



PUEBLO OF LAGUNA COUNCIL

Resolution No. 14-16

Re: Amendments to Traffic Code, Section 12-2-1

At a duly called meeting of the Pueblo of Laguna Council held on the 17 day of December, 2016, the following Resolution was adopted:

WHEREAS, the Pueblo of Laguna ("Pueblo") is a federally recognized Indian tribe with all the inherent sovereign governing powers; and

WHEREAS, the Pueblo of Laguna Council (Council) is the governing body of the Pueblo with the authority to: (a) establish and enforce ordinances providing for the maintenance of law and order under Article IV, Section 2(e), of the Pueblo of Laguna Constitution (2012), and (b) to exercise inherent authority not expressly excluded by Federal law under Article IV, Section 2(v), of the Constitution; and

WHEREAS, the Council adopted the current Traffic Code as civil law on January 24, 2006, by way of Resolution No. 03-06, which is codified as Sections 12-2-1 through 12-2-10 of Pueblo of Laguna Code; and

WHEREAS, the Public Safety Committee (Committee), upon being informed of recent interactions of Pueblo Law Enforcement with the motoring public, considered measures to increase public safety, reduce threats to officer safety, and improve enforceability of the Traffic Code; and

WHEREAS, the Committee, having fully considered the matter, recommends that the Pueblo's current Traffic Code be amended to add a declaration of the Pueblo's sovereign authority to protect against threats to the public safety on roads within the Reservation and to make the vehicle owner liable in the event the driver refuses responsibility for any civil infraction issued as a result of unsafe vehicle operation.

NOW, THEREFORE BE IT RESOLVED, that the Council hereby approves and enacts the attached amendments to Title XII – General Civil, Chapter 2 – Traffic, Section 12-2-1 declaration of policy, the definition for "Owner" in Subsection F, civil assessments in Subsection H, and add Subsection W to impose liability on the vehicle owner for infractions of the Traffic Code, amending the version adopted by Resolution No. 03-06.

BE IT FURTHER RESOLVED, that the Council directs the Governor to execute this resolution enacting amendments to Section 12-2-1, to cause such amendments to be codified and published in the Pueblo of Laguna Code, and to enforce the said law as amended effective **January 1, 2017**.

Virgil Sear
Governor

Alvin P. Martin
Council Member

Brandon Allen
Council Member

ATTEST:

Frank Becerra Jr.
Pueblo Secretary

CERTIFICATION

The foregoing Resolution was enacted by the Pueblo of Laguna Council on the 17 day of December, 2016, by a vote of 18 in favor and 1 opposed, at a duly called meeting at which a quorum of Council was present.

Virgil Sear
Governor

ATTEST:

Frank Becerra Jr.
Pueblo Secretary

Section 12-2-1. - General

The Pueblo Council enacts this Traffic Code as an exercise of the Pueblo's retained jurisdiction, not expressly excluded by federal law, to regulate the conduct of any person on or using any public road, including conduct occurring within the right-of-way of any state-maintained highways, within the Pueblo that may threaten any legitimate Pueblo interest, including threats to the health and safety of Pueblo members or others within the Pueblo. Failure to abide by provisions of the Traffic Code constitute a threat to the health and safety of Pueblo members and others within the Pueblo. The provisions of this Traffic Code shall be applicable and uniform throughout the jurisdiction of the Pueblo.

F. Definitions

Owner means a person who holds the legal title of a vehicle, or, who is a party to an agreement to lease a vehicle or for the conditional sale of a vehicle with the right of ownership upon performance of the conditions stated in the agreement, or, who is entitled to possession as a mortgagor of a vehicle.

H. Civil assessment fees.

- (1) It shall be a civil infraction for any person to violate any of the provisions of this Traffic Code.
- (2) Any person violating any provision of this Traffic Code within the jurisdiction of the Pueblo shall be subject to citation and a civil assessment fee as set by the Pueblo Council as amended from time to time.

W. Owner Strict Liability

Notwithstanding any provision of the Traffic Code imposing liability for violation on the driver, the Owner of a vehicle involved in a violation of the Traffic Code shall be held strictly and vicariously liable for the violation observed by an officer of the Pueblo Police Department in the event that the driver of the vehicle observed violating the Traffic Code fails to stop the vehicle when the officer employs emergency lights or siren, or fails to produce a driver's license, registration, or proof of insurance upon officer request. An Owner may avoid strict and vicarious liability for Traffic Code violation and the responsibility for paying the assessment upon satisfactory proof to the Pueblo Court (or designated hearing officer) of any of the following defenses:

- (1) The Owner was not operating the vehicle at the time of the violation and nominates the actual Driver, including contact information of the Driver, and provided the identified Driver pays the assessment for the violation within 30 days;
- (2) The Owner proves that the vehicle was being operated without Owner's permission and nominates the actual Driver, including contact information of the Driver, and provided the identified Driver pays the assessment for the violation within 30 days;
- (3) The Owner proves that the legal right to possess the vehicle was transferred to another party prior to the date of the cited violation, including contact information of the transferee,

and provided the identified transferee pays the assessment for the violation within 30 days;
or

(4) The Owner proves that the vehicle was stolen prior to the time of the cited violation.