

CHAPTER 5A  
MOTOR VEHICLE CODE

5A-1 JURISDICTION & APPLICABILITY

5A-1.01 The Kootenai Tribe of Idaho shall have exclusive jurisdiction over the operation of motor vehicles, motorcycles and off-highway vehicles (OHVs) within the exterior boundaries of the Kootenai Indian Reservation, including all properties held in trust by the Federal government for the Kootenai Tribe of Idaho or its citizens.

5A-1.02 The Kootenai Tribe Motor Vehicle Code shall apply to all persons operating motor vehicles, motorcycles and OHVs on the Kootenai Indian Reservation, regardless of whether the individual is an Indian.

5A-2 DEFINITIONS

5A-2.01 "Authorized emergency vehicle" is defined as a vehicle operated by any authorized fire department or law enforcement agency, ambulances, vehicles belonging to personnel of voluntary fire departments while in performance of official duties only, sheriff's search and rescue vehicles which are under the immediate supervision of the Boundary County Sheriff, wreckers which are lawfully engaged in motor vehicle recovery operations and are blocking part or all of one (1) or more lanes of traffic, and other emergency vehicles designated by the Kootenai Tribe of Idaho.

5A-2.02 "Driver" shall have the same meaning as operator.

5A-2.03 "Motorcycle" is defined as every motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels in contact with the ground or designed to travel on two (2) wheels in contact with the ground which is modified by the addition of two (2) stabilizing wheels on the rear of the motor vehicle, that meets the federal motor vehicle safety standards as originally designed, and includes a converted motorbike, and includes a motor-driven cycle, a motorbike, or a moped.

5A-2.04 "Motor vehicle" is defined as every vehicle which is self-propelled. Motor vehicle does not include vehicles moved solely by human

power, electric personal assistive mobility devices and motorized wheelchairs.

5A-2.05 "Off-highway Vehicle" is defined as all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle.

5A-2.06 "Operator" is defined as every person who is in actual physical control of a motor vehicle upon a highway or private property open to public use.

5A-3 CITATIONS

5A-3.01 Kootenai Tribal Police, including contracted Tribal law enforcement, shall issue a civil infraction citation to operators who violate the Motor Vehicle Code.

5A-3.02 The civil infraction citation shall list the next Kootenai Tribal Court date as the due date for payment of the citation or date on which the alleged violator may appear to contest the citation. All citations issued during a calendar month shall list the first court date of the following month as the date on which payment of the citation amount must be paid or on which the alleged violation must appear to contest the citation.

5A-4 FAILURE TO PAY BY COURT DATE

5A-4.01 If an alleged violator fails to pay the civil infraction fine amount listed on the citation by the end of business of the stated court date, the fine amount shall increase by \$20.00 to cover court and collection costs.

5A-4.02 The civil infraction fines shall be payable on court dates to the Kootenai Tribal Court Clerk or on non-court dates to the Finance Department.

5A-5 ACCIDENT ENHANCEMENT

5A-5.01 If during the investigation of a motor vehicle accident or collision, the investigating officer determines there has been a violation of this Chapter that contributed to the accident, a civil infraction citation may be issued to the operator at fault. In such cases, the officer issuing the civil infraction citation shall note "resulting in an accident" next to the section violated.

In such cases, the civil infraction fine amount shall be increased by \$50.00.

#### 5A-6 MOVING VIOLATIONS

5A-6.01 Traffic Violations. Every person operating a vehicle of any character on a public road within the Kootenai Reservation shall drive in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper and so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of the street, road or highway. [Formerly 5-4.01]

5A-6.02 Violating Posted Speed Limit. It shall be an infraction for an operator of a motor vehicle to travel at a speed above the posted speed limit.

The fine amount for speed limit violation shall be:

1-4 m.p.h. = \$20.00  
 5-9 m.p.h. = \$45.00  
 10-14 m.p.h. = \$70.00  
 15-19 m.p.h. = \$95.00

An operator who operates a motor vehicle at a speed exceeding twenty (20) miles per hour over the posted speed limit shall be charged with reckless driving.

5A-6.03 Speed Too Fast For Conditions. It shall be an infraction for an operator to operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding highway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

The fine amount for a violation of this section shall be \$70.00.

5A-6.04 Persons Under The Influence Of Alcohol, Drugs Or Any Other Intoxicating Substances.

(1) Any person not subject to the criminal jurisdiction of the Kootenai Tribal Court but found to be under the influence of alcohol, drugs or other intoxicating substances as defined in Section 4-5.16 of the criminal code shall be guilty of a regulatory infraction and subject to a civil fine as well as possible exclusion under Section 12-2.01. [Formerly 5-4.03]

A penalty of up to \$5,000 shall be imposed for the offense of Persons Under The Influence Of Alcohol, Drugs Or Any Other Intoxicating Substances.

5A-6.05 Reckless Driving and/or Inattentive Driving.

