Committee: Rules		Author:	Sara Hill – Attorney General
Date: 12/03/2020	Committee Date: 12/15/2020	Sponsor::	Joe Deere, Canaan Duncan

An Act

Legislative Act 02-21

AN ACT AMENDING TITLE 47 OF THE CHEROKEE NATION CODE ANNOTATED AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act amends Title 47 of the Cherokee Nation Code Annotated and shall be codified therein of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to modernize the Nation's motor vehicle code.

Section 3. Legislative History

LA-2-91
LA-25-06
Legistar File # 20-083: Pending December Council Approval

Section 4. Amendments

Title 47 shall be amended as follows:

§ 1–101. Definition of words and phrases

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires or other definitions are provided. Section captions are a part ofthis chapter.

§ 1–101.1. Ancient vehicle

A motor vehicle owned by a citizen of this Nation, which is thirty (30) years of age or older, based upon the date of manufacture thereof, and which travels on highways of this ~~state~~ Nation primarily

incidental to historical or exhibition purposes only.

§ 1–102. Arterial street

Any U.S. or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

§ 1–103. Authorized emergency vehicles—Equipment

~~Vehicles of fire departments, ambulances and police vehicles, including vehicles owned or operated by the Federal Bureau of Investigation, are authorized emergency vehicles; such vehicles shall be equipped with siren capable of giving an audible signal, as required by law, and a flashing red light.~~

A. When equipped as prescribed in subsection B of this section:

1. Vehicles of fire departments;

2. Ambulances or vehicles specified pursuant to subsection B of Section 1-2512 of Title 63 of the Oklahoma Statutes of licensed ambulance service providers;

3. State vehicles of law enforcement agencies;

4. County vehicles of sheriffs and full-time commissioned deputies and vehicles designated by the sheriff for support of the sheriff's office including privately owned vehicles driven by the sheriff and full-time, part-time and reserve commissioned deputies; provided the audible sirens and flashing red lights equipped on such privately owned vehicles are used only in a law enforcement capacity and in the course of duty;

5. Municipal vehicles of police departments;

6. Vehicles owned and operated by the United States Marshals Service or the Federal Bureau of Investigation;

7. Vehicles of Oklahoma National Guard units designated by the Adjutant General for support to civil authorities; or

8. Vehicles owned and operated by any local organization for emergency management as defined by Section 683.3 of Title 63 of the Oklahoma Statutes,

are authorized emergency vehicles.

B. All vehicles prescribed in subsection A of this section shall be equipped with sirens capable of giving audible signals as required by the provisions of Section 12-218 of this title and flashing red lights

as authorized by the provisions of Section 12-218 of this title.

§ 1–103.1. Automobile

Every motor vehicle of the type constructed and used for the transportation of persons for purposes other than for hire or compensation. This shall include all vehicles of the station wagon type whether the same are called station wagons, or ranch wagons, van wagons, except those used for commercial purposes, suburbans, town and country, or by any other name, except when owned and used as a school bus or motor bus by a school district or a religious corporation or society as elsewhere provided by law.

§1-103.2. Autocycle

A. An autocycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;

2. Three wheels in contact with the ground, but excluding a tractor;

3. A combustion engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cu cm) or greater;

4. For each occupant, safety belts or safety shoulder harnesses which shall be of a type and shall be installed pursuant to 49 C.F.R., Section 571.208 et seq.; and

5. All equipment required by the provisions of Article II et seq. of Chapter 12 of this title, with respect to equipment on vehicles.

B. An autocycle shall be registered as a motor vehicle.

C. The operator of an autocycle shall not be required to have an "M" endorsement on the Class D License pursuant to Section 6-110.1 of this title.

§ 1–104. Bicycle, electric-assisted bicycle, and motorized bicycle

~~Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty (20) inches in diameter.~~

A. A bicycle is a device upon which any person or persons may ride, propelled solely by human power through a belt, chain, or gears, and having two or more wheels, excluding mopeds.

B. An electric-assisted bicycle is any bicycle with:

1. Two or three wheels; and

2. Fully operative pedals for human propulsion and equipped with an electric motor with a power output of not more than seven hundred fifty (750) watts that meets the requirements of one of the following three classes:

a. "Class 1 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour,

b. "Class 2 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour, and

c. "Class 3 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.

An electric-assisted bicycle shall meet the manufacturing and equipment requirements adopted by the Consumer Product Safety Commission for bicycles and shall operate in such a manner that the electric motor disengages or ceases to function when the rider stops pedaling or the brakes are applied.

C. A motorized bicycle is any bicycle having:

1. Fully operative pedals for propulsion by human power;

2. A power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged; and

3. A combustion engine with a piston or rotor displacement of eighty (80 cu cm) cubic centimeters or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty-five (35) miles per hour on level ground.

D. As used in this title, the term "bicycle" shall include tricycles, quadcycles, or similar human-powered devices, electric- assisted bicycles, and motorized bicycles unless otherwise specifically indicated.

§ 1–105. Bus

"Bus" shall mean ~~E~~every motor vehicle designed for carrying more than ~~ten~~ eight passengers and used for the transportation of persons; and every motor vehicle~~, other than a taxicab,~~ designed and used for

the transportation of persons for compensation. As used in this section, "Bus" shall not include a vehicle authorized for use pursuant to the Oklahoma Transportation Network Company Services Act as defined in 47 O.S. § 1011.

§ 1-105.1. Church bus

A "church bus" is any bus operated by a nonprofit religious organization which transports persons including school-age children to and from religious activities.

§ 1–106. Business district

The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

§ 1–107. Cancellation of driver's license

The annulment or termination by formal action of the Department of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

§ 1–107.1. Class A commercial motor vehicle

Any combination of vehicles, except a Class D motor vehicle, with a gross combined weight rating of twenty-six thousand one (26,001) or more pounds provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds.

§ 1–107.2. Class B commercial motor vehicle

Any single vehicle, except a Class D motor vehicle, with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds gross vehicle weight rating. This class shall apply to a bus with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds and designed to transport sixteen (16) or more persons, including the driver.

§ 1–107.3. Class C commercial motor vehicle

Any single vehicle or combination of vehicles, ~~except~~ other than a Class ~~D~~ A or Class B motor vehicle, as defined in this title~~with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds gross~~

~~vehicle weight rating~~, which is:

1. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; or

2. Designed by the manufacturer to transport sixteen (16) or more persons, including the driver.

§ 1–107.4. Class D motor vehicle

~~Any~~ A. A Class D motor vehicle is any motor vehicle or combination of vehicles~~, regardless of weight,~~ which:

1. Regardless of weight:

a. Is marked and used as ~~a firefighting~~ an authorized emergency vehicle, as defined in Section 1-103 of this title, or~~;~~

b. is designed and used solely as a recreational vehicle;

c.

~~1. Is designed and used solely as a recreational vehicle;~~

2. Is a single or combination vehicle with a gross combined weight rating of less than twenty-six thousand one (26,001) pounds; ~~or~~

3. Is a single or combination farm vehicle with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:

a. It is entitled to be registered with a farm tag and has a farm tag attached thereto,
~~a.~~
b. It is controlled and operated by a farmer, his family or his employees,
~~b.~~
c. It is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from afarm, and
~~c.~~
d. It is not used in the operations of a common or contract motor carrier, and
~~d.~~
e. It is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law.

4. Is operated by a licensed driver employed by a unit of local government that operates a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

a. the properly licensed employee who ordinarily operates a commercial vehicle for these

purposes is unable to operate the vehicle, or

~~e.~~ b. the employing governmental entity determines that a snow or ice emergency requires additional assistance.

B. A ~~Provided, however, a~~ Class D Motor Vehicle shall not include any vehicle which is:

1. Designed to carry sixteen or more passengers, including the driver; or

2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in paragraph 3 of subsection A of this section, which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, shall be considered to be a Class D motor vehicle.~~.~~

§ 1–108. Commercial ~~chauffeur and chauffeur~~operator or driver

~~A. Commercial chauffeur.~~ Every person who operates, drives or is in actual physical control of a Class A, B or C motor vehicle, as defined in Sections 1-107.1, 1-107.2 and 1-107.3 of this title. ~~while in use as a common carrier of persons or property.~~

~~C. Chauffeur. Every person who is employed by another for the principal purpose of operating a motor vehicle and every person who operates a motor vehicle of more than two (2) tons rated capacity that is required by law to have a commercial tag attached thereto and every person who operates a school bus transporting school children to and from school.~~

§ 1-108.1. Tillerman

"Tillerman" shall mean every person who is physically located on a Class A, B or C commercial motor vehicle in which they are steering or assisting in steering by remote control or other means, any axle, including a vehicle being towed by a motor vehicle, and shall possess the appropriate class of license for the vehicle being operated as required by 47 O.S. § 6-101.

§ 1-108.2. Steerman

"Steerman" shall mean every person who is not physically located on a Class A, B or C commercial motor vehicle in which they are steering or assisting in steering by remote control or other means, any axle, including a vehicle being towed by a motor vehicle, and shall be exempt from the requirement to possess a Class A, B or C commercial driver license and shall only be required to possess a valid driver license.

§ 1–109. Commissioner

The Commissioner of the Department of Public Safety of the State of Oklahoma.

§ 1–110. Controlled-access highway

Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

§ 1–111. Crosswalk

A. That part of a roadway at an intersection included within the 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 traversable roadway;

B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

§ 1–112. Dealer

Every person engaged in the business of buying, selling or exchanging vehicles of a type to be registered hereunder and who has an established place of business for such purpose in this Nation.

§ 1–113. Department

The Department of Public Safety of the State of Oklahoma, acting directly or through its duly-authorized officers and agents.

§ 1–114. Driver

~~Every person who drives or is in actual physical control of a vehicle.~~

A. "Driver" means any person who drives, operates or is in actual physical control of a vehicle.

B. "Driver license" means a document issued by the Department of Public Safety or the driver licensing agency of another state or country which grants to the person named thereon the privilege to drive, operate or be in actual physical control of a motor vehicle. The term shall include an intermediate Class D driver license, a learner permit and commercial learner permit.

§ 1-114A. Electric personal assistive mobility device

"Electric personal assistive mobility device" means a self-balancing, two nontandem-wheeled device, designed to transport only one person, having an electric propulsion system with an average of seven hundred fifty (750) watts (1 h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds.

§ 1–115. ~~Essential parts~~ Reserved

~~All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.~~

§ 1–116. Established place of business

The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

§ 1–117. Explosives

~~Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i. e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified by the Interstate Commerce Commission. The term "explosives" shall include all material which is classified as Class A, Class B and Class C explosives by the Interstate Commerce Commission, and includes but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord, igniters, and some special fireworks. Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.~~

Explosives shall have the same meaning as defined in 49 C.F.R., Part 173.

§ 1–118. Farm tractor

Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

§ 1–119. Flammable liquid

~~Any liquid which has a flash point of 70° F., or less, as determined by a tagliabue or equivalent closed cup test device and having a vapor pressure not exceeding 40 psia at 100 F.~~

Flammable substance shall include any liquid, gas, or other material as defined in 49 C.F.R., Part 173.

§ 1–120. ~~Foreign vehicle~~ Reserved

~~Every vehicle of a type required to be registered hereunder brought into this Nation from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this Nation.~~

§ 1–120.1. Gross combination weight rating (GCWR)

The value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value specified by the manufacturer, the gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon.

§ 1–121. Gross vehicle weight rating (GVWR)

The gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

§ 1–122. Highway

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

§ 1–123. Manufactured home

"Manufactured home" means and includes every vehicle defined as a manufactured home as defined in 47 O.S. § 1102.

§ 1–124. Identifying number

The numbers, and letters if any, on a vehicle designated by the Oklahoma Tax Commission for the purpose of identifying the vehicle.

§ 1–125. Implement of husbandry

Every ~~vehicle~~ device, whether it is self-propelled, designed and adapted so as to be used exclusively for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

1. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallons capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or field or from one farm or field to another, shall be considered implements of husbandry for purposes of this act.

2. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon shall also be considered implements of husbandry for purposes of this ~~act~~title. Provided, no truck or semitrailer with an

axle weight of twenty thousand (20,000) pounds or more, which is used to haul manure and operated on the public roads or highways of this state shall be considered an implement of husbandry for the purposes of this title.

3. Utility-type, all-terrain vehicles with a maximum curb weight of one thousand five hundred (1,500) pounds which are equipped with metal front or rear carrying racks when used for agricultural, horticultural or livestock-raising operations shall be considered implements of husbandry for purposes of this title.

§ 1–126. Intersection

A. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

B. Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

§ 1–127. ~~Laned roadway~~ Reserved

~~A roadway which is divided into two or more clearly marked lanes for vehicular traffic.~~

§ 1–128. License to operate a motor vehicle

A. Any ~~operator's, commercial chauffeur's or chauffeur's~~valid driver license or ~~any other license or~~ permit to operate a motor vehicle issued under the laws of Oklahoma including any temporary license or instruction permit, the lawful possession of which by a resident of the State of Oklahoma shall be evidence that the resident has been granted the privilege to operate a motor vehicle.~~:~~

~~1. Any temporary license or instruction permit~~;

~~2. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;~~

B. Any nonresident's operating privilege as defined in Section 1-138 of this title, which is evidenced by the lawful possession of a valid driver license or permit to operate a motor vehicle issued under the laws of another state.

~~A.~~

§ 1–129. Lienholder

A person holding a security interest in a vehicle.

§ 1–130. Local authorities

Every county, municipal and other local board or body having authority to enact laws relating to traffic under the Constitution and laws of this Nation and, where applicable, the State of Oklahoma.

§ 1–131. Mail

To deposit in the United States mails properly addressed and with postage prepaid.

§ 1–132. Manufacturer

Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in the State of Oklahoma or within the Cherokee Nation.

§ 1–133. Metal tire

Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

§ 1–133.1. ~~Minibike~~Reserved

~~Any self-propelled vehicle or motor-driven cycle having less than an eight inch (8″) wheel rim, or less than a forty inch (40″) wheel base or less than a twenty-five inch (25″) seat height.~~

§ 1-133.2. Moped

A "moped" is any motor-driven cycle with a motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty-five (35) miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters, and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

§ 1-133.3. Motor scooter

A. A "motorized scooter" is any vehicle having:

1. Not more than three wheels in contact with the ground;

2. Handlebars and a foot support or seat for the use of the operator;

3. A power source that is capable of propelling the vehicle at a maximum design speed of not more than twenty-five (25) miles per hour on level ground, and:

a. if the power source is a combustion engine, has a piston or rotor displacement of thirty-five cubic centimeters (35 cu cm) or less regardless of the number of chambers in the power source,

b. if the power source is electric, has a power output of not more than one thousand (1,000) watts.

B. For purposes of this section, an electric personal assistive mobility device, as defined in Section 1-114A of this title, bicycle, electric-assisted bicycle, or motorized bicycle, as defined in Section 1-104 of this title, shall not be considered a motorized scooter.

C. A motorized scooter shall not be required to be registered under the laws of this state. The operator of a motorized scooter shall not be required to possess a driver license or to comply with the vehicle insurance or financial responsibility laws of this state.

§ 1–134. Motor vehicle

~~Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails; provided, however, the definition of "motor vehicle" herein shall not include implements of husbandry as defined in 47 CNCA § 1-125.~~

A. A motor vehicle is:

1. Any vehicle which is self-propelled; or

2. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

B. As used in this title, the term "motor vehicle" shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;

2. Electric personal assistive mobility devices as defined in Section 1-114A of this title;

3. Motorized wheelchairs, as defined in Section 1-136.3 of this title;

4. Vehicles moved solely by human or animal power; or

5. Electric-assisted bicycles as defined in Section 1-104 of this title.

§ 1-134.1. Low-speed electrical vehicle

"Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500.

§ 1–135. Motorcycle

~~Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or a motorized bicycle.~~

A motorcycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;

2. Not more than three wheels in contact with the ground, but excluding a tractor; and

3. A combustion engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cu cm) or greater.

§ 1–136. Motor-driven cycle

~~Every motorcycle and motor scooter, equipped with a motor which produces not to exceed five (5) brake horsepower at full throttle without a governor as determined by a dynamometer test and designed to travel on not more than three (3) wheels in contact with the ground.~~

A motor-driven cycle is any motor vehicle having:

1. A power source that:

    a. if the power source is a combustion engine, has a piston or rotor displacement of greater than thirty-five cubic centimeters (35 cu cm) but less than one hundred fifty cubic centimeters (150 cu cm) regardless of the number of chambers in the power source,

    b. if the power source is electric, has a power output of greater than one thousand (1,000) watts; and

2. A seat or saddle for the use of each rider; and

3. Not more than three wheels in contact with the ground.

§ 1–136.1. ~~Motorized bicycle~~Reserved

~~Every vehicle having fully operative pedals for propulsion by human power, an automatic transmission and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters, which produces no more than two (2) brake horsepower, and is capable of propelling the vehicle at a maximum design speed of not more than thirty (30) miles per hour on level ground.~~

§ 1-136.2. Reserved

§ 1-136.3. Motorized wheelchair

A motorized wheelchair is any self-propelled vehicle, designed for and used by a person with a disability, that is incapable of a speed in excess of eight (8) miles per hour.

§ 1–137. Nonresident

Every person who is not a resident of this Nation.

§ 1–138. Nonresident's operating privilege

The privilege conferred upon a nonresident by the laws of this Nation pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this Nation.

§ 1–139. Official traffic-control devices

All signs, barricades, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

§ 1–140. Operator

Every person, ~~other than a commercial chauffeur or chauffeur~~including a commercial operator or driver, as defined in Section 1-108 of this title, who operates, drives or is in actual physical control of a motor vehicle ~~upon a highway~~ or who is exercising control over or steering a vehicle being towed by a motor vehicle.

§ 1-140.1. "Other intoxicating substance" defined

For purposes of this title, "other intoxicating substance" means any controlled dangerous substance, as defined in the Uniform Controlled Dangerous Substances Act, Section 2101 et seq. of Title 21 of the Cherokee Nation Code Annotated, or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely

affecting the central nervous system, vision, hearing, or other sensory or motor function.

§ 1–141. Owner

A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Code.

§ 1–142. Park, parking, and public parking lot

A. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

B. A public parking lot is any parking lot on right-of-way dedicated to public use or owned by the state or a political subdivision thereof.

§ 1–143. Pedestrian

Any person afoot.

§ 1–144. Person

Every natural person, firm, co-partnership, association or corporation.

§ 1–145. Pneumatic tire

Every tire in which compressed air is designed to support the load.

§ 1–146. Pole trailer

Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

§ 1–147. Police officer

Every sheriff, constable, marshal, policeman, highway patrolman, and any other officer who is authorized to direct or regulate traffic or make arrests for violations of Cherokee Nation laws.

§ 1–148. Private road or driveway

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

§ 1–149. Railroad

A carrier of persons or property upon cars~~, other than streetcars,~~ operated upon stationary rails.

§ 1–150. Railroad sign or signal

Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

§ 1–151. Railroad train

A steam engine, diesel, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

§ 1–152. ~~Reconstructed vehicle~~Reserved

~~Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.~~

§ 1–152.1. Recreational vehicle

For the sole purpose of ~~a classified driver's license system~~the classification of vehicles as provided in Sections 1-107.1 through 1-07.4 of this title, a recreational vehicle shall be ~~defined~~ deemed to be a Class D motor vehicle, provided such vehicle is~~as~~ a self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping or travel purposes and is used solely as a family or personal conveyance.

§ 1–153. Registration

The registration certificate or certificates and registration plates issued under the laws of Oklahoma pertaining to the registration of vehicles.

§ 1–154. Residence district

The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

§ 1–155. Revocation of ~~driver's license~~driving privilege

The termination by formal action of the Oklahoma Department of Public Safety regarding a person's ~~driver's license or~~ privilege to operate a motor vehicle on the public highways~~, which termination~~. Such action shall not ~~be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Department after the expiration of the period of revocation as hereinafter provided~~include the requirement of the surrender to the Department of said person's driver license.

§ 1–156. Right-of-way

The privilege of the immediate use of the roadway.

§ 1–157. ~~Road tractor~~Reserved

~~Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.~~

§ 1–158. Roadway and shoulder

A. Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

B. Shoulder. The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

§ 1–159. Safety zone

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

§ 1–160. School bus

Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school, provided, however, that this definition of school bus shall not be extended to include buses normally used in city transit which may be used part time for transportation of school children within such cities during some portion of the day.

§ 1–161. Security

Cash, certificates of deposit issued by financial institutions located within the Nation or the State of Oklahoma~~negotiable securities~~, or corporate security bond deposited with the Commissioner of Public

Safety ~~and placed in the custody of the National Treasurer~~ to secure payment of a judgment or judgments arising out of a motor vehicle accident which occurred prior to the demand for posting of security.

§ 1–162. Semitrailer

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

§ 1–163. Sidewalk

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

§ 1–164. Solid tire

Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

§ 1–165. Special mobilized machinery

Special purpose machines, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highways is only incidental, and whose useful revenue-producing service is performed at destinations in an area away from the traveled surface of an established open highway, and which carry no load other than their own weight, which cannot be divided for all practical purposes. This definition shall include a truck or truck tractor when used while drawing special mobilized machinery but this shall not be construed as exempting from license and registration the pulling unit truck or truck tractor as required by the motor vehicle license and registration.

§ 1–166. ~~Specially-constructed vehicle~~Reserved

~~Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.~~

§ 1–167. Stand or standing

Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

§ 1–168. State

A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

§ 1–169. Stop

When required means complete cessation from movement.

§ 1–170. Stop or stopping

When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

§ 1–171. Street

The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

§ 1–172. ~~Streetcar~~Reserved

~~A car other than a railroad train for transporting persons or property and operating upon rails principally within a municipality.~~

§ 1–173. Suspension of driver's license

The temporary withdrawal by formal action of the Department of a person's ~~driver's license or~~ privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender to the Department of said person's driver license.

§ 1–173.1. Tank vehicle

Any commercial motor vehicle designed to transport any liquid, powdered or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen (119) gallons and an aggregate rated capacity of one thousand (1,000) or more gallons that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle. ~~that is either permanently or temporarily attached to the vehicle or the chassis.~~ Such vehicles include but are not limited to cargo tanks and portable tanks as defined by 49 C.F.R., Part 171;~~. P~~provided ~~however~~, a commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle. ~~the term "tank vehicle" shall not include a portable tank having a rated capacity of under one thousand (1,000) gallons.~~

§ 1–174. Taxicab

Taxicab shall mean and include any motor vehicle for hire, designed to carry ~~seven~~ eight (8~~7~~) persons or less, operated upon any street or highway, or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported.~~; but this~~ This classification shall not include:

1. -M~~m~~otor vehicles of ~~seven~~ eight (8~~7~~) passenger capacity or less operated by the owner where the cost of operation is shared by fellow workmen between their homes and the place of regular daily employment, when not operated for more than two (2) trips per day, nor shall the classification

2. ~~include automobiles~~ Motor vehicles operated by the owner where the cost of operation is shared by the passengers on a "share the expense plan~~,~~";

3. ~~nor shall this classification include m~~Motor vehicles transporting students from the public school system when said motor vehicle is so transporting under contract with public, private, or parochial school board or governing body, or

4. Motor vehicles operating pursuant to the Oklahoma Transportation Network Company Act as provided for in 47 O.S. § 1011.

§ 1–175. Through highway

Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this act.

§ 1–176. ~~Trackless trolley coach~~Reserved

~~Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.~~

§ 1–177. Traffic

Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together, while using any highway for purposes of travel.

§ 1–178. Traffic-control signal

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

§ 1–179. Traffic lane

The portion of the traveled way for the movement of a single line of vehicles.

§ 1–180. Trailer

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle, provided however, the definition of trailer herein shall not include implements of husbandry as defined in 47 CNCA § 1–125.

§ 1–181. Transporter

Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer or from the place of business of a dealer, sales agent or auto auction to a place of business of the same or another dealer, sales agent or auto auction.~~.~~

§ 1–181.1. Travel trailer

Any vehicular portable structure built on a chassis which is not propelled by its own power but is towed by another vehicle and is used as a temporary dwelling for travel, recreational or vacational use. A travel trailer shall have a body width not exceeding eight (8) feet in travel mode and an overall length not exceeding forty (40) feet, including the hitch or coupling.

§ 1–182. Truck

Every motor vehicle designed, used or maintained primarily for the transportation of property.

§ 1–183. Truck tractor

A. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn; and

B. For the purposes of 47 O.S. § 14–103(C)(3), the term truck-tractor shall also include oil field rig-up trucks when towing a trailer or semitrailer.

§ 1–184. Turnpike and Turnpike Authority

A. The words "Turnpike Authority" or "Authority" shall mean the Oklahoma Turnpike Authority, created by 69 O.S. § 1703 ~~by 69 O.S.1951 § 653 as amended~~, or, if said Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

B. A turnpike is a limited access grade separated expressway financed and operated by the Oklahoma Turnpike Authority upon which a toll is charged for the use thereof.

§ 1–185. Urban district

The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

§ 1–186. Vehicle

~~Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, however, the definition of "vehicle" as used in this act shall not include implements of husbandry as defined in 47 CNCA § 1–125.~~

A. A vehicle is any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

B. As used in this title, the term "vehicle" shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;

2. Electric personal assistive mobility devices, as defined in Section 1-114A of this title; or

3. Motorized wheelchairs, as defined in Section 1-136.3 of this title.

CHAPTER 2 APPLICATION

§ 2–101. Application of code

This title shall apply to all persons subject to the jurisdiction of Cherokee Nation as determined by Cherokee Nation or federal law.

§ 2–102. Cherokee Nation

"Cherokee Nation" is the government of Cherokee Nation and geographically is the territory of Cherokee Nation as of 1893.

§ 2–103. Indian

Any person who is a member or who is eligible for membership in a federally-recognized tribe, nation or band of Indians.

§ 2–104. Tribal citizen

Any person who is a citizen or who is eligible for citizenship in Cherokee Nation.

§ 2–105. Offense

An offense is a violation of any provision under this code which is punishable only by assessment of a fine and costs.

§ 2–106. Crime

A crime is any violation of a provision of this code which is not designated as an "offense" and if committed under the laws of the State of Oklahoma would constitute a misdemeanor or felony.

CHAPTER 3 [RESERVED]

CHAPTER 4 ANTI–THEFT LAWS

§ 4–101. Exceptions from provisions of this chapter

This chapter does not apply to the following unless a title or registration has been issued on such vehicles under this act:

1. a vehicle moved solely by animal power;

2. an implement of husbandry, except as provided in 47 CNCA §§ 4–102 and4–104;

3. special mobilized machinery;

4. a self-propelled invalid wheelchair or tricycle.

§ 4–102. Unauthorized use of vehicle or implement of husbandry

A. A person not entitled to possession of a vehicle ~~or implement of husbandry~~ who, without the consent of the owner and with intent to deprive him, temporarily or otherwise, of the vehicle ~~or implement of husbandry~~ or its possession, takes, uses or drives the vehicle or implement of husbandry is guilty of a ~~crime~~felony punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.

B. A person not entitled to possession of an implement of husbandry who, without the consent

of the owner and with intent to deprive the owner, temporarily or otherwise, of the implement of husbandry or its possession, takes, uses or drives the implement of husbandry shall, upon conviction, be guilty of a felony punishable in accordance with the provisions of Section 17-102 of this title.

§ 4–103. Unauthorized use of a vehicle known to be stolen--Punishment~~Receiving or disposing of a vehicle~~

A. A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells or disposes of it, knowing ~~it~~ the vehicle to be stolen or converted under circumstances constituting a crime, shall upon conviction, ~~is~~be guilty of a ~~crime~~felony, punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.

B. A person not entitled to the possession of an implement of husbandry who receives, possesses, conceals, sells or disposes of it, knowing the implement of husbandry to be stolen or converted under circumstances constituting a crime shall, upon conviction, be guilty of a felony punishable in accordance with the provisions of Section 17-102 of this title.

§ 4–104. Damaging or tampering with vehicle or implement of husbandry

A. A person, who, with intent and without right to do so, injures or tampers with any vehicle or implement of husbandry or in any other manner damages any part or portion of said vehicle or implement of husbandry or any accessories, appurtenance or attachments thereto is guilty of a ~~crime~~misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both said imprisonment and fine.

B. A person, who, without right to do so and with intent to commit a crime, climbs into or upon a vehicle or implement of husbandry whether it is in motion or at rest, attempts to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of a vehicle or implement of husbandry while the same is at rest and unattended, or sets in motion any vehicle or implement of husbandry while the same is at rest and unattended is guilty of a ~~crime~~misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both said imprisonment and fine.

C. This section shall not apply as stated in 47 CNCA § 11–1002.

§ 4–105. Stolen, converted, recovered and unclaimed vehicles

A. It shall be the duty of every sheriff, marshal, chief of police or peace officer to make immediate report to the Department of Public Safety of all vehicles reported to their respective jurisdictions as being stolen or recovered. Such report shall be made as prescribed by the Department.

B. An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the

Department, but the Department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the Department.

C. An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of thirty (30) days, shall, within five (5) days after the expiration of that period, report the vehicle as unclaimed to the Department. Such report shall be on a form prescribed by the Department.

A vehicle left by its owner whose name and address are known to the operator or his employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this subsection forfeits all claims and liens for its garaging, parking or storing and is guilty of a crime punishable by a fine of not more than Twenty-five Dollars ($25.00) for each day his failure to report continues.

D. The Department shall maintain and appropriately index cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this section. The Department may make and distribute weekly lists of such vehicles so reported to it to peace officers upon request without fee and to others for the fee, if any, the Department prescribes.

E. Any peace officer who has reason to believe or upon receiving information that a motor vehicle has been stolen shall have and is hereby vested with authority to confiscate and hold such vehicle until satisfactory proof of ownership is established. Provided, any vehicle that is towed by a licensed wrecker operator pursuant to the provisions of Section 954A of Title 47 of the Oklahoma Statues shall be returned to the licensed wrecker operator prior to any other claim or assertion of ownership.

§ 4–106. False report of theft or conversion

A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the Department is guilty of a misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both said imprisonment and fine.~~crime.~~

§ 4–107. Removed, falsified or unauthorized identification

A. Any person or persons who shall destroy, remove, cover, alter or deface, or cause to be destroyed, removed, covered, altered or defaced, the engine number or other distinguishing number of any vehicle in this Nation, without first giving notice of such act to the Cherokee Nation Tax Commission, upon such form as the Commission may prescribe, or any person who shall give a wrong description in any application for the registration of any vehicle in this Nation for the purpose of concealing or hiding the identity of such vehicle, shall be deemed guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.~~crime.~~

B. A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that the identification number of the vehicle or engine has been removed or falsified, shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both said imprisonment and fine.~~crime.~~

C. A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, with knowledge that the identification number of the vehicle or engine has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, shall, upon conviction, be guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.~~crime.~~

D. A person who removes a license plate from a vehicle or affixes to a vehicle a license plate not authorized by law for use on said vehicle with intent to conceal or misrepresent the identity of the vehicle or its owner shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both said imprisonment and fine.~~crime.~~

E. As used in this section:

1. "Falsify" includes alter and forge.

2. "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of the Cherokee Nation Tax Commission or in accordance with the laws of another state, tribe, or country.

3. "Remove" includes deface, cover and destroy.

F. An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the Cherokee Nation Tax Commission without violating this section; an identification number so placed or restored is not falsified.

§ 4-107a. Offenses in connection with trim tag plates--Exceptions--Penalties--Civil remedies--Definitions

A. It shall be unlawful for any person to:

1. Knowingly and intentionally destroy, remove, cover, alter or deface, or cause to be destroyed, covered, removed, altered or defaced the trim tag plate of a motor vehicle manufactured from 1953 to 1977;

2. Knowingly affix a counterfeit trim tag plate to a motor vehicle;

3. Manufacture, offer for sale, sell, introduce, import or deliver for sale or use in this state a counterfeit trim tag plate; or

4. Offer for sale, sell, introduce, import or deliver for sale or use in this state a trim tag plate that was affixed to a motor vehicle at the time of manufacture but has since been removed or become dislodged.

B. Paragraph 1 of subsection A of this section shall not apply to:

1. Any person who engages in repair of a motor vehicle, provided that removal of the vehicle's trim tag plate is reasonably necessary for repair of a part of the vehicle to which the trim tag plate is affixed, and provided that such trim tag plate is not intentionally destroyed, altered or defaced; or

2. Removal of a trim tag from a motor vehicle which is being junked or otherwise destroyed, if the removal is being done for historical documentation purposes by a person actively involved in judging events or for historical documentation of classic motor vehicles and reasonable precaution is taken to ensure that the tag is not sold or affixed to another motor vehicle.

C. Any person convicted of violating the provisions of this act shall be guilty of a misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both said imprisonment and fine. Any person convicted of violating the provisions of this act a second or subsequent time shall be guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.

D. In addition to any other civil remedy available, a person defrauded as a result of a violation of this act may bring a civil action against any person who knowingly violated this act regardless of whether that person has been convicted of a violation of this act. A person defrauded as a result of a violation of this act may recover treble their actual compensatory damages. In any action brought pursuant to this subsection, the court may award reasonable costs, including costs of expert witnesses, and attorney fees to the prevailing party.

E. As used in this section:

1. "Trim tag plate" means a plate or tag affixed to a motor vehicle by the manufacturer which displays numbers, symbols, or codes that identify characteristics of the vehicle including, but not limited to, date of manufacture, body style, paint color, engine option, transmission option, trim option, general option, interior option, and interior color;

2. "Counterfeit trim tag plate" means:

a. any trim tag plate manufactured by a person or entity other than the original manufacturer of a motor vehicle upon which the trim tag plate is designed to be affixed, unless the trim tag has been permanently stamped, in the same manner as other information on the trim tag, with the words "REPLACEMENT TAG" in letters measuring at least one-eighth (1/8) of an inch in height, or

b. any trim tag plate which has been altered from its original manufactured condition so as to change any of its numbers, symbols, or codes; and

3. "Motor vehicle" means the same as defined in Section 1-134 of this title.

§ 4–108. False statements of material facts—Punishment

Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for, or in any assignment thereof, or who, with intent to procure or pass title to a motor vehicle which he knows, or has reason to believe, has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.~~crime~~. This provision shall not be exclusive of any other penalties prescribed by an existing or future law for the larceny or unauthorized taking of a motor vehicle.

§ 4–109. Altering or forging certificate of title

Any person who shall alter or forge, or cause to be altered or forged, any certificate of title issued by the Commission, pursuant to the provisions of this act, or any assignment thereof, or who shall hold or use any such certificate or assignment, knowing the same to have been altered or forged, shall be deemed guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.~~crime~~.

§ 4–110. Offenses in connection with certificates of title

A. Except as otherwise authorized by law, it shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title or number plate issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate or number plate issued under the laws of this Nation or any state;

3. To purchase identification or number plates on an assigned certificate of title. This paragraph shall be applicable to all persons except bona fide registered dealers in used motor vehicles who are holders of current and valid used motor vehicle dealers' licenses;

4. To sell or dispose of, in any manner, a used vehicle without delivering to the purchaser an Oklahoma certificate of title in such purchaser's name or one properly and completely assigned to him at the time of sale.

Anyone violating any of the provisions of this subsection, upon conviction, shall be guilty of a ~~crime~~ misdemeanor and shall be fined not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

B. Except as otherwise authorized by law, no person shall:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, manufactured home registration decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this Nation or any state;

3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Purchase identification, manufactured home registration receipt, manufactured home registration decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.~~crime~~.

C. Any violation of any portion of this section where a specific penalty has not been imposed shall constitute a ~~crime~~ misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

CHAPTERS 5-9. Reserved

CHAPTER 10

ACCIDENTS AND ACCIDENT REPORTS

§ 10–101. Provisions of chapter apply throughout Cherokee Nation

The provisions of this chapter shall apply upon highways and elsewhere throughout Cherokee Nation.

§ 10–102. Accidents involving ~~death or personal~~nonfatal injury

A. The driver of any vehicle involved in an accident resulting in a nonfatal injury to ~~or death of~~ any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of 47 CNCA § 10–104. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop, or to comply with said requirements under such circumstances, shall be guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.~~crime.~~

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person soconvicted.

§ 10-102.1. Accidents involving death

A. The driver of any vehicle involved in an accident resulting in the death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution, or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine not to exceed Fifteen Thousand Dollars ($15,000.00), or by both said imprisonment and fine.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

§ 10–103. Accidents involving damage to vehicle

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of 47 CNCA § 10–104. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said

requirements under such circumstances shall be guilty of a misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both said imprisonment and fine. In addition to the criminal penalties imposed by this section, any person violating the provisions of this section shall be subject to liability for damages in an amount equal to three (3) times the value of the damage caused by the accident. Said damages shall be recoverable in a civil action. Nothing in this section shall prevent a Judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.

§ 10–104. Duty to give information and render aid--Drug and alcohol testing

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall upon request exhibit his driver license and his security verification form, as defined in 47 O.S. § 7–600, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. Any driver who provides information required by this section which is intentionally inaccurate shall be subject to the provisions of Section 10-103 of this title.

B. Any driver of any vehicle involved in an accident who could be cited for any traffic offense where said accident resulted in the immediate death or great bodily injury, as defined in subsection B of Section 646 of Title 21 of the Cherokee Nation Code Annotated, of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of Section 752 of this title and the procedures found in Section 752 of this title shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

§ 10–105. Duty upon striking unattended vehicle

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the correct name and address of the driver and owner of the vehicle striking the unattended vehicle, and provide said operator or owner with information from his security verification form, as defined by 47 O.S. § 7–600, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and providing information from his security verification form, as defined by 47 O.S. § 7–600, and a statement of the circumstances thereof.

§ 10–106. Duty upon striking fixtures upon a highway

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of ~~his~~ the driver's name and address and of the registration number of the vehicle he is driving and shall upon request ~~and if available~~ exhibit ~~his operator's or chauffeur's~~a driver license and ~~his~~ security verification form, as defined in 47 O.S. § 7–600, and shall make report of such accident when and as required in 47 CNCA § 10–108.

Any person failing to stop or comply with said requirements under such circumstances shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both said imprisonment and fine. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.

§ 10–107. Immediate notice of accident

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately, by the quickest means of communication, give notice of such accident to the local law enforcement department, or to the office of the county sheriff or the nearest office of the State Highway Patrol after complying with the requirements of 47 CNCA § 10–104.

§ 10–108. Written report of accident—Notice to other parties—Ancillary proceedings

~~A.~~ Except for collisions occurring on private property, ~~T~~the operator of a motor vehicle which is in any manner involved in a collision upon any road, street, highway or elsewhere within this Nation resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or other property is in excess of Three Hundred Dollars ($300.00) shall forward a written report of such collision to the Department if settlement of the collision has not been made within six (6) months after the date of the accident and provided that if a settlement has been made a report of such settlement must be made by the parties.

~~B.~~A. Notwithstanding the provisions of 47 O.S. § 7–202, if any party involved in a collision files a report under this section, the Department shall notify all other parties involved in the collision, as specified in the report, that a report has been filed and all other parties shall then furnish the Department, within ten (10) days, such information as the Department may request to determine whether the parties were in compliance with the requirements of 47 O.S. § 7–601~~0 et seq.~~through 7-607 at the time of the collision. Upon a finding that an owner or driver was not in compliance with 47 O.S. § 7– 601 through 7-607, ~~0 et seq.,~~ the Department shall then commence proceedings under the provisions of 47 O.S. § 7– 201 ~~et seq.~~ and § 7–308~~1~~ through7-335 of this title. ~~et seq.~~

§ 10–109. Form of report

A. The form of the report required by this section shall be prescribed by the Commissioner, and the Commissioner may cause to be prepared such blanks and shall make such blanks available to the motoring public by leaving a supply with marshals, sheriffs, chiefs of police, justices of the peace, judges of the district court and other officials as the Commissioner may deem advisable.

B. Such report, in addition to such other information as may be prescribed by the Commissioner, shall contain information to enable the Commissioner to determine whether the requirements for the deposit of security under 47 O.S. § 7–202 are inapplicable by reason of the existence of insurance or other exceptions specified in this act, and shall be accompanied by a copy of an estimate made by some motor vehicle agency or established garage as to the cost of repairing the vehicle of which the person making the report was the operator or owner, which report shall be signed by an authorized representative of such agency or garage.

§ 10–110. Additional information

The Department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the Department.

§ 10–111. When driver unable to report

A. An accident report is not required under this chapter from any person who is physically incapable of making report during the period of such incapacity.

B. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in 47 CNCA § 10–107 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

§ 10–112. False reports

Any person who gives information in reports as required in 47 CNCA § 10–108, 10–110 or 10– 111 knowing or having reason to believe that such information is false shall be fined not more than Five Hundred Dollars ($500.00) or imprisoned for not more than one (1) year, or both.

§ 10–113. Accident report forms

A. The Department may prepare and upon request supply to marshals, police departments, coroners, sheriffs, garages and other suitable agencies or individuals forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.

B. Every accident report required to be made in writing shall be made on the appropriate form approved by the Department and shall contain all of the information required therein unless not available.

§ 10–114. Penalty for failure to report

The Commissioner of Public Safety may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as herein provided until such report has been filed, and the Commissioner may extend such suspension not to exceed thirty (30) days. Any person convicted of failing to make a report as required herein shall be punished as provided in 47 CNCA § 17–101.

§ 10–115. Public inspection of reports relating to ~~accidents~~collisions

A. All ~~accident~~ collision reports made by persons involved in ~~accidents~~ collisions shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department or other state or tribal agencies having use for the records for ~~accident~~ collision prevention purposes, or for the administration of the laws of this Nation relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such ~~accident~~collision.

B. All ~~accident~~ collision reports and supplemental information filed in connection with the administration of the laws of this Nation relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted, except, however, that such reports and supplemental information may be examined by, or the Department may provide a copy to, any person named therein, a representative of the person as designated in writing by the person, or as provided in Section 40-102 of the Oklahoma statutes.~~by any person named therein or by his representative designated in writing.~~

C. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an ~~accident~~collision, except that the Department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law.

§10-116. Reserved

§ 10-117. Reserved

§ 10-118. Accident response fee prohibited

A. Notwithstanding any other section of law to the contrary, no person or entity shall impose an accident response fee for the response or investigation of a motor vehicle accident by law enforcement.

B. For purposes of this section, "accident response fee" means a fee imposed for the response or investigation of a motor vehicle accident and does not mean any fee otherwise specifically authorized by law.

CHAPTER 11 RULES OF THE ROAD

ARTICLE I. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS ARTICLE II.

TRAFFIC SIGNS, SIGNALS AND MARKINGS

ARTICLE III. DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING, ETC.

ARTICLE IV. RIGHT–OF–WAY

ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

ARTICLE VI. TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

ARTICLE VII. SPECIAL STOPS REQUIRED

ARTICLE VIII. SPEED RESTRICTIONS

ARTICLE IX. RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE

ARTICLE X. STOPPING, STANDING AND PARKING ARTICLE XI.

MISCELLANEOUS RULES

ARTICLE XII. OPERATION OF BICYCLES AND PLAY VEHICLES ARTICLE XIII.

MAINTENANCE, CONSTRUCTION AND SAFETY ZONES **ARTICLE I.**

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

§ 11–101. Provisions of chapter refer to vehicles upon the highways—Exceptions

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon the highways except:

1. Where a different place is specifically referred to in a given section.

2. The provisions of Chapter 10 of this title and Article IX of this chapter shall apply upon highways,

turnpikes and public parking lots throughout the Nation.

3. Unless otherwise provided for by law, the general provisions of this title regulating traffic on public highways shall applyon turnpikes.

§ 11–102. Required obedience to traffic laws

It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a ~~crime~~ misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

§ 11–103. Obedience to police officers

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

§ 11–104. Persons riding animals or driving animal-drawn vehicles

Every person riding an animal or driving any animal-driven vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

§ 11–105. Persons working on highways—Exceptions

Unless specifically made applicable, the provisions of this chapter except those contained in Article IX hereof shall not apply to persons, teams, motor vehicles and other equipment, while actually engaged in work upon the surface of a highway, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities provided that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen, but the provisions of this chapter shall apply to such persons and vehicles when traveling to or from such work.

