

**PUEBLO OF ACOMA LAWS 2003 (2019 Replacement)**

**TITLE 10  
CIVIL TRAFFIC CODE**

This Replacement includes laws enacted since the Pueblo of Acoma Laws 2003 pursuant to Tribal Council Resolutions dated January 1, 2016 through December 31, 2018.

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These laws may be cited by Title, Chapter, Section and Year as Section or  
§\_\_-\_\_-\_\_ Pueblo of Acoma Laws 2003 (2019 Replacement)

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TITLE 10  
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# PUEBLO OF ACOMA LAWS 2003 (2019 Replacement)

## TITLE 10 CIVIL TRAFFIC CODE

**Origins:** The Tribal Council adopted the first traffic code, entitled "Motor Vehicle Laws" pursuant to 4/13/71 Ordinance. The 1971 Ordinance was substantially amended by the 1985 Law and Order Code. In 2003 the Traffic Code was codified as Title 10 of The Pueblo of Acoma Laws 2003, but did not alter the substance of the laws, merely formatting the Title. In 2016 Title 10 was amended in restated as a civil traffic code in Tribal Council Resolution TC-AUG-25-16-Via and Title 10A was created to amend and restate the criminal traffic code.

### Chapter 1. DEFINITIONS

#### 10-1-1 Definitions of Words and Phrases

- A. The following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Title.
1. "Abandoned vehicle" means a vehicle or motor vehicle left unattended, on either private or public property, for an unreasonable length of time, and which, after being reported to a law enforcement agency in the state, has been by that agency discovered:
    - a. Not to have been stolen;
    - b. The legal ownership of which cannot be established by normal record-checking procedures; and
    - c. The legal ownership of which is not claimed or asserted by any person.
  2. "Administrator" means the chief executive employee of the Pueblo; including but not limited to the Governor or his designated representative.
  3. "Alley" means street intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.
  4. "Authorized emergency vehicle" means any vehicle of the fire

department, police vehicle, ambulances and such emergency vehicles of Pueblo departments or public service corporations as are designated or authorized by the chief of the Acoma police or the administration.

5. "Bicycle" means every device propelled by human power, upon which any person may ride, having two tandem wheels, except scooters and similar devices.
6. "Bus" means every motor vehicle designed and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation, or by contract.
7. "Business district" means the territory contiguous to and including a street and within three hundred feet from such street where there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least fifty percent of the frontage of one side or fifty percent of the frontage collectively on both sides of the street.
8. "Cancellation" means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.
9. "Combination" means any connected assemblage of a motor vehicle and one or more semitrailers, trailers, or semitrailers converted to trailers by means of a converter gear.
10. "Controlled access street" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.
11. "Converter gear" means any assemblage of one or more axles with a fifth wheel mounted thereon, designed for use in a combination to support the front end of a semitrailer but not permanently attached thereto.
12. "Crosswalk" means:
  - a. That part of a street at an intersection included within

the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

- b. Any portion of a street at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- 13. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- 14. "Daytime" means from a half hour before sunrise to a half hour after sunset.
- 15. "Dealer" means every person, excluding those who have financed or repossessed vehicles, engaged in the business of buying, selling or exchanging vehicles, if he trades, sells or barter three or more vehicles, motor vehicles or trailers subject to registration in [New Mexico], in any one calendar year, other than a motor vehicle titled or registered for his personal use.

**Annotation:** The 2016 Amended and Restated Title 10 replaces references to "this state" with "[New Mexico]" or "[Acoma]" as appropriate.

- 16. "Director" means the head of the motor vehicle division of the Pueblo transportation department.
- 17. "Divided street" means any street containing a physical barrier, intervening space or clearly indicated dividing section so construed to impede vehicular traffic and separating vehicular traffic traveling in opposite directions.
- 18. "Division" means the motor vehicle division of the Pueblo of Acoma Traffic division or the New Mexico State Transportation department.

**Annotation:** The 2016 Amended and Restated Title 10 replaces the State Transportation Department with the New Mexico Taxation and Revenue Department which now houses the Motor Vehicle Division in place of its predecessors under New Mexico law.

- 19. "Driveway-tow away operation" means any operation in which any motor vehicle or motor vehicles, new or used, constitute the commodity being transported, when one set or more of

wheels of any such motor vehicle or motor vehicles are on the street during the course of transportation, whether or not any such motor vehicle furnishes the motive power.

20. "Driver" means every person who drives or is in actual physical control of a motor vehicle including a motor-driven cycle, upon a street or who is exercising control over or steering, a vehicle being towed by a motor vehicle.
21. "Driver's license" means any license to operate a motor vehicle issued under the law.
22. "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.
23. "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.
24. "First offender" means a person who has been convicted in a trial court under state or federal law or Tribal ordinance of the charge of driving a motor vehicle while under the influence of intoxicating liquor, narcotic drug or any other drug which renders him incapable of driving a motor vehicle, and includes a person who pled guilty to the charge or pled nolo contendere to the charge, whether or not his 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 attendance at, and successful completion of, a driver rehabilitation program or a "driving-while-intoxicated school."
25. "Flammable liquid" means any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-up test device.
26. "Freight curb loading zone" means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

27. "House trailer" means any vehicle without motive power designed or used as a mobile home, office, shop, or as a recreational, camping or travel facility.
28. "Implement of husbandry" means every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations.
29. "Intersection" means:
  - a. The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways or two streets which join one or another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.
  - b. Where a street includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersection street shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
30. "Interstate highway" means any public highway which has been designated as an interstate highway by the government of the United States.
31. "Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
32. "License or license to operate a motor vehicle" means any driver's license under, or granted by, the laws of his state and/or Pueblo including:
  - a. Any temporary license or instruction permit;
  - b. The privilege of any person to drive a motor vehicle whether or not the person holds a valid license; and
  - c. The nonresident's operating privilege as defined herein.
33. "Metal tire" means every tire the surface of which in contact with the street is wholly or partly of metal or other hard non-

resilient material, except that for the purposes of this Title a snow tire with metal studs designed to increase traction on ice or snow shall not be considered a metal tire.

**Annotation:** The 2016 Amended and Restated Title 10 replaces "ordinance" with "Title"

34. "Mobile home" means a house trailer, other than one held as inventory for sale or resale, that exceeds either a width [of] eight feet or a length of forty feet, when equipped for the road.

**Annotation:** To clarify the language of the law, "or" is replaced with "[of]"..

35. "Moped" means a two-wheeled or three-wheeled vehicle having fully operative pedals for propulsion by human power, an automatic transmission and a motor having a piston displacement of less than fifty (50) cubic centimeters, which is capable of propelling the vehicle at a maximum speed of not more than twenty-five (25) miles an hour on level ground.
36. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on no more than three wheels in contact with the ground, but excluding a tractor.
37. "Motor driven cycle" means every motorcycle, motor scooter and moped having an engine with less than one hundred (100) cubic centimeters displacement.
38. "Motor scooter" means a motor-driven cycle as defined in this section.
39. "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from batteries or from overhead trolley wires, but not operated upon rails.
40. "Nighttime" means the hours from a half hour after sunset to a half hour before sunrise.
41. "Nonresident" means every person who is not a resident of this Pueblo.
42. "Official time standard" means whenever certain hours are named in this Title they shall mean standard time or daylight savings time as may be in current use in this Pueblo.

**Annotation:** The 2016 Amended and Restated Title 10 replaces "ordinance" with "Title".

- 43. "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- 44. "Operator" means driver, as defined in Section 10-1-1(A)(20).
- 45. "Owner" means a person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right [of] purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or, in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor.

**Annotation:** To clarify the language of the law, "or" is replaced with "of".

- 46. "Park" or "parking" when 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.

**Annotation:** To clarify the language of the law, "or" is replaced with "of".

- 47. "Passenger curb loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- 48. "Pedestrian" means any person on foot.
- 49. "Person" means every natural person, firm, co-partnership, association, corporation, or other legal entity.
- 50. "Pole trailer" means any vehicle without motive power, designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly-shaped loads such as poles, structure, pipe or structural members capable, generally, of sustaining themselves as beams between the

supporting connections.

51. "Police" or "peace officer" means every officer authorized by the Pueblo to direct or regulate traffic or to make arrests for violations of this chapter.
52. "Private road" or "driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons.
53. "Public holidays" means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, or any other day designated a holiday by the governing body of this Pueblo.
54. "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.
55. "Railroad sign" or "railroad signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
56. "Railroad train" means a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails.
57. "Recreational vehicle" means a vehicle which is composed of a chassis, or frame with wheels, which either has its own motive power or is drawn by another vehicle, and a camping body primarily designed or converted for use as temporary living quarters for recreational, camping or travel activities.
58. "Registration number" means the number assigned by the motor vehicle division to the owner of a vehicle or motor vehicle required to be registered by the Motor Vehicle Code.
59. "Registration [plate]" means the plate, marker, sticker, or tag assigned by the motor vehicle division for the identification of the registered vehicle.

**Annotation:** To clarify the language of the law, "place" is replaced with "plate."

60. "Residence district" means the territory contiguous to and including a street not comprising a business district when the property on such street for a distance of three hundred feet or

more is in the main improved with residences or residences and buildings in use for business.

61. "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public streets are terminated and shall not be restored, except that an application for a new license may be presented and acted upon by the Division after the expiration of at least one year after date of revocation.
62. "Right of way" means the privilege of the immediate use of the roadway.
63. "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight or a vehicle or load so drawn.
64. "Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
65. "Safety zone" means the area or space officially set apart within a street for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
66. "School bus" means any motor vehicle operating under the jurisdiction of federal authorities, or of the [New Mexico] board of education or private school or parochial school interests which is used to transport children, students or teachers to and from schools or to and from any school activity, but not including any vehicles:

**Annotation:** The 2016 Amended and Restated Title 10 replaces "state" with "[New Mexico]" or "[Acoma]" as appropriate.

- a. Operated by a common carrier, subject to and meeting all requirements of the [New Mexico Public Regulatory Commission] but not used exclusively for the transportation of pupils;
- b. Operated solely by a government-owned transit authority, if the transit authority meets all safety

requirements of a state corporation commission but is not used exclusively for transportation of pupils; or

c. Operated as a per capita feeder.

**Annotation:** The 2016 Amended and Restated Title 10 in 10-1-1(A)(66)(a) replaces "state corporation commission" with the New Mexico state entity that as of 2016 regulates common carriers.

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

**Annotation:** To clarify the language of the law, "movite" is replaced with "motive."

68. "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.

69. "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

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

71. "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth or Puerto Rico or province of Canada.

72. "Specified highway" means any public highway which has been designated as a federal highway, state highway, or tribal road, either by legislature, Tribal Council, or the [New Mexico] [Transportation Commission].

**Annotation:** The 2016 Amended and Restated Title 10 replaces "state" with [New Mexico] or [Acoma] as appropriate. The "State Highway Commission" is replaced with the "Transportation Commission" to reflect a change in New Mexico law.

73. "Stop", when required, means complete cessation from

movement.

74. "Stop, stopping, or standing", when 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 the directions of a [Peace] Officer or traffic-control sign or signal.
75. "Street" or "highway" means every way or place generally open to the use of the public as a matter [of] right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purposes of construction, maintenance, repair or reconstruction.

**Annotation:** To clarify the language of the law, "or" is replaced with "of".

76. "Subsequent offender" means a person who, under a state law, federal law or Tribal [law] 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 render him 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.

**Annotation:** To clarify the language of the law, "ordinance" is replaced with "law."

77. "Suspension" means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of such suspension.
78. "Taxicab" means a motor vehicle used in the transportation of persons for hire, having a normal seating capacity of not more than seven persons.
79. "Through street" means every street or portion thereof at the entrance to which vehicular traffic from intersection streets is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this [Title].

**Annotation:** The 2016 Amended and Restated Title 10 replaces "ordinance" with "Title"

80. "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while

using any street for purposes of travel.

81. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
82. "Trailer" means any vehicle, without motive power, designed for [carrying] persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

**Annotation:** To clarify the language of the law, "carry" is replaced with "carrying".

83. "Trial court" means the magistrate, municipal, or district Court which tries the case concerning an alleged violation of a provision of [this Title].

**Annotation:** The 2016 Amended and Restated Title 10 in 10-1-1(A)(82) adds the bracketed word to clarify the language of the law and replaces "the Motor Vehicle Code" with "[this Title]."

84. "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.
85. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed to carry a load other than a part of the weight of the vehicle and load so drawn.
86. "Validating sticker" means the tab or sticker issued by the Division to signify, upon a registration plate, renewed registration.
87. "Vehicle" means every device in, upon, or by which, any person or property is or may be transported or drawn upon a street, including any frame, chassis or body of any vehicle or motor vehicle, except devices moved by human power or used exclusively upon stationary rails or tracks.

- B. When in a specific section of this Title a different meaning is given for a term defined for general purposes in this section, the specific section's meaning and application of the term shall control.

10-1-2

Any Other Term: Any other term used in this Title is used in its commonly accepted meaning except where such other term has been defined elsewhere in this Title.

## Chapter 2. TRAFFIC ADMINISTRATION

10-2-1 Traffic Division Established: A traffic division within the Acoma police department is established.

10-2-2 Administration of Traffic Division: The traffic division shall be under the control of an officer of the police department, and this officer shall be appointed by and directly responsible to the chief of police or a person designated by the chief of police.

10-2-3 Duties of Traffic Division: The traffic division, with such assistance as may be rendered by the other divisions within the police department shall:

- A. Enforce traffic regulations applicable to street traffic;
- B. Make arrests for traffic violations;
- C. Investigate accidents;
- D. Be cooperative with the chief of police and other officials in the administration of traffic laws and regulations and in developing methods to improve traffic conditions; and
- E. Carry out those duties imposed on it by this Title.

10-2-4 Records of Traffic Division

- A. The traffic division or the police department shall keep a record of traffic accidents, citations, warnings, arrests, convictions, complaints and alleged violations of this Title or [New Mexico] vehicle laws reported for each person within its jurisdiction.
- B. The records shall be obtainable alphabetically under the name of the person concerned.
- C. Each person's record shall:
  - 1. Include a record of the final disposition of all alleged violations of this [Title] or [New Mexico] vehicle laws;
  - 2. Show all types of violations and the total of each type.

**Annotation:** The 2016 Amended and Restated Title 10 replaces "state" where appropriate with "New Mexico" and "ordinance" with "Title."

10-2-5 Traffic Accident Reports Maintained by Traffic Division

- A. The traffic division shall maintain a suitable system of filing traffic accident reports.
- B. Accident reports or cards referring to them shall be obtainable alphabetically by persons involved.
- C. Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this Title either at the time of and at the scene of the accident or thereafter by interviewing participants or witness shall, within twenty-four (24) hours after completing such investigation, forward a written report of such accident to the chief of police and the [Motor Vehicle Division of the New Mexico Department of Taxation and Revenue].

**Annotation:** The 2016 Amended and Restated Title 10 replaces "State Motor Vehicle Department with, New Mexico revisions to the responsible agency of the State of New Mexico.

10-2-6 Traffic Accident Studies by Traffic Division: Whenever accidents at any particular location become numerous, the chief of police shall cooperate with the administration in conducting studies of such accidents and determining remedial measures.

10-2-7 Annual Traffic Safety Report by Traffic Division: The Acoma traffic division shall prepare an annual traffic report which shall be filed with the chief of police. The report shall contain, but not be limited to, the following information:

- A. Number of traffic accidents, number of persons killed, number of person injured and other pertinent traffic accident data;
- B. Safety activities of the police; and
- C. Plans and recommendations of the traffic division for future traffic safety activities.

10-2-8 Traffic Engineer and Traffic Engineering Department Established [Reserved for future use].

10-2-9 Duties of Traffic Engineer [Reserved for future use].

10-2-10 Emergency and Experimental Regulations

- A. The chief of police or the administrator may make and enforce

temporary or experimental regulations to cover emergencies or special conditions, but no such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

- B. The administrator may test traffic-control devices under actual traffic conditions.

### Chapter 3. APPLICATION OF TRAFFIC REGULATIONS

10-3-1 Obedience to [this Title]: It is unlawful and, unless otherwise declared in this Title with respect to particular offenses, it is a civil penalty assessment offense and a violation for any person to do any act forbidden or fail to perform any act required in this Title 10.

**Annotation:** This section was revised in the 2016 Amended and Restated Title 10 to limit applicability to civil violations of this Title.

10-3-2 Obedience to Officers: No person shall willfully fail or refuse to comply with any lawful order or direction of any [Peace] Officer or fire department officer invested by this chapter with authority to direct, control, or regulate traffic.

10-3-3 Authority of Police and Fire Departments to Enforce Pueblo of Acoma Law and Where Applicable Certain [New Mexico] Law

- A. It is the duty of [Peace] Officers, or such officers as may be assigned by the chief of police, to enforce all traffic regulations of this Pueblo and all applicable [New Mexico] vehicle laws that are not inconsistent with the Pueblo of Acoma laws or customs and traditions of the Pueblo of Acoma.
- B. [Peace] Officers, or such officers as may be assigned by the chief of police, are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws and regulation. However, in the event of a fire or other emergency, they may direct as conditions require, notwithstanding provisions of the traffic laws and regulations, in order to expedite traffic or to safeguard pedestrians.
- C. Officers of the fire department may direct or assist police in directing traffic at the scene of a fire or in its immediate vicinity.

**Annotation:** The 2016 Amended and Restated Title 10 replaces "state" where appropriate with "New Mexico", and to limit the extent of such laws to those "that are not inconsistent with Pueblo of Acoma Law or customs and traditions of the Pueblo of Acoma."

10-3-4 Authorized Emergency Vehicles.

- A. The driver of an authorized emergency vehicle, when responding to

an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The director and the chief of police may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles.

- B. The driver of an authorized vehicle may:
1. Park or stand, irrespective of the provisions of this Title;
  2. Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation;
  3. Exceed the maximum speed limits so long as he does not endanger life or property; and
  4. Disregard regulations governing direction of movement or turning in specified directions.
- C. The exemptions granted to an authorized emergency vehicle apply only when the driver of the vehicle, while in motion sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- D. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of his reckless disregard for the safety of others. This section is not a waiver of the Pueblo of Acoma's sovereign immunity unless otherwise directed by the Tribal Council.

**Annotation:** This 2016 Amended and Restated Title 10 adds the following sentence: "This section is not a waiver of the Pueblo of Acoma' sovereign immunity unless otherwise directed by the Tribal Council."

10-3-5

Application of [this Title] to Persons Propelling Push Carts, Riding Animals or Driving Animal-drawn Vehicles: Every person riding an animal, driving an animal-drawn vehicle, or propelling a push cart upon a street 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 [Title], except those provisions of this [Title] which by their very nature can have no application, and except where otherwise specifically provided herein.

**Annotation:** The 2016 Amended and Restated Title 10 replaces "Traffic Ordinance" with "Title," and removes former 10-3-6 - Use of Coaster Wagons, Roller Skates, Skateboards, and Similar Devices.

#### 10-3-6 Public Officers and Employees to Obey [this Title]: Exceptions

A. The provisions of this Title, applicable to the drivers of vehicles upon the streets, shall apply to the drivers of all vehicles owned or operated by the Pueblo, the United States, [New Mexico], or any county, city, town, district, or any other political subdivision of [New Mexico], except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-3-7 as 10-3-6, replaces "this state" and "the state" where appropriate with "New Mexico."

B. Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

#### Chapter 4. ACCIDENT AND ACCIDENT REPORTS

**Annotation:** The 2016 Amended and Restated Title 10 removed the following sections from Title 10, Chapter 4 to Chapter 10A – Criminal Traffic Code: (1) former 10-4-1- Accident Involving Death or Personal Injuries - is now recodified at 10A-2-1; (2) former 10-4-3 - Duty to Give Information and Render Aid – is now recodified at 10A-2-2; and (3) former 10-4-7 - Written Reports of Accidents, and the former 10-4-10 - Written Accident Reports Confidential; Exceptions, are removed.

10-4-1 Accidents Involving Damage to Vehicle: The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section [10A-2-2]. Every such stop shall be made without obstructing traffic more than is necessary.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-4-2 as 10-4-1 and gives the new citation to the former 10-4-3 in brackets. The sentence "Any person failing to stop or comply with said

requirements under such circumstances shall be guilty of a misdemeanor” is removed.

10-4-2 Duty upon Striking Unattended Vehicle: The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-4-4 as 10-4-2.

10-4-3 Duty upon Striking Fixtures or Other Property upon a Street: The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his driver's license and shall make report of such accident when and as required in Section 10-4-7.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-4-5 as 10-4-3.

10-4-4 Immediate Notice of Accidents

- A. The driver of any vehicle involved in an accident resulting in injury to or death of any person, or property damage to an apparent extent of one hundred dollars (\$100) or more, shall immediately, by the quickest means of communication, give notice of such accident to the police department.
- B. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in Subsection A and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-4-6 as 10-4-4.

10-4-5 Garages, Dealers and Wreckers of Vehicles to Report: The person in charge of any garage or repair shop, dealers, or wreckers of vehicles, to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in this[Title], or struck by any bullet, shall report to the police department within

twenty-four (24) hours after such motor vehicle is received, giving such vehicle identification number, registration number, and the name and address of the owner or operator of such vehicle.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-4-8 as 10-4-5, and replaces "ordinance" with "[Title]".

10-4-6 False Reports: No person shall give information to the police department in oral or written reports of accidents, knowing or having reason to believe that the information is false.

**Annotations:** (1) The 2016 Amended and Restated Title 10 recodifies former 10-4-9 as 10-4-6; (2) For the penalty assessments for the violation of sections 10-4-1 to 10-4-6, see 10-12-2(A), Schedule of Assessments.

## Chapter 5. SIGNS, SIGNALS, AND MARKINGS

10-5-1 Authority to Install Traffic-Control Devices: The administrator shall place and maintain such traffic-control devices as necessary to carry out the provisions of this chapter and to regulate, warn or guide traffic.

10-5-2 Manual and Specifications for Traffic-Control Devices: The administrator shall place and maintain such traffic-control devices upon streets under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Title or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to standard specifications.

10-5-3 Obedience to Required Traffic-Control Devices: The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Title, unless otherwise directed by a traffic or [Peace] Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title.

10-5-4 When Official Traffic-Control Devices Required for Enforcement Purpose: No provision of this Title for which signs are required shall be enforced against alleged violator if at the time and place of the alleged violation [an] official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

**Annotation:** The word "and" is replaced with "an" to clarify the language of the law.

10-5-5 Official Traffic-Control Devices; Presumption of Legality.

A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this Title, such

devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

- B. Any official traffic-control device placed pursuant to the provisions of this Title and purporting to [conform] to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

**Annotation:** To clarify the language of the law, "confirm" is replaced with "conform".

10-5-6 Lights and Their Application to Vehicles and Pedestrians: Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, yellow and red shall be used, except for special pedestrian control signals carrying a word legend, and the lights indicate and apply to drivers of vehicles and pedestrians:

A. Green alone:

1. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibits either turn. Vehicular traffic, including right or left unless a sign at the 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 exhibited; and
2. Pedestrians facing the signal may proceed across the street within any marked or unmarked crosswalk.

B. Yellow alone when shown following green signal:

1. Vehicular traffic facing the signal is warned that the red signal will be exhibited immediately thereafter and the vehicular traffic shall not enter the intersection when the red signal is exhibited except to turn right as hereinafter provided; and
2. No pedestrian facing the signal shall enter the street until the green is shown alone unless authorized to do so by a pedestrian "walk" signal.

C. Red alone:

1. Vehicular traffic facing the signal shall stop before entering the

crosswalk on the near side of the intersection or, if there is no crosswalk, then before entering the intersection, and shall remain stopped until permitted to proceed by a green light or arrow, or may be entered safely, provided that such vehicular traffic shall yield the right of way to all pedestrians and vehicles lawfully in or approaching the intersection;

2. Vehicular traffic on a one-way street facing the signal shall stop before entering the crosswalk on the near side of the intersection or if there is no crosswalk, then before entering the intersection, and if a left turn onto a one-way street in the proper direction is intended, may turn left after stopping until the intersection may be entered safely, provided that such vehicular traffic shall yield the right of way to all pedestrians and vehicles lawfully in or approaching the intersection;
3. Whenever the administrator determines on the basis of an engineering and traffic investigation that a turn as hereinabove provided should be prohibited at a particular intersection, such turn may be prohibited by the posting of signs at the intersection indicating that such a turn is prohibited; and
4. No pedestrian facing the signal shall enter the street until the green is shown unless authorized to do so by a pedestrian "walk" signal.

