

1955  
SUPPLEMENT

# 1955 SUPPLEMENT

## ARIZONA CODE 1939

INCLUDING VOLUMES 1-6

COPYRIGHT 1955

By

THE BOBBS-MERRILL COMPANY, INC.

This supplement should be used in connection with the permanent volumes, the 1952 supplement and the 1954 supplement.

Retain prior supplement.

## PUBLISHER'S NOTE

---

This supplement includes the annotations to Arizona Code, 1939, from Volume 270, second series, through Volume 281, second series, of the Pacific Reporter.

Amendments to acts and new laws enacted at the 1955 session are compiled and will be found under their appropriate section numbers.

Section numbers printed in black face type either refer to sections of the original volume or permanent supplements thereto or to new acts not included therein.

Chapter and article analyses, in this supplement, carry only laws that have been amended or new laws. Old sections that carry nothing but annotations are not included in the analyses.

## ADJOURNMENT DATES OF SESSIONS OF LEGISLATURE

1955 ..... April 2, 1955

## CHAPTER 66—MOTOR VEHICLES

### ARTICLE.

1. USE OF HIGHWAYS BY VEHICLES, §§ 66-185m, 66-186.
2. MOTOR VEHICLE DIVISION, §§ 66-201, 66-208c, 66-208d, 66-208e, 66-212, 66-219a, 66-219b, 66-219c, 66-225, 66-256, 66-269, 66-271.

### ARTICLE.

5. REGULATION OF PUBLIC HIGHWAY TRANSPORTATION, §§ 66-501, 66-521, 66-526a.

## ARTICLE 1—USE OF HIGHWAYS BY VEHICLES

### SECTION.

66-185m. Public and school owned vehicles—Repainting before operation by private owners.

### SECTION.

66-186. Penalties for misdemeanors.

### 66-151. Definition of words and phrases.

#### Section to Section Reference.

Sections 66-151—66-189 are referred to in § 66-186.

### 66-156. Persons under the influence of intoxicating liquor or of drugs.

#### Construction.

While former statute made only "driving" while under the influence of intoxicating liquor or narcotic drugs a misdemeanor, new law makes "being in actual physical control" of a vehicle a misdemeanor as well, as it is added in the disjunctive to the retained reference to "driving," and a person "passed out" or asleep at the wheel of a car whose motor was running although the car was not moving was held to be "in actual physical control." State v. Webb, 78 Ariz. 8, 274 Pac. (2d) 338.

Statute making either "driving" or "being in actual physical control" of a vehicle while under the influence of intoxicating liquor or narcotic drugs is to be construed according to the fair import of its terms with a view to effect its object and to promote justice and the rule of the common law that penal statutes are to be strictly construed has no application. State v. Webb, 78 Ariz. 8, 274 Pac. (2d) 338.

#### Drunkometer Test.

Instruction that if jury believed beyond reasonable doubt that there was 0.15 per cent or more by weight of alcohol in the defendant's blood at time of taking of blood-alcohol test it shall

be presumed that the defendant was under the influence of intoxicating liquor did not violate due process clauses of the federal and state constitutions nor relieve the state of proving guilt beyond a reasonable doubt. State v. Childress, 78 Ariz. 1, 274 Pac. (2d) 333.

#### Instructions.

Instructions on the statutory presumptions arising from proof of alcoholic content of the blood did not convey to the jury the trial judge's personal opinion as to the truth or falsity of any evidence as he was merely performing his mandatory duty of instructing the jury upon the law of the case, and trial judge's giving of such instruction did not amount to a comment on the evidence. State v. Childress, 78 Ariz. 1, 274 Pac. (2d) 333.

#### Prior Convictions.

Trial court properly did not consider evidence of commission of prior offenses where no instruction was given on issue to the jury who merely returned finding that defendant was guilty of driving under influence of intoxicating liquor. State v. Johnson, 78 Ariz. 211, 277 Pac. (2d) 1020.

### 66-157. Reckless driving.

#### Prior Convictions.

Trial court properly did not consider evidence of commission of prior offenses where no instruction was given on issue to the jury who merely re-

turned finding that defendant was guilty of driving under influence of intoxicating liquor and reckless driving. State v. Johnson, 78 Ariz. 211, 277 Pac. (2d) 1020.

**66-175. Brakes.****Instructions.**

With no direct evidence indicating that brakes on automobile were faulty, it was incorrect to instruct the jury on

matters concerning minimum brake requirements. *Eldredge v. Miller*, 78 Ariz. 140, 277 Pac. (2d) 239.

**66-185g. Single-axle load limit.****Section to Section Reference.**

Sections 66-185g, 66-185h are referred to in § 66-186.

**66-185m. Public and school owned vehicles—Repainting before operation by private owners.**—Any motor vehicle, painted yellow, owned or operated by this state or any county, city, town or political subdivision of the state, or any school district or school, shall, if sold or transferred to a private owner, be repainted a different color and all official painted insignia be obliterated by such private owner before it may be driven on the public highways of this state. [Code 1939, § 66-185m, as added by Laws 1955, ch. 105, § 1.]

