

TITLE 14

TRAFFIC CODE

History and Amendments¹

Title 14 adopted by Tribal Resolution No. 80-120, approved by the Bureau of Indian Affairs and effective on February 25, 1981.

Sections 2(F), 2(G), 2(H), 2(I), 2(J), 2(K), 2(L), 2(M), 2(N), 2(O), 2(P), 2(Q), 2(R), 2(S), 2(T), 2(U), 2(V), 2(W), 2(X) renumbered as §§2(I), 2(J), 2(K), 2(L), 2(M), 2(N), 2(O), 2(P), 2(R), 2(S), 2(T), 2(U), 2(V), 2(W), 2(X), 2(Y), 2(Z), 2(AA) and 2(BB) respectively; Sections 1, 2(T), 3(H), 3(L), 6(C)(2), 7(B)(9)(10), 7(C)(2)(3), 7(D)(1), 7(F)(3)(4), 7(H)(2), 7(I), 7(M)(1), 10, 11(C), 13(G)(4), 15(B), 15(D), 15(G), 15(I), 16(B), 16(C)(1), 17(B), 19(C), 19(D), 19(G) revised and amended; §8(A), 8(B), 8(C), §21 and references to the Colorado Revised Statutes deleted; and §§2(F), 2(G), 2(H), 2(Q), 2(CC), 3(K), 17(B)(5) and 21 added by Tribal Resolution No. 85-104, approved by the Bureau of Indian Affairs and effective on November 13, 1985.

Title 14 section and page numbering scheme revised and amended by Tribal Resolution No. 89-34, effective on March 21, 1989.

Added child restraint system requirements, Section 14-1-107(20), by Tribal Resolution No. 91-140 and Ordinance No. 91-02, approved by the Bureau of Indian Affairs and effective on November 25, 1991.

Added mandatory use of safety belt systems, Section 14-1-107(19), by Tribal Resolution No. 91-141 and Ordinance No. 91-03, approved by the Bureau of Indian Affairs and effective on November 25, 1991.

Amending Sections 14-1-102 and 14-1-103 by Tribal Resolution No. 98-115, approved by the Bureau of Indian Affairs and effective on November 18, 1998.

Repealing Sections 14-1-116(1) – (5), amended definitions of “Drive/Driving”, “Driver”, and “Vehicle,” added new Article 2, Southern Ute Express Consent Law, and added new Article 3 regarding driving privilege revocations by Tribal Resolution No. 2001-62, approved by the Bureau of Indian Affairs and effective on July 17, 2001.

Adopted 0.08 blood alcohol content for driving under the influence and driving while impaired and other matters by Tribal Resolution No. 2004-241, approved by the Bureau of Indian Affairs and effective on November 15, 2004.

Completely amended Traffic Code by Tribal Resolution No. 2019-017, approved by the Bureau of Indian Affairs and effective on June 1, 2020, in accordance with Resolution No. 2020-003.

¹ This page does not constitute an official part of any code. Information contained on this page is solely for informational and historical purposes and is from sources deemed reliable.

TITLE 14

SOUTHERN UTE INDIAN TRIBE

TRAFFIC CODE

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**TITLE 14
SOUTHERN UTE INDIAN TRIBE**

TRAFFIC CODE

ARTICLE 1. GENERAL PROVISIONS

14-1-101. Jurisdiction. The Southern Ute Tribal Court exercises personal, subject matter, and territorial jurisdiction over violations of this Traffic Code committed within the exterior boundaries of the Southern Ute Indian Reservation to the extent consistent with applicable law. Anyone driving on the Reservation is deemed to have given consent to personal 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 code is known and may be cited as the Traffic Code.

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

14-1-104. Means of Exercising Jurisdiction. In exercising jurisdiction over violations of this Code, the Tribal Court may adopt any suitable process consistent with the purpose of this Code and in harmony with the spirit of Southern Ute law.

ARTICLE 2. DEFINITIONS

14-2-101. Definitions.

- (1) **Aggravated Driving Under the Influence.** Driving a motor vehicle either:
 - (a) With an alcohol concentration of 0.15 or more in the driver's blood or breath within two hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle; or
 - (b) Causing bodily injury to another person as a result of operating a motor vehicle while driving under the influence of intoxicating liquor or drugs.

- (2) **Approved Ignition Interlock Device.** A device approved by the state where the driver is licensed that is installed in a motor vehicle and that measures the breath alcohol content of the driver before a vehicle is started and that periodically requires additional breath samples during vehicle operation. The device may not allow a motor vehicle to be started or to continue normal operation if the device measures an alcohol level above the level established by the department of public health and environment.

- (3) **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 applicable law.
- (4) **Bicycle.** A vehicle that a person may ride propelled by the rider's own power pedaling that has two tandem wheels or two parallel wheels and one forward wheel, all of which are more than 14 inches in diameter.
- (5) **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 during a motor vehicle accident and that conforms to all applicable federal motor vehicle safety standards.
- (6) **Civil Traffic Infraction.** A violation of this Code treated as a civil infraction under the Tribe's Procedures for Civil Infractions.
- (7) **Criminal Traffic Offense.** A violation of this Code treated as a criminal matter, prosecuted under the Tribe's Criminal Procedure Code, punishable by a jail sentence or a fine, or both.
- (8) **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 part of a roadway marked for pedestrian crossing by lines or other markings.
- (9) **Daytime.** One-half hour before sunrise until one-half hour after sunset.
- (10) **Department.** The Southern Ute Indian Tribe's Department of Justice and Regulatory.
- (11) **Divided Highway.** A highway with separated roadways usually for traffic moving in opposite directions, such separation indicated by depressed dividing strips, raised curbing, traffic islands, other constructed physical barriers as to

impede traffic, or otherwise indicated by standard pavement markings or other official traffic control devices.

- (12) **Drag Race.** Two or more motor vehicles driving from a point at accelerating speeds in a competitive attempt to outdistance each other or driving one or more motor vehicles over a selected course to compare the relative speeds or power of acceleration of the motor vehicle(s) within a certain distance or time limit.
- (13) **Drive/Driving.** Operating or being in actual physical control of a motor vehicle.
- (14) **Driver.** Any person who operates or is in actual physical control of a motor vehicle.
- (15) **Driving Under the Influence (DUI).** Driving a motor vehicle when a person has consumed alcohol, any drug, a vapor-releasing toxic substance, or a combination of them, that affects the person to a degree that he is substantially incapable, mentally or physically, or both, of exercising clear judgment, sufficient physical control, or due care to safely operate a motor vehicle.
- (16) **Driving While Ability Impaired (DWAI).** Driving a motor vehicle when a person has consumed alcohol, any drug, a vapor-releasing toxic substance, or a combination of them, that affects the person to the slightest degree, so that he is less able than he ordinarily would have been mentally or physically, or both, to exercise clear judgment, sufficient physical control, or due care to safely operate a motor vehicle.
- (17) **Drug.** Any of the following substances:
 - (a) Substances recognized as drugs in the official United States pharmacopoeia, national formulary, or the official homeopathic pharmacopoeia of the United States, or a supplement thereof;
 - (b) Controlled substances that are prohibited under federal or tribal law.
- (18) **Highway.** The entire width between the boundary lines of every way open to the public for vehicle travel or publicly maintained, even though it may be temporarily closed or restricted for construction, maintenance, or repair.
- (19) **Knowingly or Willfully.** With respect to conduct or to a circumstance described by a code defining an offense, acting and being aware that one's conduct is of such nature or that such circumstance exists. With respect to a result of one's conduct, acting when aware that one's conduct is practically certain to cause the result.

- (20) **Lane.** The part of a roadway for a single line of motor vehicles to move.
- (21) **Motor Vehicle.** Any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed vehicle; except low-power scooters, wheelchairs, or vehicles moved solely by human power.
- (22) **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.
- (23) **Office.** The administrative appeals and hearings office (AAHO).
- (24) **Official Traffic Control Device.** Any sign, signal, marking, or device placed or erected by authority of a governmental entity or official with jurisdiction to regulate traffic.
- (25) **Peace Officer.** Any commissioned law enforcement employee of the Southern Ute Indian Tribe and any certified law enforcement officer employed by a federal, tribal, state, county, or municipal law enforcement agency. This definition does not alter any jurisdictional restrictions that legally exist, nor does it constitute or confer deputization or Southern Ute commission authority.
- (26) **Pedestrian.** Any person afoot or using a wheelchair.
- (27) **Recklessly.** Conscious disregard of a substantial and unjustifiable risk that a result will occur or that a circumstance exists.
- (28) **Required Glass Equipment.** The front windshield, front-seat side windows, and, unless the motor vehicle is equipped with side mirrors, the rear window.
- (29) **Reservation.** Land within the exterior boundaries of the Southern Ute Indian Reservation.
- (30) **Right of Way.** The right of a driver or pedestrian to lawfully proceed in preference to another driver or pedestrian approaching under such circumstances of direction, speed, and proximity that raises the danger of collision unless one grants precedence to the other.
- (31) **Roadway.** That part of the road normally used by motor vehicle traffic.

- (32) **Safety Belt System.** A system using a lap belt, a shoulder belt, or any other belt or combinations of belts installed in a motor vehicle to restrain drivers and passengers that complies with federal motor vehicle safety standards.
- (33) **Serious Bodily Injury.** Injury that involves, either at the time of the actual injury or a later time, a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, or burns of the second or third degree.
- (34) **Snowmobile.** A self-propelled vehicle, primarily designed or altered for travel on snow or ice, when supported in part by skis, belts, or cleats, but excludes machinery used strictly for the grooming of snowmobile trails or ski slopes.
- (35) **State.** The State of Colorado.
- (36) **Stop.** Complete cessation of movement.
- (37) **Tribal Council.** The Southern Ute Indian Tribal Council.
- (38) **Tribal Court.** The Southern Ute Indian Tribal Court.
- (39) **Tribe.** The Southern Ute Indian Tribe.

ARTICLE 3. APPLICABLE PROCEDURES

14-3-101. Criminal Offenses by Indians.

