

## TITLE V. TRAFFIC CODE

### PART I - GENERAL PROVISIONS

Section 5-030-001. The purpose of this Traffic Code is to establish laws by which traffic-related activities may be controlled in order to protect the health, safety and welfare of the members and residents of the Colony and to maintain law and order on Colony Lands.

Sec. 5-030-002. Jurisdiction (1) This Traffic Code shall apply to all persons subject to the jurisdiction of the Winnemucca Indian Tribal Court who operate any motorized vehicles, motorcycles, all-terrain vehicles, and bicycles, including e-bicycles, within the Winnemucca Indian Colony lands, including all hard surfaced or all-weather roads, undeveloped lands, and rights-of-way. (2) All matters arising under this Traffic Code shall be heard in the Winnemucca Indian Colony Tribal Court, either sitting as the Court or as Juvenile Court. (3) The Colony shall not have criminal jurisdiction over non-Indians except as provided by federal law, but may arrest non-Indians under the circumstances set forth in NRS 171.1255 for prosecution by State or Local officials for violations of traffic violations under State or Local laws.



Sec. 5-030-003. Powers of Tribal Police. Tribal Police shall generally be authorized to carry out acts and duties required to enforce the provisions of this Traffic Code including, but not limited to, the following powers and duties:

- (a) To arrest any person who commits a criminal offense under this Traffic Code when the violation is committed in their presence;
- (b) To issue citations for violations of the Traffic Code as allowed under this Code;
- (c) To direct traffic at the scene of an accident or when traffic needs to be directed because of a blockage of the roadway;
- (d) To require the driver of any vehicle, who upon reasonable belief of the on-duty police officer is operating a vehicle in violation of any provision of this Traffic Code, to stop, step out of his vehicle, if necessary, and exhibit his driver's license and the registration evidence issued for the vehicle. The officer may inspect the vehicle, the registration plates, and registration evidence thereon or inspect and test the equipment of such vehicle (e.g. lights, brakes, tires etc.);
- (e) To inspect any vehicle of a type required to be registered under this Traffic Code found in any place where vehicles are parked or held for



sale, wrecking or storage for the purpose of locating stolen vehicles and investigating the title and registration thereof;

- (f) To investigate and prepare a written accident report on any accident occurring on the street, highway or road of Colony Lands and involving a vehicle that results in property damage or personal injury, and to file such report with the Council of the Winnemucca Indian Colony within 24 hours after completing an investigation; and,
- (g) To have a badge indicating his official authority conspicuously displayed upon his person while on duty or while exercising his/her duty.

**Sec. 5-030-004. Duties of Drivers and Owners.**

- (a) It is the duty of all drivers and owners of vehicles to comply with this Traffic Code.
- (b) It is the duty of all drivers to exercise due care in operating any vehicle with Colony Lands in order to avoid injury to or interference with person, property and the peace and quiet of the Colony.
- (c) If a driver or owner fails to fulfill his duty under this Traffic Code, civil or criminal action may be brought against the person in Tribal Court or other appropriate court, and a civil suit may also be brought by



persons injured or for property damage resulting from such failure in accordance with the laws of the Winnemucca Indian Colony.

Sec. 5-030-005. Report of Stolen and Recovered Motor Vehicles. Upon receiving reliable information that any vehicle has been stolen, the Tribal Police shall immediately, but no later than one week after receiving such information, report the theft to the Humboldt County Sheriff's Department or the Nevada State Highway Patrol, unless prior information has been received of the recovery of this vehicle. Upon receiving information that any vehicle has been recovered which had been reported as stolen, the Tribal Police shall immediately report the fact of such recover to the Humboldt County Sheriff's Office or the Nevada State Highway Patrol.

Section 5-030-006. Violation Not a Misdemeanor. Any violation of this Traffic Code is not a misdemeanor, except for reckless driving and driving while under the influence of intoxicating beverages or drugs, and driving in violation of court order.

