



# Choctaw Nation of Oklahoma

## Choctaw Nation Traffic Code

### Table of Contents

Chapter 1. Definition of Words and Phrases.....	16
Section 1-101. Definition of Words and Phrases .....	16
Section 1-101.1. Ancient Vehicle .....	16
Section 1-102. Arterial Street.....	16
Section 1-103. Authorized Emergency Vehicles--Equipment .....	16
Section 1-103.1. Automobile .....	17
Section 1-104. Bicycle, Electric-Assisted Bicycle, and Motorized Bicycle .....	17
Section 1-105. Bus .....	18
Section 1-105.1. Church Bus .....	18
Section 1-106. Business District .....	18
Section 1-107. Reserved .....	18
Section 1-107.1. Class A Commercial Motor Vehicle.....	18
Section 1-107.2. Class B Commercial Motor Vehicle .....	18
Section 1-107.3. Class C Commercial Motor Vehicle .....	19
Section 1-107.4. Class D Motor Vehicle .....	19
Section 1-108. Commercial Operator or Driver.....	20
Section 1-109. Executive Director .....	20
Section 1-110. Controlled-Access Highway .....	20
Section 1-111. Crosswalk .....	20
Section 1-112. Reserved .....	21
Section 1-113. Department .....	21
Section 1-114. Driver .....	21
Section 1-114A. Electric Personal Assistive Mobility Device .....	21
Section 1-115. Reserved .....	21
Section 1-116. Established Place of Business.....	21
Section 1-117. Explosives.....	21
Section 1-118. Farm Tractor .....	21
Section 1-119. Flammable Substance .....	22
Section 1-120. Reserved .....	22
Section 1-120.1. Gross Combination Weight Rating (GCWR) .....	22
Section 1-121. Gross Vehicle Weight Rating (GVWR) .....	22
Section 1-122. Highway.....	22

Section 1-123. Manufactured Home .....	22
Section 1-124. Reserved .....	22
Section 1-125. Implement of Husbandry .....	22
Section 1-126. Intersection .....	23
Section 1-127. Reserved .....	23
Section 1-128. License to Operate a Motor Vehicle .....	23
Section 1-129. Lienholder.....	23
Section 1-130. Reserved .....	24
Section 1-131. Mail.....	24
Section 1-132. Manufacturer.....	24
Section 1-133. Metal Tire .....	24
Section 1-133.1. Reserved .....	24
Section 1-133.2. Moped.....	24
Section 1-133.3. Motorized Scooter .....	24
Section 1-134. Motor Vehicle.....	25
Section 1-134.1. Low-Speed Electrical Vehicle .....	25
Section 1-135. Motorcycle.....	25
Section 1-136. Motor-driven Cycle .....	26
Section 1-136.1. Reserved .....	26
Section 1-136.2. Reserved .....	26
Section 1-136.3. Motorized Wheelchair .....	26
Section 1-137. Reserved .....	26
Section 1-138. Reserved .....	26
Section 1-139. Official Traffic control Devices.....	26
Section 1-140. Operator or driver .....	27
Section 1-140.1. “Other Intoxicating Substance” Defined .....	27
Section 1-141. Owner .....	27
Section 1-142. Park, Parking and Public Parking Lot.....	27
Section 1-143. Pedestrian.....	27
Section 1-144. Person .....	27
Section 1-145. Pneumatic Tire.....	28
Section 1-146. Pole Trailer .....	28
Section 1-147. Police Officer.....	28
Section 1-148. Private Road or Driveway .....	28
Section 1-149. Railroad .....	28
Section 1-150. Railroad Sign or Signal.....	28

Section 1-151. Railroad Train.....	28
Section 1-152. Reserved .....	28
Section 1-152.1 Recreational Vehicle.....	29
Section 1-153. Registration.....	29
Section 1-154. Residence District.....	29
Section 1-155. Revocation of Driving Privilege.....	29
Section 1-156. Right of Way .....	29
Section 1-157. Reserved .....	29
Section 1-158. Roadway and Shoulder.....	29
Section 1-159. Safety Zone.....	30
Section 1-160. School Bus.....	30
Section 1-161. Reserved .....	30
Section 1-162. Semitrailer .....	30
Section 1-163. Sidewalk .....	30
Section 1-164. Solid Tire.....	30
Section 1-165. Special Mobilized Machinery.....	30
Section 1-166. Reserved .....	31
Section 1-167. Stand or Standing.....	31
Section 1-168. State .....	31
Section 1-169. Stop.....	31
Section 1-170. Stop or Stopping.....	31
Section 1-171. Street.....	31
Section 1-172. Reserved .....	31
Section 1-173. Suspension of Driving Privilege.....	31
Section 1-173.1. Tank Vehicle.....	31
Section 1-174. Taxicab .....	32
Section 1-175. Through Highway.....	32
Section 1-176. Reserved .....	32
Section 1-177. Traffic .....	32
Section 1-178. Traffic Control Signal.....	32
Section 1-179. Traffic Lane .....	33
Section 1-180. Trailer .....	33
Section 1-181. Transporter.....	33
Section 1-181.1. Travel Trailer.....	33
Section 1-182. Truck.....	33
Section 1-183. Truck Tractor.....	33

Section 1-184. Reserved .....	33
Section 1-185. Reserved .....	33
Section 1-186. Vehicle .....	34
Chapter 2. The Public Safety Department .....	34
Section 2-101. Creation of the Public Safety Department and Office of Executive Director of Public Safety—Powers and Authority—Chief Officer—Services for Chief .....	34
Section 2-102. Executive Director of Public Safety .....	34
Section 2-103. Powers and Duties of the Executive Director .....	35
Section 2-104. Police Authority of Department .....	35
Section 2-105. Administration of Public Safety Department .....	37
Chapter 3. Reserved .....	37
Chapter 4. Anti-Theft Laws .....	38
Section 4-101. Exceptions from Provisions of this Chapter .....	38
Section 4-102. Unauthorized use of Vehicle or Implement of Husbandry .....	38
Section 4-103. Unauthorized Receipt, Possession, Concealment, Sale, or Dispossession of Vehicle or Implement of Husbandry .....	38
Section 4-104. Damaging or Tampering with Vehicle or Implement of Husbandry .....	38
Section 4-105. Stolen, Converted, Recovered and Unclaimed Vehicles .....	39
Section 4-106. False Report of Theft or Conversion .....	39
Section 4-107. Removed, Falsified or Unauthorized Identification .....	39
Section 4-107a. Offenses in Connection with Trim Tag Plates—Exceptions—Penalties—Civil Remedies—Definitions .....	40
Section 4-108. False Statements of Material Facts—Punishment .....	41
Section 4-109. Altering or Forging Certificate of Title—Punishment .....	42
Section 4-110. Offenses in Connection with Certificate of Title .....	42
Chapter 5. Reserved .....	42
Chapter 6. Driver Licenses .....	43
Section 6-101. Driver Must be Licensed .....	43
Section 6-102. Persons Exempt .....	43
Section 6-103. Exceptions to License Requirements .....	44
Section 6-104. License to be Carried and Exhibited on Demand .....	44
Section 6-301. Unlawful use of License or Identification Card .....	45
Section 6-302. Reserved .....	46
Section 6-303. Driving without License or while License is Canceled, Denied, Suspended or Revoked—Penalties .....	46
Section 6-304. Permitting Unauthorized Minor to Drive .....	47
Section 6-305. Permitting Unauthorized Person to Drive .....	47
Section 6-306. Employer's Permitting Unlicensed or Improperly Licensed Person to Drive .....	47

Section 6-307. Liability for Knowingly Permitting the Operation by a Person Not Qualified.....	47
Section 6-308. Penalty for Misdemeanor.....	47
Chapter 7. Financial Responsibility.....	48
Section 7-600. Definitions .....	48
Section 7-601. Liability Requirements--Proof of Compliance .....	49
Section 7-602. Certification of Existence of Security—Exemptions.....	49
Section 7-603. Possession of Security Verification Form while Operating or Using Certain Vehicles .	50
Section 7-604. Failure to Maintain Insurance or Security—Penalties .....	50
Section 7-605. Exemptions .....	51
Section 7-606. Security Verification Forms—Violations of Law—Penalties .....	51
Chapter 8. Reserved .....	52
Chapter 9. Reserved.....	52
Chapter 10. Accidents and Accident Reports.....	52
Section 10-101. Provisions of Chapter Apply Throughout Choctaw Nation of Oklahoma.....	52
Section 10-102. Accidents Involving Nonfatal Injury .....	53
Section 10-102.1. Accidents Involving Death .....	53
Section 10-103. Accidents Involving Damage to Vehicle.....	53
Section 10-104. Duty to Give Information and Render Aid—Drug and Alcohol Testing .....	54
Section 10-105. Duty upon Striking Unattended Vehicle.....	54
Section 10-106. Duty upon Striking Fixtures upon a Highway .....	54
Section 10-107. Immediate Notice of Accident.....	55
Chapter 11. Rules of the Road .....	55
Article 1. Obedience to and Effect of Traffic Laws.....	55
Section 11-101. Provisions of Chapter Refer to Vehicles upon the Highways--Exceptions .....	55
Section 11-102. Required Obedience to Traffic Laws.....	55
Section 11-103. Obedience to Police Officers .....	55
Section 11-104. Persons Riding Animals or Driving Animal-Drawn Vehicles.....	55
Section 11-105. Persons Working on Highways—Exceptions.....	56
Section 11-106. Authorized Emergency Vehicles .....	56
Section 11-107. Military Convoys.....	57
Article 2. Traffic Signs, Signals and Markings .....	57
Section 11-201. Obedience to and Required Traffic control Devices.....	57
Section 11-202. Traffic control Signal Legend.....	58
Section 11-203. Pedestrian-Control Signals .....	60
Section 11-204. Flashing Signals.....	60
Section 11-204.1. Lane Use Control Signals .....	60

Section 11-205. Pedestrian-Actuated School Crossing Signals.....	61
Section 11-206. Display of Unauthorized Signs, Signals or Markings.....	61
Section 11-207. Interference with Official Traffic control Devices or Railroad Signs or Signals— Violation Resulting in Personal Injury or Death—Penalty.....	61
Section 11-208. Traffic Signal Preemption Device .....	62
Article 3. Miscellaneous Rules of Driving on Roadway.....	62
Section 11-301. Drive on Right Side of Roadway—Exceptions .....	62
Section 11-302. Passing Vehicles Proceeding in Opposite Directions .....	63
Section 11-303. Overtaking a Vehicle on the Left—Signal .....	63
Section 11-304. When overtaking on the right is permitted .....	64
Section 11-305. Limitations on Overtaking on the Left .....	64
Section 11-306. Further Limitations on Driving to Left of Center of Roadway.....	64
Section 11-307. No-Passing Zones .....	65
Section 11-308. One-Way Roadways and Rotary Traffic Island.....	65
Section 11-309. Driving on Roadways Laned for Traffic.....	65
Section 11-310. Following Too Closely .....	66
Section 11-311. Driving on Divided Highways.....	67
Section 11-312. Restricted Access.....	67
Section 11-313. Restrictions on Use of Controlled-Access Roadway .....	67
Section 11-314. Approaching Stationary Emergency Vehicle or Licensed Wrecker Displaying Flashing Lights .....	67
Article 4. Right of Way .....	68
Section 11-401. Vehicle Approaching or Entering Intersection .....	68
Section 11-402. Vehicle Turning Left at Intersection.....	69
Section 11-403. Vehicle Entering Stop or Yield Intersection.....	69
Section 11-404. Vehicle Entering Highway from Private Road or Driveway .....	69
Section 11-405. Operation of Vehicles on Approach of Authorized Emergency Vehicles.....	70
Section 11-406. Farm Tractors or Implements--Operation on Highways.....	70
Article 5. Pedestrians .....	71
Section 11-501. Pedestrians Subject to Traffic Regulations .....	71
Section 11-501.1. Rights and Duties of Persons Operating Wheelchair or Motorized Wheelchair .....	71
Section 11-502. Pedestrians' Right of Way in Crosswalks.....	71
Section 11-503. Crossing at Other than Crosswalks.....	71
Section 11-504. Drivers to Exercise Due Care .....	72
Section 11-505. Pedestrians to Use Right Half of Crosswalks .....	72
Section 11-506. Pedestrians on Roadways or Bridges.....	72
Section 11-507. Pedestrians Soliciting Rides or Business.....	72

Article 6. Turning and Starting and Signals on Stopping and Turning .....	72
Section 11-601. Required Position and Method of Turning at Intersections .....	73
Section 11-602. Turning to Proceed in Opposite Direction—Turns on Curve or Near Crest of Grade Prohibited.....	73
Section 11-603. Starting Parked Vehicle .....	73
Section 11-604. Turning Movements and Required Signals—Passing Person Attempting a Left Turn	73
Section 11-605. Signals by Hand and Arm or Signal Lamps .....	74
Section 11-606. Method of Giving Hand and Arm Signals.....	74
Article 7. Special Stops Required .....	74
Section 11-701. Obedience to Signal Indicating Approach of Train .....	75
Section 11-702. Commercial Motor Vehicles and Buses—Railroad Crossing .....	75
Section 11-703. Stop Signs and Yield Signs.....	75
Section 11-704. Emerging from Alley, Driveway or Building .....	76
Section 11-705. Meeting or Overtaking Stopped School Bus .....	76
Section 11-705.1. Meeting or Overtaking Stopped Church Bus.....	77
Article 8. Speed Restrictions.....	77
Section 11-801. Basic Rule—Maximum and Minimum Limits—Fines and Penalties .....	77
Section 11-802. Minimum speed regulation .....	78
Section 11-803. Speed Limitation on Motorcycles, Motor-Driven Cycles, and Motorized Scooters ....	79
Section 11-804. Low-speed Electrical Vehicles—Restrictions on Operation .....	79
Section 11-805. Electric-assisted bicycle operators.....	79
Section 11-805.1. Electric Personal Assistive Mobility Devices.....	80
Section 11-805.2. Electric Gopeds.....	81
Section 11-806. Special speed limitations .....	81
Section 11-806.1. Reduced Speed Limit at Certain Times in School Zone.....	82
Section 11-807. Charging Violations and Rule in Civil Actions .....	82
Section 11-808. Jammers and Speed Measuring Devices—Use, Possession, Manufacture, Sale or Distribution Prohibited—Exemption .....	82
Section 11-809. Exemptions .....	83
Article IX. Reckless Driving, Driving While Intoxicated and Negligent Homicide.....	83
Section 11-901. Reckless driving.....	83
Section 11-901a. Full time and Attention to Driving.....	83
Section 11-901b. Unlawful Use of a Cellular Telephone .....	84
Section 11-902. Persons Under the Influence of Alcohol or Other Intoxicating Substance or Combination thereof .....	84
Section 11-902a. Allowing Use of Motor Vehicle without Ignition Interlock Device—Disabling or Disconnecting Device .....	86
Section 11-903. Negligent Homicide.....	86

Section 11-904. Person Involved in Personal Injury Accident While Under the Influence of Alcohol or Other Intoxicating Substance—Causing Great Bodily Injury .....	87
Section 11-905. Person Involved in Personal Injury Accident without a Valid Driver License—Causing Great Bodily Injury—Causing Death .....	87
Section 11-906. Operating or being in Actual Physical Control of Motor Vehicle While under the Influence while under age .....	88
Article 10. Stopping, Standing and Parking .....	89
Section 11-1001. Stopping, Standing or Parking Outside of Business or Residence District .....	89
Section 11-1002. Officers Authorized to Remove Illegally Stopped Vehicle .....	90
Section 11-1003. Stopping, Standing or Parking Prohibited in Specified Places .....	91
Section 11-1004. Additional Parking Regulations.....	92
Section 11-1005. Authorized Emergency Vehicles; Vehicles Used in Construction or Maintenance of Highways—Excepted from Certain Provisions .....	92
Section 11-1006. Parking of Vehicles on Posted Private Property—Penalty—Liability of Landowner .....	92
Section 11-1007. Parking Areas for Physically Disabled Persons—Penalties .....	93
Section 11-1008. Reserved .....	93
Section 11-1009. Parking on Certain Property Prohibited.....	93
Article 11. Miscellaneous Rules .....	94
Section 11-1101. Unattended Motor Vehicle .....	94
Section 11-1102. Limitations on Backing.....	94
Section 11-1103. Motorcycles, Motor-Driven Cycles, Motorized Scooters, Motorized Bicycles, or Electric-Assisted Bicycles—Restrictions on Transporting Other Persons and on Operation.....	94
Section 11-1104. Obstruction to Driver’s View or Control—Overloading School Bus.....	95
Section 11-1105. Opening and Closing Vehicle Doors .....	95
Section 11-1106. Driving on mountain highways.....	95
Section 11-1107. Coasting prohibited.....	95
Section 11-1108. Following Fire Apparatus and other Emergency Vehicles Prohibited .....	95
Section 11-1109. Crossing fire hose .....	96
Section 11-1110. Putting Glass, etc., on Highway Prohibited .....	96
Section 11-1111. Throwing or Dropping Object on or at Moving Vehicles.....	96
Section 11-1112. Child Passenger Restraint System Required for Certain Vehicles—Exemptions .....	97
Section 11-1113. Reserved .....	98
Section 11-1114. Allowing passenger to ride outside passenger compartment.....	98
Section 11-1115. Railroad-Highway Grade Crossings—Class A, B or C Commercial Vehicles—When Crossing Prohibited.....	98
Section 11-1116. Self-propelled or Motor-Driven and Operated Vehicles—Golf Carts—All-Terrain and Utility Vehicles—Operation on Streets and Highways .....	98
Section 11-1117. All-Terrain Vehicle Passenger Restrictions—Penalties and Enforcement—Liability of Parents or Vehicle Owners—Applicability.....	100



Section 11-1118. Reserved .....	100
Section 11-1119. Definitions—Unattended Child or Vulnerable Adult in Motor Vehicle Prohibited— Exception—Penalty .....	101
Article 12. Operation of Bicycles and Play Vehicles.....	102
Section 11-1201. Effect of Regulations .....	102
Section 11-1202. Traffic Laws Apply to Persons Riding Bicycles or Motorized Scooters.....	102
Section 11-1203. Riding on Bicycle or Motorized Scooter .....	102
Section 11-1204. Clinging to Vehicles .....	102
Section 11-1205. Riding on Roadway, One-way Street or Highway.....	102
Section 11-1206. Carrying Articles .....	103
Section 11-1207. Reserved .....	103
Section 11-1208. Overtaking and Passing Bicycle—Violations—Fines and Penalties .....	103
Article 13. Maintenance, Construction and Safety Zones.....	104
Section 11-1301. Driving through safety zones prohibited .....	104
Section 11-1302. Maintenance and construction zones .....	104
Section 11-1303. Endangerment of a Highway Worker .....	105
Article 14. Reserved.....	106
Chapter 12. Equipment of Vehicles.....	106
Article 1. Scope and Effect of Regulations.....	106
Section 12-101. Driving or Permitting to be Driven Vehicle with Unsafe or Missing Equipment—Other Forbidden Acts—Exceptions Relating to Requirements for Equipment—Rules—Definitions .....	106
Section 12-101.1. Sale of Improperly Equipped Vehicle—Improper Equipping or Operation of Improperly Equipped Vehicle.....	108
Section 12-101.2. Construction of Act--Severability.....	108
Article 2. Lamps and Other Lighting Equipment.....	108
Section 12-201. Proper Display of Lamps and Other Signal Devices—Adoption of Federal Specifications and Standards .....	109
Section 12-202. Visibility Distance and Mounted Height of Lamps .....	109
Section 12-203. Head Lamps on Motor Vehicles.....	109
Section 12-203.1. Number of Driving Lamps Required or Permitted .....	110
Section 12-203.2. Use of Distribution of Light or Composite Beam Lighting Equipment .....	110
Section 12-203.3. Headlamps with Single Distribution of Light—Farm Tractors and Certain Other Motor Vehicles.....	111
Section 12-203.4. Lighting Equipment upon Motor Vehicles Operated below certain Speed .....	111
Section 12-204. Tail Lamps.....	112
Section 12-204.1. Lamps Illuminating Rear License Plate.....	112
Section 12-205. Reflectors.....	113
Section 12-206. Stop Lamps .....	113

Section 12-207. Turn Signal Lamps .....	113
Section 12-208. Vehicles of certain Width—Clearance Lamps—Side Marker Lamps—Reflectors ...	114
Section 12-209. Reserved .....	115
Section 12-210. Reserved .....	115
Section 12-211. Visibility of Reflectors, Clearance Lamps and Marker Lamps .....	115
Section 12-212. Reserved .....	116
Section 12-213. Lamps, Reflectors, and Flags on Projecting Load .....	116
Section 12-214. Lamps on Parked or Stopped Motor Vehicles .....	116
Section 12-215. Lamps on Farm Tractors—Farm Equipment and Implements of Husbandry .....	117
Section 12-216. Lamps, Lighting Devices, or Reflectors on Animal-drawn and certain Other Vehicles .....	118
Section 12-217. Auxiliary, Fog, and Off-road Lamps .....	119
Section 12-218. Emergency Vehicles—Flashing Lights .....	121
Section 12-218.1. Flashing Lights on Licensed Wreckers.....	121
Section 12-218.2. Vehicles Operated by Rural Letter Carriers or any Highway Contract Route Vehicles Delivering Mail—Flashing Lights .....	122
Section 12-219. Reserved .....	122
Section 12-220. Back-up and Vehicular Hazard Warning Lamps .....	122
Section 12-221. Reserved .....	123
Section 12-222. Reserved .....	123
Section 12-223. Reserved .....	123
Section 12-224. Reserved .....	123
Section 12-225. Reserved .....	123
Section 12-226. Reserved .....	123
Section 12-227. Special Restriction on Lamps .....	123
Section 12-228. Special Lighting Equipment and Warning Devices on School Buses and Church Buses .....	124
Section 12-229. Lights on Vehicles or Machinery Operated by Government on Highways.....	125
Section 12-230. Reserved .....	125
Section 12-231. Reserved .....	125
Section 12-232. Vans Operated for Non-profit Charitable Organization Equipped with Strobe-light-type Device .....	125
Article 3. Brakes.....	126
Section 12-301. Brake Equipment Required.....	126
Section 12-302. Performance ability of brakes.....	128
Article 4. Other Equipment.....	130
Section 12-401. Horns and Warning Devices .....	130

Section 12-402. Mufflers or Other Noise-Suppressing Systems—Prevention of Excessive or Unusual Noise .....	130
Section 12-403. Mirrors .....	131
Section 12-404. Windshields and Windows—Obstruction, Obscuring, or Impairing of Driver’s View—Electric Windshield Wiper Mechanism .....	131
Section 12-405. Tires and Wheels—Peripheral Equipment—Unsafe Operating Condition .....	132
Section 12-405.1. Coupling Devices—Stay Chains, Cables or Other Safety Devices .....	134
Section 12-405.2. Fuel Tanks and Intake Pipes—Projection Beyond Side of Vehicle—Construction and Attachment.....	135
Section 12-405.3. Aprons .....	135
Section 12-406. Safety Glazing Material or Safety Glass—Standards—Identification Markings—Sale or Replacement .....	135
Section 12-407. Certain Vehicles to be Equipped with Flares and Other Emergency Equipment .....	136
Section 12-408. Display of Warning Devices When Vehicle Disabled.....	136
Section 12-409. Vehicles Transporting Hazardous Materials.....	138
Section 12-410. Air-conditioning Equipment .....	138
Section 12-411. Television-type Receiving Equipment Visible from Operator’s Seat Prohibited.....	139
Section 12-412. Reserved .....	139
Section 12-413. Seat Belts or Shoulder Harnesses .....	139
Section 12-414. Specifications.....	139
Section 12-415. Penalties.....	139
Section 12-416. Short Title .....	140
Section 12-417. Operators and Front Seat Passengers Required to Wear Safety Belts—Exemptions .	140
Section 12-418. Reserved .....	140
Section 12-419. Reserved .....	140
Section 12-420. Civil Proceedings—Effect of Act.....	140
Section 12-421. Reserved .....	141
Section 12-422. Restrictions on Use of Glass Coating Materials or Sun Screening Devices on Windshields and Windows .....	141
Section 12-423. Emission Control System—Disconnection, Alteration, Modification, or Replacement .....	143
Section 12-424. Obstruction to Turning of Steering Control—Definitions.....	144
Section 12-425. Absent, Disconnected, or Broken Parts of Suspension System .....	145
Section 12-426. Properly Operating Speedometer.....	145
Section 12-427. Official Slow-moving Vehicle Emblem .....	145
Section 12-428. Converted School Buses—Color.....	146
Article V. Odometer Setting Act .....	146
Section 12-501. Short Title .....	146

Section 12-502. Definitions .....	146
Section 12-503. Prohibited Acts .....	146
Section 12-504. Service, Repair or Replacement of Odometer .....	147
Section 12-505. Transfer of Ownership of Motor Vehicle—Information Required.....	147
Section 12-506. Violation—Penalty .....	148
Article 6. Motorcycles.....	148
Section 12-601. Headlamps and Other Illuminating Devices on Certain Motorcycles—Definition....	148
Section 12-602. Headlamps Required on Every Motorcycle—Definitions.....	148
Section 12-603. Tail lamps .....	149
Section 12-604. Reflectors.....	149
Section 12-605. Stop Lamps .....	150
Section 12-606. Electric Flashing Turn Signal Lamps .....	150
Section 12-608. Brakes on Motorcycles .....	150
Section 12-609. Motorcycles—Required Equipment .....	151
Article 7. Bicycles.....	151
Section 12-701. Provisions in Chapter Applicable to Bicycles .....	151
Section 12-702. Front Lamp .....	151
Section 12-703. Rear Lamp .....	152
Section 12-704. Reflector .....	152
Section 12-705. Reserved .....	152
Section 12-706. Reflective Material .....	152
Section 12-707. Additional Lights and Reflectors.....	152
Section 12-708. Brakes .....	152
Section 12-709. Sirens .....	152
Chapter 13. Inspection of Vehicles.....	153
Section 13-101. Vehicles without Required Equipment or in Unsafe Condition .....	153
Section 13-102. Officers may Inspect a Vehicle and its Equipment.....	153
Section 13-103. Owner and Drivers to Submit Vehicles for Inspection.....	154
Chapter 14. Reserved .....	154
Chapter 15. Reserved .....	154
Chapter 16. Parties and Procedure Upon Arrest.....	154
Section 16-101. Parties to a Crime.....	154
Section 16-102. Offenses by Persons Owning or Controlling Vehicles .....	154
Section 16-103. Public Officers and Employees—Exceptions.....	155
Section 16-104. Procedure upon Arrest for Felony .....	155
Section 16-105. Reserved .....	155

Section 16-106. Reserved .....	155
Section 16-107. Reserved .....	155
Section 16-108. Misdemeanor Violations—Procedure.....	155
Section 16-109. Authority of Officer at Scene of Accident.....	155
Section 16-110. Reserved .....	155
Section 16-111. Reserved .....	156
Section 16-112. Failure to Obey Notice to Appear.....	156
Section 16-113. Procedure Prescribed Herein not Exclusive.....	156
Section 16-114. Arrest of Traffic Violators without Warrant.....	156
Chapter 17. Penalties .....	156
Section 17-101. Misdemeanor Violations—Penalties .....	156
Section 17-102. Felonies.....	157
Chapter 18. Records and Reports of Convictions .....	158
Section 18-101. Record of traffic cases .....	158
Chapter 19. Reserved.....	158
Chapter 20. Reserved.....	158
Chapter 21. Reserved.....	158
Chapter 22. Reserved.....	158
Chapter 23. Reserved.....	158
Chapter 24. Reserved.....	158
Chapter 25. Reserved.....	158
Chapter 26. Reserved.....	158
Chapter 27. Reserved.....	159
Chapter 28. Reserved.....	159
Chapter 29. Reserved.....	159
Chapter 30. Reserved.....	159
Chapter 31. Reserved.....	159
Chapter 32. Reserved.....	159
Chapter 33. Reserved.....	159
Chapter 34. Reserved.....	159
Chapter 35. Reserved.....	159
Chapter 36. Reserved.....	159
Chapter 37. Reserved.....	159
Chapter 38. Reserved.....	159
Chapter 39. Reserved.....	159
Chapter 40. Reserved.....	159

Chapter 41. Reserved .....	159
Chapter 42. Reserved .....	159
Chapter 43. Reserved .....	159
Chapter 44. Reserved .....	160
Chapter 45. Reserved .....	160
Chapter 46. Reserved .....	160
Chapter 47. Reserved .....	160
Chapter 48. Reserved .....	160
Chapter 49. Reserved .....	160
Chapter 50. Reserved .....	160
Chapter 51. Reserved .....	160
Chapter 52. Reserved .....	160
Chapter 53. Reserved .....	160
Chapter 54. Reserved .....	160
Chapter 55. Reserved .....	160
Chapter 56. Reserved .....	160
Chapter 57. Reserved .....	160
Chapter 58. Reserved .....	160
Chapter 59. Reserved .....	160
Chapter 60 Reserved .....	160
Chapter 61. Reserved .....	161
Chapter 62. Reserved .....	161
Chapter 63. Reserved .....	161
Chapter 64. Reserved .....	161
Chapter 65. Reserved .....	161
Chapter 66. Reserved .....	161
Chapter 67. Chemical Tests .....	161
Section 751. Implied Consent to Breath Test, Blood Test or Other Test for Determining Presence or Concentration of Alcohol or Other Intoxicating Substance .....	161
Section 752. Administration of Tests—Authorization—Liability—Laboratories—Independent analysis—Costs.....	163
Section 753. Refusal to submit to test.....	166
Section 754. Seizure of license .....	166
Section 755. Reserved.....	167
Section 756. Admission of Evidence Shown by Tests.....	167
Section 757. Other competent evidence--Admissibility .....	168
Section 758. Reserved.....	168

Section 759. Board of Tests for Alcohol and Drug Influence.....	168
Section 760. Reserved.....	168
Section 761. Operation of a Motor Vehicle While Impaired—Penalties.....	168
Chapter 68. Reserved.....	169
Chapter 69. Reserved.....	169
Chapter 70. Reserved.....	169
Chapter 71. Abandonment of Vehicles.....	169
Section 901. Abandonment Unlawful—Determination.....	169
Section 902. Authorization to Remove Abandoned Vehicle .....	169
Section 903. Notice of Impoundment—Civil liability .....	169
Section 904. Payment of cost of removal and storage .....	170
Section 905. Lienholder Defined .....	170
Section 906. Reserved.....	170
Section 907. Special Liens.....	170
Section 908. Foreclosure of Lien—Notice .....	170
Section 909. Time to commence proceedings .....	171
Section 910. Return of Sale .....	171
Section 911. Disposition of proceeds of sale .....	171
Chapter 72. Reserved.....	172
Chapter 73. Reserved.....	172
Chapter 74. Choctaw Nation of Oklahoma Vehicle License and Registration Act .....	172
Section 1101. Short title.....	172
Section 1102. Definitions.....	172
Section 1103. Legislative Intent.....	175
Section 1104. Registration and Certificate of Title.....	175
Section 1105. Seizure of vehicles not bearing or displaying proper license plate--Sale .....	175
Section 1106. Offenses and Penalties Enumerated.....	175
Chapter 75. Reserved.....	177
Chapter 76. Reserved.....	177
Chapter 77. Reserved.....	177
Chapter 78. Reserved.....	177
Chapter 79. Motor Vehicle Chop Shop, Stolen and Altered Property Act .....	177
Section 1501. Short title.....	177
Section 1502. Definitions.....	177
Section 1503. Ownership and Operation of Chop Shop—Alteration of Vehicle Identification Number—Purchase or Sale of Parts from Altered Vehicle—Exceptions—Attempt—Conspiracy— Solicitation—Aiding and Abetting—Accessory after Fact—Penalties—Sentence—Restitution .....	178

Section 1504. Seizure without Process of Tool, Implement, or Instrumentality of Offense—Disposition of Seized Property.....	181
Section 1505. Property Subject to Forfeiture—Determination of Identity of Rightful Owner—Disposition of Forfeited Property .....	182
Section 1506. Civil proceedings--Remedies--Treble damages--Estoppel--Limitations--Service of process .....	185
Section 1508. Power of Prosecutor .....	186

## **Chapter 1. Definition of Words and Phrases**

### **Section 1-101. Definition of Words and Phrases**

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires or other definitions are provided. Section captions are a part of this chapter.

