

Yurok Tribal Code, Public Health and Safety

YUROK VEHICLE ORDINANCE

Pursuant to its authority under Article IV, Section 5 of the Yurok Constitution, as certified on November 24, 1993, the Yurok Tribal Council hereby enacts the following ordinance to protect the health and safety of all persons on the Reservation:

GENERAL PROVISIONS

SECTION 3001. Short Title

This ordinance shall be referred to as the "Yurok Vehicle Ordinance."

SECTION 3002. Findings

Conduct and operations on Tribal roadways by Yurok tribal members and other persons within the Reservation has a direct effect on the political integrity, economic security, health and welfare of the Yurok Tribe and its members. Traffic violations endanger the health, safety, and welfare of all persons within the Reservation. There is a need to govern the actions of motorists within the Yurok Reservation boundaries and to adopt safety measures and regulations relating to vehicles operated on the Reservation.

It is within the Yurok Tribe's sovereign prerogatives and a responsible governmental action for the Yurok Tribe to assume regulatory jurisdiction over all public roadways and tribal thoroughfares within the Reservation boundaries, which is a finding supported by State of California decisions regarding Public Law 280 as it relates to Indian Tribes. It is also in the Yurok Tribe's best interest to adopt provisions for licensing of Yurok Tribal member drivers and registration of vehicles on the Reservation.

Due to the Public Law 280 status of the Yurok Reservation, it is in the best interest of efficient enforcement to adopt the sections of the California Vehicle Code which provide for public safety and order to minimize confusion to the driving public.

SECTION 3003. Purpose

The purpose of this ordinance includes the following:

(a) to exercise the inherent sovereignty of the Yurok Tribe to provide for the health, economy, and social well-being of Tribal members and to promote and protect tribal sovereignty in accordance with the Yurok Constitution;

(b) to exercise comprehensive tribal civil authority over conduct and activities on Tribal roadways by Yurok tribal members and other persons within the Reservation because such conduct and activities threaten or have a direct effect on the political integrity, the economic security, and the health and welfare of the Yurok Tribe;

(c) to reduce or eliminate hazards to public health, safety, and welfare due to traffic violations;
and

(d) to provide Tribal members and other persons within the Reservation clear provisions governing the Tribe's exercise and efficient enforcement of tribal regulatory authority over conduct and activities on Tribal roadways.

SECTION 3004. Sovereign Immunity Preserved

Except as judicial review is authorized in this ordinance, and in accordance with the Yurok Tribe's Supreme Ordinance, nothing in this ordinance shall be interpreted as a waiver of the Tribe's sovereign immunity from unconsented lawsuit, or as authorization for a claim for monetary damages against the Tribe.

SECTION 3005. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of its provisions to other persons or circumstances shall not be affected, and to this end, the provisions of this ordinance are severable.

SECTION 3006. Definitions

The Yurok Tribe recognizes and adopts all definitions within the CVC (sections 100-1499). The CVC definitions and definitions included in the YVO shall govern construction of the YVO. In the case of conflict between CVC and YVO definitions, YVO definitions shall prevail.

- (a) *Civil Infraction* or *Infraction* means any violation or failure to comply with the YVO.
- (b) *Council* or *Tribal Council* means the Yurok Tribal Council.
- (c) *CVC* means the California Vehicle Code.
- (d) *DMV* means the Department of Motor Vehicles operated by the State of California.
- (e) *DUI* means driving under the influence of alcohol or drugs as described in section 3203.
- (f) *Elder Parking* means a parking area reserved for persons 60 years of age and older, whether handicapped or not, and painted red with white lettering specifying "elder parking."
- (g) *Hardship* means a condition where fundamental necessities for life such as food, clothing, or shelter cannot be met due to a lack of available funds.
- (h) *Motor Vehicle* means a self-propelled vehicle, including UTVs and ORVs, but excluding self-propelled wheelchairs, motorized tricycles, or motorized quadricycles, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.
- (i) *Off Road Vehicle* or *ORV* means any all terrain vehicle, dirt bike, or similar motorized recreational vehicle used primarily for unimproved terrain or trails, but excluding UTVs.
- (j) *Public Offense* means any violation of tribal, state, or federal law, punishable by fine up to \$5000, imprisonment, exclusion, community service, or any combination of sanctions.

