

CHAPTER 59 - RULES OF THE ROAD

Sec. 59.1 Homicide by Vehicle

1. Homicide by vehicle is the killing of human being in the unlawful operation of a motor vehicle.

2. Any person who commits homicide by vehicle while violating Section 59.2 or Section 59.3 is guilty of a felony.

Formerly Sec. 40.10, Santa Clara Law and Order Code 1985.

Sec. 59.2 Driving under the Influence of Intoxicating Liquor or Drugs

Any person:

1. who is under the influence of intoxicating liquor while operating a motor vehicle or while in actual physical control of a motor vehicle within the jurisdiction of the Pueblo; or

2. who is under the influence of any drug to a degree that renders him or her incapable of safely operating a motor vehicle while operating a motor vehicle or while in actual physical control of a motor vehicle within the jurisdiction of the Pueblo; or

3. who has an alcohol concentration of eight one hundredths (.08) or more in his or her blood or breath while operating a motor vehicle or while in actual physical control of a motor vehicle within the jurisdiction of the Pueblo; or

4. who has an alcohol concentration of four one hundredths (.04) or more in his or her blood or breath while operating a commercial motor vehicle or while in actual physical control of a commercial motor vehicle within the jurisdiction of the Pueblo;

5. who, being a person under 18 years of age, has an alcohol concentration of four one hundredths (.04) or more in his or her blood or breath while operating a motor vehicle or while in actual physical control of a motor vehicle within the jurisdiction of the Pueblo;

has committed the offense of driving under the influence of intoxicating liquor or drugs.

Enacted by res. No. 06-37, December 5, 2006, approved by Sec'y April 12, 2007.

Sec. 59.2.1 Aggravated Driving While under the Influence of Intoxicating Liquor or Drugs

Any person:

1. who has an alcohol concentration of sixteen one hundredths (.16) or more in his or her blood or breath while operating a motor vehicle or while in actual physical control of a motor vehicle within the jurisdiction of the Pueblo; or

2. who causes bodily injury to a human being as a result of the unlawful operation of a

motor vehicle while driving under the influence of intoxicating liquor or drugs; or

3. who refuses to submit to chemical testing as provided in Section 59.2.4, when, in the judgment of the court, based upon evidence of intoxication presented to the Court, he or she was under the influence of intoxicating liquor or drugs at the time of refusal;

has committed the offense of aggravated driving under the influence of intoxicating liquor or drugs.

Enacted by res. No. 06-37, December 5, 2006, approved by Sec'y April 12, 2007.

Sec. 59.2.2 Definitions

As used in Section 59.2 through 59.2.5:

1. “commercial motor vehicle” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

A. as a gross combination weight rating of more than twenty-six thousand (26,000) pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds;

B. has a gross vehicle weight rating of more than twenty-six thousand (26,000) pounds;

C. is designed to transport sixteen (16) or more passengers, including the driver; or

D. is of any size and is used in the transportation of hazardous materials, which requires the motor vehicle to be placarded under applicable law.

2. “convicted” means an adjudication of guilt and does not require the imposition of a sentence.

Enacted by res. No. 06-37, December 5, 2006, approved by Sec'y April 12, 2007.

Sec. 59.2.3 Penalties.

1. Driving under the Influence of Intoxicating Liquor or Drugs

A. A person convicted of a first or second offense of driving under the influence of intoxicating liquor or drugs shall be punished by imprisonment for not more than ninety (90) days, or by a fine of not more than five hundred dollars (\$500), or both such imprisonment and fine; provided that if the sentence is suspended in whole or in part or deferred, the period of probation may extend beyond ninety (90) days but shall not exceed one year.

B. A person convicted of a third offense of driving under the influence of intoxicating liquor or drugs shall be punished by imprisonment for not less than ten (10) days but not more than one hundred and eighty (180) days, and by a fine of not less than five hundred dollars (\$500) but not more than one thousand five hundred dollars (\$1,500); provided that if the sentence above the mandatory minimum is suspended or deferred, the period of probation may extend beyond one hundred and eighty (180) days but shall not exceed one year. The mandatory minimum penalties imposed by this subsection shall not be suspended, deferred, or taken under advisement.

