



# KIOWA TRIBE

**P.O. Box 369 • Carnegie, Oklahoma • 73015**  
**Phone: (580) 654-6338 • Fax: (580) 654-1788**  
**OFFICE OF THE LEGISLATURE**

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**Resolution Number: KL-CY-2024-00X**

## **SECOND AMENDMENT TO THE KIOWA CODE OF 2017**

At a duly called Legislative Regular Session \_\_\_\_\_ of the Legislature of the Kiowa Tribe held this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the following resolution, was adopted.

**WHEREAS**, the Kiowa Tribe is a federally recognized Indian Tribe with a Constitution approved by the Secretary of the Interior; and,

**WHEREAS**, the Legislature, is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6 (a) of the Constitution of the Kiowa Tribe; and,

**WHEREAS**, the Legislature, is authorized under the Kiowa Constitution and is empowered to promulgate and enforce codes and laws, to protect Kiowa Tribal Citizens; and,

**WHEREAS**, in 2017 the Kiowa Tribe enacted the Kiowa Code of 2017, which intended to establish crimes and punishments for the Kiowa Tribe, pursuant to the inherent sovereign authority of the Kiowa Tribe and pursuant to the 2017 Constitution of the Kiowa Tribe; and,

**WHEREAS**, these amendments to the Kiowa Code of 2017 is enacted to clarify and modernize Title IV – Motor Vehicle Code of the Kiowa Code of 2017.

**NOW, THEREFORE BE IT RESOLVED**, the Kiowa Tribe Legislature, having been delegated certain authorities under the Kiowa Constitution, the governing body of the Kiowa Tribe, does hereby adopt the attached proposed amendments to the “Kiowa Code of 2017.”

## **C E R T I F I C A T I O N**

The foregoing Resolution KL-CY-2024-00X was duly voted upon by the Legislature on \_\_\_\_\_, 202\_\_, at a Legislative Regular Session \_\_\_\_\_-(), with a vote of () in favor and () opposed, () abstaining, and () absent, according to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

\_\_\_\_\_  
Michael Primus  
Speaker of the Legislature

**LEGISLATIVE RESOLUTION – KL-CY-2024-00X**

**Sponsors:** Cole DeLaune, District 4.

**Co-Sponsors:**

<b>LEGISLATORS</b>	<b>YES Hàu</b>	<b>NO Hàu:né</b>	<b>ABSTAIN Háun á</b>	<b>ABSENT Héñgyádàu</b>
Kyle Ataddlety District 1				
Michael Primus District 2				
Timothy Satepauhoodle District 3				
Cole DeLaune District 4				
Tiya Rosario District 5				
Ben Wolf District 6				
Warren Queton District 7				

**DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN**

Resolution No. KL-CY-2024-00X was presented to the Chairman of the Kiowa Tribe on the \_\_\_\_ day of \_\_\_\_, 202\_\_, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.

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Michael Primus  
Speaker of the Legislature

**CHAIRMAN’S ACTION:**

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

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On this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Lawrence Spottedbird  
Chairman of the Kiowa Tribe

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Presented by the Chairman to the Legislature on the \_\_\_\_ day of \_\_\_\_\_, 2024.

**LEGISLATURE’S ACTION:**

**Override of Chairman’s veto:**

YES

NO

**LEGISLATIVE OVERRIDE ORDER: KLO-CY-2024-0XX**

<b>LEGISLATORS</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Kyle Ataddlety District 1				
Michael Primus District 2				
Timothy Satepauhoodle District 3				
Cole DeLaune District 4				
Tiya Rosario District 5				
Ben Wolf District 6				
Warren Queton District 7				

**C E R T I F I C A T I O N**

The foregoing Legislative Order, KL-CY-2024-00X was duly voted upon by the Legislature on \_\_\_\_\_, 2024, at a Legislative Override Order Session with a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, and \_\_\_\_\_ abstaining, \_\_\_\_\_ Absent. Pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

\_\_\_\_\_  
Anita Johnson  
Secretary of the Legislature

**Section 1. Short Title**

This enactment shall be known as the “Second Amendment to the Kiowa Code of 2017”.

**Section 2. Purpose**

These Amendments are enacted to clarify and modernize Title IV – Motor Vehicle Code of the Kiowa Code of 2017.

**Section 3. Interpretation**

The provisions of this Code shall be interpreted to hold full jurisdiction over criminal matters in its territory.