D. Red with green arrow:

1. Vehicle traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection; and
2. No pedestrian facing the signal shall enter the street unless he can do so safely and without interfering with any vehicular traffic.

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

F. When a sign is in place permitting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the

turn indicated by the sign after stopping as required by Subsection C(1). Vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

10-5-7 Pedestrian Control Signals: Whenever special pedestrian control signals exhibiting the word "walk" or "don't walk" are in place:

- A. "Walk" indicates that pedestrians facing the signal may proceed across the street in the direction of the signal and shall be given right of way by drivers of all vehicles; and
- B. "Don't walk" indicates that no pedestrian shall start to cross the street in the direction of the signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

10-5-8 Flashing Signals

- A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:
  - 1. Flashing red (stop signal): when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to rules applicable after making a stop at a stop sign; or
  - 2. Flashing yellow (caution signal): when a yellow lens is illuminated with rapid intermittent flashing, drivers or vehicles may proceed through the intersection or past such signal only with caution.
- B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossing shall be governed by the rules as set forth in Sections 10-6-7(E) through 10-6-7(H) of this Title.

10-5-9 Lane-Direction-Control Signals: When lane-direction signals are placed over the individual lanes of a street, vehicular traffic may travel in any lane over which a green signal is shown, but a vehicle shall not enter or travel in any lane over which a red signal is shown.

10-5-10 Display of Unauthorized Signs, Signals or Markings

- A. No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be, or is an imitation of, or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movements of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signals, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.
- B. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the administrator is hereby empowered to remove the same or cause it to be removed without notice.
- C. The provisions of this section shall not prohibit the erection of signs upon private property adjacent to streets if the signs give useful directional information and are of a type that cannot be mistaken for official signs.

10-5-11 Interference with Official Traffic-Control Devices or Railroad Signals

- A. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.
- B. No person shall hide or obscure any official traffic-control device or railroad sign or signals by parking a vehicle or erecting any obstruction or by allowing bushes, hedges, trees or other vegetation to grow so as to obscure traffic-control devices or railroad signals. An obstruction includes, but is not limited to, any sign, fence, ornament, hedge, shrub, tree or display, but it does not including a building.
- C. Unobstructed vision for traffic safety shall be maintained by the property owner or occupant on all corner lots regardless of the zone classification. No obstruction between three (3) and eight (8) feet above the street level shall be placed or maintained within a triangular area bounded by the street property lines of the corner lot and a line connecting the points twenty-five (25) feet distant from the intersection of the property lines of such lot.
- D. Every obstruction interfering with official traffic-control devices or railroad signals is a public nuisance, and the administrator may remove the obstruction or cause it to be removed without notice and assess costs involved to the violator.

10-5-12 Play Streets

- A. The administrator has authority to declare any street or part of a street a temporary play street and to place appropriate signs or devices in the street to indicate and to help protect the street.
- B. Whenever authorized signs are erected to indicate a play street, no person shall drive on the street except drivers of vehicles whose residences are within the closed area. Such drivers shall exercise the greatest care in driving on the play street.

10-5-13 Crosswalks and Safety Zones: The administrator, upon the basis of engineering and traffic study investigations, may:

- A. Designate and maintain crosswalks by appropriate devices, marks or lines on the surface of the street where, in his opinion, there is particular danger to pedestrians crossing the street; and
- B. Establish safety zones of the kind and character and at places he deems necessary for the protection of pedestrians.

10-5-14 Traffic Lanes

- A. The administrator, upon the basis of engineering and traffic study investigations, may mark lanes upon any street where a regular alignment of traffic is necessary.
- B. Where such traffic lanes have been marked, it is unlawful for the operator of a vehicle to fail to keep the vehicle within the boundaries of the lane except when lawfully passing another vehicle or when making a lawful turning movement.

**Annotation:** For the penalty assessments for the violation of sections 10-5-1 to 10-5-14, see 10-12-2(A), Schedule of Assessments.

Chapter 6. TRAFFIC REGULATIONS

10-6-1 Speed Regulations

- A. **Basic Rule:** No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing at intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding street and when special hazards exist with respect to pedestrians or

other traffic or by reason of weather or highway conditions. For any violation under this section for which there is a more specific violation that is applicable, the person shall be charged with the more specific violation and not with this section.

**Annotation:** The 2016 Amended and Restated Title 10 added the following sentence to 10-6-1(A): "For any violation under this section for which there is a more specific violation that is applicable, the person shall be charged with the more specific violation and not with this section."

## B. Speed Limits

1. No person shall drive a vehicle on a street at a speed greater than:
  - a. Fifteen (15) miles per hour on all streets when passing a school while children are going to, or leaving school, and when the school zone is properly posted.
  - b. Thirty (30) miles per hour in any business or residence district; or
  - c. The lawfully posted speed limit when signs are erected giving notice of the speed limit. Penalties for violation of this section are subject to the posted speed and the speed at which the person is charged with driving their vehicle.

**Annotation:** The 2016 Amended and Restated Title 10 added the following sentence to 10-6-1(B)(1)(c): "Penalties for violation of this section are subject to the posted speed and the speed at which the person is charged with driving their vehicle."

2. In every event, speed shall be so controlled as may be necessary:
  - a. To avoid colliding with any person, vehicle or other conveyance on, or entering, the street; and
  - b. To comply with legal requirements as may be established by the chief of police or administrator, and the duty of all persons to use due care.

## C. Establishment of Speed Zones

1. Whenever the administrator determines, after study, that any speed limit permitted under Pueblo law or local ordinance is greater or less than is reasonable or safe under the conditions

found to exist upon any part of a street within his jurisdiction, he may declare a speed limit for that part which is effective at times determined, when appropriate signs giving notice thereof are erected at the particular part of the street.

2. Alteration of speed limits on highway by the administrator are not effective until approved by the chief of police.
3. The administrator shall adhere to and abide by all applicable statutes in making his determination of speed limits in the Pueblo.
4. Whenever the administrator declares a speed limit, he shall submit a schedule of the speed limit to the police department, the judge, the court clerk and the Pueblo attorney.
5. Speed zones may be marked by a sign containing a flashing yellow light and when the light is in operation, the speed limit, instructions or regulations on the sign are in effect.

D. Regulation of Speed by Traffic Signals [Reserved for future use].

E. Minimum Speed Regulation

1. No person shall drive a motor vehicle at such slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with this Title.
2. Whenever the administrator determines on the basis of a study that slow speeds on any part of a street consistently impede the normal and reasonable movement of traffic, the administrator may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with this Title.
3. [Peace] Officers may enforce this section by directions to drivers. In the event of apparent willful disobedience to this section and refusal to comply with directions of an officer in accordance herewith, the continued slow operation by a driver is a violation of this section.

F. Charging Violations

1. In every charge of violation of any speed regulation under this Title, the complaint and the uniform traffic citation 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.

2. Provisions of this Title for maximum speed limitation shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

G. Special Speed Limitations

1. Subject to the requirements of Section [10-10-1(A)(69)] of this Title, no person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour.
2. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted.

**Annotations:** The 2016 Amended and Restated Title 10 corrects the citation for 10-10-1(A)(69) – Solid Tire – in 10-6-1(G)(1). For the penalty assessments for the violation of sections 10-6-1A to 10-6-IG, see 10-12-2(A), Schedule of Assessments

10-6-2 Driving on Right Side of Street; Overtaking and Passing; Use of Street

A. Drive on Right Side of Street: Exceptions

1. Upon all streets of sufficient width a vehicle shall be driven upon the right half of the street, and where practicable, entirely to the right of the center thereof, except as follows:
  - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
  - b. When an obstruction exists making it necessary to drive to the left of the center of the street, provided that any person driving to the left shall yield the right of way to all vehicles traveling in the proper direction on the unobstructed portion of the street;
  - c. When the right half of a street is closed to traffic while under construction or repair;

- d. Upon a street divided into three marked lanes for traffic under the rules applicable thereon; or
  - e. Upon a street designated and signposted for one-way traffic.
- 2. Upon all streets any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the street 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.
  - 3. Upon any street having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the street, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the street for use by traffic not otherwise permitted to use such lanes, or except as permitted under section 10-6-2(A)(1)(b). However, this section shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.
- B. Passing Vehicles Proceeding in Opposite Direction: Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon streets having width for not more than one (1) line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the street as nearly as possible.
- C. Overtaking a Vehicle on the Left: The following rules shall govern overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:
- 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle; and
  - 2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

E. Further Limitations on Driving on Left or Center of Street

1. No vehicle shall at any time be driven to the left side of the street under the following conditions:

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

b. When approaching within one hundred (100) feet or traversing any intersection or railroad grade crossing; or

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

2. The foregoing limitations shall not apply:

a. Upon a one-way street;

b. Under the conditions described in 10-6-2(A)(1)(b); nor

c. To the driver of a vehicle turning left into or from an alley, private road or driveway.

F. When Overtaking on the Right Is Permitted

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

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

b. Upon a street or highway with unobstructed pavement

not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; or

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

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

G. No Passing Zones and Restrictions on Passing

1. The administrator may determine those portions of any street or highway under his jurisdiction where overtaking and passing or driving on the left of the street would be especially hazardous and may, by appropriate signs or markings on the street indicate the beginning and end of such zones. When the signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the direction thereof.

2. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this section, no driver shall at any time drive on the left side of the street within the no-passing zone throughout its length. This section does not apply under the conditions described in Section 10-6-2(A)(1)(c) or to the driver of a vehicle turning left into or from an alley, private road or driveway.

3. When double yellow lines are painted on a pavement, no driver shall drive any vehicle across the lines except the driver of a vehicle turning left into or from an alley, private road or driveway.

4. No driver shall overtake and pass any other vehicle proceeding in the same direction in a school zone when the school zone signs are in place.

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

H. Authority to Designate One-way Streets and Alleys

1. The administrator may designate and sign streets and alleys as one-way streets and alleys. The designation shall be made only on the basis of engineering and traffic investigation.
2. Signs indicating the direction of lawful traffic movement shall be placed at every intersection, where movement of traffic in the opposite direction is prohibited. No regulation as to one-way traffic shall be effective unless signs are in place indicating the direction of the flow of traffic.
3. The administrator shall maintain a schedule of all streets and alleys which have been established as one-way and shall provide copies of the schedule to the police department, court clerk, judge and Pueblo attorney.

I. Obedience to Signs Designating One-way Streets and Alleys

1. Upon those streets and parts of streets and in those alleys restricted to movement in one direction, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
2. Failure to comply with such signs is a violation of this Title.

J. Rotary Traffic Islands [Reserved for future use].

K. Restricted Direction of Movement on Streets During Certain Periods

1. The administrator may determine and designate streets, parts of streets or specific lanes upon which vehicular traffic shall proceed in one direction during one period of the day and the opposite direction during another period of the day. This designation shall be made only upon the basis of engineering and traffic investigation.
2. Appropriate markings, signs, barriers or other devices shall be placed to give notice of the restricted movement.
3. Signs may be placed temporarily designating lanes to be used by traffic moving in particular direction, regardless of the center line of the street.

L. Driving on Streets Laned for Traffic: Whenever any street has been

divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all other [rules] consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
2. Upon a street 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 street is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation;
3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the street and drivers of vehicles shall obey the directions of every such sign; and
4. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of streets, and drivers of vehicles shall obey the directions of every such device.

**Annotation:** To clarify the language of the law, the word "rules" is added in 10-6-2(L).

M. Following Too Closely

1. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
2. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a street outside of a business or residence district shall not follow another motor truck or motor vehicle drawing another vehicle within three hundred (300) feet, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing by any like vehicle or other vehicle.
3. Motor vehicles being driven upon any street outside of a

business or residence district in a caravan or motorcade whether or not towing other vehicles shall not follow the preceding vehicle closer than three hundred (300) feet. This provision shall not apply to funeral processions, nor shall it apply within or outside of a business or residence district to motor vehicle escort vehicles of a motor vehicle escort service, which may, if necessary to maintain the continuity of the escorted unit or units, precede or follow at a distance closer than three hundred (300) feet to the escorted unit or units.

N. Driving on Divided Streets

1. Whenever any street has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand segment of the divided street, unless directed or permitted to use another segment by official traffic-control devices or [Peace] Officers.
2. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.
3. Where recessed cut-outs are provided in dividers to facilitate left turns, all vehicles, except those having a turning radius precluding use of such recessed cut-outs, shall execute a left turn by occupying the recess or cut-out prior to entering the intersection.

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

P. Restrictions on Use of Controlled-access Streets

1. No pedestrian, bicycle or other non-motorized traffic shall use any controlled-access street, but notwithstanding this provision, drivers of vehicles using the controlled-access street are not relieved of responsibility for exercising due care.
2. In addition to the provisions of paragraph 1, the local governing body may, by Tribal Council Resolution, regulate or prohibit the use of any controlled-access street within its jurisdiction by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

3. No driver shall stop a vehicle upon any controlled-access street for the purpose of taking on or discharging passengers, freight or merchandise.
4. The administrator has the authority to erect and maintain official traffic-control devices on the controlled-access street on which the restrictions are applicable, and when such traffic-control devices are in place, no person shall disobey the restrictions stated on the devices.

**Annotation:** For the penalty assessments for the violation of sections 10-6-2A to 10-6-2P, see 10-12-2(A), Schedule of Assessments.

10-6-3 Designating Stop and Yield Intersections.

- A. Through Streets Designated
  1. The administrator, upon traffic and engineering study and investigations, may designate which streets shall be through streets.
  2. A schedule of the through streets shall be prepared by the administrator with copies furnished to the police department, court clerk, judge and Pueblo attorney.
- B. Authority to Erect Stop and Yield Signs at Through Streets
  1. Whenever the administrator designates and describes a through street, the traffic engineer shall place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting the through street unless traffic at any such intersection is controlled at all times by traffic-control signals.
  2. However, at the intersection of two through streets or at the intersection of a through street and heavy traffic street not so designated, stop signs shall be erected at the approaches to both of said streets in a manner determined by the administrator upon the basis of an engineering and traffic study.
- C. Authority to Erect Stop or Yield Signs at Other Intersections: The administrator may determine and designate intersections other than through streets where [a] particular hazard exists and determine:

1. Whether vehicles shall stop at one or more entrances to the intersection, in which event he shall have erected a stop sign at every place where a stop is required; or
2. Whether vehicles shall yield the right of way to vehicles on a different street at the intersection, in which event he shall have erected a yield sign at every place where obedience thereto is required.

**Annotation:** To clarify the language of the law, the word "a" is to 10-6-3(C).

10-6-4

Right of Way

A. Vehicle Approaching or Entering Intersection

1. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street.
2. When two vehicles enter an intersection from different streets 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.
3. The right of way rules declared in paragraphs 1 and 2 are modified at through streets and otherwise as provided in this Title.
4. The driver of a vehicle approaching or entering an interstate highway shall yield the right of way to the vehicles on the interstate highway.

B. Vehicles 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, but said driver, having so yielded and having given a signal when and as required by this Title, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the vehicle making the left turn.

C. Vehicle Entering Stop or Yield Intersection

1. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in this Title.
2. Except when directed to proceed by a [Peace] Officer or traffic-

control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Section 10-6-4(C)(4) and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

3. 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 street 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 yield sign without stopping, the collision shall be deemed prima facie evidence of this failure to yield right of way.
4. Except when directed to proceed by a [Peace] Officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop completely 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 street before entering the intersection.
5. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersection street where the driver has a view of approaching traffic on the intersection street.

**Annotation:** For the penalty assessments for the violation of sections 10-6-4A to 10-6-4C, see 10-12-2(A), Schedule of Assessments.

#### 10-6-5 Turning and Starting and Signals on Stopping and Turning

- A. Required Position and Method of Turning at Intersection: The driver of a vehicle intending to turn at an intersection shall do so as follows:
  1. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the street.
  2. At any intersection where traffic is permitted to move in both

directions on each street entering the intersection, an approach for a left turn, except where left-turn provisions are made, shall be made in that portion of the right half of the street nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the street being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. Upon a street with two (2) or more lanes for through traffic in each direction where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicle shall turn left from any other lane. A vehicle shall not be driven in this 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.
4. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the streets, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the street being entered.
5. No person shall drive across any private or public property, including but not limited to parking areas, driveways and service station areas, for the purpose of avoiding any traffic control device or sign.

B. Authority to Place Devices Altering Normal Course for Turns: The administrator may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in Section 10-6-5(A) be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons or signs.

C. Authority to Place Restricted Turn Signs

1. The administrator may determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at the intersections.
  2. The making of the turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when the turns are permitted.
- D. Obedience to No-turn Signs: Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the direction of the sign.
- E. Limitations on Turning Around: The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless the movement can be made in safety and without interfering with other traffic.
- F. 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 such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within one thousand (1000) feet.
- G. Starting Parked Vehicle
1. No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.
  2. No person shall move any parked vehicle without giving appropriate signals as prescribed in Sections 10-6-5(H) through 10-6-5(J).
- H. Turning and Stopping Movements and Required Signals
1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the street as required in Section 10-6-5(A) or turn a vehicle from a direct course or move right or left upon a street unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.
  2. A signal of intention to turn right or left when required shall be

given continuously during no less than the last one hundred feet traveled by the vehicle before turning.

3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
4. The signals provided for in this section shall be used to indicate an intention to turn, change lanes or start from a parked position and shall not be flashed one side only on a parked or disabled car or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

I. Signals by Hand and Arm or Signal Device

1. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamp or lamps or mechanical signal device except as otherwise provided in Subsection 2.
2. Any motor vehicle in use on a street 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 vehicles exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle; also to any combination of vehicles.

J. Method of Giving Hand and Arm Signals: All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signal shall indicate as follows:

1. Left turn: hand and arm extended horizontally;
2. Right turn: hand and arm are extended upward;
3. Stop or decrease speed: hand and arm extended downward.

**Annotation:** For the penalty assessments for the violation of sections 10-6-5(A) to 10-6-5(J), see 10-12-2(A), Schedule of Assessments.

10-6-6 Stopping, Standing, and Parking.

A. Stopping, Standing, or Parking Prohibited in Specified Places

1. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or directions of a [Peace] 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 fifteen (15) feet of a fire hydrant;
  - e. In a crosswalk;
  - f. Within twenty (20) feet of a crosswalk at an intersection;
  - g. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a street;
  - h. Between a safety zone and the adjacent curb or within thirty (30) feet of point on the curb immediately opposite the end of a safety zone, unless the traffic authority indicates a different length by signs or markings;
  - i. Within fifty (50) feet of the nearest rail of a railroad crossing;
  - j. Within twenty (20) feet of the driveway entrance to any fire station and the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance, when properly signposted;
  - k. Alongside or opposite any excavation or obstruction when stopping, standing, or parking would obstruct traffic;
  - l. On the street 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 street or within a street tunnel;
  - n. Any place where official signs prohibit stopping;

- o. On any railroad track; or
- p. Between a curb and sidewalk or between a curb or lateral direction of a roadway, and the adjacent property line.

**Annotation:** To clarify the language of the law, the word "or" replaces "of" in 10-6-6(A)(1).

- 2. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- 3. The foregoing provisions may be modified by the administrator or his designated representative upon the basis of an engineering and traffic investigation study by the use of appropriate markings, signs or parking meters.

**B. Additional Parking Regulations**

- 1. Except as otherwise provided in this Title every vehicle stopped or parked upon a street where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.
- 2. Except where otherwise provided in this Title, every vehicle stopped or parked on a one-way street shall be so stopped or parked parallel to the curb or edge of the street with its right-hand wheels within eighteen (18) inches of the right-hand curb or edge of the street or its left-hand wheels within eighteen (18) inches of the left-hand curb or edge of the street.

**Annotation:** The designation of 10-6-6(B)(A) to 10-6-6(B)(1) and the designation of 10-6-6(B)(B) to 10-6-6(B)(2).

- C. Stopped or Parked 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 street outside of a business or residence district, when it is practicable to stop, park or leave such vehicle off the traveled portion of the street. In the event that conditions make it impracticable to move such motor vehicle from the traveled portion of the street, 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 shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear.

- D. Parking in Alleys: No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the alley for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
- E. All-night Parking Prohibited: No person shall park a vehicle on any street in a non-residential area for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day, except physicians on emergency calls.
- F. Parking for Certain Purposes Prohibited: No person shall park a vehicle on any street for the principal purpose of:
  - 1. Displaying the vehicle for sale; or
  - 2. Washing, greasing or repairing the vehicle except repairs necessitated by an emergency.
- G. Parking Adjacent to Schools Prohibited
  - 1. The administrator may erect signs indicating no parking on either or both sides of any street adjacent to any school property when parking would, in his opinion, interfere with traffic or create a hazardous situation.
  - 2. When official signs are erected indicating no parking on either side of a street adjacent to any school property as authorized in this section, no person shall park a vehicle in any such designated place.
- H. Parking Prohibited on Narrow Streets
  - 1. The administrator may erect signs indicating no parking on any street when the width of the street does not exceed twenty-four (24) feet or no parking upon one side of a street as indicated by such signs when the width of the street does not exceed thirty-two (32) feet.
  - 2. When official signs prohibiting parking are erected on narrow streets as authorized in this section, no person shall park a vehicle on any such street in violation of the sign.
- I. Standing or Parking on One-way Streets

1. The administrator may erect signs on the left-hand side of any one-way street to prohibit the standing or parking of vehicles.
2. When such signs are in place, no person shall stand or park a vehicle on such left-hand side in violation of any such sign.

**Annotation:** The designation of 10-6-6(I)(A) is corrected to 10-6-6(I)(1) and the designation of 10-6-6(I)(B) is corrected to 10-6-6(I)(2).

J. Standing or Parking on Divided Streets

1. In the event of a divided street includes two or more segments for vehicular traffic, and traffic is restricted to one direction on any such segment, no person shall stand or park a vehicle on the left-hand side of the one-way segment unless signs are erected to permit such standing or parking.
2. The administrator may determine where standing or parking may be permitted on the left-hand side of any such one-way portion of a divided street and to erect signs giving notice thereof.

**Annotation:** The designation of 10-6-6(J)(A) is corrected to 10-6-6(J)(1) and the designation of 10-6-6(J)(B) is corrected to 10-6-6(J)(2).

K. No Stopping, Standing, or Parking near Hazardous or Congested Places

1. The administrator may determine and designate by proper signs, places at intervals not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
2. When official signs are erected at hazardous or congested places as authorized in paragraph 1, no person shall stop, stand or park a vehicle in any such designated place.

L. Stopping, Standing, or Parking Restricted or Prohibited on Certain Streets

1. The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a [Peace] Officer or official traffic-control device.

2. The provisions of this section imposing a time limit on parking shall relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.
3. The administrator may impose restrictions or prohibitions on standing, stopping or parking and they shall apply as follows:
  - a. When signs are erected prohibiting parking at all times on certain streets, no person shall park a vehicle at any time upon any of the streets so designated;
  - b. When signs are erected in each block giving notice that stopping, standing or parking is prohibited during certain hours on certain streets, no person shall stop, stand or park a vehicle between the hours specified on the sign on any day, except Sundays and public holidays, within the district or on any of the streets so designated; or
  - c. When signs are erected in each block giving notice that parking time is limited on certain streets, no person shall park a vehicle for longer than the time indicated on such signs between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Sundays and public holidays, within the district or on any of the streets so designated.
4. Whenever by this or any other chapter of this Pueblo, any parking time limit is imposed or parking is prohibited on designated streets, it is the duty of the administrator to erect appropriate signs giving notice of the restrictions or limitations.
5. No regulation authorized in this section shall be effective unless signs giving notice of prohibitions or limitations are erected and in place at the time of any alleged offense.

M. Angle Parking and Permits for Loading or Unloading at an Angle to the Curb

1. The administrator may determine upon what streets angle parking is permitted and shall mark or sign such streets:
  - a. Any designation of angle parking shall be made on the basis of engineering and traffic study and investigation;
  - b. The administrator may permit angle parking on any

street, except that angle parking shall not be permitted on any federal-aid or [New Mexico] highway unless the [New Mexico Transportation Commission] has determined by resolution or order entered in its minutes that the street is of sufficient width to permit angle parking without interfering with free movement of traffic;

- c. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive on the left side of the street; and
  - d. On those streets which have been signed or marked by the administrator for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge or the street indicated by signs or markings.
2. The administrator may issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit:
- a. The permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to the permit holder the privilege stated in the permit and authorized in this chapter; and
  - b. No permittee or other person shall violate any of the special terms or conditions of a permit.