- (1) The Criminal Procedure Code applies to the prosecution of criminal traffic offenses under this Code. Any Indian who is convicted of violating this Code, will be subject to a sentence not more than the maximum length of imprisonment or maximum fine in the criminal schedule of penalties.
- (2) An Indian who violates this Code will not be taken into custody if he voluntarily signs a promise to appear before the Tribal Court at the time and place indicated on the citation and if the officer determines that he is not a flight risk or safety risk to the community.

14-3-102. Civil Traffic Infractions by Any Person. The Civil Procedure Code applies to enforce civil traffic infractions under this Code. Despite sections to the contrary in the Civil Procedure Code, procedures in this Article will apply to civil traffic infractions.

14-3-103. Civil Penalty Assessment Cited to Any Person.

- (1) When an officer cites any person for violating this Code, including minors, the citing officer may allow him to voluntarily pay the civil penalty in the form of a penalty assessment, within 20 days to the Tribal Court. If the offender does not pay the penalty assessment, the citation becomes by law a summons and complaint that requires him to appear in Tribal Court at the place, date, and time indicated on the citation form.
- (2) An officer who sees an unattended vehicle that violates this Code may place on the vehicle a penalty assessment, notice, and summons and complaint. If the defendant fails to appear for the hearing indicated, the judge may issue a default judgment.

14-3-104. Violations by Minors.

- (1) **Criminal Traffic Offenses by Indian Minors.** For criminal traffic offenses, the minor's parents or legal guardians must be notified, if known, and required to appear at any hearings. Criminal traffic offenses will be handled under the Tribe's Juvenile Delinquency Code, except those traffic offenses that involve DUIs or DWAI's with a prior, and serious bodily injury or excessive property damage will be prosecuted under the Criminal Code.
- (2) **Civil Penalty Assessments Issued to Minors.** A penalty assessment notice served on a minor must contain the following:
 - (a) **Declaration.** A declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;
 - (b) **Inform Parent or Guardian.** A notice that the minor must, within 72 hours after service of the penalty assessment notice, inform his parent or legal guardian of the penalty assessment notice;
 - (c) **Parent or Guardian Signature.** Signature lines for the parent or legal guardian to sign and have notarized; and
 - (d) **Statement of Noncompliance.** A statement that the failure 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. Failure to appear may result in a default judgment against the minor and fine against the parent.

14-3-105. 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, for cases arising under this Code.

14-3-106. Burden of Proof. The Tribe has the burden of proof for traffic infractions and criminal offenses and must prove the liability of the defendant beyond a reasonable doubt.

ARTICLE 4. ALCOHOL AND DRUG DRIVING OFFENSES

14-4-101. Driving Under the Influence, Driving While Ability Impaired, and Aggravated Driving Under the Influence

- (1) **Driving Under the Influence (DUI).** It is unlawful 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 toxic substance, or by a combination of them that would make a person substantially incapable, either mentally or physically or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care when operating a motor vehicle. Any person who violates this Section commits a criminal traffic offense.
- (2) **Driving While Ability Impaired (DWAI).** It is unlawful for any person to drive a motor vehicle within the exterior boundaries of the Reservation while impaired to the slightest degree by alcohol, any drug, a vapor-releasing toxic substance, or by a combination of them, that would make a person less able than he ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care when operating a motor vehicle. Any person who violates this Section commits a criminal traffic offense.
- (3) **Aggravated DUI.** It is unlawful for any person to drive a motor vehicle within the exterior boundaries of the Reservation as follows:
 - (a) With a blood alcohol content (BAC) of 0.15 or more in the driver's blood or breath within two hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle; or
 - (b) Causing bodily injury to another person as a result of operating a motor vehicle while driving under the influence of intoxicating liquor or drugs.
 - (c) Any person who violates this Section commits a criminal traffic offense.

(4) **Criminal Traffic Offense Sentencing and Administrative Proceedings.**

- (a) ***Criminal Traffic Offense Sentencing.*** Any Indian who is convicted of violating this Section will be subject to the penalties in the criminal schedule of penalties and a maximum probationary term of two years.
- (b) ***Administrative Proceedings.*** Any Indian who is charged with violating this Section may also be subject to an administrative proceeding, which is separate from the criminal case and has separate driver's license consequences as set forth in this Code.

14-4-102. Blood Alcohol Level Inferences.

- (1) **Blood Alcohol Content (BAC).** In any DUI or DWAI prosecution, the amount of alcohol in the defendant's blood or breath when the alleged offense was committed or within a reasonable time thereafter, as shown by chemical analysis of the defendant's blood or breath, may give rise to the following permissible inferences:
 - (a) ***Permissible Inference of Not Under the Influence (BAC of 0.05 or less).*** If at such time the defendant's BAC was 0.05 or less, it may be inferred that the defendant was not under the influence of alcohol and his ability to operate a motor vehicle was not impaired by alcohol.
 - (b) ***Permissible Inference of Impairment (BAC in excess of 0.05 but less than 0.08).*** If at such time the defendant's BAC exceeds 0.05 but is less than 0.08 percent, it may be inferred that the defendant's ability to operate a motor vehicle was impaired by alcohol, and that fact may also be considered with other competent evidence in determining whether the defendant was under the influence of alcohol.
 - (c) ***Permissible Inference of Being Under the Influence of Alcohol (BAC of 0.08 or more).*** If at such time the defendant's BAC was 0.08 or more, it may be inferred that the defendant was under the influence of alcohol.
- (2) **Percent by Weight of Alcohol Per Volume.** As used in this Article, BAC means "percent by weight of alcohol per volume," which is the number of grams of alcohol per 100 milliliters of blood or 210 liters of breath.
- (3) **Inferences Rebuttable.** These inferences are rebuttable and do not limit introducing, receiving, or considering other competent evidence bearing on the question whether the defendant was impaired by or under the influence of alcohol.

14-4-103. Chemical Tests for Alcohol and Drugs.

- (1) **Express Consent.** If a peace officer has probable cause to arrest a driver for DUI, DWAI, or Aggravated DUI, any person who drives any motor vehicle within the exterior boundaries of the Reservation is deemed to have expressed his consent to a chemical test to determine the alcohol or drug content of his blood.
- (2) **Alcohol Tests.** When requested and directed by a peace officer having probable cause to arrest a driver for DUI, DWAI, or Aggravated DUI, any person who drives any motor vehicle within the exterior boundaries of the Reservation must cooperate in taking and completing a breath or blood chemical test to determine alcohol content. The person may choose a breath or blood chemical test, unless circumstances prevent completing one or the other test, in which case the peace officer may require either one.
- (3) **Drug Tests.** When requested and directed by a peace officer having probable cause to arrest a driver for DUI or DWAI and when it is reasonable to require testing the blood, saliva, or urine, or any test in combination, to determine whether a driver was under the influence of or impaired by one or more drugs, or a combination of alcohol and drugs, any person who drives any motor vehicle within the exterior boundaries of the Reservation must cooperate in taking and completing a blood, saliva, or urine test, or any test in combination, to determine the drug content.

14-4-104. Express Consent Notice. Before asking a person to submit to a chemical test, the peace officer must inform the person of the probable cause to require a test and the probable consequences of refusing to take it.

14-4-105. Refusal.

- (1) **Failure to Cooperate.** Any person who fails to cooperate by statements or behavior, or both, in completing any chemical test, including not signing any necessary release or consent form, is deemed to have refused to submit to testing.
- (2) **Admissibility of Refusal.** If a person refuses to take or to complete, or refuses to cooperate in completing, any chemical test, such refusal is admissible into evidence and the privilege against self incrimination will not apply.
- (3) **Driving Privilege Revocation.**
 - (a) **Chemical Test Refusal.** If a person refuses to take, complete, or cooperate in completing any chemical test, the person is subject to driving privilege revocation under this Code.

- (b) **Blood Alcohol Content.** If a person takes a chemical test and the results show that the person's BAC was 0.08 or more when driving or within two hours after driving, the person is subject to driving privilege revocation procedures under this Code.

14-4-106. Administration and Admissibility of Chemical Tests

(1) Administration of Chemical Tests

- (a) **Officer Administered.** The chemical tests are administered at the direction of a law enforcement officer having probable cause to believe that the person had been driving a motor vehicle in violation of Section 14-4-101 of this Code.
- (b) **Chemical Test Rules.** The chemical tests are 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) **Who May Withdraw Blood.** Only a physician, a registered nurse, a certified paramedic, emergency medical technician, or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse may withdraw blood to determine the alcohol or drug content in it.
- (d) **Chemical Tests of the Unconscious or Dead.** Any person who is in a condition rendering him incapable of refusing a chemical test is deemed not to have withdrawn his consent to be tested and a chemical test may be administered as provided in this Section. If a chemical test cannot be administered to a person who is unconscious, hospitalized, or undergoing medical treatment because the chemical test would endanger her life or health, a peace officer may test any blood, urine, or saliva that was obtained and not used by a health care provider and may access the analysis and results of any tests administered by such provider that shows the alcohol or drug content. These chemical test results are not considered privileged communications and the physician patient privilege does not apply. Any person who is dead may have his blood checked for carbon monoxide content and for the presence of alcohol or drugs, as prescribed by medical staff, and this information will be made a part of the accident report.
- (e) **No Civil Liability.** No civil liability attaches to any person authorized to obtain blood, breath, saliva, or urine specimens or to any hospital, clinic, or entity obtaining such specimens under this Section from any person submitting to a chemical test, if such specimens were obtained according to the rules and regulations prescribed by medical staff. But a person or

entity is not relieved from liability for negligence in obtaining any specimen sample.