(k) *Reservation* or *Yurok Reservation* means all lands within the exterior boundaries of the Yurok Tribe Indian Reservation.

(l) *Tent* means a portable shelter of skins, canvas, plastic or the like, supported by one or more poles or a frame and often secured by ropes fastened to pegs in the ground. Tent includes but is not limited to marquee, pavilion, awning, canopy and tabernacle.

(m) *Trailer* means a vehicle, other than a motor vehicle, designed to be drawn by a motor vehicle. A trailer includes but is not limited to a trailer coach designed for human occupancy or habitation, park trailers, semi-trailers, boat trailers, flat bed trailers, box trailers and horse trailers.

(n) *Tribal Court* means the Yurok Tribal Court, which maintains primary jurisdiction to hear violations of the YVO.

(o) *Tribal Driver's License* means that license issued by the Yurok Tribe to a qualified Tribal member and granting a Tribal member certain driving privileges.

(p) *Tribal Member* means a duly enrolled member of the Yurok Tribe and listed on the Yurok Tribal Membership Roll.

(q) *Tribal Police* means the Yurok Tribe Police Department.

(r) *Tribal Roadway* means any road, street, drive, parking facility, or highway within the Reservation, not on private property, and used for vehicular travel, including rights-of-way through tribal land assignments and allotments.

(s) *Tribe* means the Yurok Tribe acting through the Tribal Council and its authorized entities and programs.

(t) *UTV* means a side by side vehicle with a steering column and steering wheel, bucket or bench seats, weighing more than 1000 pounds, having a wheel base of more than 50 inches, and having four wheels. A UTV must be equipped with the following:

- (1) One or more headlamps;
- (2) One or more taillights;
- (3) One or more red reflectors on the rear of the vehicle;
- (4) One or more stop lamps on the rear;
- (5) Amber or red electric turn signals;
- (6) A horn or other audible warning device;
- (7) Rear view mirrors on the right side and left side of the driver;
- (8) A windshield, unless the driver wears eye protection, goggles, or a helmet with face shield;

(9) Seat belts for the driver and each passenger; and

(10) An illuminated speedometer for nighttime use.

(u) *YVO* means the Yurok Vehicle Code.

(v) *YDMV* means the Yurok Department of Motor Vehicles, operated by the Yurok Tribe.

(w) *YTDPS* means the Yurok Tribe Department of Public Safety.

(x) *Zero Tolerance* means certain behaviors that are not condoned or allowed in any way as deemed by Council and constitute violations of the YVO.

CHAPTER 1. APPLICATION AND ENFORCEMENT

SECTION 3101. The Yurok Tribe incorporates the CVC provisions as they relate to driving regulations, but not the penalties provisions of the CVC. Any civil infraction or public offense under the CVC is also a violation of the YVO and enforceable in Tribal Court.

SECTION 3102. The YVO shall apply to all vehicles operating within the Yurok Reservation. It shall also apply to all pedestrians, bicycles, riding animals, and all other modes of vehicular transport not specifically mentioned.

SECTION 3103. When traffic violations occur, either a civil infraction or public offense, in the presence of a law enforcement officer, that officer has a duty to act. Any YTDPS officer or sworn law enforcement officer designated by the Tribal Police Chief may enforce any section of this ordinance.

SECTION 3104. The Yurok Tribe may enter into cooperative agreements to allow other law enforcement agencies to enforce the YVO.

SECTION 3105. Nothing in this ordinance prohibits concurrent prosecution by State and Tribal Courts to the extent allowed under Public Law 280 for vehicle code violations submitted by the Tribe to the State of California that meet the criteria for misdemeanor or felony level public offenses.

SECTION 3106. When new laws are added to the CVC that relate to the safety of vehicles driving on roadways, including Tribal roadways, those sections will be adopted and enforceable automatically through this ordinance. If a specific safety provision of the CVC is not to be enforced on the Yurok Reservation, Tribal Council by resolution and without amending the YVO may preclude enforcement of that CVC section by specifying the CVC section not to be enforced and the reason it shall not apply.