#### **Section 1-101.1. Ancient Vehicle**

Ancient vehicle means a motor vehicle, which is thirty (30) years of age or older, based upon the date of manufacture thereof, and which travels on highways primarily incidental to historical or exhibition purposes only.

#### **Section 1-102. Arterial Street**

Any U.S. or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

#### **Section 1-103. Authorized Emergency Vehicles--Equipment**

A. When equipped as prescribed in subsection B of this section:

1. Vehicles of fire departments;
2. Ambulances or vehicles of ambulance service providers;
3. Vehicles of law enforcement agencies;
4. Vehicles owned and operated by the United States Marshals Service or the Federal Bureau of Investigation;



5. Vehicles of the Oklahoma National Guard units designated by the Adjutant General for support to civil authorities; or

6. Vehicles owned and operated by any governmental organization and used for emergency management, are authorized emergency vehicles.

B. All vehicles prescribed in subsection A of this section shall be equipped with sirens capable of giving audible signals as required by the provisions of Section 12-218 of this title and flashing red lights as authorized by the provisions of Section 12-218 of this title.

### **Section 1-103.1. Automobile**

Automobile means every motor vehicle of the type constructed and used for the transportation of persons for purposes other than for hire or compensation. This shall include all vehicles of the station wagon type whether the same are called station wagons, or ranch wagons, van wagons, except those used for commercial purposes, suburbans, town and country, or by any other name, except when owned and used as a school bus or motor bus by a school district or a religious corporation or society as elsewhere provided by law.

### **Section 1-104. Bicycle, Electric-Assisted Bicycle, and Motorized Bicycle**

A. A bicycle is a device upon which any person or persons may ride, propelled solely by human power through a belt, chain, or gears, and having two or more wheels, excluding mopeds.

B. An electric-assisted bicycle is any bicycle with:

1. Two or three wheels; and

2. Fully operative pedals for human propulsion and equipped with an electric motor with a power output not to exceed one thousand (1,000) watts,

a. incapable of propelling the device at a speed of more than thirty (30) miles per hour on level ground, and

b. incapable of further increasing the speed of the device when human power alone is used to propel the device at a speed of thirty (30) miles per hour or more.

An electric-assisted bicycle shall meet the requirements of the Federal Motor Vehicle Safety Standards as set forth in federal regulations and shall operate in such a manner that the electric motor disengages or ceases to function when the brakes are applied.

C. A motorized bicycle is any bicycle having:

1. Fully operative pedals for propulsion by human power;

2. An automatic transmission; and

3. A combustion engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cu cm) or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty (30) miles per hour on level ground.

D. As used in this title, the term “bicycle” shall include tricycles, quadcycles, or similar human-powered devices, electric-assisted bicycles, and motorized bicycles unless otherwise specifically indicated.

### **Section 1-105. Bus**

Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

#### **Section 1-105.1. Church Bus**

Church bus means any bus operated by a nonprofit religious organization which transports persons including school-age children to and from religious activities.

### **Section 1-106. Business District**

The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

### **Section 1-107. Reserved**

#### **Section 1-107.1. Class A Commercial Motor Vehicle**

Class A Commercial Motor Vehicle means any combination of vehicles, except a Class D motor vehicle, with a gross combined weight rating of twenty-six thousand one (26,001) or more pounds provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds.

#### **Section 1-107.2. Class B Commercial Motor Vehicle**

Class B Commercial Motor Vehicle means any single vehicle, except a Class D motor vehicle, with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds gross vehicle weight rating. This class shall apply to a bus with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds and designed to transport sixteen or more persons, including the driver.

### **Section 1-107.3. Class C Commercial Motor Vehicle**

Class C Commercial Motor Vehicle means any single vehicle or combination of vehicles, other than a Class A or Class B vehicle as defined in this title, which is:

1. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; or
2. Designed by the manufacturer to transport sixteen or more persons, including the driver.

### **Section 1-107.4. Class D Motor Vehicle**

#### **CLASS D MOTOR VEHICLE**

A. A Class D motor vehicle is any motor vehicle or combination of vehicles which:

1. Regardless of weight:
  - a. is marked and used as an authorized emergency vehicle, as defined in Section 1-103 of this title, or
  - b. is designed and used solely as a recreational vehicle;
2. Is a single or combination vehicle with a gross combined weight rating of less than twenty-six thousand one (26,001) pounds;
3. Is a single or combination farm vehicle with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:
  - a. it is entitled to be registered with a farm tag and has a farm tag attached thereto,
  - b. it is controlled and operated by a farmer, his or her family or employees,
  - c. it is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm,
  - d. it is not used in the operations of a common or contract motor carrier, and

e. it is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law; or

4. Is operated by a licensed driver employed by a unit of government that operates a commercial motor vehicle within the boundaries of that unit of government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

a. the properly licensed employee who ordinarily operates a commercial vehicle for these purposes is unable to operate the vehicle, or

b. the employing governmental entity determines that a snow or ice emergency requires additional assistance.

B. A Class D Motor Vehicle shall not include any vehicle which is:

1. Designed to carry sixteen or more passengers, including the driver; or

2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in paragraph 3 of subsection A of this section, which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, shall be considered to be a Class D motor vehicle.

### **Section 1-108. Commercial Operator or Driver**

Commercial Operator or Driver means every person who operates, drives or is in actual physical control of a Class A, B or C commercial motor vehicle, as defined in Sections 1-107.1, 1-107.2 and 1-107.3 of this title.

### **Section 1-109. Executive Director**

The Executive Director of the Public Safety Department of the Choctaw Nation of Oklahoma.

### **Section 1-110. Controlled-Access Highway**

Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

### **Section 1-111. Crosswalk**

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

#### **Section 1-112. Reserved**

#### **Section 1-113. Department**

The Public Safety Department of the Choctaw Nation of Oklahoma, acting directly or through its duly authorized officers and agents.

#### **Section 1-114. Driver**

Every person who drives or is in actual physical control of a vehicle.

#### **Section 1-114A. Electric Personal Assistive Mobility Device**

Electric Personal Assistive Mobility Device means a self-balancing, two non-tandem-wheeled device, designed to transport only one person, having an electric propulsion system with an average of seven hundred fifty (750) watts (1 h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds.

#### **Section 1-115. Reserved**

#### **Section 1-116. Established Place of Business**

The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

#### **Section 1-117. Explosives**

Explosives shall have the same meaning as defined in 49 C.F.R., Part 173.

#### **Section 1-118. Farm Tractor**

Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

#### **Section 1-119. Flammable Substance**

Flammable substance shall include any liquid, gas, or other material as defined in 49 C.F.R., Part 173.

#### **Section 1-120. Reserved**

##### **Section 1-120.1. Gross Combination Weight Rating (GCWR)**

Gross Combination Weight Rating (GCWR) means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value specified by the manufacturer, the gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon.

##### **Section 1-121. Gross Vehicle Weight Rating (GVWR)**

Gross Vehicle Weight Rating (GVWR) means the gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

#### **Section 1-122. Highway**

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

#### **Section 1-123. Manufactured Home**

Manufactured home means and includes every vehicle defined as a manufactured home in paragraph 10 of Section 1102 of this title.

#### **Section 1-124. Reserved**

##### **Section 1-125. Implement of Husbandry**

Implement of Husbandry means every device, whether it is self-propelled, designed and adapted so as to be used exclusively for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and, in either case, not subject to registration if operated upon the highways.

1. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallons capacity, used during the liquid fertilizer season as field storage “nurse tanks” supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or field or from one farm or field to another, shall be considered implements of husbandry for purposes of this title.

2. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon shall also be considered implements of husbandry for purposes of this title. Provided, no truck or semitrailer with an axle weight of twenty thousand (20,000) pounds or more, which is used to haul manure and operated on the public roads or highways shall be considered an implement of husbandry for the purposes of this title.

3. Utility-type, all-terrain vehicles with a maximum curb weight of one thousand five hundred (1,500) pounds which are equipped with metal front or rear carrying racks when used for agricultural, horticultural or livestock-raising operations shall be considered implements of husbandry for purposes of this title.

#### **Section 1-126. Intersection**

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded

#### **Section 1-127. Reserved**

#### **Section 1-128. License to Operate a Motor Vehicle**

License to operate a motor vehicle means any valid driver license or permit to operate a motor vehicle issued under the laws of any state including any temporary license or instruction permit, the lawful possession of which shall be evidence that the person has been granted the privilege to operate a motor vehicle.

#### **Section 1-129. Lienholder**

A person holding a security interest in a vehicle.

#### **Section 1-130. Reserved**

#### **Section 1-131. Mail**

To deposit in the United States mails properly addressed and with postage prepaid.

#### **Section 1-132. Manufacturer**

Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business.

#### **Section 1-133. Metal Tire**

Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

#### **Section 1-133.1. Reserved**

#### **Section 1-133.2. Moped**

Moped means any motor-driven cycle with a motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty (30) miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters, and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

#### **Section 1-133.3. Motorized Scooter**

A. A motorized scooter is any vehicle having:

1. Not more than three wheels in contact with the ground;
2. Handlebars and a foot support or seat for the use of the operator;

3. A power source that is capable of propelling the vehicle at a maximum speed of not more than twenty-five (25) miles per hour on level ground, and:



a. if the power source is a combustion engine, has a piston or rotor displacement of thirty-five cubic centimeters (35 cu cm) or less regardless of the number of chambers in the power source,

b. if the power source is electric, has a power output of not more than one thousand (1,000) watts.

B. For purposes of this section, an electric personal assistive mobility device, as defined in Section 1-114A of this title, bicycle, electric-assisted bicycle, or motorized bicycle, as defined in Section 1-104 of this title, shall not be considered a motorized scooter.

C. A motorized scooter shall not be required to be registered. The operator of a motorized scooter shall not be required to possess a driver license or to comply with the vehicle insurance or financial responsibility laws of the Choctaw Nation of Oklahoma.

### **Section 1-134. Motor Vehicle**

A. A motor vehicle is:

1. Any vehicle which is self-propelled; or
2. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

B. As used in this title, the term “motor vehicle” shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;
2. Electric personal assistive mobility devices as defined in Section 1-114A of this title;
3. Motorized wheelchairs, as defined in Section 1-136.3 of this title; or
4. Vehicles moved solely by human or animal power.

### **Section 1-134.1. Low-Speed Electrical Vehicle**

Low-speed electrical vehicle means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500.

### **Section 1-135. Motorcycle**

A motorcycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;
2. Not more than three wheels in contact with the ground, but excluding a tractor; and
3. A combustion engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cu cm) or greater.

#### **Section 1-136. Motor-driven Cycle**

A motor-driven cycle is any motor vehicle having:

1. A power source that:
  - a. if the power source is a combustion engine, has a piston or rotor displacement of greater than thirty-five cubic centimeters (35 cu cm) but less than one hundred fifty cubic centimeters (150 cu cm) regardless of the number of chambers in the power source,
  - b. if the power source is electric, has a power output of greater than one thousand (1,000) watts; and
2. A seat or saddle for the use of each rider; and
3. Not more than three wheels in contact with the ground.

#### **Section 1-136.1. Reserved**

#### **Section 1-136.2. Reserved**

#### **Section 1-136.3. Motorized Wheelchair**

A motorized wheelchair is any self-propelled vehicle, designed for and used by a person with a disability, that is incapable of a speed in excess of eight (8) miles per hour.

#### **Section 1-137. Reserved**

#### **Section 1-138. Reserved**

#### **Section 1-139. Official Traffic control Devices**

Official traffic control device means all signs, barricades, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

#### **Section 1-140. Operator or driver**

Operator or driver means every person, including a commercial operator or driver, as defined in Section 1-108 of this title, who operates, drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

#### **Section 1-140.1. “Other Intoxicating Substance” Defined**

For purposes of this title, “other intoxicating substance” means any substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor function.

#### **Section 1-141. Owner**

A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Code.

#### **Section 1-142. Park, Parking and Public Parking Lot**

(a) Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(b) A public parking lot is any parking lot on a right of way dedicated to public use or owned by any governmental unit.

#### **Section 1-143. Pedestrian**

Any person afoot.

#### **Section 1-144. Person**

Every natural person, firm, co-partnership, association or corporation.

#### **Section 1-145. Pneumatic Tire**

Every tire in which compressed air is designed to support the load.

#### **Section 1-146. Pole Trailer**

Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

#### **Section 1-147. Police Officer**

Every peace officer, police officer and any other law enforcement officer who is authorized to direct or regulate traffic or make arrests for violations of traffic or criminal laws.

#### **Section 1-148. Private Road or Driveway**

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

#### **Section 1-149. Railroad**

A carrier of persons or property upon cars operated upon stationary rails.

#### **Section 1-150. Railroad Sign or Signal**

Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

#### **Section 1-151. Railroad Train**

Railroad train means a steam engine, diesel, electric or other motor, with or without cars coupled thereto, operated upon rails.

#### **Section 1-152. Reserved**

## **Section 1-152.1 Recreational Vehicle**

For the sole purpose of the classification of vehicles as provided in Sections 1-107.1 through 1-107.4 of this title, a recreational vehicle shall be deemed to be a Class D motor vehicle, provided such vehicle is a self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping or travel purposes and is used solely as a family or personal conveyance.

## **Section 1-153. Registration**

The registration certificate or certificates and registration plates issued under the laws of any state or Indian tribe pertaining to the registration of vehicles.

## **Section 1-154. Residence District**

The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

## **Section 1-155. Revocation of Driving Privilege**

The termination by formal action of a person's privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender of said person's driver license to the issuing authority.

## **Section 1-156. Right of Way**

The privilege of the immediate use of the roadway.

## **Section 1-157. Reserved**

## **Section 1-158. Roadway and Shoulder**

(a) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(b) Shoulder. The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

**Section 1-159. Safety Zone**

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

**Section 1-160. School Bus**

Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

**Section 1-161. Reserved****Section 1-162. Semitrailer**

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**Section 1-163. Sidewalk**

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

**Section 1-164. Solid Tire**

Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

**Section 1-165. Special Mobilized Machinery**

Special purpose machines, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highways is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway, and which carry no load other than their own weight, which cannot be divided for all practical purposes. This definition shall include a truck or truck tractor when used while drawing special mobilized machinery but this shall not be construed as exempting from license and registration the pulling unit truck or truck tractor as required by the motor vehicle license and registration.

**Section 1-166. Reserved****Section 1-167. Stand or Standing**

Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

**Section 1-168. State**

A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

**Section 1-169. Stop**

When required means complete cessation from movement.

**Section 1-170. Stop or Stopping**

When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

**Section 1-171. Street**

The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**Section 1-172. Reserved****Section 1-173. Suspension of Driving Privilege**

The temporary withdrawal by formal action of a person's privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender of said person's driver license to the issuing authority.

**Section 1-173.1. Tank Vehicle**

Tank Vehicle means any commercial motor vehicle designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include but are not limited to cargo tanks and portable

tanks as defined by 49 C.F.R., Part 171. Provided however, the term “tank vehicle” shall not include a portable tank having a rated capacity of under one thousand (1,000) gallons.

#### **Section 1-174. Taxicab**

Taxicab shall mean and include any motor vehicle for hire, designed to carry ten persons or less, operated upon any street or highway, or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported. This classification shall not include:

1. Motor vehicles of ten passenger capacity or less operated by the owner where the cost of operation is shared by fellow workmen between their homes and the place of regular daily employment, when not operated for more than two trips per day;

2. Motor vehicles operated by the owner where the cost of operation is shared by the passengers on a “share the expense plan”; or

3. Motor vehicles transporting students from the public school system when said motor vehicle is so transporting under contract with public, private, or parochial school board or governing body.

#### **Section 1-175. Through Highway**

Through highway means every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this act.

#### **Section 1-176. Reserved**

#### **Section 1-177. Traffic**

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together, while using any highway for purposes of travel.

#### **Section 1-178. Traffic Control Signal**

Traffic control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.



### **Section 1-179. Traffic Lane**

Traffic lane means the portion of the traveled way for the movement of a single line of vehicles.

### **Section 1-180. Trailer**

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle, provided however, the definition of trailer herein shall not include implements of husbandry as defined in Section 1-125 of this chapter.

### **Section 1-181. Transporter**

Transporter means every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer or from the place of business of a dealer, sales agent or auto auction to a place of business of the same or another dealer, sales agent or auto auction.

### **Section 1-181.1. Travel Trailer**

Travel Trailer means any vehicular portable structure built on a chassis which is not propelled by its own power but is towed by another vehicle and is used as a temporary dwelling for travel, recreational or vacation use. A travel trailer shall have a body width not exceeding eight (8) feet in travel mode and an overall length not exceeding forty (40) feet, including the hitch or coupling.

### **Section 1-182. Truck**

Every motor vehicle designed, used or maintained primarily for the transportation of property.

### **Section 1-183. Truck Tractor**

Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

### **Section 1-184. Reserved**

### **Section 1-185. Reserved**

## **Section 1-186. Vehicle**

A. A vehicle is any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

B. As used in this title, the term “vehicle” shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;
2. Electric personal assistive mobility devices, as defined in Section 1-114A of this title; or
3. Motorized wheelchairs, as defined in Section 1-136.3 of this title.

## **Chapter 2. The Public Safety Department**

### **Section 2-101. Creation of the Public Safety Department and Office of Executive Director of Public Safety—Powers and Authority—Chief Officer—Services for Chief**

(a) A department of the government of the Choctaw Nation of Oklahoma to be known as the “Public Safety Department” is hereby created. The Public Safety Department shall be under the control and supervision of the Executive Director of Public Safety, which office and position is hereby created.

The Executive Director shall have such powers and authority as may be provided by law and any additional duties that may be assigned to him/her by the Chief of the Choctaw Nation of Oklahoma and/or the designee of the Chief.

(b) The Chief of the Choctaw Nation of Oklahoma shall be the chief officer of the Public Safety Department and the Executive Director of Public Safety shall execute the lawful orders of the Chief and shall be responsible to him/her for the operation and administration of said Department. The Executive Director of Public Safety shall provide personal security and protection, transportation, and communications capabilities for the Chief, the Chief’s immediate family, and the Assistant Chief.

### **Section 2-102. Executive Director of Public Safety**

The Department shall be under the control of an executive officer to be known as the “Executive Director of Public Safety”, who shall be appointed by the Chief of the Choctaw Nation of Oklahoma.

### **Section 2-103. Powers and Duties of the Executive Director**

A. The Executive Director is hereby vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this title and of all laws regulating the operation of vehicles or the use of the highways, the enforcement and administration of which are now or hereafter vested in the Department. The Executive Director may appoint any employee of the Department to serve as the personal representative of the Executive Director for the purpose of fulfilling any such duty or combination of duties.

B. The Executive Director is hereby authorized to adopt and enforce such rules as may be necessary to carry out the provisions of this act and any other laws the enforcement and administration of which are vested in the Department.

C. The Executive Director may adopt an official seal for the use of the Department.

### **Section 2-104. Police Authority of Department**

A. The Executive Director of Public Safety and each officer of the Public Safety Department, as designated and commissioned by the Executive Director, are hereby declared to be peace officers of the Choctaw Nation of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the nation. Such officers shall have the powers and authority now and hereafter vested by law in peace officers, including the right and power of search and seizure, the serving or execution of civil process, and the right and power to investigate and prevent crime and to enforce the criminal laws.

B. The officers of the Department shall have the following authority, responsibilities, powers and duties:

1. To enforce the provisions of this title and any other law regulating the operation of vehicles or the use of the highways, or any other laws of Choctaw Nation of Oklahoma;

2. To arrest without writ, rule, order or process any person detected by them in the act of violating any law of the Choctaw Nation;

3. When the officer is in pursuit of a violator or suspected violator and is unable to arrest such violator or suspected violator within the limits of the jurisdiction of the Choctaw Nation of Oklahoma, to continue in pursuit of such violator or suspected violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever the violator may be overtaken;

4. To assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer or contents thereof in connection therewith;

5. At all times to direct all traffic in conformance with law and, in the event of a fire, or other emergency, or to expedite traffic, or to ensure safety, to direct traffic as conditions may require, notwithstanding the provisions of law;

6. To require satisfactory proof of ownership of the contents of any motor vehicle, including livestock, poultry or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of the officer to take the motor vehicle, driver, and the contents of the motor vehicle into custody;

7. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of this title, or any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his or her driver license and the certificate of registration issued for the vehicle, and submit to an inspection of such vehicle, the license plates and certificate of registration thereon, if applicable, or to any inspection and test of the equipment of such vehicle;

8. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways and bench warrants issued for nonpayment of fines and costs for moving traffic violations;

9. To investigate and report traffic collisions and to secure testimony of witnesses or of persons involved;

10. To investigate reported thefts of motor vehicles, trailers and semitrailers;

11. To stop and inspect any motor vehicle or trailer for such mechanical tests as may be prescribed by the Commissioner to determine the roadworthiness of the vehicle. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from said highway until such alterations or repairs have been made that will render said vehicle serviceable for use on the highway;

12. To stop and inspect the contents of all motor vehicles to ascertain whether or not the provisions of all general laws are being observed;

13. To enforce the laws relating to the registration and licensing of motor vehicles;

14. To enforce the laws relating to the operation and use of vehicles on the highway;

15. To enforce and prevent the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways;

16. To regulate the movement of traffic on the highways, government lands and public grounds;

17. Whenever possible, to determine persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance, and to arrest persons responsible therefor and to bring them before the proper officials for prosecution;

18. To investigate incidents involving an employee of the Department, when such incidents are related to the performance of the duties of the employee; and

19. To initiate or assist in manhunts and fugitive apprehensions; and

20. To perform any other lawful duty, power or function according to law.

C. Nothing in this section shall limit officers, agents or employees of the Public Safety Department from requesting assistance from any other law enforcement agency or limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Public Safety Department shall have the same rights and immunities as are possessed by the Public Safety Department.

D. No person shall have any power, right, or authority to command, order, or direct any commissioned law enforcement officer of the Public Safety Department to perform any duty or service contrary to the provisions of this title or any other laws of the Choctaw Nation of Oklahoma.

## **Section 2-105. Administration of Public Safety Department**

A. The Executive Director shall require that the officers of the Public Safety Department properly patrol the highways, public lands and grounds of the Choctaw Nation and cooperate with other law enforcement officers and agencies in enforcing the laws regulating the operation of vehicles and the use of highways.

B. The Executive Director may establish a school for the training and education of the members of said Department in traffic regulation, the promotion of traffic safety and enforcement of the laws regulating the operation of vehicles and the use of the highways.

C. All members of said Department when on duty shall be dressed in distinctive uniform and display a badge of office.

## **Chapter 3. Reserved**

## **Chapter 4. Anti-Theft Laws**

### **Section 4-101. Exceptions from Provisions of this Chapter**

This chapter does not apply to the following unless a title or registration has been issued on such vehicles under this act:

1. A vehicle moved solely by animal power;
2. An implement of husbandry, except as provided in Section 4-102 and 4-104 of this title;
3. Special mobilized machinery;
4. A self-propelled invalid wheelchair or tricycle.

### **Section 4-102. Unauthorized use of Vehicle or Implement of Husbandry**

A person not entitled to possession of a vehicle or implement of husbandry who, without the consent of the owner and with intent to deprive the owner, temporarily or otherwise, of the vehicle or implement of husbandry or its possession, takes, uses or drives the vehicle or implement of husbandry shall be guilty of a misdemeanor.

### **Section 4-103. Unauthorized Receipt, Possession, Concealment, Sale, or Dispossession of Vehicle or Implement of Husbandry**

A person not entitled to the possession of a vehicle or implement of husbandry who receives, possesses, conceals, sells, or disposes of it, knowing the vehicle or implement of husbandry to be stolen or converted under circumstances constituting a crime, shall be guilty of a felony.

### **Section 4-104. Damaging or Tampering with Vehicle or Implement of Husbandry**

A. A person, who, with intent and without right to do so, injures or tampers with any vehicle or implement of husbandry or in any other manner damages any part or portion of said vehicle or implement of husbandry or any accessories, appurtenance or attachments thereto is guilty of a misdemeanor.

B. A person, who, without right to do so and with intent to commit a crime, climbs into or upon a vehicle or implement of husbandry whether it is in motion or at rest, attempts to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of a vehicle or implement of husbandry while the same is at rest and unattended, or sets in motion any vehicle or implement of husbandry while the same is at rest and unattended is guilty of a misdemeanor.

C. This section shall not apply as stated in Section 11-1002 of this title.

#### **Section 4-105. Stolen, Converted, Recovered and Unclaimed Vehicles**

A. It shall be the duty of every peace officer to make immediate report to the Public Safety Department, or to any other agency or officer as directed by the Executive Director, of all vehicles reported as being stolen or recovered. Such report shall be made as prescribed by the Department.

B. An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the Department, but the Department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the Department.

C. Any peace officer who has reason to believe or upon receiving information that a motor vehicle has been stolen shall have and is hereby vested with authority to confiscate and hold such vehicle until satisfactory proof of ownership is established.

#### **Section 4-106. False Report of Theft or Conversion**

A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the Department is guilty of a misdemeanor.

#### **Section 4-107. Removed, Falsified or Unauthorized Identification**

A. Any person or persons who shall destroy, remove, cover, alter or deface, or cause to be destroyed, removed, covered, altered or defaced, the engine number or other distinguishing number of any vehicle in the Choctaw Nation of Oklahoma, for the purpose of concealing or hiding the identity of such vehicle, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for a term of not less than one (1) year or more than three (3) years.

B. A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that the identification number of the vehicle or engine has been removed or falsified, shall, upon conviction, be guilty of a misdemeanor.

C. A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, with knowledge that the identification number of the vehicle or engine has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, shall, upon conviction, be guilty of a felony.

D. A person who removes a license plate from a vehicle or affixes to a vehicle a license plate not authorized by law for use on said vehicle with intent to conceal or

misrepresent the identity of the vehicle or its owner shall, upon conviction, be guilty of a misdemeanor.

E. As used in this section:

1. "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of any government agency or in accordance with the laws of any state or country;

2. "Remove" includes deface, cover and destroy;

3. "Falsify" includes alter and forge.

F. An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of any government agency without violating this section; an identification number so placed or restored is not falsified.

#### **Section 4-107a. Offenses in Connection with Trim Tag Plates—Exceptions—Penalties—Civil Remedies—Definitions**

A. It shall be unlawful for any person to:

1. Knowingly and intentionally destroy, remove, cover, alter or deface, or cause to be destroyed, covered, removed, altered or defaced the trim tag plate of a motor vehicle manufactured from 1953 to 1977;

2. Knowingly affix a counterfeit trim tag plate to a motor vehicle;

3. Manufacture, offer for sale, sell, introduce, import or deliver for sale or use in the Choctaw Nation of Oklahoma a counterfeit trim tag plate; or

4. Offer for sale, sell, introduce, import or deliver for sale or use in the Choctaw Nation of Oklahoma a trim tag plate that was affixed to a motor vehicle at the time of manufacture but has since been removed or become dislodged.

B. Paragraph 1 of subsection A of this section shall not apply to:

1. Any person who engages in repair of a motor vehicle, provided that removal of the vehicle's trim tag plate is reasonably necessary for repair of a part of the vehicle to which the trim tag plate is affixed, and provided that such trim tag plate is not intentionally destroyed, altered or defaced; or

2. Removal of a trim tag from a motor vehicle which is being junked or otherwise destroyed, if the removal is being done for historical documentation purposes by a person



actively involved in judging events or for historical documentation of classic motor vehicles and reasonable precaution is taken to ensure that the tag is not sold or affixed to another motor vehicle.

C. Any person convicted of violating the provisions of this section shall be guilty of a felony.

D. In addition to any other civil remedy available, a person defrauded as a result of a violation of this act may bring a civil action against any person who knowingly violated this act regardless of whether that person has been convicted of a violation of this act. A person defrauded as a result of a violation of this act may recover treble their actual compensatory damages. In any action brought pursuant to this subsection, the court may award reasonable costs, including costs of expert witnesses, and attorney fees to the prevailing party.

E. As used in this section:

1. “Trim tag plate” means a plate or tag affixed to a motor vehicle by the manufacturer which displays numbers, symbols, or codes that identify characteristics of the vehicle including, but not limited to, date of manufacture, body style, paint color, engine option, transmission option, trim option, general option, interior option, and interior color;

2. “Counterfeit trim tag plate” means:

a. any trim tag plate manufactured by a person or entity other than the original manufacturer of a motor vehicle upon which the trim tag plate is designed to be affixed, unless the trim tag has been permanently stamped, in the same manner as other information on the trim tag, with the words “REPLACEMENT TAG” in letters measuring at least one-eighth (1/8) of an inch in height, or

b. any trim tag plate which has been altered from its original manufactured condition so as to change any of its numbers, symbols, or codes; and

3. “Motor vehicle” means the same as defined in Section 1-134 of this title.

#### **Section 4-108. False Statements of Material Facts—Punishment**

Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for, or in any assignment thereof, or who, with intent to procure or pass title to a motor vehicle which he knows, or has reason to believe, has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony, and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned for a period of not less than one (1) year nor more than three (3) years, or by both such fine and imprisonment. This provision shall not be exclusive of any

other penalties prescribed by an existing or future law for the larceny or unauthorized taking of a motor vehicle.

#### **Section 4-109. Altering or Forging Certificate of Title—Punishment**

Any person who shall alter or forge, or cause to be altered or forged, any certificate of title, or any assignment thereof, or who shall hold or use any such certificate or assignment, knowing the same to have been altered or forged, shall be deemed guilty of a felony, and upon conviction thereof shall be liable to pay a fine of not less than Fifty Dollars (\$50.00), nor more than Five Thousand Dollars (\$5,000.00), or to imprisonment for a period of not less than one (1) year, nor more than three (3) years, or by both such fine and imprisonment.

#### **Section 4-110. Offenses in Connection with Certificate of Title**

Except as otherwise authorized by law, it shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title or number plate issued to or in the custody of the person so lending or permitting the use thereof;
2. To alter or in any manner change a certificate of title, registration certificate or number plate issued under the laws of any state or Indian tribe;
3. To purchase identification or number plates on an assigned certificate of title. This paragraph shall be applicable to all persons except bona fide registered dealers in used motor vehicles who are holders of current and valid used motor vehicle dealers' licenses that is granted by any state or Indian tribe;
4. To sell or dispose of, in any manner, a used vehicle without delivering to the purchaser a certificate of title in such purchaser's name or one properly and completely assigned to the purchaser at the time of sale.