(2) **Admissibility**

- (a) ***Admissibility and Complying with Chemical Test Rules.*** Strict compliance with Department of Health rules and regulations is not 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 may be considered for the weight to be given to the test results and not as to their admissibility.
- (b) ***Peace Officer's Testimony Sufficient.*** In any trial, the testimony of a peace officer that he witnessed a blood, breath, urine, or saliva specimen taken by a person who the peace officer reasonably believed was authorized to withdraw such specimen is sufficient evidence that such person was so authorized. Testimony from the person who obtained the specimen concerning such person's authorization to obtain the specimen is not a prerequisite to admit specimen test results.
- (c) ***Results Not Privileged.*** Test results are not privileged communications and the physician patient privilege does not apply.

14-4-107. Detoxification Facility. Despite any provision of law to the contrary, a peace officer may temporarily place a person who has been arrested and charged for DUI or Aggravated DUI in a licensed detoxification or treatment facility in accordance with applicable law.

ARTICLE 5. DRIVING PRIVILEGE REVOCATIONS

14-5-101. Purposes. The purposes of this Article are as follows:

- (1) **Public Safety.** To provide safety for all persons and property within the Reservation by revoking the Reservation driving privileges of a person who shows himself to be a safety hazard by driving while impaired, by driving under the influence of or having a BAC of 0.08 or more when driving or within two hours of driving and refusing to submit to a chemical test of his blood, breath, urine, or saliva as required by this Code.
- (2) **Due Process.** To provide notice and an opportunity for a revocation hearing to ensure due process and fairness.

14-5-102. Grounds for Revocation. The hearing officer will revoke the Reservation driving privileges when he determines that a person:

- (1) **Drove with a BAC of 0.08 or More.** Drove a motor vehicle on the Reservation with a BAC of 0.08 or more, as shown by blood or breath analysis, when driving or within two hours after driving. If the preponderance of the evidence establishes that such person consumed alcohol between the time that he stopped driving and the time of testing, the preponderance of the evidence must also establish that the BAC was from alcohol consumed before the person stopped driving.
- (2) **Refused a Test.** Refused to take, complete, or cooperate in completing a blood, breath, saliva, or urine test as required.

14-5-103. Revocations Independent of Criminal Charges. Revocation orders are independent and separate from the adjudication of any criminal charges arising from the same occurrence. The disposition of criminal charges will not affect any revocation under this Article.

14-5-104. Periods of Revocation

- (1) **DUI (BAC of 0.08 or more).** The hearing officer will revoke a person's Reservation driving privileges for the following periods if he had a BAC of 0.08 or more when driving or within 2 hours after driving:
 - (a) Nine months for a first revocation for a violation committed on or after the date that this revised Code is effective; except that such person may apply for a restricted license from a state under its laws;
 - (b) One year for a second revocation regardless of when the prior revocation occurred; although such person may apply for a restricted license from a state under its laws; and
 - (c) Two years for any third or subsequent revocation for a violation occurring on or after the date that this revised Code is effective, regardless of when the prior revocations occurred; although such person may apply for a restricted license from a state under its laws.
 - (d) These periods correspond to the State's revocation periods and if amended by the State, these periods will automatically be amended without further revision to this Code.

(2) **BAC Underage (BAC in excess of 0.02)**

- (a) The hearing officer will revoke a person's Reservation driving privileges who is under the age of twenty-one for the following periods if he drove a motor vehicle with a BAC in excess of 0.02 when driving or within two hours after driving:
- (i) Three months for a first revocation on or after the date that this revised Code is effective; although such person may apply for a restricted license from a state under its laws;
 - (ii) Six months for a second revocation, regardless of when the first revocation occurred; although such person may apply for a restricted license from a state under its laws; and
 - (iii) One year for any third or subsequent revocation regardless of when the prior revocations occurred; although such person may apply for a restricted license from a state under its laws.

(3) **BAC Commercial Driver's License**

- (a) ***Revocation Periods for Commercial Drivers 21 and Older.*** The hearing officer will revoke a person's Reservation commercial driving privileges for the same disqualification periods provided in federal law, for drivers twenty-one years of age and older holding a commercial driver's license or driving a commercial motor vehicle if he had a BAC of 0.04 or more when driving or any time thereafter or a refusal.
- (b) ***Revocation Periods for Commercial Drivers Under 21.*** The hearing officer will revoke a person's Reservation commercial driving privileges, for the same periods as Excessive BAC Underage for a driver under twenty-one years of age holding a commercial driver's license or driving a commercial motor vehicle if he had a BAC in excess of 0.02 but less than 0.04 when driving or any time thereafter.
- (4) **Refusals.** The hearing officer will revoke a person's Reservation driving privileges for refusing to take, complete, or cooperate in completing a test of the person's blood, breath, saliva, or urine for the following periods:
- (a) One year for a first violation on or after the date that this revised Code is effective; although such person may apply for a restricted license from a state under its laws;

- (b) Two years for a second violation, regardless of when the first occurred; although such person may apply for a restricted license from a state under its law; and
- (c) Three years for any subsequent violations, regardless of when the prior ones occurred; although such person may apply for a restricted license from a state under its laws.

(5) **Multiple Restraints and Conditions on Driving Privileges**

- (a) ***Revocations Run Consecutively.*** A revocation imposed under this Article runs consecutively and not concurrently with any other revocation imposed under this Article or under State law, unless otherwise stated in this Article.
- (b) ***Revocations Run Concurrently with Suspensions Resulting from Convictions.*** If a person's Reservation driving privileges are revoked for BAC over 0.08 and the person is also convicted on criminal charges arising from the same occurrence for DUI, DWAI, or Aggravated DUI, both the revocation under this Article and any revocation or suspension resulting from the conviction will run concurrently, and the total period of revocation, suspension, cancellation, or denial will not exceed the longer of the two periods.
- (c) ***Revocations for Refusals Run Concurrently.*** If a person's Reservation driving privileges are revoked for refusing a drug or alcohol test and the person is also convicted on criminal charges arising out of the same occurrence for DUI, Aggravated DUI, DWAI, or BAC Underage, both the administrative revocation under this Article and any suspension, revocation, cancellation, or denial resulting from the criminal conviction will run concurrently. The total period of revocation, suspension, cancellation, or denial will not exceed the longer of the two periods.

- (6) **Restricted and Probationary Licenses.** A person whose Reservation driving privileges are revoked is eligible to seek a probationary or a restricted license from a state in accordance with its law and, if granted such a license, may again drive on the Reservation subject to the terms of that license.

14-5-105. Administration. The Administrative Appeals and Hearings Office (AAHO) administers this Article. The Director of the AAHO supervises hearing officers who have the authority to conduct hearings under this Article and the Administrative Appeals and Hearings Office Code ("Administrative Appeals Code"), to make findings, to issue orders affecting the Reservation driving privileges of persons

subject to the provisions of this Code, and to perform other functions as required by the AAHO to carry out the provisions of this Code and the Administrative Appeals Code.

14-5-106. Issuing Notices of Revocation and Temporary Permits by Peace Officers.

- (1) **Notices of Revocation.** Whenever a peace officer, having probable cause to arrest a person for DUI, DWAI, or Aggravated DUI, requests a person to take a chemical test as required by this Code and the person refuses to take, complete, or cooperate in completing it, the peace officer will serve or cause to be served a notice of revocation on the person. Whenever a peace officer having probable cause to arrest a person for DUI, DWAI, or Aggravated DUI, requests a person to take a chemical test as required by this Code and the results show an excessive BAC for an applicable offense the peace officer will serve or cause to be served a notice of revocation on the person.
- (2) **Service of Notice.** If the person and the test results are both available to the peace officer, the notice of revocation will be served personally. If the person is unavailable for personal service when the test results are available or if the person lives outside the boundaries of the Reservation, the notice of revocation will be sent certified mail by the AAHO to the person at the address shown on the driver's license and to any differing address provided in the peace officer's affidavit. The notice is deemed received seven calendar days after mailing.
- (3) **Content of Notice.** The notice of revocation must clearly specify the length of revocation, the reason and legal grounds for it, its effective date, the person's right to request a hearing, the procedure to request one, and the final date to request a hearing. The notice must also inform the person that if he drives on the Reservation while his driving privileges are revoked, he will be subject to additional criminal or civil penalties, or both, for driving under revocation.
- (4) **Seizing Colorado Licenses.** When the peace officer serves the notice of revocation and the person possesses a Colorado driver's license, the peace officer must seize it.
- (5) **Temporary Driving Permits Pending a Hearing Request.** When the peace officer serves the notice of revocation and he determines that the person possesses a valid driver's license, he will issue a temporary driving permit that will be valid for seven calendar days from the date issued, unless that person already has a temporary permit from another state or tribe.

14-5-107. Documentation. The peace officer will provide the AAHO copies of the revocation notice, temporary driving permit, driver's license, if any, an affidavit, and any other

relevant documents, photos, recordings, or other information to consider in determining whether to revoke a person's driving privileges. The AAHO will provide forms to law enforcement agencies for the notice of revocation, the temporary permit, the affidavit, and any other documents required. The affidavit must be dated, signed, and sworn to by the peace officer under penalty of perjury, but need not be notarized or sworn to by anyone else.

14-5-108. Request for Hearing.

- (1) **Time Frame for Request.** Any person who has been served with a notice of revocation may request a hearing in writing to the AAHO. 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 certified mail. If the AAHO does not receive the written request for a hearing within seven calendar days, the right to a hearing is waived, and the determination of the AAHO that is based on the documents and affidavit becomes final. If the seventh day falls on a Saturday, Sunday, holiday, or a day when the Tribe is closed for business, the period is extended to the next business day.
- (2) **Request Received After the Seven Day Period.** If a written request for a hearing is made after the seven-day period expires and if it is accompanied by the applicant's verified statement explaining the failure to make a timely request for a hearing, the AAHO or hearing officer will consider the request. If the AAHO or hearing officer finds that the person failed to timely request a hearing because he did not actually get notice, was physically incapacitated, or if necessary to avoid manifest injustice, the AAHO or hearing officer must reopen the matter and grant the hearing request. In such a case, the AAHO will not grant a stay of the revocation pending issuance of the final order following the hearing.

14-5-109. Temporary Permits Following a Hearing Request.

