

ONEIDA INDIAN NATION
VEHICLE AND TRAFFIC CODE

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ONEIDA INDIAN NATION
VEHICLE AND TRAFFIC CODE

CHAPTER ONE

101 REQUIRED OBEDIENCE TO TRAFFIC LAWS

It is a violation of this Code for any person to do any act forbidden or fail to perform any act required by this Code. No adjudication under this Code shall be deemed criminal or be deemed a conviction of a crime.

102 DEFINITIONS

"Ambulance" means every motor vehicle designed, appropriately equipped and used for the purpose of carrying sick or injured persons by a person or entity registered or certified as an ambulance service by the department of health.

"Articulated bus" means a two unit bus with a flexible coupling connection between the units.

"Authorized emergency vehicles" means every ambulance, police vehicle, correction vehicle, fire vehicle, civil defense emergency vehicle, emergency ambulance service vehicle, blood delivery vehicle, environmental emergency response vehicle, sanitation patrol vehicle, hazardous materials emergency vehicle and ordnance disposal vehicle of the armed forces of the United States.

"Automobile transporter" means any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) motor vehicles.

"Bicycle" means every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

"Bicycle lane" means a portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.

"Bicycle path" means a path physically separated from motorized vehicle traffic by an open space or barrier and either within the highway right of way or within an independent right of way and which is intended for the use of bicycles.

"Bus" means every motor vehicle having a seating capacity of fifteen or more passengers in addition to the driver and used for the transportation of persons.

"Certificate of Registration" means any document or other indicia of registration, other than number plates or tags required to be affixed to such number plates or to the vehicle itself, which identifies the vehicle described thereon and indicates that such vehicle is registered pursuant to the provisions of this Code.

"Clerk" means the Clerk of the Oneida Nation Court.

"Commercial towing" means the moving or removing of disabled, illegally parked, or abandoned motor vehicles or motor vehicles involved in accidents, by another motor vehicle, for which there is direct or indirect compensation. Commercial towing shall also include towing by a person, firm, corporation or other entity.

"Controlled access highway" 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.

"Court" means the Oneida Nation Court.

"Crosswalk" means

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway between the curbs or, in the absence of curbs, between the edges of the traversable roadway.
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Curb" means a vertical or sloping member along the edge of a roadway clearly defining the pavement edge.

"Driver" means every person who operates or drives or is in actual physical control of a vehicle. Whenever the terms "chauffeur" or operator" or chauffeur's license" or "operator's license" are used in this chapter, such terms shall be deemed to mean driver and driver's license respectively.

"Driveway" means every entrance or exit used by vehicular traffic to or from lands or buildings abutting a highway.

"Drug" when used in this chapter, means and includes any substance listed in section thirty-three hundred six of the New York Public Health Law.

"Emergency operation" means the operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivery blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.

"Escort vehicle" means a motor vehicle which operates under its own power and which precedes or follows a vehicle or combination of vehicles.

"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 heating gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

"Fire vehicle" means every vehicle operated for fire service purposes.

"Flagperson" when used in this Code means and includes:

1. any person who has been assigned to control or direct traffic on public highways in connection with any construction, survey and/or maintenance work being performed.
2. any person employed by or on behalf of a railroad corporation who has been assigned to control or direct traffic at a railroad grade crossing.
3. any person authorized to operate an escort vehicle, and who has been assigned to control, warn, or direct traffic in connection with the movement of an escort vehicle on a public highway.

"Emergency ambulance service vehicle" means an appropriately equipped motor vehicle owned or operated by an ambulance service and used for the purpose of transporting emergency medical personnel and equipment to sick or injured persons.

"Flammable liquid" means any liquid which has a flash point of eighty degrees Fahrenheit, or less, as determined by a tagliabue or equivalent open-cup test device.

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

"Hazard vehicle" means every vehicle owned and operated or leased by a utility, whether public or private, used in the construction, maintenance and repair of its facilities, every vehicle specially equipped or designed for the towing or pushing of disabled vehicles, every vehicle engaged in highway maintenance, or in ice and snow removal where such operation involves the use of a public highway and vehicles driven by rural letter carriers while in the performance of their official duties.

"Hazardous materials emergency vehicle" means every designated vehicle operated by a hazardous materials emergency response team specifically equipped for and used in response to reports of emergencies resulting from actual or potential release, spills or leaks of, or other exposure to hazardous substances.

"Hazardous operation" means the operation, or parking of vehicle on or immediately adjacent to a public highway while such vehicle is actually engaged in an operation which would restrict, impede or interfere with the normal flow of traffic.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"House coach" means any vehicle motivated by a power connected therewith or propelled by a power within itself, which is or can be used as the home or living abode or habitation of one or more persons, either temporarily or permanently. In the application of this chapter to house coaches, a house coach propelled by a power within itself shall be deemed a motor vehicle, a house coach motivated by a power connected therewith shall be deemed a trailer, and all house coaches shall be deemed vehicles.

"Inflatable restraint system" means

1. An inflatable restraint system means an air bag, as defined in subparagraph (b) of S 4.1.5.1 of standard 208 of part 571 of title 49 of the code of federal regulations, that is designed and installed to be activated in a crash.
2. Readiness indicator light means an indicator monitoring the inflatable restraint system's readiness and such light is clearly visible from the driver's designated seating position.

"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 of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in

conflict.

- (b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway 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.

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

"Limited use automobile" means a limited use vehicle.

"Limited use motorcycle" means a limited use vehicle having only two or three wheels, with a seat or saddle for the operator. A limited use motorcycle having a maximum performance speed, of more than thirty miles per hour but not more than forty miles per hour shall be a class A limited use motorcycle. A limited use motorcycle having a maximum performance speed of more than twenty miles per hour but not more than thirty miles per hour, shall be a class B limited use motorcycle. A limited use motorcycle having a maximum performance speed of not more than twenty miles per hour shall be a class C limited use motorcycle.

"Limited use vehicle" means a motor vehicle which has a maximum performance speed of not more than forty miles per hour.

"Leased vehicle" means a vehicle owned by a person engaged in the business of renting or leasing vehicles which is rented or leased without a driver to a person other than the owner and is registered either in the name of the lessee or renter, or in the name of the owner.

"Livery" means every motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation. However, it shall not include vehicles which are rented or leased without a driver.

"Maximum gross weight" means the weight of the vehicle unladen plus the weight of the maximum load to be carried by such vehicle during the registration period or the maximum gross weight for which the vehicle is registered, whichever is greater.

"Mobile home or manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to require utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

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

"Motor vehicles" means every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (b) vehicles which run only upon rails or tracks, (c) snowmobiles, and (d) all terrain vehicles.

"Off-highway motorcycle" means a motorcycle which would, if properly equipped, qualify as a limited use motorcycle, and which is manufactured and sold for operation primarily on off-highway trails or in off-highway competitions and only incidentally operated on public highways.

"Omnibus" means any motor vehicle used in the business of transporting passengers for hire, except such a motor vehicle used in the transportation of agricultural workers to and from their employment.

