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TITLE 14

SOUTHERN UTE INDIAN TRIBE

TRAFFIC CODE

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TITLE 14
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ARTICLE 1

GENERAL PROVISIONS

14-1-101. Jurisdiction. The Southern Ute Tribal Court shall have jurisdiction over all specified violations of this Traffic Code committed within the exterior boundaries of the Southern Ute Indian Reservation. Anyone driving on the Reservation is deemed to have given his consent to jurisdiction in the Tribal Court for any action brought for an offense under this Code and to enforce it.

14-1-102. Short Title. This Title of the Southern Ute Indian Tribal Code shall be known and may be cited as the Traffic Code.

14-1-103. Scope. This Traffic Code applies both to criminal traffic offenses and civil traffic infractions.

ARTICLE 2
APPLICABLE PROCEDURES

14-2-101. Criminal Offenses. The Criminal Procedure Code shall apply to the prosecution of criminal traffic offenses under this Code. Any Indian who is convicted of violating this Traffic Code, will be subject to a sentence not more than the maximum length of imprisonment or maximum fine, or both, allowed under federal and tribal law. If an Indian is cited for violating this Code, the accused will not be taken into custody if the person voluntarily signs a promise printed on the citation issued for the offense that he will appear before the Tribal Court at the time and place indicated on the citation, and if in the officer's judgment no arrest is necessary to protect the Reservation's peace and safety.

14-2-102. Civil Traffic Infractions. The Civil Procedure Code shall apply to the enforcement of civil traffic infractions under this Code. Despite sections to the contrary in the Civil Procedure Code, the following procedures will apply to civil traffic infractions.

14-3-103. Civil Penalty Assessment. When an officer cites someone for violating this Traffic Code, including minors, the citing officer may give the alleged offender an opportunity to voluntarily pay the civil penalty in the form of a penalty assessment, within ten days to the Tribal Court, Justice Building, P.O. Box 737, Ignacio, Colorado 81137. If the penalty assessment is not paid, the citation becomes by law a summons and complaint and requires an appearance in the Tribal Court at the place, date, and time indicated on the citation form. An officer coming upon an unattended vehicle that is in apparent violation of this Traffic Code may

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place upon the vehicle a penalty assessment notice and summons and complaint.

14-3-104. Offenses by Minors.

(1) Summons and Complaint for Minors. For violations committed by a minor, the Tribal Court must advise the minor's parent or legal guardian, if known, of the penalty assessment and require the parent or guardian to appear with the minor at the minor's court hearing(s).

(2) Penalty Assessments. Penalty assessment notices served on a minor must contain the following:

- ***Declaration.*** A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;
- ***Sign and Notarize.*** Preprinted signature lines following the declaration for the reviewing person to sign and for a notary public to duly acknowledge the signature;
- ***Inform Parent or Guardian.*** Advise that the minor must, within 72 hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;
- ***Parent or Guardian Signature.*** The parent or legal guardian of the minor must review and sign the penalty assessment notice and have it notarized; and
- ***Statement of Noncompliance.*** Noncompliance with the requirement to sign and notarize the penalty assessment will result in the minor and the parent or legal guardian being required to appear in Tribal Court.

(3) Out-of-State Driver's Licenses. If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this Code and if the defendant does not possess a valid Colorado driver's license, the defendant, to secure release must either consent to be taken by the officer to the nearest mailbox and to mail the amount of the penalty to the Tribal Court or must execute a promise to appear in court on the penalty assessment notice or on the summons and complaint.

14-2-105. May Charge Civil Offense Criminally. Notwithstanding the classification of certain violations of this Traffic Code as civil traffic infractions, the violation of any provision of this Traffic Code that is defined as a civil traffic infraction may be charged as a criminal traffic offense if the violation involves an accident resulting in injury to or death of any person or damage to any property.

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14-2-106. Application of State Law. Where not contrary to tribal or applicable federal law, the Tribal Court may consider as persuasive authority, the State of Colorado's traffic laws, including its common law, when considering cases arising pursuant to this Traffic Code.

ARTICLE 3
ALCOHOL AND DRUG DRIVING OFFENSES

14-3-101. Driving Under the Influence, Driving While Ability Impaired, and Driving with an Excessive Blood Alcohol Content.

(1) Driving Under the Influence (DUI). It is illegal for any person to drive a motor vehicle within the exterior boundaries of the Reservation while under the influence of alcohol, any drug, a vapor-releasing substance containing a toxic substance, or a combination of alcohol, drugs, or a vapor-releasing substance, which affects the person to a degree that the person is substantially incapable, either mentally or physically, or both mentally and physically, of exercising clear judgment, sufficient physical control, or due care in the safe operation of a motor vehicle.

(2) Driving While Ability Impaired (DWAI). It is illegal for any person to drive a motor vehicle within the exterior boundaries of the Reservation while such person's ability to operate a motor vehicle is impaired by alcohol, any drug, a vapor-releasing substance containing a toxic substance, or by a combination of alcohol, drugs, or a vapor-releasing substance, which affects the person to the slightest degree, so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a motor vehicle.

(3) Driving With an Excessive Blood Alcohol Content. It is illegal for any person to drive a motor vehicle within the exterior boundaries of the Reservation when a person has a blood alcohol content of 0.08 percent or more by weight of alcohol per volume in the person's blood or breath at the time of driving or within two hours after driving.

(4) Any person who violates any provision of this Section commits a criminal traffic offense and shall be subject to an administrative proceeding regarding his driving privileges as set forth in this Code.

14-3-102. Presumptions.

(1) Blood Alcohol Content (BAC). In any DUI or DWAI prosecution, the amount of alcohol in the defendant's blood or breath at the time of the commission of the alleged offense or within a reasonable time thereafter, as shown by chemical analysis of the defendant's blood or breath, may give rise to the following presumptions:

(a) If there was at such time 0.05 percent or less by weight of alcohol per volume in the defendant's blood or breath, it may be presumed that the defendant was not under the influence of alcohol and that his ability to operate a motor vehicle was not impaired by alcohol.

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(b) If there was at such time in excess of 0.05 percent but less than 0.08 percent by weight of alcohol per volume in the defendant's blood or breath, it may be presumed that the defendant's ability to operate a motor vehicle was impaired by the consumption of alcohol, and such fact may also be considered with other competent evidence in determining whether or not the defendant was under the influence of alcohol.

(c) If there was at such time 0.08 percent or more by weight of alcohol per volume in the defendant's blood or breath, it may be presumed that the defendant was under the influence of alcohol.

(2) Percent by Weight of Alcohol Per Volume. As used in this Article "percent by weight of alcohol per volume" means the number of grams of alcohol per 100 milliliters of blood or 210 liters of breath.

(3) Blood Drug Content. If at such time the driver's blood contained five nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood, as shown by analysis of the defendant's blood, such fact gives rise to a permissible inference that the defendant was under the influence of one or more drugs.

(4) Presumptions Rebuttable. These presumptions are rebuttable and do not limit the introduction, reception or consideration of any other competent evidence bearing upon the question of whether or not the defendant was impaired by or under the influence of alcohol or drugs.

14-3-103. Chemical Tests for Alcohol and Drugs.

(1) Express Consent. Any person who drives any motor vehicle within the exterior boundaries of the Reservation shall be deemed to have expressed his consent to a chemical test for the purpose of determining the alcohol or drug content of his blood, if a peace officer has probable cause to arrest the driver for DUI or DWAI.

(2) Alcohol Tests. Any person who drives any motor vehicle within the exterior boundaries of the Reservation shall be required to take and complete, and to cooperate in the taking and completion of, a chemical test(s) of such person's breath or blood for the purpose of determining the alcohol content of the person's blood or breath when so requested and directed by a peace officer having probable cause to arrest the driver for DUI or DWAI. The person will have the option of choosing whether the chemical test is to be of the person's breath or blood unless circumstances would prevent the assessment of one or the other type of test, in which case the peace officer may require either a blood or breath test.

(3) Drug Tests. Any person who drives any motor vehicle within the exterior boundaries of the Reservation shall be required to submit to and to complete, and to cooperate in the completion of, a test or tests of such person's blood, saliva, or urine for the purpose of determining the drug content within the person's system when so requested and directed by a peace officer having probable cause to arrest the driver for DUI or DWAI, when it is reasonable

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to require such testing of blood, saliva, or urine to determine whether such person was under the influence of, or impaired by, one or more drugs, or a combination of both alcohol and drugs.

14-3-104. Express Consent Notice.

At the time of requesting that a person submit to a chemical test, the peace officer shall inform the person of his rights under the law, the probable consequences of a refusal to submit to such a test, and that the officer has probable cause to require such a test.

14-3-105. Refusal.

(1) Failure to Cooperate. Any person who fails to cooperate in the completion of any chemical tests as provided in this Article, including the signing of any necessary release or consent forms, shall be deemed to have refused to submit to testing.

(2) Admissibility of Refusal. If a person refuses to take or to complete, or to cooperate with the completion of, any chemical test or tests, as provided in this Article, such refusal shall be admissible into evidence. A person may not claim the privilege against self-incrimination with regard to admission of evidence of the refusal.

(3) Driving Privilege Revocation.

(a) If a person refuses to take, complete, or cooperate with the completion of any test or tests in accord with this Article, the person shall be subject to driving privilege revocation pursuant to the provisions of this Traffic Code.

(b) If a person takes a test pursuant to this Article, and the test results show that the person's blood alcohol content was 0.08 or more grams of alcohol per 210 liters of breath or 0.08 or more grams of alcohol per 100 milliliters of blood at the time of driving or within two hours after driving, the person shall be subject to driving privilege revocation in accord with this Traffic Code.

14-3-106. Administration and Admissibility of Tests.

(1) Administration of Tests.

(a) The tests shall be administered at the direction of a peace officer having probable cause to believe that the person committed the offense of DUI or DWAI.

(b) The tests shall be administered in accordance with rules and regulations prescribed by the Colorado Department of Public Health and Environment ("Department of Health") concerning the accuracy of such testing and with respect for the dignity and health of the person being tested.

(c) No person except a physician, a registered nurse, a certified paramedic, emergency medical technician, or a person whose normal duties include withdrawing blood

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samples under the supervision of a physician or registered nurse shall be entitled to withdraw blood for the purpose of determining the alcohol or drug content therein.

(d) Any person who is in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent to be tested and test(s) may be administered as provided in this section. If a test cannot be administered to a person who is unconscious, hospitalized, or undergoing medical treatment because the test would endanger the person's life or health, a peace officer shall be allowed to test any blood, urine, or saliva that was obtained and not utilized by a health care provider and shall have access to that portion of the analysis and results of any tests administered by such provider that shows the alcohol or drug content of the person's blood, urine, or saliva or any drug content within the person's system. Such test results shall not be considered privileged communications, and the physician-patient privilege shall not apply. Any person who is dead, in addition to the tests prescribed, shall also have the person's blood checked for carbon monoxide content and for the presence of drugs, as prescribed by the department of public health and environment. Such information obtained shall be made a part of the accident report.

(e) No civil liability shall attach to any person authorized to obtain blood, breath, saliva, or urine specimens or to any hospital, clinic, or association in or for which such specimens are obtained as provided in this section as a result of the act of obtaining such specimens from any person submitting thereto, if such specimens were obtained according to the rules and regulations prescribed by the Department of Health; except that this provision shall not relieve any such person from liability for negligence in obtaining any specimen sample.

(2) Admissibility.