**Title of Act.**

An act relating to public and school owned motor vehicles painted yellow; requiring repainting before operation

on the public highways by private owners, and amending art. 1, ch. 66, Arizona Code of 1939, by adding § 66-185m. [Laws 1955, ch. 105.]

**66-186. Penalties for misdemeanors.**—(a) It is a misdemeanor for any person to violate any of the provisions of sections 66-151 to 66-189, unless such violation is by this act or other law of this state declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of sections 66-151 to 66-189 for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than one hundred dollars [\$100] or by imprisonment for not more than ten [10] days; for a second such conviction within one [1] year thereafter such person shall be punished by a fine of not more than two hundred dollars [\$200] or by imprisonment for not more than twenty [20] days, or by both such fine and imprisonment; upon a third or subsequent conviction within one [1] year after the last conviction such person shall be punished by a fine of not more than three hundred dollars [\$300] or by imprisonment for not more than six [6] months, or by both such fine and imprisonment.

(c) A person convicted of violating any provision of sections 66-185g or 66-185h shall be punished by a fine, the maximum of which shall be three hundred dollars [\$300] and the minimum as set forth in the following table:

If the excess weight is:

The minimum fine shall be:

1,000 to 1,500 pounds	\$30.00
1,501 to 2,000	35.00
2,001 to 2,500	55.00
2,501 to 3,000	70.00
3,001 to 3,500	85.00
3,501 to 4,000	100.00
4,001 to 4,500	120.00
4,501 to 4,750	140.00
4,751 to 5,000	160.00

5,001 to 5,250	180.00
5,251 to 5,500	205.00
5,501 to 5,750	230.00
5,751 to 6,000	255.00
6,001 and over	280.00

(d) A person convicted of violating any provision of sections 66-185g or 66-185h may, in addition to the fine provided for in subsection (c) of this section, be punished by imprisonment for not to exceed six months.

(e) If the officer finds that the person has violated only the axle weight limitation and not the total weight limitation, the officer shall request the driver to reload the vehicle to comply with the axle weight limitation. If the driver so complies he shall not be subject to arrest or fine. If the driver does not comply with the request of the officer to reload, the driver shall be subject to arrest and fine as provided in subsections (c), (d), and (f) of this section.

(f) When a person is arrested for violating either section 66-185g or 66-185h, the arresting officer may take the person immediately before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense, provided a person taken before a justice of peace shall be taken before the nearest or most accessible with reference to the place where said arrest is made.

(g) Any fee, fine, forfeiture or penalty collected for violation of sections 66-185g or 66-185h shall be paid immediately by the officer or court collecting or receiving same to the state treasurer, who shall credit it to the state highway fund. However, in each case in which a fee, fine or penalty is collected, the sum of ten dollars as costs shall be deducted from the amount collected and deposited in the county treasury of the county in which the violation occurred. [Laws 1950 (1st S. S.), ch. 3, p. 169; 1955, ch. 134, § 1.]

#### Title of Act.

An act relating to the Uniform Act regulating traffic on highways; making violation of certain provisions thereof a misdemeanor; providing for disposition of fines, and amending § 66-186, Arizona Code of 1939. [Laws 1955, ch. 134.]

#### Amendments.

The 1955 amendment added subsections "c" through "g".

#### Emergency.

Section 2 of Laws 1955, ch. 134 declared an emergency. Approved April 12, 1955.

### ARTICLE 2—MOTOR VEHICLE DIVISION

#### SECTION.

- 66-201. Motor vehicle division.
- 66-208c. Special license plates for vehicles of historic value.
- 66-208d. Safety requirements.
- 66-208e. Old certificates of title to be retained.
- 66-212. Transfer of ownership by operation of law.
- 66-219a. Surety bond for engine rebuilders.

#### SECTION.

- 66-219b. Engine identification.
- 66-219c. Bill of sale.
- 66-225. Registration of vehicles of nonresidents.
- 66-256. Fees—License tax on commercial vehicles.
- 66-269. Application for license or instruction permit.
- 66-271. Licenses issued to operators and chauffeurs.

**66-201. Motor vehicle division.—(a)** The highway department shall maintain a division of motor vehicles. The state engineer, subject to the approval of the commission, shall appoint a vehicle superintendent to be the head of such division.

(b) The vehicle division shall maintain an office in the capital, and such other offices as the duties of the division may require. The superintendent may, with the consent of the state engineer, appoint a chief clerk and such other employees as the business of the division may demand.

(c) The superintendent, and such officers, agents and employees of the division as he may designate, are denominated peace officers for the enforcement of all laws the enforcement or administration of which is vested in the superintendent or in the division. The powers of the superintendent, officers, agents and employees as peace officers are strictly limited to the enforcement of motor vehicle laws and regulations, and within such limits shall be co-extensive with the like authority of regular peace officers of the state or of the municipalities thereof, and may be exercised throughout the state.

