

**TITLE IV
TRAFFIC OFFENSES**

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CHAPTER 1. GENERAL PROVISIONS

§4-1-1 Citation, Application and Purpose

This Title shall be known and may be cited as the Choctaw Traffic Code. It may be abbreviated as the C.Tr.C.

This Choctaw Traffic Code shall apply to all members of the MBCI and to all other Indians within this Indian Country jurisdiction to the extent that they are not otherwise subject to state laws regulating traffic.

The purpose of this Choctaw Traffic Code is to provide a comprehensive system for the safe and orderly flow of traffic upon the roadways of this jurisdiction and this purpose is intended to be accomplished thereby through limited incorporation of the traffic laws of the state regulating non-Indians' traffic and other supplemental and supplanting provisions of this Title.

§4-1-2 Repeal of Prior Inconsistent Ordinances and Resolutions

Any and all prior ordinances and resolutions of the Tribal Council of the MBCI which deal with subjects herein or are inconsistent with the provisions contained herein are hereby repealed as of the effective date of this Choctaw Traffic Code, save and except that offenses committed prior to the Tribal Code's effective date shall be subject to prosecution under the pre-existing ordinances and resolutions for a period of one year immediately following this Title enactment.

§4-1-3 Statute of Limitations

No prosecution shall be entertained under this Title unless the action shall have been commenced within twelve (12) months after the commission of the offense.

§4-1-4 Enforcement

All prosecutions for violations of the provisions of this Title shall be in the name of the Mississippi Band of Choctaw Indians as plaintiff against the person charged with an offense referred to as the defendant. Jurisdiction is hereby vested exclusively in the Choctaw Tribal Court; the provisions of any assimilated state law to the contrary notwithstanding.

§4-1-5 Definitions

Terms used in this section and terms within any assimilated state law, unless the context plainly requires otherwise, shall mean:

- (1) "Business District or Area" means the territory contiguous to a highway when fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business or by public or government buildings including schools;
- (2) "Driver, Pedestrian and Passenger" means any member of the Mississippi Band of Choctaw Indians as well as any other person who, by virtue of their Indian ancestry is not

otherwise subject to state laws regulating traffic while within this Choctaw Indian Reservation jurisdiction;

- (3) “Highway” means every way or place of whatever nature open to use of the public, as a matter of right, for the purpose of vehicular travel. The term “highway” shall not be deemed to include a roadway or driveway upon grounds owned by private persons or institutions, except the driveways and roadways within the federal lands reserved for administrative purposes which shall be deemed highways;
- (4) “Intersection” means the area embraced within the prolongation of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other, but such area, where an alley and a street meet within a city or town, shall not be deemed an intersection;
- (5) “Motor Vehicle” means every vehicle which is self-propelled;.
- (6) “Owner” means any person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purpose upon performance of the conditions stated in the agreement, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Title;
- (7) “Person” means any member of the Mississippi Band of Choctaw Indians as well as any other person who, by virtue of their Indian ancestry, is not otherwise subject to state laws regulating traffic while within this Reservation jurisdiction;
- (8) “Private Road or Driveway” means every road or driveway not open to the use of the public for purposes of vehicular travel;
- (9) “Reservation” means all territory within the jurisdiction of the Tribe as defined at §1-2-2 of this Tribal Code;
- (10) “Residence District or Area” means the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business;
- (11) “Right of Way” means the privilege of the immediate use of the highway;
- (12) “School Zone” means the territory contiguous to a highway on which a school is located adjacent thereto and within one-eighth (1/8) of a mile in either direction there from; and
- (13) “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided that for the purposes of this Title, a bicycle or a ridden animal shall be deemed a vehicle.

CHAPTER 2. ENFORCEMENT PROVISIONS

§4-2-1 Arresting Procedures

- (1) Whenever any person is found to be in violation of any of the provisions of the CTrC for which arrest would not normally be appropriate, the officer citing such person for any violation shall take the name and address of such person, the license number of the motor vehicle, and issue a uniform traffic complaint according to procedures outlined in §4-2-2 pertaining to Uniform Traffic Complaints and Summons.
- (2) When any person is cited for reckless driving, driving after revocation or failure to stop for a police vehicle, and the officer, acting within his discretion, deems it inadvisable to release such person upon his promise to appear, the person may be taken into custody.
- (3) When any person is cited for causing or contributing to an accident resulting in the serious injury or death of any person or for driving while under the influence of intoxicating liquor or a narcotic drug or for driving while intoxicated, the person shall not be entitled to release upon promise to appear and should instead be placed under arrest.