**Annotation:** In 10-6-6(M)(1)(b) references to "state" are replaced with "New Mexico" and "State Highway Commission" is replaced with the name of the entity consistent with New Mexico law as of 2016.

N. Stopping, Standing or Parking Outside of Business or Residence Districts

1. Upon any street outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street when it is practicable to stop, park, or leave such vehicle off such part of said street, but in every event an unobstructed width of the street opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such street.

2. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

**Annotation:** For the penalty assessments for the violation of sections 10-6-6(A) to 10-6-6(N), see 10-12-2(A), Schedule of Assessments.

10-6-7

Special Stops Required

A. Emerging from Alley, Building, Driveway, or Private Road

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

B. Stop When Traffic Obstructed: No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

C. Stopping for School Bus

1. The driver of a vehicle upon approaching or overtaking from either direction any school bus which has stopped on the street, with special school bus signals in operation, for the purpose of receiving or discharging any school children, shall stop the vehicle at least ten (10) feet before reaching the school bus and shall not proceed until the special school bus signals are turned off, the school bus resumes motion or until signaled by the driver to proceed.
2. 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 (8) inches in height.

3. The driver of a vehicle upon a street with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access street and the school bus is stopped in a loading zone which is a part of or adjacent to such street and where pedestrians are not permitted to cross the roadway.
4. It is unlawful to operate any flashing warning signal light on any school bus on any street except when the school bus is stopped or is about to stop on a street for the purpose of permitting school children to board or alight from the school bus.

D. Operation of Vehicle on Approach of Authorized Emergency Vehicle

1. Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the street clear of any intersection and shall stop and remain in such position, until the authorized emergency vehicle has passed, except when otherwise directed by a [Peace] Officer.
2. 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 highway.

E. Obedience to Signal Indicating Approach of Train

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
  - a. A clearly visible electric or mechanical signal device gives you warning of the immediate approach of railroad train;

- b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
    - c. A railroad train approaching within approximately one thousand five hundred (1500) feet of the street crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
    - d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
  - 2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate is closed or is being opened or closed.
- F. All Vehicles Must Stop at Certain Railroad Grade Crossings: The administrator, with the approval of the [New Mexico transportation] commission, may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. When such stop signs are erected, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.
- G. Certain Vehicles Must Stop at Railroad Grade Crossings: Exceptions
  - 1. The driver of any motor vehicle carrying passengers for hire, or any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade of any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.
  - 2. No stop need be made at any crossing where a [Peace] Officer or a traffic-control signal directs traffic to proceed.
  - 3. No stop need be made at:

- a. A streetcar crossing, or railroad crossing used exclusively for industrial switching purposes within a business district as defined in Section 10-1-1(A)(7);
- b. A railroad grade crossing where a stop-and-go traffic light controls movement of traffic;
- c. An abandoned railroad grade crossing which is marked with a sign indicating that the railroad is abandoned; or
- d. An industrial or spur line railroad crossing marked with a sign reading "exempt crossing". Such "exempt crossing" signs shall be erected only by or with the consent of the administrator.

#### H. Moving Heavy Equipment at Railroad, Grade Crossings

1. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half (1/2) inch per foot of the distance between any two adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a street, upon or across any tracks at a railroad grade crossing without first complying with this section.
2. Notice of any such intended crossing shall be given to a station agent of such railroad to provide proper protection at such crossing.
3. Before making such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such tract for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
4. No such crossing shall be made when warning is given by automatic signal, or crossing gates, or a flagman, or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

5. This section shall not apply to the normal movement of farm equipment in the regular course of farm operation.

**Annotation:** For the penalty assessments for the violation of sections 10-6-7(A) to 10-6-7(H), see 10-12-2(A), Schedule of Assessments.

10-6-8 Passenger and Freight Curb Loading Zones.

- A. Permits for Curb Loading Zones: The administrator may determine the location of passenger and freight curb loading zones, and he shall place and maintain appropriate signs indicating the zones and stating the hours during which the provisions of sections 10-6-8(A) through 10-6-8(D) are applicable.

- B. Permits for Curb Loading Zones

1. The administrator shall not designate or sign any curb loading zone upon special request of any person unless the person makes application for a permit for the zone and for two signs to indicate the ends of each zone.
2. After the administrator has granted a permit and before signs and markings as may be necessary are installed, the applicant shall pay to the [Pueblo] treasurer a service fee of \$25 per 22-foot stall plus 25 cents per foot for additional space per year or fraction thereof.
3. The administrator may impose conditions and general regulation for the use of the signs and for reimbursement of the [Pueblo] for the value thereof in the event of loss or damage and their return in the event of misuse of upon expiration of permit.
4. Every permit shall expire at the end of each calendar year.

**Annotation:** The word "city" is replaced with "Pueblo" in 10-6-8(B)(2) and (3).

- C. Stopping, Standing, or Parking in Passenger Curb Loading Zones: No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to the curb loading zone are effective and then only for a period of not to exceed three (3) minutes.

- D. Stopping, Standing, or Parking in Freight Curb Loading Zone

1. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to freight curb loading zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
2. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

**Annotation:** For the penalty assessments for the violation of sections 10-6-8(C) to 10-6-8(D), see 10-12-2(A) Schedule of Assessments.

10-6-9 Public Carrier Stops and Stands.

- A. Authority to Designate Public Carrier Stops and Stands
  1. The administrator may establish bus stops, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public.
  2. Every designated bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.
- B. Fees and Permits for Public Carrier Stops and Stands: The following fees shall be charged to each person, firm or corporation for the use of taxicab stands, and permits for the stands shall expire at the end of each calendar year:
  1. One hundred dollars (\$100) per year or fraction thereof for each stand located within the central business district; and
  2. Twenty-five dollars (\$25) per year or fraction thereof for each stall located in any area outside the central business district.
- C. Stopping, Standing and Parking of Buses and Taxicabs Regulated: The stopping, standing and parking of buses and taxicabs is regulated as follows:

1. The operator of a bus shall not stand or park the vehicle on any street at any place other than a bus stand so designated as provided in this Title.
2. The operator of a bus shall not stop the vehicle on any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in cases of emergency.
3. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of the vehicle not farther than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicle traffic.
4. The operator of a taxicab shall not stand or park the vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers.

D. Restricted Use of Bus and Taxicab Stands

1. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed.
2. However, the driver of a passenger vehicle may temporarily stop in a bus stop or taxicab stand for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

**Annotation:** For the penalty assessments for the violation of sections 10-6-9(C) to 10-6-9(D), see 10-12-2(A), Schedule of Assessments.

10-6-10 School Crossings

- A. Crosswalks may be established over streets abutting a school or the grounds adjacent thereto, and all children crossing the streets shall be

required to do so within the marked crosswalks. The administrator, with advice of the local superintendent of schools, shall establish and mark, or cause to be marked, these street crossings.

- B. Crosswalks over streets not abutting on school grounds may be established by the administrator, with advice of the local superintendent of schools and after adequate assurance has been given that proper safety precautions, pursuant to regulations of the administrator, will be maintained at the crossings by the school authorities to enforce their use by children.
- C. At all school crossings except as provided in this section, appropriate signs shall be provided as prescribed by the administrator, indicating the crossings and regulating traffic movement within the school zones.
- D. School crossings are not required to be specifically posted when they are located:
  - 1. At a signalized intersection;
  - 2. At an intersection where traffic is controlled by a stop sign; or
  - 3. At a point where a pedestrian tunnel or over head crossing is provided.

**Annotation:** For the penalty assessments for the violation of section 10-6-10(A), see 10-12-2(A) Schedule of Assessments.

10-6-11

Excessive Size and Weight, Slow-moving and Hazardous Vehicles

- A. Permit for Moving Excessive Size and Weight Vehicles: The administrator may, at his discretion, upon application in writing and good cause being shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or load of a size or weight exceeding the maximum specified by Counsel on any street under his jurisdiction. Except for the movement of mobile homes, a permit may be granted, in cases of emergency, for the transportation of loads on a certain unit or combination of equipment for a specified period of time not to exceed one year, and the permit shall contain the route or routes to be traversed, the type of load or loads to be transported and any other restrictions or conditions deemed necessary by the administrator. In every other case, the permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit shall be carried in the vehicle to which it refers and shall be opened for inspection by any [Peace] Officer. It is a penalty assessment offense for any person to violate

any of the conditions or terms of the special permit.

**Annotation:** The 2016 Amended and Restated Title 10 adds the following language at the end of this subsection: "It is a penalty assessment offense for any person to violate any of the conditions or terms of the special permit."

**B. Slow-moving Vehicle Identification**

1. As used in this section, "slow-moving vehicle" means any vehicle which is ordinarily moved, operated or driven at a speed less than twenty-five (25) miles an hour.
2. Each slow-moving vehicle moved, operated or driven on a highway which is open for vehicular travel shall display a slow-moving vehicle emblem or flashing amber light.
3. Use of emblem is confined to slow-moving vehicles, and its use on any other type of vehicle or on any stationary object is prohibited. This section does not prohibit the use on slow-moving vehicles of red flags or lawful lighting devices in addition to the slow-moving vehicle emblem.
4. No person shall sell, lease, rent or operate any slow-moving vehicle unless the slow-moving vehicle is equipped with a slow-moving vehicle emblem.

**C. Escort to Be Furnished for Movement of Hazardous Vehicles:** When, in the judgment of the administrator, the movement of any vehicle is deemed a hazard to traffic upon a street over which the vehicle is to travel, the granting of permission for the movement thereof may be conditioned upon a special escort accompanying the hazardous vehicle.

**Annotation:** For the penalty assessments for the violation of sections 10-6-11(A) to 10-6-11(B), see 10-12-2(A) Schedule of Assessments.

10-6-12 Driving Regulations

**Annotation:** The 2016 Amended and Restated Title 10 removes 10-6-12(A) - Operating a Motor Vehicle under the Influence of Intoxicating Liquor to Title 10A -2-5; removes 10-6-12(B) - Operating a Motor Vehicle under the Influence of Drugs to Title 10A-2-5; removed 10-6-12(C) to 10A-2-6; removed 10-6-12(S) - Racing on Streets to Title 10A-2-9; and 10-6-12(X) - Parties to Unlawful Acts to Title 10A-2-10. For the penalty assessments for the violation of sections 10-6-12(A) to 10-6-12(R), see 10-12-2(A) Schedule of Assessments.

A. Careless Driving

1. Any person operating a vehicle on the street shall give his full time and entire attention to the operation of the vehicle.
2. Any person who operates a vehicle in a careless, inattentive or imprudent manner, without due regard for the width, grade curves, corners, traffic, weather and road conditions and all other attendant circumstances is guilty of careless driving.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(D) is recodified 10-6-12(A).

B. Drivers Must Be Licensed

1. Except those exempted from the Pueblo of Acoma Traffic Code, no person shall drive any motor vehicle, neighborhood electric car or moped upon a highway or road on Acoma lands unless the person holds a valid license issued by the Pueblo of Acoma, a State of the United States or a federally recognized Indian nation or tribe.
2. Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle or moped, and shall display the same upon demand of an Acoma [Peace] Officer. However, no person charged with violating this section shall [...]be convicted if the person produces, in court, a driver's license issued to the person that was valid at the time of the person's arrest.
3. Repeated violations, exceeding two violations, for failure to have a valid license may be subject to additional penalties for contempt.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(E) is now 10-6-12(B) and the words "Operators and Chauffeurs" have been replaced with "Drivers" and the word "not" is removed from 10-6-12(B)(2) to clarify the language of the law. text of this subsection is added.

C. Unlawful Use of License

No person shall:

1. Display or cause or permit to be displayed or have in his possession any [cancelled], [or] suspended driver's license or permit;
2. Lend his driver's license or permit to any other person or

knowingly permit the use thereof by another;

3. Display or represent as one's own any driver's license or permit not issued to him;
4. Fail or refuse to surrender to the court upon its lawful demand any driver's license or permit which has been suspended, revoked or cancelled;
5. Permit any unlawful use of driver's license or permit issued to him;
6. Drive a motor vehicle on the streets of this Pueblo at a time when his privilege to do so is suspended, revoked or denied.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(F) is now designated 10-6-12(C) and the word "revoked" is removed from 10-6-12(C)(1). The language in brackets in 10-6-12(C)(1) is added to clarify the wording of the law.

- D. Fleeing or Attempting to Elude a [Peace] Officer. No driver of a motor vehicle shall willfully fail or refuse to bring to a stop, or otherwise flee or attempt to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop.
1. The signal given by the [Peace] Officer may be by hand, voice, emergency light or siren.
  2. The officer giving the signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle, except as otherwise exempted.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(G) is now designated as 10-6-12(D).

- E. Unattended Motor Vehicle: No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake, or placing the transmission in parking position, thereon and, when standing upon any grade, turning the front wheels in such a [manner] that the vehicle will be held by the curb or will leave the street if the brake fails.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(H) is now designated as 10-6-12(E). To clarify the wording of the law, the word "matter" is replaced with "manner".

F. Limitations on Backing

1. The driver of a vehicle shall not back up:
  - a. Unless the movement can be made with reasonable safety and without interfering with other traffic;
  - b. Upon any shoulder or roadway of any controlled-access street, or upon the exit or entry road of any controlled-access street;
  - c. Into an intersection or around a corner unless preceded by an observer to safely direct the movement; or
  - d. From a private driveway into any street unless the movement can be made with safety and without interfering with traffic on the street.
2. In no case shall a vehicle be backed more than sixty (60) feet unless preceded by an observer to safely direct the movement.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(I) is now designated as 10-6-12(F).

G. Obstruction to Driver's View or Driving Mechanism

1. No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
2. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(J) is now designated as 10-6-12(G).

H. Restriction on Use of Television in Motor Vehicles: It shall be unlawful to operate in this Pueblo any motor vehicle equipped with a television screen, of whatever type, upon which images may be projected or shown, if such screen is within the normal view of the driver of the motor vehicle.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(K) is now designated 10-6-12(H).

- I. Coasting Prohibited: The driver of any motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(L) is now designated 10-6-12(I).

- J. Following Fire Apparatus Prohibited: The driver of any vehicle other than one [on] official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet, or [drive] into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

**Annotations:** In the 2016 Amended and Restated Title 10 former 10-6-12(M) is now designated 10-6-12(J). To clarify the language of the law in 10-6-12(J) "of" is replaced with "on" and "driver" is replaced with "drive".

- K. Crossing Fire Hose: No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway, without the consent of the fire department official in command.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(N) is now designated 10-6-12(K).

- L. Driving Through Safety Zone Prohibited: No vehicle shall at any time be driven through or within a safety zone.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(O) is now designated 10-6-12(L).

- M. Vehicles Shall Be Driven Only on Streets, Private Roads and Driveways: No driver of a vehicle shall operate or be in control of a vehicle on other than the portions of streets improved, designed and ordinarily used for vehicular traffic, private roads, driveways or alleys in this Pueblo, except as otherwise provided by this Title or as otherwise authorized or designated by the administrator or his designated representative.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(P) is now designated 10-6-12(M).

- N. Prohibited Activities While Driving: No person shall:

1. Drive a vehicle while engaged in any activity which interferes with the safe operation of the vehicle;
2. Drive while having in his lap any person, adult or minor, or any

animal;

3. Drive while seated in the lap of another person while the vehicle is in motion;
4. Drive a vehicle while having either arm around another person;  
or
5. Operate a motor vehicle's equipment, including but not limited to the vehicle horn or lights, in such manner as to distract other motorists on the public way or in such a manner as to disturb the peace.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(R) is now designated 10-6-12(N).

O. Processions

1. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while the [procession] is in motion. The provision shall not apply at intersections where traffic is controlled by [Peace] Officers.
2. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the street as practicable and safe.

**Annotations:** In the 2016 Amended and Restated Title 10 former 10-6-12(T) is now designated 10-6-12(O) and in the new 10-6-12(O)(1) after the word "motion" the words "and when the vehicles in the procession are conspicuously designated as required in this section" are deleted, and former subsections 3 and 4 are deleted. To clarify the language of the law "processing" is replaced with "procession".

P. Driver to Take Precautions Approaching the Blind

1. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to the blind pedestrian. Any driver who fails to take necessary precautions shall be liable in damages for any injury caused to the pedestrian.
2. A totally blind or partially blind pedestrian not carrying a cane or using a guide dog shall have all the rights and privileges conferred by law on other persons, and the failure of a totally blind pedestrian to carry a cane or to use a guide dog shall not be held to constitute, nor be evidence of, contributory

negligence.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(U) is now designated 10-6-12(P).

- Q. Offenses by Persons [Owning] or Controlling Vehicles: It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or to permit the operation of such vehicle upon a street in this Pueblo in any manner contrary to this Title.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-12(V) is now designated 10-6-12(Q). To clarify the language of the law is replaced with "owning."

R. Permitting Unauthorized Persons to Drive

1. No person shall cause or knowingly permit his child or ward under the age of eighteen (18) years to drive a motor vehicle, upon any street when such minor is not authorized [to drive] under Pueblo, Tribal or state law or is in violation of the provisions of any Pueblo of Acoma Law and Order Code, Tribal or State law.
2. No person shall authorize or knowingly permit a motor vehicle owned by him or under who is not authorized under state or tribal law or is in violation of any state or tribal motor vehicle code.

**Annotations:** For the penalty assessments for the violation of sections 10-6-12(A) to 10-6-12(R), see 10-12-2(A), Schedule of Assessments. The 2016 Amended and Restated Title 10 former 10-6-12(W) is now 10-6-12(R). The text of the former section is revised to include after Pueblo law "Tribal or state," "the" is replaced with "any". "Drive" is added to clarify the language of the law. Subsection 2 is added.

10-6-13 Miscellaneous Traffic Regulations.

A. Offenses Relating to Driving under the Influence

1. No owner or person in control of a motor vehicle shall permit it to be driven or operated by any person who is a habitual user of narcotic drugs or by any person who is under the influence of intoxicating liquor, narcotic drugs or any other drug to a degree which renders him incapable of safely driving the vehicle.
2. No person under the influence of intoxicating liquor, narcotic

drug or other drug to a degree which renders him incapable of driving safely shall start or attempt to operate a vehicle.

**Annotation:** The 2016 Amended and Restated Title 10 replaces the title of section 10-6-13(A) with "Offenses Relating to Driving under the Influence" and removes former sub-sections 3 (prohibiting the drinking of any "intoxicating liquor" while in a motor vehicle on any street) and 4 (prohibiting driving with an open container of any "alcoholic substance or beverage"). These former sub-sections 3 and 4 are now addressed in section 10-6-13(L) - Consumption or Possession of Alcoholic Beverages in Open Containers in a Motor Vehicle Prohibited – Exceptions.

**B. Unlawful Riding**

1. No person shall ride or permit another person to ride in or on any portion of a vehicle not designated or intended for the use of passengers.
2. This provision shall not apply to any employee engaged in the necessary discharge of a duty or to person riding within truck bodies in space intended for merchandise.

**C. Moving or Molesting Unattended Vehicles**

1. No person shall individually or in association with one or more others do any of the following:
  - a. Purposely, and without authority from the owner, start or cause to be started the engine of any motor vehicle;
  - b. Purposely and maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which they were left by the owner or driver of said motor vehicle;
  - c. Purposely scratch or damage the chassis, running gear, body, sides, tip covering or upholstery of a motor vehicle which is the property of another;
  - d. Purposely destroy any part of a motor vehicle or purposely cut, mash, mark, or in any other way, destroy or damage any part, attachment, fastening or appurtenance of a motor vehicle, without permission of the owner;
  - e. Purposely drain or start the drainage of any radiator, oil tank or gas tank upon a motor vehicle, without the permission of the owner;

- f. Purposely put any metallic or other substance or liquid in the radiator, carburetor, oil tank, grease cup, oilers, lamps, gas tanks or machinery of the motor vehicle with the intent to injure or damage the same or impede the working of the machinery thereof;
  - g. Maliciously tighten or loosen any bracket, bolt, wire, nut, screw, or other fastening on a motor vehicle; or
  - h. Purposely release the brake upon a standing motor vehicle with the intent to injure said machine.
2. The foregoing provisions shall not apply to a [Peace] Officer or member of the fire department or street maintenance department who in discharge of his duty legally moves or causes to be moved any unattended vehicle, nor to any person who moves the vehicle at the direction of or in compliance with orders from a [Peace] Officer or member of the fire department or street maintenance department who in the discharge of this duties legally orders or directs the moving of the unattended vehicle.

E. Destructive or Injurious Material on Roadway

- 1. No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street.
- 2. Any person who drops, or permits to be dropped or thrown, upon any street any destructive or injurious material shall immediately remove the same or cause it to be removed.
- 3. Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.
- 4. No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a street in cleaning or maintaining such street.
- 5. No person shall operate on any street any vehicle or combination of vehicles with any load unless said load and any covering thereon is securely fastened so as to prevent said

covering or load and from becoming loose, detached, or in any manner a hazard to other users of the street.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-13(E) is now designated 10-6-13(D).

- E. Trains and Buses Not to Obstruct Streets: No person or corporation shall direct the operation of or operate any railroad train or bus in such manner to prevent the use of any street for purposes of travel for a period of time longer than five minutes.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-13(E) is now designated 10-6-13(D).

F. Boarding or Alighting from Vehicles

1. No person shall board or alight from any moving vehicle or any vehicle which is stopped in traffic.
2. No person shall alight or enter a vehicle except when it is stopped at a curb or in a passenger loading zone.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-13(G) is now designated 10-6-13(F).

G. Improper Opening of Doors: No person shall:

1. Open the door of a vehicle on the side near moving traffic unless it is reasonably safe to do so, and the door can be opened without interfering with the movement of traffic; or
2. Leave a door of a vehicle open on the side of the vehicle near moving traffic for a period of time longer than necessary to load or unload passengers.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-13(H) is now designated 10-6-13(G).

H. Occupied Moving House Trailer: No person shall:

1. Occupy a house trailer while it is being towed upon a street; or
2. Tow a house trailer on any street when the house trailer is occupied by any person.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-13(I) is now designated 10-6-13(H).

I. Animals on Street

1. It is unlawful for any person, during the hours of darkness to ride a horse or other animal upon the traveled portion of any street which is normally used by motor vehicles.
2. It is unlawful for any person negligently to permit livestock to wander or graze upon any fenced street at any time or, during the hours of darkness, to drive livestock along or upon any street which is normally used by motor vehicles.
3. Owners of livestock ranging in pastures through which unfenced roadways pass shall not be liable for damages by reason of injury or damage to persons or property occasioned by collisions of vehicles using said roadways and livestock or animals ranging in said pastures unless such owner of livestock is guilty of specific negligence other than allowing his animals to range in said pasture.

**Annotation:** In the 2016 Amended and Restated Title 10 former 10-6-13(J) is now designated 10-6-13(I).

J. Child Passenger Restraint; Penalty; Enforcement

1. A person shall not operate a passenger car, van or pickup truck in this [Pueblo] except for an authorized emergency vehicle, public transportation or school bus unless all passengers less than eighteen (18) years of age are properly restrained.
2. Each person less than eighteen (18) years of age shall be properly secured in a child passenger restraint device or by a seat belt, unless all seating positions equipped with seat belts are occupied, as follows:
  - a. children less than one year of age shall be properly secured in a rear-facing [child] passenger restraint device that meets federal standards, in the rear seat 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 if the passenger-side air bag is deactivated or if the vehicle is not equipped with a [deactivation] switch for the passenger-side air bag;
  - b. children one (1) year of age through four (4) 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;

- c. children five (5) years of age through six (6) years of age, regardless of weight, or children who weigh less than sixty pounds, regardless of age, shall be properly secured in either a child booster seat or an appropriate child passenger restraint device that meets federal standards; and
  - d. children seven (7) years of age through twelve (12) years of age shall be properly secured in a child passenger device or by a seat belt.
3. 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.
  4. Any person who violates this section can avoid the established penalty assessment by providing proof or a receipt to the court that he/she has purchased a child restraint device which meets federal requirements or that he is or has participated in a child restraint loaner or rental program.
  5. Failure to be secured by a child passenger restraint device or by a safety belt as required by this section shall not in any instance constitute fault or negligence and shall not limit or apportion damages.