CHAPTER 2. VIOLATIONS AND RESTRICTIONS

SECTION 3201. Violation of YVO

In addition to violations codified in the CVC, any violation of the YVO shall constitute an infraction unless otherwise specified in the ordinance section that is violated and is punishable by a fine in addition to any other specified penalty.

SECTION 3202. Zero Tolerance

The Yurok Tribe has zero tolerance per se for drivers under the influence of any illicit, prescription, or other controlled drug that impairs the ability to operate a motor vehicle.

SECTION 3203. Driving Under the Influence

No person shall operate a motor vehicle under the influence of drugs or alcohol.

(a) It is unlawful for a person with a 0.04 percent or more, by weight, of alcohol in his or her blood to drive a vehicle. Any person who is in violation of California state law by having 0.08 percent or more, by weight, of alcohol in his or her blood while driving a vehicle may be guilty of a separate offense under California law.

(b) For purposes of this section, percent, by weight, of alcohol in a person's blood is based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. In any prosecution under this provision, it is acceptable to use readings of portable breath alcohol measuring devices to prove a violation of this section.

(c) For purposes of this chapter, *under the influence* means that the driver's ability to operate a vehicle in the manner of an ordinarily prudent and cautious person, using reasonable care, with full possession of faculties, and under similar circumstances, is appreciably impaired.

(d) Any person who violates this section is guilty of an infraction punishable by a fine.

SECTION 3204. Loitering While Drinking, Under the Influence, or Causing Disturbance Prohibited

No person shall loiter on public property or road right of way within 20 feet of a Tribal roadway while drinking alcoholic beverages, under the influence of drugs or alcohol, or causing a disturbance, such as yelling at passing vehicles. Any person who violates this section is guilty of an infraction punishable by a fine.

SECTION 3205. Failure to Care for the Safety of Dependents

Any person who is so intoxicated or under the influence of drugs that they are not able to care for the safety of themselves or others for whom they are legally responsible to provide care, such as minor children, and who is found in violation of section 3204 is guilty of an additional offense.

SECTION 3206. Parking in Elder Parking Area

No person shall leave any motor vehicle parked in a designated elder parking area unless that person has an elder parking permit. Vehicles in violation of this section are subject to removal and the owner may be subject to a fine.

SECTION 3207. ATV Operations

No person shall operate an ORV on or adjacent to US Highway 101, State Highway 96, or downriver of Klamath Glen on State Highway 169, except to immediately cross the roadway. ORVs may not be operated on Tribal roadways above the lesser of the posted speed limit or 40 miles per hour. Any person violating this section is guilty of an infraction punishable by a fine. This section does not apply to private drives on private property.

SECTION 3208. UTV Operations

No person shall operate a UTV on Tribal roadways except in compliance with this section.

- (a) UTVs may not be operated on or adjacent to US Highway 101, State Highway 96, or downriver of State Highway 169, except to immediately cross the roadway.
- (b) UTVs may not be operated above the lesser of the posted speed limit or 40 miles per hour.
- (c) Any driver or passenger of a UTV who is under the age of 18 shall wear a proper helmet.
- (d) Any person violating this section is guilty of an infraction punishable by a fine.

SECTION 3209. Helmet Use Required

Any person operating or passenger of a motorcycle, ORV, or other motorized cycle or device shall wear a proper helmet. This section applies to all areas of the Reservation including private property visible from any public place.

SECTION 3210. Safety Belt Use Required

No person shall operate a motor vehicle, excluding motorcycles, ORVs, and other motorized cycles or devices, on a Tribal roadway without proper use of safety belts. All passengers shall be properly restrained by a safety belt or approved child passenger restraint system.

- (a) For purposes of this section, *properly restrained by a safety belt* means that the lower lap portion of the belt crosses the hips or upper thighs of the occupant and the upper, shoulder portion of the belt, if present, crosses the chest in front of the occupant.
- (b) For purposes of this section, *appropriate child passenger restraint system* means the correct height, weight, and use specified in the manufacturer manual that accompanies the new child passenger seat.
- (c) A parent, legal guardian, or driver shall not transport any child under the age of 8 in a motor vehicle without properly securing that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.