§ 11–106. Authorized emergency vehicles

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park, or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as ~~he~~ speeding does not endanger life or property;

4. Disregard regulations governing direction of movement; and

~~4.~~5. Disregard regulations governing ~~or~~ turning in specified directions.

C. The exemptions herein granted to the driver of an authorized emergency vehicle shall apply only when ~~such vehicle~~the driver is properly and lawfully making use of an audible signal or of flashing red or blue lights or a combination of flashing red and blue lights ~~and visual signals~~ meeting the requirements of 47 CNCA § 12– 218, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle. This subsection shall not be construed as requiring a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals.

D. The exemptions in paragraphs 3 and 5 of subsection B of this section shall be granted to a law enforcement officer operating an authorized emergency vehicle for law enforcement purposes without using audible and visual signals required by this section as long as the action does not endanger life or property if the officer is following a suspected violator of the law with probable cause to believe that:

1. Knowledge of the presence of the officer will cause the suspect to:
   a. destroy or lose evidence of a suspected felony,
   b. end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest, or
   c. evade apprehension or identification of the suspect or the vehicle of the suspect; or
2. Because of traffic conditions, vehicles moving in response to the audible or visual signals may increase the potential for a collision.

The exceptions granted in this subsection shall not apply to an officer who is in actual pursuit of a person who is eluding or attempting to elude the officer in violation of Section 540A of Title 21 of the Cherokee Nation Code Annotated.

~~C.~~E. The ~~foregoing~~ provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of ~~his~~ reckless disregard for the safety of others.

§ 11–107. Military convoys exempt from municipal traffic regulation—Right-of-way—Exceptions

The military forces of the United States and organizations of the National Guard, performing any military duty, shall not be restricted by municipal traffic regulations, and shall have the right-of-way

on any street or highway through which they may pass against all, except carriers of the United States mail, fire engines, ambulances and police vehicles in the necessary discharge of their respective duties. Said mounted military moving in convoy shall have lights burning, with lead and trail vehicles prominently marked, and shall travel, while inside the corporate limits of a city or town, in compliance with such speeds as are legally posted within the corporate limits of the city or town and shall maintain a closed interval of not more than seventy-five (75) feet.

ARTICLE II. TRAFFIC SIGNS, SIGNALS AND MARKINGS

§ 11–201. Obedience to and required traffic-control devices

A. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this act, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

B. No provision of this act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

§ 11–202. Traffic-control signal legend

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows successively one at a time, or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indication:

a. Vehicular traffic facing a circular green signal, except when prohibited under 47 CNCA § 11– 1302, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

c. Unless otherwise directed by a pedestrian-control signal, as provided in 47 CNCA § 11–203, pedestrians facing any green signal except when the sole green signal is a turn arrow, may proceed

across the roadway within any marked or unmarked crosswalk.

2. Steady yellow indication:

a. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

b. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in 47 CNCA § 11–203, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

3. Steady red indication:

a. Vehicular traffic facing a steady circular red signal alone shall stop at a clearly-marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraphs b and d of this paragraph.

b. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right or to turn left from a one-way street into a one-way street after stopping as required by subparagraph a of this paragraph. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

c. In order to prohibit right turns or left turns as prescribed in subparagraph b of this paragraph on the red signal after the required stop, a municipality must erect clear, concise signs informing drivers that such turns are prohibited. The Highway Department shall specify the design of the sign to be used for this purpose, and it shall be used uniformly throughout the state.

d. Notwithstanding any other provision of law, the driver of a motorcycle or bicycle facing any steady red signal may cautiously proceed through the intersection only if:

1. the motorcycle or bicycle has been brought to a complete stop as required by subparagraph a of this paragraph,

2. the traffic control signal is programmed or engineered to change to a green signal only after detecting the approachof a motor vehicle and has failed to detect the arrival of the motorcycle or bicycle because of its size or weight, and

3. no motor vehicle or person is approaching on the roadway to be crossed or entered, or the motor vehicle or personis at a distance from the intersection that does not constitute an

immediate hazard.

The driver of any vehicle approaching the intersection, which lawfully may enter the intersection, shall have the rightof-way over any motorcycle or bicycle operator proceeding through a red light and, in no event where an accident results from the driver of the motorcycle or bicycle proceeding into the intersection on a red light, shall such driver of the vehicle be charged with any violation pursuant to Sections 11-401 and 11-403 of this title relating to failure to yield right-of-way, Section 11-310 of this title relating to following too closely, or Section 11-801 of this title relating to driving too fast for conditions, and

~~d.~~c. Unless otherwise directed by a pedestrian-control signal as provided in 47 CNCA § 11–203, pedestrians facing a steady circular red signal alone shall not enter the roadway.

In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

§ 11–203. Pedestrian-control signals

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

1. Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way in the direction of the signal by the drivers of all vehicles.

2. Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

§ 11–204. Flashing signals

A. Whenever an illuminated red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the ~~rules~~ requirements of laws applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in 47 CNCA § 11– 701.

§ 11–204.1. Lane use control signals

When lane use control signals are placed over individual lanes, said signals shall indicate and apply to drivers of vehicles as follows:

1. Green indication—Vehicular traffic may travel in any lane over which a green signal is shown;

2. Steady yellow indication—Vehicular traffic is thereby warned that a lane control change is being made;

3. Steady red indication—Vehicular traffic shall not enter or travel in any lane over which a red signal is shown; and

4. Flashing yellow indication—Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

§ 11–205. Pedestrian-actuated school crossing signals

Whenever a pedestrian-actuated school crossing signal is provided, it shall require obedience by vehicular traffic and pedestrians in accordance with 47 CNCA §§ 11–202 and 11–203.

§ 11–206. Display of unauthorized signs, signals or markings

A. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising; provided, however, that the governing board of any city or town may permit, under such conditions as the said board may deem proper, commercial or other advertising upon any traffic sign located on streets or highways within said city or town and not designated as either state or federal highways or extensions thereof.

B. This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

C. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it

to be removed without notice.

§ 11–207. Interference with official traffic-control devices or railroad signs or signals

A. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, including any nine-one-one (911) emergency telephone service route markers, or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

B. If a violation of subsection A of this section results in personal injury to or death of any person, the person committingthe violation shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

§ 11-208. Traffic signal preemption device--Possession, use, interference with, or sale

A. As used in this section, the term "traffic signal preemption device" shall mean a device designed for use by authorizedemergency vehicles to improve traffic movement by temporarily controlling signalized intersections.

B. It shall be unlawful for a person to possess, use, or interfere with a traffic signal preemption device unless:

1. The person is the operator of an authorized emergency vehicle upon which the device is installed; and

2. The person is responding to an existing or potential emergency and there is a threat of immediate danger to life or propertywhich reasonably requires the use of the device in order to protect the life, safety, health, or property of another person.

C. It shall be unlawful to advertise, offer for sale, sell, or otherwise distribute any traffic signal preemption device to any individual person in this state. Advertising, offering for sale, selling, and distribution of these devices shall be limited to trade publications and companies whose target market is law enforcement agencies, fire departments, and ambulance service providers of this state or its political subdivisions.

ARTICLE III. DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING, ETC.

§ 11–301. Driving on right side of roadway—Exceptions

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;

4. Upon a roadway restricted to one-way traffic; or

5. Upon a roadway having four or more lanes for moving traffic and providing for two-way movement of traffic.

B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway and may be temporarily driven upon the right-hand shoulder for the purpose of permitting other vehicles to pass. This subsection shall not apply~~, except~~ when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

C. Upon any roadway having four (4) or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph 2 of subsection (A) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

§ 11–302. Passing vehicles proceeding in opposite directions

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one (1) line of traffic in each direction each driver shall give to the other at least one-half (1/2) of the main-traveled portion of the roadway as nearly as possible.

§ 11–303. Overtaking a vehicle on the left—Signal

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely

clear of the overtaken vehicle.

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

3. Every driver who intends to pass another vehicle proceeding in the same direction, which requires moving his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.

§ 11–304. When overtaking on the right is permitted

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

§ 11–305. Limitations on overtaking on the left

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

§ 11–306. Further limitations on driving to left of center of roadway

A. No vehicle shall be driven on the left side of the roadway under the following conditions:

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

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic-control devices;

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

B. The foregoing limitations shall not apply upon a one-way roadway; nor under the conditions described in 47 CNCA § 11–301(A)(2), nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

§ 11–307. No-passing zones

A. Cherokee Nation by designated authority is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in subsection (A) of this section no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

§ 11–308. One-way roadways and rotary traffic island

A. Cherokee Nation may designate any street or highway or any separate roadway under their respective jurisdictions for one-way traffic and shall erect appropriate signs giving notice thereof.

B. Upon a roadway designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

C. A vehicle passing around a rotary traffic island shall be driven only to the right of such islands.

~~**§ 11–308A. Speed limits—Traffic control regulations—Violations**~~

~~Cherokee Nation may set speed limits and promulgate regulations governing uniform traffic control to comply with the provisions of this title for the reasonable and safe operation of motor vehicles on property situated within the Nation and owned by or under the control of the public trust.~~

~~Speed limits and regulations so established shall be enforceable when appropriate signs giving notice~~

~~thereof are erected. Any person driving on such property in violation of the speed limit or regulation so established shall, upon conviction, be punished in the same manner as provided for persons convicted of violating other provisions of this chapter.~~

§ 11–309. Driving on roadways laned for traffic

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.

1. A vehicle shall be driven as nearly as practicable entirely within a single lane.

~~1.~~2. A vehicle ~~and~~ shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and then given a signal, not less than the last one hundred (100) feet traveled by the vehicle, of his intention to change lanes.

3. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign posted to give notice of such allocation.

4. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the roadway. Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel double yellow lines, interior line dashed and exterior line solid, on each side of the lane. A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a roadway. Vehicles turning left from the roadway shall not be driven in the two-way left-turn lane for more than two hundred (200) feet while preparing for and making the turn. A vehicle turning left onto the roadway may utilize the two-way left-turn lane as a staging area by stopping and waiting for traffic proceeding in the same direction to clear before merging into the adjacent lanes of travel. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated. Provided, however, this section shall not prohibit driving across a two-way left-turn lane when moving from a service drive onto such marked roadway.

5. A vehicle shall not be driven in the left lane of a roadway except when overtaking and passing another vehicle; provided, however, this paragraph shall not prohibit driving in the left lane when traffic conditions, flow or road configuration, such as the potential of merging traffic, require the use of the left lane to maintain safe traffic conditions; provided further, this paragraph shall not prohibit driving in the left lane of a roadway within the city limits of a municipality as long as such roadway is not part of the National System of Interstate and Defense Highways.

~~2.~~6. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

Any person convicted of violating any provision of this section shall be punished as provided for in Section 17-101 of this title.

~~3. Upon a roadway which is divided into four (4) or more lanes, a vehicle proceeding at less than the maximum posted speed, except when reduced speed is necessary for safe operation, shall not impede the normal flow of traffic by driving in the left lane. Such vehicle shall be driven in the right hand lane except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.~~

§ 11–310. Following too closely

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

B. The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or another vehicle.

C. No vehicle which has more than six (6) tires in contact with the road shall approach from the rear of another vehicle which has more than six (6) tires in contact with the road closer than three hundred (300) feet except when passing such said vehicle.

D. Motor vehicles being driven upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. The distance between such vehicles shall be a minimum of two hundred (200) feet under all conditions. This provision shall not apply to funeral processions.

E. Subsections (a), (b), (c) and (d) of this section shall not apply to a non-lead vehicle in a platoon, as defined in this section, or the operator thereof, as long as the platoon consists of not more than two motor vehicles.

~~D.~~F. As used in this section, "platoon" means a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination.

§ 11–311. Driving on divided highways

Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or clearly-indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or ~~police~~ peace officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through ~~an~~ a permanent opening in the dividing space, barrier or section or at a permanent cross-over or intersection as established unless specifically prohibited by public authority. No vehicle shall be driven over, across or within any temporary opening in a dividing space, barrier or section or at a temporary cross-over or intersection unless specifically authorized by a public authority or at the direction of a peace officer.~~opening in such physical barrier or dividing section or space or at a cross-over or intersection as established unless specifically prohibited by public authority.~~

§ 11–312. Restricted access

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

§ 11–313. Restrictions on use of controlled-access roadway

Cherokee Nation, the Department of Transportation, the Oklahoma Transportation Authority, or local authorities may, with respect to any controlled-access roadway under their respective jurisdictions, ~~may~~ prohibit the use of any such roadway by pedestrians, bicycles or other non-motorized traffic or by any person operating a motor-driven cycle. The Cherokee Nation, the Department of Transportation, the Oklahoma Transportation Authority, or local authorities adopting any such prohibitory regulations shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

§ 11-314. Approaching stationary authorized vehicles on the roadway

A. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, a stationary vehicle that is displaying flashing lights or a licensed wrecker that is displaying a flashing amber light, a combination red or blue light or any combination of amber, red or blue lights, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver,the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed wrecker; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, the driver shall proceed with duecaution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

B. This section does not relieve the operator of a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed wrecker from the consequences of reckless disregard for the safety of all persons and property upon the highway.

§ 11-315. Driving between vehicles in funeral procession prohibited

A. No driver of a motor vehicle shall drive between the vehicles comprising a funeral or other authorized procession while the vehicles are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

B. Any person convicted of violating the provisions of this section shall be punished as provided for in Section 17-101 of Title 47 of the Oklahoma Statutes.

§ 11-315.1. Overtaking a vehicle being used in the collection of refuse, solid waste or recyclables

The driver of a motor vehicle, upon approaching a vehicle being used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps pursuant to the provisions of Section 12-227 of Title 47 of the Oklahoma Statutes, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of thedriver, proceed with due caution and shall, if possible and with due regard to the road, weather and traffic conditions, change lanes into a lane that is not adjacent to the vehicle being used in the collection of refuse, solid waste or recyclables; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, proceed with due caution andreduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions.

ARTICLE IV. RIGHT–OF–WAY

§ 11–401. Vehicle approaching or entering intersection

A. Whether a stop sign or yield sign present, visible or not, the driver of a vehicle shall yield the right-of-way and shall not proceed until it is safe to do so, when the driver is:

1. ~~The driver of a vehicle o~~On a county road upon approaching an intersection with a tribal, state, or federal highway;

2. On a private drive or any road not maintained by the county or state upon approaching an intersection with a tribal, state, or federal highway or a county road;

3. On an unpaved county road upon approaching an intersection with a paved county road; or

4. ~~-~~On a county road, ~~shall stop and yield the right-of-way to a vehicle which has entered the intersection or~~ which ends at, merges with, or does not otherwise continue directly across an intersecting through county road, upon approaching the intersection with the through county road. ~~is so close thereto as to constitute an immediate hazard.~~

For purposes of this subsection, "paved road" means a road improved with a surface of concrete, asphalt, or what is commonly referred to as oil and chip, and "unpaved road" means all other roads.

~~A.~~B. When two (2) vehicles enter or approach an intersection from different highways at approximately the same time, except in subsection (A) of this section, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

~~B.~~C. The right-of-way rules declared in subsections (A) and (B) of this section are modified at through highways and otherwise as hereinafter stated in this chapter.

§ 11–402. Vehicle turning left at intersection

The driver of a vehicle ~~within an intersection~~ intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close thereto when initiating such turn as to constitute an immediate hazard ~~within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this chapter, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.~~

§ 11–403. Vehicle entering stop or yield intersection

A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in 47 O.S. § 15–108.

B. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by 47 CNCA

§ 11–703(D) and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

C. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in 47 CNCA § 11–703(E), and shall yield the right-of-way to any pedestrian legally crossing the roadway on which ~~he~~ the driver is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of ~~his~~ the driver's failure to yield right-of-way.

D. Where two or more vehicles face stop, slow, warning or caution signs or signals on two or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not so entered the intersection.

§ 11-403.1. Failure to yield causing fatality or serious bodily injury--Assessment of fee

Any person convicted of failure to yield a right-of-way and who causes a fatality or serious bodily injury as a result of such violation may, in addition to any other fine or penalty, be assessed a fee in an amount not exceeding One Thousand Dollars ($1,000.00).

§ 11–404. Vehicle entering highway from private road or driveway

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

§ 11–405. Operation of vehicles on approach of authorized emergency vehicles

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of 47 O.S. § 12–218, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the

authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not be construed to require a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals nor shall this section operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

§ 11-406. Farm tractors or implements--Operation on highways--Permission from Department required--Wide vehicles--Duty of operator--Yield of right-of-way

A. A farm tractor, as defined in Section 1-118 of this title, or any implement of husbandry, as defined in Section 1-125 of this title, except trailers and semitrailers when operated in accordance with statutory limits or provisions of Section 14-101 of this title, shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. However, the Department of Public Safety shall have the authority to permit such travel in certain geographic areas of the state as deemed necessary. Such tractor or implement may be operated on any other roadway in this state if the operator has attached all the safety devices required by law and has taken reasonable steps to reduce the width of the tractor or implement as provided for by the manufacturer. Whenever the width of a farm tractor or implement of husbandry exceeds the width of that portion of a roadway on which the tractor or implement is driven, which is marked as a single lane of traffic, or, if the roadway has not been marked for lanes of traffic and the width of the tractor or implement exceeds more than fifty percent (50%) of the width of the roadway, the operator shall move the tractor or implement, as soon as possible, as far to the right-hand side of the roadway as is practicable and safe upon approach of any oncoming or following vehicle and upon approaching the crest of a hill.

B. Upon the immediate approach of a farm tractor or implement of husbandry which cannot be moved by the operator thereof tothe far right-hand side of the roadway, as required in subsection A of this section, due to the existence of any bridge or guardrail, sign or any other physical impediment which would not safely allow such tractor or implement to travel on the far right-hand side of the road, the driver of every other vehicle shall yield the right-of-way and shall immediately pull over to the far righthand side of the road and remain in such position until the tractor or implement has passed.

~~C.~~ This section shall not operate to relieve any operator of a farm tractor or implement of husbandry from the duty to drive with due regard for the safety of all persons using the roadway.

ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11–501. Pedestrians subject to traffic regulations

A. A pedestrian shall obey the instructions of any official traffic-control device specifically applicable

to him, unless otherwise directed by a police officer.

B. Pedestrians shall be subject to traffic and pedestrian-control signals as provided in 47 CNCA §§ 11–202 and 11–203.

C. At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

§ 11-501.1. Rights and duties of persons operating wheelchair or motorized wheelchair

Every person operating a wheelchair or a motorized wheelchair shall have all of the rights and all of the duties applicable to a pedestrian contained in Chapter 11 of this title except those provisions which by their nature can have no application.

§ 11–502. Pedestrians' right-of-way in crosswalks

A. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

C. Subsection (A) shall not apply under the conditions stated in 47 CNCA § 11–503(B).

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

§ 11–503. Crossing at other than crosswalks

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

§ 11–504. Drivers to exercise due care

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

§ 11–505. Pedestrians to use right half of crosswalks

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

§ 11–506. Pedestrians on roadways or bridges

A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and shall yield to approaching vehicles.

C. It shall be unlawful for any person to enter upon any portion of a bridge for the purpose of diving or jumping therefrom into a lake, river or stream for recreation, and it shall be unlawful for a pedestrian to use a bridge where sidewalks are not provided for the purpose of standing or sightseeing.

§ 11–507. Pedestrians soliciting rides or business

No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment or business from the occupant of any vehicle.

ARTICLE VI. TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

§ 11–601. Required position and method of turning at intersections

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

2. Left turns. The driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.~~on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof~~

~~and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.~~ Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

~~3. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.~~

~~4.~~3. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

§ 11–602. Turning on curve or crest of grade prohibited

A. Unless otherwise prohibited by law, the driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless and until such movement can be made with reasonable safety and without interfering with other traffic.

B. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

§ 11–603. Starting parked vehicle

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

§ 11–604. Turning movements and required signals

A. No person shall turn a vehicle at an intersection, a public or private road, or a drivewat, unless the vehicle is in proper position upon the roadway as required in 47 CNCA § 11–601, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal ~~in the manner hereinafter~~as provided in subsection B of this section, in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left ~~when~~ as required by law shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in subsection B of this section ~~herein~~ to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

~~C.~~D. When any person is properly preparing for, attempting or executing a left turn, as described in subsection A of this section,no other person operating another vehicle immediately following the turning vehicle shall pass or attempt to pass the turning vehicle to the left. Such other person shall come to a complete stop if necessary at a safe distance behind the person preparing for, attempting or executing the turn or may proceed to the right of the turning vehicle as provided by Section 11-304 of this title.

§ 11–605. Signals by hand and arm or signal lamps

A. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (B) of this section.

B. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

§ 11–606. Method of giving hand-and-arm signals

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally.

2. Right turn. Hand and arm extended upward.

3. Stop or decrease speed. Hand and arm extended downward.

ARTICLE VII. SPECIAL STOPS REQUIRED

§ 11–701. Obedience to signal indicating approach of train

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly-visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

§ 11–702. ~~Certain~~ Commercial motor vehicles and buses—Railroad crossing~~must stop at all railroad grade crossings~~

A. The driver of a bus defined in Section 1-105 of this title, whether the bus is occupied or unoccupied by ~~any motor vehicle carrying~~ passengers, shall not cross a railroad ~~for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any~~ track or tracks at grade unless the driver stops the bus ~~of a railroad, shall stop such vehicle~~ within fifty (50) feet of, and ~~but~~ not ~~less~~ closer than fifteen (15) feet to, ~~from~~ the tracks, listens ~~nearest rail of such railroad~~ and looks~~while so stopped shall listen and look~~ in ~~both~~ each direction~~s~~ along ~~such~~ the track for an~~y~~ approaching train, and ascertains that no~~for signals indicating the approach of a~~ train is approaching. When, ~~except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when~~ it is safe to do so, the driver may drive the bus across the tracks~~of any said vehicle shall cross only~~ in ~~such~~ a gear ~~of the vehicle~~ that permits the bus to complete ~~there will be no necessity for changing gears while traversing such~~ crossing without a change of gears. The~~and the~~ driver shall not shift gears while crossing the ~~track or~~ tracks.

B. No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

§ 11–703. Stop signs and yield signs

A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in 47 O.S. § 15–108.

B. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway, however such yield signs shall not be erected upon the approaches of but one of the intersecting streets.

C. Every stop sign shall bear the word "Stop". Every yield sign hereafter erected or replaced shall bear the word "Yield". Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in or on the face of the sign.

D. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly-marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

E. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly-marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

§ 11–704. Emerging from alley, driveway or building

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

§ 11–705. Meeting or overtaking stopped school bus—Violation and penalty—Reporting violations—Video monitoring on buses

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants. Any person convicted of violating the provisions of this subsection shall be punished by a fine of not less than One Hundred Dollars ($100.00). In addition to the fine, a special assessment of One Hundred Dollars ($100.00) shall be assessed, of which seventy-five percent (75%) shall be deposited to the credit of the Cameras for School Bus Stops Revolving Fund established in Section 2 of this act.1 The remaining twenty-five percent (25%) of the special assessment shall be deposited to the credit of the reviewing law enforcement agency referred to in subsection E of this section.

~~A.~~B. Visual signals, meeting the requirements of Section 12-228 of this title, shall be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

~~B. Every school bus used for the transportation of schoolchildren shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height and in addition shall be equipped with visual signals meeting the requirements of 47 O.S. § 12-218, which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children.~~

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

D. If the driver of a school bus witnesses a violation of the provisions of subsection (A) of this section, within twenty-four (24) hours of the alleged offense, ~~he~~ the driver shall report the violation, the vehicle color, license tag number, and the time and place such violation occurred to the law enforcement authority of the municipality where the violation occurred. The law enforcement authority of Cherokee Nation shall issue a letter of warning on the alleged violation to the person in whose name the vehicle is registered. The Office of the Attorney General shall provide a form letter to each municipal law enforcement agency in this Nation for the issuance of the warning provided in this subsection. Such form letter shall be used by each such law enforcement agency in the exact form provided for by the Office of the Attorney General. A warning letter issued pursuant to this subsection shall not be recorded on the driving record of the person to whom such letter was issued. Issuance of a warning letter pursuant to this section shall not preclude the imposition of other penalties as provided by law.

E. 1. A school district may install and operate a video-monitoring system in or on the school buses or the bus stop-arms operated by the district or contract with a private vendor to do so on behalf of the school district for the purpose of recording violations of subsection A of this section. In the event the video-monitoring system captures a recording of a violation of subsection A of this section, appropriate personnel at the school district shall extract data related to the violation from the recording. The extracted data shall include a recorded image or video containing the requirements listed in paragraph 2 of this subsection. The school district shall submit the extracted data for review to the law enforcement agency with jurisdiction in which the violation occurred. If the reviewing law enforcement agency determines there is sufficient evidence to identify the vehicle and the driver, such evidence shall be submitted to the district attorney's office for prosecution.

~~D.~~ 2. For the purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of subsection A of this section. The system shall, at a minimum, produce a recorded image of the license plate of the vehicle, an identifiable picture of the driver's face, the activation status of at least one warning device as prescribed in Section 12-228 of this title and the time, date and location of the vehicle

when the image was recorded.

§ 11–705.1. Church buses—Definition—Meeting and overtaking stopped bus—Signs and signals

~~A. A church bus is a vehicle operated by a nonprofit religious organization which transports persons including school age children to and from religious services.~~

~~C.~~A. The driver of a vehicle meeting or overtaking a church bus that is stopped to take on or discharge passengers, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the church bus and not proceed until the loading signals are deactivated and then proceed past such bus at a speed which is reasonable and with due caution for the safety of such occupants.

~~D.~~B. ~~Every~~ If the church bus is ~~used for the transportation of persons to and from religious services shall bear upon the front and rear thereof plainly visible signs containing the words "CHURCH BUS" in letters not less than eight (8) inches in height and in addition may be~~ equipped with visual signals meeting the requirements of 47 O.S. § 12–218, ~~which~~ the signals shall be actuated by the driver of said church bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging passengers.

~~E.~~C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled-access highway and the church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

ARTICLE VIII. SPEED RESTRICTIONS

§ 11–801. Basic rule and maximum limits

A. Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing., ~~and no~~ No person shall drive any vehicle upon a highway at a speed greater than will permit ~~him~~ the driver to bring it to a stop within the assured clear distance ahead.

B. Except when a special hazard exists that requires lower speed for compliance with subsection (A) of this section, the limits specified ~~in this act~~by law or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

1. On a highway or part of a highway, unless otherwise established in law, a speed established by the Department of Transportation on the basis of engineering and traffic investigations used to determine

the speed that is reasonable and safe under the conditions found to exist on the highway or part of the highway;

2. For a school bus, fifty-five (55) miles per hour on paved two-lane roads except on the state highway system, the interstate highway system and the turnpike system where the maximum shall be sixty-five (65) miles per hour;

3. On any highway outside of a municipality in a properly marked school zone, twenty-five (25) miles per hour, provided the zone is marked with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. The Department of Transportation may determine on the basis of an engineering and traffic investigation that a speed limit higher than twenty-five (25) miles per hour may be reasonable and safe under conditions as they exist upon a highway, and post an alternative school zone speed limit. The Department shall mark such school zones, or entrances and exits onto highways by buses or students, so that the maximum speed provided by this section shall be established therein. Exits and entrances to controlled-access highways which are within such school zones shall be marked in the same manner as other highways. The county commissioners shall mark such school zones along the county roads so that the maximum speed provided by this section shall be established therein. The signs may be either permanent or temporary. The Department shall give priority over all other signing projects to the foregoing duty to mark school zones. The Department shall also provide other safety devices for school zones which are needed in the opinion of the Department;

4. Twenty-five (25) miles per hour or a posted alternative school zone speed limit through state schools located on the state owned land adjoining or outside the limits of a corporate city or town where a state educational institution is established;

5. Thirty-five (35) miles per hour on a highway in any state park or wildlife refuge. Provided, however, that the provisions of this paragraph shall not include the State Capitol park area, and no person shall drive any vehicle at a rate of speed in excess of fifty-five (55) miles per hour on any state or federal designated highway within such areas; and

6. For any vehicle or combination of vehicles with solid rubber or metal tires, ten (10) miles per hour.

The maximum speed limits set forth in this section may be altered as authorized in Sections 11-802 and 11-803 of this title.

C. The Commission is hereby authorized to prescribe maximum and minimum speeds for all vehicles and any combinations of vehicles using controlled-access highways. Such regulations shall become effective after signs have been posted on these highways giving notice thereof. Such regulations may apply to an entirely controlled-access highway or to selected sections thereof as may be designated by the Commission. A speed limit of seventy-five (75) miles per hour may be set in locations comprising rural segments of the interstate highway system by the Commission; provided, however, that speed is determined to be safe and reasonable after a traffic or engineering study has been completed by the

Department. It shall be a violation of this section to drive any vehicle at a faster rate of speed than such prescribed maximum or at a slower rate of speed than such prescribed minimum. However, all vehicles shall at all times conform to the limits set forth in subsection A of this section.

Copies of such regulations certified as in effect on any particular date by the Secretary of the Commission shall be accepted as evidence in any court in this state. Whenever changes have been made in speed zones, copies of such regulations shall be filed with the Commissioner of Public Safety.

D. The Oklahoma Turnpike Authority is hereby authorized to prescribe maximum and minimum speeds for trucks, buses and automobiles using turnpikes; provided, however, a speed limit of eighty (80) miles per hour may be set in locations comprising the turnpike system, as may be approved by the Authority. The regulation pertaining to automobiles shall apply to all vehicles not commonly classified as either trucks or buses. Such regulations shall become effective only after approval by the Commissioner of Public Safety, and after signs have been posted on the turnpike giving notice thereof. Such regulations may apply to an entire turnpike project or to selected sections thereof as may be designated by the Oklahoma Turnpike Authority. It shall be a violation of this section to drive a vehicle at a faster rate of speed than such prescribed maximum speed or at a slower rate of speed than such prescribed minimum speed. However, all vehicles shall at all times conform to the requirements of subsection A of this section.

Copies of such regulations, certified as in effect on any particular date by the Secretary of the Oklahoma Turnpike Authority, shall be accepted in evidence in any court in this state.

E. The driver of every vehicle shall, consistent with the requirements of subsection A of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority may post, by changeable message sign or other appropriate sign, a temporary reduced speed limit for maintenance operations or when special hazards with respect to pedestrians, other traffic, an accident, by reason of weather or when other hazardous highway conditions exist.

F. 1. No person shall drive a vehicle on a county road at a speed in excess of fifty-five (55) miles per hour unless posted otherwise by the board of county commissioners, as provided in subparagraphs a through c of this paragraph, as follows:

a. the board of county commissioners may determine, by resolution, a maximum speed limit which shall apply to all county roads which are not otherwise posted for speed,

b. the board of county commissioners shall provide public notice of the speed limit on all nonposted roads by publication in a newspaper of general circulation in the county. The notice shall be published once weekly for a period of four (4) continuous weeks, and

c. the board of county commissioners shall forward the resolution to the Director of the Department and to the Commissioner of Public Safety.

2. The Department shall post speed limit information, as determined pursuant to the provisions of subparagraphs a through c of paragraph 1 of this subsection, on the county line marker where any state highway enters a county and at all off-ramps where interstate highways or turnpikes enter a county. The signs shall read as follows:

ENTERING __COUNTY

COUNTY ROAD SPEED LIMIT

_____ MPH

UNLESS POSTED OTHERWISE

The appropriate board of county commissioners shall reimburse the Department the full cost of the signage required herein.

G. Any person convicted of a speeding violation pursuant to subsection B or F of this section shall be punished by a fine as follows:

1 a. For an offense occurring on or after the effective date of this act and prior to November 1, 2022, one to ten miles per hour over the speed limit as provided for in Section 11-801e of this title, and

b. For an offense occurring on or after November 1, 2022, one to ten miles per hour over the limit.....$10.00

2. Eleven to fifteen miles per hour over the limit..... $20.00

3. Sixteen to twenty miles per hour over the limit.....$35.00

4. Twenty-one to twenty-five miles per hour over the limit.....$75.00

5. Twenty-six to thirty miles per hour over the limit.....$135.00

6. Thirty-one to thirty-five miles per hour over the limit.....$155.00

7. Thirty-six miles per hour or more over the limit..... $205.00

or by imprisonment for not more than ten (10) days; for a second conviction within one (1) year

after the first conviction, by imprisonment for not more than twenty (20) days; and upon a third or subsequent conviction within one (1) year after the first conviction, by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

~~1. Sixty-five (65) miles per hour in other locations during daytime.~~

~~2. Fifty-five (55) miles per hour in such other locations during nighttime. Daytime means from a half hour before sunrise to a half hour after sunset. Nighttime means at any other hour.~~

~~Seventy (70) miles per hour in such other locations which are four-lane divided highways.~~

~~3. No person shall drive a truck, truck tractor with semitrailer or pole trailer attached or any other combination of vehicles at a speed greater than a maximum of sixty (60) miles per hour in the day and fifty-five (55) miles per hour during the nighttime.~~

~~3. No person shall drive a pickup truck at a greater speed than is prescribed in subsection (B) of this section; except when such pickup truck is hauling livestock, then and in that event the maximum speed of such pickup truck shall not exceed sixty (60) miles per hour day or fifty-five (55) miles per hour at night. A pickup truck, as used in this act, shall apply to all vehicles having a rated load capacity of three-quarter (3/4) ton or less.~~

~~3. No person shall drive a school bus at a speed greater than a maximum of fifty (50) miles per hour except on turnpikes and interstate highways where the maximum shall be sixty-five (65) miles per hour.~~

~~3. On any highway outside of a municipality, the speed limit in a properly marked school zone shall be a maximum of twenty-five (25) miles per hour, provided the zone is marked with movable school zone signs, the signs placed at least one hundred (100) yards on each side of the area of the school proper. These signs shall not be placed upon or left standing on any part of the roadway except during the school day and the period immediately after the closing of school when children are, or are expected to be, crossing the highway in said school area; provided that such signs shall be removed from the roadway at all times when school is actually assembled and in no event shall such signs be placed upon the roadway more than one (1) hour prior to the assembly of school in the morning nor left standing on the roadway for more than one (1) hour after the dismissal of school in the evening. The Cherokee Nation shall mark such school zones, or entrances and exits onto highways by buses or students, so that the maximum speed provided by this section shall be established therein. Exits and entrances to controlled-access highways which are within such school zones shall be marked in the same manner as other highways. The county commissioners shall mark such school zones along the county roads so that the maximum speed provided by this section shall be established therein. Said signs may be either permanent or temporary. The Cherokee Nation shall give priority over all other signing projects to the foregoing duty to mark school zones. The Department shall also provide other safety devices for school zones which are needed in the opinion of the Department. The Cherokee Nation shall mark such school zones located within Indian country.~~

~~12. No person shall drive any vehicle at a greater maximum speed than twenty-five (25) miles per hour through school zones unless otherwise marked.~~

~~14. No person shall drive any vehicle on a highway in any park or wildlife refuge at a rate of speed in excess of thirty-five (35) miles per hour. Provided, however, that the provisions of this paragraph shall not apply to any state or federal designated highway within such areas.~~

~~16. No person shall drive any vehicle or combination of vehicles with solid rubber or metal tires at a speed greater than the maximum of ten (10) miles per hour.~~

~~The maximum speed limits set forth in this act may be altered as authorized in 47 CNCA §§ 11-802 and 11-803.~~

~~T.~~C. ~~The driver of every vehicle shall, consistent with the requirements of subsection (A), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazard exists with respects to pedestrians or other traffic, or by reason of weather or highway conditions~~.

§ 11–801A. ~~Maximum speed limits—Suspension of existing conflicting law~~

~~No person shall drive a vehicle on a road or highway at a speed in excess of fifty-five (55) miles per hour unless, pursuant to federal law, a greater speed limit is authorized or established; provided, however, that the speed limit on rural interstate highways, as defined by federal law, shall be a maximum of sixty-five (65) miles per hour. This act, Section 11-1101 et seq. of this title, shall cease to be effective when the "Federal-Aid Highway Amendments of 1974." (Public Law 93-643), 23 U.S.C. § 101, or a substantially similar successor law with sanctions, ceases to be in effect; or by proclamation of the Principal Chief that an emergency no longer exists and this maximum speed is no longer warranted; or by resolution of the Council of the Cherokee Nation that an emergency no longer exists and this maximum speed is no longer warranted. This act shall suspend but not repeal all other laws in conflict and such laws shall resume their effectiveness when this act ceases to be in effect.~~**Reserved**

§ 11–801B. ~~Restriction on cancellation of automobile insurance policies~~

~~No insurer shall, directly or indirectly, use traffic tickets or convictions for traffic offenses as a basis for cancellation of automobile insurance policies or increasing insurance premium rates for automobile insurance policies where such ticket or conviction is for exceeding the speed limit specified in this act, but not exceeding the speed limit previously in force where the violation occurred; nor shall any insurer in any way penalize or adversely affect any insured for any such violation or conviction.~~**Reserved**

§ 11–801C. ~~Restrictions on recording or assessing points for speed violations~~

~~The Oklahoma Department of Public Safety shall not record or assess points for traffic violations or~~

~~convictions for traffic offenses on any licensee's traffic record as maintained by said Department, where such violation or conviction is for exceeding the speed limit specified in this act, but not exceeding the speed limit previously in force where the violation occurred.~~**Reserved**

§ 11–801D. ~~Restriction on recording or assessing points for out-of-state speed violations~~

~~The Department of Public Safety shall not record or assess points against a licensee for out of state violations or convictions of exceeding such state's speed limits, provided such licensee did not exceed the speed limit previously in force as of January 1, 1974, in the state where the violation or conviction occurred.~~**Reserved**

§ 11-801e. Speeding violations--Collection of fines, fees, and costs

Notwithstanding any other provision of law, any person convicted of a speeding violation of one (1) to ten (10) miles per hour over the limit, pursuant to subsection B or F of Section 11-801 of Title 47 of the Oklahoma Statutes, shall be punished by a fine of Five Dollars ($5.00) and costs and fees not to exceed Ninety-five Dollars ($95.00). The court clerk shall collect fine, costs and fees.

§ 11–802. Establishment of tribal speed zones

Whenever Cherokee Nation or the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the highway system, said Cherokee Nation may determine and declare a reasonable and safe maximum limit thereat which, when appropriate signs giving notice thereof are erected, shall be effective at all times, or during hours of daylight or darkness or at such other times as may be determined at such intersection or other place or part of the highway.

§ 11–803. When local authorities may and shall alter maximum limits

A. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

1. Decreases the limit at intersections; or

2. Increases the limit within an urban district, but not to more than sixty-five (65) miles per hour; ~~during daytime~~ or ~~fifty-five (55) miles per hour during nighttime; or~~]

3. Decreases the limit outside an urban district, but not to less than thirty ~~five~~ (30~~5~~) miles per hour.

B. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and

safe maximum limit thereon which may be greater or less than the maximum speed permitted under ~~this act~~Section 1-101 et. seq. of this title for an urban district.

C. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

D. As to streets and highways within the corporate limits which have been constructed or reconstructed with state or federal funds, local authorities shall have joint authority with Cherokee Nation to establish or alter speed limits; provided, however, the speed limit on an interstate highway within such corporate limits shall not be decreased to less than sixty (60) miles per hour; and provided further, that no local authority shall impose speed limits on any such street or highway substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies, of less than thirty-five (35) miles per hour.

E. Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway except in thecase of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten (10) miles per hour.
~~D.~~

§ 11–804. Minimum speed regulation

A. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

B. Whenever Cherokee Nation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, Cherokee Nation or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

§ 11–805. Special speed limitation on motor-driven cycles

A. No person shall operate any motorcycle at a speed greater than the legally posted speed limit; provided, in no event nor atany time shall an operator under the age of sixteen (16) years drive a motorcycle on a highway which has a minimum speed limit established and posted.

B. No person shall operate any motor-driven cycle at a speed greater than the legally posted speed limit; provided, in no event or ~~any motor scooter,~~ at any time shall any operatordrive a motor-drive cycle~~,~~ at a speed greater than thirty-five (35) miles per hour. ~~However, all motor-driven cycles and motor scooters shall at all times conform to 47 CNCA § 11–801(A).~~

C. No person shall operate a motorized scooter at a speed greater than the legally posted speed limit; provided, in no event norat any time shall any operator drive a motorized scooter:

1. At a speed greater than twenty-five (25) miles per hour; and

2. On any roadway with a posted speed limit of greater than twenty-five (25) miles per hour.

Any municipality or board of county commissioners is hereby authorized to adopt ordinances and regulations for the operation of motorized scooters as provided in Section 19 of this act.

~~As used in this article, "motor driven cycle" shall mean every bicycle with motor attached, and every motor scooter with wheel diameters twelve (12) inches or less, measured from one side of the rim to the other.~~

§ 11-805.1. Low-speed electrical vehicles--Restrictions on operation

A. No person shall operate any low-speed electrical vehicle on any street or highway with a posted speed limit greater thanthirty-five (35) miles per hour.

B. The provisions of subsection A of this section shall not prohibit a low-speed vehicle from crossing a street or highway witha posted speed limit greater than thirty-five (35) miles per hour.

C. This section shall not prevent a city from adopting any ordinance that would further restrict low-speed electrical vehiclesfrom operating on certain city-owned streets in order to ensure the public health and safety.

D. This section shall be a part of and supplemental to the rules of the road as provided in Section 11-101 et seq. of this title.

§ 11-805.2. Reserved

§ 11-805.3. Electric personal assistive mobility devices-Registration--Operation requirements--Warning notice

A. Notwithstanding any other provisions of law, an electric personal assistive mobility device, as defined in Section 1 of this act,1 shall not be:

1. Registered pursuant to the Oklahoma Vehicle License and Registration Act; or

2. Operated on the highways or turnpikes of this state except as provided in subsection B of this section.

B. An electric personal assistive mobility device may be operated upon the sidewalks, walking trails, bikeways, and municipal streets of this state. A municipality may prohibit the operation of an electric personal assistive mobility device on public streets where the speed limit is greater than twenty-five (25) miles per hour but, except for enforcement of the provisions of subsection C of this section, may not otherwise restrict the operation of an electric personal assistive mobility device.

C. 1. A person operating an electric personal assistive mobility device shall:

a. not be required to have an Oklahoma driver license to operate the device,
b. obey However, all speed limits,

c. yield the right of way to pedestrians and human powered devices motor-driven cycles and motor scooters shall at all times, conform to 47 CNCA § 11–801(A).

d. As used in this give an audible signal before overtaking and passing any pedestrian, and

e. wear or equip the electric personal assistive mobility device with reflectors and a headlight when operating at night.

2. Failure to comply with any requirement set forth in subparagraphs b through e of paragraph 1 of this subsection shall result in a warning for the first offense, a fine of Ten Dollars ($10.00) for the second offense, and impoundment of the electric personal assistive mobility device for up to thirty (30) days for subsequent offenses. Each act of noncompliance shall be considered a separate offense.

D. 1. It shall be unlawful to manufacture, assemble, sell, offer to sell, or distribute an electric personal assistive mobility device in this Nation unless the device is accompanied by a warning notice. The warning notice shall be substantially similar to the following: "REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL PROTECTIVE GEAR, WHICH SHALL INCLUDE HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS".

2. A person, firm, corporation, or other legal entity that regularly engages in the business of manufacturing, assembling, selling, or distributing electric personal assistive mobility devices and complies with the requirements of this subsection shall not be liable in a civil action for damages for any physical injury sustained by an operator of an electric personal assistive mobility device as a result of the operator's failure to wear protective gear in accordance with the notice required by paragraph 1 of this subsection.

§ 11-805.4. Electric gopeds

Electric gopeds shall be operated as provided in subsections A and B of Section 11-805.3 of this title.

§ 11–806. Special speed limitations

A. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is sign posted as provided in this section.

B. Cherokee Nation, the Oklahoma Department of Transportation, and local authorities may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if they shall thereupon find that ~~such~~ the structure cannot, with safety to itself, withstand vehicles driving at speeds otherwise permissible under ~~this act~~Section 1-101 et seq. of this title, they shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and may cause and permit suitable signs stating ~~such~~ the maximum speed to be erected and maintained at a distance of one hundred (100) feet before each end of ~~such~~ the structure.