C. A person convicted of a fourth or subsequent offense of driving under the influence of intoxicating liquor or drugs shall be punished by imprisonment for not less than fifteen (15) days but not more than three hundred and sixty-five (365) days, and by a fine of not less than one thousand five hundred dollars (\$1,500) but not more than five thousand dollars (\$5,000). The mandatory minimum penalties imposed under this subsection shall not be suspended, deferred, or taken under advisement.

2. Aggravated Driving while under the Influence of Intoxicating Liquor or Drugs

A. A person convicted of a first or second offense of aggravated driving while under the influence of intoxicating liquor or drug shall be punished by imprisonment for not less than forty-eight (48) consecutive hours but not more than ninety (90) days in jail, and by a fine of not more than five hundred dollars (\$500); provided that if the sentence above the mandatory minimum is suspended in whole or in part or deferred, the period of probation may extend beyond ninety (90) days but shall not exceed one year. The mandatory minimum penalties imposed by this subsection shall not be suspended, deferred, or taken under advisement.

B. A person convicted of a third offense of aggravated driving while under the influence of intoxicating liquor or drug shall be punished by imprisonment for not less than fourteen (14) days but not more than one hundred and eighty (180) days, and by a fine of not less than five hundred dollars (\$500) but not more than one thousand five hundred dollars (\$1,500); provided that if the sentence above the mandatory minimum is suspended or deferred, the period of probation may extend beyond one hundred and eighty (180) days but shall not exceed one year. The mandatory minimum penalties imposed by this subsection shall not be suspended, deferred, or taken under advisement.

C. A person convicted of a fourth or subsequent offense of aggravated driving while under the influence of intoxicating liquor or drug shall be punished by imprisonment for not less than eighteen (18) days but not more than three hundred and sixty-five (365) days, and by a fine of not less than one thousand five hundred dollars (\$1,500) but not more than five thousand dollars (\$5,000). The mandatory minimum penalties imposed under this subsection shall not be suspended, deferred, or taken under advisement.

Sec. 59.2.4 Implied Consent to Submit to Chemical Test.

1. Any person who operates or is in actual physical control a motor vehicle within the Pueblo shall be deemed to have given consent, subject to the provisions of this Section, to submit to chemical tests of his or her breath or blood or both, for the purposes of determining the drug or alcohol content of his or her blood if arrested for any offence arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle within the jurisdiction of the Pueblo.

2. Any person who is dead, unconscious, or otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by this Section, and the test or tests designated by the law enforcement officer may be administered.

3. A test of breath or blood or both shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to be tested to have been operating or in actual physical control of a motor vehicle within the Pueblo while under the influence of intoxicating liquor or drug.

4. Instruments used to administer chemical tests pursuant to this Section, and operators of those instruments, shall be certified by the New Mexico Department of Health, Scientific Laboratory Division, as provided by 7 NMAC 33.2.1- 33.2.18, or other such regulation promulgated by the New Mexico Department of Health, Scientific Laboratory Division, concerning such activities.

5. Laboratories that conduct blood/breath tests for alcohol and other chemical substances shall either be the New Mexico Department of Health, Scientific Laboratory Division, or other laboratory certified by the New Mexico Department of Health, Scientific Laboratory Division, to conduct such tests, as provided by 7 NMAC 33.2.1- 33.2.18, or other such regulation promulgated by the New Mexico Department of Health, Scientific Laboratory Division, concerning such activities.

6. The taking and analyzing of samples for blood and breath testing for alcohol or other chemical substances or both under this Section shall be carried out according to the methods set forth in 7 NMAC 33.2.1-33.2.18, or other such regulation promulgated by the New Mexico Department of Health, Scientific Laboratory Division, concerning such activities.

Enacted by res. No. 06-37, December 5, 2006, approved by Sec'y April 12, 2007.

Sec. 59.2.5 Use of Tests in Criminal Actions or Civil Actions; Levels of Intoxication.

1. The results of a test performed pursuant to Section 59.2.4 may be introduced into evidence in any civil action or criminal action arising out of the acts alleged to have been committed by the person tested.

