

ORDINANCE NO. 11

Amending Ordinance No. 10 - Licensing Motor Vehicle Operators and Chauffeurs on the Hualapai Reservation.

WHEREAS, The Hualapai Tribal Council adopted Ordinance Number 10 providing for the Licensing of Motor Vehicle Operators and Chauffeurs on the Hualapai Reservation February 4, 1961, and

WHEREAS, The Commissioner, Bureau of Indian Affairs, has recommended corrections and deletions in Ordinance Number 10 which meets the approval of the Hualapai Tribal Council.

THEREFORE BE IT ENACTED by the Hualapai Tribal Council meeting in regular session at Peach Springs, Arizona, this 25th day of August 1961 that Ordinance Number 11 be adopted which amends Ordinance Number 10 according to the following corrections and deletions.

Section 13.6 (C) - The word "of" where it appears the second time shall be deleted.

Section 13.10 (B) - This section shall be deleted in its entirety.

Section 13.15 (A) - Shall be corrected to read, "It is an offense for any Indian to violate any provisions of this Chapter".

Section 13.15 (B) - The second line reading, "Every person convicted of a misdemeanor" shall be corrected to read, "Every person convicted of an offense."

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Hualapai Tribal Council do hereby certify that the Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom nine (9), constituting a quorum were present in a regular meeting assembled this 25th day of August 1961; and that the foregoing Ordinance Number 11 was adopted by the affirmative vote of 9 members, pursuant to authority of Article VI, Section 1 (O) of the Amended Constitution and Bylaws approved October 22, 1955.

/S/ RUPERT PARKER  
Rupert, Parker, Chairman

CORPORATE SEAL

/S/ CHARLENE IRWIN  
Charlene Irwin, Secretary  
Hualapai Tribal Council

APPROVED: DATE 9-6-61

S/ WESLEY T. BOBO  
Wesley T. Bobo, Subagency Supt.

RECEIVED SEP. 5, 1961  
TRUXTON CANYON SUBAGENCY  
VALENTINE, ARIZONA

ORDINANCE NO. 10 - (Amended)

Be it enacted by the Hualapai Tribal Council meeting in regular session at Peach Springs, Arizona, this 4th day of February 1961, that Ordinance No. 10 adopted October 1, 1960 be amended to read as follows and known hereinafter as Ordinance No. 10 (Amended) containing the provisions for licensing operators of Motor Vehicles, and shall become Chapter XIII of the Hualapai Law and Order Code approved October 17, 1959 by the Hualapai Tribal Council:

CHAPTER XIII

LAW AND ORDER CODE - HUALAPAI TRIBE

OPERATOR'S LICENSE

Article I - Definitions

Section 13.1 Short Title

This Chapter may be cited as the uniform motor vehicle operator's and chauffeur's license act of the Hualapai Tribe.

Section 13.2

- A. "Cancellation" means that driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to the license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after cancellation.
- B. "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public highway and Hualapai Reservation roads are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the department (Motor Vehicle Division - Arizona Highway Department) after the expiration of at least one year after the date of revocation.

- C. "Suspension" means that the driver's license and privilege to drive a motor vehicle on the public highways or reservation roads are temporarily withdrawn but only during the period of the suspension.
- D. Whenever the word "Person" is referred to in the Ordinance, it means any person of Indian descent who is a member of any recognized Tribe now under Federal Regulations.

ARTICLE II - Issuance, Expiration and Renewal of Licenses

Section 13.3 Operators and Chauffeurs must be licensed.

- A. No person, except those expressly exempted in this Chapter shall drive any motor vehicle upon a roadway of the Hualapai Reservation unless the person has a valid license as an operator or chauffeur under the provisions of this Chapter. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.
- B. A person holding a valid chauffeur's license under this Chapter need not procure an operator's license.
- C. "A person licensed as an operator or chauffeur under the laws of the State of Arizona or any other state may exercise the privilege thereby granted upon all roads and highways of the Hualapai Reservation and shall not be required to obtain any other license to exercise this privilege."