(1) Any person not subject to the criminal jurisdiction of the Kootenai Tribal Court but found to be guilty of reckless and/or inattentive driving as defined in Section 4-5.17 of the Criminal Code shall be guilty of a regulatory infraction and subject to a civil fine. [Formerly Section 5-4.04]

A penalty of up to \$1,000 shall be imposed for a first offense of reckless driving and a penalty up to \$2,000 shall be imposed for a second offense of reckless driving. A penalty of up to \$300 shall be imposed for inattentive driving.

5A-6.06 Failure To Yield To Emergency Vehicle. Upon the immediate approach of an authorized emergency or police vehicle making use of an audible or visible signal, the driver of every other vehicle shall yield the right-of-way and immediately drive to a position parallel to, and as close as possible to, the nearest edge or curb of the highway lawful for parking and clear of any intersection, and stop and remain in that position until the authorized emergency or police vehicle has passed, except when otherwise directed by a peace officer.

The fine amount for a violation of this section shall be \$100.00.

5A-6.07 Overtaking or Passing School Bus. The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching the school bus when there is in operation on a school bus the visual warning signals, and the driver of a vehicle shall not proceed until the school bus resumes

motion or the visual warning signals are no longer activated.

The fine amount for a violation of this section shall be \$100.00.

5A-6.08 Driving on the Right Side of Roadway Required. The driver of a motor vehicle on a road or highway shall operate the vehicle on the right half of the roadway unless an obstruction exists making it necessary to drive to the left of the center of the highway. Any person doing so shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within a distance as to constitute an immediate hazard.

The fine amount for a violation of this section shall be \$50.00.

5A-6.09 Off-Road Use of Motor Bikes, Cycles or Scooters. The use of motor bikes, motorcycles, or motor scooters is restricted to existing roads or designated trails, and it shall be a violation for any person to knowingly or negligently use such a vehicle on any other Reservation lands, including trails designed for non-motorized travel. [Formerly §5-4.02]

5A-6.10 Riding on Motorcycles. A person operating a motorcycle shall ride only upon the permanent and regular seat attached to it, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the vehicle.

The fine amount for a violation of this section shall be \$50.00.

5A-6.11 Failure to Remain At Scene of Accident. The driver of any vehicle involved in an accident on a roadway on the Kootenai Indian Reservation shall immediately stop the vehicle at the scene of the accident, or as close as possible, and shall immediately return to, and in every event shall remain at, the scene of the accident until he complies with all applicable requirements or is released from the scene by law enforcement.

The fine amount for a violation of this section in cases of property damage only shall be \$100.00. The fine amount for a violation of this section in cases of personal injuries shall be \$250.00. Both fines shall be subject to the accident enhancement amount of \$50.00 prescribed in 5A-5.

5A-6.12 Failure to Give Information At Accident Scene. The driver of any vehicle involved in an accident on a roadway on the Kootenai Indian Reservation, shall, at the scene of the accident, give his name, address and, if available, at the scene of the accident, he shall exhibit his driver's license, proof of registration and certificate or proof of liability insurance to the person struck or to the driver or person attending any vehicle collided with.

The fine amount for a violation of this section in cases of property damage only shall be \$100.00. The fine amount for a violation of this section in cases of personal injuries shall be \$250.00. Both fines shall be subject to the accident enhancement amount of \$50.00 prescribed in 5A-5.

#### 5A-7 VEHICLE INFRACTIONS

5A-7.01 Unauthorized Use Of Handicapped Parking Place. It shall be unlawful for any person who does not have a government-issued license plate tag or other legally recognized permit designated as "Handicap", to park a motor vehicle in, or block access to, a parking place designated for the handicapped at the Kootenai River Inn Casino & Spa and the Twin Rivers RV Resort. The registered owner of a vehicle violating this section shall be subject to a fine of \$100 (one hundred dollars). Vehicles found violating this section may be subject to tow at owner's risk and expense. [Formerly § 5-4.05]

5A-7.02 Unauthorized Parking. It shall be unlawful for any person to park a motor vehicle in, or block access to, fire lanes or any other designated no parking area, or to park in a way that might endanger public safety at the Kootenai River Inn Casino & Spa and Twin Rivers RV Resort. The registered owner of a vehicle violating this section shall be subject to a fine of \$45 (forty-five dollars). Vehicles found violating this section may be subject to tow at owner's risk and expense. [Formerly § 5-4.06]

5A-7.03 Applicability; Removal of Vehicles.

(1) This section of the Kootenai Code shall be applicable to the Kootenai River Inn and Twin Rivers Recreation area.

(2) Whenever any tribal law enforcement officer finds a vehicle in violation of any of the provisions of this Code, the officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move it to a position off the roadway. Further, any tribal law enforcement officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left in violation of this Code. The registered owner of the vehicle shall be responsible for the cost of any removal.