**Section 4. Legislative History**

KL-CY-2017-009 Kiowa Code of 2017

**Section 5. Amendments and New Sections of Law.**

Section 4.1.2 shall be amended as follows:

**4.1.2 JURISDICTION OF THE KIOWA TRIBE.**

Under this Title, the Kiowa Trial Court shall have exclusive original jurisdiction over all civil traffic infractions and all criminal traffic offenses committed within its Territory, as defined in Section \_\_\_\_\_ 1.4.1.

Section 4.1.6 shall be amended as follows:

**4.1.6 DEFINITION OF TERMS.**

- A. The definitions contained herein shall apply to all chapters of this Title.
- B. Under this Title, unless the context or subject matter otherwise requires:
  - 1. ABANDONED VEHICLE: a vehicle left unattended, on private or public property, for an unreasonable length of time, and which, after being reported to a law enforcement agency, has been discovered by that agency:
    - (a) not to have been stolen; and
    - (b) not able to establish legal ownership by normal record-checking procedures; and
    - (c) the legal ownership of which is not claimed or asserted by any person.
  - 2. AUTHORIZED EMERGENCY VEHICLE: properly marked law enforcement vehicles, fire department vehicles, and ambulances or other vehicles as authorized by the Kiowa Tribe, the State of Oklahoma, or the

United States Government.

3. BICYCLE: a vehicle with two wheels tandem, a steering handle, a saddle seat and pedals by which it is propelled.
4. CARGO TANK: any tank permanently affixed to a motor vehicle for the purpose of transporting any flammable liquid or compressed gas.
5. CROSSWALK: any portion of a roadway distinctly indicating a pedestrian crossing by lines or other surface markings.
6. DEPARTMENT: refers to the Kiowa Department of Public Safety.
7. DRIVER: any person who exercises control over a motor vehicle, or any person who steers a vehicle that is being towed.
8. FARM TRACTOR: any motor vehicle designed and used primarily for drawing implements of husbandry.
9. FREIGHT TRAILER: any trailer, semi-trailer or pole trailer drawn by a truck tractor or road tractor, and any trailer, semi-trailer or pole trailer drawn by a truck which has a gross vehicle weight of more than twenty-six thousand (26,000) pounds. The term does not include house trailers, trailers of less than one-ton carrying capacity used to transport animals, or fertilizer trailers of less than three thousand five hundred (3,500) pounds empty weight.
10. GROSS VEHICLE WEIGHT: the weight of a vehicle without load, plus the weight of any load thereon.
11. INTERSECTION: the common area created when two or more roadways join or cross one another.
12. LANED ROADWAY: a roadway that is divided into two or more clearly-marked lanes for vehicular traffic.
13. MOBILE HOME: a house trailer, other than one held as inventory for sale or resale by a registered dealer.
14. MOTORCYCLE: a two-wheeled automotive vehicle with one or two saddles and sometimes a sidecar with a third supporting wheel.
15. MOTOR VEHICLE: any device in, upon, or by which any person or property is or may be drawn or transported upon a public road and which device is self-propelled, but not including any vehicle which is an implement of husbandry and is designed principally for agricultural purposes, nor any mechanical device designed or used principally for construction or maintenance purposes excepting trucks any vehicle propelled by the use of an internal combustible engine, electricity or motor vehicle fuel.
16. NEGLIGENCE: the failure to use such care as a reasonably prudent and careful person would exercise under similar circumstances; it may involve either an omission or an affirmative act.

17. OFFICIAL TRAFFIC-CONTROL DEVICES: all signs, signals, markings and devices placed or erected by authority of a public body or official with the responsibility to regulate, warn or guide traffic.
18. OWNER: a person who holds legal title to a vehicle or, if who holds the right of purchase upon performance of the conditions stated in the agreement, if the vehicle is the subject of an agreement for a conditional sale or lease.
19. PEDESTRIAN: any person afoot. A person who is not ambulatory and is in a wheelchair is considered a pedestrian.
20. PERSON: includes individuals, firms, co-partnerships, associations or corporations.
21. POLICE or LAW ENFORCEMENT OFFICER: any officer duly authorized or commissioned by the authority of the Kiowa Tribe to direct or regulate traffic or to enforce or make arrests for violations of the Kiowa Motor Vehicle Code.
22. RACE: two or more vehicles operating at accelerating speeds in a competitive attempt to outdistance each other.
23. RIGHT-OF-WAY: the privilege of the immediate use of the highway or the lands or interest in the lands within the right-of-way boundaries.
24. PUBLIC ROADWAY: the entire width between the boundary lines of every right of way or parking lot with the exterior boundaries of the jurisdiction of the Kiowa Tribe that is maintained by any Kiowa Tribal Agency, Federal Agency, or State of Oklahoma Agency, and when open to the use of the public, is for the purpose of travel or parking by motor vehicles that portion of a route which is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.
25. SIDEWALK: that portion of a street between the curb or lateral lines of a roadway, and the adjacent property lines; intended for the use of pedestrians.
26. SCHOOL BUS: any motor vehicle which is used to transport children, students or teachers to and from school, or to and from any school activity. This definition may include any type of vehicle except:
  - (a) one operated by a common carrier, or private mass transit system not used exclusively for the transportation of pupils;
  - (b) one operated solely by a governmental-owned public transit authority not used exclusively for transportation of pupils.
  - (c) a privately owned vehicle not used exclusively for the transportation of pupils.
27. SEMI-TRAILER: any vehicle without mechanical power, other than a