(a) Strict compliance with Department of Health rules and regulations shall not be a prerequisite to the admissibility of test results unless the Tribal Court finds that the extent of noncompliance has so impaired the validity and reliability of the testing method and the test results as to render the evidence inadmissible. In all other circumstances, failure to strictly comply with such rules and regulations shall only be considered in regard to the weight to be given to the test results and not as to the admissibility of such test results.

(b) In any trial, the testimony of a peace officer that he witnessed the taking of a blood, breath, urine or saliva specimen by a person who the peace officer reasonably believed was authorized to withdraw such specimen shall be sufficient evidence that such person was so authorized, and testimony from the person who obtained the specimen concerning such person's authorization to obtain the specimen shall not be a prerequisite to the admissibility of test results concerning the specimen obtained.

(c) Such test results shall not be considered privileged communications, and the physician-patient privilege shall not apply.

14-3-107. Use of Detoxification Facility. Any other provision of law to the contrary notwithstanding, a peace officer may place a person who has been arrested and charged for driving under the influence (DUI) or driving with an excessive blood alcohol content (Per Se) in

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a licensed detoxification or alcohol treatment facility.

ARTICLE 4
DRIVING PRIVILEGE REVOCATIONS

14-4-101. Purposes. The purposes of this Article are as follows:

(1) Public Safety. To provide safety for all persons using the roads within the Reservation by quickly revoking the Reservation driving privileges of any person who has shown himself to be a safety hazard by driving while impaired by, under the influence of or with an excessive amount of alcohol or drugs in his body and any person who has refused to submit to a chemical test of his blood, breath, urine or saliva as required by this Traffic Code.

(2) Due Process. To provide notice and an opportunity for a revocation hearing to ensure due process and fairness.

(3) Grounds for Revocation. The hearing officer shall revoke the Reservation driving privileges of any person upon its determination that the person:

(a) Drove a motor vehicle on the Reservation when the amount of alcohol in such person's blood, as shown by analysis of the person's blood or breath, was 0.08 or more grams of alcohol per 100 milliliters of blood or 0.08 or more grams of alcohol per 210 liters of breath at the time of driving or within two hours after driving. If the preponderance of the evidence establishes that such person consumed alcohol between the time that the person stopped driving and the time of testing, the preponderance of the evidence must also establish that the minimum 0.08 blood or BAC was reached as a result of alcohol consumed before the person stopped driving.

(b) Refused to take, complete, or cooperate in the completion of any test or tests of the person's blood, breath, saliva, or urine as required.

14-4-102. Revocations Independent of Criminal Charges. Revocation orders are independent and separate from the adjudication of any criminal charges arising out of the same occurrence. The disposition of criminal charges shall not affect any revocation under this Article.

14-4-103. Periods of Revocation.

(1) Excessive BAC. The hearing officer will revoke the Reservation driving privileges of a person that drove a vehicle with a BAC of 0.08 or more at the time of driving or within two hours after driving for the following periods:

(a) Nine months for a first violation committed on or after **DATE REVISED** **CODE IS IN EFFECT**; except that such person may apply for a restricted license from the State under State law;

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- (b) One year for a second violation; and
- (c) Two years for any third or subsequent violation occurring on or after **DATE REVISED CODE IS IN EFFECT**, regardless of when the prior violations occurred; except that such person may apply for a restricted license from the State under State law.

(2) Driving While Ability Impaired. The hearing officer will revoke the Reservation driving privileges of a person that drove a vehicle while their ability was impaired with the requisite BAC at the time of driving or within two hours after driving for the following periods:

- (a) None for a first violation;
- (b) One year for a second violation, regardless of when the first violation occurred; and
- (c) Two years for any third or subsequent violation, regardless of when the prior violations occurred; except that such person may apply for a restricted license from the State under State law.

(3) Excessive BAC Underage.

(a) The hearing officer will revoke the Reservation driving privileges of a person under the age of twenty-one who drove a vehicle with a BAC in excess of 0.02 but less than 0.08 at the time of driving or within two hours after driving for the following periods:

- (i) Three months for a first violation committed on or after **DATE REVISED CODE IS IN EFFECT**; except that such person may apply for a restricted license from the State under State law;
- (ii) Six months for a second violation; and
- (iii) One year for any third or subsequent violation.

(4) Excessive BAC Commercial Driver's License.

(a) The periods for revocation and disqualification for individuals twenty-one years of age and older holding a commercial driver's license or driving a commercial motor vehicle for a violation of driving with a BAC of 0.04 or more or refusal shall be the same as those provided in 49 C.F.R. 383.51.

(b) The hearing officer will revoke the Reservation commercial driving privileges of a person under the age of twenty-one years for driving a commercial motor vehicle with a BAC in excess of 0.02 but less than 0.04 at the time of driving or any time thereafter for the following periods:

- (i) Three months for a first violation;
- (ii) Six months for a second violation; and
- (iii) One year for any subsequent violations.

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(5) Refusals. The hearing officer will revoke the Reservation driving privileges of a person for refusing to take, complete, or to cooperate in the completing of a test of the person's blood, breath, saliva, or urine for the following periods:

(a) One year for a first violation;

(b) Two years for a second violation; except that such person may apply for a restricted license from the State under State law; and

(c) Three years for any subsequent violations; except that such person may apply for a restricted license from the State under State law.

(d) If a person's Reservation driving privileges are revoked for refusal and the person is also convicted on criminal charges arising out of the same occurrence for DUI, DUI per se, DWAI, or Excessive BAC underage, both the revocation under this section and any suspension, revocation, cancellation, or denial that results from the conviction will be imposed, but run concurrently. The total period of revocation, suspension, cancellation, or denial will not exceed the longer of the two periods.

(6) Multiple Restraints and Conditions on Driving Privileges.

(a) A revocation imposed under this Article runs consecutively and not concurrently with any other revocation imposed under this Article, unless otherwise stated.

(b) If a person's Reservation driving privileges are revoked for excess BAC and the person is also convicted on criminal charges arising out of the same occurrence for DUI, or DWAI both the revocation under this Section and any suspension, revocation, cancellation, or denial that results from the conviction shall be imposed, but the periods shall run concurrently, and the total period of revocation, suspension, cancellation, or denial shall not exceed the longer of the two periods.

(c) If a person's Reservation driving privileges are revoked for refusal, the revocation shall not run concurrently with any other suspensions, revocations, or denials, including but not limited to any suspension, revocation, or denial that result from a conviction of criminal charges arising out of the same occurrence. Any revocation for refusal shall not preclude other action under this Code.

(7) Restricted and Probationary Licenses. A person whose Reservation driving privileges are revoked may be eligible to receive a probationary or a restricted license from the State pursuant to state law and, if granted such a license, may again drive on the Reservation subject to the terms of such a probationary or restricted license.

14-4-104. Administration. This Article shall be administered by the Department of Justice and Regulatory ("Department"). Hearing officers shall be supervised by the Director of

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the Legal Department (“Director”) and shall have the authority to conduct hearings in accordance with this Article, make findings, issue orders affecting the Reservation driving privileges of persons subject to the provisions of this Traffic Code, and perform other functions as required by the Director to carry out the provisions of this Traffic Code.

14-4-105. Issuance of Notices of Revocation and Temporary Permits by Peace Officers.

(1) Notice of Revocation. Whenever a peace officer, having probable cause to arrest a person for DUI or DWAI, requests a person to submit to a chemical test or tests as required by this Traffic Code, and the person refuses to submit to, complete, or cooperate in the completion of, such test or tests, or whenever such test results are available to a peace officer and such test results show an alcohol concentration of 0.08 or more, or greater than the allowable alcohol concentration for an individual under the age of 21 or holding a commercial drivers’ license, the peace officer, acting on behalf of the Department, shall serve a notice of revocation personally on such person.

(2) Service of Notice. If the person and the test results are both available to the peace officer, the notice of revocation shall be served personally. If the person is unavailable for personal service at the time the test results become available, or if the person lives outside the boundaries of the Reservation, the notice of revocation shall be sent certified mail by the Department to the person at the address shown on the person’s driver’s license and to any address provided in the peace officer’s affidavit, if that address differs from the person’s driver’s license address. The notice shall be deemed received seven calendar days after mailing.

(3) Content of Notice. The notice of revocation shall clearly specify the length of revocation, the reason and legal grounds for the revocation, the effective date of the revocation, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. The notice shall further inform the person that if he drives on the Reservation while his driving privileges are revoked, he shall be subject to additional criminal penalties for driving under revocation.

(4) Seizure of Colorado Licenses. When the peace officer serves the notice of revocation, if the peace officer determines that the person possesses a Colorado driver’s license, the peace officer shall seize the person’s Colorado driver’s license.

(5) Temporary Permits. When the peace officer serves the notice of revocation, the peace officer, if he determines that the person possesses a valid drivers' license shall issue a temporary permit, which is valid for seven calendar days after its date of issuance; provided, however, that a temporary permit may not be issued to any person who is already driving with a temporary permit from any state or tribe.

14-4-106. Documentation. The peace officer shall provide the Department copies of the notice of revocation and the temporary permit and the driver’s license, if applicable, together with an affidavit and any other documents which contain information relevant to the legal issues and facts to be considered in making a determination as to whether the person's driving privilege

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should be revoked. The Department shall provide forms to law enforcement agencies for the notice of revocation, the temporary permit, the affidavit, and any additional documents required to make a determination in addition to the affidavit. The affidavit shall be dated, signed, and sworn to by the peace officer under penalty of perjury, but need not be notarized or sworn to before any other person.

14-5-107. Effective Date of Revocation. The license revocation shall become effective seven calendar days after the person has received the notice of revocation by personal service or is deemed to have received the notice of revocation by mail. If a written request for a hearing is received by the Department within that seven-day period, the effective date of the revocation shall be stayed until a final order is issued following the hearing. However, any delay in the hearing which is caused or requested by the person or counsel representing that person shall not result in a stay of the revocation during the period of delay.

14-4-108. Revocation When No Hearing Requested. If a written request for a hearing is not received within the seven-day period, the right to a hearing is deemed waived. The hearing officer shall then determine whether the person's driving privileges should be revoked based on the documents, affidavits, and other information submitted by the peace officer, and this determination shall be final and non-appealable.

14-4-109. Manner of Notice. If the hearing officer revokes a person's Reservation driving privileges pursuant to this Section, the Department shall send a notice certified mail to the person informing him that his Reservation driving privileges have been revoked. The notice of revocation shall be sent certified mail to the person at the address shown on the person's driver's license and to any address provided in the peace officer's affidavit, if that address differs from the person's driver's license address. The notice shall be deemed received seven calendar days after mailing.

14-4-110. Rescission of Order. If the hearing officer determines that the person is not subject to revocation, the Department shall notify the person of its determination to rescind the order of revocation served upon the person and return the person's Colorado driver's license.

14-4-111. Request for Hearing.

(1) Requirements. Any person who has received a notice of revocation may make a written request to the Department for a hearing. The request for a hearing must be made within seven calendar days after the day the person received the notice of revocation by personal service or is deemed to have received the notice by mail.

(2) Waiver of Right. If a written request for a hearing is not received within the seven-day period, the right to a hearing is deemed waived. The hearing officer shall then determine whether the person's driving privileges should be revoked based on the documents, affidavit, and other information submitted by the peace officer, and this determination shall be final and non-appealable.

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(3) Request Received After the Seven Day Period. If a written request for a hearing is made after expiration of the seven-day period and if it is accompanied by the applicant's verified statement, explaining the failure to make a timely request for a hearing, the Department or hearing officer shall consider the request. If the Department or hearing officer finds that the person was unable to make a timely request due to lack of actual notice, due to factors of physical incapacity, such as hospitalization, or if necessary in order to avoid manifest injustice, the Department or hearing officer shall reopen the matter and grant the hearing request.