(d) The superintendent shall prescribe rules and regulations for carrying out the provisions of this act, shall designate the necessary agencies for such purpose, and shall prepare and deliver to such agencies all forms required therefor.

(e) The superintendent, chief clerk, and such officers, agents and employees of the division as the superintendent shall designate, shall have power to administer oaths and acknowledge signatures, without fee, in any matter connected with the administration of any law the enforcement of which is vested in the superintendent of the division. The superintendent shall issue to all persons designated by him to administer oaths and acknowledge signatures a certificate of authority so to do, the original of which shall be filed in the division and a copy in the office of the secretary of state.

(f) The assessor of each county is constituted an agent of the division for the performance of acts and duties delegated to him. The several county assessors may establish such outlets for the issuance of licenses as may be necessary, and the outlets and offices maintained by such county assessors are constituted county offices of the division. One dollar [\$1.00] of each original registration fee shall be remitted to the county treasurer of the county in which such registration fee is collected, and placed in a special fund for the use of the assessor in carrying out the duties imposed upon him by this act. Claims against said fund shall be allowed and paid in the same manner as claims against the county are allowed and paid. The board of supervisors may order the transfer of all or any unexpended part of said fund received during a previous fiscal year into the fund for the maintenance and construction of county highways. All moneys received from the taxes herein imposed, except the portion retained for the assessor's special fund, shall be immediately transferred by the collecting officer to the superintendent, and by him to the state treasurer, who shall credit the same to the state highway fund. [Laws 1927 (4th S. S.), ch. 2, subch. 3, §§ 1-4, p. 33; cons. & rev., R. C. 1928, § 1629; Laws 1937, ch. 67, § 1, p. 234; 1955, ch. 65, § 1.]

**Title of Act.**

An act relating to motor vehicles; increasing assessor's portion of registration fee for office expenses; increasing fee for registration of vehicles and amending §§ 66-201, 66-225, and 66-256,

Arizona Code of 1939. [Laws 1955, ch. 65.]

**Amendments.**

The 1955 amendment in subsection (f) divided the former first sentence

into two sentences and inserted at the beginning of the second sentence the words, "The several county assessors may establish such outlets for the issuance of licenses as may be necessary,

and the outlets." The amendment increased fee remitted to the county treasurer from "50 cents" to "one dollar."

**66-208a. One number plate, tabs and windshield stickers.**

**Section to Section Reference.**

This section is referred to in § 208c.

**66-208c. Special license plates for vehicles of historic value.—**Notwithstanding any other provision of the laws of Arizona, any owner of a motor vehicle of the age of thirty-five [35] years or more from the date of manufacture, operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose, shall upon application in the manner and at the time prescribed by the motor vehicle division, be issued special license plates for such motor vehicles in lieu of the regular license plates issued by such division. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of such special plates as may be prescribed by the division. The registration numbers and special license plates assigned to such motor vehicles shall be manufactured from Arizona copper, and shall run in separate numerical series commencing with "Horseless Carriage No. 1" and the plates shall be of a distinguishing color. Upon renewal of registration of such motor vehicles for the year 1955 and thereafter every fifth [5th] year they shall be issued new special license plates. During each intervening four-year period the department shall annually issue symbols or devices as provided in section 66-208a, Arizona Code of 1939. [Laws 1955, ch. 98, § 1.]

**Title of Act.**

An act relating to motor vehicles; defining vehicles of historic value, providing for license plates therefor, for

safety equipment thereon, for photostating certificates of title thereof, and for the use of the same upon public highways. [Laws 1955, ch. 98.]

**66-208d. Safety requirements.—**Any other statute to the contrary notwithstanding, a motor vehicle of historic value shall be deemed to comply with the safety requirements of the laws of Arizona relating to motor vehicles if the original safety equipment placed thereon by the maker thereof is in good operating condition or if such original equipment has been replaced by equipment equal to, or more efficient than such original equipment, and provided such motor vehicle is used only for the purposes described herein. [Laws 1955, ch. 98, § 2.]

**66-208e. Old certificates of title to be retained.—**(a) The owner of a motor vehicle of historic value may retain the old cancelled certificate of title provided:

1. Application for new title is granted;
2. thirty-five [35] years or more have expired since the date of issuance thereof;
3. the old title is marked "cancelled" on its face;
4. a photostatic copy is made of the cancelled certificate of title paid for by the applicant.

(b) The photostatic copy shall be deemed to be the original for purposes of cancelled title records of the motor vehicle division. [Laws 1955, ch. 98, § 3.]



**66-212. Transfer of ownership by operation of law.—**(a) Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, the transferee [transferee] shall, within ten [10] days after the passing of such title or interest, secure a transfer of registration to himself, and (upon proper application and presentation of the last certificate of title, if available, and such instruments or documents of authority, or certified copies thereof as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case) a new certificate of title.

