

## TITLE VII - TRAFFIC CODE

### CHAPTER 1. DEFINITIONS AND SPECIAL PROVISIONS

This chapter contains standard definitions applicable to the Chitimacha Traffic Code and special provisions of law not covered in their own separate chapters.

**Sec. 101.            Definitions.**

As used in this Title:

(a) **"Halting Officer"** means a law enforcement officer charged with and acting under his or her authority to halt, and if appropriate, arrest persons suspected or known to be violating statutes or ordinances regulating the operation or equipment of vehicles, or the regulation of traffic.

(b) **"Licensing Authority"** means the Tribal or State agency authorized to issue operator's license, vehicle registration or operator and vehicle permits.

(c) **"Authorized Emergency Vehicles"** means:

(1) Vehicles of a fire department.

(2) Vehicle of a police department.

(3) Vehicle utilized and marked as vehicles used for the transportation of the injured or sick.

(4) Vehicles owned by any state or federal agency used for enforcement purposes or for the transportation of the sick or injured.

(5) Vehicles designated as **"wreckers"**.

(6) Vehicles authorized by state, federal and tribal organizations for emergency purposes.

(7) Vehicles used by volunteer fire persons while performing their assigned disaster and emergency responsibilities.

(8) Other vehicles declared to be and identified as emergency vehicles by the Chief of Police in time of disaster or other emergencies.

(d) **"Bicycle"** means every device propelled solely by human power upon which any person may ride having two tandem wheels.

(e) **"Business area"** means the area contiguous to a roadway.

(f) **"Driver"** means every person who drives or is in actual physical control of a vehicle.

- (g) **"Guest"** means and includes a person who accepts a ride in any vehicle without giving compensation therefore.
- (h) **"Roadway"** means the entire width of any traversed road designed for vehicular travel within this jurisdiction.
- (i) **"Elsewhere in this jurisdiction"** means at any location within the exterior boundaries of the Chitimacha Indian Reservation.
- (j) **"Intersection"** means where two roadways intersect.
- (k) **"Intoxicating Liquor"** means and includes any beverage containing alcohol.
- (l) **"Legal owner or owners"** means a person who holds the legal title to a vehicle.
- (m) **"Motor vehicle"** includes every vehicle which is self-propelled, every vehicle which is propelled by electric power.
- (n) **"Motorcycles"** means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels.
- (o) **"Non-member"** means any person who is not a member of the Chitimacha Tribe.
- (p) **"Official traffic-control devices"** means all signs, signals, markings, devices authorized to be erected by the Chitimacha Tribal Council.
- (q) **"Operator"** means every person who drives or is in actual physical control of a motor vehicle upon a roadway or elsewhere in this jurisdiction or who is exercising control over or steering a vehicle in motion.
- (r) **"Park"** means the standing of a vehicle whether occupied or not.
- (s) **"Pedestrian"** means any person afoot.
- (t) **"Person"** means any natural person who comes under the jurisdiction of the Chitimacha Tribe.
- (u) **"Police Officer"** means every officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations and ordinances.
- (v) **"Private road or driveway"** means 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.
- (w) **"Proof of financial responsibility"** means proof of ability to respond to damages for

liability on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of \$25,000.00 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, in the amount of \$50,000.00 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$10,000.00 because of injury to or destruction of property of others in any one accident.

- (y) "**Right of way**" means the privilege of the immediate use of the road.
- (z) "**School Zone**" means the area or space officially set aside within a roadway for the use of school children and which is so plainly marked or indicated by proper signs as to be plainly visible at all times.
- (aa) "**School Bus**" means any motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or to or from school related activities, or privately owned and operated for compensation for the transportation of children to or from school or to or from school related activities.
- (bb) "**Sidewalk**" or "**Walkway**" means that portion of land adjacent to the roadway intended for use of pedestrians.
- (cc) "**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.
- (dd) "**State**" means a state of the United States.
- (ee) "**Reservation**" means any Indian Reservation located in the United States and recognized as such by the United States.
- (ff) "**Indian Community**" means any recognized Indian community in the United States and recognized as such by the United States.
- (gg) "**Stop**" when required means completed cessation of movement.
- (hh) "**Traffic**" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any roadway or tribal land for the purpose of travel.
- (ii) "**Vehicle**" includes every device in, upon, or by which any person or property may be

transported or drawn upon a roadway or upon tribal property.

**Sec. 102. Traffic Regulatory Powers.**

The Chitimacha Tribal Council may by proclamation designate: through roadways, streets, alleys, prohibit motor vehicle traffic, designate speed zones, erect speed limit signs, stop signs, yield signs and other traffic control devices within the areas of jurisdiction of the Tribe.

**Sec. 103. General Penalty for Violation of this Title.**

Violation of a provision of this title for which a criminal penalty is not specifically provided shall be deemed a **Civil Infraction**. As used in this title a **Civil Infraction** includes payment of a fixed fee and fine.

(Revised by Ordinance # 7-98 ; Adopted: June 18,1998 ; Effective: June 18,1998 )

**Sec. 104. Traffic Code Applicability to Accidents, Reckless Driving, Substance Abuse, Eluding Police Officers.**

The provisions of this chapter of the Chitimacha Reservation relating to reporting of accidents or crashes in which a motor vehicle is involved, reckless driving, driving while under the influence or intoxicating liquor or controlled substances, fleeing or attempting to elude a police officer, shall apply upon any roadway within the Chitimacha Reservation and elsewhere throughout the Reservation.

**Sec. 105. Notice of Violations by Juveniles.**

The Clerk of Court shall notify the parent or guardian of any juvenile appearing before the court on a traffic offense of the charge as contained in the citation; the penalty attached to the offense, and the time and place of any court hearing on the matter.

**Sec. 106. Offenses Requiring Penalty of Incarceration and/or Fine.**

Violation of the following provisions of this Title shall be deemed **A Criminal Traffic@** offenses for which the procedures of Chapters 4, 5 and 6 of Title II of this Code shall be utilized:

- (a) Leaving the scene of an accident involving damage to vehicles, death and/or personal injuries in violation of sections **501** and **503**.
- (b) Failure to provide immediate notice by the operator of a vehicle involved in an accident in violation of section **502**.
- (d) Failure to notify and/or leave information for owner upon striking an unattended vehicle, road fixtures or other property in violation of sections **506** and **507**.
- (f) Failure to report by Garages, Private Persons, Wrecker and Towing Services in violation of section **513**.
- (g) Driving without liability insurance in violation of section **514**.
- (h) Reckless Driving and/or Aggravated Reckless Driving in violation of sections **604** and **605**.
- (i) Fleeing or attempting to elude a Police Officer in violation of section **641**.
- (j) Driving under the influence of intoxicating liquors or drugs in violation of section **642**, and;
- (k) Alteration of Odometers or other mileage recorders, hour meters on Tachometers

or other hour recorders in violation of section **1208**.

(Revised by Ordinance # 7-98 ; Adopted:June 18,1998 ; Effective: June 18,1998 )

## **CHAPTER 2. PAYMENT OF STATUTORY FEE AND FINE IN LIEU OF HEARING;HEARINGS**

(Revised by Ordinance #7-98 ; Adopted: June 18,1998 ; Effective: June 18,1998 )

### **Sec. 201. Right to Appear; Payment of Statutory Fee and Fine in Non-Criminal Cases.**

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993; Revised by Ordinance #7-98 ; Adopted:June 18,1998; Effective:June 18,1998)

(a) Any person cited for a traffic violation other than an offense listed under Section 106, may appear before the designated official and pay, execute a financial agreement for payment or, mail payment of the statutory fee and fine for the violation prior to the hearing date in lieu of appearing at the hearing. Payments sent by mail must be received by the designated official prior to the hearing.

(b) If the person cited follows the foregoing procedures, he or she shall be deemed to have admitted the violation and to have waived his or her right to a hearing on the issue of commission of the violation.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993; Revised by Ordinance #7-98; Adopted: June 18,1998; Effective:June 18,1998)

### **Sec. 202. Hearing - Procedures - Appeals - Stay Orders.**

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

(a) If a person cited for a civil infraction does not choose to follow the procedures set forth in Section 201 of this Title, he or she may appear at the time scheduled in the citation for a hearing on the issue of commission of the violation. At that time he/she may make a statement in explanation of his or her action.

(b) If a person cited appears at the time scheduled for the hearing, and the tribe does not appear to prove the commission of the violation the Court may enter a dismissal of the

violation.

(c) If a person is aggrieved by a finding, he or she may file a petition for review and request a stay of the judgment pending same in accordance with the provisions of Title I of this Code.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993; Revised by Ordinance #7-98 ; Adopted:June 18,1998; Effective:June 18,1998)

**Sec. 203. Failure to Appear and/or Pay Statutory Fee - Penalty.**

(Revised by Ordinance # 7-98; Adopted:June 18,1998; Effective: June 18,1998 )

If a person fails to choose one of the methods of proceeding set forth in section 201 or 202, he or she must be deemed to have admitted to commission of the violation. Failure to appear at the time designated, after signing a promise to appear, without paying the statutory fee and fine is an offense. Failure to appear without just cause at the hearing must also be deemed an admission of commission of the violation for which they were cited.

(Revised by Ordinance #7-98; Adopted: June 18,1998 ; Effective:June 18,1998)

**CHAPTER 3. LICENSE REQUIREMENTS; EXCEPTIONS, REVOCATIONS**

**Sec. 301. Driving License Required.**

(a) No person except those expressly exempted, shall operate any motor vehicle upon a roadway within the Chitimacha Tribal jurisdiction unless such person possesses a valid operator's license to operate said motor vehicle under the laws of the State of Louisiana.

(b) Any person licensed as an operator under this section may exercise the privileges thereby granted upon all roadways and elsewhere in this jurisdiction and shall not be required to obtain any other license to exercise such privilege unless such license is required under the laws of the State of Louisiana.

**Sec. 302. Person Exempt From Holding Louisiana License.**

The following persons are exempt from having to be licensed under the laws of the State of Louisiana while operating a motor vehicle in this jurisdiction.

(a) Any employee of the United States Government or any state government while operating a motor vehicle owned by or leased to that government on official business.

(b)

(1) A non-member Indian who is at least sixteen years of age and who has in his or her immediate possession a valid operator's license issued to him or her from his or her own state or Indian Reservation may operate a motor vehicle within this jurisdiction.

(2) A non-resident Indian licensed operator from another state or reservation under this section may operate a motor vehicle in this jurisdiction for a period of 90 days.

After 90 days it will be deemed that the person intends to become a resident of the State of Louisiana and will after the 90 days be required to have a valid operator's license issued to him or her from the State of Louisiana.

(c) Any person who is a member of the Armed Forces of the United States may operate a motor vehicle in this jurisdiction provided he or she has a valid operator's license issued to him or her from another state or reservation.

**Sec. 303. Persons Not Permitted to Operate a Motor Vehicle.**

The following persons are not permitted to operate a motor vehicle within the jurisdiction of the Chitimacha Indian Reservation.

(a) Any person under the legal age prohibited from obtaining a motor vehicle operator's license under the laws of the State of Louisiana.

(b) Any person whose license has been suspended or revoked by the State of Louisiana, or any other state, by the Chitimacha Tribal Court or by any other Tribal Court.

(c) Any person who is a habitual drunkard, or is a habitual user of narcotic drugs or is a habitual user of any other drug to a degree which renders him or her incapable of safely operating a motor vehicle.

(d) Any person who has been adjudged to be afflicted with or suffering from any mental disability or disease which renders him or her incapable of safely operating a motor vehicle.