**Annotations:** The 2016 Amended and Restated Title 10 incorporates the former 10-6-13(K) – Minors; Alcoholic Liquor; Possession While Operating a Vehicle - into 10-6-13(L) – Consumption or Possession of Alcoholic Beverages in Open Containers in a Motor Vehicle Prohibited Exceptions. Former 10-6-13(L) – Driving on Mountain Streets – is removed. Former 10-6-13(M) – Use of Passenger Restraint Devices - is now incorporated into 10-6-13(K) Mandatory Use of Seatbelts. The 2016 Amended and Restated Title 10-6-13(J) is new. To clarify the intent of the law "chid" is replaced with "child" and "deactivation" is replaced with "deactivation" in 10-6-13(J)(2)(a)..

#### K. Mandatory Use of Seatbelts

1. Except as provided in Section 10-6-13(J) and in Subsection 2 of this section, each occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less manufactured with safety belts in compliance with federal

motor vehicle safety standard number 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion on any street or highway.

2. This section shall not apply to an occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt or to a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier.
3. Each person violating Subsection 1 of Section 10-6-1[3](K) shall be fined an amount not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) including court costs.

**Annotation:** The 2016 Amended and Restated Title 10 adds 10-6-13(K) as new material. The bracketed language in 10-6-13(K)(3) is added to correct the citation.

L. Consumption or Possession of Alcoholic Beverages in Open Containers in a Motor Vehicle Prohibited – Exceptions

1. No person shall knowingly drink any alcoholic beverage while in a motor vehicle upon any street within the Pueblo of Acoma.
2. No person shall have in his possession on his person, while in a motor vehicle upon any street within the Pueblo of Acoma, any bottle, can or other receptacle containing any alcoholic beverage which has been opened or had its seal broken or the contents of which have been partially removed.
3. It is unlawful for the registered owner of any motor vehicle, to knowingly keep or allow to be kept in a motor vehicle, [when] the vehicle is upon any street within the Pueblo of Acoma, any bottle, can or other receptacle containing any alcoholic beverage which has been opened or had its seal broken or the contents of which have been partially removed, unless the container is kept in:
  - a. the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a [trunk];
  - b. the living quarters of a motor home or recreational vehicle;

- c. a truck camper;
  - d. a bed of a pick-up truck when the bed is occupied by passengers.
- 4. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers. This section does not apply to the driver or owner of or any passenger in a bus, taxicab or limousine for hire licensed to transport passengers pursuant to the Motor Carrier Act or proper legal authority.
- 5. The provisions of this section do not apply to:
  - a. any person who, upon the recommendation of a doctor, carries alcoholic beverages in that person's motor vehicle for medicinal purposes;
  - b. any clergyman or his agent who carries alcoholic beverages for religious purposes in the clergyman's or his agent's motor vehicle; or
  - c. any person who is employed by a person licensed by the Alcoholic Beverage Control Act, while discharging his duties as an employee.
- 6. "Alcoholic Beverage" Defined. As used in this Title "alcoholic beverage" means distilled or rectified spirits, potable alcohol, brandy, whisky, rum, gin, aromatic bitters bearing the federal internal revenue strip stamps or any similar alcoholic beverage, including all blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half (1/2) of one (1) percent alcohol but excluding medicinal bitters.

**Annotations:** The 2016 Amended and Restated Title 10 adds 10-6-13(L) – Consumption or Possession of Alcoholic Beverages in Open Containers in a Motor Vehicle Prohibited – Exceptions. The bracketed language is added to clarify the wording of the law. In 10-6-13(L)(6) the 2016 Amended and Restated Title 10 replaces “ordinance” with “Title.”

## M. Littering

- 1. Littering consists of discarding refuse:
  - a. on public property in any manner other than by placing the refuse in a receptacle provided for the purpose by

the responsible governmental authorities, or otherwise in accordance with lawful direction; or

- b. on private property not owned or lawfully occupied or controlled by the person, except with the consent of the owner, lessee or occupant thereof.
2. Whoever commits littering is guilty of a penalty assessment offense. The use of uniform traffic citations is authorized for the enforcement of this section. The court may to the extent permitted by law, as a condition to suspension of any other penalty provided by law, require a person who commits littering to pick up and remove from any public place or any private property, with prior permission of the legal owner, any litter deposited thereon.

**Annotation:** The 2016 Amended and Restated Title 10 adds 10-6-13(M) – Littering.

#### N. Texting While Driving

1. A person shall not read or view a text message or manually type on a handheld mobile communication device for any purpose while driving a motor vehicle, except to summon medical or other emergency help or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the federal communications commission.
2. The provisions of this subsection shall not be construed as authorizing the seizure or forfeiture of a handheld mobile communication device. Unless otherwise provided by law, the handheld mobile communication device used in the violation of the provisions of this subsection is not subject to search by a law enforcement officer during a traffic stop made pursuant to the provisions of this subsection.
3. As used in this subsection:
  - a. "driving" means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light or stop sign or otherwise, but "driving" excludes operating a motor vehicle when the vehicle has pulled over to the side of or off of an active roadway and has stopped at a location in which it can safely remain stationary;

- b. "handheld mobile communication device" means a wireless communication device that is designed to receive and transmit text or image messages, but "handheld mobile communication device" excludes global positioning or navigation systems, devices that are physically or electronically integrated into a motor vehicle and voice-operated or hands-free devices that allow the user to compose, send or read a text message without the use of a hand except to activate, deactivate or initiate a feature or function; and
- c. "text message" means a digital communication transmitted or intended to be transmitted between communication devices and includes electronic mail, an instant message, a text or image communication and a command or request to an internet site; but "text message" excludes communications through the use of a computer-aided dispatch service by law enforcement or rescue personnel.

**Annotations:** The 2016 Amended and Restated Title 10 adds 10-6-13(N) – Texting While Driving. For the penalty assessments for the violation of sections 10-6-13(A) to 10-6-13(N) see 10-12-2-(A) Schedule of Assessments.

10-6-14 Pedestrian's Right and Duties.

- A. Pedestrian obedience to traffic-control devices and traffic regulations: Pedestrians shall be subject to traffic-control signals at intersections as provided in Section 10-5-6, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions provided in this Title.
- B. Pedestrian's Right of Way in Crosswalks
  - 1. When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if necessary [to] yield, to a pedestrian crossing the street within a crosswalk when the pedestrian is upon the half of the street upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the street as to be in danger.
  - 2. 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.

3. [Paragraph]1 shall not apply under the conditions stated in [subsection] 10-6-14(D).
4. Whenever any vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to cross the street, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

**Annotations:** To clarify the wording of the law, Section 10-6-14(B)(1) and 10-6-14(B)(3) contain additional bracketed language. The 2016 Amended and Restated Title 10 removes former 10-6-14(C) – Pedestrians to Use Right Half of Crosswalk; 10-6-14(D) – Crossing at Other than Crosswalks; 10-6-14(E) – Pedestrians on Streets; 10-6-14(F)- Pedestrians Soliciting Rides or Business.

#### C. Obedience of Pedestrians to Bridge and Railroad Signals

1. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.
2. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies former 10-6-14(G) – Obedience of Pedestrians to Bridge and Railroad Signals - to 10-13-6(C);

- #### D. Drivers to Exercise Due Care: Notwithstanding the foregoing provisions of this Title every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street 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 street.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies former 10-6-14(H) –Drivers to Exercise Due Care - to 10-6-14D, and removes the former 10-6-14(I) – Reference to Vehicles upon the Streets. For the penalty assessments for the violation of sections 10-6-14(A) to 10-6-14(D), see 10-12-2(A) Schedule of Assessments.

### Chapter 7. SPECIAL RULES FOR MOTORCYCLES, OFF-HIGHWAY VEHICLES AND MOPEDS

**Annotation:** The 2016 Amended and Restated Title 10 expanded Chapter 7 to include Off-Highway Vehicles and Mopeds.

10-7-1 Traffic Regulations Apply to Person Operating Motorcycles. Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this Title, except as to special regulations in Sections 10-7-1 through 10-7-7 and except as to those provisions of this Title which by their nature can have no application.

10-7-2 Operating Motorcycles on Streets Lane for Traffic

- A. All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This section shall not apply to motorcycles operated two (2) abreast in a single lane.
- B. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken, except that this provision shall not apply to [Peace] Officers in the performance of their official duties.
- C. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles, except that this provision shall not apply to [Peace] Officers in the performance of their official duties.
- D. Motorcycles shall not be operated more than two (2) abreast in a single lane.

10-7-3 Clinging to Other Vehicles. No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a street.

10-7-4 Riding on Motorcycles.

- A. A person operating a motorcycle, motor scooter or motor-driven cycle shall ride only upon the permanent and regular seat attached there to, and shall have his feet upon the footrests provided on the machine.
- B. The operator shall not carry any other person nor shall any other person ride on a motorcycle, motor scooter or motor-driven cycle unless it is designed to carry more than one person, the 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 motorcycle, motor scooter or motor-driven cycle. The passenger shall have his feet upon the footrests attached for passenger use.
- C. No person shall operate a motorcycle while carrying any package bundle or other article which prevents him from keeping both hands upon the handlebars.

- D. No operator of a motorcycle shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

10-7-5 Eye-protective Devices or Windshields. Any person operating a motorcycle, motor scooter or motor driven cycle, not having a fixed windshield of a type approved by regulation of the director, 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 approved by regulations authorized by the director.

**Annotation:** The 2016 Amended and Restated Title 10 removed the following language from this section: "All eye protective devices or windshields shall be of a type approved by regulations authorized by the director."

10-7-6 Mandatory Use of Protective Helmet.

- A. No person under the age of eighteen (18) shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards authorized by the director. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen (18) unless the lessee or renter shows such person a valid operator's license or permit and possesses the safety equipment required of the operator of such motorcycle who is under the age of eighteen (18). No person shall carry any passenger under the age of eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as specified in this section, meeting the standards specified by the director.
- B. Failure to wear a safety helmet as required in this section shall not constitute contributory negligence.

10-7-7 Footrests and Handlebars.

- A. Any motorcycle carrying a passenger, other than in a side car or enclosed cab, shall be equipped with footrests for the passenger.

**Annotations:** For the penalty assessments for the violation of sections 10-7-1 to 10-7-7, see 10-12-2(A) Schedule of Assessments. The 2016 Amended and Restated Title 10 removed the former 10-7-7(B) relating to regulation of handlebars and the former 10-7-8 – Motorcycle Maneuverability.

Off-Highway Motor Vehicles.

As used in this section:

- A. "off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:
1. "all-terrain vehicle," which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds 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;
  2. "off-highway [motorcycle]" which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control; or
  3. "snowmobile," which means a motor vehicle designed to travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;
  4. "recreational off-highway vehicle," which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons and having;
    - a. a steering wheel for steering control;
    - b. non-straddle seating;
    - c. maximum speed capability greater than 35 miles per hour;
    - d. gross vehicle weight rating no greater than 1,750 pounds;
    - e. less than 80 inches in overall width, exclusive of accessories;
    - f. engine displacement of less than 1,000 cubic centimeters;
    - g. and identification by means of a 17-character vehicle identification number; or
  5. by rule of the department, any other vehicles that may enter

the market that fit the general profile of vehicles operated off-highway for recreational purposes;

- B. "staging area" means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and
- C. "unpaved public roadway" means a dirt graveled street or road that is constructed, signed and maintained for regular passenger-car use by the general public.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-7-9 - Off Highway Motorcycles\_ to be 10-7-8 – Off Highway Motor Vehicles. The text of 10-7-8 is new material. To clarify the language of the law in 10-7-8(A)(2) the word "motorcyle" is replaced with "motorcycle."

#### 10-7-8.1 Off-Highway Motor Vehicles – Registration Plate Requirement

- A. Unless exempted from the provisions of this section, a person shall not operate an off-highway motor vehicle unless the off-highway motor vehicle has been registered in accordance with any State or Tribal law and the owner shall affix the validating sticker in plain view.

**Annotation:** The 2016 Amended and Restated Title 10 adds 10-7-8.1 as new material.

#### 10-7-8.2 Operation of Off-Highway Motor Vehicles on Streets or Highways – Prohibited Areas

- A. A person shall not operate an off-highway motor vehicle on any
  - 1. limited access highway or freeway at any time; or
  - 2. paved street except as provided in Subsections B, C, D and E, below.
- B. A recreational off-highway [motor] vehicle may be operated on a paved street or other road of the Pueblo if:
  - 1. the vehicle has one or more headlights and one or more taillights;
  - 2. the vehicle has brakes, mirror, and mufflers;
  - 3. the operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;

4. the operator is insured in compliance with provisions requiring Mandatory Financial Responsibility where the vehicle is registered;
  5. the operator of the vehicle is wearing eye protection and a safety helmet.
- C. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the street. An Off-highway motor vehicle shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.
- D. A person shall not operate an off-highway motor vehicle on land [owned], controlled or administered by the Pueblo and subject to any prohibitions or restrictions [on] access except as designated by and permitted by rules or law adopted by the Pueblo.
- E. Unless authorized, a person shall not:
1. Remove, deface or destroy any official sign installed by the Pueblo, a state, federal, local or private land management agency; or
  2. Install any off-highway motor vehicle-related sign.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-7-9(B) as 10-7-8.2 and it is substantially rewritten, with the addition of 10-7-8.2(B), 10-7-8.2(D) and 10-7-8.2(E). Former 10-7-9(B)(2) is recodified as 10-7-8.2(C). To clarify the language of the law, the word "owed" is replaced with "owned" and the word "of" is replaced with "on" in 10-7-8.2(D).

### 10-7-8.3 Driving of Off-Highway Motor Vehicles Adjacent to Streets

- A. Off-highway motor vehicles issued a validating sticker or nonresident permit may be driven adjacent to a street, yielding to all vehicles entering or exiting the street, in a manner so as not to interfere with traffic upon the street, only for the purpose of gaining access to, or returning from areas designed for the operation of off-highway motor vehicles, by the shortest route possible and when no other route is available or when the area adjacent to a street is being used as a staging area. Such use must occur between the street and fencing that separates the street from private or public lands.
- B. When snow conditions permit, an off-highway motor vehicle may be

operated on the right-hand side of a street, parallel, but not closer than ten (10) feet, to the inside of the plow bank.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-7-9(C) - Movement of Off-Highway Motorcycles Adjacent to Streets- as 10-7-8.3, renaming this section to "Driving of Off-Highway Motor Vehicles Adjacent to Streets. The text of this section is substantially new.

10-7-8.4. Operation of Off-Highway Motor Vehicles on Assigned or Private Lands: It is unlawful to operate an off-highway motor vehicle on private lands except with the express permission of the owner of the land.

**Annotations:** The 2016 Amended and Restated Title 10 recodified the former 10-7-9(D) - Operation of Off-Highway Motorcycles on Private Lands - as 10-7-8.4, renaming this section "Operation of Off-Highway Motor Vehicles on Assigned or Private Lands." The text of this section is revised to replace motorcycle with motor vehicle. The 2016 Amended and Restated Title 10 removed 10-7-9(E) pertaining to Accidents and Accident Reports.

10-7-8.5 Enforcement of Off-Highway Motor Vehicle Regulations: A wildlife conservation officer, [Peace] Officer or peace officer of the Pueblo or any of its political subdivisions, upon displaying his badge of office, has the authority to enforce the provisions of Sections 10-7-8.1 through 10-7-8.5 of this [Title] and may require the operator of any off-highway motor vehicle to produce the certificate of registration or nonresident permit, proof of successful completion of an off-highway motor vehicle training course conducted by an off-highway safety training organization approved and certified by the department, when required by Section 10-7-8.8, and the personal identification of the operator, and may issue citations for violations of the provisions of Section 10-7-8.1 through 10-7-8.9 of this Title.

**Annotations:** The 2016 Amended and Restated Title 10 designated the former 10-7-9(F) as 10-7-8.5 and increased the persons authorized to enforce Sections 10-7-8.1 through 10-7-8.5. It also added the following language after "certificate of registration": "or nonresident permit, proof of successful completion of an off-highway motor vehicle training course conducted by an off-highway safety training organization approved and certified by the department, when required by Section 10-7-8.8, "

10-7-8.6 Exemptions: The provisions of this Section shall not apply to persons who operate off-highway motor vehicles on privately held lands or to off-highway motor vehicles that are:

- A. owned and operated by an agency or department of the Pueblo or the United States;
- B. operated exclusively on lands privately held or on privately closed courses absent any restrictions or fees imposed by the Pueblo;

- C. owned by nonresidents and used in this [Pueblo] only for organized and endorsed competition purposes; provided that the use is not on a rental basis;
- D. farm tractors, special mobile equipment or off-highway motor vehicles being used for agricultural operations.

**Annotation:** The 2016 Amended and Restated Title 10 added this Section 10-7-8.6 as all new material. The word "state" is replaced with "Pueblo."

10-7-8.7 Off-Highway Motor Vehicle Safety Permit Requirements. Issuance: A person under the age of eighteen shall be required to successfully complete an off-highway motor vehicle safety training course for which the person shall have parental permission. The course shall be conducted by a Pueblo of Acoma or other off-highway motor vehicle safety training organization that is approved and certified by the Acoma Traffic Bureau. Upon successful completion of the course, the person shall receive an off-highway motor vehicle safety permit issued by the organization.

**Annotation:** The 2016 Amended and Restated Title 10 added this Section 10-7-8.7 as all new material.

10-7-8.8 Operation and Equipment – Safety Requirements

- A. A person shall not operate an off-highway motor vehicle:
  - 1. in a careless or negligent manner so as to endanger the person or property of another as provided in this Title;
  - 2. while in pursuit of and with intent to hunt or take a species of animal or bird protected by law unless otherwise authorized by the state game commission;
  - 3. in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition;
  - 4. on or within an earthen tank or other structure meant to water livestock or wildlife;
  - 5. in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices;
  - 6. in excess of ten (10) miles per hour within two hundred (200) feet of a business, animal shelter, horseback rider, bicyclist, pedestrian or occupied dwelling, unless the person operates the vehicle on a closed course or track;

7. unless in possession of the person's registration certificate or nonresident permit;
  8. unless the vehicle is equipped with a spark arrester approved by the United States forest service; provided that a snowmobile is exempt from this provision;
  9. when conditions such as darkness limit visibility to five hundred (500) feet or less, unless the vehicle is equipped with:
    - a. one or more headlights of sufficient candlepower to light objects at a distance of one hundred fifty feet; and
    - b. at least one taillight of sufficient intensity to exhibit a red or amber light at a distance of two hundred feet under normal atmospheric conditions; or
  10. that produces noise that exceeds ninety-six (96) decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287; or
  11. where off-highway motor vehicle traffic is prohibited under local, state, [Pueblo] or federal rules or regulations.
- B. A person under the age of eighteen (18) shall not operate an off-highway motor vehicle:
1. or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the division;
  2. without an off-highway motor vehicle safety permit; or
  3. while carrying a passenger.
- C. A person under the age of eighteen (18) but at least ten (10) years of age shall not operate an off-highway motor vehicle unless the person is visually supervised at all times by a parent, legal guardian or a person over the age of eighteen (18) who has a valid driver's license. This subsection shall not apply to a person who is at least:
1. thirteen (13) years of age and has a valid motorcycle license and off-highway motor vehicle safety permit; or
  2. fifteen (15) years of age and has a valid driver's license, instructional permit or provisional license and off-highway

motor vehicle safety permit.

- D. A person under the age of ten (10) shall not operate an off-highway motor vehicle unless:
1. the all-terrain vehicle or recreational off-highway vehicle is an age-appropriate size-fit vehicle established by rule of the director; and
  2. the person is visually supervised at all times by a parent, legal guardian or instructor of a safety training course certified by the director.

**Annotation:** The 2016 Amended and Restated Title 10 added this Section 10-7-8.8 as all new material.

10-7-8.9 A person who violates the provisions of Sections [10-7-8 through 10-7-8.9] is guilty of a penalty assessment offense. A parent, guardian or custodian who causes or knowingly permits a child under the age of eighteen (18) years to operate an off-highway motor vehicle in violation of the provisions of Sections [10-7-8 through 10-7-8.9] is in violation of this Section and subject to the same penalty as the child operating the off-highway motor vehicle in violation of Sections [10-7-8 through 10-7-8.9].

**Annotations:** The 2016 Amended and Restated Title 10 added this Section 10-7-8.9 as all new material. Bracketed language corrects citations to sections and clarifies the wording of the law. For the penalty assessments for the violation of sections 10-7-8 to 10-7-8.9, see 10-12-2(A) Schedule of Assessments.

10-7-9 Mopeds: Standards; Operator Requirements; Application of Acoma Traffic [Laws]

- A. Mopeds shall comply with those motor vehicle safety standards deemed necessary and prescribed by the director.
- B. Operators of mopeds shall have in their possession while operating a moped a valid operator's or restricted operator's license of any class issued to them.
- C. Except as provided in Subsections A and B of this section, none of the provisions of this chapter relating to motor vehicles or motor-driven cycles as defined in [this Title] shall apply to a moped.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies 10-7-10 to 10-7-9, and removes from the title of the section "Motor Vehicle" and adds "Acoma Traffic" instead. The 2016 Amended and Restated Title 10 removes from 10-7-9(A) the words "of motor vehicles" after "director" at the end of subsection (A), It also removes from 10-7-9(C) "these codes" and

replaces with “this Title.” For the penalty assessments for the violation of section 10-7-9, see 10-12-2(A). Schedule of Assessments.

## Chapter 8. OPERATION OF BICYCLES

10-8-1 [Reserved for Future Use]

10-8-2 [Reserved for Future Use]

10-8-3 [Reserved for Future Use]

**Annotations:** The 2016 Amended and Restated Title 10 removed the text of sections 10-8-1 – Effect of Regulations; 10-8-2 – Traffic Ordinance Applies to Riding Bicycles; 10-8-3 – Riding Bicycles and reserved for future use;

10-8-4 Clinging to Vehicles: No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a street.

10-8-5 Riding on Streets and Bicycle Paths

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

**Annotation:** The 2016 Amended and Restated Title 10 removed all text except the first sentence from 10-8-5(A) and removed subsections (B) and (C) from this section.

10-8-6 [Reserved for Future Use]

**Annotation:** The 2016 Amended and Restated Title 10 removed the text of section 10-8-6 – Carrying Articles - and reserved section for future use.

10-8-7 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 five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the division which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

**Annotation:** The 2016 Amended and Restated Title 10 removed subsections (B) and (C) from 10-8-7.

10-8-8 Obedience to Traffic-Control Devices

- A. Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a [Peace] Officer.

**Annotation:** The 2016 Amended and Restated Title 10 removed subsection (B) from 10-8-8. The 2016 Amended and Restated Title 10 removed the text of sections 10-8-9 – Parking; 10-8-10 – Speed; 10-8-11 – Emerging from Alley, Driveway, Private Road or Building; 10-8-12 – Riding on Sidewalks; 10-8-13 – License Required; 10-8-14 - License Application; 10-8-15 – Issuance of License; 10-8-16 – Attachment of License Plate; 10-8-17 – Authority to Prevent Use; 10-8-18 – Inspection of Bicycles; 10-8-19 – Transfer of Ownership; 10-8-20 Rental Agencies; 10-8-21 – Bicycle Dealers; 10-8-22 Impounding Unlicensed and Unattended Bicycles; and 10-8-23 – Penalties. These sections are reserved for future use. For the penalty assessments for violation of sections 10-8-1 through 10-8-8 of the 2016 Amended and Restated Title 10, see 10-12-2(A), Schedule of Assessments.

Chapter 9. **PARKING REGULATIONS**

10-9-1 Authority to Establish Parking Areas. The Chief of Police or other officer or agent designated by the Tribal Council shall have the authority to designate special use, limited use or other use areas for parking within the confines and limits of the Acoma Pueblo Indian Reservation.

10-9-2 [Reserved for future use.]

10-9-3 [Reserved for future use.]

10-9-4 [Reserved for future use.]

10-9-5 [Reserved for future use.]

10-9-6 [Reserved for future use.]

10-9-7 [Reserved for future use.]

10-9-8 [Reserved for future use.]

