

15, 1989.

§ 4903. Powers

The Alcohol and Drug Abuse Task Force shall exercise the following powers:

A. To acquire and disseminate information from the various Navajo Nation divisions, offices, and commissions regarding alcohol and drug abuse.

B. To acquire and disseminate information on treatment strategies for alcohol and drug abuse.

C. To serve as a clearinghouse for drug and alcohol abuse information and prevention programs for the Navajo Nation.

History

ACJY-124-83, July 18, 1983.

Note. Slightly reworded for purposes of statutory form.

§ 4904. Meetings

A. Meetings shall be held at least once a month.

B. All meetings shall be in Window Rock or as designated by the Chairman of the Task Force.

History

ACJY-124-83, July 18, 1983.

Title 14

Navajo Nation Motor Vehicle Code

History

Note. Title 14 section numbers and some subchapters have been redesignated.

See CMY-30-88, May 6, 1988, for the original order of the Title 14 section numbers.

Chapter 1. General Application

§ 100. Jurisdiction: civil infractions and misdemeanor offenses

The District Courts of the Navajo Nation shall have exclusive original jurisdiction over all civil traffic infractions under this title, committed within their respective jurisdictions by any person 18 years of age or older; and over all criminal misdemeanor offenses under this title, committed within their respective jurisdictions by Indian persons 18 years of age or older.

Jurisdiction over all provisions under this title over juveniles under 18 years of age, shall be as provided under the Navajo Nation Children's Code (9 N.N.C. § 1121) and all other applicable laws.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Cross References

9 N.N.C. § 1121.

§ 102. Court-appointed civil traffic hearing officers

Subject to available funding, the Chief Justice of the Supreme Court of the Navajo Nation may appoint qualified traffic hearing officers to preside over hearings and dispositions of civil traffic infractions occurring within the respective jurisdictions of the District Courts of the Navajo Nation. Such traffic hearing officers may hear and dispose of civil traffic infractions under the supervision of the District Court judge, and the judgment and disposition by the traffic hearing officers shall constitute the final judgment and order of the District Court, subject to the provisions of § 104 contained herein. All criminal misdemeanor offenses shall be heard and determined only by the judge of the District Court, consistent with the provisions of the Law and Order Code, 17 N.N.C., and all other applicable laws, court rules and regulations of the Navajo Nation.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Cross References

17 N.N.C. § 201 *et seq.*

§ 103. Deposit to and appropriation of general funds

All fees, assessments, fines, penalties and forfeitures imposed and collected under this Title, excluding those collected by the Navajo Nation Motor Vehicle Authority, shall be deposited to and appropriated from the general funds of the Navajo Nation, to designated established accounts as directed and approved by resolution of the Navajo Nation Council, toward the funding of Law Enforcement, Public Safety and Navajo Nation Court functions relating to enforcement and implementation of this Title, including appointment of traffic hearing officers as provided herein. All fees, assessments, fines, penalties, forfeitures and interest imposed and collected by the Navajo Nation Motor Vehicle Authority pursuant to 14 N.N.C. § 1704(A)(2) shall be used first to support the Navajo Nation Motor Vehicles Division in accordance with an approved plan of operation and fund management plan, with all funds in excess of these costs deposited to the Navajo Nation general fund to be distributed as

described above.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 104. Civil compromise dismissal

A. In any pending action based upon a complaint or citation for any civil infraction under this Title (except when the applicable statute authorizes the Court to order restitution in addition to the civil assessment provided) the judge of the District Court may dismiss such pending action, upon motion filed by the defendant together with the sworn stipulation and acknowledgment by all parties claiming injury or damage resulting therefrom, of receipt from defendant of full compensation and satisfaction therefor.

B. This Section shall not authorize such dismissal by any traffic hearing officer; nor shall any pending citation or complaint for any misdemeanor offense hereunder be dismissed upon such grounds.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 105. Definitions

The definitions contained herein shall apply to all Chapters of Title 14 and the laws in this Title shall be referred to as the Navajo Nation Motor Vehicle Code, unless the context otherwise requires:

A. "Abandoned vehicle" means a vehicle or motor vehicle left unattended on either private or public property, for an unreasonable length of time, which, after being reported to a law enforcement agency, has been discovered by that agency:

1. Not to have been stolen; and
2. Not capable of the establishment of legal ownership by normal record-checking procedures; and
3. The legal ownership of which is not claimed or asserted by any person.

B. "All-Terrain Vehicle (ATV)" means an engine-driven device which has a net weight of 1000 pounds or less which has a width of 50 inches or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control. A low-pressure

tire has a minimum width of 6 inches, is designed to be mounted on a rim with a maximum diameter of 12 inches, and is inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

C. "ATV Safety Training Course" an ATV Safety Training Course is a safety training provided by a certified ATV Safety Institute recognized instructor to the owner or any person operating an all-terrain vehicle. The student or trainee must obtain a certification at the completion of the training.

D. "Authorized emergency vehicle" means properly marked vehicles of a fire department, police vehicles, and ambulances or other emergency vehicles designated or authorized as such by the Navajo Nation, the State of Arizona, the State of New Mexico, the State of Utah or the United States Government and with authorized emergency equipment in operation.

E. "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 16 inches in diameter or having three wheels in contact with the ground any of which is more than 16 inches in diameter.

F. "Cargo tank" means any tank designed to be permanently attached to any motor vehicle and in which is to be transported any flammable liquid or compressed gas solely for the transportation and delivery of such liquid or gas.

G. "Crosswalk" means:

1. That part of a roadway at an intersection included within the prolongations or connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the travelable roadway.

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

H. "Cushion tire" means an air-filled tire.

I. "Division" means the Navajo Division of Public Safety.

J. "Drag race" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit.

K. "Driver" means every person who drives or is in actual physical control of a motor vehicle, including a motor-driven cycle, upon a highway or any lands under the jurisdiction of the Navajo Nation or who is exercising control over or steering a vehicle being towed by a motor vehicle.

L. "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows and mowing machines and other implements

of husbandry.

M. "First offender" means a person who has been convicted once in a trial court under tribal, state or federal law or municipal ordinance of the charge of driving a motor vehicle while under the influence of intoxicating liquor, narcotic drug or any other drug which renders the person incapable of driving a motor vehicle. This includes a person who pled guilty to the charge or pled *nolo contendere* to the charge whether or not his or her sentence was suspended or deferred, or a person who was convicted, pled guilty or pled *nolo contendere*, but had such conviction dismissed by virtue of his or her attendance at, and successful completion of, a driver rehabilitation program or a "Driving-While-Intoxicated School".

N. "Freight trailer" means any trailer, semitrailer or pole trailer drawn by a truck which has a gross vehicle weight of more than 26,000 pounds. The term does not include house trailers, trailers of less than one ton carrying capacity used to transport animals, or fertilizer trailers of less than 3,500 lb. empty weight.

O. "Gross vehicle weight" means the weight of a vehicle without load, plus the weight of any load thereon.

P. "Highway" or "street" means the entire width between the boundary lines of every way within the jurisdiction of the Navajo Nation when any part thereof is open to the use of the public for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction.

Q. "Improved highway" means a highway paved with cement concrete or asphaltic concrete, or having a hard surface and distinct roadway not less than four inches thick, made up of a mixture of rock, sand or gravel, bound together by an artificial binder other than natural soil.

R. "In bulk" means the transportation of any loose materials in a motor vehicle when such materials are not packed in individual packages or containers.

S. "Intersection" means 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. Where a highway includes two roadways 30 or more feet apart, then every crossing of each roadway of such divided intersecting highway shall be regarded as a separate intersection. If the intersection highway also includes two roadways 30 or more feet apart, then every crossing of two roadways of the highway shall be regarded as a separate intersection.

T. "Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

U. "Mobile home" means a house trailer other than one held as inventory for sale or resale by a registered dealer, that exceeds either a width of 16 feet and/or a length of 72 feet, when equipped for the road.

V. "Moped" means a two-wheeled or three-wheeled vehicle having fully operative pedals for propelling by human power, an automatic transmission and a motor having a piston displacement of less than 50 cubic centimeters which is capable of propelling the vehicle at a maximum speed of not more than 25 miles an hour on level ground.

W. "Motorcycle" means every motor vehicle having a seat or saddle for the use of a rider designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

X. "Motor vehicle" means every vehicle which is self-propelled by the use of an internal combustible engine, electricity or motor vehicle fuel.

Y. "Negligence" means the failure to use a reasonable degree of care which an ordinary prudent person would exercise under the circumstances, which failure results in injury to persons or damage to the property of another.

Z. "Official traffic-control devices" means all signs, signals markings and devices not inconsistent with this Chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

AA. "Operator" means a person other than a chauffeur, who drives or is in actual physical control over a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle or exercising control over a motor-driven cycle, all-terrain vehicle, moped, or recreational vehicle, upon a highway, roadway or any lands within the Navajo Nation.

BB. "Owner" means a person who holds the legal title of a vehicle or, if a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement.

CC. "Park" if prohibited, 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.

DD. "Passenger vehicle" means a motor vehicle with motor power designed to carry passengers; this does not include motorcycles, trailers or vehicles constructed on a truck chassis with a gross vehicle weight of more than 10,000 pounds.

EE. "Pedestrian" means any person afoot. A person who is not ambulatory and is in a wheelchair is considered a pedestrian.

FF. "Person" means every natural person, firm, co-partnership, association or corporation.

GG. "Police or law enforcement officer" means every officer duly authorized or commissioned by the authority of the Navajo Nation to direct or regulate traffic or to enforce or to make arrests for violations of the Navajo Nation Motor Vehicle Code.

HH. "Public transit" or "Mass transit" means the transportation of passengers on scheduled routes by means of a conveyance on an individual passenger fare-paying basis excluding transportation by a sightseeing bus, school bus, taxi or any vehicle not operated on a scheduled route basis.

II. "Race" means the use of one or more vehicles to outgain or outdistance another vehicle from passing, to arrive at a given destination ahead of another vehicle, or to test the physical or mental stamina or endurance of drivers over long-distance routes.

JJ. "Right-of-way" when used within the context of the regulation of the movement of traffic on a highway means the privilege of the immediate use of the highway. "Right-of-way" when used within the context of the real property upon which transportation facilities and appurtenances to such facilities are constructed or maintained means the lands or interest in lands within the right-of-way boundaries.

KK. "Recreational vehicle" shall include all vehicles primarily used or designed for recreational purposes such as camper trailers, motor homes and all towed vehicles.

LL. "Repeat offender" means a person who, under tribal law, state law, federal law or municipal ordinance, has been convicted, pled *nolo contendere* or pled guilty to the charge of driving a motor vehicle while under the influence of intoxicating liquor, narcotic drug or any other drug which rendered him or her incapable of safely driving a motor vehicle, and who was previously a "first offender" as defined in this Section or whose sentence was suspended or deferred, or the deferred sentence was subsequently dismissed.

MM. "Roadway" shall mean that portion of a thoroughfare (route) improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.

NN. "Safety glazing materials" means glazing materials 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 these safety glazing materials when they may be cracked or broken.

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

PP. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

QQ. "School bus" means any motor vehicle operating under the jurisdiction of a school district, private school, parochial school, community school, government school, or contract school which is used to transport children, students or teachers to and from school, or to and from any school activity, including any vehicle but not:

1. Operated by a common carrier, or private mass transit system subject to and meeting all federal requirements and not used exclusively for the transportation of pupils; or

2. Operated solely by a governmental-owned public transit authority, if the public transit authority meets all applicable federal requirements and safety requirements of the applicable school district but is not used exclusively for transportation of pupils.

RR. "Semi-trailer" means any vehicle without mechanical 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.

SS. "Shoulder" means the area immediately adjacent to the edge of a paved road.

TT. "Single axle load" means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches or less apart extending across the full width of the vehicle.

UU. "Solid tire" means a tire filled with matter and not hollow.

VV. "Stop", if required, means complete cessation from movement.

WW. "Stop, stopping or standing", if prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic-control sign or signal.

XX. "Tandem axle load" is the total-load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes more than 40 inches apart but less than 120 inches apart, extending across the full width of the vehicle.

YY. "Tank motor vehicle" means any motor vehicle designed or used for the transportation of liquids or gases covered by these regulations in any cargo tank.

ZZ. "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

AAA. "Traffic-control signal" means a device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

BBB. "Through highway" means a highway or portion of a highway at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing and when stop signs are erected, as provided in this Chapter.

CCC. "Truck" means any motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers and

includes a motor vehicle to which has been added a box, platform or other equipment for such carrying.

DDD. "Title" is a certificate issued by the Navajo Nation as proof of ownership for the motor-driven cycle.

EEE. "Truck tractor" means any motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle, and load down.

FFF. "Unpaved public roadway" means a dirt graveled street or road that is constructed, designed and maintained for regular passenger-car use by the general public.

GGG. "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including any frame chassis or body of any vehicle or motor vehicle except devices driven by human power or used exclusively upon stationary rails or tracks.

History

CO-37-09, October 22, 2009. Navajo Nation All-Terrain Vehicles Act of 2009.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Note. Slightly reworded for purposes of statutory form.

Chapter 2. Civil Infractions; Responsibility and Assessment

Subchapter 1. General Application

§ 200. Enforcement

The Navajo Police, and other police officers authorized by the Navajo Nation, shall be responsible for the enforcement of all regulations, rules and controls as established in this Chapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 201. Valid driver's license required

Any person operating a motor vehicle within the jurisdiction of the Navajo Nation must possess a valid driver's license.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act,

effective date April 20, 2007.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Note. Section 201 should be read concurrently with 14 N.N.C. § 1701.

Cross References

See generally, The Navajo Nation Motor Vehicle Authority and the Navajo Nation Motor Vehicles Division, 14 N.N.C § 1700 *et seq.*

§ 202. 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 law, or when responding to, but not upon returning from a fire alarm, is exempt from the requirements in this Chapter.

B. The 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 these provisions exempt any party from the consequences of his or her reckless disregard for the safety of others.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 203. Traffic laws apply to persons riding animals or driving animal-drawn vehicles

Every person riding an animal or driving any animal-drawn 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.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 204. Provisions of chapter uniform throughout the Navajo Nation

The provisions of this Chapter shall be applicable and uniform throughout the territory under the jurisdiction of the Navajo Nation.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 205. Civil assessment fee

A. It shall be a civil infraction for any person to violate any of the provisions of this Chapter.

B. Any person violating any provision of this Chapter within the territorial jurisdiction of the Navajo Nation shall be subject to a civil assessment fee of not less than thirty-seven dollars and fifty cents (\$37.50) nor more than five hundred dollars (\$500.00) for any infraction for which a specific assessment fee is not stated.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 206. Traffic control devices and signs

A. The appropriate Department of the Navajo Nation, is authorized to place and maintain traffic-control devices and weigh stations upon or within the right-of-way or vicinity of the streets, roadways and bridges of the Navajo Nation.

B. No person shall place or maintain any traffic-control device or sign upon or near any highway, roadway or bridge under the jurisdiction of the Navajo Nation, except upon advance permission granted by the appropriate authority of the Navajo Nation and only when in conformance and compliance with all applicable Tribal and federal laws.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 3. Accidents

§ 220. Duty upon striking unattended vehicle

The driver of any vehicle which collides with or otherwise causes damage to any vehicle left unattended shall immediately stop and either locate and notify the operator or owner of the vehicle or shall leave in a conspicuous place in or on the vehicle damaged, a written notice giving the name and address of the driver and the owner of the vehicle causing the damage. The driver of the vehicle shall report the accident as required by § 222 hereof.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 221. 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 roadway shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact. The driver shall give his or her name, address and the registration number of the vehicle he or she is driving, and shall upon request exhibit his or her operator's or chauffeur's license and shall make report of the accident as required by § 222 hereof.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 222. Written reports of accidents

A. The driver of any vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of three hundred dollars (\$300.00) or more shall immediately file a written report of the accident with the Division of Public Safety, as required under this Subchapter.