Anyone violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be fined not less than Ten Dollars (\$10.00) and not to exceed Five Hundred Dollars (\$500.00).

#### **Chapter 5. Reserved**

## **Chapter 6. Driver Licenses**

### **Section 6-101. Driver Must be Licensed**

A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in the Choctaw Nation of Oklahoma unless the person has a valid driver license for the class of vehicle being operated. No person shall be permitted to possess more than one valid license at any time.

B. Any person possession a valid driver license may exercise the privilege thereby granted upon all streets and highways in the Choctaw Nation of Oklahoma.

C. No person shall operate a motorcycle or motor-driven cycle without having a valid license with a motorcycle endorsement.

### **Section 6-102. Persons Exempt**

A. Any person who is sixteen (16) years of age or older may operate a motor vehicle in the Choctaw Nation of Oklahoma as authorized by the class, restrictions, and endorsements specified on the license, if the person is:

1. Properly licensed in the home state or country to operate a commercial or noncommercial motor vehicle and who has immediate possession of a valid driver license issued by the home state or country; or

2. A member of the Armed Forces of the United States or the spouse or dependent of such member who has been issued and is in possession of a valid driver license issued by an overseas component of the Armed Forces of the United States.

B. Any person who is at least fifteen (15) years of age may operate a vehicle in the Choctaw Nation of Oklahoma without a driver license, if the person is:

1. Operating a vehicle pursuant to subsection B of Section 6-103 of this title; or

2. Taking the driving skills examination when accompanied by a Driver License Examiner of any state.

C. Any person, while in the performance of official duties, may operate any class of motor vehicle if the person possesses any class of valid Oklahoma driver license or a valid driver license issued by another state, if the person is:

1. A member of the Armed Forces of the United States who is on active duty;

2. A member of the military reserves, not including United States reserve technician;

3. A member of the National Guard who is on active duty, including National Guard military technicians;

4. A member of the National Guard who is on part-time National Guard training, including National Guard military technicians; or

5. A member of the United States Coast Guard who is on active duty.

### **Section 6-103. Exceptions to License Requirements**

A. Any person who is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course by a person who is a certified driver education instructor by any state or Indian tribe who is seated in the right front seat of the motor vehicle.

B. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term “driver education” shall mean:

a. a driver education course authorized by the laws of any state or Indian tribe,

b. a commercial driver training course, as authorized by the laws of any state or Indian tribe, or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by any state or Indian tribe except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee.

C. Any person who has been issued and possesses a valid learner permit who is in compliance with the laws of the state or Indian tribe that issued the learner permit while said person is actually accompanied by a licensed driver in the front seat of the vehicle.

### **Section 6-104. License to be Carried and Exhibited on Demand**

A. Every licensee shall have his or her driver license in his or her immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a peace officer. Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

B. Any person charged with violating this section who produces in court, on or before the court date, a driver license issued to him or her and valid at the time of his or her arrest shall be entitled to dismissal of such charge without payment of court costs and fine.

### **Section 6-301. Unlawful use of License or Identification Card**

It shall be unlawful for any person to commit any of the acts specified in paragraph 1 or 2 of this section in relation to a driver license or identification card authorized to be issued by the state or Indian tribe of origin.

1. It is a misdemeanor for any licensee:

a. to display or cause or permit to be displayed one's own license after such license has been suspended, revoked or canceled or to possess one's own license after having received notice of its suspension, revocation, or cancellation,

b. to lend one's own license or identification card to any other person or knowingly permit the use thereof by another,

c. to display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,

d. to fail or refuse to surrender to the Department upon its lawful demand any license or identification card which has been suspended, revoked or canceled,

e. to permit any unlawful use of a license or identification card issued to oneself,

f. to do any act forbidden or fail to perform any act required by this chapter, excepting those acts as provided in paragraph 2 of this section,

g. to display or represent as one's own, any license or identification card not issued to such person, unless under conditions provided in subparagraph e of paragraph 2 of this section, or

h. to add to, delete from, alter, or deface the required information on a driver license or identification card.

2. It is a felony for any person:

a. to create, publish or otherwise manufacture a license or identification card or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device, card, laminate, digital image or file, or software for the printing of a license or identification card or facsimile thereof, except as authorized pursuant to this title,

b. to display or cause or permit to be displayed or to knowingly possess any counterfeit or fictitious license or identification card,

c. to display or cause to be displayed or to knowingly possess any license or identification card bearing a fictitious or forged name or signature,

d. to display or cause to be displayed or to knowingly possess any license or identification card bearing the photograph of any person, other than the person named thereon as licensee, or

e. to display or represent as one's own, any license or identification card not issued to him, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his duties.

3. The violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00); the violation of any of the provisions of paragraph 2 of this section shall constitute a felony and shall, upon conviction thereof, be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00) or a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

#### **Section 6-302. Reserved**

#### **Section 6-303. Driving without License or while License is Canceled, Denied, Suspended or Revoked—Penalties**

A. No person shall operate a motor vehicle upon the public roads, streets, highways, turnpikes or other public places of the Choctaw Nation of Oklahoma without having a valid driver license for the class of vehicle being operated, except as herein specifically exempted.

Any violation of the provisions of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) plus costs or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Any person charged with violating this section who produces in court, on or before the court date, a renewal or replacement driver license issued to him or her shall be entitled to dismissal of such charge without payment of court costs and fine.

B. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public places of the Choctaw Nation of Oklahoma at a time when the person's privilege to do so is canceled, denied, suspended or revoked or at a time when the person is disqualified from so doing shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00);

2. For a second conviction, of not less than Two Hundred Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars (\$750.00); or

3. For a third and subsequent conviction, of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00).

In addition to the fines as provided herein, any person violating the provision of this subsection may punished by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

#### **Section 6-304. Permitting Unauthorized Minor to Drive**

No person shall cause or knowingly permit his child or ward under the age of sixteen (16) years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter.

#### **Section 6-305. 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 highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.

#### **Section 6-306. Employer's Permitting Unlicensed or Improperly Licensed Person to Drive**

No employer shall permit a person to operate a motor vehicle under his control unless the person has a valid license for the class of vehicle being operated.

#### **Section 6-307. Liability for Knowingly Permitting the Operation by a Person Not Qualified**

Any person as herein defined, who is the owner of any motor vehicle and knowingly permits such motor vehicle to be operated by any person who is not qualified to operate a motor vehicle under the provisions of this act, shall be held civilly liable as a joint tortfeasor for any unlawful act committed by such operator.

#### **Section 6-308. Penalty for Misdemeanor**

A. It is a misdemeanor for any person to violate any of the provisions of Section 6-101 et seq. of this title or other law of the Choctaw Nation declared to be a felony.

B. Unless another penalty is provided in Section 6-101 *et seq.* of this title or by laws of the Choctaw Nation of Oklahoma, every person convicted of a misdemeanor for the violation of any provision of Section 6-101 *et seq.* of this title shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

## **Chapter 7. Financial Responsibility**

### **Section 7-600. Definitions**

As used in Section 7-600 *et seq.* of this title:

1. "Owner's policy" means a policy of motor vehicle liability insurance which:
  - a. shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted,
  - b. shall insure the person named therein and insure any other person, except as provided in subparagraph c of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of the vehicle, and
  - c. may provide for exclusions from coverage in accordance with existing laws, and
2. "Operator's policy" means a policy of motor vehicle liability insurance which shall insure the named person against loss from the liability imposed upon the named person by law for damages arising out of the operation or use by the named person of any motor vehicle not owned by the named person, subject to the same limits of liability required in an owner's policy.
3. "Security" means:
  - a. a policy meeting the minimum vehicle liability limits according to the laws in effect in the state or Indian tribe where the vehicle is registered,
  - b. a deposit of cash or securities as required by the laws in effect in the state or Indian tribe where the vehicle is registered, or
  - c. self-insurance, pursuant to the laws of the state or Indian tribe where the vehicle is registered.
4. "Compulsory Insurance Law" is the law requiring liability insurance, which provides the minimum vehicle liability limits, in conjunction with the operation of a motor vehicle in



the Choctaw Nation of Oklahoma as found in this article, Section 7-600 et seq. of this title.

5. “Security verification form” means a form, verifying the existence of security required by the Compulsory Insurance Law.

6. “Commercial auto coverage” means coverage provided to an insured, regardless of the number of vehicles or entity covered, under a commercial auto, garage or truckers coverage form or rated from either a commercial manual or rating rule as filed and approved by the state or Indian tribe where the vehicle is registered.

#### **Section 7-601. Liability Requirements--Proof of Compliance**

A. Every owner of a motor vehicle, other than a licensed used motor vehicle dealer, shall, at all times, maintain in force with respect to such vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle in the Choctaw Nation of Oklahoma which is not owned by the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless the security has been provided by the owner in accordance with this section which does not exclude the person from coverage.

B. 1. Unless otherwise provided by law, no motor vehicle shall be operated in the Choctaw Nation of Oklahoma unless there is in effect with respect to the vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle in the Choctaw Nation of Oklahoma which is not owned by the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless the security has been provided by the owner in accordance with this section which does not exclude the person from coverage. Proof of security shall be carried in the vehicle at all times and shall be produced for inspection upon request by any law enforcement officer or representative of the Public Safety Department and, in case of an accident, the proof shall be shown upon request of any person affected by the accident.

2. The owner of a motor vehicle may give proof of financial responsibility by providing proof of financial responsibility which is in compliance with the laws of the state in which the vehicle is registered.

#### **Section 7-602. Certification of Existence of Security—Exemptions**

A. 1. The owner of a motor vehicle shall carry in the vehicle at all times a current owner’s security verification form listing the vehicle and the operator of the vehicle shall

produce the form upon request for inspection by any law enforcement officer or representative of the Department and, in case of an accident, the form shall be shown upon request to any person affected by the accident.

2. The following shall not be required to carry an owner's or operator's security verification form during operation of the vehicle:

a. any vehicle owned or leased by the federal or a state government, or any agency or political subdivision thereof,

b. any vehicle bearing the name, symbol, or logo of a business, corporation or utility on the exterior and which is in compliance with the provisions of the Compulsory Insurance Law of the state or Indian tribe where the vehicle is registered which reflect a deposit or fleet policy,

c. fleet vehicles maintaining current vehicle liability insurance as required by the laws of the state or Indian tribe where the vehicle is registered or any other regulating entity,

d. any licensed taxicab, and

e. any vehicle owned by a licensed used motor vehicle dealer.

3. Any person who knowingly issues or promulgates false or fraudulent information in connection with either an owner's or operator's security verification form shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

### **Section 7-603. Possession of Security Verification Form while Operating or Using Certain Vehicles**

Every operator of a motor vehicle in the Choctaw Nation of Oklahoma shall, while operating or using such vehicle, carry either an operator's or an owner's security verification form issued by an insurance carrier or an equivalent form issued by the state or Indian tribe where the vehicle is registered, reflecting liability coverage. An owner's security verification form issued to the owner of a motor vehicle may be used as an operator's security verification form by an operator who is not the owner of the motor vehicle, if the operator is not excluded from coverage on the motor vehicle liability policy for the vehicle. Any exclusions from the policy shall be included on the owner's security verification form.

### **Section 7-604. Failure to Maintain Insurance or Security—Penalties**

A. An owner or operator who fails to comply with the Compulsory Insurance Law, or who fails to produce for inspection a valid and current security verification form or equivalent

form which has been issued by the state or Indian tribe where the vehicle is registered upon request of any peace officer, representative of the Public Safety Department or other authorized person, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. Upon issuing a citation under this paragraph, the law enforcement officer issuing the citation may seize the vehicle being operated by the person and cause the vehicle to be towed and stored if the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of the Choctaw Nation of Oklahoma. If the operator of the vehicle produces what appears to be a valid security verification form and the officer is unable to confirm noncompliance by a subsequent investigation, the officer shall be prohibited from seizing the vehicle and causing such vehicle to be towed and stored. Further, no vehicle shall be seized and towed under the provisions of this paragraph if said vehicle is displaying a temporary license plate that has not expired pursuant to the laws of the state or Indian tribe where the temporary license plate was registered.

B. A sentence imposed for any violation of the Compulsory Insurance Law [FN1] may be suspended or deferred in whole or in part by the court.

C. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the state or Indian tribe where the vehicle is registered reflecting liability coverage for the person was in force at the time of the alleged offense shall be entitled to dismissal of the charge upon payment of court costs; however, if proof of security verification is presented to the court by the assigned court appearance date, the court shall dismiss the charge without payment of court costs.

### **Section 7-605. Exemptions**

A. Every owner of a motor vehicle which is not used upon the public highways or public streets shall be exempt from the provisions of the Compulsory Insurance Law

B. The owner or transporter of a manufactured home, who is moving or transporting such manufactured home on the roads or highways within the Choctaw Nation of Oklahoma shall comply with the provisions of the Compulsory Insurance Law.

C. Any person, firm or corporation engaged in the business of operating a taxicab or taxicabs shall be exempt from the provisions of the Compulsory Insurance Law if the person, firm or corporation has complied with the provisions of law of the state or Indian tribe where the taxicab or taxicabs are registered.

### **Section 7-606. Security Verification Forms—Violations of Law—Penalties**

A. It is a misdemeanor for any person:

1. To purchase a security verification form which bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law;

2. To display or cause or permit to be displayed or to possess a security verification form which the person knows bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law; or

3. To display or cause or permit to be displayed or to possess any security verification form that is counterfeit.

B. It is a felony for anyone, other than an insurer or insurance producer that is properly licensed by any state to:

1. Create or otherwise manufacture a security verification form or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of security verification forms; or

2. Issue or sell security verification forms.

C. 1. The violation of any of the provisions of subsection A of this section shall constitute a misdemeanor punishable by a fine of not less than Twenty-five Dollars (\$25.00), or more than Five Hundred Dollars (\$500.00).

2. The violation of any of the provisions of subsection B of this section shall constitute a felony punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00) or a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

## **Chapter 8. Reserved**

## **Chapter 9. Reserved**

## **Chapter 10. Accidents and Accident Reports**

### **Section 10-101. Provisions of Chapter Apply Throughout Choctaw Nation of Oklahoma**

The provisions of this chapter shall apply upon highways and elsewhere throughout the Choctaw Nation of Oklahoma.

## **Section 10-102. Accidents Involving Nonfatal Injury**

A. The driver of any vehicle involved in an accident resulting in a nonfatal injury to 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 the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully or maliciously failing to stop to avoid detection or prosecution or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for not less than ten (10) days nor more than two (2) years, or by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

## **Section 10-102.1. Accidents Involving Death**

A. The driver of any vehicle involved in an accident resulting in the 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 the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully or maliciously failing to stop to avoid detection or prosecution, or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than three (3) years, or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

## **Section 10-103. Accidents Involving Damage to Vehicle**

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. In addition to the criminal penalties imposed by this section, any person violating the provisions of this section shall be subject to liability for damages in an amount equal to three times the value of the damage caused by the accident. Said damages shall be recoverable in a civil action. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.

#### **Section 10-104. Duty to Give Information and Render Aid—Drug and Alcohol Testing**

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall upon request exhibit his driver license and his security verification form, as defined in Section 7-600 of this title, to the person struck or the driver 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 the 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. Any driver who provides information required by this section which is intentionally inaccurate shall be subject to the provisions of Section 10-103 of this title.

B. Any driver of any vehicle involved in an accident who could be cited for any traffic offense where said accident resulted in the immediate death or great bodily injury of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

#### **Section 10-105. Duty upon Striking Unattended Vehicle**

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the correct name and address of the driver and owner of the vehicle striking the unattended vehicle, and provide said operator or owner with information from his security verification form, as defined in Section 7-600 of this title, or shall leave a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking in a conspicuous place in the vehicle struck, and providing information from his security verification form and a statement of the circumstances thereof.

#### **Section 10-106. Duty upon Striking Fixtures upon a Highway**

The driver of any vehicle involved in an accident resulting only in damage to fixtures, fences, 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 the driver's name and address and of the registration number of the vehicle being driven and shall upon request exhibit a driver license and security verification form, as defined in Section 7-600 of this title.

Any person failing to stop or comply with said requirements under such circumstances shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.

## **Section 10-107. Immediate Notice of Accident**

A. The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately, by the quickest means of communication, give notice of such accident to the nearest law enforcement officer or office after complying with the requirements of Section 10-104.

B. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required by this section and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

## **Chapter 11. Rules of the Road**

### **Article 1. Obedience to and Effect of Traffic Laws**

#### **Section 11-101. Provisions of Chapter Refer to Vehicles upon the Highways--Exceptions**

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon the highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of Chapter 10 of this title shall apply upon highways, turnpikes and public parking lots throughout the state.

#### **Section 11-102. Required Obedience to Traffic Laws**

It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

#### **Section 11-103. Obedience to Police Officers**

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

#### **Section 11-104. Persons Riding Animals or Driving Animal-Drawn Vehicles**

Every person riding an animal or driving any animal-driven vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

#### **Section 11-105. Persons Working on Highways—Exceptions**

Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment, while actually engaged in work upon the surface of a highway, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities provided that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen, but the provisions of this chapter shall apply to such persons and vehicles when traveling to or from such work.

#### **Section 11-106. Authorized 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 the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park, or stand, irrespective of the provisions of this chapter;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as speeding does not endanger life or property;
4. Disregard regulations governing direction of movement; and
5. Disregard regulations governing turning in specified directions.

C. The exemptions herein granted to the driver of an authorized emergency vehicle shall apply only when the driver is properly and lawfully making use of an audible signal or of flashing red or blue lights or a combination of flashing red and blue lights meeting the requirements of Section 12-218 of this title, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle. This subsection shall not be construed as requiring a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals.



D. The exemptions in paragraphs 3 and 5 of subsection B of this section shall be granted to a law enforcement officer operating an authorized emergency vehicle for law enforcement purposes without using audible and visual signals required by this section as long as the action does not endanger life or property if the officer is following a suspected violator of the law with probable cause to believe that:

1. Knowledge of the presence of the officer will cause the suspect to:
  - a. destroy or lose evidence of a suspected felony,
  - b. end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest, or
  - c. evade apprehension or identification of the suspect or the vehicle of the suspect; or
2. Because of traffic conditions, vehicles moving in response to the audible or visual signals may increase the potential for a collision.

The exceptions granted in this subsection shall not apply to an officer who is in actual pursuit of a person who is eluding or attempting to elude the officer.

E. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

### **Section 11-107. Military Convoys**

The military forces of the United States and organizations of the National Guard, performing any military duty shall have the right of way on any street or highway through which they may pass against all, except carriers of the United States mail, fire engines, ambulances and police vehicles in the necessary discharge of their respective duties. Said mounted military moving in convoy shall have lights burning, with lead and trail vehicles prominently marked, and shall travel, while inside the corporate limits of a city or town, in compliance with such speeds as are legally posted within the corporate limits of the city or town and shall maintain a closed interval of not more than seventy-five (75) feet.

## **Article 2. Traffic Signs, Signals and Markings**

### **Section 11-201. Obedience to and Required Traffic control Devices**

(a) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this act, unless otherwise

directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

(b) No provision of this act 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 legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

## **Section 11-202. Traffic control Signal Legend**

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, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

### **1. Green indication:**

a. vehicular traffic facing a circular green signal, except when prohibited under Section 11-1302 of this title, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But 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 such signal is exhibited,

b. vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, and

c. unless otherwise directed by a pedestrian-control signal, as provided in Section 11-203 of this title, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk;

### **2. Steady yellow indication:**

a. vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter, and

b. pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in Section 11-203 of this title, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway; and

### **3. Steady red indication:**

a. vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraphs b and d of this paragraph,

b. except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right or to turn left from a one-way street into a one-way street after stopping as required by subparagraph a of this paragraph. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection,

c. in order to prohibit right turns or left turns as prescribed in subparagraph b of this paragraph, on the red signal after the required stop, a clear, concise sign informing drivers that such turns are prohibited must be erected and visible giving notice that said turns are prohibited at the intersection,

d. notwithstanding any other provision of law, the driver of a motorcycle facing any steady red signal may cautiously proceed through the intersection only if:

(1) the motorcycle has been brought to a complete stop as required by subparagraph a of this paragraph,

(2) the traffic control signal is programmed or engineered to change to a green signal only after detecting the approach of a motor vehicle and has failed to detect the arrival of the motorcycle because of its size or weight, and

(3) no motor vehicle or person is approaching on the roadway to be crossed or entered, or the motor vehicle or person is at a distance from the intersection that does not constitute an immediate hazard.

The driver of any vehicle approaching the intersection, which lawfully may enter the intersection, shall have the right of way over any motorcycle operator proceeding through a red light and, in no event where an accident results from the driver of the motorcycle proceeding into the intersection on a red light, shall such driver of the vehicle be charged with any violation pursuant to Sections 11-401 and 11-403 of this title relating to failure to yield right of way, Section 11-310 of this title relating to following too closely, or Section 11-801 of this title relating to driving too fast for conditions, and

e. unless otherwise directed by a pedestrian control signal as provided in Section 11-203 of this title, pedestrians facing a steady circular red signal alone shall not enter the roadway.

In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable 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.

### **Section 11-203. Pedestrian-Control Signals**

Whenever special pedestrian-control signals exhibiting the words “Walk” or “Wait” or “Don’t Walk” are in place, such signals shall indicate as follows:

1. Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way in the direction of the signal by the drivers of all vehicles.

2. Wait or Don’t Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

### **Section 11-204. Flashing Signals**

A. Whenever an illuminated red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the requirements of law applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed as set forth in Section 11-701 of this title.

#### **Section 11-204.1. Lane Use Control Signals**

When lane use control signals are placed over individual lanes, said signals shall indicate and apply to drivers of vehicles as follows:

1. Green indication--Vehicular traffic may travel in any lane over which a green signal is shown;

2. Steady yellow indication--Vehicular traffic is thereby warned that a lane control change is being made;

3. Steady red indication--Vehicular traffic shall not enter or travel in any lane over which a red signal is shown; and

4. Flashing yellow indication--Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

#### **Section 11-205. Pedestrian-Actuated School Crossing Signals**

Whenever a pedestrian-actuated school crossing signal is provided, it shall require obedience by vehicular traffic and pedestrians in accordance with Sections 11-202 and 11-203 of this title.

#### **Section 11-206. Display of Unauthorized Signs, Signals or Markings**

A. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.

B. This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

C. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

#### **Section 11-207. Interference with Official Traffic control Devices or Railroad Signs or Signals—Violation Resulting in Personal Injury or Death—Penalty**

A. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device, including any nine-one-one (911) emergency telephone service route markers, or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

B. If a violation of subsection A of this section results in personal injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a felony

punishable by imprisonment for not more than two (2) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

### **Section 11-208. Traffic Signal Preemption Device**

A. As used in this section, the term “traffic signal preemption device” shall mean a device designed for use by authorized emergency vehicles to improve traffic movement by temporarily controlling signalized intersections.

B. It shall be unlawful for a person to possess, use, or interfere with a traffic signal preemption device unless:

1. The person is the operator of an authorized emergency vehicle upon which the device is installed; and
2. The person is responding to an existing or potential emergency and there is a threat of immediate danger to life or property which reasonably requires the use of the device in order to protect the life, safety, health, or property of another person.

C. It shall be unlawful to advertise, offer for sale, sell, or otherwise distribute any traffic signal preemption device to any individual person in the Choctaw Nation of Oklahoma. Advertising, offering for sale, selling, and distribution of these devices shall be limited to trade publications and companies whose target market is law enforcement agencies, fire departments, and ambulance service providers of the Choctaw Nation of Oklahoma or its political subdivisions.

## **Article 3. Miscellaneous Rules of Driving on Roadway**

### **Section 11-301. Drive on Right Side of Roadway—Exceptions**

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movement;
2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the laws applicable thereon;

4. Upon a roadway restricted to one-way traffic; or

5. Upon a roadway having four or more lanes for moving traffic and providing for two-way movement of traffic.

B. 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 lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway and may be temporarily driven upon the right-hand shoulder for the purpose of permitting other vehicles to pass. This subsection shall not apply when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

C. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph 2 of subsection (a) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

### **Section 11-302. Passing Vehicles Proceeding in Opposite Directions**

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway as nearly as possible.

### **Section 11-303. Overtaking a Vehicle on the Left—Signal**

The following requirements shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special requirements 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 on audible

signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

3. Every driver who intends to pass another vehicle proceeding in the same direction, which requires moving his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.

#### **Section 11-304. When overtaking on the right is permitted**

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 about to make a left turn;
2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles 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 of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. 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.

#### **Section 11-305. 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 safe 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 side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

#### **Section 11-306. Further Limitations on Driving to Left of Center of Roadway**

A. No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or 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;



2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic control devices;

3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

B. The foregoing limitations shall not apply upon a one-way roadway; nor under the conditions described in Section 11-301, subsection A, paragraph 2 of this title, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

### **Section 11-307. No-Passing Zones**

Where signs or markings are in place to define a no-passing zone, no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

### **Section 11-308. One-Way Roadways and Rotary Traffic Island**

A. Any street or highway or any separate roadway may be designated for one-way traffic and shall be marked with appropriate signs giving notice thereof.

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

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

### **Section 11-309. Driving on Roadways Laned for Traffic**

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following requirements in addition to all others consistent herewith shall apply.

1. A vehicle shall be driven as nearly as practicable entirely within a single lane.

2. A vehicle shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and then given a signal, not less than the last one hundred (100) feet traveled by the vehicle, of his intention to change lanes.

3. 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 the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the 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 the allocation.

4. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the roadway. Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel double yellow lines, interior line dashed and exterior line solid, on each side of the lane. A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a roadway. Vehicles turning left from the roadway shall not be driven in the two-way left-turn lane for more than two hundred (200) feet while preparing for and making the turn. A vehicle turning left onto the roadway may utilize the two-way left-turn lane as a staging area by stopping and waiting for traffic proceeding in the same direction to clear before merging into the adjacent lanes of travel. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated. Provided, however, this section shall not prohibit driving across a two-way left-turn lane when moving from a service drive onto such marked roadway.

5. Upon a roadway which is divided into four or more lanes, a vehicle shall not impede the normal flow of traffic by driving in the left lane; provided, however, this paragraph shall not prohibit driving in a lane other than the right-hand lane when traffic conditions or flow, or both, or road configuration, such as the potential of merging traffic, require the use of lanes other than the right-hand lane to maintain safe traffic conditions.

6. 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. Any person convicted of violating any provision of this section shall be punished as provided for in Section 17-101 of this title.

### **Section 11-310. Following Too Closely**

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

B. The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or another vehicle.

C. No vehicle which has more than six tires in contact with the road shall approach from the rear of another vehicle which has more than six tires in contact with the road closer than three hundred (300) feet except when passing such said vehicle.

D. Motor vehicles being driven upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable

any other vehicle to enter and occupy such space without danger. The distance between such vehicles shall be a minimum of two hundred (200) feet under all conditions. This provision shall not apply to funeral processions.

#### **Section 11-311. Driving on Divided Highways**

Whenever any highway has been divided into two or more 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 only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or peace officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through a permanent opening in the dividing space, barrier or section or at a permanent cross-over or intersection as established unless specifically prohibited by public authority. No vehicle shall be driven over, across or within any temporary opening in a dividing space, barrier or section or at a temporary cross-over or intersection unless specifically authorized by a public authority or at the direction of a peace officer.

#### **Section 11-312. 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.

#### **Section 11-313. Restrictions on Use of Controlled-Access Roadway**

Choctaw Nation authorities may, with respect to any controlled-access roadway, prohibit the use of any such roadway by pedestrians, bicycles or other non-motorized traffic or by any person operating a motor-driven cycle. The authorities adopting any such prohibitory regulations shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

#### **Section 11-314. Approaching Stationary Emergency Vehicle or Licensed Wrecker Displaying Flashing Lights**

A. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle or a licensed wrecker that is displaying a flashing combination red or blue light or any combination of red or blue lights, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle or licensed wrecker; or if the driver is not able to change lanes or if to do so would be unsafe, the driver

shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

B. This section does not relieve the operator of a stationary authorized emergency vehicle or licensed wrecker from the consequences of reckless disregard for the safety of all persons and property upon the highway.

## **Article 4. Right of Way**

### **Section 11-401. Vehicle Approaching or Entering Intersection**

A. Whether a stop sign or yield sign is present, visible or not, the driver of a vehicle shall yield the right of way and shall not proceed until it is safe to do so, when the driver is:

1. On a road other than a state or federal highway upon approaching an intersection with a state or federal highway;

2. On a private drive or any road not maintained by a governmental entity upon approaching an intersection with a state or federal highway or a county road;

3. On an unpaved county road upon approaching an intersection with a paved county road; or

4. On a county road, which ends at, merges with, or does not otherwise continue directly across an intersecting through county road, upon approaching the intersection with the through county road.

For purposes of this subsection, “paved road” means a road improved with a surface of concrete, asphalt, or what is commonly referred to as oil and chip, and “unpaved road” means all other roads. “State or federal highway” means a paved road maintained by the State of Oklahoma. “County road” means a road whether paved or unpaved that is maintained by any county government agency, department or entity of the State of Oklahoma.

B. When two vehicles enter or approach an intersection from different highways at approximately the same time, except as provided in subsection A of this section, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

C. The right of way rules declared in subsections A and B of this section are modified at through highways and otherwise as hereinafter stated in this chapter.

### **Section 11-402. Vehicle Turning Left at Intersection**

The driver of a vehicle intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is so close thereto when initiating such turn as to constitute an immediate hazard.

### **Section 11-403. Vehicle Entering Stop or Yield Intersection**

A. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in Section 15-108 of this title.

B. 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 subsection D of Section 11-703 of this title 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 said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right of way to the vehicle so proceeding.

C. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in subsection E of Section 11-703 of this title, and shall yield the right of way to any pedestrian legally crossing the roadway on which the driver is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right of way.

D. Where two or more vehicles face stop, slow, warning or caution signs or signals on two or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right of way. Where each vehicle is required to slow, the vehicle coming from the right shall have the right of way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right of way. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right of way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right of way. In any event, a vehicle which has already entered the intersection shall have the right of way over one which has not so entered the intersection.

### **Section 11-404. 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.

#### **Section 11-405. Operation of Vehicles on Approach of Authorized Emergency Vehicles**

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals or of a police vehicle properly and lawfully making use of an audible signal or red flashing lights, 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 edge or curb 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.

B. This section shall not be construed to require a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals nor shall this section operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the road or highway.

#### **Section 11-406. Farm Tractors or Implements--Operation on Highways**

A. A farm tractor, as defined in Section 1-118 of this title, or any implement of husbandry, as defined in Section 1-125 of this title, except trailers and semitrailers when operated in accordance with statutory limits or provisions of Section 14-101 of this title, may be operated on any roadway in the Choctaw Nation of Oklahoma if the operator has attached all the safety devices required by law and has taken reasonable steps to reduce the width of the tractor or implement as provided for by the manufacturer. Whenever the width of a farm tractor or implement of husbandry exceeds the width of that portion of a roadway on which the tractor or implement is driven, which is marked as a single lane of traffic, or, if the roadway has not been marked for lanes of traffic and the width of the tractor or implement exceeds more than fifty percent (50%) of the width of the roadway, the operator shall move the tractor or implement, as soon as possible, as far to the right-hand side of the roadway as is practicable and safe upon approach of any oncoming or following vehicle and upon approaching the crest of a hill.

