

**CHAPTER 14**  
**MENTAL HEALTH; GUARDIANSHIP**

**Sec. 14.1      Definitions**

- A.    “Guardian” is a person appointed to take care of another person or the property of another.
- B.    “Ward” is a person over whom or over whose property a guardian is appointed.

**Sec. 14.2      Qualifications of Guardians**

To be appointed a guardian by the Hualapai Tribal Court for a minor member of the Tribe or for a mentally incompetent member, a person must be:

- A.    At least 21 years of age.
- B.    Qualified to administer the financial and personal affairs of his or her ward in a satisfactory manner.

**Sec. 14.3      Petition for Guardianship; Notice; Hearing**

When it is represented to the Hualapai Tribal Court by the verified petition of any health services provider, relative, guardian or friend, that any member of the Hualapai Tribe is insane, or from any cause mentally incompetent to manage his or her property, the Hualapai Tribal Court must set a hearing and serve notice of the hearing on alleged insane or incompetent person of the time and place of hearing not less than five days before the time of such hearing, and the alleged insane or incompetent person, if able to attend, must be brought before the Court. If after a full hearing and examination of the petition it appears to the Court that the alleged insane or incompetent person is incapable of taking care of himself or herself and managing his or her property, the Court shall appoint a guardian for the subject person and the person’s estate. The Court may, in its discretion, exclude all non-participants from the hearing.

**Sec. 14.4      Duties**

Every guardian appointed under Section 14.3 above shall provide care and assume custody of the ward and the management of all the ward’s estate, until such time as the guardian is legally discharged.

**Sec. 14.5      Restoration**

- A.    Any person who has been declared insane, or the guardian or any relative of such insane person, may apply by petition to the Hualapai Tribal Court for

restoration of his or her capacity. The petition shall be verified and shall state that such person is sane and all of the person's legal rights restored. Upon receiving the petition, the Court shall set a hearing and serve notice of the time and place of the hearing on the guardian of the petitioner, if there is a guardian, and to his or her husband or wife, if there is one, and to his father or mother.

- B. The guardian or relative of the petitioner, or in the discretion of the Hualapai Court, any other person, may contest the right of the petitioner to the relief demanded. Witnesses may be required to appear and testify as in other cases, and may be called and examined by the Court. If the Court finds that the petitioner is of sound mind and capable of taking care of his or her affairs and property, the Court shall restore the person to full legal capacity, and the guardianship of such person, if such person is not a minor, shall cease.

**Sec. 14.6 Mental Health; Emergency and Involuntary Court-ordered Admissions**

- A. A member presents a clear and present danger of harm to himself/herself if, as a result of mental illness, he/she has:
  - 1. acted in a manner demonstrating that, without the care or supervision of others, he/she will be unable to satisfy his/her need for nourishment, personal or medical care, shelter, self-protection or safety, resulting in the reasonable probability of death, serious bodily injury or physical debilitation; or
  - 2. attempted or threatened suicide; or
  - 3. attempted or threatened mutilation; or
  - 4. inflicted, threatened or attempted to inflict serious bodily harm on any other person and there is a reasonable probability that he/she will do so unless he/she is admitted to a mental health facility.
- B. An application for emergency admission may be made by any tribal police officer, any physician, psychologist, marriage and family therapist, social worker or registered nurse, based upon personal observation of the person that there is probable cause to believe that the person is mentally ill and because of that illness, is likely to harm himself or others if allowed his/her liberty. Such officials may take the allegedly mentally ill person into custody to apply for emergency admission of the person for evaluation, observation and treatment and may transport or arrange for transportation to a mental health facility or hospital for that purpose.
- C. Not more than 72 hours after an allegedly mentally ill person is brought to such a mental hospital or facility for evaluation, observation and treatment,

the psychologist, psychiatrist or physician must either release the person or, if good cause exists for detaining the person further, apply for a court order by filing a petition with the Tribal Court.

**CHAPTER 15**  
**ANIMAL CONTROL**

**Sec. 15.1 Definitions**

- A. "Animal" means any living creature belonging to the Kingdom Animalia excluding humans and insects.
- B. "Animal Control Officer" means the person or persons designated by the Hualapai Tribal Council as responsible for the enforcement of this Chapter and any regulations promulgated therefore.
- C. "At Large" means any animal not under the physical restraint of a person capable of controlling the animal; or not confined in an enclosed and controlled area; or not on the owner's premises, under the voice control of the owner at all times.
- D. "Attack" means a violent or aggressive physical contact or violent or aggressive behavior confines the movement of a person or domestic animal. An attack on a domestic animal must include biting or an attempt to bite.
- E. "Bite" means any puncture, scratch, laceration or break in the skin of a human being by the teeth of a dog or any other animal.
- F. "Collar" means a band, chain, harness or suitable device worn around the neck or body of a dog to which a license tag may be attached.
- G. "Dog" means a member of the *Canis Familiars* species.
- H. "Euthanize" means to put an animal to death painlessly.
- I. "Feral" means an untamed or wild animal or an animal once a pet that has returned to an untamed state.
- J. "Licensed Animal" means a dog having a current and valid license as defined in this article.
- K. "Licensing Authority" means the Hualapai Tribe.
- L. "Livestock" means any domesticated animal raised for home use or for profit including but not limited to cattle, sheep, goats, swine, horses, mules and asses.
- M. "Public Health Advisor" means a person with specialized training in the identification and control of zoonotic diseases in animals, such as rabies,

which might infect humans and other animals. This individual may be the US PHS IHS Environmental Health Officer, a licensed veterinarian, or a designee of the Hualapai Tribe.

- N. "Spayed/Neutered" means any animal that has been surgically and permanently altered so as not to be able to reproduce.
- O. "Owner" means any person or legal entity having a possessory property right in an animal or one that harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them. An animal shall be deemed to be harbor if it is fed or sheltered for six consecutive days or more.
- P. "Pet or Companion Animal" means any animal kept for pleasure rather than utility; an animal of species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- Q. "Public Nuisance" means any animal or animals that unreasonable annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of live or property. The term "public nuisance animals" shall mean and include, but not limited to, any animal that:
  - 1. Is repeatedly found to be at large;
  - 2. Damages the property of anyone other than its owner;
  - 3. Molests or intimidates pedestrians or people passing by;
  - 4. Chases vehicles;
  - 5. Excessively makes disturbing noises including but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the remises where the animal is kept or harbored.
  - 6. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number or type of animal maintained.
  - 7. Attacks other domestic animals, or has been found by animal control officer to be a public nuisance animal by virtue of being a menace to the public health, safety, or welfare.

- R. "Quarantine" means confinement of an animal to a limited, enclosed area in order to restrict exposure of that animal to other animals and humans, and to facilitate observation of the animal for signs of zoonotic diseases.
- S. "Rabies Quarantine Area" means any area in which a state of emergency has been declared by the IHS Environmental Health Officer in conjunction with the animal control officer to exist due to the occurrence of rabies in animals in or adjacent to this area.
- T. "Restraint" means secured by a leash or lead under the control of a responsible person and obedient to the person's commands, or within the real property limits and the voice control of its owner or responsible person, or the vehicle of its owner with no access to exit of its own will.
- U. "Stray" means any animal not having a known or identifiable owner.
- V. "Unwanted Animals" means any animal or cat that is no longer wanted by their owners.
- W. "Vaccination" means an anti-viral vaccination using a type of vaccine approved by the State Veterinarian and administered by a licensed veterinarian.
- X. "Vicious Animal" means any animal that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings or other animals without provocation, or that has been so declared after a hearing before the Hualapai Tribal Court.

**Sec. 15.2 General Animal Control**

- A. Any person owning, keeping, harboring, or having custody of a dog within the boundaries of the Hualapai Indian Reservation must obtain a license from the Hualapai Tribe.
- B. No animal will be licensed without proof of current vaccinations and immunizations. Dogs and cats four months of age and old must be vaccinated for rabies.
- C. Licenses must be renewed annually through the Hualapai Tribe. The fee may be waived if the owner can provide proof that the animal has been spayed/neutered.
- D. Animals shall wear the license securely attached around their necks or bodies at all times. The license tag shall be attached to a collar, harness, or other device and shall be worn with the rabies tag.

- E. Any animal not wearing a license or tag will be subject to impoundment by the tribal police or animal control officer, and will be released to the owner only after proof of licensing and payment of impoundment fees are provided.
- F. No person shall keep any animal known to be vicious, aggressive, or prone to biting or injuring human beings unless such animal is securely kept so as to prevent injury to people. The owner of such animal must post "beware of dog" or "Beware of Aggressive Animal on Premises" signs.
- G. Animals involved in more than one biting incident that are not kept secured will be picked up and euthanized by the animal control officer in the interest of public safety.
- H. Following the adoption of this code, dogs will be limited to two per residence. Those currently owning more than two dogs will be excused from this requirement for the life of the current dog(s), but those animals must be licensed through the Hualapai Tribe. This does not apply to those living in tribal housing, where a two pet limit is already in effect. Excess animals may be confiscated and humanely destroyed by an animal control officer.

### **Sec. 15.3 Rabies Control**

Prevention of human and pet rabies depends on the following: maintaining appropriate vaccinations for dogs, cats and other susceptible animals, stray animal control, and leash law enforcement; providing public education to reduce exposures to wild and stray animals and providing appropriate response to animal bites and possible rabies exposures.

- A. All domesticated animals four months of age and older of a species susceptible to rabies must have a rabies vaccination from a licensed veterinarian.
  - 1. Any at large animal without an identifiable owner and proof of rabies vaccination will be picked up and euthanized by the animal control officer.
- B. Any animal involved in a biting incident shall be confined and quarantined as follows:
  - 1. Any dog or cat (vaccinated or unvaccinated) that bites a person must be confined for a 10-day observation. Any other animal susceptible to rabies will be confinement/quarantine for a period to be determined through consultation with the State Veterinarian.
    - a. If the animal does not die or develop clinical signs of rabies infection during the quarantine period, the animal did not have rabies virus in its saliva and the time of the exposure and there

- is no further risk to the bite victim. The animal will be released to the owner.
- b. If an animal develops signs of rabies infection while under quarantine, the animal will be humanly euthanized and the head submitted for rabies testing.
  - c. If an animal dies during the 10-day quarantine, the head will be submitted for testing.
  - d. If the animal is determined to be infected with rabies, a rabies quarantine area may be identified by the IHS Environmental Health Officer and the animal control officer.
2. Animals that do not have identifiable owners will be quarantined for the 10-day period to determine if symptoms of rabies are present or if rabies testing is needed. If the animal owner is not identified by the end of the quarantine period, the animal will be euthanized.
  3. The 10-day quarantine period starts on the day of the bite or exposure. Animals should not be vaccinated against rabies during this period, but must be vaccinated immediately following the quarantine if they do not have proof of rabies vaccination.
  4. Any animal currently vaccinated and licensed pursuant to this Section that bites any person in a provoked incident (as determined by the IHS Environmental Health Officer or animal control officer) may be quarantined at home by its owner if the animal is under conditions prescribed and approved by the animal control officer or IHS environmental health officer. The animal control officer will quarantine animals implicated in non-provoked biting incidents.
  5. Any wild animal that bites any person or domestic animal shall be considered potentially rabid. Such animals should be captured and the head submitted for rabies testing, if possible.
  6. The owner of an animal quarantined for observation as a result of a bite incident shall be charged a daily impoundment fee and board for the minimum of ten days. If an animal bites a person and the animal control officer compels quarantine of the animal, the owner may voluntarily deliver the biting animal to the quarantine area. Failure to deliver the biting animal to the quarantine area will require the animal control officer or Tribal police to pick up the animal. The owner will be responsible for all fees assessed during the animal quarantine period. If such animal is not redeemed by the owner within three days

after the quarantine period ends, it shall be deemed abandoned and the animal may be euthanized by the animal control officer.

7. Any person having direct knowledge of an animal bite incident must report the incident immediately to the animal control officer or the Hualapai Police Department.
8. Any animal impounded or quarantined under the provisions of this chapter will be humanely treated in a clean safe location, supplied with adequate fresh water and food, and shelter from the elements.
9. In a rabies quarantine area, no animal shall be permitted to roam at large. Animals shall be confined within the boundaries of his owner's property or on a least and under the direct control of an able bodied person when off the owner's property.

#### **Sec. 15.4 Animal Care**

- A. No owner shall fail to provide his or her animals with sufficient wholesome food, water in sufficient quantities, proper air, shelter space and protection from the weather, and preventative veterinary care and treatment.
- B. No person shall beat, cruelly ill-treat, overload, overwork or otherwise abuse an animal. No person shall cause, instigate or permit any dogfights, cockfights, or any other purposeful antagonistic behavior between animals.
- C. No person shall own or harbor any animal for the purpose of fighting, or train, badger or bait any animal for the purpose of fighting, or for the purpose of causing or encouraging unprovoked attacks upon human beings or other animals.
- D. No owner of an animal shall abandon such animal(s).
- E. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the appropriate law enforcement agency.

#### **Sec. 15.5 Public Nuisance**

No person shall allow any animal(s) to unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owner, to the enjoyment of life or property.

**Sec. 15.6 Running at Large**

- A. No person owning, keeping, possessing, harboring, or maintaining an animal shall allow said animal to be at large. An animal is not deemed to be at large:
  - 1. While it is in the owner's yard and under voice control by the owner.
  - 2. While it is tethered and restrained by leash, chain, rope or cord of sufficient strength to control its actions and which limits the animal to its owner's property.
  - 3. While the dog is confined by an enclosure of sufficient height and strength to contain it.
- B. The animal control officer may apprehend any animal running at large that has no tags contrary to the provisions of this Chapter.
- C. When it is necessary for the protection of person or property, any duly authorized police officer or animal control officer who has reasonable cause to believe that an animal at large is a vicious animal and who reasonably believes that the animal cannot be safely captured and restrained may take appropriate steps to capture or destroy the vicious animal in a humane manner.
- D. Any animal control officer or police officer shall have the right to enter upon private property when it becomes necessary to do so in order to apprehend any animal that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such animal(s) and not include entry into a domicile or enclosure that confines an animal unless it is at the invitation of the occupant.