B. The Division of Public Safety may require any driver of a vehicle involved in an accident requiring the completion and filing of a report as provided under this Subchapter, to file supplemental reports when the original report is deemed insufficient in the opinion of the Division, and the Division may also require witnesses to accidents to render reports and or statements as deemed appropriate by the Division.

C. Every law enforcement officer who investigates a motor vehicle accident requires a report to be made and filed as provided under this Subchapter, either at the time of and at the scene of the accident or thereafter by interviewing passenger(s) or witnesses shall, within 72 hours after said accident, complete and submit a written report of the accident. The original copy of the report shall be retained by the Division. The Division shall stamp the date and hour received and may place such notes, date stamps, identifying numbers, marks or other information on such copies as required, provided that it will not alter the original information as reported by the investigating officer. Copies of the report form shall be made available to the parties involved at a charge established by the Division.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 223. Notice to parents or legal guardian of minor involved in motor vehicle accident

Every law enforcement officer who makes the initial investigation of a motor vehicle accident in which a minor was involved, shall inquire and attempt to determine or locate the telephone number and address of the parents or legal guardian of that minor and shall make every reasonable effort to notify or have the parents or legal guardian notified of the accident immediately or as soon as possible, upon securing the scene of the accident and determining that required arrangements have been made for the transportation and/or care of the injured party(ies).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 224. When driver is unable to report

A. When the driver of a vehicle is physically incapable of making an immediate report of an accident as required in § 712 of Chapter 5, and there is another occupant in the vehicle at the time of the accident capable of making a report, that occupant shall make or cause the report to be made.

B. When the driver is physically incapable of making a written report of an accident as required in § 222 hereof, and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall immediately make a report upon being informed.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 225. Accident report forms

A. The Division of Public Safety, through a designated duly authorized department shall prepare, and upon request, supply to law enforcement officers and other suitable agencies or individuals, forms for accident reports required under this Chapter. The written reports to be made by persons involved in accidents and by investigating officers shall include space for sufficiently detailed information regarding a traffic accident including disclosure of all causes, weather and road conditions, the location of the accident and identification of an persons, witnesses and vehicles involved, injuries (if any), damage(s) observed, photo(s) and relevant statements, measurements and diagrams depicting the physical scene and all other relevant information.

B. Every accident report required to be made in writing shall be made on the appropriate form approved by the Division and shall contain all of the information required therein.

C. Every accident report shall contain information sufficient to enable the Division to determine whether the requirements for the deposit of security under any of the laws of the Navajo Nation are applicable by reasons of the existence of insurance or other exceptions specified therein.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 226. Accident reports confidential; exceptions

A. All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual reporting. The Division may disclose:

1. The identities of the parties involved in an accident; and

2. The fact that the owner or operator of a motor vehicle involved in the accident is or is not insured and if he or she is insured, the name and address of the insurance carrier.

B. The Division shall furnish upon demand of any person or their lawfully authorized representative who has or claims to have made a report or upon the demand of any court, a certificate showing that a specified accident report has or has not been made to the Division solely to prove compliance or a failure to comply with the requirement that a report be made to the Division.

C. The Division shall furnish a copy of the investigating officer's accident report to the parties involved and to any court of competent jurisdiction.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 227. Garages, dealers and wreckers of vehicles to report

The person in charge of any garage, repair shop, dealership or wrecker services for vehicles, to which any motor vehicle is brought showing recent evidence of having been involved in an accident which is required to be reported, as provided by this Chapter, or struck by any bullet shall report to the Division within 24 hours after such motor vehicle is received. The engine number, registration number and the name and address of the owner or operator of such vehicle shall be reported to the Division. Non-compliance may result in the loss of business license.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 5. Speed Regulations

§ 240. Speed regulation

A. No person shall operate a vehicle on a roadway at a speed greater than:

1. 15 miles per hour when passing a school or leaving school, and when the school zone is properly posted;
2. 25 miles per hour in any business or residential district;
3. The maximum posted speed as provided under § 241 herein; and
4. 55 miles per hour on highways in open country, or as otherwise posted.

B. No person shall drive a motor vehicle at such 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.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 241. Speed zone

A. The director of any agency having authority to maintain any roadway on the Navajo Nation is hereby empowered to do the following:

1. To determine upon the basis of an engineering survey and traffic investigation that any speed limit established by law is greater or less than is reasonable and safe under the conditions found to exist upon any part of such roadway; and
2. To determine and declare a reasonable and safer maximum speed as well as a variable safer limit for such location, which shall be in effect when appropriate signs giving notice thereof are erected.

B. The agency establishing a speed zone under this Section shall be responsible for erecting at the beginning of each such zone, both a sign designating a maximum allowable speed within the zone, and at the end thereof a sign bearing either the legend "Resume Speed" or setting forth a new maximum speed limit.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 242. Special speed limitations

A. No person shall drive any vehicle equipped with solid tires at a speed greater than 10 miles per hour.

B. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a roadway at a speed which is greater than the maximum posted speed.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 243. Classification of complaint of excessive speed as alleging civil or criminal infractions

A. In every complaint for exceeding the lawful speed limitation established in accordance with the regulations in this Chapter, the complaint shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

B. In addition to those violations which are expressly designated in this Chapter as criminal offenses, the Courts may elect to classify any complaint for speeding more than 15 miles per hour in excess of the posted or otherwise applicable speed limit; or any complaint alleging the violation of any speed regulation which violation causes or contributes to an accident resulting in any injury to the person or damage to the property of another or others, in excess of three hundred fifty dollars (\$350.00), as alleging a misdemeanor violation or violations.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 7. Traffic Signs and Signals

§ 260. Obedience to traffic-control devices

The driver of any vehicle shall obey the instructions of any official traffic-control device placed by the authority or official having jurisdiction, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this Chapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 261. Traffic control signal legend

A. When traffic is controlled by traffic control signals showing different colored lights, or colored lighted arrows, either 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. Such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indication:

a. Vehicular traffic facing a green signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. 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 the signal is shown.

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 § 262 herein, pedestrians facing any green signal, except if 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 yellow signal is being warned that the related green indication is being terminated or that a red indication will be shown immediately thereafter when vehicular traffic shall not enter the intersection.

b. Pedestrians facing a steady yellow signal, unless otherwise directed by pedestrian control signals as provided in § 262, are thereby advised that there is not enough time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. Red indication:

a. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop-line before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain at a standstill or stopped until an indication to proceed is shown except as provided in subdivision (b) of this Paragraph.

b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on either side of the intersection or, if there is no crosswalk then at the entrance to the

intersection, in obedience to a red signal, may make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal. Right turns may be prohibited against a red signal at any intersection when a sign is erected at the intersection prohibiting such turn.

c. Unless otherwise directed by a pedestrian control signal as provided in § 262, pedestrians facing a steady red signal shall not enter the roadway.

B. If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable. 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 a sign or marking, the stop shall be made at the signal.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 262. Pedestrian control signals; loitering prohibited

A. When pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place, the signals shall indicate as follows:

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

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

B. A pedestrian shall not loiter or unduly delay crossing the roadway after traffic has stopped to give the right-of-way.

C. Failure to comply with this Section may result in the imposition of a civil assessment fee not to exceed thirty-seven dollars and fifty cents (\$37.50).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 263. Flashing signals

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

A. Flashing red (stop signal). When a red light shows 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. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

B. Flashing yellow (caution signal). When a yellow light shows rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 264. 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 is a copy of or looks similar to an official traffic-control device or railroad sign and signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. No person shall place upon any traffic sign or signal any commercial advertising or political campaign literature. This Section shall not 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.

B. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway, including police officers of the Division, is empowered to remove the same or cause it to be removed without notice.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 265. Interference with official traffic-control devices or railroad signs or signals

A. No person shall without lawful authority alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription shield or insignia thereon, or any part thereof.

B. Restitution. The court, in addition to or in lieu of any assessment imposed, may require any person found in violation of this Section, to pay to the Navajo Nation the full cost of replacing such traffic-control device or railroad sign or signal as is damaged or defaced.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 9. Right-of-Way

§ 280. Vehicle approaching or entering intersections; right-of-way; exception

A. When two vehicles enter or approach an intersection from different streets or roadways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. This Paragraph does not apply to vehicles approaching or entering an uncontrolled "T" intersection when the vehicle on the left is on a continuing street or roadway and the vehicle on the right is on the terminating street or roadway. The vehicle on the terminating street or roadway shall yield to the vehicle on the continuing street or roadway.

B. The right-of-way rule in Subsection (A) of this Section is modified at through-highways, and otherwise as stated in this Chapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 281. 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 within the intersection or so close thereto as to constitute an immediate hazard.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 282. Vehicles 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 this Chapter.

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. After having stopped, the driver shall "yield" the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

C. The driver of a vehicle approaching a yield sign shall, in obedience

to the sign, slow down to a speed reasonable for the existing conditions, and shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. If the driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his or her failure to yield right-of-way.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 283. Vehicle entering roadway from private road or driveway

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

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 11. Driving; Overtaking; Passing

§ 300. Overtaking a vehicle on the left

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

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

B. 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 signal light at daytime or blinking of head lamp at nighttime, and shall not increase speed of his or her vehicle until completely passed by the overtaking vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 301. 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 roadway 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 allowing the movement in safety. In no event shall the movement be made by driving off the pavement or main-traveled portion of the roadway.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 302. 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 the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the 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 250 feet of any vehicle approaching from the opposite direction.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 303. Further limitations on driving to left of center of roadway

A. No vehicle shall at any time be driven to the left side of the center of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the roadway 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 100 feet of or traversing any

intersection or where appropriate signs or markings have been installed to define a no passing zone.

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

B. The limitations set forth in Subsection (A) of this Section shall not apply upon a one-way roadway.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 304. No passing zones

The agency of appropriate jurisdiction is 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 the signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 305. Driving on roadways laned for traffic

When any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent with this Section shall apply:

A. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane, until the driver has first made sure that the movement can be made with safety.

B. Upon a roadway which is divided into three 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 the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the 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 the allocation.

C. Official signs may be posted 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. Drivers of vehicles shall obey the directions of such signs.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 306. Following too closely

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

B. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and when following another motor truck or motor vehicle drawing another vehicle shall, when conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space between them without danger.

C. 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 enough space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy the space without danger. The provisions of this Subsection shall not apply to funeral processions.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 307. Driving on divided roadway

When any roadway has been divided into two roadways by leaving an intervening space or by a physical barrier or by clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within the dividing space, or barrier except through an opening in the physical barrier or dividing section, or at a crossover or intersection established by public authority.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Note. Slightly reworded for purposes of statutory form.

§ 308. Restricted access

No person shall drive a vehicle onto or from any controlled access roadway except at established entrances and exits.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 309. Drive 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, and where practicable, entirely to the right of the center thereof, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When the right-half of a roadway is closed to traffic while under construction, repair or when an accident has occurred hindering traffic;
3. Upon a roadway divided into three marked lanes for traffic under the applicable rules; or
4. Upon a roadway designated and sign-posted for one-way traffic.

B. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another car proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 13. Turning, Starting and Signals on Stopping and Turning

§ 320. Required position and method of turning at intersections

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

- A. 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.
- B. When making a left turn from a two-way road onto a two-way road, the driver shall use the lane closest to the centerline. When entering the intersection, the driver, if possible shall drive to the left of the center of the intersection and proceed cautiously to the lane closest to the center lane on the right of the road which the driver is entering.
- C. When making a left turn into and/or from a one-way road, the driver shall use the extreme left-hand lane and enter the extreme left-hand lane

available in the direction he or she is going upon the road being entered.

D. Upon a roadway with two or more lanes for through-traffic in each direction, where a center turning lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicle shall turn left into the other lane. A vehicle shall not be driven in the center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. Any maneuver other than a left turn from this center lane will be deemed a violation of this Section.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 321. Turning on curve or crest of grade prohibited

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 the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 322. Starting parked vehicle

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

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 323. Turning movements and required signals

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway, as required in § 320, 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 the movement can be made with reasonable safety. No person shall turn any vehicle without giving an appropriate signal in the manner provided by this Chapter in the event any other traffic may be affected by the movement.

B. A signal of intention to turn right or left when required shall be given continuously during not less than the last 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 by this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 324. Signal device

A. Any required stop or turn signal shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device except as otherwise provided in Subsection (B).

B. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device 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 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 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 325. Method of giving hand and arm signals

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

A. Left turn: Hand and arm extended horizontally.

B. Right turn: Hand and arm extended upward.

C. Stop or decrease speed: Hand and arm extended downward.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 15. Standing and Parking

§ 340. Stopping, standing or parking outside of business or residential

district

A. Upon any roadway outside of a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the roadway when it is practicable to stop, park or leave the vehicle off that part of the roadway. In any event, an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicles shall be available from a distance of 200 feet in each direction upon the roadway.

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 roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 341. Officers authorized to remove illegally stopped vehicles

A. When any police officer finds a vehicle standing upon a roadway in violation of the provisions of § 340, the officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move it to a position off the paved or main-traveled part of the roadway.

B. Any police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any roadway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic.

C. Any police officer is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a roadway:

1. When a report has been made that such vehicle has been stolen or taken without the consent of the owner;

2. When the person or persons in charge of such vehicle are unable to provide for its custody or removal;

3. When a vehicle is "abandoned" for an unreasonable length of time and legal ownership can neither be established by normal record keeping procedures nor is asserted or claimed by any person; or

4. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested immediately into custody.

D. Any police officer shall conduct a thorough inventory of property found in a vehicle upon the arrest of the person driving or in control of the vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 342. Stopping, standing or parking in specified places

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:

- A. On a sidewalk;
- B. In front of a public or private driveway;
- C. Within an intersection;
- D. Within 20 feet of a fire hydrant;
- E. On a crosswalk;
- F. Within 30 feet of a crosswalk at an intersection;
- G. Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign or traffic-control sign located along the side of the roadway;
- H. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless local authorities indicate a different length by signs or markings;
- I. Within 50 feet of the nearest rail or railroad crossing, except while a motor vehicle with automotive power is loading or unloading railroad cars;
- J. Within 30 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly posted;
- K. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- L. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- M. Upon any bridge or other elevated structure upon a roadway or within a roadway tunnel;
- N. At any place where official signs prohibit standing or stopping; or
- O. At any parking space designated for disabled persons.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 343. Parking privileges for physically disabled

A physically disabled person who displays upon the motor vehicle parked by him or her, or under his or her direction and for his or her use, a distinguishing insignia provided for in this Section, or number plates bearing the international wheelchair symbol may park except as provided in §§ 340 and 342 herein and § 506 of Chapter 3, except where such parking would create a dangerous situation or impede the normal flow of traffic. The distinguishing insignia or number plates bearing the international wheelchair symbol shall be displayed on or in the motor vehicle in the manner prescribed by the Division.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 344. 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 the vehicle parallel to and within 18 inches of the right-hand curb.

B. The parking of vehicles with the left-hand wheels adjacent to and within 18 inches of the left-hand curbs of a one-way roadway shall be permitted only within those areas properly posted as authorized parking zones.

C. A vehicle may be angle-parked only within those areas properly posted or marked as allowing angle-parking, except that angle-parking shall not be permitted on any federal-aid or state highway unless the jurisdictional governmental agency has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle-parking without interfering with the free movement of traffic.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 17. Special Stops Required

§ 360. Authority to designate stop and yield intersection

A. The authorities with roadways under their jurisdiction may designate through roadways and post "stop" or "yield" signs at specified entrances thereto or may designate any intersection as a "stop" or "yield" intersection and post like signs at one or more entrances to the intersection.