"Overhang" means that portion of a transported vehicle which extends beyond the front or rear bumper of an automobile transporter or stinger-steered automobile transporter.

"Owner" means a person, other than a lien holder, having the property in or title to a vehicle or vessel. The term includes a person entitled to the use and possession of a vehicle or vessel subject to a security interest in another person and also includes any lessee or bailee of a motor vehicle or vessel having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days.

"Nation" means the Oneida Indian Nation.

"Park or parking" 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 merchandise or passengers.

"Parking area of a shopping center" means an area or areas of private property totaling at least one acre, near or contiguous to and provided in connection with premises having one or more stores or business establishments, and used by the public as a means of access to and egress from such stores and business establishments and for the free parking of motor vehicles of customers and patrons of such stores and business establishments.

"Parking lot" means any areas of private property near or contiguous to and provided in connection with premises having one or more stores or business establishments, and used by the public as a means of access to and egress from such stores and business establishments and for the parking of motor vehicles of customers and patrons of such stores and business establishments.

"Pedestrian" means any person afoot or in a wheelchair.

"Person" means every natural person, firm, copartnership, association, or corporation.

"Police officer" means the Oneida Indian Nation police officers.

"Police vehicle" means every vehicle owned by the Oneida Indian Nation for the Oneida Indian Nation Police.

"Private road" 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 by other persons.

"Public highway" means any highway, road, street, avenue, alley, public place, public driveway or any other public way.

"Qualifying highway" means the highways on the national system of interstate and defense highways and federal-aid primary system highways.

"Radar detector" means any instrument designed to detect the presence of microwaves at frequencies specifically assigned by the federal communications commission for the purpose of maintaining vehicular speed.

"Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

"Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

"Railroad train" means a steam engine, electric or other motor locomotive or car, with or without cars coupled thereto, operated upon rails, except streetcars.

"Rental vehicle" means a vehicle owned by a person engaged in the business of renting or leasing vehicles which is rented or leased without a driver to a person other than the owner and is registered in the name of such owner.

"Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

"Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner

in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

"Roadway" means that portion of a highway improved, designed, marked, or ordinarily used for vehicular travel, exclusive of the shoulder and slope. In the event a highway 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.

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

"Sani-van" means any motor vehicle which is so designed that it contains a rear compaction unit and is intended for use in the collection of refuse.

"School bus" means every motor vehicle operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

"Semitrailer" means any trailer which is so designed that when operated the forward end of its body or chassis rests upon the body or chassis of the towing vehicle.

"Shoulder" means that improved portion of a highway contiguous with the roadway.

"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.

"Slope" means that portion of a highway exclusive of the roadway and shoulder.

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

"Stinger-steered automobile transporter" means an automobile transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

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

"Street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Taxicab" means every motor vehicle, other than a bus, used in the business of transporting passengers for compensation, and operated in such business under a license or permit issued by a local authority. However, it shall not include vehicles which are rented or leased without a driver.

"Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is controlled by traffic-control signals or is required by law to yield the right of way to vehicles on such through highway in obedience to a flashing red signal, a stop sign or a yield sign, when such signals or signs are erected as provided in this chapter.

"Tractor" means a motor vehicle designed and used as the power unit in combination with a semitrailer or trailer, or two such trailers in tandem. Any such motor vehicle shall not carry cargo except that a tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

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

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

"Traffic control signal" means any device, whether manually, electronically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

"Traffic violation" means the violation of any provision of this Code. A traffic violation is not a crime and the punishment imposed therefor shall not be deemed for any purpose a penal or criminal punishment and shall not affect or impair the credibility as a witness or otherwise of any person convicted thereof. Any fine imposed by the court shall be a civil penalty.

"Trailer" means any vehicle not propelled by its own power drawn on the public highways by a motor vehicle except motorcycle side cars, vehicles being towed by a non-rigid support and vehicles designed and primarily used for other purposes and only occasionally drawn by such a motor vehicle.

"Trolley bus or trolley coach" means any motor vehicle not operated on rails or tracks which is propelled by electric power received from overhead trolley wires.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

"U-turn" means any turn executed so as to proceed in the opposite direction.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Wheelchair" means any manual or electrically driven mobility assistance device, scooter, tricycle or similar device used by a person with a disability as a substitute for walking. An electrically driven mobility assistance device means any wheeled, electrically powered device designed to enable a person with a disability to move from place to place.

"Work area" means that part of a highway being used or occupied for the conduct of highway work, within which workers, vehicles, equipment, materials, supplies, excavations, or other obstructions are present.

102(a) OBEDIENCE TO POLICE OFFICERS AND FLAGPERSONS

No person shall fail or refuse to comply with any lawful order or direction of any police officer or flagperson or other person duly empowered to regulate traffic.

103 AUTHORIZED EMERGENCY VEHICLES

- a. The driver of an authorized emergency vehicle, when involved in an emergency operation, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- b. The driver of an authorized emergency vehicle may:
 1. Stop, stand or park irrespective of the provisions of this Code;
 2. Proceed past a steady red signal, a flashing red signal or a stop sign, but only after slowing down as may be necessary for safe operation;
 3. Exceed the maximum speed limits so long as he does not endanger life or property;
 4. Disregard regulations governing directions of movement or turning in specified directions.
- c. Except for an authorized emergency vehicle operated as a police vehicle, the

exemptions herein granted to an authorized emergency vehicle shall apply only when audible signals are sounded from any said vehicle while in motion by bell, horn, siren, electronic device or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp so that from any direction, under normal atmospheric conditions from a distance of five hundred feet from such vehicle, at least one red light will be displayed and visible.

- d. An authorized emergency vehicle operated as a police, sheriff or deputy sheriff vehicle may exceed the maximum speed limits for the purpose of calibrating such vehicles' speedometer.
- e. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.
- f. Notwithstanding any other law, rule or regulation to the contrary, an ambulance operated in the course of an emergency shall not be prohibited from using any highway, street or roadway; provided, however, that an authority having jurisdiction over any such highway, street or roadway may specifically prohibit travel thereon by ambulances if such authority shall deem such travel to be extremely hazardous and would endanger patients being transported thereby.

104 TRAFFIC LAWS APPLY TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES

Every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except those provisions of this Code which by their very nature can have no application.

105 OBEDIENCE TO AND REQUIRED TRAFFIC-CONTROL DEVICES

- a. Every person shall obey the instructions of any official traffic-control device applicable to him placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Code.
- b. No provision of this Code for which signs are required shall be enforced against an 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.

- c. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, 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.
- d. Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.
- e. For purposes of this article, "intersection" shall include the area embracing the juncture of a highway with a private road or driveway and "intersecting roadway" shall include an intersecting private road or driveway.