**Sec. 15.7 Disturbing the Peace**

All animals shall be kept and maintained in such a manner as not to disturb the peace, comfort or health of any person residing within the community. It shall be unlawful for any person to keep or maintain an animal that is in the habit of barking, howling or otherwise disturbing the peace and quiet of any person residing within the community.

**Sec. 15.8 Control of Vicious Animals**

Once an animal is declared vicious, the following steps will be required to continue ownership of such an animal. Leash and muzzle. No person shall permit a vicious animal to go outside its pen unless such an animal is securely leashed with a leash no longer than six feet in length. No person shall permit a vicious animal to be kept on a chain, rope or other type of leash outside confinement unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, building, etc. In

addition, a device sufficient to prevent such an animal from biting persons or other animals must muzzle all vicious animals on a leash outside the animal's pen. At all times, animals must be provided with a adequate water, food, and shelter.

**Sec. 15.9 Fees, Policies and Procedures**

The Hualapai Tribal Council will review annually, fees for licensing and will develop policies and procedures regarding animal control.

**CHAPTER 16**  
**HEIRSHIP AND PROBATE**

**Sec. 16.1 Purpose**

The purpose of this Chapter is to provide an orderly and harmonious distribution of a deceased person's property and payment of his debts.

**Sec. 16.2 Court Proceedings or Family Settlement Agreement**

- A. The Tribal Court shall have jurisdiction over all cases involving the descent and distribution of:
  - 1. All property, wherever located, of a deceased person who was a member of the Hualapai Tribe; and
  - 2. A deceased person's property found within the Hualapai Indian Reservation, in which the deceased person, if living, would otherwise have been subject to the jurisdiction of the Hualapai Tribe.
- B. The Tribal Court shall either approve a Family Settlement Agreement, as defined in this Chapter, or accept commencement of proceedings for administration. The latter shall occur only if the family is unable to reach an agreement regarding the deceased person's property and a petition for appointment of an administrator must so state.
- C. The Family Settlement Agreement procedure shall not apply if the deceased declared a bona fide will.

**Sec. 16.3 Family Settlement Meeting**

- A. A family settlement conference shall be held as soon as custom and practice will allow after the death. The deceased person's spouse, children and/or parents who may have an interest in the deceased person's property, shall meet to determine:
  - 1. What bills the deceased person owed and how these should be paid;
  - 2. What other claims there may be against the deceased person and how these shall be satisfied;
  - 3. What property the deceased person had that was solely his or used primarily by him, and how that property should be divided;
  - 4. A designation of any marital property, if the deceased person was

married, and its award to the wife or husband of the deceased person;

5. What property the deceased person willed away and the recipient of that property;
  6. Use rights to Tribal land, and who should receive that property; and
  7. Any other matters which by custom or tradition should be handled.
- B. At least ten (10) days before the scheduled date and time of the meeting, notice of the meeting shall be posted at one or more locations within the Hualapai Indian Reservation where public notices are commonly posted, and mailed, via registered mail, return receipt requested, to any person not located within the Reservation claiming a relationship to the deceased person and interest in the deceased person's property.

**Sec. 16.4 Determination of Heirs**

Unless the deceased person left a written will providing otherwise, the custom of the Hualapai Tribe as to inheritance shall be followed in the family settlement meeting and/or by the Court.

**Sec. 16.5 Family Settlement Agreement**

The family settlement agreement, if one can be reached, shall be completed on an approved form and filed with the Court for the Court's approval no later than 10 days after completion.

**Sec. 16.6 Petition for Probate of Will or Administration of an Estate**

The petition for probate of a will or for administration of an estate in which there is no will shall contain the following information:

- A. The name and social security number of the deceased person and all other names used by him;
- B. The date and place of death of the deceased person, and his age at the time of death;
- C. A statement that the deceased person was a Tribal member, or left property within the Hualapai Indian Reservation and was otherwise subject to the jurisdiction of the Tribe, stating the place of his last residence and that he had unrestricted property within the jurisdiction of the Tribe other than allotment or other Tribal trust property;
- D. A detailed statement of the assets of the estate, including items distributed

according to custom and to whom, along with the approximate value of each;

- E. The names of all heirs, including the widow or widower, with their ages, relationship to the deceased person, and addresses; provided, however, that if any heirs are unknown, the petition shall so state;
- F. A statement that the deceased person's will is filed with the petition and offered for probate, or that the deceased person left no written will;
- G. The name, age, residence and relationship to the deceased person of the executor named in the will or, in the absence of a will, the person applying for appointment as administrator of the estate; and
- H. A statement that the action is brought within three years of the death, and that the surviving family has been unable to reach a family settlement agreement.

#### **Sec. 16.7 Fees**

The Court may require the petitioner or the appointed executor or administrator to pay a fee, which shall not exceed one percent of the value of the estate.

#### **Sec. 16.8 Who may be Executor or Administrator**

Every executor or administrator must be over the age of 18 years. The following order of priority shall apply in appointing an administrator in a case where the deceased person left no written will:

- A. The surviving spouse or some competent person whom the surviving spouse may request to have appointed;
- B. The children of the deceased person;
- C. Other relatives entitled to share in the distribution of the estate;
- D. Any creditor.

#### **Sec. 16.9 Duties of Executors and Administrators**

- A. Every executor or administrator appointed by the Court is an officer of the Court and subject to the direction and orders of the Court. The failure of the executor or administrator to obey any order of the Court with respect to the estate is contempt of court subject to punishment as provided in Section 6.41 and Chapter 8 of this Code.
- B. The executor or administrator of an estate is a trustee for the benefit of the heirs and creditors of the estate. He has no right to use any of the property or

money of the estate as his own even if he is one of the heirs, shall be personally liable for his handling of the estate, and may be required to reimburse the estate for any loss to the estate due to carelessness or failure to account.

- C. The Court may require any administrator or executor to post a bond to ensure faithful performance of all duties designated in this Chapter.
- D. The court may issue an order authorizing and directing the executor or administrator to arrange the sale of property when necessary and good cause exists before determination and division of the property. All sales of property shall be for fair market value.
- E. Within five days after appointment, an executor or administrator must post a notice at one or more locations within the Hualapai Indian Reservation where public notices are commonly posted, and mail such notice, via registered mail, return receipt requested, to any known creditors, which provides notice of the appointment; of the probate of the will or administration of the estate; and provides that any creditor must make submit a written claim to the executor, administrator or the Court within 30 days of the date of the notice.
- F. Within 45 days after appointment, the executor or administrator shall file with the court an inventory of all property of the estate.

**Sec. 16.10 Persons Entitled to Distribution of an Estate in the Absence of a Will**

After setting aside marital property for the surviving spouse of a deceased person, and after the payment of all expenses of administration, funeral expenses and debts of the deceased person, the Court shall apply the custom of the Tribe as to inheritance of any remaining assets of the estate.

**Sec. 16.11 Settlement of Estates**

- A. Within 90 days after appointment, or within any extension of time thereof as the Court for good cause may grant, the executor or administrator shall file, and serve upon all creditors, a final report setting forth the following:
  - 1. The names and addresses of all heirs, including any proper additions or corrections to the original petition;
  - 2. A list of all assets of the deceased person, including any proper additions or corrections to the original petition;
  - 3. A statement that all debts, funeral expenses and other expenses of administration and last sickness have been paid, or describing satisfactory arrangements for payment, including the attachment of

proof of notice of such arrangements to creditors;

4. The proposed distribution of remaining assets to heirs.
  - B. The executor or administrator shall attach to the report the written consents to the distribution by all heirs as far as it is possible to obtain them.
  - C. Upon receipt of the final report, the Court shall set a date for hearing to approve the final report and issue a notice to all interested parties. Notice shall be published by posting at one or more locations within the Hualapai Indian Reservation where public notices are commonly posted; by publication in a newspaper of local circulation; and/or by mailing a copy of the notice, along with a copy of the final report, to each of the proposed heirs at his or her last known address.
  - D. The hearing shall be scheduled to take place at least 15 days after the first date of publication of the notice.
  - E. The cost of publishing the notice of the hearing shall be considered an expense of administration of the estate, and shall be paid out of assets of the estate.
  - F. The executor or administrator, and his attorney or advocate, if any, shall appear in Court at the time and place set for the hearing. At the hearing, the Court shall hear all interested parties and render a decision as to a fair distribution of the assets of the estate.
  - G. Any heir or other interested party who objects to the final report may file with the Court a written response to the report at any time prior to the date set for hearing. Court shall treat the hearing as a trial, and may follow the trial procedures for civil actions set forth in this Code; provided, however, that no case under this Section shall be tried to a jury.
  - H. If no one appears to oppose the final report, the Court may sign an order approving the report without a hearing.

**Sec. 16.12 Small Estates**

- A. In the event that the total value of the estate is less than \$5,000 and the heirs of the deceased person are either a surviving spouse, or children, or parents, the estate may be settled as provided above, except that it will not be necessary to publish notices in any newspaper.
- B. The total value of the estate shall be determined by calculating the value of all personal property of the deceased person, not including use rights to Tribal land or dwellings thereon, less any claims of creditors, expenses of last

sickness and funeral costs.

**Sec. 16.13 Probate of Wills**

- A. If there is a written will and it is not contested, it may be admitted to probate.
- B. The validity of the will may be determined after giving notice and reasonable opportunity to appear in the proceedings to all heirs, creditors and other interested persons. A will shall be deemed valid if:
  - 1. The person making the will was of sound mind, understood the nature of his act when he made the will, and was not subject to duress or undue influence;
  - 2. The will is in writing and signed by the person making the will in the presence of two witnesses who also signed the will.
- C. If the Court finds that the will was validly executed, it shall order the property distributed to the persons named in the will or to their heirs.
- D. Any provision in a will which attempts to pass Tribal or allotted land or use rights therein to another person is void; PROVIDED, however, that the Court may authorize a surviving spouse with minor children of the deceased person to utilize such land, together with dwellings thereon, if they constitute the family residence, until such time as all minor children of the deceased person reach the age of 18 years.
- E. In the event of a will contest, the case will be tried according to the provisions of this Code setting forth procedures for civil trials, provided, however, that no case under this Section will be tried to a jury.

**Sec. 16.14 Final Settlement Order; Effect**

- A. The order or decree of the Court approving the Family Settlement Agreement or the final report of an executor or administrator shall be considered final and binding on all claimants against the estate, subject to the provisions of Subsection B below.
- B. At any time within one year from the date of the final order or decree, any heir, creditor or other person interested in an estate may file a motion to set aside the final order or decree and to permit the person so petitioning to file objections to the final report and have his objections or claims heard by the Court. The petition must be supported by a statement signed and proved by the petitioner that the petitioner had no notice of the final settlement of the estate or that his failure to appear during the probate of the will or administration of the estate was due to excusable neglect or mistake and that

he has a valid interest in the estate and good grounds for his objections.

**Sec. 16.15 Appeals**

An appeal from a final order or decree of the Court issued under this Chapter may be taken as provided in Chapter 10 of this Code.

**CHAPTER 17**  
**CIVIL TRAFFIC CONTROL AND OPERATION OF VEHICLES**

**GENERAL PROVISIONS**

**Sec. 17.1      General**

It is the policy of the Hualapai Indian Tribe (or "the Tribe") to provide an environment where those who reside within the Hualapai Indian Reservation and/or engage in business or other activities within the reservation and/or visit or travel through the Reservation may be secure in their person and property. Toward this end, it is necessary to provide civil fines for conduct constituting civil traffic offenses. The offenses specified in Chapter 17, and those provided for in other Ordinances of the Tribal Council, constitute forbidden civil conduct against the Hualapai Indian Tribe. Persons committing such offenses may be tried and fined by the Courts of the Tribe as delineated by this Code; provided, however, that such jurisdiction, whether or not exercised, shall not affect the power or authority of any other courts, including those of the United States, which may have jurisdiction.

**Sec. 17.2      Definitions**

- A. "Authorized emergency vehicle" means any of the following:
  - 1. A fire department vehicle.
  - 2. A police vehicle.
  - 3. An ambulance, fire truck, rescue vehicle or other emergency vehicle that is designated or authorized by a local authority.
- B. "Business district" means the territory contiguous to and including a highway if there are buildings in use for business or industrial purposes within any 600 feet along the highway, including commercial and public buildings that occupy at least 300 feet of frontage on one side or three hundred feet collectively on both sides of the highway.
- C. "Cancellation" means the annulment or termination of a driver license because of an error or defect or because the licensee is no longer entitled to the license.
- D. "Controlled access highway" means a highway, street or roadway to or from which owners or occupants of abutting lands and other persons have no legal right of access except at such points only and in the manner determined by the Tribe or other governmental entity, agency, department or office that has authority over the highway, street or roadway for that purpose.

- E. "Cross-Walk" means:
1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highways measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
  2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- F. "Gross weight" means the weight of a vehicle without the load plus the weight of any load thereon.
- G. "Highway" means any highway, road, street, lane, roadway, trail, or path which members of the public are entitled to use, regardless of its surface or the agency responsible for its maintenance.
- H. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any angle may come in conflict. If a highway includes two roadways 30 or more feet apart, each crossing of each roadway of the divided highway by an intersecting highway is a separate intersection. If the intersecting highway also includes two roadways 30 or more feet apart, each crossing of two roadways of the highways is a separate intersection.
- I. "Judgment" means a final judgment and any of the following:
1. The finding by a court that an individual is responsible for a civil traffic violation.
  2. An individual's admission of responsibility for a civil traffic violation.
  3. The voluntary or involuntary forfeiture of deposit in connection with a civil traffic violation.
  4. A default judgment entered by a court pursuant to Section 17.313.
- J. "Laned road" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
- K. "License" means any license, temporary instruction permit or temporary license issued under the laws of a state, an Indian tribe, the United States government, or any foreign or domestic nation or country that pertain to the

licensing of persons to operate motor vehicles.