Section 5-030-007. Fines, Costs and Payable Sentences All monies collected under this Law and Order Code shall be paid into the Winnemucca Indian Colony Tribal Court Account. Costs of \$25.00 shall be imposed for each separate violation of the Traffic Code by the court in addition to the fines assessed.



Sec. 5-030-008. Enforcement Procedures. Persons violating a criminal Traffic Code Provision of the Colony over which the Colony has criminal jurisdiction shall be subject to the following enforcement procedures:

(a) Citations.

(1) Initiating Proceedings. Proceedings may be initiated by issuing a citation to the accused. Issuing of a citation constitutes arrest. A copy of the citation shall be filed with the Clerk of the Tribal Court and a second copy shall be retained by the citing officer. When filed with the Clerk of Court, the Citation shall serve as a criminal complaint.

(2) Issuance. The citation shall be issued to the accused personally, except that if the offense is a non-moving violation, then issuance may be made by affixing the citation to a visible location on the offending vehicle.

(3) Contents. The citation shall contain at least the following:

- (A) The name and the driver's license number of the accused, if available,
- (B) The license number of the vehicle involved;
- (C) The date and time of the alleged offense;



- (D) The particular section of this code alleged to have been violated;
- (E) The notice requiring the accused to appear in Tribal Court on a stated date and at a stated time;
- (F) An agreement that in lieu of posting bail for his release, the accused may sign the citation and thereby promise to appear in Tribal Court, unless the accused is required to be taken into immediate custody pursuant to this Code; and,
- (G) A statement of the maximum penalty for each violation alleged.

(b) Immediate arrest.

(1) Standards. An accused may be taken into custody and brought before the Tribal Court without unreasonable delay, if:

- (A) The accused refuses to sign the citation promising to appear in Court;
- (B) The accused does not reside within the exterior boundaries of the Winnemucca Indian Colony; or
- (C) The alleged violation is a serious offense against the safety of persons or property.



(2)Setting of Trial. Trial of the accused held in custody shall be held within ten (10) days. If an accused is released from custody upon posting of bond or other order of the Tribal Court, a date for trial may be set no more than thirty days after the arrest.

(c) Bail.

(1)Posting Bail. The Tribal Court may release an accused who has been taken into custody upon the posting of cash bail in an amount determined by the Court.

(2)Bail Schedule. The bail schedule approved by the Tribal Court shall set forth cash bail amounts for specified offenses.

(d) Procedure. The Criminal Procedure Code, Title 4 of the Tribal Law & Order Code shall apply to all prosecutions of persons in Tribal Court for violation of criminal provisions of the Traffic Code.

Section 5-030-009. Consent to Chemical Test of Blood, Breath or Urine Implied; Suspension of License for Refusal to Take Test; When Suspension Effective (1) Any person who operates a motor vehicle upon a public street or highway is deemed to have given consent, subject to the provisions herein, to a chemical test of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood if arrested and officially charged for an offense as defined by the Tribal Traffic Code 5-030-



Driving While Under the Influence of Intoxicating Liquors or Drugs. The test or tests shall be incidental to a lawful arrest and shall be given as promptly as possible after the arrest and be administered at the direction of a law enforcement officer having probable cause to believe the person to have been driving or in actual physical control of a motor vehicle upon a street or highway while under the influence of intoxicating liquor to a degree which renders him incapable of safely driving the vehicle. The arrested person shall be told that his failure to submit to a chemical test may result in the suspension of his privilege to operate a motor vehicle on the Winnemucca Indian Colony or any other jurisdiction that recognizes the arrest. The law enforcement officer shall further advise the arrested person that he may go to the nearest hospital or clinic and secure a test at his own expense or he shall have the test administered by a person at a place and in a manner prescribed by the law enforcement agency and at the expense of the arresting agency. If the arrested person elects to secure a test at his own expense, the results of the test shall be made available to the arresting officer and to the arrested person. Disclosure of the test results by the person administering it shall not be a violation of the doctor/patient relationship. (2) Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal is deemed not to have



