

**SAC AND FOX NATION TRIBAL CODE
TITLE 6A ARTICLE 1**

**TITLE 6A
CIVIL INFRACTIONS**

**ARTICLE 1
TRAFFIC OFFENSES**

Section 101. Definitions.

(a) The term “motor vehicle” shall mean every device in, upon, or by which any person or property is or may be drawn or transported upon a public road and which device is self-propelled, but not including any vehicle which is an implement of husbandry and is designed principally for construction or maintenance purposes excepting trucks.

(b) A “public road” shall be defined as the entire width between the boundary lines of every right of way within the exterior boundaries of the Tribal jurisdiction which is maintained by any governmental agency, and when open to the use of the public, is for the purpose of travel by motor vehicles.

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 101]

Section 102. Driving While License is Suspended or Revoked.

(a) It shall be unlawful to drive any motor vehicle upon any public road at a time when one’s driver’s license or permit or other driving privilege has been denied, suspended, canceled or revoked by any State or Indian Tribe, or when one’s driving privilege has been suspended by the Tribal Court.

(b) Driving While License is Suspended or Revoked is punishable by a fine not to exceed two hundred and fifty dollars (\$250.00), or by suspension or revocation of one’s driver’s license, or both.

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 102]

Section 103. Careless Driving.

(a) It shall be unlawful to operate any motor vehicle upon any public road in a careless or imprudent manner, without due regard for the width, grade, curves, corners, traffic, or existing weather conditions, and the use being made of such road or other attendant circumstances.

(b) Careless driving shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 103]

Section 104. Reckless Driving.

(a) It shall be unlawful to drive any motor vehicle upon any public road within the Tribal jurisdiction in such a manner as to indicate either a wanton or willful disregard for the safety of persons or property.

(b) Reckless driving shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00), or by suspension of driving privileges for a period not to exceed one (1) year or both.

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 104]

Section 105. Driving While Intoxicated.

(a) It shall be unlawful to drive or be in actual physical control of any motor vehicle upon any private or public road within the tribal jurisdiction while under the influence of intoxicating liquor or controlled dangerous substances or any other drugs which impair the ability to control or operate a vehicle.

(b) A person is presumed to be under the influence of intoxicating liquor if there is 0.1% or more of alcohol in the blood by weight, and a person is presumed not to be under the influence if there is less than 0.05% of alcohol in their blood by weight. Between such percentages, results of tests showing such fact may be received in evidence with other tests or observations for consideration by the Court or jury. A breath or blood test must be administered with the consent of the subject by a qualified operator using a properly maintained apparatus in order to be admissible, provided that if any person refuses to take such test when requested to do so by an Officer having a reasonable suspicion that such person may be intoxicated, the person's driving privileges within the Tribal jurisdiction shall be suspended by the Court for a period of six (6) months whether or not such person is convicted of any offense. Such suspension is mandatory.

(c) Driving under the influence shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or by suspension of driving privileges for a period not to exceed two (2) years or both. For a second or subsequent conviction under this Section or a violation resulting in serious injury, a term of banishment may be imposed for a period not less than one (1) year nor more than five (5) years, in addition to the above mentioned punishments.

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 105]

Section 106. Duties of Drivers Involved in Accidents Involving Deaths or Personal Injuries.

(a) It shall be unlawful for the driver of any motor vehicle directly involved in an accident resulting in injury to or death of any person or damage to any other moving or attended vehicle to fail to immediately stop his vehicle at the scene of the accident or as close thereto as possible; or fail to return to and remain at the scene of the accident and render such aid and assistance as may be necessary in the circumstances; or fail to give his name, address, and the registration number of his motor vehicle and his operator's or chauffeur's license number and security verification information to all other drivers involved in the accident; or fail to render to any injured person such assistance as may be necessary in the circumstances; or fail to notify or have another notify the Tribal Police of the accident and its location as soon as possible.

(b) Failure to perform the Duties of Drivers Involved in Accidents Involving Deaths or Personal Injuries shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or by suspension of driving privileges for a period not to exceed one (1) year, or both.

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 106]

Section 107. Duty Upon Striking Unattended Vehicle.