- L. "Motor vehicle" means a self-propelled vehicle, including a motorcycle.
- M. "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that is designed to travel on not more than three wheels in contact with the ground but excluding a tractor and a moped.
- N. "Operator" means a person who drives a motor vehicle on a highway, who is in actual physical control of a motor vehicle on a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- O. "Owner" means:
  - 1. A person who holds the legal title of a vehicle.
  - 2. If a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or lessee.
- P. "Park, if prohibited" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- Q. "Peace officer" means an officer duly authorized to direct or regulate traffic or issue citations for violations of traffic regulations with the Hualapai Indian Reservation.
- R. "Pedestrian" means any person afoot. A person who uses a manual or motorized wheelchair is considered a pedestrian unless the manual wheelchair qualifies as a bicycle.
- S. "Railroad" means a carrier of persons or property on cars operated on stationary rails.
- T. "Railroad sign or signal" means a sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- U. "Reservation" means the Hualapai Indian Reservation.
- V. "Roadway" means that portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, roadway refers to any such

roadway separately but not to all such roadways collectively.

- W. "School bus" means a motor vehicle that is designed for carrying more than 10 passengers and that is either:
1. Owned by any public or governmental agency or other institution and operated for the transportation of children to or from home or school on a regularly scheduled basis, or
  2. Privately owned and operated for compensation for the transportation of children to or from home or school on a regularly scheduled basis.
- X. "Sidewalk" means that portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for the use of pedestrians.
- Y. "State" means a state of the United States and the District of Columbia.
- Z. "Stop, if required" means complete cessation from movement.
- AA. "Stop, stopping or standing, if prohibited" means any stopping or standing of an occupied or unoccupied vehicle, except when necessary to avoid conflict with other traffic or in compliance with directions of a peace officer or traffic control sign or signal.
- BB. "Street" or "highway" means the entire width between the boundary lines of every way if a part of the way is open to the use of the public for purposes of vehicular traffic.
- CC. "Suspension" means that the driver license and driver's privilege to drive a motor vehicle on the public highways of any state are temporarily withdrawn during the period of the suspension and until application for reinstatement is made, or, as the context requires, that the privilege to drive a motor vehicle within the territory of the Hualapai Tribe is temporarily withdrawn by an order of any Hualapai Court.
- DD. "Through highway" means a highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing.
- EE. "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.
- FF. "Traffic-control device" means any sign, signal marking or device placed or erected by or under the authority of the Tribal Council or the State of Arizona

for the purpose of controlling, directing, regulating, warning or guiding traffic. The terms "sign", regulating, warning or guiding traffic. The terms "sign," "marking," and "device" may be used interchangeably in Chapter 17.

- GG. "Traffic-control signal" means a device whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- HH. "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.
- II. "Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power or used exclusively on stationary rails or tracks.

### **Sec. 17.3 Authority**

The Hualapai Indian Tribe, in the exercise of the mandates set forth in the Constitution of the Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona (ratified February 14, 1991 and approved by the Secretary of the Interior on March 13, 1991) to govern itself under its own laws, to ensure the political integrity of the Tribe, to maintain peace and order through the establishment and administration of justice, and to preserve, secure and exercise all the inherent sovereign rights and powers of an Indian tribe, establishes Chapter 17 of the Hualapai Law and Order Code in order to regulate the use of all modes of transportation in the interests of public safety and the preservation of natural resources.

### **Sec. 17.4 Reservation of Authority**

The Hualapai Indian Tribe explicitly reserves the right, power and authority to repeal or modify any portion of Chapter 17, and to enact new or additional laws and regulations regarding matters of transportation arising hereunder.

### **Sec. 17.5 Jurisdiction**

The legislative, regulatory and judicial jurisdiction of the Hualapai Indian Tribe shall extend to all lands within the boundaries of the Hualapai Indian Reservation. Except as prohibited by federal statute, the Hualapai Tribe shall have jurisdiction over all persons and all activities occurring within the boundaries of the reservation notwithstanding the issuance of any right-of-way. Nothing in Chapter 17 shall be construed to limit the ability of the tribe to exercise its jurisdiction based upon its inherent sovereignty as an Indian tribe.

## **PROCEDURES FOR CIVIL TRAFFIC VIOLATIONS**

### **Sec. 17.6 Traffic Violations; Civil Matters**

A violation of Tribal law shall be treated as a civil matter unless the law provides for a different classification as a criminal offense.

### **Sec. 17.7 Commencement of Action**

- A. A civil traffic violation case is commenced by issuance of a uniform traffic complaint as provided in this Chapter.
- B. A civil traffic violation case shall be commenced either:
  - 1. Within 30 days of the alleged violation.
  - 2. Within 180 days of the alleged violation if the alleged violation is under investigation in conjunction with a traffic accident.

### **Sec. 17.8 Service of Uniform Traffic Complaint**

- A. A traffic complaint may be served by delivering a copy of the uniform traffic complaint to the person charged with the violation or by any means authorized by the rules of civil procedure.
- B. The original complaint shall be filed with the Hualapai Tribal Court within 10 court days of the time the complaint was issued. A peace officer may issue the traffic complaint.
- C. If it is necessary to issue a summons and complaint, the summons and complaint may be sent by regular mail to the address provided on the complaint. Service of the summons and complaint is complete upon mailing.

### **Sec. 17.9 Authority to Detain Persons**

A peace officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this Chapter and to serve a copy of the traffic complaint for an alleged civil violation of this Chapter.

### **Sec. 17.10 Traffic Complaint; Proceedings**

- A. A person served with a civil traffic complaint shall:
  - 1. Appear at the time and place stated in the complaint, or may appear before the time, if so authorized by the Court, and on the directions contained in the complaint.

2. Admit or deny the allegations in the complaint.

- B. Allegations not denied at the time of appearance are deemed admitted.
- C. If the allegations are admitted, the court shall enter judgment for the Tribe and shall impose a civil penalty. The person may admit the allegations with an explanation, and then the court shall enter judgment for the Tribe and impose a civil penalty. In determining the civil penalty, the court shall consider the explanation submitted.
- D. If the person denies the allegations of the complaint, the court shall set the matter for trial. The trial is informal and without a jury. At the trial, the Tribe is required to prove the violation charged by a preponderance of the evidence. Technical Rules of evidence do not apply, except for statutory provisions relating to privileged communications. The trial shall be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the allegation. If the court finds in favor of the Tribe, the court shall enter judgment for the Tribe and impose a civil penalty.

**Sec. 17.11 Fines**

- A. It is a civil offense for a person to violate any of the provisions of this Chapter. Except as otherwise expressly provided in this Section, offenses under this Section will be subject to the procedures and dispositions prescribed for civil offenses in Chapter 4 of this Code.
- B. A person who commits a first offense under the provisions of this Chapter for which another fine is not therein provided may be fined in an amount not to exceed \$500.00.
- C. Whenever by this Chapter the court is authorized to suspend or revoke driving privileges or operating privileges, the privilege which is suspended or revoked is that of operating a motor vehicle within the Hualapai Indian Reservation.

**Sec. 17.12 Maximum Civil Penalty**

A person who commits a subsequent offense under the provisions of this Chapter committed within one year after a previous offense committed under this Chapter for which another fine is not therein provided may be fined in an amount not to exceed \$1,000.

**Sec. 17.13 Appeal**

A party may appeal the judgment of the court. The appeal shall be in the same manner as provided for appeal of other civil judgments.

**Sec. 17.14 Failure to Pay Civil Penalty**

- A. A person shall pay all civil penalties within 30 days from entry of judgment, except that if payment within thirty days will place an undue economic burden on the person, the court may extend the time for payment or may provide for installment payments. If the civil penalty is not paid or an installment payment is not made when due, the court may declare the entire civil penalty due.
- B. If the civil penalty is not paid or an installment payment is not made when due, each judge of the Hualapai Court shall have the discretion to report any unpaid penalty or unsatisfied civil judgment resulting from a traffic complaint to one or more credit reporting agencies for inclusion in the person's credit report until it is paid.
- C. Nothing in this Section impairs the ability of the court *sua sponte* to initiate proceedings under the Court's inherent powers of contempt.

**Sec. 17.15 Traffic Violation Charge; Juveniles**

- A. The Hualapai Court shall not dispose of a moving traffic violation charge arising from the issuance of a traffic complaint to a juvenile under 18 years of age unless a parent or guardian of the juvenile appears in court with the juvenile at the time of the disposition of the charge.
- B. If unusual circumstances prevent the appearance of the parent or guardian, the Court may waive the appearance and shall send written notice to the parent or guardian advising the parent or guardian of the charge and its disposition.
- C. A traffic complaint filed against a juvenile is not considered a delinquency matter arising under Chapter 13 of the Hualapai Law and Order Code. Proceedings under this Chapter against a juvenile who attains the age of majority prior to disposition of the traffic complaint are not affected thereby.

**Sec. 17.16 Grant of Privilege to Drive**

- A. Pursuant to authority in Section 17.2, the Tribe hereby grants to all persons the privilege to operate a motor vehicle within the Hualapai Indian Reservation, subject to the provisions of Chapter 17.
- B. The Tribe explicitly reserves the right to suspend, rescind, modify, restrict or otherwise limit the privilege granted in Subsection A of this Section.

**Sec. 17.17 Violation of Promise to Appear**

- A. Any person willfully violating his or her written promise to appear in court, given as provided in this Chapter, commits a civil offense regardless of the

disposition of the offense for which he or she was originally cited.

- B. A written promise to appear may be complied with by an appearance by counsel for the purposes only of entering a denial or motions, and of obtaining a trial setting, but not for entering an admission, making an offer of settlement, the conduct of a trial or the imposing of a fine.

**Sec. 17.18 Form for Traffic Citations**

- A. Tribal police on this Reservation shall use a uniform traffic ticket and complaint form for traffic citations.
- B. Each traffic complaint shall contain the following notice of a failure to appear as directed in this complaint:
  - 1. A default judgment will be entered against you.
  - 2. A civil penalty will be imposed.
- C. The tribal chief of police shall be responsible for the issuance of the books and shall maintain a record of every book and each citation contained therein issued and shall require and retain a receipt for every book so issued.

**Sec. 17.19 Disposition and Records of Traffic Citations**

- A. Original deposited with court. Every peace officer upon issuing a traffic civil offense citation to an alleged violator of any provision of the motor vehicle offenses of this Reservation shall deposit the original of the traffic citation with the court.
- B. Upon a deposit of the traffic citation with the Tribal Court, the charge may be disposed of only by trial in the court or other official action by the court, including the payment of a fine to the court.
- C. The Clerk of the Court shall maintain or cause to be maintained in connection with every traffic citation issued by a peace officer, a record of the disposition of the charge by the court.

**Sec. 17.20 Reserved**

**Sec. 17.21 Illegal Cancellation of Traffic Citation; Audit of Citation Records**

- A. Any person who cancels any traffic civil offense citation in any manner other than as provided in this Chapter commits a civil offense.

- B. Every record of traffic civil offense citations required in this Chapter shall be audited annually by the Chief of Police.

**Sec. 17.22 Certification of Uniform Traffic Complaint Forms**

- A. Uniform traffic complaint forms need not be sworn to if they contain a form of certification by the issuing officer in substance as follows: "I hereby certify that I have reasonable grounds to believe and do believe that the person named herein committed the civil traffic violation described herein contrary to law."
- B. A false certification under the provisions of Subsection A of this Section is perjury and is subject to civil or criminal penalties, as defined by law.

**Sec. 17.23 Amendments**

Whenever appropriate Sections of the Uniform Act regulating traffic or highways of the State of Arizona (Chapter 6, Title 28 Ariz. Rev. Stats.), are amended, the corresponding provisions of this Chapter shall be amended ipso facto thereby unless the Tribal Council specifically determines otherwise; provided that, the provisions of this Chapter shall not be so amended to the extent that said Sections of the Arizona Revised Statutes prescribe criminal penalties.

**Sec. 17.24 Operators to Comply with Uniform Motor Vehicles Safety Responsibility Act**

Any person who operates a motor vehicle upon a highway within the Reservation shall comply with the current requirements of the Uniform Motor Vehicle Safety Responsibility Act of the state within which the vehicle is registered; except that, any terms of said Uniform Motor Vehicle Safety Responsibility Act which prescribe criminal penalties shall not be applicable. Failure to comply with such provisions shall result in a suspension of all driving privileges and a report being forwarded to the appropriate state agency.

**Sec. 17.25 Where Provisions Effective**

- A. Subject to Section 17.18, the provisions of this Chapter shall apply to all vehicles operated within the exterior boundaries of the Hualapai Indian Reservation.
- B. Any and all prior traffic ordinances, rules, regulations or other directives in conflict with Chapter 17, with the exception of Chapter 6 of this code and any amendments thereto, shall be and are hereby declared null and void within the exterior boundaries of Hualapai Indian Reservation.

**Sec. 17.26 Provisions of Chapter Refer to Vehicles upon the Highways; Exceptions**

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

- A. Where a different place is specifically referred to in a given Section.
- B. The provisions concerning vehicle accidents, reckless driving and driving while intoxicated shall apply upon highways and elsewhere, including private property, throughout the Reservation.

