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**TITLE IV
TRAFFIC OFFENSES**

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1 **CHAPTER 1. GENERAL PROVISIONS**

2
3
4 **§4-1-1 Citation, Application and Purpose**

5
6 This Title shall be known and may be cited as the Choctaw Traffic Code. It may be abbreviated as
7 the C.Tr.C.

8
9 This Choctaw Traffic Code shall apply to all members of the MBCI and to all other Indians within
10 this Indian Country jurisdiction to the extent that they are not otherwise subject to state laws
11 regulating traffic.

12
13 The purpose of this Choctaw Traffic Code is to provide a comprehensive system for the safe and
14 orderly flow of traffic upon the roadways of this jurisdiction and this purpose is intended to be
15 accomplished thereby through limited incorporation of the traffic laws of the state regulating non-
16 Indians' traffic and other supplemental and supplanting provisions of this Title.

17
18 **§4-1-2 Repeal of Prior Inconsistent Ordinances and Resolutions**

19
20 Any and all prior ordinances and resolutions of the Tribal Council of the MBCI which deal with
21 subjects herein or are inconsistent with the provisions contained herein are hereby repealed as of
22 the effective date of this Choctaw Traffic Code, save and except that offenses committed prior to
23 the Tribal Code's effective date shall be subject to prosecution under the pre-existing ordinances
24 and resolutions for a period of one year immediately following this Title enactment.

25
26 **§4-1-3 Statute of Limitations**

27
28 No prosecution shall be entertained under this Title unless the action shall have been commenced
29 within twelve (12) months after the commission of the offense.

30
31 **§4-1-4 Enforcement**

32
33 All prosecutions for violations of the provisions of this Title shall be in the name of the Mississippi
34 Band of Choctaw Indians as plaintiff against the person charged with an offense referred to as the
35 defendant. Jurisdiction is hereby vested exclusively in the Choctaw Tribal Court; the provisions of
36 any assimilated state law to the contrary notwithstanding.

37
38 **§4-1-5 Definitions**

39
40 Terms used in this section and terms within any assimilated state law, unless the context plainly
41 requires otherwise, shall mean:

- 42
43 (1) "Vehicle" means every device in, upon or by which any person or property is or may be
44 transported or drawn upon a public highway excepting devices moved by human power or
45 used exclusively upon stationary rails or tracks; provided that for the purposes of this
46 Title, a bicycle or a ridden animal shall be deemed a vehicle;
47
48 (2) "Motor Vehicle" means every vehicle which is self-propelled;.
49

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- (3) “Person” means any member of the Mississippi Band of Choctaw Indians as well as any other person who, by virtue of their Indian ancestry, is not otherwise subject to state laws regulating traffic while within this Reservation jurisdiction;
- (4) “Reservation” means all territory within the jurisdiction of the Tribe as defined at §1-2-2 of this Tribal Code;
- (5) “Owner” means any 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 the right of purpose upon performance of the conditions stated in the agreement, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Title;
- (6) “Highway” means every way or place of whatever nature open to use of the public, as a matter of right, for the purpose of vehicular travel. The term “highway” shall not be deemed to include a roadway or driveway upon grounds owned by private persons or institutions, except the driveways and roadways within the federal lands reserved for administrative purposes which shall be deemed highways;
- (7) “Private Road or Driveway” means every road or driveway not open to the use of the public for purposes of vehicular travel;
- (8) “Intersection” means the area embraced within the prolongation of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other, but such area, where an alley and a street meet within a city or town, shall not be deemed an intersection;
- (9) “Right of Way” means the privilege of the immediate use of the highway;
- (10) “Business District or Area” means the territory contiguous to a highway when fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business or by public or government buildings including schools;
- (11) “Residence District or Area” means the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business;
- (12) “Driver, Pedestrian and Passenger” means any member of the Mississippi Band of Choctaw Indians as well as any other person who, by virtue of their Indian ancestry is not otherwise subject to state laws regulating traffic while within this Choctaw Indian Reservation jurisdiction; or
- (13) “School Zone” means the territory contiguous to a highway on which a school is located adjacent thereto and within one-eighth (1/8) of a mile in either direction therefrom.

1 **CHAPTER 2. ENFORCEMENT PROVISIONS**

2
3 **§4-2-1 Arresting Procedures**

- 4
- 5 (1) Whenever any person is found to be in violation of any of the provisions of the CTrC for
- 6 which arrest would not normally be appropriate, the officer citing such person for any
- 7 violation shall take the name and address of such person, the license number of the motor
- 8 vehicle, and issue a uniform traffic complaint according to procedures outlined in §4-2-2
- 9 pertaining to Uniform Traffic Complaints and Summons.
- 10
- 11 (2) When any person is cited for reckless driving, driving after revocation or failure to stop for
- 12 a police vehicle, and the officer, acting within his discretion, deems it inadvisable to
- 13 release such person upon his promise to appear, the person may be taken into custody.
- 14
- 15 (3) When any person is cited for causing or contributing to an accident resulting in the serious
- 16 injury or death of any person or for driving while under the influence of intoxicating
- 17 liquor or a narcotic drug or for driving while intoxicated, the person shall not be entitled to
- 18 release upon promise to appear and should instead be placed under arrest.
- 19

20 Any person arrested under subsection (2) or (3) of this section shall be processed in the manner and

21 entitled to the same rights under the Choctaw Rules of Criminal Procedure as are other persons.

22

23 **§4-2-2 Uniform Traffic Complaint and Summons**

24

25 There is hereby established a uniform complaint and summons which may be used in cases

26 involving violations of statutes and ordinances relating to the operation or use of motor vehicles.

