

Subpart O Traffic Violations

O-1 New Mexico State Motor Vehicle Code Incorporated

(a) A person who violates any of the provisions of the New Mexico State Motor Vehicle Code pertaining to traffic on highways, as amended to the date of the offense, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed fifty (50) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

O-2 Enactment of the Civil Traffic Code

(a) The civil traffic code ("Traffic Code") applies to any person—Indian or Non-Indian—within the exterior boundaries of the reservation. The Pueblo of Pojoaque Tribal Police are authorized to administer and enforce the Traffic Code on the Pueblo.

(b) The Tribal Police may enforce the Traffic Code by stopping a vehicle and offering the driver or occupant the option of electing to pay a fee established by the Tribal Council for the commission of prohibited activities as reflected on a written citation, or if the person declines to elect to pay the fee, issue a notice for a person to appear in Tribal Court.

(c) The Tribal Police may notify in writing the insurance carrier of any person who is cited for committing an act or omission prohibited by the Traffic Code and who fails to properly pay such citation within thirty (30) days or timely appear in Tribal Court as requested.

O-3 Reservation of Civil Jurisdiction in Highway Construction Rights of Way

(a) The Tribal Council authorizes and accepts State Highway Right of Way Applications.

(b) All such agreements concerning highway rights of way shall include a Special Terms and Provisions clause, which shall read as follows:

The safety and protection of visitors passing through the Pueblo is paramount. To that end, the Pueblo expressly retains its civil jurisdiction over the right-of-way, except, for consideration paid to the Pueblo, the Pueblo expressly grants to the State Highway and Transportation Department the exclusive right to regulate the following in this right-of-way. (1) highway design, (2) highway construction, (3) highway maintenance, (4) management of access and driveway permits, (5) accommodation of utilities, (6) installation of traffic control devices, traffic safety measures, and posting of speed limits, (7) motor vehicle regulations in size, weight and licensing, (8) setting of speed limits, (9) toll roads, subject to federal law, and (10) road closures, subject to federal law, and other permits to use the right-of-way.

The Pueblo may temporarily or partially close the highway to be constructed on the easement to be granted by this Agreement for religious and tribal ceremonies by applying to the Department for a permit to use the right of way for non-highway purposes. The Department

shall not unreasonably withhold such permission so long as the Pueblo meets the requirements of such procedures and there are no public safety problems remaining.

O-4 Prohibiting the Use of Jake Brakes

The use of Jake Brakes is prohibited within the Pueblo of Pojoaque boundary.

O-5 All-Terrain Vehicles (ATVs), Motorbikes and Off-Highway Vehicles

(a) All-Terrain Vehicles (ATVs), Motor Bikes and Off-Highway Vehicles (e.g., dune buggies) are banned in residential and business areas within the exterior boundaries of the Pueblo of Pojoaque without prior permission from the Tribal Council.

(b) Go-Karts are not considered “off-highway” vehicles and are allowed on the Pueblo as long as the proper rules are abided when driving or riding in them (e.g., persons under the age of 18 years are required to wear a safety helmet and Go-Karts may be operated adjacent to a road way, as long as the speed does not exceed the speed limit of 15 mph).

(c) First offense: Five hundred dollar (\$500) fine and impoundment of vehicle
Second offense: One thousand dollar (\$1,000) fine and confiscation of vehicle

O-6 Highway Construction Ordinance to Double Civil Traffic Fines

Any civil traffic violations occurring within posted highway construction areas are subject to a doubling of the civil traffic violation fines as approved by the Tribal Council.

O-7 Highway Safety Corridor Fines for State Road 502

The segment of State Road 502 within the exterior boundaries of the Pueblo of Pojoaque is recognized as a State of New Mexico Highway Safety Corridor. All Tribal Law and Order civil traffic citation fines shall be doubled within this Highway Safety Corridor.

O-8 Confiscation of Unregistered/Uninsured Motor Vehicles

(a) No driver shall permit the operation of an unregistered motor vehicle within the exterior boundaries of the Pueblo of Pojoaque, unless the vehicle has been exempted from the provisions of this Ordinance by the Tribal Council.

(b) No driver shall operate an uninsured motor vehicle within the exterior boundaries of the Pueblo of Pojoaque, unless the vehicle has been exempted from the provisions of this Ordinance by the Tribal Council.

(c) If the Pueblo of Pojoaque Tribal Police finds a driver operating an unregistered and uninsured motor vehicle, the Tribal Police shall immediately have the vehicle towed or driven to the Tribal Police impound lot where the vehicle shall remain until a Tribal Court hearing.

