cross a hose provided suitable jumpers or other appliances are installed to protect the hose.

E. Vehicle Tampering

1. No person shall individually or in association with one or more other persons, willfully damage or tamper with a motor vehicle or non-street legal vehicle, the contents thereof, or break or remove any part of a vehicle or non-street legal vehicle without the consent of the owner.
2. If the motor vehicle under this subsection is a Tribal Police vehicle, other law enforcement or any other public safety vehicle the fine shall be set at a greater amount.

F. Malicious Mischief to Any Vehicle

No person shall with intent to commit any malicious mischief, or other crime, climb into or upon a vehicle or non-street legal vehicle whether it is in motion or at rest, nor shall any person attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a vehicle or non-street legal vehicle while the same is at rest and unattended, nor shall any person set in motion any vehicle or non-street legal vehicle while the same is at rest and unattended.

G. Prohibited Throwing Substances From or At a Vehicle, Depositing Substances on a Roadway, Mandatory Removing all Glass and Debris from Roadway, and Prohibited Throwing of Flammable Substances from a Vehicle

1. No person shall throw from or at any vehicle or non-street legal vehicle, or deposit upon any roadway or near the edge of such roadway any trash, glass, nails, tacks, wire, cans, bottles, or any substance likely to injure any person or animal or vehicle or non-street legal vehicle.
2. Any person removing a wrecked or damaged vehicle or non-street legal vehicle from a roadway shall remove any glass or other injurious substance dropped from the vehicle or non-street legal vehicle onto the roadway.
3. No person shall throw any flammable substance from a vehicle or non-street legal vehicle likely to start a fire or cause bodily injury.

H. Hazardous Materials

1. No person shall drive or park any vehicle containing hazardous material on the Reservation without prior approval of the Tribe or Tribal Police.
2. For purposes of this subsection, "hazardous material" means any substance, material or device posing an unreasonable risk to health, safety or property, including, but not limited to, explosives, flammable liquid,

liquefied petroleum gas or poisonous gas.

3. Hazardous material spills shall be reported to the Bishop Paiute Tribe Environmental Protection Office for deployment and team containment assistance.

I. Interfering with Driver or Mechanisms

1. No person shall willfully interfere with the driver of a motor vehicle or non-street legal vehicle or with the mechanism thereof in such manner as to affect the driver's control of the vehicle or non-street legal vehicle.
2. 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.

J. Obstructing Line of Sight Near Roadway

No person shall obstruct the line of sight of drivers or obstruct any roadway on the Reservation by placing any object within three (3) feet of a paved or dirt roadway.

Section 17. Alcohol and Drug Related Offenses

"Operate" or "Operating" for the purposes of this Section means being in physical control a motor vehicle or non-street legal vehicle including but not limited to occupying a vehicle with the key in the ignition. As noted above, driving is a privilege and any person driving on the Reservation must submit to any testing deemed necessary by Tribal Council or Tribal Police.

A. Driving Under the Influence

1. It is unlawful for any person who is under the influence of an alcoholic beverage or any drug, or under the combined influence of both, to drive or operate a vehicle or non-street legal vehicle.
2. Under this subsection it is unlawful for a person over the age of 21 years who has a blood-alcohol concentration of 0.08 percent or greater, as measured by any test deemed necessary by Tribal Council or Tribal Police, to drive or operate a vehicle or non-street legal vehicle. Results from a testing device, driving pattern, and observation of the offender during the Tribal Police investigation shall be sufficient evidence to substantiate a violation of this subsection.
3. It is unlawful for a person under the age of 21 years who has a blood-alcohol concentration of 0.01 percent or greater, as measured by any test deemed necessary by Tribal Council or Tribal Police, to drive or operate a vehicle or non-street legal vehicle.

B. Driving Under the Influence Causing Injury or Damage to Property

1. It is unlawful for any person, while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive or operate a vehicle or non-street legal vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the

motor vehicle or non-street legal vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.