C. Where any tribal, state, or federal highway or turnpike shall be under construction, maintenance, or repair or when a detour shall have been designated by reason of construction or repairs in progress and Cherokee Nation shall have determined a maximum safe, careful, and prudent speed shall have been determined on such highway or highway detour or by the Oklahoma Transportation Authority on the turnpike or turnpike detour during the period of such construction, maintenance, or repairs and shall have plainly posted by changeable message or other appropriate sign at each terminus thereof and at not less than each half mile along the route thereof such determined maximum speed, no person shall drive any vehicle upon such portion of such highway or upon such highway or upon the portion of the turnpike or the turnpike detour at a speed in excess of the speed so determined and posted. Violation of the posted speed limit in the repair, maintenance, or construction zone shall result in the doubling of the appropriate fine. For purposes of this section, "repair, maintenance, or construction zone" means any location where repair, maintenance, or construction work is actually in progress and workers present.

D. The Cherokee Nation, Oklahoma Department of Transportation, the Oklahoma Turnpike Authority, and other local authorities may post, by changeable message signor other appropriate sign, a temporary reduced speed limit for special hazards with respect to pedestrians, other traffic, an accident, by reason of weather or when other hazardous highway conditions exist.

E. Upon the trial of any person charged with a violation of this section, proof of ~~said~~ the determination of the maximum speed by ~~said Cherokee Nation~~the Department of Transportation or by the Oklahoma Transportation Authority and the existence of ~~said~~ the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety as provided in subsections (B), (C), and (D~~C~~) of this section.

~~D.~~

§ 11-806.1. Reduced speed limit at certain times in school zone

Where any portion of a road, street, or highway is a properly marked school zone, as indicated with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit as properly posted, shall be in effect during certain times due to the presence or potential presence of school children, no person shall drive any vehicle upon that portion of the highway which is the school zone in excess of the reduced speed limit so posted when the reduced speed limit is in effect. Violation of the posted reduced speed limit in the school zone shall result in the doubling of the appropriate fine.

§ 11-806.2. Reduced speed limit in toll booth zone

Where any portion of a turnpike is a properly marked toll booth zone, as indicated with appropriate signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit, as properly posted shall be in effect within the zone, no person shall drive any vehicle upon that portion of the turnpike which is the toll booth zone in excess of the reduced speed limit so posted. Violation of the posted reduced speed limit in the toll booth zone shall result in the doubling of the appropriate fine.

§ 11–807. Charging violations and rule in civil actions

A. In every charge of violation of any speed regulation in this article, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

B. The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

C. Unless another penalty is provided in this title, every person convicted of violating any provision of Sections 11-801 through 11-806 of this title, shall be punished as provided in Section 17-101 of this title.

~~C. Every person convicted of violating any provision of this article shall be guilty of a crime and upon conviction shall be fined in a sum of not less than Ten Dollars ($10.00) and not more than Two Hundred Dollars ($200.00), or shall be sentenced to serve a term of not less than five (5) days nor more than thirty (30) days in jail, or by both such fine and imprisonment.~~

§ 11–808. ~~Radar interference~~Jammers and speed measuring devices—Use, possession ~~Advertising, sale~~, manufacture, sale or distribution prohibited—Exemption~~—Penalties~~

A. As used in this section:

1. "Jammer" means any instrument, device, or equipment designed or intended for use with a vehicle or otherwise to jam or interfere with in any manner a speed measuring device operated by a law enforcement officer in the vicinity; and

2. "Speed measuring device" shall include, but is not limited to, devices commonly known as radar speed meters or laser speed meters.

~~A. It shall be unlawful for any person to operate a motor vehicle upon any public road, street, highway or turnpike of this state when such vehicle is equipped with any device designed for the purpose of, or capable of:~~

~~3. Jamming or distorting signals emitted by radar; or~~

B. It shall be unlawful for any person to use or possess a jammer.

C. It shall be unlawful to manufacture, advertise for sale, sell or otherwise distribute any such device in this Nation.

~~1.~~ This section shall not apply to any person who lawfully possesses a license issued by the Federal Communications Commission for the use of a jammer.~~Transmitting a signal capable of being received by radar.~~

~~C. It shall be unlawful to manufacture, advertise for sale, sell or otherwise distribute any such device in this Nation.~~

~~E. A license issued by the Federal Communications Commission for the use of such device shall exempt operation of such device from the provisions of this act.~~

~~G. Any person convicted of violating subsection (A) or (B) of this section shall be punished by a fine of not more than Two Hundred Dollars ($200.00).~~

§ 11-808.1. Unlawful acts--Radar detectors

It shall be unlawful for any person to:

1. Possess, operate or use a radar detector while operating or as a passenger in a commercial motor vehicle;
2. Operate a commercial motor vehicle in which a radar detector is installed or present; or
3. Install or have installed a radar detector in a commercial motor vehicle.

§ 11–809. Exemptions

The provisions of this act shall not apply to:

1. Any receiver of radio waves of any frequency lawfully licensed by any state or federal agency;

2. Any such device owned or operated by the federal or state or Nation government or any political

subdivision used by employees thereof in their official duties, or the sale of any such device to law enforcement agencies for use in their official duties; or

3. Any citizens band radio.

§ 11-810. Points--Convictions for speeding--Holders of commercial driver licenses

A. Except when the person is the holder of a commercial driver license and commits the offense while operating any vehicle or when the person who commits the offense is operating a commercial motor vehicle, the Department of Public Safety shall not report or assess points to the driving record of any person, as maintained by the Department, for a conviction of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour.

B. Except when the person is the holder of a commercial driver license committing the offense while operating any vehicle or when the person committing the offense is operating a commercial motor vehicle, the Department of Public Safety shall not record or assess points for convictions for traffic offenses on the driving record of any person as maintained by the Department, where such conviction is for exceeding the speed limit prescribed in this title, but not exceeding the speed limit previously in force where the violation occurred.

C. Except when the person is the holder of a commercial driver license committing the offense while operating any vehicle or when the person committing the offense is operating a commercial motor vehicle, the Department of Public Safety shall not record or assess points against a person for out-of-state convictions of exceeding the speed limits of that state, provided the person did not exceed the speed limit previously in force as of January 1, 1974, in the state where the conviction occurred.

ARTICLE IX. RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE

§ 11–901. Reckless driving

A. It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in 47 CNCA § 11–801.

B. Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment; on a second or subsequent conviction punishment shall be imprisonment for not less than ten (10) days nor more than six (6) months, or by fine of not less than One Hundred Fifty Dollars ($150.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

§ 11-901a. Reserved

§ 11-901b. Full time and attention to driving

The operator of every vehicle, while driving, shall devote their full time and attention to such driving. No law enforcement officer shall issue a citation under this section unless the law enforcement officer observes that the operator of the vehicle is involved in an accident or observes the operator of the vehicle driving in such a manner that poses an articulable danger to other persons on the roadway that is not otherwise specified in statute.

§ 11-901c. Unlawful use of a cellular telephone

A. It shall be unlawful for any person to operate a commercial motor vehicle or for a public transit driver to operate a motor vehicle on any street or highway within this state while:

1. Using a cellular telephone or electronic communication device to write, send, or read a text-based communication; or

2. Using a hand-held mobile telephone while operating a commercial motor vehicle.

For the purposes of paragraphs 1 and 2 of this subsection, using a hand-held mobile telephone is permissible by drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials, other emergency services or by a public school bus driver to and from a central dispatch school transportation department or its equivalent.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Five Hundred Dollars ($500.00).

C. As used in this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a voice-activated global positioning or navigation system that is affixed to a motor vehicle;

3. "Operate" means operating on a street or highway, including while temporarily stationary because of traffic, a traffic controldevice or other momentary delays. Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where

the vehicle can safely remain stationary;

4. "Public transit driver" means:

a. any operator of a public transit vehicle owned and operated by the State of Oklahoma, any public trust authority,county, municipality, town or city within this state,

b. any operator of a school bus or multi-passenger motor vehicle owned and approved to operate by the State Departmentof Education or any school district within this state, or

c. any operator, conductor or driver of a locomotive engine, railway car or train of cars; and

5. "Write, send, or read a text-based communication", also known as texting, means manually entering alphanumeric text into, sending text, or reading text from, an electronic device, and includes, but is not limited to, short message service (SMS), emailing, instant messaging (IM), a command or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. As used in this paragraph, texting does not include:

a. using voice commands to select or enter a telephone number, an extension number, or voicemail retrieval codes andcommands into an electronic device for the purpose of initiating or receiving a phone call,

b. inputting, selecting, or reading information on a global positioning system or navigation system, or

c. using a device capable of performing multiple functions for a purpose that is not otherwise prohibited in this part,including, but not limited to, fleet management systems, dispatching devices, smart phones, citizens band radios, and music players.

D. This act shall not apply to railroads and railroad operating employees regulated by the Federal Railroad Administration.

§ 11-901d. Text messaging--Penalties

A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while using a handheld electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars ($100.00).

C. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

D. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

1. An emergency response operator;
2. A hospital, physician's office or health clinic;
3. A provider of ambulance services;
4. A provider of firefighting services; or
5. A law enforcement agency.

E. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section. The provisions of such ordinances shall be the same as provided for in this section; the enforcement provisions of those ordinances shall not be more stringent than those of this section; and the fine and court costs for municipal ordinance violations shall be the same or a lesser amount as provided for in this section.

F. For the purpose of this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include:

a. a device that is physically or electronically integrated into a motor vehicle,

b. a voice-operated global positioning or navigation system that is affixed to a motor vehicle,

c. a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function, or

d. an ignition interlock device that has been installed on a motor vehicle; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

§ 11–902. Persons under the influence of alcohol or other intoxicating substance or combination thereof

A. It is unlawful and punishable as provided in ~~subsection (C) of~~ this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this nation, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in 47 CNCA § 756, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Has any amount of a Schedule I chemical or controlled substance, as defined in Section 2204 of Title 21 of the Cherokee Nation Code Annotated, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid at the time of a test of such person's blood, saliva, urine or any other bodily fluid administered within two (2) hours after the arrest of such person;

~~3.~~4. Is under the influence of any ~~other~~ intoxicating substance other than alcohol ~~to a degree~~ which may render~~s~~ such person incapable of safely driving or operating a motor vehicle; or

~~4.~~5. Is under the combined influence of alcohol and any other intoxicating substance ~~to a degree~~ which renders such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

As used in this title, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, 21 CNCA § 2101 et seq., and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

C. 1. Every person who is convicted of a violation of the provisions of this section shall be deemed guilty of a crime for the first offense and shall: a) participate in a substance abuse assessment and evaluation approved by the District Court and shall follow all recommendations made in the

assessment and evaluation, b) be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and c) be fined not more than One Thousand Dollars ($1,000.00).

2. Any person who within ten (10) years following the completion of the execution of any sentence or deferred judgment for a violation of this section or a violation pursuant to the provisions of any law of any state prohibiting the offenses provided in subsection (A) of this section and is convicted of a second or subsequent offense pursuant to the provisions of this section or has a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection (A) of this section shall be deemed guilty of a crime and shall be sentenced to: a) participate in a substance abuse assessment and evaluation approved by the District Court and shall follow all recommendations made in the assessment and evaluation at the defendant's expense, or b) incarceration for not less than one (1) year and not to exceed three (3) years and a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00), or c) treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph. However, if the treatment recommended for the defendant does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

3. Any person who is convicted of a third or subsequent offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of any state or a violation pursuant to the provisions of any law of any federally-recognized Indian tribe shall participate in a substance abuse assessment and evaluation as approved by the District Court and shall be sentenced to: a) follow all recommendations made in the substance abuse assessment and evaluation at the defendants expense, followed by not less than one (1) year of supervision and periodic testing at the defendants expense, four hundred eighty (480) hours of community service, and use of an ignition interlock device, or b) incarceration for not less than one (1) year and not more than three (3) years and a fine of not more than Five Thousand Dollars ($5,000.00), or c) treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph. However, if the person does not undergo residential or inpatient treatment the person shall serve a term of imprisonment of at least ten (10) days.

D. Any person who is found guilty of a violation of the provisions of this section may be referred, prior to sentencing, to an alcoholism evaluation facility designated by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The Court shall order the person to reimburse the facility for the evaluation in an amount not to exceed Seventy-five Dollars ($75.00). The facility shall, within seventy-two (72) hours, submit a written report to the Court for the purpose of assisting the Court in its final sentencing determination.

§ 11-902a. Allowing use of motor vehicle without ignition interlock device--Disabling or disconnecting device

A. No person shall knowingly authorize or permit a motor vehicle owned or under the control of that person which is not equipped with an ignition interlock device to be driven upon any

street or highway of this state by any person who is required to have an ignition interlock device installed upon the vehicle of that person.

B. No person shall willfully attempt to interfere in any way with the intended and proper functioning of an ignition interlock device installed in a vehicle as required by law, or intentionally fail to return an ignition interlock device when it is no longer required in the vehicle or upon request by the owner of the device.

C. No person granted permission to drive a motor vehicle on the condition of installation of an ignition interlock device shall drive any vehicle that is not equipped with an ignition interlock device unless driving a vehicle of an employer in accordance with subsection A of Section 6-212.3 of this title.

D. A violation of subsection A, B or C of this section shall be a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

§ 11-902b. Reserved

§ 11-902c. Reserved

§ 11-902d. Impaired driver database

In any case in which a person is arrested for driving under the influence of alcohol or any other intoxicating substance, an impaired driver arrest report shall be completed by the law enforcement officer that made the arrest and shall be entered into the impaired driver database, in the form and format of the impaired driver arrest report as prescribed by the Commissioner of the Department of Public Safety.

§ 11–902.1. Course for drinking drivers

As used in ~~this act~~sections 11-902.2 through 11-902.4 of this title:

1. "Alcohol and drug substance abuse course" means a course certified by the Department of Mental Health and Substance Abuse Services designed to inform the offender about alcohol or other drugs and driving, and encourages the participants to reassess their use of alcohol or other drugs, and driving behavior, in order to select practical alternatives.

2. "Satisfactory completion of a course" means that the institution or agency conducting the course certifies to the Department of Public Safety that the participant has successfully completed the requirements of the course.

3. "Alcohol and drug substance abuse treatment program" means a program designated by the Department of Mental Health and Substance Abuse Services for the treatment of alcohol and drug abuse, or alcoholism and drug dependency.

~~Course for drinking drivers means a course designed to inform the offender about alcohol or drugs and driving, and encourages the participants to reassess their use of alcohol or other drugs, and driving behavior, in order to select practical alternatives.~~

~~1. Satisfactory completion of a course means that the institution or agency conducting the course verifies that the participant has satisfactorily met the requirements of the course.~~

§ 11–902.2. Sentence and punishment--Conditional participation in alcohol and drug substance abuse course or program~~Courts—Conditional participation in drinking drivers course~~

Except as otherwise provided by law, ~~I~~in any case in a ~~municipal or District C~~court of proper jurisdiction wherein the defendant is charged with actual physical control of or operation of a motor vehicle while under the influence of or impaired by alcohol or a drug, the Court may:

A. Upon a plea of guilty or nolo contendere, or stipulation by the defendant, or a verdict, but before a judgment of guilt is entered, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings upon the condition that the defendant enroll in, attend and successfully complete, at his or her own expense, a an alcohol and drug substance abuse course or an alcohol and drug substance abuse treatment program~~course for drinking drivers as provided by this act~~, or both as identified by an assessment conducted by a certified assessor; or; or

B. Upon a conviction, suspend the execution of sentence, with or without probation, upon the condition that the defendant enroll in, attend and successfully complete, at his or her own expense an alcohol and drug substance abuse course or an alcohol and drug substance abuse treatment program as provided by Section 11-902.3 of this title.~~, a course for drinking drivers as provided by this act~~.

§ 11–902.3. Authorized course providers--Fees--Course requirements~~Institutions and organizations that may offer courses—Fees—Limitations on enrollment~~

A. Courses for drinking drivers shall be offered only by nonprofit educational institutions of higher learning, governmental or nonprofit organizations.

B. Enrollment fees for those attending the courses ~~shall not exceed Fifty Dollars ($50.00).~~may be set by the Department of Mental Health and Substance Abuse Services within a range of not less than Sixty-five Dollars ($65.00) and not more than:

1. One Hundred Fifty Dollars ($150.00) for a ten-hour course; and

~~B.~~ 2. Three Hundred Sixty Dollars ($360.00) for a twenty-four-hour course.

C. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course under the provisions of 47 CNCA § 11–902.2.

D. All alcohol and drug substance abuse courses ~~for drinking drivers~~ related to driver license revocation and course facilitators shall be approved and certified by the Department of Mental Health and Substance Abuse Services.~~shall be approved by the Department of Public Safety~~.

E. Any rules promulgated by the Department of Mental Health governing:

1. Minimum curriculum requirements for such courses;

2. Facilities, equipment and instructional materials for such courses;

3. Minimum qualifications for course facilitators;

4. Grounds for reprimand and for revocation, suspension or nonrenewal of the authority to conduct such courses and for revocation of a facilitator's certification;

5. Attendance requirements; and

6. Guidelines for certifying to the Department of Mental Health and Substance Abuse Services and the Department of Public Safety successful completion of such course,

shall be applicable within the Cherokee Nation for the purposes of this title.

~~E.~~F. Any institution conducting a course for drinking drivers shall notify the prosecutor and the court of all persons who successfully complete such course as a condition to a deferred or suspended sentence pursuant to 47 CNCA § 11–902.2.

§ 11–902.4. Operating or being in actual physical control of motor vehicle while under the influence while under age—Penalties

A. It is unlawful, and punishable as provided in subsection (B) of this section, for any person under twenty-one (21) years of age to drive, operate, or be in actual physical control of a motor vehicle within this Nation who:

1. has any measurable quantity of alcohol in the person's blood or breath at the time of a test administered within two (2) hours after an arrest of the person;

2. exhibits evidence of being under the influence of any other intoxicating substance as shown by analysis of a specimen of the person's blood, breath, saliva, or urine in accordance with the provisions of 47 O.S. § 752; or

3. exhibits evidence of the combined influence of alcohol and any other intoxicating substance.

B. Any person under twenty-one (21) years of age who violates any provision of this section shall be

subject to the seizure of the driver license of that person at the time of arrest or detention and the person, upon conviction, shall be guilty of operating or being in actual physical control of a motor vehicle while under the influence while under age and shall be punished:

1. for a first conviction, by:

a. a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00),

b. assignment to and completion of twenty (20) hours of community service,

c. requiring the person to attend and complete a treatment program, or

d. any combination of fine, community service, or treatment;

2. upon a second conviction, by:

a. assignment to and completion of not less than two hundred forty (240) hours of community service, and

b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or devices for a period of not less than thirty (30) days.

In addition, a second conviction may be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection (D) of this section, or by both; or

3. upon a third or subsequent conviction, by:

a. assignment to and completion of not less than four hundred eighty (480) hours of community service, and

b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or device for a period of not less than thirty (30) days.

In addition, a third or subsequent conviction may be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Dollars ($2,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection (D) of this section, or by both.

C. The Court may assess additional community service hours in lieu of any fine specified in this section.

D. In addition to any penalty or condition imposed pursuant to the provisions of this section, the person

shall be subject to:

1. upon a first conviction:

a. the cancellation or denial of driving privileges as ordered by the Court,

b. the continued installation of an ignition interlock device or devices, at the expense of the person after the mandatory period of cancellation, denial or revocation of driving privileges;

2. upon a second or subsequent conviction:

a. the cancellation or denial of driving privileges,

b. an assessment of the person's degree of alcohol abuse, which may result in treatment as deemed appropriate by the Court, and

c. the continued installation of an ignition interlock device or devices, at the expense of the person, after the mandatory period of cancellation, denial or revocation of driving privileges.

E. Nothing in this section shall be construed to prohibit the filing of charges pursuant to 47 CNCA § 11–902 when the facts warrant.

F. As used in this section:

1. The term **"conviction"** includes a juvenile delinquency adjudication by a court; and

2. The term **"revocation"** includes the cancellation or denial of driving privileges by any states Department of Public Safety.

§ 11–903. Negligent homicide

A. When the death of any person ensues within one (1) year as a proximate result of injury received by the driving of any vehicle by any person sixteen (16) years of age or older in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

B. Any person convicted of negligent homicide shall be guilty of a ~~crime~~ misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or by fine of not less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

In addition to the fine or penalty, the court shall order the person to attend a driver improvement or defensive driving course, as provided in Section 6-206.1 of this title. Furthermore, if the records of the Department of Public Safety for the person reflect a conviction for any traffic offense within the three (3) years immediately preceding the conviction for negligent homicide, the fine shall be enhanced to double the amount of the fine imposed pursuant to this subsection.

C. The Cherokee Nation shall report any conviction under this section to the Commissioner of Public Safety for revocation ~~shall revoke the~~ of the convicted person's license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.

§ 11–904. Person involved in personal injury accident while under influence of alcohol or other intoxicating substance—Causing great bodily injury

A. Any person who is involved in a personal injury accident while driving or operating a motor vehicle within this ~~state~~ Nation and who is in violation of the provisions of 47 CNCA § 11–902(A) may be charged with a violation of the provisions of this subsection as follows:

1. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a crime.

2. Any person who is convicted of a second or subsequent violation of the provisions of this subsection shall be deemed guilty of a ~~crime.~~ guilty of a misdemeanor forthe first offense and shall be punished by imprisonment in the county jail for not more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00); and

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of 47 CNCA § 11–902~~(A)~~ may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a ~~crime.~~ felony punishable by imprisonment for not more than three (3) years or a fine of not more than Fifteen Thousand Dollars ($15,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

§ 11-905. Person involved in personal injury accident without a valid driver license--Causing great bodily injury--Causing death

A. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident which results in personal injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor punishable by imprisonment for a term not more than one (1) year, or by a fine in an amount not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

B. 1. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in great bodily injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine in an amount not exceeding Fifteen Thousand Dollars ($15,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

C. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in the death of any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment for a term not more than three (3) years, or by a fine in an amount not exceeding Fifteen Thousand Dollars ($15,000.00), or by both such fine and imprisonment.

D. The provisions of this section may be charged in addition to any other chargeable offense allowed by law.

§ 11-906.1. Reserved

§ 11-906.2. Reserved

§ 11-906.3. Reserved

§ 11-906.4. Operating or being in actual physical control of motor vehicle while under the influence while under age--Penalties

A. It is unlawful, and punishable as provided in subsection B of this section, for any person under twenty-one (21) years of age to drive, operate, or be in actual physical control of a motor vehicle within this state who:

1. Has any measurable quantity of alcohol in the person's blood or breath at the time of a test administered within two (2) hours after an arrest of the person;

2. Exhibits evidence of being under the influence of any other intoxicating substance as shown by analysis of a specimen of the person's blood, breath, saliva, or urine in accordance with the provisions of Sections 752 and 759 of this title; or

3. Exhibits evidence of the combined influence of alcohol and any other intoxicating substance.

B. Any person under twenty-one (21) years of age who violates any provision of this section shall be subject to the seizure of the driver license of that person at the time of arrest or detention and the person, upon conviction, shall be guilty of operating or being in actual physical control of a motor vehicle while under the influence while under age and shall be punished:

1. For a first conviction, by:

a. a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00),

b. assignment to and completion of twenty (20) hours of community service,

c. requiring the person to attend and complete a treatment program, or

d. any combination of fine, community service, or treatment;

2. Upon a second conviction, by:

a. assignment to and completion of not less than two hundred forty (240) hours of community service, and

b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a period of not less than thirty (30) days.

In addition, a second conviction may be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection D of this section, or by both; or

3. Upon a third or subsequent conviction, by:

a. assignment to and completion of not less than four hundred eighty (480) hours of community service, and

b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of

subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a period of not less than thirty (30) days.

In addition, a third or subsequent conviction may be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Dollars ($2,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection D of this section, or by both.

C. The court may assess additional community service hours in lieu of any fine specified in this section.

D. In addition to any penalty or condition imposed pursuant to the provisions of this section, the person shall be subject to:

1. Upon a first conviction

a. the cancellation or denial of driving privileges as ordered by the court pursuant to subsection B of Section 6-107.1 of this title,

b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which revocation period may be modified as provided by law, and

c. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial or revocation for a period as provided in paragraph 1 of subsection A of Section 6-212.3 of this title;

2. Upon a second conviction:

a. the cancellation or denial of driving privileges, as ordered by the court pursuant to subsection B of Section 6-107.2 of this title,

b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which period may be modified as provided by law,

c. an assessment of the person's degree of alcohol abuse, in the same manner as prescribed in subsection H of Section 11-902 of this title, which may result in treatment as deemed appropriate by the court, and

d. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial or revocation for a period as provided in paragraph 2 of subsection A of Section 6-212.3 of this title; and

3. Upon a third or subsequent conviction:

a. the cancellation or denial of driving privileges as ordered by the court pursuant to subsection B of Section 6-107.2 of this title,

b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which period may be modified as provided by law,

c. an assessment of the person's degree of alcohol abuse, in the same manner as prescribed in subsection H of Section 11-902 of this title, which may result in treatment as deemed appropriate by the court, and

d. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial, or revocation for a period as provided in paragraph 3 of subsection A of Section 6-212.3 of this title.

E. Nothing in this section shall be construed to prohibit the filing of charges pursuant to Section 761 or 11-902 of this title when the facts warrant.

F. As used in this section:

1. The term "conviction" includes a juvenile delinquency adjudication by a court; and

2. The term "revocation" includes the cancellation or denial of driving privileges by the Department.

ARTICLE X. STOPPING, STANDING AND PARKING

§ 11–1001. Stopping, standing or parking outside of business or residence districts

A. 1. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred (200) feet in each direction upon such highway.

2. As used in this section and Section 11-1002 of this title, "highway" means any public road, street, or turnpike used for vehicular travel.

B. 1. The owner or operator of a vehicle or its cargo which obstructs the regular flow of traffic shall make every reasonable effort to remove the obstructing vehicle or cargo from the roadway so the regular flow of traffic is not blocked. This subsection shall not apply to collisions resulting in the

injury or death of any person.

2. This subsection shall not apply to vehicles transporting "hazardous materials" as defined in paragraph 5 of Section 230.3 of this title.

3. Nothing in this subsection shall be construed to relieve any person from complying with Section 10-103 of this title.

~~A.~~ 4. Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

~~B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.~~

§ 11–1002. Officers authorized to remove illegally stopped vehicle

A. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of 47 CNCA § 11–1001, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

B. 1. Law enforcement officers, using reasonable care, may remove from the roadway to the nearest safe place any disabled or damaged vehicle or cargo as described in subsection B of Section 11-1001 of this title.

2. Absent a showing of gross negligence, the law enforcement officer, the employing agency, or any person acting under the direction of the law enforcement officer is not liable for damage to a vehicle or damage or loss to any portion of the contents or cargo of the vehicle when carrying out the provisions of this subsection.

~~B.~~C. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any underpass where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

~~C.~~D. When any vehicle is left standing or abandoned upon a highway in violation of this section and at such a place or in such manner as to interfere or prevent the maintenance of said highway, the ~~Cherokee Nation Marshal's Office or its designee~~appropriate authority may remove such vehicle or request the driver or other persons in charge thereof to move the same to some place of safety off the highway with~~out~~ charge to the owner of the vehicle.

§ 11–1003. Stopping, standing or parking prohibited in specified places

A. ~~No~~ Except as otherwise provided in subsection B of this section, no person shall stop, stand or park

a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;

2. In front of a public or private driveway;

3. Within fifteen (15) feet of a fire hydrant, or if in an area serviced by a volunteer fire department, within thirty (30) feet of a fire hydrant if the governing body of the area so adopts by ordinance;

4. Within an intersection;

5. On a crosswalk;

6. Within twenty (20) feet of a crosswalk at an intersection;

7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the authority having jurisdiction indicates a different length by signs or markings;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly sign posted);

11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway underpass;

14. At any place where official signs prohibit stopping.

B. No person engaging in the collection and disposal of solid waste or recycling material or both as a business, pursuant to the provisions of the Oklahoma Solid Waste Management Act, shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;

2. Within an intersection;

3. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

4. Upon any bridge or other elevated structure upon a highway or within a highway underpass; or

5. At any place where official signs prohibit stopping.

~~B.~~C. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

§ 11–1004. Additional parking regulations

A. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

B. Local authorities may by ordinance permit parking of vehicle with the left-hand wheels adjacent to and within eighteen (18) inches of the left-hand curb of a one-way roadway.

C. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless Cherokee Nation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

D. Cherokee Nation and the Oklahoma Department of Highways with respect to highways under its appropriate jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

~~D.~~E. A person engaging in the collection and disposal of solid waste or recycling material or both as a business, pursuant to theprovisions of the Oklahoma Solid Waste Management Act, shall be exempt from the provisions of subsections A and B of this section while in the performance of such activities.

§ 11–1005. Authorized emergency vehicles; vehicles used in construction or maintenance of highways—Excepted from certain provisions

Provisions of this article shall not apply to authorized emergency vehicles or to vehicles or machinery

used in the construction or maintenance of highways, and such vehicles or machinery may be operated on any part of the road, whether same is open to traffic or closed, when such operation is necessary in the maintenance or construction of said highway; provided, that the Department of Highways or Cherokee Nation shall protect all such operations with adequate warnings, signs, signals, lights, devices, or flagmen.

§ 11–1006. Parking of vehicles on posted private property—Penalty—Liability of landowner

A. It shall be unlawful to place or park a motor vehicle or a trailer upon the posted private property of another, without first obtaining permission from the landowner or the person in charge of such property, except where said placing or parking is casual or involuntary.

B. Violation of the terms of this section shall be considered to be a ~~crime~~ misdemeanor and upon conviction violators shall be fined not to exceed Twenty Dollars ($20.00) and, in addition thereto, shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any vehicle or trailer removed from his property and stored.

C. The landowner or person in charge of the land shall not be liable for any damages which may occur to a trespassing vehicle or trailer under the terms of this section, while the same is trespassing or while it is being removed from his property, or while it is in storage.

§ 11–1007. Placing or parking vehicle in parking space designated and posted for physically-disabled persons—Penalties—Reciprocity agreements

A. A. 1. It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable placard indicating physical disability under the provisions of Section 15-112 of this title, and such placard is displayed as provided in Section 15-112 of this title or in rules adopted pursuant thereto, or has applied for and been issued a physically disabled license plate pursuant to the provisions of Section 1135.1 or 1135.2 of this title, and such license plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

2. It shall also be unlawful for any person to place or park a motor vehicle, whether with or without a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof.

B. 1. Violation of these provisions shall be a misdemeanor and upon conviction the person shall be fined Five Hundred Dollars ($500.00). Provided, any person cited for a first offense of a violation of this section who has displayed a placard which has expired pursuant to paragraph 4 or 5 of subsection D of Section 15-112 of this title shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within thirty (30) days of the issuance of the citation a notice from the Department of Public Safety that the person has obtained a valid placard pursuant to the provisions of subsection D of Section 15-112 of this

title.

2. In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain access to or move their vehicle, at the request of any person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law-enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle.

~~A. It shall be unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such is eligible for a detachable insignia as a physically disabled person under the provisions of 47 CNCA § 15–112, and such insignia is displayed as provided in 47 CNCA § 15–112 or regulations adopted pursuant thereto.~~

~~Violation of these provisions shall be a crime and upon conviction such person shall be fined not more than Fifty Dollars ($50.00) and, in addition thereto, such person shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any motor vehicle removed from the property and stored.~~

~~B. The Cherokee Nation Marshal is hereby authorized to enter into reciprocity agreements with other states for the purpose of recognizing handicapped parking permits issued by those states.~~

§ 11–1008. Power of Cherokee Nation Marshal's Office to enforce act

The Cherokee Nation Marshal's Office may enact and enforce any ordinance, rule or regulation adopted in conformity with this ~~act~~title. Such ~~ordinance~~ enactments shall also authorize the Nation to investigate accidents on private property where the public is invited or on public property.

§§ 11-1009-1011. Reserved

§ 11-1012. Parking meters--Exemption

In counties with a population over five hundred thousand (500,000) according to the last decennial census, marked and unmarked law enforcement vehicles or any vehicle which a law enforcement officer is using in an official capacity shall be exempt from paying a parking meter while parked on a city street.

ARTICLE XI. MISCELLANEOUS RULES

§ 11–1101. Unattended motor vehicle

The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

§ 11–1102. Limitations on backing

No vehicle shall be backed upon any street or highway except for such distance as may be necessary to permit the vehicle to enter the proper driving lane from a parked position. Such backing shall be done only after the driver of said vehicle has ascertained that such movement can be made without endangering other traffic.

§ 11–1103. Motorcycles, motor-drive cycles, motorized scooters, or motorized bicycles—Restrictions ~~Riding~~ on ~~motorcycles~~transporting any other person.

A. No person under the age of sixteen (16) years shall drive a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle on any highway of this state a motor bicycle while transporting any other person.

B. The operator ofmore than one (1) passenger, except a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle who has attained the age of sixteen(16) years or older may carry a passenger if the vehicle has a wheel diameter of twelve (12) inches or greater and is factorydesigned and equipped with either:

1. A double seating device with double foot rests; or

2. A sidecar attachment providing a separate seat space within such sidecar attachment or motorbicycle factory-designed for each person riding therein so that such person shall be seated entirely within the body of said sidecar.

C. No rider of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle shall hold to any moving vehicle for the purpose of being propelled carrying additional passengers.

D. No driver of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall pass other vehicles between lanes of traffic traveling in the same direction. This subsection shall not apply to the operator of an authorized emergency vehicle.

~~No person shall drive a motorcycle, motor scooter, or a motorbicycle while transporting more than one (1) passenger, except a motorcycle, motor scooter or motorbicycle factory-designed for the purpose of carrying additional passengers.~~

§ 11–1104. Obstruction to driver's view or control—Overloading school bus

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle

or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

C. No school bus shall be operated on the streets or highways in this Nation when loaded with passengers in excess of the number for which such bus is designed to carry. The number of passengers determined by the local school board which the bus is designed to carry shall be posted in a conspicuous place on the bus.

§ 11–1105. Opening and closing vehicle doors

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

§ 11–1106. Driving on mountain highways

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible.

§ 11-1107. Coasting prohibited

a. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

b. The driver of any motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

§ 11–1108. Following fire apparatus and other emergency vehicles prohibited

A. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

B. The driver of any vehicle other than one on official business shall not follow any emergency vehicle or shall not purposely drive to any location on a highway where an emergency exists which would interfere with the free movement of authorized emergency vehicles or any other traffic using the high-way at that location. For the purpose of this subsection the definition of emergency shall include traffic accidents, airplane accidents, disasters, explosions, civil disturbances and (without limitation by the foregoing) any other related circumstances which tend to cause traffic congestion.

The purpose of this subsection is to eliminate sightseers and other persons who do not have official business at the scene of an emergency, and whose presence would tend to cause traffic congestion.

§ 11-1109. Crossing fire hose

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

§ 11–1110. Putting glass, etc., on highway prohibited

A. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substances likely to injure any person, animal or vehicle upon such highway.

B. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

1. Any person removing a wrecked or damaged vehicle from a highway, highway right-of-way or any other location as theresult of an accident shall remove any glass or other injurious substance dropped upon the highway or highway right-of-way or other location from such vehicle. The owner or insurer of the owner of the vehicle if the owner's insurance policy provides coverage for such expense, shall be responsible for the cost of removal of the vehicle and the glass or other injurious substance and any vehicle storage fees. The cost of the removal of the vehicle and any storage fees shall be the same as established by the Corporation Commission for nonconsensual tows.

~~B.~~2. Truck-tractors carrying cargo on the roadways of this state shall maintain a general liability insurance policy that covers thecosts of cleanup of any substance that is spilled or otherwise deposited on the roadway or right-of-way in violation of this section.

~~Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.~~

~~D.~~C. No person shall throw any substance at a standing vehicle or any occupant thereof, nor shall any person throw any substance at a person on or adjacent to a highway.

§ 11-1111. Throwing or dropping object on or at moving vehicles

A. No person shall willfully throw or drop any substance at a moving vehicle or any occupant thereof.

B. No person shall willfully throw or drop any object from a bridge or overpass with intent to damage any property or injure any person.

C. Any violation of subsection A or B of this section shall be deemed a felony and, upon conviction, shall be punishable by imprisonment in the Department of Corrections for a term of not more

than ten (10) years, or by a fine not exceeding Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

§ 11–1112. Child passenger restraint system required for certain vehicles—Exemptions

A. Every driver, when transporting a child under eight (8) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system as follows:

1. A child under four (4) years of age shall be properly secured in a child passenger restraint system. Except as provided in subsection G of this section, the child passenger restraint system shall be rear-facing until the child reaches two (2) years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system as allowed by the manufacturer of the child passenger restraint system, whichever occurs first; and

2. A child at least four (4) years of age but younger than eight (8) years of age, if not taller than 4 feet 9 inches in height, shall be properly secured in either a child passenger restraint system or child booster seat.

For purposes of this section and Section 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

B. If a child is eight (8) years of age or is taller than 4 feet 9 inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.

C. The provisions of this section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;

2. The driver of an ambulance or emergency vehicle;

3. The driver of a vehicle in which all of the seat belts are in use;

4. The transportation of children who for medical reasons are unable to be placed in such devices, provided there is written documentation from a physician of such medical reason; or

5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other

children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

~~A.~~D. A violation of the provisions of this section shall be admissible as evidence in any civil action or proceeding for damages unless the plaintiff in such action or proceeding is a child under sixteen (16) years of age.

In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

E. A person who is certified as a Child Passenger Safety Technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems shall not be liable for civil damages resulting from any act or omission in providing such services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

~~A.~~F. Any person convicted of violating subsection A of this section shall be punished by a fine of Fifty Dollars ($50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Restricted Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in Section 11-1113 of this title. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars ($15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any person convicted of a violation of this section.

~~B.~~G. A driver of a vehicle who has been rightfully issued a detachable placard indicating physical disability under the provisions of Section 15-112 of this title or a physically disabled license plate under the provisions of Section 1135.1 or 1135.2 of this title and valid letter of forward-facing exemption issued from the Department of Public Safety shall be permitted to transport a child passenger under four (4) years of age in a forward-facing child passenger restraint system. The placard and forward-facing exemption letter must be present in the vehicle to be in compliance.

~~Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this state shall provide for the protection of said child by properly using a child passenger restraint system, or a properly secured seat belt in the rear seat of the motor vehicle. For purposes of 47 CNCA §§ 11-1112 and 11-1113, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested~~

~~restraint systems as set by the United States Department of Transportation.~~

~~B. Children four (4) or five (5) years of age shall be protected by use of a child passenger restraint system or a seat belt.~~

~~C. The provisions of this section shall not apply to:~~

~~A nonresident driver transporting a child in this state; and~~

~~1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws; and~~

~~1. The driver of an ambulance or emergency vehicle; and~~

~~1. A driver of a vehicle if all of the seat belts in the vehicle are in use; and~~

~~1. The transportation of children who for medical reasons are unable to be placed in such devices.~~

~~C. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral warning to said driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.~~

~~C. A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages.~~

~~C. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.~~

~~C. Any person convicted of violating subsection (A) or (B) of this section shall be punished by a fine of Ten Dollars ($10.00) and shall pay a maximum of Fifteen Dollars ($15.00) court costs thereof. This fine shall be suspended in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any licensed or unlicensed person convicted of a violation of this section.~~

§ 11–1113. Reserved

§ 11–1114. Allowing passenger to ride outside of compartment

A. No operator of a motor vehicle shall allow a passenger to ride outside the passenger compartment of the vehicle on the streets, highways or turnpikes of Cherokee Nation; provided, this section shall not apply to persons so riding on private property or for parades or special events nor shall this section apply to passengers riding on the bed of a pickup truck.

B. Any person convicted of violating the provisions of subsection (A) of this section shall be punished by a fine of Fifteen Dollars ($15.00) and shall pay court costs of Sixty Dollars ($60.00) provided the Department of Public Safety shall not assess points to the driving record of any licensed or unlicensed person convicted of a violation of this section.

§ 11–1115. Railroad crossings

At a railroad-highway grade crossing, a person operating a Class A, B or C commercial motor vehicle as described in 47 CNCA §§ 1-107.1, 1-107.2 and 1-107.3 shall not negotiate the crossing if there is:

1. Insufficient space to drive completely through the crossing without stopping; or

2. Insufficient clearance for the undercarriage of the vehicle.

§ 11-1116. Self-propelled or motor-driven and operated vehicles--Golf carts, all-terrain, and utility vehicles--Operation on streets, highways, and roadways within unincorporated areas

A. The self-propelled or motor-driven and operated vehicles described in this section shall be prohibited from operating or shall be limited in operation on the streets and highways of this state.

B. Self-propelled or motor-driven cycles, known and commonly referred to as "minibikes" and other similar trade names, shall be prohibited from operating on the streets and highways of this state, except:

1. When used in a parade; or

2. When registered, as required by subsection E of Section 1151 of this title, and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less.

All minibikes offered for sale in this state shall bear the following notice to the customer: "This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in violation of the motor vehicle laws of this state and will subject the violator to arrest."

C. Golf carts and utility vehicles, as defined by Section 1102 of this title, shall not be operated on the streets and highways of this state except:

1. Golf carts or utility vehicles owned by the Oklahoma Tourism and Recreation Department, and operated by employees or agents of the Department or employees of independent management companies working on behalf of the Department, may be operated on the streets and highways of this state during daylight hours or under rules developed by the Oklahoma Tourism and Recreation Commission, when the streets and highways are located within the boundaries of a state park. The Department shall have warning signs placed at the entrance and other locations at those state parks allowing golf carts or utility vehicles to be operated on the streets and highways of this state located within the boundaries of those state parks. The warning signs shall state that golf carts and utility vehicles may be operating on streets and highways and that motor vehicle operators shall take special precautions to be alert for the presence of golf carts or utility vehicles on the streets and highways;

2. The municipal governing body has adopted an ordinance governing the operation of golf carts and/or utility vehicles on city streets; provided, such ordinances shall include necessary vehicle lighting and safety requirements;

3. Golf carts or utility vehicles may operate on state highways only if making a perpendicular crossing of a state highway located within the boundaries of a municipality which has adopted an ordinance governing the operation of golf carts and/or utility vehicles; or

4. The board of county commissioners of a county has approved the operation of golf cart and/or utility vehicle traffic on roadways within the county, and:

    a. the roadway has a posted speed limit of twenty-five (25) miles per hour or less,

    b. the roadway is located in an unincorporated area, and

    c. appropriate signage, cautioning motorists of the possibility of golf cart or utility vehicle traffic, is erected by the board of county commissioners.

D. All-terrain vehicles shall not be operated on the streets and highways of this state, except:

1. On unpaved roads which are located within the boundaries of any property of the Forest Service of the United States Department of Agriculture;

2. On highways if:

    a. the vehicle needs to make a direct crossing of the highway while the vehicle is traveling upon a regularly traveled trail and needs to continue travel from one area of the trail to another and, if the vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the highway at an angle of approximately ninety (90) degrees to the direction of the street or highway. This exception shall not apply to divided highways or highways with a posted speed limit of more than thirty-five (35) miles per hour in the area of the crossing,

b. the vehicle needs to travel on a highway in order to cross a railroad track. In that event, the all-terrain vehicle may travel for not more than three hundred (300) feet on a highway to cross a railroad track,

c. the operator of the all-terrain vehicle making the crossing at a highway has a valid driver license, and

d. the operator of the vehicle makes a crossing on a highway during daylight hours only;

3. On streets and highways within a municipality if the municipal governing body has adopted an ordinance governing the operation of golf carts, utility vehicles or all-terrain vehicles on streets and highways within the municipality; or

4. On roadways within unincorporated areas of a county if those roadways are not part of the state highway system or the National System of Interstate and Defense Highways; provided, however, that the driver is a licensed driver.