106 TRAFFIC-CONTROL SIGNAL INDICATIONS

Whenever traffic is controlled by traffic-control signals, other than lane direction control signal indications provided in section one hundred eleven, exhibiting different colored lights, or colored lighted arrows, successively, one at a time or in combination, only the colors green, yellow and red shall be used, and said light shall indicate and apply to drivers of vehicles and to pedestrians as follows:

- a. Green indications:
 - 1. Traffic, except pedestrians, facing a steady circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. such traffic, including when turning right or left, shall yield the right of way to other traffic lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - 2. Traffic, except pedestrians, facing a steady green arrow signal may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time, except that a U-Turn may be made by traffic facing a left green arrow signal unless a sign prohibits such U-Turn or such U-Turn is in violation of any other provision of law. such traffic shall yield the right of way to other traffic lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited.
 - 3. Unless otherwise directed by a pedestrian-control signal as provided in section 107, pedestrians facing any steady green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

b. Yellow indications:

1. Traffic, except pedestrians, facing a steady circular yellow signal may enter the intersection; however, said traffic is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.
2. Traffic, except pedestrians, facing a steady yellow arrow signal may cautiously enter the intersection only to complete the movement indicated by such arrow or make such other movement as is permitted by other indications shown at the same time; however, said traffic is thereby warned that the related green arrow movement is being terminated or that a red indication will be exhibited immediately thereafter.
3. Unless otherwise directed by a pedestrian-control signal as provided in section one hundred seven, pedestrians facing any steady yellow signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

c. Red indications:

1. Traffic, except pedestrians, facing a steady circular red signal, unless to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraph two of this subdivision.
2. Traffic facing a steady circular red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph one of this subdivision, except that right turning traffic is not required to stop when a steady right green arrow signal is shown at the same time. such traffic shall yield the right-of-way to pedestrians within a marked or unmarked crosswalk at the intersection and to other traffic lawfully using the intersection;
3. Traffic, while on a one-way roadway, facing a steady red signal may cautiously enter the intersection to make a left turn onto a one-way roadway after stopping as required by paragraph one of this subdivision. such traffic shall yield the right-of-way to pedestrians within a marked or unmarked

crosswalk at the intersection and to other traffic lawfully using the intersection.

4. Traffic, except pedestrians, facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection and shall remain standing until an indication to proceed is shown.
 5. Unless otherwise directed by a pedestrian-control signal as provided in section 107, pedestrians facing any steady red signal shall not enter the roadway.
 6. Notwithstanding the provision of paragraph two of this subdivision, no school bus, while transporting pupils for any purpose, shall be permitted to proceed when facing a steady red signal.
- e. Traffic shall obey signs requiring obedience to traffic-control signals at intersections other than those at which such signals are located. No intersection not controlled by such signs prior to the effective date of this section shall hereafter be made subject to such method of control and no ordinance, order, rule or regulation requiring such obedience shall hereafter be adopted.
 - f. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable 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.

107 PEDESTRIAN-CONTROL SIGNAL INDICATION

Whenever pedestrians are controlled by pedestrian-control signals exhibiting the words "Walk" or "Don't Walk", such signals shall indicate and apply to pedestrians as follows:

- a. Steady or flashing Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by other traffic.
- b. Steady or flashing Don't Walk. No pedestrians shall start to cross the roadway in

the direction of such signal, but any pedestrian who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island while the steady or flashing Don't Walk signal is showing

108 FLASHING SIGNAL INDICATIONS

Whenever traffic is controlled by a flashing signal used in a traffic sign or signal, only the colors red and yellow shall be used, and said signals shall indicate and apply to drivers of vehicles as follows:

- a. Flashing red indications. Unless to make another movement permitted by other indications shown at the same time, vehicular traffic facing a circular red signal with rapid intermittent flashes shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- b. Flashing yellow indications. Vehicular traffic facing a circular yellow signal with rapid intermittent flashes may proceed through the intersection or past such signal only with caution.
- c. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section one hundred forty five.

109 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS

- a. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles or is likely to be construed as an official traffic-control device or railroad sign or signal, or which attempts to direct or regulate the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- b. 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.
- c. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and any police officer or public authority is hereby empowered to remove the same or cause it to be removed without notice.

110 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES, RAILROAD SIGNS OR SIGNALS AND OTHER HIGHWAY APPURTENANCES

- a. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, cover, remove, or otherwise interfere with any official traffic-control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof; any bridge or similar structure; any monument, lamppost, telephone pole, fence, walk, curb, tree, rock cut or other appurtenance on a highway right of way.
- b. For the purposes of this section, to 'deface' shall include, but not be limited to, to damage, destroy, disfigure, erase, ruin, distort, spoil or otherwise change the external appearance of an object by the use of chalk, crayon, paint, stain, ink or other similar material.

111 LANE DIRECTION CONTROL INDICATIONS

Whenever traffic is controlled by lane direction control signals located over the individual lanes of a highway, only the colors green, yellow and red shall be used, and said signals shall indicate and apply as follows:

- a. Traffic facing a steady downward pointing green arrow signal may travel in any lane over which such signal is located.
- b. Traffic facing a steady yellow X signal is thereby warned that the related green downward arrow indication is being terminated and that a red X indication will be exhibited immediately thereafter and such traffic shall vacate, in a safe manner, the lane over which such signal is located.
- c. Traffic facing a flashing yellow X signal may travel in any lane over which such signal is shown preparatory to making a left turn, using proper caution.
- d. Traffic facing a steady red X signal shall not enter or travel in any lane over which such signal is located.

112 DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS

- a. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
 1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 2. When overtaking or passing pedestrians, animals or obstructions on the right

half of the roadway;

3. When obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 4. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
 5. Upon a roadway restricted to one-way traffic.
- b. In addition, upon all roadways, 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 roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
- c. Upon any roadway 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 roadway, except when authorized by signs or markings designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)(2).

113 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS

Drivers of vehicles proceeding in opposite direction shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

114 OVERTAKING A VEHICLE ON THE LEFT

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

- a. 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 roadway until safely clear of the overtaken vehicle.
- b. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed

by the overtaking vehicle.

115 WHEN OVERTAKING ON THE RIGHT IS PERMITTED

- a. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - 1. When the vehicle overtaken is making or about to make a left turn;
 - 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;
 - 3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
- b. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

116 LIMITATIONS ON OVERTAKING ON THE LEFT

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

117 FURTHER LIMITATIONS ON DRIVING TO LEFT OF CENTER OF ROADWAY

- a. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
 - 1. 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;
 - 2. When approaching within one hundred feet of or traversing any railroad

grade crossing;

3. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.
- b. The foregoing limitations shall not apply upon a one-way roadway nor to a vehicle in any lane which is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is marked to give notice of such allocation.

118 NO-PASSING ZONES

- a. When official markings are in place indicating those portions of any highway where overtaking and passing or driving to the left of such markings would be especially hazardous, no driver of a vehicle proceeding along such highway shall at any time drive on the left side of such markings.
- b. The foregoing limitations shall not apply to the driver of a vehicle turning left while entering or leaving such highway.
- c. Where a two-way left turn lane or a paved and clearly traversable dividing section separates the travel lanes for traffic proceeding in opposite directions, the foregoing limitation shall not apply to the driver of a vehicle traveling within such lane or section for such distance as is required for safety in preparing to turn left leaving such highway or in completing a left turn entering such highway.

119 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS

- a. Upon a roadway designated and for one-way traffic a vehicle shall be driven only in the direction designated.
- b. A vehicle passing around a rotary traffic island shall be driven only to the right of such island unless otherwise indicated by traffic by traffic control devices.