B. Every driver of a vehicle approaching 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 intersection roadway where the driver has a view of approaching traffic on the intersecting roadway.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 361. Emerging from alley or private driveway

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

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 362. Duty when approaching horse-drawn vehicles and livestock

Every person operating a motor vehicle upon any public roadway and approaching any horse-drawn wagon, or any horse upon which any person is riding, or livestock being driven upon the highway, shall exercise reasonable precaution to prevent frightening and to safeguard such animals, and to insure the safety of any person riding or driving the same.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 18. Pedestrians' Right and Duties

§ 370. Pedestrians subject to traffic regulations

Pedestrians shall obey traffic control signals at intersections; where no signals are in place pedestrians shall have the right-of-way subject to the restrictions in this Chapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 371. 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, slow down or stop if necessary, to allow a pedestrian to cross the roadway within a crosswalk when the pedestrian is upon the same half of the roadway as the vehicle, or when the pedestrian is close enough on the other side 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. When 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 the stopped vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 372. Crossing at other than crosswalks

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.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 373. Pedestrians on roadways

All pedestrians shall exercise due caution and reasonable care when walking adjacent to a roadway.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Subchapter 21. Miscellaneous Provisions

§ 400. Riding on motorcycles

A. No person shall operate a motorcycle or motor-driven cycle upon a public street, road or highway in the Navajo Nation unless he or she has a valid motorcycle license.

B. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

C. Any person operating a motorcycle not having a fixed windshield shall wear an eye protective device, which may be a face-shield attached to a safety helmet, goggles or safety eyeglasses. All eye protective devices or windshields shall be of a type complying with appropriate state regulations or codes.

D. Any person who violates the provisions of this Section shall be subject to a civil assessment fee not to exceed one hundred fifty dollars (\$150.00).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 401. Mandatory use of protective helmets

A. No person under 18 years of age shall operate or be a passenger on a motorcycle unless he or she is wearing a safety helmet securely fastened on his or her head in a normal manner as headgear and meeting the standards specified in applicable regulations or codes.

B. Any person who violates the provisions of this Section shall be subject to a civil assessment fee not to exceed three hundred-seventy dollars (\$370.00).

History

CAP-40-00, April 20, 2000.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 402. Obstruction to driver's view

A. No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons as to obstruct the view of the driver to the front or sides or rear of the vehicle or as to interfere with the driver's control over the driving mechanism(s) 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 the rear or to interfere with his or her control over the driving mechanism(s) of the vehicle.

C. Any person who violates the provisions of this Section shall be subject to a civil assessment fee not to exceed one-hundred fifty dollars (\$150.00).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 403. Coasting prohibited

The driver of any motor vehicle when traveling upon a down-grade shall not coast with the clutch disengaged or with the motor off.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 404. Placing litter, glass or other objects on roadway

A. No person shall litter or deposit upon any roadway any paper, glass bottle, glass, nails, tacks, wire, cans or any other substance upon the roadway.

B. Any person who drops, or permits to be dropped or thrown, upon any roadway a destructive or injurious material shall immediately remove the same or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a roadway shall remove any glass or other injurious substance dropped by the wrecked or damaged vehicle upon the roadway.

D. Any person who violates the provisions of this Section shall be subject to a civil assessment fee of not more than five hundred dollars (\$500.00).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 405. Livestock on highways

A. It is unlawful for any person, during the hour of darkness, to ride a horse or other animal upon the shoulder or upon the traveled portion of any roadway which is normally used by motor vehicles.

B. It is unlawful for any person to permit livestock to wander or graze upon any fenced roadway at any time or to drive livestock along or upon any roadway which is normally used by motor vehicles during the hours of darkness.

C. Owners of livestock ranging in pastures through which unfenced roadways pass, shall not be liable for damages or injuries to persons or property caused by collisions of vehicles with livestock unless the owner of the livestock is guilty of negligence.

D. Any person who violates the provisions of this Section shall be subject to a civil assessment fee not to exceed five hundred dollars (\$500.00).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Annotations

1. Liability

"Navajo law imposes a duty on drivers to exercise 'reasonable precaution' when approaching horse drawn vehicles and livestock. This Court has recognized a heightened standard of care for drivers in open range areas on the Navajo Nation. This heightened standard of care, however, does not apply in a closed range area where a fence prevents livestock from trespassing onto an adjacent highway. Under these circumstances, a grazing permittee has a duty to contain her livestock inside the fenced area and off of the highways." *Castillo, et al. v. Charlie, et al.*, 7 Nav. R. 181, 183-184 (Nav. Sup. Ct. 1995).

§ 406. Prohibited activities while driving; wireless mobile telephone use; definitions; penalty

A. A person shall not drive a motor vehicle while using a wireless mobile telephone to engage in a call unless that wireless mobile telephone is specifically designed and configured to allow hands-free listening and talking, and is used exclusively in that manner while driving.

B. A person shall not drive a motor vehicle while using a wireless mobile telephone to create, send or read text messages despite the hands-free capability.

C. Subsection (A) does not apply to:

1. A person using a wireless mobile telephone for emergency purposes, including but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

2. An emergency services professional using a wireless mobile telephone while operating an authorized emergency vehicle in the course and scope of his or her duties.

3. A person while driving a motor vehicle on a privately maintained road not open to the public.

4. A person operating a farm vehicle that is exempt from registration and that is not being driven on public roadways.

D. Definitions; for purposes of this Section:

1. "Hands-free" means the use of a wireless mobile telephone with a speaker phone, headset, or earpiece.

2. "Wireless mobile telephone" shall mean any device used by subscribers and other users of wireless telephone service to access such service.

3. "Using" shall mean holding a wireless mobile telephone to, or in the immediate proximity of, the user's ear.

4. "Engage in a call" shall mean talking into or listening on a hand-held wireless mobile telephone, but shall not include holding a wireless mobile telephone to activate, deactivate, or initiate a function of such telephone.

E. Violators of this Section are subject to a civil assessment fee of not more than twenty dollars (\$20) for the first offense and fifty dollars (\$50) for each subsequent offense.

History

CAP-13-09, April 22, 2009.

Subchapter 23. Operation of Bicycles and Play Vehicles

§ 420. Application of provisions

A. The parent(s) of a child or the guardian(s) of a ward who authorize or knowingly permit the child or ward to violate any of the provisions of this Chapter may be found liable and assessed for each such violation.

B. The regulations of this Chapter in their application to bicycles shall apply when a bicycle is operated upon any roadway or any path set-aside for the exclusive use of bicycles subject to those exceptions stated in this Subchapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 421. Traffic laws apply to persons riding bicycles

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Subchapter and except as to those provisions of this chapter which by their nature can have no application.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 422. Riding on bicycles

A. A person riding a bicycle shall not ride other than upon or astride a permanent attached seat.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. Any person riding a bicycle shall have at least one hand on the handle bar.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 423. Clinging to vehicles

No persons riding upon any tricycle, bicycle, coaster, roller skates, skateboards, sleds or toy vehicles shall attach the same or himself or herself to any vehicle operated upon a roadway.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 424. Riding on roadways and bicycle paths; prohibition of motor vehicle traffic on bike path

A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or when passing a vehicle proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall ride single-file, except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. Wherever a path for bicycles has been provided adjacent to a roadway, a bicycle rider shall use the path and shall not use the roadway.

D. Motor vehicles are totally prohibited from operating on bike paths.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 425. Carrying articles

No persons operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 426. Lamps and other equipment on bicycles

A. 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 500 feet to the front and with a red reflector on the rear which shall be visible from all distances at least 150 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 500 feet to the rear may be used in addition to the red reflector.

B. Every bicycle shall be equipped with a brake which will enable the operator to make the brake wheels skid on dry, level, clean pavement.

C. Any person who violates a provision of this Subchapter shall be subject to a civil assessment fee not to exceed thirty-seven dollars and fifty cents (\$37.50).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 427. Valid All-Terrain Vehicles Safety Training Course Certificate

Any person operating an All-Terrain Vehicle ("ATV") within the jurisdiction of the Navajo Nation is not required to be licensed by the Navajo Nation, however a person operating an ATV must possess a valid ATV Safety Training Course Certificate.

History

CO-37-09, October 22, 2009. Navajo Nation All-Terrain Vehicles Act of 2009.

§ 428. Operation of All-Terrain Vehicles; penalties

A. Every owner-operator of an All-Terrain Vehicle (ATV) shall observe the following:

1. ATVs shall be registered and titled.
2. ATVs shall have a valid license plate.
3. ATV operators shall have an ATV Safety Training Course Certificate.
4. ATV operators under the age of 18 shall wear a helmet and eye protection.
5. ATV operators under the age of 18 shall not carry passengers.
6. ATV operators under the age of 16 shall be supervised by an adult.
7. ATV operators under the age of 16 shall only operate age-appropriate size-fit ATVs.
8. ATVs shall not be operated by persons under 6 years of age.
9. ATVs shall not be operated on paved streets, except to cross, but must yield to traffic.
10. ATVs shall not be operated without headlights and taillights when visibility is limited.

B. Violators shall pay a civil assessment fee of one hundred dollars (\$100.00) for any infraction of this Section. An ATV Safety Fund is established. The Fund consists of all civil penalties deposited pursuant to this Section and any monies donated by the public. The Navajo Nation Department of Highway Safety shall administer the Fund as follows: for each fee assessed, fifty dollars (\$50.00) shall be deposited into the Navajo Nation General Fund and fifty dollars (\$50.00) shall be deposited into the ATV Safety Fund. The ATV Safety Fund will be used to purchase incentives or fund interventions to promote ATV safety educational awareness and training on the Navajo Nation.

History

CO-37-09, October 22, 2009. Navajo Nation All-Terrain Vehicles Act of 2009.

Chapter 3. Equipment

§ 500. Equipment

A. It shall constitute a civil infraction 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 combination of vehicles which is in an unsafe condition so as to endanger any person. Any vehicle which does not contain those parts, or is not at all times equipped with such lamps and other

equipment, in proper condition and adjustment, as required in this Chapter, or which is equipped in any manner that is in violation of this Chapter or for any person to do any act forbidden, or fail to perform any act required under this Chapter shall constitute a civil infraction.

B. The use of additional parts and accessories on any vehicle shall not be prohibited, unless inconsistent with the provisions of this Chapter.

C. The provisions of this Chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as made applicable by this Chapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 501. When lighted lamps are required

Every vehicle operating upon a highway within the Navajo Nation at any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any persons and/or vehicles on the highway at a distance of 500 feet ahead, shall display lighted lamps and reflective devices as required by this Chapter. Exceptions with respect to parked vehicles as stated in this Chapter shall apply.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 502. Visibility distance and mounted height of lamps

A. When a requirement is set forth in this Chapter as to the distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, such provisions shall apply during the times stated in § 501 in respect to a vehicle when upon a straight, level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

B. When a requirement is set forth in this Chapter as to the mounted height of lamps or devices, it shall mean from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 503. Headlamps

A. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head-lamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this Chapter.

B. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations set forth in this Chapter.

C. Every headlamp, upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than 54 inches nor less than 24 inches from level ground.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 504. Tail lamps

A. Every motor vehicle, trailer, semitrailer and pole trailer and any other vehicle which is being drawn last, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as required by this Chapter, shall emit a red light plainly visible from a distance of 500 feet to the rear.

B. Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches nor less than 20 inches from the level ground.

C. Any tail lamp together with any separate lamp for illuminating the rear license plate, shall be wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted, and free of any obstruction.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 505. Lamp or flag on projecting load

At the time specified in § 501, whenever a load upon any vehicle extends at least four feet or more beyond the bed or body of the vehicle, there shall be displayed at the extreme rear end of the load a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern shall be in addition to the red rear light required upon every vehicle. At the time besides those specified in § 501, there shall be displayed at the extreme rear end of the load a red flag or cloth not less than 12 inches square and hung so that the entire area is visible to the driver of a vehicle approaching from the rear.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 506. Lamps and reflectors on parked vehicles

A. When a vehicle is lawfully parked upon a street or roadway during the hours between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, no lights need be displayed upon the parked vehicle.

B. When a vehicle is parked or stopped upon a roadway or nearby, whether attended or unattended during the hours between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, the vehicle so parked or stopped shall be equipped with one or more reflectors on the rear of the vehicle. The foregoing shall apply to a motor-driven cycle.

C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 507. Spot lamps and auxiliary lamps

A. A motor vehicle may be equipped with no more than one spot lamp and every lighted spot lamp shall be aimed and used upon approaching another vehicle so that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.

B. A motor vehicle may be equipped with no more than two fog lamps mounted upon the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed when the vehicle is not loaded, that none of the high intensity portion of the light to the left of the center of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of four inches below the level of the center of the lamp from which it comes.

C. A motor vehicle may be equipped with no more than one auxiliary passing lamp mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands, and every auxiliary passing lamp shall meet the requirements and limitations set forth in §§ 500 through 517.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 508. Signal lamps and signal devices

A. A motor vehicle shall be equipped with the following signal lamps or devices:

1. A stop lamp or stop lamps on the rear which shall emit a red or yellow light and which shall light up upon use of the foot brake and which may be incorporated with one or more rear lamps; and

2. A lamp or lamps or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which is visible both from the front and rear.

B. Every stop lamp shall be plainly visible from a distance of 100 feet to the rear both during normal sunlight and at nighttime. A signal lamp or lamps indicating the intention to turn shall be visible and understandable during daytime and nighttime from a distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

C. All electro-mechanical signal devices shall be self-illuminated when in use during the times mentioned in § 501.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 509. Additional lighting equipment

A. A motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

B. A motor vehicle may be equipped with no less than one running-board courtesy lamp on each side which shall emit a white or amber light without glare.

C. A motor vehicle may be equipped with not more than two back-lamps either separately or in combination with other lamps, except that a back-up lamp shall not be lighted when the motor vehicle is in forward motion.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 510. Multiple-beam road lighting equipment

Except as provided in this Chapter, the headlamps or the auxiliary driving lamp, or the auxiliary passing lamp, or combination thereof, on motor

vehicles shall be so arranged that the driver may select between distributions of different light elevations, subject to the following requirements and limitations.

A. 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 350 feet ahead for all conditions.

B. 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 100 feet ahead, and under any condition none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 511. Use of multiple-beam road lighting equipment

Whenever a vehicle is being operated on a roadway or an adjacent shoulder during the times specified in § 501, 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:

A. When a driver of a vehicle approaches an oncoming vehicle within 500 feet, the 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; and

B. The lowermost distribution of light or composition beam as specified in § 510(B) shall satisfy the requirements of this Subsection.

C. When the driver of a vehicle overtakes another vehicle proceeding in the same direction and within 200 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays do not project through the rear window of the overtaken vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 512. Single-beam road lighting equipment

Headlamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured prior to January 1, 1951, in lieu of multiple-beam road-lighting equipment specified in this Chapter if the single distribution of light complies with the following requirements and limitations.

A. The headlamps shall be aimed so that when the vehicle is not loaded, none of the high intensity portion of the light shall, at a distance of 25 feet ahead, higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case, higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead; and

B. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 513. Number of driving lamps required or permitted

A. At all times specified in § 501, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when the vehicle is parked subject to the regulations governing lights on parked vehicles.

B. When a motor vehicle equipped with headlamps as required by this Chapter is also equipped with an auxiliary lamp or a spot lamp or any other lamp on the front, and projects a beam of intensity greater than 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 roadway.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 514. Special restrictions on lamps

A. Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps or flashing front-direction signals which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

B. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device displaying a red light visible from directly in front of the center of the vehicle or equipment.

C. Flashing red lights are prohibited except as provided in Subsection (D) of this Section and except on authorized emergency vehicles including emergency volunteers when responding to an emergency, school buses, snow-removal equipment and highway-marking equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles and on any vehicle as a means of indicating a turn.

D. Tow trucks standing on highways for the purpose of removing disabled vehicles, and while engaged in towing any disabled vehicle, shall display flashing blue lights. This shall not be construed to permit the use of flashing lights by tow trucks in going to or returning from the location of disabled vehicles unless actually engaged in towing a disabled vehicle.