Any person arrested under subsection (2) or (3) of this section shall be processed in the manner and entitled to the same rights under the Choctaw Rules of Criminal Procedure as are other persons.

§4-2-2 Uniform Traffic Complaint and Summons

There is hereby established a uniform complaint and summons which may be used in cases involving violations of statutes and ordinances relating to the operation or use of motor vehicles.

Every citation by an enforcement officer within this jurisdiction shall be issued on the uniform traffic complaint ticket consisting of an original and a carbon copy.

The Enforcement Officer shall file the original traffic ticket with the court and a copy given to the accused.

The original traffic ticket shall be retained in the court file and the number noted and entered in the court docket.

§4-2-3 Enforcement Officers to Investigate Accidents

Enforcement officers in this jurisdiction who, during their regular tour of duty, investigate a motor vehicle accident at the time of and at the scene of an accident or any time thereafter, shall within twenty-four (24) hours after completing such an investigation, forward a written report of the accident to the Director of the Department of Public Safety.

§4-2-4 Authority of Officer at Scene of Accident

Except for felonies and offenses enumerated in the Tribal Code pertaining to arrests of motor vehicle violations, a law enforcement at the scene of a traffic accident may issue a written Uniform Traffic Complaint and Summons, as provided in §4-2-2, to any driver of a vehicle involved in the accident when, based upon his own personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense contained in this Title.

CHAPTER 3. VEHICULAR SAFETY PROVISIONS

§4-3-1 Safety Inspection Stickers

All motor vehicles that are operated upon a public road of this jurisdiction must have displayed a valid state safety inspection sticker from the state of registration of the vehicle, if such state requires a safety inspection sticker.

Any person who fails to comply with the above provision shall be deemed guilty of a Class C offense and upon conviction thereof shall be sentenced accordingly; provided, however, that if, within seven (7) days immediately following a citation, the accused shall secure the requisite inspection sticker, such fine will be suspended.

§4-3-2 Unsafe Vehicles

A person shall be deemed guilty of an offense under this section if he drives or causes or permits any motor vehicle to be driven on any public road of this jurisdiction knowing said vehicle to be in such unsafe condition so as to endanger any person or knowing or having reason to know said vehicle is not equipped with the following:

- (1) **Headlights:** Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this section
- (2) **Multiple-beam road-lighting equipment; distributions of light; beam indicator:** Except as hereinafter provided, the head lamps of the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection 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 such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading
 - (b) There shall be 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 on straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver

Every new motor vehicle other than a motorcycle or motor-driven cycle, registered in this state which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

- (3) Rear Lamps: Every motor vehicle. Trailer, semi-trailer, pole trailer, and any other vehicle which is being drawn in a train of vehicles shall be equipped with at least one rear lamp mounted on the rear, which, when lighted, shall emit a red light plainly visible from a distance of five hundred feet to the rear.
- (4) Brake Lights: All motor vehicles shall be equipped with two (2) brake light, on the rear of a motor vehicle, in good working order at all times, such brake lights to be automatically controlled by brake adjustment;
- (5) Brakes: Every motor vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle;
- (6) Handbrakes: Every motor vehicle shall be equipped with a handbrake, in a good working order;.
- (7) Horn: Every motor vehicle shall be equipped with a horn in good working order;
- (8) Windows Unobstructed – Wipers: No person shall drive any motor vehicle with any sign or other non-transparent material upon the windshield, side wings, side or rear windows of such vehicle that would obstruct the driver’s view, other than a paper or certificate required to be so displayed by law. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other obstructions from the windshield and must be in proper working order at all times.

Any person failing to have all of the above equipment on and in operating order on a motor vehicle being operated on any public road of this jurisdiction shall be deemed guilty of a Class C offense and upon conviction thereof shall be sentenced accordingly, provided, however, that if, within seven (7) days immediately following a citation for a violation of this section, the accused should cause to be fixed or affixed in proper working order the requisite equipment, then payment of such fine shall be suspended.