(d) A parent, legal guardian, or driver shall not knowingly transport any child who is 8 years of age or older but less than 16 years of age in a motor vehicle without properly securing that child in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.

(e) As updates to federal motor vehicle safety standards are made available annually, YTPDS and the Yurok Traffic Safety Coalition shall be responsible for educating the Tribal community about current safety standards. The Yurok Traffic Safety Coalition shall be responsible for providing an education program for proper installation and use of child passenger restraint systems.

SECTION 3211. Roadways Closed to Operation

No unauthorized person shall operate a motor vehicle on a Tribal roadway that has been closed by the Yurok Tribe or other proper authority.

SECTION 3212. Resisting or Obstructing an Officer; Disturbing the Peace

No person shall resist, delay, or obstruct any law enforcement officer while that officer is engaged in lawful duties. While in the presence of any law enforcement officer, no person shall create any condition categorized as a disturbance of the peace or behavior likely to escalate to a violent confrontation with another person. Any person who violates this section is guilty of a public offense punishable by a fine.

SECTION 3213. Parking Violations

(a) Notice of Parking Violation. Any vehicle, tent or trailer found to be in violation of this section shall be posted with a Notice of Violation. A copy of that notice, supporting paperwork, and a letter explaining the notice of violation, and clearly stating the methods for appeal shall be mailed to the last registered or legal owner of the vehicle, via first class mail. If the last registered or legal owner of the vehicle cannot be determined, a copy of the notice shall be sent to the Yurok Tribal Court to be held on file for a period of not less than one year.

(b) Vehicle Impoundment and Disposal. Upon expiration of a 24 hour period following posting of the notice of violation on the vehicle, tent or trailer without removal of said vehicle, tent or trailer by the owner or operator, or upon a second violation involving the same vehicle, tent or trailer, the Tribal Police Officer is authorized to remove the vehicle, tent or trailer, to a designated location, garage, authorized auto crusher, or other legal facility. Said facility shall store the vehicle, tent or trailer for a minimum of 15 days prior to destruction and disposal pursuant to the Yurok Tribe Abandoned Vehicle Abatement Ordinance. During such time, the legal owner of the vehicle, tent or trailer may recover it by providing proof that all fees and penalties associated with abatement and due to any department of the Yurok Tribe have been paid in full, including reasonable fees associated with the storage of the vehicle, tent or trailer after impound.

(c) Costs for Impoundment and Disposal. The actual costs of removal, disposal, hazardous materials cleanup, and other Yurok Tribe costs will be assessed by the Court and are the responsibility of the last registered or legal owner of any vehicle, tent or trailer. In the event that an act of abandonment is witnessed, as evidenced in a sworn or notarized statement of the Yurok Tribal Police or filed in the Yurok Tribal Court, the person identified as conducting the act of abandonment shall bear the penalties and costs as laid out in this ordinance.

(d) Mouth of Klamath River Road.

(1) No person shall park any vehicle on the bank side of Mouth of the Klamath River Road within the bounds of the Yurok Reservation. Permissible parking of vehicles on this roadway is restricted to the river side.

(2) No person or group of persons or any other entity shall park, erect or maintain any tent or trailer, whether attached or unattached from a vehicle, on the Mouth of the Klamath River Road within the bounds of the Yurok Reservation.

CHAPTER 3. PENALTIES, FINES, BAIL, AND FEES

SECTION 3301. Tribal Council by resolution without amending this ordinance may establish a Traffic Fine and Bail Schedule setting bail, fines and administrative fees for any violation of this ordinance. Notwithstanding anything to the contrary in this ordinance, in no case shall any fine imposed for violation of this ordinance exceed \$5,000.

SECTION 3302. Any person who receives a citation for an infraction or misdemeanor under this ordinance may submit bail and avoid trial on the violation by doing all of the following:

(a) Pay the minimum fine amount, including any graduated sanction amount, plus costs for the charged violation as specified in the Traffic Fine and Bail Schedule, and

(b) Plead either guilty or no contest to the charged violation.

SECTION 3303. Tribal Court, upon formal request by YTDPS or YDMV, may review bail in any individual case considering the protection of the public, seriousness of the violation, and previous violations and criminal record of the person and after review may order the person to stand trial.