2. When the breath or blood of the person tested contains:

A. an alcohol concentration of less than four one hundredths, it shall be

presumed that the person was not under the influence of intoxicating liquor;

B. an alcohol concentration of at least four one hundredths but less than eight one hundredths:

i) no presumption shall be made that the person was or was not under the influence of intoxicating liquor, unless at the time the person was under 18 years of age or was operating a commercial motor vehicle; and

ii) the amount of alcohol in the person's blood may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.

3. The determination of alcohol concentration shall be based on the grams of alcohol in one hundred (100) milliliters of blood or the grams of alcohol in two hundred ten (210) liters of breath.

4. The presumptions in Subsection (2) of this section do not limit the introduction of other competent evidence concerning whether the person was under the influence of intoxicating liquor.

Enacted by res. No. 06-37, December 5, 2006, approved by Sec'y April 12, 2007.

Sec. 59.3 Reckless Driving

1. Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others and without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving.

2. Every Indian person convicted of reckless driving shall be punished upon a first conviction by imprisonment for not more than ninety (90) days or by a fine of not more than \$100.00, or both. And on a second or subsequent conviction by imprisonment for not more than six (6) months, or by a fine of not more than \$500.00 or both.

3. Upon conviction of violation of this section, the Tribal Court may suspend the license or permit to drive and any non-resident operating privilege for not to exceed ninety (90) days and notify the State Department of Motor Vehicles.

Formerly Sec. 40.12, Santa Clara Law and Order Code 1985.

Sec. 59.4 Drive on Right of Roadway – Exceptions

1. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, and where practicable, entirely to the right of the center thereof, except as follows:

A. When overtaking and passing another vehicle proceeding in the same direction

under the rules governing such movement.

B. When the right half of a roadway is closed to traffic while under construction or repair.

C. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

D. Upon a roadway designated and signposted for one-way traffic.

2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand curb or edge of the roadway, except when overtaking and passing another car proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Formerly Sec. 38.1, Santa Clara Law and Order Code 1985.

Sec. 59.5 Passing Vehicles Proceeding in Opposite Direction

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways width for not more than one (1) line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

Formerly Sec. 38.2, Santa Clara Law and Order Code 1985.

Sec. 59.6 Overtaking a Vehicle on the Left

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

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

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

Formerly Sec. 38.3, Santa Clara Law and Order Code 1985.

Sec. 59.7 When Overtaking on the Right is Permitted

1. The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

A. When the vehicle overtaken is making or about to make a left turn;

B. Upon a Street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles;

C. Upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement, where the roadway on which traffic is restricted to one (1) direction of movement, where the roadway is free from obstruction and of sufficient width for two (2) or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

Formerly Sec. 38.4, Santa Clara Law and Order Code 1985.

Sec. 59.8 Limitations on Overtaking on the Left

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 such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the same operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

Formerly Sec. 38.5, Santa Clara Law and Order Code 1985.

Sec. 59.9 Further Limitations on Driving to the Left of Center of Roadway

1. No vehicle shall at any time be driven to the left side of the roadway under any of the following conditions:

A. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

B. When approaching within 100 feet of or traversing any intersection or railroad grade crossing.

C. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

2. The foregoing limitations shall not apply upon a one-way roadway.

Formerly Sec. 38.6, Santa Clara Law and Order Code 1985.

Sec. 59.10 Movement of Hazardous Vehicle – Escort to be Furnished

When, in the judgment of the motor transportation department or local Pueblo authorities, with respect to highways under their jurisdiction, the movement of any vehicle is deemed a hazard to traffic upon a highway over which the vehicle is to travel, the granting of permission for the movement thereof may be conditioned upon a special escort accompanying the hazardous vehicle.

Formerly Sec. 38.7, Santa Clara Law and Order Code 1985.

Sec. 59.11 No-Passing Zones

1. The state highway commission for state highways and Tribal Council may determine those portions of any other highway under their respective jurisdictions where overtaking and passing or driving on the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When the signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the direction thereof.

2. Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) of this section, no driver shall at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

3. This section does not apply under the conditions described to the driver of a vehicle turning left into or from an alley, private road or driveway.

Formerly Sec. 38.8, Santa Clara Law and Order Code 1985.

Sec. 59.12 One-Way Roadways and Rotary Traffic Islands

The Council of the Tribe may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

1. Upon a roadway designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.

2. A vehicle passing around a rotary traffic island shall be driven only to the right side of such island.

Formerly Sec. 38.9, Santa Clara Law and Order Code 1985.

Sec. 59.13 Driving on Roadways Laned for Traffic

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to other consistent herewith, shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made in safety.

2. Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocations;

3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

Formerly Sec. 38.10, Santa Clara Law and Order Code 1985.

Sec. 59.14 Following Too Closely

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

2. The driver of any motor vehicle or motor truck drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow another motor vehicle or motor truck drawing another vehicle within 300 feet, except that this shall not prevent a motor vehicle or motor truck drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall not follow the preceding vehicles closer than 300 feet. This provision shall not apply to funeral processions.

Formerly Sec. 38.11, Santa Clara Law and Order Code 1985.

Sec. 59.15 Driving on Divided Highways

Whenever any highway has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by the written resolution of the Tribal Council.

Formerly Sec. 38.12, Santa Clara Law and Order Code 1985.

Sec. 59.16 Restricted Access

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

Formerly Sec. 38.13, Santa Clara Law and Order Code 1985.

Sec. 59.17 Required Position and Method of Turning at Intersections

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

1. Right Turns. Both 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;

2. Left Turns on Two-Way Roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. Left Turns on Other Than Two-Way Roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

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

Formerly Sec. 38.14, Santa Clara Law and Order Code 1985.

Sec. 59.18 Turning on Curve or Crest of Grade Prohibited

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1,000 feet.

Formerly Sec. 38.15, Santa Clara Law and Order Code 1985.

Sec. 59.19 Starting Parked Vehicles

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

Formerly Sec. 38.16, Santa Clara Law and Order Code 1985.

Sec. 59.20 Turning Movements and Required Signals

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Sec. 59.17, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

2. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal.

Formerly Sec. 38.17, Santa Clara Law and Order Code 1985.

Sec. 59.21 Signals by Hand and Arm or Signal Device

1. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device except as otherwise provided in paragraph (2).

2. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any signal vehicle, also to any combination of vehicles.

Formerly Sec. 38.18, Santa Clara Law and Order Code 1985.

Sec. 59.22 Method of Giving Hand and Arm Signals

1. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

A. Left Turn. Hand and arm extended horizontally.

B. Right Turn. Hand and arm extended upward.

C. Stop or decrease speed. Hand and arm extended downward.

Formerly Sec. 38.19, Santa Clara Law and Order Code 1985.

Sec. 59.23 Vehicle Approaching or Entering Intersection

1. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.

2. When two (2) vehicles enter an intersection from different highways at approximately the same time the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

3. The right of way rules declared in paragraphs (1) and (2) are modified at through highways and otherwise as hereinafter stated in this Code.

Formerly Sec. 38.20, Santa Clara Law and Order Code 1985.

Sec. 59.24 Vehicle Turning Left at Intersection

The driver of a vehicle within an intersection intending to turn left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the vehicle making the left turn.

Formerly Sec. 38.21, Santa Clara Law and Order Code 1985.

Sec. 59.25 Vehicles Entering Stop or Yield Intersection

1. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in this act.

2. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by section 59.26 and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

3. The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions, and shall yield the right of way to any

vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. If the driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield right of way.

Formerly Sec. 38.22, Santa Clara Law and Order Code 1985.