withdrawn his consent provided by subsection (1) of this section, and the test or tests may be administered by a physician or a qualified medical technician in a clinical facility. (3) If a person under arrest refuses upon request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency as provided in subsection (1) of this section, none shall be given, but upon the receipt of the law enforcement officer' sworn report or statement that he had probable cause to believe the arrested person was driving or was in actual physical control of a motor vehicle upon a public street or highway while under the influence of intoxicating liquor to a degree which rendered him incapable of safely driving such vehicle, and that the person refused to submit to the test upon the request of the law enforcement officer, the Nevada Motor Vehicle Division shall suspend his operator's license for a period of six (6) months subject to review as hereinafter provided. (4) No such suspension is effective until twenty (20) days after receipt by the arrested person of written notice thereof submitted by certified mail to the last known address furnished the Nevada Motor Vehicle Division or a personal service. Failure to demand a hearing within the twenty (20) day period is a waiver of the right of hearing, and the Nevada Motor Vehicle Division shall continue the suspension without further hearing. If demand for hearing is made, the



Nevada Motor Vehicle Division shall establish a time and place for the hearing within forty-five (45) days in the county where the arrested person resides, unless the Nevada Motor Vehicle Division and the arrested person agree that the hearing be held in some other county. The prosecuting attorney shall give at least ten (10) days' notice of the hearing to the arrested person. Any hearing shall be conducted by a judge, hearing examiner or justice of the peace of the county. It is the duty of the prosecuting attorney wherein the hearing is conducted to represent the Nevada Motor Vehicle Division in all proceedings and hearings in the matter.

## Part II – OFFENSES.

### BICYCLES, including E-BYCYCLES, ALL-TERRAIN VEHICLES, AND MOTORCYCLES

Section 5 – 030 – 010 Bicycle Violations (1) Definition: “Bicycle” means every device propelled solely by human power upon which any person may ride having two tandem wheels including e-bicycles. (2) Every person riding a bicycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle except to those provisions which by their nature can have no application.



(3) Riding on a Bicycle: a) A person propelling a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto. b) No bicycle may be used to carry more persons at one time than the number for which it is designed and equipped. (4) No person riding upon any bicycle, coaster, skates, sled, scooter or toy vehicle may attach the same or him or herself to any vehicle upon the roadway. (5) Riding on Roadway: a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. b) Persons riding bicycles upon a roadway may not ride more than two abreast, except on areas within the jurisdiction not considered as roadways. (6) No person operating a bicycle may carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars. (7) Lamps and Other Equipment on Bicycles: a) Every bicycle when in use during the hours of darkness must be equipped with a lamp on the front which emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. Every bicycle must be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean



pavement. (8) Any violation of any of the foregoing provisions by any person shall be deemed an offense, and upon conviction thereof, the guilty person shall be assessed a fine not less than \$50 and not to exceed \$250.00. In the case of a violation of any of the foregoing provisions by any minor, the adults or adults responsible for the care and custody of the minor may be subject to the fine.

Section 5-030-011. Motorcycle Violations (1) Definition: "Motorcycles" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels. (2) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon another seat firmly attached to the motorcycle at the rear or side of the operator. (3) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward. (4) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handle-bars, or obstructs his vision or interferes with safe operation of the motorcycle. (5) No operator shall carry any person, nor shall any person ride in a position that will interfere with the safe operation



or control of the motorcycle or the view of the operator. (6) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two (2) abreast in a single lane. (7) The operator of a motorcycle shall not overtake and pass any vehicle except a single motorcycle in the same lane occupied by the vehicle being overtaken. (8) No person shall operate a motorcycle between lanes of traffic, or between adjacent lines or rows of vehicles. (9) Paragraphs (6) and (7) shall not apply to police officers in the performance of their official duties. Motorcycles shall not be operated more than two (2) abreast in a single lane. (11) No person riding upon a motorcycle shall attach himself or the motorcycle to any other moving vehicle on a roadway. (12) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger. (13) No person shall operate any motorcycle with handlebars more than fifteen inches (15") in height above that portion of the seat occupied by the operator. (14) No person shall operate or ride nor shall the operator permit a person to ride upon a motorcycle unless he is wearing protective headgear securely fastened on his head and of a type which complies with standards established by the American National Standard Institute. This



subsection shall not apply to persons riding within an enclosed cab. (15)