(a) It shall be unlawful for the driver of any motor vehicle which collides with any unattended vehicle to fail to immediately stop and attempt to locate and notify the operator or owner of such vehicle of both the name and address of the driver and owner of the vehicle striking the unattended vehicle; or to fail to leave securely attached in a place where it may be easily seen in the vehicle struck, a written notice giving the name and address of the driver and the circumstances thereof; or to fail to inform the Tribal Police of the accident and its location as soon as possible.

(b) Failure to perform the duty of a driver upon striking an unattended vehicle shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00), or by suspension of driving privileges for a period not to exceed one (1) year.

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 107]

Section 108. Duty Upon Striking Highway Fixtures.

(a) It shall be unlawful for the driver of any motor vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway to fail to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and his name and address and of the registered number of the vehicle he is driving; or to fail to report such accident to the Tribal Police as soon as possible.

(b) Failure to perform the duty of a driver upon striking highway fixtures shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 108]

Section 109. When Driver Unable to Report.

(a) It shall be unlawful for another occupant in the vehicle at the time of the accident who is capable of making the report to fail to do so when the driver of the vehicle is physically unable to make the required accident report to the Tribal Police.

(b) Failure to make such a report shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 109]

Section 110. Driver's License in Possession.

(a) It shall be unlawful to operate a motor vehicle upon any private or public road within the Tribal jurisdiction without possession of a valid Federal, Tribal, or State operator's license, chauffeur's license, or permit, which must be exhibited upon demand by an authorized person.

(b) Failure to have a driver's license in possession shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 110]

Section 111. Permitting Unauthorized Person to Drive.

(a) It shall be unlawful to knowingly cause or permit any unauthorized person to operate a motor vehicle upon any public road.

(b) Permitting an unauthorized person to drive shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 111]

Section 112. Traffic Control and Signal Devices.

(a) It shall be unlawful to turn a vehicle from a direct course on a public road until such movement can be made with safety, and then only after giving an appropriate signal, either by hand or arm or by a directional signal device.

(b) Failure to properly signal shall be punishable by a fine not to exceed twenty dollars (\$20.00).

(c) It shall be unlawful to disobey the lawful command or instruction of any law enforcement officer. Failure to obey a lawful command shall be punishable by a fine not to exceed twenty dollars (\$20.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:

Section 113. Following Too Closely.

(a) It shall be unlawful to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon the condition of the highway.

(b) Following too closely shall be punishable by a fine not to exceed twenty dollars (\$20.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 113]

Section 114. Failure to Stop for a School Bus.

(a) It shall be unlawful when meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging passengers, to fail to stop immediately and not proceed again until all passengers are received or discharged and the bus is again in motion.

(b) Failure to stop for a school bus shall be punishable by a fine not to exceed thirty dollars (\$30.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 114]

Section 115. Entering Public Road from Private Road.

(a) It shall be unlawful for the driver of a motor vehicle about to enter or pass a public road from a private road or driveway to fail to yield the right of way to all vehicles approaching on said public road.

(b) Failure to yield the right of way when entering a public road from a private road shall be punishable by a fine not to exceed twenty dollars (\$20.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 115]

Section 116. Right of Way at Intersection.

(a) It shall be unlawful for the driver of a motor vehicle approaching an intersection to fail to yield the right of way to any vehicle approaching from the right, unless otherwise directed by sign, traffic light, or a proper official directing traffic.

(b) Failure to yield the right of way at an intersection shall be punishable by a fine not to exceed twenty dollars (\$20.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 116]

Section 117. Failure to Stop at Stop Sign and Yielding Right of Way.

(a) It shall be unlawful for the driver of a motor vehicle to fail to come to a complete stop at all intersections marked by a stop sign before entering the intersection, unless otherwise directed by an officer directing traffic.

(b) Failure to stop at a stop sign or to yield the right of way shall be punishable by a fine not to exceed one hundred dollars (\$100.00)

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 116]

Section 118. Driving on Right Side.

(a) It shall be unlawful to fail to drive on the right half of the roadway, except when overtaking and passing another vehicle proceeding in the same direction.