(b) When a motor vehicle has been forfeited to the federal government and is sold at public auction pursuant to the terms of federal law, the purchaser at the sale shall take title free of any liens or encumbrances if federal law so provides. He shall register the motor vehicle within ten [10] days after the sale and a certificate of title shall be issued to him without any reference to liens or encumbrances upon presentation of the evidence of title acquired at the federal sale.

(c) Where the title or interest of an owner in or to a registered vehicle shall pass to another through notice and sale under the conditions contained in a chattel mortgage, conditional sale, or other evidence of lien, or under the authority given by statute in cases arising under sections 62-401 and 62-402 the transferee may secure a transfer of registration to himself, and a new certificate of title, upon presenting satisfactory evidence to the division that the sale of said vehicle was fairly and lawfully conducted in conformity with all requirements of law after due notice given to the former owner.

(d) An administrator, executor, trustee or other representative of the owner, or a peace officer, or any person repossessing a vehicle under the terms of a conditional sales contract, lease, chattel mortgage or other security agreement, or a purchaser at a sale foreclosing a lien, or the assignee or legal representative of any such person, may operate a vehicle from the place of repossession or place where formerly kept to a garage or place of storage, in the county or state where the contract was recorded or where the one repossessing the same resides, or to any other garage or place of storage not exceeding seventy-five [75] miles from the place of repossession or place where formerly kept by the owner, either upon displaying upon such vehicle the number plates assigned thereto, or without number plates attached thereto but under a written permit first obtained from the vehicle division or the local police authorities having jurisdiction over such highways, and upon displaying in plain sight upon such vehicle a placard bearing the name and address of the person authorizing such movement, and plainly readable from a distance of one hundred [100] feet during daylight. [Laws 1927 (4th S. S.), ch. 2, subch. 3, §§ 17, 19, p. 33; cons. & rev., R. C. 1928, § 1640; Laws 1931, ch. 100, § 3, p. 265; 1937, ch. 67, § 10, p. 234; 1955, ch. 54, § 1.]

**Compiler's Note.**

The bracketed word "transferee" was inserted by the compiler, and the words appearing in parentheses so appeared in the act.

**Title of Act.**

An act relating to motor vehicles; providing that certain vehicles sold at public auction shall pass to purchasers free of liens and encumbrances, and

amending § 66-212, Arizona Code of 1939. [Laws 1955, ch. 54.]

**Amendments.**

The 1955 amendment substituted subsections (b) and (c) for former subsection (b) which read: "Where the title or interest of an owner in and to a registered vehicle shall pass to another through notice and sale under the conditions contained in a chattel mortgage, conditional sale, or other evidence of lien, or under the authority given by

statute in cases arising under sections 2042 and 2043, Revised Code of 1928 [ §§ 62-401 and 62-402 ], the transferee may secure a transfer of registration to himself, and a new certificate of title, upon presenting satisfactory evidence to the division that the sale of said vehicle was fairly and lawfully conducted in conformity with all requirements of law after due notice given to the former owner." The amendment relettered former subsection (c) as subsection (d).

**66-219a. Surety bond for engine rebuilders.**—Any person or firm desiring to file a five thousand dollar [\$5,000] bond indemnifying the superintendent of the division of motor vehicles and the owner of any engine which may prove to have been stolen shall be permitted to clear rebuilt motors on a bill of sale of a type issued or approved by the division. The bill of sale shall provide additional space for endorsement of subsequent agents or purchasers who may purchase such rebuilt engines for installation in motor vehicles of a type subject to registration in this state. [Laws 1955, ch. 13, § 1.]

**Title of Act.**

An act relating to motor vehicles; and providing for rebuilding of motors. [Laws 1955, ch. 13.]

**66-219b. Engine identification.**—Every bonded rebuilder shall be subject to the following:

1. No bonded rebuilder shall remove, alter or change an original motor number from any motor vehicle engine or motor.

2. A bonded rebuilder who desires to add his own identification number on a block already numbered may do so in some place that will be covered with another part when the engine assembly is complete so that this additional number will not be confused with the original number stamped on the engine.

3. A bonded rebuilder who receives a motor or engine which has never been stamped with an identification number shall, upon reconditioning said motor or engine, stamp thereon in the space designated, the identification letters and numbers furnished him by the division of motor vehicles at the time of filing his bond. A bonded rebuilder shall not add any additional numbers or letters to the numbers and letters assigned to him by the division of motor vehicles.

4. A bonded rebuilder who receives a motor or engine on which the number originally stamped upon the same has been mutilated, defaced, destroyed or removed, shall immediately report the fact to the nearest office of the motor vehicle division and comply with the provisions of section 66-219, Arizona Code of 1939. [Laws 1955, ch. 13, § 2.]

**66-219c. Bill of sale.**—All motors rebuilt by bonded motor rebuilders shall, upon sale to a dealer or individual, be accompanied by a bill of sale. Motors purchased or received in exchange by motor rebuilders shall be accompanied by a bill of sale from the owner thereof. [Laws 1955, ch. 13, § 3.]