14-4-112. Temporary Permits.

(1) At the time the request for a hearing is made, if it appears from the record that the person is the holder of a valid driver's license or an instructional permit issued by any state or tribe, or a temporary permit issued pursuant to this Article, the Department shall issue a temporary permit which shall be valid until the scheduled date for the hearing.

(2) If necessary, the Department may later issue an additional temporary permit or permits in order to stay the effective date of the revocation until a final order is issued following the hearing.

(3) If a delay in holding the hearing is caused by the driver or counsel representing that person, there shall be no continuation of the driving privilege beyond 30 days after the day that the request for hearing is received.

14-4-113. Hearings.

(1) Time.

(a) The hearing shall be scheduled to be held as quickly as practicable but not more than 30 calendar days after the day that the request for a hearing is received by the Department.

(b) If a hearing is rescheduled because of the reasonable unavailability of a peace officer, hearing officer, or the driver, the hearing may be rescheduled more than 30 calendar days after the day that the request for the hearing is received by the Department, and, if the continuance is caused by the reasonable unavailability of a peace officer or hearing officer, the Department shall continue any temporary driving privileges held by the driver until the date to which the hearing is rescheduled.

(2) Notice. The Department shall provide a written notice of the time and place of the hearing to the driver by personal service or by mail at least ten calendar days prior to the scheduled or rescheduled hearing, unless the parties agree to waive this ten-day requirement. The notice shall advise the person of the following rights:

(a) To request that the Department subpoena the peace officer for the hearing and to have the subpoena must be served upon the peace officer at least five calendar days prior to the hearing;

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(b) That, if the peace officer is not required to appear at the hearing, documents and an affidavit prepared and submitted by the peace officer will be used at the hearing; and

(c) That the affidavit and documents submitted by the peace officer may be reviewed by the person prior to the hearing.

(3) Presence at Hearing.

(a) The Department shall provide notice to the peace officer of the date and time of the hearing, unless the peace officer is no longer employed by the Department, in which case the Department shall only be required to make reasonable efforts to ascertain contact information and provide notice.

(b) The peace officer(s) who sign(s) affidavit must be present at the hearing. If the peace officer fails to appear without good cause, the hearing officer shall issue an order to dismiss the case and rescind any notice of revocation previously served upon the person.

(c) If the driver fails to appear without good cause or if the driver and the peace officer both fail to appear without good cause, the right to a hearing is deemed waived. The hearing officer shall then determine whether the person's driving privileges should be revoked based on the documents, affidavit, and other information submitted by the peace officer, and this determination shall be final and non-appealable..

(d) If good cause exists for the peace officer's or driver's failure to appear, the hearing officer shall reset the hearing to the next available date.

(e) If a hearing officer cannot appear at an original or rescheduled hearing for good cause, the hearing officer or the Department may reschedule the hearing at the earliest possible time.

14-4-114. Authority of Hearing Officer.

(a) The hearing officer shall consider all relevant evidence at the hearing, including the testimony of any peace officer and the reports of any peace officer that are submitted to the Department. The report of a peace officer shall not be required to be made under oath, but the report shall identify the peace officer making the report. The hearing officer may consider evidence contained in affidavits from persons other than the respondent, so long as the affidavits include the affiant's home or work address and phone number and are dated, signed, and sworn to by the affiant under penalty of perjury. The affidavit need not be notarized or sworn to before any other person.

(b) The hearing officer shall have authority to administer oaths and affirmations; to consider the documents and affidavit(s) submitted by the peace officer; to consider other peace officers' reports submitted to the Department, which reports need not be under oath but shall

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identify the peace officers making the reports; to examine and consider documents and copies of documents containing relevant evidence; to consider other affidavits which are dated, signed, and sworn to by the affiant under penalty of perjury, which affidavits need not be notarized or sworn to before any other person but shall contain the affiant's home or work address and phone number; to take judicial notice of general, technical, or scientific facts within the hearing officer's knowledge, judicial notice of appropriate and reliable scientific and medical information contained in studies, articles, books, and treatises, and judicial notice of scientific charts pertaining to the maximum blood or breath alcohol levels that people can obtain through the consumption of alcohol, when such charts are based upon the maximum absorption levels possible of determined amounts of alcohol consumed in relationship to the weight and gender of the person consuming such alcohol; to compel witnesses to testify or produce books, records, or other evidence; to examine witnesses and take testimony; to receive and consider any relevant evidence necessary to properly perform the hearing officer's duties as required by this Article; to issue subpoenas to produce books, documents, records, or other evidence; to issue subpoenas for the attendance of witnesses; to regulate the course and conduct of the hearing; and to make a final ruling on the issues.

14-4-115. Determination at Hearing.

(1) Basis for Determination. If a hearing is held pursuant to this Article, the hearing officer shall review the matter and make a final determination on the basis of the documents and affidavit(s) submitted to the Department by the peace officer, the testimony of witnesses and any other competent evidence submitted by the parties.

(2) Excessive Blood Alcohol Level Determinations.

(a) Where a license is revoked for excessive blood alcohol level, the sole issue at the hearing, subject to defenses under the Indian Civil Rights Act and the Southern Ute Indian Tribal Code, including the legality of the stop and arrest, shall be whether, by a preponderance of the evidence, the person drove a motor vehicle on the Reservation when the amount of alcohol, in such person's blood, as shown by analysis of the person's blood or breath, was greater than the amount for the respective offense at the time of driving or within two hours after driving.

(b) If the respondent establishes, by a preponderance of the evidence, that the respondent consumed alcohol between the time that the respondent stopped driving and the time of testing, the preponderance of the evidence must also establish that the minimum required BAC (i.e. 0.08 blood or breath alcohol content) was reached as a result of alcohol consumed before the respondent stopped driving.

(c) If the evidence offered by the respondent shows a disparity between the results of the analysis done on behalf of the Department and the results of an analysis done on behalf of the respondent, and a preponderance of the evidence establishes that the blood analysis conducted on behalf of the Department was properly conducted by a qualified person associated with a laboratory certified by the Department of Health using properly working testing devices, there shall be a presumption favoring the accuracy of the analysis done on behalf of the

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Department if the analysis showed the BAC to be 0.096 or more. If the respondent offers evidence of blood analysis, the respondent shall be required to state under oath the number of analyses done in addition to the one offered as evidence and the names of the laboratories that performed the analyses and the results of all analyses.

(d) If the hearing officer finds in the affirmative on the issue, the order of revocation shall be sustained. If the hearing officer finds in the negative on the issue, an order shall be issued rescinding any notice of revocation previously served on the person.

(3) Refusal Determinations.

(a) Where a license is revoked for a refusal, the sole issue at the hearing, subject to defenses under the Indian Civil Rights Act and Southern Ute Indian Tribal Code, including the legality of the stop and arrest, shall be whether, by a preponderance of the evidence, the person refused to submit to, complete, or cooperate in completing any test or tests of the person's blood, breath, saliva, or urine as required by this Article.

(b) If the hearing officer finds in the affirmative on the issue, the order of revocation shall be sustained. If the hearing officer finds in the negative on the issue, an order shall be issued rescinding any notice of revocation previously served on the person.

14-4-116. Hearing Record. The hearing shall be recorded. Within five calendar days of the hearing, the hearing officer shall issue a written decision and the Department shall provide a copy to the person who requested the hearing. The decision shall include notice to the parties of the right to judicial review.

14-4-117. Judicial Review of Hearing Officer Determinations.

(1) Time. Following a hearing, either party has the right to file a petition for judicial review in Tribal Court within twenty days of the issuance of the hearing officer's decision.

(2) Scope of Review. The review shall be on the record without taking additional testimony. If the Tribal Court finds that the hearing officer exceeded his authority, made an erroneous interpretation of the law, acted in an arbitrary and capricious manner, or made a determination which is unsupported by the evidence in the record, the Tribal Court shall reverse the hearing officer's decision. Otherwise, the decision of the hearing officer shall be affirmed.

(3) Stay of Revocation Order. The filing of a petition for judicial review shall not result in an automatic stay of the revocation order. The Tribal Court may grant a stay of the order only upon motion and hearing and upon a finding that there is a reasonable probability that the person will prevail upon the merits and that the person will suffer irreparable harm if the order is not stayed.

(4) Appellate Review of Tribal Court Decision. The decision of the Tribal Court may be appealed in accordance with the Tribal Appellate Code.

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14-4-118. Enforcement of Orders. Copies of revocation orders and any temporary permits issued shall be provided to the Southern Ute Police Department, which shall enforce such orders.

14-4-119. Revocation Orders. Tribal revocation orders shall state the applicable period of revocation and that the driver may apply for a restricted and or a probationary license from the State under State law. As a condition of the revocation and regardless of whether the driver obtained a State restricted or probationary license, the Tribe will maintain jurisdiction to enforce the terms of the Tribe's revocation, including, without limitation, any applicable conditions of a restricted or probationary license issued by the State and the Tribe may impose additional penalties, including fines, revocations and/or criminal penalties. For additional violations the text of this provision shall be included in any order of revocation issued by the Tribe.

14-4-120. Forwarding Driver's Licenses and Orders to the State.

(1) The Department shall immediately forward the person's Colorado driver's license and a certified copy of any order of revocation, to the State of Colorado so that such order is recognized by the State in accordance with the Intergovernmental Agreement Concerning Revocation of Drivers' Licenses between the Southern Ute Indian Tribe and the State of Colorado.

(2) The Department shall forward a certified copy of any order of the Tribal Court or of the appellate court, staying or overturning the hearing officer's order of revocation, to the State of Colorado so that such Tribal Court order is recognized by the State, in accordance with the Intergovernmental Agreement Concerning Revocation of Drivers' Licenses between the Southern Ute Indian Tribe and the State of Colorado.

14-4-121. Restricted and Probationary Licenses Granted by a State.

(1) A person under tribal revocation may drive on the Reservation pursuant to the terms and conditions of a restricted or probationary license granted by a state which has recognized and given effect to the tribal revocation.

(2) Application for a restricted or restricted license must be made to the state that issued the person's driver's license, in accordance with that state's law and procedure.

(3) The Tribe will maintain jurisdiction for on-Reservation enforcement and general compliance with the terms of such restricted or probationary licenses, including, without limitation, the lawful use of ignition interlock devices and, as a result, may impose additional penalties, including fines, revocations and criminal penalties.

14-4-122. Notice of Completion of the Period of Revocation.

(1) When a person whose license is revoked under this Article has completed the period of tribal revocation, the Department shall provide the person and State of Colorado with

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written notification of such completion and the person's right to seek reinstatement of his driving privileges from the State of Colorado.

(2) When the State receives the Tribe's written notification of such completion, the person may seek reinstatement of his Colorado driving privileges, in accordance with State law.

ARTICLE 5 RESTRICTED AND PROBATIONARY LICENSES

14-5-101. Continued Jurisdiction Maintained. Upon issuing a revocation order, the Tribe will maintain jurisdiction over any revoked driver regardless of whether he obtains a State restricted or probationary license, for the purpose of enforcement and monitoring compliance of the driver's use of such license(s) on the Reservation.

14-5-102. General Conditions. No person shall operate a motor vehicle upon a highway or elsewhere on the Reservation in any manner in violation of the restrictions, limitations, or conditions imposed in a special restricted license, in a driver's or minor driver's license, or in an instruction permit issued to such person by the State or by another state, country or tribe.

14-5-103. Tampering with an Ignition Interlock Device.

(1) No person may intercept, bypass, or interfere with or aid another person in intercepting, bypassing, or interfering with an ignition interlock device for the purpose of preventing or hindering the lawful operation or purpose of the ignition interlock device required under applicable law.