10-9-9 Parking in Designated Disabled Parking Spaces

- A. Establishment of Designated Disabled Parking Spaces in Public Areas: The Chief of Police of the Pueblo [of] Acoma is empowered and directed to designate special parking areas for persons with significant mobility limitations within the general parking areas of all public buildings within the Acoma Pueblo Indian Reservation.

- B. Parking in Designated Disabled Parking Spaces: It is unlawful for any

person to park a motor vehicle not carrying registration plates or a placard indicating disability in a designated accessible parking space for persons with significant mobility limitation or in such a manner as to block to any part of a curb cut designed for access by persons with significant mobility limitations. Violation of this subsection shall be punishable by a fine of not less than Fifty Dollars (\$50) or up to Three Hundred Dollars (\$300).

**Annotations:** The 2016 Amended and Restated Title 10 in 10-9-9(A) removed the word "Handicapped" and added after "Parking" the phrase "in Designated Disabled Parking Spaces", and replaced the term "Handicapped Persons" with "Persons with significant mobility limitation". The 2016 Amended and Restated Title 10 replaced the entire text of subsection 10-9-9(B). For the penalty assessments for violation of section 10-9-9, see 10-12-2(A) Schedule of Assessments.

## Chapter 10. VEHICLE REGULATIONS

### 10-10-1 Equipment

#### A. Scope and Effects of Regulations

1. It is a penalty assessment offense for any person to drive or move, or for the owner to cause or permit to be driven or moved, on any street, any vehicle, or combination of vehicles, which is in such unsafe condition as to endanger any person, or 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 is required by Sections 10-10-1(A) through Sections 10-10-1(Y), or which is equipped in any manner that is in violation of such sections, or for any person to do any act forbidden, or fail to perform any act required under such sections.
2. Nothing contained in Sections 10-10-1(A) through 10-10-1(Y) shall be construed to prohibit the use of additional parts and accessories on any vehicle which are not inconsistent with the provisions of such sections.
3. The provisions of Sections 10-10-1(A) through 10-10-1(Y), with respect to equipment on vehicles, shall not apply to implements of husbandry, road machinery, road rollers or farm tractors, except as herein made applicable.

**Annotation:** The 2016 Amended and Restated Title 10 in this Subsection A, replaced the word "misdemeanor" with "penalty assessment offense."

#### B. Vehicles to Be in Safe Condition

1. No person shall drive or move on any street any motor vehicle, trailer, semi-trailer, or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this Title, and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the street.
2. Any [Peace] Officer may at any time when having reasonable cause to believe that any vehicle is unsafe, or not equipped as required by this Title, or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit the vehicle to inspection and test as may be appropriate and reasonable.

C. When Lighted Lamps Are Required: [Lighted lamps are required on e]very vehicle upon a street within this Pueblo at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated.

**Annotation:** The bracketed language was added to clarify the language of the law.

D. Visibility Distance and Mounted Height of Lamps

1. Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in Section 10-10-1(C) in respect to a vehicle without load when upon a straight, level, unlighted street under normal atmospheric conditions unless a different time or condition is expressly stated.
2. Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

E. Head Lamps on Motor Vehicles

1. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) headlamps with at

least one (1) on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this Title.

2. Every motorcycle and every motor-driving cycle shall be equipped with at least one (1) and not more than two (2) headlamps which shall comply with the requirements and limitations of this Title.
3. 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 fifty-four (54) inches nor less than twenty (20) inches to be measured as set forth in Section 10-10-1(D)(2). The provisions of this paragraph shall apply only to new motor vehicles sold after July 1, 1953.
4. For the purposes of Sections 10-10-1(A) through 10-10-1(YY) parking lamps shall not be used in lieu of headlamps.
5. No headlight shall emit a glaring or dazzling light.

#### F. Dimming of Lights

1. Whenever a motor vehicle meets another motor vehicle on any street during nighttime when headlights are in use, the driver of the vehicle shall, when within five hundred (500) feet of the other vehicle, dim or tilt the beams of the headlights downward.
2. The driver of any motor vehicle in any business district at nighttime when headlights are required shall keep headlights dimmed.
3. Whenever the driver of a motor vehicle overtakes another vehicle proceeding in the same direction or follows another vehicle proceeding the same direction within two hundred (200) feet at nighttime when headlights are required, the driver shall dim or tilt the beam of the headlights downward.

#### G. Tail Lamps

1. Every motor vehicle, trailer, semi-trailer, and pole trailer and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one (1) tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of

five hundred (500) feet to the rear; provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such above mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after July 1, 1953, shall be equipped with at least two (2) tail lamps mounted on the rear, which when lighted as herein required shall comply with the provisions of this section.

2. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than twenty (20) inches.
3. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white-light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.
4. No tail lamp shall emit a glaring or dazzling light.

#### H. Vehicles to Be Equipped with Reflectors

1. Every new motor vehicle hereafter sold and operated upon a street, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two (2) red reflectors, except that every motorcycle and every motor-driven cycle shall carry at least one (1) reflector, meeting the requirements of this section.
2. Every such reflector shall be mounted on the vehicle at a height not less than twenty (20) inches nor more than sixty (60) inches measured as set forth in Section 10-10-1(D)(2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in [front] of lawful upper beams of headlamps.

**Annotation:** The word "from" is replaced with the "front" to clarify the language of the law

#### I. Stop Lamps, Signal Lamps and Signal Devices

1. From and after January 1, 1954, it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle

and motor-driven cycle, in this[Pueblo] or for any person to drive such vehicle on the streets unless it is equipped with at least one (1) stop lamp meeting the requirements of Subsection 3(a).

2. No person shall sell or operate on the streets any motor vehicle, trailer, semi-trailer or house trailer registered in this [Pueblo] which was manufactured or assembled after January 1, 1954, unless it is equipped with mechanical or electric turn signals meeting the requirements of [this Title] This subsection shall not apply to any motorcycle or motor-driven cycle.
3. Any motor vehicle, trailer, semi-trailer and house trailer may be equipped and when required under this Title shall be equipped with the following stop lamps, signal lamps, or signal devices:
  - a. Stop lamp or stop lamps on the rear which shall emit a red, amber or yellow light and which shall be actuated upon application of the service brakes and which may but need not be incorporated with one (1) or more other rear lamps; and
  - b. Lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.
4. Every stop lamp shall be plainly visible and understandable from a distance of one hundred (100) feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred (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.

5. All mechanical signal devices shall be self-illuminated when in use at the times mentioned in Section 10-10-1(C) of this [Title].

**Annotation:** In this paragraph(1)(1), the word “municipality” is replaced with “Pueblo”, and in paragraph (1)(2) the reference to “subsection (C)(2)” is replaced with “Title” to clarify the language of the law.

## J. Mufflers; Prevention of Noise; Emission Control Devices

1. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a street in this municipality.
2. The muffler, emission control equipment or 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.
3. Every registered gasoline-fueled motor vehicle manufactured or assembled, connecting 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.

K. Lamp or Flag on Projection Load

1. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 10-10-1(C) hereof, a red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.
2. If any part of a vehicle, or any load thereon, or any mechanical device, whether a temporary or permanent part of the vehicle, extends beyond the front bumpers thereof the extreme front corners of such projection shall at the times specified in Section 10-10-1(C) be indicated by amber lights or lanterns visible from a distance of at least five hundred (500) feet to the sides and front.

L. Windshield must Be Unobstructed and Equipped with Wipers

1. 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 rear-most window if the latter is used for driving visibility. The rear-most window is not necessary for driving visibility where outside rear-view mirrors are attached to the vehicle.

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

M. Prohibiting Lugs: No person shall drive a tractor engine, tractor or vehicle with lugs on the wheels thereof over any paved street.

N. Permission to Use Emergency Equipment on Other than Official Vehicle: No person shall operate a vehicle other than an official vehicle, equipped with any red lights mounted so as to project a beam in a forward direction, or a siren, unless written permission of the chief of police or his designated representative is first obtained.

O. Prohibiting Metal Tires or Dragging Load

1. When the use thereof 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 periphery.
2. No person shall operate or move on any street any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the street, except that for the purposes of this Title a snow tire with metal studs designed to increase traction on ice or snow shall not be considered a metal tire.
3. No tire on a vehicle moved on a street shall have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the street, and except also that it shall be 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.

4. The administrator may, in his discretion, issue special permits authorizing the operation upon a street of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a street would otherwise be prohibited under the provisions of this Title.
5. No vehicle equipped with solid rubber or cushion tires shall be permitted upon any street of this Pueblo without special permission first being granted by the administrator and in no event may any such vehicle be operated at a speed in excess of that specified by law.
6. No person shall operate or move on any street any motor vehicle, trailer, or semi-trailer from which any object or load scrapes along or over any paved surface.

P. Brakes

1. Brake equipment is required as follows:
  - a. Every motor vehicle, other than a motorcycle, when operated upon a street shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels;
  - b. Every motorcycle when operated upon a street shall be equipped with at least two brakes which may be operated by hand or foot;
  - c. Every bus, truck, tractor, trailer and semi-trailer, and pole trailer shall be equipped with brakes on all wheels in contact with road surfaces except:
    - (1) Trailers, semi-trailers and pole trailers of a gross weight of less than three thousand (3,000) pounds:
    - (2) Any vehicle being towed in a Driveway-tow away

operation; provided, the combination of vehicles is capable of complying with the performance requirements of Subsection 2 of this section; and

- (3) Trucks, truck tractors, and road tractors having three (3) or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two (2) steerable axles the wheels of one (1) such axle need not be equipped with brakes.
- d. Every house trailer of a gross weight in excess of three thousand (3000) pounds, registered in the state, shall be equipped with brakes on at least two (2) wheels in contact with road surfaces. Every house trailer of a gross weight of three thousand (3000) pounds or more, when operated upon a highway or street, shall be equipped with brakes adequate to control the movement of, and to stop and to hold, such vehicle, and so designed as to be applied by the driver of the towing motor vehicle;
- e. Every bus, truck, road tractor or truck tractor shall be equipped with parking brakes capable of locking the rear driving wheels and adequate under any condition of loading to hold, to the limit of traction of such braked wheels, such vehicle or combination of vehicles to which such motor vehicle may be attached. The operating controls of such parking brakes shall be independent of the operating controls of the service brakes;
- f. 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; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed; and
- g. The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

2. 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 brake, within the distance specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	<u>Feet to stop from 20 miles per hour</u>	<u>Deceleration in feet per second</u>
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

3. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Q. Horns and Warning Devices

1. Every motor vehicle when operated upon a street shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall be used which does not produce a harmonious sound. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a street.
2. 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.
3. It is permissible, but not required, that any commercial vehicle be equipped with a theft-alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
4. 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 not less than five hundred (500) feet and of a type approved by the division, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

**Annotation:** The word “under” in brackets is added to clarify the language of the law.

- R. Mirrors: Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such vehicle.
  
- S. Application of Succeeding Sections: Sections 10-10-1(T), 10-10-1(U), 10-10-1(AA), 10-10-1(GG) and 10-10-1(HH) shall apply in lieu of Sections 10-10-1(E)(1), (2), and (3), 10-10-1(G)(1), (2), and (3) and 10-10-1(H) as to passenger buses, trucks, truck tractors, road tractors, and such trailers, semi-trailers and pole trailers provided for therein, when operated upon any street, and said vehicles shall be equipped as required. All lamp equipment required shall be lighted at the times mentioned in Section 10-10-1(C) of this Title.
  
- T. Additional Equipment Required: Every bus or truck less than eighty (80) inches in overall width shall be equipped as follows:
  - 1. On the front: two (2) headlamps; and
  - 2. On the rear: one (1) red or amber stop lamp; two (2) red reflectors, one (1) at each side.
  
- U. Color of Clearance Lamps, Side-marker Lamps and Reflectors: Every bus or truck eighty (80) inches or more in over-all width shall be equipped as follows:
  - 1. On the front: two (2) headlamps; two (2) amber clearance lamps, one (1) at each side;
  - 2. On the rear: one (1) red tail lamp; one (1) red or amber stop lamp; two (2) red clearance lamps, one (1) at each side; two (2) red reflectors, own at each side;
  - 3. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and

except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber; and

4. On each side: one (1) amber side-marker lamp, located at or near the front; one (1) side-marker lamp, located at or near the rear; one (1) amber reflector, located at or near the front; one (1) red reflector, located at or near the rear.

V. Lamps and Reflectors--Truck Tractors and Road Tractors: Every truck tractor and road tractor shall be equipped as follows:

1. On the front: two (2) headlamps; two (2) amber clearance lamps, one ([1]) at each side; and
2. On the rear: one (1) red tail lamp; one (1) red or amber stop lamp.

**Annotation:** The bracketed numeral "1" replaces the numeral "2" to clarify the language of the law.

W. Lamps and Reflectors--large Semi-trailers, Full Trailers and House Trailers

1. Every semi-trailer, full trailer or house trailer eighty (80) inches or more in over-all width shall be equipped as follows:
  - a. On the front: two (2) amber clearance lamps; one (1) at each side;
  - b. On the rear: one (1) red tail lamp; one (1) red or amber stop lamp; two (2) red clearance lamps, one (1) at each side; two (2) red reflectors, one (1) at each side; and
  - c. On each side: one (1) amber side-marker lamp, located at or near the front; one (1) red side-marker lamp, located at or near the rear; one (1) amber reflector, located at or near the front; one (1) red reflector, located at or near the rear.
2. Side-marker lamps may be in combination with clearance lamps and may use the same light source.

X. Lamps and Reflectors--small Semi-trailers, House Trailers and Trailers: Every semi-trailer, house trailer or trailer less than eighty (80) inches in over-all width shall be equipped as follows: on the rear--one (1) red or amber stop lamp, if the semi-trailer, house trailer or

trailer obscures the stop lamp on the towing vehicle.

Y. Lamps and Reflectors--Pole Trailers: Every pole trailer shall be equipped as follows:

1. On the rear: one (1) red tail lamp, two (2) red reflectors, one (1) at each side, placed to indicate extreme width of the pole trailer; and
2. On each side, on the rearmost support for the load: one (1) 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 thirty (30) feet or more in over-all length, an amber marker lamp on each side near the center.

Z. Lamps and Reflectors: Combinations in Driveway-Tow away Operations: Combinations of motor vehicles, as enumerated in Section 10-10-1(S) of this Title, engaged in Driveway-tow away operations shall be equipped as follows:

1. On the towing vehicle;
  - a. On the front, two (2) head lamps and two (2) amber clearance lamps, one (1) at each side;
  - b. On each side and near the front, one (1) amber side-marker lamp;
  - c. On the rear, one (1) red tail lamp; one (1) red or amber stop lamp; and
  - d. Provided, however, that the vehicles of less than eighty (80) inches in width shall be equipped as provided in Section 10-10-1(T) of this Title.
2. On the towed vehicle of a tow-bar combination, the towed vehicle of a single saddle-mount combination and on the rearmost towed vehicle of a double saddle-mount combination:
  - a. On each side, and near the rear, one (1) red side-marker lamp; and
  - b. On the rear, one (1) red tail lamp; two (2) red clearance lamps, one (1) at each side; one (1) red or amber stop lamp; two (2) red reflectors, one (1) at each side.

3. On the first saddle-mount of a double saddle-mount combination: on each side, and near the rear, one (1) amber side-marker lamp.
4. Combinations of vehicles less than eighty (80) inches in width in driveway-tow away operations shall carry lamp and reflectors as required in Section 10-10-1(T) of this Title.

AA. Mounting of Reflectors, Clearance Lamps and Side-marker Lamps

1. Reflectors required by Sections 10-10-1(T) and 10-10-1(U) of this Title shall be mounted upon the motor vehicle at a height of not less than twenty-four (24) inches nor more than sixty (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 twenty-four (24) inch requirements impractical. They shall be so installed as to perform their function adequately and reliably and, except for temporary reflectors required for vehicles in driveway-tow away operations, all reflectors shall be permanently and securely mounted in workmanlike manner so as to provide the maximum of stability, and the minimum likelihood of damage. Required reflectors otherwise properly mounted may be securely installed 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 driveway-tow away operation must be firmly attached.
2. All reflectors on the rear and those nearest to the rear on the sides, except those referred to in Subsection (AA)(3) of this section, shall reflect a red color; all other reflectors, except those referred to in Subsection (AA)(3) of this section, shall reflect an amber color; provided that 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 Sections 10-10-1(T) through 10-10-1(Z) of this Title.
3. Retroreflective surfaces, other than required reflectors, may be used, provided:
  - a. Designs do not resemble traffic control signs, lights or devices, except that straight edge stripping resembling a barricade pattern may be used;

- b. Designs do not tend to distort the length or width of the motor vehicle;
  - c. Such surfaces shall be at least three (3) inches from any required lamp or reflector unless of the same color as such lamp or reflector;
  - d. No red color shall be used on the front of any motor vehicle; and
  - e. No provision of this subsection shall be so construed as to prohibit the use of retroreflective registration plates required by any state or local authorities.
- BB. Clearance Lamps to Indicate Extreme Width, Height and Length: Clearance lamps shall, so far as is practicable, be mounted as to indicate the extreme width, height and length of the motor vehicle; except that clearance lamps on truck-tractors shall be so located as to indicate the extreme width of the truck-tractor cab.
- CC. Side-marker Lamps Combined with Clearance Lamps: Side-marker lamps may be combined with clearance lamps and may use the same light source.
- DD. Combination Tail and Stop Lamps: Except as required by 10-10-1(CC) of this Title, tail lamps may be incorporated in the same housing with stop lamps so long as the requirements for each are fulfilled.
- EE. Lighting Devices to Be Electric: Lighting devices shall be electric, except that red liquid burning lanterns may be used on the end of load in the nature of poles, pipes, and ladders projecting to the rear of the vehicle.
- FF. Requirements for Headlamps and Auxiliary Road-lighting Lamps
- 1. Headlamps and lamps or auxiliary road lighting lamps shall be mounted so that the beams are readily adjustable, both vertically and horizontally, and the mounting shall be such that the aim is not readily disturbed by ordinary conditions of service.
  - 2. Every bus, truck or truck-tractor shall be equipped with two (2) single-beam headlamps supplemented by two (2) auxiliary single-beam headlamps furnishing, respectively, an upper and lower distribution of light, also selectable at the driver's will.

3. Headlamps shall be constructed and installed so as to comply with the provisions of Sections 10-10-1(MM) through 10-10-1(OO) of this [Title].

**Annotation:** in paragraph (FF)(3) "Title" replaces "ordinance to clarify the language of the law.

GG. Requirements for Clearance, Side-marker and Other Lamps

1. Except for temporary side-marker and clearance lamps on motor vehicles, as enumerated in this Title, being transported in driveway-tow away operation, temporary electric lamps on projecting loads, and temporary marker lamps on pole trailers, all lamps shall be permanently and securely mounted in workmanlike manner on a permanent part of the motor vehicle. All clearance lamps and side-marker lamps must be firmly attached.
2. Clearance, side-marker, tail and projecting load-marker lamps shall be so mounted as to be capable of being seen from a distance of at least five hundred (500) feet under clear atmospheric conditions during the time lamps are required to be lighted. The light from front clearance lamps shall be visible to the front and that from side-marker lamps to the side, that from rear clearance and tail lamps to the rear. This section shall not be construed to apply to lamps which are obscured by another unit or a combination of vehicles.
3. Clearance, side-marker, tail and projecting load-marker lamps shall be constructed and installed so as to provide an adequate and reliable warning signal.

HH. Obstructed Lights Not Required: Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except tail lamps, need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination; but, this shall not affect the requirement that lighted clearance lamps displayed on the front of the foremost vehicle of any combination shall be lighted.

II. Lamps on Parked Vehicles

1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half-hour after sunset and a half-hour before sunrise, and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway no lights need be

displayed upon such parked vehicle.

2. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half-hour after sunset and a half-hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: at least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and same lamp or at least one (1) other lamp shall display a red light visible, from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.
3. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

#### JJ. Lamps on Other Vehicles and Equipment

1. All vehicles, including animal-drawn vehicles, not specifically required by the provisions of this Title to be equipped with lamps, shall at the times specified in 10-10-1(C) of this Title hereof be equipped with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear.
2. Every farm tractor not equipped with an electric lighting system shall at all times mention[ed] in Section 10-10-1(C) of this Title be equipped with lamps or lanterns meeting the requirements of Subsection 1 above. Every farm tractor equipped with an electric lighting system shall at all times mentioned in Section 10-10-1(C) of this Title display a red tail lamp and either multiple-beam headlamps meeting the requirements of Section 10-10-1(G), 10-10-1(MM) and 10-10-1(OO) of this [Title].
3. All combinations of tractors and towed farm equipment shall, in addition to the lighting equipment required by Subsection 2 above, be equipped with a lamp or lamps displaying a white or

amber light visible from a distance of five hundred (500) feet to the front and red light visible from a distance of five hundred (500) feet to the rear, and said lamp or lamps shall be installed or capable of being positioned so that visibility from the rear is not obstructed by the towed equipment and so as to indicate the furthest projection of said towed equipment on the side of the road used by other vehicles in passing such combinations.

And further, all such towed farm equipment shall be equipped either with two (2) tail lamps displaying a red light visible from a distance of five hundred (500) feet to the rear or two (2) red reflectors visible from a distance of fifty (50) to five hundred (500) feet to the rear when illuminated by the upper beam of headlamps, and the location of such lamps or reflectors shall be such as to indicate as nearly as practicable the extreme left and right rear projections of said towed equipment on the street.

**Annotation:** In 10-10-1(JJ)(2) “mention” is revised to be “mention[ed]” to clarify the language of the law, and The word “Title” replaces “ordinance” to clarify the language of the law in 10-10-1(JJ)(3).

#### KK. Spot Lamps and Auxiliary Lamps

1. Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp shall be so aimed and used 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 one hundred feet (100) ahead of the vehicle; provided however, that lighted spot lamps shall be turned off at least five hundred (500) feet from approaching motor vehicles.
2. Any motor vehicle may be equipped with not to exceed two (2) fog lamps mounted on the front at a height not less than twelve (12) inches nor more than thirty (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 twenty-five (25) feet ahead, project higher than a level of four (4) inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in Section 10-10-1(MM)(2) of this Title.
3. Any motor vehicle may be equipped with not to exceed one (1) auxiliary passing lamp mounted on the front at a height not less than twenty-four (24) inches nor more than forty-two (42)

inches above the level surface upon which the vehicle stands. The provisions of Section 10-10-1(MM) of this Title shall apply to any combination of headlamps and auxiliary passing lamps.

4. Any motor vehicle may be equipped with not to exceed one (1) auxiliary driving lamp mounted on the front at a height not less than sixteen (16) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of Section 10-10-1(MM) of this Title shall apply to any combination of headlamps and auxiliary driving lamp.

LL. Additional Lighting Equipment

1. Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.
2. Any motor vehicle may be equipped with not more than one (1) running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.
3. Any motor vehicle may be equipped with not more than two (2) back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

MM. Multiple Beam Road Lighting Equipment: Except as hereinafter provided, the headlamps or the auxiliary driving lamps or the auxiliary passing lamp, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, of composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance or at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
3. Every new motor vehicle registered in this state after July 1,

1953, which has multiple beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare at the driver of the vehicle so equipped.

NN. Use of Multiple Beam Road Lighting Equipment: Whenever a motor vehicle is being operated on a street or shoulder adjacent thereto during the times specified in Section 10-10-1(C) of this Title, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.
2. The lowermost distribution of light specifi[ed] in Section 10-10-1(MM)(2) of this Title shall be deemed to avoid glare at all time[s], regardless of road contour and loading.
3. Whenever the driver of a vehicle overtakes another vehicle proceeding in the same direction and within two hundred (200) feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected through the rear window of the overtaken vehicle.

**Annotation:** In 10-10-1(NN)(2) the word “specific” is replaced with “specifi[ed]”, and the word “time” is replaced with “time[s]” to clarify the language of the law.

OO. Single Beam Road Lighting Equipment: Headlamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to July 1, 1953, in lieu of multiple beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp

from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet.

PP. Alternate Road Lighting Equipment: Any motor vehicle may be operated under the conditions specified in Section 10-10-1(C) of this Title when equipped with the two (2) lighted lamps upon the front thereof capable of revealing persons and objects seventy-five (75) feet ahead in lieu of lamps required in Sections 10-10-1(MM) or 10-10-1(OO) of this Title; provided, however, that at no time shall it be operated at a speed in excess of twenty (20) miles an hour.