Section 13.4 Persons Exempt from License

- A. Any person while operating a motor vehicle in the service of the Armed Forces of the United States.
- B. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

Section 13.5 Subject to State Statutes

A. The provisions of Title 28 Chapter 4 of the Arizona Revised Statutes as amended or may be hereafter amended, relating to Motor Vehicle operators' and chauffeurs' licenses, with certain exceptions, are adopted as a part of the Law and Order Code on the Hualapai Reservation covering operators' and chauffeurs' licenses, and shall be included in the Revised Law and Order Code of the Hualapai Tribe; the specific sections being adopted are as follows:

- 28-413 What persons shall not be licensed,
- 28-414 Classifications of Chauffeur's special restrictions,
- 28-415 Instruction permits and temporary licenses,
- 28-416 Application for license or instruction permit,
- 28-417 Application of minors,
- 28-418 Release from liability,
- 28-419 Cancellation of license upon death of person signing minor's application,
- 28-420 Liability of owner or donor for negligence or wilful misconduct of unlicensed minor under eighteen,
- 28-421 Examination of applicants,
- 28-422 License issued to operators and chauffeurs,
- 28-424 Restricted licenses,
- 28-425 Duplicate certificates,
- 28-426 Expiration of license,
- 28-427 Notice of change of address or name,
- 28-428 Records to be kept by the Department,

- 28-441 Authority of Department to cancel license,
- 28-442 Suspending privileges of non-residents and reporting convictions,
- 28-443 Suspending resident's license upon conviction in another state,
- 28-445 Mandatory revocation of license by Department,
- 28-446 Authority of Arizona Highway Department to suspend or revoke license,
- 28-447 Department may require re-examination,
- 28-448 Period of suspension or revocation,
- 28-449 Surrender and return of license, and
- 28-450 No operation under foreign license during suspension or revocation in this state.

Section 13.6 When the Hualapai Court is to forward license to Arizona Highway Department and report convictions:

- A. When a person is convicted of an offense for which this Chapter makes mandatory the revocation of the operator's or chauffeur's license of the person by the Department, the Court shall require the surrender of it of all operators' and/or chauffeurs' licenses then held by the person so convicted and the Court shall thereupon forward the same together with a record.
- B. The Hualapai Tribal Court having jurisdiction over all traffic offenses committed under this Chapter on the Hualapai Reservation, shall forward to the Department a record of the conviction of a person in the Court for a violation of any laws other than regulations governing standing or parking, and the Chief Judge of the Hualapai Court may recommend the suspension of the operator's or chauffeur's license of the person so convicted.

- C. For the purpose of this Chapter the word "conviction" means a final conviction. Also, for the purpose of this Chapter a forfeiture of bail or collateral deposited to secure a defendant's appearance in Court, which forfeiture has not been vacated, shall be equivalent to a conviction.

#### Section 13.7 Right of Appeal

"A person denied a license, or whose license has been cancelled, suspended or revoked by the Motor Vehicle Division of Arizona, except where the cancellation or revocation is mandatory under the provisions of this Chapter, shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the Superior Court in the County wherein the person resides, and thereupon the Court to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation or revocation of license under the provisions of this Chapter."

### ARTICLE IV - Violations of License Provisions

#### Section 13.8 Unlawful use of License

It is a misdemeanor for any person:

- A. To display or cause or permit to be displayed or have in his possession a cancelled, revoked, suspended, fictitious or fraudulently altered operator's or chauffeur's license.
- B. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another person.
- C. To display or represent as one's own an operator's or chauffeur's license not issued to him.

- D. To fail or refuse to surrender to the Motor Vehicle Division upon its lawful demand an operator's or chauffeur's license which has been suspended, revoked or cancelled.
- E. To use a false or fictitious name in an application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.
- F. To permit an unlawful use of an operator's or chauffeur's license issued to him.
- G. To do any act forbidden or fail to perform any act required by this Chapter.

Section 13.9 A person making a false affidavit is guilty of Perjury.

Any person who makes a false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the provisions of this Chapter to be sworn to or affirmed, is guilty of perjury and is punishable by fine or imprisonment as is provided in Section 6.45 Law and Order Code of the Hualapai Tribe.

Section 13.10 Driving while License suspended or revoked.

- A. Any person who drives a motor vehicle on any roadway of the Hualapai Reservation at a time when his privilege so to do is suspended or revoked is guilty of a misdemeanor punishable by imprisonment for not less than five (5) days nor more than six (6) months and in addition, a fine of not more than two hundred fifty dollars (\$250).