**Sec. 17.27 Application of Chapter to Public Employees; Exceptions**

- A. The provisions of Chapter 17 applicable to the drivers of all vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, the State of Arizona, the Hualapai Indian Tribe or any other political subdivision of Arizona except as provided in this Section and subject to such specific exceptions as are set forth in this Chapter with reference to authorized emergency vehicles.
- B. Unless specifically made applicable, the provisions of this Chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, or to railroad employees working on a railroad track or tracks crossing the highway, but shall apply to such persons and vehicles when traveling to or from such work.

**OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS**

**Sec. 17.28 Obedience to Peace Officers**

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

**Sec. 17.29 Authorized Emergency Vehicles**

- A. Drivers of authorized emergency vehicles are permitted to vary from requirements. The driver of any authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section.
- B. Exceptions enumerated. The driver of an authorized emergency vehicle may:
  - 1. Park or stand, irrespective of the provisions of Chapter 17.

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  3. Exceed the prima facie speed limits so long as the driver does not endanger life or property.
  4. Disregard regulations governing direction of movement or turning in specified direction.
- C. Exemptions apply only under certain conditions. The exemptions granted by this Section to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red or red and blue light or lens visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- D. Driver responsible. The provisions of this Section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall these provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

**Sec. 17.30 Injuring, Unlawfully Starting, Using or Preventing Use of Vehicles**

- A. A person is guilty of a civil offense who:
1. Willfully breaks, injures, tampers with or removes any part of a vehicle for any purpose against the will or without consent of the owner of the vehicle.
  2. In any other manner willfully or maliciously interferes with or prevents the running or operation of the vehicle.
  3. Without consent of the owner or person in charge of a vehicle climbs into or upon a vehicle with intent to commit any crime, malicious mischief or injury theretofore.
  4. While a vehicle is stopped and unattended attempts to manipulate any levers, starting crank or other starting devices, brakes or other mechanism thereof, or set the vehicle in motion.
- B. The provisions of Subsection A hereof shall not apply when any of the conduct described therein is committed in an emergency in furtherance of public safety or convenience or by or under the direction of any peace officer in the performance of the officer's duty.

**Sec. 17.31 Placing or Allowing Dangerous Articles on Roadway**

- A. No person shall throw or deposit upon any roadway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon the roadway.
- B. Any person who drops or permits to be dropped or thrown upon any roadway any destructive or injurious material shall immediately remove the same or cause it to be removed.
- C. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance, including but not limited to tire parts, oil, and fuel dropped or otherwise deposited upon the highway from the vehicle.

**Sec. 17.32 Crossing Fire Hose**

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

**Sec. 17.33 Reserved**

**REGISTRATION, LICENSING AND INSPECTION**

**Sec. 17.34 Registration of Motor Vehicle required; Exceptions**

- A. Every owner of a motor vehicle, trailer or semi-trailer, before it is operated upon any highway in this Reservation, shall obtain a certificate of title thereto and registration therefore from the appropriate agency of the United States, state, tribe, or foreign government.
- B. This Section does not apply to:
  - 1. A farm tractor.
  - 2. A road roller or road machinery, including a power sweeper, that is temporarily operating or moved on the highway.
  - 3. An owner permitted to operate a vehicle under special provisions relating to lienholders, manufacturers, dealers and nonresidents.
  - 4. A motor vehicle that is being towed by a tow truck that has been registered and for which a permit has been obtained pursuant to state law.

5. **Wheeled equipment.** For the purposes of this paragraph, “wheeled equipment” means:
  - a. a compressor
  - b. a forklift
  - c. a portable cement mixer
  - d. a single axle tow dolly as defined by Arizona law
  - e. a tar pot
  - f. a water trailer used for watering livestock or for agricultural or domestic purposes
  - g. a welder
  - h. any other similar item designed and used primarily for construction or building trade purposes

**Sec. 17.35 Registration Violations**

- A. A person is in violation of this Subchapter who:
  1. Is in possession of a motor vehicle knowing or having reason to know that a manufacturer’s serial number or vehicle identification number has been removed, defaced, altered or destroyed without the permission of the governmental agency in whose jurisdiction the vehicle is registered.
  2. Displays or possesses a registration card or license plate knowing it to be fictitious or to have been stolen, canceled, revoked, suspended or altered.
  3. Lends to a person or knowingly permits the use of the person’s registration card or license plate by a person not entitled to the card or plate.
- B. This Section does not apply to peace officers or employees of the Tribe, the United States, the State of Arizona or a political subdivision of the State of Arizona if the violation occurs in the course of their official duties.
- C. Subsection A, Paragraph 2 of this Section does not apply to a towing company that has a vehicle in its possession as permitted by law or a business acting in

good faith and in the normal course of business and in conformance with all applicable laws.

**Sec. 17.36 License Plates; Attachment**

- A. A person shall display the license plate or plates as follows:
  - 1. For a motor vehicle, motorcycle, trailer or semitrailer, on the rear.
  - 2. For a vehicle for which two license plates are issued, the vehicle owner shall display one plate on the rear
- B. A person shall display all license plates as required by Subsection A until lawful use expires or is canceled or revoked. A person shall maintain each license plate so it is clearly legible. A person shall securely fasten each license plate to the vehicle as follows:
  - 1. To prevent the plate from swinging.
  - 2. At a height of at least twelve inches from the ground to the bottom of the plate.
  - 3. In a position to be clearly visible.

**Sec. 17.37 Registration; Violations; Penalties**

- A. Except as provided in Subsection B of this Section, a person who is the resident or nonresident owner or operator of a motor vehicle, trailer or semitrailer that is required by law to be registered and is not registered or does not display license plates assigned by the appropriate governmental agency for the current registration year and who operates or knowingly permits the vehicle to be operated on a highway within the Hualapai Reservation is subject to a civil penalty not less than \$50.00 and not more than \$250.00.
- B. On proper presentation of evidence of current registration, a person who is charged with a violation of Subsection A of this Section is subject to a civil penalty of \$50.00.
- C. The court shall not dismiss an action brought under this Section merely because the defendant has obtained the appropriate license plates or registration after violating this Section. The Court may decide not to impose a civil penalty against a defendant for a violation of this Section if the defendant was legally operating the vehicle but was not the owner of the motor vehicle, trailer or semitrailer.

**Sec. 17.38 Operator's or Chauffeur's License Required**

- A. No person, except those expressly exempted in this Chapter, shall drive any motor vehicle upon a highway in the Reservation unless the person has a valid license as an operator or chauffeur issued by the appropriate agency of the United States, a state or foreign government. No person shall drive a motor vehicle as a chauffeur unless the person holds a valid chauffeur's license.
- B. person holding a valid chauffeur's license need not procure an operator's license.
- C. A person licensed as an operator or chauffeur may exercise the privilege thereby granted upon all streets and highways in this reservation.

**Sec. 17.39 Driver License Requirement**

- A. Unless exempt pursuant to this Subchapter, a person shall not drive a motor vehicle, vehicle combination or a motorcycle on a highway within the Hualapai Reservation without an appropriate and valid driver license issued by the State of Arizona or any other state or foreign country.
- B. A person who is licensed as provided in Subsection A of this Section is granted by the Tribe the privilege to operate a motor vehicle, vehicle combination or a motorcycle on the highways within the Hualapai Reservation.

**Sec. 17.40 Driver License; Exemptions**

The following persons are exempt from licensing under this Chapter:

- A. Active duty military personnel while operating a military vehicle in the service of the armed forces of the United States.
- B. A person while driving or operating a farm tractor or implement of husbandry that is temporarily operated or moved on a highway.

**Sec. 17.41 Restricted Licenses**

It is a violation of this Subchapter for a person to operate a motor vehicle in violation of a driver license restriction.

**Sec. 17.42 License to be Carried, Exhibited on Demand**

Every licensee shall have an operator's or chauffeur's license in the licensee's immediate possession at all times when operating a motor vehicle and shall display same, upon demand of a peace officer. However, no person charged with violating this Section

shall be convicted if the person produces in court or the office of the tribal prosecutor an operator's or chauffeur's license theretofore issued to the licensee and valid at the time of the licensee's arrest.

**Sec. 17.43 Violation of License Provisions**

It is a civil offense for any person:

- A. To display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious or fraudulently altered operator or chauffeur's license.
- B. To lend the person's operators or chauffeur's license to any other person or knowingly permit the use thereof by another.
- C. To display or represent as one's own an operator's or chauffeur's license not issued to him or her.
- D. To display or has in his or her possession a registration card or registration number plate knowing it to be fictitious or to have been stolen, cancelled, revoked, suspended or altered.
- E. To lend or knowingly permit the use of his or her registration card or registration number plate by a person not entitled thereto.

**Sec. 17.44 Permitting Unauthorized Person to Drive**

- A. It is a violation of this Subchapter for a person to drive a motor vehicle on a public highway when the person's privilege to drive a motor vehicle is suspended, revoked, canceled or refused or when the person is disqualified from driving.
- B. It is a violation of this Subchapter for a person to authorize or knowingly permit a motor vehicle owned by that person or under that person's control to be driven on a highway by any other person who is not authorized under this Subchapter or in violation of this Subchapter.

**Sec. 17.45 Permitting Unauthorized Minor to Drive; Liability Therefore**

- A. A person who causes or knowingly permits an unlicensed child or ward or any person under the age of 18 years to drive a motor vehicle when such person is not authorized under this Chapter, or in violation of any of the provisions of this Chapter, is guilty of a civil offense.
- B. Every owner of a motor vehicle causing or knowingly permitting an unlicensed minor under the age of 18 years to drive such vehicle and any

person giving or furnishing a motor vehicle to such unlicensed minor, shall be jointly and severally liable with such minor for any damages caused by the negligence or willful misconduct of such minor in driving such vehicle.

**Sec. 17.46      Employing Unlicensed Chauffeur**

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

**Sec. 17.47      Inspection by Peace Officers**

- A. A peace officer may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit the vehicle to an inspection and such tests with reference thereto as may be appropriate.
- B. In the event the vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give written notice to the driver. The original of the notice shall be retained by the officer's department. The notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto and that a certificate of correction or adjustment of illegal or faulty equipment must be obtained within five days.

**Sec. 17.48      Owners or Driver to Comply with Inspection Provisions**

- A. No person driving a vehicle shall refuse to submit the vehicle to an inspection and test when required to do so by a peace officer.
- B. Every owner or driver, upon receiving a notice as provided in the previous Section, shall comply therewith and shall within five days secure the certification of adjustment provided on the notice. When the certification is completed, the notice shall be forwarded to the issuing department. In lieu of compliance with this Subsection, the vehicle shall not be operated, except as provided in Subsection C of this Section.
- C. No person shall operate any vehicle after receiving a notice with reference thereto as provided in Subsection B of this Section, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver, if within a distance of 25 miles, or to a garage, until the vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Chapter.

**Sec. 17.49 Air Pollution Control Devices**

- A. Any person who removes, alters, or causes the removal or alteration of a motor vehicle emission control device to decrease or diminish the effectiveness of such device is guilty of a civil offense.
- B. The provision of this Chapter shall not apply to motor vehicles that are used exclusively for competition and not operated on the public streets and highways.

**Sec. 17.50 Reserved**

**EQUIPMENT**

**Sec. 17.51 Applicability of Equipment Requirements**

- A. A person shall not:
  - 1. Drive or move and the owner shall not knowingly cause or permit to be driven or moved on a highway a vehicle or combination of vehicles that:
    - a. Is in an unsafe condition that endangers a person.
    - b. 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.
    - c. Is equipped in any manner in violation of this Chapter.
  - 2. Do an act forbidden or fail to perform an act required under this Chapter.
- B. The provisions of this Chapter with respect to equipment on vehicles do not apply to implements of husbandry, trailers used solely in the transportation of livestock, road machinery, road rollers or tractors except as made applicable by this Chapter.

**Sec. 17.52 Vehicle to Comply with Chapter; Exceptions**

- A. It is a civil offense for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which 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 is equipped in any manner in violation of

this Chapter, or for any person to do any act forbidden or fail to perform any act required under this Chapter.

- B. Nothing contained in this Chapter shall 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 shall not apply to implements of husbandry, road machinery, road rollers or tractors except as made applicable by this Chapter. Every tractor equipped with an electric lighting system shall at all times display a red tail lamp and either multiple-beam or single-beam head lamps.

**Sec. 17.53 Special Requirements for Motorcycles and Motor-Driven Cycles**

- A. The operator and any passenger of a motorcycle or motor-driven cycle shall wear a protective helmet in an appropriate manner safely secured. The operator and passenger of a motorcycle or motor-driven vehicle shall also wear protective glasses, goggles or a transparent face shield unless the motorcycle is equipped with a protective windshield. The provisions of this Subsection shall not apply to electrically powered three-wheeled vehicles or three-wheeled vehicles on which the operator and passenger ride within an enclosed cab.
- B. A motorcycle and motor-driven cycle shall be equipped with a rearview mirror, seat and footrests for the operator. Any motorcycle or motor-driven cycle operated with a passenger shall be equipped with seats, footrests and handrails for such passenger.
- C. Handlebars rising more than 15 inches above the level of the driver's seat or saddle on a motorcycle or motor-driven cycle are prohibited.

**Sec. 17.54 Required Brake Equipment**

The following brake equipment is required:

- A. A motor vehicle other than a motorcycle, if it is operated on a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means is effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be constructed so that failure of any one part of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.
- B. A motorcycle when operated on a highway shall be equipped with at least one brake that may be operated by hand or foot.

**Sec. 17.55     Horns and Audible Warning Devices**

- A. Required. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonable loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with his horn but shall not otherwise use the horn when upon a highway.
- B. Prohibited devices. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this Section.
- C. Emergency vehicle requirements. 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 500 feet, but the siren shall 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 latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

**Sec. 17.56     Mufflers and Air Pollution Control Devices**

- A. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.
- B. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

**Sec. 17.57     Mirrors**

Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.