QQ. Number of Driving Lamps Required or Permitted

1. At all times specified in Section 10-10-1(C) of this Title, at least two (2) lighted lamps shall be displayed, one (1) on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.
2. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamp or spot lamps or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candle power, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a street.

RR. Special Restrictions on Lamps

1. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which project a beam of light of an intensity greater than three hundred (300) candle power shall be directed so that no part of the high-intensity portion of the beam strikes the level of the street on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.
2. No person shall drive or move, upon any street, any vehicle or equipment with a lamp or device thereon displaying a red light visible from directly in front of the center of the vehicle or equipment. This section does not apply to any vehicle upon which a red light visible from the front is expressly authorized

or required by th[is] Title.

3. Flashing lights are prohibited except as provided in Subsection 4 of this section and except on authorized emergency vehicles, 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.
4. Tow cars standing on streets for the purposes of removing, and actually engaged in removing, disabled vehicles, and while engaged in towing any disabled vehicle, may tow cars in going to or returning from the location of disabled vehicles unless actually engaged in towing a disabled vehicle.
5. Only fire department vehicles, law enforcement agency vehicles, ambulances and school buses shall display flashing red lights visible from the front of the vehicle. All other vehicles authorized by this Title to display flashing lights visible from the front of the vehicle may use any other color of light that is visible.

**Annotation:** In 10-10-1(RR)(2) "the" is replaced with "th[is]" to clarify the language of the law.

- SS. Lights on Snow Removal Equipment: It shall be unlawful to operate any snow removal equipment on any street unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted by the Administrat[or].

**Annotation:** In 10-10-1(SS) "Administrat[or]" replaces "Administration" to clarify the language of the law.

- TT. Meaning of the Term "Motor Vehicle" as Used in Section 10-10-1(UU) Through 10-10-1(YZ) of this Title; Unattended Vehicles.

- [1]. For the purposes of Sections 10-10-1(UU) through 10-10-1(YZ) of this [Title] "motor vehicle" means every bus, truck, truck trailer, road tractor, and every driven vehicle in driveway-tow away operations, required by Section 10-10-2 of this [Title] to have emergency equipment thereon.
- [2]. 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.

**Annotations:** In 10-10-1(TT) Section identifiers “A” and “B” are replaced with “[1]” and “[2]” for consistency with standard usage in this Title; and in 10-10-1(TT)(1)The word “ordinance” is replaced with “[Title]” for consistency with standard usage in this Title.

- UU. 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 street outside of a business or residence district, when it is practicable to stop, park, or leave such vehicle off the traveled portions of the street, the driver shall make every effort to leave all possible width of the street opposite the standing vehicle for the free passage of other vehicles and he shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear.
- VV. Emergency Signals; Disabled Vehicle: Whenever any motor vehicle is disabled upon the traveled portion of any street or the shoulder thereof, when lighted lamps are required, except where there is sufficient street lighting to make it clearly discernible to persons and vehicles on the street at a distance of five hundred (500) feet, the following requirements shall be observed:
1. The driver of such vehicle shall immediately place on the traveled portion of the street at the traffic side of the disabled vehicle, a lighted fusee and lighted red electric lantern, or a red emergency reflector.
  2. Except as provided in Subsections 3 and 4 of this section, as soon thereafter as possible, but in any event within the burning period of the fusee, the driver shall place three (3) liquid-burning flares or pot torches, or three red emergency reflectors on the traveled portion of the street in the following order:
    - a. One at a distance of approximately one hundred (100) feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;
    - b. One at a distance of approximately one hundred (100) feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle; and
    - c. One at the traffic side of the disabled vehicle, not less than ten (10) feet to the front or rear thereof. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance

with Subsection 1 of this section, it may be used for this purpose.

3. If disablement of any motor vehicle shall occur within five (500) hundred 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 street but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.
4. If gasoline or any other flammable or combustible liquid or gas seeps or leaks from a fuel container of a motor vehicle disabled or otherwise stopped upon a street, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will assure the prevention of a fire or explosion.

WW. Non-Emergency Signals; Stopped or Parked Vehicles: Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any street, or shoulder thereof, during the time lights are required, except where there is sufficient street lighting to make clearly discernible persons and vehicles on the street at a distance of five hundred (500) feet, the following requirements shall be observed:

1. The driver of such vehicle shall immediately place on the traveled portion of the street at the traffic side of the vehicle, a lighted fusee and lighted red electric lantern, or a red emergency reflector.
2. If the stop is to exceed ten (10) minutes, the driver shall place emergency signals as required and in the manner prescribed by section 10-10-1(VV) of this Title.

XX. Emergency Signals: Flame Producing: No driver shall attach or permit any person to attach a lighted fusee or other flame producing emergency signal to any part of a motor vehicle.

YY. Emergency Signals: Dangerous Cargoes: No driver shall use or permit the use of any flame producing emergency signal for protecting any motor vehicle transporting explosives, any cargo tank motor vehicle used for the transportation of any flammable liquid or flammable compressed gas, whether loaded or empty; or any motor vehicle using compressed gas as a motor fuel. In lieu thereof, red electric lanterns or red emergency reflectors shall be used, the placement of which shall be in the same manner as prescribed in Section 10-10-1(VV) of this Title.

**Annotation:** For the penalty assessments for a violation of section 10-10-1 see 10-12-2(A), Schedule of Assessments.

10-10-2 Transportation or Handling Explosives or Dangerous Articles.

- A. Any person operating any vehicle transporting explosives or other dangerous articles as cargo upon a street shall apply to the Chief of Police for a permit and shall mark said vehicle.
- B. No motor vehicle transporting any explosive or any other dangerous article shall be left unattended upon any street in any residence or business district except when the driver is engaged in the performance of normal operations incident to his duties as an operator of the vehicle to which he is assigned; provided, however, the chief of police may except any street in any business district from the operation of this subsection.
- C. Drivers of motor vehicles transporting explosives, inflammable liquids, or inflammable, noxious, or toxic compressed gasses in cargo tanks, shall avoid, so far as practicable, driving into or through congested streets, places where crowds are assembled and dangerous crossings. So far as practicable this shall be accomplished by prearrangement of routes.
- D. No blasting caps or other materials designed and used for detonating charges or explosives may be transported in or [on] a vehicle with any explosive.
- E. The administrator shall enforce such rules and regulations adopted and promulgated by the director with respect to the transportation of compressed gasses and corrosive liquids by tank vehicle upon the public streets.

**Annotations:** In paragraph 10-10-2(D) “an” is replaced with “[on]” to clarify the language of the law. For the penalty assessments for violation of section 10-10-2, see 10-12-2(A), Schedule of Assessments.

10-10-3 Regulating the Kinds and Classes of Traffic on the Streets

- A. Restrictions upon Use of Streets by Certain Vehicles
  - 1. The administrator may determine and designate those heavily traveled streets upon which shall be prohibited the use of the street by motor driven cycles, bicycles, horse-drawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.

2. When signs are erected giving notice of the restrictions, no person shall disobey the restrictions stated on the signs.

B. Minimum Vehicle Size

1. It is unlawful to operate on the streets of this Pueblo any motor vehicle;
  - a. With a wheelbase, between two (2) axles, of less than three (3) feet seven (7) inches;
  - b. Any motorcycle with less than a twenty-five (25) inch seat height measured from the ground to the lowest point on top of the seat cushion, without a rider.
2. For the purpose of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles.

C. Projecting Loads on Passenger Vehicles: No passenger-type vehicle, except a motorcycle, shall be operated on any street with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle nor extending more than sixty-one (61) inches beyond the line of the fenders on the right side of the vehicle.

D. Special Projection Load Limits: 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 (3) feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than seven (7) feet beyond the rear of the bed or body of such vehicle.

E. Trailers and Towed Vehicles

1. When one vehicle is towing another the draw bar or other connection shall be of sufficient strength to pull all weight towed there. When a combination of vehicles are engaged in transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered, the load shall be distributed so as to equalize the weights on the axle of each vehicle in so far as possible.
2. When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connections a white flag or cloth not less than twelve (12) inches square.

F. Width of Vehicles

1. The total outside width of any vehicle or its load, excepting mirrors, shall not exceed eight (8) feet six (6) inches. Safety devices up to three (3) inches on either side of the vehicle are also [excepted].
2. Any bus operated as part of a municipal transit system and operated solely in the county in which the Pueblo is situated may have a width not to exceed eight (8) feet ten (10) inches.

**Annotation:** In Paragraph 10-10-3(F) the word "expected" is replaced with "[excepted]" to clarify the language of the law.

G. Height and Length of Vehicles and Loads

1. No vehicle, including any load thereon, shall exceed a height of thirteen (13) feet six (6) inches.
2. No vehicle, including any load thereon, shall exceed a length of forty (40) feet extreme over-all dimension, exclusive of front and rear bumpers, except when operated in combination with another vehicle as provided in Subsection 3 of this section.
3. No combination of vehicles coupled together shall consist of more than two units, except that a truck tractor and semi-trailer will be permitted to pull one (1) trailer and, except further, that a truck equipped with fifth wheel trailering device may pull two (2) units, provided that the middle unit shall be a travel or recreational trailer which shall be connected to the truck by the fifth wheel trailering device and the other a trailer which shall be at least one (1) foot, but not more than thirteen (13) feet six (6) inches high, or more than eight (8) feet wide, and equipped with tail lights, signal lights and stop lights and provided further that the combined gross weight of the towing unit or seventy-five (75) percent of the manufacturer's stated gross vehicle weight of the towed units shall not exceed the manufacturer's stated gross weight of the towing unit, whichever is greater, and that a double or triple saddle-mount, or fifth wheel of vehicles in transit by driveway-tow away methods will be permitted. However, any saddle-mount combinations 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 sixty-five (65) feet, exclusive of the front and rear bumpers.

4. Subsection 3 of this section does not apply to vehicles and trailers operated by or under contract for Pueblo refuse systems or to farm trailers, implements of husbandry and fertilizer operated by or under contract to a farmer or rancher in his farming or ranching operations.

H. Exceptions on Size, Weight, and Load: The provisions of Subsections 10-10-3(A) through 10-10-3(G) of this Title governing size, weight and load shall not apply to fire apparatus, road machinery engaged in street construction or maintenance, or to implements of husbandry, including farm tractors, temporarily moved upon a street, or to a vehicle operated under the terms of a special permit issued as herein provided.

**Annotation:** For the penalty assessments for violation of section 10-10-3, see 10-12-2(A) Schedule of Assessments

#### 10-10-4 Display of Current Valid Registration Plate

A. It is a violation of this Title for any person to park upon a public street or public parking area of this Pueblo any motor vehicle or trailer which does not display one (1) or more visible current valid registration plates as required by state law.

B. The registration plate shall be attached to the rear of the vehicle for which it is issued; however, the registration plate shall be attached to the front [of] a road tractor or truck tractor. The plate shall be securely fastened at all times, in a fixed horizontal position, at a height of not less than twelve (12) inches from the ground, measuring from the bottom of the plate. It shall be in a place and position so as to be clearly visible, and it shall be maintained free from foreign material and in a condition to be clearly legible.

**Annotation:** In 10-10-4(B) the word “or” is replaced with “[of]” to clarify the language of the law.

C. No vehicle, while being operated on the streets of this Pueblo, shall have displayed thereon, either on the front or the rear thereof, any license plate, including tab or sticker, other than one issued, or validated, for the current registration period, by the division or any other licensing authority having jurisdiction over the vehicle. No expired license plate, tab or sticker shall be displayed [on] the vehicle.

**Annotation:** In 10-10-4(C) the word “at” is replaced with “[on]” to clarify the language of the law.

D. Nothing contained herein shall be construed as prohibiting the use, on

the front of the vehicle, of a promotional or advertising plate.

- E. Any [Peace] Officer may, upon discovering that the registration plate of any vehicle is illegible because of wear or damage or other cause, issue a citation to the owner or operator of the vehicle, which citation shall provide that such owner shall, within thirty (30) days from the date of the citation, apply for and obtain a duplicate or replacement plate from the division.
- F. Any motor vehicle owner who has been issued a citation for an illegible registration plate and who fails to comply with the terms of the citation requiring the acquisition of a duplicate or replacement plate within thirty (30) days of the date of the citation is guilty of a penalty assessment offense.

**Annotations:** The 2016 Amended and Restated Title 10 makes the following change in 10-10-4(F) the words "penalty assessment offense" replaces "misdemeanor". For the penalty assessments for violation of section 10-10-4, see 10-12-2(A), Schedule of Assessments

10-10-5 Evidence of Registration to Be Signed and Exhibited on Demand: Every owner, upon receipt of registration evidence, shall write his signature thereon in a space provided. Every such registration evidence or duplicates thereof validated by the division shall be exhibited upon demand of any [Peace] Officer.

**Annotation:** For the penalty assessments for violation of section 10-10-5, see 10-12-2.A, Schedule of Assessments

10-10-6 Mandatory Liability Insurance

- A. It shall be unlawful to operate any motor vehicle within the confines and limits of the Pueblo de Acoma without proper insurance coverage on said vehicle.
- B. The driver of a vehicle shall be required to exhibit on demand proof of insurance for the vehicle which he is operating consistent with the then minimum limits required by the State of New Mexico.

**Annotations:** The 2016 Amended and Restated Title 10 deleted former subsection 10-6-13(N)(3) and moved section 10-6-13(N) to this separate section 10-10-6. For the penalty assessments for violation of section 10-10-6, see 10-12-2(A), Schedule of Assessments.

## Chapter 11. TRAFFIC VIOLATIONS BUREAU

10-11-1 Traffic Violations Bureau Created

- A. A traffic violations bureau is established to assist the court in its administrative work.
- B. The personnel of the bureau shall be responsible to the Chief Court Judge or his/her designee.
- C. The bureau shall open at such hours as the Chief Judge may designate.

**Annotation:** The 2016 Amended and Restated Title 10 adds “or his/her designee” after “Judge” in 10-11-1(B).

10-11-2 Fines Accepted by the Traffic Violations Bureau

- A. The Chief Judge shall designate by rule as provided, the specified offenses under the Traffic [Laws] of this Pueblo in respect to which payments of fines may be accepted by the traffic violations bureau.
- B. The Chief Judge shall specify by rule to be called a Penalty Assessment Schedule, suitable schedules of the amount of the fines for first, second and subsequent offenses, provided the fines are within the limits declared by law or ordinance.

**Annotations:** The 2016 Amended and Restated Title 10 changed this section to capitalize Chief Judge in subsections A and B. 10-11-2(A) is changed by removing, after Chief Judge the words “who hears traffic cases”. 10-11-2(B) is changed by removing after “ordinance” the words “and shall further specify what number of offenses shall require appearance before the judge.”

10-11-3 When Person Charged May Elect to Appear at Bureau or Before Chief Judge

- A. Any person charged with a penalty assessment offense for which payment of a fine may be made to the traffic violations bureau under the foregoing provisions shall have the option of:
  - 1. Paying the fine within the time specified in the notice of penalty assessment at the traffic violations bureau upon entering a plea of Liability Admitted and upon waiving appearance in court; or
  - 2. Upon a plea of Liability Not Admitted, shall be entitled to civil hearing authorized by law and upon accepting a copy of a traffic citation with a notice to appear.
- B. For the purpose of this Title, the payment of a fine to the traffic violations bureau shall be deemed an acknowledgment of liability for

the alleged offense. The traffic violations bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment of the fine.

**Annotation:** The 2016 Amended and Restated Title 10 made the following changes to Section 10-11-3. In 10-11-3(A) “an offense” is replaced with “a penalty assessment offense.” In 10-11-3(A)(1) the word “arrest” after “notice of” is replaced with “penalty assessment;” and the word “guilty” after “plea of” is replaced with “Liability Admitted.” In 10-13-3(A)(2) the entire subsection is replaced. In 10-13-3(B) the word “conviction of” is replaced with “liability for”.

10-11-4 Duties of Traffic Violations Bureau

- A. The traffic violations bureau shall accept designated fines, issue receipts and represent in court violators who are permitted and who desire to plead guilty, waive appearance and give power of attorney.
- B. The traffic violations bureau shall receive motions and amended citations from the persons who wish to be heard in court, enter the time for their appearance on the court docket and notify the citing officer or the liaison officer if any are to be present.

**Annotations:** The 2016 Amended and Restated Title 10 made the following changes to Subsection 10-11-4(B): The subsection is changed by adding the word “motions” after “shall receive”, deleting the words “issue receipts for cash bail from the person”, adding “amended citations from the persons, deleting after “who” the words “must or”, and replacing the word “arresting” with “citing” before the word “officer.”

- C. The traffic violations bureau shall keep a record of all violations of the traffic code together with a record of a final disposition of all such alleged penalty assessment offenses:
  - 1. The record shall be maintained to show all types of violations and the total of each; and
  - 2. The records shall accumulate during at least a two (2)-year period.

**Annotation:** The 2016 Amended and Restated Title 10 revised Subsection 10-11-4(C) by adding “penalty assessment” before the word “offenses.”

- D. The traffic violations bureau shall study the cases of drivers charged with frequent or serious violations of [the] traffic code or involved in frequent traffic accidents or any one (1) serious accident, shall attempt to discover the reasons therefore and shall take whatever steps are lawful and reasonable to prevent the recurrence thereof or to have the licenses of the persons suspended or revoked, by

reporting to the Chief Judge annually or more often as necessary.

**Annotation:** In Subsection 10-11-4(D) “[the]” is added to clarify the language of the law.

- E. The traffic violations bureau shall keep records and submit summarized monthly reports to the Chief Judge of all notices issued and citations issued for violations of the traffic code and of all fines collected by the traffic violations bureau of the court and of the final disposition or current status of every case of violations of the provisions of [this Title]. The records shall be so maintained as to show all types of violations and the totals of each.

**Annotations:** The 2016 Amended and Restated Title 10 made the following changes to Subsection 10-11-4 (E): “citations issued” replaces “arrests made”. To clarify the language of the law “this Title”, replaces “the said ordinances.”

- F. The traffic violations bureau shall follow such procedures as may be prescribed by the traffic code of the Pueblo.

**Annotation:** The 2016 Amended and Restated Title 10 changed to Section 10-11-4(F) deleting the words “or as may be required by any law of this state.”

- G. Fines collected herein shall be maintained in a separate account and docketed. Fines collected shall be used to pay the costs of the Bureau, Administration and supplies. All funds shall be determined quarterly and divided equally or divided by a different percentage in accordance with a written agreement reached between the Chief Judge on behalf of the Courts and either the Chief of Police or the Director of Public Safety on behalf of the Acoma Police Department. The funds will be used for the continuance of their programs.

**Annotation:** The 2016 Amended and Restated Title 10 substantially re-wrote Subsection 10-11-4(G) to authorize the creation of a written agreement to allocate fines paid between the Pueblo of Acoma Tribal Courts and the Pueblo of Acoma Police Department.

- H. The Director of Public Safety or the Chief of Police in consultation with the Chief Judge with the Chief of Police shall establish a budget for the traffic violations bureau and the penalty assessment program to cover administrative costs. This budget must be prepared by November 15 of each fiscal year.

**Annotation:** The 2016 Amended and Restated Title 10 made the following Subsection 10-11-4(H) the language “Director of Public Safety or the Chief of Police in consultation with the Chief Judge with the Chief of Police” replaces “Chief Judge in conjunction with the Chief of Police”, and removes after “cover” the words “jail costs and other”.

Chapter 12. CIVIL PENALTY ASSESSMENT PROGRAM; DEFINITIONS; SCHEDULE OF ASSESSMENTS; PROCEDURES UPON TRAFFIC STOP; FEES AND COSTS; SANCTIONS; AUTHORITY TO REMOVE OR RELOCATE VEHICLES

10-12-1 Civil Penalty Assessment Program Established: A civil penalty assessment program is hereby established for violations or provisions of Title 10 Civil Traffic Code. This program shall be limited to violations of Title 10 Civil Traffic Code. All penalty assessments shall be processed by the Tribal Court and all fines and fees collected shall be allocated [and] deposited as outlined in Section 10-11-4(G).

**Annotation:** The 2016 Amended and Restated Title 10 Chapter 12 was previously codified in Chapter 11 of Title 10. Section 10-12-1 is all new material. The word “[and]” is added to clarify the language of the law.

10-12-2 Penalty Assessment Offenses - Definitions - Schedule of Assessments

A. As used in this Title, penalty assessment offense is defined and means violation of any of the following listed sections of [this Title].

## SCHEDULE OF ASSESSMENTS

Chapter 4. ACCIDENTS AND ACCIDENT REPORTS	Penalty Assessment
Section Violated	
10-4-1 Accident involving Damage to Vehicle	\$50
10-4-2 Duty upon Striking Unattended Vehicle	\$30
10-4-3 Duty upon Striking Fixtures or Other Property upon a Street	\$30
10-4-4 Immediate Notice of Accidents	\$50
10-4-5 Garages, Dealers and Wreckers of Vehicles to Report	\$50
10-4-6 False Reports	\$200
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Chapter 5. SIGNS, SIGNALS AND MARKINGS	Penalty Assessment
Section Violated	
10-5-3 Obedience to Required Traffic-Control Devices	\$25
10-5-8 Flashing Signals	\$25
10-5-10 Display of Unauthorized Signs, Signals and Markings	\$50
10-5-11 Interference with Official Traffic-Control Devices or Railroad Signals	\$100
10-5-12 Play Streets	\$50
10-5-14 Traffic Lanes	\$25
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Chapter 6. TRAFFIC REGULATIONS	Penalty Assessment
Section Violated	
10-6-1(A) Speed Regulations	\$25
10-6-1(B) <u>Speed Limits</u>	
1.a. School Zones	
i. 1-10 mph over limit	\$50
ii. 11-20 mph	\$100
iii. 21 and over	\$150
1.b. Business Residence District	
i. 1-10 mph over posted limit	\$25
ii. 11-20 mph over posted limit	\$50
iii. 21 mph and over posted limit	\$75
1.c. Lawfully posted speed limit LESS THAN 55 MPH:	
i. 1-10 mph over posted limit	\$25
ii. 11-20 mph over posted limit	\$50
iii. 21 mph over posted limit	\$75
(Double fine for construction zones for all)	
<hr/>	

Lawfully posted speed limit 55 MPH or GREATER:	
i. 1-10 mph over posted limit	\$60
ii. 11-20 mph over posted limit	\$120
iii. 21 mph and over posted speed limit (Double fine for construction zones for all)	\$175
10-6-1(E) <u>Minimum Speed Regulations</u>	
a. when posted speed is below 55 mph	\$25
b. when posted speed is 55 mph and over	\$75
10-6-1(G) <u>Special Speed Limitations</u>	
a. when posted speed is below 55 mph	\$25
b. when posted speed is 55 mph and over	\$75
10-6-2 <u>Driving on Right Side of Street; Overtaking and Passing; Use of Street</u>	
A. Drive on Right Side of Street – Exceptions	\$15
B. Passing Vehicles Proceeding in Opposite Direction	\$15
C. Overtaking Vehicle on the Left	\$15
D. Limitations on Overtaking on the Left	\$15
E. Further Limitations on Driving on Left of Center of Street	\$15
F. When Overtaking on the Right is Permitted	\$15
G. No-Passing Zones and Restrictions on Passing	\$15
I. Obedience to Signs Designating One-way Streets and Alleys	\$15
K. Restricted Direction of Movement on Streets during Certain Periods	\$15
L. Driving on Streets Laned for Traffic	\$15
M. Following Too Closely	\$15
N. Driving on Divided Streets	\$15
O. Controlled Access	\$15
P. Restrictions on Use of Controlled-Access Streets	\$25
10-6-4 <u>Right of Way (Failure to Yield)</u>	
10-6-4A Vehicle Approaching or Entering Intersection	\$15
10-6-4B Vehicle Turning Left at Intersection	\$15
10-6-4C Vehicle Entering Stop or Yield Intersection	\$15
10-6-5 <u>Turning and Starting and Signals on Stopping and Turning</u>	
10-6-5A Required Position and Method of Turning at Intersection	\$15
10-6-5D Obedience to No-turn Signs	\$15
10-6-5E Limitations on Turning Around	\$15
10-6-5F Turning on Curve or Crest of Grade Prohibited	\$15
10-6-5G Starting Parked Vehicle	\$15
10-6-5H Turning and Stopping Movements and Required Signals	\$15
10-6-5I Signals by Hand and Arm or Signal Device	\$15
10-6-5J Method of Giving Hand and Arm Signals	\$15