2. It is unlawful for any person, while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive or operate a vehicle or non-street legal vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the motor vehicle or non-street legal vehicle, which act or neglect proximately causes property damage of another.
3. Tribal Police under the above circumstance shall detain all parties involved, request any needed medical services, secure the scene and notify the appropriate local authorities of any suspected violations of state or federal law and to ascertain any transports that may be necessary of any persons involved to local law enforcement.

C. Open Alcoholic Beverage Container; Possession of Drugs

1. No driver shall drink any alcoholic beverage, nor have an open alcoholic container, while driving or operating a motor vehicle or non-street legal vehicle on the Reservation.
2. No passenger shall drink any alcoholic beverage, or be in possession of an open alcoholic container, while in a motor vehicle or on a non-street legal vehicle being driven or in operation on the Reservation.
3. No person shall possess any illegal drug while driving or operating a motor vehicle or non-street legal vehicle on the Reservation.

D. Public Intoxication

No person shall be under the influence of alcohol, intoxicating liquor, any drug, controlled substance, toluene, or any combination thereof, and interfere with or obstruct or prevent the free use of any street, sidewalk, or other public way.

Section 18. Safety Restraints and Other Safety Requirements

A. Safety Belt Use Required

Each occupant of a motor vehicle manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standards shall have a safety belt properly fastened about their body at all times when the vehicle is in motion.

B. Child Safety Restraints

1. No driver may transport a child in a motor vehicle who is under the age of eight (8) years of age upon a roadway in a motor vehicle without providing and properly using, for each child, a child passenger restraint system meeting California law.
2. No parent or legal guardian, when present in a motor vehicle, shall permit their child or ward under the age of eight (8) years to be transported upon a roadway in the motor vehicle without providing and properly

using, for each such child or ward, a child passenger restraint system meeting California law.

C. Child Left Unattended in Vehicle

A parent, legal guardian, or other person responsible for a child who is 12 years of age or younger may not leave that child inside a motor vehicle without being subject to the supervision of a person who is 15 years of age or older, under either of the following circumstances:

1. Where there are conditions that present a significant risk to the child's health or safety.
2. When the vehicle's engine is running or the vehicle's keys are in the ignition, or both.

D. No Idling

All persons operating a vehicle or non-street legal vehicle shall obey all posted no idling areas, and shall not leave a vehicle or non-street legal vehicle idling for longer than ten (10) minutes at any time.

E. Animal Left Unattended in Vehicle

No animal shall be left unattended in a motor vehicle that exposes the animal to excessive heat or other conditions which would negatively impact the health and welfare of the animal.

F. No Riding in Back of Truck

1. No person driving a pickup truck or a flatbed motor truck on a roadway shall transport any person in or on the back of the truck except where the vehicle has seats placed in the bed of the truck with appropriate restraints and as desired during parades or special similar organized events on the Reservation.
2. No person shall ride in or on the back of a truck or flatbed motor truck driven on a roadway except as desired during parades or special similar organized events on the Reservation.

G. Animal Riding in Back of a Truck

No person driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load on the vehicle on a roadway unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage, in a manner which will prevent the animal from being thrown, falling, or jumping from the vehicle.

H. Use of Electronic Devices Not Permitted

No person shall drive or operate a motor vehicle or non-street legal vehicle while operating a handheld wireless telephone or other electronic wireless communications device unless such a telephone or device is equipped to be used by voice-operation and hands-free and it is used in that manner while driving.

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Section 19. Animal Hit & Run