(b) Failure to drive on the right side shall be punishable by a fine not to exceed twenty dollars (\$20.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 118]

Section 119. Passing Oncoming Vehicle.

(a) It shall be unlawful for drivers proceeding in opposite directions to fail to pass each other to the right and to give to the other at least half of the main traveled portion of the roadway.

(b) Improper passing of oncoming vehicles shall be punishable by a fine not to exceed twenty dollars (\$20.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 119]

Section 120. Passing and Turning on Curve or Crest.

(a) It shall be unlawful to pass a vehicle going in the same direction unless the driver can see the road for sufficient distance ahead to pass safely and such passing can be accomplished safely without colliding with oncoming traffic.

(b) It shall be unlawful for a vehicle to be driven so as to pass or turn in any direction on a curve or crest or on any approach to a crest or on a bridge on any approach to a bridge unless such vehicle can pass or be turned safely and seen by traffic approaching from either direction.

(c) Improper passing on a curve or crest shall be punishable by a fine not to exceed twenty dollars (\$20.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:

Section 121. Unsafe Vehicles.

(a) It shall be unlawful for any person to drive or cause or knowingly permit to be driven on any public road any motor vehicle which is in such unsafe condition so as to endanger any person or is not at all time equipped with the following:

(1) HEADLIGHTS: One on each side of the front of the motor vehicle, said lights to be multi-beam so that the driver can adjust lights from bright to dim, and such lights must be in proper working order at all times so as to be seen by oncoming traffic for a reasonable distance during hours of darkness or other times when lights conditions require the use of headlights.

(2) REAR LAMPS: One lighted red lamp on each side of the back of the motor vehicle that will be plainly visible for a reasonable distance to the rear, and such lamp must be in proper working order at all times.

(3) STOP LIGHTS: All motor vehicles shall be equipped with a stop light in good working order at all times, such stop lights to be automatically controlled by brake adjustment.

(4) BRAKES: Every motor vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.

(5) HANDBRAKE: Every motor vehicle shall be equipped with a handbrake.

(6) HORN: Every motor vehicle shall be equipped with a horn in good working order.

(7) WINDOWS UNOBSTRUCTED – WIPERS: No person shall drive any motor vehicle with any sign or other nontransparent material upon the windshield, side wings, side or rear windows of such vehicle that would obstruct the driver's view other than a paper or certificate required to be so displayed by law. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other obstructions from the windshield and must be in proper working order at all times.

(8) LICENSE TAG LIGHT: All motor vehicles shall be equipped with a rear tag light in good working order at all times.

(9) PROOF OF VEHICLE INSPECTION TO BE DISPLAYED: All motor vehicles shall display a valid state motor vehicle inspection decal.

(b) Violation of any provision of this Section is punishable by a fine not to exceed ten dollars (\$10.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 121]

Section 122. Speed Limits.

(a) Speed limits on any public road shall be set by the Tribal Police Chief. Speed limits may be posted at such places and at such maximum allowable speeds as deemed necessary by the Chief of Tribal Police.

(b) In any area of the Tribal jurisdiction where the speed limit is not posted and where no special hazard exists, the following speeds shall be lawful, but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

- (1) School zones, grounds, and crossing, designated areas – 20 MPH
- (2) Residential areas – 30 MPH
- (3) Open highway – 55 MPH

It shall be unlawful to exceed the above limits, the limits posted by authority of the Chief of the Tribal Police, or a speed which is reasonable and proper under the conditions prevailing upon the roadway.

(c) The fact that the speed of a motor vehicle is lower than the foregoing prima facie limits does not relieve the driver from the duty of all persons to use due care.

(d) Exceeding the speed limit or operating a motor vehicle at a speed which is not reasonable and proper shall be punishable by a fine not to exceed the following amounts:

(1) A fine of sixty dollars, (\$60.00) plus court costs for speeds in excess of 1-10 miles over the posted speed limit.

(2) A fine of ninety dollars (\$90.00) plus court costs for speeds in excess of 11-20 miles over the posted speed limit.

(3) A fine of one hundred and twenty dollars (\$120.00) plus court costs for speeds in excess of 21-30 miles over the posted speed limit.