120 DRIVING ON ROADWAYS LANED FOR TRAFFIC

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

- a. 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.
- b. Upon a roadway which is divided into three lanes and provides for two-way movement of traffic a vehicle shall not be driven in the center lane except when

overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

- c. When official traffic-control devices direct slow-moving traffic, trucks, buses or specified types of vehicles to use a designated lane or designate those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, drivers of vehicles shall obey the directions of every such sign, signal or marking.**
- d. When official markings are in place indicating those portions of any roadway where crossing such markings would be especially hazardous, no driver of a vehicle proceeding along such highway shall at any time drive across such markings.**

121 FOLLOWING TOO CLOSELY

- a. 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.**
- b. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.**
- c. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.**

122 DIVIDED AND CONTROLLED-ACCESS HIGHWAYS

- a. Whenever any highway has been divided into two or more 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 roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. 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, as established, unless specifically authorized by public authority.
- b. No person shall drive a motor vehicle or motorcycle onto or from any controlled-access highway except at the established entrances and exits thereof unless directed or permitted to use another entrance or exit by official traffic-control devices or police officers.

123 VEHICLE APPROACHING OR ENTERING INTERSECTION

- a. 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 highway.
- b. When two vehicles enter an intersection from different highways 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.
- c. The right of way rules declared in subsections (a) and (b) are modified at through highways and otherwise as stated in this Code.

124 VEHICLE TURNING LEFT

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard.

125 VEHICLE ENTERING STOP OR YIELD INTERSECTION

- a. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop as required by section one hundred fourteen and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

- b. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for existing conditions, or shall stop if necessary as provided in section one hundred fourteen, and shall yield the right of way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. Provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right of way.

126 VEHICLE ENTERING ROADWAY

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed.

127 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

- a. Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting 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 audible signals are sounded from any said vehicle 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 roadway, or to either edge of a one-way roadway three or more lanes in width, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.
- b. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with reasonable care for all persons using the highway.

128 DRIVERS TO EXERCISE DUE CARE

Notwithstanding the provisions of any other law to the contrary, every driver of a vehicle shall exercise due care to avoid colliding with any bicyclist, pedestrian or domestic animal upon any roadway and shall give warning by sounding the horn when necessary. For the purposes of this section, the term "domestic animal" shall mean domesticated sheep, horses, cattle and goats which are under the supervision and control of a pedestrian.

129 VEHICLE APPROACHING ROTARY TRAFFIC CIRCLE OR ISLAND

Except where a traffic control device directs otherwise, the driver of a vehicle approaching or about to enter a rotary traffic circle or island shall yield the right of way to any vehicle already traveling on such circle or around such island.

130 PEDESTRIANS SUBJECT TO TRAFFIC REGULATIONS

Pedestrians shall be subject to traffic-control signals as provided in section one hundred six of this Code, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

131 PEDESTRIANS' RIGHT OF WAY IN CROSSWALKS

- a. When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, except that any pedestrian crossing a roadway at a point where a pedestrian tunnel or overpass has been provided shall yield the right of way to all vehicles.
- b. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impractical for the driver to yield.
- c. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

132 PROVISIONS RELATING TO BLIND PERSONS

- a. Notwithstanding the foregoing provisions of this article every driver of a vehicle approaching an intersection or crosswalk shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing or attempting to cross the roadway when such pedestrian is accompanied by a guide dog or is using a cane which is metallic or white in color or white with a red tip.
- b. No person, unless totally or partially blind or otherwise similarly incapacitated, shall use on any street or highway a cane which is metallic or white in color or white with a red tip.
- c. This section shall not be construed as making obligatory the employment of the use

of a guide dog or of a cane or walking stick of any kind by a person totally or partially blind or otherwise similarly incapacitated.

133 PEDESTRIANS' RIGHT OF WAY ON SIDEWALKS

The driver of a vehicle emerging from or entering an alleyway, building, private road or driveway shall yield the right of way to any pedestrian approaching on any sidewalk extending across such alleyway, building entrance, road or driveway.

134 CROSSING AT OTHER THAN CROSSWALKS

- a. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
- b. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.
- c. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

135 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

136 PEDESTRIANS ON ROADWAYS

- a. Where sidewalks are provided and they may be used with safety it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- b. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. Upon the approach of any vehicle from the opposite direction, such pedestrian shall move as far to the left as is practicable.

137 PEDESTRIANS SOLICITING RIDES, OR BUSINESS

- a. No person shall stand in a roadway for the purpose of soliciting a ride, or to solicit from or sell to an occupant of any vehicle.

- b. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
- c. No person shall occupy any part of a state highway, except in a city or village, in any manner for the purpose of selling or soliciting.

138 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS

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

- a. Right turns. 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 roadway.
- b. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway 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 roadway 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.
- c. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane of the roadway 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 roadway being entered.
- d. When markers, buttons, signs, or other markings are placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, signs, or other markings.

139 U-TURNS IN CERTAIN AREAS PROHIBITED

No motor vehicle shall make a U-turn upon any curve, or upon the approach to, or near the crest of a grade, where such motor vehicle cannot be seen by the driver of any other motor vehicle approaching from either direction within five hundred feet.

140 STARTING PARKED VEHICLE

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

141 TURNING MOVEMENTS AND REQUIRED SIGNALS

- a. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section one hundred thirty eight, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until 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.
- b. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.
- c. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- d. The signals provided for in section one hundred forty two shall be used to indicate an intention to turn, change lanes, or start from a parked position and not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.
- e. The driver of a vehicle equipped with simultaneously flashing signals shall use such signals when the vehicle is stopped or disabled on a public highway, except when such vehicle is stopped in compliance with a traffic-control device or when legally parked. The driver of a vehicle so equipped may use such signals whenever necessary to warn the operators of following vehicles of the presence of a traffic hazard ahead of the signaling vehicle may itself constitute a traffic hazard, taking into account traffic and highway conditions. No person shall use such signals for any other purpose.

142 SIGNALS BY HAND AND ARM OR SIGNAL LAMPS

- a. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b).
- b. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the

steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. On a combination of vehicles, the rear signal lamps shall be at the rear of the last vehicle in the combination. The provisions of this subdivision shall not apply to a vehicle, alone or in combination with other vehicles or implements, if such vehicle is used solely for agricultural purposes, and is not designed and intended primarily for use on the highway.

143 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 signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally.
2. Right turn. Hand and arm extended upward.
3. Stop or decrease speed. Hand and arm extended downward.

144 REQUIRED POSITION FOR TURNING AT ALLEY, DRIVEWAY, PRIVATE ROAD OR ONTO PROPERTY OFF THE ROADWAY.

The driver of a vehicle intending to turn from a roadway into an alley, driveway, private road or onto property off the roadway , shall approach the turn as follows:

- a. Right turns. The approach for a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- b. Left turns from two-way roadways. The approach for a left turn from a two-way roadway shall be made in that portion of the right half of the roadway nearest the center thereof.
- c. Left turns from other than two-way roadways. The approach for a left turn from a roadway on which traffic is restricted to one direction shall be made in the extreme left-hand lane lawfully available to traffic.