- A. On the Reservation it is unlawful to hit an animal and fail to stop to render aid, and seek assistance or make contact with the owner.
- B. For the purpose of this Section an animal is defined as, but not limited to, a dog, cat, livestock, and any other animal including wildlife.
- C. The driver of a vehicle or non-street legal vehicle that stops to render aid, and seek assistance or attempt to make contact with an owner shall have fulfilled their obligation under this Section and shall not be held liable for any injuries or damages, absent exceptional circumstances.
 - 1. For the purposes of this Section attempts to contact the 2 closest residences to find the owner qualifies as an attempt to contact the owner, if the owner is contacted and informed of the incident that relieves any further duty under this Section. If the owner is not contacted then the driver must notify Tribal Police or local law enforcement.
 - 2. For the purposes of this Section if the owner is not contacted by the attempts outlined above, then the driver must call Tribal Police or local law enforcement to report the incident and seek assistance. The driver also has the option of calling Tribal Police or local law enforcement immediately without contacting local residences and attempting to find the owner.
- D. Exceptional circumstances include excessive speed, reckless driving, driving under the influence of alcohol or controlled substance, unlicensed driver or any other circumstance that may have prevented an accident.
- E. Should an animal require medical attention the owner shall have the right to file a small claims case with Tribal Court.

Section 20. Equipment of Vehicles

A. Equipment Required

No person shall drive any motor vehicle (except a motorcycle) on a Reservation roadway which does not have the following safety equipment in proper condition and adjustment:

- 1. **"Bumpers"**. Every motor vehicle shall be equipped with bumpers (2) maintained in good condition.
- 2. **"Headlights"**. Every motor vehicle shall be equipped with at least two (2) headlights. Which shall be maintained in working order.
- 3. **"Horn"**. Every motor vehicle shall be equipped with a horn in working condition.
- 4. **"Flasher lights"**. Every motor vehicle shall be equipped with flasher mechanisms for turn signals and used as vehicular hazard signals. In working order.
- 5. **"Muffler"**. Every motor vehicle shall be equipped with a muffler in good working condition.

6. **"Mirror".** Every motor vehicle shall be equipped with two mirrors so located as to reflect a view of the roadway at least two hundred (200) feet to the rear of the vehicle.
7. **"Parking brakes and service brakes".** Every motor vehicle shall be equipped with parking brakes adequate to hold the vehicle on any grade. Every motor vehicle must have service brakes adequate to control the movement of, and to stop and hold, such vehicle on any grade incident to its operation.
8. **"Reflectors."** Every motor vehicle shall be equipped with reflectors to be used for required warning devices if required for safety.
9. **"Stop lamps".** Every motor vehicle shall be equipped with at least two (2) tail lamps mounted on the rear, which shall emit a red light which shall be visible upon application of the service brakes.
10. **"Taillights."** Every motor vehicle shall be equipped with at least two (2) taillights mounted plainly visible from all distances within five hundred (500) feet of the rear.
11. **"Turn signals."** Every motor vehicle must be equipped with turn signal lights used to give a signal of intention to turn right or left by projecting a flashing white or amber light visible to the front and a flashing red or amber light visible to the rear.
12. **"Windshield".** Every motor vehicle shall be equipped with a front windshield in such condition as to permit the driver a clear view. Free from defects or cracks.
13. **"Windshield wipers".** Every motor vehicle shall be equipped with windshield wipers in good working order.

B. Bald Tires

Every motor vehicle shall be equipped with tires in safe operating condition. No tire shall have exposed cord, bumps, bulges, or knots, affecting the tire structure, or any condition that reasonably demonstrates that the tire is unsafe.

C. Use of Multiple-Beam Headlights

Whenever a motor vehicle is being operated on a roadway during the hours of "darkness," that is, any time from one-half hour after sunset to one-half hour before sunrise, and any other time when visibility is not sufficient to render clearly discernible any person or vehicle on the roadway at a distance of one thousand (1,000) feet, the driver shall use a beam sufficient to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to these requirements:

1. Whenever a driver of a motor vehicle approaches an oncoming vehicle within five hundred (500) feet, such driver shall use low beams.
2. Whenever a driver of a motor vehicle approaches another vehicle from the rear within three hundred (300) feet, such driver shall use low beams.

D. Vehicle Body Projections

The wheels, body, fenders, and bumpers of all vehicles shall be maintained without protrusions from the fenders, body or bumpers.

