

## **TITLE X - MOTOR VEHICLE CODE**

### **CHAPTER 55 - VEHICLE REGISTRATION, OPERATOR'S LICENSING AND FINANCIAL RESPONSIBILITY**

#### **Sec. 55.1      Operators and Chauffeurs Must be Licensed**

1. No person shall drive any motor vehicle upon a street or highway on Santa Clara Lands unless such person has a valid license as an operator or chauffeur issued by a state of the United States.

2. No person shall drive a motor vehicle upon a street or highway on Santa Clara Lands as a chauffeur unless he holds a valid chauffeur's license.

3. No person shall drive any motor vehicle upon a street or highway on Santa Clara Lands if such person's license has been suspended by any court having jurisdiction.

Formerly Sec. 34.1, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

#### **Sec. 55.2      Persons Exempt from License**

Any operator of a farm tractor or agricultural implement temporarily drawn, moved or propelled on a highway within Santa Clara Lands is exempt from the requirement that such person possess a driver's license.

Formerly Sec. 34.2, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

#### **Sec. 55.3      License to be Carried and Exhibited on Demand**

Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle within Santa Clara Lands and shall display the same upon demand of an officer. However, no person charged with violating this section shall be convicted if he produces in court an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

Formerly Sec. 34.3, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

#### **Sec. 55.4      Unlawful Use of License**

It is a violation for any person:

1. Having no valid operator's or chauffeur's license that is in effect, to operate a motor vehicle purportedly under the authority of any canceled, revoked, suspended, false, or fraudulently altered operator's or chauffeur's license;

2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;

3. To operate a motor vehicle purportedly under the authority of a license not issued to him;

4. To fail or refuse to surrender to the Santa Clara Tribal Court upon its lawful demand any driver's license or permit that has been suspended or revoked;

5. To permit any unlawful use of a driver's or chauffeur's license issued to him.

Formerly Sec. 34.5, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

#### Sec. 55.5 Permitting Unauthorized Minor to Drive

No person shall cause or knowingly permit a child under his or her care, under the age of eighteen (18) years, to drive a motor vehicle upon any street or highway within Santa Clara Lands when such minor is not otherwise authorized by law to operate a motor vehicle.

Formerly Sec. 34.7, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

#### Sec. 55.6 Permitting Unauthorized Person to Drive

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street or highway on Santa Clara Lands by any person who is not licensed to drive.

Formerly Sec. 34.8, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

#### Sec. 55.7 Authority of the Tribal Court to Suspend or Revoke Driving Privileges

The Tribal Court is hereby authorized to suspend the right of a person to operate a motor vehicle on Santa Clara Land upon determining on the basis of sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of license is required upon conviction; or

2. Is a person who is not authorized to be licensed under this Code; or

3. Has permitted an unlawful or fraudulent use of such license.

An order of the Tribal Court suspending one's driving privileges shall preclude the person from operating a motor vehicle on Santa Clara Lands for the duration of the period of suspension. The Tribal Court shall, upon issuing any such order, cause a certified copy of the order, together with documents establishing the grounds for the suspension as provided in this section, to be sent to the motor vehicle licensing authority of the state that issued the person's license.

Formerly Sec. 34.9, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

Sec. 55.8      Possession and Production of Registration Certificate

The operator of a motor vehicle on Santa Clara Lands shall have in such person's possession at all times while operating a motor vehicle a valid, current certificate of registration for such vehicle issued by the motor vehicle licensing authority of the jurisdiction in which such vehicle is registered, and such certificate shall be produced upon demand of any officer.

Formerly Sec. 34.11, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

Sec. 55.9      Display of Registration Plates

Any motor vehicle operated on Santa Clara Lands shall display license plates issued for such vehicle, in accordance with the requirements of the law of the jurisdiction by which such plates were issued.

Formerly Sec. 34.12, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

Sec. 55.10     Improper Use of Certificate or Other Evidence of Registration

No person shall lend to another any certificate of title, registration certificate, registration plate, special plate, or motor vehicle permit issued to him if the person desiring to borrow the same would not be legally entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration evidence, registration plate, or permit not issued for such vehicle or not otherwise lawfully used thereon under this Code or under the laws of the issuing jurisdiction.

Formerly Sec. 41.13, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

Sec. 55.11     Seizure of Documents and Plates

The Tribal Court may seize and take possession of any certificate of title, evidence of registration, permit, license or registration plate that the Court finds has expired, been revoked, cancelled, or suspended, or is fictitious, or has been unlawfully or erroneously issued.