- (1) **Temporary Permits.** When requesting a hearing, if the record shows that the person holds a valid driver's license or driving permit from any state or tribe or that the person holds a temporary permit issued under this Article, the AAHO will issue a temporary permit that will be valid until the scheduled hearing date. If necessary, the AAHO may issue other temporary permits to stay the effective date of the revocation until a final order is issued following the hearing.

(2) **Temporary Permits for Delays.**

- (a) **Driver Delays.** If a delay in holding the hearing is caused by the driver or driver's counsel such that the hearing cannot be held within 30 days after the request is received, the AAHO may not issue a temporary driving permit beyond the 30th day following the hearing request.
- (b) **Tribal Delays.** If the delay in holding the hearing is caused by the reasonable unavailability of a peace officer or hearing officer, the AAHO will continue any temporary driving privileges held by the driver until the rescheduled hearing date.

- (3) **Copies to SUPD.** The AAHO will give the Southern Ute Police Department copies of any temporary permits that it issues to drivers.

14-5-110. When No Hearing Is Requested. If a written request for a hearing is not received by the AAHO within seven calendar days following service, or based on Section 14-5-108(2), the right to a hearing is deemed waived. The hearing officer will then determine whether to revoke the person's driving privileges based on the documents, affidavits, and other information submitted by the peace officer, and this determination is final and non-appealable. If the hearing officer revokes the person's Reservation driving privileges, the effective date of that revocation will be the eighth day following service of the revocation notice.

14-5-111. Service of Orders of Revocation and Rescission. When the AAHO revokes a person's Reservation driving privileges or rescinds the notice of revocation under the procedures in this Article, the AAHO or hearing officer will either personally serve the person with a revocation order or rescission at the conclusion of the hearing or serve that order by certified mail to the person at the address shown on their driver's license and to any other address provided in the peace officer's affidavit. The order will be deemed received seven calendar days after it is mailed. If the hearing officer rescinds the notice of revocation, the person's driver's license will be returned to him in the same manner as the order of rescission is served as provided in this Section.

14-5-112. Administrative Hearings.

(1) **Time.**

- (a) **Hearing Within 30 Days.** The hearing will be held as soon as possible, but not more than 30 calendar days after the day that the request for a hearing is received by the AAHO.

- (b) ***Rescheduling the Hearing Date After 30 Days.*** 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 AAHO.
- (2) **Notice.** The AAHO must provide a written notice with the date, time, and place of the hearing to the driver by personal service or by mail at least ten calendar days before any hearing, unless the parties agree to waive this ten-day requirement. If the person notifies the AAHO in writing at the time that the hearing is requested that the person desires the law enforcement officer's presence at the hearing, the AAHO must issue a written notice for the law enforcement officer to appear at the hearing. The notice must also advise the driver of the following rights:
- (a) ***Subpoena Witnesses.*** The driver may request that the AAHO issue subpoenas to compel witnesses to appear at the hearing, which must be served at least five calendar days before the hearing;
 - (b) ***Hearing Officer May Admit Peace Officer's Documents When Not Required to Appear.*** If the peace officer is not required to appear at the hearing, the documents and an affidavit prepared and submitted by the peace officer will be considered by the hearing officer to admit them into evidence at the hearing; and
 - (c) ***Review Peace Officer's Documents Before Hearing.*** Upon request, the driver may get copies of the affidavit, documents, and other evidence submitted by the peace officer. The AAHO will provide this information within five business days of the request for the information by the driver.
- (3) **Presence at Hearing.**
- (a) ***Notice to Peace Officer.*** The AAHO must provide notice to the peace officer with the date, place, and time of the hearing, unless the peace officer is no longer employed by the Tribe, in which case the AAHO will only be required to make reasonable efforts to ascertain contact information and provide notice.
 - (b) ***Driver Waives Right to Hearing for Failing to Show.*** If the driver fails to appear at the hearing without good cause or if both the driver and the peace officer fail to appear without good cause, the right to a hearing is waived. The hearing officer will then determine whether to revoke the person's driving privileges based on the documents, affidavit, and any

other information submitted by the peace officer. This determination is final and non-appealable.

- (c) ***Rescheduling Hearing after Failure to Appear.*** If good cause exists for the peace officer's or driver's failure to appear, the hearing officer may reset the hearing upon request of the peace officer or driver to the next available date.
- (4) **Hearing Recorded.** The AAHO will record the hearing.
- (5) **Records.** Records made under this Article, except those relating to minors, are kept by the AAHO and open to public inspection during regular business hours under reasonable rules as the AAHO prescribes.

14-5-113. Hearing Procedures.

- (1) **Evidence.** The hearing officer will 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 AAHO. The report of a peace officer does not need to be made under oath, but it must identify the peace officer making the report. The hearing officer may consider evidence contained in affidavits from witnesses, if the affidavits include the affiant's home or work address, phone number, and they 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.
 - (a) ***Time of Alcohol Consumption and Burden of Proof.*** When BAC is considered at a hearing:
 - (i) If the driver establishes by a preponderance of the evidence that he consumed alcohol between the time that he stopped driving and the time of testing, to support a revocation the preponderance of the evidence must also show that the driver's blood alcohol exceeded the legal limit from alcohol consumed before he stopped driving; and
 - (ii) If the driver offers evidence that shows a disparity between the results of the analysis done for law enforcement and the results of an analysis done for the driver, and a preponderance of the evidence establishes that it was properly conducted by a qualified person associated with a laboratory certified by the Department of Health using properly working testing devices, the hearing officer will presume that the analysis done for law enforcement is accurate, if it shows the BAC to be 0.096 or more. If the driver offers evidence of blood analysis, he must state under oath the number of analyses done in addition to the

one offered as evidence and the names of the laboratories that performed them and their results.

- (2) **Hearing Officer's Authority at Hearing.** The hearing officer may do the following:
- (a) administer oaths and affirmations;
 - (b) consider documents and affidavits submitted by peace officers;
 - (c) consider other peace officer reports submitted to the AAHO, which reports need not be under oath but must identify the peace officers making the reports;
 - (d) examine and consider documents and copies of documents containing relevant evidence;
 - (e) consider other affidavits that are dated, signed, and sworn to by the affiant under penalty of perjury, which need not be notarized or sworn to before any other person but must contain the affiant's home or work address and phone number;
 - (f) take judicial notice of the following: general, technical, or scientific facts within the hearing officer's knowledge, appropriate and reliable scientific and medical information contained in studies, articles, books, and treatises, and 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;
 - (g) compel witnesses to testify or produce books, records, or other evidence;
 - (h) examine witnesses and take testimony;
 - (i) receive and consider any relevant evidence necessary to properly perform the hearing officer's duties as required by this Article;
 - (j) issue subpoenas to produce books, documents, records, or other evidence;
 - (k) issue subpoenas for the attendance of witnesses;
 - (l) take depositions or cause them or interrogatories to be taken;
 - (m) regulate the course and conduct of the hearing;
 - (n) decide pre-hearing motions;
 - (o) decide evidentiary issues; and
 - (p) rule on the issues.

14-5-114. Determination at Hearing.

- (1) **Basis for Determination.** If a hearing is held under this Article, the hearing officer will review the matter and rule on the basis of the documents and affidavit(s) submitted to the AAHO by the peace officer, the testimony of witnesses, and any other competent evidence submitted by the parties.

- (2) **Revocation for Excessive Blood Alcohol Determinations.** Where a notice of revocation has been served based upon excessive blood alcohol levels, 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, is whether, by a preponderance of the evidence, the person drove a motor vehicle on the Reservation with a BAC of 0.08 or more, as shown by analysis of the person's blood, breath, saliva, or urine, while driving or within two hours after driving. This level corresponds to the State's level and, if amended by the State, this level will be automatically amended without later further revision to this Code. If the hearing officer finds in the affirmative on the issue, he will issue an order sustaining the notice of revocation and ordering revocation. If the hearing officer finds in the negative on the issue, he will issue an order rescinding any notice of revocation previously served.
- (3) **Refusal Determinations.** Where a notice of revocation has been served for refusing to take, complete, or cooperate in completing any chemical testing, 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, is whether, by a preponderance of the evidence, the person refused to take, complete, or cooperate in completing any test of blood, breath, saliva, or urine as required by this Article.

14-5-115. Final Order Following Hearing. Within seven calendar days of the hearing, the hearing officer will issue a written order and the AAHO must serve copies on the driver, the peace officer, and the Southern Ute Police Department. The order must state the hearing officer's findings of fact, conclusions of law, the period of revocation, if any, and the right to judicial review.

14-5-116. Judicial Review of Hearing Officer Determinations.

- (1) **Time.** Following a hearing, either party may file a petition for judicial review in Tribal Court within 30 days of the date of the hearing officer's decision.
- (2) **Scope of Judicial Review.** The review will be on the record without taking more evidence. 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 ruling unsupported by the evidence in the record, the Tribal Court must reverse the hearing officer's decision. Otherwise, the Tribal Court must affirm the hearing officer's decision.
- (3) **Stay of Revocation Order.** Filing a petition for judicial review will not automatically stay the final order of the hearing officer. The Tribal Court may

grant a stay of the order only upon a motion and hearing and after finding a reasonable probability that the moving party will prevail upon the merits and 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.

14-5-117. Forwarding Driver's Licenses and Orders to the State.

- (1) **State Recognition of Tribal Revocations.** The AAHO shall forward the driver's Colorado driver's license, if obtained, and a certified copy of any order of revocation to the State of Colorado, without delay, and ask that such order be recognized by the State in accordance with Colorado law and the Intergovernmental Agreement Concerning Revocation of Drivers' Licenses between the Southern Ute Indian Tribe and the State of Colorado. Upon the State recognizing an order, the State will treat drivers subject to that order the same as other similarly situated drivers whose driving privileges have been revoked by the State, including without limitation, ensuring equal eligibility to seek probationary or restricted licenses from the State.
- (2) **State Recognition of Tribal Court and Appellate Court Orders.** The AAHO 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 and request that such Tribal Court order be recognized by the State, in accordance with Colorado law and the Intergovernmental Agreement Concerning Revocation of Drivers' Licenses between the Southern Ute Indian Tribe and the State of Colorado.