§4-3-3 Mufflers, Prevention of Noise

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 annoying smoke, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle while driving on the roadway. Violation of this section shall constitute a Class C offense.

§4-3-4 License or Registration Tag Required

Any person who drives a motor vehicle on any roadway within this jurisdiction who fails to display a license or registration tag valid under the laws of the issuing jurisdiction shall be deemed guilty of a Class C offense under this section.

§4-3-5 Head Lamps on Motorcycle

Every motorcycle shall be equipped with at least one and not more than two head lamps which shall be so aimed and of such intensity as to reveal persons and vehicles at a distance of three hundred fifty (350) feet for high intensity (brights) and low intensity (dims) to reveal persons and vehicles at

least one hundred (100) feet ahead. The high intensity portion of the beam shall not be directed to strike the eyes of an approaching driver. Violation of this section shall constitute a Class C offense.

§4-3-6 Motorcycle or Motor Scooter Crash Helmets

No person shall operate or ride upon any motorcycle or motor scooter upon the public roads or highways of this jurisdiction unless such person is wearing on his or her head a crash helmet of the type and design inspected and approved by the American Association of Motor Vehicle Administrators. Violation of this section shall be deemed a Class C offense.

§4-3-7 Lamp or Flag on Projecting Load

Whenever the load upon any vehicle extends to the rear four(4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear of the load a red light or lantern plainly visible for a distance of at least five hundred (500) feet to the sides and the rear during hours of darkness.

In lieu of the red light or lantern during daytime hours, only a red flag or cloth not less than sixteen (16) inches square may be displayed at the extreme rear of the load.

Violations of this section shall constitute a Class C offense.

§4-3-8 Windows and Glass Generally; Windshield Wipers

- (1) No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways with any sign or poster, or with any glazing material which causes a mirrored effect, upon the front windshield, side wings or side or rear windows of such vehicle, other than a certificate or other paper required or authorized to be so displayed by law. No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any tinted film, glazing material or darkening material of any kind on the windshield of a motor vehicle except material designed to replace or provide a sun shield in the uppermost area as authorized to be installed by manufacturers of vehicles under federal law.
- (2) From and after January 1, 1989, no person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any window so tinted or darkened, by tinted film or otherwise, the interior of the vehicle is so obscured that a viewer with vision sufficient to qualify for a Mississippi driver's license cannot readily see into the interior of the vehicle by looking into it from outside the vehicle; provided, however, this prohibition shall not apply to school buses, or other buses used for public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under the laws of this state, any limousine owned or leased by a private or public entity or any other motor vehicle that the windows of which have been tinted or darkened before factor delivery as permitted by federal law or federal regulations. Notwithstanding the prohibitions of this subsection, no person shall be charged with a violation of this subsection and it shall be a complete defense for any person charged with a violation of this subsection if:

- (a) each window of the vehicle upon which tinted or darkening material has been applied has affixed to it a label from the State Commission of Public Safety certifying that the window:
 - (i) Has a luminous reflectance not exceeding twenty percent (20%); and
 - (ii) Has a light transmittance of thirty-five percent (35%); or
 - (b) the person has a certificate of compliance for the vehicle issued by a law enforcement officer or the Department of Public Safety, as hereinafter provided.
- (3) Notwithstanding the provision of subsections (1) and (2) of this section, it shall be lawful for any person who has been diagnosed by a licensed physician in this state as having a physical condition or disease which is seriously aggravated by minimum exposure to sunlight to place or have been placed upon the windshield or windows of any motor vehicle which he owns or operates or within which he regularly travels as a passenger tinted film or other darkening material which would otherwise be in violation of this section. However, any such vehicle, in order to be exempt under this subsection, shall have prominently displayed on the vehicle dashboard a certificate of medical exemption on a form prepared by the Commissioner of Public Safety and signed by the person on whose behalf the certificate is issued. The special certificate authorized by this subsection shall be issued free of charge to applicants through the offices of the tax collectors of the counties. Each applicant shall present to the issuing officer:
- (a) an affidavit signed personally by the applicant and signed attested by a physician which states the applicant's physical condition or disease which entitles him to an exemption under this subsection; and
 - (b) proof of ownership of the motor vehicle by the applicant or a signed affidavit by the owner of a motor vehicle operated for the use of the applicant, for which is obtaining the certificate.
- (4) 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.
- (5) From and after July 1, 1988, any motor vehicle required to be registered in this state with a window therein which has been tinted or darkened with any tinted film or other darkening material after factory delivery may have affixed to the lower left corner of each such window a label legible from outside the vehicle which indicates the label registration number, a certification of compliance with Mississippi law, and such other information as the Commissioner of Public Safety deems appropriate. The label shall be of a type which is pressure-sensitive, self destructive upon removal, and no longer than one (1) inch in size.
- (6) From and after July 1, 1988, no person shall install any tinted film, darkening material, glazing material on any other material upon the windshield or any window of a motor vehicle which, after the installation thereof, would result in such vehicle being in violation of subsection (1) or (2) of this section if driven on the public roads, streets or highways of this state after January 1, 1989.