(e) Any person who does not have liability insurance covering the motor vehicle or the authorized operator in a minimal amount of liability required by the State of Louisiana.

(f) Any person when the Judge of the Chitimacha Tribal Court has good cause to believe

that such person by reason of physical or mental disability would not be able to operate a motor vehicle safely upon the roadways within this jurisdiction.

**Sec. 304. Liability for Negligence of a Minor.**

Any negligence of a minor when operating a motor vehicle within the jurisdiction of the Chitimacha Tribe shall be imputed to the person or persons who are legally responsible for the minor child, such person or persons shall be jointly and severally liable with such minor for any damage caused by such negligence.

**Sec. 305. Cancellation of Minor's Right to Operate a Motor Vehicle.**

Any person or persons legally responsible for a minor can upon application filed with the Tribal Court request the court to withdraw any driving privileges of said minor. The withdrawing of said privilege shall cancel the applicant's liability for the negligence of said minor child provided said minor child was not authorized or allowed by the applicant to operate a motor vehicle through any negligence of the applicant.

**Sec. 306. License or Permit to be Carried and Shown on Demand.**

Every person having a valid motor vehicle operator's license or temporary operator's permit shall have the operator's license or permit in his or her immediate possession at all times when operating a motor vehicle and shall display same upon demand of any court, judge or police officer. However, no person charged with violating this section shall be convicted or assessed any court costs if he or she produces to the court, to the Chief of Police or to the arresting officer an operator's license or permit issued to him or her prior to the offense provided said license or permit is valid and not under suspension, revocation or canceled by any state or tribal court.

**Sec. 307. Restricted Licenses - Penalty Violation.**

Any person who operates any motor vehicle in violation of a valid operator's license restriction shall be convicted of an offense under this section and shall be fined an amount not to exceed \$ 250.00.

**Sec. 308. Suspending Privileges of Non-Residents of the Chitimacha Reservation.**

The privileges of driving a motor vehicle on the roadways and elsewhere within the Chitimacha Reservation given to those persons who are under the jurisdiction of the Chitimacha Tribe is subject to suspension or revocation by the Chitimacha Tribal Court.

**Sec. 309. Suspension or Revocation of Operation of Motor Vehicle Privileges on the Chitimacha Indian Reservation.**

The Chitimacha Tribal Judge may suspend or revoke for up to a period of one year the privilege of operating a motor vehicle within this jurisdiction for anyone convicted of the following offenses:

- (a) Reckless driving.
- (b) Driving while under the influence of intoxicating liquor or drugs.
- (c) Violation of an offense under this chapter which results in bodily injury;
- (d) Attempting to or eluding a police officer;
- (e) Any felony crime in the commission of which a motor vehicle was used;
- (f) Any offense under the criminal code of Title III of this Code which resulted in bodily injury or death.

The revocation of driving privileges under this section may be beyond any time of imprisonment or court-ordered in-patient addition or psychological treatment.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 310. Operating a Motor Vehicle While Driving Privileges are Suspended or Revoked.**

Within this jurisdiction, no person shall operate a motor vehicle while his or her driving privilege has been suspended or revoked by this court or any outside jurisdiction.

**PENALTY: Any person violating any portion under this section shall be fined an amount not to exceed \$500.00 plus court costs.**

**Sec. 311. Unlawful Use of License.**

It is unlawful to:

(a) Display, cause, or permit to be displayed or have in possession any canceled, revoked, suspended, fictitious or fraudulently altered operator's license or permit.

(b) To lend one's operator's license or permit to any other person or to permit the use thereof by another.

(c) To display or represent as one's own any operator's license or permit not issued to that person.

(d) To permit any unlawful use of an operator's license or permit issued to that person.

(e) To use a false or fictitious name in any application for an operator's temporary permit or to knowingly make a false statement or to conceal a material fact or otherwise commit a fraud in the application.

**PENALTY: Any person violating a provision under this section shall be fined an amount not to exceed \$250.00.**

(Revised by Ordinance #7-98 ; Adopted:June 18,1998 ; Effective:June 18,1998)

**Sec. 312. Reproducing Operator's License or Permit.**

It is unlawful for any person to print, photograph, photostat, duplicate, alter or in any way reproduce any operator's license or permit in such a manner that it would be mistaken for a valid operator's license or permit.

**PENALTY: Any person violating a provision of this section shall be fined an amount not to exceed \$350.00.**

(Revised by Ordinance #7-98 ; Adopted:June 18, 1998 ; Effective:June 18,1998 )

**Sec. 313. Permitting an Unauthorized Minor to Drive.**

No person may cause or knowingly permit any child under the age of 18 years to operate a motor vehicle within the jurisdiction of this court who does not have a valid operator's license or permit.

**PENALTY: Any person violating a provision of this section shall be fined an amount not to exceed \$250.00.**

(Revised by Ordinance #7-98 ; Adopted: June 18,1998 ; Effective: June 18,1998 )

**Sec. 314. Permitting an Unauthorized Person to Drive.**

No person may authorize or knowingly permit a motor vehicle owned by him or her or a motor vehicle under his or her control to be driven or operated in this jurisdiction by anyone who does not have a valid operator's license or permit as authorized under this Chapter.

**Sec. 315. Display of Current Registration, License Plates and Tabs.**

No person may operate or drive a vehicle upon any roadway within this jurisdiction unless the vehicle has on it displayed current registered license plates and tabs. All vehicles (when required) must have the license plate attached to the rear thereof. The plate or plates must at all times be kept free and clear of mud or other substances so as to be clearly visible. Plates other than for the current year must be removed from the vehicle. An annual registration tab or sticker for the current registration year must be displayed on each number plate in those years from which tabs or stickers are issued in lieu of number or letter plates.

**Sec. 316. Violation of Registration Provision.**

It is unlawful for any person to commit any of the following acts:

(a) To operate, or for the owner thereof knowingly to permit anyone to operate, any motor vehicle on which the registration has been canceled, revoked, or which is not registered, or which does not have attached thereto and displayed thereon a number and/or lettered plate, plates, or validation tabs assigned thereto by the State or Reservation registrar for the current registration period.

(b) To display or cause to permit to be displayed; or to have in possession, any registered card, registration numbered or lettered plate, or validation tabs, knowing the same to be fictitious, canceled, revoked, suspended, or altered.

(c) To lend any numbered and/or lettered plates, registration card, or validation tabs to any person knowing the same to be fictitious, canceled, revoked, suspended, or altered.

(d) To have displayed any numbered and/or lettered plates, or validation tabs upon any vehicle which are not registered to that particular vehicle.

(e) To fail or refuse to surrender to an officer of the Chitimacha Police Department any

registration card, registration numbered and/or lettered plate, or validation tab which has been suspended, canceled or revoked.

**PENALTY: Any person violating a provision of this section shall be fined an amount not to exceed \$ 150.00. Any vehicle found to be without current registration, or current validation tabs may be impounded by the police department. The owner may redeem the vehicle after impoundment upon presenting satisfactory proof of ownership or right to possession, payment of the civil penalties and expenses of removing and storing the vehicle.**

(Revised by Ordinance # 7-98 ; Adopted: June 18,1998 ; Effective: June 18,1998 )

#### **CHAPTER 4. TRAFFIC REGULATORY POWERS OF OFFICERS**

**Sec. 401. Halting Person for Violating Traffic Ordinances; Duty of Officer Halting.**

Whenever any person is halted for violation of a provision of this title, which has been deemed to be a **Acivil infraction** as pursuant to Section 103, the officer may:

- (a) Take the name and address of the person;
- (b) Take the license number of the person's motor vehicle; and
- (c) Issue a citation or otherwise notify that person in writing to appear at a time and place to be specified in the citation or notice.

A halting officer shall notify the person halted of the option to appear before the designated official and pay, execute a financial agreement for payment or, mail payment of the statutory fee and fine for the violation prior to the hearing date in lieu of appearing at the hearing. The halting officer shall also advise the person of his or her right to contest the alleged violation in Tribal Court and to have counsel at his or her own expense.

(Revised by Ordinance #7-98 ; Adopted: June 18,1998 ; Effective: June 18,1998 )

**Sec. 402. Hearing - Time - Promise of Defendant to Appear.**

The time to be specified in the summons or notice must be within 30 days after the issuance of the summons or notice. Any person refusing to give written promise to appear must be taken immediately before the nearest or most accessible Tribal Judge, or to such other place of such other person as may be provided by a tribal ordinance authorizing the giving of bail.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 403. Failure to Appear on Written Promise.**

Any person who fails to appear on the time and date as promised in writing is liable to being charged with an offense of failure to appear.

**Sec. 404. Court to Issue a Warrant of Arrest.**

The Judge upon motion of the Court or upon written affidavit submitted by the arresting officer, the Clerk of Court or other officer of the court, may issue a warrant for the arrest of any person, to whom its jurisdiction extends , for failure to appear as promised.

(Revised by Ordinance# 7-98 ; Adopted: June 18,1998 ; Effective: June 18,1998 )

(Section 405 omitted by Ordinance # 7-98 ; Adopted:June 18,1998 ; Effective:June 18,1998 )

**CHAPTER 5. ACCIDENTS**

**Sec. 501. Accidents Involving Damage to Vehicle.**

The driver of any motor 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 immediately return to and remain at the scene of such accident until he or she has fulfilled the requirement of section 505.

**PENALTY: Any person convicted for failing to comply with this section shall be fined a sum not to exceed \$500.00.**

**Sec. 502. Immediate Notice of Accident.**

The operator of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of at least one hundred dollars shall immediately give notice of the accident to the local police department if the accident occurs within this jurisdiction.

The name of the motor vehicle insurance carrier and policy number and the name of the owner of the motor vehicle and his or her policy number and the name of the operator and owner of

the motor vehicle must be furnished to a law enforcement officer in this jurisdiction. Failure to comply with this section is a violation of this section.

**PENALTY: Any person who is found guilty shall be fined an amount not to exceed \$1000.00 or to be imprisoned not more than 100 days or to both fine and imprisonment.**

**Sec. 503. Accident Involving Death or Personal Injuries.**

The operator of any motor vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then immediately return to, and in every event, shall remain at the scene of the accident until he or she has fulfilled the requirements of section 502.

**PENALTY: Any person failing to stop or to comply with the requirements of this section is guilty of violation of this section and shall be fined a sum not to exceed \$2500.00 or to imprisonment not to exceed 250 days or to both fine and imprisonment. The Judge of the Tribal Court shall revoke the driving privileges of any person violating this section for a period of one year.**

**Sec. 504. Duty to Give Information and Render Aid.**

The operator of any vehicle involved in an accident resulting in injury to or the death of any person or damage to any vehicle which is driven or attended by any person shall give the operator's name and address, and the name of the motor vehicle insurance policy carrier of the driver and owner as well as the registration number of the vehicle, operator's license information upon request by the other person or persons involved in the accident. The operator of any vehicle involved in an accident shall render to any person injured in the accident reasonable assistance, including the carrying, or making of arrangements for the carrying of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the carrying is requested by the injured person.

**Sec. 505. Emergency Care or Services Rendered - Liability.**

Any person who is an unpaid volunteer, who in good faith renders emergency care or services at or near the scene of an accident, disaster, or other emergency, or in route to a treatment facility, is not liable to the recipient of the emergency care or services for any damages resulting

from the rendering of the care or services.

This section does not relieve a person from liability for damages resulting from the intoxication, willful misconduct or gross negligence of the person rendering the emergency care or services. Further, liability is not relieved if the emergency care was rendered for remuneration or with the expectation of remuneration.