E. Only fire department vehicles, law enforcement agency vehicles, ambulances, school buses and other authorized vehicles shall display flashing red lights visible from the front of the vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 515. Standards for lights on snow removal equipment

The lights on snow removal equipment when in operation on the highways within the Navajo Nation shall conform to the standards and specifications set forth in this Chapter and those adopted by the American Association of State Highway Officials.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 516. Equipment required on certain vehicles

Every bus or truck less than 80 inches in overall width shall be equipped at a minimum as follows:

A. On the front: two headlamps; and

B. On the rear: one red tail lamp; one red stop lamp; two red reflectors, one at each side.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 517. Color of clearance lamps, side-marker lamps and reflectors

Every bus or truck 80 inches or more in overall width shall be equipped as follows:

A. On the front: two headlamps and two amber clearance lamps, one at each side;

B. On the rear: one red tail lamp, one red stop lamp, two red clearance

lamps, one at each side, and two red reflectors, one at each side;

C. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white; and

D. On each side: one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; and one red reflector, located at or near the rear.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 518. Lamps and reflectors: truck tractors and road tractors

Every truck tractor and road tractor shall be equipped as follows:

A. On the front: two headlamps; two amber clearance lamps, one at each side; and

B. On the rear: one red tail lamp and one red stop lamp.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 519. Lamps and reflectors: large semitrailers, full trailers and house trailers

A. Every semitrailer, full trailer or house trailer 80 inches or more in overall width and in motion shall be equipped as follows:

1. On the front: two amber clearance lamps, one at each side;

2. On the rear: one red tail lamp; one red stop lamp; two red clearance lamps, one at each side, two red reflectors, one at each side; and

3. On each side: one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.

B. Side-marker lamps may be in combination with clearance lamps and may use the same light source.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 520. Lamps and reflectors: small semitrailers, house trailers and trailers

On the rear of every semitrailer, house trailer or trailer less than 80 inches in overall width there shall be the following equipment as follows: one red tail lamp; two red reflectors, one at each side; one red stop lamp, if the semitrailer, house trailer or trailer obscures the stop lamp on the towing vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 521. Lamps and reflectors: pole trailers

Every pole trailer shall be equipped as follows:

A. On the rear: one red tail lamp, two red reflectors, one at each side; some indicator of the extreme width of the pole trailer; and

B. On each side, on the rearmost support for the load: one combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate the maximum width of the pole trailer; and red reflector, located at or near the rear; and on pole trailers 30 feet or more in overall length, an amber marker-lamp on each side near the center.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 522. Lamps and reflectors: combination in drive-away/tow-away operations

Combinations of motor vehicles engaged in drive-away/tow-away operations shall be equipped as follows:

A. On the towing vehicle:

1. On the front: two headlamps and two amber clearance lamps, one at each side;

2. On each side and near the front: one amber side-marker lamp;

3. On the rear: one red tail lamp; one red or amber stop lamp; and

4. Provided, however, that vehicles of less than 80 inches in width

shall be equipped as provided in § 516.

B. On the towed vehicle of a tow-bar combination, the towed vehicle of a single saddle-mount combination and the rearmost towed vehicles of a double saddle-mount combination:

1. On each side, and near the rear: one red side marker lamp; and

2. On the rear: one red tail lamp; two red clearance lamps, one at each side; one red or amber stop lamp; two red reflectors, one at each side.

C. On the first saddle-mount of a double saddle-mount combination: on each side, and near the rear, one amber side-marker lamp; and

D. Combinations of vehicles less than 80 inches in width in driveway/tow-away operations shall carry lamps and reflectors as required in § 516.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 523. Mounting of reflectors, clearance lamps and side-marker lamps

A. Reflectors required by §§ 516 and 517 shall be mounted upon the motor vehicle at a height of not less than 24 inches nor more than 60 inches above the ground on which the motor vehicle stands, except that reflectors shall be mounted as high as practicable on motor vehicles which are so constructed as to make compliance with the 24 inch requirement impractical. They shall be so installed as to function adequately and reliably and except for temporary reflectors required for vehicles in drive-away/tow-away reflectors shall be permanently and securely mounted so as to provide the maximum stability, and minimum likelihood of damage. Required reflectors otherwise properly mounted may be securely installed on flexible strapping or belting provided that under conditions of normal operation they reflect light in the required directions. Required temporary reflectors, mounted on motor vehicles during the time they are in transit in any drive-away/tow-away operations, all operation, must be firmly attached.

B. All reflectors on the rear and those nearest to the rear on the side, except those referred to in Subsection (C) of this Section, shall reflect a red color; all other reflectors, except those referred to in Subsection (C) of this Section, shall reflect an amber color. This requirement shall not be construed to prohibit the use of motor vehicles in combination if such motor vehicles are severally equipped with reflectors as required by §§ 516-522.

C. Retro-reflective surfaces, other than required reflectors, may be used, provided:

1. Designs do not resemble traffic control signs, lights or devices, except that straight-edge striping resembling a barricade pattern may be used;

2. Designs do not tend to distort the length or width of the motor vehicle;

3. Such surfaces shall be at least three inches from any required lamp or reflector unless of the same color as such lamp or reflector;

4. No red color shall be used on the front of any motor vehicle; and

5. No provision of this Subsection shall be so construed so as to prohibit the use of retro-reflective registration plates required by any state or local authority.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 524. Brakes

A. The following brake equipment is required:

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle. This shall include two separate means of applying the brakes, each of which 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 a failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake which may be operated by hand or foot.

3. Every trailer or semitrailer of a gross-weight of 3000 pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle. Brakes shall be so designed as to either be applied by the driver of the towing motor vehicle from its cab or be of a type which will operate automatically when the service brakes of the towing vehicle are applied. The brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle the brakes shall be automatically applied.

4. In any combination of motor-drawn vehicles, means shall be provided for applying the rear-most trailer brakes, of any trailer equipped with brakes, in approximate synchronism with brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate. Any alternative means shall be provided of applying braking effort first on the rearmost trailer equipped with

brakes. Both of the above means capable of being used alternatively may be employed.

5. The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both services and foot operation.

B. Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances.

	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combination of vehicles having brakes on all wheels	30	14
Vehicles or combination of vehicles not having brakes on all wheels	40	10.7

C. All brakes shall be maintained in good working order and shall be adjusted as to operate as equally as possible.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 525. 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 200 feet, but no horn or other warning device shall emit an unreasonably loud and harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his or her horn but shall not otherwise use the horn when upon a highway.

B. No vehicle shall be equipped with, nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this Section.

C. It is permissible for a vehicle to be equipped with a theft alarm signal device which is so designed that it cannot be used by the driver as an ordinary warning signal.

D. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of at least 500 feet. The siren shall not be used except when the

vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. In the latter event, the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 526. Mufflers; prevention of noise; emission control devices

A. 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. No person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a roadway.

B. The muffler, emission-control equipment device, engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

C. Every registered gasoline-fueled motor vehicle manufactured or assembled, commencing with the 1968 models, shall at all times be equipped and maintained in good working order with the factory-installed devices and equipment or their replacements designed to prevent, reduce or control exhaust emissions or air pollution.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 527. Mirrors

Every motor vehicle shall be equipped with a mirror located so as to reflect to the driver an unobstructed view of the roadway for a distance of at least 200 feet to the rear of such vehicle under all conditions of loading.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 528. Windshields must be unobstructed and equipped with wipers; windows must be transparent

A. No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon or in the front windshield, windows to the immediate right and left of the driver or in the rearmost window if the latter is used for driving visibility.

B. The windshield on every motor vehicle, except a motorcycle, shall be equipped with a mechanical device for cleaning rain, snow or other moisture from the windshield and shall be so constructed as to be controlled or operated by the driver of the vehicle, and shall be maintained in good working order.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 529. Restrictions as to tire equipment

A. When their use is permitted, 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 outside surface.

B. No person shall operate or move on any roadway vehicle, having any metal tire in contact with the roadway, except that for the purposes of this Chapter, a snow tire with metal studs designed to increase traction on ice or snow shall not be considered a metal tire.

C. No tire on a vehicle moved on a highway within the jurisdiction of the Navajo Nation shall have on its outside surface any block, flange, cleat, spike or any other projection of any material other than rubber which is beyond the tread of the traction surface of the tire. It is permissible to use farm machinery with tires having rubber projections which will not damage the highway. It is permissible to use tire chains of reasonable proportions or snow tires with metal studs designed to increase traction on ice or snow upon any vehicle, when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

D. The Division may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the outside surfaces of such moveable tracks, or farm tractors or other farm machinery, the operation of which upon a roadway would otherwise be prohibited by this Chapter.

E. No vehicle equipped with solid rubber tires shall be permitted upon any roadway of the Navajo Nation without special permission first being granted by the Division. In no event may any such vehicle be operated at a speed in excess of that specified by law.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 530. Safety glazing materials in motor vehicles

No motor vehicle sold as new on or after January 1st of the year following approval of this Code by the Navajo Nation Council, shall be operated within the Navajo Nation unless it is equipped with safety glazing material

whenever glazing materials are used in doors, windows or windshields. The foregoing provision shall apply to all passenger-type motor vehicles, including passenger buses and school buses.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 531. Emergency warning equipment

A. Requirements for red emergency reflectors. Each red emergency reflector shall conform to the following requirements.

1. Each reflector must be composed of at least one reflecting element or surface; and

2. If the reflecting elements of the reflector are so designed or constructed that the reflecting surfaces would be adversely affected by dust, soot, or other foreign matter or contact with other parts of the reflector or its container, then such reflecting surfaces shall be adequately sealed with the body of the reflector; and

3. Every reflector shall be of such weight and dimensions as to remain stationary and perpendicular when subject to a 40 mile per hour wind when a vehicle is placed on any clean, dry, paved road surface. The reflector shall be constructed to withstand reasonable shocks without breakage.

B. Requirements for fuses. Each fuse shall be capable of burning at least 15 minutes, and shall be equal to the specifications of the Bureau of Explosives, 30 Vesey Street, New York, New York, dated December 15, 1944, and be so marked.

C. Red cloth flags shall be not less than 12 inches square, with standards adequate to maintain the flags in an upright position.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 532. Certain vehicles to carry flares or other warning devices

On every bus, truck tractor, and road-tractor, and every driven vehicle in a drive-away/tow-away operation, of a width greater than 80 inches, there shall be:

A. Warning devices for stopped vehicles. One of the following combinations of warning devices:

1. Three flares or liquid-burning pot torches and three fuses and

two red cloth flags; or

2. Three red electric lanterns, two red cloth flags and three fuses; or

3. Three red emergency reflectors, two red cloth flags, and three fuses; or

4. Flares or pot torches, fuses, oil lanterns, or any signal produced by a flame, shall not be carried on motor vehicles used in the transportation of explosives, flammable liquids, or flammable compressed gases in cargo tanks, or in any motor vehicle using flammable compressed gases as a motor fuel; but in lieu of such flares and fuses, three electrical lanterns or three red emergency reflectors shall be carried; and

5. The protective devices used shall comply with the requirements given in Subsections (A)-(C) of this Section.

B. Requirements for flares. Flares or pot torches shall be adequate and reliable.

C. Requirements for Red Electric Lanterns. Red electric lanterns shall be adequate, reliable, and equipped with a working battery or batteries within each unit.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 533. Unattended vehicles

A. For purposes of §§ 534-537 the term "motor vehicle" is hereby defined to include every bus, truck, truck-tractor, road-tractor, and every driven vehicle in drive-away/tow-away operations, required by § 532 to have emergency equipment.

B. Unattended Vehicles: Precautions. No motor vehicle shall be left unattended until the parking brake has been securely set. All reasonable precautions shall be taken to prevent the movement of any vehicle left unattended.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 534. Stopped vehicles not to interfere with other traffic

No motor vehicle shall be stopped, parked, or left standing, whether attended or unattended upon the traveled portion of any highway outside of a

business or residential district, when it is practicable to stop, park, or leave such vehicle off the traveled portion of the roadway. In the event that conditions make it impossible to move the motor vehicle from the traveled portion of the highway, the driver shall make every effort to leave all possible width of the highway opposite the standing vehicle for the free passage of other vehicles and he or she shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear and comply with the other sections of this Chapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 535. Emergency signals; stopped or parked vehicles

Whenever for any cause other than necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any highway, or shoulder, the driver of such vehicle shall immediately operate the emergency flashing lights of his or her vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 536. Emergency signals; flame-producing

No driver shall attach or permit any person to attach a lighted fuse or other flame-producing emergency signal for protecting any motor vehicle transporting of any flammable liquid or flammable compressed gas as a motor fuel. Red electric lanterns or red emergency reflectors shall instead be used, as follows:

A. The driver shall place three liquid-burning flares or pot torches, or three red electric lanterns, or three red emergency reflectors on the traveled portion of the highway in the following order:

1. One at a distance of approximately 100 feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;

2. One at a distance of approximately 100 feet in the opposite direction from the disabled vehicle in the center, of the traffic lane occupied by such vehicle; and

3. One at the traffic side of the disabled vehicle, not less than 10 feet to the front of it. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance with Subsection (A) of this Section, it may be used for this purpose.

B. If disablement of any motor vehicle shall occur within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the highway, but in no case less than 100 feet, nor more than 500 feet from the disabled vehicle. One warning signal shall also be placed at a distance of approximately 100 feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 537. Vehicles transporting explosives or other dangerous substances

Any person operating any vehicle transporting explosives or other dangerous substances as cargo upon a roadway shall comply with the provisions of §§ 538-543. Vehicles transporting explosives or dangerous substances will not be permitted to stop while en route to a destination unless instructed to do so by an authorized law enforcement office.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 538. Classification of explosives

A. For the purpose of this Act explosives are divided into the following three classes:

1. Class A. Explosives; detonating or otherwise of maximum hazard.
2. Class B. Less dangerous explosives; flammable hazard.
3. Class C. Relatively safe explosives; minimum hazard.

B. All provisions of the Navajo Nation Fireworks Code are incorporated herein.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 539. Dangerous substances

Dangerous substances include but are not limited to:

A. Flammable Liquid—A flammable solid is a solid substance other than one classified as an explosive, which is liable, under conditions incident to

transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing or processing.

B. Oxidizing Materials—An oxidizing material is a substance such as chlorate, permanganate, peroxide, or nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

C. Acids and other Corrosive Liquids—Corrosive liquids are those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action; or are liable to cause fire when in contact with organic matter or with certain chemicals.

D. Compressed Gas—A compressed gas is defined as any material with a gauge pressure exceeding 40 pounds per square at seventy degrees (70°) Fahrenheit; or any liquid flammable material having a Reid vapor pressure exceeding 40 pounds per square inch, absolute, at one hundred degrees (100°) Fahrenheit.

No one shall transport compressed gas (butane propane) in an enclosed vehicle, but should transport it in an open, ventilated transportation device. Transportation of such compressed gas shall comply with other Navajo Nation environmental protection regulations.

E. Poison—

1. Class A. Extremely Dangerous Poison—Poisonous gases or liquids of such nature that a very small amount of the gas, or vapor of the liquid mixed with air, is dangerous to life. Poisonous gases shall be labeled as dangerous.

2. Class B. Less Dangerous Poisons—Poison liquid or solid, including pastes and semi-liquids, are substances of such nature that they are chiefly dangerous by external contact with the body or by being taken internally as in contaminated foods or feeds.

The vapors of some of this class of materials are also offensive and dangerous; these poisons shall be labeled as such.

3. Class C. Tear Gases or Irritating Substances—Tear gases are liquid or solid substances which upon contact with fire, or when exposed to air give off dangerous or intensely irritating fumes, such as brombensylcyanide, chloracetophonone, diphenylaminechlorisane, and diphelychlorasine. These substances shall be labeled as such.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 540. Marking on motor vehicles motor-vehicles other than tank motor vehicles

A. Every motor vehicle other than a tank motor vehicle transporting 2,500 pounds or more of any one class of explosives, or other dangerous substances, or transporting an aggregate of 5,000 pounds or more, of more than one class of such article, in the event the lading does not contain 2,500 pounds of any one class, shall be marked as prescribed in the following list:

- A. Explosives, Class A.....EXPLOSIVES
- B. Explosives, Class B.....DANGEROUS
- C. Flammable Liquid.....DANGEROUS
- D. Flammable Solid.....DANGEROUS
- E. Oxidizing Material.....DANGEROUS
- F. Corrosive Liquid.....DANGEROUS
- G. Compressed Gas.....COMPRESSED GAS
- H. Poison Gas, Class A.....POISON GAS
- I. TearGas.....DANGEROUS
- J. Poisons, Class B.....DANGEROUS-POISON GAS

B. The prescribed markings shall be by means of signs or lettering on each side and the rear of the motor vehicle, and the letters shall be at least three inches high on a background of sharply contrasting color.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 541. Tank motor vehicles

Every tank motor vehicles used for the transportation of any flammable liquid, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and on the rear in letters at least three inches high on a background of sharply contrasting color, optionally as follows:

A. With a sign or lettering on the motor vehicle with the word "Flammable" and with the common name of the flammable liquid being transported; or

B. With the name of the carrier or his or her trademark, when and only when such name or mark plainly indicates the flammable nature of the cargo.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 542. Only one marking required

Any motor vehicles transporting more than one class of dangerous substances for which signs are required to be displayed pursuant to § 540 shall have a sign which designates the most dangerous substance being transported.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 543. Formulation of rules and regulations governing transportation of compressed gases and corrosive liquids

A. The Navajo Nation is empowered and directed to formulate, adopt and promulgate rules and regulations containing standards of safety, having uniform force and effect in the transporting of compressed gases and corrosive liquids by tank vehicle upon the public roadways. Those standards applicable to compressed gases and those applicable to corrosive liquids shall be separately formulated and distinguished. The Division is empowered to enforce such rules and regulations.