**66-225. Registration of vehicles of nonresidents.**—(a) Except as hereinafter provided, every foreign vehicle owned by a nonresident and operated in the state for the transportation of passengers or property for compensation or in the business of a nonresident carried on in this state, or for the transportation of property, shall be registered and licensed in the same manner as is required in the case of motor vehicles, trailers or semi-trailers, not theretofore registered or licensed.

(b) In case it is desired to operate any such vehicle in this state for a period less than the full registration year, if such vehicle is duly registered and licensed under the laws of any other state or country, the owner may make application to the vehicle division in the manner and form prescribed, for the registration and licensing of such vehicle for the periods, of one [1], two [2] or three [3] months. A thirty-day registration and license application shall be accompanied by an amount equal to twelve and a half per cent [ $12\frac{1}{2}\%$ ] of the full annual registration and unladen weight fees. A sixty-day registration and license application shall be accompanied by an amount equal to twenty-two per cent [22%] of the full annual registration and unladen weight fees. A ninety-day registration and license application shall be accompanied by an amount equal to thirty per cent [30%] of the full annual registration and unladen weight fees. The full annual registration and unladen weight fees shall be those applicable to the applicant's vehicle prescribed by section 66-256. The minimum fee for such licensing and registration shall be four dollars [\$4.00]. No application will be accepted for a fraction of any of the periods set forth above, but such licenses may be issued without restriction as to number or sequence.

(c) The vehicle division, if satisfied as to the facts stated in the application, shall register and license the vehicle for the period named and assign an appropriate certificate or license, which shall at all times be displayed upon the vehicle in the manner prescribed by the division, while the same is being operated or driven upon any highway of the state.

(d) If any nonresident owner of a foreign vehicle is apprehended while operating such vehicle in this state beyond the period specified in his certificate or license, without application for renewal thereof, no further thirty, sixty or ninety-day certificate or license will be issued such person during the registration year in which the violation took place, and such nonresident owner shall apply for, and obtain, the registration of the vehicle and pay the fees for the registration year.

(e) A nonresident owner of a foreign vehicle registered and licensed in a state adjoining Arizona, being used in this state for other than the transportation of passengers or property for compensation or in the business of a nonresident carried on in this state, shall not be required to pay the registration and unladen weight fees prescribed in section 66-256, provided the nonresident owner and vehicle are domiciled within twenty-five [25] miles of the Arizona border, and that the state in which the owner has his residence and in which such vehicle is registered exempts from the payment of registration and unladen fees like vehicles from this state.

(f) An owner seeking exemption as provided in subsection (e) shall apply to the motor vehicle division for a special registration permit, setting forth that the vehicle is to be used within this state for other than the transportation of passengers or property for compensation or in the business of a nonresident carried on in this state, and supplying such other information as the division may require, and shall make affidavit thereto. If satisfied that the applicant is entitled to exemption, the motor vehicles division shall issue a special permit to operate, which shall be distinctive in form, show the date issued, a brief description of the vehicle, and a statement that the owner has procured registration of such vehicle as a nonresident. Said permit shall be valid for the period for which the registration plate was issued by the state of which the owner is a resident.

(g) Every foreign vehicle owned by a nonresident and operated in this state other than for the transportation of passengers or property for compensation, or for the transportation of property, or in the business of a nonresident carried on in this state, shall be registered within ten [10] days after the beginning of operation in the state in like manner as vehicles owned by residents, and no fee shall be charged for such registration, nor shall any number plates be assigned to such vehicle, but the vehicle division shall issue to such nonresident owner a permit distinctive in form, containing the date issued, a brief description of the vehicle and a statement that the owner has procured registration of the vehicle as a nonresident. No such nonresident owner shall operate any such vehicle upon the highways of this state, either before or while it is registered as provided in this section, unless there be displayed thereon the registration number plates assigned to the vehicle for the current calendar year, by the state or country of which the owner is a resident, nor unless the permit prescribed by this subsection is displayed on the windshield of the vehicle in the manner prescribed by the division. Such permit shall be valid for the period for which the registration plate was issued by the state of which the owner is a resident. [Laws 1927 (4th S. S.), ch. 2, subch. 3, § 24, p. 33; rev., R. C. 1928, § 1646; Laws 1931, ch. 100, § 4, p. 265; 1931 (1st S. S.), ch. 14, § 1, p. 44; 1937, ch. 67, § 21, p. 234; 1951, ch. 113, § 1; 1954, ch. 131, § 1; 1955, ch. 65, § 2.]

**Amendments.**

The 1955 amendment in subsection (b) increased the fee for licensing and registration from \$3.50 to \$4.00.