pole trailer, designed for carrying persons or property and for being drawn by another vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by such other vehicle.

28. SHOULDER: the area immediately adjacent to the edge of a paved road.
29. SINGLE AXLE LOAD: the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches or less apart, extending across the full width of the vehicle.
30. STOP: complete cessation from movement.
31. TANDEM AXLE LOAD: the total load transmitted to the road by all wheels whose centers are included between two (2) parallel transverse vertical planes more than 40 inches apart but less than 120 inches apart, extending across the full width of the vehicle.
32. TANK MOTOR VEHICLE: any motor vehicle designed for the transportation of liquids or gases in a cargo tank.
33. TRAFFIC: pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, using any roadway for purposes of travel.
34. TRAFFIC-CONTROL SIGNAL: a device, manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
35. TRUCK: any vehicle with an attached box, platform or other equipment designed to carry property other than the effects of the driver or passengers.
36. TRUCK TRACTOR: a vehicle designed to draw other vehicles without carrying part of the weight of the vehicle and load down.
37. VEHICLE: any device in, upon or by which persons or property may be transported, including a frame chassis or body of any type of vehicle, excluding devices driven by human power or used exclusively upon stationary rails or tracks.

Section 4.2.1 shall be amended as follows:

#### **4.2.1 ENFORCEMENT.**

- A. The Kiowa Tribe Police Officers and other police officers authorized by the Tribe shall be responsible for the enforcement of all regulations established in this ~~chapter~~ title.
- B. The Chief Judge of the Trial Court may, by administrative order, designate standardized penalties to be paid for the offenses of this title for any defendant wishing to plead guilty or nolo contendere, which may be satisfied by payment to the Trial Court.



Section 4.2.2 shall be amended as follows:

**4.2.2 ~~VALID STATE DRIVER'S LICENSE REQUIRED. DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED.~~**

- A. Any person operating a motor vehicle within the jurisdiction of the Tribe must possess a valid state driver's license. It shall be unlawful to drive any motor vehicle upon any public road at a time when one's driver's license or permit or other driving privilege has been denied, suspended, canceled or revoked by any State or Indian Tribe, or when one's driving privilege has been suspended by the Trial Court.
- B. Violation of this section is punishable by a fine not to exceed \$250.00, or by a term of imprisonment not to exceed three months, or by suspension or revocation of one's driver's license, or any combination of the above punishments.

Section 4.2.3 shall be amended as follows:

**4.2.3 ~~AUTHORIZED EMERGENCY VEHICLES FAILURE TO YIELD RIGHT OF WAY TO EMERGENCY VEHICLES.~~**

- A. The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of law, or when responding to a fire alarm, is exempt from the requirements in this chapter.
- B. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with ordinary care for the safety of all persons, nor shall these provisions exempt any party from the consequences of his reckless disregard for the safety of others.
- C. Upon the approach of an authorized emergency vehicle displaying flashing red lights and sirens, all other vehicles shall immediately drive to a position parallel with, and as close as possible to, the right hand edge of the roadway, clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed. Upon the approach of any emergency vehicle making use of audible and/or visual signals, including by not limited to police vehicles, fire engines, or ambulances, it shall be unlawful to fail to immediately pull over to the right-hand edge or curb of the public roadway, or to otherwise make way for the emergency vehicle in a manner appropriate under the circumstances, and stop and remain until the emergency vehicle has passed, unless otherwise directed by a police officer.
- D. Violation of this section is punishable by a fine not to exceed \$250.00, or by a term of imprisonment not to exceed one year, or any combination thereof.