- (7) It shall be unlawful for any person to alter or reproduce any label approved by the Commissioner of Public Safety under this section for the purpose of misleading law enforcement officers or motor vehicle inspection stations, or to knowingly use any approved label except as authorized by this section.

Violation of this section shall be a Class A offense.

CHAPTER 4. PROVISIONS REGULATING TRAFFIC FLOW

§4-4-1 Traffic Control and Signal Devices

Any person driving a motor vehicle upon any public road of this jurisdiction shall not turn such vehicle from a direct course until such movement can be made with safety and then only after giving an appropriate signal, either by hand and arm or by a directional signal device.

The signals required shall be given either by means of the hand and arm or by a recognized signal lamp device. When signals are given by the hand and arm, they shall be given from the left side of the vehicle and such signals shall be indicated as follows:

- (1) left turn, left hand and arm extended horizontally;
- (2) right turn, left hand and arm extended upward; or
- (3) stop or decrease speed, left hand arm extended downward.

It shall be a Class C offense to fail to give an appropriate signal at least three seconds prior to turning, changing lanes, passing or stopping.

§4-4-2 Following Too Closely

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway. Following Too Closely is a Class C offense.

§4-4-3 School Buses: Stopping For and Rules Governing

- (1) Every driver of a motor vehicle, when meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging passengers, shall stop immediately and shall not again proceed by the school bus until all passengers are received or discharged and the bus is again in motion.
- (2) No driver of a school bus shall exceed the posted speed limit on the roadways of this jurisdiction.
- (3) The driver of a school bus stopping to either pick up children or discharge them shall at least one hundred (100) feet before said stop, place on the red flashing lights and place a stop sign in the appropriate position for a stop.

Violation of this section shall constitute a Class B offense.

§4-4-4 Failure to Yield Right-of-Way

The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from different roadways.

When two (2) vehicles enter an intersection from different roadways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

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

The driver of a vehicle having so yielded and having given a signal when and as required by this act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to all vehicles approaching to make the left turn.

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

Violation of this section shall constitute a Class C offense.

§4-4-5 Failure to Yield to Emergency Vehicle

Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right hand edge or curb of the roadway, clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. 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 using the roadways.

“Authorized Emergency Vehicle” shall mean every vehicle of the fire department (fire patrol), every police vehicle, and every such ambulance and emergency vehicle of a tribal, state, or federal government or public service corporation.

Violation of this section shall constitute a Class B offense.

§4-4-6 Failure to Stop at Stop Sign and Yielding Right-of-Way

The driver of a motor vehicle shall come to a complete stop at all intersections marked by a stop sign before entering an intersection, unless otherwise directed by an officer directing traffic.

The driver of a motor vehicle approaching an intersection marked by a sign requiring him to yield the right-of-way shall decrease the speed of such vehicle and shall yield the right-of-way to any traffic proceeding on the road given the right-of-way by such sign.

Violation of this section shall be a Class C offense.

§4-4-7 Driving on Right Side of Road

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

- (1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) when the right half of a roadway is closed to traffic while under construction or repair;

- (3) upon a roadway divided into three marked lanes for traffic under the rule applicable thereon; or
- (4) upon a roadway designated and signposted for one-way traffic.

Violation of this section shall be a Class C offense.

§4-4-8 Passing Oncoming Vehicles

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

Violation of this section shall be a Class C offense.