Any person operating a motorcycle shall have the headlamps of the motorcycle activated at all times, including daylight hours. (16) The standard for protective headgear shall meet or exceed the Z90.1-1971 standard of the American National Standards Institute or as required on the highways of the State of Nevada. However, all existing equipment meeting the Z90.1-1966 standard of the American National Standards Institute shall be accepted or as required on the highways of the State of Nevada; (17)

No person shall drive a motorcycle upon any road on the Winnemucca Indian Colony unless such person has a valid driver's license issued by a State of the United States; (18) Violation of any of the provisions of this ordinance shall be punishable by a fine of not less than \$100.00 and not to exceed \$500.00

#### Section 5-030-012 All-Terrain Vehicles Violations:

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

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



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

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

(2) Operation of All Terrain Vehicles: a) A person may not operate an ATV upon any roadway, roadway shoulder in this jurisdiction unless the ATV is registered with the State of Nevada and operated by a person who is a licensed operator and who has the required liability insurance. Exceptions apply for the purposes of animal husbandry, and usage as farming equipment as determined by Resolution of the Winnemucca Indian Colony Council; b) Any operator of an ATV may make a direct crossing of a roadway but such operator shall: i) First bring the ATV to a complete stop before crossing any roadway. ii) Yield the right of way to any motor-vehicle or pedestrian. iii) Cross the roadway only when such crossing can be made in safety. c) A person may not operate an ATV in the following ways which are declared to be unsafe and a public nuisance. i) In any area which prohibits the use of ATV's. ii) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property. iii) Carrying more persons at one time than the number for which it is designed and equipped. iv) Persons of the



age of 18 may not operate or ride nor shall the operator permit a person to ride unless wearing protective headgear securely fastened on his/her head.

v) While under the influence of intoxicating liquor or a controlled substance.

vi) In any school area, business area or area not owned by the operator or his or her family (if a minor).

(3) Any violation of any of the foregoing provisions by any person shall be deemed an offense, and upon conviction thereof, the guilty person shall be assessed a fine not less than \$100 and not to exceed \$500.00 and the ATV may be impounded and held until impoundment fee in the amount of \$100.00 is paid. In the case of a violation of any of the foregoing provisions by any minor, the adults or adults responsible for the care and custody of the minor may be subject to the fine.

### PART III - TRAFFIC OFFENSES

Section 5-030-013. Driving Without a License (1) No person shall drive a motor vehicle on the public highways without a valid driver's or chauffeur's license in his possession. (2) Any person convicted of violating this section shall be fined not less than \$100.00 and not more than \$500.00

Section 5-030-014. Permitting an Unauthorized Minor to Drive (1) No person shall permit a child or ward to drive a motor vehicle on the public



highways, unless such minor is licensed to drive. (2) Any person convicted of violating this section shall be fined not less than \$100.00 and not more than \$500.00

Section 5-030-015. Driving Without Required Registration or With Vehicle in Unsafe Condition No person shall operate a motor vehicle on the roadways within the reservation unless such vehicle is in good working order and adjustment as required by the laws of the State of Nevada and is in safe mechanical condition and complies with the registration and licensing laws of the State of Nevada.

Section 5-030-016. Driving Without Insurance (1) A person may not operate a motor vehicle without a valid insurance policy with minimum liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance or use of that motor vehicle in the amount required by laws of the State of Nevada for the minimum amount of liability insurance required. Any person convicted of violating this section shall be fined an amount not less than \$100.00 and not more than \$500.00 and any motor vehicle not covered by the minimum amount of liability required may be impounded and held until proof of financial responsibility is furnished.