E. Material Obstructing Driver's View

1. No person shall drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows.
2. No person shall drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied in or upon the vehicle that obstructs or reduces the driver's clear view through the windshield or side or rear windows.
3. This subsection applies to a person driving a motor vehicle with the driver's clear vision through the windshield, or side or rear windows, obstructed by snow or ice.

F. Sound Amplification Devices

No driver of a vehicle shall operate, or permit the operation of, any sound amplification system which can be heard outside the vehicle from 100 or more feet when the vehicle is being operated upon a roadway, unless that system is being operated to request assistance, warn of a hazardous situation, or except as desired during parades or special similar organized events on the Reservation.

G. Unlawful Operation After Notice by Officer

No person shall operate any motor vehicle or combination of vehicles after notice by Tribal Police or any other law enforcement officer that the vehicle is in an unsafe condition or is not equipped as required by this Code, except as may be necessary to return the vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment have been made to conform with the requirements of this Code.

Section 21. Non-Street Legal Vehicles

A. Drivers Licenses and Minors

1. No person shall drive a non-street legal vehicle on the Reservation unless they are eighteen (18) years of age or older, or they are sixteen (16) years of age or older and possess a valid driver's license.
2. No person shall cause or knowingly permit a minor (under the age of 18) to drive a non-street legal vehicle on the Reservation unless they meet the requirements above.

B. Equipment of Non-Street Legal Vehicles

No person shall drive a non-street legal vehicle which does not have the following safety equipment in proper working condition and adjustment, if applicable depending on the type of non-street legal vehicle:

1. Brakes;
2. Headlights, if applicable;
3. Reflectors, if applicable;
4. Taillights; and
5. Mirrors.

C. Use of Headlights and Taillights

No person shall drive a non-street legal vehicle without its headlight and taillight on whenever such vehicle is in motion on any roadway.

D. Helmets Required

No person shall drive or ride as a passenger on a non-street legal vehicle without wearing a helmet.

E. No Disturbing the Peace

No person shall operate a non-street legal vehicle anywhere on the Reservation in a manner which disturbs the peace of Reservation residents (i.e. riding between homes or in another yard).

F. Spark Arrester and Muffler Required

No person shall operate a non-street legal vehicle anywhere on the Reservation without a spark arrester and a muffler.

G. No Modification of Exhaust Permitted

No person shall modify the exhaust system of a non-street legal vehicle in a manner, or fail to maintain the exhaust system of a non-street legal vehicle, so as to amplify or increase the noise above the level emitted by the muffler originally installed on the non-street legal vehicle. No person shall modify the exhaust system of a non-street legal vehicle in a manner that would cause the noise of the muffler or exhaust system to 95 dbA or over. Tribal Police shall exercise their best judgment in determining if the muffler or exhaust noise is over the dbA limit.

H. No Operation in Restricted or Posted Area

No person shall operate a non-street legal vehicle in any restricted or posted area.

I. No Operation Outside Specified Hours

No person shall operate a non-street legal vehicle outside of the specified times of 9:00 a.m. and 7:00 p.m.

Section 22. Bicycles

Every person riding a bicycle upon a roadway has all the rights and is subject to all the provisions applicable to the driver of a vehicle under this Code.

A. Bicycle Equipment Required

All bicycles being operated on a roadway must have the following:

1. Brakes, which will make braked wheel skid on dry pavement;
2. Handlebars; and
3. Reflectors on the front and rear.

B. Operation on Roadway

1. Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the edge of the roadway.
2. No person shall drive a bicycle upon a roadway in a manner or at a speed greater than is reasonable and prudent having due regard for weather, visibility, traffic and in no event at a speed which endangers the safety of persons or property.

C. Riding on a Bicycle

1. No person operating a bicycle upon a roadway shall ride other than upon or astride a permanent and regular seat attached hereto.
2. No operator shall allow a person riding as a passenger, and no person shall ride as a passenger, on a bicycle upon a roadway other than upon or astride a separate seat attached.

D. Riding Bicycle While Intoxicated

It is unlawful for any person who is under the influence of an alcoholic beverage or any drug, or under the combined influence of both, to ride a bicycle.