§4-4-9 Overtaking and Passing a Vehicle on the Left

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe speed and distance and shall not again drive to the right side of the roadway until he has safely cleared the overtaken vehicle.

Except when overtaking and passing on the right is permitted, the driver of the overtaken vehicle, on audible signal shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven on the left side of the roadway under the following conditions:

- (1) when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed;
- (2) when approaching within one hundred (100) feet of any bridge or viaduct; or
- (3) unless the driver can see the road for a sufficient distance ahead to pass safely and such passing can be accomplished safely without colliding with oncoming traffic.

Violation of any of the provisions above shall be a Class C offense.

§4-4-10 Passing and Turning on Curve or Crest

No motor vehicle shall be driven so as to pass or turn in any direction on a curve or crest or on any approach to crest unless such vehicle can pass or be turned safely and seen by traffic approaching in either direction. Passing and Turning on Curve or Crest shall be a Class C offense.

§4-4-11 Speed Limits

- (1) In recognition of the exclusive regulatory and legislative power of the Tribal Council of the Mississippi Band of Choctaw Indians over Tribal members and other persons of Indian descent not otherwise subject to state jurisdiction within this Indian Country, the presently

designated state laws and roadway warning signs governing speeds on roadways of this jurisdiction are hereby adopted as the speed laws of the Tribe.

- (2) No person shall drive a motor vehicle at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, or winding roadway, and when special hazards exist with respect to pedestrians or to other traffic or by reason of weather or roadway conditions.
- (3) Unless otherwise designated by posted speed limits and subject to the provisions of subsection (2) above, no person shall drive a motor vehicle at a speed in excess of the following maximum limits upon the roadways of this jurisdiction:
 - (a) 25 miles per hour in residential areas;
 - (b) 25 miles per hour in school zones;
 - (c) 25 miles per hour in business areas; or
 - (d) 45 miles per hour in other locations

provided, that for residential, business or school zones or districts, wherein the roadway in questions terminates in a dead-end at a distance not exceeding a half (½) mile from its point of entrance onto the said dead-end roadway, the speed limit shall be 15 miles per hour.

Unless the Tribal Council of the Mississippi Band of Choctaw Indians shall, by enactment of a resolution or ordinance, establish speed limits or roadway warning signs to the contrary, those indicator hereafter likewise govern the speeds of motorists subject to this Tribal jurisdiction; provided, however, that the exclusive enforcement under Tribal law shall be by authorities of this jurisdiction.

Violations of any of the speed laws of this jurisdiction shall constitute a Class C offense.

§4-4-12 When Lights Are Required to Be On

Every vehicle upon a public roadway at any time from a half hour after sunset to a half hour before sunrise or at any other time when objects on the road cannot be seen clearly at a distance of five hundred (500) feet because of light conditions, shall display lighted lamps on the vehicles.

Every vehicle stopped or parked on the side of any road or highway during the hours set forth above in such manner as to pose a potential hazard to vehicles traveling the roadway shall be visibly marked by flares, lamps or fuses so as to provide a visible warning to oncoming vehicles.

Violation of any of the above provisions is a Class C offense.

§4-4-13 Requirement of Child Restraint

Any person transporting a child under the age of four (4) years in a passenger motor vehicle, and operated on a public roadway, street or highway within this jurisdiction, shall provide for the protection of the child by properly using a child passenger restraint device or system meeting applicable federal motor vehicle safety standards.

Failure to provide a child passenger restraint device or system shall not be considered contributory or comparative negligence.

Violation of this section shall be a Class C offense.

CHAPTER 5. MISCELLANEOUS DRIVING PROVISIONS

§4-5-1 Duty to Give Information and Render Aid

Any person who shall be the driver of any motor vehicle involved in an accident resulting in the injury to or the death of any person or damage to any vehicle or to the personal property of another shall:

- (1) give his name, address and registration number of the vehicle;
- (2) upon request, show his driver's license or similar driving permit;
- (3) render to any person injured reasonable assistance including carrying or making arrangements for carrying such person injured for medical treatment, if necessary, when requested by an injured person;
- (4) if an unattended vehicle is involved, locate and notify the owner or leave a written notice in a conspicuous place in or on the vehicle struck, providing the name and address of the driver inflicting the damage;
- (5) notify the police of this jurisdiction; and
- (6) if personal property is damaged, the driver shall make reasonable efforts to locate and notify the owner of the property damaged.