(2) No person may drive a motor vehicle with an ignition interlock device installed under applicable law if the person knows that any person has intercepted, bypassed, or interfered with the ignition interlock device.

(3) Any person violating this section commits a class 5 criminal traffic offense and shall be punished as provided in the Criminal Code and may be subject to additional revocation.

14-5-104. Monitoring Compliance with the Interlock Restriction.

(1) Leasing Agency Monitoring Reports. The leasing agency of an approved ignition interlock device shall provide monthly monitoring reports about the device to the Department or hearing officer to monitor compliance of the restricted license. The leasing agency shall physically check the device at least once every 60 days to ensure that the device is operating and that there has been no tampering with the device. If the leasing agency detects that there has been tampering with the device, the leasing agency shall notify the Department of that fact within five days of the detection.

(2) Interlock Provider Inspections and Reports.

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(a) At each inspection, the interlock provider will download the information stored in the interlock device regarding all driving attempts and will analyze the information to determine whether there have been any lockouts or circumventions during the period since the prior inspection. The interlock provider will notify the interlock restricted driver and the Department of any detected lockouts or circumventions. An interlock provider's failure to provide such information, however, will not impair the hearing officer's ability to take an action based on any lockouts or circumventions.

(b) The interlock provider will report lockouts to the Department / hearing officer in its monthly reports. Lockouts in three of any twelve consecutive reporting periods will result in an extension of the interlock restriction. If the interlock restricted driver is beyond the period of interlock restriction at the time that lockouts sufficient to cause an extension are reported to the Department, then the interlock restriction will be renewed. The interlock provider will file a report of circumventions to the Department as they are detected.

(c) Upon detecting a circumvention, a peace officer may file a record of the circumvention with the Department and may file criminal charges in Tribal Court.

14-5-105. Revocations for Convictions.

(1) Upon receipt of a conviction for operating a motor vehicle on the Reservation in any manner in violation of the restrictions, limitations, or conditions imposed in a restricted license, the hearing officer shall revoke the Reservation driving privileges of such person and shall not reinstate such privileges for a period of one year or the remaining period of revocation imposed prior to the issuance of the restricted license, whichever is longer.

(2) A person shall be entitled to a hearing on the question of whether the revocation is sustained and the length of the ineligibility.

14-6-106. Revocations for Circumventions.

(1) Upon receipt of a record that a person subject to the restrictions of a restricted license that has operated a motor vehicle other than a vehicle in which an approved ignition interlock device is installed or has circumvented or attempted to circumvent the proper use of an approved ignition interlock device, the hearing officer may revoke the driver's Reservation driving privileges and the person would not be eligible for reinstatement of such privileges for a period of one year or the remaining period of revocation imposed prior to the issuance of the restricted license, whichever is longer.

(2) A person shall be entitled to a hearing on the question of whether the person's driving privileges should be revoked and the length of the ineligibility. If no hearing is requested within 20 days, the hearing officer shall issue a revocation order and the Department shall forward such order to the individual and the State of Colorado so that such order is recognized by the State, under the Intergovernmental Agreement Concerning Revocation of Drivers' Licenses between the Southern Ute Indian Tribe and the State of Colorado.

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(3) Upon detecting any circumvention, a peace officer may file a record of the circumvention with the Department / hearing officer and may file criminal charges in Tribal Court.

14-5-107. Suspension for Termination of Ignition Interlock Device Lease. If a lease for an approved ignition interlock device is terminated for any reason prior to the expiration of the period of the restriction and no other such lease has been provided by the licensee, the Department / hearing officer shall suspend the licensee's Reservation driving privileges and notify the licensee and the State of Colorado that the suspension will remain in effect unless and until a new signed lease agreement for the remaining period of the restriction is filed with the Department / hearing officer. Upon receiving the suspension order, the State will recognize such order under the Intergovernmental Agreement Concerning Revocation of Drivers' Licenses between the Southern Ute Indian Tribe and the State of Colorado.

14-5-108. Extended Revocation for Excessive BAC. If the ignition interlock provider's monthly monitoring reports show that the approved ignition interlock device prevented the operation of the vehicle due to excessive BAC in three of any twelve consecutive reporting periods, the restriction on the person's license shall be extended for an additional twelve months after the expiration of the existing restriction. The Department shall notify the person that the ignition interlock restriction provision is being extended and that any license shall be suspended unless the person provides a new signed lease agreement for the use of an approved ignition interlock device for the extended period. The person shall be entitled to a hearing on the extension of the restriction. Based upon findings at the hearing, including aggravating and mitigating factors, the hearing officer may sustain, rescind, or reduce the period of extension.

14-5-109. Suspension for Failure to Have Device Inspected. A driver must have its ignition interlock device inspected every 60 days and failure to do so will result in termination of the interlock lease and will subject the driver to a suspension of all driving privileges until such time as the interlock restricted driver reinstates the lease or provides a new lease and satisfies all reinstatement requirements imposed by law. Such suspension will take effect 30 days from the date of notice of suspension sent by the hearing officer.

14-5-110. Hearings Following Monitoring Compliance.

(1) Interlock Restricted Driver Entitled to Hearing. An interlock restricted driver may request a hearing on any action taken while monitoring compliance with the interlock restriction. Except for an extension hearing, the request for hearing will not postpone the effectiveness of any action taken. In the event of a request for extension hearing, the hearing officer may postpone the effective date of the extension or renewal until the determination at hearing. If no hearing is requested within 20 days, the hearing officer shall issue a revocation order and the Department shall forward such order to the individual and the State of Colorado so that such order is recognized by the State, under the Intergovernmental Agreement Concerning Revocation of Drivers' Licenses between the Southern Ute Indian Tribe and the State of Colorado.

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(2) Suspension Hearing Issue. The sole issue at a hearing for a suspension is whether the interlock restricted driver was in compliance with the terms of the lease and had the inspection performed as required.

(3) Extension or Renewal Hearing Issues. The only issues at a hearing for an extension or renewal of the interlock requirement are whether lockouts occurred in three of any twelve consecutive reporting periods and, if so, a determination of an appropriate extension period. The hearing officer shall consider all reporting periods completed as of the date of the hearing. However, a reporting period may not be used as a strike for more than one extension or renewal action.

(a) Aggravating Factors. The Hearing Officer may consider the following as aggravating for the purposes of determining an appropriate extension period:

- i. Two or more lockouts in any one month;
- ii. Lockouts in more than three of the months under consideration at the hearing;
- iii. A reported breath alcohol level in excess of 0.05 grams per 210 liters of breath which reading contributed to a lockout;
- iv. A pattern of readings consistent with attempted drinking and driving regardless of whether such readings contributed to lockouts;
- v. Lockouts occurring in the final six months of an interlock restriction; or
- vi. A prior extension or renewal of the interlock requirement;

(b) Mitigating Factors. The hearing officer may consider the following as mitigating for the purposes of determining an appropriate extension period:

- i. Only one lockout in each of only three months and none in the other months under consideration;
- ii. Isolated alcohol readings subsequent to the last lockout, such readings indicating that the interlock restricted driver walked away from an attempt to start the vehicle after consuming alcohol;
- iii. Initiation of voluntary alcohol treatment or therapy after the last Lockout;
- iv. More than one year remaining on the interlock restriction immediately prior to the effective date of the extension under consideration; or
- v. Any other factors that the interlock restricted driver may submit in mitigation.

(4) Revocation Hearing Issues. The only issues at a revocation hearing regarding monitoring compliance are whether there was a circumvention and, if so, whether the term of the revocation was properly calculated. The hearing officer shall have no discretion to lessen the revocation period prescribed.

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14-5-111. Hearing Procedures.

(1) Same Procedures as in Revocation Hearings. The same hearing procedures, including scheduling and notice requirements will be followed for hearings under this Article as in Article four, except as otherwise noted herein.

(2) Presence at Hearing. The peace officer who submits the required documents and affidavit must be present at the hearing.

ARTICLE 6
OTHER CRIMINAL TRAFFIC OFFENSES

14-6-101. Vehicular Assault.

(1) Any person who causes serious bodily injury to another by operating a motor vehicle in a reckless manner, or by driving under the influence, is guilty of vehicular assault.

(2) Any person who violates this Section commits a criminal traffic offense.

14-6-102. Vehicular Homicide.

(1) Any person who causes the death of another person by operating a motor vehicle in a reckless manner or while driving under the influence is guilty of vehicular homicide.

(2) Any person who violates this Section commits a criminal traffic offense.

(3) Any person convicted of vehicular homicide shall have his driving privileges revoked.

14-6-103. Reckless Driving.

(1) Any person who drives a motor vehicle anywhere on the Reservation in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving.

(2) Any person who violates this Section commits a criminal traffic offense.

14-6-104. Careless Driving.

(1) Any person who drives a motor vehicle anywhere on the Reservation in a careless or imprudent manner without due regard for the width, grade, curves, corners, traffic or use of the highways or without regard for other attendant circumstances, is guilty of careless driving.

(2) Any person who violates this Section commits a criminal traffic offense.

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14-6-105. Careless Driving Resulting in Death or Personal Injury.

(1) Any person who drives a motor vehicle anywhere on the Reservation in a careless or imprudent manner without due regard for the width, grade, curves, corners, traffic or use of the highways or without regard for other attendant circumstances, and, as a result, causes the death of or personal injury to another person, is guilty of careless driving resulting in death or personal injury.

(2) Any person who violates this Section commits a criminal traffic offense.

14-6-106. Eluding.

(1) No driver of a motor vehicle who has received a visual or audible signal, such as a red light or a siren, from a peace officer driving a vehicle, shall willfully increase his speed, or extinguish his lights or otherwise attempt to elude the peace officer.

(2) Any person who violates this Section commits a criminal traffic offense.

14-6-107. Failure to Stop for School Bus.

(1) Upon meeting or overtaking from either direction any school bus which has stopped, the driver of a motor vehicle shall stop his motor vehicle before reaching such school bus if the school bus has activated its visual signal lights, as specified in Section 14-10-107, and shall not proceed until the visual signal lights are no longer activated.

(2) The driver of a motor vehicle upon a divided highway need not stop upon meeting or passing a school bus which is on a different roadway.

(3) Any person who violates this Section commits a criminal traffic offense.

14-6-108. Impeding Fire Response Vehicles.

(1) The driver of a motor vehicle shall not follow any fire response vehicle making audible or visual signals closer than five hundred feet or drive into or park such motor vehicle within the block where the fire response vehicle has stopped to respond to a fire.

(2) No unauthorized motor vehicle shall be driven over any unprotected hose of a fire department used at any fire, fire alarm, or practice run or laid down on any street, private driveway or highway without the consent of a fire department official.

(3) Any person who violates any provision of this Section commits a criminal traffic offense.

14-6-109. Throwing or Dropping Objects at Moving Motor Vehicles.

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(1) No person shall intentionally or negligently throw, drop, shoot, or otherwise propel any object at a motor vehicle which is being operated.

(2) Any person who violates this Section commits a criminal traffic offense.

ARTICLE 7 LICENSING AND REGISTRATION

14-7-101. Requirement of Driver's License, Instruction Permit, or Reservation Driving Privileges.

(1) No person shall drive a motor vehicle upon a highway while his Reservation driving privileges have been revoked or unless such person has a valid driver's license or permit which covers the class of motor vehicle that he is driving.

(2) A driver's license or permit shall be displayed by the driver upon the demand or request of a peace officer.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-7-102. Restricted Licenses.