14-5-118. Restricted and Probationary Licenses Granted by a State.

- (1) **Applying for Restricted or Probationary Licenses.** Drivers may apply for a restricted or probationary license to the state that issued their driver's licenses, in accordance with that state's law and procedure.
- (2) **Driving with a Restricted or Probationary License.** A person under a Tribal revocation may drive on the Reservation under the terms and conditions of a restricted or probationary license granted by the State.

14-5-119. Notice of Completion of the Period of Revocation.

- (1) **Completion of Revocation.** When a person whose license is revoked has completed the period of Tribal revocation, the AAHO shall provide the person

and the State with written notice of completion and the right to seek reinstatement of his driving privileges from the State.

- (2) **Reinstatement of State Driving Privileges.** Upon completing the revocation period, the person may seek reinstatement of State driving privileges in accordance with State law.

ARTICLE 6. OTHER CRIMINAL TRAFFIC OFFENSES

14-6-101. Vehicular Assault

- (1) It is unlawful to cause serious bodily injury to another by operating a motor vehicle in a reckless manner or by driving under the influence of alcohol or drugs, or both.
- (2) Any person who violates this Section commits a criminal traffic offense.

14-6-102. Vehicular Homicide

- (1) It is unlawful to cause the death of another person by operating a motor vehicle in a reckless manner or while driving under the influence of alcohol or drugs, or both.
- (2) Any person who violates this Section commits a criminal traffic offense.

14-6-103. Reckless Driving

- (1) It is unlawful to drive a motor vehicle anywhere on the Reservation in a manner that indicates a wanton or a willful disregard for the safety of persons or property.
- (2) Any person who violates this Section commits a criminal traffic offense.

14-6-104. Careless Driving

- (1) It is unlawful to drive a motor vehicle anywhere on the Reservation in a careless or imprudent manner without due regard for the width, grade, curves, corners, traffic, highway use, or for other attendant circumstances.
- (2) Any person who violates this Section commits a criminal traffic offense.

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

- (1) It is unlawful to drive a motor vehicle anywhere on the Reservation in a careless or imprudent manner without due regard for the width, grade, curves, corners,

traffic, highway use, or for other attendant circumstances and such careless driving causes the death of or serious bodily injury to another person.

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

14-6-106. Eluding

- (1) It is unlawful to receive a visual or audible signal, such as a red light or a siren, from a peace officer driving a vehicle, and willfully increase his speed, extinguish his lights, or otherwise willfully 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) It is unlawful to meet or overtake a stopped school bus from any direction. A driver must stop his motor vehicle before reaching the school bus if it has activated its visual signal lights, as specified in Section 14-10-107, and may not proceed until the visual signal lights are deactivated.
- (2) The driver of a motor vehicle on a divided highway need not stop for a school bus that is on the opposite lane of a divided or different roadway.
- (3) Any person who violates this Section commits a criminal traffic offense.

14-6-108. Impeding Fire Response Vehicles

- (1) It is unlawful to follow any fire response vehicle making audible or visual signals closer than five hundred feet or to drive into or park a motor vehicle within the block where the fire response vehicle has stopped to respond to a fire.
- (2) It is unlawful for an unauthorized motor vehicle to drive 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

- (1) It is unlawful to intentionally or negligently throw, drop, shoot, or otherwise propel any object at a motor vehicle that 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) It is unlawful to drive a motor vehicle on the Reservation, unless such person has a valid driver's license or permit that covers the class of motor vehicle he is driving.
- (2) A driver's license or permit must be displayed by the driver when the peace officer demands or requests it.
- (3) Any person who violates Subsection (1) commits a criminal traffic offense.
- (4) Any person who violates Subsection (2) commits a civil traffic infraction.

14-7-102. Operating a Motor Vehicle in Violation of License Restrictions.

- (1) It is unlawful to operate a motor vehicle in violation of a restricted license's specified restrictions or limitations.
- (2) 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. Mandatory and Voluntary Restricted Licenses for Alcohol Related Offenses.

- (1) It is unlawful to operate a motor vehicle in violation of a restricted license's specified restrictions or limitations to use an ignition interlock device, including circumventing or attempting to circumvent those restrictions or limitations.
- (2) 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.

14-7-104. Unlawful Use of License.

- (1) It is unlawful for any person to:
 - (a) Display or cause or permit to be displayed or possess any fictitious or fraudulently altered driver's license;
 - (b) Lend his driver's license to any other person or knowingly permit its use by another;

- (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 that 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.

14-7-105. Unlawful Use of Motor Vehicle by Unlicensed Driver.

- (1) No person may knowingly permit a motor vehicle owned by him or under his hire or control to be driven within the Reservation by an unlicensed driver.
- (2) Any person who violates this Section commits a civil traffic infraction.

14-7-106. Driving Under Cancellation, Suspension, Revocation, or Denial.

- (1) It is unlawful to drive any motor vehicle within the Reservation with notice that:
 - (a) His license is canceled, suspended, revoked, or denied; or
 - (b) His privilege to drive on the Reservation is cancelled, suspended, revoked, or denied.
- (2) Proof of cancellation, suspension, revocation, or denial may be made by submitting a certified copy of the 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 of it mailed to the last address of the driver on record with the Colorado Department of Revenue, Motor Vehicle Division, and a copy of the notice so mailed by certified mail to his last address of record;
 - (b) By delivering the notice to the driver's last address of record; or
 - (c) By personally serving the driver.

- (4) It is sufficient to prove that notice was mailed with sufficient postage by first class mail addressed to the driver's last address of record.
- (5) Any person who violates Section (1) commits a criminal traffic offense.

14-7-107. Driving with a Fictitious, Fraudulently Obtained or Fraudulently Altered License.

- (1) It is unlawful to drive a motor vehicle within the Reservation with a fictitious license or one fraudulently obtained or altered.
- (2) Any person who violates this Section commits a criminal traffic offense.

14-7-108. License Plates Required.

- (1) Any license plate(s) required to be visible on a motor vehicle, motorcycle, trailer, semi-trailer, any other motor vehicle drawn by a motor vehicle, or any item of mobile machinery or self-propelled construction equipment must be securely fastened to the motor vehicle to which it is assigned in a clearly visible and legible place and position.
- (2) Any person who violates this Section commits a civil traffic infraction.

14-7-109. Unregistered Motor Vehicles.

- (1) It is unlawful for any person to:
 - (a) Operate or knowingly permit someone to operate an unregistered motor vehicle subject to registration within the Reservation;
 - (b) Operate or knowingly permit someone to operate a motor vehicle without attaching and displaying the number plate or plates assigned for the current registration year;
 - (c) Display, cause or permit someone to display, or possess a certificate of title or license plate, knowing it to be fictitious or to have been canceled, revoked, suspended, or altered; or
 - (d) Knowingly permit someone to illegally use a 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) Bicycle riders on a highway where bicycling is permitted possess all the rights, duties, and penalties applicable to drivers of motor vehicles, except those in Article 4 of this Code.
- (2) Bicycle riders must also comply with the following:
 - (a) Ride on or astride a regular seat attached to a bicycle;
 - (b) Carry only the number of persons that the bicycle is designed and equipped for;
 - (c) Ride as close to the right side of the highway as possible and exercise due care when passing a standing motor vehicle or one proceeding in the same direction;
 - (d) Ride on a highway no more than two abreast, except on highways exclusively for bicycles; and
 - (e) Use a path next to a roadway when one exists.
- (3) No person riding upon any bicycle may attach the bicycle or himself to any motor vehicle upon a roadway.
- (4) 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) A person may ride a horse or lead an animal only during the daytime on the shoulder or the portion of a roadway that motor vehicles normally do not use.
- (2) Any person who violates this Section commits a civil traffic infraction.

14-8-103. Snowmobile Operation

- (1) A person may operate a snowmobile on roadways only under the following conditions:
 - (a) To cross a bridge or culvert on a highway;

- (b) During lawfully conducted snowmobile events;
 - (c) During emergency conditions declared by proper authority;
 - (d) On roadways which are not maintained for winter motor vehicle traffic; or
 - (e) Authorized employees or individuals for emergency or job related purposes.
- (2) A snowmobile operator may cross a highway only as follows:
- (a) After completely stopping before crossing; and
 - (b) After yielding the right-of-way to all motor vehicle traffic that constitutes an immediate hazard to crossing.
- (3) No person may operate a snowmobile at a rate of speed greater than reasonable or prudent under all attendant circumstances.
- (4) It is unlawful to 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 Subsections (1), (2), or (3) commits a civil traffic infraction. Any person who violates Subsection 4 commits a criminal traffic offense.

14-8-104. Off-Highway Vehicle Operation

- (1) A person may operate an off-highway vehicle on the Reservation only under the following conditions:
- (a) On designated or marked roads and trails that Tribal Council may designate by resolution;
 - (b) For use on a rural assignment, allotment, or private land; or
 - (c) To cross a bridge or culvert on a highway, but only in accordance with the provisions of Section 14-7-103(2) of this Code, or as may later be amended.
- (2) A person may also operate an off-highway vehicle on the Reservation for the following purposes:

- (a) For agricultural or ranching purposes;
 - (b) For participation in lawfully conducted off-highway vehicle events;
 - (c) For emergencies declared by proper authority;
 - (d) For tribal or federal governmental job-related purposes;
 - (e) For hunting purposes if designated in the Wildlife Code; or
 - (f) For access by individuals authorized by a tribal crossing permit or otherwise.
- (3) No person may operate an off-highway vehicle at a rate of speed greater than reasonable or prudent under all attendant circumstances.
- (4) It is unlawful to 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 any injury or damages, including but not limited to damage to tribal natural resources.
- (5) Off-highway vehicle drivers must comply with the applicable requirements in Article 3, Alcohol and Drug Driving Offenses; Article 4, Driving Privilege Revocations; Article 5, Other Criminal Traffic Offenses; Article 9, Equipment and Signage; Article 10, Yielding Right-of-Way; Article 13, Speed Regulations; Article 16, Miscellaneous Provisions; Article 17, Breakdowns and Accidents; and Article 19, Penalties of this Code.
- (6) Any person who violates Subsection 1, 2, or 3 commits a civil traffic infraction. Any person who violates Subsection 4 or commits a criminal traffic offense.