Formerly Sec. 34.14, Santa Clara Law and Order Code 1985; amended by Res. No. 07-28, Sept. 28, 2007; approved by Sec'y, Mar. 10, 2008.

Sec. 55.12     Requirement of Financial Responsibility

1. No person shall operate a motor vehicle on Santa Clara Lands, and no owner of a motor vehicle shall permit its operation on Santa Clara Lands, unless the motor vehicle is covered by a current policy of liability insurance under which the insurer is contractually obligated to pay for death or bodily injury to any person other than the driver of the vehicle, and property damage to any property other than property of the insured, that is determined to have been caused in whole or in part by the driver or the owner of the vehicle, in amounts of no less than the following:

A. Twenty-five thousand dollars (\$25,000) for the death of or bodily injury to one

person in any one accident;

B. Fifty thousand dollars (\$50,000) for the death of or bodily injury to two or more persons in any one accident;

C. Ten thousand dollars (\$10,000) for damage to or destruction of property of others in any one accident.

2. A valid, current certificate evidencing such insurance, issued by the insurer, shall be carried in the motor vehicle covered by such insurance whenever such motor vehicle is operated on Santa Clara Lands, and the driver shall produce such certificate on demand by any officer.

3. The following motor vehicles shall be exempt from the requirements of this section:

A. Motor vehicles owned by the Pueblo, or by a state, the United States, or any agency, entity or political subdivision of a state or the United States.

B. Farm vehicles that are temporarily operated on public highways in the course of being used for farm purposes, and any other motor vehicle that is operated on a highway only for the purpose of crossing from one property to another.

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

#### Sec. 55.13 Penalties

A person convicted of violating any section of this Chapter may be sentenced by the Court to pay a fine of up to \$1000, in addition to any other penalty authorized by this Chapter. Upon a second conviction of the same offense, a person may be fined up to \$5000, or jailed for up to 15 days, or sentenced to both such jail term and fine.

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

### CHAPTER 56 - TRAFFIC ACCIDENTS

#### Sec. 56.1 Accidents Involving Death or Personal Injuries

1. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled these requirements. Every such stop shall be made without obstructing traffic more than is necessary.

2. Any person failing to stop or to comply with said requirements under such circumstances shall be guilty of a violation and upon conviction may be subject to pay a penalty assessment of not more than \$500.00, or such other orders of the Hearing Officer or Court.

3. The Hearing Officer or Judge may suspend the license or permit to drive and any non-resident operating privilege of the person so convicted and notify the State Department of Motor Vehicles.

Formerly Sec. 35.1, Santa Clara Law and Order Code 1985.

#### Sec. 56.2      Leaving the Scene of an Accident-Damage to Vehicle

The driver of any vehicle involved in an accident resulting only in damage to vehicle which is driven or attended by any person shall immediately stop such vehicle at such scene of accident or as close thereto as possible but shall forthwith return and in every event shall remain at the scene of the accident until he has filled the requirements of Sec. 56.3. Every such stop shall be made without obstructing traffic more than is necessary and any person failing to stop or comply with said requirements under such circumstances shall be guilty of an offense.

Formerly Sec. 35.2, Santa Clara Law and Order Code 1985.

#### Sec. 56.3      Duty to Give Information and Render Aid

The driver of any vehicle involved in an accident resulting in injury or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, the registration number of the vehicle he is driving and shall upon request exhibit his driver's or chauffeur's license to the person struck or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or making of arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

Formerly Sec. 35.3, Santa Clara Law and Order Code 1985.

#### Sec. 56.4      Duty Upon Striking Fixtures or Other Property Upon a Highway

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his operator's or chauffeur's license and shall make report of such accident when and is required in Sec. 56.6 hereof.

Formerly Sec. 35.4, Santa Clara Law and Order Code 1985.

#### Sec. 56.5 Immediate Notice of Accidents

The driver of a vehicle involved in an accident resulting in injury or death to any person or property damage to an apparent extent of \$100.00 or more shall immediately by the quickest means of communication, give notice of such accident to the Police Department of the Santa Clara Pueblo or the State of New Mexico.

Formerly Sec. 35.5, Santa Clara Law and Order Code 1985.

#### Sec. 56.6 Written Reports of Accidents

1. The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of \$100.00 or more shall, within five (5) days after such accident, forward a written report of such accident to the Police Department of the Santa Clara Pueblo or the State of New Mexico.