E. Mopeds, as defined by Section 1-133.2 of this title, may be operated on the streets and highways of this state if:

1. The municipal governing body has adopted an ordinance governing the operation of mopeds on city streets; provided, such ordinances shall include necessary vehicle lighting and safety requirements; or

2. The board of county commissioners of a county has approved the operation of mopeds on roadways within the county, not including roadways within a municipality.

§ 11-1117. All-terrain vehicle passenger restrictions--Penalties and enforcement--Liability of parents or vehicle owners--Applicability

A. It shall be unlawful for a person less than eighteen (18) years of age to operate or to be carried as a passenger upon an all-terrain vehicle unless the person wears a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

B. It shall be unlawful for the operator of an all-terrain vehicle to carry a passenger unless that all-terrain vehicle has been specifically designed by the manufacturer to carry passengers in addition to the operator.

C. Fine and court costs for violating the provisions of this section shall not exceed Twenty-five Dollars ($25.00). Any peace officer of this Nation including, but not limited to, park rangers, is authorized to enforce the provisions of this section.

D. Any parent, legal guardian or person having actual responsibility for a person under eighteen

(18) years of age, or who is the owner of the all-terrain vehicle operated by a person under eighteen (18) years of age, who knows, or should have known, that the person operating the all-terrain vehicle is not in compliance with the provisions of this section, shall be punishable according to the provisions of subsection C of this section.

E. As used in this section, "all-terrain vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having a seat designed to be straddled by the operator, and which is steered by the use of handlebars.

F. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having non-straddle seating and which is steered by a steering wheel.

G. The provisions of this section shall apply only to persons operating all-terrain vehicles on public lands.

H. The provisions of this section shall not apply to persons operating an all-terrain vehicle on privately owned property.

§ 11-1118. Reserved

§ 11-1119. Definitions--Unattended child or vulnerable adult in motor vehicle prohibited--Exception--Penalty

A. As used in this section:

1. "Person responsible for a child" means a custodial parent or legal guardian of a child, or a person who has been directed or authorized to supervise a child by that child's custodial parent or legal guardian;

2. "Unattended" means beyond a person's direct ability to care for or come to the aid of the unaccompanied person; and

3. "Motor vehicle" means the same as defined in Section 1-134 of this title.

B. A person responsible for a child who is six (6) years of age or younger, or a caretaker of a vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes, shall not leave that child or vulnerable adult unattended in a motor vehicle if the conditions, including, but not limited to, extreme weather, inadequate ventilation, or hazardous or malfunctioning components within the vehicle present a risk to the health or safety of the unattended child or vulnerable adult.

C. It shall not be considered a violation of this section if the child or vulnerable adult is accompanied in the motor vehicle bya person at least twelve (12) years of age who is not

mentally incompetent as defined by Section 1-103 of Title 43A of the Oklahoma Statutes.

D. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by:

1. A fine of not less than Fifty Dollars ($50.00) upon a first conviction;

2. A fine of not less than One Hundred Dollars ($100.00) and ordered to perform community service of not less than fifty (50) hours upon a second conviction; and

3. A fine of not less than Two Hundred Dollars ($200.00) upon a third or subsequent conviction, and the full record of that person's convictions of the violations of this section shall be submitted to the Department of Human Services for evaluation.

E. Any person convicted of violating the provisions of this section who has left a child or vulnerable adult unattended in a motor vehicle on the premises of any establishment which holds any license for the sale of alcoholic beverages for consumption on the premises pursuant to the Cherokee Nation Code Annotated, and who has consumed any alcoholic beverage during the period of time the child or vulnerable adult has been unattended, shall be punished by a fine of not less than Five Hundred Dollars ($500.00).

F. Nothing in this section precludes prosecution under any other provision of law.

§ 11-1120. Removing a child from a vehicle--Immunity

A. A person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a child from the motor vehicle if the person:

1. Determines the motor vehicle is locked or there is otherwise no reasonable method for the child to exit the motor vehicle;

2. Has a good-faith belief that forcible entry into the motor vehicle is necessary because the child is in imminent danger of suffering harm if not immediately removed from the motor vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one;

3. Has contacted the local law enforcement agency, the fire department or the 911 emergency telephone service prior to forcibly entering the motor vehicle;

4. Places a notice on the motor vehicle windshield with the person's contact information, the reason the entry was made, the location of the child and that the authorities have been notified;

5. Remains with the child in a safe location, out of the elements but reasonably close to the

motor vehicle, until law enforcement, fire or other emergency responder arrives; and

6. Used no more force to enter the motor vehicle and remove the child from the motor vehicle than is necessary under the circumstances.

B. Nothing in this act shall affect the person's civil liability if the person attempts to render aid to the child in addition to what is authorized by this act.

ARTICLE XII. OPERATION OF BICYCLES AND PLAY VEHICLES

§ 11–1201. Effect of regulations

A. It is ~~an offense~~offense misdemeanor and punishable by fine of not less than One Dollar ($1.00) nor more than Twenty-five Dollars ($25.00) for any person to do any act forbidden or fail to perform any act required in this article. A conviction for the violation of any offense in this article shall not be recorded on the driving record of the person.

B. The parent or legal guardian of any child ~~and~~ or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

C. Except as otherwise provided, the provisions of this article ~~These regulations applicable to bicycles~~ shall apply whenever a bicycle or motorized scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles or motorized scooters~~subject to those exceptions stated herein~~.

§ 11–1202. Traffic laws apply to persons riding bicycles

Every person riding a bicycle or motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ~~act~~title, except as to special regulations in this article and except to those provisions of this ~~act~~ title which by their nature can have no application.

§ 11–1203. Riding on bicycle

A. A person ~~propelling~~ operating a bicycle shall ~~not~~ ride ~~other than~~ upon or astride a permanent and regular attached seat ~~attached thereto~~.

B. No bicycle or motorized scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

§ 11–1204. Clinging to vehicles

No person riding upon any bicycle, motorized scooter, coaster, roller skates, sled or toy vehicle shall

attach the same or himself or herself to any vehicle upon a roadway.

§ 11–1205. Riding on roadways and bicycle paths

A. Every person operating a bicycle or motorized scooter upon a roadway at less than normal speed of traffic at the time and place and under the conditions then existing shall ride as ~~near~~ close as is safe to the right-hand curb or edge ~~side~~ of the roadway, except under any of the following situations: ~~as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.~~

1. When overtaking passing another vehicle or one proceeding in the same direction;

2. When preparing for a left turn at an intersection or into a private road or driveway;

3. When reasonably necessary to avoid conditions and while exercising due care, including but not limited to: a. fixed or moving objects,

   a. parked or moving vehicles,

   b. pedestrians or animals,

   c. surface hazards, or

   d. any time it is unsafe to continue along the right-hand curb or edge of the roadway; and

4. When riding in the right-turn-only lane.

~~A.~~

B. Any person riding a bicycle or motorized scooter upon a one-way street or highway with two or more marked lanes of travel may ride as close as is safe to the left-hand curb or edge of the street or highway.

~~B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.~~

C. No person operating a bicycle or motorized scooter shall pass other vehicles between lanes of traffic traveling in the same direction.

D. Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized scooters. Persons riding two abreast shall not impede the normal and reasonable flow of traffic and, on a laned roadway, shall ride within a single lane.

~~Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders~~

~~shall use such path and shall not use the roadway.~~

§ 11–1206. Carrying articles

No person operating a bicycle or motorized scooter shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

§ 11–1207. ~~Lamps and other equipment on bicycles~~

~~C. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.~~

~~E. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.~~**Reserved**

§ 11-1208. Overtaking and passing bicycle--Violations--Fines and penalties

A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care and:

1. If there is more than one lane for traffic proceeding in the same direction, a motorist passing a cyclist shall move the vehicleto the lane to the immediate left if the lane is available and moving into the lane is reasonably safe, and the motorist shall not move back into the travel lane until the vehicle is safely clear of the overtaken person operating a bicycle;

2. If there is only one lane for traffic proceeding in the same direction, shall not overtake or pass a bicycle at a distance of less than three (3) feet between any part of the motor vehicle and any part of the bicycle or its operator, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle; or

3. May drive to the left of the center of the roadway, including when a no-passing zone is marked as defined in Section 11-307 of this title, to pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. The provisions of this paragraph do not authorize driving on the left side of the center of the roadway when prohibited under Section 11-303, 11-305 or 11-306 of this title.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Hundred Dollars ($100.00). Any second or subsequent conviction shall be a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed thirty (30) days, or a fine of not less than One Hundred Fifty Dollars ($150.00) nor more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

C. Any person who violates the provisions of subsection A of this section and the violation results in an accident causing personal injury to another person shall, upon conviction, be guilty of a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed three (3) months, or a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

D. 1. Any person who violates the provisions of subsection A of this section and the violation results in an accident causing great bodily injury to another person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed six (6) months, or by a fine of not more than Three Thousand Dollars ($3,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

E. Any person who violates the provisions of subsection A of this section and the violation results in the death of another person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed one (1) year, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. F. A person may be charged under the provisions of this section in addition to any other chargeable offense allowed by law.

§ 11-1209. Electric assisted bicycles and operators-Rights and restrictions--Label requirements

A. Except as specifically provided in this section, an electric-assisted bicycle or an operator of an electric-assisted bicycle shall be afforded the rights and privileges and be subject to all of the duties and provisions of this act.

B. An electric-assisted bicycle or a person operating an electric-assisted bicycle is not subject to the Oklahoma statutory provisions relating to financial responsibility, vehicle insurance, driver licenses, vehicle registration or certificates of title.

C. On and after January 1, 2020, manufacturers and distributors of electric-assisted bicycles shall apply a label that is permanently affixed in a prominent location to each electric-assisted bicycle. The label shall contain the classification number, top assisted speed and motor wattage of the electric-assisted bicycle, and it shall be printed in Arial font in at least 9-point type.

D. A person shall not tamper with or modify an electric-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric-assisted bicycle, unless he or she appropriately replaces the label indicating the classification required in subsection C of this section.

E. An electric-assisted bicycle may be ridden where bicycles are permitted to travel subject to the following provisions:

1. A Class 1 electric-assisted bicycle or a Class 2 electric-assisted bicycle may be ridden on bicycle or multiuse paths where bicycles are permitted. However, the local authority or state agency having jurisdiction over a bicycle or multiuse path may prohibit the operation of a Class 1 electric-assisted bicycle or Class 2 electric-assisted bicycle on that path.

2. A Class 3 electric-assisted bicycle shall not be ridden on a bicycle or multiuse path unless it is within or adjacent to a highway or roadway or unless the local authority or state agency having jurisdiction over the path permits that operation.

3. This subsection shall not apply to a trail designated as non-motorized if such trail has a natural surface tread made by clearing and grading the native soil with no added surfacing materials. A local authority or state agency may regulate the use of electric assisted bicycles or any class thereof on such trails that are under its jurisdiction.

F. The use of Class 3 electric-assisted bicycles shall be subject to the following provisions:

1. No person under sixteen (16) years of age may operate a Class 3 electric-assisted bicycle. A person under sixteen (16) years of age may ride as a passenger on a Class 3 electric-assisted bicycle that is designed to accommodate passengers.

2. All Class 3 electric-assisted bicycles shall be equipped with a speedometer that is capable of displaying the speed the electric assisted bicycle is traveling in miles per hour.

G. An electric-assisted bicycle shall be considered a motor vehicle to the extent required for compliance with 23 U.S.C., Section 154.

ARTICLE XIII. MAINTENANCE, CONSTRUCTION AND SAFETY ZONES

§ 11–1301. Driving through safety zones prohibited

No vehicle shall at any time be driven through or within a safety zone.

§ 11–1302. Maintenance and construction zones

A. The Department of Transportation, Oklahoma Turnpike Authority and any county or city within the jurisdiction of the Cherokee Nation are hereby authorized to ~~Cherokee Nation within its jurisdiction may~~ close any highway or section thereof, within their respective jurisdiction, ~~roads and highways~~ to traffic while ~~such~~ the highway is flooded under repair, maintenance or construction and, in exercising such authority, shall erect or cause to be erected traffic-control devices and barricades to warn and notify the public that said highway has been closed to traffic.

B. When any highway has been closed to traffic under the provisions of subsection ~~(A)~~A of this section and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around such traffic-control devices or barricades, or otherwise to enter said closed area; except, that the provisions of this subsection shall not apply to persons while engaged in the construction, maintenance and repair of said highway or to persons entering therein for the protection of lives or property; provided that persons having their places of residence or places of business within such closed area may travel, when possible to do so, through such area at their own risk.

C. Whenever construction, repair and maintenance of any highway is being performed under traffic, the governing body having jurisdiction over said highway shall erect, or cause to be erected, traffic-control devices to warn and guide the public, and every person using such highway shall obey all signs, signals, markings, flagmen or other traffic-control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. As used in this subsection, "construction or maintenance area" means any area upon or around any highway that is visibly marked as an area where construction, repair, and maintenance is temporarily occurring. The construction or maintenance area also includes the lanes of highway leading up to the area upon which an activity described in this section is being performed, beginning at the point where properly posted traffic-control devices start to warn and guide the public into and through the construction or maintenance including, but not limited to, instructions to merge from one lane into another lane, to reduce speed, or to follow directions of flagmen.

D. The "Merge Now" traffic-control device that is used to warn and guide the public using the highway to merge shall be locatedin advance of the highway construction or maintenance area in accordance with the standards set forth in the most current edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices. Whenever any traffic-control device requires traffic to merge due to the closure of a section or lane of highway, the merge shall be completed:

1. As soon as practicable after passing the traffic-control device; and

2. Without passing any other traffic proceeding in the same direction.

~~C.~~

~~D.~~E. No person shall remove, change, modify, deface or alter any traffic-control device or barricade which has been erected on any highway under the provisions of this ~~article~~section.

~~E.~~F. Nothing in this ~~article~~ section shall relieve the Nation, the state, or respectively, any of its contractors, agents, servants or employees from liability for failure to perform any of the duties imposed herein.

G. Any person who violates any provision of this article shall be guilty of a crime and upon conviction thereof shall be subject to a fine not to exceed One ~~Hundred~~ Thousand Dollars ($1000.00) ~~and~~ or imprisonment ~~in a penal institution~~for a term not to exceed thirty (30) days, or both such fine and imprisonment, and shall be liable for any damage to property, or injury to or death to persons caused by such violations. In addition, the court may order restitution in an amount equal to the actual costs of the emergency response and repair or replacement of any damaged or lost emergency equipment.

H. When any section of a highway, turnpike, county road or city street has been closed to traffic due to flooding that is ongoing and traffic-control devices or barricades have been erected by law enforcement or other government officials with authority over traffic control, it shall be unlawful for any person to tear down, damage or remove any traffic-control devices or barricades or drive any vehicle through, under, over or around the traffic-control devices or barricades, or otherwise to enter the closed area. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00). The person shall be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) and imprisonment in the county jail for not more than one (1) year if the operator of the motor vehicle was transporting a person eighteen (18) years of age or younger at the time of the violation.

Persons convicted pursuant to the provisions of this subsection shall be ordered to pay restitution in an amount equal to the actual costs of the emergency response and repair or replacement of any damaged or lost emergency equipment. In addition, the person shall be liable for any damage to property or injury or death to persons caused by the violation.

§ 11-1303. Endangerment of a highway worker

A. A person shall be guilty of the offense of endangerment of a highway worker if the person commits any of the following when the act occurs within a maintenance or construction zone:

1. Exceeding the posted speed limit by fifteen (15) miles per hour or more;

2. Failing to merge as required in subsection D of Section 11-1302 of Title 47 of this title;

3. Failing to stop for a work-zone flagman or failing to obey traffic-control devices that have been erected for purposes of warning or guiding the public into and through the construction or maintenance area;

4. Driving through or around a construction or maintenance area by any lane not clearly

designated to motorists for the flow of traffic through or around the construction or maintenance area; or

5. Intentionally striking, moving or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect highway workers and motorists in the construction or maintenance area for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

B. Upon conviction for committing the offense of endangerment of a highway worker pursuant to subsection A of this section, if no injury or death of a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than One Thousand Dollars ($1,000.00).

C. A person shall be deemed to commit the offense of aggravated endangerment of a highway worker upon conviction for any offense pursuant to subsection A of this section when such offense occurs in a construction or maintenance area and results in the injury or death of a highway worker. Upon conviction for committing the offense of aggravated endangerment and/or injury of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00).

D. Except for the offense provided for in paragraph 5 of subsection A of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction or maintenance area.

E. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection A of this section, if such act or omission resulted, in whole or in part, from mechanical failure of the vehicle of the person or from the negligence of another person or a highway worker.

F. Upon the expiration of any contract for maintenance or construction on a section of roadway, any increased fines or penalties otherwise imposed by law shall not apply.

CHAPTER 12 EQUIPMENT OF VEHICLES

ARTICLE IV. OTHER EQUIPMENT ARTICLE VI.

MOTORCYCLES ARTICLE IV. OTHER EQUIPMENT

§ 12-101. Driving or permitting to be driven vehicle with unsafe or missing equipment--Other forbidden acts--Exceptions relating to requirements for equipment--Rules--Definitions

A. It shall be a misdemeanor, upon conviction, punishable as provided in Section 17-101 of this

title, for any person:

1. To drive or move, or for the owner to cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles which:

   a. is known to be in such unsafe condition as to endanger any person,

   b. is known not to contain those parts required by this chapter,

   c. is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or

   d. is known to be equipped in any manner in violation of this chapter;

2. To do any act forbidden under this chapter; or

3. To fail to perform any act required under this chapter.

B. Nothing contained in this chapter shall be construed to prohibit on any vehicle:

   a. Equipment required by the United States Department of Transportation pursuant to 49 C.F.R., Chapter V; or

   b. The use of additional parts and accessories which are not inconsistent with provisions of this chapter.

C. The provisions of Article II et seq. of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, farm tractors, motorcycles as defined in Section 12-601 of this title, or vehicles designed to be moved solely by animal or human power, except as specifically made applicable in this chapter.

D. Any specific requirement of this chapter with respect to equipment on any vehicle, other than a bicycle, shall not apply if the vehicle was lawfully designed and manufactured without such equipment; provided, the provisions of this chapter shall apply to any homemade vehicle or any vehicle constructed from a kit or from plans.

E. Low-speed and medium-speed electrical vehicles which are in compliance with the equipment requirements in 49 C.F.R., Section 571.500 shall be deemed to be in compliance with the provisions of this chapter.

F. The provisions of this chapter shall not apply to vehicles registered in Oklahoma as antique or classic vehicles pursuant to Sections 1105 and 1135.1 of this title and rules promulgated pursuant thereto.

G. The Commissioner of Public Safety may promulgate rules regarding vehicle equipment and standards for vehicle equipment required to maintain such equipment in safe condition and in compliance with this chapter.

H. Any person producing proof within forty-eight (48) hours that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charge without assessment of court costs.

I. As used in this chapter:

1. "Lamp" means an electrical device producing artificial illumination by use of one or more lights, each light of which performs the same function or separate functions as required by this chapter;

2. "Lightweight vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or less, other than:

   a. a vehicle that is being used to transport passengers for hire, or

   b. a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 C.F.R., Section 177.823;

3. "Nighttime" or "night" means any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise; and

4. "Passenger car" means a motor vehicle designed for carrying ten persons, including the driver, or less except a low-speed or medium-speed electrical vehicle or motorcycle, as defined in Section 12-601 of this title.

§ 12-101.1. Sale of improperly equipped vehicle--Improper equipping or operation of improperly equipped vehicle

A. Unless previously disclosed through written documentation, no person shall knowingly have for sale, sell, or offer for sale any vehicle to be operated on the highways of this state unless it is equipped as required by this chapter.

B. No person shall knowingly equip or operate on the highways of this state any vehicle with equipment unless it complies with the requirements of this chapter.

§ 12-101.2. Construction of chapter--Severability

This chapter shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this chapter shall be severable and if any phrase, clause, sentence or provision of this chapter is declared to be invalid or to be preempted by federal law or regulation, the validity of the remainder of this chapter shall not be affected thereby, and the remaining provisions shall be in full force and effect.

§ 12-102. Reserved

§ 12-201. Proper display of lamps and other signal devices--Adoption of federal specifications and standards

A. The United States Department of Transportation specifications and standards for headlamps, auxiliary driving lamps, tail lamps, signal lamps, reflectors, and other lighting equipment and signal devices, pursuant to 49 C.F.R., Section 571.108, are hereby adopted by the State of Oklahoma.

B. Except as otherwise provided in this chapter and subject to exceptions for parked vehicles, every vehicle upon a highway within this state shall properly display all lamps and illuminating devices as required by law:

1. At any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, also referred to in this chapter as nighttime; and

2. At any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet or less.

C. All lamps required by this chapter shall display a steady light except as otherwise prescribed by this chapter. Any required individual lamp may be combined or incorporated with any other required individual lamp if the combined or incorporated lamps meet all of the individual lighting requirements of this chapter for each individual lamp contained therein.

D. No lamp, other than a headlamp, displayed on any vehicle shall project a glaring light; provided, every headlamp shall comply with Section 12-222 of this title.

§ 12-202. Visibility distance and mounted height of lamps

A. Any requirement of this chapter as to distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, shall apply during the times stated in subsection B of Section 12-201 of this title in respect to a vehicle without load when upon a straight, level, unlighted highway, under normal atmospheric conditions unless a different time or condition is expressly stated.

B. Any requirement of this chapter as to the mounted height of lamps or devices shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such

vehicle is without a load.

§ 12-203. Head lamps on motor vehicles

A. Every motor vehicle shall be equipped with at least two headlamps emitting a white light with at least one lamp on each side of the front of the motor vehicle on the same level and as far apart as practicable. The headlamps shall comply with the requirements and limitations set forth in this chapter.

B. Every headlamp upon every motor vehicle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. The headlamps on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least six hundred (600) feet ahead for all conditions of loading;

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least two hundred (200) feet ahead; and

3. On a straight, level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

D. Every motor vehicle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted.

§ 12-203.1. Number of driving lamps required or permitted

A. At all times specified in subsection B of Section 12-201 of this title, at least two lighted headlamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles, as

provided in Section 12-214 of this title.

B. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary driving lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

C. The driver of any vehicle shall comply with the provisions of Section 12-217 of this title regarding the use of alternate headlamp equipment.

§ 12-203.2. Use of distribution of light or composite beam lighting equipment

Whenever a motor vehicle is being operated on a roadway, or shoulder adjacent thereto, during the times specified in subsection B of Section 12-201 of this title, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand (1,000) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph 2 of subsection C of Section 12-203 of this title shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within six hundred (600) feet to the rear, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in paragraph 1 of subsection C of Section 12-203 of this title.

§ 12-203.3. Headlamps with single distribution of light--Farm tractors and certain other motor vehicles

Headlamps arranged to provide a single distribution of light shall be permitted on farm tractors and motor vehicles manufactured and sold prior to September 1, 1962, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least three hundred (300) feet.

§ 12-203.4. Lighting equipment upon motor vehicles operated below certain speed

Any motor vehicle operated at a speed of twenty (20) miles per hour or less may be operated under the conditions specified in subsection B of Section 12-201 of this title when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects one hundred (100) feet ahead in lieu of lamps required in Section 12-203 or 12-203.3 of this title.

§ 12-204. Tail lamps

A. Every motor vehicle, trailer, semitrailer and pole trailer, and any vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable which, when lighted, shall emit a red light visible from a distance of one thousand (1,000) feet to the rear; provided that, in the case of a combination of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches.

C. Any tail lamps shall be lighted whenever the clearance lamps and:

1. Headlamps;

2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or

3. Fog lamps, as defined in Section 12-217 of this title, are lighted.

§ 12-204.1. Lamps illuminating rear license plate

A. No more than two separate lamps with a white light shall be so constructed and placed as to illuminate the rear license plate and render it clearly legible from a distance of fifty (50) feet to the rear.

B. Any separate lamp or lamps for illuminating the rear license plate, shall be lighted whenever the clearance lamps and:

1. Headlamps;

2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or

3. Fog lamps, as defined in Section 12-217 of this title, are lighted.

C. The operation of a vehicle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this section. In addition, display and visibility of the rear license plate shall be in compliance with paragraph 2 of subsection A of Section 1113 of this title.

§ 12-205. Reflectors

A. Every motor vehicle, trailer, semitrailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, at least two red reflectors meeting the requirements of this section; provided, that vehicles described in Section 12-208 of this title shall be equipped with reflectors as required in Sections 12-208 and 12-211 of this title.

B. Every such reflector shall be mounted on the vehicle at a height not less than fifteen (15) inches nor more than seventy-two (72) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from such vehicle when directly in front of lawful lower beams of headlamps, except as required in Sections 12-211, 12-215 and 12-216 of this title.

§ 12-206. Stop lamps

A. Every vehicle shall be equipped with at least two stop lamps which shall meet the requirements of this section.

B. The stop lamps required by this section:

1. Shall be mounted on the rear of the vehicle at the same level, as far apart as practicable, and at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches;

2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and

3. Shall be actuated upon application of the brakes.

C. If so equipped in its original design and manufacture, every motor vehicle shall be additionally equipped with a center high- mounted stop lamp located on the vertical center line above the level of the stop lamps described in this section which shall display a red light, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight, and which shall be actuated upon application of the brakes.

§ 12-206.1. Turn signal lamps

A. Every vehicle shall be equipped with turn signal lamps that flash for the purpose of indicating the intention to turn either to the left or to the right.

B. The flashing turn signal lamps required by this section:

1. Shall show to the front and rear of the vehicle;

2. On the front of the vehicle, shall be located on the same level, as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, 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 five hundred (500) feet to the front in normal sunlight; and

3. On the rear of the vehicle, shall be located at the same level and as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, 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 five hundred (500) feet to the rear in normal sunlight.

C. A truck-tractor need not be equipped with turn signal lamps mounted on the rear if the turn signals at the front are so constructed and so located that they meet the requirements for double-faced turn signals that meet the standards of the Society of Automotive Engineers (SAE).

§ 12-207. Reserved

§ 12-208. Vehicles of certain width--Clearance lamps--Side marker lamps--Reflectors

A. In addition to other equipment required in this chapter, every vehicle, except truck-tractors and pole trailers, which is eighty (80) inches or more in overall width shall be equipped:

1. On the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable;

2. On the rear, with two red clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable; provided, trailers or semitrailers are not required to comply with this paragraph;

3. On each side, with two side marker lamps, one at the front amber in color and one at the rear red in color. The marker lamps shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road;

4. On each side, with one intermediate amber side marker lamp, at or near the midpoint between the front and rear side marker lamps, but not less than fifteen (15) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph;

5. On each side, with two reflex reflectors, one at the front amber in color and one at the rear red in color. The reflex reflectors shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; and

6. On each side, with one intermediate amber side reflex reflector, at or near the midpoint between the front and rear side reflex reflectors, but not less than fifteen (15) inches nor more than (60) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph.

B. In addition to other equipment required in this chapter, every truck-tractor shall be equipped on the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable.

C. In addition to other equipment required in this chapter, every pole trailer shall be equipped:

1. On each side, with one red or amber side marker lamp and one amber clearance lamp, which may be in combination, to show to the front, side and rear; and

2. On the rear of the pole trailer or load, with two red reflex reflectors, one at each side located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; provided, any load overhang of four (4) feet or more shall be lighted in compliance with Section 12-213 of this title.

D. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

E. In addition to other equipment required in this chapter, any motor vehicle eighty (80) inches or more in overall width shall be equipped with:

1. Three identification lamps showing to the front which shall emit an amber light; and

2. Three identification lamps showing to the rear which shall emit a red light.

Such lamps shall be placed horizontally in a row between the clearance lamps on the vertical center line of the vehicle.

§§ 12-209-12-210. Reserved

§ 12-211. Visibility of reflectors, clearance lamps and marker lamps

A. Every reflector upon any vehicle referred to in Section 12-208 of this title shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful lower beams of headlamps.

B. Front and rear clearance lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the front and rear, respectively, of the vehicle.

C. Side marker lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the sides of the vehicles on which mounted.

§ 12-212. Reserved

§ 12-213. Lamps, reflectors, and flags on projecting load

A. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in subsection B of Section 12-201 of this title:

1. Two red lights and two red reflectors positioned to indicate maximum width; and

2. One red light facing to each side positioned to indicate maximum overhang.

The required lights and reflectors may be mounted in combination at each side of the vehicle and shall be visible from a distance of one thousand (1,000) feet.

B. At any other time on any such vehicle, there shall be displayed at the extreme rear end of such load red flags not less than twelve (12) inches square marking the extremities of such load at each point where a lamp would otherwise be required by this section.

§ 12-214. Lamps on parked or stopped motor vehicles

A. Whenever a motor vehicle or combination of vehicles is parked or stopped, whether attended or unattended, upon a roadway or shoulder adjacent thereto, and there is not sufficient light to reveal the parked or stopped vehicle to the operator of another vehicle within a distance of one thousand (1,000) feet upon such roadway or shoulder, such vehicle so parked or stopped shall display the following:

1. At least two lamps displaying a white or amber light visible from a distance of one

thousand (1,000) feet to the front of the vehicle; and

2. At least two lamps displaying a red light visible at a distance of one thousand (1,000) feet to the rear of the vehicle.

B. Subsection A of this section shall not apply to:

1. A vehicle parked or stopped on a street or highway with designated on-street parking or with a speed limit of twenty-five (25) miles per hour or less:

a. when the vehicle is positioned as close as practicable to the outer edge of the roadway or of the shoulder, if present, or

b. unless the street or highway is posted as a no-parking area;

2. A vehicle which has lost the ability to display lamps and the vehicle is parked or stopped off the roadway;

3. A vehicle which is disabled, unattended, and parked or stopped off the roadway; or

4. An authorized emergency vehicle of a law enforcement agency, when such vehicle is parked or stopped on the shoulder.

C. Any lighted headlamps upon a parked or stopped vehicle shall be lower beams.

§ 12-215. Lamps on farm tractors--Farm equipment and implements of husbandry

A. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with at least one lamp displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of such vehicle.

B. Every self-propelled unit of farm equipment not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, in addition to the lamps required in subsection A of this section, be equipped with two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

C. Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with the following lamps:

1. At least one lamp mounted to indicate as nearly as practicable the extreme left projection of said combination and displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of said combination; and

2. Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear thereof and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear thereof when illuminated by the upper beams of head lamps.

D. Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with two single-beam or multiple- beam head lamps meeting the requirements of Section 12-203.3 of this title or, as an alternative, Section 12-602.1 of this title, and at least one red lamp visible when lighted from a distance of not less than five hundred (500) feet to the rear; provided, however, that every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet when directly in front of lawful upper beams of head lamps.

E. Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with lamps as follows:

1. The farm tractor element of every such combination shall be equipped as required in subsection D of this section.

2. The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible when lighted from a distance of not less than five hundred (500) feet to the rear or, as an alternative, two red reflectors visible from all distances within six hundred (600) to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

3. Said combinations shall also be equipped with a lamp displaying a white or amber light, of any shade of color between white and amber, visible when lighted from a distance of not less than five hundred (500) feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear.

F. The lamps and reflectors required in subsections A through E of this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor, or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the

rear, such lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of said vehicle shall be indicated as nearly as practicable.

G. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry may be equipped with a flashing, strobe-light-type device that when lighted is visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

§ 12-216. Lamps, lighting devices, or reflectors on animal-drawn and certain other vehicles

A. Animal-drawn vehicles and vehicles referred to in subsection C of Section 12-101 of this title, not specifically required by the provisions of this chapter to be equipped with lamps or other lighting devices, shall, at all times specified in subsection B of Section 12-201 of this title, be equipped with at least one lamp emitting a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two red reflectors visible for distances of six hundred (600) feet to one hundred (100) feet to the rear when illuminated by the lower beams of headlamps.

B. The failure on the part of an owner or driver of any vehicle specified in this section to display any lamp, lighting device, or reflector required by this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision.

§ 12-217. Auxiliary, fog, and off-road lamps

A. As used in this article:

1. "Auxiliary driving lamp" means a lamp mounted to provide illumination to the front of a motor vehicle;

2. "Daytime running lamp" means a lamp mounted to provide illumination to the front of a motor vehicle that will assist to identify its presence to other vehicles and pedestrians at times other than those specified in subsection B of Section 12-201 of this title;

3. "Front fog lamp" means a lamp mounted to provide illumination to the front of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

4. "Rear fog lamp" means a lamp mounted to provide illumination to the rear of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

5. "Off-road lamp" means any lamp designed and manufactured solely for off-road use; and

6. "Spot lamp" means a movable lamp which emits a brilliant light with a focused beam for examining objects, street address numbers, and other things alongside the road.

B. Any motor vehicle may be equipped with not to exceed two spot lamps which shall not be used in substitution of headlamps.

C. The operator of any motor vehicle:

1. Which has in use a spot lamp shall, upon the approach of another vehicle from any direction within one thousand (1,000) feet, immediately turn said spot lamp off;

2. Shall not use or turn on a spot lamp when approaching or following another motor vehicle within one thousand (1,000) feet; and

3. Shall not use or turn on a spot lamp to cause a vehicle to yield right-of-way or stop.

The provisions of this subsection shall not apply to operators of authorized emergency vehicles.

D. 1. A motor vehicle may be equipped with not to exceed two front fog lamps or two rear fog lamps which shall only be used when visibility, as described in paragraphs 3 and 4 of subsection A of this section, is limited to one-half (1/2) mile or less.

2. Front fog lamps shall be mounted on the same level on opposite sides of the front of the vehicle at or below the level of the headlamps. Front fog lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps. Front fog lamps shall not be used in substitution of headlamps, when headlamps are required.

E. A motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted at a height of more than forty- two (42) inches from the ground. The auxiliary driving lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps.

F. Every fog lamp or auxiliary driving lamp used upon a motor vehicle shall be so adjusted and aimed that no part of the high intensity portion of the beam shall, at a distance of twenty-five (25) feet, rise above the horizontal plane passing through the center of the lamp.

G. Notwithstanding any other provision of law, a vehicle may be equipped with off-road lamps for use as headlamps while the vehicle is operated or driven off of a highway. The lamps shall be:

1. Mounted at a height of not less than forty-two (42) inches from the ground;

2. Wired independently of all other lighting; and

3. Turned off whenever the vehicle is operated or driven upon a highway.

H. 1. A motor vehicle may be equipped with not to exceed two daytime running lamps which conform to 49 C.F.R., Section 571.108, S5.5.11.

2. Daytime running lamps shall not be used in substitution of headlamps.

3. Daytime running lamps shall be mounted on the front of a motor vehicle and shall be wired to be:

a. automatically activated when the vehicle is started, and

b. automatically deactivated when the headlamp control is in any "on" position.

§ 12-218. Emergency vehicles--Flashing lights

A. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with flashing red or blue lights or a combination of flashing red and blue lights. The lights shall be visible at five hundred (500) feet in normal sunlight.

B. A law enforcement vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately- flashing red or blue lights specified herein. An unmarked vehicle used as a law enforcement vehicle for routine traffic enforcement shall be equipped with the following combination of lights:

1. Three flashing red, blue, or a combination of red and blue lights emitting the flashing lights to the front of the vehicle;

2. Two flashing white lights emitting the flashing white lights to the front of the vehicle;

3. Flashing red, blue, white or any combination of red, blue or white lights placed at and emitting the flashing lights from the four corners of the vehicle so that they are visible for three hundred sixty (360) degrees; and

4. One flashing red, blue, amber, or any combination of red, blue, or amber lights emitting the flashing light to the rear of the vehicle.

C. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right- of-way and stop for authorized emergency vehicles, as prescribed in Section 11-405 of this title.

§ 12-218.1. Flashing lights on licensed wreckers

Flashing red or blue lights or a combination of flashing red and blue lights may be used on licensed Class AA wreckers or wrecker support vehicles at the scene of an emergency.

Any licensed Class AA wrecker or wrecker support vehicle may be equipped with a lamp displaying an amber light, visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle. Such lamp shall only be used when leaving the scene of a tow service call and for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing such vehicle.

§ 12-218.2. Vehicles operated by rural letter carriers or any highway contract route vehicles delivering mail--Flashing lights

Any privately owned motor vehicle operated by a rural letter carrier or any highway contract route vehicle while engaged in the delivery of mail may be equipped with no more than two simultaneously flashing amber lights and a sign reading "U.S. MAIL" for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking, or passing. Such lights shall be activated as the rural carrier stops on or adjacent to the roadway for the purpose of delivering or collecting United States mail. Such lights shall be of double face or two-way type, be visible when turned on for at least five hundred (500) feet to the front and rear of the vehicle in normal sunlight, be mounted on the highest part of the roof of the vehicle and be spaced laterally as far as practicable to each side of the vehicle. The sign and lights shall be installed so that the sign is lowered and lights turned off before the first stop on the route and following the last one.

§ 12-219. Reserved

§ 12-220. Back-up and vehicular hazard warning lamps

A. Any motor vehicle shall be equipped with not more than two back-up lamps either separately or in combination with other lamps. Any back-up lamp shall not be lighted when the motor vehicle is in forward motion.

B. Every vehicle shall be equipped with vehicular hazard warning lamps required for that vehicle at the time the vehicle was manufactured by standards of the United States Department of Transportation pursuant to 49 C.F.R., Section 571.108. Such lamps shall be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this title. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display

such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred (500) feet in normal sunlight.

C. Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashed in conjunction with the turn or vehicular hazard warning lamps.

§§ 12-221-226. Reserved

§ 12-227. Special restriction on lamps

A. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary driving lamps, flashing turn signals, vehicular hazard warning lamps, authorized emergency vehicle lamps, snow removal and construction and maintenance vehicle warning lamps, and school bus and church bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

B. Except as provided in Sections 12-218, 12-218.1, 12-228, and 12-229 of this title, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or capable of displaying a red or blue light visible from directly in front of the center thereof.

C. Flashing lights are prohibited except on:

1. An authorized emergency vehicle, as provided in Section 12-218 of this title;

2. A school bus or a church bus, as provided in Section 12-228 of this title;

3. Any snow-removal, construction and maintenance equipment, as provided in Section 12-229 of this title;

4. A wrecker or tow vehicle while at the scene of an emergency or loading or unloading a vehicle in close proximity to traffic as needed for safety precautions or as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-218.1 of this title;

5. Any vehicle as a means of indicating a right or left turn, as provided in Sections 12-206.1 and 12-606 of this title;

6. Any vehicle as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this

title;

7. Any vehicle displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps, as provided in Section 12-220 of this title;

8. A farm tractor or an implement of husbandry, as provided in Section 12-215 of this title;

9. Any vehicle used while performing official duties as a rural or contract route mail carrier of the United States Postal Service, as provided in Section 12-218.2 of this title; or

10. Any vehicle being used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this title.

D. Blue lights are prohibited except as allowed in Sections 12-218, 12-218.1, and 12-229 of this title.

E. Any person violating the provisions of subsection B, C or D of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment for a term not to exceed six (6) months, or by a fine of an amount not to exceed Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

§ 12-228. Special lighting equipment and warning devices on school buses and church buses

A. In addition to any other equipment and distinctive markings required by this title, every school bus and every church bus shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights shall be visible at five hundred (500) feet in normal sunlight.

B. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering, and have no other lettering on the front or rear of the vehicle, except as required by 47 C.F.R., Part 571.

C. Every church bus shall bear upon the front and rear thereof plainly visible signs containing the words "CHURCH BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering. In addition, such church bus may be equipped with visual signals meeting the requirements of subsection A of this section.

D. Every school bus manufactured on or after September 1, 1992, shall be equipped with a stop signal arm that complies with 49 C.F.R., Section 571. 131.

E. In addition to the lights required by subsection A of this section, any school bus shall be equipped with amber signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical center line of the bus, which shall display two alternately flashing amber lights to the front and two alternately flashing amber lights to the rear. These lights shall be visible at five hundred (500) feet in normal sunlight. These lights shall be displayed by the school bus driver at least one hundred (100) feet, but not more than five hundred (500) feet, before every stop at which the alternately flashing red lights required by subsection A will be actuated.

F. The State Board of Education, with the approval of the Commissioner of Public Safety, is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with, and supplemental to, the provisions of this chapter. Such standards and specifications shall be identical to any Federal Motor Vehicle Safety Standard which regulates the same aspect of performance of the same equipment or device. Where there is no applicable Federal Motor Vehicle Safety Standard, the standards and specifications shall conform to the greatest extent feasible with any other relevant standard issued or endorsed by federal agencies or recognized standard-setting organizations.

G. During the time any school bus or church bus is operating, the school bus or church bus shall have its headlights activated.

H. It shall be unlawful to operate any red flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or discharge from said school bus.

I. It shall be unlawful to operate any red flashing warning signal light on any church bus except when any said bus is stopped on a highway for the purpose of permitting passengers to board or discharge from said bus.

J. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right- of-way and stop for school buses, as prescribed in Section 11-705 of this title, and for church buses, as prescribed in Section 11-705.1 of this title.

K. The loading lamps on school buses converted for purposes other than transporting pupils to or from school shall be disconnected, except for buses purchased for use by religious organizations as church buses.

§ 12-229. Standards and specifications for lights on vehicles or machinery operated by state or other government jurisdictions

A. The Department of Transportation shall adopt standards and specifications applicable to headlamps, clearance lamps, identification and other lamps on snow-removal equipment, when

operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

B. It shall be unlawful to operate any snow-removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

C. Flashing amber lights may be used on vehicles or machinery owned or operated by any agency of the state or by any county or city when engaged in the performance of emergency work or on the construction or maintenance of highways.

D. Rear facing flashing red and blue lights may be used on vehicles or machinery owned or operated by the Oklahoma Department of Transportation, the Oklahoma Turnpike Authority, or by any county when engaged in the performance of emergency work or on the construction or maintenance of highways.

§ 12-230-231. Reserved

§ 12-232. Vans operated for nonprofit charitable organization equipped with strobe-light-type device

A. Every multiple-passenger van owned and operated by a nonprofit charitable organization for the purpose of transporting children to or from any destination may be equipped with a flashing, strobe-light-type device that when lighted may be visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

B. During the time that the multiple-passenger van is operating, the multiple-passenger van may have the strobe-light-type device activated.

C. Each vehicle displaying such lights shall simulate the color of lights used on school buses as provided in Section 12-228 of this Title.

D. As used in this section, "nonprofit charitable organization" shall mean any organization that is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 United States Code, Section 501(c)(3).

§ 12-301. Brake equipment required

A. Every motor vehicle manufactured prior to September 1, 1961, when operated upon a highway

shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

B. 1. Every motor vehicle manufactured on or after September 1, 1961, operated upon the highways shall be equipped with service brakes upon all wheels.

2. A truck or truck-tractor having three or more axles need not be equipped with brakes on the front axle if:

a. the vehicle was manufactured on or before July 24, 1980, or

b. the vehicle was manufactured on or after July 25, 1980, but no later than October 26, 1986, and the brake components have not been removed. If the brake components have been removed, the vehicle shall be retrofitted to meet the requirements of this section.

C. 1. Every trailer, semitrailer, and pole trailer of a gross vehicle weight rating of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes:

a. adequate to control the movement of and to stop and to hold such vehicle,

b. so designated as to be applied by the driver of the towing motor vehicle from its cab. Provided, braking systems commonly known as "surge brakes" shall be lawful when used on a trailer which is towing or transporting a vessel or vessels, and

c. so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

2. Every trailer, semitrailer, and pole trailer required to be equipped with brakes, except motor vehicles engaged in drive-away tow-away operations as provided in 49 C.F.R., Part 393.42, shall be equipped with brakes which are designed to be applied automatically and promptly upon break-away from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such a case for at least fifteen (15) minutes.

3. Any trailer, semitrailer, or pole trailer having a gross vehicle weight rating of less than three thousand (3,000) pounds need not be equipped with brakes; provided, the trailer, semitrailer, or pole trailer shall be equipped with brakes if the weight of the towed vehicle exceeds forty percent (40%) of the gross vehicle weight rating of the towing vehicle.

D. Every motor vehicle and every combination of vehicles shall be equipped with a parking brake

system adequate to hold the vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice, or loose material.