SECTION 3304. All penalties and assessments shall be set by the Tribal Court within the guidelines of any Traffic Fine and Bail Schedule established by Tribal Council pursuant to this ordinance. Tribal Court may take into account the seriousness of the offense and apply graduated or enhanced sanctions for repeat offenders and violations. The Tribal Court may consider any and all offenses or citations received by the license holder, who is hereby obligated to report any offense received, other than parking tickets, to the YDMV within 30 days of receipt of said offense or citation.

SECTION 3305. Any person who fails to appear in Tribal Court as provided in this ordinance may be deemed to have elected to have a trial in absentia by written declaration upon any alleged infraction as charged by the arresting or citing officer.

SECTION 3306. Any person who fails to appear in Tribal Court, fails to pay a fine ordered by the Tribal Court, or disobeys any order of the Tribal Court may be found guilty of a misdemeanor, arrested and punished by imprisonment in a county or Tribal jail, fined, or have privileges under this ordinance or the Tribal Fishing Rights Ordinance suspended, regardless of the disposition of the original charge.

SECTION 3307. Any citation submitted to the Tribal Court for a violation of any section of the CVC or YVO shall be punishable by a fine.

SECTION 3308. The Tribal Court's primary concern under this ordinance shall be ensuring safe conditions for drivers and those who encounter drivers licensed by the Tribe. With that in mind, the Tribal Court may impose fines, suspend or revoke a Tribal driver's license, order remediation of issues that result in suspension or revocation, or order community service.

SECTION 3309. When seeking to suspend fines or when seeking community service in lieu of fines because of a claim of hardship, a defendant must provide the Tribal Court with written evidence demonstrating the defendant's current hardship. The defendant has the burden of proving that an imposition of fines would cause such a hardship.

SECTION 3310. Suspension or revocation of driving privileges may occur upon the petition of the Tribal Police following a noticed hearing wherein the Tribal Court determines that the license holder is not in compliance with the requirements of this ordinance or the Tribal Police alleges and proves at the hearing that the license holder has falsely certified meeting the requirements of the ordinance or presents a clear and present danger as a driver.

SECTION 3311. The Tribal Court may impose penalties that include participation in diversion, education, or community service programs. Participation in these programs may reduce the amount of fines paid to the Tribal Court, but the amount of a fine shall not be reduced below any minimum fine amount specified in the Traffic Fine Schedule. Administrative fees may be imposed by Tribal Court in appropriate amounts in order to support diversion, education, and community service programs.

CHAPTER 4. ADMINISTRATION OF THE YUOK TRIBE

SECTION 3401. Council shall create a Yurok Department of Motor Vehicles (YDMV) within the YTDPS to facilitate the implementation of this ordinance. Until such time, YTDPS shall act as the YDMV.

SECTION 3402. All fines and administrative fees shall be used to fund operations of the YTDPS and Tribal Court.

SECTION 3403. The Yurok Traffic Safety Coalition shall exist for the purpose of improving highway safety on the Yurok Reservation and to provide technical assistance to the Yurok Tribe. The Yurok Traffic Safety Coalition shall consist of representatives from all Tribal departments related to the implementation of safety rules and regulations on Yurok Reservation roadways.

CHAPTER 5. JURISDICTION OF THE TRIBAL COURT

SECTION 3501. The Tribal Court is the court of primary jurisdiction for traffic violations occurring within the exterior boundaries of the Yurok Reservation.

SECTION 3502. The Tribal Court may petition Del Norte and Humboldt County Courts to bring CVC or YVO violations before a California Superior Court judge for any reason. The Tribal Court may at the request of the YTDPS or YDMV accept transfer of any case filed in a non-Yurok court.

CHAPTER 6. VEHICLE REGISTRATION

SECTION 3601. No person shall operate, drive, move, or leave standing upon a highway or off street parking facility any motor vehicle, trailer, or semitrailer, unless that vehicle is registered in accordance with this ordinance or state or federal laws.

SECTION 3602. Tribal members may register their vehicles with the YDMV upon providing proof of residency within the Yurok Reservation at the time of registration, proof of ownership of the vehicle, payment of appropriate fees, and any other requirements established by YDMV.