27

28 Every citation by an enforcement officer within this jurisdiction shall be issued on the uniform

29 traffic complaint ticket consisting of an original and a carbon copy.

30

31 The Enforcement Officer shall file the original traffic ticket with the court and a copy given to the

32 accused.

33

34 The original traffic ticket shall be retained in the court file and the number noted and entered in the

35 court docket.

36

37 **§4-2-3 Enforcement Officers to Investigate Accidents**

38

39 Enforcement officers in this jurisdiction who, during their regular tour of duty, investigate a motor

40 vehicle accident at the time of and at the scene of an accident or any time thereafter, shall within

41 twenty-four (24) hours after completing such an investigation, forward a written report of the

42 accident to the Director of the Department of Public Safety.

43

44 **§4-2-4 Authority of Officer at Scene of Accident**

45

46 Except for felonies and offenses enumerated in the Tribal Code pertaining to arrests of motor

47 vehicle violations, a law enforcement at the scene of a traffic accident may issue a written Uniform

48 Traffic Complaint and Summons, as provided in §4-2-2, to any driver of a vehicle involved in the

49 accident when, based upon his own personal investigation, the officer has reasonable and probable

50 grounds to believe that the person has committed an offense contained in this Title.

51

1 **CHAPTER 3. VEHICULAR SAFETY PROVISIONS**

2
3 **§4-3-1 Safety Inspection Stickers**

4
5 ~~All motor vehicles that are operated upon a public road of this jurisdiction must have displayed~~
6 ~~a valid state safety inspection sticker from the state of registration of the vehicle, if such state~~
7 ~~requires a safety inspection sticker.~~

8
9 ~~Any person who fails to comply with the above provision shall be deemed guilty of a Class~~
10 ~~C Misdemeanor offense and upon conviction thereof shall be sentenced accordingly; provided,~~
11 ~~however, that if, within seven (7) days immediately following a citation, the accused shall~~
12 ~~secure the requisite inspection sticker, such fine will be suspended.~~

13
14 **§4-3-2 Unsafe Vehicles**

15
16 A person shall be deemed guilty of an offense under this section if he drives or causes or permits
17 any motor vehicle to be driven on any public road of this jurisdiction knowing said vehicle to be in
18 such unsafe condition so as to endanger any person or knowing or having reason to know said
19 vehicle is not equipped with the following:

- 20
21 (1) Headlights: Every motor vehicle other than a motorcycle or motor-driven cycle shall be
22 equipped with at least two head lamps with at least one on each side of the front of the
23 motor vehicle, which head lamps shall comply with the requirements and limitations set
24 forth in this section
25
26 (2) Multiple-beam road-lighting equipment; distributions of light; beam indicator: Except as
27 hereinafter provided, the head lamps of the auxiliary driving lamp or the auxiliary passing
28 lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven
29 cycle shall be so arranged that the driver may control the selection between distributions
30 of light projected to different elevations, subject to the following requirements and
31 limitations:
32
33 (a) There shall be an uppermost distribution of light, or composite beam, so
34 aimed and of such intensity as to reveal persons and vehicles at a distance of at
35 least 350 feet ahead for all conditions of loading
36
37 (b) There shall be lowermost distribution of light or composite beam so aimed
38 and of sufficient intensity to reveal persons and vehicles at a distance of at least
39 100 feet ahead; and on straight level road under any condition of loading none of
40 the high-intensity portion of the beam shall be directed to strike the eyes of an
41 approaching driver
42

43 Every new motor vehicle other than a motorcycle or motor-driven cycle, registered in this
44 state which has multiple-beam road-lighting equipment shall be equipped with a beam
45 indicator, which shall be lighted whenever the uppermost distribution of light from the
46 head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed
47 and located that when lighted it will be readily visible without glare to the driver of the
48 vehicle so equipped.

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- (3) Rear Lamps: Every motor vehicle. Trailer, semi-trailer, pole trailer, and any other vehicle which is being drawn in a train of vehicles shall be equipped with at least one rear lamp mounted on the rear, which, when lighted, shall emit a red light plainly visible from a distance of five hundred feet to the rear.
- (4) Brake Lights: All motor vehicles shall be equipped with two (2) brake light, on the rear of a motor vehicle, in good working order at all times, such brake lights to be automatically controlled by brake adjustment;
- (5) Brakes: Every motor vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle;
- (6) Handbrakes: Every motor vehicle shall be equipped with a handbrake, in a good working order;.
- (7) Horn: Every motor vehicle shall be equipped with a horn in good working order;
- (8) Windows Unobstructed – Wipers: No person shall drive any motor vehicle with any sign or other non-transparent material upon the windshield, side wings, side or rear windows of such vehicle that would obstruct the driver’s view, other than a paper or certificate required to be so displayed by law. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other obstructions from the windshield and must be in proper working order at all times.

Any person failing to have all of the above equipment on and in operating order on a motor vehicle being operated on any public road of this jurisdiction shall be deemed guilty of a ~~Class~~ ~~€Misdemeanor~~ offense and upon conviction thereof shall be sentenced accordingly, provided, however, that if, within seven (7) days immediately following a citation for a violation of this section, the accused should cause to be fixed or affixed in proper working order the requisite equipment, then payment of such fine shall be suspended.

§4-3-3 Mufflers, Prevention of Noise

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle while driving on the roadway. Violation of this section shall constitute a ~~Class~~ ~~€Misdemeanor~~ offense.

§4-3-4 License or Registration Tag Required

Any person who drives a motor vehicle on any roadway within this jurisdiction who fails to display a license or registration tag valid under the laws of the issuing jurisdiction shall be deemed guilty of a ~~Class~~ ~~€Misdemeanor~~ offense under this section.