**Sec. 506. Duty upon Striking Unattended Vehicle.**

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and either locate and notify the operator or owner of the vehicle of the name and address, as well as the name of the motor vehicle insurance policy carrier of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in or on the vehicle struck, a written notice giving the name and address as well as the name of the motor vehicle insurance policy carrier of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances of the collision.

**Any person convicted of violating this section is guilty of an offense and shall be fine an amount not to exceed \$500.00.**

**Exception:** Lack of mental or physical ability to perform act. A person shall not be found guilty of failing to conform to the requirement of this section where he or she is unconscious, or lacks mental or physical ability to perform the requirements of this section.

**Sec. 507. Duty upon Striking Road Fixtures or Other Property.**

The driver of any vehicle involved in an accident resulting only in damage to roadway fixtures or other property other than another vehicle shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his or her name, address and of the registration number of his or her vehicle driven and shall upon request and if available exhibit his or her operator's license or permit and shall make report of such accident to any police officer in the jurisdiction as required in section 502.

**Failure to comply with this section constitutes a violation and each person, upon conviction, shall be fined a sum not to exceed \$500.00.**

**Sec. 508. Officer to Report.**

Every law enforcement officer of this jurisdiction, who in the regular course of duty

investigates a motor vehicle or vehicle accident required to be reported in section 502. either at the time and at the scene of the accident by interviewing the participants, or witnesses shall make and forward to the Clerk of Court a written report of such accident.

**Sec. 509. Investigation Agency Responsible to Notify Next of Kin.**

In the event of serious injury or death of any person, under circumstances leading to notification of a law enforcement officer of this jurisdiction, the Chief of Police is upon positive identification of the person or persons involved, responsible for immediately notifying the next of kin of the person or persons seriously injured or deceased, or make arrangements to have next of kin notified by clergy or other suitable person.

**Sec. 510. When Operator of a Motor Vehicle is Unable to Report.**

(a) An accident notice is not required from any person who is physically incapable of making the report during the period of such incapacity.

(b) Whenever the operator of a vehicle is physically incapable of giving an immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of giving notice, such occupant shall make or cause to be made such notice.

(c) Whenever the operator of the motor vehicle is physically incapable of giving notice of an accident and such operator is not the owner of the vehicle, the owner of the vehicle shall within 24 hours after learning of the accident give such notice and insurance information not given by the driver.

**Sec. 511. Accident Report Forms.**

(a) The report form shall include but not be limited to names of operators, addresses of same, location of accident, cause of accident, weather and road conditions and other pertinent information.

(b) Every accident report required to be in writing must be made on this form and must contain all the information required therein unless not available.

(c) Every law enforcement officer within this jurisdiction who investigates a vehicle accident for which a report is required shall file a copy of the report to the Clerk of Court within 5 days of the completion of the investigation.

(d) The information in the accident report is not confidential and shall not be privileged.

**EXCEPTION:** The report containing the investigating officer's opinion is confidential and not open to public inspection.

(e) If it is shown to the Tribal Court that the investigating officer's opinion is material to a determination of liability the Tribal Court may authorize the release of a copy of the officer's investigation report expressing his or her opinion as to fault.

**Sec. 512. Fees for Copies of Accident Report and Investigator's Opinion.**

There shall be a fee of five (\$5.00) dollars charged for each copy of these reports. Copies of accident reports may be used as evidence in any action for damages or criminal proceedings provided the report has been certified as a true and correct copy by the Clerk of Court.

**Sec. 513. Garages, Private Persons, Wrecker and Towing Services to Report.**

Whenever the person in charge or the operator of any wrecker or towing service, garage or private business or body and fender repair causes any motor vehicle to be transported to a place for the purpose of hiding or repairing a motor vehicle which shows evidence of having been involved in a reportable accident as provided in Section 507. or of being struck by any bullet, shall report or cause a report to be made to a police officer within the jurisdiction within twenty-four (24) hours after such motor vehicle is transported.

The report must give the registration or serial number, make of motor vehicle, color, amount and location of damage, the name and address of the owner of the motor vehicle, any

missing parts, location from where the motor vehicle was taken and the location of the motor vehicle at the time of the report.

**PENALTY: Any person convicted of violating any provisions of this section shall be fined a sum not to exceed \$1000.00.**

**Sec. 514. Operating a Motor Vehicle Without Liability Insurance Prohibited.**

A person may not operate a motor vehicle in this jurisdiction without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance or use of that motor vehicle in the amount required by laws of the State of Louisiana for the minimum amount of liability insurance required.

**PENALTY: Failure to comply with this section is a violation. Any person found guilty shall be fined an amount not to exceed \$500.00 and any motor vehicle not covered by the minimum amount of liability required may be impounded by the Chief of Police and held until proof of financial responsibility is furnished.**

**CHAPTER 6. RULES OF THE ROAD**

**Sec. 601. Careless Driving.**

Any person operating a motor vehicle in this jurisdiction shall operate the motor vehicle in a careful and prudent manner, having due regard to the traffic, surface, width of roadway, and other conditions than existing, and shall give warnings as are reasonably necessary for safe operation under the circumstances. No person may operate a motor vehicle upon any roadway or elsewhere within this jurisdiction in a manner such as to endanger the life, limb, or property of any person.

**Any person violating a provision of this section shall be fined an amount not to exceed \$50.00.**

(Revised by Ordinance #7-98 ; Adopted: June 18, 1998 ; Effective: June 18, 1998 )

**Sec. 602. Speeding.**

It is unlawful for the operator of any motor vehicle to operate the motor vehicle at a rate of speed which is:

- (a) Greater than 35 mph within the jurisdiction of this Reservation;
- (b) Greater than 20 mph in any designated residential area;

- (c) Greater than 15 mph in any area designated as a school zone;
- (d) Greater than 20 mph in any area designated as a business zone.

In charging a violation of the provision of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section states lawful at the time and place of offense.

**PENALTY: Violators who are found:**

**A. To be in violation of this section shall be required to pay a fine of \$50.00 plus \$3.00 per mile per hour over the posted speed limit.**

**B. Any person who violates this section at a speed greater than 20 mph over the posted speed limit shall be required to pay a fine of \$150.00 plus \$3.00 per mile over the posted speed limit.**

(Revised by Ordinance # 7-98; Adopted: June 18,1998 ; Effective: June 18,1998)

**Sec. 603. Speed Limitation Not Applicable to Emergency Vehicles - Liability Exception.**

The speed limitations provided for in this chapter do not apply to emergency vehicles operating in their course of business. This exemption does not protect the operator of any such vehicle from the consequences of reckless disregard of the safety of others.

**Sec. 604. Reckless Driving.**

Any person is liable to arrest and a charge of reckless driving if he or she drives a vehicle:

- (a) Recklessly in disregard of the rights or safety of others; or,
- (b) Without due caution and circumspection and at a speed or in a manner as to endanger

or be likely to endanger any person or the property of another.

**PENALTY: Any person who is found guilty under this section shall pay a fine not to exceed the sum of \$1000.00 and his or her privilege to operate a motor vehicle in this jurisdiction shall be suspended for a period not to exceed 90 days.**

**Sec. 605. Aggravated Reckless Driving.**

Any person is guilty of aggravated reckless driving if he or she drives a vehicle in violation of the above section 604 reckless driving and causes and/or inflicts injury upon the person of another.

**PENALTY: Any person who is found guilty of an offense under this section shall be fined a sum not less than \$500.00 nor to exceed a sum of \$2500.00 and his or her privilege to operate a motor vehicle in this jurisdiction shall be suspended for a period of not less than one year.**

**Sec. 606. Exhibition Driving and Drag Racing.**

(a) no person may engage in exhibition driving of any vehicle on a roadway or elsewhere in this jurisdiction, nor may any person engage in a race, speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration.

(b) Definition: As used in this section:

(1) "**Drag Race**" means the operation of two or more vehicles from a point side by side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.

(2) "**Exhibition Driving**" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking, or driving and executing or attempting one or a series of unnecessary abrupt turns.

(3) "**Race**" means the use of one or more vehicles in an attempt to out-gain, outdistance or to arrive at a given distance ahead of another vehicle or vehicles; or the use of one or more vehicles to willfully prevent another vehicle from passing the racing vehicle or vehicles, or to test the physical stamina or endurance of the person driving the vehicle or vehicles over a long distance driving route.

(c) Nothing in this section shall be construed as prohibiting drag racing, exhibition driving, or similar events when carried out in an organized manner, in a truck or privately owned area specifically set aside and to be used solely for such purpose by driver of motor vehicles.

**PENALTY: Any person violating a provision of this section shall be fined an amount not to exceed \$500.00.**

(Revised by Ordinance # 7-98 ; Adopted: June 18,1998; Effective: June 18,1998 )

**Sec. 607. Obedience to and Required Traffic Control Devices.**

The operator of any vehicle shall obey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer.

**Sec. 608. Flashing Signals.**

Whenever an illuminated flashing red or yellow light is used in a traffic signal, it requires obedience by vehicular traffic as follows:

(a) "**Flashing Red Light**" (Stop Light) - drivers of vehicles shall come to a complete stop upon approaching a clearly marked line, or if no line, at the point nearest to the intersecting roadway and may proceed when forward movement can be made safely.

(b) "**Flashing Yellow Light**" (Caution Light) - when a yellow light is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the area or past such signal only with caution. The operator of the vehicle must slow his or her vehicle and proceed at a reasonable, safe speed and in a manner so as to avoid an accident.

**Sec. 609. Display of Unauthorized Signs, Signals, or Markings.**

No person may place, maintain, or display upon or in view of any roadway, any unauthorized sign, signal, which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic control signal or device.

**Sec. 610. Interference with Official Traffic Signal, Traffic Control Device, Regulatory Sign or Information Sign.**

No person may without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic signal, traffic control device, official regulatory sign or information sign in this jurisdiction.

**PENALTY: Any person violating a provision of this section shall be fined an amount not to exceed \$250.00.**

(Revised by Ordinance # 7-98 ; Adopted: June 18,1998 ; Effective: June 18,1998)

**Sec. 611. Drive on Right Side of Roadway.**

A vehicle must be driven upon the right half of the roadway except:

(a) When overtaking and passing another vehicle proceeding in the same direction.

(b) When an obstruction exists on the roadway making it necessary to drive to the left of the center of the roadway, provided that the operator yields to the oncoming vehicles before moving to the left of the center line and after moving to the left of the center line remaining there for only such distance so as to allow clear passage of the obstruction and then shall return to the right lane of traffic.

**Sec. 612. Passing Vehicles Proceeding in Opposite Directions.**

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

**Sec. 613. Overtaking a Vehicle on the Left.**

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction may pass to the left thereof at a safe distance and when the passing can be made in safety and may not drive again to the right side of the roadway until he or she is safely clear of the overtaken vehicle.

(b) When being overtaken and passed the operator of the vehicle being passed may not increase the speed of his vehicle until completely passed by the overtaken vehicle.

**Sec. 614. When Overtaking on the Right is Permitted.**

The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following condition: when the vehicle overtaken is making or is about to make a left turn.

**Sec. 615. No-Passing Zones.**

The Chitimacha Tribal Council is authorized to determine those areas in this jurisdiction where vehicular traffic is allowed; where overtaking, passing or driving may be hazardous and may by appropriate signs or markings on the roadway and elsewhere within this jurisdiction post such signs or markings and every driver of a vehicle shall obey the directions thereof.

**Sec. 616. Following Too Closely.**

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

**Sec. 617. Restricted Access.**

No person may drive a vehicle onto any tribal property within this jurisdiction except as allowed and designated by the Tribal Council.