Section 5-030-017. Starting, Turning and Stopping Without Regard to Safety

- (1) No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.
- (2) No person shall turn a vehicle at an intersection unless the vehicle is in such position on the roadway that such movement can be made with reasonable safety and signal of intention to turn right or left, when required, has been given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning.
- (3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- (4) The signals herein required shall be given either by means of the standard hand and arm signals or by mechanical or electrical signal device.
- (5) Every driver of a vehicle approaching an intersection shall not proceed until the intersection is clear.

Section 5-030-018 Speeding (1) Every person operating or driving a vehicle of any character on a highway shall drive in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the



conditions existing and having regard for the actual and potential hazards then existing. In any 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 use due care.

(2) Where no special hazard exists that requires lower speed for compliance with paragraph (1), any speed not in excess of the speed limit of 25 m.p.h. shall be lawful; but, it is illegal for any person to drive at any speed in excess of 20 m.p.h. on the roadways of the Colony lands.

(3) The posted speed limit shall not apply to vehicles when operated with due regard for safety under the direction of the police or fire department or other emergency vehicles when the vehicles are operated for emergency purposes. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

(4) Any person who drives a number of miles per hour ("mph") in excess of the maximum speed limit as posted as provided in this section, or at a speed greater than is reasonable and proper under conditions then existing is guilty of speeding and upon conviction thereof shall be sentenced to



court costs and a fine associated with the mph over the posted speed limit as follows: a) Scale MPH Over Posted Speed Limit Fine 1-5 \$60.00 6-9 \$85.00 10-16 \$60.00 + \$4.00/each mile over limit 10 \$100.00 11 \$104.00 12 \$108.00 13 \$112.00 14 \$116.00 15 \$120.00 16 \$124.00 17-21 \$60.00 + \$6.00/each mile over limit 17 \$162.00 18 \$168.00 19 \$174.00 20 \$180.00 21 \$186.00 22 & above \$250.00

(5) The court may impose up to \$250.00 in additional fines against any person who commits a third and subsequent offense within one year of their first offense.

Section 5-030-019. Reckless Driving (1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. (2) Every person convicted of reckless driving shall be punished by fine not less than \$250.00 and not to exceed \$1000.00, with costs, and may be deprived of the right to operate a motor vehicle for a period not to exceed one (1) year.

Section 5-030-020. Aggravated Reckless Driving (1) A person who commits aggravated reckless driving if he or she drives a vehicle in violation of the above section 5-030-013 reckless driving and causes and/or inflicts injury upon the person of another. (2) Any person who is found guilty



of an offense under this section may be punished by imprisonment for a period of not more than ninety (90) days and shall be fined not less than \$500.00 nor to exceed a sum of \$2000.00 and his or her privilege to operate a motor vehicle in this jurisdiction shall be suspended for a period of not less than one year.

Section 5-030-021. Safety Belt (1) Each driver and front seat passenger of a motor vehicle operated upon a roadway or other place open to the general public or generally accessible to motor vehicles shall wear a properly adjusted and fastened safety belt, except that a child less than four (4) years of age shall be protected by a child restraint system as required by the State law of Nevada. (2) Each driver of a motor vehicle transporting a child four (4) years of age or more but less than sixteen (16) years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt. b) This Section does not apply if the motor vehicle being driven is a bus, school bus, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal or Nevada State law or regulation. (4) Any person who violates this Section shall be sentenced to a fine not less than \$50.00 and not to exceed \$250.00.

Section 5-030-022 Failure to Drive on Right Side of Roadway (1) Upon all highways of sufficient width, the driver of a vehicle shall drive upon the right



half of the highway, except when the right half of the roadway is closed to traffic while under construction or repair or sign posted for one-way traffic or other conditions.

Section 5-030-023. Following Too Closely The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and the condition of the highway.

Section 5-030-024. Failure to Give Right-of-Way (1) The driver of a vehicle about to enter or cross a roadway from a private drive or road shall yield the right-of-way to all vehicles approaching on the roadway. (2) When two vehicles from different roadways enter an intersection 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. (3) 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 so close as to constitute an immediate hazard. (4) The driver of a vehicle approaching, but not having entered, an intersection, shall yield the right-of-way to a vehicle already within such intersection and making a left turn, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn. (5) Upon the immediate approach of an authorized emergency vehicle making use of



audible or flashing light signals, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position as close as possible to the right-hand edge of the road and stop until the emergency vehicle has passed. This provision 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.