Sec. 59.26 Traffic-control signals

A. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively, one at a time or in combination, only the colors green, yellow and red shall be used except for special pedestrian control signals carrying a word legend, and such lights shall mean and be observed by vehicles and pedestrians as follows:

1. Green alone:

(a) vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and

(b) pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk;

2. Yellow alone when shown following the green signal:

(a) vehicular traffic facing the signal is warned that the red signal will be exhibited immediately thereafter, and vehicles should proceed through only if they can exit the intersection before the red signal is exhibited; and

(b) no pedestrian facing the signal shall enter the roadway until the green is shown alone unless authorized to do so by a pedestrian “walk” signal;

3. Flashing yellow: vehicles may proceed through the intersection or past such signal only with caution;

4. Red alone:

(a) vehicular traffic facing the signal shall come to a complete stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then before entering the intersection, and may not proceed until the green light is exhibited, except that vehicles in the right-hand lane, or any other lane marked with a right-turn arrow on the pavement, may turn right after standing once the intersection may be entered safely, unless a sign is posted at the intersection prohibiting such turns on red, and provided that such turning vehicles shall yield the right-of-way to all pedestrians and vehicles lawfully in or approaching the intersection;

(b) vehicular traffic on a one-way street facing the signal shall come to a complete stop before entering the crosswalk in the near side of the intersection or if there is no crosswalk, then before entering the intersection, and may not proceed until the green light is exhibited, except that if a left turn onto a one-way street in the proper direction is intended, such vehicles may turn left after stopping once the intersection may be entered safely, and provided that such turning vehicles shall yield the right-of-way to all pedestrians and vehicles lawfully in or approaching the intersection;

(c) no pedestrian facing the signal shall enter the roadway until the green is shown alone unless authorized to do so by a pedestrian "walk" signal;

5. Red with green arrow, or green arrow alone:

(a) vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection; and

(b) no pedestrian facing the signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic;

6. Flashing red:

(a) vehicular traffic facing the signal shall come to a complete stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, before entering the intersection, and may proceed only when it is safe to do so and in accordance with any other traffic control signs at the intersection.

(b). If an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section apply except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement 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.

(c). When a sign is in place permitting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn indicated by the sign after stopping as required by paragraphs (a) and (b) of subsection A(4) of this section. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

Enacted by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, March 10, 2008.

Sec. 59.26A Obedience to any required traffic-control devices

A. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto in accordance with the provisions of Sec. 59.26, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an

authorized emergency vehicle in Sec. 59.30.

B. No provision of Sec. 59.26 for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently visible and legible to be seen by an ordinarily observant person.

Enacted by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, March 10, 2008.

Sec. 59.27 Stop Before Emerging From Alley or Private Driveway

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

Formerly Sec. 38.24, Santa Clara Law and Order Code 1985.

Sec. 59.28 Vehicle Entering Highway From Private Road or Driveway

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway.

Formerly Sec. 38.25, Santa Clara Law and Order Code 1985.

Sec. 59.29 Operation of Vehicle on Approach of Authorized Emergency Vehicles

1. Upon the immediate approach of an authorized emergency vehicle equipped with at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell; the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to the right-hand curb or edge of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

Formerly Sec. 38.26, Santa Clara Law and Order Code 1985.

Sec. 59.30 Authorized Emergency Vehicles

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The Tribal Council, the Chief of Police, or the Sheriff may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles.

2. The driver of an authorized emergency vehicle may:

- A. Park or stand, irrespective of the provisions of the Motor Vehicle Code.
- B. Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation;
- C. Exceed the maximum speed limits so long as he does not endanger life or property; and
- D. Disregard regulations governing direction of movement or turning in specified directions.

3. The exemptions granted to an authorized emergency vehicle. apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle as reasonably necessary, and when the vehicle is equipped with at least one light lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

4. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of his reckless disregard for the safety of others.

Sec. 59.30 Authorized Emergency Vehicles

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The Tribal Council, the Chief of Police, or the Sheriff may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles.

2. The driver of an authorized emergency vehicle may:

- A. Park or stand, irrespective of the provisions of the Motor Vehicle Code.
- B. Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation;
- C. Exceed the maximum speed limits so long as he does not endanger life or property; and
- D. Disregard regulations governing direction of movement or turning in specified directions.

3. The exemptions granted to an authorized emergency vehicle. apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle

as reasonably necessary, and when the vehicle is equipped with at least one light lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

4. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of his reckless disregard for the safety of others.

Formerly Sec. 38.27, Santa Clara Law and Order Code 1985.