(3) A vehicle is considered abandoned when left for seventy-two hours or longer after a owner-operator has left the premises, unless the owner-operator has made arrangements with management or law enforcement.

5A-8 EQUIPMENT REQUIRED

5A-8.01 Headlamps Required.

(1) It shall be an infraction for an operator to drive a motor vehicle without a minimum of two working headlamps.

(2) It shall be an infraction for an operator to drive a motorcycle without a minimum of one working headlamp.

The fine amount for a violation of this section shall be \$50.00.

5A-8.02 Safety Restraint Use. Each occupant of a motor vehicle or off highway vehicle, and which was manufactured with safety restraints, shall have a safety restraint properly fastened about his body at all times when the vehicle is in motion.

The fine amount for a violation of this section shall be \$25.00.

5A-8.03 Passenger Safety for Children.

(1) No motor vehicle operator shall transport a child who is six (6) years of age or younger in a motor vehicle manufactured with seat belts after January 1, 1966, unless the child is

properly secured in a child safety restraint that meets the requirements of federal motor vehicle safety standard no. 213.

(2) The provisions of this section shall not apply:

(a) If all of the motor vehicle's seat belts are in use, but in such an event any unrestrained child to which this section applies shall be placed in the rear seat of the motor vehicle, if it is so equipped; or

(b) When the child is removed from the car safety restraint and held by the attendant for the purpose of nursing the child or attending the child's other immediate physiological needs.

The fine amount for a violation of this section shall be \$75.00.

5A-8.04 Stop Lamps Required. Any motor vehicle may be equipped and when required under this chapter shall be equipped with stop lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not, be incorporated with one or more other rear lamps.

The fine amount for a violation of this section shall be \$50.00.

5A-8.05 Signal Lamps Required. Any motor vehicle may be equipped and when required under this chapter shall be equipped with lamps or mechanical signal devices showing to the front and rear for the purposes of indicating an intention to turn either to the right or left. When lamps are used for this purpose, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable, and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred (100) feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable, and when in use shall display a red or amber light,

or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight. When actuated the lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

The fine amount for a violation of this section shall be \$50.00.

**5A-8.06 Condition of Stop Lamps and Signal Lamps.** Stop lamps and signal lamps shall not be cracked or broken so as to project a glaring light.

The fine amount for a violation of this section shall be \$50.00.

#### **5A-9 MISCELLANEOUS REQUIREMENTS**

##### **5A-9.01 Drivers License Required.**

(1) No person shall drive any motor vehicle upon a road or highway unless the person has a current and valid driver's license.

(2) No person shall operate a motorcycle upon a road or highway unless he has a motorcycle endorsement on his valid driver's license.

The fine amount for a violation of this section shall be \$50.00.

**5A-9.02 Current Vehicle Registration Required.** No person shall operate any motor vehicle upon a road or highway unless the operator has current and valid registration document in the motor vehicle.

The fine amount for a violation of this section shall be \$50.00.

**5A-9.03 Current Proof of Financial Responsibility Required.** No person shall operate any motor vehicle upon a road or highway unless the operator has current and valid current proof of financial responsibility in the motor vehicle. The certificate shall give the effective date of the motor vehicle liability policy, which date shall be the same as the effective date of the certificate. The certificate shall also designate by appropriate reference all motor vehicles covered by that policy, unless the policy is

issued to a person who is not the owner of a motor vehicle.

The fine amount for a violation of this section shall be \$50.00.

**5A-9.04 Tampering With Ignition Interlock System.** A person may not:

(1) circumvent or tamper with the operation of an ignition interlock system;

(2) knowingly furnish an interlock restricted driver a motor vehicle without an ignition interlock system;

(3) blow into an ignition interlock system or start a motor vehicle equipped with an ignition interlock system for the purpose of allowing an interlock restricted driver to operate a motor vehicle.

The fine amount for a violation of this section shall be \$100.00.

**5A-9.05 Interlock Driver Restrictions.** An interlock restricted driver may not:

(1) rent, lease, or borrow a motor vehicle without an ignition interlock system; or

(2) request another person to blow into an ignition interlock system in order to allow the interlock restricted driver to operate the motor vehicle.

The fine amount for a violation of this section shall be \$100.00.

**5A-9.06 Obstruction of Driver's View.** No vehicle shall be operated when the windshield and/or windows of the vehicle are coated with ice, snow, sleet, or dust to the extent that the driver's view ahead, or to the sides or rear of the vehicle is obstructed.

The fine amount for a violation of this section shall be \$50.00.

**5A-9.07 Obstruction of Injurious Material On Roadway.**

(1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to

injure any person, animal or vehicle upon the highway.

(2) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from that vehicle.

The fine amount for a violation of this section shall be \$50.00.

5A-9.08 Lighted Material From Moving Vehicle. A person shall not throw or expel any lighted material from a moving vehicle.

The fine amount for a violation of this section shall be \$50.00.