145 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN

- a. 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 not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
 1. An audible or clearly visible electric or mechanical signal device gives warning

of the immediate approach of a railroad train;

2. 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;
 3. A railroad train approaching within approximately one thousand five hundred feet of the highway 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
 4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- b. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

146 CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS

- a. The driver of any bus carrying passengers, of any school bus, of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, of any crawler-type tractor, steam shovel, derrick, roller, or of any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen 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 sage 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.
- b. No stop need be made at any such crossing where a police officer or a traffic-control signal or sign directs traffic to proceed.
- c. This section shall not apply at street-railway grade crossings within a business or residence district.

147 STOP SIGNS AND YIELD SIGNS

- a. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection.
- b. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection.

148 EMERGING FROM ALLEY, DRIVEWAY, PRIVATE ROAD OR BUILDING

The driver of a vehicle emerging from an alley, driveway, private road or building shall stop such vehicle immediately prior to driving onto a sidewalk extending across any alleyway, building entrance, road or driveway, or in the event there is no sidewalk, shall stop at the point nearest the roadway to be entered where the driver has a view of approaching traffic thereon.

149 OVERTAKING AND PASSING SCHOOL BUS

- a. The driver of a vehicle upon a highway or street upon meeting or overtaking from either direction any school bus marked and equipped which has stopped on the highway for the purpose of receiving or discharging any passengers, or which has stopped because a school bus in front of it has stopped to receive or discharge any passengers, shall stop the vehicle before reaching such school bus when there is in operation on said school bus a red visual signal and said driver shall not proceed until such school bus resumes motion, or until signaled by the driver or a police officer to proceed.
- b. The driver of such school bus, when receiving or discharging passengers who must cross the highway, shall instruct such passengers to cross in front of the bus and the driver thereof shall keep such school bus halted with red signal lights flashing until such passengers have reached the opposite side of the highway.
- c. Every person found in violation of subdivision (a) of this section shall be assessed a fine of one hundred fifty dollars.

150 OBSTRUCTING TRAFFIC AT INTERSECTION

When vehicular traffic is stopped on the opposite side of an intersection, no person shall drive a vehicle into such intersection, except when making a turn unless there is adequate space on the opposite side of the intersection to accommodate the vehicle he is driving notwithstanding the indication of a traffic control signal which would permit him to proceed.

151 OBSTRUCTING HIGHWAY-RAILROAD GRADE CROSSINGS

No person shall drive a vehicle onto the railroad tracks at a highway-railroad grade crossing unless there is adequate space on the opposite side of the crossing to accommodate the vehicle he and/or she is driving, notwithstanding the indication of any traffic control device which would permit him and/or her to proceed.

152 BASIC RULE AND MAXIMUM LIMITS

- a. 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.
- b. Except when a special hazard exists that requires lower speed for compliance with subdivision (a) of this section, or when maximum speed limits have been established, no person shall drive a vehicle at a speed in excess of fifty-five miles per hour.
- c. Whenever maximum speed limits have been established no person shall drive in excess of such maximum speed limits at any time.
- d. The driver of every vehicle shall, consistent with the requirements of subdivision (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when any special hazard exists with respect to pedestrians, or other traffic by reason of weather or highway conditions, including, but not limited to a highway construction or maintenance work area.
- e. Every person found in violation of this section shall be assessed a fine of not more than one hundred dollars.

153 MINIMUM SPEED REGULATIONS

- a. No person shall drive a motor vehicle at such a 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 law.

- b. Whenever a minimum speed limit has been established no person shall drive at a speed less than such minimum speed limit except when entering upon or preparing to exit from the highway upon which such a minimum speed limit has been established, when preparing to stop, or when necessary for safe operation or in compliance with law.
- c. Every person found in violation of this section shall be assessed a fine of not more than one hundred dollars.

154 SPEED CONTESTS AND RACES

- 1. No races or contests for speed shall be held and no person shall engage in or aid or abet in any motor vehicle speed contest or exhibition of speed on a highway.
- 2. Every person found in violation of this section shall be assessed a fine of one hundred dollars.

155 RECKLESS DRIVING

- 1. Reckless driving shall mean driving or using any motor vehicle, motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway. Reckless driving is prohibited.
- 2. Every person found in violation of this section shall be assessed a fine of two hundred and fifty dollars.

156 BASIC RULES

- a. When stopping is prohibited by this code, or by ordinance, order, rule or regulation, no person shall stop, stand or park a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
- b. When standing is prohibited by this code, or by ordinance, order, rule or regulation, no person shall stand or park a vehicle, whether occupied or not, but may stop temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- c. When parking is prohibited by this code, or by ordinance, order, rule or regulation,

no person shall park a vehicle, whether occupied or not, but may stop or stand temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

- d. When official signs have been posted prohibiting, restricting or limiting the stopping, standing or parking of vehicles on any highway, no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

157 STOPPING, STANDING, OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICTS

- a. Upon any highway 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 highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway 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 highway.
- b. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

158 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

- a. Except when necessary to avoid conflict with other traffic, or when in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
 - 1. Stop, stand or park a vehicle:
 - A. On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street;
 - B. On a sidewalk;
 - C. Within an intersection, except when permitted by official signs or parking meters on the side of a highway opposite a street which intersects but does not cross such highway;
 - D. On a crosswalk;
 - E. Between a safety zone and the adjacent curb or within thirty feet of

points on the curb immediately opposite the ends of a safety zone, unless a different distance is indicated by official signs, markings or parking meters;

- F. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - G. Upon any bridge or other elevated structure upon a highway or within a highway tunnel, unless otherwise indicated by official signs, markings or parking meters;
 - H. On any railroad tracks;
 - I. In the area between roadways of a divided highway, including crossovers, except in an emergency;
 - J. On a state expressway highway or state interstate route highway, including the entrances thereto and exits therefrom, which are a part thereof, except in an emergency.
 - K. In any area designated as a place for handicapped parking unless the vehicle bears a handicap permit or a handicap registration and such vehicle is being used for the transportation of a severely disabled or handicapped person.
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- A. In front of a public or private driveway;
 - B. Within twenty feet of a cross walk at an intersection, unless a different distance is indicated by official signs, markings or parking meters;
 - C. Within thirty feet upon the approach to any flashing signal, stop or yield sign or traffic-control signal located at the side of the roadway, unless a different distance is indicated by official signs, markings or parking meters.
 - D. Within twenty feet of the driveway entrance to any fire station and, when on the side of the street opposite to the entrance of any fire station, within seventy-five feet of said entrance, when properly sign-posted, unless a different distance is indicated by official signs, markings or parking meters.

- E. Alongside or obstructing a curb area which has been cut down, lowered or constructed so as to provide accessibility to the sidewalk.
3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, within fifty feet of the nearest rail of a railroad crossing, unless a different distance is indicated by official signs, markings or parking meters.
- b. No person shall stop, stand or park a vehicle within fifteen feet of a fire hydrant except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of emergency, unless a different distance is indicated by official signs, markings or parking meters.
 - c. No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such distance as is unlawful.