**66-256. Fees—License tax on commercial vehicles.—**(a) The following fees shall be paid to the vehicle division:

1. For each original certificate of title, one dollar [\$1.00];
2. for each certificate of title on sale or transfer, one dollar [\$1.00];
3. for a duplicate certificate of title, the original of which is lost or destroyed and is satisfactorily accounted for, fifty cents [50c];
4. for each registration card upon transfer registration, fifty cents [50c];
5. for a duplicate registration card, fifty cents [50c];

6. for a duplicate of any permit, fifty cents [50c];
7. for filing each application to make or stamp special engine number, one dollar [\$1.00];
8. for each identification plate bearing serial or identification number to be affixed to any vehicle, one dollar [\$1.00];
9. for approving each type of reflector, electric lantern, flare, fire extinguisher, mechanical signal, head lamps, auxiliary driving lamps, signal lamps or rear lamps, five dollars [\$5.00];
10. for each number plate or pair of number plates to replace lost, destroyed or mutilated plates, one dollar [\$1.00];
11. for the first two [2] number plates or the first two [2] pairs of number plates issued to a dealer other than a dealer in motorcycles, twenty-five dollars and fifty cents [\$25.50], and for the first two [2] number plates issued to a dealer in motorcycles, ten dollars and fifty cents [\$10.50];
12. for each additional number plate or pair of number plates issued to a dealer other than a dealer in motorcycles, five dollars [\$5.00], and for each additional number plate issued to a dealer in motorcycles, two dollars and fifty cents [\$2.50];
13. for the registration of any motor vehicle, trailer or semi-trailer, if registered prior to July 1, four dollars [\$4.00]; if registered after July 1, two dollars and fifty cents [\$2.50];
14. for filing any conditional sales contract, conditional lease, chattel mortgage or other lien or encumbrance, or title retention instrument, or any other instrument affecting or evidencing title to, ownership of, or reservation of title to any motor vehicle, trailer or semi-trailer, seventy-five cents [75c];
15. for filing any assignment or satisfaction or release of any conditional sales contract, conditional release, chattel mortgage or other title retention instrument, or any other instrument affecting or evidencing title to, ownership of or reservation of title to any motor vehicle, trailer or semi-trailer, twenty-five cents [25c].

(b) In addition to the required registration fee, there shall be paid at the time of application for registration an unladen weight fee on each motor vehicle, trailer or semi-trailer designed, used or maintained primarily for the transportation of passengers for compensation, or for the transportation of property, including hearses, ambulances and other vehicles used by a mortician in the conduct of his business, and motor vehicles rented without drivers, when such vehicles are equipped wholly with pneumatic tires, in accordance with the following schedule:

For vehicles with two [2] axles, 1. two thousand nine hundred [2,900] to four thousand [4,000] pounds unladen weight, thirty-five cents [35c] per cwt.; 2. four thousand [4,000] to six thousand [6,000] pounds, fifty cents [50c] per cwt.; 3. six thousand [6,000] to eight thousand [8,000] pounds, sixty-five cents [65c] per cwt.; 4. eight thousand [8,000] to ten thousand [10,000] pounds, seventy-five cents [75c] per cwt.; 5. ten thousand [10,000] to twelve thousand [12,000] pounds, one dollar [\$1.00] per cwt.; 6. twelve thousand [12,000] pounds or over, one dollar [\$1.00] per cwt.; 7. maximum fee, one hundred twenty dollars [\$120].

For vehicles with three [3] axles, 8. two thousand nine hundred [2,900] to four thousand [4,000] pounds, forty cents [40c] per cwt.;

9. four thousand [4,000] to six thousand [6,000] pounds, sixty-five cents [65c] per cwt.; 10. six thousand [6,000] to eight thousand [8,000] pounds, eighty cents [80c] per cwt.; 11. eight thousand [8,000] to ten thousand [10,000] pounds, one dollar [\$1.00] per cwt.; 12. ten thousand [10,000] to twelve thousand [12,000] pounds, one dollar thirty-five cents [\$1.35] per cwt.; 13. twelve thousand [12,000] pounds or over, one dollar sixty cents [\$1.60] per cwt.; 14. maximum fee, one hundred eighty-five dollars [\$185].

Provided, however, that motor vehicles, trailers or semi-trailers owned and operated by religious institutions used exclusively for the transportation of property produced and distributed for charitable purposes and without compensation, shall be exempt from the unladen weight fee hereinabove provided. For the purposes of this act "religious institution" means a recognized organization having an established place of meeting for religious worship, and which holds regular meetings for such purposes at least once each week in not less than five [5] cities or towns in the state.

(c) In addition to the required registration fee, there shall be paid, at the time of application for registration on each motor vehicle designed and used primarily for the transportation of passengers for compensation or for the transportation of property, when equipped wholly with pneumatic tires and weighing, when unladen, less than twenty-nine hundred [2,900] pounds, two dollars [\$2.00]; and on each trailer or semi-trailer, when equipped wholly with pneumatic tires and weighing, when unladen, less than twenty-nine hundred [2,900] pounds but more than one thousand [1,000] pounds, two dollars [\$2.00].

(d) When any vehicle referred to in subdivisions (b) and (c) hereof is equipped with two [2] or more solid tires, the unladen weight fee therein specified shall be twice the amount specified for such vehicles if equipped wholly with pneumatic tires.