**Sec. 618. Vehicle Approaching or Entering Intersection.**

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

**Sec. 619. Vehicle Turning Left.**

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction.

**Sec. 620. Vehicles Entering Roadway.**

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed.

**Sec. 621. Operation of Vehicle on Approach of Authorized Emergency Vehicles.**

Upon the immediate approach of an authorized emergency vehicle giving an audible signal by bells, siren, or exhaust whistle and/or displaying a visible flashing, revolving, or rotating blue, white or red light, the driver of every other vehicle shall yield the right of way and shall immediately drive as close as possible to the right edge of the roadway and shall stop and remain stopped until the emergency vehicle has passed, except when otherwise directed by a police officer.

**Sec. 622. Roadway Construction and Maintenance.**

(a) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a roadway within this jurisdiction.

(b) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a roadway whenever such vehicle is displaying a rotating or

flashing light.

**Sec. 623. Pedestrian Obedience to Traffic Control Device and Traffic Regulations.**

(a) When there are designated crossing zones for pedestrians upon any roadway, all vehicles shall yield the right of way to such pedestrians when they are in the crossing area.

(b) No pedestrian may suddenly leave the curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Pedestrians attempting to cross the roadway at any point on a roadway not designated for pedestrian road crossings shall yield the right of way to all vehicles upon the roadway.

**Sec. 624. Driver to Exercise Due Care.**

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

**Sec. 625. Pedestrians on Roadway.**

(a) Where a sidewalk or walkway is provided and its use is practical, it is unlawful for any pedestrian to walk along and upon a roadway.

(b) If there is no sidewalk or walkway any pedestrian walking along and upon a roadway shall walk as near as practicable to an outside edge of the left side of the roadway.

(c) Pedestrians shall yield the right of way to all vehicles on the roadway.

(d) A person who is under the influence of alcohol or any drug to a degree which renders that person a hazard on the roadway may not walk or be upon any roadway.

**Sec. 626. Vehicles Position and Method of Turning.**

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

(a) **Right Turns**

Both the approach for a right turn and the right turn must be made as close as practicable to the right hand edge of the roadway.

(b) **Left Turns**

The driver of a vehicle intending to turn left shall approach the turn in the right lane of traffic and shall execute the turn so as to enter the roadway proceeding into the right lane of traffic.

**Sec. 627. Limitations on Turning Around.**

The driver of any vehicle may not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

**Sec. 628. Starting Parked Vehicle.**

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

**Sec. 629. Turning Movements and Required Signals.**

(a) No person may turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety and with giving an appropriate turning signal.

(b) A signal of intention to turn or move right or left when required must be given continuously during not less than the last hundred (100) feet traveled by the vehicle before turning.

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

**Sec. 630. Signals by Hand and Arm or Signal Lights.**

(a) Any stop or turn signal when required must be given either by means of the hand and arm or by signal lights.

(b) Any motor vehicle in use upon the roadway must be equipped with, and required signals must be given by signal lights.

(c) All signals herein required by hand and arm must be given from the left side of the vehicle in the following manner and such signals must 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.

**Sec. 631. Emergence from Alley, Driveway, Private Road or Building.**

The driver of a vehicle emerging from an alley, driveway, private road, or building within a business or residential area shall stop vehicle immediately prior to entering a roadway.

**Sec. 632. Overtaking and Passing School Bus.**

(a) The driver of a vehicle meeting or overtaking from either direction of any school bus stopped on the highway shall stop the vehicle before reaching the school bus where there is in operation on the school bus the flashing red lights, the stop sign on the control arm and the safety strobe lights are no longer activated.

(b) Every school bus must bear the words "SCHOOL BUS" in letters not less than eight inches in height.

(c) Every school bus may be equipped with safety strobe lights and shall be equipped with a stop sign on a control arm or flashing red lights which may be activated by the driver of the school bus whenever the vehicle is stopped on the roadway to receive or discharge school children.

**Sec. 633. Stopping, Standing or Parking on Roadway - Unattended Vehicles.**

No person may leave a vehicle unattended upon any roadway or upon tribal property which may be considered to endanger other users of the use of the roadways or tribal lands; or which may be considered to constitute a danger to children; or when such vehicle may be in danger of being vandalized or stolen.

**Sec. 634. Officer Authorized to Remove Illegally Stopped Vehicle.**

(a) When any police officer finds or is notified of a vehicle left standing on any roadway or upon any tribal property the officer is authorized to remove such vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a place of safety.

(b) Any police officer is hereby authorized to remove or cause to be removed to the nearest place of impoundment or other place of safety any vehicle found in this jurisdiction when:

- (1) A report has been made that such vehicle has been stolen or taken without consent of the owner.
- (2) The person or persons in charge of such vehicle are unable to provide for the vehicle's custody or removal.
- (3) The person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a judge without unnecessary delay.
- (4) When a vehicle has been determined to be unsafe or illegal for operation on

highways.

**Sec. 635. Stopping, Standing or Parking Prohibited in Specified Places.**

No person may 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 in any of the following places:

- (a) On a sidewalk.
- (b) In front of a public or private driveway.
- (c) Within ten feet of a fire hydrant.
- (d) Within a designated school zone.
- (e) Within twenty feet of the driveway entrance to any fire station.
- (f) Along side or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (g) At any place where official signs prohibit stopping, standing or parking.

The Chitimacha Tribal Council may place official traffic-control devices prohibiting or restricting the stopping, standing or parking of vehicles on any roadway or areas within this jurisdiction where in its opinion such stopping, standing or parking of vehicles would unduly interfere with the free movement of vehicular or pedestrian traffic.

**Sec. 636. Obstruction to Driver's View or Driving.**

(a) No person may drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons over the number of persons over the number for which the vehicle was designed, so 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 may ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with his or her control over the driving mechanism of the vehicle.

**Sec. 637. Opening and Closing Vehicle Door.**

No person may open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the

movement of other traffic, nor may 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.

**Sec. 638. Following Fire Apparatus.**

The driver of any vehicle other than one on official business may not follow any fire apparatus traveling in response to a fire alarm, closer than five hundred feet or stop such vehicle within five hundred feet of a fire apparatus stopped in answer to a fire alarm.

**Sec. 639. Crossing Fire Hose.**

No vehicle may be driven over any unprotected hose of a fire department when the hose is laid down on any street, private road, driveway or at any other location in this jurisdiction, to be used at any fire or alarm of fire without the consent of the fire department official in command.

**Sec. 640. Garbage, Glass, Rubbish, and Injurious Materials on Roadway or Designated Public Recreation Areas Prohibited.**

(a) No person may throw or deposit upon any roadway or public recreational area, any glass bottle, glass, nails, tacks, wire, cans or other object or substance likely to injure any person, animal or vehicle, or throw or deposit rubbish of any kind.

(b) Any person who drops or permits to be dropped or thrown, upon any roadway or public recreational area, 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 roadway or public recreational area, shall remove any glass or other injurious substance dropped upon the roadway from such vehicle or vehicles.

**Sec. 641. Fleeing or Attempting to Elude a Police Officer.**

Any driver of a motor vehicle who willfully fails or refuse to bring the vehicle to a stop, or who otherwise flees or attempts to elude in any manner, a pursuing police vehicle or police officer, when given a visual or audible signal to bring the vehicle to a stop is in violation of this section. A signal complies with this section if the signal is perceptible to the driver and:

(a) If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the police vehicle is appropriately marked showing it to be an official police vehicle; or

(b) If not given from an official vehicle, the signal is given by hand, voice, emergency

light or siren and the officer is in uniform and his or her badge of office is prominently displayed.

**PENALTY:** Any person who is found guilty of this section shall be fined an amount not to exceed \$1000.00 or imprisoned for a period not to exceed 100 days or to both fine and imprisonment.

**Sec. 642. Driving while Under the Influence of Intoxicating Liquors or Drugs.**

(a) It is unlawful for any person who is under the influence of intoxicating liquor or who is under the influence of any drug, as defined by Title III, Subchapter C, Section 509 of the Code, to a degree which renders him incapable of safely driving a motor vehicle to operate or be in actual physical control of any motor vehicle upon the highwayroadway.

(b) In any civil or criminal prosecution for a violation of paragraph (a) of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

(1) If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

(2) If there was at that time in excess of 0.05 percent but less than 0.~~10~~08 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(3) If there was at that time 0.~~10~~08 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(4) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood or grams of alcohol per two hundred ten liters of alveolar breath.

(5) In addition to the results of chemical analysis as set forth in paragraph (b), other competent evidence may be introduced on the question of whether the defendant was under the influence of intoxicating liquor.

(c) A person who commits the offense set forth in this section is guilty of driving while under the influence of intoxicating liquors or drugs and may be sentenced according to the following:

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**FIRST OFFENSE:** Convicted first offenders shall be fined a sum not less than \$350.00, not more than \$500.00 and imprisoned not less than 5 days, nor more than 30 days, and suspension of his or her right to operate a motor vehicle within this jurisdiction for a period of 35 days.

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**SECOND OFFENSE:** At any time within five years from the date of a first offense, convicted second offenders shall be fined a sum not less than \$750.00 nor more than \$1500.00 and imprisonment for a period not less than 60 days, nor more than 90 days, and suspension of right to operate a motor vehicle within this jurisdiction for a period of 150 days.

**THIRD OFFENSE:** At any time within five years from the date of a second offense, convicted third offenders shall be fined a sum not less than \$1500.00 nor more than \$2500.00 and imprisoned for a period not less than 90 days, nor more than 180 days, and suspension of right to operate a motor vehicle within this jurisdiction for a period of 270 days.

**FOURTH OFFENSE AND EACH SUBSEQUENT OFFENSE WITHIN A FIVE-YEAR PERIOD:** At any time within five years from the date of a third offense, convicted fourth and subsequent offenders shall be fined not less than a sum of \$2500.00, nor more than \$3500.00, and imprisonment for a period not less than 6 months, nor more than a period of 1 year, and suspension of right to operate a motor vehicle within this jurisdiction for a period of 1 year.

**Sec. 643. Administration of Chemical Analysis Tests.**

A chemical test or tests in addition to any administered at the direction of a law enforcement officer with all costs of an additional test or tests to be the sole responsibility of the person charged. The failure or inability to obtain an additional test by a person shall not preclude the admission of the test or tests taken at the direction of law enforcement officer. Upon the request of the person who is tested, full information concerning the test or tests taken at the direction of the law enforcement officer shall be made available to him or her.

(a) The results of such chemical analysis shall be received in evidence when it is shown that the person charged consented to the test and the test was fairly administered, provided that a

test of a person's blood, urine, breath or other bodily substance and the result thereof is further shown to have been performed according to methods and/or with devices approved by the Louisiana State Toxicologist and by an individual possessing a certificate of qualification to administer the test by the State Toxicologist. The State Toxicologist is authorized to approve satisfactory techniques, devices and methods of chemical analysis, and to determine and certify the qualifications of individuals to conduct such analysis. The State Toxicologist may appoint, train, certify and supervise field inspectors who shall report the findings of any inspection to the State Toxicologist for appropriate action. Chemical analysis of blood, saliva, urine or other bodily substance shall be conducted by an approved technician or medical doctor or by the U.S. Public Health Service. These tests may also be conducted by the State Chemical Analysis Lab.

(b) Any person who is dead, unconscious, or otherwise in condition rendering him incapable of refusal, shall be deemed ~~to have withdrawn the consent~~ ed to the test provided for in ~~by~~ subsection (a) and the test or tests may be given.