**Sec. 17.58     Windshields Required**

- A. The following vehicles shall be equipped with an adequate windshield:
  - 1. A passenger vehicle.

2. A motor truck or truck tractor, including buses, except fire trucks, fire engines or other fire apparatus, whether publicly or privately owned.

B. This Section does not apply to an implement of husbandry or to an antique, classic or horseless carriage automobile if it was not originally equipped with a windshield.

**Sec. 17.59 Rear Fender Splash Guards**

A. No person shall not operate a truck, trailer, semitrailer or bus upon a highway unless the vehicle is equipped with rear splash guards that comply with the specifications provided in this Section.

B. The splash guards:

1. Shall be attached in a manner that prevents the splashing of mud or water on the windshield of other motor vehicles.
2. Shall extend to a length of not more than eight inches from the ground.
3. Shall be wide enough to cover the full tread or treads of the tires being protected.
4. Shall be installed close enough to the tread surface of the tire or wheel to control the side throw of the bulk of the thrown road surface material.
5. May be constructed of a flexible rubberized material.
6. Shall be attached in a manner that, regardless of movement either in the splash guards or the vehicle, the splash guards retain their general parallel relationship to the tread surface of the tire or wheel under all ordinary operating conditions.

**Sec. 17.60 – 17.68 Reserved**

**Sec. 17.69 Windshields must be Unobstructed and Equipped with Wipers**

A. No person shall drive any motor vehicle with any sign, poster or any other substance of material upon the front windshield, side wings or side or rear windows of the vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

B. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall

be so constructed as to be controlled or operated by the driver of the vehicle.

- C. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

**Sec. 17.70 Lamps on Parked Vehicles**

- A. When a vehicle is lawfully parked upon a street or highway 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 500 feet upon the street or highway no lights need be displayed upon the parked vehicles.
- B. When 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 500 feet upon the highway, the vehicle so parked or stopped shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of the vehicle and a red light visible from a distance of 50 feet to the rear. The foregoing provisions shall not apply to a motor-driven cycle.
- C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**Sec. 17.71 Lighted Lamps Required**

At any time from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead, a vehicle on a highway within the Hualapai Reservation shall display lighted lamps and illuminating devices as required by this Chapter, subject to exceptions for parked vehicles as provided in this Chapter.

**Sec. 17.72 Motor Vehicle Head Lamps**

- A. A motor vehicle other than a motorcycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle. The headlamps shall comply with requirements and limitations of this Chapter.
- B. A motorcycle shall be equipped with at least one and not more than two headlamps that comply with the requirements and limitations of this Chapter.

**Sec. 17.73 Tail Lamps**

- A. A motor vehicle, trailer, semitrailer and pole trailer and any other vehicle that

is being drawn at the end of a train of vehicles shall be equipped with at least one tail lamp mounted on the rear. When lighted as required by this Chapter, the tail lamp shall emit a red light plainly visible from a distance of 500 feet to the rear, except that in a case of a train of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

- B. Either a tail lamp or a separate lamp shall be constructed and placed in a manner that illuminates with a white light the rear license plate and renders it clearly legible from a distance of 50 feet to the rear. A tail lamp or tail lamps together with any separate lamp for illuminating the rear license plate shall be wired to provide that the tail lamp or lamps are lighted whenever the head lamps are lighted.

**Sec. 17.74      Lamp or Flag on Projecting Load**

- A. If the load on a vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear shall be displayed at the extreme rear end of the load, at the times specified in Section 17.71. The red light or lantern required by this Section is in addition to the red rear light required on every vehicle.
- B. At any other time, a red flag or cloth not less than 12 inches square shall be displayed at the extreme rear end of the load. The flag or cloth shall be displayed so that the entire area is visible to the driver of a vehicle approaching from the rear.

**Sec. 17.75      Stop Lamps and Turn Signals**

- A. A motor vehicle shall be equipped with the following:
  - 1. A stop lamp on the rear that emits a red or yellow light, that is actuated on application of the service or foot brake and that may be incorporated with a tail lamp.
  - 2. One or more lamps or a mechanical signal device that is capable of clearly indicating an intention to turn either to the right or to the left and that is visible from both the front and rear.
- B. A stop lamp shall be plainly visible and understandable from a distance of 100 feet to the rear both during normal sunlight and at nighttime. A turn signal lamp or lamps indicating the intention to turn shall be visible and understandable during daytime and nighttime from a distance of 100 feet both to the front and rear. The stop lamp or turn signal lamp shall:
  - 1. Be maintained at all times in good working condition.

2. Not project a glaring or dazzling or otherwise intrusive light.

**Sec. 17.76 Multiple Beam Road Lighting Equipment Arrangement**

Except as otherwise provided in this Chapter, the head lamps, the auxiliary driving lamp or the auxiliary passing lamp or combinations of the head lamps, driving lamp or passing lamp on a motor vehicle other than a motorcycle shall be arranged so that selection may be made between distributions of light projected to different elevations, subject to the following requirements and limitations:

- A. There shall 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 350 feet ahead for all conditions of loading.
- B. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead, and under any condition of loading, none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

**Sec. 17.77 Multiple Beam Road Lighting Equipment Usage**

If a motor vehicle is operated on a roadway or shoulder adjacent to a roadway during the times provided in Section 17.71, the driver shall use a distribution of light or composite beam that is directed high enough and that has sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

- A. If a driver of a vehicle approaches an oncoming vehicle within five hundred feet, the driver shall use a distribution of light or composite beam aimed so that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam provided in Section 17.76, Paragraph B is deemed to avoid the glare at all times, regardless of road contour and loading.
- B. If the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this Chapter other than the uppermost distribution of light specified in Section 17.76, Paragraph A.

**Sec. 17.78 Number of Driving Lamps Required or Permitted**

- A. At all times provided in Section 17.71, at least two lighted lamps shall be displayed, one at each side at the front of a motor vehicle other than a motorcycle, except when the vehicle is parked subject to the rules governing

lights on parked vehicle.

- B. If a motor vehicle equipped with head lamps as required by this Chapter is also equipped with any auxiliary lamps, spot lamp or other lamp on the front of the motor vehicle projecting a beam of intensity greater than 300 candlepower, not more than four of any such lamps on the front of a vehicle shall be lighted at any one time when on a highway.

**Sec. 17.79 Special Restrictions on Lamps**

A person shall not drive or move a vehicle or equipment on a highway with a lamp or device on the vehicle that is capable of displaying a red or red and blue light or lens visible from directly in front of the center of the vehicle. Lights visible from the front of a vehicle shall be amber or white. This Section does not apply to an authorized emergency vehicle.

**Sec. 17.80 Vehicle Restraints required; Exceptions; Civil Penalty**

- A. Each front seat occupant of a motor vehicle that is designed for carrying 10 or fewer passengers, that is manufactured for the model year 1972 and thereafter and that is required by federal law or regulation to be equipped with an integrated lap and shoulder belt or lap belt shall either:
  - 1. Have the lap and shoulder belt properly adjusted and fastened while the vehicle is in motion.
  - 2. If only a lap belt is installed where the occupant is sitting, have the lap belt properly adjusted and fastened while the vehicle is in motion.
- B. The operator of a motor vehicle that is subject to the requirements of this Section shall require each front seat passenger under 16 years of age to comply with this Section.
- C. A peace officer shall not stop or issue a citation to a person operating a motor vehicle on a highway within the Hualapai Reservation for a violation of this Section unless the peace officer has reasonable cause to believe there is another alleged violation of a motor vehicle law of the Tribe.
- D. This Section does not apply to:
  - 1. A child subject to the requirements of Section 17.81.
  - 2. A person possessing a written statement from a physician that the person is unable for medical or psychological reasons to wear a lap and shoulder belt or a belt.
  - 3. A letter carrier of the United States postal service while the letter

carrier is performing the letter carrier's duties.

- E. A person found responsible for a civil traffic violation under this Section shall be subject to a maximum civil penalty of \$10.00 for each violation.

**Sec. 17.81 Child Passenger Restraint System**

- A. Except as provided in Subsection G of this Section, a person shall not operate a motor vehicle on the highways within the Hualapai Reservation when transporting a child who is under the age of five years of age unless that child is properly secured in a child passenger restraint system.
- B. For the purposes of this Section, the standards for the performance, design and installation of child passenger restraint systems for use in motor vehicles set forth in 49 Code of Federal Regulations Section 571.213 (as may be amended from time to time) shall apply within the Hualapai Indian Reservation.
- C. A person who violates this Section is subject to a maximum civil penalty of \$25.00, except that a civil penalty shall not be imposed if the person makes a sufficient showing that the motor vehicle has been subsequently equipped with a child passenger restraint system that meets the standards set forth in Subsection B of this Section. A sufficient showing may include a receipt mailed to the Hualapai Tribal Court that evidences purchase or acquisition of a child passenger restraint system.
- D. If a peace officer stops a vehicle for an apparent violation of this Section, the officer shall determine from the driver whether the unrestrained child or children in the vehicle are less than five years of age.
- E. If the information given to the officer indicates that a violation of this Section has not been committed, the officer shall not detain the vehicle any further unless some additional violation is involved. The stopping of a vehicle for an apparent or actual violation of this Section is not probable cause for the search or seizure of the vehicle unless there is probable cause for another violation of law.
- F. The requirements of this Section or evidence of a violation of this Section are not admissible as evidence in a judicial proceeding except in a judicial proceeding for a violation of this Section.
- G. This Section does not apply to any of the following:
  - 1. A person who operates a motor vehicle that was originally manufactured without passenger restraint devices.
  - 2. A person who operates a motor vehicle that is also a recreational

vehicle as defined in Subsection H of this Section.

3. A person who operates a commercial motor vehicle and who holds a current commercial driver license issued pursuant to applicable state law.
4. A person who must transport a child in an emergency to obtain necessary medical care.
5. A person who transports more than one child under five years of age in a motor vehicle that because of the restricted size of the passenger area does not provide sufficient area for the required number of child passenger restraint devices, if both of the following conditions are met:
  - a. At least one child is restrained as required by this Section.
  - b. The person has secured as many of the other children in child passenger restraint devices pursuant to this Section as is reasonable given the restricted size of the passenger area and the number of passengers being transported in the motor vehicle.

H. For the purposes of this Section a "recreational vehicle" means a vehicular type unit which is:

1. A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
2. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than 320 square feet. This Subdivision includes fifth wheel trailers.
3. A portable truck camper constructed to provide temporary living quarters for recreational, camping or travel use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

**Sec. 17.82 – 17.90    Reserved**

## **SIZE, WEIGHT, AND LOAD**

### **Sec. 17.91 Scope and Effect of Requirements; Limitations**

- A. It is a civil offense for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway within the Reservation and vehicle or vehicles or combination of vehicles of a size or weight exceeding the limitations of the state in which the vehicle is driven or moved.
- B. The provisions of Chapter 17 governing size shall not apply to fire apparatus, road machinery, implements of husbandry or tractors temporarily moved upon a highway or to a vehicle operated under the terms of a special permit as provided by Chapter 17.

### **Sec. 17.92 Permits for Excess Size and Weight**

- A. The Tribal Council shall in its discretion upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Chapter 17 or otherwise not in conformity with the provisions of Chapter 17 upon any highway under the jurisdiction of the tribe.
- B. The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways for which permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.
- C. If the permit is issued, the Tribal Council may limit the number of trips, establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise limit or prescribe conditions of operation of the vehicle or vehicles when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or structures.
- D. Such a permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by and peace officer or authorized agent of the tribe and no person shall violate any of the terms or conditions of the special permit.

**Sec. 17.93 Tribal Officers Authorized to Stop Vehicles, Weigh and Require Removal of Excess Weight**

- A. A peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that the vehicle be driven to the nearest scales in the event such scales are within 10 miles.
- B. When a peace officer, upon weighing a vehicle and load as provided in Subsection A of this Section, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit as permitted under this Chapter. All material so unloaded shall be cared for by the owner or operator of the vehicle at the wish of the owner or operator.
- C. Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this Section is guilty of a civil offense.

**Sec. 17.94 Vehicle Loads; Restrictions**

- A. A person shall not drive or move a vehicle on a highway unless the vehicle is constructed or loaded in a manner to prevent any of its load from dropping, shifting, leaking, or otherwise escaping from the vehicle, except that either:
  - 1. Sand may be dropped for the purpose of securing traction.
  - 2. Water or another authorized substance may be sprinkled on a roadway in cleaning or maintaining the roadway.
- B. A person shall not operate a vehicle on a highway with a load unless the load and any covering on the load are securely fastened in a manner to prevent the covering or load from coming loose, detached or in any manner a hazard to other users of the highway.

**Sec. 17.95 - 17.100 Reserved**

**TRAFFIC-CONTROL DEVICES**

**Sec. 17.101 Obedience to Devices Required; Exceptions**

- A. The driver of any vehicle shall obey the instructions of any official traffic-control device, unless otherwise directed by a traffic or peace officer, subject

to the exemptions granted the driver of an authorized emergency vehicle in this Chapter.

- B. The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection, provided that if such driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

#### **Sec. 17.102 Display of Unauthorized Signs, Signals, Marking or Devices**

No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal marking or official traffic sign, signal or control device or railroad sign or signal, or which attempts to control or direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device, sign or signal, or any railroad sign or signal, and no person shall place or maintain any commercial advertising on an official traffic-control device, or sign. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

#### **Sec. 17.103 Construction or Roadwork Site Warning Devices**

Any contractor, firm, corporation or political subdivision performing work on roads, streets or highways shall post and maintain at the work site, until the work is completed or until such time as the governing body authorizes removal, such warning signs, signals, markers and barricades in compliance with the manual and specifications for uniform system of traffic control devices adopted by the Arizona Highway Department or the United States, to warn those using such street, road or highway.