B. Upon the immediate approach of a farm tractor or implement of husbandry which cannot be moved by the operator thereof to the far right-hand side of the roadway, as required in subsection A of this section, due to the existence of any bridge or guardrail, sign or any other physical impediment which would not safely allow such tractor or implement to travel on the far right-hand side of the road, the driver of every other vehicle shall yield the right of way and shall immediately pull over to the far right-hand side of the road and remain in such position until the tractor or implement has passed.

C. This section shall not operate to relieve any operator of a farm tractor or implement of husbandry from the duty to drive with due regard for the safety of all persons using the roadway.

## **Article 5. Pedestrians**

### **Section 11-501. Pedestrians Subject to Traffic Regulations**

A. A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him, unless otherwise directed by a police officer.

B. Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Sections 11-202 and 11-203 of this title.

C. At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

### **Section 11-501.1. Rights and Duties of Persons Operating Wheelchair or Motorized Wheelchair**

Every person operating a wheelchair or a motorized wheelchair shall have all of the rights and all of the duties applicable to a pedestrian contained in Chapter 11 of this title except those provisions which by their nature can have no application.

### **Section 11-502. 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, 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.

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. Paragraph A shall not apply under the conditions stated in Section 11-503(A).

D. 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 stopped vehicle.

### **Section 11-503. Crossing at Other than Crosswalks**

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

B. 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.

C. Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

#### **Section 11-504. Drivers to Exercise Due Care**

Notwithstanding the foregoing provisions of this chapter, 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.

#### **Section 11-505. Pedestrians to Use Right Half of Crosswalks**

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

#### **Section 11-506. Pedestrians on Roadways or Bridges**

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

B. Where sidewalks are not provided, any pedestrian walking along and 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 and shall yield to approaching vehicles.

C. It shall be unlawful for any person to enter upon any portion of a bridge for the purpose of diving or jumping therefrom into a lake, river or stream for recreation, and it shall be unlawful for a pedestrian to use a bridge where sidewalks are not provided for the purpose of standing or sightseeing.

#### **Section 11-507. Pedestrians Soliciting Rides or Business**

No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment or business from the occupant of any vehicle.

### **Article 6. Turning and Starting and Signals on Stopping and Turning**



### **Section 11-601. 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. The driver of a vehicle intending to turn left at an intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. 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. Whenever practicable, when leaving a two-way roadway, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. Markers, buttons or signs may 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 markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

### **Section 11-602. Turning to Proceed in Opposite Direction—Turns on Curve or Near Crest of Grade Prohibited**

A. Unless otherwise prohibited by law, the driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless and until such movement can be made with reasonable safety and without interfering with other traffic.

B. 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 five hundred (500) feet.

### **Section 11-603. Starting Parked Vehicle**

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

### **Section 11-604. Turning Movements and Required Signals—Passing Person Attempting a Left Turn**

A. No person shall turn a vehicle at an intersection, a public or private road, or a driveway, unless the vehicle is in proper position upon the roadway as required in Section 11-601 of this title, 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 as provided in subsection B of this section, in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left as required by law shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

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

D. When any person is properly preparing for, attempting or executing a left turn, as described in subsection A of this section, no other person operating another vehicle immediately following the turning vehicle shall pass or attempt to pass the turning vehicle to the left. Such other person shall come to a complete stop if necessary at a safe distance behind the person preparing for, attempting or executing the turn or may proceed to the right of the turning vehicle as provided by Section 11-304 of this title.

#### **Section 11-605. Signals by Hand and Arm or Signal Lamps**

A. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in Paragraph B.

B. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps 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 twenty-four (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 fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

#### **Section 11-606. Method of Giving Hand and Arm Signals**

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:

1. Left turn. Hand and arm extended horizontally.
2. Right turn. Hand and arm extended upward.
3. Stop or decrease speed. Hand and arm extended downward.

#### **Article 7. Special Stops Required**

### **Section 11-701. Obedience to Signal Indicating Approach of Train**

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing; or

5. The tracks at the crossing are not clear.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed or fail to obey the directions of a law enforcement officer at the crossing.

C. The operator of any Class A, B, or C commercial vehicle not required to stop at all railroad crossings, as prescribed in Section 11-702 of this title, shall slow down and check that the tracks are clear of an approaching train.

### **Section 11-702. Commercial Motor Vehicles and Buses—Railroad Crossing**

The driver of a bus as defined in Section 1-105 of this title or any commercial motor vehicle as defined in 49 C.F.R., Section 390.5, shall comply with the railroad crossing provisions as prescribed in 49 C.F.R., Section 392.10.

### **Section 11-703. Stop Signs and Yield Signs**

A. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in Section 15-108 of this title.

B. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway, however such yield signs shall not be erected upon the approaches of but one of the intersecting streets.

C. Every stop sign shall bear the word “Stop”. Every yield sign hereafter erected or replaced shall bear the word “Yield”. Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in or on the face of the sign.

D. 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 before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly-marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

E. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly-marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

#### **Section 11-704. Emerging from Alley, Driveway or Building**

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.

#### **Section 11-705. Meeting or Overtaking Stopped School Bus**

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children or employees or volunteers of a school, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants. Any person convicted of violating the provisions of this subsection shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

B. Visual signals, meeting the requirements of Section 12-228 of this title, shall be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped for the purpose of receiving or discharging school children or employees or volunteers of a school.

C. 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 a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

### **Section 11-705.1. Meeting or Overtaking Stopped Church Bus**

A. The driver of a vehicle meeting or overtaking a church bus that is stopped to take on or discharge passengers, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the church bus and not proceed until the loading signals are deactivated and then proceed past such bus at a speed which is reasonable and with due caution for the safety of such occupants.

B. If the church bus is equipped with visual signals meeting the requirements of Section 12-228 of this title, the signals shall be actuated by the driver of said church bus whenever, but only whenever, such vehicle is stopped for the purpose of receiving or discharging passengers.

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

## **Article 8. Speed Restrictions**

### **Section 11-801. Basic Rule—Maximum and Minimum Limits—Fines and Penalties**

A. Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit the driver to bring it to a stop within the assured clear distance ahead.

B. Except when a special hazard exists that requires lower speed for compliance with subsection A of this section, the limits specified by law or posted by appropriate signage on or immediately next to the roadway shall be the maximum lawful speed, and no person shall drive a vehicle on a highway at a speed in excess of the maximum limits.

C. On all roads where the speed limits are not posted, fifty-five (55) miles per hour shall be the maximum speed limits.

D. Twenty-five (25) miles per hour or a posted alternative school zone speed limit through state schools located on the state-owned land adjoining or outside the limits of a corporate city or town where a state educational institution is established;

E. Thirty-five (35) miles per hour on a highway in any park or wildlife refuge.

F. For any vehicle or combination of vehicles with solid rubber or metal tires, ten (10) miles per hour.

G. It shall be a violation of this section to drive any vehicle at a faster rate of speed than such prescribed maximum or at a slower rate of speed than such prescribed minimum. However, all vehicles shall at all times conform to the limits set forth in subsection A of this section.

H. The driver of every vehicle shall, consistent with the requirements of subsection A of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

I. Any person convicted of a speeding violation pursuant to this section shall be punished by a fine as follows:

1. One to ten miles per hour over the limit: \$10.00
2. Eleven to fifteen miles per hour over the limit: \$20.00
3. Sixteen to twenty miles per hour over the limit: \$35.00
4. Twenty-one to twenty-five miles per hour over the limit: \$75.00
5. Twenty-six to thirty miles per hour over the limit: \$135.00
6. Thirty-one to thirty-five miles per hour over the limit: \$155.00
7. Thirty-six miles per hour or more over the limit: \$205.00

or by imprisonment for not more than ten (10) days; for a second conviction within one (1) year after the first conviction, by imprisonment for not more than twenty (20) days; and upon a third or subsequent conviction within one (1) year after the first conviction, by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

#### **Section 11-802. Minimum speed regulation**

A. No person shall 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 or in compliance with law.

B. Whenever authorities determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

### **Section 11-803. Speed Limitation on Motorcycles, Motor-Driven Cycles, and Motorized Scooters**

A. No person shall operate any motorcycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall an operator under the age of sixteen (16) years drive a motorcycle on a highway which has a minimum speed limit established and posted.

B. No person shall operate any motor-driven cycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motor-driven cycle at a speed greater than thirty-five (35) miles per hour.

C. No person shall operate a motorized scooter at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motorized scooter:

1. At a speed greater than twenty-five (25) miles per hour; and
2. On any roadway with a posted speed limit of greater than twenty-five (25) miles per hour.

### **Section 11-804. Low-speed Electrical Vehicles—Restrictions on Operation**

A. No person shall operate any low-speed electrical vehicle on any street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

B. The provisions of subsection A of this section shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

C. This section shall not prevent a city from adopting any ordinance that would further restrict low-speed electrical vehicles from operating on certain city-owned streets in order to ensure the public health and safety.

### **Section 11-805. Electric-assisted bicycle operators**

Notwithstanding any other provision of law, operators of electric-assisted bicycles, as defined in Section 1-104 of this title, shall:

1. Possess a Class A, B, C or D license, but shall be exempt from a motorcycle endorsement;
2. Not be subject to motor vehicle liability insurance requirements only as they pertain to the operation of electric-assisted bicycles;
3. Be authorized to operate an electric-assisted bicycle wherever bicycles are authorized to be operated;
4. Be prohibited from operating an electric-assisted bicycle wherever bicycles are prohibited from operating; and
5. Wear a properly fitted and fastened bicycle helmet which meets the standards of the American National Standards Institute or the Snell Memorial Foundation Standards for protective headgear for use in bicycling, provided such operator is eighteen (18) years of age or less.

#### **Section 11-805.1. Electric Personal Assistive Mobility Devices**

A. Notwithstanding any other provisions of law, an electric personal assistive mobility device shall not be operated on the highways of the Choctaw Nation of Oklahoma except as provided in subsection B of this section.

B. An electric personal assistive mobility device may be operated upon the sidewalks, walking trails and bikeways of the Choctaw Nation of Oklahoma.

C. 1. A person operating an electric personal assistive mobility device shall:

- a. not be required to have a driver license to operate the device,
- b. obey all speed limits,
- c. yield the right of way to pedestrians and human powered devices at all times,
- d. give an audible signal before overtaking and passing any pedestrian, and
- e. wear or equip the electric personal assistive mobility device with reflectors and a headlight when operating at night.

2. Failure to comply with any requirement set forth in subparagraphs b through e of paragraph 1 of this subsection shall result in a warning for the first offense, a fine of Ten Dollars (\$10.00) for the second offense, and impoundment of the electric personal assistive mobility device for up to thirty (30) days for subsequent offenses. Each act of noncompliance shall be considered a separate offense.



D. 1. It shall be unlawful to manufacture, assemble, sell, offer to sell, or distribute an electric personal assistive mobility device in the Choctaw Nation of Oklahoma unless the device is accompanied by a warning notice. The warning notice shall be substantially similar to the following: “REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL PROTECTIVE GEAR, WHICH SHALL INCLUDE HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS”.

2. A person, firm, corporation, or other legal entity that regularly engages in the business of manufacturing, assembling, selling, or distributing electric personal assistive mobility devices and complies with the requirements of this subsection shall not be liable in a civil action for damages for any physical injury sustained by an operator of an electric personal assistive mobility device as a result of the operator’s failure to wear protective gear in accordance with the notice required by paragraph 1 of this subsection.

### **Section 11-805.2. Electric Gopeds**

Electric gopeds shall be operated as provided in subsections A and B of Section 11-805.1 of this title.

### **Section 11-806. Special speed limitations**

A. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure, when the structure is signposted as provided in this section.

B. Authorities may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if they shall thereupon find that the structure cannot, with safety to itself, withstand vehicles driving at speeds otherwise permissible under this act, they shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and may cause and permit suitable signs stating the maximum speed to be erected and maintained at a distance of one hundred feet before each end of the structure.

C. Where any highway shall be under construction, maintenance, or repair or when a detour shall have been designated by reason of construction, maintenance, or repairs in progress and a maximum safe, careful, and prudent speed shall have been determined by the highway authorities on the highway or highway detour during the period of the construction, maintenance, or repairs and shall have plainly posted at each terminus thereof and at not less than each half mile along the route thereof the determined maximum speed, no person shall drive any vehicle upon the portion of the highway or the highway detour at a speed in excess of the speed so determined and posted. Violation of the posted speed limit in the repair, maintenance, or construction zone shall result in the doubling of the appropriate fine. For purposes of this section, “repair, maintenance, or construction zone” means any location where repair, maintenance, or construction work is actually in progress and workers present.

D. Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the highway authorities and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety as provided in subsections B and C of this section.

#### **Section 11-806.1. Reduced Speed Limit at Certain Times in School Zone**

Where any portion of a road, street, or highway is a properly marked school zone, as indicated with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit as properly posted, shall be in effect during certain times due to the presence or potential presence of school children, no person shall drive any vehicle upon that portion of the highway which is the school zone in excess of the reduced speed limit so posted when the reduced speed limit is in effect. Violation of the posted reduced speed limit in the school zone shall result in the doubling of the appropriate fine.

#### **Section 11-807. Charging Violations and Rule in Civil Actions**

A. In every charge of violation of any speed regulation in this article, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable at the location.

B. The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

C. Unless another penalty is provided in this title, every person convicted of violating any provision of Sections 11-801 through 11-806 of this title, shall be punished as provided in Section 17-101 of this title.

#### **Section 11-808. Jammers and Speed Measuring Devices—Use, Possession, Manufacture, Sale or Distribution Prohibited—Exemption**

A. As used in this section:

1. “Jammer” means any instrument, device, or equipment designed or intended for use with a vehicle or otherwise to jam or interfere with in any manner a speed measuring device operated by a law enforcement officer in the vicinity; and

2. “Speed measuring device” shall include, but is not limited to, devices commonly known as radar speed meters or laser speed meters.

B. It shall be unlawful for any person to use or possess a jammer.

C. It shall be unlawful to manufacture, advertise or offer for sale, sell or otherwise distribute any jammer in the Choctaw Nation of Oklahoma.

D. This section shall not apply to any person who lawfully possesses a license issued by the Federal Communications Commission for the use of a jammer.

### **Section 11-809. Exemptions**

The provisions of this act [FN1] shall not apply to:

1. Any receiver of radio waves of any frequency lawfully licensed by any Indian tribe, state or federal agency;

2. Any such device owned or operated by the federal or state government or Indian tribe or any political subdivision used by employees thereof in their official duties, or the sale of any such device to law enforcement agencies for use in their official duties; or

3. Any citizens band radio.

## **Article IX. Reckless Driving, Driving While Intoxicated and Negligent Homicide**

### **Section 11-901. Reckless driving**

A. It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 11-801 of this title.

B. Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment; on a second or subsequent conviction, punishment shall be imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

### **Section 11-901a. Full time and Attention to Driving**

The operator of every vehicle, while driving, shall devote their full time and attention to such driving.

No law enforcement officer shall issue a citation under this section unless the law enforcement officer observes that the operator of the vehicle is involved in an accident or

observes the operator of the vehicle driving in such a manner that poses an articulable danger to other persons on the roadway that is not otherwise specified in statute.

#### **Section 11-901b. Unlawful Use of a Cellular Telephone**

A. It shall be unlawful for a public transit driver to operate a motor vehicle on any street or highway within the Choctaw Nation of Oklahoma while using a cellular telephone or electronic communication device to write, send, or read a text-based communication while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Five Hundred Dollars (\$500.00).

C. As used in this section:

1. “Cellular telephone” means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. “Electronic communication device” means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a voice-activated global positioning or navigation system that is affixed to a motor vehicle; and

3. “Public transit driver” means:

a. any operator of a public transit vehicle owned and operated by any government department, agency, or entity or any public trust authority,

b. any operator of a school bus, church bus, or multi-passenger motor vehicle, or

c. any operator, conductor or driver of a locomotive engine, railway car or train of cars.

D. This act shall not apply to railroads and railroad operating employees regulated by the Federal Railroad Administration.

#### **Section 11-902. Persons Under the Influence of Alcohol or Other Intoxicating Substance or Combination thereof**

A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within the Choctaw Nation of Oklahoma, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

4. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be deemed guilty of a misdemeanor for the first offense and shall participate in a drug and alcohol assessment and evaluation and shall follow all recommendations made in the assessment and evaluation and be punished by imprisonment for not less than ten (10) days nor more than one (1) year. Any person convicted of a violation for a first offense shall be fined not more than One Thousand Dollars (\$1,000.00).

2. Any person who, after a previous conviction of a violation of this section or a violation pursuant to the provisions of any law of another Indian tribe or state prohibiting the offense provided in subsection A of this section, is convicted of a second offense pursuant to the provisions of this section or has a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section and is convicted pursuant to the provision of this section shall be deemed guilty of a felony and shall participate in a drug and alcohol assessment and evaluation, and shall be sentenced to:

a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, or

b. imprisonment for not less than one (1) year and not to exceed three (3) years and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or

c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

3. Any person who is convicted of a third or subsequent misdemeanor offense pursuant to the provisions of this section shall participate in a drug and alcohol assessment and evaluation and shall be sentenced to:

a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense and use of an ignition interlock device, or

b. imprisonment for not less than three (3) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or

c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

4. Any person who, after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be deemed guilty of a misdemeanor.

5. Provided, however, a conviction from another Indian tribe, state, or municipal criminal court of record shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than eight-hundredths (0.08).

D. Any person who is found guilty of a violation of the provisions of this section may be required by the court to attend a victims impact panel program, if such a program is offered, and to pay a fee as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

#### **Section 11-902a. Allowing Use of Motor Vehicle without Ignition Interlock Device—Disabling or Disconnecting Device**

A. No person shall knowingly authorize or permit a motor vehicle owned or under the control of that person which is not equipped with an ignition interlock device to be driven upon any street or highway of the Choctaw Nation of Oklahoma by any person who is required to have an ignition interlock device installed upon the vehicle of that person.

B. No person shall make an overt or conscious attempt to physically disable, disconnect or wire around an ignition interlock device, or intentionally fail to return an ignition interlock device when it is no longer required in the vehicle or upon request by the owner of the device.

C. A violation of this section shall be a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

#### **Section 11-903. Negligent Homicide**

A. When the death of any person ensues within one (1) year as a proximate result of injury received by the driving of any vehicle by any person in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

B. Any person convicted of negligent homicide shall be punished by imprisonment for not more than one (1) year or by fine of not less than One Hundred Dollars (\$100.00) or more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

#### **Section 11-904. Person Involved in Personal Injury Accident While Under the Influence of Alcohol or Other Intoxicating Substance—Causing Great Bodily Injury**

A. Any person who is involved in a personal injury accident while driving or operating a motor vehicle within the Choctaw Nation of Oklahoma and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection as follows:

1. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for not less than ninety (90) days nor more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00); and

2. Any person who is convicted of a violation of the provisions of this subsection after having been previously convicted of a violation of this subsection or of Section 11-902 of this title shall be deemed guilty of a felony and shall be punished by imprisonment for not less than one (1) year and not more than three (3) years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within the Choctaw Nation of Oklahoma and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment for not less than one (1) year, and a fine of not more than Five Thousand Dollars (\$5,000.00).

2. As used in this subsection, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

#### **Section 11-905. Person Involved in Personal Injury Accident without a Valid Driver License—Causing Great Bodily Injury—Causing Death**

A. Any person who, while operating a vehicle in the Choctaw Nation of Oklahoma without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle, or while such person knows or should have known that

his or her driver license is canceled, denied, suspended or revoked, causes an accident which results in personal injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine in an amount not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. 1. Any person who, while operating a vehicle in the Choctaw Nation of Oklahoma without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in great bodily injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine in an amount not exceeding Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

C. Any person who, while operating a vehicle in the Choctaw Nation of Oklahoma without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in the death of any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine in an amount not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. The provisions of this section may be charged in addition to any other chargeable offense allowed by law.

#### **Section 11-906. Operating or being in Actual Physical Control of Motor Vehicle While under the Influence while under age**

A. It is unlawful, and punishable as provided in subsection B of this section, for any person under twenty-one (21) years of age to drive, operate, or be in actual physical control of a motor vehicle within the Choctaw Nation of Oklahoma who:

1. Has any measurable quantity of alcohol in the person's blood or breath at the time of a test administered within two (2) hours after an arrest of the person;

2. Exhibits evidence of being under the influence of any other intoxicating substance as shown by analysis of a specimen of the person's blood, breath, saliva, or urine in accordance with the provisions of Sections 752 and 759 of this title; or



3. Exhibits evidence of the combined influence of alcohol and any other intoxicating substance.

B. Any person under twenty-one (21) years of age who violates any provision of this section, upon conviction, shall be guilty of operating or being in actual physical control of a motor vehicle while under the influence while under age and shall be punished:

1. For a first offense, by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by assignment to and completion of twenty (20) hours of community service, or by requiring the person to attend and complete a treatment program, or by imprisonment for not more than six (6) months, or by any combination of fine, community service, imprisonment, or treatment;

2. Upon a second or subsequent conviction, by assignment to and completion of not less than two hundred forty (240) hours of community service or by imprisonment for up to one (1) year, and the requirement to install an ignition interlock device for a period of not less than thirty (30) days, as ordered by the court, on every vehicle owned by the person and on the vehicle regularly operated by the person, if such vehicle is not owned by the person. The installation of an ignition interlock device, as required by this subparagraph, shall not be construed to authorize the person to drive unless the person is otherwise eligible to drive.

In addition, a second conviction may be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection D of this section, or by both.

C. The court may assess additional community service hours in lieu of any fine specified in this section.

D. Nothing in this section shall be construed to prohibit the filing of charges pursuant to Section 761 or 11-902 of this title when the facts warrant.

E. As used in this section:

1. The term “conviction” includes a juvenile delinquency adjudication by a court; and

2. The term “revocation” includes the cancellation or denial of driving privileges by the Department.

## **Article 10. Stopping, Standing and Parking**

### **Section 11-1001. Stopping, Standing or Parking Outside of Business or Residence District**

A. 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 four hundred (400) feet in each direction upon such highway.

2. As used in this section and Section 11-1002 of this title, "highway" means any public road, street, or turnpike used for vehicular travel.

B. 1. The owner or operator of a vehicle or its cargo which obstructs the regular flow of traffic shall make every reasonable effort to remove the obstructing vehicle or cargo from the roadway so the regular flow of traffic is not blocked. This subsection shall not apply to collisions resulting in the injury or death of any person.

2. This subsection shall not apply to vehicles transporting "hazardous materials".

3. Nothing in this subsection shall be construed to relieve any person from complying with Section 10-103 of this title.

b. Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

### **Section 11-1002. Officers Authorized to Remove Illegally Stopped Vehicle**

A. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of subsection A of Section 11-1001 of this title, 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 a position off the paved or main-traveled part of such highway.

B. 1. Law enforcement officers, using reasonable care, may remove from the roadway to the nearest safe place any disabled or damaged vehicle or cargo as described in subsection B of Section 11-1001 of this title.

2. Absent a showing of gross negligence, the law enforcement officer, the employing agency, or any person acting under the direction of the law enforcement officer is not liable for damage to a vehicle or damage or loss to any portion of the contents or cargo of the vehicle when carrying out the provisions of this subsection.

C. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any underpass where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

D. When any vehicle is left standing or abandoned upon a highway in violation of this section and at such a place or in such manner as to interfere or prevent the maintenance of said highway, highway authorities or their authorized agents may remove such vehicle or request the driver or other persons in charge thereof to move the same to some place of safety off the highway with charge to the owner of the vehicle.

### **Section 11-1003. Stopping, Standing or Parking Prohibited in Specified Places**

A. 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:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within fifteen (15) feet of a fire hydrant;
4. Within an intersection;
5. On a crosswalk;
6. Within twenty (20) feet of a crosswalk at an intersection;
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the authority having jurisdiction indicates a different length by signs or marking;
9. Within fifty (50) feet of the nearest rail of a railroad crossing;
10. Within twenty (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 seventy-five (75) feet of said entrance (when properly signposted);
11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway underpass;
14. At any place where official signs prohibit stopping.

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

#### **Section 11-1004. Additional Parking Regulations**

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 eighteen (18) inches of the right-hand curb.

#### **Section 11-1005. Authorized Emergency Vehicles; Vehicles Used in Construction or Maintenance of Highways—Excepted from Certain Provisions**

Provisions of this article shall not apply to authorized emergency vehicles or to vehicles or machinery used in the construction or maintenance of highways, and such vehicles or machinery may be operated on any part of the road, whether same is open to traffic or closed, when such operation is necessary in the maintenance or construction of said highway; provided, that the proper authorities shall protect all such operations with adequate warnings, signs, signals, lights, devices, or flagmen.

#### **Section 11-1006. Parking of Vehicles on Posted Private Property—Penalty—Liability of Landowner**

A. It shall be unlawful to place or park a motor vehicle or a trailer upon the posted private property of another, without first obtaining permission from the landowner or the person in charge of such property, except where said placing or parking is casual or involuntary.

B. Violation of the terms of this section shall be considered to be a misdemeanor and upon conviction violators shall be fined not to exceed Twenty Dollars (\$20.00) and, in addition thereto, shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any vehicle or trailer removed from his property and stored.

C. The landowner or person in charge of the land shall not be liable for any damages which may occur to a trespassing vehicle or trailer under the terms of this section, while the same is trespassing or while it is being removed from his property, or while it is in storage.

## **Section 11-1007. Parking Areas for Physically Disabled Persons—Penalties**

A. 1. It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable placard indicating physical disability and such placard is displayed, or has applied for and been issued a physically disabled license plate, and such license plate is displayed on the vehicle.

2. It shall also be unlawful for any person to place or park a motor vehicle, whether with or without a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof.

B. 1. Violation of these provisions shall be a misdemeanor and upon conviction the person shall be fined Five Hundred Dollars (\$500.00). Provided, any person cited for a first offense of a violation of this section who has displayed a placard which has expired shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within thirty (30) days of the issuance of the citation a notice that the person has obtained a valid placard.

2. In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain access to or move their vehicle, at the request of any person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle.

## **Section 11-1008. Reserved**

## **Section 11-1009. Parking on Certain Property Prohibited**

A. No person shall place, stop, park, or stand any vehicle including trailers or implements of husbandry, contrary to any official sign reserving, restricting, or regulating the placing, stopping, standing, or parking of a vehicle at any building or property, including grounds appurtenant thereto, of the Choctaw Nation of Oklahoma.

B. The Public Safety Department shall be responsible for the enforcement of subsection A of this section.

C. Any person violating the provisions of subsection A of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00). A violation shall be indicated by the placing of a notice of such violation on the windshield of the vehicle improperly placed, stopped, parked, or standing.

## **Article 11. Miscellaneous Rules**

### **Section 11-1101. Unattended Motor Vehicle**

The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

### **Section 11-1102. Limitations on Backing**

No vehicle shall be backed upon any street or highway except for such distance as may be necessary to permit the vehicle to enter the proper driving lane from a parked position. Such backing shall be done only after the driver of said vehicle has ascertained that such movement can be made without endangering other traffic.

### **Section 11-1103. Motorcycles, Motor-Driven Cycles, Motorized Scooters, Motorized Bicycles, or Electric-Assisted Bicycles—Restrictions on Transporting Other Persons and on Operation**

A. No person under the age of sixteen (16) years shall drive a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or an electric-assisted bicycle on any highway of the Choctaw Nation of Oklahoma while transporting any other person.

B. The operator of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle who has attained the age of sixteen (16) years or older may carry a passenger if the vehicle has a wheel diameter of twelve (12) inches or greater and is factory-designed and equipped with either:

1. A double seating device with double foot rests; or
2. A sidecar attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of said sidecar.

C. No rider of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall hold to any moving vehicle for the purpose of being propelled.

D. No driver of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall pass other vehicles between lanes of traffic traveling in the same direction. This subsection shall not apply to the operator of an authorized emergency vehicle.

#### **Section 11-1104. Obstruction to Driver's View or Control—Overloading School Bus**

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

C. No school bus shall be operated on the streets or highways in the Choctaw Nation of Oklahoma when loaded with passengers in excess of the number for which such bus is designed to carry. The number of passengers which the bus is designed to carry shall be posted in a conspicuous place on the bus.

#### **Section 11-1105. Opening and Closing Vehicle Doors**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

#### **Section 11-1106. Driving on mountain highways**

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible.

#### **Section 11-1107. Coasting prohibited**

A. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

B. The driver of any motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

#### **Section 11-1108. Following Fire Apparatus and other Emergency Vehicles Prohibited**

A. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

B. The driver of any vehicle other than one on official business shall not follow any emergency vehicle or shall not purposely drive to any location on a highway where an emergency exists which would interfere with the free movement of authorized emergency vehicles or any other traffic using the highway at that location. For the purpose of this subsection the definition of emergency shall include traffic accidents, airplane accidents, disasters, explosions, civil disturbances and (without limitation by the foregoing) any other related circumstances which tend to cause traffic congestion.

The purpose of this subsection is to eliminate sightseers and other persons who do not have official business at the scene of an emergency, and whose presence would tend to cause traffic congestion.

#### **Section 11-1109. Crossing fire hose**

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

#### **Section 11-1110. Putting Glass, etc., on Highway Prohibited**

A. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substances likely to injure any person, animal or vehicle upon such highway.

B. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a highway, highway right of way or any other location as the result of an accident shall remove any glass or other injurious substance dropped upon the highway or highway right of way or other location from such vehicle. The owner or insurer of the owner of the vehicle if the owner's insurance policy provides coverage for such expense, shall be responsible for the cost of removal of the vehicle and the glass or other injurious substance and any vehicle storage fees.

D. No person shall throw any substance at a standing vehicle or any occupant thereof, nor shall any person throw any substance at a person on or adjacent to a highway.

#### **Section 11-1111. Throwing or Dropping Object on or at Moving Vehicles**

A. No person shall willfully throw or drop any substance at a moving vehicle or any occupant thereof.

B. No person shall willfully throw or drop any object from a bridge or overpass with intent to damage any property or injure any person.



C. Any violation of subsection A or B of this section shall be deemed a felony and, upon conviction, shall be punishable by imprisonment for a term of not more than three (3) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

**Section 11-1112. Child Passenger Restraint System Required for Certain Vehicles—  
Exemptions**

A. Every driver, when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of the Choctaw Nation of Oklahoma, shall provide for the protection of said child by properly using a child passenger restraint system. For purposes of this section and Section 11-1113 of this title, “child passenger restraint system” means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

B. Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

C. The provisions of this section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to federal laws;

2. The driver of an ambulance or emergency vehicle;

3. The driver of a vehicle in which all of the seat belts are in use;

4. The transportation of children who for medical reasons are unable to be placed in such devices; or

5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral warning to said driver. The warning shall advise the driver of the possible danger to children resulting

from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.

E. A violation of the provisions of this section shall be admissible as evidence in any civil action or proceeding for damages unless the plaintiff in such action or proceeding is a child under sixteen (16) years of age.

F. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system.

#### **Section 11-1113. Reserved**

#### **Section 11-1114. Allowing passenger to ride outside passenger compartment**

A. No operator of a motor vehicle shall allow a passenger to ride outside the passenger compartment of the vehicle on the streets, highways or turnpikes of the Choctaw Nation of Oklahoma; provided, this section shall not apply to persons so riding on private property or for parades or special events nor shall this section apply to passengers riding on the bed of a pickup truck.

B. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of Ten Dollars (\$10.00) and shall pay court costs of Fifteen Dollars (\$15.00).

#### **Section 11-1115. Railroad-Highway Grade Crossings—Class A, B or C Commercial Vehicles—When Crossing Prohibited**

At a railroad-highway grade crossing, a person operating a Class A, B or C commercial motor vehicle shall not negotiate the crossing if there is:

1. Insufficient space to drive completely through the crossing without stopping; or
2. Insufficient clearance for the undercarriage of the vehicle.

#### **Section 11-1116. Self-propelled or Motor-Driven and Operated Vehicles—Golf Carts—All-Terrain and Utility Vehicles—Operation on Streets and Highways**

A. The self-propelled or motor-driven and operated vehicles described in this section shall be prohibited from operating or shall be limited in operation on the streets and highways of the Choctaw Nation of Oklahoma.

B. Self-propelled or motor-driven cycles, known and commonly referred to as “minibikes” and other similar trade names, shall be prohibited from operating on the streets and highways of the Choctaw Nation of Oklahoma, except when used in a parade.

All minibikes offered for sale in the Choctaw Nation of Oklahoma shall bear the following notice to the customer: “This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in violation of the motor vehicle laws of the Choctaw Nation of Oklahoma and will subject the violator to arrest.”

C. Golf carts shall not be operated on the streets and highways of the Choctaw Nation of Oklahoma except:

1. Golf carts owned by the Choctaw Nation of Oklahoma, and operated by employees or agents of the Choctaw Nation or employees of independent management companies working on behalf of the Choctaw Nation, may be operated on the streets and highways of the Choctaw Nation of Oklahoma during daylight hours or under rules developed by the Public Safety Department, when the streets and highways are located within the boundaries of a park or the capitol grounds; or

2. Golf carts may operate on highways only if making a perpendicular crossing of a highway.

D. All-terrain vehicles and utility vehicles shall not be operated on the streets and highways of the Choctaw Nation of Oklahoma, except:

1. All-terrain vehicles owned by the Choctaw Nation of Oklahoma, and operated by employees or agents of the Choctaw Nation or employees of independent management companies working on behalf of the Choctaw Nation, may be operated on the streets and highways of the Choctaw Nation of Oklahoma during daylight hours or under rules developed by the Public Safety Department, when the streets and highways are located within the boundaries of a park or the capitol grounds; or

2. On public streets and highways if:

- a. the vehicle needs to make a direct crossing of the street or highway while the vehicle is traveling upon a regularly traveled trail and needs to continue travel from one area of the trail to another and, if the vehicle comes to a complete stop, yields the right of way to all oncoming traffic that constitutes an immediate hazard, and crosses the street or highway at an angle of approximately ninety (90) degrees to the direction of the street or highway. This exception shall not apply to divided highways or streets or highways with a posted speed limit of more than thirty-five (35) miles per hour in the area of the crossing,

b. the vehicle needs to travel on a public street or highway in order to cross a railroad track. In that event, the all-terrain vehicle or utility vehicle may travel for not more than three hundred (300) feet on a public street or highway to cross a railroad track,

c. the operator of the all-terrain vehicle or utility vehicle making the crossing at a street or highway has a valid driver license, and

d. the operator of the vehicle makes a crossing on a street or highway during daylight hours only.

#### **Section 11-1117. All-Terrain Vehicle Passenger Restrictions—Penalties and Enforcement—Liability of Parents or Vehicle Owners—Applicability**

A. It shall be unlawful for a person less than eighteen (18) years of age to operate or to be carried as a passenger upon an all-terrain vehicle unless the person wears a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

B. It shall be unlawful for the operator of an all-terrain vehicle to carry a passenger unless that all-terrain vehicle has been specifically designed by the manufacturer to carry passengers in addition to the operator.

C. Fine and court costs for violating the provisions of this section shall not exceed Twenty-five Dollars (\$25.00).

D. Any parent, legal guardian or person having actual responsibility for a person under eighteen (18) years of age, or who is the owner of the all-terrain vehicle operated by a person under eighteen (18) years of age, who knows, or should have known, that the person operating the all-terrain vehicle is not in compliance with the provisions of this section, shall be punishable according to the provisions of subsection C of this section.

E. As used in this section, “all-terrain vehicle” means a vehicle powered by an internal combustion engine manufactured and used exclusively for off-highway use, traveling on four or more low-pressure tires, having a seat designed to be straddled by the operator, and which is steered by the use of handlebars.

F. The provisions of this section shall apply only to persons operating all-terrain vehicles on public lands.

G. The provisions of this section shall not apply to persons operating an all-terrain vehicle on privately owned property.

#### **Section 11-1118. Reserved**

**Section 11-1119. Definitions—Unattended Child or Vulnerable Adult in Motor Vehicle Prohibited—Exception—Penalty**

A. As used in this section:

1. “Person responsible for a child” means a custodial parent or legal guardian of a child, or a person who has been directed or authorized to supervise a child by that child’s custodial parent or legal guardian;

2. “Unattended” means beyond a person’s direct ability to care for or come to the aid of the unaccompanied person; and

3. “Motor vehicle” means the same as defined in Section 1-134 of Title 47 of the Oklahoma Statutes.

B. A person responsible for a child who is six (6) years of age or younger, or a caretaker of a vulnerable adult, shall not leave that child or vulnerable adult unattended in a motor vehicle if the conditions, including, but not limited to, extreme weather, inadequate ventilation, or hazardous or malfunctioning components within the vehicle present a risk to the health or safety of the unattended child or vulnerable adult.

C. It shall not be considered a violation of this section if the child or vulnerable adult is accompanied in the motor vehicle by a person at least twelve (12) years of age who is not mentally incompetent.

D. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by:

1. A fine of not less than Fifty Dollars (\$50.00) upon a first conviction;

2. A fine of not less than One Hundred Dollars (\$100.00) and ordered to perform community service of not less than fifty (50) hours upon a second conviction; and

3. A fine of not less than Two Hundred Dollars (\$200.00) upon a third or subsequent conviction, and the full record of that person’s convictions of the violations of this section shall be submitted to the Department of Children and Family Services for evaluation.

E. Any person convicted of violating the provisions of this section who has left a child or vulnerable adult unattended in a motor vehicle on the premises of any establishment which holds any license for the sale of alcoholic beverages for consumption on the premises, and who has consumed any alcoholic beverage during the period of time the child or vulnerable adult has been unattended, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00).

F. Nothing in this section precludes prosecution under any other provision of law.

## **Article 12. Operation of Bicycles and Play Vehicles**

### **Section 11-1201. Effect of Regulations**

A. It is a misdemeanor and punishable by a fine of not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00) for any person to do any act forbidden or fail to perform any act required in this article.

B. The parent or legal guardian of any child or the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this article.

C. Except as otherwise provided, the provisions of this article shall apply whenever a bicycle or motorized scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles or motorized scooters.

### **Section 11-1202. Traffic Laws Apply to Persons Riding Bicycles or Motorized Scooters**

Every person riding a bicycle or motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this article and except to those provisions of this title which by their nature can have no application.

### **Section 11-1203. Riding on Bicycle or Motorized Scooter**

A. A person operating a bicycle shall ride upon or astride a permanent and regular attached seat.

B. No bicycle or motorized scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

### **Section 11-1204. Clinging to Vehicles**

No person riding upon any bicycle, motorized scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

### **Section 11-1205. Riding on Roadway, One-way Street or Highway**

A. Every person operating a bicycle or motorized scooter upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as is safe to the right-hand curb or edge of the roadway, except under any of the following situations:

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

2. When preparing for a left turn at an intersection or into a private road or driveway;
3. When reasonably necessary to avoid conditions and while exercising due care, including but not limited to:
  - a. fixed or moving objects,
  - b. parked or moving vehicles,
  - c. pedestrians or animals,
  - d. surface hazards, or
  - e. any time it is unsafe to continue along the right-hand curb or edge of the roadway;and
4. When riding in the right-turn-only lane.

B. Any person riding a bicycle or motorized scooter upon a one-way street or highway with two or more marked lanes of travel may ride as close as is safe to the left-hand curb or edge of the street or highway.

C. No person operating a bicycle or motorized scooter shall pass other vehicles between lanes of traffic traveling in the same direction.

D. Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized scooters. Persons riding two abreast shall not impede the normal and reasonable flow of traffic and, on a laned roadway, shall ride within a single lane.

#### **Section 11-1206. Carrying Articles**

No person operating a bicycle or motorized scooter shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

#### **Section 11-1207. Reserved**

#### **Section 11-1208. Overtaking and Passing Bicycle—Violations—Fines and Penalties**

A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three (3) feet until the motor vehicle is safely past the overtaken bicycle.

B. If a person violates the provisions of subsection A of this section and the violation results in a collision causing serious physical injury to another person, the person shall be subject to a fine of not more than Five Hundred Dollars (\$500.00).

C. If a person violates the provisions of subsection A of this section and the violation results in the death of another person, the person shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), in addition to any other penalties prescribed by law.

## **Article 13. Maintenance, Construction and Safety Zones**

### **Section 11-1301. Driving through safety zones prohibited**

No vehicle shall at any time be driven through or within a safety zone.

### **Section 11-1302. Maintenance and construction zones**

A. The Choctaw Nation of Oklahoma is hereby authorized to close any highway or section thereof to traffic while the highway is flooded or under repair, maintenance or construction and, in exercising the authority, shall erect or cause to be erected traffic control devices and barricades to warn and notify the public that the highway has been closed to traffic.

B. When any highway has been closed to traffic under the provisions of subsection A of this section and traffic control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around the traffic control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance and repair of the highway or to persons entering therein for the protection of lives or property; provided, that persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair and maintenance of any highway is being performed under traffic, the appropriate authorities shall erect, or cause to be erected, traffic control devices to warn and guide the public. Each person using the highway shall obey all signs, signals, markings, flagmen or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. As used in this subsection, "construction or maintenance area" means any area upon or around any highway that is visibly marked as an area where construction, repair, and maintenance is temporarily occurring. The construction or maintenance area also includes the lanes of highway leading up to the area upon which an activity described in this section is being performed, beginning at the point where properly posted traffic control devices start to warn and guide the public into and



through the construction or maintenance including, but not limited to, instructions to merge from one lane into another lane, to reduce speed, or to follow directions of flagmen.

D. The “Merge Now” traffic control device that is used to warn and guide the public using the highway to merge, shall be located no greater than one (1) mile nor less than one thousand five hundred (1,500) feet in advance of the highway construction or maintenance area. Whenever any traffic control device requires traffic to merge due to the closure of a section or lane of highway, the merge shall be completed:

1. As soon as practicable after passing the traffic control device; and
2. Without passing any other traffic proceeding in the same direction.

E. No person shall remove, change, modify, deface or alter any traffic control device or barricade which has been erected on any highway under the provisions of this article.

F. Any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment not to exceed thirty (30) days, or both such fine and imprisonment, and shall be liable for any damage to property, or injury to or death to persons caused by the violations. In addition, the court may order restitution in an amount equal to the actual costs of the emergency response and repair or replacement of any damaged or lost emergency equipment.

### **Section 11-1303. Endangerment of a Highway Worker**

A. A person shall be guilty of the offense of endangerment of a highway worker if the person commits any of the following when the act occurs within a maintenance or construction zone:

1. Exceeding the posted speed limit by fifteen (15) miles per hour or more;
2. Failing to merge as required in subsection D of Section 11-1302 of this title;
3. Failing to stop for a work-zone flagman or failing to obey traffic control devices that have been erected for purposes of warning or guiding the public into and through the construction or maintenance area;
4. Driving through or around a construction or maintenance area by any lane not clearly designated to motorists for the flow of traffic through or around the construction or maintenance area; or
5. Intentionally striking, moving or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect highway workers and motorists in the construction or maintenance area for a reason other than avoidance of an obstacle, an

emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

B. Upon conviction for committing the offense of endangerment of a highway worker pursuant to subsection A of this section, if no injury or death of a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00).

C. A person shall be deemed to commit the offense of aggravated endangerment of a highway worker upon conviction for any offense pursuant to subsection A of this section when such offense occurs in a construction or maintenance area and results in the injury or death of a highway worker. Upon conviction for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) if the offense resulted in injury to or death of a highway worker.

D. Except for the offense provided for in paragraph 5 of subsection A of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction or maintenance area.

E. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection A of this section, if such act or omission resulted, in whole or in part, from mechanical failure of the vehicle of the person or from the negligence of another person or a highway worker.

## **Article 14. Reserved**

## **Chapter 12. Equipment of Vehicles**

### **Article 1. Scope and Effect of Regulations**

#### **Section 12-101. Driving or Permitting to be Driven Vehicle with Unsafe or Missing Equipment—Other Forbidden Acts—Exceptions Relating to Requirements for Equipment—Rules—Definitions**

A. It shall be a misdemeanor, upon conviction, punishable as provided in Section 17-101 of this title, for any person:

1. To drive or move, or for the owner to cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles which:

- a. is known to be in such unsafe condition as to endanger any person,
  - b. is known not to contain those parts required by this chapter,
  - c. is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or
  - d. is known to be equipped in any manner in violation of this chapter;
- 2. To do any act forbidden under this chapter; or
  - 3. To fail to perform any act required under this chapter.
- B. Nothing contained in this chapter shall be construed to prohibit on any vehicle:
- 1. Equipment required by the United States Department of Transportation pursuant to 49 C.F.R., Chapter V; or
  - 2. The use of additional parts and accessories which are not inconsistent with provisions of this chapter.
- C. The provisions of Article II *et seq.* of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, farm tractors, motorcycles as defined in Section 12-601 of this title, or vehicles designed to be moved solely by animal or human power, except as specifically made applicable in this chapter.
- D. Any specific requirement of this chapter with respect to equipment on any vehicle, other than a bicycle, shall not apply if the vehicle was lawfully designed and manufactured without such equipment; provided, the provisions of this chapter shall apply to any homemade vehicle or any vehicle constructed from a kit or from plans.
- E. Low-speed and medium-speed electrical vehicles which are in compliance with the equipment requirements in 49 C.F.R., Section 571.500 shall be deemed to be in compliance with the provisions of this chapter.
- F. The provisions of this chapter shall not apply to vehicles registered in Oklahoma as antique or classic vehicles.
- G. Any person producing proof within forty-eight (48) hours that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charge without assessment of court costs.
- H. As used in this chapter:

1. “Lamp” means an electrical device producing artificial illumination by use of one or more lights, each light of which performs the same function or separate functions as required by this chapter;

2. “Lightweight vehicle” means a motor vehicle that has a manufacturer’s gross vehicle weight rating of ten thousand (10,000) pounds or less, other than:

a. a vehicle that is being used to transport passengers for hire, or

b. a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 C.F.R., Section 177.823;

3. “Nighttime” or “night” means any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise; and

4. “Passenger car” means a motor vehicle designed for carrying ten persons, including the driver, or less except a low-speed or medium-speed electrical vehicle or motorcycle, as defined in Section 12-601 of this title.

#### **Section 12-101.1. Sale of Improperly Equipped Vehicle—Improper Equipping or Operation of Improperly Equipped Vehicle**

A. Unless previously disclosed through written documentation, no person shall knowingly have for sale, sell, or offer for sale any vehicle to be operated on the highways of the Choctaw Nation of Oklahoma unless it is equipped as required by this chapter.

B. No person shall knowingly equip or operate on the highways of the Choctaw Nation of Oklahoma any vehicle with equipment unless it complies with the requirements of this chapter.

#### **Section 12-101.2. Construction of Act--Severability**

This act shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this chapter shall be severable and if any phrase, clause, sentence or provision of this chapter is declared to be invalid or to be preempted by federal law or regulation, the validity of the remainder of this chapter shall not be affected thereby, and the remaining provisions shall be in full force and effect.

### **Article 2. Lamps and Other Lighting Equipment**

## **Section 12-201. Proper Display of Lamps and Other Signal Devices—Adoption of Federal Specifications and Standards**

A. The United States Department of Transportation specifications and standards for headlamps, auxiliary driving lamps, tail lamps, signal lamps, reflectors, and other lighting equipment and signal devices, pursuant to 49 C.F.R., Section 571.108, are hereby adopted by the Choctaw Nation of Oklahoma.

B. Except as otherwise provided in this chapter and subject to exceptions for parked vehicles, every vehicle upon a highway within the Choctaw Nation of Oklahoma shall properly display all lamps and illuminating devices as required by law:

1. At any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, also referred to in this chapter as nighttime; and

2. At any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet or less.

C. All lamps required by this chapter shall display a steady light except as otherwise prescribed by this chapter. Any required individual lamp may be combined or incorporated with any other required individual lamp if the combined or incorporated lamps meet all of the individual lighting requirements of this chapter for each individual lamp contained therein.

D. No lamp, other than a headlamp, displayed on any vehicle shall project a glaring light; provided, every headlamp shall comply with Section 12-222 of this title.

## **Section 12-202. Visibility Distance and Mounted Height of Lamps**

A. Any requirement of this chapter as to distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, shall apply during the times stated in subsection B of Section 12-201 of this title in respect to a vehicle without load when upon a straight, level, unlighted highway, under normal atmospheric conditions unless a different time or condition is expressly stated.

B. Any requirement of this chapter as to the mounted height of lamps or devices shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

## **Section 12-203. Head Lamps on Motor Vehicles**

A. Every motor vehicle shall be equipped with at least two headlamps emitting a white light with at least one lamp on each side of the front of the motor vehicle on the same level and as far apart as practicable. The headlamps shall comply with the requirements and limitations set forth in this chapter.

B. Every headlamp upon every motor vehicle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. The headlamps on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least six hundred (600) feet ahead for all conditions of loading;

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least two hundred (200) feet ahead; and

3. On a straight, level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

D. Every motor vehicle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted.

#### **Section 12-203.1. Number of Driving Lamps Required or Permitted**

A. At all times specified in subsection B of Section 12-201 of this title, at least two lighted headlamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles, as provided in Section 12-214 of this title.

B. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary driving lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

C. The driver of any vehicle shall comply with the provisions of Section 12-217 of this title regarding the use of alternate headlamp equipment.

#### **Section 12-203.2. Use of Distribution of Light or Composite Beam Lighting Equipment**

Whenever a motor vehicle is being operated on a roadway, or shoulder adjacent thereto, during the times specified in subsection B of Section 12-201 of this title, the driver shall use a

distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand (1,000) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph 2 of subsection C of Section 12-203 of this title shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within six hundred (600) feet to the rear, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in paragraph 1 of subsection C of Section 12-203 of this title.

### **Section 12-203.3. Headlamps with Single Distribution of Light—Farm Tractors and Certain Other Motor Vehicles**

Headlamps arranged to provide a single distribution of light shall be permitted on farm tractors and motor vehicles manufactured and sold prior to September 1, 1962, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least three hundred (300) feet.

### **Section 12-203.4. Lighting Equipment upon Motor Vehicles Operated below certain Speed**

Any motor vehicle operated at a speed of twenty (20) miles per hour or less may be operated under the conditions specified in subsection B of Section 12-201 of this title when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects one hundred (100) feet ahead in lieu of lamps required in Section 12-203 or 12-203.3 of this title.

## **Section 12-204. Tail Lamps**

A. Every motor vehicle, trailer, semitrailer and pole trailer, and any vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable which, when lighted, shall emit a red light visible from a distance of one thousand (1,000) feet to the rear; provided that, in the case of a combination of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches.

C. Any tail lamps shall be lighted whenever the clearance lamps and:

1. Headlamps;
2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or
3. Fog lamps, as defined in Section 12-217 of this title, are lighted.

### **Section 12-204.1. Lamps Illuminating Rear License Plate**

A. No more than two separate lamps with a white light shall be so constructed and placed as to illuminate the rear license plate and render it clearly legible from a distance of fifty (50) feet to the rear.

B. Any separate lamp or lamps for illuminating the rear license plate, shall be lighted whenever the clearance lamps and:

1. Headlamps;
2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or
3. Fog lamps, as defined in Section 12-217 of this title, are lighted.

C. The operation of a vehicle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this section. In addition, display and visibility of the rear license plate shall be in compliance with paragraph 2 of subsection A of Section 1113 of this title.



## **Section 12-205. Reflectors**

A. Every motor vehicle, trailer, semitrailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, at least two red reflectors meeting the requirements of this section; provided, that vehicles described in Section 12-208 of this title shall be equipped with reflectors as required in Sections 12-208 and 12-211 of this title.

B. Every such reflector shall be mounted on the vehicle at a height not less than fifteen (15) inches nor more than seventy-two (72) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from such vehicle when directly in front of lawful lower beams of headlamps, except as required in Sections 12-211, 12-215 and 12-216 of this title.

## **Section 12-206. Stop Lamps**

A. Every vehicle shall be equipped with at least two stop lamps which shall meet the requirements of this section.

B. The stop lamps required by this section:

1. Shall be mounted on the rear of the vehicle at the same level, as far apart as practicable, and at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches;

2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and

3. Shall be actuated upon application of the brakes.

C. If so equipped in its original design and manufacture, every motor vehicle shall be additionally equipped with a center high-mounted stop lamp located on the vertical center line above the level of the stop lamps described in this section which shall display a red light, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight, and which shall be actuated upon application of the brakes.

## **Section 12-207. Turn Signal Lamps**

A. Every vehicle shall be equipped with turn signal lamps that flash for the purpose of indicating the intention to turn either to the left or to the right.

B. The flashing turn signal lamps required by this section:

1. Shall show to the front and rear of the vehicle;

2. On the front of the vehicle, shall be located on the same level, as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front in normal sunlight; and

3. On the rear of the vehicle, shall be located at the same level and as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight.

C. A truck-tractor need not be equipped with turn signal lamps mounted on the rear if the turn signals at the front are so constructed and so located that they meet the requirements for double-faced turn signals that meet the standards of the Society of Automotive Engineers (SAE).

#### **Section 12-208. Vehicles of certain Width—Clearance Lamps—Side Marker Lamps—Reflectors**

A. In addition to other equipment required in this chapter, every vehicle, except truck-tractors and pole trailers, which is eighty (80) inches or more in overall width shall be equipped:

1. On the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable;

2. On the rear, with two red clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable; provided, trailers or semitrailers are not required to comply with this paragraph;

3. On each side, with two side marker lamps, one at the front amber in color and one at the rear red in color. The marker lamps shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road;

4. On each side, with one intermediate amber side marker lamp, at or near the midpoint between the front and rear side marker lamps, but not less than fifteen (15) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph;

5. On each side, with two reflex reflectors, one at the front amber in color and one at the rear red in color. The reflex reflectors shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; and

6. On each side, with one intermediate amber side reflex reflector, at or near the midpoint between the front and rear side reflex reflectors, but not less than fifteen (15) inches nor more than (60) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph.

B. In addition to other equipment required in this chapter, every truck-tractor shall be equipped on the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable.

C. In addition to other equipment required in this chapter, every pole trailer shall be equipped:

1. On each side, with one red or amber side marker lamp and one amber clearance lamp, which may be in combination, to show to the front, side and rear; and

2. On the rear of the pole trailer or load, with two red reflex reflectors, one at each side located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; provided, any load overhang of four (4) feet or more shall be lighted in compliance with Section 12-213 of this title.

D. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

E. In addition to other equipment required in this chapter, any motor vehicle eighty (80) inches or more in overall width shall be equipped with:

1. Three identification lamps showing to the front which shall emit an amber light; and

2. Three identification lamps showing to the rear which shall emit a red light.

Such lamps shall be placed horizontally in a row between the clearance lamps on the vertical center line of the vehicle.

#### **Section 12-209. Reserved**

#### **Section 12-210. Reserved**

#### **Section 12-211. Visibility of Reflectors, Clearance Lamps and Marker Lamps**

A. Every reflector upon any vehicle referred to in Section 12-208 of this title shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful lower beams of headlamps.

B. Front and rear clearance lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the front and rear, respectively, of the vehicle.

C. Side marker lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the sides of the vehicles on which mounted.

#### **Section 12-212. Reserved**

#### **Section 12-213. Lamps, Reflectors, and Flags on Projecting Load**

A. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in subsection B of Section 12-201 of this title:

1. Two red lights and two red reflectors positioned to indicate maximum width; and
2. One red light facing to each side positioned to indicate maximum overhang.

The required lights and reflectors may be mounted in combination at each side of the vehicle and shall be visible from a distance of one thousand (1,000) feet.

B. At any other time on any such vehicle, there shall be displayed at the extreme rear end of such load red flags not less than twelve (12) inches square marking the extremities of such load at each point where a lamp would otherwise be required by this section.

#### **Section 12-214. Lamps on Parked or Stopped Motor Vehicles**

A. Whenever a motor vehicle or combination of vehicles is parked or stopped, whether attended or unattended, upon a roadway or shoulder adjacent thereto, and there is not sufficient light to reveal the parked or stopped vehicle to the operator of another vehicle within a distance of one thousand (1,000) feet upon such roadway or shoulder, such vehicle so parked or stopped shall display the following:

1. At least two lamps displaying a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle; and
2. At least two lamps displaying a red light visible at a distance of one thousand (1,000) feet to the rear of the vehicle.

B. Subsection A of this section shall not apply to:

1. A vehicle parked or stopped on a street or highway with designated on-street parking or with a speed limit of twenty-five (25) miles per hour or less:

a. when the vehicle is positioned as close as practicable to the outer edge of the roadway or of the shoulder, if present, or

b. unless the street or highway is posted as a no-parking area;

2. A vehicle which has lost the ability to display lamps and the vehicle is parked or stopped off the roadway;

3. A vehicle which is disabled, unattended, and parked or stopped off the roadway; or

4. An authorized emergency vehicle of a law enforcement agency, when such vehicle is parked or stopped on the shoulder.

C. Any lighted headlamps upon a parked or stopped vehicle shall be lower beams.

### **Section 12-215. Lamps on Farm Tractors—Farm Equipment and Implements of Husbandry**

A. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with at least one lamp displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of such vehicle.

B. Every self-propelled unit of farm equipment not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, in addition to the lamps required in subsection A of this section, be equipped with two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

C. Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with the following lamps:

1. At least one lamp mounted to indicate as nearly as practicable the extreme left projection of said combination and displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of said combination; and

2. Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear thereof and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear thereof when illuminated by the upper beams of head lamps.

D. Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with two single-beam or multiple-beam head lamps meeting the requirements of Section 12-203.3 of this title or, as an alternative, Section 12-602.1 of this title, and at least one red lamp visible when lighted from a distance of not less than five hundred (500) feet to the rear; provided, however, that every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet when directly in front of lawful upper beams of head lamps.

E. Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with lamps as follows:

1. The farm tractor element of every such combination shall be equipped as required in subsection D of this section.

2. The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible when lighted from a distance of not less than five hundred (500) feet to the rear or, as an alternative, two red reflectors visible from all distances within six hundred (600) to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

3. Said combinations shall also be equipped with a lamp displaying a white or amber light, of any shade of color between white and amber, visible when lighted from a distance of not less than five hundred (500) feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear.

F. The lamps and reflectors required in subsections A through E of this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor, or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of said vehicle shall be indicated as nearly as practicable.

G. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry may be equipped with a flashing, strobe-light-type device that when lighted is visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

#### **Section 12-216. Lamps, Lighting Devices, or Reflectors on Animal-drawn and certain Other Vehicles**

A. Animal-drawn vehicles and vehicles referred to in subsection C of Section 12-101 of this title, not specifically required by the provisions of this chapter to be equipped with

lamps or other lighting devices, shall, at all times specified in subsection B of Section 12-201 of this title, be equipped with at least one lamp emitting a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two red reflectors visible for distances of six hundred (600) feet to one hundred (100) feet to the rear when illuminated by the lower beams of headlamps.

B. The failure on the part of an owner or driver of any vehicle specified in this section to display any lamp, lighting device, or reflector required by this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision.

### **Section 12-217. Auxiliary, Fog, and Off-road Lamps**

A. As used in this article:

1. “Auxiliary driving lamp” means a lamp mounted to provide illumination to the front of a motor vehicle;

2. “Daytime running lamp” means a lamp mounted to provide illumination to the front of a motor vehicle that will assist to identify its presence to other vehicles and pedestrians at times other than those specified in subsection B of Section 12-201 of this title;

3. “Front fog lamp” means a lamp mounted to provide illumination to the front of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

4. “Rear fog lamp” means a lamp mounted to provide illumination to the rear of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

5. “Off-road lamp” means any lamp designed and manufactured solely for off-road use; and

6. “Spot lamp” means a movable lamp which emits a brilliant light with a focused beam for examining objects, street address numbers, and other things alongside the road.

B. Any motor vehicle may be equipped with not to exceed two spot lamps which shall not be used in substitution of headlamps.

C. The operator of any motor vehicle:

1. Which has in use a spot lamp shall, upon the approach of another vehicle from any direction within one thousand (1,000) feet, immediately turn said spot lamp off;

2. Shall not use or turn on a spot lamp when approaching or following another motor vehicle within one thousand (1,000) feet; and

3. Shall not use or turn on a spot lamp to cause a vehicle to yield right of way or stop.

The provisions of this subsection shall not apply to operators of authorized emergency vehicles.

D. 1. A motor vehicle may be equipped with not to exceed two front fog lamps or two rear fog lamps which shall only be used when visibility, as described in paragraphs 3 and 4 of subsection A of this section, is limited to one-half (1/2) mile or less.

2. Front fog lamps shall be mounted on the same level on opposite sides of the front of the vehicle at or below the level of the headlamps. Front fog lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps. Front fog lamps shall not be used in substitution of headlamps, when headlamps are required.

E. A motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted at a height of more than forty-two (42) inches from the ground. The auxiliary driving lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps.

F. Every fog lamp or auxiliary driving lamp used upon a motor vehicle shall be so adjusted and aimed that no part of the high intensity portion of the beam shall, at a distance of twenty-five (25) feet, rise above the horizontal plane passing through the center of the lamp.

G. Notwithstanding any other provision of law, a vehicle may be equipped with off-road lamps for use as headlamps while the vehicle is operated or driven off of a highway. The lamps shall be:

1. Mounted at a height of not less than forty-two (42) inches from the ground;
2. Wired independently of all other lighting; and
3. Turned off whenever the vehicle is operated or driven upon a highway.

H. 1. A motor vehicle may be equipped with not to exceed two daytime running lamps which conform to 49 C.F.R., Section 571.108, S5.5.11.

2. Daytime running lamps shall not be used in substitution of headlamps.

3. Daytime running lamps shall be mounted on the front of a motor vehicle and shall be wired to be:

- a. automatically activated when the vehicle is started, and



- b. automatically deactivated when the headlamp control is in any “on” position.

## **Section 12-218. Emergency Vehicles—Flashing Lights**

A. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with flashing red or blue lights or a combination of flashing red and blue lights. The lights shall be visible at five hundred (500) feet in normal sunlight.

B. A law enforcement vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately-flashing red or blue lights specified herein. An unmarked vehicle used as a law enforcement vehicle for routine traffic enforcement shall be equipped with the following combination of lights:

1. Three flashing red, blue, or a combination of red and blue lights emitting the flashing lights to the front of the vehicle;
2. Two flashing white lights emitting the flashing white lights to the front of the vehicle;
3. Flashing red, blue, white or any combination of red, blue or white lights placed at and emitting the flashing lights from the four corners of the vehicle so that they are visible for three hundred sixty (360) degrees; and
4. One flashing red, blue, amber, or any combination of red, blue, or amber lights emitting the flashing light to the rear of the vehicle.

C. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop for authorized emergency vehicles, as prescribed in Section 11-405 of this title.

### **Section 12-218.1. Flashing Lights on Licensed Wreckers**

Flashing red or blue lights or a combination of flashing red and blue lights may be used on licensed wreckers or wrecker support vehicles at the scene of an emergency.

Any licensed wrecker or wrecker support vehicle may be equipped with a lamp displaying an amber light, visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle. Such lamp shall only be used when leaving the scene of a tow service call and for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing such vehicle.

## **Section 12-218.2. Vehicles Operated by Rural Letter Carriers or any Highway Contract Route Vehicles Delivering Mail—Flashing Lights**

Any privately owned motor vehicle operated by a rural letter carrier or any highway contract route vehicle while engaged in the delivery of mail may be equipped with no more than two simultaneously flashing amber lights and a sign reading “U.S. MAIL” for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking, or passing. Such lights shall be activated as the rural carrier stops on or adjacent to the roadway for the purpose of delivering or collecting United States mail. Such lights shall be of double face or two-way type, be visible when turned on for at least five hundred (500) feet to the front and rear of the vehicle in normal sunlight, be mounted on the highest part of the roof of the vehicle and be spaced laterally as far as practicable to each side of the vehicle. The sign and lights shall be installed so that the sign is lowered and lights turned off before the first stop on the route and following the last one.

## **Section 12-219. Reserved**

## **Section 12-220. Back-up and Vehicular Hazard Warning Lamps**

A. Any motor vehicle shall be equipped with not more than two back-up lamps either separately or in combination with other lamps. Any back-up lamp shall not be lighted when the motor vehicle is in forward motion.

B. Every vehicle shall be equipped with vehicular hazard warning lamps required for that vehicle at the time the vehicle was manufactured by standards of the United States Department of Transportation pursuant to 49 C.F.R., Section 571.108. Such lamps shall be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this title. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred (500) feet in normal sunlight.

C. Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashed in conjunction with the turn or vehicular hazard warning lamps.

**Section 12-221. Reserved**

**Section 12-222. Reserved**

**Section 12-223. Reserved**

**Section 12-224. Reserved**

**Section 12-225. Reserved**

**Section 12-226. Reserved**

**Section 12-227. Special Restriction on Lamps**

A. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary driving lamps, flashing turn signals, vehicular hazard warning lamps, authorized emergency vehicle lamps, snow removal and construction and maintenance vehicle warning lamps, and school bus and church bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

B. Except as provided in Sections 12-218, 12-218.1 and 12-228 of this title, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or capable of displaying a red or blue light visible from directly in front of the center thereof.

C. Flashing lights are prohibited except on:

1. An authorized emergency vehicle, as provided in Section 12-218 of this title;
2. A school bus or a church bus, as provided in Section 12-228 of this title;
3. Any snow-removal and construction, and maintenance equipment, as provided in Section 12-229 of this title;
4. A wrecker or tow vehicle while at the scene of an emergency or loading or unloading a vehicle in close proximity to traffic as needed for safety precautions or as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-218.1 of this title;
5. Any vehicle as a means of indicating a right or left turn, as provided in Sections 12-206.1 and 12-606 of this title;
6. Any vehicle as means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this title;

7. Any vehicle displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps, as provided in Section 12-220 of this title;

8. A farm tractor or an implement of husbandry, as provided in Section 12-215 of this title; or

9. Any vehicle used while performing official duties as a rural or contract route mail carrier of the United States Postal Service, as provided in Section 12-218.2 of this title.

D. Blue lights are prohibited except as allowed in Sections 12-218 and 12-218.1 of this title.

E. Any person violating the provisions of subsection B, C or D of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

#### **Section 12-228. Special Lighting Equipment and Warning Devices on School Buses and Church Buses**

A. In addition to any other equipment and distinctive markings required by this title, every school bus and every church bus shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights shall be visible at five hundred (500) feet in normal sunlight.

B. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" or "ACTIVITY BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering, and have no other lettering on the front or rear of the vehicle, except as required by 47 C.F.R., Part 571.

C. Every church bus shall bear upon the front and rear thereof plainly visible signs containing the words "CHURCH BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering. In addition, such church bus may be equipped with visual signals meeting the requirements of subsection A of this section.

D. Every school bus manufactured on or after September 1, 1992, shall be equipped with a stop signal arm that complies with 49 C.F.R., Section 571.131.

E. In addition to the lights required by subsection A of this section, any school bus shall be equipped with amber signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical center line of the bus, which shall display two alternately

flashing amber lights to the front and two alternately flashing amber lights to the rear. These lights shall be visible at five hundred (500) feet in normal sunlight. These lights shall be displayed by the school bus driver at least one hundred (100) feet, but not more than five hundred (500) feet, before every stop at which the alternately flashing red lights required by subsection A will be actuated.

F. During the time any school bus or church bus is operating, the school bus or church bus shall have its headlights activated.

H. It shall be unlawful to operate any red flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children or employees or volunteers of a school to board or discharge from said school bus.

I. It shall be unlawful to operate any red flashing warning signal light on any church bus except when any said bus is stopped on a highway for the purpose of permitting passengers to board or discharge from said bus.

J. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop for school buses, as prescribed in Section 11-705 of this title, and for church buses, as prescribed in Section 11-705.1 of this title.

K. The loading lamps on school buses converted for purposes other than transporting pupils to or from school shall be disconnected, except for buses purchased for use by religious organizations as church buses.

#### **Section 12-229. Lights on Vehicles or Machinery Operated by Government on Highways**

A. It shall be unlawful to operate any snow-removal equipment on any highway unless the lamps thereon are lighted.

B. Flashing amber lights may be used on vehicles or machinery owned or operated by any department or agency of government when engaged in the performance of emergency work or on the construction or maintenance of highways.

#### **Section 12-230. Reserved**

#### **Section 12-231. Reserved**

#### **Section 12-232. Vans Operated for Non-profit Charitable Organization Equipped with Strobe-light-type Device**

A. Every multiple-passenger van owned and operated by a non-profit charitable organization for the purpose of transporting children to or from any destination may be

equipped with a flashing, strobe-light-type device that when lighted may be visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

B. During the time that the multiple-passenger van is operating, the multiple-passenger van may have the strobe-light-type device activated.

C. Each vehicle displaying such lights shall simulate the color of lights used on school buses as provided in Section 12-228 of this title.

D. As used in this section, "non-profit charitable organization" shall mean any organization that is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 United States Code, Section 501(c)(3).

## **Article 3. Brakes**

### **Section 12-301. Brake Equipment Required**

A. Every motor vehicle manufactured prior to September 1, 1961, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

B. 1. Every motor vehicle manufactured on or after September 1, 1961, operated upon the highways shall be equipped with service brakes upon all wheels.

2. A truck or truck-tractor having three or more axles need not be equipped with brakes on the front axle if:

a. the vehicle was manufactured on or before July 24, 1980, or

b. the vehicle was manufactured on or after July 25, 1980, but no later than October 26, 1986, and the brake components have not been removed. If the brake components have been removed, the vehicle shall be retrofitted to meet the requirements of this section.

C. 1. Every trailer, semitrailer, and pole trailer of a gross vehicle weight rating of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes:

a. adequate to control the movement of and to stop and to hold such vehicle,

b. so designated as to be applied by the driver of the towing motor vehicle from its cab. Provided, braking systems commonly known as “surge brakes” shall be lawful when used on a trailer which is towing or transporting a vessel or vessels, and

c. so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

2. Every trailer, semitrailer, and pole trailer required to be equipped with brakes, except motor vehicles engaged in drive-away tow-away operations as provided in 49 C.F.R., Part 393.42, shall be equipped with brakes which are designed to be applied automatically and promptly upon break-away from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such a case for at least fifteen (15) minutes.

3. Any trailer, semitrailer, or pole trailer having a gross vehicle weight rating of less than three thousand (3,000) pounds need not be equipped with brakes; provided, the trailer, semitrailer, or pole trailer shall be equipped with brakes if the weight of the towed vehicle exceeds forty percent (40%) of the gross vehicle weight rating of the towing vehicle.

D. Every motor vehicle and every combination of vehicles shall be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice, or loose material.

E. The braking system on the rear axle of any motor vehicle may be used for both service brake and parking brake operation.

F. 1. Air brake systems installed on towed vehicles manufactured shall be designed as provided in 49 C.F.R., Section 393.43.

2. Every truck or truck-tractor, if used to tow a trailer equipped with brakes, shall be equipped with service brakes as provided in 49 C.F.R., Section 393.43.

3. Every truck or truck tractor equipped with air brakes, when used to tow another vehicle equipped with full air brakes, in operations other than drive-away or tow-away, shall, in addition to the above, be equipped with two means of activating the emergency features of the trailer brakes as provided in 49 C.F.R., Section 393.43.

4. Every motor vehicle which is equipped with power brakes, shall comply with 49 C.F.R., Section 393.49.

5. Every truck tractor and truck used for towing other vehicles equipped with vacuum brakes, in operations other than drive-away tow-away, on and after September 1, 1961, shall, in addition to other requirements of state and federal law, comply with 49 C.F.R., Section 393.43.

G. Every bus, truck, and truck-tractor which is equipped with an air or vacuum brake system, shall be equipped with a reservoir as required by 49 C.F.R., Section 393.50, sufficient

to insure a brake application capable of stopping the vehicle within the stopping distance requirements of Section 12-302 of this title in the event the engine stops.

H. Every bus, truck and truck-tractor shall be equipped with service brake warning devices and signals as required by 49 C.F.R., Part 393.51.

I. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. The brakes shall be capable of stopping the vehicle, or a combination of vehicles, within the stopping distance requirements of Section 12-302 of this title.

### **Section 12-302. Performance ability of brakes**

A. Every motor vehicle or combination of vehicles at all times and under all conditions of loading upon application of the service brake, shall be capable of:

1. Developing a braking force that is not less than the percentage of its gross weight, as specified in subsection D of this section;

2. Decelerating to a stop from a speed of twenty (20) miles per hour at not less than the rate specified in subsection D of this section; and

3. Stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the service brake pedal or control begins.

B. Upon application of the parking brake system and with no other brake system applied, a motor vehicle or combination of motor vehicles shall, at all times and under all conditions of loading, be capable of stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the emergency brake control begins.

C. Conformity to the stopping-distance requirements of subsections A and B of this section shall be determined under the following conditions:

1. Any test must be made with the vehicle on a hard surface that is substantially level, dry, smooth, and free of loose material; and

2. The vehicle must be in the center of a twelve-foot-wide lane when the test begins and must not deviate from that lane during the test.

D. Vehicle brake performance table:



Service Brake Systems				Emergency Brake Systems
Type of Motor Vehicle	Braking force as percentage of GVWR or GCWR	Deceleration in feet per second per second	Application and braking distance in feet	Application and braking distance in feet
1. Passenger-carrying vehicle:				
a. Vehicles with a seating capacity of ten persons or less, including the driver, and built on a passenger chassis	65.2	21	20	54
b. Vehicles with a seating capacity of more than ten persons, including the driver, and built on a passenger car chassis; vehicles built on a truck or bus chassis and having a manufacturer's GVWR of 10,000 pounds or less:	52.8	17	25	66
c. All other passenger-carrying vehicles	43.5	14	25	85
2. Property-carrying vehicles:				
a. Single-unit vehicles with a manufacturer's GVWR of 10,000 pounds or less:	52.8	17	25	66
b. Single-unit vehicles with a manufacturer's GVWR of more than 10,000 pounds. Combinations of a 2-axle towing vehicle and trailer having a GVWR of 3,000 pounds or less. All combinations of two or less vehicles in drive-away or tow-away combinations:	43.4	14	35	85
c. All other property-carrying vehicles and combinations of property-carrying vehicles:	43.5	14	40	90

E. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent (1%) grade), dry, smooth, hard surface that is free from loose material.

## **Article 4. Other Equipment**

### **Section 12-401. Horns and Warning Devices**

A. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with a horn but shall not otherwise use such horn when upon a highway.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, except as otherwise permitted in subsection D of this section.

C. Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. A theft alarm signal device shall not use a siren, as described in subsection D of this section.

D. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with a siren, or similar device, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

E. It shall be unlawful for any person to use a device capable of producing auditory warning signals similar to that on an authorized emergency vehicle or to use audible signal equipment from a motor vehicle for the purpose of causing any other motor vehicle operator to yield right of way and stop, or which actually causes any other motor vehicle operator to yield the right of way and stop, whether intended or not. The provisions of this subsection shall not apply to the operators of authorized emergency vehicles.

### **Section 12-402. Mufflers or Other Noise-Suppressing Systems—Prevention of Excessive or Unusual Noise**

A. Every vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. Every motor vehicle shall at all times be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation,

and no person shall use a muffler cut-out, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.

B. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke, or both.

#### **Section 12-403. Mirrors**

A. Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so positioned and located as to reflect to the driver a view of the highway to the rear of the motor vehicle.

B. Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so positioned and located as to reflect to the driver a view of the highway to the rear of the vehicle.

C. Every school bus and church bus shall be equipped with a mirror system so positioned and located as to reflect to the driver, when seated in the bus driver's position, the presence of a pedestrian directly in front of the bus and beneath the driver's direct line of sight.

#### **Section 12-404. Windshields and Windows—Obstruction, Obscuring, or Impairing of Driver's View—Electric Windshield Wiper Mechanism**

A. As used in this section:

1. "Critical area" means the area cleaned by the normal sweep of the windshield wiper blade on the driver's side. The area covered by the wiper blade cannot be reduced from manufacturer's original specifications;

2. "Noncritical areas" means all other areas;

3. "Outright breakage" means glass which is severely cracked or shattered to the extent that air passes through it or, if by running a fingertip over the cracked area, the glass moves or sharp edges can be felt;

4. "Star break or shot damage" means a vented break with cracks radiating from the point of impact; and

5. "Stress or hairline crack" means a crack which has no visible point of impact.

B. No person shall operate any motor vehicle which:

1. Is not equipped with a windshield;

2. Has any outright breakage in the windshield or in the window on either side of the driver;

3. Has any star break or shot damage, three (3) inches or more in diameter, located in the critical area; or

4. Has two or more stress or hairline cracks, twelve (12) inches or more in combined length, located in the critical area.

C. No person shall drive any motor vehicle with any sign, poster, other nontransparent material, or debris, including but not limited to snow, ice, or frost, upon the front windshield or the side wings, or side or rear windows or suspend any sign, poster, object, or other material from the interior of the vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway ahead or to either side or of any intersecting highway.

D. The windshield on every motor vehicle shall be equipped with an electric windshield wiper mechanism for cleaning rain, snow, or other moisture from the windshield.

Every windshield wiper blade and windshield wiper mechanism upon a motor vehicle shall be maintained in good working order. When replacing the wiper blade, the length of the blade shall not be reduced from the manufacturer's specification.

#### **Section 12-405. Tires and Wheels—Peripheral Equipment—Unsafe Operating Condition**

A. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

B. A person shall not operate or move on any hard-surfaced highway any vehicle having any metal tire in contact with the roadway, except when authorized by special permit as provided in subsection E of this section.

C. 1. Any tire on a vehicle moved on a highway shall not have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible:

a. to use farm tractors or implements of husbandry with tires having protuberances which will not injure the highway,

b. to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, or

c. for pneumatic tires equipped with or having on their periphery studs of metal, porcelain or other material, if constructed to provide resiliency upon contact with the road surface, so that not more than three percent (3%) in the aggregate of the traction surface of

such tire be composed of such studs and so that such studs do not project more than three thirty-seconds (3/32) of an inch beyond the tread of the traction surface of such tire and have a rate of wear which will so limit such projection.

2. The exceptions permitted in paragraph 1 of this subsection shall be subject to the following restrictions:

a. the use of such tires or tire chains shall be limited to vehicles with rated capacities up to and including two (2) tons,

b. any tire so equipped shall not be used on a public highway earlier than November 1 of each year or later than April 1 of the following year, and

c. copies of this subsection shall be posted in all places at which tires or tire chains are sold, and a printed or written warning on the time limitation for the use of such tires or tire chains shall be furnished to each buyer, purchaser, or user by the seller of such studded tires or tire chains.

D. Operator selectable “on demand” studded tires having traction-enhancing studs located outside the normal tread area which allows their operation as conventional tires on dry roads or as studded tires on ice-coated roads by the expedient of reducing or increasing the air pressure within the tires, shall be exempt from the prohibitions of subsection C of this section with the following exceptions:

1. The use of such tires shall be limited to vehicles with rated capacities up to and including two (2) tons;

2. Any such tire shall not be deflated so that the studs lower and make contact with the road surface earlier than November 1 of each year or later than April 1 of the following year.

E. The Public Safety Department may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

F. A person shall not operate any vehicle when one or more of the tires in use on that vehicle is in unsafe operating condition or has a tread depth less than two-thirty-seconds (2/32) inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire; provided, such measurements shall not be made at the location of any tread wear indicator, tie bar, hump, or fillet. As used in this subsection, an unsafe tire includes, but is not limited to, any tire:

1. On which the ply or cord is exposed in the tread area;

2. Which has been re-grooved or recut below the original groove depth, except tires that have been designed with under-rubber sufficient for re-grooving and are so marked;

3. Marked “Farm Implement Only”, “Not for Highway Use”, or any other marking that would indicate that the tire is not for normal highway use; provided, no such marking shall be altered or removed;

4. On which any bulges, bumps, or knots show in the tread or sidewall area; or

5. On the front steering axle of a truck-tractor which has tread depth measuring less than four-thirty-seconds ( $\frac{4}{32}$ ) inch.

G. Every wheel on a vehicle shall not be cracked and shall be securely fastened to the hub of the vehicle with all lug nuts properly affixed.

#### **Section 12-405.1. Coupling Devices—Stay Chains, Cables or Other Safety Devices**

A. Every trailer, semitrailer, manufactured home, or towed motor vehicle shall be equipped with a coupling device which shall be designed, constructed, and used so that the trailer, semitrailer, manufactured home, or towed motor vehicle will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer, semitrailer, manufactured home, or towed motor vehicle, except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with:

1. Stay chains or cables to the vehicle by which it is being drawn, which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle, should the regular coupling device break or become otherwise disengaged; or

2. Chains, cables or a safety device which provides strength, security of attachment and directional stability equal to or greater than that provided by safety chains and which prevent parting from the drawing vehicle should the regular coupling device break or otherwise become disengaged. The safety device shall be designed, constructed, and installed so that if the coupling device fails or becomes disconnected the coupling device will not drop to the ground.

B. Nothing in this section shall be construed as excepting commercial vehicles subject to the provisions of 49 C.F.R., Subpart F, Coupling Devices and Towing Methods, from complying with the provisions thereof.

C. No person shall tow any vehicle by sole use of a chain, cable, ropes, or any combination thereof.

### **Section 12-405.2. Fuel Tanks and Intake Pipes—Projection Beyond Side of Vehicle—Construction and Attachment**

A. No fuel tank or intake pipe on any motor vehicle shall project beyond the side of the motor vehicle. In no case shall the fuel tank or fuel intake pipe on any bus be located within or above the passenger-carrying portion of the bus.

B. Any fuel tank carried upon a motor vehicle, including any auxiliary tank, shall be of substantial construction, permanently and securely attached to the motor vehicle.

### **Section 12-405.3. Aprons**

All vehicles or combination of vehicles operating on the highways, except animal-drawn vehicles, not equipped with fenders over the rearmost wheels shall have attached thereto a rubber or fabric apron directly behind the rearmost wheels, and hanging perpendicular from the body of the vehicle. The apron shall be of such a size as to prevent the bulk of the water or any other substance picked up from the roadway from being thrown from the rear wheels of the vehicle or combination of vehicles at tangents exceeding twenty-two and one half (22 1/2) degrees measured from the road surface. The provisions of this subsection shall not apply to a farm tractor moving over the highway at a speed less than twenty (20) miles per hour.

### **Section 12-406. Safety Glazing Material or Safety Glass—Standards—Identification Markings—Sale or Replacement**

A. A motor vehicle as specified herein shall not be registered thereafter unless such vehicle is equipped with safety glazing material or safety glass of a type prescribed in this section wherever glazing material or glass is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger cars, lightweight vehicles, buses, school buses, and church buses, but in respect to trucks, including truck-tractors, the requirements as to safety glazing material or safety glass shall apply to all glazing material and glass used in doors, windows, and windshields in the drivers' compartments of such vehicles.

B. The term "safety glazing materials" or "safety glass" means glazing materials or glass so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by the safety glazing materials or safety glass when they may be cracked or broken.

C. All safety glazing materials and safety glass shall bear the manufacturer's trademark and the words "American Standard" or the letters "AS" followed by a number indicating the position in which the glass shall be used. Safety glazing materials or safety glass bearing the following identification markings shall be used in the designated locations:

1. Laminated safety glass marked "AS-1" is required in windshields and is acceptable at any other location in the vehicle;

2. Laminated safety glass marked “AS-14” is required in windshields and is acceptable at any other location in the vehicle;

3. Laminated or tempered safety glass marked “AS-2” is acceptable for use at any location in the vehicle except the windshield;

4. Laminated or tempered safety glass marked “AS-3” is acceptable anywhere on school buses except in windshields and side windows to the immediate right and left of the driver’s location;

5. Rigid plastic safety glazing material marked “AS-4” or “AS-5” is acceptable anywhere on school buses except in windshields and side windows to the right or left of the driver’s location;

6. Flexible plastic safety glazing material marked “AS-6” or “AS-7” is acceptable for use in rear windows of soft tops, flexible curtains, or readily removable windows; and

7. Wire glass marked “AS-8” or “AS-9” is acceptable for use in folding doors, standee and rearmost windows of buses, or windows to the rear of the driver in trucks and truck-tractors.

D. No person shall sell, or make replacements of glass, safety glazing materials, or safety glass on motor vehicles, or sell glass, safety glazing materials, or safety glass cut to size to fit windshields, door glass, or window glass of a motor vehicle in violation of the provisions of this title.

#### **Section 12-407. Certain Vehicles to be Equipped with Flares and Other Emergency Equipment**

A. No person shall operate any truck, bus, truck-tractor, or any drive-away, tow-away operation upon any highway at any time unless such vehicle is equipped with emergency equipment, including, but not limited to, reflectors, flares, fusees, flags, and fire extinguishers, as provided by 49 C.F.R., Section 393.95. This section shall not apply to lightweight vehicles.

B. Every bus which is licensed for the express purpose of transporting persons for hire shall have at least one hand axe and one metal heavy-duty, ten-unit size, first-aid kit.

#### **Section 12-408. Display of Warning Devices When Vehicle Disabled**

A. Whenever any truck, except a lightweight vehicle, or any bus, truck-tractor, trailer, semitrailer, or pole trailer, or any motor vehicle towing a manufactured home is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the



following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection B of this section:

1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

2. As soon thereafter as possible but in any event within the burning period of the fusee, the driver shall place three liquid-burning flares, or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:

- a. one approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane,

- b. one approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle, and

- c. one at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph 1 of subsection A of this section, it may be used for this purpose.

B. Whenever any vehicle referred to in this section is disabled within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

C. Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the times specified in subsection B of Section 12-201 of this title, the appropriate warning devices prescribed in subsections A and E of this section shall be placed as follows:

1. One at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

2. One at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

3. One at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

D. Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time

when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred (100) feet in advance of the vehicle, and one at a distance of approximately one hundred (100) feet to the rear of the vehicle.

E. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas is disabled upon a highway of the Choctaw Nation of Oklahoma at any time or place mentioned in subsection A of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred (100) feet to the front and one placed approximately one hundred (100) feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

F. The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the applicable requirements of Section 12-407 of this title.

G. The provisions of this section shall not apply to vehicles bearing farm tags and used exclusively for the purpose of farming and ranching.

#### **Section 12-409. Vehicles Transporting Hazardous Materials**

Vehicles transporting hazardous materials as a cargo or part of a cargo shall at all times be:

1. Marked or placarded in accordance with 49 C.F.R. Section 177.823; and
2. Equipped with portable fire extinguishers in accordance with 49 C.F.R. Section 393.95(a).

#### **Section 12-410. Air-conditioning Equipment**

A. The term “air-conditioning equipment” as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver’s or passenger compartment of any motor vehicle.

B. Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable or which is in violation of regulations of the Environmental Protection Agency pursuant to 40 C.F.R., Part 82 or which is not included in

the list published by the Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12, pursuant to 42 U.S.C. 7671 k(c).

C. Safety requirements and specifications consistent with the requirements of this section applicable to such equipment shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers (SAE).

#### **Section 12-411. Television-type Receiving Equipment Visible from Operator's Seat Prohibited**

A. No motor vehicle shall be operated on the highways of the Choctaw Nation of Oklahoma in which there is installed any television-type receiving equipment, the viewer, monitor, or screen of which can be seen by any person sitting in the seat from which such motor vehicle is operated.

B. This section shall not be construed to prohibit the use of television-type receiving equipment used exclusively for navigation, safety of vehicle operation, or law enforcement purposes.

#### **Section 12-412. Reserved**

#### **Section 12-413. Seat Belts or Shoulder Harnesses**

It shall be unlawful for any person to sell or offer for sale at retail or trade or transfer from or to Choctaw Nation residents any passenger vehicle which is manufactured or assembled commencing with the 1966 models, unless such vehicle is equipped with safety belts or safety shoulder harness combinations which are installed for the use of persons in the left front and right front seats thereof.

#### **Section 12-414. Specifications**

All safety belts or safety shoulder harnesses shall be of a type and shall be installed pursuant to 49 C.F.R. Section 571.208 et seq.

#### **Section 12-415. Penalties**

Any person violating any of the provisions of Section 12-413 of this title shall, upon conviction thereof, be punished as provided in Section 17-101 of this title.

## **Section 12-416. Short Title**

Sections 12-416 through 12-420 of this title shall be known and may be cited as the “Choctaw Nation Mandatory Seat Belt Use Act”.

## **Section 12-417. Operators and Front Seat Passengers Required to Wear Safety Belts—Exemptions**

A. 1. Every operator and front seat passenger of a passenger car operated in the Choctaw Nation of Oklahoma shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

2. For the purposes of this section, “passenger car” shall mean “vehicle” as defined in Section 1102 of this title. “Passenger car” shall include the passenger compartment of pickups, vans, minivans, and sport utility vehicles. “Passenger car” shall not include trucks, truck-tractors, recreational vehicles, motorcycles, or motorized bicycles. “Passenger car” shall not include a vehicle used primarily for farm use.

B. A person who, for medical reasons, is unable to wear a safety seat belt system supported by written attestation of such fact from a physician licensed by any state is not required to wear a seat belt. Additionally, any person may be exempt from the requirement of wearing a seat belt if a restriction or some similar provision on the person’s current and valid driver license issued by any state exempts such person from wearing a seat belt. The issuance of an attestation by a physician or the exemption by any state authorities, in good faith, shall not give rise to, nor shall the physician or the state thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of failure of the person to wear a safety seat belt system.

C. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. Postal Service.

D. Fine and court costs for violating the provisions of this section shall not exceed Twenty Dollars (\$20.00).

## **Section 12-418. Reserved**

## **Section 12-419. Reserved**

## **Section 12-420. Civil Proceedings—Effect of Act**

Sections 12-416 through 12-420 of this title may be used in any civil proceeding in the Choctaw Nation of Oklahoma and the use or non-use of seat belts shall be submitted into

evidence in any civil suit in the Choctaw Nation unless the plaintiff in such suit is a child under sixteen (16) years of age.

#### **Section 12-421. Reserved**

#### **Section 12-422. Restrictions on Use of Glass Coating Materials or Sun Screening Devices on Windshields and Windows**

A. As used in this section:

1. “Glass coating material” or “sun screening devices” means materials, films, applications or devices which are used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of sun, but shall not include materials, films, applications, or devices with a mirrored or mirror-like finish;

2. “Light transmission” means the percentage of total light which is allowed to pass through a window;

3. “Luminous reflectance” means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the glass coating material or sun screening device to the amount of total light falling on the glass coating material;

4. “Manufacturer” means:

a. a person who engages in the manufacturing or assembling of sun screening devices,  
or

b. a person who fabricates, laminates, or tempers glazing materials, incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process; and

5. “Window” means the windshield, side or rear glass of a motor vehicle, including any glazing material, glass coating or sun screening device.

B. It is unlawful, except as provided by this section, for a person to sell, install, or to operate a motor vehicle with any object or material:

1. Placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows; or

2. So placed, displayed, installed, affixed, or applied in or upon the motor vehicle so as to obstruct or reduce a driver’s clear view through the windshield or side or rear windows.

C. It is unlawful for any person to place, install, affix, or apply any transparent material upon the windshield or side or rear windows of any motor vehicle if such material alters the color or reduces the light transmittance of such windshield or side or rear windows except as provided in this section.

D. This section shall not apply to:

1. Side or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least twenty-five percent (25%) and a luminous reflectance of at most twenty-five percent (25%);

2. Front side wing vents and windows that have a substance or material not attached in conjunction with glazing material which is used by a vehicle operator on a moving vehicle during daylight hours;

3. Rearview mirrors;

4. Adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass;

5. Signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield nearest the driver;

6. Direction, designation, or termination signs on buses, if the signs do not interfere with the driver's clear view of approaching traffic;

7. Rear window wiper motors;

8. Rear window defrosters or defoggers;

9. Rear truck lid handle or hinges;

10. Side windows to the rear of the driver or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least ten percent (10%) and a luminous reflectance of at most twenty-five percent (25%) on all vehicles manufactured prior to 1996 year models, if the motor vehicle is equipped with outside mirrors on both left and right hand sides of the vehicle that are so located as to reflect to the driver a view of the highway through each mirror for a distance of at least two hundred (200) feet to the rear of the motor vehicle;

11. Transparent material which is installed, affixed, or applied to the topmost portion of the windshield if:

a. it does not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield, and

b. the material is not red or amber in color;

12. All windows to the rear of the driver's seat in a vehicle licensed as a bus, as defined by Section 1-105 of this title, or a taxicab, as defined by Section 1-174 of this title;

13. Implements of husbandry as defined by this title; and

14. Law enforcement vehicles.

E. This section shall not prohibit the use and placement of federal, state, or political subdivision certificates on any window as are required by applicable laws.

F. Louvered materials, when installed as designed, shall not reduce the area of the driver's visibility below fifty percent (50%) as measured on a horizontal plane. When such materials are used in conjunction with the rear window, the measurement shall be made based upon the driver's view from inside the rearview mirror.

G. A person who sells or installs any product regulated by this section shall certify in a written statement, which shall be a part of the contract for sale or installation and shall be in bold-face type, that:

1. The product sold or installed is in compliance with the reflectivity and transmittance requirements of this section;

2. The installation of the product to the driver's or passenger's side window may be illegal in some states.

H. A person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of such fact from a physician licensed by any state, is exempt from the provisions of this section for a motor vehicle belonging to such person or in which such person is a habitual passenger. Any person may operate a vehicle or alter the color or reduce the light transmitted through the side or rear windows of a vehicle in accordance with a written attestation of such fact from a physician licensed by any state. Additionally, any person may be exempt from the requirements of this section if a restriction or some similar provision on the person's current and valid driver license issued by any state exempts such person from a like provision of the state law where the driver license was issued.

I. Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

## **Section 12-423. Emission Control System—Disconnection, Alteration, Modification, or Replacement**

A. On any motor vehicle originally designed and equipped with an emission control system such system shall be maintained in good working order.

B. No person shall:

1. Disconnect any part of such system except temporarily in order to make repairs, replacements, or adjustments;

2. Modify or alter such system or its operation in any manner; or

3. Operate, and no owner shall cause or permit to be operated, any motor vehicle originally equipped with such system while any part of that system is known by the owner to be disconnected or while that system or its operation is modified or altered in any manner.

C. The provisions of this section shall not apply to any disconnection, alteration, modification, or replacement of a nature intended to increase effectiveness of the system in controlling the emission of air pollutants.

#### **Section 12-424. Obstruction to Turning of Steering Control—Definitions**

A. As used in this section:

1. “Jamming” means any obstruction to the turning of the steering control caused by some interference with components of the steering system, including but not limited to:

a. tires which exceed the manufacturer’s specifications, or

b. damaged fenders that interfere with a full right or left turn; and

2. “Play” means the condition in which the steering control can be turned through some part of a revolution but does not result in movement of the front wheels.

B. No vehicle shall be operated which exhibits jamming, roughness, or binding when turning the wheels from full right to full left.

C. No vehicle shall be operated if the steering wheel:

1. Has more than six (6) inches of play, if the steering wheel is eighteen (18) inches or less in diameter; or

2. Has more than eight (8) inches of play, if the steering wheel is over eighteen (18) inches in diameter.

D. No vehicle shall be operated if any power steering pump is inoperative or is not properly operating.



### **Section 12-425. Absent, Disconnected, or Broken Parts of Suspension System**

No vehicle shall be operated if any shock absorber, spring, or strut of the suspension system is absent, disconnected, or broken.

### **Section 12-426. Properly Operating Speedometer**

Every motor vehicle shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle.

### **Section 12-427. Official Slow-moving Vehicle Emblem**

A. The triangular yellow-orange and red slow moving vehicle emblem which meets the standards and specifications of the American Society of Agricultural Engineers, ASAE S276.3, Slow-Moving Vehicle Identification Emblem, shall be recognized as the official slow-moving vehicle emblem of the Choctaw Nation of Oklahoma.

B. 1. All farm machinery, other machinery including all road construction and maintenance machinery, and all other vehicles and animal-drawn vehicles designed to operate and operating at a maximum speed of no more than twenty-five (25) miles per hour traveling on a highway during day or night shall display a slow-moving vehicle emblem on the rear of the vehicle.

2. When such road construction and maintenance machinery is engaged in actual construction or maintenance work and there is either a flagman or clearly visible warning signs to warn of such machinery's presence on the roadway are exempt from the requirements of this section.

C. The emblem shall be positioned as near as practicable to the center on the rear of the vehicle or machinery; provided however, that in the case of a string of farm machinery or implements being towed only one clearly visible emblem must be displayed on the rearmost vehicle.

D. The use of such emblem shall be in addition to any lighting devices or other equipment required by law. The failure on the part of an owner or driver of any non-motor vehicle to display the emblem required in this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision. No person shall use the slow-moving vehicle emblem except as required in this section.

E. The evidence as to the use of such emblem or the lack of the use of such emblem shall not be admissible in the trial of any civil case.

## **Section 12-428. Converted School Buses—Color**

School buses converted for purposes other than transporting pupils to or from school shall be painted a color other than National School Bus Yellow.

## **Article V. Odometer Setting Act**

### **Section 12-501. Short Title**

Sections 12-501 through 12-506 of this title shall be known and may be cited as the “Odometer Setting Act”.

### **Section 12-502. Definitions**

As used in the Odometer Setting Act:

1. “Odometer” means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage for a limited purpose;
2. “Repair and replacement” means to restore to sound working condition by replacing the odometer or any part thereof or by correcting the inoperative part;
3. “Transfer” means to change ownership of a motor vehicle by purchase, sale or any other means wherein there is an exchange of monetary or equivalent compensation;
4. “Transferee” means any person to whom ownership of a motor vehicle is transferred by purchase or any other means wherein there is an exchange of monetary or equivalent compensation;
5. “Transferor” means any person who transfers his ownership in a motor vehicle by sale or any other means wherein there is an exchange of monetary or equivalent compensation; and
6. “True mileage driven” means the amount of mileage a motor vehicle has been driven as registered by the odometer within the designed tolerance of the manufacturer.

### **Section 12-503. Prohibited Acts**

No person shall:

1. Advertise for sale, sell, use or install or cause to be installed or request for installation, any device which causes an odometer to register any mileage other than the true mileage driven;

2. Disconnect, reset or alter, or cause or request to be disconnected, reset or altered, the odometer of any motor vehicle with intent to change the number of miles indicated thereon;

3. Knowingly operate a motor vehicle with a disconnected or nonfunctional odometer on any street or highway with the intent of misrepresenting the true mileage driven; and

4. Conspire with any other person to violate any section of the Odometer Setting Act.

#### **Section 12-504. Service, Repair or Replacement of Odometer**

A. Nothing in the Odometer Setting Act shall prevent the service, repair or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before the service, repair or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced.

B. No person shall:

1. Fail to adjust an odometer or affix a notice regarding such adjustment as required by subsection A of this section; and

2. Remove or alter any notice required by subsection A of this section to be affixed to a motor vehicle, with intent to misrepresent the true mileage driven.

#### **Section 12-505. Transfer of Ownership of Motor Vehicle—Information Required**

A. Any transferor shall give the following written information to the transferee prior to the transfer of ownership of a motor vehicle:

1. The odometer reading at the time of transfer;

2. The date of transfer;

3. The name and current address of the transferor; and

4. The identity of the vehicle, including the make, model, year, body type and vehicle identification number.

B. In the disclosure required under this section, the transferor shall also certify that to the best of his knowledge:

1. the odometer reading reflects the actual mileage; or
2. the odometer reading does not reflect actual mileage; or
3. the mileage is in excess of the mechanical limits of the odometer.

The provisions of this section shall not apply to a transferor whenever transfer of ownership of a motor vehicle shall pass by bequest, descent, devise, gift or other means wherein there is no exchange of monetary or equivalent compensation.

### **Section 12-506. Violation—Penalty**

Any person convicted of violating any of the provisions of the Odometer Setting Act with intent to misrepresent the true mileage driven of a motor vehicle shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for not more than one (1) year, or by both fine and imprisonment.

## **Article 6. Motorcycles**

### **Section 12-601. Headlamps and Other Illuminating Devices on Certain Motorcycles—Definition**

A. Every motorcycle of the model year 1978 or later operating upon a highway within the Choctaw Nation of Oklahoma shall display at all times:

1. A lighted headlamp or headlamps; and
2. Any other illuminating devices, if manufactured to be displayed at all times. This subsection shall not apply to motorcycles used in official law enforcement capacities.

B. The provisions of subsections A, C and D of Section 12-201 of this title shall apply to motorcycles; provided, however, notwithstanding the provisions of subsection E of Section 12-201 of this title, a motorcycle may be equipped with a motorcycle headlamp modulation system as authorized by 49 C.F.R., Section 571.108, S7.9.4.

C. As used in Chapter 12 of this title, “motorcycle” shall include, unless otherwise specifically indicated, motorcycles and motor-driven cycles as those terms are defined in Chapter 1 of this title.

### **Section 12-602. Headlamps Required on Every Motorcycle—Definitions**

A. Every motorcycle shall be equipped with at least one headlamp emitting a white light which shall comply with the applicable requirements and limitations of Section 12-203 of this title and of Sections 12-203.4, 12-227 and 12-228 of this title.

B. Every headlamp upon every motorcycle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. For purposes of this section:

1. "Headlamp" shall not include passing lamp; and
2. "Passing lamp" shall mean an auxiliary front low-beam lamp which emits a white light.

### **Section 12-603. Tail lamps**

A. Every motorcycle shall be equipped with at least one tail lamp mounted on the rear on the vertical center line of the motorcycle which shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, provided that in the case of a combination of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp shall be located at a height of not more than sixty (60) inches nor less than fifteen (15) inches.

C. Either a tail lamp or a separate lamp with a white light shall be so constructed and placed as to illuminate the rear license plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear license plate, shall be lighted whenever the headlamp or driving lamp is lighted. The operation of a motorcycle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this subsection.

### **Section 12-604. Reflectors**

A. Every motorcycle shall be equipped with and display at least one reflector meeting the requirements of this section.

B. Every such reflector shall be mounted on the motorcycle at a height not less than fifteen (15) inches nor more than sixty (60) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from the motorcycle when directly in front of lawful lower beams of headlamps.

### **Section 12-605. Stop Lamps**

A. Every motorcycle shall be equipped with at least one stop lamp meeting the requirements of this section.

B. The stop lamp required by this section:

1. Shall be mounted on the rear of the motorcycle;
2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and
3. Shall be actuated upon application of the brakes.

### **Section 12-606. Electric Flashing Turn Signal Lamps**

A. Every motorcycle of model year 2005 and later shall be equipped with electric flashing turn signal lamps meeting the requirements of this section.

B. The flashing turn signal lamps required by this section:

1. Shall show to the front and rear of the motorcycle;
2. Shall be located on the same level and as widely spaced laterally as practicable on the front of the motorcycle and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front in normal sunlight;
3. Shall be located at the same level and as widely spaced laterally as practicable on the rear of the motorcycle and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and
4. Shall indicate when actuated the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

### **Section 12-608. Brakes on Motorcycles**

The brake system on any motorcycle shall comply with performance ability standard set forth in 49 C.F.R., Section 571.121, and shall be adequate to control the movement of the motorcycle and to stop and hold the motorcycle, including two separate means of applying the brakes. One means shall be effective to apply the brakes to the front wheel, and one means shall be effective to apply the brakes to the rear wheel or wheels.

## **Section 12-609. Motorcycles—Required Equipment**

A. In addition to other requirements prescribed by this chapter or by federal law, all motorcycles, except when operated on actual trail rides conducted outside of public roads and highways, shall be equipped with:

1. Two rearview mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the motorcycle and positioned so as to enable the operator to clearly view the roadway to the rear of the vehicle;

2. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield, the operator shall wear goggles or other protective eyewear which meets American National Standards Institute (ANSI) Standard Z87.1 and provides positive retention, or a face shield of material and design to protect the operator from foreign objects;

3. A properly operating speedometer capable of registering at least the maximum legal speed limit for that motorcycle;

4. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

5. A horn which shall comply with the requirements of Section 12-401 of this title; and

6. A muffler or other effective noise-suppressing system which shall comply with the requirements of Section 12-402 of this title.

B. No person under eighteen (18) years of age shall operate or ride upon any motorcycle unless such person is properly wearing a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

C. Handlebars on motorcycles shall not be higher than eye level of the operator.

## **Article 7. Bicycles**

### **Section 12-701. Provisions in Chapter Applicable to Bicycles**

No provision in this chapter shall apply to bicycles or to equipment for use on bicycles except as to provisions in this article or unless a provision has been made specifically applicable to bicyclists, bicycles or their equipment. As used in Chapter 12 of this title, “bicycle” shall include, unless otherwise specifically indicated, bicycles, mopeds, motorized bicycles, and electric-assisted bicycles, as those terms are defined in Chapter 1 of this title.

### **Section 12-702. Front Lamp**

Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the front emitting a white light visible from a distance of at least one thousand (1,000) feet to the front. This section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less.

#### **Section 12-703. Rear Lamp**

Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the rear emitting a red light visible from a distance of at least one thousand (1,000) feet to the rear. This section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less.

#### **Section 12-704. Reflector**

Every bicycle shall be equipped with a red reflector which shall be visible for six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.

#### **Section 12-705. Reserved**

#### **Section 12-706. Reflective Material**

Every bicycle when in use at the times described in subsection B of Section 12-201 of this title shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred (600) feet when directly in front of lawful lower beams of headlamps on a motor vehicle.

#### **Section 12-707. Additional Lights and Reflectors**

A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing sections; provided, such lights or reflectors shall comply with the provisions and limitations of Article 2 of Chapter 12 of this title.

#### **Section 12-708. Brakes**

Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

#### **Section 12-709. Sirens**



A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.

## **Chapter 13. Inspection of Vehicles**

### **Section 13-101. Vehicles without Required Equipment or in Unsafe Condition**

No person shall drive or cause to be moved on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination of vehicles, unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this act and said vehicle is in such safe mechanical condition as not to endanger the driver or occupant or any person upon the highway.

### **Section 13-102. Officers may Inspect a Vehicle and its Equipment**

A. Any law enforcement officer of the Public Safety Department as designated by the Executive Director, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair or the operator is not properly licensed, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

B. In the event such vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this act, the officer making the inspection may give the driver a notice of arrest or written warning. Any person producing proof within ten (10) working days from the date the citation was issued that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charges without assessment of court costs.

C. No person shall operate or cause to be operated any vehicle or combination of vehicles after notice of arrest or written warning has been issued of such unsafe condition or that the vehicle is not equipped as required by this act, except as may be necessary to return such vehicle or combination of vehicles to the residence or place of business of the owner or driver if within a distance of twenty (20) miles or to a garage, until said vehicle and its equipment has been made to conform with the requirements of this act.

D. Any vehicle or combination of vehicles found to have major mechanical defects which would be hazardous to other users of the highways if it were driven from the place of inspection as provided for in subsection C of this section shall be towed to a garage for repairs, and any repair charge, tow charge or storage charge for the repair, removal and storing of the vehicle shall be the obligation of the owner or operator.

## **Section 13-103. Owner and Drivers to Submit Vehicles for Inspection**

Whenever the driver of a vehicle is directed by a law enforcement officer to stop and submit the mechanical condition of the vehicle or its equipment to an inspection or test under the conditions stated in this act, it shall be the duty of such driver to stop and submit to such inspection or test and the failure or refusal to do so is a misdemeanor.

## **Chapter 14. Reserved**

## **Chapter 15. Reserved**

## **Chapter 16. Parties and Procedure Upon Arrest**

### **Section 16-101. Parties to a Crime**

A. Classification of parties. The parties to crimes are classified as:

1. Principals, and
2. Accessories.

B. Principals defined. All persons concerned in the commission of crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense or aid and abet in its commission, though not present, are principals.

C. Accessories defined. All persons who, after the commission of any felony, conceal or aid the offender, with the knowledge that he has committed a felony, and with intent that he may avoid or escape from arrest, trial, conviction, or punishment, are accessories.

D. No accessories to misdemeanor. There are no accessories.

E. Punishment of accessories. Except in cases where a different punishment is prescribed by law, an accessory to a felony is punishable by imprisonment not exceeding three (3) years, or by fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

### **Section 16-102. Offenses by Persons Owning or Controlling Vehicles**

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

### **Section 16-103. Public Officers and Employees—Exceptions**

The provisions of Chapters 10, 11, 12 and 13, applicable to drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by the United States, the Choctaw Nation of Oklahoma or any state, county, city, town, district or any other political subdivision, subject to such specific exceptions as are set forth in this act.

### **Section 16-104. Procedure upon Arrest for Felony**

Whenever a person is arrested for any violation of this act declared herein to be a felony, he or she shall be dealt with in like manner as upon arrest for the commission of any other felony.

### **Section 16-105. Reserved**

### **Section 16-106. Reserved**

### **Section 16-107. Reserved**

### **Section 16-108. Misdemeanor Violations—Procedure**

A. Whenever a person is halted by a peace officer for any violation of this title punishable as a misdemeanor, the officer shall proceed in accordance with applicable laws.

B. If the person charged with the violation is a minor, then the citing peace officer shall ascertain from the minor the name and address of his parents or legal guardian, and said officer shall cause a copy of the “violation” to be mailed to the address of the parents or legal guardian, within three (3) days after the date of violation.

### **Section 16-109. Authority of Officer at Scene of Accident**

A police officer at the scene of a traffic accident may issue a written notice to appear to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this title in connection with the accident.

In such cases the officer shall be endorsed as a witness and shall appear if said case is tried.

### **Section 16-110. Reserved**

### **Section 16-111. Reserved**

### **Section 16-112. Failure to Obey Notice to Appear**

A. It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a notice to appear regardless of the disposition of the charge for which such notice to appear was originally issued.

B. A written promise to appear in court may be complied with by an appearance by counsel with approval of the judge before whom the case is pending.

### **Section 16-113. Procedure Prescribed Herein not Exclusive**

The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of any provisions of Chapters 10, 11, 12, or 13, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

### **Section 16-114. Arrest of Traffic Violators without Warrant**

A police officer may, without a warrant, arrest a person for any moving traffic violation of which the arresting officer or another police officer in communication with the arresting officer has sensory or electronic perception including perception by radio, radar and reliable speed-measuring devices.

## **Chapter 17. Penalties**

### **Section 17-101. Misdemeanor Violations—Penalties**

A. It is a misdemeanor for any person to violate any of the provisions of this title unless such violations is by this title or other law of the Choctaw Nation of Oklahoma declared to be a felony.

B. 1. Every person convicted of a misdemeanor for a violation of any of the provisions of Sections 10-101 through 13-103 or Sections 16-101 through 16-114 of this title for which another penalty is not provided shall upon conviction thereof be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year after the first conviction by imprisonment for not more than twenty (20) days; upon a third or subsequent conviction within one (1) year after the first conviction by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

2. Any person violating the provisions of Sections 10-101 through 13-103 or Sections 16-101 through 16-114 of this title, where a jail sentence is not mandatory may, in the discretion of the judge before whom the case is pending, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the court wherein the case is filed. A remittance covering the fine and costs may be considered and received with the same force and effect as a written plea of guilty.

C. Unless another penalty is in this title or by the laws of the Choctaw Nation of Oklahoma provided, every person convicted of a misdemeanor for the violation of any other provision of this title shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

D. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of this title which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

E. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by any state, shall result in the doubling of the appropriate fine, as provided for in subsections B and C of this section, and the doubling of all court costs and all fees collected by the court, unless waived by the court.

## **Section 17-102. Felonies**

A. Any person who is convicted of a violation of any of the provisions of the Uniform Vehicle Code declared by the Code or by other laws of the Choctaw Nation to constitute a felony shall be guilty of a felony and shall be punished by imprisonment for not less than one (1) year nor more than three (3) years, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

B. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by any state, shall result in the doubling of the appropriate fine, as provided for in subsection A of this section, and the doubling of all court costs and all fees collected by the court, unless waived by the court.

## **Chapter 18. Records and Reports of Convictions**

### **Section 18-101. Record of traffic cases**

A. Every judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court, and shall keep a record of every official action by the court, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court.

B. The court record of every traffic complaint, traffic citation, or other legal form of traffic charge shall include:

1. The name, address, sex, and date of birth of the person charged;
2. The traffic citation number;
3. The driver license number, if any, of the person charged, and the state or jurisdiction from which the license is issued;
4. The license plate number, make, and model of the vehicle involved; and
5. The nature and date of the offense, the date of hearing, the plea, the judgment, or, if bail was forfeited, the amount of the fine or forfeiture.

## **Chapter 19. Reserved**

## **Chapter 20. Reserved**

## **Chapter 21. Reserved**

## **Chapter 22. Reserved**

## **Chapter 23. Reserved**

## **Chapter 24. Reserved**

## **Chapter 25. Reserved**

## **Chapter 26. Reserved**

**Chapter 27. Reserved**

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**Chapter 59. Reserved**

**Chapter 60 Reserved**



**Chapter 61. Reserved**

**Chapter 62. Reserved**

**Chapter 63. Reserved**

**Chapter 64. Reserved**

**Chapter 65. Reserved**

**Chapter 66. Reserved**

**Chapter 67. Chemical Tests**

**Section 751. Implied Consent to Breath Test, Blood Test or Other Test for Determining Presence or Concentration of Alcohol or Other Intoxicating Substance**

A. 1. Any person who operates a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings within the Choctaw Nation of Oklahoma shall be deemed to have given consent to a test or tests of such person's blood or breath, for the purpose of determining the alcohol concentration as defined in Section 756 of this title, and such person's blood, saliva or urine for determining the presence or concentration of any other intoxicating substance therein as defined in this section, if arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings while under the influence of alcohol or other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or if the person is involved in a traffic accident that resulted in the immediate death or serious injury of any person and is removed from the scene of the accident to a hospital or other health care facility outside the Choctaw Nation of Oklahoma before a law enforcement officer can effect an arrest.

2. A law enforcement officer, having reasonable grounds to believe that such person was operating or in actual physical control of a motor vehicle while under the influence may direct the administration of or administer the test or tests.

As used in this title, the term "other intoxicating substance" shall mean any controlled dangerous substance and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

B. The law enforcement agency may designate whether blood or breath is to be tested for the alcohol concentration thereof, and whether blood, saliva or urine is to be tested for the presence or concentration of any other intoxicating substance therein.

In the event the law enforcement agency does not designate the test to be administered, breath shall be the substance tested for alcohol concentration. Blood may also be tested to determine the alcohol concentration thereof in the event that breath cannot be tested to determine the alcohol concentration thereof because of the lack of an approved device or qualified person to administer a breath test or because such breath test for any other reason cannot be administered in accordance with the rules of the Oklahoma Board of Tests for Alcohol and Drug Influence, hereafter the Board.

In the event the law enforcement agency does not designate the test to be administered, blood, saliva or urine shall be the substance tested for the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance.

C. In the event the person is incapable of submitting to and successfully completing, by reason of illness or injury or other physical disability, the test to be administered, an alternate test may be administered in accordance with the rules of the Board.

D. Any person who is unconscious or otherwise incapable of refusing to submit to a test of such person's blood or breath to determine the alcohol concentration thereof, or to a test of such person's blood, saliva or urine to determine the presence or concentration of any other intoxicating substance therein, shall be deemed not to have withdrawn the consent provided by subsection A of this section, and such test may be administered as provided herein.

An unconscious person who has been issued a citation by a law enforcement officer for one of the offenses listed in subsection A of this section is arrested for purposes of this section. The arresting officer must leave a copy of the citation with the arrested person which may be accomplished by handing it to the arrested person, or by leaving it with the personal effects of the arrested party, so as to inform the unconscious person of the arrest.

Any person who has been arrested for one of the offenses listed in subsection A of this section who is unconscious or injured and who requires immediate medical treatment as determined by a treating physician may be released on the person's own recognizance for medical reasons by the arresting officer. The arresting officer who releases an arrested person on the person's own recognizance must indicate the release on the face of the citation. Any person released on his or her own recognizance for medical reasons shall remain at liberty pending the filing of charges.

E. In addition to any test designated by the arresting officer, the arrested person may also designate any additional test to be administered to determine the concentration of alcohol, or the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance. The cost of such additional test shall be at the expense of the arrested person.

A sufficient quantity of any specimen obtained at the designation of the arrested person shall be available to the law enforcement agency employing the arresting officer. Such specimens shall be treated in accordance with the rules applicable to the specimens obtained by an arresting officer.

F. When a law enforcement officer has determined that the blood alcohol content of an individual is to be tested for the presence or concentration of alcohol, other intoxicating substance, or the combination of alcohol and any other intoxicating substance, the law enforcement officer shall inform the individual to be tested that the withdrawal of blood shall only be performed by certain medical personnel as provided for in Section 752 of this title.

#### **Section 752. Administration of Tests—Authorization—Liability—Laboratories—Independent analysis—Costs**

A. Only a person licensed by an any state as a medical doctor, osteopathic physician, chiropractic physician, registered nurse, licensed practical nurse, emergency medical technician, or physician's assistant, or an employee of a hospital or other health care facility authorized by the hospital or health care facility to withdraw blood, or other qualified person authorized by the Oklahoma Board of Tests for Alcohol and Drug Influence acting at the request of a law enforcement officer may withdraw blood for purpose of having a determination made of its concentration of alcohol or the presence or concentration of other intoxicating substance. Only qualified persons authorized by the Board may collect breath, saliva or urine, or administer tests of breath under the provisions of this title.

B. If the person authorized to withdraw blood as specified in subsection A of this section is presented with a written statement:

1. Authorizing blood withdrawal signed by the person whose blood is to be withdrawn;
2. Signed by a duly authorized peace officer that the person whose blood is to be withdrawn has agreed to the withdrawal of blood;
3. Signed by a duly authorized peace officer that the person whose blood is to be withdrawn has been placed under arrest and that the officer has probable cause to believe that the person, while intoxicated, has operated a motor vehicle in such manner as to have caused the death or serious physical injury of another person, or the person has been involved in a traffic accident and has been removed from the scene of the accident that resulted in the death or great bodily injury of any person, to a hospital or other health care facility outside the Choctaw Nation of Oklahoma before the law enforcement officer was able to effect an arrest for such offense; or
4. In the form of an order from the district court that blood be withdrawn, the person authorized to withdraw the blood and the hospital or other health care facility where the withdrawal occurs may rely on such a statement or order as evidence that the person has consented to or has been required to submit to the clinical procedure and shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to

perform the procedure, the employer of such person, and the hospital or other health care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

C. No person specified in subsection A of this section, no employer of such person, and no hospital or other health care facility where blood is withdrawn shall incur any civil or criminal liability as a result of the proper withdrawal of blood when acting at the request of a law enforcement officer by the provisions of Section 751 or 753 of this title, or when acting in reliance upon a signed statement or court order as provided in this section, if the act is performed in a reasonable manner according to generally accepted clinical practice. No person specified in subsection A of this section shall incur any civil or criminal liability as a result of the proper collection of breath, saliva or urine when acting at the request of a law enforcement officer under the provisions of Section 751 or 753 of this title or when acting pursuant to a court order.

D. The blood, breath, saliva or urine specimens obtained shall be tested by the appropriate test as determined by clinically approved standards and practices of the healthcare professional listed in subsection A of this section to determine the alcohol concentration thereof, or the presence or concentration of any other intoxicating substance which might have affected the ability of the person tested to operate a motor vehicle safely.

E. When blood is withdrawn or saliva or urine is collected for testing of its alcohol concentration or other intoxicating substance presence or concentration, at the request of a law enforcement officer, a sufficient quantity of the same specimen shall be obtained to enable the tested person, at his or her own option and expense, to have an independent analysis made of such specimen. The excess blood, saliva or urine specimen shall be retained by a laboratory approved by the Board, in accordance with the rules and regulations of the Board, or by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title, for sixty (60) days from the date of collection. At any time within that period, the tested person or his or her attorney may direct that such blood, saliva or urine specimen be sent or delivered to a laboratory of his or her own choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional blood, saliva or urine specimen prior to the completion of the independent analysis, except the analyst performing the independent analysis and agents of the analyst.

F. When a test of breath is performed for the purpose of determining the alcohol concentration thereof, except when such test is performed by means of an automated analyzer as designated by the Board, a sufficient quantity of breath, or of the alcohol content of a fixed or measured quantity of breath, shall be obtained, in accordance with the rules and regulations of the Board, to enable the tested person, at his or her own option and expense, to have an independent analysis made of such specimen. The excess specimen of breath, or of its alcohol content, shall be retained by the law enforcement agency employing the arresting officer, in accordance with the rules and regulations of the Board, for sixty (60) days from the date of collection. At any time within that period, the tested person, or his or her attorney, may direct that such specimen be sent or delivered to a laboratory of his or her own choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional specimen of breath, or of its alcohol content, prior to

the completion of the independent analysis thereof, except the analyst performing the independent analysis and agents of the analyst.

G. The costs of collecting blood, breath, saliva or urine specimens for the purpose of determining the alcohol or other intoxicating substance thereof, by or at the direction of a law enforcement officer, shall be borne by the law enforcement agency employing such officer. The cost of collecting, retaining and sending or delivering to an independent laboratory the excess specimens of blood, breath, saliva or urine for independent analysis at the option of the tested person shall also be borne by such law enforcement agency. The cost of the independent analysis of such specimen of blood, breath, saliva or urine shall be borne by the tested person at whose option such analysis is performed. The tested person, or his or her agent, shall make all necessary arrangements for the performance of such independent analysis other than the forwarding or delivery of such specimen.

H. Tests of blood or breath for the purpose of determining the alcohol concentration thereof, and tests of blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance therein, under the provisions of this title, whether administered by or at the direction of a law enforcement officer or administered independently, at the option of the tested person, on the excess specimen of such person's blood, breath, saliva or urine, to be considered valid and admissible in evidence under the provisions of this title, shall have been administered or performed in accordance with the rules and regulations of the Board, or performed by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title.

I. Any person who has been arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance who is not requested by a law enforcement officer to submit to a test shall be entitled to have an independent test of his or her blood, breath, saliva or urine which is appropriate as determined by the Board for the purpose of determining its alcohol concentration or the presence or concentration of any other intoxicating substance therein, performed by a person of his or her own choosing who is qualified as stipulated in this section. The arrested person shall bear the responsibility for making all necessary arrangements for the administration of such independent test and for the independent analysis of any specimens obtained, and bear all costs thereof. The failure or inability of the arrested person to obtain an independent test shall not preclude the admission of other competent evidence bearing upon the question of whether such person was under the influence of alcohol, or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance.

J. Any agency or laboratory certified by the Board or any agency or laboratory that is exempt from the Board rules pursuant to Section 759 of this title, which analyses breath, blood, or urine shall make available a written report of the results of the test administered by or at the direction of the law enforcement officer to the tested person, or his or her attorney. The results of the tests provided for in this title shall be admissible in civil actions.

### **Section 753. Refusal to submit to test**

If a conscious person under arrest refuses to submit to testing of his or her blood or breath for the purpose of determining the alcohol concentration thereof, or to a test of his or her blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, none shall be given, unless the investigating officer has probable cause to believe that the person under arrest, while intoxicated, has operated the motor vehicle in such a manner as to have caused the death or serious physical injury of any other person or persons. In such event, such test otherwise authorized by law may be made in the same manner as if a search warrant had been issued for such test or tests. The sample shall be taken in a medically acceptable manner at a hospital or other suitable health care facility.

### **Section 754. Seizure of license**

A. Any arrested person who is under twenty-one (21) years of age and has any measurable quantity of alcohol in the person's blood or breath, or any person twenty-one (21) years of age or older whose alcohol concentration is eight-hundredths (0.08) or more as shown by a breath test administered according to the provisions of this title, or any arrested person who has refused to submit to a breath or blood test, shall immediately surrender his or her driver license, permit or other evidence of driving privilege to the arresting law enforcement officer. The officer shall seize any driver license, permit, or other evidence of driving privilege surrendered by or found on the arrested person during a search.

B. If the evidence of driving privilege surrendered to or seized by the officer has not expired and otherwise appears valid, the officer shall issue to the arrested person a dated receipt for that driver license, permit, or other evidence of driving privilege.

C. 1. At any hearing held relevant to this section, a report of the findings of the laboratory of the Oklahoma State Bureau of Investigation, any medical examiner's report of investigation or autopsy report, or a laboratory report from a forensic laboratory operated by the State of Oklahoma, the Choctaw Nation of Oklahoma, or a laboratory approved by the Executive Director of the Public Safety Department, which has been made available to the person at least five (5) days prior to the hearing, with reference to all or part of the evidence submitted, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If the report is deemed relevant by either party, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to this subsection, orders the person to appear.