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(c) If a person refuses to submit to a test as provided under section (a), the following procedures apply:

(1) The Tribe shall revoke, suspend and deny driving privileges on this Reservation.

(2) The law enforcement officer, within five days of the test refusal, shall forward to the Chitimacha Tribal Court a sworn report. The sworn report shall include information as provided in subsection ~~(d)~~.

(d) If a person refuses to submit to testing under subsection (a), none shall be given absent a warrant obtained under Title II, Chapter 3, Section 301 or authorization of a warrantless search under Title II, Chapter 3, Section 303, but the Tribal Court upon the receipt of a sworn report of the law enforcement officer, forwarded by the officer within five days after the refusal, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 642, that the person was lawfully arrested and that the person had refused to submit to the test or tests under subsection (a) shall revoke that person's privilege to drive on the Reservation for one year, subject to the opportunity for a pre-revocation hearing and post-revocation review as provided in this section.

(e) Before issuing an order of revocation under subsection (f), the Court shall give the person a written notice of intention to revoke and afford that person an opportunity for hearing if the person mails a request back to the Court within five days after the date of receipt of this written notice. The hearing must be held within twenty days after the date of request for a hearing is reviewed by the Court. The hearing may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of Section 642; whether the person was placed under arrest; and whether that person refused to submit to the test or tests. Whether the person was informed that the privilege to drive would be revoked or denied for refusal to submit to the test or tests is not an issue. At the close of the hearing, the Judge shall notify the person of the Judge's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the Judge finds, based on a preponderance of the evidence, that the person refused a test under subsection (1), the Judge shall immediately suspend, revoke, and deny driving privileges within the exterior boundaries of the Reservation for a length of time set by law and determined by the Court. If the person who requested the hearing does not appear at the hearing without justification, the right to a hearing is waived and the Court's determination on the revocation of the privilege to drive will be based on the written request for a hearing, the law enforcement officer's report and such other evidence as may be available.

(f) Any person aggrieved by the decision of the Tribal Court after a hearing under subsection ~~(e)~~ -

~~(g)~~ may appeal that decision to the Appeals Court in accordance with Title I, Chapter 2 of this Code. The decision will not be stayed pending appeal. The Court shall affirm the decision of the Tribal Court unless it finds the evidence insufficient to warrant the conclusion reached by the Court. The Appeals Court may direct that the matter be returned to the Court for rehearing on the presentation of additional evidence.

(g) If the person under arrest refuses to submit to the test or tests, proof of refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquors, drugs, or a combination thereof.

(h) If any licensed physician, nurse, technician or an employee of a hospital shall draw blood from any person pursuant to a request of any arresting officer he or she shall not be liable in any civil action for damages arising out of said act except for gross negligence.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 644. Physical Control.**

A person may be charged of being in physical control of a motor vehicle under this section if it is determined that the person was:

- (a) Found to be in the immediate area of the vehicle, and;
- (b) He or she has the keys to the vehicle or has immediate access to the keys, and;
- (c) That he or she is in an intoxicated condition or is under the influence of a drug or substance which renders him or her capabilities of safely operating a motor vehicle impaired, and;
- (d) That the vehicle involved is capable of being moved.

**Sec. 645. Chemical Test For Driver in Serious Bodily Injury or Fatal Crash.**

When the driver of a vehicle is involved in an accident resulting in the death or serious bodily injury of another person, and there is probable cause to believe that a driver is in violation of Section 642, the driver may be compelled by a police officer to submit to a test or tests of the driver's blood, breath, saliva, or urine to determine the alcohol concentration or the presence of other drugs or substance.

**Sec. 646. Persons Qualified to Administer Test and Opportunity for Additional Test.**

Only a physician or a qualified technician, chemist, or registered nurse acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcohol, drug, or combination thereof, content therein. This limitation does not apply to the taking of breath, saliva, or urine specimens. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any tests administered at the direction of a law enforcement officer, with all costs of any additional test or tests to be the sole responsibility of the person charged. The failure or inability to obtain an additional test by a person does not preclude the

admission of the test or tests taken at the direction of a police officer. Upon request of the person who is tested, a copy of the operational checklist and test record of a breath sample test or analytical report of a blood, urine, or saliva sample test taken at the direction of a police officer must be made available to that person by the law enforcement agency which administered the test or tests.

**Sec. 647. Consent of Person Incapable of Refusal ~~Not Withdrawn.~~**

Any person who is dead, unconscious, or otherwise in a condition rendering him or her incapable of refusal, must be deemed ~~not~~ to have consented to the test provided for under Section 643. ~~withdrawn the consent provided by section 1840. and the test or tests may be given.~~

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**Sec. 648. Obedience to Police Officer or Fireman.**

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

**Sec. 649. Person Riding Animal or Driving Animal-Drawn Vehicle.**

Any person riding an animal or driving any animal-drawn 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 which by their very nature can have no application.

**Sec. 650. Underage Driving while Under the Influence of Intoxicating Liquors or Drugs.**

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(a) It is unlawful for any person under the age of twenty one years who is under the influence of intoxicating liquor or who is under the influence of any drug, as defined by Title III, Chapter 5, Subchapter C, Section 509, to a degree which renders him incapable of safely driving a motor vehicle to operate or be in actual physical control of any motor vehicle upon the roadway.

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(b) Sections 643 through 649 shall apply to any civil or criminal prosecution for a violation of paragraph (a) of this section. The amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

(1) If there was at that time less than 0.01 percent by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the

influence of intoxicating liquor.

(2) If there was at that time in excess of 0.01 percent but less than 0.02 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(3) If there was at that time 0.02 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(4) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood or grams of alcohol per two hundred ten liters of alveolar breath.

(5) In addition to the results of chemical analysis as set forth in paragraph (b), other competent evidence may be introduced on the question of whether the defendant was under the influence of intoxicating liquor.

(c) A person who commits the offense set forth in this section is guilty of underage driving while under the influence of intoxicating liquors or drugs and may be sentenced according to the following:

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**FIRST OFFENSE: Convicted first offenders shall be fined a sum not more than \$250.00 and imprisoned not more than 30 days, and suspension of his or her right to operate a motor vehicle within this jurisdiction for a period of 35 days.**

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**SECOND OFFENSE: At any time within five years from the date of a first offense, convicted second offenders shall be fined a sum not less than \$150.00 nor more than \$500.00 and imprisonment for a period not less than 10 days, nor more than 60 days, and suspension of right to operate a motor vehicle within this jurisdiction for a period of 150 days.**

**THIRD AND EACH SUBSEQUENT OFFENSE WITHIN A FIVE-YEAR PERIOD: At any time within five years from the date of a second offense, convicted third and subsequent offenders shall be fined a sum not less than**

**\$250.00 nor more than \$1000.00 and imprisoned for a period not less than 10 days, nor more than six months, and suspension of right to operate a motor vehicle within this jurisdiction for a period of 270 days.**

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**Sec. 651. Commercial Driving While Under the Influence of Intoxicating Liquors or Drugs.**

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(a) It is unlawful for any person who operates a commercial motor vehicle pursuant to a commercial driver's license or a federal, state, or tribal government issued motor vehicle and who is under the influence of intoxicating liquor or who is under the influence of any drug, as defined by Title III, Chapter 5, Subchapter C, Section 509, to a degree which renders him incapable of safely driving that motor vehicle to operate or be in actual physical control of that motor vehicle upon the roadway.

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(b) Sections 642 through 649 shall apply to any civil or criminal prosecution for a violation of paragraph (a) of this section, except that the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

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(1) If there was at that time less than 0.01 percent by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

(2) If there was at that time in excess of 0.01 percent but less than 0.02 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(3) If there was at that time 0.02 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(4) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood or grams of alcohol per two hundred ten liters of alveolar breath.

(5) In addition to the results of chemical analysis as set forth in paragraph (b), other competent evidence may be introduced on the question of whether the defendant was under the influence of intoxicating liquor.

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## CHAPTER 7. CHITIMACHA BICYCLE CODE

### Sec. 701. Traffic Laws Apply to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle except to those provisions which by their nature an have no application.

### Sec. 702. Riding on a Bicycle.

(a) A person propelling a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle may be used to carry more persons at one time than the number for which it is designed and equipped.

### Sec. 703. Clinging to Vehicle.

No person riding upon any bicycle, coaster, skates, sled, or toy vehicle may attach the same or him or herself to any vehicle upon the roadway.

### Sec. 704. Riding on Roadway.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway may not ride more than two abreast, except on areas within the jurisdiction not considered as roadways.

### Sec. 705. Carrving Articles.

No person operating a bicycle may carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

### Sec. 706. Lamps and Other Equipment on Bicycles.

(a) Every bicycle when in use during the hours of darkness must be equipped with a lamp on the front which emits a white light visible from a distance of at least 500 feet to the front and

with a red reflector on the rear of a type approved by the Chief of Police. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) Every bicycle must be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

#### **CHAPTER 8. CHITIMACHA MOTORCYCLE CODE**

##### **Sec. 801. Traffic Laws Apply to Person Operating Motorcycle or Motorized Bicycle.**

Every person operating a motorcycle or motorized bicycle, or motor-scooter is granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle under this chapter.

##### **Sec. 802. Riding on a Motorcycle.**

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator may not carry any other person, nor may any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the motorcycle.

##### **Sec. 803. Operating Motorcycles on Roadways Laned for Traffic.**

(a) All motorcycles are entitled to full use of a lane and no motor vehicle may be driven in such a manner as to deprive any motorcycle of the full use of a lane.

(b) The operator of a motorcycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person may operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles may not be operated more than two abreast in a single lane.

##### **Sec. 804. Clinging to other Vehicles.**

No person riding upon a motorcycle may attach himself or herself on the motorcycle or to any other vehicle on a roadway.

##### **Sec. 805. Footrests.**

Any motorcycle carrying a passenger other than in a sidecar or enclosed cab must be

equipped with footrests for such passenger.

**Sec. 806. Equipment for Motorcycle Riders.**

No person **under the age of eighteen (18) years** shall operate or ride upon any motorcycle, motor driven cycle, or motorized bicycle unless the person is equipped with and is wearing on the head a safety helmet of the type and design manufactured for use by operators of such vehicles, which shall be secured properly with a chin strap while the vehicle is in motion. All such safety helmets shall consist of lining, padding, visor, and chin strap and shall comply with ANSI 2-87 Standards.

(Revised by Ordinance# 4-99; Adopted: October 21,1999; Effective: October 21, 1999)

**Sec. 807. Motorcycle Equipment: Frame-Chassis Requirements.**

The motorcycle frame-chassis, including the suspension components and engine mountings, must be of substantial construction capable of supporting the combined weight of all vehicle components and riders for which the vehicle is designed and to withstand normal road shocks and operational stress without constituting a hazard to the riders or other users of the roadway.

**Sec. 808. Brakes.**

Every motorcycle must have a brake system which complies with the rules promulgated by the Register of Motor Vehicles Department of the State of Louisiana.

**Sec. 809. Brakes on Motor-Driven Cycles.**

The Chief of Police or his or her designees may require an inspection of the brake system on any motor driven cycle and may disapprove any brake system which is not so designed or constructed so as to insure reasonable and reliable performance when in actual use. Any cycle found to be with brakes not meeting that standard will not be allowed to be used within this jurisdiction.

**Sec. 810. Tires, Wheels and Rims Must Comply with the Louisiana Law Steering and Suspension Systems.**

The tires, wheels, rims, steering, and suspension systems of motorcycles must comply with the laws of the State of Louisiana for such equipment or systems.