(1) A person whose driver's license is restricted due to impairment of driving ability with respect to special mechanical control devices, or other restrictions to assure the safe operation of a motor vehicle, shall operate a motor vehicle only under the specified restrictions or limitations.

(2) A person whose driver's license is restricted by limitations or conditions imposed as a result of a driver's license administrative action, including the requirement of an ignition inter-lock device, shall operate a motor vehicle only within the specified restrictions or limitations, without circumventing or attempting to circumvent such restrictions or limitations.

(3) Any person who violates any provision of this Section commits a criminal traffic offense and could be subject to additional penalties provided in this Code.

14-7-103. Unlawful Use of License.

(1) It is unlawful for any person to:

(a) Display or cause or permit to be displayed or have in his possession any fictitious or fraudulently altered driver's license;

(b) Lend his driver's license to any other person or knowingly permit the use thereof by another;

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- (c) Display or represent as his own any driver's license not issued to him;
 - (d) Fail or refuse to surrender upon lawful demand any driver's license which has been suspended, revoked or canceled; or
 - (e) Permit any unlawful use of a driver's license issued to him.
- (2) Any person who violates any provision of this Section commits a criminal traffic offense.

14-7-104. Unlawful Use of Motor Vehicle by Unlicensed Driver.

- (1) No person shall knowingly permit a motor vehicle owned by him or under his hire or control to be driven upon any highway by any person who is not licensed to drive such a motor vehicle.
- (2) Any person who violates this Section commits a civil traffic infraction.

14-7-105. Driving Under Cancellation, Suspension, Revocation, or Denial.

- (1) No person shall drive any motor vehicle upon a highway with notice that:
- (a) His license is canceled, suspended, revoked, or denied; or
 - (b) His privilege to drive in the state of Colorado or on the Reservation is cancelled, suspended, revoked or denied.
- (2) Proof of cancellation, suspension, revocation, or denial may be made by submission of a certified copy of an order of cancellation, suspension, revocation or denial.
- (3) Notice of the fact of cancellation, suspension, revocation, or denial may be established by any of the following:
- (a) By a return receipt of a registered notice thereof mailed to the last address of the defendant on record with the Colorado Department of Revenue, Motor Vehicle Division, and a copy of the notice so mailed by certified mail to the last address of record of the defendant;
 - (b) By the delivery of such notice to the last address of record of the defendant; or
 - (c) By personal service of such notice upon the defendant.
- (4) It is sufficient to prove that notice was mailed with sufficient postage by first class mail addressed to the last address of record of the defendant.

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(5) Any person who violates any provision of this Section commits a criminal traffic offense.

14-7-106. Driving with a Fictitious, Fraudulently Obtained or Fraudulently Altered License.

(1) No person shall drive any motor vehicle upon a highway with a license which is fictitious or has been fraudulently obtained or altered.

(2) Any person who violates any provision of this Section commits a criminal traffic offense.

14-7-107. Requirement of License Plates.

(1) The license plate(s) assigned to a motor vehicle, motorcycle, trailer, or semi-trailer, any other motor vehicle drawn by a motor vehicle, or any item of mobile machinery or self-propelled construction equipment shall be securely fastened to the motor vehicle to which it is assigned in a place and position to be clearly visible and legible.

(2) Any person who violates this Section commits a civil traffic infraction.

14-7-108. Unregistered Motor Vehicles.

(1) It is unlawful for any person to:

(a) Operate, or for the owner to knowingly permit the operation of, upon any highway, any motor vehicle subject to registration which is not registered, or which does not have attached thereto and displayed the number plate or plates assigned for the current registration year;

(b) Display or cause or permit to be displayed or to possess any certificate of title or license plate, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered; or

(c) Knowingly permit the illegal use of any certificate of title, registration card, validation sticker, or license plate.

(2) Any person who violates any provision of this Section commits a civil traffic infraction.

ARTICLE 8
BICYCLES, ANIMALS, SNOWMOBILES, AND OFF-HIGHWAY VEHICLES

14-8-101. Bicycles on Highways.

(1) Every person riding a bicycle upon a highway where bicycle travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a motor vehicle, except Article 4 of this Traffic Code and those provisions which have no application.

(2) Bicycle riders shall also comply with the following:

(a) A person shall not ride a bicycle other than upon or astride a regular seat attached thereto;

(b) A bicycle shall not be used to carry more persons than the number for which it is designed and equipped;

(c) No person riding a bicycle shall attach the bicycle or himself to any motor vehicle upon a highway;

(d) Every person riding a bicycle upon a highway shall ride as close to the right side of the highway as practicable, exercising due care when passing a standing motor vehicle or one proceeding in the same direction;

(e) Persons riding bicycles upon a highway shall not ride more than two abreast except on highways set aside for the exclusive use of bicycles; and

(f) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and not the roadway.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-8-102. Riding, Leading or Driving Animals on Highway.

(1) No person shall ride a horse or other animal, or drive animals, at night upon the shoulder or upon the traveled portion of any roadway which is normally used by motor vehicles.

(2) Any person who violates this Section commits a civil traffic infraction.

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14-8-103. Improper Snowmobile Operation.

- (1) A snowmobile may be operated on roadways only under the following conditions:
 - (a) To traverse a bridge or culvert on a highway;
 - (b) During special snowmobile events lawfully conducted;
 - (c) During emergency conditions declared by proper authority; or
 - (d) On roadways which are not maintained for winter motor vehicle traffic.

- (2) A snowmobile operator shall cross a highway only in accordance with the following provisions:
 - (a) The snowmobile shall be brought to a complete stop before proceeding to cross the roadway; and
 - (b) The operator shall yield the right-of-way to all motor vehicle traffic that constitutes an immediate hazard to crossing on such roadway.

- (3) No person shall operate a snowmobile at a rate of speed greater than reasonable or prudent under all attendant circumstances.

- (4) No person shall operate a snowmobile in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damages.

- (5) Any person who violates any provision of Subsections 1, 2 or 3 of this Section commits a civil traffic infraction; any person who violates Subsection 4 of this Section commits a criminal traffic offense.

14-8-104. Improper Off-Highway Vehicle Operation.

- (1) An off highway vehicle may be operated on or near roadways only under the following conditions:
 - (a) To traverse a bridge or culvert on a highway;
 - (b) During special off highway vehicle events lawfully conducted;
 - (c) During emergency conditions declared by proper authority; or
 - (d) During use of an off-highway vehicle for agricultural purposes.

- (2) An operator of an off highway vehicle shall cross a highway only in accordance with the provisions of Section 14-8-103(2) of this Traffic Code.

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(3) No person shall operate an off highway vehicle at a rate of speed greater than reasonable or prudent under all attendant circumstances.

(4) No person shall operate an off highway vehicle in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damages.

(5) Any person who violates any provision of Subsections 1, 2 or 3 of this Section commits a civil traffic infraction; any person who violates Subsection 4 of this Section commits a criminal traffic offense.

ARTICLE 9 PEDESTRIANS

14-9-101. Walking Along and Upon Highways.

(1) Pedestrians walking along and upon highways where sidewalks are not provided shall walk only on a road shoulder, as far as practicable from the edge of the roadway.

(2) Where neither a sidewalk nor a road shoulder, is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-9-102. Pedestrians in Roadway.

(1) It is unlawful for any person who is under the influence of intoxicating liquor or any drug to walk or be upon that portion of any highway normally used by motor vehicle traffic, when such act creates a substantial risk of harm to himself or others.

(2) No pedestrian shall leave a curb or other place of safety and walk or run into the path of a motor vehicle which is so close as to constitute an immediate hazard.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

ARTICLE 10 EQUIPMENT & SIGNAGE

14-10-101. Unsafe Motor Vehicles and Equipment.

(1) It is unlawful for any person to drive, or for the owner to knowingly permit to be driven, on any highway any motor vehicle that is in such unsafe condition as to endanger any person, or which does not contain such equipment in proper condition and adjustment as required by Colorado law.

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(2) The provisions of this Section with respect to equipment on motor vehicles shall not apply to implements of husbandry or farm tractors, except as made applicable by this Traffic Code.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-10-102. Inspection of Motor Vehicles.

(1) Upon reasonable cause to believe that a motor vehicle being driven on a highway or in an area open to the public is unsafe or is not equipped as required by law, or that its equipment is not in proper adjustment or repair, a peace officer may require the driver of the motor vehicle to stop and submit such motor vehicle and its equipment to an inspection and such tests as may be appropriate.

(2) In the event such motor vehicle is found to be in an unsafe condition or the required equipment is not present, or is not in proper repair and adjustment, the peace officer may give a written notice to the driver requiring that the motor vehicle be placed in safe condition or that equipment be placed in proper repair and adjustment.

(3) In the event any such motor vehicle, in the reasonable judgment of the peace officer, is in such condition that further operation would be hazardous, the peace officer may require that the motor vehicle be moved at the operator's expense, and not operated under its own power, to the nearest garage or other storage place.

14-10-103. Headlights – Use and Operation.

(1) Every motor vehicle upon a highway between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and motor vehicles on the highway are not clearly discernible at a distance of 1000 feet ahead, shall display lighted headlights and illuminating devices as required for safe travel.

(2) The driver of a motor vehicle shall operate the headlights of the motor vehicle using a distribution of light which shall be directed high enough and of sufficient intensity to reveal persons and motor vehicles at a safe distance in advance of the motor vehicle, subject to the following requirements and limitations:

(a) Whenever a driver of a motor vehicle approaches an oncoming motor vehicle within 500 feet, such driver shall operate the headlights using the lowermost distribution of light to avoid projecting glaring rays into the eyes of the oncoming driver.

(b) Whenever a driver of a motor vehicle follows another motor vehicle within 200 feet to the rear, such driver shall operate the headlights using the lowermost distribution of light.

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(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-10-104. Windows – Unobstructed View.

(1) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon required glass equipment that would obstruct the driver's view, other than a certificate or other paper required to be so displayed by law.

(2) No person shall drive any motor vehicle with any opaque, semi-opaque, non-transparent, metallic or mirrored tint or shading material upon required glass equipment that allows less than 27% light transmittance or that does not conform to the standards required by law. The windshield shall allow 70% light transmittance and shall otherwise conform to the standards required by law.

(3) No motor vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

(4) Any person who violates any provision of this Section commits a civil traffic infraction.

14-10-105. Failure to Wear Safety Belt.

(1) Every driver of and every passenger in a motor vehicle shall wear a fastened safety belt while the motor vehicle is being operated on highways on the Reservation.

(2) The requirement of Subsection (1) of this Section shall not apply to:

(a) A child required to be restrained by a child restraint system;

(b) A member of an ambulance team, other than the driver, while involved in patient care;

(c) A peace officer, while performing official duties;

(d) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such motor vehicle to be equipped with a safety belt system; or

(e) A person driving or riding a motorcycle, motorscooter, motorized bicycle, off-highway vehicle, passenger bus, school bus, farm tractor or an implement of husbandry designed primarily or exclusively for use in agricultural operations.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

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14-10-106. Failure to Use Child Restraint Systems.

(1) Unless exempt pursuant to Subsection (2) of this Section, every child, being transported on the Reservation in a privately owned noncommercial passenger motor vehicle, shall be properly fastened into a child restraint system suitable for the child's age and size, according to the manufacturer's instructions and Colorado law. It is the responsibility of the driver transporting a child to ensure that such child is properly fastened in a child restraint system.

(2) The requirements of this Section shall not apply to a child who is being transported in a motor vehicle as a result of a medical emergency.

(3) Any person who violates this Section commits a civil traffic infraction.

14-10-107. Transporting Explosive and Hazardous Cargo.