Any person who shall fail to comply with the above section shall be guilty of a Class C offense.

§4-5-2 Driver's License Required

Any person who shall drive or operate a motor vehicle upon the public roadways of this jurisdiction shall be required to have in his possession at all times when operating a motor vehicle a driver's license or similar permit valid under the laws of the jurisdiction from which it was issued, and shall display same upon demand by a police officer or a judge of the Tribal Court.

Violation of this section is a Class C offense; however no person charged with violating this section shall be convicted if he produces in court a driver's license heretofore issued to him, which was valid at the time of his arrest.

§4-5-3 Driving Under Suspension or Revocation

Any person whose driver's license or driving privilege has been canceled or revoked in this or any other jurisdiction and who drives any motor vehicle upon the roadways within the jurisdiction of the Tribal Court while such license or privilege is canceled, suspended, or revoked shall be guilty of a Class B offense under this section.

§4-5-4 Permitting Unauthorized Person to Drive

No person shall authorize or knowingly permit a motor vehicle owned by a person or under his control to be driven upon any highway by any person who is not authorized hereunder or whose license privilege to drive is suspended or revoked. Permitting Unauthorized Person to Drive shall be a Class C offense.

§4-5-5 Authorization to Move Illegally Parked and Abandoned Vehicles

Any law enforcement officer finding a vehicle standing upon a roadway in violation of the provisions of this Code or in a location where it poses a potential hazard to vehicles traveling the roadways of this jurisdiction is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move same to a position off the roadway or to another place of safety. Moving of the vehicle will be at the owner's expense.

Any law enforcement officer finding a vehicle standing or abandoned adjacent to a roadway in a location where it does not pose a potential hazard to vehicles traveling the roadways of this jurisdiction is hereby authorized to move or have moved at the owner's expense without the owner's consent any such vehicle which has been so unattended or abandoned for period of not less than three (3) days.

§4-5-6 Stopping and Parking

No person shall stop, park or leave standing any motor vehicle, whether attended or unattended, upon the paved or improved, or main traveled part of any roadway with the jurisdiction of the Tribal Court when it is practical to stop and park or so leave the vehicle off said roadway.

This section shall not apply to the driver of any motor vehicle which is disabled while on the roadway to the extent that it is impossible to move.

Violation of this section shall be a Class C offense.

§4-5-7 Careless Driving

Any person who shall operate any motor vehicle upon any public road in a careless or imprudent manner, without due regard for the width, grade, curves, corners, traffic and the use being made of such road or other attendant circumstances shall be guilty of a Class C offense. This offense shall be a lesser included offense to the offense of reckless driving.

§4-5-8 Reckless Driving

Any person who shall drive any motor vehicle within the jurisdiction of the Choctaw Tribe in such a manner as to indicate either a wanton or willful disregard for the safety of person or property shall be guilty of a Class B offense, and the Choctaw Tribal court may suspend said person's driving

privileges within the boundaries of the Choctaw Indian Reservation for a period not to exceed six (6) months.

§4-5-9 Driving Under the Influence of Intoxicating Liquor, Drugs, or Controlled Substances, or Other Substances Impairing Ability to Operate Vehicle or with Blood Alcohol Concentrations Above Specified Levels; Penalties Generally; Granting of Hardship Driving Privileges

- (1) It is unlawful for any person, who is under the influence of intoxicating liquor, to drive or otherwise operate any vehicle within the Choctaw Reservation, or when that person has an alcohol concentration of ten one-hundredths percent (.10%) or more for persons who are above the legal age to purchase alcoholic beverages under state law or two one-hundredths percent (.02%) or more for persons who are below the legal age to purchase alcoholic beverages under state law, in the person's blood based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's breath, blood or urine administered;
- (2) It is unlawful for any person who is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi controlled Substances Law, to drive any vehicle within the Choctaw Reservation;
- (3) It is unlawful for any person who has an alcohol concentration of four one-hundredths percent (.04%) or more, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's blood, breath or urine, to drive a commercial motor vehicle within the Choctaw Reservation;
- (4) Upon conviction of any person for the first offense of driving while under the influence of alcohol, drugs, or controlled substance under this section such person shall be guilty of a Class B offense; and the court shall order such person to attend and complete an alcohol safety education program and/or a DUI First Offender Program. The court may substitute attendance at a victim impact panel instead of forty-eight (48) hours in jail. In addition, the Choctaw Tribal Court shall suspend driving privileges of such person for a period of not less than ninety (90) days and until such person attends and successfully completes an alcohol safety education program as herein provided; provided, however, in no event shall such period of suspension exceed one (1) year.