Section 13.11 Permitting Unauthorized Minor to Drive

A person who causes or knowingly permits his child or ward or any person under the age of eighteen (18) years to drive a motor vehicle upon reservation roadways when such person is not authorized under this Chapter, is guilty of a misdemeanor.

Section 13.12 Permitting Unauthorized Person to Drive

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any reservation roadway by any person who is not authorized under this Chapter or in violation of any of the provisions of this Chapter.

Section 13.13 Employing Unlicensed Chauffeur

No person shall employ as a chauffeur of a motor vehicle a person not then licensed as provided in this Chapter.

Section 13.14 Renting Motor Vehicle to Another

- A. No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under this Chapter or in the case of a non-resident, duly licensed under the laws of the State or County of his residence except a non-resident whose home state or country does not require an operator to be licensed.
- B. No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of the person written in his presence.



- C. Every person renting a motor vehicle to another shall keep a record of the registration number of the vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of license of the latter person and the date and place when and where the license was issued. The record shall be open to inspection by any police officer or officers or employee of the Department.

#### ARTICLE V - Penalties

##### Section 13.15 Penalty for Misdemeanor

- A. It is an offense for any Indian to violate any provisions of this Chapter.
- B. Unless another penalty is in this Chapter or by the laws of the Hualapai Tribe provided, every person convicted of an offense for the violation of any provisions of this Chapter is punishable by a fine of not more than two hundred fifty dollars (\$250), by imprisonment for not more than six (6) months, or both such fine and imprisonment.

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

We, the undersigned, as Chairman and Secretary of the Hualapai Tribal Council do hereby certify that the Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom six (6), constituting a quorum were present in regular meeting assembled this 4th day of February 1961; and that the foregoing Ordinance No. 10 (Amended) was adopted by the affirmative vote of six (6) members, pursuant to authority of Article VI, Section 1 (o) of the Amended Constitution and Bylaws approved October 22, 1955.

CORPORATE SEAL

/S/ RUPERT PARKER  
Rupert Parker, Chairman  
Hualapai Tribal Council

/S/ EVALENA COOK  
Evalena Cook, Secretary  
Hualapai Tribal Council

Received at the Truxton Canon Subagency,  
Valentine, Arizona; March 13, 1961

APPROVED: March 16, 1961

/S/ WESLEY T. BOBO  
Wesley T. Bobo, Subagency Superintendent

1961, the Hualapai Tribal Council adopted Ordinance Number 11 providing for the licensing of Motor Vehicle Operators and Chauffeurs on the Hualapai Reservation.

1961, the Hualapai Tribal Council adopted Ordinance Number 10 providing for the licensing of Motor Vehicle Operators and Chauffeurs on the Hualapai Reservation on May 4, 1961, and

1961, the Commissioner Bureau of Indian Affairs has provided corrections and deletions in Ordinance Number 10 which meets the approval of the Hualapai Tribal Council.

HEREBY BE REVOKED by the Hualapai Tribal Council meeting in regular session at Peach Springs, Arizona this 25th day of August 1961 that Ordinance Number 11 be adopted which amends Ordinance Number 10 according to the following corrections and deletions.

- Section 13.6 (E)--The word "and" where it appears the second time shall be deleted.
- Section 13.0 (B)--This Section shall be deleted in its entirety.
- Section 13.15 (A)--Shall be corrected to read, "It is an offense for any Indian to violate any provision of this Chapter"
- Section 13.15 (B)--The second line reading, "Every person convicted of a misdemeanor" shall be corrected to read, "Every person convicted of an offense."

CERTIFICATION

I, the undersigned, as Chairman and Secretary of the Hualapai Tribal Council, do hereby certify that the Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom nine (9) constituting a quorum were present in a regular meeting on the 25th day of August 1961; and that the foregoing Ordinance Number 11 was adopted by the affirmative vote of 9 members, pursuant to authority of Article VI, Section 1 (C) of the Amended Constitution and Bylaws approved October 22, 1955.

CORPORATE SEAL:

*Rupert Barber*  
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 Rupert Barber, Chairman  
 Hualapai Tribal Council

*Charlene Irwin*  
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 Charlene Irwin, Secretary  
 Hualapai Tribal Council