2. The Santa Clara Tribal Court may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the Hearing Officer or Court and may require witnesses or accidents to render reports to the Santa Clara Hearing Officer or Tribal Court.

3. Every Law Enforcement Officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within 24 hours after completing such investigation, forward a written report of such accident to the Police Department of the Santa Clara Pueblo.

Formerly Sec. 35.6, Santa Clara Law and Order Code 1985.

#### Sec. 56.7 Penalty for Failure to Report

The Hearing Officer or Judge may suspend the license or permit to drive of any person and any non-resident operating privileges of any person failing to report an accident as herein provided until such report has been filed, and in addition, may impose a penalty assessment of not to exceed \$250.00 and costs.

Formerly Sec. 35.7, Santa Clara Law and Order Code 1985.

### CHAPTER 57 - SPEEDING REGULATION AND OFFENSES

#### Sec. 57.1 Speed Regulations

1. No person shall drive a vehicle on a highway at a speed greater than:

A. Fifteen (15) miles per hour on all highways when passing school zone while children are going to and leaving school and when the school zone is properly posted;

- B. Twenty-five (25) miles per hour in any business or residence district;
- C. Fifty-five (55) miles per hour on highways and open country or in other locations.
- D. The posted speed limits in construction, school or other safety zones that are posted as “double fine zones,” using that or comparable language, as designated by the Pueblo or the New Mexico Department of Transportation.

2. In every event, speed shall be so controlled as may be necessary:

A. To avoid colliding with any person, vehicle, conveyance on or entering the highway;

B. To comply with legal requirements and the duty of all persons to use due care, and to drive in such manner and at such speed that he shall not endanger life, health, or property.

3. The speed limits set forth in this section may be changed by resolution of the Council.

Formerly Sec. 36.1, Santa Clara Law and Order Code 1985.

#### Sec. 57.2      Minimum Speed Regulations

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when slow speed is necessary for safe operation or in compliance with law. Tribal and police officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver shall be a violation.

Formerly Sec. 36.2, Santa Clara Law and Order Code 1985.

### CHAPTER 58 - OFFENSES CONCERNING PEDESTRIANS

#### Sec. 58.1      Pedestrians' Right of Way in Crosswalks

1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

3. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such topped vehicle.

Formerly Sec. 37.1, Santa Clara Law and Order Code 1985.

#### Sec. 58.2      Crossing at Other Than Crosswalks

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

2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

3. Between adjacent intersection at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

Formerly Sec. 37.2, Santa Clara Law and Order Code 1985.

#### Sec. 58.3      School Crossings

1. Crosswalks may be established over highways abutting a school or the grounds adjacent thereto, and all children crossing the highways shall be required to do so within the marked crosswalks. The State Highway Commission, with respect to state highways, and the Tribal Council, with respect to streets under their jurisdiction, with advice of the local superintendent of schools, shall establish and mark, or cause to be marked, these highway crossings.

2. Crosswalks over highways not abutting on school grounds may be established by the State Highway Commission, with respect to state highways, and by local superintendent of schools and after adequate assurance has been given that proper safety precautions, pursuant to regulations of the State Highway Commission and of the local authorities. Responsibility for maintaining the crossing will be with the appropriate county or municipality wherein the school is located.

3. At all school crossings except as provided in this section appropriate signs shall be provided as prescribed by the State Highway Commission or Tribal Council within their respective jurisdictions, indicating the crossings and regulating traffic movement within the school zones.

4. School crossings are not required to be specially posted when they are located:

A. At a signalized intersection;

B. At an intersection where traffic is controlled by stop sign; or



C. At a point where a pedestrian tunnel or overhead crossing is provided.

Formerly Sec.37.3, Santa Clara Law and Order Code 1985.

Sec. 58.4      Drivers to Exercise Due Care

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Formerly Sec. 37.4, Santa Clara Law and Order Code 1985. Sec. 58.5

Sec. 58.5      Pedestrians to Use Right Half of Crosswalk

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

Formerly Sec. 37.5, Santa Clara Law and Order Code 1985.

Sec. 58.6      Pedestrians on Roadways

1. Where sidewalks are provided, it shall be unlawful for, any pedestrian to walk along and upon an adjacent roadway.

2. Where sidewalks are not provided, any pedestrian walking upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

Formerly Sec. 37.6, Santa Clara Law and Order Code 1985.