#### **Sec. 17.104 Injuring, Defacing, Etc., Traffic-Control or Warning Signs**

No person shall without lawful authority attempt to or in fact alter, deface, injure or knock down any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon or any other part thereof.

#### **Sec. 17.105 - 17.140 Reserved**

## OPERATION OF VEHICLES

### **Sec. 17.141 Operation of Vehicles by Non-Members on Land Other than Reservation Roadways**

- A. No person, except members of the Hualapai Tribe, may operate any motor-driven vehicle on any land within the Hualapai Reservation except over roadways as defined by this Code, unless authorized by a valid permit issued by the Hualapai Tribe on its authorized representative.
- B. **Impoundment of vehicle; notification of owner.** If any vehicle is operated in violation of this Section, the vehicle shall be impounded by the peace officers of the Hualapai Indian Reservation and shall be kept at a place of storage within the community. Within 15 days of the date of impoundment, notice by certified mail, return receipt requested, shall be sent to the registered owner of the vehicle impounded informing such owner of the time and place of a hearing to determine whether the vehicle was operated in violation of the Section and what, if any, damages resulted from such operation. The notice will be sent by the chief of police of the Hualapai Police Department and a record of the notice will be kept in the office of the chief of police and the office of the Hualapai Tribal Court.
- C. **Hearing.** Upon the hearing, if the court determines that the vehicle was being unlawfully operated and caused damages, the court shall enter its judgment determining such illegal operation and the amount of damages caused and ordering that the Hualapai Police Department shall hold the vehicle until the owner of the vehicle pays to the court for the benefit of the community the amount of damages which the court has determined was caused by the unlawful operation of the vehicle, or the value of the vehicle, whichever is the lesser. A copy of the court's judgment shall be forwarded to the owner of the vehicle within three days of the issuance of the judgment.
- D. **Sale of vehicle for recovery of damages.** Any judgment by the court under this Section finding illegal operation and damages shall provide that unless payment of the damages as provided for herein is made within 30 days after the entry of judgment, the vehicle will be sold at public auction after reasonable notice by certified mail to the owner of the vehicle of said sale. Upon payment of such amount within 30 days, the vehicle will be returned to the owner. The proceeds of the sale necessary for the satisfaction of the judgment shall be paid by the clerk of the court to the community for the benefit of the beneficial owners of the land damaged, and any excess over such judgment shall be paid first to satisfy the expenses incurred by the court and the Hualapai Police Department in the impoundment and hearing proceedings and second to the owner of the vehicle.

- E. Release of vehicle on posting of bond. In the event the owner of the vehicle posts a cash bond with the clerk of the Hualapai Tribal court in an amount equal to the value of the vehicle, prior to the hearing required by this Section, the vehicle will be returned to such owner at the time of the posting of the bond. The value of the vehicle shall be determined from any commercially recognized valuation periodical by the clerk of the court. In the event the owner of the vehicle objects to the value set by the clerk of the court, the judge of the community court shall make such determination upon affidavits submitted by the owner of the vehicle and the police chief of the Hualapai Reservation.

**Sec. 17.142 Offenses by Persons Owning or Controlling Vehicles**

It is a civil offense for the owner, or any other person, employing or otherwise directing the driver or any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to law.

**Sec. 17.143 – 17.152 Reserved**

**Sec. 17.153 Turning Movements and Required Signals**

- A. A person shall not turn a vehicle at an intersection unless the vehicle is in proper position on the roadway, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left on a roadway unless and until the movement can be made with reasonable safety. A person shall not so turn any vehicle without giving an appropriate signal in the manner provided by this Chapter in the event any other traffic may be affected by the movement.
- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.
- C. A person shall not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided by this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

**Sec. 17.154 Hand or Arm Signals or Signal Device**

A person shall give a stop or turn signal if required by this Chapter by means of the hand or arm or by a signal lamp or lamps or mechanical device of a type approved by the appropriate jurisdiction. If a vehicle is constructed or loaded so that a hand or arm signal would not be visible both to the front and rear of the vehicle, the signals must be given by a lamp or lamps or signal device.

**Sec. 17.155 Method of Giving Hand and Arm Signals**

A person shall give all hand and arm signals required by this Chapter from the left side of the vehicle in the following manner, and the signals shall indicate as follows:

- A. Left turn - hand and arm extended horizontally.
- B. Right turn - hand and arm extended upward.
- C. Stop or decrease speed - hand and arm extended downward.

**Sec. 17.156 Turning on Curve or Crest of Grade Prohibited**

No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

**Sec. 17.157 Backing Limitations**

The driver of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic.

**Sec. 17.158 Obstruction to View; Interference with Driving**

- A. A person shall not drive a vehicle when the vehicle's load or passengers obstruct the driver's view to the front or sides of the vehicle or interfere with the driver's control over the vehicle's driving mechanism.
- B. A passenger in a vehicle shall not ride in a position that interferes with the driver's view ahead or to the sides or that interferes with the driver's control over the vehicle's driving mechanism.

**Sec. 17.159 – 17.170 Reserved**

**RIGHT-OF-WAY AND PASSING**

**Sec. 17.171 Vehicle at Intersection; Exceptions**

- A. When two vehicles enter or approach an intersection from different streets or 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. This Section does not apply to vehicles approaching or entering an uncontrolled "T" intersection if the vehicle on the left is on a continuing street or highway and the vehicle on the right is on the terminating street or highway. The vehicle on the terminating street or highway shall yield to the vehicle on the continuing street or highway.

- B. The right-of-way rule prescribed in Subsection A of this Section is modified at through highways and otherwise as stated in this Chapter.

**Sec. 17.172 Vehicle Turning Left at Intersection**

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to a vehicle that is approaching from the opposite direction and that is within the intersection or so close to the intersection as to constitute an immediate hazard.

**Sec. 17.173 Through Highway; Intersection Entrance**

- A. The driver of a vehicle shall stop as required by Section 17.193 at the entrance to a through highway and shall yield the right-of-way to other vehicles that have entered the intersection from the through highway or that are approaching so closely on the through highway as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle that is proceeding into or across the through highway.
- B. The driver of a vehicle shall stop in obedience to a stop sign as required by this Chapter at an intersection where a stop sign is erected at one or more entrances to the intersection although not a part of a through highway, shall proceed cautiously and shall yield to vehicles that are not obliged to stop and that are within the intersection or are approaching so closely as to constitute an immediate hazard, but may then proceed.

**Sec. 17.174 Highway Access from Private Road or Driveway**

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all closely approaching vehicles on the highway.

**Sec. 17.175 Approach of Authorized Emergency Vehicle; Following Fire Apparatus**

- A. Upon the immediate approach of an authorized emergency vehicle and when the driver of the emergency vehicle is giving audible signal by siren, exhaust whistle, or bell:
  - 1. The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as practicable to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, unless otherwise directed by a peace officer or the attending circumstances make such movement impossible or manifestly impractical, in which case the other vehicle

shall stop in place.

2. The driver of any vehicle other than one on official business of the Tribe or other government agency officially concerned with the emergency shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

- B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

#### **Sec. 17.176 Overtaking a Vehicle on the Left**

The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

- A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and only where marked to allow passing and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal or blinking of head lamps at nighttime and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

#### **Sec. 17.177 Limitations on Overtaking on the Left**

A person shall not drive a vehicle to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. The overtaking vehicle shall return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

#### **Sec. 17.178 Limitations on Driving to Left of Roadway Center**

- A. A person shall not drive a vehicle to the left side of the roadway under the following conditions:
  1. When approaching the crest of a grade or on a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

2. When approaching within 100 feet of or traversing any intersection or railroad crossing or where appropriate signs or markings have been installed to define a no passing zone.
3. When the view is obstructed on approaching within 100 feet of any bridge, viaduct or tunnel.

B. The limitations provided in this Section do not apply on a one-way roadway.

**Sec. 17.179 Overtaking on the Right**

A. The driver of a vehicle may overtake and pass on the right of another vehicle only under the following circumstances:

1. When the vehicle overtaken is making or about to make a left turn.
2. On a street or highway with unobstructed pavement that is not occupied by parked vehicles and that is of sufficient width for two or more lines of moving vehicles in each direction.
3. On a one-way street or on a roadway on which traffic is restricted to one direction of movement and if the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle on the right side only under conditions permitting the movement in safety. The driver shall not make the movement by driving off the pavement or main traveled portion of the roadway.

**Sec. 17.180 Following too Closely**

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

**Sec. 17.181 Application of Chapter to Persons Riding Animals or Driving Animal-Drawn Vehicles**

Every 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 of this Chapter which by their very nature can have no application.

**Sec. 17.182 Driver's Duty when Approaching Horse or Livestock**

Every person operating a motor vehicle upon any public highway and approaching any horse-drawn vehicle or any horse upon which any person is riding or livestock being driven upon the highway shall exercise reasonable precaution to avoid frightening the animal and to safeguard such animals and to ensure the safety of any person riding or driving the same. If such animals appear frightened, the person in control of the vehicle shall reduce its speed and, if requested by signal or otherwise, shall not proceed further toward such animals unless necessary to avoid accident or injury, until such animals appear to be under control.

**Sec. 17.183 - 17.189 Reserved**

**STOPPING, STANDING AND PARKING**

**Sec. 17.190 Starting Parked Vehicles**

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

**Sec. 17.191 Vehicles to be Parked or Stopped off Pavement if Possible**

- A. Upon any highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave the vehicle off that part of the highway; but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicles shall be available from a distance of 200 feet in each direction upon the highway.
- B. This Section shall not apply to: The driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that its impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

**Sec. 17.192 Stop Signs; Yield Signs**

The driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection, or if there is no crosswalk, shall stop at a clearly marked stop line, or if there is no line, shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a peace officer.

**Sec. 17.193 School Bus Signs; Overtaking and Passing School Bus; Violations**

- A. On meeting or overtaking from either direction a school bus that has stopped

on the highway, the driver of a vehicle on a highway shall:

1. Stop the vehicle before reaching the school bus, if the school bus is displaying the signal as provided in Subsection C and if alternately flashing lights are in use.
  2. Not proceed until the school bus resumes motion or the signal and alternately flashing lights are no longer displayed.
- B. A bus used for the transportation of school children shall have on the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. If a school bus is operated on a highway for a purpose other than the actual transportation of children either to or from school, all markings indicating "school bus" shall be covered or concealed.
- C. A bus used for the transportation of school children shall have a signal with the word "stop" printed on both sides in white letters not less than five inches high on a red background. The signal shall be an 18 inch reflectorized octagon. The operator of the school bus shall:
1. Manually operate the signal in a manner so that the signal is clearly visible from both the front and rear when extended from the left of the body of the bus.
  2. Display the signal and alternately flashing lights if passengers are being received or discharged while the bus is stopped on the roadway.
- D. The judge hearing the case may suspend for not more than six months the privilege to operate a motor vehicle within the Hualapai Reservation of a person found responsible for a second or subsequent violation of Subsection A.

#### **Sec. 17.194 Stopping, Standing or Parking Prohibitions**

Except if necessary to avoid conflict with other traffic or if in compliance with law or the directions of a peace officer or traffic control device, a person shall not stop, stand or park a vehicle in any of the following places:

- A. On a sidewalk.
- B. In front of a public or private driveway, except that this Subsection does not apply to a vehicle or the driver of a vehicle engaged in the official delivery of the United States mail if both of the following apply:
  1. The driver does not leave the vehicle.

2. The vehicle is stopped only momentarily.
- C. Within an intersection.
  - D. Within 15 feet of a fire hydrant.
  - E. On a crosswalk.
  - F. Within 20 feet of a crosswalk at an intersection.
  - G. Within 30 feet on the approach to any flashing beacon, stop sign, yield sign or traffic control signal located at the side of a roadway.
  - H. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the jurisdiction or official having authority indicates a different length by signs or markings.
  - I. Within 50 feet of the nearest rail or a railroad crossing or within nine feet of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading railroad cars.
  - J. Alongside or opposite a street excavation or obstruction when stopping, standing or parking would obstruct traffic.
  - K. On the roadway side of a vehicle stopped or parked at the edge or curb of a street.
  - L. On a bridge or other elevated structure on a highway or within a highway tunnel.
  - M. At any place where official signs prohibit standing or stopping.
  - N. On a controlled access highway except for emergency reasons or except in areas specifically designated for parking such as rest areas.

**Sec. 17.195 Removal of Illegally Stopped Vehicles**

- A. When any peace officer finds a vehicle standing upon a highway in violation of the provisions of Section 17.191, the officer is authorized to move the vehicle or require the driver or other person in charge of the vehicle to move the same to a position off the paved or main-traveled part of the highway.
- B. Any peace officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic.

- C. Any peace officer is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway:
1. When a report has been made that such vehicle has been stolen or taken without the consent of its owner.
  2. When the person or persons in charge of such vehicle are unable to provide for its custody or removal.
  3. When 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 proper magistrate without unnecessary delay.
  4. When any vehicle is left unattended for more than four hours upon the right-of-way of any freeway, which has full control of access, and no crossings at grade.
  5. When any vehicle is left unattended for more than two hours upon the right-of-way of any freeway, within the boundaries of a city, which has full control of access and no crossings at grade.

**Sec. 17.196 Stop Required before Emerging from Alley or Driveway**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or private driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all closely approaching vehicles on the roadway.

**Sec. 17.197 Obedience to Signal Indicating Approach of Train**

- A. When any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of the vehicle shall stop with 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely. The foregoing requirements shall apply when:
1. A visible electric or mechanical signal device gives warning of the approach of a railroad train.
  2. A crossing gate is lowered or when a flagman gives or continues to give a signal of the approach or passage of a railroad train.
  3. A railroad train approaching within approximately 1500 feet of the highway crossing emits a signal audible from such distance and the

railroad train, by reason of its speed or nearness to the crossing is an immediate hazard.