B. The standards of safety shall be consistent with nationally-recognized industry practice for tank vehicle transportation of compressed gases, corrosive liquids and other dangerous substances.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 544. Safety belts required

It is unlawful for any person to buy, sell, lease, trade or transfer from or to residents of the Navajo Nation a motor vehicle, which is manufactured or assembled commencing with the 1974 models, unless the vehicle is equipped with safety belts installed for use in the front seat(s) of the motor vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 545. Safety belts—Types and manner of installation

Safety belt type and installation specifications shall meet the standards

as currently established by the Society of Automotive Engineers.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 546. Safety belt requirement in passenger vehicles

The use of seat belts in passenger vehicles shall be mandatory as follows:

A. Front seat occupants of all passenger vehicles shall have a safety belt properly fastened about his or her body at all times when the vehicle is in motion.

B. Violators of this Section are subject to a civil assessment fee of not less than thirty-seven dollars and fifty cents (\$37.50) and not more than seventy-five dollars (\$75.00).

C. Evidence of a violation of this Section shall be admissible for the purposes of mitigation of damages, appointment of damages or comparative fault, or other issues as determined by the court, with respect to any person who is involved in an accident and seeks to recover damages for injuries resulting from the accident.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 547. Infant/child passenger restraints

A. Any parent, guardian or custodian of an infant, child or youth under the age of 12 years and less than 4'9", when transporting the child in a non-commercial motor vehicle operated on any highway of the Navajo Nation, shall properly secure the child in a child passenger restraint system. The restraint system shall meet Federal Motor Vehicle Safety Standard Number 213, which requires the following information:

1. On a permanent label attached to the restraint, the statement, "This child restraint system conforms to all applicable Federal Motor Vehicle Safety Standards" shall be printed; and

2. On a permanent label, attached to the restraint, the manufacturer's recommendations of the minimum and maximum weight and height of the children who can safely occupy the system shall be printed.

B. A person shall not operate a passenger car, van or pickup truck within the Navajo Nation, except for an authorized emergency vehicle, public transportation or a school bus, unless all passengers less than 12 years of age

and less than 4 feet 9 inches in height are properly restrained. Each child less than 12 years of age and less than 4 feet 9 inches in height shall be properly secured in a child passenger restraint device or by a safety belt, unless all seating positions equipped with safety belts are occupied, as follows:

1. Children, less than one year of age shall be properly secured in a rear-facing child restraint of a vehicle that is equipped with a rear seat. If the vehicle is not equipped with a rear seat, the child may ride in the front seat of the vehicle with the passenger-side air bag deactivated.

2. Children, one year of age through four years of age, regardless of weight; or children who weigh less than forty pounds, regardless of age, shall be properly secured in a child passenger restraint device that meets federal standards for this age and size range.

3. Children, five years of age through 12 years of age, regardless of weight; or children who weigh less than 60 pounds, regardless of age, shall be properly secured in a child passenger restraint device that meets federal standards, by a booster seat or by a seat belt.

C. A child is properly secured in an adult seat belt when the lap belt properly fits across the child's thighs and hips and not the abdomen. The shoulder strap shall cross the center of the child's chest and not the neck, allowing the child to sit all the way back against the vehicle seat with knees bent over the seat edge.

D. If all seating positions equipped with safety belts are occupied, children shall be restrained in accordance with this Section, by the order of age, beginning with the youngest through the eldest.

Violators of this Section are subject to a civil assessment fee not more than one hundred twenty-five dollars (\$125.00) except that civil assessment shall be reduced to seventy-five dollars (\$75.00) if the person attends a two-hour Children are Precious Passengers (CAPP) course taught by a certified child passenger safety technician, and obtains a child restraint device that meets federal standards should the court require such proof. A child passenger restraint fund is established. The fund consists of all civil penalties deposited pursuant to this Section and any monies donated by the public. The Navajo Nation Safe Kids Coalition shall administer the fund.

History

CJA-02-09, January 27, 2009.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Chapter 4. Weight and Size Limitations

§ 600. Scope and effect of Article

A. It is a civil infraction for any person to drive or move or 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. The maximum size and weight of vehicles specified in this Chapter shall be lawful throughout the Navajo Nation.

B. The provisions of this Chapter governing size, weight and load shall not apply to fire apparatus, road machinery engaged in highway construction or maintenance, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the term of a special permit issued as provided herein.

C. Restitution: The court, in addition to or in lieu of any assessment imposed may require any person found in violation of this Section, to pay the full cost of repairing or replacing any property damaged as the result of such violation.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 601. Projecting loads on passenger vehicles

No passenger-type vehicle, except a motorcycle, shall be operated on any highway with any load carried on it extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 602. Height and length of vehicles of loads

A. No vehicle, including any load on it, shall exceed a height of 13 feet, six inches.

B. No vehicle, including any load thereon, shall exceed a length of 40 feet extreme over-all dimension, inclusive of front and rear bumpers, except when operated in combination with another vehicle as provided in Subsection (C) of this Section.

C. No combination of vehicles coupled together shall consist of more than two units, except that a truck tractor and semitrailer will be permitted to pull one trailer and, excepted further, that a double or triple saddle-mount of vehicles in transit by drive-away/tow-away methods will be permitted. However, any saddle-mount combination of vehicles must comply with the rules, regulations and standards of the United States Department of Transportation in regard to safety and no combination of vehicles, including any load thereon,

shall exceed an over-all length of 65 feet, inclusive of the front and rear bumpers.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 603. Minimum wheelbase

A. It is unlawful to operate any motor vehicle with a wheelbase, between any two axles, of less than three feet seven inches, on the highways of the Navajo Nation.

B. For the purpose of this Section, wheelbase shall be measured upon a straight line from the center of the vehicle axles.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 604. Special load limits

Subject to the foregoing provisions of the Chapter limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle. The load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of such vehicle.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 605. Loads on vehicles

A. No vehicles shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of the load from dropping, shifting, leaking, or otherwise escaping from it. However, the load may be dropped or sprinkled for the purpose of securing traction, or cleaning or maintaining the roadway.

B. No person shall operate on any highway any vehicle or combination of vehicles with any load unless the load and any covering on it is securely fastened so as to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 606. Trailers and towed vehicles

A. When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and the drawbar or other connection shall not extend more than 15 feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered. When a combination of vehicles are engaged in transporting poles, pipe, machinery, or the objects of structural nature which cannot readily be dismembered, the load shall be distributed so as to equalize the weights on the axles of each vehicle.

B. When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 607. Load limits on single-axles, wheels and tires

A. The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 21,600 pounds, nor shall any one wheel carry a load in excess of 11,000 pounds. Nor shall a tandem axle carry a load in excess of 34,320 pounds.

B. No wheel equipped with pneumatic, solid rubber, or cushion tires shall carry a load in excess of 600 pounds for each inch of tire width. The width of pneumatic tires shall be taken at the manufacturer's rating. The width of solid rubber and cushion tires shall be measured at the flange of the rim.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 608. Gross weight of vehicles and loads

A. Subject to the weight limits imposed in § 607, the total gross weight with load of a vehicle or combination of vehicles with two or more consecutive axles shall not exceed the gross weight given for the respective distance between the first and last axle measured longitudinally to the nearest foot, as set forth in the following table:

Distance in feet between first and	Allowed load
------------------------------------	--------------

last axles of group	in pounds on group of axles
4	32,000
5	32,000
6	32,000
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

B. The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than 18 feet shall not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100

27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	68,000
40	70,000
41	72,000
42	73,280
43	73,280
44	73,280
45	73,280
46	73,280
47	73,280
48	73,280
49	73,280
50	73,280
51	73,280
52	73,600
53	74,400

54	75,200
55	76,000
56 or over	76,800

C. The distance between axle shall be measured to the nearest even foot. When a fraction is exactly one-half (1/2) foot the next larger whole number shall be used.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 609. Permits for excessive size and weight

A. Upon application to the appropriate authority, a special permit may be issued authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified in this Chapter, or otherwise not in conformity with the provisions of this Chapter, upon any highway of the Navajo Nation.

B. Whenever vehicles are being moved upon the highway under a special permit, escort vehicles shall be required in front of and behind the non-conforming vehicle.

C. Upon application to the appropriate authority, a special permit may be issued authorizing logging truckers to operate or move a vehicle or a combination of vehicles of a size or overweight, up to 87,000 pounds in hauling logs, specified in this Chapter, or otherwise not in conformity with the provisions of the Chapter, upon any established logging road and highway of the Navajo Nation.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Chapter 5. Misdemeanor Offenses, Fines, Penalties, Implied Consent

§ 700. Obedience to police officers

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

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 701. Penalty

Any offense or conviction of an offense under this Chapter shall be classified as a misdemeanor or petty misdemeanor and shall be punishable as stated herein or if not otherwise provided under the specific section, then in 17 N.N.C. §§ 221-225.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 702. Unlawful flight from pursuing law enforcement vehicle

Any driver of a motor vehicle who willfully flees or attempts to elude a pursuing official law enforcement vehicle is guilty of a misdemeanor punishable by a fine of not more than five hundred (\$500.00) dollars.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 703. Homicide by vehicle

A. Homicide by vehicle is the killing of a human by the unlawful operation of a motor vehicle.

B. Any person who is convicted of homicide by vehicle while violating § 707 or § 708 shall be subject to imprisonment and a fine of the maximum amounts allowed by law.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Annotations

1. Double jeopardy

"The Court will apply heightened scrutiny to provisions that allegedly create separate offenses based on a single action, and in the absence of clear intent that the statutory offenses indeed punish separate conduct, multiple convictions for the same action will be barred by double jeopardy. The mere fact that the elements of the two or more statutory offenses are fulfilled by a defendant's action does not, by itself, show clear intent." *Navajo Nation v. Kelly*, No. SC-CR-04-05, slip op. at 8 (Nav. Sup. Ct. July 24, 2006).

"The *Diné* concept of 'double jeopardy' also means that even if the Council creates two separate offenses that clearly punish the same conduct, it cannot nonetheless mandate multiple punishments, even if its intent is clear." *Navajo Nation v. Kelly*, No. SC-CR-04-05, slip op. at 8 (Nav. Sup. Ct. July 24, 2006).

"In future cases, a prosecutor must file the complaint with double jeopardy in mind, and understand that an offender cannot be convicted of both reckless driving or DUI and homicide by vehicle when such conduct causes a death. If the Prosecutor charges the defendant with reckless driving or DUI and homicide by vehicle, and establishes the elements of reckless driving or DUI, and that a death resulted from those actions, the district court may only convict the defendant for the homicide offense." *Navajo Nation v. Kelly*, No. SC-CR-04-05, slip op. at 10 (Nav. Sup. Ct. July 24, 2006).

§ 704. Public officers and employees to obey Chapter; exceptions

The provisions of this Chapter are applicable to the drivers of vehicles upon the highways and shall apply to the drivers of all vehicles owned or operated by the Navajo Nation or any other political subdivision of the Navajo Nation, except as otherwise specifically provided in this Chapter as applicable to specified vehicles and to specified circumstances or conditions.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 705. Operation of vehicles on approach of authorized emergency vehicles

A. Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is given an audible signal by siren, exhaust whistle, or bell, the driver of every vehicle shall yield the right-of-way and shall immediately drive to a position parallel 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 that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This Section shall not 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 roadway.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 706. Driver to exercise due care

Notwithstanding the provisions of this Subchapter 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.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 707. Persons under influence of intoxicating liquor or drugs

A. It is unlawful for any person who is under the influence of intoxicating liquor or drugs to drive or be in actual physical control of any vehicle within the territorial jurisdiction of the Navajo Nation.

B. It is unlawful for any person who is under the influence of any narcotic drug, or who is under the influence of any other drug or controlled substance to a degree which renders him or her incapable of safely driving a vehicle, to drive or be in actual physical control of any vehicle within the Navajo Nation. The fact that any person charged with a violation of this Subsection is or has been entitled to use such drug under the laws of any state or the Navajo Nation shall not constitute a defense.

C. Any person convicted of violating this Section shall be sentenced to serve not less than 24 consecutive hours in jail. The court shall not grant probation, pardon, parole, commutation or suspension of sentence or release on any other basis, except upon the condition that the person serve not less than 24 consecutive hours in jail. The court shall order the person to pay a fine of not less than three hundred (\$300.00) dollars and may order the person to perform not less than eight nor more than 24 hours of community service.

D. The District Courts of the Navajo Nation may require a person convicted of violating the provisions of this Section to surrender to the court the operator's or chauffeur's license of such person and shall, in such event, forward the surrendered license or permit to the state office issuing the license or permit together with a certified order of the court suspending or revoking the driving privileges of the convicted person.

E. The court may require the person to attend traffic safety or alcohol abuse classes at the offender's expense or, if in the court's opinion the offender has the problem of habitual abuse of alcohol or drugs, the court may require the person to obtain treatment under its supervision; however, in no case shall an offender be excused from spending 24 consecutive hours in jail

F. If a person is convicted of a second violation of this Section within a period of 24 months, the person shall be ordered to serve a term of not less than 30 days in jail. A court shall not grant probation, pardon, parole, commutation or suspension of sentence or release on any other basis, except upon the condition that the person serve not less than 90 days in jail. The court shall also order the person to pay a fine of not less than five hundred (\$500.00) dollars. The dates of the commission of the offense shall be the

determining factor in applying this rule. No judge may grant probation to, suspend the imposition or execution of a jail sentence, or fail to require the surrender to him or her of any license, of any person for subsequent conviction. If in the court's opinion the offender has the problem of habitual abuse of alcohol or drugs, the court shall require the person to obtain treatment under its supervision.

G. If a person is convicted of a third or subsequent violation of this Section within a period of 36 months, the person shall be sentenced to serve not less than six months in jail. A judge shall not grant probation, pardon, parole, commutation or suspension of sentence or release on any other basis, except upon the condition that the person serve not less than six months in jail. The dates of the commission of the offense are the determining factor in applying this rule. The judge shall require the surrender to him or her of any operator's or chauffeur's license of the person. A judge shall not suspend the imposition of a prison sentence, or fail to require the surrender to him or her of any license of a person for a third or subsequent conviction. If, in the court's opinion, the person has the problem of habitual abuse of alcohol or drugs, the court shall require the person to obtain treatment under its supervision.

H. Any political subdivision processing or utilizing the services of a person ordered to perform community services pursuant to this Section, shall not incur any civil liability to the person ordered to perform community services as a result of these activities, unless the political subdivision, its agent or employee is guilty of gross negligence, or is in willful or wanton disregard for the rights or safety of such person, in a manner so as to endanger or be likely to endanger such person or their property.