14-8-105. Seizure/Civil Forfeiture of Snowmobiles and Off-Highway Vehicles.

- (1) In addition to the civil penalty, willful, knowing, or repeat violations of this Article may be punishable by confiscation and forfeiture of the snowmobile or off-highway vehicle used in the violation. A peace officer may seize any snowmobile or off-highway vehicle used in the violation and give the person from whom the snowmobile or off-highway vehicle was taken a receipt.
- (2) When any person willfully, knowingly, or repeatedly violates this Article, the Tribal Court may order, at a hearing, among other penalties, the forfeiture to the Tribe of the seized snowmobile or off-highway vehicle. If the offender does not own the seized snowmobile or off-highway vehicle, the Tribal Court may order

a preliminary forfeiture, order notice be given to the owner, and provide an opportunity for a hearing before ordering forfeiture to the Tribe.

- (3) At a forfeiture hearing, the initial burden of proof is on the Tribe to prove that the violation was willful, knowing, or repeated. If the owner claims he did not participate in or have knowledge of the violation in order to avoid a forfeiture, the burden of proof then shifts to the owner to prove that he did not participate in, or have knowledge of, or consent to the unlawful use of the seized snowmobile or off-highway vehicle.

ARTICLE 9. PEDESTRIANS

14-9-101. Walking Along and Upon Highways

- (1) Pedestrians walking along highways where sidewalks are not provided must 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 exists, a pedestrian walking along a highway must walk as near as possible to an outside edge of the roadway.
- (3) Any person who violates this Section commits a civil traffic infraction.

14-9-102. Pedestrians in Roadway

- (1) Any person under the influence of alcohol or any drug may not walk or be on a highway.
- (2) No pedestrian may leave a curb or other safe place and walk or run in the path of a motor vehicle that is so close as to constitute an immediate hazard.
- (3) Any person who violates this Section commits a civil traffic infraction.

ARTICLE 10. EQUIPMENT & SIGNAGE

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

- (1) No person may drive or permit another to drive a motor vehicle in an unsafe condition so as to endanger any person or a motor vehicle or without the required equipment in proper condition and adjustment as required by Colorado law.
- (2) The requirements in this Section do not apply to implements of husbandry or farm tractors, except as made applicable by this Code.

- (3) Any person who violates 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 the Reservation or in an area open to the public is unsafe, is not equipped as required by law, or has equipment with improper adjustment or repair, a peace officer may require the driver to stop and may inspect the motor vehicle and subject its equipment to appropriate tests.
- (2) If the motor vehicle is found to be unsafe, is without the required equipment, or is not in proper repair and adjustment, the peace officer may require the driver by written notice to place the motor vehicle in safe condition or place equipment in proper repair and adjustment.
- (3) If a motor vehicle, in the reasonable judgment of the peace officer, is in a hazardous condition to operate, he may require that it 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 and Taillights Use and Operation

- (1) **Headlights.** For safe travel, motor vehicles must use lighted headlights and illuminating devices on a highway between sunset and sunrise and any other time during insufficient light or unfavorable atmospheric conditions when persons and motor vehicles on the highway are not clearly discernible at 1000 feet ahead.
- (2) **Headlight Illumination.** Motor vehicle headlights must distribute light high enough and with sufficient intensity to see persons and motor vehicles at a safe distance in advance of the motor vehicle, subject to the following requirements and limitations:
 - (a) Use the lowest distribution of light when approaching oncoming motor vehicles within 500 feet.
 - (b) Use the lowest distribution of light when following a motor vehicle within 200 feet.
- (3) **Tail Lights.** Every motor vehicle, trailer, and other vehicles being pulled must be equipped with at least one tail lamp mounted on the rear, which, when lighted emits a red light plainly visible from 500 feet to the rear; but, in the case of a train of vehicles, only the tail light on the rearmost vehicle need actually be seen from the distance specified. Furthermore, every such vehicle,

other than a truck tractor, must be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable.

- (4) **Tail Light Location and Use.** Tail lights must be located at a height not more than 72 inches nor less than 20 inches. Tail lights, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.
- (5) **License Plate Light.** Either a tail lamp or a separate lamp must be constructed and placed to illuminate with a white light the rear registration plate and render it clearly legible 50 feet to the rear.
- (6) Any person who violates this Section commits a civil traffic infraction.

14-10-104. Windows – Unobstructed View.

- (1) No person may drive a motor vehicle with a sign, poster, or other nontransparent material on the required glass equipment that obstructs the driver's view, except a certificate or other paper legally required to be displayed.
- (2) No person may drive a motor vehicle registered in Colorado with an opaque, semi-opaque, non-transparent, metallic, or mirrored tint or shading material on the required glass equipment that allows less than 27% light transmittance or that does not conform to the legal standards. The windshield must allow 70% light transmittance and must otherwise conform to the legal standards.
- (3) A driver's vision through the required glass equipment must be 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) Drivers and front-seat passengers must wear a fastened safety belt while the motor vehicle is operated on the Reservation.
- (2) The requirement of Subsection (1) of this Section does not apply to:
 - (a) A child required by State law 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 and not required by federal law to have 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 agricultural operations.
- (3) Law enforcement may stop a driver or passenger in a motor vehicle for violating Subsection (1).
 - (4) Any person who violates this Section commits a civil traffic infraction.

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

- (1) Drivers transporting a child on the Reservation in a privately owned noncommercial-passenger motor vehicle must properly fasten him in a child-restraint system suitable for his age and size, according to the manufacturer's instructions and Colorado law.
- (2) The requirements of this Section do not apply to a child transported in a motor vehicle for a medical emergency.
- (3) Law enforcement may stop a driver in a motor vehicle for violating Subsection (1).
- (4) Any person who violates this Section commits a civil traffic infraction.

14-10-107. Transporting Explosive and Hazardous Cargo

- (1) When transporting any explosive or hazardous material as cargo on a highway, drivers must mark or placard the motor vehicle in compliance with federal regulations and have 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) When operating machinery, equipment, or motor vehicles that are normally operated slower than 25 miles per hour on a highway, drivers must display a triangular slow-moving motor vehicle emblem on the rear and 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) School bus operators or owners must ensure that a school bus has the following:
 - (a) Plainly visible on the front and rear, the words "SCHOOL BUS" in eight inch lettering;
 - (b) Four alternate-flashing red signal lights, two in the front and two in the rear; and
 - (c) A stop-signal arm mounted alongside the driver and below the window.
- (2) The requirements of this Section do not apply to small passenger-type motor vehicles that seat up to fifteen passengers.
- (3) Any person who violates 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 must 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, or as may be later amended.
- (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 must yield the right-of-way to any motor vehicle approaching from the opposite direction that is within the intersection or so close to it 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) Unless directed to proceed by a peace officer, motor vehicles approaching a stop sign or light must stop at a clearly marked stop line.
- (2) If no stop line exists, then a driver must 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 can view approaching traffic on the intersecting roadway before entering it.
- (3) After stopping, the driver must yield the right-of-way to a motor vehicle in the intersection or one approaching on another roadway so closely as to constitute an immediate hazard when the driver moves across or within the intersection or junction of roadways.
- (4) Any person who violates this Section commits a civil traffic infraction.

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

- (1) The driver of a motor vehicle approaching a yield sign must 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 must yield the right-of-way to a motor vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard when the driver moves across or within the intersection or junction of roadways.
- (3) Any person who violates 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 must 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 immediately approaching an authorized emergency vehicle using audible or visual signals, drivers must yield the right-of-way and where possible must immediately clear the farthest left-hand lane lawfully available to through

traffic and must 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 must stop and remain there until the authorized emergency vehicle passes, except when otherwise directed by a peace officer.

- (2) Any person who violates 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 motor 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.*** With due care and caution, yielding 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 weather, road conditions, or vehicles or pedestrians prevent moving to an adjacent moving lane, the approaching motor vehicle must proceed according to other roadways.
- (b) ***Other Roadways.*** Reduce and maintain a safe speed with regard to the location of the stationary vehicle(s), weather conditions, road conditions, and vehicles or pedestrians 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 must yield the right-of-way to any motor vehicle or pedestrian working in a highway construction or maintenance work area or any motor vehicle flashing required lights working on a highway.
- (2) A driver in a motor vehicle who approaches or passes a maintenance, repair, or construction vehicle that is moving 20 miles per hour or less must proceed with due care and caution and as follows:
 - (a) ***Four-Lane Highway.*** On a four-lane highway, drivers approaching or passing vehicles must proceed with due care and caution and yield the

right-of-way by moving at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If weather, road conditions, vehicles, or pedestrians prevent moving to an adjacent moving lane, the approaching motor vehicle must proceed according to other roadways.

- (b) **Other Roadways.** Drivers must reduce and maintain a safe speed with regard to the approaching vehicles, weather conditions, road conditions, and vehicle 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 civil traffic infraction.

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

- (1) The driver of a motor vehicle must 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 on 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.
- (2) When a motor vehicle stops at a crosswalk, including unmarked crosswalks at an intersection so a pedestrian may cross the roadway, drivers behind the stopped motor vehicle must also stop.
- (3) Despite any provisions of this Article, drivers must exercise due care to not hit pedestrians and must exercise proper precaution when a child or a confused or incapacitated person is on a roadway.
- (4) Any person who violates this Section commits a civil traffic infraction.