Section 4.2.4 shall be amended as follows:

**4.2.4 APPLICATION TO ANIMALS AND ANIMAL-DRAWN VEHICLES.**

- A. Any person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all the rights, and shall be subject to all the duties, applicable to the driver of a vehicle by this chapter.
- B. A vehicle approaching animals or animal-drawn vehicles shall exercise reasonable care to prevent frightening such animals, and to insure the safety of any person riding or driving the same.
- C. Violation of this subsection is punishable by a fine not to exceed \$250.00, or by a term of imprisonment not to exceed one year, or any combination thereof.

A new Section 4.2.7 to be added as follows:

**4.2.7 DRIVER'S LICENSE IN POSSESSION.**

- A. It shall be unlawful to operate a motor vehicle upon any private or public road within the exterior boundaries of the jurisdiction of the Kiowa Tribe without possession of a valid Federal, Tribal, or State operator's license, which must be exhibited upon demand by tribal law enforcement.
- B. Violation of this section is punishable by a fine not to exceed \$100.00.

A new Section 4.2.8 to be added as follows:

**4.2.8 PERMITTING UNAUTHORIZED PERSON TO DRIVE.**

- A. It shall be unlawful to knowingly cause, permit, or fail to take reasonable precautions to prevent any unauthorized person to operate a motor vehicle upon any public road.
- B. Violation of this section is punishable by a fine not to exceed \$100.00.

A new Section 4.2.9 to be added as follows:

**4.2.9 FAILURE TO STOP WHEN DIRECTED BY POLICE.**

- A. It shall be unlawful to fail to immediately pull over to the right-hand edge or curb of the public road, clear of any intersection, and stop and remain when approached by a police vehicle making use of audible and/or visual signals.
- B. Failure to stop when directed by a police officer shall be punishable by a fine not to exceed \$250.00, or by a term of imprisonment not to exceed three months, or by suspension of driving privileges for a period not to exceed one year or any combination thereof.

A new Section 4.2.10 to be added as follows:

**4.2.10 ELUDING LAW ENFORCEMENT OFFICER.**

- A. The crime of eluding a law enforcement officer occurs when a person who is operating a motor vehicle knowing that a law enforcement officer has signaled for the person to stop:
  - 1. Fails to bring the vehicle to a stop in a reasonable time or distance;
  - 2. Takes any other action with intent to evade the law enforcement officer;  
or
  - 3. Approaches a roadblock and knowingly proceeds through the roadblock without stopping or without receiving permission to proceed from a law enforcement officer.
- B. Violation of this section shall be a misdemeanor on the first conviction and a felony on any subsequent conviction.

Section 4.3.1 shall be amended as follows:

**4.3.1 DUTIES OF DRIVERS IN ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY.**

- A. ~~The driver of a vehicle involved in an accident resulting in damage to an unattended vehicle, shall immediately stop and locate the operator or owner of the vehicle. If locating the operator or owner of the damaged vehicle is not possible, the driver shall leave written notice giving the name and address of the driver and the owner of the vehicle causing the damage. It shall be unlawful for the driver of any motor vehicle directly involved in an accident resulting in injury to, or death of, any person or damage to any other moving or attended vehicle to fail to immediately stop his vehicle at the scene of the accident or as close thereto as possible; or fail to return to and remain at the scene of the accident and render such aid and assistance as may be necessary in the circumstances; or fail to give his name, address and the registration number of his motor vehicle and his operator's or chauffeur's license number and security verification information to all other drivers involved in the accident; or fail to render to any injured person such assistance as may be necessary in the circumstances; or fail to notify, or have another notify, the Tribal Police of the accident and its location as soon as possible.~~
- B. ~~The driver of any vehicle involved in an accident resulting in damage to fixtures or other property legally upon or adjacent to a roadway, shall take reasonable steps to locate and notify the property's owner or caretaker of such damage, giving his name, address and the registration number of his vehicle. Violation of this section shall be a misdemeanor and punishable by a fine not to exceed \$500.00, or by a term of imprisonment not to exceed six months, or by suspension of driving privileges for a period not to exceed one year.~~
- C. ~~The driver of a vehicle involved in an accident resulting in bodily injury, death or total property damage of three hundred dollars (\$300.00) or more, shall immediately file a written report of the accident with the appropriate Law~~

~~Enforcement Agency.— If necessary, the driver of such vehicle shall render reasonable assistance to any person injured in the accident by making immediate arrangements for medical care.~~

Section 4.3.2 shall be amended as follows:

#### **4.3.2 WHEN DRIVER UNABLE TO REPORT.**

- A. ~~If an accident occurs, and the driver of the vehicle involved in an accident is physically incapable of making an immediate report, any occupant in the vehicle at the time of the accident capable of making a report, shall be responsible for filing the accident report. It shall be unlawful for another occupant in the vehicle at the time of an accident who is capable of making a report required under this Code, or any part of the report, to fail to do so when the driver of the motor vehicle is physically unable to make a required accident report to the Tribal Police.~~
- B. ~~If the driver physically incapable of making a written report does not own the vehicle involved in the accident, the owner shall file a report immediately upon being informed of such accident. Violation of this section is punishable by a fine not to exceed \$100.00.~~

A new Section 4.3.6 to be added as follows:

#### **4.3.6 DUTY UPON STRIKING UNATTENDED VEHICLE.**

- A. It shall be unlawful for the driver of any motor vehicle which collides with any unattended vehicle to fail to immediately stop and attempt to locate and notify the operator or owner of such vehicle of both the name and address of the driver and owner of the vehicle striking the unattended vehicle; or to fail to leave securely attached in a place where it may be easily seen in the vehicle struck, a written notice giving the name and address of the driver and the circumstances thereof; or to fail to inform the Tribal Police of the accident and its location as soon as possible.
- B. Violation of this section shall be a misdemeanor and punishable by a fine not to exceed \$250.00, or by a term of imprisonment not to exceed three months, or by suspension of driving privileges for a period not to exceed one year.

A new Section 4.3.7 to be added as follows:

#### **4.3.7 DUTY UPON STRIKING HIGHWAY FIXTURES.**

- A. It shall be unlawful for the driver of any motor vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway to fail to take reasonable steps as soon as possible to locate and notify the owner or person in charge of such property of such fact, and provide the name, address, phone, of the driver, the insurance company name, address, phone, and policy number, and the license plate number of the vehicle; or to fail to report such accident to the Tribal police as soon as possible.

- B. Violation of this section is punishable by a fine not to exceed \$250.00, or by a term of imprisonment not to exceed three months, or both.

Section 4.4.1 shall be amended as follows:

#### **4.4.1 SPEED REGULATIONS.**

- A. No person shall operate a vehicle on a public roadway at a speed greater than In any area within the exterior boundaries of the jurisdiction of the Kiowa Tribe where the speed limit is not posted, and where no special hazard exists, the following speeds shall be lawful, but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:
1. Fifteen (15) miles per hour in a school zone, crossings, or other designated areas;
  2. Twenty-five (25) mph in any business or residential district;
  3. Fifty-five (65) mph on highways in open country; or  
The maximum speed. It shall be unlawful to exceed the above limits, the limits set by Resolution and posted by authority of the Tribal Police Chief, or a speed which is reasonable and proper under the conditions prevailing upon the roadway.
- B. No person shall It shall be unlawful to drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation.
- C. The fact that the speed of a motor vehicle is lower than the foregoing prima facie limits of subsection (A) does not relieve the driver from the duty to use due care.
- D. Any violation of this section shall be punishable by a fine not to exceed \$100.00.

Section 4.4.2 shall be amended as follows:

#### **4.4.2 SPEED ZONE LIMITS.**

Speed limits on any public road shall be set by the respective governmental body that maintains such public road. For public roads maintained by the Kiowa Tribe, speed limits shall be set by Tribal Resolution, provided that if no Resolution is in effect, then by the Tribal Police Chief. Speed limits may be posted at such places and at such maximum allowable speeds deemed necessary by the Tribal Police Chief.

- A. ~~The director of any agency having authority to maintain the roadways within the Territory of the Tribe is hereby empowered to do the following:~~
1. ~~To determine upon the basis of an engineering survey or traffic investigation that any speed limit established by law is greater or less than is reasonable and safe under the conditions found to exist upon any part of such roadway.~~
  2. ~~To determine and declare a reasonable maximum speed for such~~

~~location, which shall be in effect when appropriate signs giving notice thereof are erected.~~

- ~~B. The agency establishing a speed zone under this section shall be responsible for erecting at the beginning of each such zone, a sign designating a maximum allowed speed within the zone, and at the end thereof, a sign bearing either the legend "Resume Speed" or setting forth a new maximum speed limit.~~

Section 4.5.1 shall be amended as follows:

#### **4.5.1 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

- A. ~~The driver of a vehicle shall obey the instruction of any official traffic control device placed by the proper authority, It shall be unlawful to fail to obey the instructions of any lawfully emplaced traffic-control device, unless otherwise directed by a traffic or law enforcement officer, and subject to the exemptions granted authorized emergency vehicles.~~
- B. Any violation of this section shall be punishable by a fine not to exceed \$100.00.