4. An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.
- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing when the gate or barrier is closed or is being opened or closed.

**Sec. 17.198 Certain Vehicles must Stop at all Railroad Grade Crossings**

- A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying or returning after delivery of explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stoop the vehicle with 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as provided in Chapter 17, and shall not proceed until the driver can do so safely. After stopping as required by this Section, and upon proceeding when it is safe to do so the driver of the vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.
- B. No stop need be made at any such crossing where a peace officer or a traffic-control signal directs traffic to proceed.

**Sec. 17.199 Moving Heavy Equipment at Railroad Grade Crossings**

- A. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment of structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one-half foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grad crossing without complying with this Section.
- B. No stop need be made at any such crossing where a peace officer or a traffic-control signal directs traffic to proceed.
- C. Before making any such crossing the person operating or moving the vehicle or equipment shall first stop the same not less than 5 feet nor more than 10 and look in both directions along the track for any approaching train and for

signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

- D. No such crossing shall be made when warning is given by automatic signal, crossing gates, a flagman or otherwise of the approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under the flagman's direction.

**Sec. 17.200 – 17.211 Reserved**

### **SPEED RESTRICTIONS**

**Sec. 17.212 Maximum Speed Limit**

No maximum speed limit on any highway in this Reservation shall be in excess of 65 miles per hour. This shall not be construed as altering any existing maximum speed limit, which is less than 65 miles per hour.

**Sec. 17.213 Minimum Speed Limit; Exceptions**

- A. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
- B. Peace officers are authorized to enforce this Section by directions to drivers; and in the event of apparent willful disobedience to this Section and refusal to comply with the direction of an officer in accordance with this Section, the continued slow operation by a driver is an offense.

**Sec. 17.214 Speeds to be Reasonable and Prudent**

- A. No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.
- B. Except, as provided where a special hazard requires a lesser speed, any speed in excess of these speeds shall be prima facie evidence that the speed is too great and therefore unreasonable and unlawful.
  - 1. Fifteen miles per hour approaching school crossing.
  - 2. Twenty-five miles per hour in any residential district.

- C. The maximum lawful speed as provided in this Section shall be reduced to that which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, such as when:
1. Approaching and crossing an intersection or railroad crossing.
  2. Approaching and going around a curve.
  3. Approaching a hillcrest.
  4. Traveling upon any narrow or winding roadway.
  5. Special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

**Sec. 17.215 Special Speed Limitation on Motor-Driven Cycles**

No person shall operate any motor driven cycle at anytime mentioned in Section 17.71 at a speed greater than 35 miles per hour unless such motor driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

**Sec. 17.216 Charging Violations and Rule in Civil Actions**

- A. In every charge of violation of any speed regulation in Chapter 17, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and the prima facie speed applicable at the location of violation.
- B. The provisions of Chapter 17 declaring prima facie speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

**Sec. 17.217 Racing and Drag Races**

- A. Prohibited. No person shall drive any vehicle in any race, speed competition or contest drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record on a street or highway, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.
- B. "Drag race" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course, from

the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

- C. "Racing" means the use of one or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing.
- D. A person who violates this Section must be fined in an amount not to exceed \$300.00.
- E. A person who commits a second or subsequent violation of this Section committed within a period of 24 months from the commission of the first offense shall be fined in an amount not to exceed \$500.00.
- F. The court may suspend the driving privileges of a person guilty of a first violation of this Section for a period not to exceed 90 days. Upon a second or subsequent violation of this Section committed within 24 months from the commission of the first offense, the court shall suspend all driving privileges of such person for a period not to exceed one year.
- G. Upon an admission to or adjudication of liability for an offense under this Section, the court may forward to any appropriate state or federal agency notice of such disposition.
- H. The Tribal Council may give authorization in writing for any organized and properly controlled event otherwise impermissible under this Section to utilize a highway or part of a highway. The authorization shall specify the time of the event, the location and any other conditions imposed by the Tribal Council.

**Sec. 17.218 Driving at Speed which Causes Trailer to Sway**

Any person who drives a vehicle towing a trailer or semi-trailer at a rate of speed or under conditions that cause the trailer or semi-trailer to sway laterally from the line of traffic is guilty of a civil offense.

**Sec. 17.219 Charge of Violation to Specify Alleged Speed of Violator; Speed Limit not to Relieve Plaintiff of Proving Negligence**

- A. In every charge of violation of any speed regulation in this Chapter, the citation shall specify the speed at which the defendant is alleged to have driven and the prima facie speed applicable.
- B. The provisions of this Chapter declaring maximum speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

**Sec. 17.220 - 17.241 Reserved**

## **ACCIDENTS**

### **Sec. 17.242 Accidents Involving Damage to Vehicle**

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop his vehicle at the scene of the accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 17.247. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with the requirements under the circumstances is guilty of a misdemeanor.

### **Sec. 17.243 Duty upon Striking Unattended Vehicle**

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

### **Sec. 17.244 Duty upon Striking Fixtures upon a Highway**

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact and of his name and address and of the registration number of the vehicle he is driving, and shall upon request exhibit his operator's or chauffeur's license and shall make report of the accident when and as required in Section 17.248.

### **Sec. 17.245 Immediate Reports of Certain Accidents**

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication, whether oral or written, give notice of the accident to the tribal police department.

### **Sec. 17.246 Duty to Give Information and Render Aid**

The driver of any vehicle involved in an accident resulting in injury or to death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle the person is driving and shall upon request exhibit his or her operator's or chauffeur's license to the person struck or the driver or occupants of a person attending any vehicle collided with and shall render to any person injured in the accident reasonable assistance, including the 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. 17.247 Written Reports of Accidents**

- A. The driver of a vehicle involved in an accident resulting in bodily injury to or death or of any person or total property damage to an apparent extent of \$100 or more shall, within five days after the accident, forward a written report of the accident to the tribal police department.
- B. The tribal police department may require any driver of a vehicle involved in an accident of which report must be made as provided in this Section to file supplemental reports when the original report is insufficient in the opinion of the tribal police department and may require witnesses of accidents to render reports to the department.

**Sec. 17.248 When Driver is Unable to Report**

- A. When the driver of a vehicle is physically incapable of making an immediate report of an accident as required in the preceding Section, and there was another occupant in the vehicle at the time of the accident capable of making a report, the occupant shall make or cause to be made the report not made by the driver.
- B. When the driver is physically incapable of making a written report as required in the preceding Section and the driver is not the owner of the vehicle, than the owner of the vehicle involved in the accident shall, within five days after learning of the accident, make the report not made by the driver.

**Sec. 17.249 Accident Report Forms**

- A. The tribal police department shall obtain upon request, supply to law enforcement agencies, garages and other suitable agencies or individuals, forms for accident reports required under this Chapter, appropriate with respect to the persons required to make the reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.
- B. Every accident report required to be made in writing shall be made on the appropriate form approved by the state of Arizona and shall contain all of the information required therein unless not available.

**Sec. 17.250 Offense for Failure to Report**

The Tribal Court shall suspend the privilege of driving in the reservation of any person failing to report an accident as provided by this Chapter until the report has been filed. Any person failing to make a report as required by this Chapter commits a civil offense.

**Sec. 17.251 Garages to Report**

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in Section 17.247 or struck by a bullet, shall report to the tribal police within 24 hours after the motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of the vehicle.

**Sec. 17.252 Accident Reports**

Copies of accident reports may be released to persons involved in accidents, or their designated representatives upon completion of a police investigation.

**Sec. 17.253 - 17.260 Reserved**

**PEDESTRIANS' RIGHTS AND DUTIES**

**Sec. 17.261 Right-Of-Way in Crosswalks**

- A. When traffic-control signs are not in place, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in Subsection B of the following Section.
- B. When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

**Sec. 17.262 Crossing at Other than at Crosswalks**

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

**Sec. 17.263 Drivers to Exercise due Care**

Notwithstanding the provisions of Chapter 17, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any highway and shall give warning by sounding the horn when necessary and shall exercise particular precaution upon observing any child or confused or incapacitated person upon or near a highway.

**Sec. 17.264 Pedestrians on Roadways**

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.
- C. No person shall stand in a roadway for the purpose of hitchhiking or soliciting a ride from the driver of any vehicle.

**Sec. 17.265 School Crossings**

- A. No vehicle shall proceed at a speed to exceed 15 miles per hour when approaching the crosswalk and while between the portable signs placed on the highway indicating "school in session" and "stop when children in crosswalk."
- B. Vehicles to obey signs. When the school authorities place and maintain the required portable "school in session" signs and "stop when children in crosswalk" signs, all vehicles shall come to a complete stop at the school crossing when the crosswalk is occupied by any person.

**Sec. 17.266 Provisions for Blind Pedestrians**

- A. Any person who is blind shall, when walking on a street or other highway, unless guided by a guide dog or assisted by a person with sight, carry a white cane which shall have a red end eight inches in length.
- B. For the purposes of this Section a person is blind who has central visual acuity of 20/200 or less in the better eye or central visual acuity of more than 20/200 in the better eye if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees.
- C. It is a civil offense for a person who is not blind to carry on the streets or highways a white cane with a red end.

- D. Any person operating a vehicle, other than an emergency vehicle the siren of which is being sounded, shall bring the vehicle to a stop and yield the right of way at a street, avenue, alley, or other highway intersection to a blind person carrying a white cane with a red end, or who is being guided by a guide dog, when the blind person enters the intersection. Notwithstanding the foregoing, upon seeing a blind person with such a cane in a roadway or preparing to cross a roadway at any point, any person operating a vehicle which may jeopardize such blind person shall stop or yield the right of way to the blind person.
- E. This Section shall not be construed to deprive a blind person not carrying a white can with a red end or not being guided by a dog or sighted person of the rights and privileges conferred by law upon pedestrians, nor shall the failure of a blind person to carry a white can with a red end or be guided by a guide dog or sighted person be held to constitute prima facie evidence of contributory negligence.

**Sec. 17.267 - 17.300 Reserved**

## **BICYCLES AND PLAY VEHICLES**

### **Sec. 17.301 Application of Provisions**

- A. The parent of a child and the guardian of a ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this Chapter.
- B. The regulations of this Chapter in their application to bicycles shall apply when a bicycle is operated upon any highway within the reservation.

### **Sec. 17.302 Traffic Laws Apply to Persons Riding Bicycles**

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by this Chapter except as to special regulations in this Chapter, and except as to those provisions of this Chapter which by their nature can have no application.

### **Sec. 17.303 Riding on Roadways and Bicycle Paths**

- 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 shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

**Sec. 17.304 Manner of Riding**

- A. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

**Sec. 17.305 Carrying Articles**

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

**Sec. 17.306 Lamps and other Equipment on Bicycles**

- A. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit 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 department which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on motor vehicles. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.
- B. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

**Sec. 17.307 Clinging to Vehicles**

No person riding upon any bicycle, coaster, roller skates, roller blades, skateboard, scooter, sled or toy vehicle shall attach the same of himself to any vehicle upon a roadway.

**Sec. 17.308 – 17.310 Reserved**

**MISCELLANEOUS**

**Sec. 17.311 Riding on Motorcycles**

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and the operator shall not carry any other person nor shall any other person ride on the motorcycle unless it 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 rear or side of the operator.

**Sec. 17.312 Maximum Number in School Bus; Exceptions, Receiving or Discharging School Children at School**

- A. No school bus shall be operated on a highway while it is carrying more than can be properly seated, nor while any person is standing therein, except for the purpose of conducting drills under school regulations and in the emergency evacuation and dispersal of pupils and school personnel.
- B. No person who is a driver of any vehicle carrying children to and from school shall, in receiving or discharging children at the school, fail to stop the vehicle on the side of the highway upon which the school is located.

**Sec. 17.313 Liability for Damage to Highways or Structures**

- A. Any person driving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damage which the highway or structure may sustain as a result of any illegal operation, driving or moving of the vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this Chapter but authorized under the provisions of Section 17.91.
- B. When the driver is not the owner of the vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of the owner, the owner and driver shall be jointly and severally liable for any damage.
- C. Such damage may be recovered in civil action brought by or on behalf of the Tribe.

**Sec. 17.314 Parties to a Civil Offense**

A person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared in this Chapter to be a civil offense, whether individually or in connection with one or more persons or as a principal, agent or accessory, commits a civil offense, and a person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Chapter is likewise commits a civil offense.

**Sec. 17.315 Driving on Mountain Highways**

The driver of a motor vehicle traveling through canyons or on mountain highways shall hold the motor vehicle under control and as near the right-hand edge of the roadway as reasonably possible.

**Sec. 17.316 Coasting Prohibited**

- A. The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears of the vehicle in neutral.
- B. The driver of a commercial motor vehicle when traveling upon a downgrade shall not coast with the clutch disengaged.

**Sec. 17.317 Injuring or Preventing Operation of Vehicle**

- A. A person is guilty of a civil offense who:
  - 1. Willfully breaks, injures, tampers with or removes any part of a vehicle for any purpose against the will or without consent of the owner of the vehicle.
  - 2. In any other manner willfully or maliciously interferes with or prevents the running or operation of the vehicle.
  - 3. Without consent of the owner or person in charge of a vehicle climbs into or upon a vehicle with intent to commit any crime, malicious mischief or injury thereto.
  - 4. While a vehicle is stopped and unattended attempts to manipulate any levers, starting crank or other starting device, brakes or other mechanism thereof, or sets the vehicle in motion.
- B. The provision of Subsection A of this section shall not apply when any of the conduct described therein is committed in an emergency in furtherance of public safety or convenience or by or under the direction of a peace officer in the performance of his or her duty.