§4-3-5 Head Lamps on Motorcycle

Every motorcycle shall be equipped with at least one and not more than two head lamps which shall be so aimed and of such intensity as to reveal persons and vehicles at a distance of three hundred fifty (350) feet for high intensity (brights) and low intensity (dims) to reveal persons and vehicles at

1 least one hundred (100) feet ahead. The high intensity portion of the beam shall not be directed to
2 strike the eyes of an approaching driver. Violation of this section shall constitute a ~~Class~~
3 ~~€Misdemeanor~~ offense.

4
5 **§4-3-6 Motorcycle or Motor Scooter Crash Helmets**

6
7 No person shall operate or ride upon any motorcycle or motor scooter upon the public roads or
8 highways of this jurisdiction unless such person is wearing on his or her head a crash helmet of
9 the type and design inspected and approved by the American Association of Motor Vehicle
10 Administrators. Violation of this section shall be deemed a ~~Class~~ ~~€Misdemeanor~~ offense.

11
12
13 **§4-3-7 Lamp or Flag on Projecting Load**

14
15 Whenever the load upon any vehicle extends to the rear four(4) feet or more beyond the bed or
16 body of such vehicle, there shall be displayed at the extreme rear of the load a red light or lantern
17 plainly visible for a distance of at least five hundred (500) feet to the sides and the rear during hours
18 of darkness.

19
20 In lieu of the red light or lantern during daytime hours, only a red flag or cloth not less than sixteen
21 (16) inches square may be displayed at the extreme rear of the load.

22
23 Violations of this Section shall constitute a ~~Class~~ ~~€Misdemeanor~~ offense.

24
25 **§4-3-8 Windows and Window Glass Generally; Windshield Wipers**

26
27(1) No person shall drive any motor vehicle required to be registered ~~in this state~~ upon the public roads, streets
28 or highways with any sign or poster, or with any glazing material which causes a mirrored effect, upon the
29 front windshield, side wings or side or rear windows of such vehicle, other than a certificate or other paper
30 required or authorized to be so displayed by law. No person shall drive any motor vehicle required to be
31 registered in this state upon the public roads, streets or highways in this state with any tinted film, glazing
32 material or darkening material of any kind on the windshield of a motor vehicle except material designed to
33 replace or provide a sun shield in the uppermost area as authorized to be installed by manufacturers of
34 vehicles under federal law.

35
36(2) ~~From and after January 1, 1989, no~~ No person shall drive any motor vehicle required to be registered ~~in this~~
37 ~~state~~ upon the public roads, streets or highways in this state with any window so tinted or darkened, by tinted
38 film or otherwise, that the interior of the vehicle is so obscured that a viewer with vision sufficient to qualify
39 for a Mississippi driver's license cannot readily see into the interior of the vehicle by looking into it from
40 outside the vehicle; provided, however, this prohibition shall not apply to school buses, other buses used for
41 public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under
42 the laws of this state, any limousine owned or leased by a private or public entity or any other motor vehicle
43 that the windows of which have been tinted or darkened before factory delivery as permitted by federal law
44 or federal regulations. Notwithstanding the prohibitions of this subsection, no person shall be charged with a
45 violation of this subsection and it shall be a complete defense for any person charged with a violation of this
46 subsection if:

47
48(a) Each window of the vehicle upon which tinted or darkening material has been applied has affixed to it a
49 label from the State Commission of Public Safety certifying that the window:

- 1
(i) 2 has a luminous reflectance not exceeding twenty percent (20%); and
3
(ii) 4 has a light transmittance of thirty-five percent (35%); or
5
6(b) The person has a certificate of compliance for the vehicle issued by a law enforcement officer or [state](#)
7 | [licensing agent](#)~~the Department of Public Safety~~, as hereinafter provided.
8
9(3) Notwithstanding the provisions of subsections (1) and (2) of this section, it shall be lawful for any person
10 who has been diagnosed by a licensed physician in this state as having a physical condition or disease which
11 is seriously aggravated by minimum exposure to sunlight to place or have placed upon the windshield or
12 windows of any motor vehicle which he owns or operates or within which he regularly travels as a passenger
13 tinted film or other darkening material which would otherwise be in violation of this section. However, any
14 such vehicle, in order to be exempt under this subsection, shall have prominently displayed on the vehicle
15 dashboard a certificate of medical exemption on a form prepared by the Commissioner of Public Safety and
16 signed by the person on whose behalf the certificate is issued. The special certificate authorized by this
17 subsection shall be issued free of charge to applicants through the offices of the tax collectors of the
18 counties. Each applicant shall present to the issuing officer:
19
20(a) an affidavit signed personally by the applicant and signed and attested by a physician which states the
21 applicant's physical condition or disease which entitles him to an exemption under this subsection; and
22
23(b) proof of ownership of the motor vehicle by the applicant or a signed affidavit by the owner of a motor
24 vehicle operated for the use of the applicant, for which is obtaining the certificate.
25
26(4) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other
27 moisture from the windshield, which device shall be so constructed as to be controlled or operated by the
28 driver of the vehicle.
29
30(5) ~~From and after July 1, 1988, any~~ [Any](#) motor vehicle required to be registered in this state with a window
31 therein which has been tinted or darkened with any tinted film or other darkening material after factory
32 delivery may have affixed to the lower left corner of each such window a label legible from outside the
33 vehicle which indicates the label registration number, a certification of compliance with Mississippi law, and
34 such other information as the Commissioner of Public Safety deems appropriate. The label shall be of a type
35 which is pressure-sensitive, self destructive upon removal, and no larger than one (1) inch in size.
36
37(6) ~~No~~~~From and after July 1, 1988, no~~ person shall install any tinted film, darkening material, glazing material o
38 any other material upon the windshield or any window of a motor vehicle which, after the installation
39 thereof, would result in such vehicle being in violation of subsection (1) or (2) of this section if driven on the
40 | public roads, streets or highways of this state ~~after January 1, 1989~~.
41
42(7) It shall be unlawful for any person to alter or reproduce any label approved by the Commissioner of Public
43 Safety under this section for the purpose of misleading law enforcement officers or motor vehicle inspection
44 stations, or to knowingly use any approved label except as authorized by this section.
45
46 | Violation of this section shall be a ~~Class A~~ [Misdemeanor](#) offense.
47