ARTICLE 12. TURNING, STOPPING, AND BACKING

14-12-101. Unlawful Turning

- (1) Drivers turning must observe the following:
 - (a) For right turns, make the approach and turn as close as practicable to the right-hand curb or edge of the roadway;
 - (b) For left turns, approach the turn in the lawfully available left-hand lane; and
 - (c) Where a special left turn lane exists by official traffic control devices or markings, make a left turn only from that lane and drive in it only when

preparing for or making a left turn or when preparing for or making a U-turn when permitted.

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

14-12-102. Unlawful U-Turns

- (1) To avoid interfering with or endangering approaching traffic, motor vehicles may not turn to go in the opposite direction on a curve or when approaching or nearing the crest of a grade where the motor vehicle cannot be seen by motor vehicles approaching from either direction.
- (2) Motor vehicles may not turn to go in the opposite direction unless turning can be done safely and without interfering with or endangering other traffic.
- (3) Drivers must obey signs that prohibit U-turns.
- (4) Any person who violates this Section commits a civil traffic infraction.

14-12-103. Turn Signals

- (1) When turning a motor vehicle at an intersection, to enter a private driveway, from a direct course, or to change lanes on a roadway, drivers must be sure it can be done with reasonable safety and then only after appropriately signaling.
- (2) Where the posted speed limit is more than 40 miles per hour, drivers must signal to turn at least 200 feet before turning.
- (3) Any person who violates this Section commits a civil traffic infraction.

14-12-104. Limitations on Backing

- (1) Drivers 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) Drivers must drive motor vehicles on the right half of the road, except as follows:
 - (a) When passing another motor vehicle going the same direction;

- (b) When an obstruction requires driving on the left of the road, and drivers who do must yield the right-of-way to approaching traffic within a distance that constitutes an immediate hazard;
 - (c) When on a three-lane road under the applicable rules; or
 - (d) When on a one-way road.
- (2) On all roads, motor vehicles going less than the speed of traffic must drive in the right-hand lane or as close as possible to the right-hand curb or road edge, except when passing another motor vehicle going in the same direction or when preparing for a left turn.
- (3) Any person who violates this Section commits a civil traffic infraction.

14-13-102. Passing on the Left

- (1) When passing a motor vehicle going in the same direction, drivers must pass on the left at a safe speed and distance and return to the right side of the road when safely clear of the passed motor vehicle.
- (2) Except when passing to the right is permitted, a driver passed by a motor vehicle must allow the passing motor vehicle to do so and not speed up until completely passed.
- (3) Drivers may pass motor vehicles going in the same direction only when the left lane is clearly visible and free of oncoming traffic for a sufficient distance to complete passing without interfering with the operation of approaching or overtaken motor vehicles.
- (4) Passing motor vehicles must return to an authorized travel lane as soon as possible and before coming within 200 feet of an approaching motor vehicle, if passing involves using a lane for oncoming traffic.
- (5) Motor vehicles may not pass on the left under the following conditions:
- (a) Where no-passing signs or markings are in place for a no-passing zone;
 - (b) When approaching or on the crest of a grade or a curve in the highway where the driver's view is obstructed within a distance that would create a hazard if another motor vehicle approached from the opposite direction; or

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

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

14-13-103. Passing on the Right

(1) Drivers may pass motor vehicles on the right only under the following conditions:

(a) When a motor vehicle signals turning left where conditions permit passing safely without driving off the pavement or main traveled part of the road;

(b) When a highway has unobstructed pavement and has two or more lanes marked for moving motor vehicles in the same direction; or

(c) When on a highway where traffic is restricted to move in one direction, the road is unobstructed, and has two or more lanes marked for moving motor vehicles.

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

14-13-104. Passing Bicycles

(1) When passing a bicycle going in the same direction, drivers of motor vehicles must exercise due care by leaving at least 3 feet 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.

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

(1) On a road restricted to one-way traffic, drivers must drive in the direction designated.

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

14-13-106. Following Too Closely

(1) Motor vehicles may follow another only as close as reasonable and prudent, having due regard for the traffic speed and the road condition.

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

ARTICLE 14. SPEED REGULATIONS

14-14-101. Speeding

- (1) Drivers must drive no more than the posted speed limit.
 - (a) Any person who violates this Subsection by driving 1 – 24 miles per hour over the posted speed commits a civil traffic infraction.
 - (b) It is unlawful to drive 25 miles per hour or more over the speed limit. Any person who violates this Subsection commits a criminal traffic offense.
 - (c) Any person who violates this Section in a school zone or work zone must pay a double fine amount based on the respective speed over the speed limit. Any person who violates this Subsection commits a civil traffic infraction.
 - (d) A school zone or work zone is an area designated as such and has appropriate signs posted indicating that the penalties will be doubled.
- (2) Drivers must drive on a highway at a reasonable and prudent speed under the existing conditions.
 - (a) Driving less than the posted speed limit does not relieve drivers of the duty to slow down more when a special hazard exists to pedestrians, bicycles, livestock, other traffic, or because of weather or highway conditions.
 - (b) Any person who violates this Subsection 2(a) commits a civil traffic infraction.

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

- (1) Drivers on a highway may not drive at a speed that impedes or blocks the reasonable traffic flow, except when a slower speed is necessary to safely operate the motor vehicle or comply with law.
- (2) If a driver must drive at a speed that impedes or blocks the reasonable traffic flow, then the driver must drive in the right-hand lane for traffic, on the far right side of the road, or pull off the road at the first available place until all impeded traffic passes.
- (3) Any person who violates this Section commits a civil traffic infraction.

14-14-103. Speed Contests

- (1) It is unlawful to personally engage in or aid or abet another in a drag race or a speed, acceleration contest, or exhibit.
- (2) It is unlawful to obstruct, barricade, or assist another in doing so, on a highway for a drag race or speed or acceleration contest.
- (3) Any person who violates this Section commits a criminal traffic offense.

14-14-104. Roads with Unposted Speed Limits.

- (1) On roads where the speed limit is not posted, the speed limit is 25 miles per hour for residential roads and 35 miles per hour for rural roads.
- (2) Any person who violates this Section commits a civil traffic infraction.

ARTICLE 15. STANDING OR PARKING

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

- (1) Motor vehicles that are stopped, standing, or parked may move only with reasonable safety.
- (2) Any person who violates this Section commits a civil traffic infraction.

14-15-102. Parking or Standing on Roadways

- (1) Motor vehicles, either attended or not, must be only parked or left standing off the road or in authorized parts of the highway.
- (2) This Section does not apply to disabled drivers, if it is impossible to avoid stopping and temporarily leaving the motor vehicle in such position, so long as disabled drivers allow traffic to pass and do not block the road.
- (3) Any person who violates this Section commits a civil traffic infraction.

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

- (1) Motor vehicles may not stop, park, or be left standing, 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 road side of a motor vehicle stopped or parked at the edge of a curb or street;
 - (e) On a bridge or other elevated structure on a highway or within a highway tunnel;
 - (f) In divided-highway median, including crossovers; or
 - (g) Anywhere official signs prohibit parking, stopping, or standing vehicles.
- (2) Except as otherwise designated and where permitted, motor vehicles, except motorcycles, stopped or parked on a two-way highway must do so with the right-hand wheels parallel to and within twelve inches of the right-hand curb. When parked on a one-way highway, motor vehicles must be parallel to and as close as possible to the curb.
- (3) Drivers must adequately secure motor vehicles to prevent them from rolling.
- (4) Any person who violates this Section commits a civil traffic infraction.

14-15-104. Abandoned Motor Vehicle

- (1) No person may abandon a motor vehicle on a highway right-of-way or on private property without the property owner's consent.
- (2) Motor vehicles left unattended on a highway right-of-way for 24 hours are presumed abandoned, unless the owner or operator conspicuously affixes information of the intent to return or the owner or operator notifies law enforcement of the intent to move it.
- (3) Motor vehicles left anywhere else than highway rights-of-way longer than 72 hours are presumed abandoned, unless the property owner consents.
- (4) Any person who violates this Section commits a civil traffic infraction.

14-15-105. Removing Motor Vehicles

- (1) When a peace officer finds a motor vehicle on the highway right-of-way that obstructs traffic or highway maintenance, the peace officer may have it removed without liability for any damage in its removal.
- (2) When a peace officer reasonably believes that a motor vehicle has been abandoned, after making a good faith effort to contact the owner or operator, the peace officer may have it removed and impounded.
- (3) An owner or his authorized agent may reclaim a motor vehicle removed under this Section after paying the towing, storage, and any other expenses.
- (4) If a motor vehicle is not reclaimed within 30 days, the Southern Ute Police Department may have them appraised and sold. To proceed with a sale, the Southern Ute Police Department must send notice to interested parties by personal service, certified mail, or publication. After the sale, the proceeds must first pay the removal and storage fees, then any amount due to a lien holder, and the Southern Ute Police Department may keep any remainder.

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

- (1) Except as otherwise provided in this Code, only drivers transporting a disabled person and displaying a valid removable windshield placard or special license plate registered to that vehicle authorizing it to use specially designated parking spaces may stop, park, or leave a motor vehicle in a designated handicapped parking space.
- (2) A person without a placard or special plates who is chauffeuring someone physically disabled may park momentarily in a handicapped parking place to load or unload him.
- (3) Any person who violates this Section commits a civil traffic infraction.

14-15-107. Opening Motor Vehicle Doors

- (1) Motor vehicle doors facing moving traffic may be opened only when reasonably safe to do so and with no interference of moving traffic.
- (2) Open motor vehicle doors facing moving traffic may be opened only for the time necessary to load or unload passengers or cargo.
- (3) Any person who violates this Section commits a civil traffic infraction.

14-15-108. Tribal Elder Parking

- (1) **Marked Spaces.** Parking spaces reserved for tribal elders are marked with an official sign for such use.
- (2) **Authorized Users.** Only the following may use tribal elder parking:
 - (a) Tribal elders; or
 - (b) Someone parking for the direct benefit of a tribal elder to enter or exit the vehicle.
- (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 this Section commits a civil traffic infraction.