Section 5-030-025 Stopping, Standing or Parking on Roadway shall not apply if under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire departments when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

Section 5-030-026. Driving While Under the Influence of Intoxicating Liquors or Drugs (1) It is unlawful and punishable for any person who is under the influence of intoxicating liquor, to a degree which renders him/her incapable of safely driving a motor vehicle, motorcycle, all-terrain vehicle, to drive or have actual physical control of any vehicle within the lands of the Winnemucca Indian Colony (2) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any



person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions: a) If there was at the time .03% or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor, to a degree which renders him incapable of safely driving a motor vehicle; b) Any person previously convicted of driving under the influence of intoxicating liquors or drugs shall not operate a motor vehicle with any bodily alcohol content (Blood Alcohol Content of .01%). c) Any person less than 21 years of age, whether licensed or not, shall not operate a motor vehicle, if the person has any bodily alcohol content (Blood Alcohol Content of .01%). d) The foregoing provisions of subsection (2) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor. (3) It is unlawful and punishable as provided in subsection (4) of this section for any person who is under the influence of any controlled substance or under the combined influence of alcohol and any controlled substance, to a degree which renders him incapable of



safely driving a vehicle, to drive a vehicle on the Winnemucca Indian Colony Lands. (4) A controlled substance shall include:

(A) Amphetamine, 500 n/m for urine and 100 n/m for blood

(B) Cocaine, 150 n/m for urine and 50 n/m for blood

(C) Cocaine metabolite, 150 n/m for urine and 50 n/m for blood

(D) Heroin, 2000 n/m for urine, 50 n/m for blood

(E) Heroin metabolite:

Morphine, 2000 n/m for urine, 50 n/m for blood

6-monoacetyl morphine, 10 n/m for urine, 10 n/m for blood

(F) Lysergic Acid Diethylamide, 25 n/m for urine, 10 n/m for blood

(G) Methamphetamine, 500 n/m for urine, 100 n/m for blood

(H) Phencyclidine, 25 n/m for urine, 10 n/m for blood

(I) Opioids or derivatives or substitutes

(J) Marijuana or Marihuana metabolite

(5) The fact that any person charged with a violation of this section is or has been entitled to use a controlled or prohibited substance under the laws of the Colony does not constitute a defense against any charge of violating this section.

(6) Every person convicted of their first (1st) violation of subsections (1) or (3) shall be punished by: a) Imprisonment for not less than seven (7) days



and not more than 90 days; b) A fine of not less than five hundred dollars (\$500.00) and not more than one thousand (\$1000.00), c) Community service with a minimum of forty-eight (48) hours and not more than ninety-six (96) hours, d) Loss of the right to operate a motor vehicle for not less than ninety (90) days and not more than one (1) year. (5) Every person previously punished under subsection 4 and who is convicted of any subsequent violation of subsections (1) or (3) shall be punished by: a) Imprisonment for period not less than thirty (30) days and not more than one (1) year, b) A fine not less than seven hundred fifty dollars (\$750.00) and not more than two thousand dollars (\$2,000.00); c) Community service with a minimum of seventy-two (72) hours and not more than one hundred eighty (180) hours; d) Loss of the right to operate a motor vehicle for a minimum one (1) year and not more than five (5) years.

(7) The imprisonment sentence of any person convicted pursuant to subsection (1) or (3) and previously pursuant to subsection (4) may be suspended if the convicted person: a) Completes a court-approved alcohol and drug safety, education, or treatment program; b) Abstains from alcohol use for a minimum of one (1) year; c) Submits to random drug-testing; and d) Successfully completes a minimum period of probation of not less than one (1) year, but no more than three (3) years. e) In the event the person



convicted and punished pursuant to subsection (5) who fails to successfully complete any of the subsections (6) (a)-(d) in lieu of imprisonment shall have imprisonment sentence re-imposed, and immediately spend the remainder of their sentence imprisoned.