(1) Any person operating any motor vehicle transporting any explosive or hazardous material as cargo upon a highway shall at all times comply with the provisions of this Section. Said motor vehicle shall be marked or placarded in compliance with federal regulations and shall be equipped with at least two fire extinguishers, filled and ready for immediate use and in an accessible place.

(2) Any person who violates this Section commits a civil traffic infraction.

14-10-108. Driving Slow-Moving Motor Vehicles on Highway.

(1) Any person operating machinery, equipment or motor vehicles normally operated at a speed of less than 25 miles per hour on a highway shall display a triangular slow-moving motor vehicle emblem on the rear. The requirements of such emblem shall be in addition to any lighting device required by law.

(2) Any person who violates this Section commits a civil traffic infraction.

14-10-109. Signage & Equipment for School Buses.

(1) Any person operating a school bus, or any owner of a school bus, used for the transportation of school children, other than a small passenger-type motor vehicle having a seating capacity of not more than fifteen, shall ensure that the school bus:

(a) Has plainly visible upon the front and rear thereof legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height;

(b) Displays four visual signal lights, which shall be two alternating flashing red lights, visible to the drivers of motor vehicles approaching from the front of said bus and two alternating flashing red lights visible to the drivers of motor vehicles approaching from the rear of said bus; and

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(c) Is equipped with a stop signal arm mounted on the outside of the bus on the left, alongside the driver and below the window.

(2) Any person who violates any provision of this Section commits a civil traffic infraction.

ARTICLE 11
YIELDING RIGHT-OF-WAY

14-11-101. Failure to Yield Right-of-Way at Intersections.

(1) When two motor vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the motor vehicle on the left shall yield the right-of-way to the motor vehicle on the right, except as modified in Sections 14-11-102 and 14-11-106 of this Article.

(2) Any person who violates this Section commits a civil traffic infraction.

14-11-102. Failure to Yield Right-of-Way While Making Left Turns.

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

(2) Any person who violates this Section commits a civil traffic infraction.

14-11-103. Failure to Obey Stop Signs or Lights.

(1) Except when directed to proceed by a peace officer, every driver of a motor vehicle approaching a stop sign or light shall stop at a clearly marked stop line.

(2) If there is no line, then a driver shall stop before entering the crosswalk on the near side of the intersection, or, if no crosswalk, then at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering it.

(3) After having stopped, the driver shall yield the right of way to any motor vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(4) Any person who violates any provision of this Section commits a civil traffic infraction.

14-11-104. Failure to Yield Right-of-Way Required by Yield Signs.

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(1) The driver of a motor vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, stop.

(2) After slowing or stopping for a yield sign, the driver shall yield the right-of-way to any motor vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-11-105. Failure to Yield Right-of-Way at Entry from Off-Road.

(1) Any driver of a motor vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all motor vehicles approaching on the roadway to be entered or crossed.

(2) Any person who violates this Section commits a civil traffic infraction.

14-11-106. Failure to Yield Right-of-Way to Emergency Vehicles.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals, the driver of every other motor vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a peace officer.

(2) Any person who violates any provision of this Section commits a civil traffic infraction.

14-11-107. Approaching Stationary Emergency Vehicle or Stationary Towing Carrier Vehicle.

(1) Use Caution When Approaching Stationary Emergency Vehicles or Stationary Towing Carrier Vehicles. A driver in a vehicle that approaches or passes a stationary authorized emergency vehicle with flashing, rotating, or oscillating red, blue, or white lights or a stationary towing carrier vehicle with flashing, rotating, or oscillating yellow lights must proceed as follows:

(a) Four-Lane Highway. The driver of an approaching or passing vehicle must proceed with due care and caution and yield the right-of-way by moving one moving lane apart from the stationary authorized emergency vehicle or stationary towing-carrier vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate

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presence of vehicular or pedestrian traffic, the driver of the approaching vehicle will proceed as follows:

(b) Other Roadways. The driver of an approaching vehicle must reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle or stationary towing carrier vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(2) Any person who violates this Section commits a civil traffic infraction.

14-11-108. Failure to Yield Right-of-Way in Highway Work Area.

(1) The driver of a motor vehicle shall yield the right-of-way to any motor vehicle or pedestrian engaged in work within any highway construction or maintenance work area, or to any motor vehicle engaged in work upon a highway whenever such motor vehicle displays flashing lights as required.

(2) A driver in a vehicle who approaches or passes a maintenance, repair, or construction vehicle that is moving twenty miles per hour or less must proceed with due care and caution and proceed as follows:

(a) Four-Lane Highway. On a four-lane highway, the driver of an approaching or passing vehicle must proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection (2.5).

(b) Other Roadways. The driver of an approaching vehicle must reduce and maintain a safe speed with regard to the location of the stationary or slow-moving maintenance, repair, or construction vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic, and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(3) Any person who violates this Section commits a criminal traffic offense or civil traffic infraction, or both.

14-11-109. Failure to Yield Right of Way to Pedestrians.

(1) The driver of a motor vehicle shall yield the right-of-way, slow down or stop, if necessary, to allow a pedestrian to cross the roadway within a crosswalk when the pedestrian is upon the same half of the roadway as the motor vehicle, or when the pedestrian is close enough on the other side to be in danger.

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(2) When any motor vehicle is stopped at a crosswalk, including an unmarked crosswalk at an intersection, to permit a pedestrian to cross the roadway, the driver of any other motor vehicle approaching from the rear shall not pass the stopped motor vehicle.

(3) Notwithstanding any of the provisions of this Article, every driver of a motor vehicle shall exercise due care to avoid colliding with any pedestrian and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

(4) Any person who violates any provision of this Section commits a civil traffic infraction.

ARTICLE 12
TURNING, STOPPING, AND BACKING

14-12-101. Unlawful Turning.

(1) The driver of a motor vehicle intending to turn shall observe the following requirements:

(a) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

(b) The driver of a motor vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such motor vehicle; and

(c) Where a special lane for making left turns has been indicated by official traffic control devices or markings, a left turn shall not be made from any other lane, and a motor vehicle shall not be driven in said special lane except when preparing for or making a left turn or when preparing for or making a U-turn when otherwise permitted by law.

(2) Any person who violates any provision of this Section commits a civil traffic infraction.

14-12-102. Unlawful U-Turns.

(1) No motor 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 such motor vehicle cannot be seen by the driver of any other motor vehicle approaching from either direction within such distance as is necessary to avoid interfering with or endangering approaching traffic.

(2) The driver of a motor vehicle shall not turn such motor vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with or endangering other traffic.

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(3) No driver shall disobey the instructions of a sign prohibiting a U-turn.

(4) Any person who violates any provision of this Section commits a civil traffic infraction.

14-12-103. Turn Signals.

(1) No person shall turn a motor vehicle at an intersection, or turn a motor vehicle to enter a private driveway, or otherwise turn a motor vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal.

(2) Where the posted speed limit is more than 40 miles per hour, a signal of intention to turn right or left shall be given continuously during not less than the last 200 feet traveled by the motor vehicle before turning.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-12-104. Limitations on Backing.

(1) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, must back safely and without interfering with other traffic.

(2) Any person who violates this section commits a civil traffic infraction.

ARTICLE 13
DRIVING AND PASSING

14-13-101. Driving On the Right.

(1) A motor vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When passing another motor vehicle proceeding in the same direction;

(b) When an obstruction exists making it necessary to drive to the left of the center of the roadway, except that any person so doing shall yield the right-of-way to all motor vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three lanes for traffic, pursuant to the applicable rules; or

(d) Upon a roadway restricted to one-way traffic.

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(2) Any person who violates any provision of this Section commits a civil traffic infraction.

14-13-102. Driving at Less than Normal Speed.

(1) Upon all roadways, any motor vehicle proceeding at less than the speed of traffic shall be driven in the right-hand lane or as close as practicable to the right-hand curb or edge of the roadway, except when passing another motor vehicle proceeding in the same direction or when preparing for a left turn.

(2) Any person who violates this Section commits a civil traffic infraction.

14-13-103. Passing on the Left.

(1) The driver of a motor vehicle passing another motor 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 safely clear of the passed motor vehicle.

(2) Except when passing to the right is permitted, the driver of an overtaken motor vehicle shall give way to the right in favor of the passing motor vehicle and shall not increase the speed of his motor vehicle until completely passed by the passing motor vehicle.

(3) No motor vehicle shall be driven to the left side of the center of the roadway in passing another motor vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such passing to be completed without interfering with the operation of any motor vehicle approaching from the opposite direction or any motor vehicle overtaken.

(4) The passing motor vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for motor vehicles approaching from the opposite direction, before coming within 200 feet of any approaching motor vehicle.

(5) No motor vehicle shall pass on the left under the following conditions:

(a) Where no-passing signs or markings are in place to define a no-passing zone;

(b) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another motor vehicle might approach from the opposite direction; or

(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(6) Any person who violates any provision of this Section commits a civil traffic

infraction.

14-13-104. Passing on the Right.

(1) The driver of a motor vehicle may pass to the right of another motor vehicle only under the following conditions:

(a) When the motor vehicle overtaken is making or giving indication of making a left turn where conditions permit such movement in safety without driving off the pavement or main traveled portion of the roadway;

(b) Upon a highway with unobstructed pavement not occupied by parked motor vehicles and marked for two or more lanes of moving motor vehicles in the same direction; or

(c) Upon a highway on which traffic is restricted to one direction of movement where the roadway is free from obstructions and marked for two or more lanes of moving motor vehicles.

(2) Any person who violates any provision of this Section commits a civil traffic infraction.

14-13-105. Failure to Obey One-Way Traffic Restriction.

(1) Upon a roadway restricted to one-way traffic, a motor vehicle shall be driven only in the direction designated.

(2) Any person who violates this Section commits a civil traffic infraction.

14-13-106. Passing Bicycles.

(1) When passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle until the motor vehicle is safely past the overtaken bicycle.

(2) Any person who violates this Section commits a civil traffic infraction.

14-13-107. Following Too Closely.

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

(2) Any person who violates this Section commits a civil traffic infraction.

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**ARTICLE 14
SPEED REGULATIONS**

14-14-101. Excessive Speed.

(1) No person shall drive a motor vehicle at a speed greater than the posted speed limit.

(a) Any person who violates this Subsection by driving 1 – 24 miles per hour over the posted speed limit commits a civil traffic infraction.

(b) Any person who violates this Subsection by driving 25 miles per hour or more over the speed limit commits a criminal traffic offense.

(2) No person shall drive a motor vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

(a) The fact that the speed of a motor vehicle is lower than the speed limit specified shall not relieve the driver of the duty to decrease speed when a special hazard exists with respect to pedestrians, bicycles, livestock, other traffic or by reason of weather or highway conditions.

(b) Any person who violates this Subsection commits a civil traffic infraction.

14-14-102. Failure to Drive at Minimum Speeds.

(1) No person shall drive a motor vehicle on any highway at such a slow speed as to impede or block the reasonable movement of traffic, except when a reduced speed is necessary for safe operation of such motor vehicle or compliance with law.

(2) If it is necessary for any person to drive a motor vehicle at such a slow speed as to impede or block the reasonable movement of traffic, then the driver shall drive in the right-hand lane available to traffic or on the extreme right side of the roadway, or pull off the roadway at the first available place where such movement can safely and lawfully be made, until all impeded traffic has passed by.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-14-103. Speed Contests.

(1) No person shall engage in or aid or abet another in any drag race or motor vehicle speed or acceleration contest, or exhibition of speed or acceleration on a highway.

(2) No person shall obstruct or place any barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon any highway for any drag race or

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motor vehicle speed or acceleration contest.

