

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 17

TRIBAL VEHICLE ORDINANCE

S.W.S.T. CODE

Amendment

New Adoption

Judicial Approved

02-04-82

Council Adopted

05-04-82

- 17-01-01 There will be forms for applications, and forms for certification.
- 17-02-01 A basic requirement will be a valid state drivers license.
- 17-03-01 **OPERATING TEST:**
Each applicant will be required to take a practical operating test administered by a properly certified examiner. The Tribal Chairman will certify a skilled operator to be the examiner.
- 17-03-02 The certified examiner will develop guidelines for a written and operating testing procedure. The Chairman will approve the guidelines developed.
- 17-04-01 Tribal vehicles, equipment, and property shall be identified as passenger cars, pick-ups, semi-trucks, farm tractors, combines, plows, disks, swathers, back hoes, crawlers, tractors, road graders, scrapers, cranes, front end loaders, snowblowers on tractors, vans, school buses, bull dozers, police cars, ambulances, bobcats, well drilling rigs, etc.
- 17-05-01 **OPERATING CLASSIFICATION**
- 17-05-02 The issuing office will use a system of classification for the type of equipment used.
- 17-05-03 Skilled operator, is operator by profession.
- 17-05-04 Incidental operator, is semi-skilled.
- 17-05-05 Student operator, need to be under supervision.
- 17-05-06 The issuance of the certification of the applicant, will be according to the standards in the skilled operators manual.
- 17-06-01 **QUALIFIED EXAMINER**
The test will be witnessed or conducted by the designee of the Tribal Chairman. A current Certified License on heavy equipment held by the applicant would be recognized by the tribe.
- 17-07-01 **REQUIREMENT**
- 17-07-02 Age - applicant must be 18 years old or older.

- 17-07-03 Physical requirements - physical examination by a qualified medical officer.
- 17-07-04 Must have an annual physical examination to retain license.
- 17-07-05 Eye sight - operators must have minimum vision of 20/50 in either eye with or without glasses. Operators must take color test.
- 17-07-06 Must possess valid state drivers license.

- 17-08-01 **ENFORCEMENT**
Tribal Police are given the authority to:
- 17-08-02 Spot check all tribal vehicle operators for valid driver's license.
- 17-08-03 Spot check equipment operators for current licenses.
- 17-08-04 Check operator for written authority to operate. Authorization is to be carried in vehicle when being used.
- 17-08-05 Tow away any tribally owned on leased vehicles or equipment found in an unauthorized place. Expense will be charged, to operator and or Director or Manager.

- 17-09-01 **VIOLATION**
All violators will be prosecuted according to damages entailed and the Tribal Code.
- 17-09-02 Vehicles and equipment operated by unauthorized operators will be impounded.
- 17-09-03 Unauthorized operators will be prosecuted according to the Tribal Code.
- 17-09-04 Unauthorized operators will be responsible for any damages to equipment.
- 17-09-05 All operators will be liable for damages caused through negligence.

- 17-10-01 **REVOCATION**
Revocation of tribal operator's license will follow this procedure:
- 17-10-02 D.W.I. - 1st offense: 30 days to 6 months
2nd offense: 6 months to 1 year
3rd offense: 1 year to 3 years
4th offense: permit to be revoked indefinitely
- 17-10-03 At fault accident -
1st offense: 30 days to 6 months
2nd offense: 6 months to 1 year
3rd offense: 1 year to 3 years
4th offense: permit to be revoked indefinitely

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- 17-10-04 Expiration of valid South Dakota driver's license shall be grounds for revocation of tribal government license. All traffic offenses will be grounds for revocation.
- 17-10-05 A waiver may be negotiated with the Court for employment.
- 17-11-01 COUNCIL OBLIGATION
- 17-11-02 All tribal vehicles and equipment shall be clearly identifiable.
- 17-11-03 Tribal insurance to cover all permits.
- 17-11-04 Council shall delegate one person to monitor and develop an operating plan to press charges, and establish a reporting system.
- 17-12-01 All operators will have a written authorization to operate the vehicles and equipment signed by the Tribal Chairman with designated director and manager.
- 17-13-01 This Ordinance will become effective 30 days after the approval of the Tribal Council.
- 17-14-01 All vehicles will contain a log book identifying the equipment, recording mileage, maintenance received, and name of operator.

17-15-01 SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.

Approved by Council 01/08/80.

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