1 CHAPTER 4. PROVISIONS regulating TRAFFIC FLOW

2
3 **§4-4-1 Traffic Control and Signal Devices**

4
5 Any person driving a motor vehicle upon any public road of this jurisdiction shall not turn such
6 vehicle from a direct course until such movement can be made with safety and then only after
7 giving an appropriate signal, either by hand and arm or by a directional signal device.

8
9 The signals required shall be given either by means of the hand and arm or by a recognized signal
10 lamp device. When signals are given by the hand and arm, they shall be given from the left side of
11 the vehicle and such signals shall be indicated as follows:

- 12
13 (1) left turn, left hand and arm extended horizontally;
14
15 (2) right turn, left hand and arm extended upward; or
16
17 (3) stop or decrease speed, left hand arm extended downward.

18
19 It shall be a ~~Class C~~Misdemeanor offense to fail to give an appropriate signal at least three seconds
20 prior to turning, changing lanes, passing or stopping.

21
22 **§4-4-2 Following Too Closely**

23
24 The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and
25 prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of
26 the highway.

27
28 Violation of this section is a ~~Class C~~Misdemeanor offense.

29
30 **§4-4-3 School Buses: Stopping For and Rules Governing**

- 31
32 (1) Every driver of a motor vehicle, when meeting or overtaking from either direction any school bus
33 which has stopped for the purpose of receiving or discharging passengers, shall stop immediately
34 and shall not again proceed by the school bus until all passengers are received or discharged and the
35 bus is again in motion.
36
37 (2) No driver of a school bus shall exceed the posted speed limit on the roadways of this jurisdiction.
38
39 (3) The driver of a school bus stopping to either pick up children or discharge them shall at least one
40 hundred (100) feet before said stop, place on the red flashing lights and place a stop sign in the
41 appropriate position for a stop.

42
43 Violation of this section shall constitute a ~~Class B~~Misdemeanor offense.

44
45 **§4-4-4 Failure to Yield Right-of-Way**

46
47 The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which
48 has entered the intersection from different roadways.
49

1 When two (2) vehicles enter an intersection from different roadways at the same time, the driver of
2 the vehicle on the left shall yield the right-of-way to the vehicle on the right.

3
4 The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to
5 any vehicle approaching from the opposite direction which is within the intersection or so close
6 thereto as to constitute an immediate hazard.

7
8 The driver of a vehicle having so yielded and having given a signal when and as required by this
9 act, may make such left turn and the drivers of all other vehicles approaching the intersection from
10 said opposite direction shall yield the right-of-way to all vehicles approaching to make the left turn.

11
12 The driver of a vehicle about to enter or cross a roadway from a private road or driveway shall yield
13 the right-of-way to all vehicles approaching on said roadway.

14
15 Violation of this section shall constitute a ~~Class-C~~Misdemeanor offense.

16
17 **§4-4-5 Failure to Yield to Emergency Vehicle**

18
19 Upon the immediate approach of an authorized emergency vehicle, when the driver is giving
20 audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the
21 right-of-way and shall immediately drive to a position parallel to, and as close as possible to the
22 right hand edge or curb of the roadway, clear of any intersection and shall stop and remain in such
23 position until the authorized emergency vehicle has passed, except when otherwise directed by a
24 police officer. This section shall not relieve the driver of an authorized emergency vehicle from the
25 duty to drive with due regard for the safety of all persons using the roadways.

26
27 “Authorized Emergency Vehicle” shall mean every vehicle of the fire department (fire patrol),
28 every police vehicle, and every such ambulance and emergency vehicle of a tribal, state, or federal
29 government or public service corporation.

30
31 Violation of this section shall constitute a ~~Class-B~~Misdemeanor offense.

32
33 **§4-4-6 Failure to Stop at Stop Sign and Yielding Right-of-Way**

34
35 The driver of a motor vehicle shall come to a complete stop at all intersections marked by a stop
36 sign before entering an intersection, unless otherwise directed by an officer directing traffic.

37
38 The driver of a motor vehicle approaching an intersection marked by a sign requiring him to yield
39 the right-of-way shall decrease the speed of such vehicle and shall yield the right-of-way to any
40 traffic proceeding on the road given the right-of-way by such sign.

41
42 Violation of this section shall be a ~~Class-C~~Misdemeanor offense.

43
44 **§4-4-7 Driving on Right Side of Road**

45
46 Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the road,
47 except as follows:

- 48
49 (1) when overtaking and passing another vehicle proceeding in the same direction under the
50 rules governing such movement;

- 1
2 (2) when the right half of a roadway is closed to traffic while under construction or repair;
3
4 (3) upon a roadway divided into three marked lanes for traffic under the rule applicable
5 thereon; or
6
7 (4) upon a roadway designated and signposted for one-way traffic.
8

9 | Violation of this section shall be a ~~Class C~~Misdemeanor offense.