Section 23. Helmet

No person under the age of eighteen (18) shall operate a bicycle, a non-motorized scooter, a skateboard, a motorized skateboard, a motorized scooter, nor in-line or roller skates, nor ride upon the same as a passenger, upon a roadway unless wearing a helmet

Section 24. Attaching to a Motor Vehicle or Non-Street Legal Vehicle Prohibited

- A. No person riding upon any motorcycle, motorized bicycle, bicycle, coaster, roller skates, sled, skateboard, toy vehicle, or any other item shall attach the same or themselves to any vehicle or non-street legal vehicle on the roadway.
- B. No person operating a motor vehicle or non-street legal vehicle may have another person(s) riding upon any motorcycle, motorized bicycle, bicycle, coaster, roller skates, sled, skateboard, toy vehicle, or any other item attached to the motor vehicle or non-street legal vehicle.

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Section 25. Transportation of Large Items Requires Permission

No person shall transport any large item, including but not limited to mobile homes, travel trailers, boats, or any other item that will potentially obstruct more than one lane of any roadway on the Reservation without prior permission from Tribal Police.

Section 26. Vehicle and Non-Street Legal Vehicle Storage and Impound

A. Vehicle and Non-Street Legal Vehicle Storage

Tribal Police may have a vehicle or non-street legal vehicle towed and stored at the owner's expense:

1. When a vehicle or non-street legal vehicle is parked or left standing upon a roadway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the roadway;
2. When a vehicle or non-street legal vehicle is found upon a roadway or public land and a report has previously been made that the vehicle is stolen or a complaint has been filed and a warrant thereon is issued charging that the vehicle is embezzled;
3. When a vehicle or non-street legal vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move the vehicle or non-street legal vehicle from in front of the driveway to another point on the roadway;
4. When a vehicle or non-street legal vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move the vehicle or non-street legal vehicle from in front of the fire hydrant to another point on the roadway;
5. When the person in charge of a vehicle or non-street legal vehicle, upon a roadway or public land is, by reason of physical injuries or illness, is incapacitated to an extent so as to be unable to provide for its custody or removal;
6. When a vehicle or non-street legal vehicle is parked or left standing, upon the side of a roadway, for 72 or more consecutive hours;
7. When a law enforcement officer arrests a person driving or in control of a vehicle or non-street legal vehicle for an alleged offense and the officer is, by other law, required or permitted to take, and does take, the person into custody;
8. When Tribal Police or other law enforcement officer serves a notice of an order of suspension or revocation and there is not another licensed driver to release the vehicle or non-street legal vehicle; and
9. When Tribal Police or other law enforcement officer issues a citation for driving on a suspended license or the driver is an unlicensed driver and there is not another licensed driver to take possession of the vehicle or non-street legal vehicle.

B. Vehicle and Non-Street Legal Vehicle Impound

Tribal Police, may impound (remove) a motor vehicle or non-street legal vehicle from the roadway or from public or private property within the territorial limits in which Tribal Police may act under the following circumstances:

1. When any vehicle or non-street legal vehicle is found upon a roadway or public or private property and Tribal Police have probable cause to believe that the vehicle was used as the means of committing a public offense.
2. When any vehicle or non-street legal vehicle is found upon a roadway or public or private property and Tribal Police or other law enforcement officer has probable cause to believe that the vehicle or non-street legal vehicle is itself evidence which tends to show that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed.
3. When the vehicle involved has been involved in a hit and run accident whether or not the vehicle is on public or private property and Tribal Police or other law enforcement officer has probable cause to believe that they vehicle was involved in the accident.

Section 27. Enforcement

It shall be the duty of the Tribal Police and Tribal Court to enforce this Code and all implementing rules and regulations.

A. Proof of Correction

The Tribal Police and/or the Tribal Court are given discretion to establish a process, procedure and/or Court Rules for individuals to address violations of this Code through proof of correction to address code violations that they believe in the interests of justice proof of correction would be beneficial. A proof of correction fee may be applicable if established in the Traffic and Motor Vehicle Code Fine and Fee Schedule established by Tribal Council.