159 ADDITIONAL PARKING REGULATIONS

- a. Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a two-way roadway shall be so stopped, standing, or parked with the right-hand wheels of such vehicle parallel to and within twelve inches of the right-hand curb or edge of the roadway.
- b. Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a one-way roadway shall be so stopped, standing, or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the left-hand curb or edge of the roadway.
- c. Except where angle parking is authorized, every vehicle stopped, standing, or parked partly upon a roadway shall be so stopped, standing, or parked parallel to the curb or edge of the roadway. On a one-way roadway such vehicle shall be facing in the direction of authorized traffic movement; on a two-way roadway such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway on which the vehicle rests.
- d. No person regularly engaged in the sale or repair of vehicles shall park a vehicle upon any highway for the purpose of:
 - 1. Displaying such vehicle for sale.
 - 2. Greasing or repairing such vehicle, except for such repairs as may be necessitated by an emergency.

160 UNATTENDED MOTOR VEHICLE

- a. 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 from the vehicle, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway, provided, however, the provision for removing the key from the vehicle shall not require the removal of keys hidden from sight about the vehicle for convenience or emergency.
- b. A driver may, for the purpose of getting away from the place of standing, move another vehicle which is so placed he cannot get his vehicle out; provided, however, that immediately thereafter he shall reset the brake and, if on a grade, turn the front wheels to the curb or side of the highway.
- c. Towing agencies, which remove vehicles unlawfully parked on private property at request of the owner of the premises and without the written consent of the owner of the vehicle, shall immediately notify the local police station house having jurisdiction over the area where such vehicle was unlawfully parked, of the description of the car which was removed, and the time of removal.

161 LIMITATIONS ON BACKING

- a. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic or a parked vehicle.
- b. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

162 OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM

- a. No person shall drive a motor vehicle when it is so loaded, or when there are in the front seat such number of persons as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. In no event shall there be more than three persons in the front seat of any vehicle, except where such seat has been constructed to accommodate more than three persons and there is eighteen inches of seating capacity for each passenger or occupant in said front seat.
- b. No passenger in a vehicle shall ride in such a 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.

163 OPENING AND CLOSING VEHICLE DOORS

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

164 DRIVING ON MOUNTAIN HIGHWAYS

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

165 FOLLOWING EMERGENCY FIRE VEHICLES PROHIBITED

The driver of any vehicle other than one on official business shall not follow any authorized emergency fire vehicle closer than two hundred feet which is displaying one or more red or combination red and white lights, or one white light which must be a revolving, rotating, flashing, oscillating or constantly moving light, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

166 CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

167 PUTTING GLASS OR OTHER INJURIOUS SUBSTANCES ON HIGHWAY PROHIBITED

- a. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, snow or any other substance likely to injure any person, animal, or vehicle upon such highway.
- b. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material or any material which interferes with the safe use of the highway shall immediately remove the same or cause it to be removed.
- c. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

168 THROWING REFUSE ON HIGHWAYS AND ADJACENT LANDS PROHIBITED

- a. No person shall throw, dump, deposit or place, or cause to be thrown, dumped, deposited or placed upon any highway, or within the limits of the right of way of such highway, or upon private lands adjacent thereto, any refuse, trash, garbage, rubbish, litter or any nauseous or offensive matter.
- b. Nothing herein contained shall be construed as prohibiting the use in a reasonable manner of ashes, sand, salt or other material for the purpose of reducing the hazard of, or providing traction on snow, ice or sleet.
 1. Nothing herein contained shall be construed as prohibiting the use of any highway or private lands adjacent thereto for the transport or transit of agricultural trucks, machines or implements or dairy or domestic animals or agricultural stock with any accompanying reasonable or unavoidable deposit of nauseous or offensive matter.
- c. A person found in violation of the provisions of subdivision (a) of this section shall be assessed a fine not to exceed one hundred dollars.

169 DRIVING THROUGH SAFETY ZONE PROHIBITED

No vehicle shall at any time be driven through or within a safety zone.

170 PERSONS RIDING ON TRUCKS

1. No operator of any motor vehicle commonly known as an auto truck shall operate such auto truck, nor shall the owner thereof permit it to be operated, for a distance in excess of five miles, while there is standing therein or thereon any person or persons in excess of one-third of the number of persons therein or thereon:
 - a. Unless suitable seats are securely attached to the body of such auto truck;
 - b. Unless side racks of at least three feet in height above the floor of such auto truck are securely attached; and
 - c. Unless it shall have attached thereto a tail board or tail gate which is securely closed.

The provisions of this subdivision shall not apply to persons or corporations operating an agency or agencies for public service, who or which are subject to the jurisdiction, supervision and regulations prescribed by or pursuant to

the public service law nor to their agents or employees when engaged in the business of such persons or corporations.

2. No operator of any motor vehicle commonly known as an auto truck shall operate such auto truck, nor shall the owner thereof permit it to be operated, in excess of five miles, while there are in excess of five persons under eighteen years of age in the body of such truck unless at least one person over eighteen years of age also rides in the body of said truck.

171 LIGHTS ON VEHICLES USED FOR TRANSPORTATION OF PASSENGERS

Unless otherwise governed by the provisions of this code, every vehicle used for the transportation of ten or more passengers upon the public highways, such as for picnics, hay rides and sleigh rides, shall, during the period from one-half hour after sunset to one-half hour before sunrise, display at least two lighted lamps on the front, one on each side, having light sources of equal power, which shall be visible for a distance of at least five hundred feet ahead of the vehicle and which shall project either white or yellow light, and at least two lighted lamps on the rear, one on each side, having light sources of equal power, which shall be visible for a distance of at least five hundred feet behind the vehicle and which shall project red light.

172 ABANDONED VEHICLES

1. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended
 - a. with no number plates affixed thereto, for more than six hours on any highway or other public place;
 - b. for more than twenty-four hours on any highway or other public place, except a portion of a highway or public place on which parking is legally permitted;
 - c. for more than forty-eight hours, after the parking of such vehicle shall have become illegal, if left on a portion of a highway or public place on which parking is legally permitted.
 - d. for more than twenty-four hours on property of the Nation if left without permission of the Nation.
2. If an abandoned vehicle, at the time of abandonment, has no number plates affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of seven hundred fifty dollars or less, title shall immediately vest in the Oneida Indian Nation.
3. (a) The Oneida Nation Police shall make an inquiry concerning the last owner of such vehicle as follows:
 - (i) abandoned vehicle with number plates affixed--to the jurisdiction which issued such number plates;
 - (ii) abandoned vehicle with no number plates affixed--the department of motor vehicles.
- (b) The Oneida Indian Nation shall notify the last owner, if known, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction or by bid after ten days from the date such notice was given. If the agency described in paragraph (a) also notifies such local authority that a lien or mortgage exists such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the costs of removal and storage of such vehicle.

- (c) Ownership of such abandoned vehicles, if unclaimed, shall vest in the Oneida Indian Nation ten days from the date such notice is given; or if the last owner cannot be ascertained, when notice of such fact is received.