10
11 **§4-4-8 Passing Oncoming Vehicles**

12
13 Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon
14 roadways having width for not more than one line of traffic in each direction. Each driver shall
15 give to the other at least one-half of the therein traveled portion of the roadways as nearly as
16 possible.
17

18 | Violation of this section shall be a ~~Class C~~Misdemeanor offense.
19

20 **§4-4-9 Overtaking and Passing a Vehicle on the Left**

21
22 The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the
23 left thereof at a safe speed and distance and shall not again drive to the right side of the roadway
24 until he has safely cleared the overtaken vehicle.
25

26 Except when overtaking and passing on the right is permitted, the driver of the overtaken vehicle,
27 on audible signal shall not increase the speed of his vehicle until completely passed by the
28 overtaking vehicle.
29

30 No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven on the
31 left side of the roadway under the following conditions:
32

- 33 (1) when approaching the crest of a grade or upon a curve in the highway where the driver's
34 view along the highway is obstructed;
35
36 (2) when approaching within one hundred (100) feet of any bridge or viaduct; or
37
38 (3) unless the driver can see the road for a sufficient distance ahead to pass safely and such
39 passing can be accomplished safely without colliding with oncoming traffic.
40

41 | Violation of any of the provisions above shall be a ~~Class C~~Misdemeanor offense.
42

43 **§4-4-10 Passing and Turning on Curve or Crest**

44
45 No motor vehicle shall be driven so as to pass or turn in any direction on a curve or crest or on any
46 approach to crest unless such vehicle can pass or be turned safely and seen by traffic approaching in
47 either direction.
48

49 | Violation of this section shall be a ~~Class C~~Misdemeanor offense.
50

1 | **§4-4-11 Speed Limits**

2
3 (1) In recognition of the exclusive regulatory and legislative power of the Tribal Council of
4 the Mississippi Band of Choctaw Indians over Tribal members and other persons of Indian
5 descent not otherwise subject to state jurisdiction within this Indian Country, the presently
6 designated state laws and roadway warning signs governing speeds on roadways of this
7 jurisdiction are hereby adopted as the speed laws of the Tribe.

8
9 (2) No person shall drive a motor vehicle at a speed greater than is reasonable and prudent
10 under the conditions, having regard to the actual and potential hazards then existing.
11 Consistent with the foregoing, every person shall drive at a safe and appropriate speed
12 when approaching and crossing an intersection or railroad grade crossing, or winding
13 roadway, and when special hazards exist with respect to pedestrians or to other traffic or
14 by reason of weather or roadway conditions.

15
16 (3) Unless otherwise designated by posted speed limits and subject to the provisions of
17 subsection (1) and (2) above, no person shall drive a motor vehicle at a speed in excess of
18 the following maximum limits upon the roadways of this jurisdiction:

- 19
20 (a) 25 miles per hour in residential areas;
21
22 (b) 25 miles per hour in school zones;
23
24 (c) 25 miles per hour in business areas; or
25
26 (d) 45 miles per hour in other locations

27
28 provided, that for residential, business or school zones or districts, wherein the roadway in
29 questions terminates in a dead-end at a distance not exceeding a half (½) mile from its
30 point of entrance onto the said dead-end roadway, the speed limit shall be 15 miles per
31 hour.

32
33 Unless the Tribal Council of the Mississippi Band of Choctaw Indians shall, by enactment of a
34 resolution or ordinance, establish speed limits or roadway warning signs to the contrary, those
35 indicator hereafter likewise govern the speeds of motorists subject to this Tribal jurisdiction;
36 provided, however, that the exclusive enforcement under Tribal law shall be by authorities of this
37 jurisdiction.

38
39 Violations of any of the speed laws of this jurisdiction shall constitute a ~~Class C~~ Misdemeanor
40 offense.

41
42 | **§4-4-12 When Lights Are Required to Be On**

43
44 Every vehicle upon a public roadway at any time from a half hour after sunset to a half hour before
45 sunrise or at any other time when objects on the road cannot be seen clearly at a distance of five
46 hundred (500) feet because of light conditions, shall display lighted lamps on the vehicles.

47
48 Every vehicle stopped or parked on the side of any road or highway during the hours set forth
49 above in such manner as to pose a potential hazard to vehicles traveling the roadway shall be
50 visibly marked by flares, lamps or fuses so as to provide a visible warning to oncoming vehicles.

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Violation of any of the above provisions is a ~~Class C~~Misdemeanor offense.

§4-4-13 Requirement of child restraint

Any person transporting a child under the age of four (4) years in a passenger motor vehicle, and operated on a public roadway, street or highway within this jurisdiction, shall provide for the protection of the child by properly using a child passenger restraint device or system meeting applicable federal motor vehicle safety standards.

~~Failure to provide a child passenger restraint device or system shall not be considered contributory or comparative negligence.~~

Violation of this section shall be a ~~Class C~~Misdemeanor offense.

1 **CHAPTER 5. MISCELLANEOUS DRIVING PROVISIONS**

2
3 **§4-5-1 Duty to Give Information and Render Aid**

4
5 Any person who shall be the driver of any motor vehicle involved in an accident resulting in the
6 injury to or the death of any person or damage to any vehicle or to the personal property of another
7 shall:

- 8
- 9 (1) give his name, address and registration number of the vehicle;
- 10
- 11 (2) upon request, show his driver’s license or similar driving permit and insurance card;
- 12
- 13 (3) render to any person injured reasonable assistance including carrying or making
14 arrangements for carrying such person injured for medical treatment, if necessary, when
15 requested by an injured person;
- 16
- 17 (4) if an unattended vehicle is involved, locate and notify the owner or leave a written notice
18 in a conspicuous place in or on the vehicle struck, providing the name and address of the
19 driver inflicting the damage;
- 20
- 21 (5) notify the police of this jurisdiction; and
- 22
- 23 (6) if personal property is damaged, the driver shall make reasonable efforts to locate and
24 notify the owner of the property damaged.
- 25

26 Any person who shall fail to comply with the above section shall be guilty of a ~~Class~~
27 Misdemeanor offense.

28
29 **§4-5-2 Driver’s License Required**

30
31 Any person who shall drive or operate a motor vehicle upon the public roadways of this jurisdiction
32 shall be required to have in his possession at all times when operating a motor vehicle a driver’s
33 license or similar permit valid under the laws of the jurisdiction from which it was issued, and shall
34 display same upon demand by a police officer or a judge of the Tribal Court.