E. The braking system on the rear axle of any motor vehicle may be used for both service brake and parking brake operation.

F. 1. Air brake systems installed on towed vehicles manufactured shall be designed as provided in 49 C.F.R., Section 393.43.

2. Every truck or truck-tractor, if used to tow a trailer equipped with brakes, shall be equipped with service brakes as provided in 49 C.F.R., Section 393.43.

3. Every truck or truck tractor equipped with air brakes, when used to tow another vehicle equipped with full air brakes, in operations other than drive-away or tow-away, shall, in addition to the above, be equipped with two means of activating the emergency features of the trailer brakes as provided in 49 C.F.R., Section 393.43.

4. Every motor vehicle which is equipped with power brakes, shall comply with 49 C.F.R., Section 393.49.

5. Every truck tractor and truck used for towing other vehicles equipped with vacuum brakes, in operations other than drive- away tow-away, on and after September 1, 1961, shall, in addition to other requirements of state and federal law, comply with 49 C.F.R., Section 393.43.

G. Every bus, truck, and truck-tractor which is equipped with an air or vacuum brake system, shall be equipped with a reservoir as required by 49 C.F.R., Section 393.50, sufficient to insure a brake application capable of stopping the vehicle within the stopping distance requirements of Section 12-302 of this title in the event the engine stops.

H. Every bus, truck and truck-tractor shall be equipped with service brake warning devices and signals as required by 49 C.F.R., Part 393.51.

I. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. The brakes shall be capable of stopping the vehicle, or a combination of vehicles, within the stopping distance requirements of Section 12-302 of this title.

§ 12-302. Performance ability of brakes

A. Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

1. Developing a braking force that is not less than the percentage of its gross weight, as specified in subsection D of this section;

2. Decelerating to a stop from a speed of twenty (20) miles per hour at not less than the rate specified in subsection D of this section; and

3. Stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the service brake pedal or control begins.

B. Upon application of the parking brake system and with no other brake system applied, a motor vehicle or combination of motor vehicles shall, at all times and under all conditions of loading, be capable of stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the emergency brake control begins.

C. Conformity to the stopping-distance requirements of subsections A and B of this section shall be determined under the following conditions:

1. Any test must be made with the vehicle on a hard surface that is substantially level, dry, smooth, and free of loose material; and

2. The vehicle must be in the center of a twelve-foot-wide lane when the test begins and must not deviate from that lane during the test.

D. The vehicle brake performance table contained in 47 O.S. § 12-302, and any amendments thereto, shall be incorporated into this section.

E. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent (1%) grade), dry, smooth, hard surface that is free from loose material.

§ 12-303-315. Reserved

§ 12-401. Horns and warning devices

A. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with a horn but shall not otherwise use such horn when upon a highway.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, except as otherwise permitted in subsection D of this section.

C. Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. A theft alarm signal device shall not use a siren, as described in subsection D of this section.

D. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with a siren, or similar device, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the Department of Public Safety, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

E. It shall be unlawful for any person to use a device capable of producing auditory warning signals similar to that on an authorized emergency vehicle or to use audible signal equipment from a motor vehicle for the purpose of causing any other motor vehicle operator to yield right-of-way and stop, or which actually causes any other motor vehicle operator to yield the right-of-way and stop, whether intended or not. The provisions of this subsection shall not apply to the operators of authorized emergency vehicles.

§ 12-402. Mufflers or other noise-suppressing systems--Prevention of excessive or unusual noise

A. Every vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. Every motor vehicle shall at all times be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, and no person shall use a muffler cut-out, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.

B. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke, or both.

§ 12-403. Mirrors

A. Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so positioned and located as to reflect to the driver a view of the highway to the rear of the motor vehicle.

B. Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so positioned and located as to reflect to the driver a view of the highway to the rear of the vehicle.

C. Every school bus and church bus shall be equipped with a mirror system so positioned and located as to reflect to the driver, when seated in the bus driver's position, the presence of a pedestrian directly in front of the bus and beneath the driver's direct line of sight.

§ 12-404. Windshields and windows--Obstruction, obscuring, or impairing of driver's view--Electric windshield wiper mechanism

A. As used in this section:

1. "Critical area" means the area cleaned by the normal sweep of the windshield wiper blade on the driver's side. The area covered by the wiper blade cannot be reduced from manufacturer's original specifications;

2. "Noncritical areas" means all other areas;

3. "Outright breakage" means glass which is severely cracked or shattered to the extent that air passes through it or, if by running a fingertip over the cracked area, the glass moves or sharp edges can be felt;

4. "Star break or shot damage" means a vented break with cracks radiating from the point of impact; and

5. "Stress or hairline crack" means a crack which has no visible point of impact.

B. No person shall operate any motor vehicle which:

1. Is not equipped with a windshield;

2. Has any outright breakage in the windshield or in the window on either side of the driver;

3. Has any star break or shot damage, three (3) inches or more in diameter, located in the critical area; or

4. Has two or more stress or hairline cracks, twelve (12) inches or more in combined length, located in the critical area.

C. No person shall drive any motor vehicle with any sign, poster, other nontransparent material, or debris, including but not limited to snow, ice, or frost, upon the front windshield or the side wings, or side or rear windows or suspend any sign, poster, object, or other material from the interior of the vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway ahead or to either side or of any intersecting highway.

D. The windshield on every motor vehicle shall be equipped with an electric windshield wiper

mechanism for cleaning rain, snow, or other moisture from the windshield.

Every windshield wiper blade and windshield wiper mechanism upon a motor vehicle shall be maintained in good working order. When replacing the wiper blade, the length of the blade shall not be reduced from the manufacturer's specification.

§ 12-405. Tires and wheels--Peripheral equipment--Unsafe operating condition

A. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

B. A person shall not operate or move on any hard-surfaced highway any vehicle having any metal tire in contact with the roadway, except when authorized by special permit as provided in subsection E of this section.

C. 1. Any tire on a vehicle moved on a highway shall not have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible:

a. to use farm tractors or implements of husbandry with tires having protuberances which will not injure the highway,

b. to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, or

c. for pneumatic tires equipped with or having on their periphery studs of metal, porcelain or other material to be sold or used in this state, if constructed to provide resiliency upon contact with the road surface, so that not more than three percent (3%) in the aggregate of the traction surface of such tire be composed of such studs and so that such studs do not project more than three thirty-seconds (3/32) of an inch beyond the tread of the traction surface of such tire and have a rate of wear which will so limit such projection.

2. The exceptions permitted in paragraph 1 of this subsection shall be subject to the following restrictions:

a. the use of such tires or tire chains shall be limited to vehicles with rated capacities up to and including two (2) tons,

b. any tire so equipped shall not be used on a public highway earlier than November 1 of each year or later than April 1 of the following year, and

c. copies of this subsection shall be posted in all places at which tires or tire chains are sold, and a printed or written warning on the time limitation for the use of such tires or

tire chains shall be furnished to each buyer, purchaser, or user by the seller of such studded tires or tire chains.

D. Operator selectable "on demand" studded tires having traction-enhancing studs located outside the normal tread area which allows their operation as conventional tires on dry roads or as studded tires on ice-coated roads by the expedient of reducing or increasing the air pressure within the tires, shall be exempt from the prohibitions of subsection C of this section with the following exceptions:

1. The use of such tires shall be limited to vehicles with rated capacities up to and including two (2) tons;

2. Any such tire shall not be deflated so that the studs lower and make contact with the road surface earlier than November 1 of each year or later than April 1 of the following year.

E. The Department of Public Safety and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

F. A person shall not operate any vehicle when one or more of the tires in use on that vehicle is in unsafe operating condition or has a tread depth less than two-thirty-seconds (2/32) inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire; provided, such measurements shall not be made at the location of any tread wear indicator, tie bar, hump, or fillet. As used in this subsection, an unsafe tire includes, but is not limited to, any tire:

1. On which the ply or cord is exposed in the tread area;

2. Which has been regrooved or recut below the original groove depth, except tires that have been designed with under-rubber sufficient for regrooving and are so marked;

3. Marked "Farm Implement Only", "Not for Highway Use", or any other marking that would indicate that the tire is not for normal highway use; provided, no such marking shall be altered or removed;

4. On which any bulges, bumps, or knots show in the tread or sidewall area; or

5. On the front steering axle of a truck-tractor which has tread depth measuring less than four-thirty-seconds (4/32) inch.

G. Every wheel on a vehicle shall not be cracked and shall be securely fastened to the hub of the vehicle with all lug nuts properly affixed.

§ 12-405.1. Coupling devices--Stay chains, cables or other safety devices

A. Every trailer, semitrailer, manufactured home, or towed motor vehicle shall be equipped with a coupling device which shall be designed, constructed, and used so that the trailer, semitrailer, manufactured home, or towed motor vehicle will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer, semitrailer, manufactured home, or towed motor vehicle, except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with:

1. Stay chains or cables to the vehicle by which it is being drawn, which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle, should the regular coupling device break or become otherwise disengaged; or

2. Chains, cables or a safety device which provides strength, security of attachment and directional stability equal to or greater than that provided by safety chains and which prevent parting from the drawing vehicle should the regular coupling device break or otherwise become disengaged. The safety device shall be designed, constructed, and installed so that if the coupling device fails or becomes disconnected the coupling device will not drop to the ground.

B. Nothing in this section shall be construed as excepting commercial vehicles subject to the provisions of 49 C.F.R., Subpart F, Coupling Devices and Towing Methods, from complying with the provisions thereof.

C. No person shall tow any vehicle by sole use of a chain, cable, ropes, or any combination thereof.

§ 12-405.2. Fuel tanks and intake pipes--Projection beyond side of vehicle--Construction and attachment

A. No fuel tank or intake pipe on any motor vehicle shall project beyond the side of the motor vehicle. In no case shall the fuel tank or fuel intake pipe on any bus be located within or above the passenger-carrying portion of the bus.

B. Any fuel tank carried upon a motor vehicle, including any auxiliary tank, shall be of substantial construction, permanently and securely attached to the motor vehicle.

§ 12-405.3. Aprons

All vehicles or combination of vehicles operating on the highways, except animal-drawn vehicles, not equipped with fenders over the rearmost wheels shall have attached thereto a rubber or fabric apron directly behind the rearmost wheels, and hanging perpendicular from the body of the vehicle. The apron shall be of such a size as to prevent the bulk of the water or any other substance picked up

from the roadway from being thrown from the rear wheels of the vehicle or combination of vehicles at tangents exceeding twenty-two and one half (22 ½) degrees measured from the road surface. The provisions of this subsection shall not apply to a farm tractor moving over the state highway system at a speed less than twenty (20) miles per hour.

§ 12-406. Safety glazing material or safety glass-- Standards--Identification markings--Sale or replacement

A. A motor vehicle as specified herein shall not be registered thereafter unless such vehicle is equipped with safety glazing material or safety glass of a type prescribed in this section wherever glazing material or glass is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger cars, lightweight vehicles, buses, school buses, and church buses, but in respect to trucks, including truck-tractors, the requirements as to safety glazing material or safety glass shall apply to all glazing material and glass used in doors, windows, and windshields in the drivers' compartments of such vehicles.

B. The term "safety glazing materials" or "safety glass" means glazing materials or glass so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by the safety glazing materials or safety glass when they may be cracked or broken.

C. All safety glazing materials and safety glass shall bear the manufacturer's trademark and the words "American Standard" or the letters "AS" followed by a number indicating the position in which the glass shall be used. Safety glazing materials or safety glass bearing the following identification markings shall be used in the designated locations:

1. Laminated safety glass marked "AS-1" is required in windshields and is acceptable at any other location in the vehicle;

2. Laminated safety glass marked "AS-14" is required in windshields and is acceptable at any other location in the vehicle;

3. Laminated or tempered safety glass marked "AS-2" is acceptable for use at any location in the vehicle except the windshield;

4. Laminated or tempered safety glass marked "AS-3" is acceptable anywhere on school buses except in windshields and side windows to the immediate right and left of the driver's location;

5. Rigid plastic safety glazing material marked "AS-4" or "AS-5" is acceptable anywhere on school buses except in windshields and side windows to the right or left of the driver's location;

6. Flexible plastic safety glazing material marked "AS-6" or "AS-7" is acceptable for use in rear windows of soft tops, flexible curtains, or readily removable windows; and

7. Wire glass marked "AS-8" or "AS-9" is acceptable for use in folding doors, standee and rearmost windows of buses, or windows to the rear of the driver in trucks and truck-tractors.

D. No person shall sell, or make replacements of glass, safety glazing materials, or safety glass on motor vehicles, or sell glass, safety glazing materials, or safety glass cut to size to fit windshields, door glass, or window glass of a motor vehicle in violation of the provisions of this title.

§ 12-407. Certain vehicles to be equipped with flares and other emergency equipment

A. No person shall operate any truck, bus, truck-tractor, or any drive-away, tow-away operation upon any highway at any time unless such vehicle is equipped with emergency equipment, including, but not limited to, reflectors, flares, fusees, flags, and fire extinguishers, as provided by 49 C.F.R., Section 393.95. This section shall not apply to lightweight vehicles.

B. Every bus which is licensed for the express purpose of transporting persons for hire shall have at least one hand axe and one metal heavy-duty, ten-unit size, first-aid kit.

§ 12-408. Display of warning devices when vehicle disabled

A. Whenever any truck, except a lightweight vehicle, or any bus, truck-tractor, trailer, semitrailer, or pole trailer, or any motor vehicle towing a manufactured home is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection B of this section:

1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

2. As soon thereafter as possible but in any event within the burning period of the fusee, the driver shall place three liquid- burning flares, or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:

   a. one approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane,

   b. one approximately one hundred (100) feet in the opposite direction from the

disabled vehicle and in the center of the traffic lane occupied by such vehicle, and

c. one at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph 1 of subsection A of this section, it may be used for this purpose.

B. Whenever any vehicle referred to in this section is disabled within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

C. Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the times specified in subsection B of Section 12-201 of this title, the appropriate warning devices prescribed in subsections A and E of this section shall be placed as follows:

1. One at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

2. One at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

3. One at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

D. Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred (100) feet in advance of the vehicle, and one at a distance of approximately one hundred (100) feet to the rear of the vehicle.

E. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas is disabled upon a highway of this state at any time or place mentioned in subsection A of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred (100) feet to the front and one placed approximately one hundred (100) feet to

the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

F. The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the applicable requirements of Section 12-407 of this title.

G. The provisions of this section shall not apply to vehicles bearing farm tags and used exclusively for the purpose of farming and ranching.

§ 12-409. Vehicles transporting hazardous materials

Vehicles transporting hazardous materials as a cargo or part of a cargo shall at all times be:

1. Marked or placarded in accordance with 49 C.F.R. Section 177.823; and

2. Equipped with portable fire extinguishers in accordance with 49 C.F.R. Section 393.95(a).

§ 12-410. Air-conditioning equipment

A. The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

B. Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable or which is in violation of regulations of the Environmental Protection Agency pursuant to 40 C.F.R., Part 82 or which is not included in the list published by the Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12, pursuant to 42 U.S.C. 7671 k(c).

C. Safety requirements and specifications consistent with the requirements of this section applicable to such equipment shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers (SAE).

§ 12-411. Television-type receiving equipment visible from operator's seat prohibited

A. No motor vehicle shall be operated on the highways of this Nation in which there is installed any television-type receiving equipment, the viewer, monitor, or screen of which can be seen by any person sitting in the seat from which such motor vehicle is operated.

B. This section shall not be construed to prohibit the use of television-type receiving equipment

used exclusively for navigation, safety of vehicle operation, or law enforcement purposes.

§ 12-412. Reserved

§ 12-413. Seat belts or shoulder harnesses

It shall be unlawful for any person to sell or offer for sale at retail or trade or transfer from or to residents of the Cherokee Nation any passenger vehicle which is manufactured or assembled commencing with the 1966 models, unless such vehicle is equipped with safety belts or safety shoulder harness combinations which are installed for the use of persons in the left front and right front seats thereof.

§ 12-414. Specifications

All safety belts or safety shoulder harnesses shall be of a type and shall be installed pursuant to 49 C.F.R. § 571.208 et seq.

§ 12-415. Penalties

Any person violating any of the provisions of Section 12-413 of this title shall, upon conviction thereof, be punished as provided in Section 17-101 of this title.

§ 12-416. Reserved

§ 12–417. Safety belt law

A. 1. Every operator and front seat passenger of a Class A commercial motor vehicle, Class B commercial motor vehicle, Class C commercial motor vehicle or a passenger vehicle operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

2. For the purposes of this section, "passenger vehicle" shall mean a Class D motor vehicle, but shall not include trucks, truck- tractors, recreational vehicles, motorcycles, or motorized bicycles, or a vehicle used primarily for farm use which is registered and licensed pursuant to the provisions of Section 1134 of this title.

B. The Commissioner of Public Safety, upon application from a person who, for medical reasons, is unable to wear a safety seat belt system supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue to the person an exemption from the provisions of this section. The exemption shall be in the form of a restriction appearing on the driver license of the person and shall remain in effect until the expiration date of the driver license. Nothing in this subsection shall be construed to prevent the person from applying for another exemption as provided for in this section. The issuance of an attestation by a physician and the subsequent issuance of an exemption by the

Commissioner, in good faith, shall not give rise to, nor shall the physician and the state thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of failure of the person to wear a safety seat belt system.

C. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. Postal Service.

D. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

E. Fine and court costs for violating the provisions of this section shall not exceed Twenty Dollars ($20.00).

F. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of those ordinances shall be the same as provided for in this section, and the enforcement provisions under those ordinances shall not be more stringent than those of this section.

~~A. 1. Every operator and front seat passenger of a passenger car operated in the jurisdiction of the Cherokee Nation shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R. § 571.208.~~

~~2. For the purposes of this section, "**passenger car**" shall mean "vehicle" as defined in 47 CNCA § 1-186. "Passenger car" shall include the passenger compartment of pickups, vans, minivans, and sport utility vehicles, "Passenger car" shall not include trucks, truck tractors, recreational vehicles, motorcycles, or motorized bicycles. "Passenger car" shall not include a vehicle used primarily for farm use which is registered and licensed pursuant to the provisions of 68 CNCA § 1258.~~

~~E. This section shall not apply to persons eligible for an exception for medical reasons pursuant to 59 O.S. § 495 and any other similar statute of another state.~~

~~G. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. Postal Service.~~

~~I. Fine and court costs for violating the provisions of this section shall not exceed Twenty Dollars ($20.00) plus Sixty Dollars ($60.00) court costs.~~

§§ 12-418-419. Reserved

§ 12-420. Civil proceedings--Effect of act

Sections 12-416 through 12-420 of this title may be used in any civil proceeding in this nation and the use or nonuse of seat belts shall be submitted into evidence in any civil suit within the jurisdiction of the Cherokee Nation unless the plaintiff in such suit is a child under sixteen (16) years of age.

§ 12-421. Reserved

§ 12-422. Restrictions on use of glass coating materials or sunscreening devices on windshields and windows

A. As used in this section:

1. "Glass coating material" or "sunscreening devices" means materials, films, applications or devices which are used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of sun, but shall not include materials, films, applications, or devices with a mirrored or mirror-like finish;

2. "Light transmission" means the percentage of total light which is allowed to pass through a window;

3. "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the glass coating material or sunscreening device to the amount of total light falling on the glass coating material;

4. "Manufacturer" means:

   a. a person who engages in the manufacturing or assembling of sunscreening devices, or

   b. a person who fabricates, laminates, or tempers glazing materials, incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process; and

5. "Window" means the windshield, side or rear glass of a motor vehicle, including any glazing material, glass coating or sunscreening device.

B. It is unlawful, except as provided by this section, for a person to sell, install, or to operate a motor vehicle with any object or material:

1. Placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows; or

2. So placed, displayed, installed, affixed, or applied in or upon the motor vehicle so as to obstruct or reduce a driver's clear view through the windshield or side or rear windows.

C. It is unlawful for any person to place, install, affix, or apply any transparent material upon the windshield or side or rear windows of any motor vehicle if such material alters the color or reduces the light transmittance of such windshield or side or rear windows except as provided in this section.

D. This section shall not apply to:

1. Side or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least twenty-five percent (25%) and a luminous reflectance of at most twenty-five percent (25%);

2. Front side wing vents and windows that have a substance or material not attached in conjunction with glazing material which is used by a vehicle operator on a moving vehicle during daylight hours;

3. Rearview mirrors;

4. Adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass;

5. Signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield nearest the driver;

6. Direction, designation, or termination signs on buses, if the signs do not interfere with the driver's clear view of approaching traffic;

7. Rear window wiper motors;

8. Rear window defrosters or defoggers;

9. Rear truck lid handle or hinges;

10. Side windows to the rear of the driver or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least ten percent (10%) and a luminous reflectance of at most twenty-five percent (25%) on all vehicles manufactured prior to 1996 year models, if the motor vehicle is equipped with outside mirrors on both left and right hand sides of the vehicle that are so located as to reflect to the driver a view of the highway through each mirror for a distance of at least two hundred (200) feet to the rear of the motor vehicle;

11. Transparent material which is installed, affixed, or applied to the topmost portion of the windshield if:

    a. it does not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield, and

    b. the material is not red or amber in color;

12. All windows to the rear of the driver's seat in a vehicle licensed as a bus, as defined by Section 1-105 of this title, or a taxicab, as defined by Section 1-174 of this title;

13. Vehicles not subject to registration in the State of Oklahoma;

14. Implements of husbandry as defined by this title; and

15. Law enforcement vehicles which are owned by the state or a political subdivision of the state.

E. This section shall not prohibit the use and placement of federal, state, or political subdivision certificates on any window as are required by applicable laws.

F. Louvered materials, when installed as designed, shall not reduce the area of the driver's visibility below fifty percent (50%) as measured on a horizontal plane. When such materials are used in conjunction with the rear window, the measurement shall be made based upon the driver's view from inside the rearview mirror.

G. A person who sells or installs any product regulated by this section shall certify in a written statement, which shall be a part of the contract for sale or installation and shall be in bold-face type, that:

1. The product sold or installed is in compliance with the reflectivity and transmittance requirements of this section;

2. The installation of the product to the driver's or passenger's side window may be illegal in some states.

H. The Commissioner of Public Safety, upon application from a person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue an exemption from the provisions of this section for a motor vehicle belonging to such person or in which such person is a habitual passenger. Any person may operate a vehicle or alter the color or reduce the light transmitted through the side or rear windows of a vehicle in accordance with an exemption issued by the Commissioner.

I. Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

§ 12-423. Emission control system--Disconnection, alteration, modification, or replacement

A. On any motor vehicle originally designed and equipped with an emission control system such system shall be maintained in good working order.

B. No person shall:

1. Disconnect any part of such system except temporarily in order to make repairs, replacements, or adjustments;

2. Modify or alter such system or its operation in any manner; or

3. Operate, and no owner shall cause or permit to be operated, any motor vehicle originally equipped with such system while any part of that system is known by the owner to be disconnected or while that system or its operation is modified or altered in any manner.

C. The provisions of this section shall not apply to any disconnection, alteration, modification, or replacement of a nature intended to increase effectiveness of the system in controlling the emission of air pollutants.

§ 12-424. Obstruction to turning of steering control--Definitions

A. As used in this section:

1. "Jamming" means any obstruction to the turning of the steering control caused by some interference with components of the steering system, including but not limited to:

a. tires which exceed the manufacturer's specifications, or

b. damaged fenders that interfere with a full right or left turn; and

2. "Play" means the condition in which the steering control can be turned through some part of a revolution but does not result in movement of the front wheels.

B. No vehicle shall be operated which exhibits jamming, roughness, or binding when turning the wheels from full right to full left.

C. No vehicle shall be operated if the steering wheel:

1. Has more than six (6) inches of play, if the steering wheel is eighteen (18) inches or less in diameter; or

2. Has more than eight (8) inches of play, if the steering wheel is over eighteen (18) inches in diameter.

D. No vehicle shall be operated if any power steering pump is inoperative or is not properly operating.

§ 12-425. Absent, disconnected, or broken parts of suspension system

No vehicle shall be operated if any shock absorber, spring, or strut of the suspension system is absent, disconnected, or broken.

§ 12-426. Properly operating speedometer

Every motor vehicle shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle.

§ 12-427. Official slow-moving vehicle emblem

A. The triangular yellow-orange and red slow moving vehicle emblem which meets the standards and specifications of the American Society of Agricultural Engineers, ASAE S276.3, Slow-Moving Vehicle Identification Emblem, shall be recognized as the official slow-moving vehicle emblem of this Nation.

B. 1. All farm machinery, other machinery including all road construction and maintenance machinery, and all other vehicles and animal-drawn vehicles designed to operate and operating at a maximum speed of no more than twenty-five (25) miles per hour traveling on a highway during day or night shall display a slow-moving vehicle emblem on the rear of the vehicle.

2. When such road construction and maintenance machinery is engaged in actual construction or maintenance work and there is either a flagman or clearly visible warning signs to warn of such machinery's presence on the roadway are exempt from the requirements of this section.

C. The emblem shall be positioned as near as practicable to the center on the rear of the vehicle or machinery; provided however, that in the case of a string of farm machinery or implements being towed only one clearly visible emblem must be displayed on the rearmost vehicle.

D. The use of such emblem shall be in addition to any lighting devices or other equipment required by law. The failure on the part of an owner or driver of any nonmotor vehicle to display the emblem required in this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision. No person shall use the slow-moving vehicle emblem except as required in this section.

E. The evidence as to the use of such emblem or the lack of the use of such emblem shall not be admissible in the trial of any case.

§ 12-428. Converted school buses--Color

School buses converted for purposes other than transporting pupils to or from school shall be painted a color other than National School Bus Yellow.

§§12-429-12-500. Reserved

§ 12-501. Short title—Cherokee Nation Odometer Setting Act

Sections 12-501 through 12-507 of this title shall be known and may be cited as the "Cherokee Nation Odometer Setting Act".

§ 12-502. Definitions

As used in the Cherokee Nation Odometer Setting Act:

1. "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage for a limited purpose;

2. "Repair and replacement" means to restore to sound working condition by replacing the odometer or any part thereof or by correcting the inoperative part;

3. "Transfer" means to change ownership of a motor vehicle by purchase, sale or any other means wherein there is an exchange of monetary or equivalent compensation;

4. "Transferee" means any person to whom ownership of a motor vehicle is transferred by purchase or any other means wherein there is an exchange of monetary or equivalent compensation;

5. "Transferor" means any person who transfers his ownership in a motor vehicle by sale or any other means wherein there is an exchange of monetary or equivalent compensation; and

6. "True mileage driven" means the amount of mileage a motor vehicle has been driven as registered by the odometer within the designed tolerance of the manufacturer.

§ 12-503. Prohibited acts

No person shall:

1. Advertise for sale, sell, use or install or cause to be installed or request for installation, any device which causes an odometer to register any mileage other than the true mileage driven;

2. Disconnect, reset or alter, or cause or request to be disconnected, reset or altered, the odometer of any motor vehicle with intent to change the number of miles indicated thereon;

3. Knowingly operate a motor vehicle with a disconnected or nonfunctional odometer on any

street or highway with the intent of misrepresenting the true mileage driven; and

4. Conspire with any other person to violate any section of the Odometer Setting Act.

§ 12-504. Service, repair or replacement of odometer

A. Nothing in the Odometer Setting Act shall prevent the service, repair or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before the service, repair or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced.

B. No person shall:

1. Fail to adjust an odometer or affix a notice regarding such adjustment as required by subsection A of this section; and

2. Remove or alter any notice required by subsection A of this section to be affixed to a motor vehicle, with intent to misrepresent the true mileage driven.

§ 12-505. Transfer of ownership of motor vehicle--Information required

A. Any transferor shall give the following written information to the transferee prior to the transfer of ownership of a motor vehicle:

1. The odometer reading at the time of transfer;

2. The date of transfer;

3. The name and current address of the transferor; and

4. The identity of the vehicle, including the make, model, year, body type and vehicle identification number.

B. In the disclosure required under this section, the transferor shall also certify that to the best of his knowledge:

1. the odometer reading reflects the actual mileage; or

2. the odometer reading does not reflect actual mileage; or

3. the mileage is in excess of the mechanical limits of the odometer.

The provisions of this section shall not apply to a transferor whenever transfer of ownership of a motor vehicle shall pass by bequest, descent, devise, gift or other means wherein there is no exchange of monetary or equivalent compensation.

§ 12-506. Violation--Penalty

Any person convicted of violating any of the provisions of the Odometer Setting Act with intent to misrepresent the true mileage driven of a motor vehicle shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or imprisonment for not more than one (1) year, or by both fine and imprisonment. A person violating the provisions of the Odometer Setting Act shall have civil liability for the greater of three times the actual damages or One Thousand Five Hundred Dollars ($1,500.00). Additionally, the court may award court costs and attorney fees to the prevailing party in a civil action.

§ 12-507. Actions--Jurisdiction--Venue--Duty to prosecute

The district court shall have jurisdiction, for cause shown to restrain violations of the Odometer Setting Act. The actions may be brought by the Attorney General.

§§ 12-508-600. Reserved

ARTICLE VI. MOTORCYCLES

§ 12-601. Headlamps and other illuminating devices on certain motorcycles--Definition

A. Every motorcycle of the model year 1978 or later operating upon a highway within this state shall display at all times:

1. A lighted headlamp or headlamps; and

2. Any other illuminating devices, if manufactured to be displayed at all times.

This subsection shall not apply to motorcycles used in official law enforcement capacities.

B. The provisions of subsections A, C and D of Section 12-201 of this title shall apply to motorcycles; provided, however, notwithstanding the provisions of subsection E of Section 12-201 of this title, a motorcycle may be equipped with a motorcycle headlamp modulation system as authorized by 49 C.F.R., Section 571.108, S7.9.4.

C. As used in Chapter 12 of this title, "motorcycle" shall include, unless otherwise specifically indicated, motorcycles and motor-driven cycles as those terms are defined in Chapter 1 of this title.

§ 12-602. Headlamps required--Permissible auxiliary lighting

A. Every motorcycle shall be equipped with at least one headlamp emitting a white light which shall comply with the applicable requirements and limitations of Section 12-203 of this title and of Sections 12-602.1, 12-203.4, 12-227 and 12-228 of this title.

B. Every headlamp upon every motorcycle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. Subject to subsections A and B of this section, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting:

1. Standard bulb running lights; or

2. Light-emitting diode pods and strips.

D. Lighting under subsection C of this section shall be:

1. Nonblinking;

2. Nonflashing;

3. Nonoscillating; and

4. Directed toward the engine and the drive train of the motorcycle to prevent interference with the driver's operation of the vehicle.

E. For purposes of this section:

1. "Headlamp" shall not include passing lamp; and

2. "Passing lamp" shall mean an auxiliary front low-beam lamp which emits a white light.

§ 12-602.1. Headlamps upon motorcycles--Minimum requirements

Every headlamp upon every motorcycle shall meet the requirements set forth in subsection C of Section 12-203 of this title.

§ 12-603. Tail lamps

A. Every motorcycle shall be equipped with at least one tail lamp mounted on the rear on the vertical center line of the motorcycle which shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, provided that in the case of a combination

of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp shall be located at a height of not more than sixty (60) inches nor less than fifteen (15) inches.

C. Either a tail lamp or a separate lamp with a white light shall be so constructed and placed as to illuminate the rear license plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear license plate, shall be lighted whenever the headlamp or driving lamp is lighted. The operation of a motorcycle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this subsection.

§ 12-604. Reflectors

A. Every motorcycle shall be equipped with and display at least one reflector meeting the requirements of this section.

B. Every such reflector shall be mounted on the motorcycle at a height not less than fifteen (15) inches nor more than sixty (60) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from the motorcycle when directly in front of lawful lower beams of headlamps.

§ 12-605. Stop lamps

A. Every motorcycle shall be equipped with at least one stop lamp meeting the requirements of this section.

B. The stop lamp required by this section:

1. Shall be mounted on the rear of the motorcycle;

2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and

3. Shall be actuated upon application of the brakes.

§ 12-606. Electric flashing turn signal lamps

A. Every motorcycle of model year 2005 and later shall be equipped with electric flashing turn signal lamps meeting the requirements of this section.

B. The flashing turn signal lamps required by this section:

1. Shall show to the front and rear of the motorcycle;

2. Shall be located on the same level and as widely spaced laterally as practicable on the front of the motorcycle 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 five hundred (500) feet to the front in normal sunlight;

3. Shall be located at the same level and as widely spaced laterally as practicable on the rear of the motorcycle 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 five hundred (500) feet to the rear in normal sunlight; and

4. Shall indicate when actuated the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

§ 12-608. Brakes on motorcycles

The brake system on any motorcycle shall comply with performance ability standard set forth in 49 C.F.R., Section 571.121, and shall be adequate to control the movement of the motorcycle and to stop and hold the motorcycle, including two separate means of applying the brakes. One means shall be effective to apply the brakes to the front wheel, and one means shall be effective to apply the brakes to the rear wheel or wheels.

§ 12-609. Motorcycles--Required equipment

A. In addition to other requirements prescribed by this chapter, by federal law or by local ordinance, all motorcycles, except when operated on actual trail rides conducted outside of public roads and highways, shall be equipped with:

1. Two rearview mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the motorcycle and positioned so as to enable the operator to clearly view the roadway to the rear of the vehicle;

2. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield, the operator shall wear goggles or other protective eyewear which meets American National Standards Institute (ANSI) Standard Z87.1 and provides positive retention, or a face shield of material and design to protect the operator from foreign objects;

3. A properly operating speedometer capable of registering at least the maximum legal speed limit for that motorcycle;

4. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

5. A horn which shall comply with the requirements of Section 12-401 of this title; and

6. A muffler or other effective noise-suppressing system which shall comply with the requirements of Section 12-402 of this title.

B. No person under eighteen (18) years of age shall operate or ride upon any motorcycle unless such person is properly wearing a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

C. Handlebars on motorcycles shall not be higher than eye level of the operator.

ARTICLE VII. BICYCLES

§ 12-701. Provisions in chapter applicable to bicycles

No provision in this chapter shall apply to bicycles or to equipment for use on bicycles except as to provisions in this article or unless a provision has been made specifically applicable to bicyclists, bicycles, electric-assisted bicycles or their equipment. As used in Chapter 12 of this title, "bicycle" shall include, unless otherwise specifically indicated, bicycles, mopeds, motorized bicycles, and electric-assisted bicycles, as those terms are defined in Chapter 1 of this title.

§ 12-702. Front lamp

Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the front emitting a white light visible from a distance of at least one thousand (1,000) feet to the front. This section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less.

§ 12-703. Rear lamp

Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the rear emitting a red light visible from a distance of at least one thousand (1,000) feet to the rear. This section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less.

§ 12-704. Reflector

Every bicycle shall be equipped with a red reflector which shall be visible for six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.

§ 12-705. Reserved

§ 12-706. Reflective material

Every bicycle when in use at the times described in subsection B of Section 12-201 of this title shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred (600) feet when directly in front of lawful lower beams of headlamps on a motor vehicle.

§ 12-707. Additional lights and reflectors

A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing sections; provided, such lights or reflectors shall comply with the provisions and limitations of Article II of Chapter 12 of this title.

§ 12-708. Brakes

Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

§ 12-709. Sirens

A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.

CHAPTER 13

INSPECTION OF VEHICLES

§ 13-101. Vehicles without required equipment or in unsafe condition

No person shall drive or cause to be moved on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination of vehicles, unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this act and said vehicle is in such safe mechanical condition as not to endanger the driver or occupant or any person upon the highway.

§ 13-102. Officers may inspect a vehicle and its equipment

A. Cherokee Nation Marshals or any other peace officer, acting pursuant to a valid cross-deputization agreement, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair or the operator is not properly licensed, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

B. In the event such vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this act, the officer making the inspection may

give the driver a notice of arrest or written warning. Any person producing proof within ten (10) working days from the date the citation was issued that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charges without assessment of court costs.

C. No person shall operate or cause to be operated any vehicle or combination of vehicles after notice of arrest or written warning has been issued of such unsafe condition or that the vehicle is not equipped as required by this act, except as may be necessary to return such vehicle or combination of vehicles to the residence or place of business of the owner or driver if within a distance of twenty (20) miles or to a garage, until said vehicle and its equipment has been made to conform with the requirements of this act.

D. Any vehicle or combination of vehicles found to have major mechanical defects which would be hazardous to other users of the highways if it were driven from the place of inspection as provided for in subsection C of this section shall be towed to a garage for repairs, and any repair charge, tow charge or storage charge for the repair, removal and storing of the vehicle shall be the obligation of the owner or operator.

§ 13-103. Owner and drivers to submit vehicles for inspection

Whenever the driver of a vehicle is directed by a Cherokee Nation Marshal or any other peace officer, acting pursuant to a valid cross-deputization agreement, to stop and submit the mechanical condition of the vehicle or its equipment to an inspection or test under the conditions stated in this act, it shall be the duty of such driver to stop and submit to such inspection or test and the failure or refusal to do so is a misdemeanor.

~~**ARTICLE VI. MOTORCYCLES**~~

~~**§ 12-609. Motorcycle and motor scooter**~~

~~The following equipment shall be required on all motorcycles and all motor scooters except on actual trail rides conducted outside of public roads and highways:~~

~~Rear View Mirrors. All vehicles covered under this section shall be equipped with two mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle.~~

~~1. Windshield. All vehicles covered under this section shall be equipped with a windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield the operator shall wear goggles or face shield of material and design to protect him from foreign objects.~~

~~2. Brakes. All vehicles covered under this section shall be equipped with brakes adequate to control the movement of same to stop and hold such vehicles, including two (2) separate means of applying the brakes, one means shall be effective to apply the brakes to the front wheel and one means shall be effective to apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp 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 brake.~~

~~2. Speedometer. All vehicles covered under this section shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle.~~

~~2. Fenders. All vehicles covered under this section shall be equipped with a fender over each wheel. All fenders shall be of the type provided by the manufacturer.~~

~~2. Lights. All vehicles covered under this section shall carry at least one (1) lighted headlamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the same are proceeding, and one (1) tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear, and such lights required by this section shall be burning whenever such vehicles are in motion during the period from one half (1/2) hour after sunset and one half (1/2) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead.~~

~~2. Headgear. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this section unless such person is equipped with and wearing on the head a crash helmet of a type which complies with standards established by the Department of Public Safety. All crash helmets shall consist of lining, padding and chin straps and be of the type as not to distort the view of the driver. The Commissioner of the Department of Public Safety is hereby authorized to approve or disapprove protective headgear and eye protective devices sold and required herein, and to issue and enforce regulations establishing standards and specifications for approval thereof. The Commissioner shall publish lists of all approved protective headgear and eye protective devices by name and type. Provided, however, the Department may not recommend one brand in preference to another if quality is identical.~~

CHAPTER 14

SIZE, WEIGHT AND LOAD

§ 14-101. Scope and effect of chapter--Issuance of annual overweight permits--Movement of certain vehicles at nighttime and on holidays

A. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly

permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state and local authorities shall have no power or authority to alter the limitations except as express authority may be granted in this chapter.

B. The Commissioner of Public Safety is directed to issue annual overweight permits to:

1. Municipalities and rural fire districts for the transportation of firefighting apparatus at no cost to the municipalities or rural fire districts;

2. Owners of implements of husbandry, which includes tractors that are temporarily moved upon a highway at no cost to the owner;

3. Retail implement dealers while hauling implements of husbandry at no cost to the dealer; and

4. Owners of certain vehicles as provided for in Section 14-103G of this title.

C. If a vehicle is issued a license pursuant to Section 1134.4 of this title, the license shall also serve as the overweight permit required by this section.

D. All size, weight and load provisions covered by this chapter shall be subject to the limitations imposed by Title 23, United States Code, Section 127, and such other rules and regulations developed herein. Provided further that any size and weight provision authorized by the United States Congress for use on the National System of Interstate and Defense Highways, including but not limited to height, axle weight, gross weight, combinations of vehicles or load thereon shall be authorized for immediate use on such segments of the National System of Interstate and Defense Highways and any other highways or portions thereof as designated by the Transportation Commission or their duly authorized representative.

E. All size, weight and load provisions covered by Sections 14-101 through 14-123 of this title shall be subject to a gross vehicle weight limit of ninety thousand (90,000) pounds when applied to a vehicle operating off the National System of Interstate and Defense Highways unless such vehicle is operating in full compliance with an overweight permit issued by the Commissioner of Public Safety.

F. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title, other than a vehicle permitted solely for overweight movement, shall be moved only during daylight hours. As used in Section 14-101 et seq. of this title, "daylight hours" shall mean one-half (½) hour before sunrise to one-half (½) hour after sunset. The Commissioner of Public Safety, for good cause and consistent with the safe movement of the vehicle, may endorse a permit for the movement of an oversize vehicle to authorize night time travel under such terms and restrictions as the Commissioner may require.

G. 1. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall not be moved at any time on the following holidays:

a. New Year's Day (January 1),

b. Memorial Day (the last Monday in May),

c. The Fourth of July (Independence Day),

d. Labor Day (the first Monday in September),

e. Thanksgiving Day (the fourth Thursday in November), and

f. Christmas Day (December 25).

2. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall be allowed to move on the following holidays:

a. Martin Luther King, Jr.'s Birthday (the third Monday in January),

b. President's Day, also known as Washington's Birthday (the third Monday in February), and

c. Veteran's Day (November 11).

§ 14-102. Reserved

§ 14-103. Width, height and length of vehicle and load

A. Except as otherwise provided for by this chapter, no vehicle, with or without load, shall have a total outside width in excess of one hundred two (102) inches excluding:

1. Tire bulge;

2. Approved safety devices;

3. A retracted awning with a width of eight (8) inches or less or other appurtenance of four (4) inches or less which is attached to the side of a recreational vehicle, as defined in Section 1102 of this title; and

4. Pins used as a safety precaution or as a load-assisting device if the pins do not extend the overall width of the vehicle beyond nine (9) feet. The State of Oklahoma hereby declares it has determined, in accordance with 23 C.F.R., Section 658.15, that such pins are

necessary for the safe and efficient operation of motor vehicles.

The provisions of this subsection shall not apply to any person engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less when the hay is owned by such person and is being hauled for any purpose other than resale. The provisions of this subsection shall also not apply to any county official or employee engaged in the hauling or pulling of a trailer or equipment owned by the county on the county roads of such county.