I. The court may, upon pronouncement of any jail sentence under this Section, provide in the sentence that the defendant be permitted, if he or she is employed and can continue his or her employment, to continue such employment for not more than 12 hours per day nor more than six days per week; the remaining day, days or parts of days shall be spent in jail until the sentence is served. He or she shall be allowed out of jail only long enough to complete his or her actual hours of employment and no longer.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Annotations

1. Double jeopardy

"The Court will apply heightened scrutiny to provisions that allegedly create separate offenses based on a single action, and in the absence of clear intent that the statutory offenses indeed punish separate conduct, multiple convictions for the same action will be barred by double jeopardy. The mere fact that the elements of the two or more statutory offenses are fulfilled by a defendant's action does not, by itself, show clear intent." *Navajo Nation v. Kelly*, No. SC-CR-04-05, slip op. at 8 (Nav. Sup. Ct. July 24, 2006).

The *Diné* concept of "double jeopardy" also means that even if the Council creates two separate offenses that clearly punish the same conduct, it cannot nonetheless mandate multiple punishments, even if its intent is clear. *Navajo Nation v. Kelly*, No. SC-CR-04-05, slip op. at 8 (Nav. Sup. Ct. July 24, 2006).

"In future cases, a prosecutor must file the complaint with double jeopardy in mind, and understand that an offender cannot be convicted of both reckless driving or DUI and homicide by vehicle when such conduct causes a death. If the Prosecutor charges the defendant with reckless driving or DUI and homicide by vehicle, and establishes the elements of reckless driving or DUI, and that a death resulted from those actions, the district court may only convict the defendant for the homicide offense." *Navajo Nation v. Kelly*, No. SC-CR-04-05, slip op. at 10 (Nav. Sup. Ct. July 24, 2006).

§ 708. Reckless driving

A. Any person who drives a vehicle carelessly in willful or wanton disregard of the rights or safety of others, and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

B. Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a term of not less than ten days nor more than 90 days, or by a fine of not less than one-hundred fifty dollars (\$150.00) nor more than three hundred seventy dollars (\$370.00), or both. On a second or subsequent conviction within a period of 24 months, punishment shall consist of imprisonment for a term not less than 20 days nor more than six months, or by a fine of not less than two hundred twenty-five dollars (\$225.00) nor more than five hundred dollars (\$500.00), or both, and to attend traffic safety education which includes a Defensive Driving Course II (DDC II).

C. The license or permit to drive of any person found guilty of violating this Section may be suspended by the proper authority for a period not to exceed 90 days. The court, upon suspending the license of any such person, shall follow the procedure set forth in § 707(D) of this Chapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Note. Slightly reworded for purposes of statutory form.

Annotations

1. Double jeopardy

"The Court will apply heightened scrutiny to provisions that allegedly create separate offenses based on a single action, and in the absence of clear intent that the statutory offenses indeed punish separate conduct, multiple convictions for the same action will be barred by double jeopardy. The mere fact that the elements of the two or more statutory offenses are fulfilled by a

defendant's action does not, by itself, show clear intent." *Navajo Nation v. Kelly*, No. SC-CR-04-05, slip op. at 8 (Nav. Sup. Ct. July 24, 2006).

"The *Diné* concept of 'double jeopardy' also means that even if the Council creates two separate offenses that clearly punish the same conduct, it cannot nonetheless mandate multiple punishments, even if its intent is clear." *Navajo Nation v. Kelly*, No. SC-CR-04-05, slip op. at 8 (Nav. Sup. Ct. July 24, 2006).

"In future cases, a prosecutor must file the complaint with double jeopardy in mind, and understand that an offender cannot be convicted of both reckless driving or DUI and homicide by vehicle when such conduct causes a death. If the Prosecutor charges the defendant with reckless driving or DUI and homicide by vehicle, and establishes the elements of reckless driving or DUI, and that a death resulted from those actions, the district court may only convict the defendant for the homicide offense." *Navajo Nation v. Kelly*, No. SC-CR-04-05, slip op. at 10 (Nav. Sup. Ct. July 24, 2006).

§ 709. Racing on highways

A. No person shall drive a vehicle on a highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, whether or not the speed is in excess of the maximum speed prescribed by law. No person shall in any manner participate in any such race, drag race, competition, contest, test or exhibition.

B. Any person found guilty of violating any provision of this Section shall be subject to imprisonment for a term not to exceed three months or a fine not to exceed three hundred-seventy five dollars (\$375.00), or both, to and attend a traffic safety education course (DDC II).

C. Upon a second or subsequent conviction committed within a periods of 24 months, such person shall be punished by imprisonment for a term of not less than 20 days nor more than six months, or be ordered to pay a fine of not less than two hundred-twenty five dollars (\$225.00) nor more than five hundred dollars (\$500.00) or both.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 710. Accidents involving death or personal injuries

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle and remain at the scene of the accident until he or she has fulfilled all requirements under this title.

B. Any person involved in an accident failing to stop or to remain at the scene of any accident as provided hereunder shall be ordered to pay a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for not less than 30 days nor more than 150 days, or both. Penalties and assessments under this

Section may be cumulative and imposed in addition to any appropriate penalty, fine or civil assessment upon conviction or determination of other or related offense or infractions involved.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 711. Accidents involving damage to attended vehicle

A. The driver of any vehicle involved in an accident resulting only in damage to a vehicle shall immediately stop his or her vehicle at the scene of the accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of the accident until he or she has fulfilled all requirements under this title.

B. Any person failing to stop or comply with the requirements of this Section shall be subject to be a fine not to exceed three hundred seventy-five dollars (\$375.00).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 712. Duty to give information and render aid

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: (1) call the police, (2) render reasonable assistance to any person injured in the accident by making arrangements for the carrying of the person to the hospital for medical treatment when it is apparent that such treatment is necessary; and (3) give his or her name, address and the registration number of the vehicle he or she is driving, and shall upon request exhibit his or her operator's or chauffeur's license and proof of insurance coverage to a police officer and to the person struck or the driver or occupant of, or person attending any vehicle damaged as a result of the accident.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 713. Immediate report of accidents

The driver of a vehicle involved in an accident resulting in an injury to or death of any person shall immediately, by the quickest means of communication, give notice of the accident to the Navajo Police or to the nearest law enforcement agency.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 714. Implied consent to submit to chemical test

A. Any person who operates a motor vehicle within the Navajo Nation shall be deemed to have given consent to a chemical test or tests of his or her breath and/or blood for the purpose of determining the alcoholic and/or drug content of his or her blood, if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

B. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person has been driving or in actual physical control of a motor vehicle within the Navajo Nation while under the influence of intoxicating liquor or drugs. The Division shall designate the test to be administered.

C. Any person in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by Subsection (A), and the test or tests designated by law enforcement officers may be administered.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 715. Refusal to submit to chemical test—Suspension of privilege to drive

A. Any person who refuses to submit to a chemical test as requested by an officer pursuant to § 714 shall have his or her driving privileges suspended by the court for a period of one year. The court, upon suspending the license of any such person, shall follow the procedures set forth in § 701 of this Chapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 716. Use of chemical tests in criminal actions or civil actions—Presumptions of intoxication

A. The results of a chemical test performed pursuant to this Chapter may be introduced into evidence in any civil action or criminal action arising out of the acts alleged to have been committed by the person tested while driving or in actual physical control of a motor vehicle while under the influence of

intoxicating liquor or drugs.

B. The amount of alcohol in a person's blood as shown by analysis of the person's blood, breath or other bodily substance shall give rise to the following presumptions:

1. If there was that time five one-hundredths of one percent (0.05%) or less by weight of alcohol in the defendant's blood it shall be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of five one-hundredths of one percent (0.05%) but less than eight one-hundredths of one percent (0.08%) by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

3. If there was at the time eight one-hundredths of one percent (0.08%) or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

4. Paragraph 1, 2, or 3 of this Subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

C. The percent by weight of alcohol shall be based on the grams of alcohol per 100 cubic centimeters of blood.

History

CF-13-01, February 1, 2001.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 717. Administration of chemical test—Payment of costs—Additional tests

A. Only the persons authorized by § 718 shall withdraw blood from any person for the purpose of determining its alcoholic or drug content. This limitation does not apply to the taking of samples of breath.

B. The person tested shall be given an opportunity to arrange for a physician, licensed professional or practical nurse, or laboratory technician or technologist who is employed by a hospital or physician, of his or her own choosing to perform a chemical test in addition to any test performed at the direction of a law enforcement officer. The law enforcement agency represented by the law enforcement officer at whose direction the chemical test is performed shall pay for the chemical test. If a person exercises his or her right to have a chemical test performed upon him or her by a person of his or

her own choosing, then the cost of that test shall be paid by the person exercising his or her rights.

C. Upon the request of the person tested, full information concerning the test or tests performed at the direction of the law enforcement officer shall be made available to him or her as soon as it is available from the person performing the test.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 718. Blood-alcohol and/or drug tests directed by police, judicial or probation officer—Persons qualified to perform tests—Relief from civil and criminal liability

Only a physician, licensed professional or practical nurse or laboratory technician or technologist employed by a hospital or physician shall withdraw blood from any person in the performance of a blood-alcohol and/or drug test. No such physician, nurse, technician or technologist who withdraws blood from any person in the performance of a blood-alcohol and/or drug test that has been directed by any police officer, or by any judicial or probation officer, shall be held liable in any civil or criminal action for assault, battery, false imprisonment, or any conduct of any police officer, except for negligence, any person assisting in the performance of such a test, or any hospital wherein blood is withdrawn in the performance of such test, be subject to civil or criminal liability for assault, battery, false imprisonment, or any conduct of any police officer, except for negligence.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Note. Slightly reworded for purposes of statutory form.

§ 719. Blood-alcohol and/or drug tests—Police, judicial or probation officer unauthorized to make arrest or direct test authorized by law

Nothing in this Chapter is intended to authorized any police officer, or any judicial or probation officer, to make any arrest or to direct the performance of a blood-alcohol and/or drug test otherwise unauthorized by law.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 720. Records of disposition

All records regarding the disposition of cases in which a person is charged with a violation of § 708 shall be maintained by the court and made accessible to the general public. The court shall include in these records an explanation of its reasons for accepting any plea agreement or dismissing any charge of a violation of § 707.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 721. School crossings

A. Crosswalks may be established over highways near a school or the grounds nearby, and all children crossing the highway shall be required to do so within the marked crosswalks. The Division, with respect to streets under their jurisdiction, with advice from the local superintendent of schools, shall establish and mark, or cause to be established and marked, these highway crossings.

B. Crosswalks over highways not adjoining school grounds may be established by the appropriate jurisdiction with the advice of the local superintendent of schools, after adequate assurance has been given that proper safety precautions, pursuant to regulations of the appropriate authorities, will be maintained.

C. At all school crossings, except as provided in this Section, appropriate signs shall be provided as prescribed by the appropriate jurisdictions, indicating the crossings and regulations for traffic movement within the school zones.

D. School crossings are not required to be specially posted when they are located:

1. At a signalized intersection; or
2. At an intersection where traffic is controlled by a stop sign;
or
3. At a point where a pedestrian tunnel or overhead crossing is provided.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 722. Use of white cane and other ambulation or mobility devices

A. The driver of a vehicle approaching a legally blind pedestrian who is carrying a cane predominantly white or metallic in color, or is using a guide-dog or is assisted by a sighted person shall yield the right-of-way and

take reasonable precautions to avoid injury to such pedestrian. In addition, the pedestrian shall have the same rights as all other pedestrian whether or not he or she is carrying such cane, using such dog or being assisted by such sighted person.

B. A person who violates any provision of this Section shall be subject to a fine not to exceed five hundred dollars (\$500.00).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 723. Throwing or dropping objects at moving vehicles

A. It shall constitute an offense for any person to intentionally or negligently throw, shoot, or otherwise propel any object at a motor vehicle which is being operated on a roadway.

B. Any person who violates the provisions of this Section shall be subject to a fine of not more than five hundred dollars (\$500.00).

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 724. Overtaking and passing school bus

A. The driver of a vehicle upon a roadway, upon meeting or overtaking from either direction any school bus which has stopped and has its red flashers in operation on the roadway for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching the school bus and shall not proceed until the school bus resumes motion and the red flashing lights are not in operation.

B. Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus" in letters not less than eight inches in height.

C. Every bus used for the transportation of school children shall be equipped with a signal with the word "Stop" printed on both sides in white letters not less than five inches high on a red background. The signal shall not be less than 20 inches long and shall be manually operated by the operator of the school bus in such manner as to be clearly visible from both the front and rear when extended from the left of the body of the bus. It shall be displayed only when passengers are being received or discharged from the bus.

D. The driver of a vehicle upon a roadway with separated lanes need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access roadway and the school bus stopped in a loading zone which is a part of or adjacent to the roadway and where pedestrians are

not permitted to cross the roadway.

E. Any person who violates the provisions of Subsection (A) of this Section shall be guilty of an infraction punishable by a civil assessment fee of not more than one hundred fifty dollars (\$150.00). A second conviction within one year thereafter shall be a misdemeanor subject to a fine of not more than three hundred seventy-five dollars (\$375.00). A third or subsequent conviction within one year after the last conviction shall be a misdemeanor subject to not less than five hundred dollars (\$500.00) or imprisonment for not less than 60 days, nor more than six months, or both.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Chapter 6. Parties, Procedure Upon Arrest and Reports in Criminal Cases

§ 800. Parties to a criminal or misdemeanor offense

A person who commits, attempts to commit, conspires to commit or aids or abets in the commission of, any act classified under this title to be a criminal or misdemeanor offense, whether individually or in connection with one or more other persons or as a principal, agent or accessory, is guilty of the offense. A person who falsely, fraudulently, forcibly or wilfully induces, causes, coerces, requires, permits or directs another to violate any provision of this title is likewise guilty of the offense.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 801. Offenses by person 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 the vehicle upon a highway in any manner contrary to law.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 802. When person arrested must be taken before a judge of the District Court

A person who is arrested for any of the following misdemeanor or criminal charges shall be taken before a District Judge of the Navajo Nation within a reasonable and lawful period of time.

- A. Homicide by vehicle;
- B. Driving while under the influence of intoxicating liquor or drugs;
- C. Failure to stop or to remain at the scene in the event of involvement in an accident causing death, personal injuries or damage to property; or
- D. In any event when the person arrested refuses to give his or her written promise to appear in court as provided in this Chapter.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 803. When person arrested for misdemeanor to be given notice to appear in Court

A. When a person is arrested for any other misdemeanor of this title, besides those instances specified in § 802 above, the arresting officer shall prepare in quadruplicate written notice to appear in court containing the name and address of the person, the license number of his or her vehicle, if any, and the offense charged.

B. The arrested person in order to secure release as provided in this Section, shall give his or her written promise to appear in court as specified in the written notice by signing at least one copy of the written notice prepared by the arresting officer. The officer shall deliver a copy of the notice to the person promising to appear. The officer shall then release the person arrested from custody.

C. An officer violating any of the provisions of this Section is guilty of misconduct and is subject to removal.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 804. Violation of promise to appear

A. Any person wilfully violating his or her written promise to appear in court, given as provided in § 803, is guilty of an offense regardless of the disposition of the charge upon which he or she was originally arrested.

B. A written promise to appear in court may be complied with by an appearance by counsel.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 805. Procedure prescribed in this article not exclusive

A. The provisions of §§ 800-804 shall govern all police officers in making arrests without a warrant for violations of the Title, but the procedure prescribed in this Subchapter 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.

B. For any misdemeanor or criminal offense alleged to have been committed in violation of this title where an officer must have a warrant to arrest, the officer may proceed as in any other offense; that is, either under a warrant of arrest or a summons and notice to appear.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 806. Form for traffic citations

A. The Division shall use a uniform traffic ticket and complaint form appropriately designating either civil or misdemeanor traffic citation which shall be issued in books with consecutively numbered citations in quadruplicate and meeting the requirements of this title.

B. The Division shall be responsible for the issuance of the books and shall maintain a record and receipt of every book issued to members of the Division.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 807. Disposition and records of traffic citations

A. Every law enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the Navajo Nation Motor Vehicle Code shall deposit the original or a copy of the traffic citation with the District Courts of the Navajo Nation.

B. Upon the deposit of the original or a copy of the traffic citation with a district court, the original or copy of the traffic citation may be disposed of only by the court. Disposition by the court includes trial, forfeiture of bond or bail, entry of judgment or determination, the deposit of sufficient bond or bail with the court, payment by the offender of any fine or assessment to the court; or imposition of appropriate sentences, penalty or imprisonment.