For a first violation of this section the court may grant the person hardship driving privileges upon written petition of the defendant, if it finds reasonable cause to believe that revocation would hinder the person's ability to:

- (a) continue his employment;
- (b) continue attending school or an educational institution; or
- (c) obtain necessary medical care.

Proof of hardship shall be established by clear and convincing evidence which shall be supported by independent documentation

- (5) Upon any second or subsequent conviction in the Choctaw Tribal Court of any person for driving under the influence of alcohol, drugs or controlled substances, such person shall be guilty of a Class A offense. For purposes of this section, DUI convictions in Choctaw Tribal court that occurred five (5) years prior to the defendant's current violation shall be considered in charging defendant with a DUI second or subsequent offense.

In addition to any criminal penalties for a Class A offense, any person convicted of a second or subsequent violation shall have his driving privileges suspended for a period not less than ninety (90) days; provided however, in no event shall such period of suspension exceed one (1) year.

§4-5-10 Adoption of Mississippi Traffic Rules and Regulations

Title 63 of the Mississippi Code Annotated 1972, as now existing or as may be hereafter amended, shall apply as the laws, rules and regulations of the Mississippi Band of Choctaw Indians, but only insofar as they do not conflict with or overlap any law, rule or procedure established in this Choctaw Traffic Code or elsewhere in the Choctaw Tribal Code, or unless the Mississippi Band of Choctaw Indians' Tribal Council shall, by resolution, specifically declare all or some part of such Mississippi laws, rules and regulations inapplicable hereunder.

Except as specifically provided by any section in this Code, or any other applicable law, rule or regulation, it shall be a Class C offense for any person to do any act forbidden to be done under such laws, rules or regulations, or to fail to do any act required to be done under such laws, rules and regulations.

§4-5-11 Evading

Any person driving a motor vehicle who willfully fails or refuses to bring his vehicle to a stop when given a visual or audible signal, by hand, voice, emergency light, flashing light, or siren, or other signal by a uniformed police officer in an appropriately marked police vehicle shall be deemed guilty of an offense under this section. Evading shall be a Class A offense.

§4-5-12 Safety Belts

When a passenger motor vehicle is operated on a public road, street or highway within this jurisdiction, every operator, every front-seat passenger and every child who is at least four years of age but under eight (8) years of age, regardless of the seat that such child occupies, shall wear a properly fastened safety seat belt system, required to be installed in the vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standards. Children under the age of four (4) years shall be in a restraint system as required under §4-4-12 of this Title.

Violation of this section shall be a Class C offense.

CHAPTER 6. PROVISIONS RELATING TO PEDESTRIANS

§4-6-1 Pedestrian's Right-of-Way at Crosswalk

When traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway or within any marked crosswalk or within any unmarked crosswalk at an intersection.

Whenever any vehicle at a marked or unmarked crosswalk or walk at an intersection is stopped to permit pedestrians to cross the roadway, the driver of any vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Violations of this section shall constitute a Class C offense.

§4-6-2 Pedestrians on Roadways

Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon roadways.

Where sidewalks are not provided any pedestrian walking along and upon a roadway shall, when practicable, walk on the left side of the road facing traffic.

Violations of this section shall constitute a Class C offense.

§4-6-3 Crossing at Other Than Crosswalk

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

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

Violations of this section shall constitute a Class C offense.

§4-6-4 Pedestrians' Obedience to Regulations

A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him, unless otherwise instructed by a law enforcement officer. Violations of this section shall constitute a Class C offense.

§4-6-5 Soliciting Rides

No person shall stand upon the paved portion of a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Soliciting Rides shall constitute a Class C offense.

§4-6-6 Traffic Laws Apply to Persons Riding Bicycles or Animals or Driving Animal Drawn Vehicles

Any person riding a bicycle or an animal or any animal drawing a vehicle upon a roadway shall be subject to the provisions of this Title applicable to the driver of a motor vehicle, except those provisions of this Title which by their very nature can have no application.