35
36 Violation of this section is a ~~Class C~~Misdemeanor offense; however no person charged with
37 violating this section shall be convicted if he produces in court a driver’s license heretofore issued
38 to him, which was valid at the time of his arrest.

39
40 **§4-5-3 Driving Under Suspension or Revocation**

41
42 Any person whose driver’s license or driving privilege has been canceled or revoked in this or any
43 other jurisdiction and who drives any motor vehicle upon the roadways within the jurisdiction of
44 the Tribal Court while such license or privilege is canceled, suspended, or revoked shall be guilty
45 of a ~~Class B~~Misdemeanor offense under this section.

46
47 **§4-5-4 Permitting Unauthorized Person to Drive**

1 No person shall authorize or knowingly permit a motor vehicle owned by a person or under his
2 control to be driven upon any highway by any person who is not authorized hereunder or whose
3 license privilege to drive is suspended or revoked.

4
5 Violation of this section is a ~~Class C~~Misdemeanor offense.

6
7 **§4-5-5 Authorization to Move Illegally Parked and Abandoned Vehicles**

8
9 Any law enforcement officer finding a vehicle standing upon a roadway in violation of the
10 provisions of this Code or in a location where it poses a potential hazard to vehicles traveling the
11 roadways of this jurisdiction is hereby authorized to move such vehicle or require the driver or
12 other person in charge of the vehicle to move same to a position off the roadway or to another place
13 of safety. Moving of the vehicle will be at the owner's expense.

14
15 Any law enforcement officer finding a vehicle standing or abandoned adjacent to a roadway in a
16 location where it does not pose a potential hazard to vehicles traveling the roadways of this
17 jurisdiction is hereby authorized to move or have moved at the owner's expense without the
18 owner's consent any such vehicle which has been so unattended or abandoned for period of not less
19 than three (3) days.

20
21 **§4-5-6 Stopping and Parking**

22
23 No person shall stop, park or leave standing any motor vehicle, whether attended or unattended,
24 upon the paved or improved, or main traveled part of any roadway with the jurisdiction of the
25 Tribal Court when it is practical to stop and park or so leave the vehicle off said roadway.

26
27 This section shall not apply to the driver of any motor vehicle which is disabled while on the
28 roadway to the extent that it is impossible to move.

29
30 Violation of this section shall be a ~~Class C~~Misdemeanor offense.

31
32 **§4-5-7 Careless Driving**

33
34 Any person who shall operate any motor vehicle upon any public road in a careless or imprudent
35 manner, without due regard for the width, grade, curves, corners, traffic and the use being made of
36 such road or other attendant circumstances shall be guilty of a ~~Class C~~Misdemeanor offense. This
37 offense shall be a lesser included offense to the offense of reckless driving.

38
39 **§4-5-8 Reckless Driving**

40
41 Any person who shall drive any motor vehicle within the jurisdiction of the Choctaw Tribe in such
42 a manner as to indicate either a wanton or willful disregard for the safety of person or property shall
43 be guilty of a ~~Class B~~Misdemeanor offense, and the Choctaw Tribal court may suspend said
44 person's driving privileges within the boundaries of the Choctaw Indian Reservation for a period
45 not to exceed six (6) months.

46
§4-5-9 **Driving Under the Influence of Intoxicating Liquor, Drugs, or Controlled**

1 **Substances, or Other Substances Impairing Ability to Operate Vehicle or with Blood Alcohol**
2 **Concentrations Above Specified Levels; Penalties Generally; Granting of Hardship Driving**
3 **Privileges**
4
5

- 6 (1) It is unlawful for any person to drive or otherwise operate a vehicle within the Choctaw
7 Reservation when that person has an alcohol concentration of eight one-~~ten one~~-hundredths
8 percent (~~.108~~0%) or more for persons who are above the legal age to purchase alcoholic
9 beverages under state law or two one-hundredths percent (.02%) or more for persons who
10 are below the legal age to purchase alcoholic beverages under state law, in the person's
11 blood based upon grams of alcohol per one hundred milliliters of blood or grams of
12 alcohol per two hundred and ten (210) liters of breath as shown by a chemical analysis of
13 such person's breath, blood or urine administered;
14
15 (2) It is unlawful for any person who is under the influence of any drug or controlled
16 substance, the possession of which is unlawful under the Mississippi controlled
17 Substances Law, to drive any vehicle within the Choctaw Reservation;
18
19 (3) It is unlawful for any person who has an alcohol concentration of four one-hundredths
20 percent (.04%) or more, based upon grams of alcohol per one hundred (100) milliliters of
21 blood or grams of alcohol per two hundred and ten (210) liters of breath as shown by a
22 chemical analysis of such person's blood, breath or urine, to drive a commercial motor
23 vehicle within the Choctaw Reservation;
24
25 (4) Upon conviction of any person for the first offense of driving while under the influence of
26 alcohol, drugs, or controlled substance under this section such person shall be guilty of a
27 ~~Class B Misdemeanor~~ offense; and the court shall order such person to attend and complete
28 an alcohol safety education program and/or a DUI First Offender Program. The court may
29 substitute attendance at victim impact panel instead of forty-eight (48) hours in jail. In
30 addition, the Choctaw Tribal Court shall suspend driving privileges of such person for a
31 period of not less than ninety (90) days and until such person attends and successfully
32 completes an alcohol safety education program as herein provided; provided, however, in
33 no event shall such period of suspension exceed one (1) year.