2. When any alleged controlled dangerous substance has been submitted to the laboratory of the Oklahoma State Bureau of Investigation or another laboratory approved by the Executive Director of the Public Safety Department for analysis, and the analysis shows that the submitted material is a controlled dangerous substance, the distribution of which constitutes a crime under the laws of the Choctaw Nation of Oklahoma, no portion of the substance shall be released to any other person or laboratory absent an order of the district court. The defendant shall additionally be required to submit to the court a procedure for transfer and analysis of the subject

material to ensure the integrity of the sample and to prevent the material from being used in any illegal manner.

3. The court, upon motion of either party, shall order the attendance of any person preparing a report submitted as evidence in the hearing when it appears there is a substantial likelihood that material evidence not contained in the report may be produced by the testimony of any person having prepared a report. The hearing shall be held and, if sustained, an order issued not less than five (5) days prior to the time when the testimony shall be required.

4. If within five (5) days prior to the hearing or during a hearing, a motion is made pursuant to this section requiring a person having prepared a report to testify, the court may hear a report or other evidence but shall continue the hearing until such time notice of the motion and hearing is given to the person making the report, the motion is heard, and, if sustained, the testimony ordered can be given.

## **Section 755. Reserved**

## **Section 756. Admission of Evidence Shown by Tests**

A. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, evidence of the alcohol concentration in the blood or breath of the person as shown by analysis of the blood or breath of the person performed in accordance with the provisions of Sections 752 and 759 of this title or evidence of the presence or concentration of any other intoxicating substance as shown by analysis of such person's blood, breath, saliva, or urine specimens in accordance with the provisions of Sections 752 and 759 of this title is admissible. Evidence that the person has refused to submit to either of said analyses is also admissible. For the purpose of this title, when the person is under the age of twenty-one (21) years, evidence that there was, at the time of the test, any measurable quantity of alcohol is prima facie evidence that the person is under the influence of alcohol in violation of Section 11-906.4 of this title. For persons twenty-one years of age or older:

1. Evidence that there was, at the time of the test, an alcohol concentration of five-hundredths (0.05) or less is prima facie evidence that the person was not under the influence of alcohol;

2. Evidence that there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) is relevant evidence that the person's ability to operate a motor vehicle was impaired by alcohol. However, no person shall be convicted of the offense of operating or being in actual physical control of a motor vehicle while such person's ability to operate such vehicle was impaired by alcohol solely because there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) in the blood or breath of the person in the absence of additional evidence that such person's ability to operate such vehicle was affected by alcohol to the extent that the

public health and safety was threatened or that said person had violated a statute or local ordinance in the operation of a motor vehicle; and

3. Evidence that there was, at the time of the test, an alcohol concentration of eight-hundredths (0.08) or more shall be admitted as prima facie evidence that the person was under the influence of alcohol.

B. For purposes of this title, “alcohol concentration” means grams of alcohol per one hundred (100) milliliters of blood if the blood was tested, or grams of alcohol per two hundred ten (210) liters of breath if the breath was tested.

C. To be admissible in a proceeding, the evidence must first be qualified by establishing that the test was administered to the person within two (2) hours after the arrest of the person.

### **Section 757. Other competent evidence--Admissibility**

The provisions of Sections 751 through 761 of this title do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance.

### **Section 758. Reserved**

### **Section 759. Board of Tests for Alcohol and Drug Influence**

A. Collection and analysis of a person’s blood, breath, saliva or urine, to be considered valid and admissible in evidence, whether performed by or at the direction of a law enforcement officer or at the request of the tested person, shall have been performed in compliance with the rules adopted by the Oklahoma Board of Tests for Alcohol and Drug Influence and by an individual possessing a valid permit issued by the Board for this purpose or shall have been performed by a laboratory accredited in Toxicology by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or accredited by the American Board of Forensic Toxicology (ABFT).

### **Section 760. Reserved**

### **Section 761. Operation of a Motor Vehicle While Impaired—Penalties**

A. Any person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol, or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor



more than Five Hundred Dollars (\$500.00), or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

B. Any person who is found guilty of a violation of the provisions of this section or pleading guilty or nolo contendere for a violation of any provision of this section shall be ordered to participate in a drug and alcohol assessment and evaluation for the purpose of evaluating the receptivity to treatment and prognosis of the person. The agency or assessor shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court. If such report indicates that the evaluation shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the person who is the subject of the report shall, as a condition of any sentence imposed, follow all recommendations identified by the assessment and evaluation.

## **Chapter 68. Reserved**

## **Chapter 69. Reserved**

## **Chapter 70. Reserved**

## **Chapter 71. Abandonment of Vehicles**

### **Section 901. Abandonment Unlawful—Determination**

It shall be unlawful to abandon a motor vehicle on a highway or other public property. Any peace officer shall deem a vehicle abandoned and shall have the authority to remove or direct the removal of a vehicle when found upon any portion of the highway, shoulder, or right-of-way, if after a period of forty-eight (48) hours there is no evidence of an apparent owner who intends to remove the vehicle.

### **Section 902. Authorization to Remove Abandoned Vehicle**

If such officer has reasonable cause to believe a vehicle has been abandoned in a location which would be hazardous to the free flow of traffic or be highly susceptible to damage from vandalism or other harm, he shall have the authority to remove or direct the removal of the vehicle immediately. At the time of ordering the removal of an abandoned vehicle, the authorizing officer shall also determine the sale value of the vehicle and certify that amount on the removal order.

### **Section 903. Notice of Impoundment—Civil liability**

Any such officer who has directed the impoundment of any vehicle, or an authorized person in the employing agency of the officer, shall within seventy-two (72) hours of the impoundment notify the Oklahoma Department of Public Safety or the sheriff of the county in Oklahoma where said vehicle was impounded of such impoundment. The notice of impoundment shall contain the name and address of the owner, if known, the make, model, vehicle identification number, registration number, date stored, place stored and the estimated value of the vehicle as determined by the officer.

#### **Section 904. Payment of cost of removal and storage**

The owner of a motor vehicle or lienholder of the vehicle abandoned in violation of Section 901 et seq. of this title, or the owner of any vehicle or lienholder of the vehicle or insurer accepting liability for paying a claim on a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner which shall have been lawfully removed from any highway or other public property may regain possession of the vehicle upon payment of the reasonable cost of removal and storage of such vehicle. The towing company, wrecker operator, or storage facility is authorized to collect all lawful fees from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of the towed vehicle for the performance of any and all such services. The towing company, wrecker operator, or storage facility shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or in the case of a total loss, the insurer accepting liability for paying the claim on the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

The cost of removal and storage shall be paid to the wrecker or towing service.

#### **Section 905. Lienholder Defined**

A lienholder as used in Sections 903 and 904 of this title shall mean those lienholders as shown on the vehicle title.

#### **Section 906. Reserved**

#### **Section 907. Special Liens**

Every person lawfully in possession of an abandoned vehicle shall have a special lien thereon for the compensation due him from the owner of such abandoned vehicle for all expenses incurred.

#### **Section 908. Foreclosure of Lien—Notice**

Said lien may be foreclosed by a sale of such abandoned vehicle upon giving notice and in the manner following: The notice shall contain:

A. The name of the party bringing action and the name of the owner or any person claiming any interest therein.

B. A full description of the vehicle, giving all available information as to the make, year, serial number, license tag with year and the state from which the tag was issued.

C. A full statement of all the facts.

D. The amount of the claim, giving a full description of the work, labor, storage or any other costs involved.

E. The date, time and place of the sale.

F. The notice shall be posted in three public places in the county in which the vehicle is to be sold at least ten (10) days before the time specified therein for such sale, and a copy of said notice shall be mailed to the owner and any other person claiming any interest in the abandoned motor vehicle, at their last-known mailing address, by registered mail on the same date of posting said notice.

#### **Section 909. Time to commence proceedings**

Proceedings for such sale under this act shall not be commenced until ten (10) days after said lien has accrued.

#### **Section 910. Return of Sale**

A return of such sale shall be made at the time of sale and proof of posting and mailing of the notice of sale of abandoned vehicle.

#### **Section 911. Disposition of proceeds of sale**

The proceeds from the sale of an abandoned vehicle made pursuant to Section 908 of this title shall be applied in the following order:

1. to the reasonable cost incurred in the sale of the abandoned vehicle;
2. to the satisfaction of the special lien provided for in Section 907 of this title;
3. to the satisfaction of any indebtedness secured by a subordinate security interest or lien in the vehicle;

4. to the owner if such owner is known, and if such owner or the address of such owner is not known, to the court fund.

## **Chapter 72. Reserved**

## **Chapter 73. Reserved**

## **Chapter 74. Choctaw Nation of Oklahoma Vehicle License and Registration Act**

### **Section 1101. Short title**

This act shall be known and may be cited as the “Choctaw Nation of Oklahoma Vehicle License and Registration Act”.

### **Section 1102. Definitions**

As used in the Choctaw Nation of Oklahoma Vehicle License and Registration Act:

1. “All-terrain vehicle” means a vehicle powered by an internal combustion engine manufactured and used exclusively for off-highway use traveling on four or more low-pressure tires, and having a seat designed to be straddled by the operator and handlebars for steering;

2. “Carrying capacity” means the carrying capacity of a vehicle as determined or declared in tons of cargo or payload by the owner; provided, that such declared capacity shall not be less than the minimum tonnage capacity fixed, listed or advertised by the manufacturer of any vehicle;

3. “Certificate of title” means a document which is proof of legal ownership of a motor vehicle as described and provided for in Section 1104 of this title;

4. “Combined laden weight” means the weight of a truck or station wagon and its cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the weight of any trailers or semitrailers together with the cargo or payload transported thereon;

5. “Commercial trailer” means any trailer, as defined in Section 1-180 of this title, or semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is used primarily for business or commercial purposes;

6. “Commercial vehicle” means any vehicle over eight thousand (8,000) pounds combined laden weight used primarily for business or commercial purposes. Each motor vehicle being registered pursuant to the provisions of this section shall have the name of the commercial establishment or the words “Commercial Vehicle” permanently and prominently displayed upon the outside of the vehicle in letters not less than two (2) inches high. Such letters shall be in sharp

contrast to the background and shall be of sufficient shape and color as to be readily legible during daylight hours, from a distance of fifty (50) feet while the vehicle is not in motion;

7. “Mini-truck” means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

8. “Laden weight” means the combined weight of a vehicle when fully equipped for use and the cargo or pay-load transported thereon; provided, that in no event shall the laden weight be less than the unladen weight of the vehicle fully equipped for use, plus the manufacturer’s rated carrying capacity;

9. “Low-speed electrical vehicle” means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500;

10. “Manufactured home” means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.;

11. “Medium-speed electrical vehicle” means any self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not greater than thirty-five (35) miles per hour;

12. “Off-road motorcycle” means any motorcycle, as defined in Section 1-135 of this title, when such motor-cycle has been manufactured for and used exclusively off roads, highways and any other paved surfaces;

13. “Owner” means any person owning, operating or possessing any vehicle herein defined;

14. “Person” means any individual, copartner, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate, the Choctaw Nation of Oklahoma, or any department or agency thereof, or any group or combination acting as a unit, or any receiver appointed by a tribal, state or federal court;

15. “Powersports vehicle” means motorcycles, scooters, mopeds, all-terrain vehicles, and utility vehicles;

16. "Recreational vehicle" means every vehicle which is built on or permanently attached to a self-propelled motor chassis or chassis cab which becomes an integral part of the completed vehicle and is capable of being operated on the highways. In order to qualify as a recreational vehicle pursuant to this paragraph such vehicle shall be permanently constructed and equipped for human habitation, having its own sleeping and kitchen facilities, including permanently affixed cooking facilities, water tanks and holding tank with permanent toilet facilities. Recreational vehicle shall not include manufactured homes or any vehicle with portable sleeping, toilet and kitchen facilities which are designed to be removed from such vehicle;

17. "Rental trailer" means all small or utility trailers or semitrailers constructed and suitable for towing by a passenger automobile and designed only for carrying property, when the trailers or semitrailers are owned by, or are in the possession of, any person engaged in renting or leasing such trailers or semitrailers for intrastate or interstate use or combined intrastate and interstate use;

18. "Special mobilized machinery" means special purpose machines or devices, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highway is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway;

19. "Station wagon" means any passenger vehicle which does not have a separate luggage compartment or trunk and which does not have open beds, and has one or more rear seats readily lifted out or folded, whether same is called a station wagon or ranch wagon;

20. "Travel trailer" means any vehicular portable structure built on a chassis, used as a temporary dwelling for travel, recreational or vacation use, and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding forty (40) feet, including the hitch or coupling;

21. "Utility vehicle" means a vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels;

22. "Vehicle" means any type of conveyance or device in, upon or by which a person or property is or may be transported from one location to another upon the avenues of public access within the Choctaw Nation of Oklahoma, including, but not limited to commercial trailers, commercial vehicles, mini-trucks, station wagons and manufactured homes. "Vehicle" does not include bicycles, all-terrain-vehicles (ATV's), low-speed electrical vehicles, medium-speed vehicles, off-road motorcycles, powersports vehicles, special mobilized machinery, utility vehicles, trailers except travel trailers and rental trailers, or implements of husbandry as defined in Section 1-125 of this title. All implements of husbandry used as conveyances shall be required to display the owner's driver license number or license plate number of any vehicle owned by the owner of the implement of husbandry on the rear of the implement in numbers not less than two (2) inches in height. The use of the owner's social security number on the rear of the implement of husbandry shall not be required; and

### **Section 1103. Legislative Intent**

It is the intent of the Tribal Council that the owner or owners of every vehicle in the Choctaw Nation of Oklahoma shall possess a certificate of title as proof of ownership and that every vehicle shall be registered in the name of the owner or owners thereof.

### **Section 1104. Registration and Certificate of Title**

A vehicle shall not be operated on the roads, highways, or public lands of the Choctaw Nation unless the operator thereof possesses a current, valid vehicle registration issued by any state or Indian tribe for the vehicle. The owner of every vehicle in the Choctaw Nation shall possess a certificate of title issued by any state or Indian tribe as proof of ownership of such vehicle.

### **Section 1105. Seizure of vehicles not bearing or displaying proper license plate--Sale**

In addition to the penalties provided in the Choctaw Nation of Oklahoma Vehicle License and Registration Act, after ninety (90) days from the expiration date for annual registration of a vehicle, any peace officer of the Choctaw Nation of Oklahoma may seize and take into custody every vehicle operating on a public highway or found on public lands within the Choctaw Nation of Oklahoma not bearing or displaying a proper license plate required by the Choctaw Nation of Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered or an affidavit that the vehicle will not be used on public highways or public streets is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the towing company, wrecker operator, or storage facility shall proceed to sell the vehicle by posting not fewer than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of the vehicle. The vehicle shall be sold at such sale and the proceeds shall be forfeited to the towing company, wrecker operator, or storage facility for the fees and penalties related to the seizure and storage.

### **Section 1106. Offenses and Penalties Enumerated**

A. It shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of any state or Indian tribe;

3. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of the Choctaw Nation of Oklahoma, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity;

5. To operate a vehicle without proper license plate or decal;

6. To buy, sell or dispose of, or possess for sale, use or storage, any secondhand or used vehicle on which vehicle the person neglects, fails or refuses to display at all times the license plate or decal assigned to it;

7. To operate a vehicle upon the highways of the Choctaw Nation of Oklahoma after the registration deadline for that vehicle without a proper license plate for the current year;

8. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law;

9. To operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by a state or Indian tribe; or

10. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section 1102 of this title.

Any person convicted of violating any provision of this subsection, other than paragraph 3 of this subsection, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). Any person convicted of violating the provisions of paragraph 3 of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00).

B. Except as otherwise authorized by law, it shall be unlawful to:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, manufactured home registration decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of any state or Indian tribe;



3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Purchase identification, manufactured home registration receipt, or a manufactured home registration decal.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. Any violation of any portion of the Choctaw Nation of Oklahoma Vehicle License and Registration Act where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars (\$10.00) and not to exceed Five Hundred Dollars (\$500.00).

## **Chapter 75. Reserved**

## **Chapter 76. Reserved**

## **Chapter 77. Reserved**

## **Chapter 78. Reserved**

## **Chapter 79. Motor Vehicle Chop Shop, Stolen and Altered Property Act**

### **Section 1501. Short title**

This act shall be known and may be cited as the “Motor Vehicle Chop Shop, Stolen and Altered Property Act”.

### **Section 1502. Definitions**

As used in the Motor Vehicle Chop Shop, Stolen and Altered Property Act:

1. “Chop shop” means any building, lot or other premise where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling, or knowingly storing any motor vehicle, or motor vehicle part known to be illegally obtained by theft, fraud or conspiracy to defraud, in order to either:

a. alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number of such motor vehicle or motor vehicle part, in order to misrepresent the identity of such motor vehicle or motor vehicle part, or to prevent the identification of such motor vehicle or motor vehicle part; or

b. sell or dispose of such motor vehicle or motor vehicle part.

2. “Motor vehicle” means and includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled or which may be connected to and towed by a self-propelled device, and also includes any and all other land-based devices which are self-propelled but which are not designed for use upon a highway, including but not limited to, farm machinery and construction equipment.

3. “Person” means and includes a natural person, company, corporation, unincorporated association, partnership, professional corporation, and any other legal entity.

4. “Unidentifiable” means that the uniqueness of a motor vehicle or motor vehicle part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in motor vehicle theft investigative procedures and motor vehicle identification examination techniques, or by expert employees of not-for-profit motor vehicle theft prevention agencies specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques.

5. “Vehicle identification number” means a number or numbers, a letter or letters, a character or characters, datum or data, a derivative or derivatives, or a combination or combinations thereof, used by the manufacturer or a state or Indian tribe for the purpose of uniquely identifying a motor vehicle or motor vehicle part. The term shall include, but not be limited to, a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof.

**Section 1503. Ownership and Operation of Chop Shop—Alteration of Vehicle Identification Number—Purchase or Sale of Parts from Altered Vehicle—Exceptions—Attempt—Conspiracy—Solicitation—Aiding and Abetting—Accessory after Fact—Penalties—Sentence—Restitution**

A. Any person who knowingly and with intent that a violation of this section be committed:

1. Owns, operates, or conducts a chop shop;

2. Transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or

3. Sells, transfers, purchases, or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop, upon conviction, is guilty of a felony,

punishable by imprisonment for not more than three (3) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or both such imprisonment and fine.

B. Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a vehicle identification number, with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part, upon conviction is guilty of a felony, punishable by imprisonment for not more than three (3) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or both such imprisonment and fine.

C. 1. Any person who buys, disposes, sells, transfers, or possesses a motor vehicle or motor vehicle part, with knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, upon conviction is guilty of a felony, punishable by imprisonment for not more than three (3) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

2. The provisions of paragraph 1 of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar methods, provided that any vehicle identification number is not removed from the motor vehicle or motor vehicle part prior to or during any such processing.

3. The provisions of paragraph 1 of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated, or removed, when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

D. A person commits an attempt when, with intent to commit a violation proscribed by subsections A, B or C of this section the person does any act which constitutes a substantial step toward the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than three (3) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

E. A person commits conspiracy when, with an intent that a violation proscribed by subsections A, B or C of this section be committed, the person agrees with another to the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of felony punishable by imprisonment for not more than two (2) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and

fine. No person may be convicted of conspiracy under this section unless an act in furtherance of such agreement is alleged and proved to have been committed by that person or a coconspirator.

F. A person commits solicitation when, with intent that a violation proscribed by subsections A, B or C of this section be committed, the person commands, encourages, or requests another to commit the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than two (2) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by subsections A, B or C of this section, with the intent to promote or facilitate such commission, the person aids, abets, agrees or attempts to aid another in the planning or commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than one (1) year, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

H. A person is an accessory after the fact who maintains, assists, or gives any other aid to an offender while knowing or having reasonable grounds to believe the offender to have committed a violation under subsections A, B, C, D, E, F or G of this section, and upon conviction is guilty of a felony punishable by imprisonment for not more than one (1) year, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

I. No prosecution shall be brought, and no person shall be convicted, of any violation under this section, where acts of the person, otherwise constituting a violation were done in good faith in order to comply with the laws or regulations of any state, Indian tribe, or territory of the United States, or of the federal government of the United States.

J. The sentence imposed upon a person convicted of any violation of this section shall not be reduced to less than one (1) year imprisonment for a second conviction of any violation, or less than two (2) years for a third or subsequent conviction of any violation of this section, and no sentence imposed upon a person for a second or subsequent conviction of any violation of this section shall be suspended, or reduced, until such person shall have served the minimum period of imprisonment provided for herein. A person convicted of a second or subsequent violation of this section shall not be eligible for probation, parole, furlough or work release.

K. 1. In addition to any other punishment, a person who violates this section, shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. Lawful owner shall include

an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

2. The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

#### **Section 1504. Seizure without Process of Tool, Implement, or Instrumentality of Offense—Disposition of Seized Property**

A. Any tool, implement, or instrumentality, including but not limited to a motor vehicle or motor vehicle part, used or possessed in connection with any violation of Section 1503 of this act may be seized by a member of a law enforcement agency upon process issued by any court of competent jurisdiction.

B. Seizure of property described in subsection A of this section may be made by a member of a law enforcement agency without process if:

1. in accordance with any applicable law or regulation;
2. the seizure is incident to inspection under an administrative inspection warrant;
3. the seizure is incident to search made under a search warrant;
4. the seizure is incident to a lawful arrest;
5. the seizure is made pursuant to a valid consent to search;
6. the property seized has been the subject of a prior judgment in favor of the tribe or of any state in a criminal proceeding, or in an injunction or forfeiture proceeding under Section 1506 of this act; or
7. there are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety.

C. When property is seized under this section, the seizing agency may:

1. place the property under seal; or
2. remove the property to a place selected and designated by the seizing agency.

**Section 1505. Property Subject to Forfeiture—Determination of Identity of Rightful Owner—Disposition of Forfeited Property**

A. The following are subject to forfeiture unless obtained by theft, fraud or conspiracy to defraud and the rightful owner is known or can be identified and located:

1. Any tool;
2. Any implement; or
3. Any instrumentality, including but not limited to, real estate, any motor vehicle or motor vehicle part, whether owned or un-owned by the person from whose possession or control it was seized, which is used or possessed either in violation of Section 1503 of this title or to promote or facilitate a violation of Section 1503 of this title.

B. Any motor vehicle, other conveyance, or motor vehicle part used by any person as a common carrier is subject to forfeiture under this section where the owner or other person in charge of the motor vehicle, other conveyance, or motor vehicle part is a consenting party to a violation of Section 1503 of this title.

C. Any motor vehicle, motor vehicle part, other conveyance, tool, implement, or instrumentality is not subject to forfeiture under this section by reason of any act or omission which the owner proves to have been committed or omitted without the owner's knowledge or consent.

D. 1. Seizing agencies will utilize their best efforts to identify any seized motor vehicle or motor vehicle part to determine ownership or the identity of any other person having a right or interest in a seized motor vehicle or motor vehicle part.

2. Where a motor vehicle or motor vehicle part has an apparent value in excess of One Thousand Dollars (\$1,000.00),

a. the seizing agency shall consult with an expert of the type specified in paragraph 4 of Section 1502 of this title,

b. the seizing agency shall also request searches of the on-line and off-line files of the National Crime In-formation Center (NCIC) and the National Automobile Theft Bureau (NATB) when possible.

E. A forfeiture of a motor vehicle, motor vehicle part, or other conveyance encumbered by a bona fide security interest is subject to the interest of the secured party where the secured party neither had knowledge of nor consented to the act or omission forming the ground for the forfeiture.

F. Property, described in subsection A of this section, seized and held for forfeiture, shall not be subject to replevin and is subject only to the order and judgments of a court of competent jurisdiction hearing the forfeiture proceedings.

G. 1. The prosecutor or an attorney for the Choctaw Nation of Oklahoma shall bring an action for forfeiture in a court of competent jurisdiction or shall allow prosecuting attorneys or other attorneys of any state or of the United States bring such forfeiture action. The forfeiture action shall be brought within sixty (60) days from the date of seizure except where the attorney prosecuting the forfeiture in the sound exercise of discretion determines that no forfeiture action should be brought because of the rights of property owners, lienholders, or secured creditors, or because of exculpatory, exonerating, or mitigating facts and circumstances.

2. The attorney prosecuting the forfeiture shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding to each person whose right, title, or interest is of record in the Oklahoma Tax Commission, the Department of Public Safety, the Federal Aviation Administration, or any other department of the State of Oklahoma, or any other state or territory of the United States, or of the federal government if such property is required to be registered in any such department.

3. Notice of the proceeding shall be given to any such other person as may appear, from the facts and circumstances, to have any right, title, or interest in or to the property.

4. The owner of the property, or any person having, or claiming, right, title, or interest in the property may within sixty (60) days after the mailing of such notice file a verified answer to the complaint and may appear at the hearing on the action for forfeiture.

5. The attorney prosecuting the forfeiture shall show at a forfeiture hearing, by a preponderance of the evidence, that such property was used in the commission of a violation of Section 1503 of this title, or was used or possessed to facilitate such violation.

6. The owner of property may show by a preponderance of the evidence that the owner did not know, and did not have reason to know, that the property was to be used or possessed in the commission of any violation or that any of the exceptions to forfeiture are applicable.

7. Unless the attorney prosecuting the forfeiture shall make the showing required of it, the court shall order the property released to the owner. Where the attorney prosecuting the forfeiture has made such a showing, the court may order:

a. the property be destroyed by the agency which seized it or some other agency designated by the court,

b. the property be delivered and retained for use by the agency which seized it or some other agency designated by the court, or

c. the property be sold at public sale.

H. A copy of a forfeiture order shall be filed with the sheriff of the county in Oklahoma in which the forfeiture occurs and with each tribal, federal or state department with which such property is required to be registered. Such order, when filed, constitutes authority for the

issuance to the agency to whom the property is delivered and retained for use or to any purchaser of the property of a title certificate, registration certificate, or other special certificate as may be required by law considering the condition of the property.

I. Proceeds from sale at public auction, after payment of all reasonable charges and expenses incurred by the agency designated by the court to conduct the sale in storing and selling the property, shall be paid to the the fund of the agency or department of any other tribal, state or federal governmental unit employing the seizing agency.

J. No motor vehicle, either seized under Section 1504 of this title or forfeited under this section, shall be released by the seizing agency or used or sold by an agency designated by the court unless any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed vehicle identification number is corrected by the issuance and affixing of either an assigned or replacement vehicle identification number plate as may be appropriate under laws or regulations of the Choctaw Nation of Oklahoma.

K. No motor vehicle part having any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed vehicle identification number shall be disposed of upon forfeiture except by destruction thereof, except that this provision shall not apply to any such motor vehicle part which is assembled with and constitutes part of a motor vehicle.

L. No motor vehicle or motor vehicle part shall be forfeited under this section solely on the basis that it is unidentifiable. Instead of forfeiture, any seized motor vehicle or motor vehicle part which is unidentifiable shall be the subject of a written report sent by the seizing agency to the Public Safety Department which report shall include a description of the motor vehicle or motor vehicle part, its color, if any, the date, time and place of its seizure, the name of the person from whose possession or control it was seized, the grounds for its seizure, and the location where the same is held or stored.

M. When a seized unidentifiable motor vehicle or motor vehicle part has been held for sixty (60) days or more after the notice to the Public Safety Department specified in subsection L of this section, has been given, the seizing agency, or its agent, shall cause the motor vehicle or motor vehicle part to be sold at public sale to the highest bidder. Notice of the time and place of sale shall be posted in a conspicuous place for at least thirty (30) days prior to the sale on the premises where the motor vehicle or motor vehicle part has been stored.

N. When a seized unidentifiable motor vehicle or motor vehicle part has an apparent value of One Thousand Dollars (\$1,000.00) or less, the seizing agency shall authorize the disposal of the motor vehicle or motor vehicle part, provided that no such disposition shall be made less than sixty (60) days after the date of seizure.

O. The proceeds of the public sale of an unidentifiable motor vehicle or motor vehicle part shall be deposited in the special agency account of the Public Safety Department, or treasury of the governmental unit employing the seizing agency after deduction of any reasonable and necessary towing and storage charges.



P. Seizing agencies will utilize their best efforts to arrange for the towing and storing of motor vehicles and motor vehicle parts in the most economical manner possible. In no event shall the owner of a motor vehicle or a motor vehicle part be required to pay more than the minimum reasonable costs of towing and storage.

Q. A seized motor vehicle or motor vehicle part that is neither forfeited nor unidentifiable shall be held subject to the order of the court in which the criminal action is pending or, if a request for its release from such custody is made until the prosecutor has notified the defendant or the defendant's attorney of such request and both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to determine its true value and to produce or reproduce, by photographs or other identifying techniques, legally sufficient evidence for introduction at trial or other criminal proceedings. Upon expiration of a reasonable time for the completion of the examination which in no event shall exceed fourteen (14) days from the date of service upon the defense of the notice of request for return of property as provided herein, the property shall be released to the person making such request after satisfactory proof of such person's entitlement to the possession thereof. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary in the furtherance of justice.

R. When a seized vehicle is forfeited, restored to its owner, or disposed of as unidentifiable, the seizing agency shall retain a report of the transaction for a period of at least one (1) year from the date of the transaction.

#### **Section 1506. Civil proceedings--Remedies--Treble damages--Estoppel--Limitations--Service of process**

A. The prosecuting attorney or any aggrieved person may institute civil proceedings against any person in any court of competent jurisdiction seeking relief from conduct constituting a violation of any provision of the Motor Vehicle Chop Shop, Stolen and Altered Property Act. If the plaintiff in such a proceeding proves the alleged violation, or its threat, by a preponderance of the evidence, any court of competent jurisdiction after due provision for the rights of innocent persons, shall grant relief by entering any appropriate order or judgment, including, but not limited to:

1. ordering any defendant to be divested of any interest in any property;
2. imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously; or
3. ordering the suspension or revocation of a license, permit, or prior approval granted by any public agency or any other public authority.

B. In a proceeding under this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other

cases, but no showing of special or irreparable injury shall have to be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted.

C. Any person injured, directly or indirectly, by conduct constituting a violation by any person of Section 1503 of this act shall, in addition to any other relief, have a cause of action for threefold the actual damages sustained by the person.

D. A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding.

E. Notwithstanding any other provision of law providing a shorter period of limitations, a civil action under this section may be commenced at any time within five (5) years after the conduct made unlawful under Section 1503 of this act terminates or the cause of action accrues or within any longer statutory period that may be applicable. If any action is brought by a prosecutor to punish, prevent or restrain any activity made unlawful under Section 1503 of this act, the running of the period of limitations shall be suspended during the pendency of such action and for two (2) years following its termination.

F. Personal service of any process in an action under this section may be made upon any person outside the Choctaw Nation if the person has engaged in any conduct constituting a violation of Section 1503 of this act in the Choctaw Nation of Oklahoma. The person shall be deemed to have thereby submitted to the jurisdiction of the courts of the Choctaw Nation of Oklahoma for the purposes of this provision.

G. Obtaining any civil remedy under this section shall not preclude obtaining any other civil or criminal remedy under either this act or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive.

#### **Section 1508. Power of Prosecutor**

In addition to the power of the prosecutor to institute civil proceedings under Section 1506 of this act, the prosecutor is empowered to institute criminal prosecutions for a violation of Section 1503 of this act in any court of competent jurisdiction.