CHAPTER 7. PARKING RESTRICTIONS AND ENFORCEMENT

§4-7-1 Prohibited Parking

- (1) Except when necessary to avoid conflict with other traffic or the directions of a law enforcement officer or official traffic-control device, no person shall stop or park a vehicle, whether attended or unattended, in any of the following places:
 - (a) upon the paved or improved or main traveled part of any roadway within the jurisdiction of the Choctaw Tribe when it is practical to stop and park or so leave the vehicle off said roadway;
 - (b) on a sidewalk or grass area between a curb and sidewalk;
 - (c) in front of a public or private driveway;
 - (d) within an intersection;
 - (e) within fifteen (15) feet of a fire hydrant;
 - (f) on a crosswalk;
 - (g) within twenty (20) feet of the driveway entrance to a fire station;
 - (h) alongside or opposite any roadway excavation or obstruction when stopping or parking would obstruct traffic;
 - (i) on a bridge or other drainage structure where less than twenty (20) feet of unobstructed roadway is available;
 - (j) within an area marked “fire lane”; and
 - (k) at any place where official signs or markings prohibit parking
- (2) No person shall move a vehicle not lawfully under his control into any prohibited area.
- (3) No person shall park a vehicle on a highway other than parallel with the edge of the highway headed in the direction of lawful traffic movement and with the wheels within twelve (12) inches of the curb or edge of the highway, unless perpendicular or angular parking in specifically designated.
- (4) No person shall park a vehicle on a highway in such a manner or under such conditions as to leave available less than twelve (12) feet of the width of the highway for free movement of vehicular traffic.
- (5) No person shall park a vehicle on a highway for the primary purpose of advertising; for displaying the vehicle for sale; or for washing, servicing or repairing the vehicle, except for repairs necessitated by an emergency.

§4-7-2 Parking Privileges for Physically Handicapped Persons

- (1) No person shall park in spaces for use by physically handicapped persons. Such spaces shall be reserved by posting the official international handicapped wheelchair logo immediately adjacent to and visible from the spaces. Said logo shall be displayed both by an upright sign and by a painted logo on the parking surface.
- (2) No person shall park a vehicle in space reserved and identified for physically handicapped persons without a visible permit displayed on said vehicle. Said permit shall be in the form of the official international handicapped wheelchair logo on a sticker placed on the vehicle windshield, on a placard viewable through the windshield hanging from the rearview mirror, or on a duly issued and current state license tag.

§4-7-3 Parking Adjacent to Schools

No person shall park a vehicle on any highway adjacent to any school property where such signs have been duly erected prohibiting parking adjacent to school property.

§4-7-4 Designation of Loading Zones

No person shall stop or park a vehicle in a designated loading zone for any purpose or length of time except for the expeditious unloading, delivery, pick up or loading of materials or passengers.

§4-7-5 Parallel Parking Required

Parking Parallel with the edge of a roadway shall be required in areas where roadside parking is permitted unless perpendicular or angular parking is otherwise specifically designated.

§4-7-6 Signage and Markings in Accordance with MUTCD

- (1) All signage and pavement markings installed for the regulation and direction of vehicular parking shall be compliant with the latest edition of the “Manual of Uniform Traffic Control Devices (MUTCD)” as published by the Federal Highway Administration of the U.S. Department of Transportation and on file in the Office of Tribal Roads and Engineering Services prior to installation.
- (2) All signage and pavement markings installed upon highways, parking lots or other areas designated for public use shall have the approval of the Office of Tribal Roads and Engineering Services prior to installation

§4-7-7 Violations

- (1) The provisions of this Chapter shall apply at all times, or as may otherwise be indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or when it is necessary to comply with the directions of a law enforcement officer or official traffic control device. The failure of any person to comply with this Chapter shall constitute a violation of the Chapter.
- (2) Any authorized person charged with enforcement of this Code shall issue a parking citation when any provision of this Chapter has been violated. Said enforcement person

shall issue a citation to the person in control of the violating vehicle. Such citation shall be in accordance with Choctaw Law Enforcement standard operating procedures.

Violation of §4-7-2 of this Chapter shall be Class B offenses. All other violations of this Chapter shall be Class C offenses.