Section 4.5.4 shall be amended as follows:

#### **4.5.4 PROHIBITION OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.**

- A. No person shall display or maintain a device that attempts to direct traffic or hide or interfere with official traffic control devices.
- B. No person shall alter, deface or remove any official traffic control device or railroad sign or signal, in whole or in part.
- C. All prohibited signs, signals, or markings are hereby declared to be a public nuisance and any authority having jurisdiction over the highway, including police officers, are empowered to remove the such signs or cause them to be removed without notice.
- D. The court, in addition to or in lieu of any assessment imposed, may require any person found in violation of this section, to pay to the Kiowa Tribe the full cost of replacing such traffic control device or railroad sign or signal. If the such traffic control device or railroad sign or signal is used on a roadway maintained by another governmental entity, the Kiowa Tribe shall either replace such in coordination with the other governmental entity or transfer the replacement costs to the other governmental entity.

A new Section 4.5.6 to be added as follows:

#### **4.5.6 LAWFUL COMMAND OF TRAFFIC.**

- A. It shall be unlawful to disobey the lawful command or instruction by any traffic control or law enforcement officer.
- B. Any violation of this section shall be punishable by a fine not to exceed \$100.00.

A new Section 4.5.7 to be added as follows:

**4.5.7 SIGNAL DEVICES.**

- A. It shall be unlawful to turn a vehicle from a direct course on a public road until such movement can be made with safety, and then only after giving an appropriate signal, either by hand or arm or by a directional signal device.
- B. Any violation of this section shall be punishable by a fine not to exceed \$100.00.

Section 4.6.1 shall be amended as follows:

**4.6.1 RIGHT-OF-WAY WHEN APPROACHING OR ENTERING INTERSECTIONS.**

- A. ~~When two vehicles enter or approach an intersection from different streets or roadways at approximately the same time the driver of the vehicle to the left shall yield the right of way to the vehicle on the right. It shall be unlawful for the driver of a motor vehicle approaching an intersection to fail to yield the right of way vehicle approaching from the right, unless otherwise directed by sign, traffic light, or a proper official directing traffic.~~
- B. This paragraph does not apply to vehicles approaching or entering an uncontrolled "T" intersection when the vehicle on the left is on a continuing street or roadway and the vehicle on the right is on the terminating street or roadway. In such cases, the vehicle on the terminating street or roadway shall yield to the vehicle on the continuing street or roadway.
- C. Violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.6.2 shall be amended as follows:

**4.6.2 VEHICLES ENTERING YIELD INTERSECTION.**

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 must yield the right-of-way to any vehicle already in the intersection or approaching so closely as to constitute an immediate hazard. If such driver is involved in a collision after failing to yield, the collision shall be deemed prima facie evidence of his failure to yield. Violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.6.3 shall be amended as follows:

**4.6.3 VEHICLE ENTERING ROADWAY FROM PRIVATE ROAD OR DRIVEWAY.**

- A. ~~A vehicle attempting to enter or cross a public roadway from a private road or driveway shall yield the right of way to any vehicle or pedestrian on the public roadway. It shall be unlawful for the driver of a motor vehicle about to enter or pass a public road from a private road or driveway to fail to yield the right of way to all vehicles approaching on said public road.~~
- B. Violation of this section is punishable by a fine not to exceed \$100.00.

A new Section 4.5.7 to be added as follows:

**4.6.4. FAILURE TO STOP AT STOP SIGN AND YIELDING RIGHT OF WAY.**

- A. It shall be unlawful for the driver of a motor vehicle to fail to come to a complete stop at all intersections marked by a stop sign before entering an intersection, unless otherwise directed by an officer directing traffic.
- B. It shall be unlawful for the driver of a motor vehicle approaching an intersection marked by a sign requiring him to yield the right of way to fail to decrease the speed of such vehicle and yield the right of way to any traffic proceeding on the road given the right of way by such sign.
- C. Violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.7.1 shall be amended as follows:

**4.7.1 OVERTAKING A VEHICLE ON THE LEFT.**

- A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe speed and shall not drive on the right side of the roadway again until safely clear of the overtaken vehicle.
- B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- C. Violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.7.2 shall be amended as follows:

**4.7.2 OVERTAKING A VEHICLE ON THE RIGHT.**

- A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - 1. When the vehicle overtaken is making or is about to make a left turn; or
  - 2. Upon a roadway with unobstructed pavement not occupied by parked vehicles and of sufficient width for two or more lines of moving vehicles in each direction.
  - 3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
- B. Such exceptions are only allowed when the movement to the right can be made with safety. In no event shall movement to the right be made by driving off the pavement or main-traveled portion of the roadway.
- C. Violation of this section is punishable by a fine not to exceed \$100.00.