(d) If the offender does not provide proper registration and insurance during the Tribal Court hearing, the Tribal Court may allow the offender an extension in order to provide proper registration and insurance.

(e) If, sixty (60) days after the confiscation, the driver or owner of the vehicle does not claim the vehicle, or does not appear at a scheduled Tribal Court hearing, and the vehicle is not reported as stolen, the vehicle shall be considered abandoned.

(f) The Tribal Court shall forward a report of all abandoned vehicles for the Tribal Council's disposition.

O-9 Schedule of Fines for Civil Traffic Citations

NAME OF OFFENSE	STATE STATUTE REFERENCED	MAX FINE
Permitting unlicensed minor to drive	66-5-40	\$60.00
Failure to obey sign	66-7-104	\$60.00
Failure to obey signal	66-7-105	\$60.00
Speeding Fines (double in Safety Corridor and Construction Zone)	66-7-301	
1 to 10		\$65.00
11 to 15		\$80.00
16 to 20		\$115.00
21 to 25		\$150.00
26 to 30		\$175.00
31 to 35		\$200.00
36 and over		\$250.00
Seatbelt	66-7-372	\$75.00
Child restraint	66-7-369	\$75.00
Impeding traffic	66-7-305	\$60.00
Improper starting	66-7-324	\$60.00
Improper backing	66-7-354	\$60.00
Improper lane	66-7-308,313,316,317,319	\$60.00
Improper passing	66-7-309,312,315	\$60.00
Controlled Access	66-7-320,321	\$60.00
Improper turning	66-7-322,323,325	\$60.00
Following too closely	66-7-318	\$60.00
Failure to yield at intersection	66-7-328,332	\$60.00
Failure to yield	66-7-332.1	\$75.00
Pedestrian violation	66-7-333,340	\$60.00
Failure to stop	66-7-341, 346	\$60.00
Passing school bus while lights flashing	66-7-347	\$1,000.00
Failure to signal	66-7-325-327	\$60.00
Failure to secure load	66-7-407	\$150.00

Operation without oversize/ overweight permit	66-7-413	\$100.00
Improper equipment	66-3-801	\$60.00
Improper equipment-unsafe vehicle	66-3-901	\$70.00
Improper emergency signal	66-3-853-857	\$60.00
Obstructed view	66-7-347	\$55.00
Littering (1 st offense + 1 mile)	30-8-4	\$500.00
Littering (2 nd offense + 2 miles)	30-8-4	\$1,000.00
Improper parking	66-7-349-353	\$55.00
Improper parking	66-3-852	\$55.00
Handicapped parking	66-7-352.5	\$100.00
Failure to dim lights	66-3-831	\$60.00
Riding in or towing occupied house trailer	66-7-366	\$55.00
Improper opening of doors	66-7-367	\$55.00
Slow moving emblem /light	66-3-887	\$55.00
Open container 1 st offense	66-8-138	\$100.00
Operating vehicle w/o valid driver's license	66-5-2	\$55.00
Operating vehicle w/o current insurance	66-5-205	\$55.00
Refusing to comply w/ direction of a law enforcement officer or elected tribal official		\$500.00 to \$1,000.00
Threatening health, safety, or welfare of law enforcement officer or elected tribal official		\$500.00
Failure to comply w/pedestrian rules		\$100.00
Failure to wear helmet or safety equipment on motorcycle	66-7-356	\$55.00
Negligently permitting livestock on highway	66-7-363	\$55.00
Throwing or placing items on street	66-7-364	\$50.00 to \$100.00
Defacing or altering street or highway signs	66-7-109	\$100.00
Careless driving (not resulting in death)	66-8-114	\$250.00 to \$1,000.00
Driving with suspended or revoked driver's license	66-5-39	\$250.00 to \$1,000.00
Failure to provide proof of insurance to court	66-5-205	\$150.00
Driving without valid registration at time of violation	66-3-1	\$55.00
Failure to provide registration at time of court		\$300.00
Failure to provide valid driver's license to court		\$150.00
Providing false identification		\$150.00
Fake license plate		\$500.00
COMMERCIAL TRUCK VIOLATIONS		
Failure to obtain proper clearance certificate	Repealed	\$150.00
Failure to register Interstate motor carrier PRC	65-2A-16	\$100.00
Failure to register carrier	65-1-26	\$150.00
Failure to stop at designated reg. Place	Repealed	\$150.00

Failure to comply w/PRC rules and regulations	65-1-36	\$100.00
Operation w/o oversize/overweight permit	66-7-413	\$100.00
Oversize loads	66-7-401	\$75.00 to \$550.00