B. Citation

Any citation given for a violation or infraction of this Code shall include the following:

1. The date, time, and location of the alleged violation(s), the cited person's full name, mailing address, telephone and/or email, if any, date of birth, gender, height, weight, eye and hair color, race/ethnicity, driver's license number, issuing state of the license, and vehicle description if applicable;
2. A statement that the infraction is civil and imprisonment is not an available sanction;
3. A statement listing the Section(s) or subsection(s) of this Code that was violated, a brief statement describing the nature of the offense (e.g. speeding), along with a statement briefly describing the conduct of the person which lead to the violation;
4. The date, time, and location to appear at the Tribal Court, if the citation has not been resolved with the Tribal Court prior to that date, providing the Tribal Court's telephone number as well;

5. The signature of the citing officer; and
6. If the cited person is personally served with the citation, the citation shall advise the cited person that their signature on the citation constitutes a promise to appear in court as indicated, and as otherwise advised by the Tribal Court.

Service of the citation may be accomplished as provided by the Tribal Court Rules, however personal service of a citation does not require proof of service.

A copy of the citation and, if applicable, the proof of service shall be filed with the Tribal Court within five (5) business days of issuance, excluding weekends and holidays. If the Tribal Court within this timeframe does not receive the citation, the Tribal Court may dismiss the citation without prejudice.

C. Seizure/Forfeiture of Property

Tribal Police may, upon probable cause, when issuing a citation for an infraction, seize any property used in the commission of a violation of this Code. All property utilized in violation of this Code is also subject to seizure and forfeiture by order of the Tribal Court. The Tribe must return any property confiscated to its rightful owner unless the Tribal Court determines that the possession of the property is unlawful or could be deemed a risk to facilitate further violations of this Code, in which case it will become the property of the Tribe. The Tribe may enter into an agreement with local law enforcement agencies to store property seized by the Tribal Police.

D. Service of the Citation

The citation may be served on the person in any manner provided for in the Tribal Court Rules, provided that personal service by citation does not require proof of service.

Where service of any notice required under this Code, is in compliance with this Section and with due process the assertion by any person of a failure to receive the notice shall not affect the validity of any proceedings under this Code.

E. Courtesy Notice; Increased Penalty Repeated Infractions and Notice

Tribal Court will make their best efforts to mail a courtesy notice to each cited person which may include a reminder of the appearance date, the fine and fee amounts applicable and any other information the Tribal Court deems appropriate.

Tribal Court will make their best efforts to inform the cited person in the courtesy notice, but may send a second notice, if the amount of the penalty is increased due to the fact that the person has previously been cited one or more times in the past twelve (12) months, calculated using citation dates of both violations, for the same infraction thereby enhancing the penalty for the recent infraction according to the Traffic and Motor Vehicle Code Fine and Fee Schedule established by Tribal Council. This notice shall inform the person of the revised penalty amount and again inform the person where he or she may pay the fine and applicable fees.

F. Response to the Citation; Mandatory Appearances

A person shall respond to a citation in one of the following ways:

1. **Pay the Fine and Fees.** The fine and fees shall be paid to the Tribal Court prior to the appearance date, or in court. Upon satisfactory payment of the fine and fees the Court shall enter a judgment appear against the person who committed the traffic infraction and that payment of the fine and fees was received by the Tribal Court;
 - a. **Mandatory Appearances.** Tribal Council may establish in the Traffic and Motor Vehicle Code Fine and Fee Schedule violations that require an appearance in Tribal Court which may not be resolved by only a payment of a fine or fees. In addition to those established in the fine and fee schedule, the Tribal Court has discretion to order a mandatory appearance of any person cited with violating this Code. The Tribal Court has discretion to create Court Rules regarding Mandatory Appearances and the use of phone appearances or video appearances.