**Sec. 811. Fuel System.**

(a) All fuel system components, including the tank, pump, tubing, hoses, clamps, etc. must be securely fastened to the motorcycle so as not to interfere with vehicle operation and must be leak-proof.

(b) Fuel lines must be positioned in a manner to prevent their contact with the engine head, manifold, exhaust systems, or other high temperature surfaces or moving components. The fuel system must be adequately vented and provided with a fuel shut off valve located between the fuel supply and the engine.

**Sec. 812. Exhaust Systems - Prevention of Noise.**

Motorcycles must be equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of effectively reducing engine noise. Cutouts and bypasses in the exhaust system are prohibited. The system must be leak-proof and all components must be securely attached to the vehicle and located so as to not interfere with the operation of the motorcycle.

Shielding must be provided to prevent inadvertent contact with the exhaust system by the operator or passenger during normal operation. All motorcycles operating in this jurisdiction must meet the noise decibel limitations as established by the environmental agency. No person may sell, offer for sale, or install any noise suppressing system or device which will produce noise in excess of the maximum allowable decibel limitations of this section.

**Sec. 813. Mirror.**

Every motorcycle must be equipped with at least one mirror or unit magnification, securely affixed to the handlebar and capable of adjustment within a range that will reflect an image that includes at least the horizon and/or the road surface to the rear of the motorcycle. Such mirror must consist of a minimum reflective surface of ten square inches. All mirror shall not contain sharp edges or projections capable of producing injury.

**Sec. 814. Fenders.**

Each wheel of a motorcycle must be equipped with fenders or otherwise covered by the body configuration. Fenders must be securely mounted and of sufficient size and strength to minimize water or other road surface substances from coming in contact with the vehicle riders, or

throwing the road substances unreasonably to the rear of the vehicle. Fender design must be effective in reducing side spray.

**Sec. 815. Seat or Saddle.**

A seat or saddle securely attached to the vehicle must be provided for the use of the operator. The seat or saddle may not be less than 25 inches above a level road surface when measured to the lowest point on top of the seat or saddle cushion with the operator seated in a driving position. The seat or saddle adjustment locking device must prevent relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.

**Sec. 816. Chain Guard.**

Any drive chain on a motorcycle must be equipped with a chain guard or covering device to prevent chain or chain sprocket contact with any rider.

**Sec. 817. Vehicle Stand.**

All motorcycles designed with two wheels must be equipped with a retracting vehicle stand to permit the vehicle to remain in an upright stored position without outside assistance. The stand may be of a side or center type and must be of substantial construction to hold the vehicle so equipped.

**Sec. 818. Horn.**

Every motorcycle must be equipped with an operative horn in good working order. The horn must operate from a control device located on the left handlebar.

**Sec. 819. Speedometer and Odometer.**

Every motorcycle must be equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and must be fully illuminated when the headlamp is activated.

**Sec. 820. Lighting Equipment.**

Every motorcycle must be equipped with headlamps, and rear tail lights. The headlamps must be activated at all times when the vehicle is in operation in this jurisdiction. The headlamp on a motor-driven cycle must be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than 25 mph and at a distance of not less than three hundred feet when the motor-driven cycle is operated at

a speed of 25 or more mph.

In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, the lamp or lamps must be so aimed that when the vehicle is loaded none of the high intensity portion of light at a distance of 25 feet projects higher than the level of the center of the lamp from which it comes. When meeting any vehicle, multi-beam lamps will be dimmed at a distance of no less than 300 feet.

**Sec. 821. Passenger Seat.**

Motorcycles designed to carry more than one person must be equipped with a securely mounted seat for each passenger located to the side or rear of the driver such that the passenger seat does not interfere with the driver's control or operation of the vehicle.

**PENALTY:** Any person operating a motor-driven cycle in violation of Chapter 8 shall pay a fine not to exceed \$100.00 and/or the motor-driven cycle may be impounded by the halting officer. The vehicle may be taken out of impound on paying a fee of \$50.00 and may not be operated within the jurisdiction until the vehicle complies with this section.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**CHAPTER 9. ALL TERRAIN VEHICLES**

**Sec. 901. Definitions.**

"**All Terrain Vehicle**" (ATV) - means any motorized off-roadway vehicle, traveling on three or more tires, designed for operator use with or without passengers.

"**Operate**" - means to ride in or on and control of the ATV.

"**Operator**" - means a person who operates and is in actual physical control of an ATV.

"**Owner**" - means a person other than a lien holder, having the property ownership in or title to an ATV and entitled to its use.

**Sec. 902. Operation of All Terrain Vehicles.**

(a) A person may not operate an all-terrain vehicle upon any roadway, roadway shoulder in this jurisdiction.

(b) Any operator of an ATV may make a direct crossing of a roadway but such operator shall:

(1) First bring the ATV to a complete stop before crossing any roadway.

- (2) Yield the right of way to any motor-vehicle or pedestrian.
- (3) Cross the roadway only when such crossing can be made in safety.

(c) A person may not operate an ATV in the following ways which are declared to be unsafe and a public nuisance.

- (1) In any area which prohibits the use of ATV's as designated by the Tribal Council and so clearly marked.
- (2) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
- (3) While under the influence of intoxicating liquor or a controlled substance.
- (4) In any garden or tree nursery area, school area, business area or area not owned by the operator or his or her family (if a minor).

**PENALTY: Any person violating this section shall be fined an amount not to exceed \$250.00 and/or the ATV may be impounded and held until impoundment fee in the amount of \$50.00 is paid.**

**Sec. 903. Operation of ATV Upon Roadways.**

**EXCEPTION:**

Any ATV which is duly registered with the State of Louisiana and with the Chitimacha Tribe of Louisiana and operated by a person who is a duly licensed operator and who has the required liability insurance may operate any ATV upon the roadways within this jurisdiction.

(Revised by Ordinance #6-93; Adopted: May 10, 1993; Effective: May 10, 1993)

**CHAPTER 10. ABANDONED AND IMPOUNDED VEHICLES**

**Sec. 1000. Abandoned Vehicle.**

A motor vehicle shall be deemed abandoned if it is;

(a) lacking in one or more parts essential to its mechanical functioning, or is otherwise inoperable so that it has no substantial potential for further use consistent with its usual functions, and;

(b) not moved and/or no repairs are attempted for seven (7) consecutive days.

**PENALTY: Any person who unlawfully abandons a motor vehicle, or owns a motor**

**vehicle that is abandoned unlawfully shall be fined an amount not less than \$100.00 or more than \$500.00, plus they shall be responsible for all actual expenses incurred in the removal and impoundment of said vehicle.**

(Added by Ordinance #14-93; Adopted: October 1,1993; Effective: October 1,1993; Revised by Ordinance #7-98; Adopted: June 18,1998 ; Effective: June 18,1998)

**Sec. 1001. Impoundment.**

Upon discovery of any abandoned vehicle, Tribal Law Enforcement shall inspect the vehicle for evidence of ownership, and shall make a reasonable effort to determine its ownership and/or any liens of record. If the name and address of the owner and/or lien holder of the vehicle are ascertained, the officer shall notify the party. Said Notice shall specify that:

(a) the vehicle must be removed within ten (10) days of the date of the notice, or it will be impounded and removed by the Tribal Police, and;

(b) the owner and/or lien holder may redeem the vehicle after impoundment upon presenting satisfactory proof of ownership or right to possession, payment of the civil penalties and expenses of 49,50,51,5removing and storing the vehicle, not more than thirty (30) days after the date of notice, otherwise the vehicle will be sold.

Any vehicle which has been impounded under the authority of this code shall be held by the Chitimacha Police Department in a safe and secure location as designated by the Chief of Police.

(Revised by Ordinance #14-93; Adopted: October 1,1993; Effective: October 1,1993)

**Sec. 1002. Disposition of Abandoned Vehicles.**

(a) If the vehicle is not redeemed within thirty (30) days after the date of notice as provided in Sec. 1001, the vehicle may be sold or otherwise disposed of, and/or;

(b) If the owner and/or lien holder was not determined, the Chief of Police shall publish in the parish newspaper of record the intention to sell or otherwise dispose of the abandoned vehicle giving the vehicle's description including VIN number.

(Revised by Ordinance #14-93; Adopted: October 1,1993; Effective: October 1,1993)

**Sec. 1003. Sale of Abandoned Vehicle.**

The Chief of Police shall give notice designating the date, location, and time on an auction to be held of any and all abandoned vehicles.

(a) When any vehicle is sold, the Tribe shall execute a Certificate of Sale in duplicate, deliver an original copy to the purchaser and retain a copy for their records. The Certificate of Sale shall contain;

- (1) the name and address of the purchaser;
- (2) the date of sale;
- (3) the consideration paid;
- (4) a description of the vehicle, and;
- (5) a stipulation that no warranty is made as to the condition or title of the vehicle.

All proceeds received from the sale of abandoned vehicles shall be deposited in the general account of the Chitimacha Tribe.

(Revised by Ordinance #14-93; Adopted: October 1,1993; Effective: October 1,1993; Revised by Ordinance # 7-98; Adopted: June 18,1998; Effective: June 18,1998 )

(Section 1004 omitted by Ordinance #14-93; Adopted: October 1,1993; Effective: October 1,1993)

**CHAPTER 11. MOTOR VEHICLE EQUIPMENT REQUIREMENTS**

**Sec. 1101. When Lamps are Required.**

Every vehicle upon a highway within this jurisdiction at any time from sunset to sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the roadway are not clearly visible at a distance of one thousand (1000) feet ahead must display lighted lamps and illuminated devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles. Stoplights, turn signals, and other signaling devices must be lighted as prescribed for the use of such devices.

**Sec. 1102. Visibility Distance and Mounted Height of Lamps.**

(a) Whenever requirement is hereinafter declared as to distance from which certain lamps

and devices render objects visible or within which lamps or devices must be visible, said provisions apply during the times stated in section 1101 in respect to a vehicle without load when upon a straight, level, unlighted roadway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) When requirement is hereinafter declared as to the mounted height of lamp or devices it means from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(Revised by Ordinance #6-93; Adopted: May 10, 1993; Effective: May 10, 1993)

**Sec. 1103. Headlamps on Motor Vehicle.**

(a) Every motor vehicle must be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps must comply with the requirements and limitation set forth in this chapter.

(b) Every headlamp upon every motor vehicle must be located at a height measured from the center of the headlamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in subsection (b) of section 1102.

(Revised by Ordinance #6-93; Adopted: May 10, 1993; Effective: May 10, 1993)

**Sec. 1104. Tail Lamps.**

(a) Every motor vehicle, trailer, semi-trailer, and pole trailers and any other vehicle which is drawn at the end of a train of vehicles, must be equipped with at least one tail lamp mounted on the rear, which when lighted as hereinbefore required, must emit a red light plainly visible from a distance of one thousand (1000) feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. Every such above-mentioned vehicle, other than a truck tractor, registered and manufactured or assembled after January 1, 1964, must be equipped with at least two tail lamps mounted on the rear of the same level and as widely spaced laterally as practicable, which, when lighted as herein required, comply with the provisions of this section.

(b) Every tail lamp upon every vehicle must be located at a height of not more than seventy-two inches nor less than fifteen inches from the ground.

(c) Either a tail lamp or a separate lamp must be so constructed and placed as to illuminate

with a white light on the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, must be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

**Sec. 1105. Motor Vehicle to be Equipped with Reflectors.**

(a) Every motor vehicle operated upon a roadway in this jurisdiction must carry on the rear, either as part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section.