(e) Upon any registration issued after the beginning of the registration year, the unladen weight fees herein prescribed shall be reduced by one-twelfth [1/12] for each month which shall have elapsed since the beginning of the registration year.

(f) The unladen weight of any vehicle shall be the weight of such vehicle when unladen and fully equipped and ready for service, and shall be evidenced by a sworn statement of the applicant for registration, accompanied by a verified certificate of weight duly issued by a public weighmaster. Such sworn statement or certificate shall be subject to verification by the vehicle division, or any of its officers or agents. A major fraction of one hundred [100] pounds shall be considered as one hundred [100] pounds and a minor fraction of one hundred [100] pounds shall not be counted in determining the unladen weight of any vehicle.

(g) All moneys received from the taxes herein provided shall be immediately transferred by the officer collecting the same to the superintendent, and by him to the state treasurer, who shall immediately credit the same to the state highway fund. [Laws 1927 (4th S. S.), ch. 2, subch. 4, § 5 in part; rev., R. C. 1928, § 1672; Laws 1931, ch. 100, § 5; 1931 (1st S. S.), ch. 1, § 1; 1937, ch. 67, § 25; 1953, ch. 53, § 3; 1953, ch. 121, § 1; 1955, ch. 65, § 3.]

**Amendments.**

The 1955 amendment deleted in subsection (a) items 7 to 13, which read:

"7. for filing each application for dealer's or wrecker's license, five dollars;

"8. for each dealer's or wrecker's license when issued, three dollars;

"9. for filing each application for a chauffeur's license, one dollar;

"10. for each original operator's license other than owners, fifty cents;

"11. for each operator's license issued under the provisions of section 66-247, for which a fee is thereby required to be paid, fifty cents;

"12. for each duplicate chauffeur's or operator's license, fifty cents;

"13. for each chauffeur's badge to replace lost badge, one dollar;"

The amendment renumbered the items formerly numbered from 14 to 22 as

items 7 to 15 respectively. Prior to the amendment the present items 11-13 read:

"11. for each original plate or plates issued to a dealer, three dollars and fifty cents;

"12. for each additional plate or pair or plates issued to a dealer, one dollar;

"13. for the registration of any motor vehicle, trailer or semi-trailer, if registered prior to July 1, three dollars and fifty cents; if registered after July 1, two dollars;"

In subsection (d) the amendment substituted "(b) and (c)" for the words, "twenty-two hereof or any motor vehicle referred to in subdivision twenty-three," following the words, "referred to in subdivision."

**Section to Section Reference.**

This section is referred to in § 62-225.

**66-269. Application for license or instruction permit.—(a)** Every application for an instruction permit or for an operator's or chauffeur's license shall be made on a form furnished by the department.

(b) An application fee of two dollars [\$2.00] shall be charged every applicant for an operator's or chauffeur's license, or for an instruction permit to be issued under the provisions of subsection (a) of section 66-268. An application fee of fifty cents [50c] shall be charged for an instruction permit issued under the provisions of subsection (b) of section 66-268. Payment of the fee required by this section entitles the applicant to not more than three [3] attempts to pass the examination within a period of six [6] months from the date of the application. No refund of an application fee may be made.

(c) Every application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. [Laws 1951, ch. 115, § 7; 1955, ch. 56, § 1.]

**Title of Act.**

An act relating to motor vehicles; prescribing rules and fees for issuance of operators' and chauffeurs' licenses, and for instruction permits, and amending §§ 66-269 and 66-271, Arizona Code of 1939. [Laws 1955, ch. 56.]

**Amendment.**

The 1955 amendment in subsection (a) deleted the second sentence which

read: "Every application shall be accompanied by a \$2.00 fee and payment of such fee shall entitle the applicant to not more than three [3] attempts to pass the examination within a period of six [6] months from the date of application." The amendment inserted subsection (b) and relettered former subsection (b) as subsection (c).

**66-271. Licenses issued to operators and chauffeurs.—(a)** The department shall issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature

with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. [Laws 1951, ch. 115, § 12; 1955, ch. 56, § 2.]

#### Amendment.

The 1955 amendment in the first sentence deleted the words, "upon payment of \$2.00," following the words, "The department shall."

#### Emergency.

Section 3 of Laws 1955, ch. 56, declared an emergency. Approved March 18, 1955.

### ARTICLE 4—DEFINITIONS AND PENALTIES

#### 66-401. Definitions.

##### Section to Section Reference.

Sections 62-401, 62-402 are referred to in § 66-212.

### ARTICLE 5—REGULATION OF PUBLIC HIGHWAY TRANSPORTATION

#### SECTION.

66-501. Definitions.

66-521. Reports from private motor carriers and persons leasing certain vehicles.

#### SECTION.

66-526a. Private motor carrier manifests required—Inspection—Exception.

**66-501. Definitions.—**(a) In this act, unless the context otherwise requires:

1. "Motor vehicle" means any automobile, truck, truck tractor, trailer, semi-trailer, motor bus, or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting persons or property.