34
35 For a first violation of this section the court may grant the person hardship driving privileges upon
36 written petition of the defendant, if it finds reasonable cause to believe that revocation
37 would hinder the person's ability to:
38

- 39 (a) continue his employment;
40
41 ~~(b)~~ continue attending school or an educational institution; or
42 (b)
43 ~~(c)~~
44 (c) obtain necessary medical care.
45

46 Proof of hardship shall be established by clear and convincing evidence which shall be supported
47 by independent documentation
48

1(5) Upon any second or subsequent conviction in the Choctaw Tribal Court of any person for driving under the
2 | influence of alcohol, drugs or controlled substances, such person shall be guilty of a ~~Class A~~Felony offense.
3 For purposes of this section, DUI convictions in Choctaw Tribal court that occurred five (5) years prior to
4 the defendant's current violation shall be considered in charging defendant with a DUI second or subsequent
5 offense.
6

7 | In addition to any criminal penalties for a ~~Class A~~Felony offense, any person convicted of a second or
8 subsequent violation shall have his driving privileges suspended for a period not less than ninety (90) days;
9 provided however, in no event shall such period of suspension exceed one (1) year.
10

11 §4-5-10 Adoption of Mississippi Traffic Rules and Regulations

12 Title 63 of the Mississippi Code Annotated 1972, as now existing or as may be hereafter amended,
13 shall apply as the laws, rules and regulations of the Mississippi Band of Choctaw Indians, but only
14 insofar as they do not conflict with or overlap any law, rule or procedure established in this
15 Choctaw Traffic Code or elsewhere in the Choctaw Tribal Code, or unless the Mississippi Band of
16 Choctaw Indians' Tribal Council shall, by resolution, specifically declare all or some part of such
17 Mississippi laws, rules and regulations inapplicable hereunder.
18

19
20 | It shall be a ~~Class C~~Misdemeanor offense for any person to do any act forbidden to be done under
21 such laws, rules or regulations, or to fail to do any act required to be done under such laws, rules
22 and regulations.
23

24 §4-5-11 Evading

25
26 | (1) Any person driving a motor vehicle who willfully fails or refuses to bring his vehicle
27 to a stop when given a visual or audible signal, by hand, voice, emergency light, flashing
28 light, or siren, or other signal by a uniformed police officer in an appropriately marked
29 police vehicle shall be deemed guilty of a ~~misdemeanor~~ offense under this section.
30

31 | (2) Any person who is guilty of violating subsection (1) of this section by operating a
32 motor vehicle in such a manner as to indicate a reckless or willful disregard for the safety of persons or
33 property, or who so operates a motor vehicle in a manner manifesting extreme indifference to the value of
34 human life, shall be guilty of a felony.

35 | ~~Violation of this section are Class A misdemeanor offense.~~
36

37 §4-5-12 Safety Belts

38
39 | When a passenger motor vehicle is operated on a public road, street or highway
40 within this jurisdiction, every operator, every ~~front seat~~ passenger and every
41 child who is at least four years of age but under eight (8) years of age, regardless
42 of the seat that such child occupies, shall wear a properly fastened safety seat belt
43 system, required to be installed in the vehicle when manufactured pursuant to
44 Federal Motor Vehicle Safety Standards. Children under the age of four (4)
45 years shall be in a restraint system as required under §4-4-13 of this Title.
46

47 | The term "passenger motor vehicle" includes all motor vehicles that is designed
48 to carry passengers, including the driver, but does not include motorcycles,
49 mopeds, all-terrain vehicles or trailers.

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Violation of this section shall be a ~~Class C~~Misdemeanor offense.

1
2 **CHAPTER 6. PROVISIONS RELATING TO PEDESTRIANS**

3
4 **§4-6-1 Pedestrian's Right-of-Way at Crosswalk**

5
6 When traffic control signals are not in place or in operation, the driver of a vehicle shall yield the
7 right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway
8 or within any marked crosswalk or within any unmarked crosswalk at an intersection.
9

10 Whenever any vehicle at a marked or unmarked crosswalk or walk at an intersection is stopped to
11 permit pedestrians to cross the roadway, the driver of any vehicle approaching from the rear shall
12 not overtake and pass such stopped vehicle.
13

14 | Violations of this section shall constitute a ~~Class C~~[Misdemeanor](#) offense.
15

16 **§4-6-2 Pedestrians on Roadways**

17
18 Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon
19 roadways.
20

21 Where sidewalks are not provided any pedestrian walking along and upon a roadway shall, when
22 practicable, walk on the left side of the road facing traffic.
23

24 | Violations of this section shall constitute a ~~Class C~~[Misdemeanor](#) offense.
25

26 **§4-6-3 Crossing at Other Than Crosswalk**

27
28 Every pedestrian crossing a roadway at any point other than within a marked or unmarked
29 crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
30

31 Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any
32 roadway and shall give warning by sounding the horn when necessary and shall exercise proper
33 precautions upon observing any child or any confused or incapacitated person upon a roadway.
34

35 | Violations of this section shall constitute a ~~Class C~~[Misdemeanor](#) offense.
36

37 **§4-6-4 Pedestrians' Obedience to Regulations**

38
39 A pedestrian shall obey the instructions of any official traffic control device specifically applicable
40 to him, unless otherwise instructed by a law enforcement officer.
41

42 **§4-6-5 Soliciting Rides**

43
44 No person shall stand upon the paved portion of a roadway for the purpose of soliciting a ride from
45 the driver of any private vehicle.
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§4-6-6 Traffic Laws Apply to Persons Riding Bicycles or Animals or Driving Animal Drawn Vehicles

Any person riding a bicycle or an animal or any animal drawing a vehicle upon a roadway shall be subject to the provisions of this Title applicable to the driver of a motor vehicle, except those provisions of this Title which by their very nature can have no application.