SECTION 3603. The Yurok Tribe and Tribal members may register commercial vehicles with YDMV upon providing proof of residency within the Yurok Reservation at the time of registration, proof of ownership of the commercial vehicle, and payment of appropriate fees. To be eligible for commercial registration under this section, all vehicles must meet those standards applicable under California law for vehicles of similar type. A commercial vehicle registered under this section may only be operated within the Yurok Reservation unless it is properly insured and registered under state or federal laws.

SECTION 3604. All drivers and all owners of an operable motor vehicle shall at all times be able to establish financial responsibility and be able to produce evidence of financial responsibility for that vehicle to any law enforcement officer upon request.

SECTION 3605. A vehicle shall be recognized as a Tribally registered vehicle if the vehicle has met similar state or federal standards. Once a vehicle is insured and registered with YDMV, the vehicle may be operated within Reservation boundaries. Any vehicle properly insured and registered under state or federal laws may be operated within Reservation boundaries regardless of whether that vehicle is a Tribally registered vehicle.

SECTION 3606. Until the formation of the YDMV, all vehicles must be properly insured and registered under state or federal laws.

SECTION 3607. Any enrolled member of a federally recognized Tribe residing within the Yurok Reservation who is not a Tribal member must comply with the registration requirements of applicable tribal, state, or federal law. This ordinance does not exempt out of state registration for residents of the Yurok Reservation.

SECTION 3608. Tribal Council by resolution or YDMV may establish a fee schedule without amending this ordinance for vehicle registration.

CHAPTER 7. LICENSING OF YUROK TRIBAL MEMBERS

SECTION 3701. Licensing of a Tribal member by YDMV under this ordinance grants that Tribal member driving privileges within the exterior boundaries of the Yurok Reservation, regardless of whether that Tribal member has driving privileges under state or federal law.

SECTION 3702. Any Tribal member may apply to the YDMV for a Tribal driver's license to operate a private vehicle, standard motor car. To be eligible for a Tribal driver's license, that person must meet the following licensing requirements:

- (a) The applicant is at least 18 years of age and resides within the Yurok Reservation
- (b) The applicant submits the required application and fee, which may be waived if the person is not employed or under-employed so that the paying of such fee would impair their ability to care for themselves or their family. Once the application is approved, a license will be issued.

SECTION 3703. If a Tribal member meets the requirements in section 3702 and is currently licensed to drive in the State of California, that person automatically qualifies for a Tribal driver's license.

SECTION 3704. If a Tribal member meets the requirements in section 3702 and has previously been licensed to drive in California or other state jurisdiction, but no longer has those driving privileges due to revocation, suspension, or expiration, that Tribal member may specially apply for a Tribal driver's license by filling out an application with YDMV and being examined by YDMV to determine if they have addressed the issues which resulted in the loss of such privileges. YDMV may at its discretion require additional prerequisites be met before the issuance of a license and seek the recommendation of YTDPS. A Tribal member denied a driver's license under this section may appeal the decision to the Tribal Court, which shall undertake an arbitrary and capricious review of the decision by YDMV.

SECTION 3705. If a Tribal member meets the requirements in section 3702 but has never been licensed to drive in any jurisdiction, the Tribal member may apply for a Tribal driver's license by submitting certification by a licensed driver on a form acceptable to the YDMV that the driver has personally driven with the applicant for at least 100 hours, a minimum 50 hours of which have been at night.

SECTION 3706. The YDMV may require a written or orally administered test prior to issuing a Tribal driver's license. Additionally, the YDMV may require that an applicant submit to a vehicle driving observational test. This requirement can be waived by the Tribal Police Chief or the Chief's designee after a determination that the testing is not necessary or required to protect the public safety.

SECTION 3707. Until the formation of the YDMV, all drivers who are residents of the Yurok Reservation must be appropriately licensed to drive under the laws of the State of California. Applicable state law shall be enforced until Tribal regulations are in place.

SECTION 3708. Tribal Council by resolution or the YDMV may establish a fee schedule without amending this ordinance for licensing of Tribal members.