- 4. The last owner of an abandoned vehicle shall be liable to the Oneida Indian Nation for the costs of removal and storage of such vehicle.

173 AVOIDING INTERSECTION OR TRAFFIC-CONTROL DEVICE

No person shall drive across or upon a sidewalk, driveway, parking lot or private property or otherwise drive off a roadway, in order to avoid an intersection or traffic-control device.

174 DRIVING ON SIDEWALKS

No person shall drive a motor vehicle on or across a sidewalk, except that a vehicle may be driven at a reasonable speed, but not more than five miles per hour, on or across a sidewalk in such manner as not to interfere with the safety and passage of pedestrians thereon, who shall have the right of way, when it is reasonable and necessary:

- a. to gain access to a public highway, private way or lands or buildings adjacent to such highway or way;
- b. in the conduct of work upon a highway, or upon a private way or lands or buildings adjacent to such highway or way; or
- c. to plow snow or perform any other public service, for hire, or otherwise, which could not otherwise be reasonably and properly performed.

175 CONTROL OF STEERING MECHANISM

No person shall operate a motor vehicle without having at least one hand or, in the case of a physically handicapped person, at least one prosthetic device or aid on the steering mechanism at all times when the motor vehicle is in motion.

176 CONSUMPTION OF ALCOHOLIC BEVERAGES IN CERTAIN MOTOR VEHICLES

- 1. The drinking of alcoholic beverages, by the driver or passengers of the motor vehicle, in a motor vehicle being driven upon the highways or roadways is prohibited.
- 2. Every person found in violation of this section shall be assessed a fine of one hundred dollars.

177 RIDING IN HOUSE COACH TRAILERS

No person shall drive a vehicle on a public highway while drawing a house coach trailer occupied by any person and no person shall occupy a house coach trailer while it is being drawn upon a public highway.

178 PEDESTRIANS, ANIMALS, AND NON-MOTORIZED VEHICLES PROHIBITED ON STATE EXPRESSWAY HIGHWAYS OR STATE INTERSTATE ROUTE HIGHWAYS INCLUDING THE ENTRANCES THERETO AND EXITS THEREFROM

No person, unless otherwise directed by a police officer shall:

- a. As a pedestrian, occupy any space within the limits of a Nation expressway highway or Nation interstate route highway, including the entrances thereto and exits therefrom, except: in a rest area, parking area, or scenic overlook; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle or to obtain assistance; where a sidewalk, footpath or pedestrian crossing of such a highway is provided;
- b. Occupy any space of a state expressway highway or state interstate route highway, including the entrances thereto and exits therefrom, with: an animal-drawn vehicle; herded animals; a pushcart; a bicycle; except in the performance of public works or official duties, or on paths or parts of such highway provided for such uses.

179 OPERATION OF SCHOOL, CAMP AND CHARTER OMNIBUSES WITH PASSENGERS STANDING PROHIBITED

When the number of passengers is greater than the number of seats available, it shall be unlawful to operate a school, camp or charter omnibus upon the public highways for a distance of ten miles or more with any passengers standing.

180 OPERATION OF VEHICLES WITH SAFETY SEATS AND SAFETY BELTS

1. No person shall operate a motor vehicle within the territorial jurisdiction of the Oneida Indian Nation unless all back seat passengers of such vehicle under the age of four are restrained in a specially designed detachable or removable seat which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 or in the case of any other passenger under the age of ten, he is restrained by a safety belt.
2. No person shall operate a motor vehicle unless all front seat passengers under the age of sixteen are restrained by a safety belt or, if they are under the age

of four, by a specially designed detachable or removable seat as required by subdivision one of this section.

3. No person shall operate a motor vehicle unless such person is restrained by a safety belt approved by the commissioner. No person sixteen years of age or over shall be a passenger in the front seat of a motor vehicle unless such person is restrained by a safety belt approved by the commissioner.
4. Any person who violates the provisions of this section shall be punished by a fine of fifty dollars.
5. The provisions of this section shall not apply to a passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt provided, however, such condition is duly certified by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate.
6. Non-compliance with the provisions of this section shall not be admissible as evidence in any civil action in regard to the issue of liability but may be introduced into evidence in mitigation of damages provided the party introducing said evidence has pleaded such non-compliance as an affirmative defense.
9. This section shall not apply to taxis, liveries, tractors, trucks with a maximum gross weight of eighteen thousand pounds or over, and buses other than school buses.

181 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES

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

182 RIDING ON BICYCLES

- a. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, nor shall he ride with his feet removed from the pedals.
- b. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- c. Any person, under the age of fourteen (14) shall, while operating a bicycle, wear a

helmet on his/her head.

183 CLINGING TO VEHICLES

1. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle being operated upon a roadway.
2. No person shall ride on or attach himself to the outside of any vehicle being operated upon a roadway.

The provisions of this section shall not apply to:

- (i) vehicles in an emergency operation as defined in section one hundred fourteen-b of this chapter;
 - (ii) farm type tractors used exclusively for agricultural purposes or other farm equipment;
 - (iii) riding on the open, uncovered cargo area of a truck with the permission of the operator of such truck;
 - (iv) vehicles employed by a municipality for local garbage collection; and
 - (v) vehicles participating in a parade pursuant to a municipal permit.
3. No vehicle operator shall knowingly permit any person to attach any device or himself to such operator's vehicle in violation of subdivision one or subdivision two of this section.

184 RIDING ON ROADWAYS, SHOULDERS, BICYCLE LANES AND BICYCLE PATHS

- a. Upon all roadways, any bicycle shall be driven either near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards or traffic lanes too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.
- b. Persons riding bicycles upon a roadway shall not ride more than two abreast. Persons riding bicycles upon a shoulder, lane or path set aside for the use of bicycles may ride two or more abreast if sufficient space is available, except when passing a vehicle, bicycle or pedestrian standing or proceeding along such shoulder, lane or path, persons riding bicycles shall ride single file. Persons riding bicycles upon a roadway shall ride single file when being overtaken by another vehicle.
- c. Whenever a usable path, lane or shoulder for bicycles has been provided on or adjacent to a roadway, bicycle riders shall use such path, lane or shoulder and shall not use the roadway or a portion of the roadway not laned for bicycles.
- d. Any person operating a bicycle who is entering the roadway from a private road, driveway, alley or over a curb shall come to a full stop before entering the roadway.

185 CARRYING ARTICLES

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

186 LAMPS AND OTHER EQUIPMENT ON BICYCLES

- a. Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red light visible to the rear for three hundred feet.
- b. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
- c. Every bicycle shall be equipped with a brake which will enable the operator to make

the braked wheels skid on dry, level, clean pavement.

- d. Every new bicycle shall be equipped with reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel.
- e. Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with reflective devices or material.

187 TRAFFIC LAWS APPLY TO PERSONS 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 Code, except as to special regulations in this Code and except as to those provisions of this Code which by their nature can have no application.