C. It is unlawful and official misconduct for any law enforcement officer

or other officer or public employee to dispose of an original, copy or record of traffic citation in a manner other than as required by this article.

D. The Division shall require the return of a copy of every traffic citation issued by an officer to an alleged violator of any provision of the Navajo Nation Motor Vehicle Code and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

E. The Division shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer, a record of the disposition of the charge by the court in which the original or copy of the traffic citation was deposited.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 808. Illegal cancellation of traffic citation; audit of citation records

A. Any person who cancels and dismisses or otherwise nullifies a traffic citation other than pursuant to a lawful court order or as otherwise provided in this article, shall be guilty of a misdemeanor.

B. Every record of traffic citations and their dispositions as required in this title shall be audited annually by the Office of the Auditor General.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

§ 809. Certification of traffic citation forms and complaints certification; false certification

A. Traffic citation forms or traffic complaints need not be sworn to if they contain a form of certification by the arresting officer in substance as follows:

"I hereby certify that I have reasonable grounds to believe and do believe that the person cited herein committed the offense described herein contrary to law."

B. A false certification under the provisions of Subsection (A) shall constitute a misdemeanor offense.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Chapter 8. Construction of Highways

History

Note. With the exception of § 1002, all other sections were previously codified at 14 N.N.C. §§ 1, 2, and 61-66.

Subchapter 1. Generally

§ 1000. Location and character

The location and character of the roads to be constructed on Navajo Nation lands shall first be approved by the Transportation and Community Development Committee which shall give due consideration to the needs of the Navajos before approving the construction of any road or roads.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

1922-1951 Res. p. 283, July 10, 1950.

Note. The Advisory Committee is no longer a standing committee of the Navajo Nation Council. See 2 N.N.C. § 423(E) for the authority of the Transportation and Community Development Committee.

§ 1001. Width of rights-of-way

Rights-of-way of 100 feet or 50 feet on each side of the center line of all presently maintained and constructed roads any roads to be constructed on Navajo Nation lands under the ten year program are granted. In the case of irrigated lands where rights-of-way are now less than 100 feet, such rights-of-way may be increased to 100 feet only with the consent of the users of the land or upon payment for any damage to such users.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

1922-1951 Res. p. 283, July 10, 1950.

§ 1002. Warning devices at construction sites

A. Any contractor, person, firm, corporation or political subdivision or other entity performing work on roads, streets or highways, shall place or cause to be placed at every such work or construction site, specified notices, warning and traffic control signs and devices in conformity with the specifications required by the National Highway Safety Code and approved by the

Division; and shall maintain at the work site such warning signs, signals, markers and barricades, adequate to warn those using such road, street, or highway until the work is completed or until such time as the governing body authorizes their removal.

B. Any person failing to place or maintain such notices, warnings or traffic control signs and devices as required herein, shall upon conviction thereof, be guilty of a misdemeanor, punishable by a fine of not less than three hundred dollars (\$300.00), nor more than five hundred dollars (\$500.00), or by imprisonment for not more than 60 days, or both.

C. In addition to the penalties provided herein, the Division may order that the conduct of any highway, roadway or street work construction or maintenance not in conformity with the requirements of this Section, be secured and suspended, until brought into full compliance and conformity with said requirements; and the Court shall order any party found guilty of violating this Section, to pay and to reimburse the Division for all costs reasonably incurred in order to appropriately secure and safely traverse such road work, construction or maintenance site.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

Note. This Section was previously designated as § 800 by CMY-30-88, May 6, 1988.

Subchapter 3. Rights-of-Way for Routes 1 and 3

§ 1020. Survey, construction, and grant of rights-of-way; authority to consent; waiver of compensation

A. The President of the Navajo Nation is authorized to give the consent of the Navajo Nation to the Bureau of Indian Affairs for the survey, construction, and grant of rights-of-way for Routes 1 and 3; said rights-of-way not to exceed 300 feet wide on Route 1, and not to exceed 200 feet wide on Route 3 across Navajo Nation land.

B. All claim of the Navajo Nation to compensation for use of its lands for highway purposes within such rights-of-way is waived. This waiver shall not extend to extraordinary actual damages.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CAP-25-59, April 16, 1959.

Note. This Section should be read in light of the amendments made to Title Two

of Navajo Nation Code by CD-68-89, December 15, 1989. See 2 N.N.C. § 420 *et seq.* for the authority of the Transportation and Community Development Committee. See also 2 N.N.C. § 691 *et seq.* for the authority of the Resources Committee.

§ 1021. Transfer of rights-of-way to state of Arizona; authority to consent

The President of the Navajo Nation may consent on behalf of the Navajo Nation to the transfer of the rights-of-way for Routes 1 and 3 or of any parts of them to the State of Arizona, reserving the right of the Nation to compensation for the use of its lands within rights-of-way if after such transfer such routes or any part of them are made controlled access highways.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CAP-25-59, April 16, 1959.

Note. This Section should be read in light of the amendments made to Title Two of Navajo Nation Code by CD-68-89, December 15, 1989. See 2 N.N.C. § 420 *et seq.* for the authority of the Transportation and Community Development Committee. See also 2 N.N.C. § 691 *et seq.* for the authority of the Resources Committee.

§ 1022. Terms or conditions; authority to attach

The President of the Navajo Nation may attach any terms or conditions not inconsistent with 14 N.N.C. §§ 1020 and 1021, to the Navajo Nation consents regarding rights-of-way that the President is empowered to give.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CAP-25-59, April 16, 1959.

Note. Slightly reworded.

This Section should be read in light of the amendments made to Title Two of Navajo Nation Code by CD-68-89, December 15, 1989. See 2 N.N.C. § 420 *et seq.* for the authority of the Transportation and Community Development Committee. See also 2 N.N.C. § 691 *et seq.* for the authority of the Resources Committee.

§ 1023. Damages for improvements—Generally

A. Whenever in the course of construction of Routes 1 and 3 by the Bureau of Indian Affairs across Navajo Nation land, or any allotment owned by a Navajo or Navajos, it is necessary to remove, destroy, or otherwise damage any improvement belonging to a Navajo who will not donate the same, the Navajo

Nation shall pay damages to the rightful claimant thereof out of Navajo Nation funds.

B. As used herein "improvement" means houses, hogans, sunshades, stables, storage sheds and dugouts, and sweathouses; sheep and horse corrals, lamb pens, and fences lawfully maintained; irrigation ditches, dams, charcos, development work on springs, and other water supply developments; any and all structures used for lawful purposes and other things having economic value.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CAP-25-59, April 16, 1959.

Cross References

Compensation for improvements and customary use rights upon adverse disposition of land, see 16 N.N.C. § 1401 *et seq.*

§ 1024. Cost of removal

Where any improvement owned by a Navajo is readily removable and he or she has an opportunity to remove the same, damages payable on account of such improvement shall be limited to the reasonable cost of removal, if any, even though the claimant thereof may have failed to remove such improvement and it may have been destroyed in the course of construction on the right-of-way.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CAP-25-59, April 16, 1959.

§ 1025. Knowledge that area included in right-of-way

No damages shall be paid to any person for any improvement, when such person at the time of building or acquiring such improvement knew or ought to have known that the area in which it was located was proposed to be included in a right-of-way.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CAP-25-59, April 16, 1959.

Chapter 10. Zoning Sides of Highways

§ 1200. Generally

Controlled zones of 750 feet on both sides of the right-of-way of any constructed, maintained or new proposed roads are established.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

1922-1951 Res. p. 138, March 16, 1950.

Note. This Section was previously codified as 14 N.N.C. § 201.

§ 1201. [Superceded]

History

This Section enacted by 1922-1951 Res. p. 138, March 16, 1950, was previously codified as 14 N.N.C. § 202 and was entitled "Authority of Advisory Committee". The Advisory Committee is no longer a standing committee of the Navajo Nation Council pursuant to CD-68-89, December 15, 1989. See 2 N.N.C. § 420 *et seq.* for the authority of the Transportation and Community Development Committee.

Chapter 12. Traffic Codes for Navajo Nation in Arizona, New Mexico and Utah

§ 1400. Authority to prepare

The President of the Navajo Nation is authorized and empowered to cause to be prepared highway traffic codes for the portions of the Navajo Nation lying respectively within the States of Arizona, New Mexico and Utah, which will be identical with or substantially similar and parallel to the highway laws of the above-mentioned states, to be in effect in those portions of the Navajo Nation lying within such states.

History

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CMY-23-62, May 2, 1962.

ACAU-170-62, August 24, 1962.

Note. The term "reservation" has been replaced by the term "Navajo Nation". This Section was previously codified at 14 N.N.C. § 701.

Chapter 15. The Navajo Nation Motor Vehicle Authority and the Navajo

Nation Motor Vehicles Division

History

Note. This Chapter was previously codified at §§ 901 through 904.

§ 1700. Findings; establishment

A. Findings:

1. In 2005 there were an estimated 100,000 motor vehicles registered and operating on the Navajo Nation with an estimated 8,000 new titles issued each year. It is estimated that between 6,000 and 15,000 used motor vehicles were bought and sold in the same year. It is estimated that in 2005 there were at least 100,000 licensed drivers on the Navajo Nation, and that 30,000 to 40,000 drivers' licenses were issued. The registration of motor vehicles and licensing of motor vehicle operators on the Navajo Nation have been done through the states of Arizona, New Mexico, and Utah, resulting in a wide variety of requirements and costs for the registration of motor vehicles and licensing of individual operators, as well as loss of control over the registration and licensing process.

2. Revenue derived from the registration of motor vehicles and licensing of individual motor vehicle operators on the Navajo Nation, estimated to be well in excess of \$10,000,000.00 per year in New Mexico alone, has been diverted to the states of Arizona, New Mexico and Utah rather than remaining within the Navajo Nation to serve the needs of the Navajo people. Capturing this lost revenue is essential for the Navajo Nation to be self-supporting and self-governing. Furthermore, the Navajo people will have uniform and consistent rules, regulations and rates, rather than being subject to the widely varying rules, regulations and rates of the separate states.

3. The Navajo Nation is in desperate need of the ability to control the DWI records, and the insurance records for motor vehicles operated on the Navajo Nation, and to share these records on a national basis. The current locations for such records are scattered among four separate jurisdictions and often unavailable for use on the Navajo Nation.

4. The Navajo people lack ready access to motor vehicle licensing and registration services and often must travel great distances to register motor vehicles, and obtain license plates and drivers licenses outside of the territorial boundaries of the Navajo Nation.

5. Navajo license plates and Navajo driver licenses will not only keep the revenues within the Navajo Nation, they will be an expression of the pride and inherent sovereignty of the Navajo people.

6. As an exercise of the inherent sovereignty of the Navajo Nation and in order to provide for consistency in the registration of motor vehicles and the licensing of individual motor vehicle operators, and to provide for the consistency of motor vehicles program administration, as

well as to recapture the revenue which is being lost to the states, the Navajo Nation hereby establishes the Navajo Nation Motor Vehicle Authority. The Navajo Nation Motor Vehicles Authority is charged with the creation and oversight of the Navajo Nation Motor Vehicles Division.

B. Establishment:

As a service to the Navajo people, to capture a source of revenue that is currently being diverted to the surrounding states, and as an exercise of the inherent sovereignty of the Navajo Nation, the Navajo Nation Motor Vehicle Authority is hereby established and charged with the development of a Navajo Nation Motor Vehicles Division.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

Note. Previous Section 1700 was deleted in its entirety and replaced by Resolution CO-41-06.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CO-39-51, October 19, 1951.

§ 1701. Definitions

A. "Authority" means the Navajo Nation Motor Vehicle Authority.

B. "Director" means a director of the Navajo Nation Motor Vehicle Authority.

C. "Fee" means a dollar amount charged to an individual or organization to defray the transactional costs incurred in issuing licenses for the privilege of operating and registering motor vehicles on the Navajo Nation and for raising revenue for the Navajo Nation general fund.

D. "Fine" means a dollar amount charged for failure to comply with provisions of this Chapter or regulations issued by the Authority and approved by the Government Services Committee of the Navajo Nation Council as authorized by this Chapter.

E. "Forfeiture" means the seizure of a motor vehicle by the Authority for failure to comply with this Chapter or regulations issued by the Authority and approved by the Government Services Committee of the Navajo Nation Council as authorized by this Chapter.

F. "License" means a permit issued by the Navajo Nation allowing persons to operate motor vehicles, or permitting motor vehicles to be operated on the Navajo Nation.

G. "License Plate" means a plate attached to a motor vehicle indicating

the motor vehicle has been registered with the Navajo Nation Motor Vehicles Division.

H. "Navajo Nation Motor Vehicles Division" means the Navajo Nation Motor Vehicles Division contracted for by the Navajo Nation Motor Vehicle Authority to administer the motor vehicle registration and individual licensing laws and regulations of the Navajo Nation.

I. "Penalty" means a dollar amount charged for failure to comply with provisions of this Chapter or regulations issued by the Authority and approved by the Government Services Committee of the Navajo Nation Council as authorized by this Chapter.

J. "Regulations" means the regulations developed by the Navajo Nation Motor Vehicle Authority and approved by the Government Services Committee of the Navajo Nation Council to guide the day to day activities of the Navajo Nation Motor Vehicles Division.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

Note. Previous Section 1701 was deleted in its entirety and replaced by Resolution CO-41-06.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CO-39-51, October 19, 1951.

§ 1702. Name, location and places of business

A. The name of the Authority shall be the Navajo Nation Motor Vehicle Authority, which shall establish the Navajo Nation Motor Vehicles Division.

B. The principal place of business for the Authority shall be in Window Rock, Navajo Nation (Arizona) 86515.

C. The Navajo Nation Motor Vehicles Division shall establish an office in Window Rock, Navajo Nation (Arizona) 86515 and at such other locations as the Authority may from time to time require.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

Note. Previous Section 1702 was deleted in its entirety and replaced by Resolution CO-41-06.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CO-39-51, October 19, 1951.

§ 1703. Purposes

A. The purpose of the Authority shall be:

1. To enter into memoranda of agreement with the states of Arizona, New Mexico and Utah, and such other state and national organizations as are appropriate, to assure the uniformity and recognition of registration and licensing of motor vehicles and uniformity in the issuing of drivers' licenses between the jurisdictions and, where appropriate, revenue sharing agreements.

2. To contract for a Navajo Nation Motor Vehicles Division.

3. To plan for and contract for field and mobile offices for the Navajo Nation Motor Vehicles Division at various locations throughout the Navajo Nation.

4. To promulgate regulations, subject to the approval of the Government Services Committee of the Navajo Nation Council, for the registration of motor vehicles on the Navajo Nation, the issuance of license plates and tags for motor vehicles, the issuance of drivers' licenses to qualified individuals, and the collection of fees related to the above activities.

B. To do everything necessary, proper, advisable or convenient for the accomplishment of the purposes set forth above, and to do all things necessary or connected to these purposes which are not forbidden by law.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

Note. Previous Section 1703 was deleted in its entirety and replaced by Resolution CO-41-06.

ACJN-131-88, June 29, 1988.

CMY-30-88, May 6, 1988.

CO-39-51, October 19, 1951.

§ 1704. Powers and duties of the Authority

A. Subject to applicable Navajo Nation laws and regulations, the Motor Vehicles Authority shall direct the purposes and exercise the following powers and duties:

1. The Authority shall provide or contract for the Navajo Nation

Motor Vehicles Division. If the Authority elects to contract for these services the Authority shall do so by performance based sealed competitive proposals in full compliance with the Navajo Nation Procurement Code, 12 N.N.C. § 301 *et seq.*; and in full compliance with the Navajo Business Opportunity Act, 5 N.N.C. § 201 *et seq.*

2. The Authority shall develop and issue regulations, subject to approval by the Government Services Committee of the Navajo Nation Council, for the registration of motor vehicles on the Navajo Nation, the issuance of license plates and tags for motor vehicles, the issuance of drivers' licenses to qualified individuals, and the collection of fees related to the above activities, and to assess fines and penalties, and interest, and to provide for forfeitures under authority of this Chapter or regulations issued pursuant to this Chapter.