(b) Every such reflector must be mounted on the vehicle at a height not less than fifteen inches nor more than sixty inches from the ground measured as set forth in subsection (a) of section 1111 and must be of size and characteristics and so mounted as to be visible as required in section 1112.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1106. Stop Lamps and Turn Signals Required on Motor Vehicles.**

(a) No person may operate on the roadways any motor vehicle registered and manufactured or assembled after January 1, 1964, unless it is equipped with at least two stop lamps meeting the requirements of section 1119(a) except that a truck tractor manufactured or assembled after January 1, 1964 must be equipped with at least one stop lamp meeting the requirements of section 1119(a).

(b) No person may operate on the roadways any motor vehicle, trailer, or semi-trailer registered and manufactured or assembled after January 1, 1952, unless it is equipped with electrical turn signals in good working order meeting the requirements of section 1119(b). This section does not apply to any trailer or semi-trailer of less than three thousand pounds gross weight.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1107. Additional Lighting Equipment.**

(a) Any motor vehicle may be equipped with one or more backup lamps when separately or in combination with other lamps, but the backup lamp or lamps may not be lighted when the

vehicle is in a forward motion.

(b) Any vehicle may be equipped with one or more side marker lamps which may be flashed in conjunction with turn signals or vehicular hazard warning signals.

**Sec. 1108. Application of Succeeding Sections.**

Those sections of this chapter which follow immediately relating to clearance and marker lamps, reflectors, and stoplights, apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors, and certain trailers, semi-trailers and pole trailers, respectively, when operated upon any roadway, and said vehicles must be equipped as required and all lamp equipment required must be lighted at the times mentioned in section 1101, except that clearance and side marker lamps need not be lighted on any said vehicle when operated within this jurisdiction where there is sufficient light to render clearly discernable persons and vehicles on the roadway at a distance of five hundred (500) feet.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1109. Additional Equipment Required on Certain Vehicles.**

In addition to other equipment required in this chapter, the following vehicles must be equipped as herein stated under the conditions stated in section 1108.

(a) On every bus, truck, trailer, or semi-trailer, there must be the following:

- (1) on the rear, two reflectors, one at each side and one stoplight.
- (2) a trailer or semi-trailer which is not se loaded or of some dimensions as to obscure the stoplight on the towing vehicle need not be equipped with a stoplight.

(b) On every bus, truck, trailer, or semi-trailer eighty (80) inches or more in overall width there must be the following:

- (1) on the rear, two reflectors, one at each side, two clearance lamps, one at each side and one stop light.
- (2) on the front, two clearance lamps, one at each side.

(c) On every truck tractor there must be the following:

- (1) on the front, two clearance lamps, one at each side.
- (2) on the rear, one stoplight.

(d) On every pole trailer there must be the following:

(1) on the rear of the pole trailers exceeding three thousand pounds gross weight, there must be on each side, one side marker lamp and one clearance lamp which may be in combination to show to the front, side and rear.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1110. Color of Clearance Lamps, Side Marker Lamps, Back Up Lamps and Reflectors.**

(a) Front clearance lamps and those marker lamps and reflectors mounted on the front, or on the side near the front of a vehicle, must display or reflect amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear, or on the sides near the rear of a vehicle, must display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle must display or reflect a red color, except that the light illuminating the license plate must be white and the light emitted by a backup lamp must be white or amber.

**Sec. 1111. Mounting of Reflectors, Clearance Lamps and Side Marker Lamps.**

(a) Reflectors when required by section 1105 must be mounted at a height not less than fifteen inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than fifteen inches the reflector must be mounted as high as that part of the structure will permit. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. A required red reflector on the rear of a vehicle may be incorporated with the tail lamp but must meet all the other reflector requirements of this chapter.

(b) Clearance lamps must be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1112. Visibility of Reflectors, Clearance Lamps and Marker Lamps.**

(a) Every reflector upon any vehicle referred to in section 1105 must be of such size and

characteristics and so maintained as to be readily visible at night time from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful lower beams of headlamps, except that the reflectors on vehicles manufactured or assembled prior to January 1, 1970 must be measured in form of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle must reflect the required color of light to the sides, and those mounted on the rear must reflect a red color to the rear.

(b) Front and rear clearance lamps must be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred (500) feet from the front and rear of the vehicle.

(c) Side marker lamps must be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at a distance of five hundred (500) feet from the side of the vehicle on which mounted.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1113. Obstructed Lights not Required.**

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, not that all lights required on the rear of the rearmost vehicle of any combination must be lighted.

**Sec. 1114. Lamp or Flag on Projecting Load.**

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of the vehicle there must be displayed at the extreme rear end of the load at the times specified in section 1101, a red light or lantern plainly visible from a distance of at least six hundred feet to the sides and rear. The red light or lantern required under this section must be in addition to the red rear light required upon every vehicle.

At any other time there must be displayed at the extreme rear end of a load a red flag or

cloth not less than twelve inches square and so hung that the entire area is visible and the driver of a vehicle approaching from the rear.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1115. Lamps on Parked Vehicle.**

(a) Whenever a vehicle is lawfully parked upon a street or roadway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or roadway no lights need to be displayed.

(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such roadway, the vehicle must be equipped with at least one lamp displaying a white or amber light visible from a distance of one thousand feet to the front of the vehicle. The same lamp or at least one other lamp or lamps must display a red light visible from a distance of one thousand feet to the rear of the vehicle, and the location of the lamp or lamps must always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near practicable to the side of the vehicle which is closest to passing traffic.

(c) Any lighted headlamps upon a parked vehicle must be depressed or dimmed.

**Sec. 1116. Lamps on other Vehicles and Equipment.**

Every vehicle, including animal drawn or human drawn vehicles must at all times specified in section 1101 be equipped with at least one lamp displaying a white light visible from a distance or not less than one thousand feet to the front of the vehicle, and must also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or two red reflectors visible for distances of one hundred feet to six hundred feet to the rear when illuminated by the lower beam of headlamps.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1117. Spot Lamps and Auxiliary Lamps.**

(a) **Spot Lamps.** Any motor vehicle may be equipped with not to exceed two spot lamps

and every lighted spot lamp must be so aimed and used so that no part of the high intensity portion will strike the windshield, or any windows, mirror or occupant of another vehicle in use.

(b) **Fog Lamps.** Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in section 1121.

(c) **Auxiliary Passing Lamps.** Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 1121 apply to any combination of headlamps and auxiliary passing lamps.

(d) **Auxiliary Driving Lamps.** Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps. Any auxiliary driving lamp mounted at a height of less than sixteen inches or more than forty-two inches above the level surface upon which the vehicle stands may not be lighted when the vehicle is used upon a roadway. The provisions of section 1121 apply to any combination of headlamps and auxiliary driving lamps.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1118. Audible and Visual Signals on Vehicle.**

(a) Every authorized emergency vehicle must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren, exhaust whistle, or bell capable of causing a minimum sound intensity of eighty-five decibels, such siren or signal must be mounted outside of the vehicle or in front of the radiator.

(b) Every school bus, except small vehicles such as automobiles, station wagons, suburban, and van-type vehicles having a seating capacity of up to and including sixteen pupils, and every authorized emergency vehicle may be equipped with safety strobe lights and must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with:

(1) signal lamps mounted as high and as widely spaced laterally as practicable, which must be capable of displaying 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, and these lights must have sufficient intensity to be visible at five hundred feet in normal sunlight; and,

(2) a stop sign on a control arm that can be activated by the bus driver. The stop sign on the control arm must be located on the left side of the bus; be equipped with a flashing red light; and when activated, extend out from the bus at approximately a ninety degree angle.

(c) A police vehicle when used as an authorized emergency vehicle may, but need not, be equipped with alternately red lights specified herein.

**Sec. 1119. Signal Lamps and Signal Devices.**

(a) Any motor vehicle may be equipped and when required under this chapter must be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than three hundred feet to the rear in normal sunlight, and which shall be activated upon application of the service (foot) brake, and which may, but need not, be incorporated with one or more other rear lamps.

(b) Any motor vehicle may be equipped and when required under this chapter must be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. The lamps showing to the front must be located on the same level and as widely spaced laterally as practicable and when in use display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than three hundred feet to the front in normal sunlight, and the lamps showing to the rear must be located at the same level and as widely space laterally as practicable and when in use display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than three hundred feet to the rear in normal sunlight.

Any motor vehicle or combination of vehicles eighty inches or more in overall width, and manufactured or assembled after January 1964, must be equipped with the lamps required by the subsection mounted and spaced in the same manner but visible from a distance not less than five

hundred feet to the front and rear in normal sunlight. When actuated the lamps must indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Turn signal lamps may, but need not, be incorporated in other lamps on the vehicle.

- (c) No stop lamp or signal may project a glaring light.

**Sec. 1120. Vehicular Hazard Warning Lights.**

(a) Any vehicle may be equipped with lamps 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.

(b) After January 1, 1980, every bus, truck, truck tractor, trailer, semi-trailer or pole trailer eighty inches or more in overall width or thirty feet or more in overall length must be equipped with lamps meeting the requirements of this section.

(c) Vehicular hazard warning signal lamps used to display warning to the front must be mounted at the same level and as widely spaced laterally as practicable, and must display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display warning to the rear must be mounted at the same level and as widely spaced laterally as practicable, and must show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights must be visible from a distance of not less than five hundred feet in normal sunlight.

**Sec. 1121. Multiple Beam Road Lighting Equipment.**

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles must be so arranged that the driver may select at will between distributions of light projected to different elevations and these lamps may, in addition, be so arranged that selection can be made automatically, subject to the following limitations:

(a) There must be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least four hundred fifty feet ahead for conditions of loading.

(b) There must 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 one hundred fifty feet ahead; and on a straight level road under any condition of loading none of the high intensity portion of the beam may be directed to strike the eyes of an approaching driver.

(c) Every motor vehicle registered, which has multiple-beam road-lighting equipment must be equipped with a beam indicator, which must be lighted whenever the uppermost distribution of light from the headlamps is in use, and may not otherwise be lighted. The indicator must be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(d) Subsection C does not apply to those vehicles manufactured without a factory installed beam indicator.

**Sec. 1122. Use of Multiple-Beam Road-Lighting Equipment.**

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 1101, 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:

(a) When a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such drivers 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 subsection (b) of section 1121 must be deemed to avoid glare at all times, regardless of road contour and loading.

(b) When a driver of a vehicle follows another vehicle within three hundred feet to the rear, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in subsection (a) of Section 1121.

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1123. Special Restrictions on Lamps.**

(a) Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candle

power must 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 feet from the vehicle.

(b) No person may drive or move any vehicle or equipment upon any roadway with any lamp or device thereon displaying a blue, red or green light visible from directly in front of the center thereof. This section does not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.

(c) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, debris-removing equipment or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

**Sec. 1124. Brake Equipment Required.**

(a) Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a roadway must 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 must 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 must be so constructed that failure of any one part of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.

(b) Every farm tractor, motorcycle, and motor-driven cycle, when operated within this jurisdiction, must be equipped with at least one brake, which may be operated by hand or foot.

(c) Every trailer or semi-trailer when operated upon a roadway at a speed in excess of fifteen miles per hour must be equipped with safety chains or brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle and so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

(d) One of the means of brake operation must be parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a dry surface or loose material. The parking brakes must be capable of being applied in conformance with the

foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes must be so designed that when once applied they remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake assemblies may be used for both the service brakes and parking brakes.

**Sec. 1125. Maintenance of Brakes.**

All brakes must be maintained in good working order and must be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

**Sec. 1126. Horn and Warning Device.**

(a) While being operated upon a highway, every motor vehicle must 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 feet, but no horn or other warning device may emit an unreasonable loud or harsh sound or whistle.