(3) Any person who violates any provision of this Section commits a criminal traffic offense.

ARTICLE 15
STANDING OR PARKING

14-15-101. Unsafe Moving of a Parked Motor Vehicle.

(1) No person shall move a motor vehicle that is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(2) Any person who violates this Section commits a civil traffic infraction.

14-15-102. Parking or Standing on Roadways.

(1) No person shall park or leave standing any motor vehicle, either attended or unattended, upon a roadway or on any restricted section of the highway.

(2) This Section shall not apply to the driver of any motor vehicle which is disabled, if it is impossible to avoid stopping and temporarily leaving such disabled motor vehicle in such position.

(3) Any person who violates this Section commits a civil traffic infraction.

14-15-103. Parking, Stopping, or Standing.

(1) No person shall stop, park, or leave standing any motor vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

- (a) On a sidewalk;
- (b) Within an intersection;
- (c) On a crosswalk;
- (d) On the roadway side of any motor vehicle stopped or parked at the edge of a curb or street;
- (e) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (f) In the area between roadways of a divided highway, including crossovers;

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(g) At any place where official signs prohibit stopping.

(2) Except as otherwise designated and where permitted, every motor vehicle, with the exception of motorcycles, stopped or parked upon a two-way highway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb, or when parked upon a one-way highway shall be so stopped or parked parallel to and as close as practicable to the right hand edge of the right-hand curb or with its left-hand wheels as close as practicable to the left-hand edge of the left-hand curb.

(3) Every unattended motor vehicle shall be adequately secured in a manner to prevent it from rolling.

(4) Any person who violates any provision of this Section commits a civil traffic infraction.

14-15-104. Abandonment of Motor Vehicle.

(1) No person shall abandon any motor vehicle upon any part of a highway right-of-way or upon private property without the consent of the owner of the property.

(2) Any motor vehicle left unattended within any portion of a highway right-of-way for a period of twenty-four hours or more shall be presumed abandoned unless the owner or operator thereof has conspicuously affixed thereto information indicating his intention to return or has otherwise notified law enforcement of his intention to move the motor vehicle.

(3) Any motor vehicle left on property other than rights-of-way for a period longer than seventy-two hours shall be presumed to be abandoned unless prior arrangements with the owner of said property have been made.

(4) Any person who violates this Section commits a civil traffic infraction.

14-15-105. Removal of Motor Vehicles.

(1) Whenever any peace officer finds a motor vehicle, attended or unattended, standing upon any portion of a highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, such peace officer is authorized to cause the motor vehicle to be moved and neither the peace officer nor anyone acting under his direction shall be liable for any damage to such motor vehicle occasioned by negligence in such removal.

(2) Whenever any peace officer has reasonable grounds to believe that the motor vehicle has been abandoned, the peace officer may cause the motor vehicle to be removed and placed in storage. However, a motor vehicle shall not be presumed to be abandoned until a good faith effort is made by the peace officer to contact the owner or operator of the motor vehicle.

(3) Any motor vehicle removed under this Section may be reclaimed by the owner of

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such motor vehicle or his authorized agent by paying the towing, storage or other expenses owing because of the removal or abandonment of the motor vehicle.

(4) If a motor vehicle is not reclaimed by the owner or his authorized agent within thirty (30) days, the Southern Ute Police Department may have the motor vehicle appraised and may sell the motor vehicle, after notice to interested parties by personal service, certified mail or publication, paying first the expenses of removal and storage and then any amount due to a lien holder. Any remaining amount may be retained by the Southern Ute Police Department.

14-15-106. Unlawful Parking in Designated Handicapped Space.

(1) Except as otherwise provided herein, a person driving or in charge of a motor vehicle shall not stop, park or leave standing a motor vehicle within any specially designated parking space provided for the use of persons with a physical disability unless the motor vehicle is transporting a disabled person and displays a valid removable windshield placard, or special license plate registered to the vehicle authorizing the use of such specially designated parking space.

(2) A person who is chauffeuring a person with a physical disability without a placard or special plates may park momentarily in a parking place specially designated and marked for the use of persons with a physical disability for the purpose of loading or unloading a person with a physical disability.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-15-107. Opening Doors of Motor Vehicles.

(1) No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of traffic.

(2) No person shall leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers or cargo.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-15-108. Disabled Parking.

(1) Marked Spaces. Each parking space reserved for use by persons with disabilities will be marked with an official sign identifying the parking space as reserved for use by persons with disabilities.

(2) Authorized Users. Only the following people may park in spaces marked for disabled parking:

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(a) One with a disability and an identifying license plate or placard displayed in the vehicle; or

(b) Someone parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the reserved parking space and that has an identifying license plate or placard displayed in the vehicle.

(3) Space Use. Authorized users may use disabled parking only if the use relates to transacting business with a business or government entity the reserved parking space is intended to serve.

(4) Placard Visibility. When in use, the identifying placard's face must be legible and visible to any law enforcement officer when viewed from outside the vehicle.

(5) Any person who violates any provision of this Section commits a civil traffic infraction.

14-15-109. Tribal Elder Parking.

(1) Marked Spaces. Each parking space reserved for use by tribal elders, will be marked with an official sign, identifying the parking space as reserved for them.

(2) Authorized Users. Only the following people may park in tribal elder spaces:

(a) Tribal elders; or

(b) Someone parking the vehicle for the direct benefit of a tribal elder to enter or exit the vehicle while it is parked in the reserved parking space.

(3) Space Use. Authorized users may use tribal elder parking only if the use relates to transacting business with a business or government entity the reserved parking space is intended to serve.

(4) Any person who violates any provision of this Section commits a civil traffic infraction.

ARTICLE 16
MOTORCYCLES

14-16-101. Rights and Duties of Persons Operating Motorcycles.

(1) Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other motor vehicle under this Traffic Code, except as to special regulations in this Article and except as to those provisions of this Traffic Code, which have no application.

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(2) Motorcycle operators shall comply with the following:

(a) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle;

(b) A person operating a motorcycle shall not carry another person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent seat if designed for two persons or upon another seat firmly attached to the motorcycle at the rear or side of the operator;

(c) No person shall operate a motorcycle while carrying any article that prevents him from keeping both hands on the handlebars; and

(d) No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(3) Any person who violates any provision of this Section commits a civil traffic infraction.

14-16-102. Failure to Wear Protective Eyewear and Helmets.

(1) No person shall operate any motorcycle on a highway unless such person and any passenger are wearing goggles or eye-glasses with lenses made of safety glass or plastic.

(2) No person shall operate a motorcycle on a highway unless such person, if under the age of 18, and any passenger, if under the age of 18, are wearing safety helmets securely fastened in a normal manner, meeting or exceeding the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the United States Department of Transportation and marked in accordance with such standards.

(3) No dealer or person who rents or provides motorcycles for demonstration rides shall rent or provide a motorcycle for demonstration rides to a person under the age of sixteen unless the renter possesses the safety equipment required of an operator who is under the age of sixteen.

(4) Any person who violates any provision of this Section commits a civil traffic infraction.

14-16-103. Operating Motorcycles on Roadways Laned for Traffic.

(1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This Subsection shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not pass in the same lane occupied by the motor vehicle being overtaken.

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(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of motor vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Any person who violates any provision of this Section commits a civil traffic infraction.

14-16-104. Attaching Motorcycles to Other Motor Vehicles.

(1) No person riding upon a motorcycle shall attach himself or the motorcycle to any other motor vehicle on the roadway.

(2) Any person who violates this Section commits a civil traffic infraction.

ARTICLE 17
MISCELLANEOUS PROVISIONS

14-17-101. Littering or Depositing Destructive or Injurious Material on Highways.

(1) No person shall throw any object from a motor vehicle or deposit any trash or litter upon any highway.

(2) Any person who drops, or permits to be dropped or thrown, upon a highway any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged motor vehicle from a highway shall remove any glass or other injurious substance left upon the highway by such motor vehicle.

(4) Any person who violates any provision of this Section commits a civil traffic infraction.

14-17-102. Failure to Cover Loads.

(1) No person shall drive or move a loaded motor vehicle on a highway unless such motor vehicle is constructed or loaded, or the load thereof securely covered, to prevent any of the load from dropping, sifting, leaking or otherwise escaping.

(2) Any person who violates this Section commits a civil traffic infraction.

14-17-103. Passengers.

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(1) No person shall hang on or otherwise attach himself to the outside, of any motor vehicle while the motor vehicle is in motion on a highway. This Subsection shall not apply to parades, funeral processions, or exhibitions which are officially authorized.

(2) No person shall knowingly drive a motor vehicle while any passenger therein is riding in any manner which endangers the safety of such passenger or others.

(3) The provisions of this Section shall not apply to a motor vehicle owned by the Tribe, United States Government, the State of Colorado, or any of its political subdivisions when persons are required to stand or sit on the exterior of the motor vehicles in the performance of their duties.

(4) No person shall occupy a trailer while it is being moved upon a highway.

(5) Any person who violates any provision of this Section commits a civil traffic infraction.

14-17-104. Signals, Signs, Markings.

(1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device.

(2) No person shall place or maintain, nor shall any public authority permit, any commercial or political advertising upon any highway sign or traffic signal.

(3) No person shall attempt to or in fact alter, deface, injure, knock down, remove or interfere with the effective operation of any official traffic control device without lawful authority.

(4) No owner shall display upon any part of his motor vehicle any official designation, sign or insignia of any public agency without lawful authority to display such sign or insignia.

(5) Any person who violates any provision of this Section commits a civil traffic infraction.

14-17-105. Emergency Vehicle Exemption.

(1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from, a fire alarm, may exercise the privileges in this Section. The driver of an authorized emergency vehicle may:

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- (a) Park or stand, irrespective of the provisions of this Traffic Code;
- (b) Proceed past a stop signal or stop sign, but only after slowing down as necessary for safe operation;
- (c) Exceed the maximum speed limits so long as he does not endanger life or property; or
- (d) Disregard regulations governing directions of movement or turning in specified directions.

(2) The exemptions granted in this Section shall apply only when an emergency vehicle is making use of audible and visual signals, except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of the law need not display or make use of audible or visual signals, so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator.

(3) 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 such provisions protect the driver from the consequences of reckless disregard for the safety of persons.

14-17-106. Failure or Refusal to Comply with Peace Officer.

- (1) No person shall knowingly fail or refuse to comply with any lawful order or direction of any peace officer directing, controlling or regulating traffic.
- (2) Any person who violates this Section commits a civil traffic infraction.

ARTICLE 18
BREAKDOWNS AND ACCIDENTS

14-18-101. Duty to Mark Breakdowns and Stops.

- (1) In the case of a breakdown or stop upon a roadway between sundown and sunrise, other than stops required by law, the driver shall immediately display the motor vehicle's emergency flasher lights or a torch or flare.
- (2) Torches or flares shall be placed at the side of the motor vehicle nearest traffic, not less than 200 feet directly behind the motor vehicle and not less than 200 feet directly in front of the motor vehicle. The distance shall be left to the discretion of the driver to place the torches or flares as he sees fit to insure safety in case the motor vehicle should be stopped on a curve or in any manner where the distance of 200 feet is not ample warning.
- (3) Any person who violates any provision of this Section commits a civil traffic infraction.

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14-18-102. Emergency Lighting Equipment by Certain Trucks and by Passenger Buses.

(1) No motor vehicle carrying a truck license and weighing 6000 pounds or more and no passenger bus shall be operated over the highway at any time without carrying, in an accessible place, three bidirectional emergency reflective triangles.