3. The Authority shall acquire all facilities, services, hardware, and software, necessary for the operation and maintenance of the Navajo Nation Motor Vehicles Division.

4. The Authority shall exercise its powers in the best interests of the Navajo Nation within the limits of responsible judgment, and with the stipulation that the Authority shall not incur contractual obligations in excess of its ability to make payments for such obligations as they fall due.

5. The Authority shall select from the members of its board of directors a chairperson of the Authority and such other officers as it may from time to time find necessary; and to promulgate such rules as it determines are necessary in order to conduct its business.

6. Members of the board of directors of the Authority shall be reimbursed for expenses incurred in attending meetings of the Authority and the Authority, at its discretion, may provide for a stipend to be paid to its directors on a per-meeting basis subject to the prior approval of the Government Services Committee of the Navajo Nation Council.

7. The directors of the Authority, acting through their chairperson, shall make not less than annually, a report to the Government Services Committee and the Budget and Finance Committee of the Navajo Nation Council, and such report shall include a summary of the budget which has been approved for the Authority and the Navajo Nation Motor Vehicles Division for the coming year.

8. No contract or other transaction shall be permitted between the Authority and any of its directors, or between the Authority and any corporation, partnership, firm or other legal entity in which any member of the board of directors of the Authority holds a direct or indirect interest.

B. Subject to applicable Navajo Nation and federal laws, the Authority shall have the following powers:

1. To manage and operate, directly or through agents, all real and

personal property and facilities necessary to accomplish the purposes of this Chapter.

2. To collect fees, impose fines and penalties and assess interest thereon, and impose forfeitures, under authority of this Chapter and regulations issued pursuant to this Chapter.

3. To perform all acts, either directly or through agents, which are reasonable and necessary to accomplish the purposes of this Chapter.

4. To appoint agents and officers, acquire property, and enter into contracts as are reasonable and necessary to accomplish the purposes of this Chapter.

5. To act as an agent on behalf of the Navajo Nation to negotiate such intergovernmental agreements as are necessary to accomplish the purpose of this Chapter with the understanding that such intergovernmental agreements are subject to the approval of the Government Services Committee and the Intergovernmental Relations Committee of the Navajo Nation Council.

6. To enter into leases of restricted tribal trust lands subject to applicable Navajo Nation and federal laws and to acquire interests either by purchases or through leases in fee lands within the territorial boundaries of the Navajo Nation.

7. To rent, lease, purchase, or otherwise acquire personal property and to hold, own, manage, operate, pledge, mortgage, hypothecate, exchange, sell, or otherwise dispose of such property as is reasonable and necessary to accomplish the purposes of this Chapter.

8. To execute guarantees and enter into indebtedness to the extent of the net worth of the Authority subject to the provision that such guarantees are the guarantees of the Authority alone and are not the guarantees of the Navajo Nation and that any guarantee by the Navajo Nation could be given only by an action of the Navajo Nation Council under Navajo Nation law.

9. To designate and approve financial institutions to serve as depositories for the funds of the Authority.

10. To make, enter into, perform, carry out, cancel and rescind contracts for any lawful purpose reasonable and necessary to accomplish the purposes of this Chapter subject to Navajo Nation and applicable federal law.

11. To create and approve budgets for the operation of the Authority and the Navajo Nation Motor Vehicles Division.

12. To borrow funds and enter into indebtedness to the extent of the net worth of the Authority subject to the provision that such indebtedness is the indebtedness of the Authority alone and is not in the indebtedness of the Navajo Nation and that any guarantee on the indebtedness of the Authority by the Navajo Nation could be given only by

an action of the Navajo Nation Council under Navajo Nation law.

13. To accept grants or loans from any state or federal agency which are reasonable and necessary to accomplish the purpose of this Chapter subject to applicable Navajo Nation law.

C. The Authority shall have all additional powers which are reasonable and necessary to accomplish the purposes of this Chapter subject to Navajo Nation and applicable federal law.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1705. Indemnification of directors and employees of the Authority

The Authority shall indemnify any officer, employee or member of the board of directors of the Authority, or any former officer, employee or member of board of directors of the Authority, or any person who may have served at its request as an officer, employee or director of the Authority against reasonable expenses actually and necessarily incurred by him or her in connection with the defense of any action, suit or proceeding of which he or she is made a party by reason of being, or having been such officer, employee or member of the board of directors of the Authority except in relation to matters as to which he or she shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty; or except in relation to matters in which such officer, employee or director was acting beyond the scope of his or her agency. The Authority shall also reimburse to any officer, employee or member of the board of directors of the Authority reasonable costs of settlements of any such action, suit or proceeding if it shall be found by a majority of the board of directors of the Authority other than the director involved in the matter of controversy (whether or not a quorum exists), that it is in the best interest of the Authority and the Navajo Nation that such settlements are made and that such officer, employee or member of the board of directors of the Authority was not guilty of negligence or misconduct. Such rights of indemnification and reimbursement shall not be deemed exclusive of any other rights which such officer, employee, or member of the Authority be entitled to receive.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1706. Membership of the board of directors; selection, qualifications; term of office

A. The Authority shall consist of a five person board of directors, whereby one member shall represent each of the five agencies, all of whom shall be confirmed by the Government Services Committee of the Navajo Nation Council.

B. The directors shall be selected by the President of the Navajo Nation based upon their expertise in motor vehicle licensing and regulation, public safety or the administration of large and complex business or governmental systems, accounting, finance or other similar expertise.

C. Three of the directors shall be members of the Navajo Nation who have sufficient education and experience to qualify them for learning motor vehicle licensing and regulation, public safety and the business practices and procedures of the Authority, and for making sound judgments.

D. Directors shall be selected for the following terms of office and shall hold office until the qualification and selection of their successors:

1. The initial directors shall be appointed for a period of one year or until their successors have been appointed and have qualified. Directors shall be eligible for reappointment.

2. Beginning the second year, the directors shall be selected by the President of the Navajo Nation and confirmed by the Government Services Committee in three groups, the first group of two to serve one year, the second group of two to serve for two years, and the third group of one to serve for three years. Thereafter, all terms shall be for three years.

3. Vacancies on the Authority may be filled by the President of the Navajo Nation for the unexpired term of the vacant office.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1707. Meetings of the board of directors

A. The annual meeting of the board of directors shall be held at 10:30 a.m. on the second Wednesday of October at the principal place of business, or at such other place as the board of directors shall fix, commencing with 2006. No notices shall be required for annual meetings.

B. The board of directors shall meet at least quarterly upon notice fixing the time and place.

C. Special meetings of the board of directors may be held upon notice given by the chairperson, or secretary, or by any three members of the board of directors, at such place as the chairperson, secretary or directors shall direct or as shall be fixed by the notice.

D. Notice.

1. Notice of meetings stating the time and date, shall be given in writing by letter, facsimile or e-mail properly addressed to each member according to the latest available Authority records, not later than five days nor more than 30 days immediately preceding the meeting excluding

the day of the meeting.

2. Notice may be waived in writing signed by the directors entitled to such notices; whether before or after the time stated therein, and such waiver shall be deemed equivalent to the giving of such notice. Attendance of any director at the special meeting shall constitute a waiver of notice.

E. Three members of the board of directors shall constitute a quorum for the transaction of any business. The act of the majority of the directors present and voting at a meeting at which a quorum is present shall be the act of the Authority.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1708. Principal officers

The principal officers of the board of directors of the Authority shall consist of the following:

A. Chairperson of the board of directors of the Authority.

B. Secretary and a treasurer, who need not be directors of the Authority.

C. In the discretion of the directors, there may be a vice-chairperson of the board of directors.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1709. Powers and duties

All directors, officers and agents of the Authority shall have the following duties and such other duties as may be determined by resolution of the directors not inconsistent with this Chapter:

A. The chairperson of the board of directors of the Authority shall be chosen from among the directors, shall preside at all meetings of the board of directors if present, and shall, in general, perform all duties incident to the office of the chairperson and such other duties as, from time to time, may be assigned by the board. If a vice-chairperson is elected, he or she shall act in the capacity of the chairperson in the absence of the latter, and shall discharge any other duties designated by the chairperson.

B. The secretary shall keep, or cause to be kept the minutes of the meeting of the directors. The secretary shall see that all notices are duly

given in accordance with provisions of this Chapter. The secretary shall be custodian of the seal and records, and in general, shall perform all duties incident to the office of the secretary, and such other duties as may, from time to time, be assigned by the directors or the chairperson.

C. The treasurer shall be the financial officer of the Authority and shall have charge and custody of, and be responsible for, all funds of the Authority, and shall deposit such funds in such banks, trust companies, or other depositories as shall have been approved by the directors. The treasurer shall receive and give receipts for monies due and payable to the Authority from any source whatsoever; and, in general, shall perform all duties incident to the office of the Treasurer and such other duties as, from time to time, may be assigned by the directors or the chairperson. The treasurer shall render to the chairperson and the directors, whenever the same may be required, an account of all transactions as treasurer and of the financial condition of the Authority. The treasurer shall, at the expense of the Authority, give a bond for the faithful performance and discharge of the, duties in such amount, so conditioned, and with such surety or sureties as the directors may require.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1710. Election of officers; term of office; qualifications

The officers shall be chosen annually by the directors at their annual meeting, or as soon after such annual meeting as newly appointed directors shall have qualified. Each officer shall hold office until a successor is chosen and qualified or shall have been removed in the manner provided herein.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1711. Removal

Any officer or agent elected or appointed by the directors may be removed by the directors whenever, in their judgment, the best interest of the Authority may be served thereby, but in the absence of dereliction in duty, negligence or malfeasance in office, or any other good cause shown, such removal shall be without prejudice to the contract rights, if any, of the persons who are removed.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1712. Resignation; vacancies

Any officer may resign at any time by giving written notice to the directors, or to the chairperson, or secretary, such resignation shall take effect at the time specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any vacancy in any office because of death, disqualification, resignation, removal, or any other cause shall be filled for the unexpired portion of the term in the manner prescribed herein for election or appointment to such office.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1713. Other officers and agents

The directors may appoint such other officers and agents, including a General Manager at the discretion of the directors, as they deem necessary or expedient, and may determine their duties, as well as the terms of their holding office.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1714. Accounting; fiscal year

The accounting system for the Authority shall be maintained in accordance with generally accepted accounting practices. Financial operating statements shall be provided to the Government Services Committee and the Budget and Finance Committee of the Navajo Nation Council and the directors on a regular basis. The fiscal year of the Authority shall be October 1st to September 30th.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1715. Records; inspection; audits

The books, records and property of the Authority shall be available for inspection at all reasonable times by authorized representatives of the Navajo Nation. The accounts and records of the Authority shall be audited at the close of each fiscal year. Copies of such audit reports shall be furnished to the Government Services Committee and the Budget and Finance Committee of the Navajo Nation Council.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1716. Fees, fines, penalties, forfeitures and interest

All fees charged for motor vehicle registration and licensing services, and fines, penalties, forfeitures and interest required to enforce compliance with this Chapter shall be adopted by the directors and included within the regulations promulgated by the Authority with the approval of the Government Services Committee of the Navajo Nation Council.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1717. Pledges and security interests

Any pledge of, or security interest in, personalty, fixtures, revenues or other monies or funds, or of a revenue-producing contract or contracts made by the Authority shall be valid and binding from the time when the pledge is made or the security interest is given; the personalty, fixtures, revenues, or other monies or proceeds of any contract or contracts so pledged or secured and thereafter received by the Authority shall immediately be subject to the lien of such pledge or security interest without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority irrespective of whether such parties have notice thereof.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1718. Exemption from levy and execution

All property, including funds, of the Authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against such property nor shall any judgment against the Authority be a charge or lien upon its property; provided, however, that this section shall not apply to or limit the right of note holders or bondholders to pursue any remedies or rights, including, but not limited to, possession, execution, attachment, and sale of security, for the enforcement of any pledge or lien given by the Authority on its property, including personalty, fixtures, revenues, rates, fees, or other income of any other funds.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1719. Liability of Authority

A. The Navajo Nation Council does hereby pledge to contract and agree with any person, firm or corporation, or any federal, Navajo Nation or state agency subscribing to or acquiring notes or bonds of the Authority issued for the purposes of the Authority, that it obligates itself not to limit or alter the rights or powers vested in the Authority until all such notes or bonds at any time issued, together with interest thereon are fully met, paid and discharged. The Navajo Nation Council does further pledge to contract and agree with any federal agency that in the event any such agency shall loan or contribute any funds for construction, extension, improvement or enlargement of any facilities that the Navajo Nation Council will not alter or limit the rights or powers of the Authority in any manner which would be inconsistent with the due performance of any agreements between the Authority and any Creditor; and the Authority shall continue to have and may exercise all rights and powers under its plan of operation, so long as the same shall be necessary or desirable for the carrying out of its purposes and those of any Creditor loaning or contributing funds for the construction, extension, improvement, enlargement, or operation of any facilities or programs.

B. The foregoing shall be construed as an explicitly limited exception to the sovereign immunity of the Navajo Nation and shall not be construed to waive any immunity of the Navajo Nation, nor to extend any liability to any assets, revenues or income of the Navajo Nation, other than those of the Authority. Otherwise, the provisions of the Navajo Sovereign Immunity Act (as amended) shall not be deemed altered or amended.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

§ 1720. Remedies of note or bondholders

A. Subject to any contractual limitations binding upon the holders of any issue of notes or bonds, or trustees therefor, including but not limited to the restriction of the exercise of any remedy to a specified proportion or percentage of such holders, any holder of any note or bond, or trustee therefor, shall have the right and power, for the equal benefit and protection of all holders of notes or bonds similarly situated:

1. By mandamus or other suit, action, or proceeding at law or in equity in the Courts of the Navajo Nation to compel the Authority, and its directors, officers, agents or employees, to perform and carry out their duties and obligations under the Authority's plan of operation, and their covenants and agreements with such holders;

2. By action or suit in equity in the Courts of the Navajo Nation to require the Authority to account as if they were the trustees of an express trust;

3. By action, suit or other proceeding at law or in equity in the Courts of the Navajo Nation to have a receiver appointed and/or to enforce any pledge, lien or security agreement given in connection with the issuance of any note or bond, such enforcement right to include the power to possess, control and sell the security in accordance with the applicable security agreement, lien or pledge;

4. By action or suit in equity in the Courts of the Navajo Nation against the Authority or its directors to enjoin any acts or things which may be unlawful or in violation of the rights of the note or bondholders; and

5. To bring suit against the Authority in the Courts of the Navajo Nation upon the notes or bonds, security instruments or loan contracts.

B. No remedy conferred by this section upon any holder of the notes or bonds, or any trustee therefor, is intended to be exclusive of any other remedy, but each such remedy is cumulative and in addition to every other remedy, and may be exercised without exhausting and without regard to any other remedy conferred by this resolution or by any other law. No waiver of any default or breach of duty or contract, whether by any holder of the notes or bonds, or any trustee therefor, shall extend to or shall effect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any note or bondholder, or any trustee therefor, to exercise any right or power accruing upon default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy, conferred upon such holder may be enforced and exercised from time to time as often as may be deemed expedient. In case any suit, action or proceeding to enforce any right or exercise any remedy shall be determined adversely to the holder of the note or the bond, or any trustee therefor, then and in every such case the Authority and such holder, or such trustee, shall be restored to their former positions and rights and remedies as if no such suit, action or proceeding had been brought or taken.

C. The foregoing shall be construed as a limited exception to the general principles of sovereign immunity and shall not be construed to waive any immunity of the Navajo Nation, nor to extend any liability to any assets, revenues or income of the Navajo Nation other than the Authority. Otherwise, the provisions of the Navajo Nation Sovereign Immunity Act (as amended) shall not be deemed altered or amended.

History

CO-41-06, October 20, 2006. The Navajo Nation Motor Vehicle Authority Act, effective date April 20, 2007.

Title 15

Labor

Chapter 1. [Reserved]