CHAPTER 8. ACCIDENT REPORTING AND STATISTICS

SECTION 3801. Statistical data is vital to the continuing efforts to improve the infrastructure of the Yurok Reservation. It is important to have accurate statistical data of vehicle collisions within the Reservation. All collisions involving property damage, minor or serious injury, safety concerns, or violations of this ordinance shall be collected by the Tribal Police. Any driver involved in such an incident is required to report the incident to the YDMV within five (5) working days of the incident, unless the driver is incapacitated.

SECTION 3802. In addition to requirements for accident reporting outlined in the CVC, it shall be the policy of the Yurok Tribe to require additional measures for accurate statistical data.

SECTION 3803. An employee of a Yurok Tribal department shall report any vehicle crash or accident within the Reservation boundaries that the employee witnessed at the time the incident occurred. The employee shall report the incident as soon as reasonably practicable to the Tribal Police or other law enforcement officer. Any employee of the Yurok Tribe who fails to comply with this section is guilty of an infraction punishable by a fine. Any Yurok Tribal employee guilty of violating this section may face disciplinary action in addition to any fine imposed.

SECTION 3804. Each year a statistical breakdown shall be prepared for analysis by justice officials and Council.

SECTION 3805. The Yurok Traffic Safety Coalition shall provide to the Tribe any data collected for analysis by policy makers.

CHAPTER 9. TRIBAL TRANSPORTATION AND ROADS MAINTENANCE DEPARTMENTS

SECTION 3901. Council shall designate a Transportation Department and a Roads Maintenance Department to have regulatory authority over roadways within the Yurok Reservation. Tribal transportation regulations shall be drafted to specify protocol each department will follow.

SECTION 3902. The Roads Maintenance Department shall be responsible for maintaining roadways within the Reservation, including but not necessarily limited to paving and repaving roadways, installing of road signs, painting curbs or designating spaces for the purposes of handicapped parking and elders parking, and other repairs as necessary.

SECTION 3903. No person shall cause destruction to any roadway within the Reservation boundaries. Any permanent damage caused to Tribal roadways by negligence during construction projects shall be fined the amount of the cost of repairs to the roadway.

SECTION 3904. Fines for violations of the YVO or CVC may be doubled if the violation occurred in a road work or road construction zone.

SECTION 3905. The Transportation Department will be responsible for all aspects of new roads. Culturally appropriate names for new roads shall be decided on by the Transportation Department, utilizing input from the language and culture committee and Council. Council shall maintain final approval authority.

SECTION 3906. The YTDPS may operate check points with established protocol. Vehicular traffic may be stopped and required to submit to inspection prior to entering the Reservation or designated areas within the Reservation. Justification for such inspections shall include but not be limited to vessel inspection for illegally possessed fish or game or invasive species of plants or animals. Vehicles may be stopped as part of DUI, illegal drug interdiction, license compliance, or safety restraint enforcement efforts.

SECTION 3907. Other than on private property, no person shall erect or maintain a locked gate preventing access to a Tribal roadway. A locked gate may otherwise be put in place when authorized by Council for the following purposes:

- (a) To protect a culturally sensitive or restricted site;
- (b) To protect a natural resource;
- (c) To protect a habitat for an endangered species; or
- (d) To assist in the lawful exercise of the protection of public safety.

SECTION 3908. Any person maintaining a locked gate in violation of section 3907 is guilty of an infraction punishable by a fine sufficient to cover the costs to the Tribe of removing the gate.

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

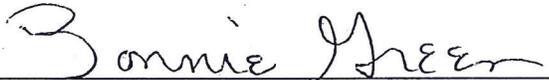
THE FOREGOING ORDINANCE, ENTITLED THE YUROK VEHICLE ORDINANCE WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUROK TRIBAL COUNCIL ON OCTOBER 12, 2012, AT WHICH A QUORUM WAS PRESENT, AND THIS ORDINANCE WAS ADOPTED BY CONSENSUS IN ACCORDANCE WITH TRIBAL TRADITION AND ARTICLE V, SECTION 6 AND ARTICLE IV, SECTION 5(j) OF THE CONSTITUTION OF THE YUROK TRIBE.

DATED THIS 12th DAY OF OCTOBER 2012



Thomas P. O'Rourke, Sr., Chairperson
Yurok Tribal Council

ATTEST:



Bonnie Green, Secretary
Yurok Tribal Council