## CHAPTER 18 COMPULSORY SCHOOL ATTENDANCE

### GENERAL PROVISIONS

**Sec. 18.1 Purpose**

The purpose of this Chapter is to require the regular attendance at school of all school age children living within the Hualapai Indian Reservation.

**Sec. 18.2 Definitions**

- A. "Absence" shall mean the child's non-attendance of any scheduled school session at the particular school in which the child is enrolled.
- B. "Tribal Juvenile Court" shall mean the Children's Court established by the Hualapai Law and Order Code.
- C. "Excused Absence" shall mean absence from school for the following permitted reasons: a legitimate medical reason, a compelling personal reason such as a death in the immediate family; a bona fide religious reason prohibiting school attendance; or, the child or guardian has presented reasons for non-attendance which are satisfactory to the school officials and the truancy officer.
- D. "Guardian" means the natural or adoptive parent or parents having legal custody of the child or any other adult person who has been entrusted with the care and supervision of a child and who has legal custody of the child pursuant to court order.
- E. "Legal Custody" means the legal status created by parental rights, court order, or tribal custom, which vests in a parent or guardian the right to have physical custody of the child and the duties and responsibilities to provide the child with food, shelter, protection, discipline, medical care and education.
- F. "School Age Child" means a child between the ages of five years and eighteen years; provided, however, for the purpose of this Chapter, a child shall be deemed five years of age only if the child reaches such age prior to September 1, of the current school year.
- G. "Tribal Court(s) or Court(s)" means the courts of the Hualapai Indian Tribe.
- H. "Tribe or Tribal" means or refers to the Hualapai Indian Tribe.
- I. "Truant" shall mean absence from school without an excused absence.

**Sec. 18.3 Jurisdiction**

- A. Any guardian of a child found in violation of this Chapter shall be subject to the jurisdiction of the Hualapai Tribal Courts.
- B. Any child found in violation of this Chapter shall be subject to the jurisdiction of the Hualapai Tribal Courts.

**COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS**

**Sec. 18.4 Duties of Guardian to Enroll Child**

Every guardian of a school age child shall enroll the child in school for the entire school year, and shall be responsible for the child's attendance at all required class sessions unless the child has an excused absence.

**Sec. 18.5 Duties of Child to Attend School**

Every school age child is required to attend all scheduled class sessions at the school in which the child is enrolled unless the child has an excused absence.

**Sec. 18.6 Exceptions**

A person is excluded from the duties prescribe by Sections 18.4 and 18.5 of this Chapter when it is shown to the satisfaction of the Tribal Juvenile Court that:

- A. The child is attending a regularly organized private or parochial school;
- B. The child has obtained a high school equivalency certificate;
- C. The child has been barred from school attendance by a school disciplinary action, provided the child is at all times in the immediate supervision of the guardian;
- D. The child is in such physical or mental condition that attendance at a regular school is impossible or impractical;
- E. The child is a parent and his or her parental duties make attendance at a regular school a severe hardship;
- F. The child will reach the age of 18 years prior to the commencement of the current school year;
- G. The parent or guardian has tried to enroll the child in other schools;

- H. The guardian of the child has presented reasons for non-attendance which are satisfactory to the tribal Education Department or the Tribal Juvenile Court; or
- I. The guardian of a five-year-old child has presented satisfactory evidence that it would not be in the best interest of the child to enroll the child in school at age five.

## **SANCTIONS**

### **Sec. 18.7 Adult Sanctions**

- A. A guardian who fails or refuses, without good cause, to send his or her children to school in violation of Section 18.4 of this Chapter and who is a person over which the Tribal Courts have criminal jurisdiction commits the criminal offense of failure to send children to school. A person found guilty of the criminal offense of failure to send children to school may be sentenced to imprisonment for a term not to exceed 30 days and/or fined in an amount not to exceed \$1000.
- B. A guardian who fails or refuses, without good cause, to send his or her children to school in violation of Section 18.4 of this Chapter and who is a person over which the Tribal Courts have civil jurisdiction but do not have criminal jurisdiction commits the civil offense of failure to send children to school. A person who commits the civil offense of failure to send children to school may be fined in an amount not to exceed \$1000.

### **Sec. 18.8 Children's Sanctions**

Any child who, without good cause, fails or refused to attend school in violation of Section 18.5 of this Chapter is a child "in need of care" and is subject to any disposition provided for such a child by the Tribal Juvenile Chapter 13 of the Hualapai Tribe Law and Order Code.

## **ENFORCEMENT PROCEDURES**

### **Sec. 18.9 Truancy Officer**

The Hualapai Tribal Council shall appoint a truancy officer whose primary responsibilities shall be to enforce the provisions of this Chapter.

### **Sec. 18.10 Public Responsibility to Report**

Anyone who has reason to believe a school age child is truant shall notify the truancy officer, the Tribal Police Department or the Tribal Department of Education of the child's possible truancy, the whereabouts of the child and the child's name and address, if known. The Tribal Police Department of the tribal Education Department shall in all cases notify the

truancy officer of any school age child known or believed to be truant.

**Sec. 18.11 Locating and Detaining Child; Notification to Child's Guardian**

When the truancy officer has been notified that a school age child may be truant, or has other reasons to believe a child may be truant, the officer shall make very reasonable attempt to locate the child. If, after locating the child, the officer has reasonable grounds to believe the child is truant, the officer shall detain the child if the child is not at his or her residence or otherwise in the presence of his or her guardian and make very reasonable attempt to notify the child's guardian and to release the child to the guardian. In any case in which a school age child is detained for truancy under this Section, the truancy officer shall proceed in accordance with Chapter 13 of this Code.

**Sec. 18.12 Tribal Juvenile Court Petition**

In any case in which a school age child is detained for truancy or the truancy officer has reasonable grounds to believe that a child is truant, the truancy officer shall file a petition in the Tribal Juvenile Court for further proceedings.

**TRIBAL JUVENILE COURT DISPOSITION**

**Sec. 18.13 Tribal Juvenile Code Controlling; Informal Settlement: Transfer of Adult Action to Tribal Court**

The Tribal Juvenile Chapter of this Code shall govern any case in which a petition is filed in Tribal Juvenile Court alleging violation of this Chapter. The Tribal Juvenile Court may, in its discretion, allow the child and the guardian to make an informal settlement if they enroll the child in school and sign a written agreement guaranteeing school attendance. If the Tribal Juvenile Court decides that an informal resolution of the case would not be in the best interest of the child, the Tribal Juvenile Court may transfer the case against the guardian to the Tribal Court for proceedings under this Chapter, proceed with "child in need of care" proceedings or pursue any other alternative for which the Tribal Juvenile Chapter and other applicable law provides.

**Sec. 18.14 Conditions Imposed as Part of Informal Settlement**

The Tribal Juvenile Court may impose upon any child and/or guardian making an informal settlement any reasonable conditions, including counseling or community service, which are necessary to insure the successful resolution of the school attendance problem.

**RECORDS**

**Sec. 18.15 Repeat Violations; Order to School to Release School Records**

In any case in which the Tribal Juvenile Court finds probable cause to believe that repeated violations of this Chapter have occurred, and that the violations pose a danger to the

health, safety, or well-being of the child, the Tribal Juvenile Court may order that the school provide the Court with a sealed copy of the child's school discipline and attendance records. The records shall remain sealed and confidential except for disclosure to the Court, the child, the guardian, the their legal representative. The records shall not be disclosed to other persons for any reasons. Upon termination of Tribal Juvenile Court jurisdiction, the records shall be returned to the school.

**Sec. 18.16 School Information Provided to Tribal Education Department**

Every school shall, within 30 days of the beginning of each semester, provide the Tribal Education Department with all directory information regarding its students who reside within the Hualapai Indian Reservation, including rosters, absentee lists, and withdrawal lists, without requiring the consent of the students or their guardians.

**SCOPE AND APPLICATION**

**Sec. 18.17 Construction**

This Chapter shall be liberally construed to effect its object and to promote the well-being of children of the Tribe and other children residing within the Hualapai Indian Reservation. The Chapter shall be read in conjunction with all other part of the Hualapai Law and Order Code.

**Sec. 18.18 Savings Clause**

This Chapter does not affect any rights and duties that matured, penalties that were incurred, or proceedings that were commenced before it effective date. This Chapter shall be effective upon adoption by resolution of the Hualapai Tribal Council.

**Sec. 18.19 Sovereign Immunity**

Nothing in the provisions of this Chapter is intended, nor shall be construed, as consent by the Tribe or its sub-organizations to be sued in any court. This Chapter does not constitute a waiver of the Tribe's sovereign immunity for any purpose.

**Sec. 18.20 Severability**

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

**CHAPTER 19**  
**COMMERCIAL CHAMPAGNE FLIGHTS**

**GENERAL PROVISIONS**

**Sec. 19.1 Purpose**

The purpose of this section is to allow for, regulate, and control the limited possession, transportation, sale, and consumption of champagne or similar sparkling wine beverages in conjunction with commercial helicopter tours on the Hualapai Reservation. Enactment of this section will increase the ability of the Tribal government to regulate Reservation alcohol possession and consumption, and at the same time provide an important source of revenue for the continued operation and strengthening of the Tribal and the delivery of Tribal government services.

**Sec. 19.2 Scope and Territory**

This section applies to all sales, purchases, distributions, possession, and consumption of alcoholic beverages made in conjunction with any tribally authorized commercial helicopter tour conducted within the exterior boundaries of the Hualapai reservation.

**Sec. 19.3 Application of 18 United States Code, Section 1161**

All acts and transactions under this Section shall be in conformity with this Section and in conformity with the laws of the State of Arizona, as that term is used in Title 18 of the U.S.C. Section 1161.

**Sec. 19.4 Definitions**

In this Section, unless the context otherwise requires:

- A. "Alcohol" and "Alcoholic Beverage" means beer, wine, or any other spirituous liquor.
- B. "Champagne" and "Similar Sparkling Wine Beverage" means an alcoholic sparkling wine beverage with an alcohol content not to exceed 14%.
- C. "Community" means the Hualapai Tribe.
- D. "Customer" means a customer of a commercial champagne tour.
- E. "Person" means a natural person or a corporation duly chartered by a jurisdiction within the United States.
- F. "Reservation" means all Indian Lands under the control and authority of the

Hualapai Tribe.

- G. “Sell,” “Sold,” “Buy” means and shall include furnish, dispose of, give, receive or acquire.
- H. “Tribal Official” means a tribal peace officer, an officer or Director of the Grand Canyon Resort Corporation, or a member of the Tribal Council.
- I. “Tribe” or “Hualapai Tribe” means the Hualapai Indian Tribe of the Hualapai Indian Reservation, a federally recognized Indian Tribe.

**Sec. 19.5 Unlawful Acts**

Unless specifically provided for in Subsection 19.6 below, this Section does not invalidate or alter the limitations on the use, sale, purchase, possession, or consumption of alcohol set forth in Chapter 6, or elsewhere in the Hualapai Law and Order Code.

**Sec. 19.6 Limited Use of Alcohol for Commercial Champagne Helicopter Tours**

Notwithstanding limitations on the use, sale, purchase, possession, or consumption of alcohol set forth elsewhere in the Hualapai Law and Order Code, the limited use of alcohol for commercial champagne helicopters is allowed, consistent with the following provisions:

- A. A helicopter vendor may transport up to two bottles, not to exceed 36 ounces each, of champagne or similar sparkling wine beverages for purposes of providing or selling such beverages to customers in conjunction with tribally authorized commercial champagne helicopter tours. All other alcoholic beverages are specifically excluded from the helicopter champagne tour and are otherwise banned from the application of this Section. Passengers on commercial champagne helicopter tours may consume such beverages outside of the helicopter and within the regular sightseeing areas located near the vendor’s helipad landing sites at the base of the Grand Canyon.
- B. A helicopter operator, vendor employee, or vendor contractor who becomes aware of an individual violation of this Section must instruct the violator to immediately desist from his or her unauthorized use of alcohol. Such a helicopter operator, vendor, employee, or vendor contractor shall immediately, or as soon thereafter as is practicable, notify a Tribal Official of the violation and shall provide the name, address and other identifying information of the violator. Failure of a helicopter operator, vendor employee, or vendor contractor to perform the requirements of this Subsection is a violation of this Section.
- C. At no time may a helicopter vendor provide, nor may customers consume, more than one bottle of champagne or similar sparkling wine per couple.

- D. At no time may a helicopter operator, vendor employee, or vendor contractor consume any alcoholic beverages during such periods such person is or persons are working in conjunction with a commercial champagne helicopter tour.
- E. The transportation and consumption of alcohol pursuant to this Section must at all times be consistent with all Federal Aviation Administration requirements.

**Sec. 19.7 Removal of Alcoholic Beverages**

All alcoholic beverages and containers must be removed from the Hualapai Reservation by the helicopter operator, vendor employee or vendor contractor on the same helicopter champagne tour which introduced said beverages onto the Reservation.

**Sec. 19.8 Violation of Section**

- A. A customer who violates any provision of this Section shall be subject to a civil fine not to exceed \$1,000 plus court costs.
- B. A helicopter vendor, vendor employee, or contractor who violates any provision of this Section shall be subject to a civil fine not to exceed \$5,000 plus court costs, and such violation shall be reported to the Grand Canyon Resort Corporation ("GCRC") for its consideration of revoking the vendor's Operating Certificate.
- C. Violations of this Section shall be cited into the Tribal Court, and the rules of the Tribal Court shall control such actions.

**Sec. 19.9 Agreement to Consent of Civil Jurisdiction Required**

Any customer, helicopter vendor, vendor employee, or vendor contractor who seeks to transport or consume champagne or similar sparkling wine beverages pursuant to this Section shall, before transporting or consuming such beverages, enter into a written agreement explicitly consenting to Hualapai Tribe civil jurisdiction over all matters arising from the applicants' activities within the exterior boundaries of the Tribe's reservation.