2. **Request a Trial.** If the person is requesting a trial he or she shall make a request in writing to the Tribal Court prior to the appearance date or on the appearance date in person. The Tribal Court has discretion to hold a full Trial on the appearance date or schedule a Trial for another date and time.
 - a. **Request a Trial by Declaration.** If procedures or court rules for trial by declaration are established by the Tribal Court the person cited may request a trial by declaration under those procedures and any timeframes and requirements established.

3. **Mitigation.** A cited person may appear at the appearance date, trial date or any other hearing and without contesting that they committed the violation, explain any circumstances surrounding the occurrence of the violation which might mitigate the amount of fine.

G. Deposit May be Required for Trial or other Court Purposes

The Tribal Court may require any cited individual to post a deposit payment in an amount equivalent to the maximum fine and fees applicable to the cited violations on the Traffic and Motor Vehicle Code Fine and Fee Schedule established by Tribal Council in the event of a request for trial, a request for trial by declaration, or any other time the Tribal Court finds it necessary.

H. Trials for Infractions Scheduled by Court; Trial by Declaration

Upon receipt of a request for trial the Tribal Court shall schedule a trial for the next available court date and provide written Notice of Trial to the person requesting the trial and the Tribal Police. The Notice of Trial shall state the date, time and place of trial and shall be issued at least five (5) business days prior to the date of the trial. The Notice of Trial to the Tribal Police shall include as an attachment a copy of the Petitioner's completed request for trial form.

The Tribal Court has the discretion to establish procedures and/or court rules for trials by declaration.

I. Burden of Proof

The burden of proof at any trial for an infraction and violation of this Code is a preponderance of the evidence.

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J. Failure to Appear in Court

If a person fails to appear at a requested trial, the Tribal Court shall conduct a trial in absentia and consider all evidence and testimony presented. If the burden of proof noted in the subsection (I) above is met, the Court shall enter an order finding that the person committed the traffic infraction and shall assess the appropriate fines, fees, and consequences under the Traffic and Motor Vehicle Code Fine and Fee Schedule established by Tribal Council and under subsection (K) below. The Court may also revoke or suspend the person's privilege to operate a motor vehicle, non-street legal vehicle, motorcycle or bicycle on the Reservation. The Tribal Court may also impose an additional penalty and/or fine for failing to appear in accordance with the Traffic and Motor Vehicle Code Fine and Fee Schedule established by Tribal Council.

K. Orders of the Court; Penalties

All orders entered by the Tribal Court under this Code are civil in nature. The Tribal Court may, in its discretion waive, reduce, or suspend any applicable fine or fee in accordance with the provisions below. The Tribal Court may order suspension or revocation of the driver's privilege to operate a motor vehicle, non-street legal vehicle, motorcycle or bicycle within the jurisdiction of the Tribe, as provided under this Code in addition to the following:

1. Any person found to have violated this Code shall be subject to fine and fee amounts established in the Traffic and Motor Vehicle Code Fine and Fee Schedule established by Tribal Council. Upon appearance and/or trial the Tribal Court may impose fines in excess of the Traffic and Motor Vehicle Code Fine Schedule up to a maximum amount of one-thousand and five-hundred dollars (\$1,500.00), and impose other penalties as provided herein.
2. The Court may, in its discretion waive, reduce, or suspend the fine and/or fee.
3. The Court may impose an additional penalty or fine for failing to pay a fine and/or fees within the required timeframe.
4. The Court may enforce any ordered fine and fee amount by way of garnishment in any manner available to the Tribe and has discretion to institute its own collection efforts and procedures. The Court may also refer matters to collection services as it deems necessary.
5. If the person found to have violated this Code is a Tribal Member of the Tribe, this includes garnishment of Tribal per capita and State distributions to satisfy any and all outstanding orders/judgments of the Tribal Court.
6. If person found to have violated this Code is a Tribal Member of the Tribe, the Court may suspend selective Tribal services including but not limited to DMV exemptions, enrollment verification, and sales tax certificates.
7. The Court may enter any order or penalty in addition to a fine and/or fee for a violation of this Code deemed just and equitable, including but not limited to the following:
 - a. Order suspension or revocation of the cited person's privilege to operate a motor vehicle, non-street legal vehicle, motorcycle, or bicycle on the Reservation;