B. Except as otherwise provided for by this chapter:

1. No vehicle, with or without load, shall exceed a height of thirteen and one-half (13 1/2) feet on any county road, or fourteen (14) feet on any turnpike, interstate, U.S. or state highway, unless a greater height is authorized by a special permit issued by the Commissioner of Public Safety or an authorized representative of the Commissioner in consultation with the Department of Transportation specifying the highways to be used, consistent with public convenience and safety. The prohibitions on movement as prescribed in subsection F of Section 14-101 of this title and paragraph 1 of subsection G of Section 14-101 of this title shall not apply to vehicles operated pursuant to such permits;

2. An official state bridge vertical clearance map providing clearance heights as posted for bridges on the interstate, U.S. and state highway systems shall be available on the Oklahoma Department of Transportation website; and

3. Operators and owners of vehicles which exceed or have loads which exceed thirteen and one-half (13 1/2) feet shall be held liable for all damages to any part of structures spanning the highway or damages suffered by other affected parties caused by the vehicle or load exceeding the posted height;

C. Except as otherwise provided for by this chapter:

1. No single truck, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty- five (45) feet;

2. No single bus, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty- five (45) feet;

3. a. On the National Network of Highways which includes the National System of Interstate and Defense Highways and four- lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet, except as provided in subsection C of Section 14-118 of this title which shall apply to semitrailers exceeding fifty-three (53) feet but not exceeding fifty-nine (59) feet six (6) inches. On the National System of Interstate and Defense Highways

and four-lane divided Federal Aid Primary System Highways, no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than fifty-three (53) feet;

b. On roads and highways not a part of the National System of Interstate and Defense Highways or four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet and no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) feet. Except as provided for in subsection D of Section 14-118 of this title, no other combination of vehicles shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet on all roads and highways. For the purposes of this paragraph, oil field rig-up trucks shall be considered to be truck-tractors, when towing a trailer or semitrailer;

c. On the National Network of Highways the overall length limitation of a towaway trailer transporter combination may exceed length restrictions up to eighty-two (82) feet;

d. As used in this section:

(1) The term "trailer transporter towing unit" shall mean a power unit that is not used to carry property when operating in a towaway trailer transporter combination, and

(2) The term "towaway trailer transporter combination" shall mean a combination of vehicles consisting of a trailer transporter towing unit and two (2) trailers or semitrailers with a total weight that does not exceed twenty-six thousand (26,000) pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor or dealer of such trailers or semitrailers;

4. No combination of vehicles shall consist of more than two units, except:

a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer, or

b. vans, suburbans, blazers or other similar types of vehicles and self-propelled recreational vehicles with a three-quarter (3/4) ton or more rated capacity may tow a semitrailer and one complete trailer or semitrailer for recreational purposes only, provided the overall length, inclusive of the front and rear bumpers, does not exceed sixty-five (65) feet;

5. Poles and gas lines used to maintain public utility services, not to include new construction, may be moved during daylight hours, and during nighttime hours only in an emergency, subject to traffic and road restrictions promulgated by the Commissioner of Public Safety,

when the overall length does not exceed eighty (80) feet. When this length is exceeded, these loads are subject to the requirements of Section 14-118 of this title;

6. For the purposes of paragraphs 1, 3, and 4 of this subsection, the length of unitized equipment, which is defined to be equipment so constructed and attached to a rubber-tired vehicle that the vehicle and load become a unit and are for all practical purposes inseparable, shall be the length of the vehicle itself, and shall not include any protrusion of the equipment load so constructed or attached. The equipment shall not protrude for a distance greater than two-thirds (2/3) of the wheel base of the vehicle, shall not impair the driver's vision, and if less than seven (7) feet above the roadway, shall be safely marked, flagged or illuminated. Any such protruding structure shall be securely held in place to prevent dropping or swaying. Unitized equipment shall carry such safety equipment as shall be determined to be necessary for the safety, health, and welfare of the driving public by the Commissioner of Public Safety;

7. For the purposes of paragraphs 1, 3, and 4 of this subsection, a truck-tractor, when being towed by another vehicle with the wheels of its steering axle raised off the roadway, shall be considered to be a semitrailer as defined in Section 1-162 of this title;

8. The provisions of paragraphs 1 and 3 of this subsection shall not apply to any contractor or subcontractor, or agents or employees of any contractor or subcontractor, while engaged in transporting material to the site of a project being constructed by, for, or on behalf of this state or any city, town, county, or subdivision of this state; and

9. Special mobilized machinery, as defined in Section 1102 of this title, which exceeds the size provisions of this section shall only use the highways of the State of Oklahoma by special permit issued by the Commissioner of Public Safety or an authorized representative of the Commissioner. Such special permit shall be:

    a. a single-trip permit issued under the provisions of Section 14-116 of this title, or

    b. a special annual oversize permit issued for one (1) calendar year period upon payment of a fee of Ten Dollars ($10.00) plus any amount as provided by subsection H of Section 14-118 of this title.

§ 14-103A. Motor vehicle and manufactured home combinations-- Overall length and width-- Limitations on movement

A. No combination of a motor vehicle and manufactured home or frame or frames thereof shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet or a width in excess of eighteen (18) feet while operating on the system of interstate and defense highways. In determining the width of a manufactured home, the overall width shall not exceed the eighteen-foot width limit. Such combination exceeding seventy (70) feet in length or eight and one-half (8 1/2) feet in width must comply with the provisions of Section 14-118 of this

title. A front and rear escort shall be required on the interstate and defense highways for vehicles meeting the parameters of this subsection.

B. If any combination of a motor vehicle and manufactured home or frame thereof exceeds seventy (70) feet in overall length or eight and one-half (8 1/2) feet in width, they shall be moved only during daylight hours on the system of interstate and defense highways. The towing vehicle must be at least three-fourths-ton rated capacity with dual wheels.

§ 14-103B. Automobile transporters--Extension of load—Height

A. Any automobile transporter vehicle or combination of automobile transporter vehicles operated under the provisions of Section 14-103 of this title may carry an extension of load, the extension not to exceed three (3) feet beyond the front nor more than four (4) feet beyond the rear of the vehicle or combination of vehicles thereof.

B. Any stinger-steered automobile transporter operated under the provisions of Section 14-103 of this title may have an overall length up to eighty (80) feet with an extension of load, with the extension not to exceed four (4) feet beyond the front nor more than six (6) feet beyond the rear of the vehicle or combination of vehicles.

C. No automobile transporter vehicle, unladen or with load, shall exceed a height of fourteen and one-half (14 1/2) feet.

D. An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, provided it complies with weight limitations for a truck tractor and semitrailer combination. As used in this section, "backhaul" means the return trip of a vehicle transporting cargo or general freight, including when carrying goods back over all or part of the same route.

§ 14-103C. Special permits--Movement of houses or buildings

A. The Commissioner of Public Safety shall upon proper application issue a special permit to any person allowing the movement on state and federal highways of a structure in the form of a house or building, including but not limited to industrialized housing as defined in Section 14-103A of this title, not exceeding thirty-two (32) feet in width at the base, and thirty-four (34) feet in width at the top and twenty-one (21) feet in height. The permit shall specify the highways to be used, consistent with public convenience and safety, as determined by the Commissioner of Public Safety, in consultation with the Department of Transportation. In addition to the prohibitions on movement as prescribed in Section 14-101 et seq. of this title, such structures shall not be moved on Saturday or Sunday.

B. If any structure or housing described in subsection A of this section has a width in excess of sixteen (16) feet, the towing vehicle shall be a tandem-axle vehicle of no less than two hundred twenty (220) horsepower.

§ 14-103D. Permit to transport or move manufactured home

A. No person shall transport or move a manufactured home on any public road or highway in this state, except as otherwise provided by law, without a permit issued pursuant to the provisions of Sections 14-103A and 14-103C of this title and subsection B of this section, and without a current calendar year decal or current registration or a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title.

B. In addition to the permit information required by the provisions of Sections 14-103A and 14-103C of this title, the permit shall also include the following:

1. The name of the owner of the manufactured home;

2. The serial number or identification number of the manufactured home;

3. A legal description or the physical address of the location from which the manufactured home is to be moved;

4. A legal description or the physical address of the location to which the manufactured home is to be moved; and

5. The name of the firm or individual repossessing the manufactured home as it appears on the repossession affidavit, if the movement is for repossession purposes and the repossession affidavit is being used in lieu of current license plate and decal, as provided in subsection E of Section 1113 of this title.

C. Except as otherwise provided by law, the Department of Public Safety shall not issue a permit to any person to transport or move a manufactured home without a current calendar year decal or current registration; provided:

1. Upon proof of possession of a dealer or in-transit license plate, issued by the Oklahoma Tax Commission according to the provisions of subsection D of Section 1128 of this title, the Department of Public Safety shall issue a permit to the holder of such license;

2. The Department shall issue a permit to the holder of a perfected security interest in a manufactured home, or a licensed representative thereof, pursuant to a lawful repossession of the manufactured home, if the holder or representative is bonded by the state, to move the manufactured home to a secure location with a repossession affidavit; provided, all registration fees, excise taxes or ad valorem taxes due on such home shall be required to be paid within thirty (30) days of the issuance of the permit; and

3. The Department shall issue a permit to transport or move a manufactured home used for commercial purposes during the second through the sixth day of the first month of the following calendar year if the applicant can provide a special waiver and a commercial

move affidavit authorized pursuant to Section 2813 of Title 68 of the Oklahoma Statutes. As used in this paragraph, "manufactured home used for commercial purposes" means a manufactured home owned by any lawfully recognized business entity the primary purpose of which is to provide temporary housing for the employees or contractors of such business entity.

D. For the purposes of subsections A and C of this section, a manufactured home registration receipt and Manufactured Home Registration Decal attached to a certificate of title for a manufactured home or receipts and decal as authorized by subsection C of Section 1117 of this title shall be evidence of payment of the excise tax and registration fees required pursuant to the provisions of Section 1135 of this title and the Ad Valorem Tax Code.1

E. The Department of Public Safety shall notify the Oklahoma Tax Commission, the county assessor of the county from which the manufactured home is to be moved and the county assessor of the county in which the manufactured home is to be moved of any permits issued pursuant to the provisions of this section.

§ 14-103E. Notification of issuance of permit

A. Upon issuance of a permit pursuant to the provisions of Section 14-103D of Title 47 of the Oklahoma Statutes, the Department of Public Safety shall notify the Oklahoma Tax Commission of the issuance of such permit. The notification shall include the permit information required by subsection B of Section 14-103D of Title 47 of the Oklahoma Statutes.

B. Upon notification of issuance of the permit pursuant to subsection A of this section, the Tax Commission shall notify the county assessor of the county in which the manufactured home is to be located, of the issuance of the permit. Such notification shall include the permit information required by subsection B of Section 14-103D of Title 47 of the Oklahoma Statutes.

§ 14-103F. Manufactured home used in construction, oil field or seasonal farming activities--Special decals

Any person, firm or corporation owning a manufactured home used in the course of his construction, oil field or seasonal farming activities, may apply for a special decal allowing such person to transport said manufactured home on the highways of this state, provided this section shall not be construed to waive the permit otherwise required by Sections 14-103A and 14-103C of Title 47 of the Cherokee Nation Statutes Annotated.

Such special decal shall be issued by any motor license agent upon proof that said person, firm or corporation has paid all ad valorem taxes due on such manufactured home for the current tax year. The fee for such special decal shall be Four Dollars ($4.00). Such special decal shall be valid for the taxable year.

§ 14-103G. Oversize or overweight load vehicle permits--Annual fleet permits--Permits for

movement of oversized portable buildings

A. 1. The Department of Public Safety may issue an annual vehicle permit under the provisions of this subsection to a specific vehicle, for the movement of oversize or overweight loads that cannot reasonably be dismantled. Unless otherwise provided by law, permits issued under this subsection shall be subject to the conditions described in paragraphs 2 through 8 of this subsection.

2. Oversize or overweight loads operating under an annual vehicle permit shall not exceed:

a. twelve (12) feet in width,

b. fourteen (14) feet in height,

c. one hundred ten (110) feet in length, or

d. one hundred twenty thousand (120,000) pounds gross weight.

3. Oversize or overweight loads operating under an annual vehicle permit under this subsection shall not transport a load that has more than a twenty-five-foot front overhang, or more than a thirty-foot rear overhang.

4. The fee for an annual vehicle permit shall be Four Thousand Dollars ($4,000.00) and shall be nonrefundable.

5. The annual vehicle permit shall be issued for one (1) calendar year period and shall commence upon the date specified on the permit.

6. An annual vehicle permit issued pursuant to this subsection shall be nontransferable between permittees.

7. The permitted vehicle or vehicle combination shall be registered in accordance with the provisions of Chapter 14 of this title for maximum weight.

8. An annual vehicle permit issued pursuant to this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

a. the permitted vehicle is destroyed or otherwise becomes permanently inoperable to the extent that the vehicle will no longer be utilized, and the permittee presents proof to the Department of Public Safety that the negotiable certificate of title or other qualifying documentation has been surrendered to the Department of Public Safety, or

b. the certificate of title to the permitted vehicle is transferred to someone other than the permittee, and the permittee presents proof to the Department of Public Safety that

the negotiable certificate of title or other qualifying documentation has been transferred from the permittee.

9. A permit issued for loads specific to turbine blades, used for the purpose of wind generation, may exceed a length of one hundred ten (110) feet.

B. 1. The Department of Public Safety may issue an annual vehicle permit under this subsection to a specific motor carrier, for the movement of oversize or overweight loads that cannot reasonably be dismantled. An annual vehicle permit issued under this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

a. that no more than one vehicle is operating at a time, and

b. the original certified permit is carried in the vehicle that is being operated under the terms of the permit.

2. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,

b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and

c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Public Safety.

3. A request for replacement of an annual vehicle permit issued pursuant to the provisions of this subsection shall be denied if the Department of Public Safety can verify that the permittee received the original annual vehicle permit.

4. Lost, misplaced, damaged, destroyed, or otherwise unusable annual vehicle permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Public Safety.

C. 1. The Department of Public Safety may issue an annual fleet permit under this subsection to an electric utility, regulated by the Corporation Commission or a rural electric cooperative solely for the movement of poles. An annual fleet permit issued under this subsection may be used by any

vehicle in the fleet of the permittee provided that a certified copy of the permit is carried in each vehicle that is being operated under the terms of the permit.

2. Oversize loads operating under an annual permit issued pursuant to this subsection shall not exceed:

a. twelve (12) feet in width,

b. fourteen (14) feet in height, or

c. fifty-five (55) feet in length.

3. The annual fee for an annual fleet permit issued pursuant to this subsection shall be Four Thousand Dollars ($4,000.00) and shall be nonrefundable.

4. The annual fleet permit shall be issued for a one-calendar-year period and shall commence upon the date specified on the permit.

5. The annual fleet permit issued under this subsection shall be sent to the permittee via first class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual permit shall be replaced only if:

a. the permittee did not receive the original permit within seven (7) business days after the date of the issuance,

b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and

c. the request for replacement is accompanied by a notarized statement signed by an authorized person of the permittee acknowledging that if the original permit is located, the permittee shall either return the original or replacement permit to the Department of Public Safety.

6. A request for replacement of an annual permit issued under the provisions of this subsection shall be denied if the Department of Public Safety can verify the permittee received the original annual permit.

7. Lost, misplaced, damaged, destroyed or otherwise unusable annual permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Public Safety.

8. For the purposes of paragraph 5 of subsection C of Section 14-103 of this title, the term "emergency" means any permitted movement of poles pursuant to the provisions of this subsection that is not for new construction of electric distribution facilities.

D. 1. The Department of Public Safety shall issue an annual vehicle permit under this subsection to a transportation company or manufacturer of portable buildings solely for the movement of oversize portable buildings for a specific manufacturer of portable buildings. An annual vehicle permit issued under this subsection may not be transferred from one vehicle to another vehicle in the fleet. The name of the manufacturer shall be on the permit and on any portable building being moved. The original certified permit shall be carried in the vehicle that is being operated under the terms of the permit.

2. Oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed:

a. twelve (12) feet in width at the wall with no more than a three-inch-eave overhang, or

b. fourteen (14) feet in height.

3. The total gross weight of oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed forty-five thousand (45,000) pounds.

4. The tow vehicle shall be limited to two axles, and the vehicle identification number of the vehicle shall be on the permit.

5. The fee for an annual vehicle permit issued pursuant to this subsection shall be Five Hundred Dollars ($500.00) and shall be nonrefundable.

6. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,

b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and

c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Public Safety.

7. A request for replacement of an annual vehicle permit issued pursuant to the provisions of

this subsection shall be denied if the Department of Public Safety can verify that the permittee received the original annual vehicle permit.

8. A lost, misplaced, damaged, destroyed, or otherwise unusable annual vehicle permit shall be replaced for a fee of Twenty- five Dollars ($25.00).

§ 14-104. Reserved

§ 14-105. Loads on vehicles

A. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

B. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or otherwise escaping shall have such load covered so as to prevent the blowing or escaping of said load from the vehicle.

C. This section shall not apply to trucks loaded with livestock, poultry, hay or agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock, poultry or hay from escaping therefrom.

§ 14-106. Trailers and towed vehicles

Every trailer, or semitrailer, shall be equipped with a coupling device which shall be so designed and constructed that the trailer, or semitrailer will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer or semitrailer except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with stay chains or cables to the vehicle by which it is being drawn which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle should the regular coupling device break or become otherwise disengaged.

§ 14–107. Definitions

As used in this chapter:

1. **"Axle load"** means the total load transmitted to the road by all wheels whose centers arc included between two parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle.

2. "Tandem axle" means any two or more consecutive axles whose centers are more than forty (40)

inches apart, but not more than ninety-five (95) inches apart;

~~1.~~3. "Split tandem axle" means any group of two or more consecutive axles where the center of any two adjacent axles exceeds ninety-five (95) inches, but does not exceed one hundred twenty (120) inches;

~~2.~~4. **"Nondivisible"** means any load or vehicle exceeding applicable length or weight which, if separated into smaller loads or vehicles, would;

a. compromise the intended use of the vehicle;

b. destroy the value of the load or vehicle; or

c. require more than eight (8) hours to dismantle using appropriate equipment.

5. "Dual lane axles" also known as "trunnion axles" means an axle configuration with two individual axles mounted in the same transverse plane, with four tires on each axle, connected at a pivot point that allows each individual axle to oscillate in a vertical plane to provide constant and equal weight distribution on each individual axle; and

6. "Dual lane axles group" also known as "trunnion axle group" means two or more consecutive trunnion axles that are individually attached to, and/or articulated from, the vehicle, and may include a weight equalizing suspension system.

~~**"Tandem axle"** means any two or more consecutive axles whose centers are more than forty (40) inches apart, but not more than ninety-five (95) inches apart.~~

§ 14-108. Reserved

§ 14–109. Overload, any axle or gross weight

A. On any road or highway within Cherokee Nation:

1. No single axle weight shall exceed twenty thousand (20,000) pounds; and

2. The total gross weight in pounds imposed thereon by a vehicle or combination of vehicles shall not exceed the value calculated in accordance with the Federal Bridge formula imposed by 23 U.S.C., Section 127.~~given in the following table corresponding to the distance in feet between the extreme axles of the group measured longitudinally to the nearest foot:~~

~~Distance in Feet Between the Extremes of Any Group of 2 or More Consecutive Axles~~	~~Maximum Load in Pounds Carried on Any Group of 2 or More Consecutive Axles~~

	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
4	34,000	—	—	—	—
5	34,000	—	—	—	—
6	34,000	—	—	—	—
7	34,000	—	—	—	—
8	34,000	42,000	—	—	—
9	39,000	42,500	—	—	—
10	40,000	43,500	—	—	—
11	—	44,000	—	—	—
12	—	45,000	50,000	—	—
13	—	45,500	50,500	—	—
14	—	46,500	51,500	—	—
15	—	47,000	52,000	—	—
16	—	48,000	52,500	58,000	—
17	—	48,500	53,500	58,500	—
18	—	49,500	54,000	59,000	—
19	—	50,000	54,500	60,000	—
20	—	51,000	55,500	60,500	66,000
21	—	51,000	56,000	61,000	66,500
22	—	52,500	56,500	61,500	67,000
23	—	53,000	57,500	62,500	68,000
24	—	54,000	58,000	63,000	68,500
25	—	54,500	58,500	63,500	69,000
26	—	56,000	59,500	64,000	69,500
27	—	57,500	60,000	65,000	70,000
28	—	59,000	60,500	65,500	71,000
29	—	60,500	61,500	66,000	71,500
30	—	62,000	62,000	66,500	72,000
31	—	63,500	63,500	67,000	72,500
32	—	64,000	64,000	68,000	73,500
33	—	—	64,500	68,500	74,000
34	—	—	65,000	69,000	74,500
35	—	—	66,000	70,000	75,000
36	—	—	68,000	70,500	75,500
37	—	—	68,000	71,000	76,000
38	—	—	69,000	72,000	77,000
39	—	—	70,000	72,500	77,500
40	—	—	71,000	73,000	78,000
41	—	—	72,000	73,500	78,500
42	—	—	73,000	74,000	79,000
43	—	—	73,280	75,000	80,000
44	—	—	73,280	75,500	80,500
45	—	—	73,280	76,000	81,000

~~46~~	—	—	~~73,280~~	~~76,500~~	~~81,500~~

47	—	—	73,500	77,500	82,000
48	—	—	74,000	78,000	83,000
49	—	—	74,500	78,500	83,500
50	—	—	75,500	79,000	84,000
51	—	—	76,000	80,000	84,500
52	—	—	76,500	80,500	85,000
53	—	—	77,500	81,000	86,000
54	—	—	78,000	81,500	86,500
55	—	—	78,500	82,500	87,000
56	—	—	79,500	83,000	87,500
57	—	—	80,000	83,500	88,000
58	—	—	—	84,000	89,000
59	—	—	—	85,000	89,500
60	—	—	—	85,500	90,000

B. Except as to gross limits, the table in subsection (A)formula of this section shall not apply to a truck-tractor and dump semitrailer when used as a combination unit. In no event shall the maximum load in pounds carried by any set of tandem axles exceed thirty-four thousand (34,000) pounds. for vehicles exempt from the table; however, aAny vehicle operating with split tandem axles or tri-axles shall adhere to the tableformula.

C. Except for loads moving under special permits as provided in this title, no department or agency of this state or any county, city, or public entity thereof shall pay for any material that exceeds the legal weight limits moving in interstate or intrastate commerce in excess of the legal load limits of this state.

Special permits may be issued as provided in this title for divisible loads for vehicle configurations in excess of six (6) axles. The permits may not exceed the Table "B" federal weights formula imposed by 23 U.S.C. § 127. Vehicles moving under the permits shall not traverse H-15 bridges or less without the express approval of the Secretary of Transportation.

D. Except for loads moving under special permits as provided in this title, no department or agency of this Nation or any county, city, or public entity thereof shall pay for any material that exceeds the legal weight limits moving in interstate or intrastate commerce in excess of the legal load limits of this Nation.1. An annual special overload permit may be purchased for vehicles transporting rock, sand, gravel, coal, flour, timber, pulpwood, and chips in their natural state, oil field fluids, oil field equipment or equipment used in oil and gas well drilling or exploration, and vehicles transporting grain, fertilizer, cottonseed, cotton, livestock, peanuts, canola, sunflowers, soybeans, feed, any other raw agricultural products, and any other unprocessed agricultural products, if the following conditions are met:

a. the vehicles are registered for the maximum allowable rate,

b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section,

c. the vehicles do not exceed eight percent (8%) of the axle limits set forth in subsection A of this section,

d. no component of the vehicles exceeds the manufacturer's component weight rating as shown on the vehicle certification label or tag, and

e. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

2. Vehicles operating pursuant to this section must register for the maximum allowable rate and additionally shall purchase a non-transferrable annual special overload permit from the Department of Public Safety for a fee of Three Hundred Fifty Dollars ($350.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

E. 1. Oversize or overweight vehicles used for specialized transportation if the maximum weight does not exceed twenty-three thousand (23,000) pounds on any single axle and:

a. is a dual lane trailer with dual lane axles and the width of the transport vehicle or trailer exceeds twelve (12) feet in width, or

b. the overall gross vehicle weight of a single trailer meets or exceeds three hundred thousand (300,000) pounds, originates or terminates at the Tulsa Port of Catoosa, and the trip is confined within a thirty-mile radius of the Port.

2. Permit fees for oversize or overweight vehicles used for specialized transportation shall be in accordance with subsection A of Section 14-116 of this title.

3. Vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

~~E.~~F. Exceptions to this section will be:

1. Utility or refuse collection vehicles used by counties, cities, or towns or by private companies contracted by counties, cities, or towns if the following conditions are met:

a. calculation of weight for a utility or refuse collection vehicle shall be "Gross Vehicle Weight". The "Gross Vehicle Weight" of a utility or refuse collection vehicle may not exceed the otherwise applicable weight by more than fifteen percent (15%).

The weight on individual axles must not exceed the manufacturer's component rating which includes axle, suspension, wheels, rims, brakes. and tires as shown on the vehicle certification label or tag, and

b. utility or refuse collection vehicles operated under these exceptions will not be allowed to operate on interstate highways;

2. A combination of a wrecker or tow vehicle and another vehicle or vehicle combination if:

a. the service provided by the wrecker or tow vehicle is needed to remove disabled, abandoned, or accident-damaged vehicles, and

b. the wrecker or tow vehicle is towing the other vehicle or vehicle combination directly to the nearest appropriate place of repair, terminal, or vehicle storage facility;

3. A vehicle operating pursuant to the provisions of paragraph 2 of this subsection will not be allowed to operate on the National System of Interstate and Defense Highways unless it is a covered heavy-duty tow and recovery vehicle that:

a. is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility, and

b. has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported; and

4. On the interstate highway system a vehicle designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations with a vehicle weight limit up to a maximum gross vehicle weight of eighty-six thousand (86,000) pounds with less than:

a. twenty-four thousand (24,000) pounds on a single steering axle,

b. thirty-three thousand five hundred (33,500) pounds on a single drive axle,

c. sixty-two thousand (62,000) pounds on a tandem axle, or

d. fifty-two thousand (52,000) pounds on a tandem rear drive steer axle.

G. 1. Any vehicle utilizing an auxiliary power or idle reduction technology unit in order to promote reduction of fuel use and emissions because of engine idling shall be allowed an additional four hundred (400) pounds total to the total gross weight limits set by this section.

2. To be eligible for the exception provided in this subsection, the operator of the vehicle must obtain written proof or certification of the weight of the auxiliary power or idle reduction

technology unit and be able to demonstrate or certify that the idle reduction technology is fully functional.

3. Written proof or certification of the weight of the auxiliary power or idle reduction technology unit must be available to law enforcement officers if the vehicle is found in violation of applicable weight laws. The additional weight allowed cannot exceed four hundred (400) pounds or the actual proven or certified weight of the unit, whichever is less.

H. On the Interstate Highway System, a vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided, or "nondivisible".

~~— Vehicles transporting timber, pulpwood, and chips in their natural state, vehicles transporting oil field fluids, oil field equipment, or equipment used in oil and gas well drilling or exploration, and vehicles transporting grain, if the following conditions are met:~~

~~. the vehicles are registered for the maximum allowable rate.~~

~~. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection (A) of this section, and~~

~~. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways; and~~

~~2. Vehicles transporting rock, sand, gravel, and coal if the following conditions are met:~~

~~. the vehicles are registered for the maximum allowable rate.~~

~~. the vehicles do not exceed five percent (5%) of the axle limits set forth in subsection (A) of this section, and~~

~~. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.~~

E. Utility or refuse collection vehicles or a combination of a wrecker or tow vehicle as described in paragraphs 1 and 2 of subsection F of this section operating under exceptions shall purchase an annual special overload permit from the Department of Public Safety for One Hundred Dollars ($100.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

~~F. , vehicles transporting timber, pulpwood, and chips in their natural state, vehicles transporting oil field equipment or equipment used in oil and gas well drilling or exploration, vehicles transporting rock, sand, gravel, and coal and vehicles transporting grain, operating under exceptions shall purchase an annual special overload permit for One Hundred Dollars ($100.00).~~

~~F. For purposes of this section, "utility vehicle" shall mean any truck used by a private utility company, county, city, or town for the purpose of installing or maintaining electric, water, or sewer systems.~~

§ 14-109.1. Load overweight violations not to be recorded as traffic offenses under certain conditions

Motor vehicle load overweight violations shall not be recorded as traffic offenses on the driving record of the operator of the vehicle, unless the operator is the owner of the vehicle, or the owner of a majority of the stock of any company which is the owner of the vehicle, on which the violation occurs.

§ 14-109.2. Weighing as single draft

A. Except as hereinafter provided, for the purpose of delivering agriculture commodities to and from the farm only, any vehicle or combination of vehicles shall be commercially weighed on a vehicle scale only as a single draft, that is, the total weight of the vehicle or combination of vehicles shall not be determined by adding together the results obtained by separately weighing each end of the vehicle or combination of vehicles, or by separately weighing individual elements of such vehicle or combination of vehicles. Provided, however, that when a vehicle or combination of vehicles is not weighed as a single draft the weight ticket shall be stamped "multiple draft weight; not guaranteed accurate". Provided further, that any one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer for the purpose of delivering agriculture commodities to and from the farm, such single axle and gross weight limits provided for by Section 14-109 of this title applying fully herein.

B. This section shall not be construed to allow or permit any vehicle or combination of vehicles to exceed:

1. The axle load limit, as prescribed in Section 14-109 of this title, of twenty thousand (20,000) pounds per single axle; or

2. The tandem axle weight, as prescribed in Sections 14-101 and 14-109 of this title; or

3. The overall gross vehicle weight of eighty thousand (80,000) pounds for vehicles or ninety thousand (90,000) pounds for longer combination vehicles as defined in U.S. Code 23, Section 127, operating on the Dwight D. Eisenhower System of Interstate and Defense Highways in accordance with the provisions of Section 14-118 of this title; or

4. The total overall gross weight of ninety thousand (90,000) pounds for all other highways in this state, except those highways prescribed in Section 14-113 of this title.

§ 14-109.3. Exemption for vehicles fueled by compressed or liquefied natural gas

A. A motor vehicle, if operated by an engine fueled wholly or partially by compressed or liquefied natural gas, may exceed the gross vehicle weight limits and any axle weight limits by an amount, not to exceed a maximum of two thousand (2,000) pounds, that is equal to the difference between:

1. The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

2. The weight of a comparable diesel tank and fueling system.

B. The weight exemption allowed under this section shall extend to all state roads and also to interstate highways per the exemption expressly permitted under section 127(s) of Title 23 of the United States Code, as amended by Section 1410 of the Fixing America's Surface Transportation Act of 2015.

§ 14-110. Carrying registration certificate--Inspection

The registration certificate for any truck, trailer, semitrailer or combination thereof shall be carried in or on the vehicle at all times and shall be presented on demand of any officer of the Department of Public Safety, Oklahoma Corporation Commission, or any sheriff for inspection, and it shall be accepted in any court as prima facie evidence of weight registration or legally authorized load limit of the vehicle.

§ 14-111. Weighing vehicles--Compelling unloading-- Certificates--Bills of sale--Proof of ownership--Impounding

A. Any officer of the Department of Public Safety, the Corporation Commission, any sheriff, or any salaried deputy sheriff is authorized to stop any vehicle upon any road or highway in order to weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any privately owned scales and may require that such vehicles be driven to the nearest or most convenient available scales for the purpose of weighing. Any officer weighing a vehicle pursuant to this section by means of portable scales shall allow the driver of the vehicle to move the vehicle to the most level weighing area available within two (2) miles of the stop. In the event that any axle weight or the gross weight of any such vehicle be found to exceed the maximum weight authorized by law, or by permit issued therefor, the officer may require, in the case of separable loads, the driver, operator or owner thereof to unload at the site such portion of the load as may be necessary to decrease the weight of such vehicle to the maximum weight authorized by law. Provided, however, that if such load consists of livestock, perishable merchandise, or merchandise that may be destroyed by the weather, then the driver shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging such excess cargo. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

B. The operator of any truck or other vehicle transporting farm products for hire or other merchandise for hire shall have in his or her possession a certificate carrying the following information: name of the operator; driver license number; vehicle registration number; Corporation Commission permit number; and statement of owner authorizing transportation of the products by above named operator. For the purposes of this section "certificate" includes electronic manifests and other similar documents that include all of the information required pursuant to this section.

Should the vehicle be loaded with livestock, the certificate shall include the number of animals, and should the livestock be the property of more than one person, a certificate signed by each owner carrying the above information including the number of animals owned by each owner shall be carried by the operator. Should the operator be the owner of the merchandise or livestock, the merchandise or livestock having just been purchased, the operator shall have in his or her possession a bill of sale for such merchandise or livestock. Should the operator be the owner of livestock or other farm products produced by the operator, the operator shall be required to show satisfactory identification and ownership of the vehicle. Any officer as outlined in this chapter shall have the authority to stop any vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of the merchandise, livestock or other farm products. Should the operator of any vehicle be unable to establish to the satisfaction of the officer the ownership of the merchandise, livestock or other products, or shall not have the certificate as specified in this section for the transportation of such merchandise, livestock or other farm products, the merchandise, livestock or other farm products and the vehicle in which they are being transported shall be impounded by the officer and any expense as to the care of any livestock shall be the responsibility of the owner or operator of the vehicle, and any loss or damage of the merchandise, livestock or other farm products shall be the responsibility of the operator or owner, or both.

The provisions of this subsection shall not apply to a person who is transporting horses or livestock; provided, the person shall not have been hired to transport the horses or livestock.

§ 14-112. Reserved

§ 14-113. When the department of highways or local authorities may restrict right to use highways

The Director of the Department of Transportation with respect to highways on the state highway system, or local authorities with respect to highways under their jurisdiction, as defined in Title 69 of the Oklahoma Statutes, may prohibit the operation of vehicles on any such highways, or impose restrictions as to the weights of vehicles to be operated upon any state or federal highway or any detour established for such highways, or for any bridge located upon such highways or detours, whenever any such highway, detour or bridge by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight reduced. Such restrictions shall be effective when signs giving notice thereof

are erected upon the highway, detour, bridge, or portion thereof affected by such action, and the Department of Public Safety has been notified. The purpose of this provision with respect to local authorities is to give such authorities an opportunity to prevent or minimize an immediate threat of serious harm or destruction to any highway, detour or bridge under their jurisdiction due to rain, snow or other climatic conditions. Nothing stated herein shall be construed to grant local authorities the right to issue permits designed to regulate the use of overweight vehicles upon highways subject to their jurisdiction, and the issuance of such permits is expressly prohibited.

§ 14-114. Liability for damage to highway or structure

(a) The owner and operator of any motor vehicle who shall drive the same into any overpass or underpass and shall damage such overpass or underpass shall be absolutely liable to the owner or owners of such overpass or underpass thereby damaged for the amount of such damage, regardless of the height of such vehicle and regardless of the clearance in such overpass or underpass, and failure of such overpass or underpass to be sufficient in height to clear the vehicles hereby authorized shall not be a defense to any action for such damages. The provisions of this section shall be enforceable only in the event the overpass or underpass so damaged has a sign on each side thereof clearly legible and correctly stating the clearance thereof in feet and inches.

(b) The driver, owner, and any other person, firm or corporation responsible for a vehicle being on the highways or county roads of this state shall be responsible for all damages which said highways, including the bridges, pavement and all other public property thereon, may sustain as a result of a violation of the provisions of this or any other chapter regulating the usage of the highways, or as a result of the negligent or improper operation of said vehicle, and the county or state agency having charge of said highway may recover the amount of such damages in an action for damages.

The owner, driver, and any other person, firm or corporation responsible for any vehicle operating under an overweight or oversize permit shall be responsible for any damages to highway bridges or roads caused by the operation of such vehicle, whether caused by negligence or not, and no further permits shall be issued to such owner or operator until payment has been made for such damages. The amount of such damages may be recovered in an action for damages brought by the county or state agency having charge of said highway. The issuance of any special permit shall not be considered a warranty of any bridge or highway to support the permitted load.

§ 14-115. Reserved

§ 14-116. Permit fees--Escrow account system--Emergencies-- Violations--Disposition and allocation of proceeds

A. The Commissioner of Public Safety shall charge a minimum permit fee of Forty Dollars ($40.00) for any permit issued pursuant to the provisions of Section 14-101 et seq. of this

title. In addition to the permit fee, the Commissioner shall charge a fee of Ten Dollars ($10.00) for each thousand pounds in excess of the legal load limit. The Commissioner of Public Safety shall establish any necessary rules for collecting the fees.

B. The Department of Public Safety is authorized to establish an escrow account system for the payment of permit fees. Authorized motor carriers meeting established credit requirements may participate in the escrow account system for permits purchased from all size and weight permit offices in this state. Carriers not choosing to participate in the escrow account system shall be required to make payment of the required fee or fees upon purchase of each permit as required by law. All monies collected through the escrow account system shall be deposited to a special account of the Department of Public Safety and placed in the custody of the State Treasurer. Proceeds from permits purchased using the escrow account system shall be distributed as provided for in subsection H of this section. However, fees collected through such accounts for the electronic transmission, transfer or delivery of permits, as provided for in Section 14-118 of this title, shall be credited to the Department of Public Safety Restricted Revolving Fund.

C. 1. Application for permits shall be made a reasonable time in advance of the expected time of movement of such vehicles. For emergencies affecting the health or safety of persons or a community, permits may be issued for immediate movement.

2. Size and weight permit offices in all districts where applicable shall issue permits to authorize carriers by telephone during weekdays.

D. No overweight permit shall be valid until all license taxes due the State of Oklahoma have been paid.

E. No permit violation shall be deemed to have occurred when an oversize or overweight movement is made pursuant to a permit whose stated weight or size exceeds the actual load.

F. Any permit issued for a truck or truck-tractor operating in combination with a trailer or a semitrailer shall contain only the license plate number for the truck or truck-tractor if the permittee provides to the Department a list containing the license plate number, and such other information as the Department may prescribe by rule, for each trailer or semitrailer which may be used for movement with the permit. When the permittee provides the list described in this subsection, the license plate number for any trailer or semitrailer to be moved with the permit shall not be included on the permit; provided, a trailer or semitrailer which is not on the list shall not be authorized to be used for movement with the permit. It shall be the responsibility of the permittee to ensure the list provided to the Department is maintained and updated with any fleet changes. The Department shall adopt any rules deemed necessary to administer the provisions of this subsection.

G. The first deliverer of motor vehicles designated truck carriers or well service carriers manufactured in Oklahoma shall not be required to purchase an overweight permit when

being delivered to the first purchaser.

H. Except as provided in Section 14-122 of this title, the first One Million Two Hundred Sixteen Thousand Dollars ($1,216,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be apportioned as provided in Section 1104 of this title. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the next Two Million One Hundred Fifty Thousand Dollars ($2,150,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be remitted to the Department of Public Safety for the purpose of training the Department of Public Safety port of entry officers whose powers and duties shall be specified by the Department of Public Safety through the promulgation of rules. For the fiscal year beginning July 1, 2017, and all subsequent years, the next One Million Five Hundred Thousand Dollars ($1,500,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be remitted to the Department of Public Safety for the purpose of staffing the port of entry weigh stations with Department of Public Safety port of entry officers whose powers and duties shall be specified by the Department of Public Safety through the promulgation of rules. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, all proceeds collected from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section in excess of Three Million Three Hundred Sixty-six Thousand Dollars ($3,366,000.00) shall be deposited in the Weigh Station Improvement Revolving Fund as provided in Section 1167 of this title for the purpose set forth in that section and may be used for motor carrier permitting systems and motor carrier safety and enforcement. For the fiscal year beginning July 1, 2017, and all subsequent years, all proceeds collected from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section in excess of Two Million Seven Hundred Sixteen Thousand Dollars ($2,716,000.00) shall be deposited in the Weigh Station Improvement Revolving Fund as provided in Section 1167 of this title for the purpose set forth in that section and may be used for motor carrier permitting systems and motor carrier safety and enforcement.

§ 14-116a. Transportation of load or manufactured home without permit--Penalties

Any person, firm, or corporation who moves or transports any load or manufactured home without a permit issued by the Department of Public Safety as required by the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

1. For the first such violation, by a fine of Five Hundred Dollars ($500.00);

2. For the second such violation, by a fine of One Thousand Dollars ($1,000.00); and

3. For the third and subsequent violations, by a fine of not less than One Thousand Dollars

($1,000.00) nor more than Five Thousand Dollars ($5,000. 00).

The permit shall be carried by the operator of the vehicle moving or transporting the load or manufactured home and shall be available for inspection by any law enforcement officer. If said operator is found not to possess a permit, the load or manufactured home shall not continue to be moved or transported. Thereafter, the load or manufactured home shall not be moved or transported further except by the operator of a vehicle moving or transporting the load or manufactured home who is in possession of a permit authorizing the movement of the load or manufactured home.

§ 14-117. Reserved

§ 14-118. Motor carriers--Permits--Oklahoma Load Limit Map-- Saddlemounts--Exemptions and restrictions--Driveaway permits

A. 1. Pursuant to such rules as may be prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor carriers may engage in any activity in which carriers subject to the jurisdiction of the federal government may be authorized by federal legislation to engage. Provided further, the Transportation Commission shall formulate, for the State Trunk Highway System, including the National System of Interstate and Defense Highways, and for all other highways or portions thereof, rules governing the movement of vehicles or loads which exceed the size or weight limitations specified by the provisions of this chapter.

2. Such rules shall be the basis for the development of a system by the Commissioner of Public Safety for the issuance of permits for the movement of oversize or overweight vehicles or loads. Such system shall include, but not be limited to, provisions for duration, seasonal factors, hours of the day or days when valid, special requirements as to flags, flagmen and warning or safety devices, and other such items as may be consistent with the intent of this section. The permit system shall include provisions for the collection of permit fees as well as for the issuance of the permits by telephone, electronic transfer or such other methods of issuance as may be deemed feasible.

3. The Department of Public Safety is authorized to charge a fee of Two Dollars ($2.00) for each permit requested to be issued by facsimile machine or by any other means of electronic transmission, transfer or delivery. The fee shall be in addition to any other fee or fees assessed for the permit. The fee shall be deposited in the State Treasury to the credit of the Department of Public Safety Restricted Revolving Fund and the monies shall be expended by the Department solely for the purposes provided for in this chapter.

4. It is the purpose of this section to permit the movement of necessary overweight and oversize vehicles or loads consistent with the following obligations:

a. protection of the motoring public from potential traffic hazards,

b. protection of highway surfaces, structures, and private property, and

c. provision for normal flow of traffic with a minimum of interference.

B. The Transportation Commission shall prepare and publish a map of the State of Oklahoma showing by appropriate symbols the various highway structures and bridges in terms of maximum size and weight restrictions. This map shall be titled "Oklahoma Load Limit Map" and shall be revised periodically to maintain a reasonably current status and in no event shall a period of two (2) years lapse between revisions and publication of the printed version of the Oklahoma Load Limit Map. This map shall also be made available by the Department of Transportation on the Internet, and in no event shall a period of six (6) months lapse between revisions of the information provided on the Internet. Provided, further, the Secretary of the Department of Transportation shall prepare and publish a map of the State of Oklahoma showing the advantages of this state as a marketing, warehousing and distribution network center for motor transportation sensitive industries.

C. The Commissioner of Public Safety, or an authorized representative, shall have the authority, within the limitations formulated under provisions of this chapter, to issue, withhold or revoke special permits for the operation of vehicles or combinations of vehicles or loads which exceed the size or weight limitations of this chapter. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

D. It shall be permissible in the transportation of empty trucks on any road or highway to tow by use of saddlemounts; i.e., mounting the front wheels of one vehicle on the bed of another leaving the rear wheels only of such towed vehicle in contact with the roadway. One vehicle may be fullmounted on the towing or towed vehicles engaged in any driveaway or towaway operation. No more than three saddlemounts may be permitted in such combinations. The towed vehicles shall be securely fastened and operated under the applicable safety requirements of the United States Department of Transportation and such combinations shall not exceed an overall length of seventy-five (75) feet. Provided, a driveaway saddlemount with fullmount vehicle transporter combination may reach an overall length of ninety-seven (97) feet on the National Network of Highways.

E. The Commissioner of Public Safety, upon application of any person engaged in the transportation of forest products in the raw state, which is defined to be tree-length logs moving from the forest directly to the mill, or upon application of any person engaged in the hauling for hire or for resale, of round baled hay with a total outside width of eleven (11) feet or less, shall issue an annual permit, upon payment of a fee of Twenty-five Dollars ($25.00) each year, authorizing the operation by such persons of such motor vehicle load lengths and widths upon the highways of this state except on the National System of Interstate and Defense Highways. Provided, however, the restriction on use of the National System of Interstate and Defense Highways shall not be applicable to persons engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less.

F. The Commissioner of Public Safety, upon application of any person engaged in the transportation of overwidth or overheight equipment used in soil conservation work with a total outside width of twelve (12) feet or less, shall issue an annual permit, upon payment of a fee of Twenty-five Dollars ($25.00) each year, authorizing the operation by such persons of such motor vehicle load lengths and widths upon the highways of this state except on the National System of Interstate and Defense Highways.

G. Farm equipment including, but not limited to, implements of husbandry as defined in Section 1-125 of this title shall be exempted from the requirement for special permits due to size. Such equipment may move on any highway, except those highways which are part of the National System of Interstate and Defense Highways, during the hours of darkness and shall be subject to the requirements as provided in Section 12-215 of this title. In addition to those requirements, tractors pulling machinery over thirteen (13) feet wide must have two amber flashing warning lamps symmetrically mounted, laterally and widely spaced as practicable, visible from both front and rear, mounted at least thirty-nine (39) inches high.

