

Drivers take notice—

Traffic Code Changes

The recently revised Warm Springs traffic code defines the laws governing use of motor vehicles on the streets of Warm Springs. A concerted effort is being made to inform all community members of the changes that have been made.

Drivers are generally aware of the rules of the road, but since the revision a few changes have been made. Most of the laws are in accord with the laws of Oregon State highways. A few apply specifically to Warm Springs or are new to Warm Springs drivers.

It will take from three to six months before training and paperwork for these changes are complete. New citation forms are on order and law and order personnel are adapting to the changes.

From the policeman's point of view the new traffic code will make his job easier. Police chief Jeff Sanders commented that the code "is very comprehensive. It has a lot of nuts and bolts to make it work." He went on to say, "The old ordinance had a lot of loopholes but there wasn't anything we could do about it."

With traffic offenses now becoming infractions instead of crimes there will be much less paperwork and fewer court appearances required by police officers.

Sanders had only one objection to the new traffic code. He felt the maximum fine of \$500 for major traffic crimes was too small. Major crimes, such as reckless driving and driving while intoxicated, should carry stiffer penalties, he believes.

The state of Oregon has recently increased the maximum fine for driving while under the influence of intoxicants to \$2500. The tribe is limited in that they cannot impose a fine over \$500 as defined in the Indian Civil Rights Act of 1968.

Legal advisor Doug Hutchinson also feels the new traffic code will lessen work in the court by doing away with many of the jury trials.

Tribal Council along with law and order personnel have efficiency and safety of Warm Springs community members in mind in revision of the traffic code. Some changes should be noted.

Jurisdiction

The tribes have asserted themselves by stating that the "Warm Springs court shall have concurrent jurisdiction with the appropriate state courts over all traffic offenses on other tribal trust land" besides having jurisdiction "over all traffic offenses committed by Indians within the external boundaries of the Warm Springs Indian Reservation." This includes Sherar's Bridge as it is trust land.

Non-Indian traffic violators.

Indian traffic violators will automatically be summoned to appear in tribal court unless they decide to plead guilty to the traffic infraction and pay bail. Non-Indians have the option of appearing in tribal or state court. A policeman will ask the violator upon issuing any citations whether or not he is Indian.

As defined in the Warm Springs code "Indian" means a member of the Confederated Tribes of the Warm Springs reservation of Oregon, or any other person of Indian blood who is a member of a federally recognized Indian tribe or any other person on the reservation who is recognized by the community as an Indian including a Canadian Indian and Alaska native."

Consent to breathalyzer test

It should be noted by Warm Springs drivers that according to the revised traffic code and in accordance with state laws, "Any person who operates a motor vehicle upon the highways of this reservation shall be deemed to have given consent to a chemical test of a person's breath for the purpose

of determining the alcoholic content of a person's blood if a person is arrested for driving in a motor vehicle while under the influence of intoxicants."

Refusal to take the breathalyzer test under Warm Springs code 310.560 as stated in the code is "admissible in any civil or criminal action" as evidence.

A person's license may be suspended (310.565), "The tribal court may suspend the reported person's license, permit or privilege to drive a motor vehicle on this reservation for a period of 120 days," for failure to submit to the chemical test.

Operators License required

Section 310.317 of the Warm Springs traffic code reads, "No person shall operate a motor vehicle on the Reservation unless he has in his possession a valid current operator's license issued by a state, unless he has been issued a current valid tribal driver's license."

Notice of Suspension

According to the traffic code a notice of intention to suspend or a notice of an order of suspension shall be served by depositing the notice order in the U.S. mail by certified mail. It should be noted that the suspension notice is considered served at the time of mail deposit whether or not the recipient decides to pick up his mail.

Abandoned vehicles

The last recorded owner of an abandoned vehicle "shall be considered responsible for the abandonment of a vehicle..." Abandonment of a vehicle is a class C traffic infraction. A fine of up to \$100 may be imposed for such an offense.