- b. Order the cited party to submit to a substance abuse evaluation and out-patient treatment;
 - c. Order the cited party to successfully complete a California DMV certified traffic school program or other program approved by the Court;
 - d. Order the cited party to enroll in and successfully complete a drinking driver program;
 - e. Order the cited party to complete a parenting class and/or child safety program;
 - f. Order the cited party to serve community service hours in lieu of a fine or fee in addition to other penalties; and
 - g. Refer age-appropriate youth to the Tribal Court's Tribal Juvenile Healing to Wellness Court (TJHWC) and successfully complete the TJHWC if accepted.
8. Failure by non-tribal members to pay penalties ordered by the Tribal Court or to abide by the Tribal Court's order may result in the Tribal Court's recommendation of exclusion from the Bishop Paiute Reservation.

L. Procedures and Continuances

Any continuances and any other procedural matters shall be determined by any and all applicable Tribal Court Rules or Tribal Court policies and procedures established by the Tribal Court under their authority.

M. Parental Liability

Parents and/or guardians may be joint and severally liable for actions of children under eighteen (18) years of age, the Tribal Court shall determine their liability on a case by case basis.

Section 28. General Provisions

A. Prior Traffic Laws, Ordinances and Codes Repealed

This Traffic and Motor Vehicle Code repeals and supersedes all prior tribal traffic codes, laws, regulations and ordinances.

B. Finality of Determination

The decision of the Tribal Council shall be final and conclusive onto all parties. There shall be no appellate review of the final decision.

C. Severability

If any provision of this Code, or its application to any person, legal entity or circumstance is held invalid, the remainder of the Code, or its application of the provision to other persons, legal entities or circumstances, shall not be affected.

D. Rules, Procedures and Regulations

Unless otherwise stated in this Code, the Bishop Paiute Tribe Rules of Court and procedures are applicable to this Code as established and amended by the Bishop Paiute Tribal Court under the authority given in the Bishop Paiute Tribal Court Ordinance No. 2003-03.

The Tribal Council may establish other regulations as are consistent with this Code and necessary for effective administration and enforcement of this Code.

E. Amendments

This Code may be amended or rescinded by the Tribal Council at a duly called regular or special meeting.

F. Effective Dates

This Code shall be effective from the date of its approval by the Tribal Council.


Section 29. Sovereign Immunity

Nothing in this Code is or shall be construed as a waiver of the sovereign immunity of the Tribe, the Tribal Council, the Tribal Court, the Tribal Police or any tribal officer, official, representative, agent, or employee of the same, regardless if the suit is for monetary damages, or injunctive or declaratory relief or any other type of relief. No individual named above shall be liable for his or her acts or failure to act under this Code. The sovereign immunity of the Bishop Paiute Tribe is hereby expressly confirmed.

CERTIFICATION

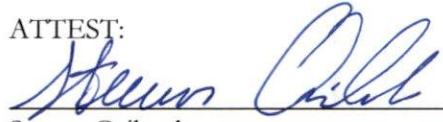
The foregoing Code was passed at a duly called meeting of the Bishop Paiute Tribal Council held on the 22nd day of October, 2021 with a quorum present and voting 3 AYES, 0 NAYS, 0 ABSTAINING, and 1 ABSENT and the Tribal Council Chairman not voting/voting.

BISHOP TRIBAL COUNCIL:



Tilford P. Denver,
Tribal Council Chairman
Date: 10/22/21

ATTEST:



Steven Orihuela,
Tribal Secretary
Date: 10/22/2021

Legislative History:

- 2/12/2019 Public Hearing on Code
- 2/19/2019 Public Hearing on Code
- 2/26/2019 Public Hearing on Code
- 10/12/21 Enacted as the Traffic and Motor Vehicle Code
- 10/12/21 Enforcement date.