H. Any rubber-tired road construction vehicle including rubber-tired truck cranes and special mobilized machinery either self- propelled or drawn carrying no load other than component parts safely secured to the machinery and its own weight, but which is overweight by any provisions of this chapter, shall be authorized to move on the highways of the State of Oklahoma. Movement of such vehicles shall be authorized on the Federal Interstate System of Highways only by special permit secured from the Commissioner of Public Safety or an authorized representative upon determination that the objectives of this section will be served by such a permit and that federal weight restrictions will not be violated. The special permit shall be:

1. A single-trip permit issued under the provisions of this section and Section 14-116 of this title; or

2. A special annual overweight permit which shall be issued for one calendar year period upon payment of a fee of Sixty Dollars ($60.00).

The weight of any such vehicle shall not exceed six hundred fifty (650) pounds multiplied by the nominal width of the tire. The vehicle shall be required to carry the safety equipment adjudged necessary for the health and welfare of the driving public. If any oversized vehicle does not come under the other limitations of the present laws, it shall be deemed that the same shall travel only between the hours of sunrise and sunset. The vehicle, being overweight but of legal dimension, shall be allowed continuous travel. The vehicles, except special mobilized machinery, shall be exempt from the laws of this state relating to motor vehicle registration, licensing or other fees or taxes in lieu of ad valorem taxes.

I. 1. When such machinery has a width greater than eight and one-half (8 1/2) feet, or a length,

exclusive of load, of forty- five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, then the permit may restrict movement to a fifty-mile radius from an established operating base, and may designate highways to be traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

2. Possession of a permit shall in no way be construed as exempting such equipment from the authority of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt owners or operators of such equipment from the responsibility for damage to highways caused by movement of the equipment. Nothing in this subsection shall apply to machinery used in highway construction or road material production.

3. Upon the issuance of a special mobilized machinery driveaway permit as provided in this subsection, special mobilized machinery manufactured in Oklahoma shall be permitted to move upon the highways of this state from the place of manufacture to the state line for delivery and exclusive use outside the state, and may be temporarily returned to Oklahoma for modification and repair, with subsequent movement back out of the state. Special driveaway permits for such movements shall be issued by the Commissioner of Public Safety, who may act through designated agents, upon the payment of a fee in the amount of Fifteen Dollars ($15.00) for each movement.

4. The size of the special mobilized machinery shall not be such as to create a safety hazard in the judgment of the Commissioner of Public Safety. Permits for such special mobilized machinery shall specify a maximum permissible road speed of sixty (60) miles per hour, designate safety equipment to be carried and may exclude use of highways of the interstate system.

5. When such equipment has a width greater than eight and one-half (8 1/2) feet, or a length exclusive of load of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, the permit may designate highways to be traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

6. Possession of a special driveaway permit shall in no way be construed as exempting such equipment from the authority of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt the owners or operators of such equipment from the responsibility for damage to highways caused by the movement of such equipment.

§ 14-118.1. Multi-state oversize and overweight permits

The Department of Transportation is authorized to enter into agreements with governmental entities outside this state for the issuance of regional and national oversize and overweight permits for single-trip nondivisible loads. The Commissioner of Public Safety shall adopt rules necessary to implement the agreements and shall issue multi-state permits for single-trip nondivisible loads in accordance with the terms of the agreements and shall receive and remit permit fees from a Department of Public

Safety special account in accordance with the agreements and state law.

§ 14-119. Load capacity violations--Penalties

Any common, contract, or private motor carrier or any shipper, firm, corporation, or other person who willfully or knowingly transports a load having a capacity greater than the axle or gross weights authorized by statute or by special permit pursuant to the provisions of Sections 14-116 and 14-118 of this title, or who loads or causes or requires a vehicle to be loaded to said capacity, upon conviction, is guilty of a misdemeanor and shall be subject to the penalties and fines provided for in Section 17–101 of this title.

§ 14-120. Movement of certain manufactured items--Limitations--Permits--Fees--Escorts

A. Manufactured items, with the exception of manufactured homes as defined in Section 1102 of this title and industrialized housing as defined in subsection B of Section 14-103A of this title, exceeding sixteen (16) feet but not exceeding twenty-three (23) feet in width traveling:

1. From a point of manufacture in the State of Oklahoma to a point of delivery in the State of Oklahoma or to a point of delivery in another state; or

2. From a point of manufacture outside the State of Oklahoma to a point of delivery in the State of Oklahoma or to a point of delivery in another state shall be permitted, upon receipt of a special movement permit issued under the provisions of subsection B of this section, to travel on any state or U.S. highway in Oklahoma. Provided, however, the Commissioner of Public Safety is authorized to allow such items in excess of twenty-three (23) feet in width to travel on such highway if it is in the best interest of the state and a special moving permit has been issued. Provided, further, that no such load in excess of the limitations set forth in the applicable United States Code shall be permitted to travel upon any portion of the National System of Interstate and Defense Highways.

B. Every person desiring to transport manufactured items pursuant to the provisions of this section shall apply to the Department of Public Safety for a special movement permit on an application form prescribed by the Department. Upon approval of the application by the Department, a special movement permit shall be issued for a fee of Five Hundred Dollars ($500.00). Except as provided in Section 4 of this act,1monies received from such special movement permit fees shall be deposited in the State Treasury to the credit of the General Revenue Fund. A permit issued pursuant to the provisions of this subsection shall expire upon the completion of one trip specified in subsection A of this section. The special movement permit, and fee related thereto, shall be in addition to the permit and fees required by Section 14-116 of this title.

C. Highway escorts shall be required for transportation of items pursuant to the provisions of this section according to rules and regulations prescribed by the Department of

Public Safety.

§ 14-120.1. Vehicles 12 or more feet wide to be escorted

A. Any vehicle or combination of vehicles with an outside width that exceeds twelve (12) feet operating on highways in the state, including the National System of Interstate and Defense Highways, shall, in addition to being in compliance with provisions of Section 14-101 et seq. of this title, be accompanied by an escort vehicle or vehicles, as prescribed by the Department of Public Safety.

B. No person shall operate an escort vehicle for hire, as required by this section, unless the person has been certified by the Department of Public Safety as an escort vehicle operator.

C. Any person not required to be certified by the Department of Public Safety as an escort vehicle operator may tow a trailer when escorting a manufactured home. Such trailer shall not exceed eight and one-half (8 1/2) feet in width and twenty (20) feet in length with siding not to exceed four (4) feet in height measured from the bed of the trailer.

The trailer may only be used to transport supplies and equipment necessary to carry out the mission of escort vehicle operators.

D. The Commissioner of Public Safety shall promulgate rules for the certification of operators of escort vehicles and the use of escort vehicles, as required by this section.

E. The Commissioner of Public Safety is hereby authorized to enter into reciprocal compacts and agreements with other states for the purpose of recognizing escort vehicle operator certifications issued by those states.

§ 14-120.2. Law enforcement escort--Transport of oversized load or hazardous shipment by road or rail--Fees

A. Every person required by the Department of Transportation, the Oklahoma Turnpike Authority, or any federal agency or commission to have a law enforcement escort provided by the Oklahoma Highway Patrol Division of the Department of Public Safety for the transport of any oversized load or hazardous shipment by road or rail shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

B. If the Highway Patrol provides an escort to accompany the transport of an oversized load or hazardous shipment by road or rail at the request of any person that is not required to have a law enforcement escort pursuant to subsection A of this section, then the requestor shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

C. The Department of Public Safety shall adopt a schedule of fees necessary to

implement this section.

D. All fees collected by the Department pursuant to this section shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund.

§ 14-121. Special combination vehicles--Permits

A. No person shall operate a special combination vehicle within this state without a special combination vehicle permit for the vehicle issued by the Department of Public Safety. Such permit may be issued for operation upon Federal Aid Interstate Highways or four-lane divided Federal Aid Primary Highways and for access or egress between points of origin or destination.

B. The Commissioner of Public Safety shall promulgate rules for the issuance of special combination vehicle permits and shall collect an annual fee of Two Hundred Forty Dollars ($240.00) for each such permit issued. Except as provided in Section 4 of this act,1 fees collected pursuant to this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

C. For the purposes of this section, a special combination vehicle shall consist of a truck-tractor semitrailer combination towing two complete trailers or semitrailers. No semitrailer or trailer used in such a combination shall have a length greater than twenty- nine (29) feet nor shall a special combination vehicle exceed the weight limitations imposed by Sections 14-109 and 14-116 of this title.

§ 14-122. Reserved

§ 14-123. Roads and highways--Size, weight, and speed regulations

Any motor vehicle of any size, except those motor vehicles regulated pursuant to Section 14-101 et seq. of Title 47 of the Oklahoma Statutes, meeting the legal requirements for safety equipment and licensed to operate on public roadways in this state shall be allowed to operate in accordance with all size, weight and speed regulations on any road or highway in this state including the National System for Interstate and Defense Highways.

§ 14-124. Commercial class A license--Hazardous material endorsement exception

Any person driving under a commercial class A license shall not be required to obtain a hazardous material endorsement pursuant to 49 C.F.R. Section 383 if the person is:

1. Acting within the scope of the license holder's employment as an employee of a custom harvester operation; and

2. Operating a service vehicle that is:

a. transporting diesel in a quantity of three thousand seven hundred and eight-five (3,785) liters, or one thousand (1,000) gallons or less, and

b. clearly marked with a "flammable" or "combustible" placard, as appropriate.

§ 14-125. Agricultural vehicles--Exempt from electronic logging devices

A. Agricultural motor vehicles engaged in intrastate commerce shall be exempt from the requirement for electronic logging devices and hours of services as mandated by Section 32301(b) of the U.S. Commercial Motor Vehicle Safety Enhancement Act.1

B. For the purposes of this section, agricultural vehicles shall include, but are not limited to, single axel trucks with a gooseneck or bumper pull trailer for the purpose of hauling horses or livestock, and trailers with living quarters.

§ 14-126. High-wide corridors

A. As used in this section:

1. "Affected area" means the entire width of the right-of-way of the route extended to a height of twenty-three (23) feet above the roadway;

2. "High-wide load" means a motor vehicle transporting property on any portion of a route where the vehicle exceeds the limitations on size imposed by Section 14-103 of this title and no portion of the motor vehicle or the transported property has a greater width than twenty-eight (28) feet or a greater height than twenty-three (23) feet; and

3. "Political subdivision" means a city, village, town or county.

B. Any routes existing within the jurisdiction of the Cherokee Nation designated as "high-wide corridors" under the laws of the State of Oklahoma shall be similarly designated as such under the laws of the Cherokee Nation.

C. No person shall operate a high-wide load on the route described without a permit from the Department of Public Safety.

D. Exclusive of incorporated municipal limits, no person may install any structure within the affected area without a permit from the Department of Transportation.

E. Upon the effective date of this section, and exclusive of incorporated municipal limits, no

person may do any of the following within the affected area:

1. Install any permanent structure without the authorization of the Department of Transportation; or

2. Take any action that would make any portion of the affected area permanently unavailable for use by a high-wide load.

F. The Department of Transportation shall create additional design standards for improvements to the Oklahoma high-wide routes to prevent interference from permanent structures. These standards shall:

1. Maintain a minimum eighteen feet and zero inches (18'-0") vertical clearance above the road surface for all future overhead obstructions. Where bridges cross over the Oklahoma high-wide routes, they shall be designed, where possible, to allow for high-wide loads to quickly egress and ingress around the bridge utilizing on- and off-ramps;

2. Require all future overhead signage to be of cantilever design, where possible, to allow high-wide loads to shift lanes to prevent interference; and

3. Require all future bridge design or construction on the Oklahoma high-wide routes to accommodate a three hundred fifteen thousand (315,000) pound gross vehicle weight, single-lane design vehicle.

G. Political subdivisions in which any portion of the Oklahoma high-wide route is located shall attempt to reach agreements among the affected parties and with persons using the high-wide route for high-wide loads regarding the allocation of costs and provision of services related to removing permanent structures that interfere with the use of any portion of the affected area by high-wide loads.

H. Political subdivisions in which any portion of the Oklahoma high-wide route is located shall attempt to reach agreements among the affected parties and with persons using the high-wide route for high-wide loads to provide timely vehicle escorts for persons using the high-wide route for high-wide loads.

CHAPTER 15

RESPECTIVE POWERS OF STATE AND LOCAL AUTHORITIES

§ 15–103. Rights of owners of real property

Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this act, or

otherwise regulating such use as may seem best to such owner.

§ 15–112. Physical disability insignia

A. As used in this section:

1. "Physical disability" means an illness, disease, injury or condition by reason of which a person:

a. Cannot walk two hundred (200) feet without stopping to rest, or

b. Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistant device, or

c. Is restricted to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest, or

d. Must use portable oxygen, or

e. Has functional limitations which are classified in severity as Class III or Class IV according to standards set by the American Heart Association, or

f. Is severely limited in his or her ability to walk due to an arthritic, neurological, or orthopedic condition.

2. "Physician" means any person holding a valid license to practice medicine and surgery, osteopathy, or chiropractic, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes.

B. Cherokee Nation adopts the physical disability insignia and issued by Department of Public Safety wherein it issues a detachable insignia indicating physical disability to any person who submits an application on forms furnished by the Department, together with a certificate signed by a physician stating that the applicant has a physical disability. The certificate of the physician and the detachable insignia shall each bear an expiration date reflecting the date estimated by the physician to be the termination date of such physical disability unless the physical disability is certified by the physician to be permanent.

C. The Department shall, upon request by a physician, provide said physician temporary insignias indicating physical disability to be issued, at the discretion of the physician, to any person who has a physical disability. The temporary insignia shall bear an expiration date reflecting the date estimated by the physician to be the termination date of such physical disability, which shall not be later than six (6) months from the date of issuance.

D. A physician may sign a certificate stating that a person has a physical disability, as provided in subsection (B) of this section, or issue to a person a temporary insignia indicating physical disability, as provided in subsection (C) of this section, only if care and treatment of the illness, disease, injury

or condition causing the physical disability of such person falls within the authorized scope of practice of said physician.

E. Cherokee Nation shall have the power to formulate, adopt and promulgate rules and regulations as may be necessary to implement and administer the provisions of this section, including, but not limited to, prescribing the manner in which the detachable insignia and the temporary insignia are to be displayed on a motor vehicle.

§ 15–112.1. Parking places—Authorized use

No person shall be allowed to park in a handicapped parking place other than the person to whom the insignia indicating physical disability is issued.

§ 15–113. Penalties

Any person who knowingly makes or procures the making of a false statement in an application or certificate submitted pursuant to this act or any person who knowingly makes unauthorized use of an insignia issued pursuant to this act is guilty of a crime and upon conviction shall be punished by a fine of not more than Five Hundred Dollars ($500.00). This penalty shall be stated on all applications and certificates.

CHAPTER 16

PARTIES AND PROCEDURE UPON ARREST

§ 16–101. Parties to a crime

A. Classification of parties. The parties to crimes are classified as:

1. Principals, and

2. Accessories.

B. Principals defined. All persons concerned in the commission of crime, and whether they directly commit the act constituting the offense or aid and abet in its commission, though not present, are principals.

C. Accessories defined. All persons who, after the commission of any crime, conceal or aid the offender, with the knowledge that he has committed a crime, and with intent that he may avoid or escape from arrest, trial, conviction, or punishment, are accessories.

D. No accessories to misdemeanor. There are no accessories.

~~C.~~E. Punishment of accessories. Except in cases where a different punishment is prescribed by law, an accessory to a felony is punishable by imprisonment for a term not to exceed three (3)

years, or by fine not exceeding Fifteen Thousand Dollars ($15,000.00), or by both such fine and imprisonment.

§ 16–102. Offenses by persons owning or controlling vehicles

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

§ 16–103. Public officers and employees—Exceptions

The provisions of Chapters 10, 11, 12, 13 and 14, applicable to drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by the United States, the State of Oklahoma or any county, city, town, district or any other political subdivision of the state or of Cherokee Nation, subject to such specific exceptions as are set forth in this act.

§ 16–104. Procedure upon arrest for ~~crime~~felony

Whenever a person is arrested for any violation of this act declared herein to be a ~~crime~~felony, which if committed under the laws of Oklahoma would be a felony, he or she shall be dealt with in like manner as upon arrest for the commission of any other ~~crime~~felony.

§ 16–105. ~~When person must be taken immediately before a Magistrate~~

~~Whenever any person is halted by a peace officer for any violation of this act not amounting to a crime but designated as an offense, he shall be taken without unnecessary delay before the proper Magistrate, as specified in 47 CNCA § 16–110, in either of the following cases:~~

~~5. When the person demands an immediate appearance before a Magistrate; or~~

~~7. In any other event when the person is issued a traffic citation by an authorized person and refuses to give his written promise to appear in court as hereinafter provided.~~**Reserved**

§ 16–106. ~~When officer has option to take person before a Magistrate~~

~~Whenever any person is halted by a peace officer for any violation of this act and is not required to be taken before a Magistrate as hereinbefore provided, the person shall, in the discretion of the officer, either be given a traffic citation as hereinafter provided, or be taken without unnecessary delay before the proper Magistrate, as specified in 47 CNCA § 16–110 in any of the following cases:~~

~~5. When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;~~

~~7. Deleted;~~

~~9. When the person is charged with a violation of 47 O.S. § 13-103, relating to the refusal of a driver of a vehicle to submit such vehicle to an inspection and test; or~~

~~11.~~ ~~Deleted.~~**Reserved**

§ 16-107. Reserved

§ 16–108. ~~Other criminal~~Misdemeanor violations—Procedure

A. Whenever a person is halted by a peace officer or highway patrolman for any violation of this title punishable ~~as a crime, which if committed under the laws of Oklahoma would be~~ misdemeanor, the officer ~~may~~ shall proceed in accordance with the Bail Bond Procedure Act, 22 CNCA § 1115 et seq.

B. If the person charged with the violation is a minor, then the citing peace officer shall ascertain from the minor the name and address of his parents or legal guardian, and said officer shall cause a copy of the "violation" to be mailed to the address of the parents or legal guardian, within three (3) days after the date of violation.

~~C. Whenever a person is halted by a peace officer or highway patrolman for any violation of this title punishable as a offense, the officer shall proceed in accordance with the Bail Bond Procedure Act, 22 CNCA § 1115 et seq.~~

§ 16–109. Reserved

§ 16–109.1. Authority of officer at scene of accident

Except for ~~crimes~~ felonies~~which would be a felony if committed under the laws of Oklahoma~~, a police officer at the scene of a traffic accident may issue a written notice to appear to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this title in connection with the accident.

In such cases the officer shall be endorsed as a witness and shall appear if said case is tried.

§§ 16-110-111. Reserved

§ 16–112. Failure to obey notice to appear

A. It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a notice to appear regardless of the disposition of the charge for which such notice to appear was originally issued.

B. A written promise to appear in court may be complied with by an appearance by counsel.

§ 16–113. Procedure prescribed herein not exclusive

The foregoing provisions of this chapter shall govern all peace officers in making arrests without a warrant for violations of any provisions of Chapters 10, 11, 12 or 14, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

§ 16–114. Arrest of traffic violators without warrant

A peace officer may, without a warrant, arrest a person for any moving traffic violation of which the arresting officer or another police officer in communication with the arresting officer has sensory or electronic perception including perception by radio, radar and reliable speed-measuring devices.

CHAPTER 17 PENALTIES

§ 17–101. ~~Penalties for crimes which would be a misdemeanor under Oklahoma law—Plea of guilty by written statement—Acts not otherwise punishable by imprisonment~~Misdemeanor violations--Penalties

A. It is a ~~crime~~ misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this~~Cherokee~~ Nation ~~designated as an offense~~declared to be a felony.

B. 1. Every person convicted of a ~~crime, which under the laws of Oklahoma would be a~~ misdemeanor, ~~which includes~~ a violation of any of the provisions of 47 CNCA §§ 10–101 through 14–121 or 16–101 through 16–114 for which another penalty is not provided shall ~~for a first~~upon conviction thereof be punished by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year after the first conviction ~~thereafter~~ such person shall be punished by a fine of not less than Twenty Dollars ($20.00) nor more than Two Hundred Dollars ($200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine or not more than Five Hundred Dollars ($500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

2. Any person violating the provisions of 47 CNCA §§ 10–101 through 14–121 or 16–101 through 16–114, where a jail sentence is not mandatory may, in the discretion of the prosecuting attorney wherein the offense occurred, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the Court wherein the case is filed. A remittance covering the fine and costs may be considered and received with the same force and effect as a written plea of guilty.

C. Unless another penalty is in this title or by the laws of this Nation provided, every person convicted of a crime, which under the laws of Oklahoma would be a misdemeanor, for the violation of any other provision of this title shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

D. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of this title which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the Court, in addition to any fine prescribed by law.

§ 17–102. ~~Penalty for crimes~~Felony violations--Penalties

A. Any person who is convicted of a violation of any of the provisions of this Title declared by the Code or by other laws of this nation to constitute a felony except those offenses specified in subsection A of Section 4-102 of this title relating to unauthorized use of a vehicle and subsection A of Section 4-103 of this title, relating to receiving or disposing of a vehicle, shall be guilty of a felony and shall be punished by imprisonment for not more than three (3) years, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

B. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided for in subsection A of this section, and the doubling of all court costs and all fees collected by the court on behalf of any other entity, unless waived by the court.

~~Any person who is convicted of a violation of any of the provisions of this act herein or by the laws of this Nation declared to constitute a crime, which under the law of Oklahoma would be a felony, shall be punished by maximum imprisonment provided by 25 U.S.C. § 1302(7).~~

CHAPTER 18

RECORDS AND REPORTS OF CONVICTIONS

§ 18–101. Record of traffic cases—Report of convictions to department

A. Every Magistrate or Judge of a Court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said Court or its traffic-violations bureau, and shall keep a record of every official action by said Court or its traffic-violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from

every said traffic complaint or citation or other legal form of traffic charge deposited with or presented to said Court or traffic-violations bureau.

B. Within ~~ten~~ five (5~~10~~) days after:

~~B.~~1. the conviction of any person holding a Class D driver license; or

~~1.~~2. The conviction, as defined in subsection A of Section 6-205.2 of this title, of any person holding a Class A, B or C driver license; or

~~C.~~3. forfeiture of bail of a person;

upon a charge of violating any provision of this act or other law regulating the operation of vehicles on highways every said Magistrate of the Court or Clerk of the Court of record, in which such conviction was had or bail was forfeited shall prepare and immediately forward to the Department an abstract of the record of said Court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

C. A report need not be made of any conviction:

1. -involving the illegal parking or standing of a vehicle;

~~D.~~2. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing judicial education credit, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing judicial education course, verification may be made by a statement of attendance signed by the course registration personnel; or~~.~~ The Court shall not make such a report of a conviction involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour.

~~E.~~C. Said abstract must be made upon a form furnished by the Department and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

~~F.~~D. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

CHAPTER 20. Reserved

~~EFFECT AND SHORT TITLE OF ACT~~

~~§ 20-101. Uniformity of interpretation~~

~~This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.~~

~~§ 20-102. Effect of headings~~

~~Chapter, article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.~~

~~§ 20-103. Short title~~

~~This act may be cited as the Uniform Vehicle Code.~~

~~§ 20-105. Constitutionality~~

~~The provisions of this act are severable and if any part or provision hereof shall be void the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of the act.~~

§ 40-101. Accident report forms

The Nation shall adopt the standard forms prescribed by the Department for accident reports for use by all police departments and all other appropriate agencies. The accident reports, as adopted, shall call for sufficiently detailed information to disclose the cause, the conditions then existing, the persons and vehicles involved and such other information as prescribed by the Commissioner.

MISCELLANEOUS LAWS CHAPTER 67

CHEMICAL TESTS

§ 751. Implied consent to breath test, blood test or other test for determining presence or concentration of alcohol or other intoxicating substance

A. 1. Any person who operates a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings within this state shall be deemed to have given consent to a test or tests of such person's blood or breath, for the purpose of determining the alcohol concentration as defined in Section 756 of this title, and such person's blood, saliva or urine for determining the presence or concentration of any other intoxicating substance therein as defined in this section, if arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings while under the influence of alcohol or other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or if the person is

involved in a traffic accident that resulted in the immediate death or serious injury of any person and is removed from the scene of the accident to a hospital or other health care facility outside the State of Oklahoma before a law enforcement officer can effect an arrest.

2. A law enforcement officer, having reasonable grounds to believe that such person was operating or in actual physical control of a motor vehicle while under the influence may direct the administration of or administer the test or tests.

As used in this title, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act1 and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

B. The law enforcement agency by which the arresting officer is employed may designate, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, hereinafter referred to as the Board, whether blood or breath is to be tested for the alcohol concentration thereof, and whether blood, saliva or urine is to be tested for the presence or concentration of any other intoxicating substance therein.

In the event that law enforcement agency does not designate the test to be administered, breath shall be the substance tested for alcohol concentration. Blood may also be tested to determine the alcohol concentration thereof in the event that breath cannot be tested to determine the alcohol concentration thereof because of the lack of an approved device or qualified person to administer a breath test or because such breath test for any other reason cannot be administered in accordance with the rules of the Board.

In the event the law enforcement agency does not designate the test to be administered, blood, saliva or urine shall be the substance tested for the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance.

C. In the event the person is incapable of submitting to and successfully completing, by reason of illness or injury or other physical disability, the test to be administered, an alternate test may be administered in accordance with the rules of the Board.

D. Any person who is unconscious or otherwise incapable of refusing to submit to a test of such person's blood or breath to determine the alcohol concentration thereof, or to a test of such person's blood, saliva or urine to determine the presence or concentration of any other intoxicating substance therein, shall be deemed not to have withdrawn the consent provided by subsection A of this section, and such test may be administered as provided herein.

An unconscious person who has been issued a citation by a law enforcement officer for one of the offenses listed in subsection A of this section is arrested for purposes of this section. The arresting officer must leave a copy of the citation with the arrested person which may be

accomplished by handing it to the arrested person, or by leaving it with the personal effects of the arrested party, so as to inform the unconscious person of the arrest.

Any person who has been arrested for one of the offenses listed in subsection A of this section who is unconscious or injured and who requires immediate medical treatment as determined by a treating physician may be released on the person's own recognizance for medical reasons by the arresting officer. The arresting officer who releases an arrested person on the person's own recognizance must indicate the release on the face of the citation. Any person released on his or her own recognizance for medical reasons shall remain at liberty pending the filing of charges.

E. In addition to any test designated by the arresting officer, the arrested person may also designate any additional test to be administered to determine the concentration of alcohol, or the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance. The cost of such additional test shall be at the expense of the arrested person.

A sufficient quantity of any specimen obtained at the designation of the arrested person shall be available to the law enforcement agency employing the arresting officer. Such specimens shall be treated in accordance with the rules applicable to the specimens obtained by an arresting officer.

F. When a law enforcement officer has determined that the blood alcohol content of an individual is to be tested for the presence or concentration of alcohol, other intoxicating substance, or the combination of alcohol and any other intoxicating substance, the law enforcement officer shall inform the individual to be tested that the withdrawal of blood shall only be performed by certain medical personnel as provided for in Section 752 of this title.

G. The results of the tests provided for in this title shall be admissible in all civil actions, including administrative hearings regarding driving privileges.

§ 752. Administration of tests—Authorization—Liability—Laboratories—Independent analysis—Costs

A. Only a licensed medical doctor, licensed osteopathic physician, licensed chiropractic physician, registered nurse, licensed practical nurse, physician's assistant, duly certified by any state, an employee of a hospital or other health care facility authorized by the hospital or health care facility to withdraw blood, or other qualified person authorized by the Oklahoma Board of Tests for Alcohol and Drug Influence acting at the request of a law enforcement officer may withdraw blood for purpose of having a determination made of its concentration of alcohol or the presence or concentration of other intoxicating substance. Only qualified persons authorized by the Board may collect breath, saliva or urine, or administer tests of breath under the provisions of this Title.

B. If the person authorized to withdraw blood as specified in subsection (A) of this section is presented

with a written statement:

1. authorizing blood withdrawal signed by the person whose blood is to be withdrawn;

2. signed by a duly authorized peace officer that the person whose blood is to be withdrawn has agreed to the withdrawal of blood;

3. signed by a duly authorized peace officer that the person whose blood is to be withdrawn has been placed under arrest and that the officer has probable cause to believe that the person, while intoxicated, has operated a motor vehicle in such manner as to have caused the death or serious physical injury of another person, or the person has been involved in a traffic accident and has been removed from the scene of the accident that resulted in the death or great bodily injury, as defined in Cherokee Nation Code Annotated, of any person to a hospital or other health care facility outside Cherokee Nation before the law enforcement officer was able to effect an arrest for such offense; or

4. in the form of an order from a district court that blood be withdrawn, the person authorized to withdraw the blood and the hospital or other health care facility where the withdrawal occurs may rely on such a statement or order as evidence that the person has consented to or has been required to submit to the clinical procedure and shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to perform the procedure, the employer of such person, and the hospital or other health care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

C. No person specified in subsection (A) of this section, no employer of such person, and no hospital or other health care facility where blood is withdrawn shall incur any civil or criminal liability as a result of the proper withdrawal of blood when acting at the request of a law enforcement officer, or when acting in reliance upon a signed statement or court order if the act is performed in a reasonable manner according to generally accepted clinical practice. No person specified in subsection (A) of this section shall incur any civil or criminal liability as a result of the proper collection of breath, saliva or urine when acting at the request of a law enforcement officer or when acting pursuant to a court order.

D. The blood, breath, saliva or urine specimens obtained shall be tested by the appropriate test as determined by the Board, or tested by a laboratory that is exempt from the Board rules to determine the alcohol concentration thereof, or the presence or concentration of any other intoxicating substance which might have affected the ability of the person tested to operate a motor vehicle safely.

E. When blood is withdrawn or saliva or urine is collected for testing of its alcohol concentration or other intoxicating substance presence or concentration, at the request of a law enforcement officer, a sufficient quantity of the same specimen shall be obtained to enable the tested person, at his or her own option and expense, to have an independent analysis made of such specimen. The excess blood, saliva or urine specimen shall be retained by a laboratory approved by the Board, in accordance with the rules and regulations of the Board, or by a laboratory that is exempt from the Board rules, for sixty (60) days from the date of collection. At any time within that period, the tested person or his

or her attorney may direct that such blood, saliva or urine specimen be sent or delivered to a laboratory of his or her own choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional blood, saliva or urine specimen prior to the completion of the independent analysis, except the analyst performing the independent analysis and agents of the analyst.

F. When a test of breath is performed for the purpose of determining the alcohol concentration thereof, except when such test is performed by means of an automated analyzer as designated by the Board, a sufficient quantity of breath, or of the alcohol content of a fixed or measured quantity of breath, shall be obtained, in accordance with the rules and regulations of the Board, to enable the tested person, at his or her own option and expense, to have an independent analysis made of such specimen. The excess specimen of breath, or of its alcohol content, shall be retained by the law enforcement agency employing the arresting officer, in accordance with the rules and regulations of the Board, for sixty (60) days from the date of collection. At any time within that period, the tested person, or his or her attorney, may direct that such specimen be sent or delivered to a laboratory of his or her own choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional specimen of breath, or of its alcohol content, prior to the completion of the independent analysis thereof, except the analyst performing the independent analysis and agents of the analyst.

G. The costs of collecting blood, breath, saliva or urine specimens for the purpose of determining the alcohol or other intoxicating substance thereof, by or at the direction of a law enforcement officer, shall be borne by the law enforcement agency employing such officer; provided, if the person is convicted for any offense involving the operation of a motor vehicle while under the influence of or while impaired by alcohol or an intoxicating substance, or both, as a direct result of the incident which caused the collection of blood, saliva or urine specimens, an amount equal to the costs shall become a part of the court costs of the person and shall be collected by the court and remitted to the law enforcement agency bearing the costs. The cost of collecting, retaining and sending or delivering to an independent laboratory the excess specimens of blood, breath, saliva or urine for independent analysis at the option of the tested person shall also be borne by such law enforcement agency. The cost of the independent analysis of such specimen of blood, breath, saliva or urine shall be borne by the tested person at whose option such analysis is performed. The tested person, or his or her agent, shall make all necessary arrangements for the performance of such independent analysis other than the forwarding or delivery of such specimen.

H. Tests of blood or breath for the purpose of determining the alcohol concentration thereof, and tests of blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance therein, under the provisions of this Title, whether administered by or at the direction of a law enforcement officer or administered independently, at the option of the tested person, on the excess specimen of such person's blood, breath, saliva or urine, to be considered valid and admissible in evidence under the provisions of this Title, shall have been administered or performed in accordance with the rules and regulations of the Board, or performed by a laboratory that is exempt from the Board rules.

I. Any person who has been arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance who is not requested by a law enforcement officer to submit to a test shall be entitled to have an independent test of his or her blood, breath, saliva or urine which is appropriate as determined by the Board for the purpose of determining its alcohol concentration or the presence or concentration of any other intoxicating substance therein, performed by a person of his or her own choosing who is qualified as stipulated in this section. The arrested person shall bear the responsibility for making all necessary arrangements for the administration of such independent test and for the independent analysis of any specimens obtained, and bear all costs thereof. The failure or inability of the arrested person to obtain an independent test shall not preclude the admission of other competent evidence bearing upon the

question of whether such person was under the influence of alcohol, or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance.

J. Any agency or laboratory certified by the Board or any agency or laboratory that is exempt from the Board rules, which analyses breath, blood, or urine shall make available a written report of the results of the test administered by or at the direction of the law enforcement officer to:

1. the tested person, or his or her attorney; and

2. the Office of the Attorney General.

The results of the tests provided for in this Title shall be admissible in civil actions.

§ 756. Admission of evidence shown by tests

A. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, evidence of the alcohol concentration in the blood or breath of the person as shown by analysis of the blood or breath of the person performed in accordance with the provisions of 47 CNCA § 752 or evidence of the presence or concentration of any other intoxicating substance as shown by analysis of such person's blood, breath, saliva, or urine specimens in accordance with the provisions of 47 CNCA § 752 is admissible. Evidence that the person has refused to submit to either of said analyses is also admissible. For the purpose of this Title, when the person is under the age of twenty-one (21) years, evidence that there was, at the time of the test, any measurable quantity of alcohol is prima facie evidence that the person is under the influence of alcohol in violation of 47 CNCA § 11–906.4. For persons twenty-one (21) years of age or older:

1. Evidence that there was, at the time of the test, an alcohol concentration of five-hundredths (0.05) or less is prima facie evidence that the person was not under the influence of alcohol;

2. Evidence that there was, at the time of the test, an alcohol concentration in excess of five-hundredths

(0.05) but less than eight-hundredths (0.08) is relevant evidence that the person's ability to operate a motor vehicle was impaired by alcohol. However, no person shall be convicted of the offense of operating or being in actual physical control of a motor vehicle while such person's ability to operate such vehicle was impaired by alcohol solely because there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) in the blood or breath of the person in the absence of additional evidence that such person's ability to operate such vehicle was affected by alcohol to the extent that the public health and safety was threatened or that said person had violated a state statute or local ordinance in the operation of a motor vehicle; and

3. Evidence that there was, at the time of the test, an alcohol concentration of eight-hundredths (0.08) or more shall be admitted as prima facie evidence that the person was under the influence of alcohol.

B. For purposes of this Title, **"alcohol concentration"** means grams of alcohol per one hundred (100) milliliters of blood if the blood was tested, or grams of alcohol per two hundred ten (210) liters of breath if the breath was tested.

C. To be admissible in a proceeding, the evidence must first be qualified by establishing that the test was administered to the person within two (2) hours after the arrest of the person.

§ 761. Operation of motor vehicle while ability impaired by consumption of alcohol—Penalties—Suspensions—Violation not bondable

A. Any person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol shall be subject to a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

B. Upon the receipt of a certified report from a court that a person has forfeited bond or has been convicted or has pleaded guilty to two or more offenses of subsection (A) of this section, the Commissioner of the Department of Public Safety shall suspend the driving privilege of such person for a period of six (6) months. Such suspension shall not be subject to modification.

C. The violations as set out in this section shall not be bondable under 22 CNCA § 1115.3.

CHAPTER 74

UNIFORM CERTIFICATE OF TITLE ACT

§ 1111.1. Short title

This act may be cited as the "Cherokee Nation Uniform Certificate of Title Act of 2004."

§ 1111.2. Applicability of supplemental principles of law

Unless displaced by the particular provisions of this act, the principles of law and equity supplement its provisions.

§ 1111.3. Definitions

A. In this act:

1. **"Buyer"** means a person that buys or contracts to buy an ownership interest in a vehicle.

2. **"Buyer in ordinary course of business"** means a person that buys a vehicle in good faith, without knowledge that the sale violates the rights of another person in the vehicle, and in ordinary course from a person, other than a pawnbroker, in the business of selling vehicles of that kind. A person buys a vehicle in ordinary course if the sale comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire a vehicle under a pre-existing contract for sale. Only a buyer that takes possession of the vehicle or has a right to recover the vehicle from the seller under Uniform Commercial Code Article 2 may be a buyer in ordinary course of business. The term does not include a person that acquires a vehicle in a transfer in bulk or as security for or in total or partial satisfaction of a money debt. A buyer in ordinary course of business does not lose that status solely because the certificate of title was not executed to the buyer.

3. **"Cancel,"** with respect to a certificate of title or a certificate of origin, means to make the certificate ineffective.

4. **"Certificate of origin"** means a record, created or authorized by a manufacturer or importer as the manufacturer's or importer's proof of identity of a vehicle.

5. **"Certificate of title"** means the record, created or authorized by the CNTC, that is evidence of ownership of a vehicle and designated a certificate of title by the CNTC.

6. **"Create,"** with respect to a certificate of title, means to bring the certificate of title into existence by making or authorizing the record that constitutes the certificate of title.

7. **"Deliver"** means to voluntarily give possession of a record to the recipient or to transmit it, by any reasonable means, properly addressed to the recipient and with the cost of delivery provided.

8. **"Electronic"** means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

9. **"Electronic certificate of origin"** means a certificate of origin consisting of information that is stored solely in an electronic medium and retrievable in perceivable form.

10. **"Electronic certificate of title"** means a certificate of title consisting of information that is stored solely in an electronic medium and retrievable in perceivable form.

11. **"Execute"** means to sign and deliver a record on, attached to, accompanying, or logically associated with a certificate of title or certificate of origin for the purpose of transferring ownership of the vehicle covered by the certificate.

12. **"Importer"** means a person authorized by a manufacturer to bring into and distribute in the United States new vehicles manufactured outside the United States.

13. **"Jurisdiction"** means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally-recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

14. **"Lessee in ordinary course of business"** means a person that leases a vehicle in good faith, without knowledge that the lease violates the rights of another person, and in ordinary course of business from a person, other than a pawnbroker, in the business of selling or leasing vehicles of that kind. A person leases in ordinary course if the lease to the person comports with the usual or customary practices in the kind of business in which the lessor is engaged or with the lessor's own usual and customary practices. A lessee in ordinary course of business may lease for cash, by exchange of other property, or on secured or unsecured credit, and may acquire a vehicle or certificate of title covering a vehicle under a preexisting lease contract. Only a lessee that takes possession of the vehicle or has a right to recover the vehicle from the lessor under Uniform Commercial Code Article 2A may be a lessee in ordinary course of business. A person that acquires a vehicle in bulk or as security for or in total or partial satisfaction of a money debt is not a lessee in ordinary course of business.

15. **"Lien creditor"** means:

a. a creditor that has acquired a lien on the property involved by attachment, levy, or the like;

b. an assignee for the benefit of creditors from the time of assignment;

c. a trustee in bankruptcy from the date of the filing of the petition; or

d. a receiver in equity from the time of appointment.

16. **"Manufacturer"** means a person that manufactures, fabricates, assembles, or completes new vehicles.

17. **"Office"** means Cherokee Nation Tax Commission (CNTC).

18. **"Owner"** means a person having legal title to a vehicle.

19. **"Owner of record"** means the owner of a vehicle as indicated in the files of the CNTC.

20. **"Person"** means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

21. **"Purchase"** means to take by sale, lease, mortgage, pledge. consensual lien, security interest, gift, or any other voluntary transaction that creates an interest in a vehicle.

22. **"Purchaser"** means a person that takes by purchase.

23. **"Record"** means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

24. **"Secured party"** means:

a. a person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

b. a person that is a consignor under Uniform Commercial Code Article 9;

c. a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

d. a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest is created or provided for; or

e. a person that holds a security interest arising under Uniform Commercial Code Section 2–401, 2–505, 2–711(3), or 2A–508(5).

25. **"Secured party of record"** means the secured party first indicated in the files of the CNTC.

26. **"Security interest"** means an interest in goods that secures payment or performance of an obligation. The term includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Uniform Commercial Code Article 9. The term does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under Uniform Commercial Code Section 2– 401, but a buyer may also acquire a security interest by complying with Uniform Commercial Code Article 9. Except as otherwise provided in Uniform Commercial Code Section 2–505, the right of a seller or lessor of goods under Uniform Commercial Code Article 2 or 2A to retain or acquire possession of the goods is not a security interest, but a seller or lessor may also acquire a security interest by complying with Uniform Commercial Code Article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under Uniform Commercial Code Section 2–401 is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined pursuant to Uniform Commercial Code Section 1–203.

27. **"Security interest statement"** means a record, created or authorized by a secured party, that indicates a security interest in a vehicle.

28. **"Sign"** means, with present intent to authenticate or adopt a record, to:

a. make or adopt a tangible symbol; or

b. attach to or logically associate with the record an electronic sound, symbol, or process.

29. **"Termination statement"** means a record, created or authorized by the secured party under 47 CNCA § 1111.24 or the debtor under 47 CNCA § 1111.22, that:

a. identifies the security interest statement to which it relates; and

b. indicates either that it is a termination statement or that the identified security interest statement is not effective.

30. **"Title brand"** means a designation of previous damage, use, or condition that this act or law other than this act requires to be indicated on a certificate of title or a certificate of origin.

31. **"Transfer"** means to convey, voluntarily or involuntarily, an interest in a vehicle.

32. **"Transferee"** means a person that takes by transfer.

33. **"Vehicle"** means any type of motorized, wheeled device in, upon, or by which an individual or property may be lawfully and customarily transported on a road or highway, or a commercial, recreational, travel, or other trailer, including manufactured homes. The term does not include:

a. specialized mobile equipment not designed primarily for transportation of individuals or property on a road or highway;

b. an implement of husbandry; or

c. a wheelchair or similar device designed for use by an individual having a physical impairment.

34. **"Written certificate of origin"** means a certificate of origin consisting of information that is inscribed on a tangible medium.

35. **"Written certificate of title"** means a certificate of title consisting of information that is inscribed on a tangible medium.

B. The following definitions in other laws apply to this act:

1. **"Account debtor,"** UCC Section 9–102(a)(3).

2. "**Agreement,**" UCC Section 1–201(b)(3).

3. "**Collateral,**" UCC Section 9–102(a)(12).

4. "**Debtor,**" UCC Section 9–102(a)(28).

5. "**Good faith,**" UCC Section 1–201(b)(20).

6. "**Lease,**" UCC Section 2A–103(a)(j).

7. "**Lessee,**" UCC Section 2A–103(1)(n).
8. "**Lessor,**" UCC Section 2A–103(a)(p).

9. "**Manufactured home**" UCC Section 9–102(a)(53).

10. "**Merchant,**" UCC Section 2–104(1).

11. "**Notice; Knowledge,**" UCC Section 1–202.

12. "**Representative,**" UCC Section 1–201(b)(33).

13. "**Sale,**" UCC Section 2–106(1).

14. "**Security agreement,**" UCC Section 9–102(a)(73).

15. "**Seller,**" UCC Section 2–103(1)(o).

16. "**Send,**" UCC Section 1–201(b)(36).

17. "**Value,**" UCC Section 1–204.

§ 1111.4. Law governing vehicles covered by certificate of title or certificate of origin

A. In this section, "certificate of title" includes a certificate of title created or authorized by a government agency of any jurisdiction which is permitted to create or authorize the certificate of title.