If after 30 days a vehicle is not claimed from the Warm Springs police department it can be sold at public auction.

Defective vehicles

"No person shall drive or move and no owner shall cause or knowingly permit to be driven or moved on any street or highway, any vehicle or combination of vehicles which is in unsafe condition....A police officer....may require the driver to stop and submit the vehicle...to an inspection..."

Bicyclists

Bicyclists are also covered in the traffic code. Like drivers of motor vehicles they too must follow the rules of the road including maintenance of their vehicles.

A bicycle must have properly working equipment to be safe. If not, the rider or, if a minor, the parent or guardian commits an infraction. 311.108 reads, "A parent or guardian commits the offense of permitting the operation of an unlawfully equipped bicycle if he...knowingly permits his minor child or ward to operate a bicycle" in violation of the safety standards.

Motorscooters

Motorscooters are not allowed off the road except in areas designated by Tribal Council. Also, a helmet is mandatory for an Indian riding on the reservation.

A non-Indian cannot be cited for failure to wear a helmet according to tribal attorney Jim Noteboom. There is no Oregon law making the wearing of a helmet mandatory.

Stopping at an accident

A provision not in the old traffic code but included in the revised traffic code stipulates the importance of stopping at an accident or as close to it as possible. It is a crime, not an infraction, for failure to do this on the part of the driver. Failure of a witness to stop is commission of a class B traffic infraction.

Any assistance necessary to aid the victims of an accident must be rendered along with leaving a name and address, vehicle registration number, operator's license number and name and address of vehicle occupants.

Vehicle weight violation

"Tribal Council is concerned about the roads being torn up. There are some pretty healthy fines," commented Noteboom while speaking to law and order personnel. A greater fine for weight violations is being imposed than in the old code.

Juvenile traffic offenders

Juveniles will no longer go to juvenile court for a traffic offense. A juvenile will treat traffic offenses like other drivers either by paying bail or by appearing in court. Too many traffic infractions by a juvenile will result in a summons to appear in court and the possibility of having his license suspended, just as is the cases with adult drivers.

Private person may commence action

Section 310.150 states, "A private person may commence an action for a traffic offense by certifying to the complaint before a tribal judge of the court...When the complaint is certified by a private person, the court shall cause the summons to be delivered to the defendant."

Non-Indians can file complaints

Non-Indians are included as private persons who may file complaints. The tribal prosecutor will decide whether or not there is an actual infraction. The Confederated Tribes would be the prosecutor in the case, according to Noteboom, with the non-Indian as the initiator of the action.

Culture Club enriches members

The Madras Junior High Indian Club is taking on a new look. In an effort to include students from many different cultures the club is now known as the Culture Club.

"Many students didn't feel comfortable last year" in joining the club which seemed oriented solely to Indians, said community liaison Marie Calica. This was not helping in the promotion of good feelings about the club.

With one of the main objectives of the club being to promote understanding and awareness among different cultures, it was necessary to get all of the cultures together.

The Culture Club strives to enrich each member with knowledge of other cultures. Special activities will be focused on a specific culture during each nine-week period. An overview of all cultures will



ELECTED OFFICIALS—New officers of the Madras Jr. High Culture Club are from left to right: President Ethel Henry, Representative Melissa Morgan, Vice-president Donetta Burns, Secretary Josette Solomon, Rep. Leane Trimble, Rep. Debbie Scott, and Treasurer Michelle Wells. Spilyay Tymoo photo by Shewczyk

be encouraged and demonstrated during the first nine-week period.

The second interim will focus on the Hispanic culture. Third will be the white culture and the fourth nine-week period will deal with the American Indian culture.

The eighty-one members of the club, 42 of which are Indian students, elected officers on October 8. Other activities planned for the year will be integrated into the foreign language classes, American Indian literature and Social Studies classes along with time allowed for meetings. Currently an American Indian art Exhibit is displayed in the school library sponsored by the Culture Club.

Culture club members will be sponsoring exhibits at the art fair and activities culminate in the spring with a culture fair.