<u>10-6-6 Stopping, Standing and Parking</u>	
10-6-6A Stopping, Standing or Parking Prohibited in Specified Places	\$15
10-6-6B Additional Parking Regulations	\$15
10-6-6C Stopped or Parked Vehicles Not to Interfere with Other Traffic	\$15
10-6-6D Parking in Alleys	\$15
10-6-6E All-Night Parking Prohibited	\$15
10-6-6F Parking for Certain Purposes Prohibited	\$15
10-6-6G Parking Adjacent to Schools Prohibited	\$15
10-6-6H Parking Prohibited on Narrow Streets	\$15
10-6-6I Standing or Parking on One-Way Streets	\$15
10-6-6J Standing or Parking on Divided Streets	\$15
10-6-6K No Stopping, Standing or Parking Near Hazardous or Congested Places	\$15
10-6-6L Stopping, Standing or Parking Restricted or Prohibited on Certain Streets	\$15
10-6-6M Angle Parking and Permits for Loading or Unloading at an Angle to the Curb	\$15
10-6-6N Stopping, Standing or Parking Outside of Business or Residence	\$15
<u>10-6-7 Special Stops Required</u>	
10-6-7A Emerging from Alley, Building, Driveway, or Private Road	\$15
10-6-7B Stop When Traffic Obstructed	\$15
10-6-7C Stopping for School Bus	\$100
10-6-7D Operation of Vehicle on Approach of Authorized Emergency Vehicle (Yield Right of Way)	\$50
10-6-7E Obedience to Signal Indication Approach of Train	\$25
10-6-7F All vehicles Must Stop at Certain Railroad Grade Crossings	\$25
10-6-7G Certain Vehicles Must Stop at Railroad Grade Crossings: Exceptions	\$50
10-6-7H Moving Heavy Equipment at Railroad Crossings	\$25
<u>10-6-8 Passenger and Freight Curb Loading Zones (Improper Parking)</u>	
10-6-8C Stopping, Standing, or Parking in Passenger Curb Loading Zones	\$15
10-6-8D Stopping, Standing, or Parking in Freight Curb Loading Zone	\$15
<u>10-6-9 Public Carrier Stops and Stand (Improper Parking)</u>	
10-6-9C Stopping, Standing and Parking of Buses and Taxicabs Regulated	\$15
10-6-9D Restricted Use of Bus and Taxicab Stands	\$15
<u>10-6-10 School Crossings</u>	
10-6-10A School Crossings	\$15
<u>10-6-11 Excessive Size and Weight, Slow-Moving and Hazardous Vehicles</u>	
10-6-11A Permit for Moving Excessive Size and Weight Vehicles	\$100
10-6-11B Slow-moving Vehicle Identification	\$15

<u>10-6-12 Driving Regulations</u>		
10-6-12A	Careless Driving	
		1 <sup>st</sup> Offense \$50
		2 <sup>nd</sup> Offense \$75
		Subsequent \$100
10-6-12B	Drivers Must Be Licensed	
		1 <sup>st</sup> Offense \$25
		2 <sup>nd</sup> Offense \$50
		Subsequent \$100
10-6-12C	Unlawful Use of License	
		1 <sup>st</sup> Offense \$50
		2 <sup>nd</sup> Offense \$100
10-6-12D	Limitations on Backing	\$50
10-6-12E	Obstruction to Driver's View or Driving Mechanism	\$75
10-6-12F	Restriction on Use of Television in Motor Vehicles	\$75
10-6-12G	Coasting Prohibited	\$75
10-6-12H	Following Fire Apparatus Prohibited	\$75
10-6-12I	Crossing Fire Hose	\$75
10-6-12J	Driving Through Safety Zone Prohibited	\$75
10-6-12K	Vehicles Shall Be Driven Only on Streets, Private Roads and Driveways	\$75
10-6-12L	Prohibited Activities While Driving	\$75
10-6-12M	Processions	\$50
10-6-12N	Driver to Take Precautions the Blind	\$75
10-6-12O	Offenses by Persons Owing or Controlling Vehicles	\$75
10-6-12P	Permitting Unauthorized Person to Drive	\$75
<u>10-6-13 Miscellaneous Traffic Regulations</u>		
A.	Offenses Relating to Driving Under the Influence	\$50
B.	Unlawful Riding	\$50
C.	Moving or Molesting Unattended Vehicles	\$50
D.	Destructive or Injurious Material on Roadway	\$15
E.	Trains and Buses Not to Obstruct Streets	\$15
F.	Boarding or Alighting from Vehicles	\$25
G.	Improper Opening of Doors	\$15
H.	Occupied Moving House Trailer	\$15
I.	Animals on Street	\$25
J.	Child Passenger Restraint; Enforcement	\$25-\$50
K.	Mandatory Use of Seatbelts	\$25-50
L.	Consumption of Alcoholic Beverages in Open Containers in a Motor Vehicle Prohibited - Exceptions	\$50
M.	Littering	\$50
N.	Texting While Driving	\$25 (1 <sup>st</sup> )
		\$50 Subsequent

10-6-14 <u>Pedestrian's Right and Duties</u>	
A. Pedestrian Obedience to Traffic-Control Devices and Traffic Regulations	\$10
B. Pedestrians' Right of Way in Crosswalks	\$10
C. Obedience of Pedestrians to Bridge and Railroad Signals	\$10
D. Drivers to Exercise Due Care	\$25

Chapter 7. SPECIAL RULES FOR MOTORCYLES; MOPEDS	Penalty Assessment
Section Violated	
10-7-2 Operating Motorcycles on Streets Lane for Traffic	\$15
10-7-3 Clinging to Other Vehicles	\$25
10-7-4 Riding on Motorcycles	\$25
10-7-5 Eye-Protective Devices or Windshields	\$25
10-7-6 Mandatory Use of Protective Helmet	\$50
10-7-7 Footrests and Handlebars	\$25
10-7-8.1 Off-Highway Motor Vehicles – Registration; Plate Requirement	\$10 (1 <sup>st</sup> ) \$30 Subsequent
10-7-8.2 Operation of Off-Highway Motor Vehicles on Streets or Highways – Prohibited Areas	\$25
10-7-8.3 Driving Off-Highway Motor Vehicles Adjacent to Streets	\$10
10-7-8.4 Operation of Off-Highway Motor Vehicles on Private Lands	\$10
10-7-8.5 Accidents and Accident Reports	\$25
10-7-8.8 Off-Highway Motor Vehicle Safety Permit; Requirements	\$10
10-7-8.9 Operation and Equipment – Safety Requirements	\$25
10-7-9 Mopeds: Standards, Operator Requirements, Application of Acoma Traffic Code	\$15

Chapter 8. OPERATION OF BICYCLES	Penalty Assessment
Section Violated	
10-8-4 Clinging to Vehicles	\$25
10-8-5 Riding on Streets and Bicycle Paths	\$10
10-8-7 Lamps and Other Equipment on Bicycles	\$10
10-8-8 Obedience to Traffic-Control Devices	\$10

Chapter 9. PARKING REGULATIONS	Penalty Assessment
Section Violated	
10-9-9 Parking in Designated Disabled Parking Spaces	Not less than \$50 or more than

\$200

Chapter 10. VEHICLE REGULATIONS

Section Violated

Penalty Assessment

10-10-1A through 10-10-1UU  
10-10-1VV through 10-10-1YY

\$15  
\$15

10-10-2 Transportation or Handling Explosives or Dangerous Articles  
10-10-3 Regulating the Kinds and Classes of Traffic on the Streets  
10-10-3A through 10-10-3G

\$50  
\$25

10-10-4 Display of Current Valid Registration Plate

\$25

10-10-5 Evidence of Registration to be Signed and Exhibited on Demand

\$25 (1<sup>st</sup>)

10-10-6 Mandatory Liability Insurance

\$50 Subsequent

\$25 (1<sup>st</sup>)

\$50

Subsequent,  
provided  
defendant may  
avoid conviction if  
he/she produces  
evidence of  
vehicle insurance  
valid at the time of  
issuance of  
citation

**Annotations:** The 2016 Amended and Restated Title 10 replaces 10-11-5 with 10-12-2, and in the title replaces "Misdemeanors" with "Offenses." The following changes are also made to Subsection 10-12-2(A): after "assessment" the word "misdemeanor" is removed, the word "following" is added before "listed", " and "Title replaces "traffic code of the Pueblo de Acoma, New Mexico" to clarify the language of the law. The Penalty Assessment Schedule is removed from former Section 10-11-7 to 10-12-2(A).

B. The term "penalty assessment offense" does not include any violations which has caused or contributed to the cause of an accident resulting in injury or death to any person[...].

**Annotations:** The 2016 Amended and Restated Title 10 moves former 10-11-5(B) to 10-12-2(B) and revises the wording by replacing "misdemeanor" with "offense," removes former paragraphs 10-11-5(B)(1) and (3). Former 10-11-5(B)(2) is now merged into (B).

C. Whenever an alleged violator of a penalty assessment offense elects to accept a notice to appear in lieu of a notice of penalty assessment, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment offense.

**Annotation:** The 2016 Amended and Restated Title 10 replaces former 10-11-5(C) with 10-12-2(C) and the word “misdemeanor” is replaced with offense.

10-12-3 Fees and Court Costs.

A. Fees

1. Any person found liable at hearing of violating any section of this Title relating to the operation of motor vehicle shall pay, in addition to any penalty assessment a fifteen dollar (\$15.00) fee to the Tribal Court.
2. Any person violating any section of this Title relating to the operation of a motor vehicle for which a penalty assessment schedule has been established, and who chooses to pay the penalty assessment, shall pay in addition to the penalty assessment a penalty assessment fee of fifteen dollars (\$15.00).

B. Court Costs: In addition to the fees imposed in [paragraph 10-12-3](A)(1) a court cost of twenty-five dollars (\$25.00) will be assessed upon hearing and a finding of liability.

C. Upon a showing of good cause the Judge may waive the fees established in sections A and B.

**Annotations:** The 2016 Amended and Restated Title 10 adds section 10-12-3; with section 10-12-3(A)(1) replacing former 10-12-1(C)(1) and 10-12-3(A)(2) replacing former 10-12-1(C) (2). The former section 10-11-6 is removed, and the former 10-11-7 is now part of 10-12-10. The citation is brackets refers to the new citation with the 2016 Amended and Restated Title 10.

10-12-4 Forms and Records of Traffic Citations

- A. The Pueblo shall provide books to include uniform traffic citations forms authorized by law for notifying alleged violators to appear and answer to charges of violating [this Title] in the Tribal Court
- B. The Pueblo shall issue uniform traffic citation books to the chief of police or his authorized agent and shall maintain a record of every book issued and shall require a written receipt for every book.
- C. The chief of police shall keep a record and require a receipt for each serially numbered citation issued to individual officers.

**Annotation:** The 2016 Amended and Restated Title 10 designates the

former 10-12-2 as 10-12-4 and removes from the title of the section the words "and Arrests;" and the words "this Title" replaces "traffic ordinances" to clarify the language of the law

10-12-5 Conduct of Arresting Officer Issuing Citation; Option; Effect; Notices by Citation

- A. The officer initiating the traffic stop may issue a warning notice, but shall fill in the information section of the uniform traffic citation and give a copy to the person cited after requiring his signature on the warning notice as an acknowledgment of receipt. No warning notice issued under this section shall be used as evidence of conviction for purposes of suspension or revocation of license.
- B. Unless a warning notice at the time of making a traffic stop the officer initiating the traffic stop has the following options:
  - 1. offer the alleged violator the option of accepting a penalty assessment for any violation of this Title or other law relating to motor vehicles. The violator's signature on the penalty assessment notice constitutes an acknowledgment of liability of the offense stated in the notice, and payment of the prescribed penalty assessment is a complete satisfaction of the violation; or if the alleged violator declines to accept a penalty assessment,
  - 2. complete the information section and prepare a notice to appear in court, specifying the time and place to appear, have the alleged violator sign the agreement to appear as specified, and give a copy of the citation to the person.
- C. In order to avoid further sanctions, the person cited must give his written promise to appear in court or acknowledge receipt of a warning notice.
- D. [Peace] Officers may not make traffic stops except upon reasonable grounds, based on personal observation to believe that a traffic violation has been committed and may not issue traffic citations if not in uniform.
- E. Any officer violating this section is guilty of misconduct in office and is subject to removal.

**Annotation:** the 2016 Amended and Restated Title 10 designates the former 10-12-3 as 10-12-5, revising the title of the section by adding after "officer" the words "Issuing Citation; Option; Effect. The present 10-12-5 is substantially rewritten.

10-12-6 Uniform Traffic Citation Is Complaint: The uniform traffic citation used as a

notice to appear is a valid complaint, though not verified, in the event the person receiving it voluntarily appears in court.

**Annotation:** the 2016 Amended and Restated Title 10 designates the former 10-12-4 as 10-12-6, and former sections 10-12-5, 10-12-6 are deleted.

10-12-7 Amending Option to Accept Penalty Assessment; Amending Option to Appear

- A. An alleged violator may amend his/her acceptance of a penalty assessment and appear before a judge at any time prior to payment of the penalty assessment by filing a motion for change of plea with the Traffic Court.
- B. An alleged violator may amend his/her notice to appear at any time prior to the time set for hearing by filing a waiver of appearance and enter a plea of Liability Admitted with the Court and a penalty assessment will be imposed by the Court and include fees established at Section 10-12-3(A).

**Annotation:** The 2016 Amended and Restated Title 10 added this new section 10-12-7.

10-12-8 Payment of Penalty Assessments

- A. A person who elects to accept a penalty assessment shall make payment of such penalty assessment by mail or in person to the Pueblo of Acoma Court Clerk at P.O. Box 347, Acoma, New Mexico 87034 or at 74 Pinsbarri Drive, Acoma New Mexico, 87034 within thirty (30) days from the date of acceptance of a penalty assessment. Payments of penalty assessment are timely if postmarked within thirty (30) days from the date of the citation. A receipt shall be immediately issued and sent to the violator when a penalty assessment is paid by money order or cashier check tendered by the violator except that cash payments are not acceptable payments.
- B. In addition, payment may be made by any method that has any written procedures and written approval by the Chief Judge working in consultation with [the Pueblo of Acoma central accounting office] and in accordance with generally accepted accounting principles that ensure the accountability, the integrity and safety of the collected funds, fees and fines. Methods under consideration include a secure credit card payment but will not include cash payment.
- C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

**Annotation:** The 2016 Amended and Restated Title 10 added this new Section 10-12-8. In subsection (B) the bracketed language gives the correct name of the Acoma tribal accounting office.

10-12-9 Failure to Obey Notice to Appear: If an alleged violator agrees and accepts an option to appear for a traffic hearing and fails to appear at the time and place agreed upon by the violator , [the violator] shall show good cause why he/she should not be held in civil contempt or liability found and if there is a failure to show good cause, sanctions may be imposed that may include additional fines and fees, community service, garnishment, attachment, default judgment and referral to a collection agency and/or incarceration for civil contempt. If an alleged violator fails to appear at the Show Cause hearing the Court may issue a default judgment and may impose sanctions including those specified in this section.

**Annotation:** The 2016 Amended and Restated Title 10 replaces the former 10-12-7 with 10-12-9 containing all new text. The former 10-12-8 – Arresting Officer to Be in Uniform – is removed. The words “[the violator]” are added to clarify the language of the law.

10-12-10 Failure to Pay Penalty Assessment: If, after liability is admitted, a penalty assessment is not paid within thirty (30) days from the date of the citation, the violator shall be subject to an Order to Show Cause and the violator shall show good cause why he/she should not be held in civil contempt and failure to show such good cause is civil contempt or liability and sanctions may include additional fine and fees, referral to a credit agency, community service, garnishment, attachment and/or incarceration until payment is made. If an alleged violator fails to appear a the Show Cause hearing, the Court may issue a default judgment including fees and costs and [possibly] other penalties contained in this section.

**Annotations:** The 2016 Amended and Restated Title 10 relocates the former 10-11-7(A) to Section 10-12-10; and the language of the former 10-11-7(A) is substantially revised, by: (1) After “If” inserting “after liability is admitted”, increasing the period for payment from five days to thirty days, and replacing “arrest” with “the citation;” (2) Removing after “shall”: “be prosecuted for the violation charged on the penalty assessment notice in a manner as if a penalty assessment notice had not been issued. Upon conviction in such prosecution, the court shall impose penalties as provided by the Traffic Code of the Pueblo de Acoma, for a particular offense charged, and the schedule of penalty assessment shall not apply” and inserting: “be subject to an Order to Show Cause and the violator shall show good cause why he/she should not be held in civil contempt and failure to show such good cause is civil contempt or liability and sanctions may include additional fine and fees, referral to a credit agency, community service, garnishment, attachment and/or incarceration until payment is made. If an alleged violator fails to appear a the Show Cause hearing, the Court may issue a default judgment including fees and costs and possibly other penalties contained in this section.” (3) Former 10-11-7(B) is removed.

10-12-11 Failure to Pay After Liability is Established: If an alleged violator fails to pay fines, fees and costs after a determination of liability or after an order to show cause hearing, sanctions may be imposed that may include additional fines and fees, community service, garnishment, attachment, default judgment and referral to a collection agency and/or incarceration for civil contempt.

**Annotation:** The 2016 Amended and Restated Title 10 added this new section 10-12-11.

10-12-12 Disposition and Records of Traffic Citations

- A. The disposition of traffic citations issued by a [Peace] Officer to an alleged violator of any provisions of this Title shall be as follows:
1. Violator's copy, containing at least the following alternative directions to the violator:
    - a. If issued as a notice to appear, signing the citation is a promise to appear in court and not an admission of guilt, failure to appear is civil contempt subjecting the violator to an Order to Show Cause and further sanctions in addition to that for the offense alleged in the citation; and
    - b. If issued as a warning notice, the citation does not require a court appearance, but a copy will be forwarded to the motor vehicle division of his state, or Pueblo.
  2. Officer's first copy, containing a form for abstract of trial record and penalty assessment payment and direction for the officer to forward it immediately, if issued as a notice to appear, to the Tribal court with additional directions to the court to complete the abstract record of trial immediately following trial and forward the form to the Division of Motor Vehicles, of the Pueblo or State of residence of the violator.
  3. Officer's second copy, containing instructions to the officer to forward immediately in every case to the Division of Motor Vehicles of the Pueblo.
  4. Officer's third copy, containing spaces for the officer's notes and instruction to forward immediately to his department headquarters.

5. Court copy, containing instructions to the officer to forward in the same manner as the officer's first copy.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-9 to 10-12-12, and makes the following changes in the new 10-12-12(A)(1)(a). The words "a misdemeanor" are removed and the words "civil contempt" are added, and the words "another prosecution" are removed and the words "an Order to Show Cause and further sanctions" are added.

- B. Every [Peace] Officer issuing a uniform traffic citation to an alleged violator of this Title or other law relating to motor vehicles shall dispose of the citation as indicated on the back of each copy.
- C. Citations spoiled or issued in error shall be marked "void" in large letters on the face, signed by the officer, and the copies disposed of as a valid warning notice.
- D. Upon filing of the uniform traffic citation in the tribal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court including, at the discretion of the tribal judge, or by payment of a fine to the traffic violations bureau of the court.
- E. The traffic violations bureau shall maintain or cause to be maintained in connection with every traffic citation a record of the disposition of all citations.
- F. The chief of police shall maintain or cause to be maintained a record of serially numbered warrants issued by the Pueblo court on traffic violations charges which are delivered to the police department for service and of the final disposition of all such warrants.
- G. The chief of police shall issue, keep a record and require a receipt for each serially numbered citation issued to individual [Peace] Officers.
- H. It is a misdemeanor and official misconduct for any officer or other public official or employee to dispose of a uniform traffic citation except as provided in this section.

**Annotation:** The 2016 Amended and Restated Title 10, in Subsection 10-12-12(D) removes the words "forfeiture or bail".

#### 10-12-13 Illegal Cancellation--Audit of Citation Records

- A. Any person who cancels or solicits the cancellation of any uniform traffic citation other than as provided in this Title is guilty of a misdemeanor.

- B. Every record of uniform traffic citation required in this Title shall be subject to audit upon adequate notice.
- C. The fiscal officer shall publish an annual summary of all traffic violation notices by the traffic-enforcement agency.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-10 to 10-12-13.

10-12-14 Abstract of Traffic Cases; Report on Convictions

- A. Every tribal judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in his/her court or its traffic violations bureau and every official action and disposition of the charge by his court.
- B. Within thirty (30) days after disposition of every charge of violating this Title or other law or ordinance relating to motor vehicles, every tribal judge, including juvenile court judges, or the clerk of the court, in which disposition was made shall prepare and forward to the police an abstract of the record containing the name and address of the defendant; the specific section number and common name of the provision of the law, or regulation under which the defendant was tried; the plea, finding of the court and disposition of the charge, including fine or jail sentence or both, or dismissal of the charge; and itemization of costs assessed to the defendant; the date of the hearing and the court's name and address. The record must be certified as correct by the person required to prepare it. Report need not be made of any disposition of a charge of illegal parking or standing of a vehicle except when the uniform traffic citation is used.
- C. When the uniform traffic citation is used; the form of the record on the back of the officer's first copy, containing the information required in Subsection B of this section, shall be used by the court. The tribal court clerk shall forward to the division the officer's first copy of each uniform traffic citation issued as a penalty assessment notice after marking the back to indicate receipt of the penalty assessment.
- D. The failure or refusal of any judicial officer to comply with this section is misconduct in office and ground for removal.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-11 to 10-12-14, and removes from 10-12-14.B the words "forfeiture of bail" before "or dismissal of the charge."

10-12-15 Citation of Illegally Parked Vehicle: Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any of the

restrictions imposed by this Title, the officer finding the vehicle shall take its registration number and conspicuously affix to the vehicle a traffic citation on a form provided by the Pueblo for the driver to answer to the charge against him within five (5) days during the hours and at a place specified in the citation.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-12 to 10-12-15.

10-12-16 Failure to Comply with Traffic Citation Attached to Parked Vehicle: If a violator of the restrictions [on] stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to the motor vehicle within a period of five (5) days, the traffic violations bureau or clerk of the tribal court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of five (5) days: 1) a civil citation for contempt of court will issue or 2) default judgment shall be entered or 3) that any other remedies allowed under civil law, including referral to a collection agency, including exclusion may be imposed.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-13 to 10-12-16, removes “a warrant of arrest will be issued” and adds “: 1) a civil citation for contempt of court will issue or 2) default judgment shall be entered or 3) that any other remedies allowed under civil law, including referral to a collection agency, may be imposed.”

10-12-17 Presumption in Reference to Illegal Parking

- A. In any prosecution charging a violation of any ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of the ordinance a law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, for the time during which, the violation occurred.
- B. The foregoing stated presumption shall apply only when the procedure as prescribed in Sections [10-12-15] and [10-12-16] has been followed.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-14 to 10-12-17, removes the former 10-12-15 – When Warrant is Issued, and the bracketed language in subsection B is corrected to reflect the correct sections in the 2016 Amended and Restated Title 10.

10-12-18 Disposition of Traffic Fines and Forfeitures: All fines or forfeitures collected

upon a finding of liability of any of the provisions of this Title shall be paid into the tribal court account as previously specified in Section 10-11-4(G).

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-16 to 10-12-18, removed the words "conviction or upon the forfeiture of bail of any person charged with a violation" and adds "a finding of liability."

10-12-19 Official Misconduct: Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any fine or forfeiture, either before or after a deposit with the court account specified in Section 10-11-4(G) shall constitute misconduct of an officer and shall be grounds for removal.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-17 to 10-12-19.

10-12-20 Authority to Remove or Relocate Vehicles

A. Definitions: For purposes of this section:

1. "Chief" means the Chief of Police of the Pueblo police department or his designated representative.
2. "Impound" means the towing and storage of a motor vehicle as authorized in this section.
3. "Owner" of a vehicle means the registered owner or owners of a vehicle as recorded with the New Mexico Department of Motor Vehicles or similar agency of a state outside New Mexico. Where appearance of owner is required by this section appearance may be by a person authorized by the owner to appear on his behalf.
4. "Sign" means a printed notification to the public giving notice of the possibility of removal of a vehicle by stating that the area is a tow-away zone, or that the violation of the restrictions stated on the sign may result in towing, and the sign must be readily visible from the point of removal.
5. "Written Notice" means notice sent by certified mail, return receipt requested, to the last known address of the owner:
  - a. When such notice is required under the terms of this section, weekends and holidays shall not be included when calculating the time for mailing notice.
  - b. When a vehicle is registered in a state outside New

Mexico, the chief shall make all reasonable and diligent efforts to ascertain the name and address of all registered owners. If the name and address information for an in-state or out-of-state registered vehicle is not available soon enough to meet the time deadlines for mailing written notice, then the notice shall be mailed as soon as possible after the information is received.