Section 4.7.3 shall be amended as follows:

#### **4.7.3 OVERTAKING AND PASSING A SCHOOL BUS.**

- A. ~~Upon meeting or overtaking a stopped school bus with its red flashing lights in operation, all other vehicles must stop before reaching the school bus and shall not proceed until the bus resumes motion and the red flashing lights are not in operation.~~ It shall be unlawful, when meeting or overtaking from either direction any school bus which has been stopped for the purpose of receiving or discharging passengers, to fail to stop immediately and not proceed again until all passengers are received or discharged and the bus is again in motion.
- B. 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.
- C. Every bus used for the transportation of school children shall be equipped with a signal with the word "Stop" printed on both sides in white letters not less than five (5) inches high on a red background. The signal shall not be less than twenty (20) inches long and shall be manually operated by the operator of the school bus in such manner as to be clearly visible from both front and rear when extended from the left of the body of the bus. It shall be displayed only when passengers are being received or discharged from the bus.
- D. Any person who violates the provisions of paragraph (a) of this section shall be guilty of an infraction punishable by a civil assessment fee of not more than one hundred fifty dollars (\$150.00). A second violation within one year thereafter shall be a criminal offense subject to a fine of not more than three hundred seventy-five dollars (\$375.00). A third or subsequent violation within one year after the last violation shall be a criminal offense subject to not less than five hundred dollars (\$500.00) or imprisonment for not less than sixty (60) days, nor more than six (6) months, or both.

Section 4.7.4 shall be amended as follows:

#### **4.7.4 LIMITATIONS ON OVERTAKING AND PASSING.**

- A. No vehicle shall be driven to the left side of the center of the roadway when the following conditions exist:
  - 1. When approaching the crest of a grade or upon a curve in the roadway where the driver's view is so obstructed as to create a hazard in the event another vehicle might approach from the opposite direction; or
  - 2. Within one hundred (100) feet of an intersection; or
  - 3. Where appropriate signs or markings indicate the existence of a no passing zone; or
  - 4. Within one hundred (100) feet of any bridge, viaduct or tunnel.

- B. The limitations set forth in paragraph (A) of this section shall not apply on a one-way roadway.
- C. Violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.7.5 shall be amended as follows:

**4.7.5 FOLLOWING TOO CLOSELY.**

- A. A motor vehicle shall not follow another vehicle more closely than is reasonable, having due regard for the speed of the vehicle, volume of traffic and the condition of the roadway.
- B. All vehicles being driven in a caravan or motorcade shall be operated so as to allow another vehicle to enter and occupy space within the caravan or motorcade without danger. The provisions of this subsection shall not apply to funeral processions.
- C. Violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.9.1 shall be amended as follows:

**4.9.1 STOPPING, STANDING OR PARKING.**

- A. No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the roadway when it is possible to stop, park or leave the vehicle off that part of the roadway. A violation of this subsection is punishable by a fine not to exceed \$100.00.
- B. When a vehicle is left standing upon a roadway in violation of paragraph (A), any law enforcement officer is authorized to remove or to cause the vehicle to be removed to a place of safety.
- C. This section shall not apply to a disabled vehicle on the paved or main-traveled portion of a roadway when it is impossible to avoid temporarily leaving the disabled vehicle in such position.

Section 4.9.2 shall be amended as follows:

**4.9.2 PROHIBITIONS ON STOPPING, STANDING OR PARKING.**

No person shall stop, stand or park a vehicle in any of the following places:

1. On a sidewalk; or
2. In front of a public or private driveway; or
3. In an intersection; or
4. Within twenty (20) feet of a fire hydrant; or
5. Within thirty (30) feet of a crosswalk at an intersection; or
6. Within thirty (30) feet of the approach to any flashing beacon, stop sign, yield sign

- or traffic-control device located adjacent to the roadway; or
7. Within fifty (50) feet of the nearest rail or railroad crossing, except when a motor vehicle is loading or unloading railroad cars; or
  8. Within thirty (30) feet of the driveway entrance to any fire station or within seventy-five (75) feet on the side of a street opposite the entrance to any fire station; or
  9. Adjacent or opposite to any street excavation when stopping, standing or parking would obstruct traffic; or
  10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street; or
  11. Upon a bridge, tunnel or other elevated roadway structure; or
  12. At any place where official signs prohibit standing or stopping.

A violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.9.3 shall be amended as follows:

**4.9.3 ~~PARKING PRIVILEGES FOR PHYSICALLY DISABLED~~ ILLEGALLY PARKING IN A DESIGNATED PERSONS WITH DISABILITIES PARKING SPACE.**

- A. ~~Only a motor vehicle bearing the international wheelchair symbol may park in designated parking areas for the physically disabled, except as provided in Sections 4.9.1(C). It shall be unlawful to, without lawful authority and/or a valid disabilities parking permit issued lawfully by either a Tribe, a State, or governmental body, park in a designated persons with disabilities parking space.~~
- B. It shall be unlawful to use a disabilities parking permit lawfully issued by a Tribe, a State, or governmental body in a manner inconsistent with the purpose for which the disabilities parking permit was lawfully issued.
- C. Violation of this section is punishable by a fine not to exceed \$200.00.

Section 4.10.1 shall be amended as follows:

**4.10.1 PEDESTRIANS SUBJECT TO TRAFFIC REGULATIONS.**

- A. Pedestrians shall obey all traffic control signals. Where no signals are in place, pedestrians shall have the right-of-way subject to the restrictions in this chapter.
- B. Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.
- C. All pedestrians shall exercise due caution and reasonable care when walking adjacent to a roadway.
- D. Violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.10.2 shall be amended as follows:

#### **4.10.2 PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS.**

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, allowing a pedestrian to cross the roadway within a crosswalk when the pedestrian is upon the same half of the roadway as the vehicle, or when the pedestrian is close enough on the other side to be in danger.
- B. 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.
- C. When any vehicle is stopped at a crosswalk in order to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.
- D. Violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.13.1 shall be amended as follows:

#### **4.13.1 GENERAL APPLICABILITY.**

- A. It shall constitute a civil infraction for any person to operate an unsafe vehicle or combination of vehicles. Unless stated differently, such infraction shall be punishable by a fine not to exceed \$100.00.
- B. The use of additional parts and accessories on any vehicle shall not be prohibited, unless inconsistent with the provisions of this chapter.
- C. The provisions of this chapter, with respect to vehicular equipment, shall not apply to implements of husbandry, road machinery, road rollers or farm tractors unless otherwise stated.

Section 4.13.2 shall be amended as follows:

#### **4.13.2 WHEN LIGHTED LAMPS ARE REQUIRED.**

- A. Any vehicle operating upon a highway within the Territory of the Tribe from one-half hour after sunset to one-half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any persons and/or vehicles on the highway at a distance of five hundred (500) feet ahead, shall display lighted lamps and reflective devices.
- B. Every vehicle stopped or parked on the side of any road or high during the hours set forth above, shall burn lamps, flares, or otherwise alert other drives of the potential danger, unless the vehicle is positioned at least 30 inches from the main traveled portion of the roadway in such fashion that no part of the main traveled portion of the roadway, not the 30-inch safety zone is impeded.
- C. Violation of this section is punishable by a fine not to exceed \$100.00.

Section 4.13.28 shall be amended as follows:

**4.13.28**      SAFETY BELT REQUIREMENT.

- A. All adults, children 13 years of old and older, or 4 feet 9 inches in height or taller, in a moving non-commercial vehicle operated in the Kiowa Territory shall use a properly fastened lap and shoulder belt, or a lap belt only in those vehicles without a lap and shoulder restraint system. This requirement shall not apply to any person possessing a written statement from a physician indicating that the person is unable to wear a safety belt for medical or psychological reasons. A copy of the physician's statement must be in the person's possession while operating the vehicle in the Territory of the Tribe.
- B. Violators of this section are subject to a civil assessment fee of not less than thirty-seven dollars and fifty cents (\$37.50) and not more than seventy-five dollars (\$75.00), or not less than ten hours and not more than 30 hours of community service.
- C. Evidence of a violation of this section shall be admissible for the purposes of mitigation of damages, appointment of damages or comparative fault, or other issues as determined by the court, with respect to any person who is involved in an accident and seeks to recover damages for injuries resulting from the accident.
- D. This section shall not apply to an operator of a motor vehicle while performing official duties as route carrier of the U.S. Postal Service.

A new Section 4.15.13 to be added as follows:

**4.15.13**      CARELESS DRIVING.

- A. It shall be unlawful to drive any motor vehicle upon any public road within the Tribal jurisdiction in such manner as to indicate either a wanton or willful disregard for the safety of persons or property.
- B. Violation of this section shall be a felony and punishable by a fine not to exceed \$250.00, or by a term of imprisonment not to exceed three months, or by suspension of driving privileges for a period not to exceed one year or any combination of the above punishment.