(2) Whenever a motor vehicle referred to in Subsection (1) of this Section is stopped upon a roadway or the shoulder of a highway for any cause other than necessary traffic stops, the driver of the stopped motor vehicle shall immediately activate the vehicular hazard warning signal flashers and continue the flashing until the driver places the bidirectional emergency reflective triangles as directed in Subsection (3) of this Section.

(3) Except as provided in Subsection (2) of this Section, whenever a motor vehicle referred to in Subsection (1) of this Section is stopped upon a roadway or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within ten minutes, place the bidirectional emergency reflective triangles in the following manner:

(a) One at the traffic side of the stopped motor vehicle, within ten feet of the front or rear of the motor vehicle;

(b) One at a distance of approximately 100 feet from the stopped motor vehicle in the center of the traffic lane or shoulder occupied by the motor vehicle and in the direction toward traffic approaching in that lane; and

(c) One at a distance of approximately 100 feet from the stopped motor vehicle in the opposite direction from those placed in accordance with paragraphs (a) and (b) of this Subsection (3) in the center of the traffic lane or shoulder occupied by the motor vehicle; or

(d) If the motor vehicle is stopped within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the emergency equipment required by this Subsection (3) in the direction of the obstruction to view at a distance of 100 feet to 500 feet from the stopped motor vehicle so as to afford ample warning to other users of the highway; or

(e) If the motor vehicle is stopped upon the traveled portion or the shoulder of a divided or one-way highway, the driver shall place the emergency equipment required by this Subsection (3), one at a distance of 200 feet and one at a distance of 100 feet in a direction toward approaching traffic in the center of the lane or shoulder occupied by the motor vehicle, and one at the traffic side of the motor vehicle within ten feet of the rear of the motor vehicle.

(f) The use of such equipment is not required where there are street lights within 100 feet.

(4) Any person who violates of any provision of this Section commits a civil traffic

infraction.

14-18-103. Failure to Remain at Accident Scenes Involving Death or Personal Injury.

(1) The driver of any motor vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such motor vehicle at the scene of such accident, or as close thereto as possible, and in every event shall remain at the scene of the accident until he has fulfilled the obligations required by this Traffic Code. Every such stop shall be made without unnecessarily obstructing traffic.

(2) Any person who violates any provision of this Section commits a criminal traffic offense.

14-18-104. Failure to Report Accidents Resulting in Injury or Death of Persons.

(1) The driver of any motor vehicle involved in an accident resulting in injury to or death of any person shall give his name, his address, and the registration number of the motor vehicle he is driving and shall upon request exhibit his driver's license and proof of insurance to the person struck or the driver or occupant of, or person attending, any motor vehicle damaged by the collision.

(2) Where practical, the driver shall render reasonable assistance to any person injured in such accident, including transporting, or making arrangements for the transporting, of such person to a physician or hospital for medical treatment if it is apparent such treatment is necessary or the injured person so requests.

(3) The driver of a motor vehicle involved in a traffic accident resulting in injury to or death of any person shall, after first providing reasonable assistance, immediately report such accident and provide such other information as required to a law enforcement agency and, if so directed, shall without delay return to and remain at the scene of the accident until a peace officer has arrived at the scene and authorized the driver to leave.

(4) Any person who violates any provision of this Section commits a criminal traffic offense.

14-18-105. Failure to Report Accidents Resulting in Property Damage to Vehicles Driven or Attended.

(1) The driver of any motor vehicle involved in an accident resulting damage to any motor vehicle that is driven or attended by any person shall give his name, his address, and the registration number of the motor vehicle he is driving and shall upon request exhibit his driver's license and proof of insurance to the person struck or the driver or occupant of, or person attending, any motor vehicle damaged by the collision.

(2) The driver of a motor vehicle involved in a traffic accident resulting in property damage to any vehicle driven or attended shall, after first providing reasonable assistance to

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other persons involved in the accident, immediately report such accident and provide such other information as required to a law enforcement agency and, if so directed, shall without delay return to and remain at the scene of the accident until a peace officer has arrived at the scene and authorized the driver to leave.

(4) Any person who violates any provision of this Section commits a criminal traffic offense.

14-18-106. Failure to Report Accidents with Unattended Motor Vehicles or Property.

(1) The driver of any motor vehicle which is involved in an accident with any motor vehicle or other property which is unattended, resulting in any damage to such motor vehicle or other property, shall immediately stop, without unnecessarily obstructing traffic, and either locate and notify the owner of such motor vehicle or other property of his name, address and telephone number or attach securely, in a conspicuous place in or on such motor vehicle or other property, a written notice giving this information. The driver shall also give immediate notice of the location of such accident and such other information as is required to law enforcement.

(2) This Section shall not apply to the striking of highway fixtures or official traffic control devices.

(3) Any person who violates any provision of this Section commits a criminal traffic offense.

14-18-107. Accidents with Fixtures or Official Traffic Control Devices.

(1) The driver of any motor vehicle involved in an accident resulting only in damage to fixtures or official traffic control devices upon or adjacent to a highway shall notify the road authority in charge of such property of the accident and of his name, address and telephone number and shall make a report of the accident as soon as possible.

(2) Any person who violates this Section commits a civil traffic infraction.

ARTICLE 19
MANDATORY INSURANCE

14-19-101. Operation of a Motor Vehicle Without Insurance.

(1) No person shall operate a motor vehicle that is not insured by a policy that complies with the minimum coverages required by the jurisdiction where the motor vehicle is registered.

(2) No owner of a motor vehicle shall permit it to be operated on the highways when the owner does not have an insurance policy that complies with the minimum coverages required by the jurisdiction where the motor vehicle is registered.

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(3) Any person who violates this Section commits a criminal traffic offense, provided that:

(a) Fines imposed as a penalty under this Section may be suspended upon the person's obtaining complying insurance. Unuspended fine payments shall be deposited into a victim's fund to compensate victims of accidents with uninsured drivers.

(b) Any summons/complaint issued for a violation of this Section shall be dismissed by the Court upon a showing that the person possessed complying insurance at the time of the alleged violation.

ARTICLE 20 PENALTIES

14-20-101. Civil Assessment Fees.

(1) The Tribal Court shall establish a schedule of assessment fees for civil traffic infractions that it may modify from time to time, with the approval of the Tribal Council.

(2) For any civil traffic infraction under this Traffic Code without a specific penalty in this Traffic Code, or in the schedule of assessment fees established by the Tribal Court, a penalty of up to \$100.00 may be imposed.

14-20-102. Criminal Traffic Offense Penalties. Criminal offenses will be prosecuted and sentenced in accordance with the Tribe's Criminal Procedure Code.

14-20-103. Reports of Violations. Upon a conviction of a criminal traffic offense or upon entry of judgment against a defendant for a civil traffic infraction under this Traffic Code, the Tribal Court will send a copy of the transcript of judgment to the State of Colorado Department of Revenue, Motor Vehicle Division, and it is the intent of this Tribal Code that the State will recognize such orders under principles of comity or grant such orders full faith and credit.

ARTICLE 22 DEFINITIONS

14-21-101. Definitions.

(1) Authorized Emergency Vehicle. Vehicles of the fire department, law enforcement, emergency medical service entity, or special purpose vehicles publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with laws regulating emergency vehicles; including, but not limited to, those privately owned vehicles designated by a vehicle licensing agency to be equipped and operate as emergency vehicles in the manner prescribed by state law.

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(2) Bicycle. A vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

(3) Child Restraint System. Any device designed to protect, hold or restrain a child in a privately-owned, noncommercial passenger motor vehicle to prevent or minimize injury to a child in the event of a motor vehicle accident and which conforms to all applicable federal motor vehicle safety standards.

(4) Civil Traffic Infraction. A violation of this Traffic Code treated as a civil infraction in accordance with the Tribe's Procedures for Civil Infractions.

(5) Criminal Traffic Offense. A violation of this Traffic Code treated as a criminal matter, prosecuted in accordance with the Tribe's Criminal Procedure Code, and is punishable by a jail sentence or a fine, or both.

(6) Crosswalk.

(a) That part of a roadway at an intersection included within the prolongations or connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings.

(7) Department of Justice & Regulatory. The Southern Ute Indian Tribe's Department of Justice & Regulatory.

(8) Divided Highway. A highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in a traffic control manual.

(9) Drag Race. The operation of two or more motor vehicles from a point at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more motor vehicles over a common selected course for the purpose of comparing the relative speeds or power of acceleration of the motor vehicle(s) within a certain distance or time limit.

(10) Drive/Driving. Operating or being in actual physical control of a motor vehicle.

(11) Driver. Any person who operates or is in actual physical control of a motor vehicle.

(12) Driving Under the Influence (DUI). Driving a motor vehicle when a person has consumed alcohol, any drug, a vapor-releasing substance containing a toxic substance, or a

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combination of alcohol, drugs, or a vapor-releasing substances, which affects the person to a degree that the person is substantially incapable, either mentally or physically, or both mentally and physically, of exercising clear judgment, sufficient physical control, or due care in the safe operation of a motor vehicle.

(13) Driving While Ability Impaired (DWAI). Driving a motor vehicle when a person has consumed alcohol, any drug, a vapor-releasing substances containing a toxic substance, or a combination of alcohol, drugs, or a vapor-releasing substance, which affects the person to the slightest degree, so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a motor vehicle.

(14) Driving With an Excessive Blood Alcohol Content (Per Se). Driving a motor vehicle when a person has a blood alcohol content of 0.08 percent or more by weight of alcohol per volume in the person's blood or breath at the time of driving or within two hours after driving.

(15) Highway. The entire width between the boundary lines of every way open to the public for vehicular travel or publicly maintained, even though it may be temporarily closed or restricted for the purpose of construction, maintenance or repair.

(16) Lane. The portion of a roadway for the movement of a single line of motor vehicles.

(17) Motor Vehicle. Any self-propelled vehicle, including off highway vehicles and other motorized vehicles..

(18) Off Highway Vehicle. Any self-propelled vehicle, including, but not limited to, dirt bikes and all-terrain vehicles, designed primarily for use off the public highways and generally and commonly used to transport persons for recreational purposes.

(19) Official Traffic Control Device. Any sign, signal, marking or device placed or erected by authority of a governmental entity or official having jurisdiction for the purpose of regulating traffic.

(20) Peace Officer. Any commissioned member of any law enforcement department or division of the Southern Ute Indian Tribe and any certified law enforcement officer employed by a federal, tribal, state, county or municipal law enforcement agency; however, this definition does not alter any jurisdictional provisions or restrictions that exist as a matter of law, nor does it constitute or confer deputization or Southern Ute commission authority.

(21) Pedestrian. Any person afoot or using a wheelchair.

(22) Required Glass Equipment. The front windshield, front-seat side windows, and, unless the motor vehicle is equipped with side mirrors, the rear window.

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(23) Reservation. Land within the exterior boundaries of the Southern Ute Indian Reservation.

(24) Right of Way. The right of one motor vehicle operator or pedestrian to proceed in a lawful manner in preference to another motor vehicle operator or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(25) Roadway. That portion of the road normally used by motor vehicle traffic.

(26) Safety Belt System. A system utilizing a lap belt, a shoulder belt, or any other belt or combinations of belts installed in a motor vehicle to restrain drivers and passengers, which system complies with federal motor vehicle safety standards.

(27) Stop. Complete cessation of movement.

(28) Traffic Offense. A violation of this Traffic Code, other than a Civil Traffic Infraction, which is punishable by a fine, jail time, or both.

(29) Tribal Council. The Southern Ute Indian Tribal Council.

(30) Tribal Court. The Southern Ute Indian Tribal Court.

(31) Tribe. The Southern Ute Indian Tribe.