B. The local law of the jurisdiction under whose certificate of title a vehicle is covered governs all issues relating to the certificate of title, from the lime the vehicle becomes covered by the certificate of title until the vehicle ceases to be covered by the certificate of title, even if there is no other relationship between the jurisdiction and the vehicle or its owner.

C. For purposes of this section, a vehicle becomes covered by a certificate of title when an application for a certificate of title and the fee are received by the CNTC in accordance with this act, or when

an application for a certificate of title and the fee are received in another jurisdiction pursuant to the certificate of title law of that jurisdiction.

D. For purposes of this section and Uniform Commercial Code Article 9, a security interest statement that is effective under 47 CNCA § 1111.24 constitutes an application for a certificate of title if:

1. the debtor is located or has a place of business in this jurisdiction; and

2. an existing certificate of title covering the vehicle has not been created in another jurisdiction.

E. For purposes of this section, a vehicle ceases to be covered by a certificate of title at the earlier of the time the certificate of title ceases to be effective under the law pursuant to which it was created, or the time the vehicle subsequently becomes covered by another certificate of title, other than a certificate of title initiated only by a security interest statement, created in any jurisdiction.

F. If a vehicle is not covered by a certificate of title, but a certificate of origin has been created for the vehicle:

1. if the parties to the certificate have chosen the law of a jurisdiction, the law of that jurisdiction applies to the certificate of origin, even if this jurisdiction bears no other relation to the certificate of origin; and

2. in the absence of an agreement effective under paragraph 1 of this subsection, and except as provided in subsection (G) of this section, the rights and obligations of the parties are determined by the law that would be selected by application of this jurisdiction's conflict of laws principles.

G. An agreement otherwise effective under paragraph 1 of subsection (F) of this section is not effective to the extent that application of the law of the jurisdiction designated would be contrary to a fundamental policy of the jurisdiction whose law would govern in the absence of agreement under paragraph 1 of subsection (F). of this section

H. In the absence of an agreement as to choice of law, if a vehicle is not covered by a certificate of title or a certificate of origin, the rights and obligations of the parties to the certificate are determined by the choice of law principles of this jurisdiction.

§ 1111.5. Exclusions

Unless the vehicle is covered by a certificate of title, this act does not apply to a vehicle owned by the United States, the government of a country other than the United States, an Indian tribe, a state, or a local government of a state.

§ 1111.6. Vehicle identification number, make and model year

A. For each vehicle covered by a certificate of title, the CNTC must record as the vehicle identification

number in the files of the CNTC the vehicle identification number, if any, assigned by its chassis manufacturer or importer.

B. If a vehicle is completed by a manufacturer using a chassis produced by another manufacturer, the make of the manufacturer that completes the vehicle must be used to describe the complete vehicle in the files of the CNTC that relate to the vehicle.

C. The model year of a complete new vehicle is the model year of chassis manufacture and must be the only model year indicated in the files of the CNTC that relates to the vehicle.

§ 1111.7. Execution of certificate of origin

A. If a manufacturer or importer creates or is authorized or required to create a certificate of origin for a vehicle, upon transfer of ownership of the vehicle it shall execute a certificate of origin to the transferee or deliver a signed certificate of origin to the CNTC.

Each succeeding transferor shall execute to the next transferee or sign and deliver to the CNTC all certificates of origin covering the vehicle which are known to the transferor.

B. For the purpose of obtaining a certificate of title, a buyer may require that the buyer's transferor execute to the buyer a written certificate of origin.

§ 1111.8. Cancellation of electronic certificate

If a written certificate of origin is created, any electronic certificate of origin covering the vehicle is canceled and replaced by the written certificate of origin.

§ 1111.9. Application for certificate of title

A. Subject to 47 CNCA § 1111.20, an application for a certificate of title must contain:

1. the owner's name and physical address and, if different, an address for receiving communications by United States mail;

2. the vehicle identification number as provided in 47 CNCA § 1111.6;

3. a description of the vehicle including, as required by the CNTC, the make, model, model year, and body type;

4. an indication of all security interests in the vehicle which are known to the applicant;

5. any title brand known to the applicant and, if known, the jurisdiction that created the title brand;

6. a signed record disclosing the vehicle's odometer reading, as required under law other than this act to be provided by the transferor when ownership of the vehicle is transferred;

7. if the application is made in connection with a transfer of ownership, the transferor's and transferee's names, physical addresses and, if different, addresses for receiving communications by United States mail, and the sales price if any, and the date of the transfer;

8. if the application includes a direction to terminate a security interest statement, the secured party's name and address for receiving communications; and

9. the signature of the owner.

B. An application for a certificate of title may contain electronic communication addresses of the owner and the transferor.

C. Except as otherwise provided in 47 CNCA § 1111.21 or 1111.22, if an application for a certificate of title includes a transfer of ownership or a direction to terminate a security interest statement, the application must be accompanied by all existing certificates of origin and any certificate of title covering the vehicle, created or authorized in any jurisdiction, which are known to the applicant, executed to the owner or other transferee by the transferor. Except as otherwise provided in Section 22, if the application includes a direction to terminate a security interest statement, the application must be accompanied by a termination statement under Section26.

D. If an application for a certificate of title does not include a transfer of ownership or a direction to terminate a security interest statement, except as otherwise provided in 47 CNCA § 1111.23, the application must be accompanied by all existing certificates of origin and certificates of title covering the vehicle known to the applicant, created or authorized in any jurisdiction, evidencing the applicant as owner of the vehicle.

E. If there is no existing certificate of origin or certificate of title covering the vehicle known to the applicant, created or authorized in any jurisdiction, an application for a certificate of title must be accompanied by all existing information or records of the vehicle's ownership known to the applicant. Information submitted under this subsection is part of the application for the certificate of title and must be indicated in the files of the CNTC.

F. A power of attorney, including a simple power of attorney, may be used to meet the requirements of this section, unless prohibited by law other than thisact.

G. The CNTC may require that the application for a certificate of title be accompanied by any tax or fee payable by the applicant under the law of this jurisdiction in connection with the acquisition or use of a vehicle, or evidence of payment of that tax or fee.

H. A security interest statement is subject to subsection (G) of this section, and is an application for a certificate of tide under 47 CNCA § 1111.4.

§ 1111.10. Creation of an cancellation of certificate of title

A. Unless an application for a certificate of title is rejected under subsection (C) of this section, the CNTC shall create a certificate of title upon submission of an application that complies with 47 CNCA § 1111.9 and payment of all taxes and fees.

B. The CNTC may create a written certificate of title or, if the CNTC authorizes or creates electronic certificates of title, an electronic certificate of title, at the option of the secured party of record or, if no security interest is indicated in the files of the CNTC, at the option of any owner of record. If no request is made by an owner of record or secured party, the CNTC may create a written certificate of title or an electronic certificate of title.

C. The CNTC may reject an application for a certificate of title only if:

1. the application does not comply with 47 CNCA § 1111.9;

2. there is a reasonable basis for concluding that the application is fraudulent or would facilitate a fraudulent or illegal act; or

3. the application otherwise does not comply with law other than this act.

D. Rejection of an application affects only the applicant's ownership and does not alter the receipt or effect of a security interest statement under 47 CNCA § 1111.4, 1111.24, or 1111.25.

E. If the CNTC has created a certificate of title, it may cancel the certificate of title only if the CNTC could have rejected the application under subsection (C) and after providing an opportunity for a hearing. At this hearing the applicant and any other interested party may present evidence in support of the application. The CNTC shall provide at least thirty (30) days' notice of the opportunity for a hearing, served in person or sent by regular mail to the applicant, the owner of record, and all secured parties indicated in the files of the CNTC.

F. Cancellation of a certificate of title, or rejection of an application for a certificate of title, does not alter the receipt or effect of a security interest statement under 47 CNCA § 1111.4, 1111.24, or 1111.25 or Uniform Commercial Code Article 9.

§ 1111.11. Contents of certificate of title

A. Except as otherwise provided in 47 CNCA § 1111.20, a certificate of title must contain:

1. the date the certificate of title was created;

2. except as otherwise provided in 47 CNCA § 1111.25(B), the name and address of any secured party of record showing that status and an indication of the existence of any additional security interests disclosed under 47 CNCA § 1111.9 or indicated in a security interest statement effective under 47 CNCA § 1111.24, or otherwise indicated in the files of the CNTC or on a certificate of title created in any jurisdiction and submitted to the CNTC;

3. all title brands known to the CNTC, including brands previously indicated on a certificate of title or certificate of origin created in this jurisdiction or another jurisdiction; and

4. the information required for an application pursuant to 47 CNCA § 1111.9(A)(1) through (6).

B. The indication of a title brand on the certificate of title may use abbreviations, but not symbols, and must identify any jurisdiction whose certificate of title indicated the title brand. If the meaning of the previous title brand is not easily ascertainable or cannot be accommodated on the certificate of title, the certificate of title may state: "Previously branded in [the jurisdiction in which the title brand was previously indicated]."

C. If a vehicle was previously registered for use in a jurisdiction outside the United States, the CNTC shall indicate on the certificate of title that the vehicle was previously registered in that jurisdiction.

D. A certificate of title must contain a form for the owner to sign in executing the certificate.

§ 1111.12. Certificate of title and certificate of origin not subject to judicial process

A. A certificate of title or a certificate of origin does not by itself provide a right or a means to obtain possession of the vehicle covered by the certificate and is not itself subject to garnishment, attachment, levy, replevin, or other judicial process against property. However, this act does not prohibit enforcement of a security interest in, levy on, or foreclosure of a statutory or common law lien on, a vehicle, as permitted under law other than this act. The absence of an indication of a statutory or common law lien on a certificate of title does not invalidate the lien.

B. This section does not relieve a person of any duty under this act or law other than this act or preclude any remedies in personam.

§ 1111.13. Other information

A. The CNTC may accept a submission of information relating to a vehicle for inclusion in the files of the CNTC, even if the requirements for a certificate of title, an application for a certificate of title, a security interest statement, or a termination statement have not been met.

B. A submission of information under this section must include, to the extent practicable, the information required under 47 CNCA § 1111.9 for an application for a certificate of title.

C. To effectuate the law of this jurisdiction, the CNTC may require a person to provide other information relating to a vehicle, as required for payment of taxes or for issuance or renewal of license tags.

D. The CNTC may require a person submitting information under this section to provide a bond in the

form and amount determined by the CNTC. Any bond must provide for indemnification of any secured party or other interested party against any expense, loss, or damage resulting from the submission and inclusion of the information in the files of the CNTC.

E. A submission of information under this section and its inclusion in the files of the CNTC is not a certificate of title, an application for a certificate of title, a security interest statement, or a termination statement and does not provide a basis for transferring or determining ownership of a vehicle or receipt or termination of a security interest statement.

§ 1111.14. Maintenance of files

A. For each record filed in the CNTC, the CNTC shall:

1. ascertain the vehicle identification number of the vehicle to which the record applies;

2. create or maintain a file that indicates the vehicle identification number of the vehicle to which the record applies and the information in the record, including the date and time the record was delivered to the CNTC;

3. maintain the file for public inspection, subject to subsection (D); and

4. index each file so as to be accessible by the vehicle identification number for the vehicle and any other indexing methods provided by the CNTC.

B. The CNTC shall maintain files of the information contained in all certificates of title created under this act. Each file must be accessible by the vehicle identification number for the vehicle covered by the certificate and any other indexing method used by the CNTC.

C. Each file maintained under this section must include all indicated security interests, title brands, and stolen property reports applicable to the vehicle, and the name and address of any known secured party or claimant to ownership.

D. Files of the CNTC are subject to the Cherokee Nation Freedom of Information Act, 67 CNCA § 101 et seq., (LA 25–01), as amended, and other law as applicable.

§ 1111.15. Delivery of certificate of title

A. Upon creation of a certificate of title, the CNTC shall promptly deliver the certificate of title, if written, or a record evidencing an electronic certificate of title, if electronic, to the secured party of record, if any, at the address shown on the security interest statement submitted by the secured party of record and, unless previously provided to the owner of record, shall deliver a record evidencing the certificate of title to that owner at the address indicated in the files of the CNTC. If no secured party is indicated in the files of the CNTC, the certificate of title or record evidencing the electronic certificate of title must be delivered to the owner of record. The secured party of record, if any, may

elect to have the CNTC create a written certificate of title. The owner of record also may make such an election but only if no secured party is indicated in the files of the CNTC.

B. Within a reasonable period not to exceed fifteen (15) business days after receipt of a request for a written certificate of title pursuant to subsection (A), the CNTC shall create and deliver the certificate to the person making the request.

C. If a written certificate of title is created, any existing electronic certificate of title covering the vehicle is canceled. The cancellation must be noted in the files of the CNTC with an indication of the date and time of the cancellation.

D. Any existing written certificate of title must be canceled before an electronic certificate of title is created. The cancellation must be noted on the face of the written certificate of title and in the files of the CNTC with an indication of the date and time of the cancellation.

§ 1111.16. Transfer

A. Upon sale of a vehicle located in this jurisdiction or covered by a certificate of title created in this jurisdiction, a person authorized to execute the certificate of title or certificate of origin covering the vehicle, as promptly as practicable and in compliance with this act and any law other than this act, shall execute the certificate to the buyer. The buyer of a vehicle located in this jurisdiction or covered by a certificate of title created in this jurisdiction has a specifically enforceable right to require the seller to execute the certificate of title or certificate of origin to the buyer.

B. Execution of a certificate of title covering the vehicle created in any jurisdiction satisfies the requirement in subsection (A) of this section.

C. Execution of a certificate of title covering a vehicle created in any jurisdiction or a certificate of origin transfers the transferor's legal title to the vehicle to the transferee.

D. As between the parties to the transfer and their assignees and successors, a transfer of legal title is not rendered ineffective by a failure to execute a certificate of title or certificate of origin as provided in this section. However, except as otherwise provided in 47 CNCA § 1111.18 or 1111.19, a transfer of legal title without execution of a certificate of title covering the vehicle created in any jurisdiction is not effective as to other persons claiming an interest in the vehicle.

§ 1111.17. Notice of transfer without application

A transferor or transferee of legal title to a vehicle may submit a signed record to the CNTC evidencing the transfer, without filing an application for a certificate of title, in accordance with standards and procedures established by the CNTC. The record may evidence the transfer of legal title between the transferor and transferee but is not effective as to other persons claiming an interest in the vehicle.

§ 1111.18. Power to transfer

A. A purchaser of a vehicle acquires all interests that the transferor had or had power to transfer, except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person having voidable title to a vehicle has power to transfer a good title to a good faith purchaser for value. If ownership of a vehicle has been transferred in a transaction of purchase, the purchaser has the power to transfer good title to a good faith purchaser for value even though:

1. the transferor was deceived as to the identity of the purchaser in the transaction of purchase;

2. the transfer in the transaction of purchase was in return for a check that was later dishonored;

3. it was agreed that the transaction of purchase was to be a "cash sale";

4. the transfer in the transaction of purchase was procured through fraud punishable as larcenous under the criminal law; or

5. a certificate of title was not executed.

B. Entrusting of a vehicle to a merchant that deals in vehicles or other goods of that kind gives the merchant the power to transfer all rights of the entruster to a buyer in ordinary course of business or, to the extent of the lessee's interest, to a lessee in ordinary course of business, even if the certificate of title is not executed to the buyer or lessee. In this subsection, "entrusting" includes any relinquishment of possession and any acquiescence in retention of possession of the vehicle regardless of any condition expressed between the parties to the relinquishment or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the vehicle was larcenous under the criminal law.

C. This section is subject to Uniform Commercial Code Section 2A–303.

§ 1111.19. Other transferees of vehicle covered by certificate of title

A. Except as otherwise provided in this section or in 47 CNCA § 1111.18, a transferee of a vehicle takes subject to:

1. a valid security interest in the vehicle indicated on the certificate of title; and

2. if the certificate of title contains a statement that the vehicle is or may be subject to security interests not shown on the certificate of title, a valid security interest not so indicated.

B. If, during the period a security interest in a vehicle is perfected by any method under the law of any jurisdiction, the CNTC creates a written certificate of title that does not indicate that the vehicle is subject to the security interest or contain a statement that it may be subject to security interests not indicated on the certificate, a buyer of the vehicle, other than a person in the business of selling or leasing vehicles of that kind, takes free of the security interest if the buyer:

1. in good faith gives value, receives possession of the vehicle, and obtains execution of the written certificate of title; and

2. does not have notice of the security interest in the vehicle.

C. A buyer in ordinary course of business or a lessee in ordinary course of business of a vehicle takes free of a security interest, including a security interest indicated on the certificate of title, created by the buyer's seller or the lessee's lessor, even if the security interest is perfected, the buyer or lessee knows of its existence, and the certificate was not executed to the buyer or lessee.

§ 1111.20. Effect of incorrect information or omission

A. Except as otherwise provided in this section, a certificate of title, certificate of origin, security interest statement, or other record otherwise satisfying the requirements of this act is effective even if it contains incorrect information or required information is omitted.

B. In addition to any rights provided under 47 CNCA § 1111.18 or 1111.19, if a certificate of title, certificate of origin, security interest statement, or other record is seriously misleading because it contains incorrect information or omits required information, a purchaser of the vehicle covered by the record takes free of any claim or interest the validity of which is dependent on the correct information or omitted information, which would have been contained in the record if the correct or omitted information had been provided, to the extent that the purchaser gives value in reasonable reliance on the incorrect information or the absence of the omitted information.

C. Except as otherwise provided in subsection (D) of this section or in 47 CNCA § 1111.24(C), a description of the vehicle covered by a certificate of title, certificate of origin, security interest statement, or other record otherwise satisfying the requirements of this act is sufficient, and not seriously misleading, even if the description and vehicle identification number are not specific and accurate, if the information, including the vehicle identification number, reasonably identifies the vehicle.

D. With respect to a security interest or other interest indicated in the files of the CNTC and not indicated on a written certificate of title, if a search of the files of the CNTC using the correct vehicle identification number, name of the debtor, or other required information, using the CNTC's standard search logic, if any, would disclose the security interest or other interest, a failure to indicate the information specifically or accurately is not seriouslymisleading.

§ 1111.21. Transfer of ownership by operation of law

A. In this section:

1. "By operation of law" means pursuant to a law or judicial order affecting ownership of a vehicle:

a. on account of death, divorce, merger, consolidation, dissolution, or bankruptcy;

b. through the exercise of the rights of a lien creditor or a person with a common law or statutory lien or other nonconsensual lien; or

c. through other legal process.

2. "Transfer-by-law statement" means a record signed by a transferee containing:

a. a statement that, by operation of law, the transferee has acquired or has the right to acquire the ownership of the owner of record;

b. the name and mailing address of the owner of record and the transferee and any other information required by 47 CNCA § 1111.8(A);

c. documentation sufficient to establish the transferee's interest or right to acquire the ownership of the owner of record; and

d. a statement:

i. that the certificate of title is an electronic certificate of title;

ii. that the transferee does not have possession of the written certificate of title created in the name of the owner of record; or

iii. that the transferee is delivering the written certificate of title to the CNTC with the transfer-by-law statement.

B. If a transfer-by-law statement is delivered to the CNTC with the fee and taxes and documentation satisfactory to the CNTC as to the transferee's ownership interest or right to acquire the ownership of the owner of record, unless the transfer-by-law statement is rejected by the CNTC for a reason set forth in 47 CNCA § 1111.9, the CNTC shall:

1. accept receipt of the transfer-by-law statement;

2. promptly send notice to the owner of record and to all persons indicated in the files of the CNTC as having a security interest in the vehicle that a transfer-by-law statement has been received by the CNTC;

3. amend its records to reflect the transfer;

4. cancel the certificate of title created in the name of the owner of record listed in the transfer-by-law statement, whether or not the certificate has been delivered to the CNTC;

5. create a new certificate of title pursuant to 47 CNCA § 1111.9, indicating the transferee as owner of record; and

6. deliver the new certificate of title pursuant to 47 CNCA § 1111.19.

C. This section does not affect the rights and obligations of a secured party in the enforcement of a security interest under Uniform Commercial Code Article 9.

§ 1111.22. Application for transfer of ownership or termination of security interest statement without certificate of title or certificate of origin

A. The CNTC shall create a certificate of title upon receiving an application that includes a transfer of ownership or a direction to terminate a security interest statement but is not accompanied by submission of a signed certificate of title or certificate of origin only if:

1. all other requirements under 47 CNCA §§ 1111.9 and 1111.10 are met;

2. the applicant has provided an affidavit stating facts that indicate the applicant is entitled to a transfer of ownership or termination of the effectiveness of a security interest statement:

3. at least forty-five (45) days before the CNTC creates the certificate of title, notice of the application was sent to all persons having an interest in the vehicle as indicated in the files of the CNTC, and no objection from any of these persons has been received by the CNTC; and

4. the applicant presents other documentation required by the CNTC to evidence the applicant's ownership or right to termination of the security interest statement, and there is no credible information available to the CNTC indicating theft, fraud, or any undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vehicle.

B. Unless the value of the vehicle is less than One Thousand Dollars ($1,000.00), the CNTC may require an applicant under subsection (A) to post a bond or provide an equivalent source of indemnity or security, in a form prescribed by the CNTC, providing for indemnity of any owner, purchaser, or other claimant, for any expense, loss, delay, or damage, including reasonable attorneys' fees but not consequential damages, resulting from creation of a certificate of title or termination of a security interest statement. The bond or other source of indemnity may not exceed twice the value of the vehicle as determined by the CNTC.

C. If the CNTC has not received a claim for indemnity within one (1) year after creation of the certificate of title under subsection (A) of this section, the CNTC shall release any required bond, indemnity, or other security.

D. In lieu of the requirements of subsection (B) of this section, the CNTC may include in the certificate of title created under subsection (A) of this section an indication that the certificate of title was created without submission of a signed certificate of title or termination statement. If no credible information indicating theft, fraud, or any undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vehicle has been received by the CNTC within one (1) year after creation

of the certificate of title, upon a request in a form and manner specified by the CNTC, the CNTC shall remove the indication from the certificate of title.

§ 1111.23. Replacement certificates of title

A. If a written certificate of title is lost, stolen, mutilated, destroyed, or otherwise becomes unavailable or illegible, the secured party of record or, if there is no secured party indicated in the files of the CNTC, the owner of record may make application for and obtain a replacement certificate of title in the name of the owner of record by furnishing information satisfactory to the CNTC in accordance with this section.

B. An application for a replacement certificate of title must be submitted in a record signed by the applicant and, except as otherwise permitted by the CNTC, must comply with 47 CNCA § 1111.8.

C. The existing certificate of title must be submitted to the CNTC with the application for a replacement certificate of title, unless it has been lost, stolen, destroyed, or is otherwise unavailable.

D. A replacement certificate of title created by the CNTC must comply with 47 CNCA § 1111.10 and conspicuously state that it is a replacement certificate of title.

E. If a person receiving a replacement certificate of title subsequently obtains possession of the original certificate, the person shall promptly destroy the original certificate.

§ 1111.24. Effectiveness of security interest statement

A. A security interest statement sufficient under subsection (B) of this section is effective upon receipt by the CNTC and tender of the applicable fee. An effective security interest statement is an application for a certificate of title for purposes of 47 CNCA § 1111.4 and Uniform Commercial Code Article 9 Section 9–303.

B. A security interest statement is sufficient if it includes the name of a debtor, the name of a secured party or a representative of a secured party, and a description of the vehicle, and one of the following conditions is met:

1. the debtor has signed a security agreement that provides a description of the vehicle;

2. the vehicle is in the possession of the secured party pursuant to Uniform Commercial Code Section 9–313 or pursuant to the debtor's agreement; or

3. the debtor has otherwise authorized the security interest statement in a signed record.

C. A security interest statement is not received if the CNTC rejects the statement under subsection (E) of this section. The CNTC may reject a security interest statement only under subsection (E) of this section and only if:

1. the record is not delivered by a means authorized by the CNTC;

2. an amount equal to or greater than the required filing fee is not tendered;

3. the record does not include the name and mailing address of a debtor and a secured party or a representative of a secured party; or

4. the record does not contain the correct vehicle identification number.

D. The CNTC shall maintain a file showing the date of receipt of each security interest statement that is not rejected and make this information available on request.

E. To reject a security interest statement, the CNTC shall notify the person that delivered the statement of the rejection, the reasons for the rejection, and the date the statement would have been received had the CNTC not rejected it. The CNTC shall send the notice not later than midnight of the second business day after the business day on which the security interest statement was delivered to the CNTC. If the CNTC does not send proper notice of rejection of a security interest statement by midnight of the second business day after the business day on which the statement was delivered to the CNTC, that is sufficient under subsection (B) of this section, the security interest statement is received as of the business day on which the statement was delivered to the CNTC.

§ 1111.25. Perfection of security interest

A. Except as otherwise provided in subsections (E) and (F) of this section, a security interest in a vehicle may be perfected only by receipt of a security interest statement that is effective under 47 CNCA § 1111.24. If a security interest statement is effective under 47 CNCA § 1111.24, the security interest represented by the security interest statement is perfected upon the later to occur of receipt of the security interest statement or attachment of the security interest pursuant to Uniform Commercial Code Section 9–203.

B. The CNTC may create a certificate of title naming as owner a lessor, consignor, bailor, or secured party and may treat the person as the owner for purposes of carrying out the duties of the CNTC under this act. If the interest of a person named as owner is a security interest, the certificate of title naming the person as owner perfects the security interest but is not of itself a factor in determining whether the interest is a security interest.

C. The CNTC may reject a security interest statement sufficient under 47 CNCA § 1111.24(B) only for a reason set forth in 47 CNCA § 1111.24(C) and in the manner set forth in 47 CNCA § 1111.24(E). Rejection for any other reason or in any other manner is ineffective and the security interest statement is received as of the business day on which the statement was delivered to the CNTC. A security interest statement that is sufficient under 47 CNCA § 1111.24(B) and is not rejected under 47 CNCA § 1111.24(C) is received as of the business day on which the statement was delivered to the CNTC, and if effective under 47 CNCA § 1111.24(A) constitutes perfection under subsection (A), unless it

is rejected pursuant to 47 CNCA § 1111.24(E). A failure of the CNTC to index a security interest statement correctly or to indicate the security interest on the certificate of title does not affect the receipt or effectiveness of the security interest statement.

D. A secured party may transfer its rights as secured party under this act. An otherwise valid transfer of a security interest is effective between the parties to the transfer whether or not it is reflected in the files of the CNTC or indicated on the certificate of title. A transfer of a security interest vests in the transferee the rights of the secured party under this act and the Uniform Commercial Code. Perfection remains effective even if the transfer and the transferee of the security interest are not indicated in the files of the CNTC or on the certificate of title. However, a purchaser of the vehicle that obtains a release from a secured party indicated in the files of the CNTC or on the certificate of title takes free of that security interest and also free of the rights of a transferee of that security interest if the transfer is not indicated in the files of the CNTC or on the certificate.

E. A security interest created by a person in the business of selling or leasing vehicles is not subject to this section during any period in which the collateral is inventory held for sale or lease or is leased by the person.

F. A secured party may perfect a security interest by taking possession of a vehicle only as provided in Uniform Commercial Code Section 9–313(b) and 9–316(d).

§ 1111.26. Termination statement

A. A secured party indicated in the files of the CNTC as having a security interest in a vehicle shall deliver to the CNTC a signed termination statement if:

1. there is no obligation secured by the vehicle covered by the security interest and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vehicle; or

2. the debtor did not authorize the filing of the security interest statement.

B. A secured party indicated in the files of the CNTC shall deliver the signed termination statement to the debtor or the CNTC upon the earlier of:

1. twenty (20) days after there is no obligation secured by the vehicle covered by the security interest statement and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vehicle; or

2. ten (10) days after the secured party receives a signed demand from the debtor and there is no obligation secured by the vehicle and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vehicle.

C. If a written certificate of title has been created and delivered to the secured party and a termination statement is required under subsection (A) of this section, the secured party shall deliver the written certificate of title to the debtor or the CNTC with the termination statement, within the time

provided in subsection (B) of this section. If the written certificate is lost, stolen, mutilated, or destroyed or is otherwise unavailable or illegible, the secured party shall deliver with the termination statement, within the time provided in subsection (B) of this section, an application for a replacement certificate of tide meeting the requirements of 47 CNCA § 1111.23.

D. Upon the delivery of a termination statement to the CNTC pursuant to this section, the security interest statement and any notation of the security interest on the certificate of title to which the termination statement relates becomes ineffective.

E. Only a secured party whose interest is required to be terminated is required to or may file a termination statement under this act.

F. A secured party is liable for damages in the amount of any loss caused by not complying with this section and for the reasonable cost of an application for a certificate of title under 47 CNCA §§ 1111.9 and 1111.22.

G. Upon termination of the effectiveness of a security interest statement under this section, the CNTC shall reflect in its files the termination of the security interest, and that the subsequent secured party reflected in the files of the CNTC, if any, is the secured party of record. If a written certificate of title has been created indicating that the security interest has been terminated, the CNTC shall cancel that certificate of title, create a new certificate of title under 47 CNCA §§ 1111.10 and 1111.11, and deliver the new certificate of title in accordance with 47 CNCA § 1111.15.

§ 1111.27. Uniform security interest statement

Image

§ 1111.28. Duties and operation of filing office

A. The CNTC shall maintain a file of the information provided in a security interest statement received by the CNTC under 47 CNCA § 1111.24 for a least one (1) year after termination of the security interest statement under 47 CNCA § 1111.26. The information must be accessible by the vehicle identification number for the vehicle and any other indexing methods as provided by the CNTC.

B. If a person that files a record with the CNTC, or submits information that is accepted by the CNTC, requests an acknowledgment of the filing or submission, the CNTC shall send to the person an acknowledgment showing the vehicle identification number of the vehicle to which the record or submission relates, the information in the filed record or submission, and the date and time the record was received or the submission accepted. A request under this section must contain the vehicle identification number and be delivered by means authorized by the CNTC.

C. The CNTC shall send or otherwise make available in a record the following information to any person that requests it:

1. whether there is on file on a date and time specified by the CNTC, but not a date earlier than three (3) business days before the CNTC received the request, any certificate of title and security interest statement that:

   a. covers a vehicle identified by a vehicle identification number designated in the request; and

   b. has not been canceled or terminated;

   2. the effective date of the security interest statement; and

3. the name of the owner of record and all security interest statements indicated in the files of the CNTC that are not subject to a termination statement under 47 CNCA § 1111.26.

D. In responding to a request under this section, the CNTC may communicate the requested information in any medium. However, if requested, the CNTC shall send the requested information in a record that is admissible in evidence in the courts of this jurisdiction without extrinsic evidence of its authenticity.

E. The CNTC shall comply with the requirements of this section at the time and in the manner prescribed by the rules of the CNTC but shall comply with requests under this section not later than two (2) business days after the CNTC receives the request. A reasonable fee may be imposed for this service.

§ 1111.29. Title brand

A. A "salvage title" shall be issued to any vehicle ten (10) model years and newer which has been damaged by collision or other occurrence to the extent that the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of its fair market value determined as of its condition immediately prior to the damage.

B. A "rebuilt title" shall be issued on any salvage vehicle, which has been rebuilt and inspected for the purpose of registration and title with Cherokee Nation, or another jurisdiction.

§ 1111.30. Uniformity of application and construction

In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among jurisdictions that enact it.

CHAPTER 79

MOTOR VEHICLE CHOP SHOP, STOLEN AND ALTERED PROPERTY ACT

§ 1501. Short title

This act shall be known and may be cited as the "Motor Vehicle Chop Shop, Stolen and Altered

Property Act".

§ 1502. Definitions

As used in the Motor Vehicle Chop Shop, Stolen and Altered Property Act:

1. **"Chop shop"** means any building, lot or other premise where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling, or knowingly storing any motor vehicle, or motor vehicle part known to be illegally obtained by theft, fraud or conspiracy to defraud, in order to either:

a. Alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number of such motor vehicle or motor vehicle part, in order to misrepresent the identity of such motor vehicle part, or to prevent the identification of such motor vehicle or motor vehicle part; or

b. Sell or dispose of such motor vehicle or motor vehicle part.

2. **"Motor vehicle"** means and includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled or which may be connected to and towed by a self-propelled device, and also includes any and all other land-based devices which are self-propelled but which are not designed for use upon a highway, including but not limited to, farm machinery and construction equipment.

3. **"Person"** means and includes a natural person, company, corporation, unincorporated association, partnership, professional corporation, and any other legal entity.

4. **"Unidentifiable"** means that the uniqueness of a motor vehicle or motor vehicle part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in motor vehicle theft investigative procedures and motor vehicle identification examination techniques, or by expert employees of not-for-profit motor vehicle theft prevention agencies specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques.

5. **"Vehicle identification number"** means a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof, used by the manufacturer or the Oklahoma Tax Commission for the purpose of uniquely identifying a motor vehicle or motor vehicle part. The term shall include, but not be limited to, a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof.

§ 1503. Ownership and operation of chop shop—Alteration of vehicle identification number—Purchase or sale of parts from altered vehicle—Exceptions—Attempt— Conspiracy—Solicitation—Aiding and abetting—Accessory after fact—Penalties— Sentence—Restitution

A. Any person who knowingly and with intent that a violation of this section be committed:

1. owns, operates, or conducts a chop shop;

2. transports any motor vehicle or motor vehicle part to or form a location knowing it to be a chop shop; or

3. sells, transfers, purchases, or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop, upon conviction, is guilty of a crime.

B. Any person who knowingly alters, counterfeits defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a vehicle identification number with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part, upon conviction is guilty of a crime, punishable by imprisonment for not more than one (1) year, or by a fine of not more than Five Thousand Dollars ($5,000.00), or both such imprisonment and fine.

C. 1. Any person who buys, disposes, sells, transfers, or possesses a motor vehicle or motor vehicle part, with knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, upon conviction is guilty of a crime.

2. The provisions of paragraph 1 of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar methods, provided that any vehicle identification number is not removed from the motor vehicle or motor vehicle part prior to or during any such processing.

3. The provisions of paragraph 1 of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated, or removed, when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

D. A person commits an attempt when, with intent to commit a violation proscribed by subsection (A), (B), or (C) of this section the person does any act which constitutes a substantial step toward the commission of the violation proscribed by subsection (A), (B) or (C) of this section, and upon conviction is guilty of a crime.

E. A person commits conspiracy when, with an intent that a violation proscribed by subsection(A),

(B) or (C) of this section be committed, the person agrees with another to the commission of the violation proscribed by subsections (A), (B) or (C) or this section, and upon conviction is guilty of a crime. No person may be convicted of conspiracy under this section unless an act in furtherance of such agreement is alleged and proved to have been committed by that person or a co-conspirator.

F. A person commits solicitation when, with intent that a violation proscribed by subsection (A), (B) or (C) of this section be committed, the person commands, encourages, or requests another to commit the violation proscribed by subsection (A), (B) or (C) of this section, and upon conviction is guilty of a crime.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by subsection (A), (B) or (C) of this section, with the intent to promote or facilitate such commission of the violation proscribed by subsection (A), (B) or (C) of this section,

and upon conviction is guilty of a crime.

H. A person is an accessory after the fact who maintains, assists, or gives any other aid to an offender while knowing or having reasonable grounds to believe the offender to have committed a violation under subsection (A), (B), (C), D, E, F or G of this section, and upon conviction is guilty of a crime.

I. No prosecution shall be brought, and no person shall be convicted, of any violation under this section, where acts of the person, otherwise constituting a violation were done in good faith in order to comply with the laws or regulations of any state or territory of the United States, or of the federal government of the United States.

J. 1. In addition to any other punishment, a person who violates this section, shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. Lawful owner shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

2. The Court shall determine the extent and method of restitution. In an extraordinary case, the Court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the Court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

APPENDIX A

CHEROKEE NATION BOND SCHEDULE

Appendix A.

Cherokee Nation Bond Schedule

OFFENSE	**MIN BOND Plus $60.00 COURT COST**		
Speeding			
One to Ten miles per hour Over Limit	$210.90	47 CNCA	§ 11–801
Eleven to Fifteen miles per hour Over Limit	$248.90	47 CNCA	§ 11–801

Sixteen to Twenty miles per hour Over Limit	$263.90	47 CNCA § 11–801
Twenty-one to Twenty-five miles per hour Over Limit	$303.90	47 CNCA § 11–801
Twenty-six to Thirty miles per hour Over Limit	$363.90	47 CNCA § 11–801
Thirty-one to Thirty-five miles per hour Over Limit	$383.90	47 CNCA § 11–801
Thirty-six miles per hour or more Over Limit	$433.90	47 CNCA § 11–801

Speeding in a Construction or Maintenance Zone

One to Ten miles per hour Over Limit	$248.90	47 CNCA § 11–806;
Eleven to Fifteen miles per hour Over Limit	$268.90	47 CNCA § 11–806;
Sixteen to Twenty miles per hour Over Limit	$298.90	47 CNCA § 11–806;
Twenty-one to Twenty-five miles per hour Over Limit	$378.90	47 CNCA § 11–806;
Twenty-six to thirty miles per hour Over Limit	$498.90	47 CNCA § 11–806;
Thirty-one to thirty-five miles per hour Over Limit	$536.90	47 CNCA § 11–806;
Thirty-six miles or more miles per hour Over Limit	$638.90	47 CNCA § 11–806;
Operating a Motor Vehicle in a Manner Not Reasonable and Proper	$278.90	47 CNCA § 11–801
Reckless Driving (First Offense Only.)	$477.40	47 CNCA § 11–901
Reckless Driving (Second or Subsequent Offense)	$527.40	47 CNCA § 11–901
Failure to Obey a Lawful Traffic Control (Sign) (Signal)(Device)	$233.90	47 CNCA § 11–201
Impeding the Normal and Reasonable Flow of Traffic	$233.90	47 CNCA § 11–804.A

Improper Passing

1. Failure to Give Way to Right when being passed	$233.90	47 CNCA § 11–303.a
2. Improper Passing on the Right	$233.90	47 CNCA § 11–304.b
3. Passing Without Sufficient Clearance	$233.90	47 CNCA § 11–305

Driving Left of Center

1. Unauthorized Driving Left of Center on (Grades) (Curves) (View Obstructed)	$233.90	47 CNCA § 11–306.a–1
2. Unauthorized Driving Left of Center within 100 of (Intersection) (Railroad Crossing)	$233.90	47 CNCA § 11–306.a–2
3. Unauthorized Driving Left of Center within 100' of any (Tunnel) (Bridge) (Viaduct) when view is obstructed	$233.90	47 CNCA § 11–306.a–3
4. On Left Side of Road in a Marked Zone	$233.90	47 CNCA § 11–307.b
5. Unauthorized Driving Left of Center on Divided Four–Lane Roadway	$233.90	47 CNCA § 11–301.c
Driving Wrong Way on One-way Road	$233.90	47 CNCA § 11–308.b

Improperly Crossing Center Dividing Section	$233.90	47 CNCA § 11–311

Improperly Driving (Onto) (Off) Controlled-access Roadway	$233.90	47 CNCA	§ 11–312
Improper Movement from a Direct Course (To enter private drive) (Driveway)	$233.90	47 CNCA	§ 11–604.a
Failure to Signal Intention to Turn Right or Left	$233.90	47 CNCA	§ 11–604.b
Failure to Stop for a Stop Sign	$233.90	47 CNCA	§ 11–403.b
Changing Lanes Unsafely	$233.90	47 CNCA	§ 11–309
Failure to Stop for a School Bus (Loading) (Unloading) Children	$328.90	47 CNCA	§ 11–705.a
Failure to Wear Safety Belt	$80.00	47 CNCA	§ 12–417
Failure to Use Child Passenger Restraint System	$256.90	47 CNCA	§ 11–1112
Depositing, Dumping or Throwing Destructive or Injurious Material on Public Property	$418.40	21 CNCA	§ 1761.1
Improper Negotiation of a Railroad–Highway Grade Crossing by a Commercial Motor Vehicle	$233.90	47 CNCA	§ 11–1115
Failure to Stop/Improper Stop at a Railroad Grade Crossing	$233.90	47 CNCA	§ 11–701
Throwing, Dropping, Depositing or Placing Litter (Including Lighted Substances) on Highway, Roadway or Public Property	$228.40	21 CNCA	§ 1753
Allowing a Passenger to Ride Outside the Passenger Compartment of the vehicle	$85.00	47 CNCA	§ 11–1114
Operating a Motor Vehicle with an Improper Brake System	$233.90	68 CNCA	§ 11–1114
Operating a Motor Vehicle Without a Valid (Operator's) (Chauffeur's) License	$278.90	68 CNCA	§ 1263
Violation of License Restriction	$233.90	68 CNCA	§ 1263
Transporting Open Container in violation of 21 CNCA § 1220	$338.90	21 CNCA	§ 1220
Unlawfully Transporting Open Container of Alcoholic Beverage in a Vehicle (M)	$268.90	21 CNCA	§ 1220
Drunk in a Public Place (Name Place)	$228.40	37 CNCA	§ 8
Failure to Carry Security Verification Form	$223.90	68 CNCA	§ 1263
Failure to Pay All Taxes Due State or Nation	$223.90	68 CNCA	§ 1258
Operating a Vehicle Without Current License Plates (Decal)	$223.90	47 CNCA	§ 1261
Operating a Motorcycle (Without) (Improper) (Windshield) (Goggles) (Face Shields)	$223.90	47 CNCA	§ 40–105

Overload, Any Axle or Gross Weight

From 700 up to and including 2,000 Pounds	$268.90	47 O.S.	§ 14–109.A
From 2,001 up to and including 3,000 Pounds	$318.90	47 O.S.	§ 14–109.A
From 3,001 up to and including 4,000 Pounds	$368.90	47 O.S.	§ 14–109.A

From 4,001 up to and including 5.000 Pounds	$418.90	47 O.S.	§ 14–109.A

From 5,001 up to and including 6,000 Pounds	$468.90	47 O.S.	§ 14–109.A
From 6,001 up to and including 7,000 Pounds	$518.90	47 O.S.	§ 14–109.A
From 7,001 up to and including 8,000 Pounds	$568.90	47 O.S.	§ 14–109.A
From 8,001 up to and including 9,000 Pounds	$618.90	47 O.S.	§ 14–109.A
From 9,001 up to and including 10,000 Pounds	$668.90	47 O.S.	§ 14–109.A
Over 10,000 Pounds	$688.90	47 O.S.	§ 14–109.A

Violating Special Permit, Exceeding Authorized Permit Weight in Accordance with the Bond Schedule provided for in this section for Overload. Plus an Additional One Hundred Dollars ($100.00).

Section 6. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

Section 7. Severability

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

Section 8. Effective Date

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

Section 9. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 11th day of January, 2021.

Joe Byrd , Speaker
Council of the Cherokee Nation

ATTEST:

Janees Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19th day of Jan, 2021.

Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:

Tina Glory Jordan, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	Yea	Harley Buzzard	Yea
Joe Byrd	Yea	Victoria Vazquez	Yea
Wes Nofire	Yea	Dora Smith Patzkowski	Yea
Mike Dobbins	Yea	Joe Deere	Yea
E. O. "Jr." Smith	Yea	Keith Austin	Yea
Daryl Legg	Yea	Janees Taylor	Yea
Canaan Duncan	Yea	Julia Coates	Yea
Shawn Crittenden	Yea	Mary Baker Shaw	Yea
Mike Shambaugh	Yea		

ADMINISTRATIVE CLEARANCE

Dept/Program:

Signature/Initial Date

Executive Director:

Signature/Initial Date

Treasurer (Required: Grants/Contracts/Budgets):

Signature/Initial Date

Government Relations:

Signature/Initial Date

Administration Approval:

Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Signature/Initial Date

Standing Committee & Date:

Chairperson:

Signature/Initial Date

Cherokee Nation
Act/Resolution Proposal Form

[X] Act [ ] Resolution

TITLE:

AN ACT AMENDING TITLE 47 OF THE CHEROKEE NATION CODE ANNOTATED AND DECLARING AN EMERGENCY

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Sara Hill

COUNCIL SPONSOR: Joe Deere, Canaan Duncan

NARRATIVE:

The purpose of this Act is to modernize the Nation's motor vehicle code.