(4) A fine of one hundred fifty dollars (\$150.00) plus court costs for speeds in excess of 31-40 miles over the posted speed limit.

(5) A fine of one hundred eighty dollars (\$180.00) plus court costs for speeds in excess of 41 miles over the posted speed limit.

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 122]

Section 123. When Lights are Required to be On.

(a) It shall be unlawful for a vehicle to be on a public roadway at any time from a half hour after sunset to a half hour before sunrise or at any other time when objects on the road cannot be seen clearly at a distance of five hundred feet because of light conditions without displaying lighted lamps on the vehicle.

(b) Every vehicle stopped or parked on the side of any road or highway during the hours set forth above, shall burn lamps, flares, or otherwise alert other drivers of the potential danger, unless the vehicle is positioned at least thirty inches from the main traveled portion of the roadway in such fashion that no part of the main traveled portion of the roadway, nor the thirty inch safety zone is impeded.

(c) Violation of this Section shall be punishable by a fine not to exceed twenty dollars (\$20.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20: PUBLIC LAW # T 6 § 123]

Section 124. Pedestrians.

(a) It shall be unlawful for a pedestrian crossing a roadway at any point other than a marked crosswalk or within an unmarked crosswalk at an intersection to fail to yield the right of way to all motor vehicles on the roadway.

(b) Notwithstanding the provisions of Subsection (a) herein, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any person upon a public road.

(c) Violation of this Section shall be punishable by a fine not to exceed ten dollars (\$10.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 124]

Section 125. Throwing Trash on Roads and Roadways.

(a) It shall be unlawful to discard trash or refuse of any type on a roadway or public highway or right-of-way within the Tribal jurisdiction.

(b) Throwing Trash on Road and Roadways shall be punishable by a fine not to exceed thirty dollars (\$30.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 125]

Section 126. Illegal Parking.

(a) It shall be unlawful to stop, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of a public roadway when it is practical to stop, park, or leave such vehicle such part of said roadway, but in every event a clear and unobstructed width of at least twenty feet of such part of the roadway opposite such standing vehicle shall be left for the free passage of other vehicles, a clear view of such stopped vehicles shall be available from a distance of two hundred (200) feet in each direction upon said roadway, and the vehicle must be positioned at least thirty inches outside the main traveled portion of the roadway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position, provided that reasonable provision is made by the driver thereof for the warning and safety of other vehicles traveling upon such roadway until the vehicle can be removed.

(c) It shall be unlawful to stop, park, or leave standing a vehicle except when necessary to avoid collusion with other traffic or in compliance with the directions of a police officer or traffic control sign, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within twenty-five (25) feet of a fire hydrant;

(5) On a crosswalk.

(d) A violation of this Section shall be punishable by a fine not to exceed ten dollars (\$10.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 116]

Section 127. No Proof of Insurance.

(a) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this Tribal Government.

(b) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this Tribal Government.

(c) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of liability insurance to a Law Enforcement Officer. The Law Enforcement Officer shall issue a citation to any person who fails to display evidence of liability insurance upon such demand.

(d) Any person violating any provision of this Section shall be guilty of a violation of this Ordinance and subject to a fine not to exceed two hundred and fifty dollars (\$250.00).

(e) Any person convicted of violating any provision of this Section within three (3) years of any such prior conviction shall be guilty of a violation of this Ordinance and subject to a fine not to exceed one thousand dollars (\$1000.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 127]

Section 128. Vehicle License; Illegal Tag.

(a) It shall be unlawful for any person to:

(1) Operate, or for the owner thereof knowingly to permit to operation, upon a highway or upon property open to use by the public, any vehicle which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required to be affixed to any such license plate.

(2) Display or cause or permit to be displayed, or to have in possession, any registration receipt, certificate of title, registration license plate, registration decal, accessible parking placard or accessible parking identification card knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this Subsection (2) shall constitute an Ordinance violation punishable by a fine not less than one hundred dollars (\$100.00) and forfeiture of the item. A mandatory Court appearance shall be required of any person violating this Subsection (2).

(3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, certificate of title, registration license plate or registration decal issued to the person so lending or permitting the use thereof.