#### MISCELLANEOUS TRAFFIC OFFENSES INVOLVING A VEHICLE

Section 5-030-027 Riding on Fenders, Bumpers or Running Boards No driver shall permit passengers to ride on the fenders, bumpers of running boards nor shall any passenger ride on the fenders, bumpers or running boards of a vehicle.

Section 5-030-028 Pedestrians on Roadways Without Regard for Safety

(1) Every pedestrian crossing a roadway at any point shall yield the right-of-way to all vehicles upon the roadway. (2) a pedestrian walking along a roadway shall, when practical, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (3) No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle. (4) No person shall walk upon or along the roadway while under the influence of intoxicating liquor.



Section 5-030-029 Putting Glass, Etc., on roadway (1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway. (2) Any person who drops, or permits to be dropped or thrown, upon any highway, any destructive or injurious material shall immediately remove the same or cause it to be removed. (3) Any person removing a wrecked or damaged vehicle from a roadway shall remove any glass or other injurious substance dropped upon the roadway from such vehicle.

5-030-030 Driving in Violation of an Order of the Court or While License is Suspended (1) Any person whose right to operate a motor vehicle has been suspended and who within the period fixed by any court's order drives or attempts to drive a motor vehicle upon a Colony roadway is guilty of an offense. (2) Any person who is convicted of driving in violation of an order of any court shall be sentenced to imprisonment not to exceed 7 days or to a fine not less than \$500.00 and not to exceed \$1000.00, or both such imprisonment and fine, with costs, and within the discretion of the court may be further deprived of the right to operate a motor vehicle for an additional period of one (1) year.



Section 5-030-031. Duties in the Event of Accident (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall give his name, address, and the registration number of the vehicle he is driving and shall upon request, and if available, exhibit his driver's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including arrangements for hospital or medical attention. (2) 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 such 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 and a statement of the circumstances thereof. (3) 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 such property of the



accident and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license. (4) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to another or others to an apparent extent of \$50.00 or more shall, as soon as practicable thereafter, give notice of such accident to the chief of police. If more than \$500.00, the driver must notify the Winnemucca Indian Colony Council within ten (10) days, (5) Violation of any of the requirements of this section shall be an offense. Section 5-030-032. Law Officers to Report Accidents Every Colony law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident either at the time of and at the scene of the accident or thereafter by interviewing the participants of witnesses shall, within twenty-four (24) hours after completing such investigation, forward a written report of such accident to the Council of the Winnemucca Indian Colony.

Section 5-030-033. Penalties Not Otherwise Prescribed Any person who is convicted of an offense enumerated in this code for which the penalty is not otherwise prescribed shall be sentenced under this section to a fine not less than \$100.00 and not to exceed \$1000.00 for each such offense.



Section 5-030-034. Statute of Limitations No prosecution shall be maintained under this code unless the action shall have been commenced within twelve (12) months after the commission of the offense.

Sec. 5-030-035. Duty to Give Information and Render Aid.

- (a) The driver of any vehicle involved in an accident resulting in injury or death of any person or damage to any vehicle or property, shall give his name, address, phone number and the registration number of the vehicle he is driving and upon request, exhibit his driver's license to any other persons involved in the accident. The driver shall render to any person injured in such accident reasonable assistance, including the transport or making of arrangements for the transport of such person to a physician, hospital or medical treatment if it is apparent that such treatment is necessary or if the injured person requests such transport. The penalty for leaving the scene of an accident can be a minimum of \$250.00 and a maximum of three months imprisonment.
- (b) Any member of a voluntary ambulance, fire or search and rescue service or any other person, who in good faith renders emergency care or assistance without compensation at the scene of an emergency or an accident on Colony Lands, or otherwise within



the jurisdiction of the Colony, shall not be liable for any civil damages for acts or omissions in rendering such negligence or willful misconduct.