ARTICLE 16. MOTORCYCLES AND OFF-HIGHWAY VEHICLES

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

- (1) Motorcycle and off-highway vehicle drivers have all the rights and duties that apply to motor vehicle and off-highway vehicle drivers under this Code, except for special regulations in this Article and those provisions of this Code that do not apply.
- (2) Motorcycle and off-highway vehicle riders must comply with the following:
 - (a) Sit astride the seat, facing forward, with one leg on either side of the motorcycle;
 - (b) Carry another person only when the motorcycle is designed to do so, in which event a passenger may ride on the permanent seat or on a seat firmly attached to the motorcycle at the rear or side;
 - (c) Keep both hands on the handlebars; and
 - (d) Ride in a position that will not interfere with the operation or control of the motorcycle, off-highway vehicle, or the driver's view.
- (3) Any person who violates this Section commits a civil traffic infraction.

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

- (1) Motorcycle and off-highway vehicle drivers and passengers must wear goggles or eye-glasses with lenses made of safety glass or plastic.
- (2) Motorcycle and off-highway vehicle drivers and passengers under 18 years old must wear safety helmets securely fastened in a normal manner that meet and are marked according to the standards from the Snell Memorial Foundation, the American National Standards Institute, Inc., or the United States Department of Transportation.
- (3) To rent a motorcycle or off-highway vehicle, a rider under 18 years old must possess the required safety equipment.
- (4) Any person who violates this Section commits a civil traffic infraction.

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

- (1) Motorcycles may fully use traffic lanes, and motor vehicles may not deprive a motorcycle the full use of a traffic lane. This Subsection does not apply to motorcycles operated two abreast in a single lane.
- (2) Motorcycles may not pass in the same lane occupied by the motor vehicle being overtaken.
- (3) Motorcycles may not operate between lanes of traffic or between adjacent lines or rows of motor vehicles.
- (4) Motorcycles may ride only two abreast in a single lane.
- (5) Any person who violates this Section commits a civil traffic infraction.

14-16-104. Attaching Motorcycles or Off-Highway Vehicles to Other Motor Vehicles

- (1) Motorcycles or off-highway vehicles may not attach 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

- (1) No person may throw anything from a motor vehicle or deposit trash anywhere on the Reservation, including any highway or within any highway right-of-way.

- (2) No person may place on any highway or highway right-of-way any destructive material or a burning substance.
- (3) Any person who violates this Section commits a civil traffic infraction.

14-17-102. Failure to Cover Loads

- (1) Drivers must cover loaded motor vehicles on highways, unless the motor vehicle is constructed or loaded to prevent loads from escaping.
- (2) Any person who violates this Section commits a civil traffic infraction.

14-17-103. Passengers

- (1) No person may attach to the outside of a motor vehicle while it is moving, except during officially authorized parades, funeral processions, or exhibitions.
- (2) No driver may allow a passenger to ride in any way that endangers the safety of him or others.
- (3) This Section does 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 to perform their duties.
- (4) No person may occupy a trailer while it is being moved on a highway.
- (5) Any person who violates this Section commits a civil traffic infraction.

14-17-104. Signals, Signs, Markings

- (1) No person may place, keep, or show on a highway an unauthorized sign, signal, marking, or device that imitates or resembles an official traffic control device, that tries to direct moving traffic, or that hides or interferes with an official traffic control device.
- (2) No person, including any public authority, may place commercial or political advertising on a highway sign or traffic signal.
- (3) No person may alter, deface, injure, knock down, remove, or interfere with an official traffic control device.

- (4) No motor vehicle owner may display on his motor vehicle an official tribal sign or insignia without lawful authority to do so.
- (5) Any person who violates this Section commits a civil traffic infraction.

14-17-105. Emergency Vehicle Exemption

- (1) When responding to an emergency call or fire alarm, or pursuing offenders, emergency vehicle drivers may:
 - (a) Park or stand, irrespective of the provisions of this Code;
 - (b) Drive past a stop signal or stop sign, but only after slowing down as necessary for safety;
 - (c) Exceed the speed limits without endangering life or property; or
 - (d) Disregard moving or turning regulations.
- (2) The exemptions in this Section apply only when an emergency vehicle uses its audible and visual signals, except for police vehicles pursuing a suspected violator to verify evidence of the violator's guilt.
- (3) Drivers of authorized emergency vehicles must drive with due regard for the safety of all persons.

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

- (1) All persons must comply with a peace officer's lawful order or direction.
- (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) During a breakdown or stop on a roadway between sundown and sunrise, except legal stops, drivers must:
 - (a) Immediately display the motor vehicle's emergency flasher lights, a torch, or flare.
 - (b) Place torches or flares at the side of the motor vehicle nearest traffic, not less than 200 feet directly behind and in front of the motor vehicle. The

driver has the discretion to place the torches or flares as he sees fit to insure safety on a curve or where 200 feet is not ample warning.

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

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

- (1) Passenger buses and motor vehicles carrying a truck license and weighing 6,000 pounds or more must carry, in an accessible place, three bidirectional emergency reflective triangles.
- (2) When a motor vehicle referred to in Subsection (1) of this Section is stopped on a roadway or the shoulder of a highway, except for necessary traffic stops, the driver of the stopped motor vehicle must immediately activate the emergency flasher lights until placing the bidirectional emergency reflective triangles as directed in Subsection (3) of this Section.
- (3) Except as provided in Subsection (2) of this Section, when a motor vehicle referred to in Subsection (1) of this Section is stopped on a roadway or the shoulder of a highway for any cause, except for necessary traffic stops or if street lights exist within 100 feet, within ten minutes the driver must 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 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 approximately 100 feet from the stopped motor vehicle in the opposite direction from the other two in the center of the traffic lane or shoulder occupied by the motor vehicle; or
 - (d) If the motor vehicle stops within 500 feet of a curve, crest, or other viewing obstruction, the driver must place the emergency triangles toward the obstruction 100 to 500 feet from the motor vehicle; or
 - (e) If the motor vehicle stops on the traveled part or the shoulder of a divided or one-way highway, the driver must place one 200 feet and another 100 feet toward approaching traffic in the center of the lane or shoulder occupied by the motor vehicle and the last one at the traffic side of the motor vehicle within ten feet of the rear of the motor vehicle.

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

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

- (1) It is unlawful if drivers involved in an accident that results in injury or death of a person do not immediately stop and remain at the scene of the accident until fulfilling the obligations required by this Code. When stopping, it is unlawful to unnecessarily obstruct traffic.
- (2) Any person who violates this Section commits a criminal traffic offense.

14-18-104. Failure to Report Accidents Resulting in Property Damage, Injury, or Death

- (1) It is unlawful for drivers involved in an accident that results in damage, injury, or death to not give their name, address, and motor vehicle's registration number and, if asked, to not show their driver's license and proof of insurance to the other driver and law enforcement.
- (2) If medical treatment is necessary or the injured person requests medical treatment, it is unlawful for a driver not to give reasonable assistance to a person injured, including transporting or arranging transport to a doctor.
- (3) It is unlawful for drivers involved in a traffic accident to not do any of the following: reasonably assist, immediately report it, give any other required information to law enforcement, and return, without delay, and remain at the scene of the accident until authorized by a peace officer to leave.
- (4) Any person who violates this Section commits a criminal traffic offense.

14-18-105. Failure to Report Accidents with Unattended Motor Vehicles or Property

- (1) It is unlawful for drivers involved in an accident with an unattended motor vehicle or other property, that results in damage, to not immediately stop, without unnecessarily obstructing traffic, and either find and give the owner their name, address, telephone number, the accident location, and any other required information to law enforcement or attach securely, in a conspicuous place on the motor vehicle or property, a written notice with that information.
- (2) This Section does not apply to the striking of highway fixtures or official traffic control devices.
- (3) Any person who violates this Section commits a criminal traffic offense.

14-18-106. Accidents with Fixtures or Official Traffic Control Devices

- (1) Drivers involved in an accident that results in damage to fixtures or official traffic control devices must notify the road authority in charge of that property and give their name, address, telephone number, and report the accident as soon as possible with law enforcement.
- (2) Any person who violates this Section commits a civil traffic infraction.

ARTICLE 19. MANDATORY INSURANCE

14-19-101. Insurance Required to Operate a Motor Vehicle

- (1) It is unlawful for drivers to not have an insurance policy that complies with the minimum coverage amounts required by the jurisdiction where the motor vehicle is registered.
- (2) It is unlawful for owners to allow another to operate their motor vehicle on the highways when the owner does not have an insurance policy that complies with the minimum coverage amounts required by the jurisdiction where the motor vehicle is registered.
- (3) Any person who violates this Section commits a criminal traffic offense and the following applies:
 - (a) Any summons and complaint issued for violating this Section will be dismissed by the Court upon a showing that the person in fact possessed complying insurance during the alleged violation.
 - (b) Fines imposed as a penalty under this Section may be suspended upon the person's obtaining complying insurance.
 - (c) Unsuspended fine payments may be deposited into a victim's fund to compensate victims of accidents with uninsured drivers.

ARTICLE 20. PENALTIES

14-20-101. Civil Assessment Fees

- (1) The Tribal Council will establish a schedule of assessment fees for civil traffic infractions that it may modify by subsequent enacted resolutions.
- (2) For any civil traffic infraction under this Code without a specific penalty established, a penalty up to \$100 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 and the schedule

of criminal penalties that Tribal Council may adopt and amend by subsequent enacted resolutions.

14-20-103. Reports of Violations. The Tribal Court will send copies of the transcript of judgment to the State of Colorado Department of Revenue, Motor Vehicle Division for criminal traffic-offense convictions and civil traffic-infraction judgments under this Code. It is the intent of this Tribal Code that the State of Colorado will recognize these orders under principles of comity or grant them full faith and credit.

14-20-104. Other Remedies. Any person who violates this Code will be liable, after a hearing before the Tribal Court, for the applicable penalty and may be liable for actual and consequential damages resulting from the violation. In awarding damages, the Tribal Court may award restitution concerning only the portion of the victim's pecuniary loss for which the victim cannot be compensated by insurance, indemnity agreement, or some other means