Sec. 59.31 Overtaking and Passing School Bus

1. The driver of a vehicle upon approaching or overtaking from either direction any school bus which has stopped on the roadway, with special school bus signals in operation, for the purpose of receiving or discharging any school children, shall stop the vehicle at least ten (10) feet before reaching the school bus and shall not proceed until the special school bus signals are turned off, the school bus resumes motion or until signaled by the driver to proceed.

2. Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height.

3. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Formerly Sec. 38.28, Santa Clara Law and Order Code 1985.

Sec. 59.32 Stopping, Standing or Parking Outside of Business or Residence Districts

1. Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such highway.

2. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Formerly Sec. 38.29, Santa Clara Law and Order Code 1985.

Sec. 59.33 Officers Authorized to Remove Illegally Stopped Vehicles

Whenever any police officer finds a vehicle standing upon a highway in such position of location to be a hazard, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same to position off the paved or main-traveled part of such highway.

Formerly Sec. 38.30, Santa Clara Law and Order Code 1985.

Sec. 59.34 Stopping, Standing or Parking Prohibited in Specified Places

1. 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 police 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 15 feet of a fire hydrant;
- E. On a crosswalk;
- F. Within 20 feet of a crosswalk at an intersection;
- G. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- H. Between a safety zone and the adjacent curb or within 30 feet or points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- I. Within 50 feet of the nearest rail of a railroad crossing;
- J. Within 20 feet of the driveway entrance to any fire station and on the side of a Street opposite the entrance to any fire station within 75 feet of said entrance (when improperly signposted);
- 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 highway or within a highway tunnel;

N. At any place where official signs prohibit stopping.

2. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Formerly Sec. 38.31, Santa Clara Law and Order Code 1985.

Sec. 59.35 Additional Parking Regulations

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 1 inches of the right-hand curb.

2. Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within 1 inches of the left-hand curb of a one-way roadway.

3. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the Santa Clara Pueblo has determined by resolution or ordered entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

4. The Santa Clara Pueblo with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the highway or where stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions on such signs.

Formerly Sec. 38.32, Santa Clara Law and Order Code 1985.

Sec. 59.36 Unattended Motor Vehicle

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping engine, locking the ignition, removing the key, and effectively setting the brake, or placing the transmission in parking position thereon and, when standing upon any grade, turning the front wheels in such manner that the vehicle will be held by the curb or will not leave the highway if the brake fails. A violation of this section shall not mitigate the offense of stealing a motor vehicle, nor shall the provisions of this section or any violation thereof be admissible as evidence in a civil action for the recovery of a stolen motor vehicle, or in any other civil action arising out of the theft of a motor vehicle.

Formerly Sec. 38.33, Santa Clara Law and Order Code 1985.

Sec. 59.37 Limitations on Backing

The driver of any vehicle shall not back it:

1. Unless the movement can be made with reasonable safety and without interfering with other traffic;
2. Upon any shoulder or roadway of any controlled-access highway or upon the exit or entry road of any controlled-access highway.

Formerly Sec. 38.34, Santa Clara Law and Order Code 1985.

Sec. 59.38 Stopped Vehicles Not to Interfere with Other Traffic

No motor vehicle shall be stopped, parked or left standing, whether attended or unattended, upon the traveled portion of any highway outside of a business or residence district, when it is practicable to stop, park or leave such vehicle off the traveled portion of the highway in the event that conditions make it impracticable to move such motor vehicle from the traveled portion of the highway, the driver shall make every effort to leave all possible width of the highway opposite the standing vehicle for the free passage of other vehicles and he shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear.

Formerly Sec. 38.35, Santa Clara Law and Order Code 1985.