Whenever reasonably necessary for safe operation, the driver of a motor vehicle upon a highway shall give audible warning with his or her horn, but may not otherwise use his or her horn while upon a highway.

(b) No vehicle may be equipped with nor may any person use upon any vehicle any siren, bell, or whistle, except as permitted in this chapter.

(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.

(d) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the chief of police, but the siren may not be used except when the 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 events the driver of the vehicle shall sound the siren when reasonable necessary to warn pedestrians and other drivers of approaching vehicles.

**Sec. 1127. Muffler Prevention of Noise and Smoke.**

(a) Every motor vehicle must at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person may use a muffler cutout, bypass, or similar device upon a motor vehicle within this jurisdiction.

(b) The engine and power mechanism of every motor vehicle must be so equipped and adjusted as to prevent escape of excessive fumes or smoke.

**Sec. 1128. Mirror.**

On and after January 1, 1964, every motor vehicle, operated singly or when towing any other vehicle, must be equipped with a mirror so located as to reflect to the driver a view of the roadway for a distance of at least two hundred feet to the rear of such motor vehicles.

**Sec. 1129. Windshield Must be Unobstructed and Equipped with Wipers - Tinted Windows.**

(a) Every motor vehicle must be equipped with a windshield. No person may drive any motor vehicle with any sign, poster, or other non-transparent material upon the front windshield, side wings, or side or rear windows which obstructs the driver's clear view of the roadway or any intersection roadway. This section does not apply to those vehicles which obviously are not required to have windshields or windows including: motorcycles, motor-driven cycles and golf carts.

(b) The windshield on every motor vehicle must be equipped with a device for clearing rain, or other moisture from the windshield, which must be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle must be maintained in good working order.

(d) A person may not operate a motor vehicle with any object or any material displayed, affixed, or applied on the front windshield or on any side window where the material alters the color or reduces the light transmittance, or reduces the clear and obstructed view through the windshield or window. This section does not apply to windows behind the driver or to tinted windows or windshields in compliance with the federal motor vehicle safety standards No. 205.

**Sec. 1130. Restriction on Tire Equipment.**

(a) Every solid rubber tire on a vehicle must have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No person may operate or move on any roadway any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the roadway surface.

**Sec. 1131. Restrictions to Tire Equipment.**

No tire on a vehicle moved on a roadway may have on its periphery any block, stud, flange,

cleat, or spoke or any other protuberance of any material other than rubber which projects beyond the trend of the traction surface of the tire, except that it is permissible to use farm machinery with tires that have protuberances which will not injure the roadway surfaces.

**Sec. 1132. Safety Belts.**

(a)

(1) Each driver of a passenger car, van, or truck having a gross weight of six thousand pounds or less, commonly referred to as a pickup truck, in this state shall have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion. The provisions of this Section shall not apply to those cars, vans, or pickups manufactured prior to January 1, 1981.

(2) A person operating or riding in an autocycle shall wear seatbelts while in forward motion.

(b) Except as otherwise provided by law, each front seat occupant of a passenger car, van, or truck having a gross weight of six thousand pounds or less, commonly referred to as a pickup truck, shall have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion, if a belt for his seating space has been provided by the manufacturer.

(c) This Section shall not apply to a motor vehicle operated by a rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier or to a farm vehicle being operated within five miles of the place of its principal use.

(d) This Section shall not apply to an occupant of a passenger car or operator with a physically or mentally disabling condition whose physical or mental disability would prevent appropriate restraint in the safety belt; however, the condition shall be duly certified by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate.

~~(e) No vehicle, driver or passenger in a vehicle, shall be inspected, detained, or searched solely because of a violation of or to determine compliance with this Section.~~

(e) Every owner shall maintain belts and assemblies required by this section in proper condition and in a manner that will enable occupants to use them.

**Sec. 1133. Child Restraint Devices - Penalty - Evidence.**

(a) Every operator of a motor vehicle who transports a child or children under the age of

five years in a motor vehicle which is equipped with safety belts at the time of manufacture or assembly, or is currently equipped with safety belts, shall have the child properly secured in accordance with the manufacturer's instructions in a child passenger restraint system which meets the applicable federal motor vehicle safety standards in effect on the effective date of this Section, except as provided in (C), (D), and (E).

(b) The term "**motor vehicle**" as used in this Section, shall not mean the following: bicycle, farm tractor; motorcycle; or motor-driven cycle; truck of manufacturer's rating carrying capacity of over 2000 pounds; ambulance or other emergency vehicle; school bus; church bus; private bus, or recreational vehicle which has a passenger capacity of over ten persons; or commercial truck, van, or taxi.

(c) If such child is three to five years of age, securing the child in a lap belt or safety belt in a rear seat shall be sufficient to meet the requirements of this Section. If there are no rear seats, a child passenger restraint system shall be used.

(d) When the number of children under the age of five in the motor vehicle exceeds the number of child passenger restraint systems and seat belts available in the motor vehicle, the unrestrained children shall be seated in a rear seat.

(e) The provisions of this Section shall not apply when one of the following conditions exists:

- (1) The motor vehicle is being used as an ambulance or other emergency vehicle.
- (2) An emergency exists which threatens the life of any person operating a motor vehicle to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this Section.
- (3) Any child who would otherwise be required to be restrained under this section who is physically unable because of medical reasons to use a child passenger safety system or safety belt.

(f) Violation of this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

**CHAPTER 12. EXPLOSIVE AND HAZARDOUS MATERIALS; OTHER SAFETY CONSIDERATIONS.**

**Sec. 1201. Vehicle Transporting Explosives or Hazardous Material.**

Any person operating any vehicle transporting any explosive or hazardous material as a cargo or part of a cargo in this jurisdiction must:

- (a) Obtain permission to do so from the Tribal Council and defining the cargo and purpose of transporting in this jurisdiction; and,
- (b) Must be in compliance with the current hazardous material regulations of the United States Department of Transportation and the regulations of the State of Louisiana.

**Sec. 1202. Vehicle to be Constructed to Prevent Shifting or Leaking Loads.**

No vehicle may be driven or moved in this jurisdiction unless it is so constructed or loaded as to prevent its contents from dropping, shifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled upon the roadway in cleaning and maintaining the roadway.

No person may operate on any roadway any vehicle with any load unless the load and any covering or load from becoming loose, detached, or in any manner a hazard to other users of the roadway.

**Sec. 1203. Drawbar or Connection Between Vehicles.**

The drawbar or other connection between two vehicles, one of which is towing or drawing the other on a roadway, must be of such design, strength and construction so as to prevent unintentional uncoupling of the vehicles.

**Sec. 1204. Air Conditioning Equipment.**

(a) The term "**air conditioning equipment**" as used or referred to in this section, means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passengers compartment of any motor vehicle.

(b) Air conditioning equipment must be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public and may not contain any refrigerant which is toxic to persons or which is flammable.

(c) No person may operate on any roadway any motor vehicle equipped with any air conditioning equipment unless the equipment complies with the requirements of this section.

**Sec. 1205. Modification of Motor Vehicle.**

Except as otherwise provided in this section, a person may not operate upon a roadway a motor vehicle of a type required to be registered under the laws of this state with a weight of seven thousand pounds or less with alteration or changes from the manufacturer's original design of the suspension, steering, or braking system of the motor vehicle. The weight must be computed on the bases of the unmodified and unloaded weight of the motor vehicle, and without regard to any ballast that may be placed in the vehicle as to bumpers, motor vehicle height, and permitted modifications, the following requirements also apply:

- (a) The motor vehicle must be equipped with front and rear bumpers.
- (b) The maximum body height permitted for the motor vehicle is forty-two inches.

Measurement of body height is made from level ground surface to the floor of the cargo area.

(c) The maximum bumper height permitted is twenty-seven inches. Measurement of bumper height is made from a level ground surface to the highest point on the bottom of the bumper.

- (d) The vehicle may be modified in accordance with the following:

- (1) Any modifying equipment must meet specialty equipment marketing standards.
- (2) If tires placed on a motor vehicle have a diameter greater than that of the tires on the motor vehicle as manufactured, those tires must comply with Department of Transportation requirements.
- (3) The maximum outside diameter permitted for tires is forty-four inches.
- (4) A horizontal drop bumper may be used to comply with the bumper height requirement of subsection three above. The horizontal bumper must:
  - (i) be at least three inches in vertical width,
  - (ii) extend the entire horizontal body width; and,
  - (iii) be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.
- (5) The maximum lift permitted in the suspension system is four inches.

- (e) A person charged with violating this section has the burden of proceeding to show that

the modifications are permitted under this section.

(f) Vehicles owned by law enforcement agencies, the military, fire fighting agencies, and ambulances, may be modified without regard to this section.

**Sec. 1206. Scope and Effect of Equipment Requirements.**

(a) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any roadway or elsewhere within this jurisdiction any vehicle or combination of vehicles which the actor knows to be in such unsafe condition as to endanger any person, or which the actor knows does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter, or which the actor knows is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fails to perform any act required under this chapter. Any person who, in violation of this chapter, drives, or any owner who causes or knowingly permits to be driven upon a roadway or elsewhere within this jurisdiction, any vehicle or combination of vehicles which that person knows is unsafe or improperly equipped is guilty of an infraction.

(b) Nothing contained in this chapter may be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as specifically made applicable.

(d) The provisions of this chapter with respect to equipment required on vehicles do not apply to motorcycles or motor-driven cycles, except as specifically made applicable.

(e) The provisions of this chapter and regulations do not apply to vehicles moved solely by human power, except as specifically made applicable.

(f) No person shall drive, or permit or allow any vehicle owned by them or under their control to be driven on any roadway or elsewhere within this jurisdiction, unless and until such vehicle bears an inspection tag showing it to have been inspected and approved, if such vehicle is required to be so inspected.

**PENALTY: Any person convicted for violating any part of this section, shall be fined an amount not to exceed \$ 50.00.**

(Revised by Ordinance #6-93; Adopted: May 10,1993; Effective: May 10,1993)

**Sec. 1207. Slow Moving Vehicles Required to Display Identification Emblem.**

All implements of husbandry and machinery, including all road construction machinery, designed for operation at a speed of 25 mph or less, must display either a triangular slow-moving vehicle emblem or a rotating or flashing amber light, when traveling upon any roadway or elsewhere in this jurisdiction. The emblem or light must be mounted so as to be visible from a distance of not less than 500 feet to the rear. No vehicle, other than those specified in this section, must display a slow-moving emblem, and its use on any type of stationery object is prohibited.

**Sec. 1208. Alteration of Odometers or Other Mileage Recorders, Hour Meters on Tachometers or Other Hour Recorders.**

A person may not willfully alter a motor vehicle odometer or other mileage recorder, hour meter on tachometer or other hour recorder for the purpose of deceiving another.

**PENALTY: Any person found guilty of an offense under this section shall be fined a sum not to exceed \$1000.00.**

**Sec. 1209. Exemption for Certain Street Rod Vehicles.**

The provisions of this chapter relating to bumpers, tires, and fenders do not apply to street rod motor vehicles. However, a street rod must have all equipment, in operating condition, which was specifically required by law as a condition for its sale when it was first manufactured. A street rod is a modernized motor vehicle which was manufactured before 1949 by a recognized manufacturer and which retains the general appearance and original body configuration as manufactured or a motor vehicle designed and manufactured to resemble such a motor vehicle. A street rod may have improved modifications to the body chassis, engine, brakes, power trains, steering, and suspension systems either by modifying the original equipment or replacing original parts with fabricated parts or those taken from other existing vehicles.