1 | **CHAPTER 7. PARKING RESTRICTIONS AND ENFORCEMENT**

2
3 **§4-7-1 Prohibited Parking**

- 4
5 (1) Except when necessary to avoid conflict with other traffic or the directions of a law
6 enforcement officer or official traffic-control device, no person shall stop or park a
7 vehicle, whether attended or unattended, in any of the following places:
8
9 (a) upon the paved or improved or main traveled part of any roadway within the
10 jurisdiction of the Choctaw Tribe when it is practical to stop and park or so leave
11 the vehicle off said roadway;
12
13 (b) on a sidewalk or grass area between a curb and sidewalk;
14
15 (c) in front of a public or private driveway;
16
17 (d) within an intersection;
18
19 (e) within fifteen (15) feet of a fire hydrant;
20
21 (f) on a crosswalk;
22
23 (g) within twenty (20) feet of the driveway entrance to a fire station;
24
25 (h) alongside or opposite any roadway excavation or obstruction when stopping or
26 parking would obstruct traffic;
27
28 (i) on a bridge or other drainage structure where less than twenty (20) feet of
29 unobstructed roadway is available;
30
31 (j) within an area marked “fire lane”; and
32
33 (k) at any place where official signs or markings prohibit parking
34
35 (2) No person shall move a vehicle not lawfully under his control into any prohibited area.
36
37 (3) No person shall park a vehicle on a highway other than parallel with the edge of the
38 highway headed in the direction of lawful traffic movement and with the wheels within
39 twelve (12) inches of the curb or edge of the highway, unless perpendicular or angular
40 parking in specifically designated.
41
42 (4) No person shall park a vehicle on a highway in such a manner or under such conditions as
43 to leave available less than twelve (12) feet of the width of the highway for free movement
44 of vehicular traffic.
45
46 (5) No person shall park a vehicle on a highway for the primary purpose of advertising; for
47 displaying the vehicle for sale; or for washing, servicing or repairing the vehicle, except
48 for repairs necessitated by an emergency.
49 |

1 **§4-7-2 Parking Privileges for Physically Handicapped Persons**

- 2
- 3 (1) No person shall park in spaces for use by physically handicapped persons. Such spaces
- 4 shall be reserved by posting the official international handicapped wheelchair logo
- 5 immediately adjacent to and visible from the spaces. Said logo shall be displayed both by
- 6 an upright sign and by a painted logo on the parking surface.
- 7
- 8 (2) No person shall park a vehicle in space reserved and identified for physically handicapped
- 9 persons without a visible permit displayed on said vehicle. Said permit shall be in the form
- 10 of the official international handicapped wheelchair logo on a sticker placed on the vehicle
- 11 windshield, on a placard viewable through the windshield hanging from the rearview
- 12 mirror, or on a duly issued and current state license tag.
- 13

14 **§4-7-3 Parking Adjacent to Schools**

15

16 No person shall park a vehicle on any highway adjacent to any school property where such signs

17 have been duly erected prohibiting parking adjacent to school property.

18

19 **§4-7-4 Designation of Loading Zones**

20

21 No person shall stop or park a vehicle in a designated loading zone for any purpose or length of

22 time except for the expeditious unloading, delivery, pick up or loading of materials or passengers.

23

24 **§4-7-5 Parallel Parking Required**

25

26 Parking Parallel with the edge of a roadway shall be required in areas where roadside parking is

27 permitted unless perpendicular or angular parking is otherwise specifically designated.

28

29 **§4-7-6 Signage and Markings in Accordance with MUTCD**

- 30
- 31 (1) All signage and pavement markings installed for the regulation and direction of vehicular
- 32 parking shall be complaint with the latest edition of the “Manual of Uniform Traffic
- 33 Control Devices (MUTCD)” as published by the Federal Highway Administration of the
- 34 U.S. Department of Transportation and on file in the Office of Tribal Roads and
- 35 Engineering Services prior to installation.
- 36
- 37 (2) All signage and pavement markings installed upon highways, parking lots or other areas
- 38 designated for public use shall have the approval of the Office of Tribal Roads and
- 39 Engineering Services prior to installation
- 40

41 **§4-7-7 Violations**

- 42
- 43 ~~(1) The provisions of this Chapter shall apply at all times, or as may otherwise be indicated~~
- 44 ~~on official signs, except when it is necessary to stop a vehicle to avoid conflict with other~~
- 45 ~~traffic or when it is necessary to comply with the directions of a law enforcement officer~~
- 46 ~~or official traffic control device. The failure of any person to comply with this Chapter~~
- 47 ~~shall constitute a violation of the Chapter.~~
- 48
- 49 ~~(2) Any authorized person charged with enforcement of this Code shall issue a parking~~
- 50 ~~citation when any provision of this Chapter has been violated. Said enforcement person~~

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~~shall issue a citation to the person in control of the violating vehicle. Such citation shall be in accordance with Choctaw Law Enforcement standard operating procedures.~~

~~Violation of §4-7-2 of this Chapter shall be Class B offenses.~~ All other violations of this Chapter shall be ~~Class C~~Misdemeanor offenses.