(4) Remove, conceal, alter, mark, or deface the license number plate or plates or any other mark of identification upon any vehicle. License plates shall be kept clean and they shall be placed on all vehicles within the Sac and Fox Reservation as required by law so as to be plainly legible.

(5) Carry or display a registered number plate or plates or registration decal upon any vehicle not lawfully issued for such vehicle.

(b) Violation of any Subsection shall result in the vehicle being towed away at the owner's expense and, violation of any Subsection shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 128]

Section 129. Seat Belts.

(a) Each front seat occupant of a passenger car manufactured with safety belts shall have a safety belt properly fastened about such person's body at all times when the vehicle is in motion.

(b) Persons violating this Ordinance shall be fined fifteen dollars (\$15.00) plus court costs.

(c) Law enforcement officers shall not stop drivers for violations of this Ordinance in the absence of another violation of law. A citation for violation of this Ordinance shall not be issued without citing the violation that initially caused the Officer to effect the enforcement stop.

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20-97:
PUBLIC LAW # T 6 § 129]

Section 130. Transportation of Alcoholic Beverage.

(a) No person shall transport in any vehicle upon a highway or upon property open to use by the public, any alcoholic beverage unless such beverage is:

(1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork, or other means of closure has not been removed;

(2) In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or

(3) In the exclusive possession of a passenger in a vehicle which is a recreational vehicle or a bus, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

(b) Violation of this Section is punishable by a fine not to exceed fifteen dollars (\$15.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20-97:
PUBLIC LAW # T 6 § 130]

Section 131. Text Messaging, Prohibited; Exceptions.

(a) Definitions:

(1) A wireless communication device means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. It does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

(2) “Write, send, or read a written communication” means using a wireless communication device to manually type, send or read a written communication, including but not limited to, a text message, instant message, or electronic mail.

(b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send, or read a written communication.

(c) The provisions of subsection (b) shall not apply to:

(1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer’s or emergency service personnel’s employment;

(2) A motor vehicle stopped off the regular traveled portion of the roadway;

(3) a person who receives an emergency, traffic, or weather alert message;
or

(4) a person receiving a message related to the operation or navigation of the motor vehicle.

(d) The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a motor vehicle to:

(1) Report current or ongoing illegal activity to law enforcement;

(2) Prevent imminent injury to a person or property; or

(3) Relay information between transit or for-hire operator and the operator’s dispatcher, in which the device is permanently affixed to the motor vehicle.

(e) Violation of this Section is punishable by a fine not to exceed three hundred dollars (\$300.00).

[History: L. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 131]

Section 132. Reserved.

Section 133. Child Passenger Safety Restraining System.

(a) Every driver who transports a child under the age of four (4) years in a passenger car on a highway or upon property open to use by the public shall provide for the protection of such child by properly using an approved child passenger safety restraining system.

(b) No driver charged with violating this Section shall be convicted if such driver produces in the office of the arresting officer or in Court, proof that the child was four (4) years of age or older at the time the violation was alleged to have occurred.

(c) Violation of this section is punishable by fine not to exceed twenty dollars (\$20.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 133]

Section 134. Accessible Parking.

(a) No person shall stop or park any vehicle in a parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of persons with a disability, unless such vehicle bears a special license plate, permanent placard or temporary placard and is being operated by or used for the transportation of a person with a disability or disabled veteran. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. If a parking space on private property is clearly marked as being reserved for the use of a specified person with a disability, it shall be unlawful for any other person to park in such space.

(b) Violation of this Section is punishable by a fine not to exceed thirty dollars (\$30.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 134]

Section 135. Accessible Parking; Revoked or Suspended Drivers.

(a) Any person who utilizes any accessible parking identification device which has expired or has been revoked or suspended shall be guilty of a violation of this Section.

(b) Any person who utilizes any accessible parking identification device issued to another person, an agency or business, to park in any parking space which could be utilized by a person with a disability, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued, shall be guilty of a violation of this Section.

(c) Violation of this Section is punishable by a fine not to exceed three hundred dollars (\$300.00).

[History: L. 1997, August 29; R-33-97: Amend. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 135]