- c. As a valid substitute for "written notice" as defined herein, notice may be given by personal service or in any other reasonable manner, so long as actual notice is given to at least one owner within the time limits provided. Notice may be effected by verbal notice to an owner, or to the driver or passenger of a vehicle, [if] the driver or passenger reasonably appears to have custody of the vehicle with the owner's knowledge and permission. Verbal notice to the owner, driver or passenger shall be valid, however, only if the person so notified is given all the information required in the written notice and the person is given in writing a phone number where the owner, driver or passenger can obtain further information from a Pueblo employee.
- d. If notice cannot be given per the other provisions of this paragraph, notice shall be given by publication once in a newspaper of general circulation in the community as soon as practicable after reasonable and diligent efforts to give notice as provided elsewhere in this paragraph prove fruitless.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-18 to 10-12-20. In 10-12-20(A)(5)(c) the bracketed language is added to clarify the language of the law.

- B. **Prohibition [on] Removal and Relocation:** It is unlawful for a pueblo officer, or any pueblo employee, to remove or relocate, or cause to be remove or relocated, any unattended vehicle from any street, alley or public way within the pueblo corporate limits, except as provided in this section.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-18 to 10-12-20. In 10-12-20(B) "on" replaces "of" to clarify the language of the law.

- C. **Impoundment of Vehicles Generally**

- 1. Any vehicle impounded pursuant to this section shall be towed in accordance with state and local law, to an authorized private

storage facility or an area designated or maintained by the Police Department or by the Pueblo. The person authorizing impoundment shall issue signed and dated instructions in writing to the storage facility specifically stating whether the vehicle is to be held for investigation or as evidence, or whether it may be released to the owner after all attendant charges have been satisfied pursuant to Subsection H of this section. If the vehicle has been in storage for over thirty (30) days after written notice is given and no hearing has been requested or the vehicle has not been claimed per the provisions of this section, then the storage facility operator may sell the vehicle per the provisions of applicable Pueblo law.

2. If any vehicle is about to be removed, relocated or is in the process of being removed or relocated and the owner thereof or his agent appears and claims the vehicle and agrees forthwith to remove it or relocate it, such vehicle shall be delivered to such owner or agent upon demand therefore and upon furnishing satisfactory evidence of [identity] and ownership or agency. If any such owner or agent shall fail, refuse or neglect to forthwith remove such vehicle, such vehicle shall nevertheless be impounded or relocated. Removal by such owner or agent shall not relieve the offender of liability for any towing costs already incurred or for any fine or penalty for the violation of any law or ordinance for which the vehicle was to be removed or relocated.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-18 to 10-12-20. In 10-12-20(C) the bracketed language is added to clarify the language of the law.

D. Circumstances Permitting Summary Vehicle Impoundment or Relocation

1. Any Acoma [Peace] Officer, or any employee who is authorized to direct traffic or enforce state or local parking or motor vehicle laws, may order the impoundment of any vehicle within the Pueblo limits, without prior notice to the owner or operator thereof, under the following circumstances:
  - a. When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes an obstruction or hazard to traffic;
  - b. When any vehicle is parked or left standing upon a street, alley, or public way in such a position as to obstruct the normal movement of traffic or in such a

condition as to create a hazard to other traffic;

- c. When any vehicle is found upon a street, alley, public way or private property, and an offense report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been stolen, and the owner is not available to, or cannot, immediately provide for its custody or removal;
- d. When any vehicle is parked so as to block the entrance to a public or private driveway;
- e. When any vehicle is parked within fifteen (15) feet of a fire hydrant, is illegally parked so as to prevent access by firefighting equipment to a fire hydrant, or is illegally parked in a [properly] designated fire lane;
- f. When the person or persons in charge of a vehicle are by reason of physical injuries, intoxication, illness or other cause incapacitated to such an extent as to be unable to provide for its custody or removal, and (i) the vehicle is left as described elsewhere in Paragraph 1 of this subsection, or (ii) the location of the vehicle is such that a reasonable person would believe that its owner would desire its relocation or removal. However, nothing in this subparagraph shall prevent a person who is incapacitated and is not intoxicated or otherwise mentally impaired from requiring that the vehicle not be moved if the sole basis for removal is pursuant to part (ii) of this subparagraph;
- g. When the driver or person in control of a vehicle is lawfully taken into custody by a [Peace] Officer, and said person is unable to immediately provide for the custody or removal of the vehicle, and (i) the vehicle is left as described elsewhere in Paragraph 1 of this subsection, or (ii) the location of the vehicle is such that a reasonable person would believe that its owner would desire its relocation or removal. However, nothing in this subparagraph shall prevent a person who is taken into custody and is not intoxicated or otherwise mentally impaired from requiring that the vehicle not be moved [if] the sole basis for removal is pursuant to part (ii) of this subparagraph;

- h. When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the street, alley, or public way or its physical appearance is causing traffic to be impeded;
- i. Whenever the use of a street, alley or public way or any portion thereof is authorized by traffic, or for the movement of equipment, articles, or structures of unusual size, and the parking of any vehicle would prohibit or interfere with such use of movement, and signs giving notice that a parked vehicle may be towed are erected or placed along the street, alley or public way at least twenty-four (24) hours prior to the removal;
- j. When any vehicle is parked or left standing where stopping is prohibited by [this Title] or other state or local law. No vehicle may be removed pursuant to this paragraph unless signs are posted at least twenty-four (24) hours prior to the removal giving notice that the area is a tow-away zone;
- k. When any vehicle is parked or standing in a manner so as to obstruct necessary emergency services, law enforcement services, the routing of traffic at the scene of a disaster, or when removal is otherwise necessary in the interest of public safety because of any emergency, and moving the vehicle to a legal parking location is impractical. However, the owner or operator of a vehicle or storage charges, if the vehicle is otherwise lawfully parked. Such charges shall be paid by the Pueblo, except that in the case of emergency utility repairs such charges shall be paid by the utility company seeking removal;
- l. When a vehicle is parked, left unattended or abandoned during a fire, flood, storm or other public emergency which is apt to cause substantial damage to the vehicle, removal is in the best interest of the owner, and moving the vehicle to a safe legal location is impractical; or
- m. When a vehicle is either unattended or disabled and loaded with either a dangerous flammable, combustible or explosive substance which, either by its presence or load conditions is likely to harm the health or safety of

the public and moving the vehicle to a safe, legal location is impractical;

- n. When any vehicle is parked in such a manner as to obstruct or interfere with any road, sidewalk or right-of-way maintenance or construction, or any non-emergency utility work, and it is impractical to relocate the vehicle to another point where parking is legal. No vehicle shall be removed unless signs are posted giving notice of the work to be done and the possibility of removal at least twenty-four (24) hours prior to the removal, and
  - o. When a vehicle is parked: on a sidewalk; within an intersection; on a crosswalk; within twenty (20) feet of a crosswalk at an intersection; within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; between a safety zone and the adjacent curb or within thirty (30) feet or points on the curb immediately opposite the ends of a safety zone, unless the Pueblo indicates a different length by signs or markings; within fifty (50) feet of the nearest rail of a railroad crossing; within twenty (20) feet of the driveway entrance to any fire station and if properly signposted on the side of the street opposite the fire station entrance where posted; alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic; or on the roadway side of any vehicle stopped or parked at the edge or curb of a street.
2. In lieu of towing and impoundment, an Acoma [Peace] Officer, or any employee who is authorized to direct traffic or enforce state or local parking or motor vehicle laws, may relocate or cause to be relocated any vehicle from any street, alley or public way within the Pueblo limits, without prior notice to the owner or operator practical and the vehicle is found under the circumstances set forth in subparagraphs (e), (k), (l), (m), or (n) of paragraph 1 of this subsection.
3. Whenever a vehicle could be impounded, removed or relocated pursuant to subsection D of this section and the driver of the vehicle is present, the [Peace] Officer or authorized employee may order the driver to move the vehicle to another location.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies the

former 10-12-18 to 10-12-20. Additional change are made to 10-12-20(D)(1)(e) and in 10-12-20(D)(1)(g) the bracketed language is added to clarify the language of the law.

E. Notice and Procedure Following Summary Impoundment or Relocation

1. After a vehicle is towed or relocated pursuant to subsection D of this section, the Chief shall send written notice within twenty-four (24) hours of the towing to the owner of the vehicle.
2. The notice shall contain the following information:
  - a. The license plate number, make, type and color of the vehicle;
  - b. The location of the vehicle at the time of impoundment or relocation;
  - c. A statement that the vehicle has been taken into custody and stored, or a statement that the vehicle has been relocated;
  - d. The reason for impoundment or relocation;
  - e. The location and telephone number of the storage facility where the vehicle is being kept or the place to which the vehicle was relocated;
  - f. A statement that daily storage charges will be assessed in addition to a towing charge if the removal was proper;
  - g. A statement that the owner may obtain release of the vehicle by posting bond or paying all amounts due under this [Title];
  - h. A statement that the owner has the right to contest the validity of the impoundment or relocation by requesting in writing a hearing before the tribal judge within thirty (30) days after written notice is given;
  - i. A statement that failure to obtain release of the vehicle [that] is impounded will cause it to be sold or otherwise disposed of in accordance with Pueblo law; and
  - j. A phone number and name or title of an employee from whom the owner can obtain further information.

3. The hearing, if requested in a timely manner, shall be held within one hundred twenty (120) hours (excluding weekends and holidays) of receipt of the request unless the hearing is continued with the agreement of the owner. The tribal judge's decision shall be limited to:
  - a. Whether the vehicle was lawfully impounded or relocated for one or more of the reasons set forth in Subsection D of this section and
  - b. Whether the vehicle, if lawfully impounded, should be released at the Pueblo's expense.

Upon receipt of the request for a hearing on the legality of an impoundment, the judge shall notify the storage facility of the hearing and no lien shall be foreclosed by the storage facility as allowed by Pueblo law until the judge has ruled on the legality of the impoundment. If the judge finds that the vehicle in question was not lawfully impounded or that the vehicle should otherwise be released at the Pueblo's expense, he shall issue and date a Certificate of Release, indicating the unlawful impoundment, or the release at the [Pueblo's] expense, or both, and a copy of the release shall be given to the owner of the vehicle. Upon receipt of the owner's copy of such certificate, the authorized storage facility having custody of the vehicle shall release the vehicle to its owner and towing and storage fees shall be paid by the Pueblo in accordance with arrangements to be made between the Pueblo and the authorized storage facility. If the owner fails to present such certificate to the authorized storage facility having custody of the vehicle within twenty-four (24) hours of its receipt, excluding days when the authorized storage facility is not open for business, the owner shall assume liability for all subsequent storage charges. The certificate shall advise the owner of such requirement.

4. The decision of the judge may be appealed to the Tribal Council.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-18 to 10-12-20. In 10-12-20(E) the following changes are made: (1) In 10-12-20(E)(2)(g) the word "Title" replaced "ordinance." (2) In 10-12-20(E)(2)(l) bracketed language is added to clarify the language of the law; and (3) In 10-12-20(E)(3)(b) the word "Pueblo" replaces "city".

F. Abandoned Vehicles

1. Any tribal [Peace] Officer, or any tribal employee who is authorized to direct traffic or enforce state or local parking or motor vehicle laws, may order the impoundment of any abandoned vehicle [...] within the Pueblo's jurisdiction. A vehicle is abandoned if:
  - a. The vehicle is parked on or along any street, alley or public way and the vehicle displays no current license plate; or
  - b. The vehicle is left unattended on or along any street, alley or public way in the same place for a period of seventy-two (72) hours without a valid police sticker as defined in paragraph 2 of this subsection.
2. The Chief may issue a sticker temporarily permitting street storage, upon application of any owner or agent of an owner for any vehicle which is inoperable and has a current license plate. Stickers shall expire fifteen (15) days after issuance. No owner, whether an individual, business, corporation, organization, partnership or trust, is entitled to more than four (4) stickers at any time.
3. When a vehicle is abandoned on or along a street, alley or public way under circumstances which do not allow summary removal or relocation pursuant to subsection D of this section, a notice shall be attached to the vehicle in a manner which is readily visible containing the following information:
  - a. The date and time the notice is affixed to the automobile;
  - b. A statement that, pursuant to this section of this Title the vehicle will be considered abandoned and may be towed and stored at the owner's expense if it is not removed within ten (10) days of the time that the notice is affixed;
  - c. A statement that if the vehicle is impounded and no hearing is requested or it is not claimed, it can be sold after thirty (30) days as provided in [New Mexico] law;
  - d. A statement that the owner has the opportunity to

challenge the proposed action at a hearing if a written request is submitted to the tribal judge within seventy-two (72) hours after notice is given [as] provided in paragraph 4 of this subsection;

- e. The telephone number where additional information can be obtained; and
  - f. The identity of the person affixing the notice.
4. Written notice containing the same information specified in paragraph 3 of this subsection plus the location and a description of the vehicle shall be mailed to the owner of the vehicle within twenty-four (24) hours after the notice is affixed. However, if written notice, is not given within twenty-four (24) hours after the notice is placed on the vehicle, [...] the ten (10) day waiting period shall be extended [by] the amount of time between the placing of notice on the vehicle and the giving of written notice.
  5. Upon timely receipt of a request for a hearing, the Judge shall order a delay of the impoundment of the vehicle until after the hearing.
  6. The hearing, if requested in a timely manner, shall be held within one hundred twenty (120) hours (excluding weekends and Pueblo holidays) of receipt of the request, unless the hearing is continued with the agreement of the owner. At the hearing, the judge shall only determine whether the vehicle is or is not abandoned.
  7. If the Judge determines that the vehicle is abandoned, he shall so notify the Chief, who shall cause the impoundment of the vehicle, unless the vehicle is removed within twenty-four (24) hours of the judge's decision.
  8. If the vehicle is removed pursuant to paragraph 7 of this subsection, a person challenging the impoundment shall be entitled to challenge the decision of the Judge by appeal to the Tribal Council.
  9. If an abandoned vehicle is impounded, and the owner has not obtained a hearing prior to the impoundment, the owner may file a request for a hearing with the Judge on the legality of the impoundment. Upon receipt of the request for a hearing, the Judge shall notify the storage facility of the hearing and no lien shall be foreclosed by the storage facility as allowed by Pueblo

law until the judge has ruled on the legality of the impoundment. If the judge rules that the impoundment was illegal, then the judge shall issue and date a Certificate of Release and a copy of the release shall be given to the owner of the vehicle. Upon receipt of the owner's copy of such certificate, the authorized storage facility having custody of the vehicle shall release the vehicle to its owner and towing and storage fees shall be paid by the Pueblo in accordance with arrangements to be made between the Pueblo and the authorized storage facility. If the owner fails to present such certificate to the authorized storage facility having custody of the vehicle within twenty-four (24) hours of its receipt, excluding days when the authorized storage facility is not open for business, the owner shall assume liability for all subsequent storage charges. The certificate shall advise the owner of such requirement.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-18 to 10-12-20. The word "state" is replaced with "Pueblo" or "New Mexico" as appropriate. In 10-12-20(F)(3) the word "as" is added to clarify the language of the law, and in 10-12-20(F)(4) the word "that" is removed and the word "[by]" is added to clarify the language of the law.

G. Impoundment for Investigation Evidence or Forfeiture: The notice, hearing and bond provisions set forth in this section shall not apply to impoundment of the following vehicles for which impoundment is hereby authorized:

1. A vehicle which is impounded for purposes of a criminal investigation or as evidence of a crime; or
2. A vehicle which is lawfully seized pursuant to [Pueblo], state or federal law.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-18 to 10-12-20. The word "Pueblo" is added to clarify the wording of the law.

H. Release of Vehicle

1. The Judge or his designated representatives may order the release of an impounded vehicle if a hearing has been requested on the legality of impoundment and upon the posting of bond as set by the Judge or his designee. When bond is posted the vehicle shall be released into the possession of the owner or his designee.
2. In all other cases, upon proof of ownership, an impounded

vehicle shall be released only after payment of the accumulated penalties by the owner or his designee, as provided in subsection I.

3. The owner shall forfeit the bond if the owner fails to appear at the hearing before the court.
4. The owner shall be entitled to reimbursement from the Pueblo for all bonds posted and penalties paid if after hearing and appeal, if any, it is determined that the impoundment or relocation was not valid.
5. This subsection does not authorize release of any vehicle held for investigation or as evidence of a crime or seized pursuant to [Pueblo], state or federal law. Such vehicle shall be released only upon the written order of the [Peace] Officer responsible for its impoundment or upon an affirmative written statement by the Chief that such vehicle is no longer needed for investigative or evidentiary purposes or for forfeiture proceedings. The Pueblo shall bear the cost of towing and storage for such impoundments.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-18 to 10-12-20. The word "Pueblo" is added to clarify the wording of the law.

#### I. Penalties

1. Each time a vehicle is lawfully towed or relocated pursuant to this section the owner shall pay a fine of fifty dollars (\$50) unless the Pueblo is required to pay for removal or relocation.
2. Each day a vehicle is stored pursuant to a lawful impoundment, the owner shall pay a fine of ten dollars (\$10) a day unless the Pueblo is required to pay for removal or relocation.
3. Nothing in this section shall prevent a person from being found in violation of any other part of this Title and from being liable for any other penalty, fee or charge assessed pursuant to this Title.

#### 10-12-21 Abandoned Vehicles on Private Property

- A. Any person upon whose property or in whose possession is found an abandoned vehicle or motor vehicle, shall have authority to [sell], retain, give away or dispose of the abandoned vehicle or motor

vehicle to any person, provided that he notifies a law enforcement agency, prior to such disposal and obtains from that agency a written clearance stating that neither the agency's records nor the computerized records of the National Crime Information Center indicates that the vehicle or motor vehicle has been reported as stolen, and either:

1. The vehicle or motor vehicle in question regardless of its age, is either totally wrecked or in such a state of disrepair that it is suitable only for dismantling purposes;
2. The vehicle or motor vehicle in question is at least eight years of age or older; or
3. The vehicle in question has been placed in any storage or wrecker yard at the request of a law enforcement agency or a property owner upon whose property the vehicle or motor vehicle was abandoned and has remained unclaimed in said yard for a period of thirty (30) days, in which case the owner of the storage yard may proceed to make a claim against the motor vehicle or vehicle, as though it were abandoned. Any person wishing to obtain such vehicle may not charge more than fifty cents (\$0.50) per day for storage unless he is licensed as a vehicle storage yard, and he must notify owners and lien-holders within thirty (30) days or lose all rights to claim such vehicle.

- B. Any vehicle which is less than eight (8) years of age, or in such a state of repair that it will be placed back into service, or which is not to be used for dismantling purposes, or which a property owner wishes to retain for his own use or to sell to anyone other than a licensed dismantler, said person shall proceed to make claim for such vehicle or motor vehicle through a lien process and obtain a new certificate of title prior to disposal.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-19 to 10-12-21. In 10-12-21(A) the bracketed language is added to clarify the language of the law.

10-12-22 Authorized Immobilization of Vehicle: When a driver, owner or person in charge of any vehicle has received a notice to answer to a charge against him for violation of any parking provisions of this [Title] and the driver, owner or person in charge of the vehicle has failed to appear and answer the charge, members of the police department or [other] employees of this Pueblo acting in their official capacity may temporarily and for a period of forty-eight (48) hours immobilize the vehicle when found upon a street by installing on or attaching to the vehicle a device designed to restrict the

normal movement of the vehicle.

- A. When the vehicle is so immobilized, the member of the police department or employee of [the] Pueblo installing or attaching the device shall conspicuously affix to the vehicle a notice in writing on a form to be provided by the Chief of Police advising the driver, owner or person in charge of the vehicle that the vehicle has been immobilized by [the] Pueblo for violation of this Title and also advising him of the provisions for release of the vehicle.
- B. No person shall remove the immobilizing device or [try] to move the vehicle before the device is released by the police department or the clerk of the tribal court.
- C. Where the vehicle has been properly immobilized as provided in this section, a fee of ten dollars (\$10) shall be charged by the police department or clerk of the tribal court before releasing the vehicle.
- D. Parking restrictions, if any, otherwise applicable shall not apply while the vehicle is immobilized as provided in this section.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-20 to 10-12-22. In 10-12-22(A) “[the]” is added to clarify the language of the law, and the word “Title” replaces “ordinance”. In 10-12-22(B) “[try]” is added to clarify the language of the law.

10-12-23 Liability for Damage

- A. The public highways in the Pueblo are dedicated to the reasonable use thereof by the public.
- B. It shall be unlawful for any person to injure or damage any public street or any bridge, culvert, sign, signpost, or structure upon or used or constructed in connection with any public street for the protection thereof or for protection or regulation of traffic thereon by any unusual, improper or unreasonable use thereof, by the careless driving or use of any vehicle thereon, or by willful mutilation, defacing or destruction thereof.
- C. It shall be considered unreasonable use of any bridge or structure to operate or conduct upon or over the same any vehicle, tractor or engine, not in accordance with this Title.
- D. It shall be considered unreasonable use of any improved roadway or street, to operate, drive or haul thereon any truck, tractor, [or] engine in such manner or at times when the surface thereof is in a soft or plastic condition and the road or portion thereof has been closed

pursuant to law, or by order of the administrator.

- E. It shall be unlawful to erect or maintain any fence or any other structure across any street, highway or roadway without written permit from the authorities having control thereof.
- F. The operator and the owner of such vehicle, truck, tractor or engine from whom the driver or operator has permitted possession at the time thereof shall be jointly and severally liable for the actual damage caused by the operation, conducting or hauling thereof over any public highway, street, bridge, culvert or structure in violation of any provision of this Title to be collected by suit brought in the name of [the] Pueblo and such vehicle, truck, tractor or engine may be attached and held to satisfy any judgment for such damages.

**Annotations:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-21 to 10-12-23, and makes the following changes: In 10-12-23(D) “[or]” is added to clarify the language of the law. In 10-12-23(F) the word “Title” replaced “ordinance” and “[the]” is added to clarify the language of the law.

10-12-24 **Sunday Actions:** Judicial proceedings under any provision of this Title are valid when performed on Sunday, the same as on other days of the week.

**Annotation:** The 2016 Amended and Restated Title 10 recodifies the former 10-12-22 to 10-12-24.

## Chapter 13. EFFECT AND SHORT TITLE

10-13-1 **Short Title:** This Title may be cited as the Acoma [Civil]Traffic [Laws].

**Annotation:** The 2016 Amended and Restated Title 10 replaces “ordinance” with “Title” and limits Title 10 to Civil Traffic Violations. “Civil” is added to reflect this change.

10-13-2 **Effect of Headings:** Headings contained in this Title shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of this Title.

**Annotation:** The 2016 Amended and Restated Title 10 replaces “ordinance” with “Title”.

10-13-3 **Savings Clause:** If any part or parts of this Title are held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this Title.

**Annotation:** The 2016 Amended and Restated Title 10 replaces “ordinance” with “Title”.

10-13-4 Act Not Retroactive: This Title does not have a retroactive effect and does not apply to any traffic accident, to any cause of action arising out of a traffic accident or [judgment] arising therefrom, or to any violation of the Traffic [Laws] of this Pueblo, occurring prior to the effective date of this Title.

**Annotation:** The 2016 Amended and Restated Title 10 replaces “ordinance” with “Title”, In this Section “[judgment]” was added to correct a typographical error.

10-13-5 Repeal: The existing laws covering the same matters as embraced in this Title are repealed and all laws or parts of laws inconsistent with the provisions of this Title are repealed.

10-13-6 Time of Taking Effect: This Title shall take effect on the day Tribal Council approved this Title.

**Annotations:** This Title was first made a part of the Pueblo of Acoma Law and Order Code in 1985. Therefore, the effective date of this Title is December 31, 1985. The effective date of the portions of this Title revised or added with the 2016 Amendment and Restatement is August 25, 2016.

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