Sec. 59.39 Emergency Signals: Disabled Vehicle

Whenever any motor vehicle is disabled upon the traveled portion of any highway or the shoulder thereof, when lighted lamps are required, except in cities, towns and villages where there is sufficient high-way lighting to make it clearly discernible to persons and vehicles on the highway at a distance of 500 feet, the following requirements shall be observed:

1. The driver of such vehicle shall in immediately place on the traveled portion of the highway at the traffic side of the disabled vehicle, a lighted fuse and a lighted red electric lantern or a red emergency reflector.
2. Except as provided in paragraphs 3 and 4 of this section, as soon thereafter as possible, but in any event within the burning period of the fuse, the driver shall place three (3) liquid-burning flares (pot torches) on traveled portion of the highway in the following order:
 - A. One (1) at a distance of approximately 100 feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;
 - B. One (1) at a distance of approximately 100 feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle; and
 - C. One (1) at the traffic side of the disabled vehicle, not less than 10 feet to the front or rear thereof. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance with paragraph (1) of this section, it may be used for this

purpose.

3. If disablement of any motor vehicle shall occur within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to the other users of the highway, but in no case less than 100 feet nor more than 500 feet from the disabled vehicle.

4. If gasoline or any other flammable or combustible liquid or gas seeps or leaks from a fuel container of a motor vehicle disabled or otherwise stopped upon a highway, no emergency warning signal producing a flame shall be lighted or placed except at such distance from any such liquid or gas as will assure the prevention of a fire or explosion.

Formerly Sec. 38.36, Santa Clara Law and Order Code 1985.

Sec. 59.40 Emergency Signal: Stopped or Parked Vehicles

Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any highway or shoulder thereof, during the time lights are required except within cities, towns and villages where there is sufficient highway lighting to make clearly discernible persons and vehicles on the highway at a distance of 500 feet, the following requirements shall be observed:

1. The driver of such vehicle shall immediately place on the traveled portion of the highway at the traffic side of the vehicle, a lighted fuse and a lighted red electric lantern, or a red emergency reflector.

Formerly Sec. 38.37, Santa Clara Law and Order Code 1985.

Sec. 59.41 Red Flags: Stopped Vehicles

During the time when lighted lamps are not required, whenever a motor vehicle is disabled, stopped or parked upon the traveled portion of any highway or shoulder thereof, except within the business or residence district of cities, towns and villages, the driver of such vehicle shall place red flags as follows:

1. One (1) at a distance of approximately 100 feet from the vehicle in the center of the traffic lane occupied by such vehicle toward traffic approaching that lane.

2. One (1) at a distance of approximately 100 feet in the opposite direction from the vehicle in the center of the traffic lane occupied by such vehicle.

Formerly Sec. 38.38, Santa Clara Law and Order Code 1985.

Sec. 59.42 Loads on Vehicles

1. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or

water or other substance way be sprinkled on roadway in cleaning or maintaining roadway.

2. No person shall operate on any highway any vehicle or combination of vehicles with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from coming loose, detached, or in any manner a hazard to any users of the highway.

Sec. 59.43 Consumption or Possession of Alcoholic Beverages in Open Containers in a Motor Vehicle Prohibited; Exceptions.

A. No person shall knowingly drink any alcoholic beverage while in a motor vehicle upon any street or highway on Santa Clara lands.

B. No person shall knowingly have in his possession or on his person, while in a motor vehicle upon any street or highway on Santa Clara lands, any bottle, can or other receptacle containing any alcoholic beverage that has been opened or had its seal broken or the contents of which have been partially removed.

C. It is unlawful for the registered owner of any motor vehicle to knowingly keep or allow to be kept in a motor vehicle, when the vehicle is upon any street or highway on Santa Clara lands, any bottle, can or other receptacle containing any alcoholic beverage that has been opened or had its seal broken or the contents of which have been partially removed, unless the container is kept in:

1. the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk;
2. the living quarters of a motor home or recreational vehicle;
3. a truck camper; or
4. the bed of a pick-up truck when the bed is not occupied by passengers.

A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

D. The provisions of this section do not apply to:

1. any person who, upon the recommendation of a doctor, carries alcoholic beverages in that person's motor vehicle for medicinal purposes; or
2. any clergyman or his agent who carries alcoholic beverages for religious purposes in the clergyman's or agent's motor vehicle.
3. any passenger in a bus, taxicab or limousine for hire that is licensed to transport passengers pursuant to proper legal authority.

Enacted by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, March 10, 2008.