188 RIDING ON MOTORCYCLES

- a. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
- b. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle, unless said person is seated in a sidecar affixed to said motorcycle.
- c. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.
- d. No operator 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.
- e. Any person shall, while operating a motorcycle, wear a helmet on his/her head.

189 OPERATING MOTORCYCLES ON ROADWAYS LANED FOR TRAFFIC

- a. All motorcycles are entitled to full use of a lane and no motor vehicle or motorcycle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. However, this subsection shall not be construed to prevent motorcycles from being operated two 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.
- c. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
- d. Motorcycles shall not be operated more than two abreast in a single lane.
- e. Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

190 CLINGING TO OTHER VEHICLES

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle or streetcar on a roadway.

191 REGISTRATION OF MOTOR VEHICLES

1. Registration of Motor Vehicles

No motor vehicle shall be operated, driven, parked or stored within the territorial jurisdiction of the Oneida Indian Nation without first being registered by a state or Indian Nation in conformance with the laws, rules and regulations of that Indian nation or state.

2. Production of the certificate of registration

Any police officer may request that the operator of any motor vehicle produce for inspection the certificate of registration for such vehicle and such operator shall furnish the certificate of registration to such police officer. A photostatic copy of the certificate of registration may be produced in lieu of the original certificate. The failure to produce the certificate of registration, or a photostatic copy of such certificate, shall be presumptive evidence of operating a motor vehicle or trailer which is not registered by any state or Indian Nation.

3. Violations

Any person found to be in violation of this section shall be subject to a civil fine of not less than fifty dollars nor more than two hundred dollars.

192. DRIVER'S LICENSE

1. No person shall operate or drive a motor vehicle within the territorial jurisdiction of the Oneida Indian Nation unless he is licensed in accordance with the licensing laws, rules and regulations of a state or Indian Nation.

2. No person shall operate a motor vehicle within the territorial jurisdiction of the Oneida Indian Nation unless he is the holder of a proper license which is valid for the operation of the particular vehicle being operated by that person.
3. No person shall operate any motor vehicle within the territorial jurisdiction of the Oneida Indian Nation in violation of any restriction contained on his license.
4. No person shall knowingly authorize or permit a motor vehicle owned by him or in his charge to be operated within the territorial jurisdiction of the Oneida Indian Nation in violation of subdivisions one, two or three of this section.
5. No person shall hold more than one unexpired license issued by an Indian Nation or state at any one time without written Nation approval.
6. No licensee shall voluntarily permit any other person to use his license, nor shall any person at any time possess or use any forged, fictitious or illegally obtained license, or use any license belonging to another person.
7. Any police officer may request that the operator of any motor vehicle produced for inspection, the driver's license of the operator. The operator shall, if required, sign his name in the presence of such police officer as a further means of identification. The production of a license to a police officer shall be prima facie evidence in a prosecution for a violation of any provision of this code, that the person who so produced the license is the person identified on such license.
8. A violation of any provision of this section shall result in a civil fine of not less than fifty dollars nor more than two hundred dollars.

193. LIABILITY INSURANCE

1. No owner of a motor vehicle shall operate such motor vehicle or permit it to be operated within the territorial jurisdiction of the Oneida Indian Nation without having in full force and effect liability insurance. Insurance shall be required in the amounts and under the terms required by the registering state or Indian Nation, or, in the case of a unregistered vehicle of the Oneida Indian Nation in the amounts required by the Nation. Violation of this provision shall result in a civil fine of not less than fifty dollars nor more than two hundred dollars.
2. No person shall operate within the territorial jurisdiction of the Oneida Indian Nation any motor vehicle with the knowledge that the owner of the motor vehicle does not have in full force and effect liability insurance. A violation shall be subject to a civil fine of not less than fifty dollars nor more than two hundred dollars.

3. Any person who operates a motor vehicle within the territorial jurisdiction of the Oneida Indian Nation shall produce an insurance identification card when requested by any police officer. The failure to so produce such a card shall be presumptive evidence that such person was operating the vehicle without having in effect liability insurance as required by this section.

194. DRIVING WITH A SUSPENDED OR REVOKED LICENSE

1. No motor vehicle shall be operated within the territorial jurisdiction of the Oneida Indian Nation when such person operating the motor vehicle knows or has reason to know that such person's license or privilege of operating such motor vehicle is suspended, revoked or otherwise withdrawn.

2. Any person found to be in violation of this section shall be subject to a civil fine of not less than fifty dollars nor more than two hundred dollars.

195. FACILITATING THE UNLICENSED OPERATION OF A MOTOR VEHICLE

1. No person shall consent to the operation, within the territorial jurisdiction of the Oneida Indian Nation, of a motor vehicle registered in such person's name knowing or having reason to know that the operator of such vehicle is a person whose license to operate such motor vehicle is suspended, revoked or otherwise withdrawn by the Indian Nation or state of issuance and the vehicle is operated within the territorial jurisdiction of the Oneida Indian Nation by such person.

2. Any person found to be in violation of this section shall be subject to a fine of not less than two hundred dollars nor more than five hundred dollars.

196. FAILURE TO ANSWER APPEARANCE TICKETS OR PAY FINES IMPOSED.

1. No person shall fail to answer appearance tickets or to pay fines imposed in a case filed under this Code.

2. Any person found to be in violation of this section shall be subject to a civil fine of not less than one hundred dollars nor more than five hundred dollars. This fine is exclusive of the fines imposed in the underlying case.

CHAPTER 2

PENALTIES AND DISPOSITION

201 PENALTIES FOR VIOLATIONS OF THIS CODE

Every person found in violation of any of the provisions of this Code for which a penalty is not provided shall be assessed a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00).

202 DISPOSITIONS

A person may personally appear in Court to enter contest or no contest to the violation(s) on the date stated on the appearance ticket. A person may also enter a contest or no contest by mailing to the court the ticket and a signed statement indicating contest or no contest. Such must be sent: (a) by certified mail, return receipt requested or by first class mail; and (b) within forty-eight hours after receiving the appearance ticket. Upon receipt of a contest, the court shall advise the violator of the trial date by first class mail. All trials shall be to the court in accordance with the Oneida Indian Nation Rules of Civil Procedure.

If the person enters no contest, the Court shall assess the fine within the amount authorized by law and notify the person of the amount of the fine. The fine shall be paid within five (5) days of receipt of the notice.

203 DEFAULT JUDGMENT

In the event a person charged with a violation does not appear in person or by mail, the court may, in addition to any other action authorized by law, enter a plea of no contest on behalf of the defendant and render a default judgment of a fine determined by the court within the amount authorized by law. Any judgment entered pursuant to default shall be civil in nature. However, at least thirty days after the expiration of the original date prescribed for entering a plea and before a plea of no contest and a default judgment may be rendered, the clerk of the court, shall notify the defendant by certified mail: (a) of the violation charged; (b) of the impending plea of no contest and default judgment; (c) that a default or plea of guilty may be avoided by entering a contest or making an appearance within thirty days of the sending of such notice. Pleas entered within that period shall be in a manner prescribed in the notice.

204 APPEALS

Appeals shall be to the Appellate Court of the Oneida Indian Nation in accordance with the Rules of Appellate Procedure.