2. "Public highway" means any public street, alley, road, highway or thoroughfare of any kind used by the public, or open to the use of the public as a matter of right for the purpose of vehicular travel.

3. "Commission" means the Arizona corporation commission.

4. "Common motor carrier of property" means any person engaged in the transportation on any public highway by motor vehicle of property for compensation as a common carrier.

5. "Common motor carrier of passengers" means any person engaged in the transportation on any public highway by motor vehicle of passengers for compensation as a common carrier.

6. "Contract motor carrier of property" means any person engaged in the transportation by motor vehicle of property, for compensation, on any public highway, and not included in the term common motor carrier of property, and, for the purpose of taxation, the owner of any motor vehicle in excess of 6,000 pounds unladen weight who leases, licenses, or by any other arrangement permits the use of such vehicle by any other (other than a common or contract carrier subject to tax herein) for the transportation of property upon the public highway for compensation or in the furtherance of any commercial or industrial enterprise.

7. "Contract motor carrier of passengers" means any person engaged in the transportation on any public highway by motor vehicle of passengers for compensation, and not included in the term common motor carrier of passengers.

8. "Motor carrier" means any common motor carrier of property or passengers or any contract motor carrier of property or passengers.



9. "Private motor carrier" means any person not included in the term "common motor carrier" or "contract motor carrier" who transports, by any motor vehicle in excess of 6,000 pounds unladen weight, property of which such person is the owner, lessee or bailee, when such transportation is for the purpose of sale, lease, rent or bailment, or in the furtherance of any commercial enterprise; provided, however, ownership of the property transported shall not be accepted as sufficient proof of a private motor carrier operation if the carrier is in fact engaged in the transportation of property for hire, compensation or remuneration, or if such transportation operations are conducted for profit and not merely as an incident to a commercial enterprise.

10. "Superintendent" means the superintendent of the motor vehicle division, Arizona state highway department.

(b) The transportation for more than one [1] consignor, or to more than three [3] consignees, by any motor carrier, shall be prima facie evidence that such motor carrier is acting as a common carrier. [Laws 1933, ch. 100, § 1, p. 472; 1955, ch. 135, § 1.]

#### Title of Act.

An act defining vehicles leased for transportation on public highways for compensation as contract motor carriers for the purpose of taxation; requiring private motor carriers leasing such vehicles to file report; requiring private motor carriers to have manifest in vehicles; amending §§ 66-501 and 66-521, Arizona Code of 1939, and amending art. 5, ch. 66, Arizona Code of 1939, by adding § 66-526a. [Laws 1955, ch. 135.]

#### Amendment.

The 1955 amendment divided the section into subsections (a) and (b), and

divided subsection (a) into 10 numbered items. Item 6 prior to amendment read: "Contract motor carrier of property" shall mean any person engaged in the transportation on any public highway by motor vehicle of property, for compensation, and not included in the term common motor carrier of property." Item 9 prior to amendment read: "Private motor carrier" shall mean any person, other than a common motor carrier or contract motor carrier, who shall engage in the transportation of property on any public highway in the furtherance of any private commercial enterprise."

### 66-506. Common motor carrier certificates—Application therefor.

#### Cancellation Order Final.

Corporation commission cannot rescind its order under § 66-520 cancelling certificate of public convenience for failure to pay taxes, since cancellation order is final, and carrier can only obtain a new certificate by filing petition in conformance with provisions of this section. *Tucson Warehouse & Transfer Co. v. Al's Transfer, Inc.*, 77 Ariz. 323, 271 Pac. (2d) 477.

#### Jurisdiction of Commission.

The jurisdictional fact of whether and to what extent the existing common carrier is rendering the service contemplated by the applicant for certificate of convenience and necessity must be determined by the corporation commission, which cannot ignore the jurisdictional fact and leave it for determination by the superior court. *Whitfield Transp. v. Tucson Warehouse & Transfer Co.*, 78 Ariz. 136, 276 Pac. (2d) 954.

#### Purpose of Statute.

Purpose of the statute is to eliminate competition. *Whitfield Transp. v. Tucson Warehouse and Transfer Co.*, 78 Ariz. 136, 276 Pac. (2d) 954.

#### Territory Already Served.

Where an existing common carrier is serving a territory no other competing certificate of convenience and necessity shall issue without first giving the existing carrier an opportunity to render such service as the commission might determine to be adequate and satisfactory and the opportunity and subsequent failure to render the prescribed service are essential jurisdictional facts to empower the issuance of the second certificate. *Whitfield Transp. v. Tucson Warehouse & Transfer Co.*, 78 Ariz. 136, 276 Pac. (2d) 954.

**66-520. Failure to file report or pay tax.****Cancelling Certificate.**

Constitutional power granted corporation commission to rescind its orders does not apply to order cancelling certificate of common carrier for failure to pay taxes and file reports under this section. *Tuscon Warehouse & Transfer Co. v. Al's Transfer*, 77 Ariz. 323, 271 Pac. (2d) 477.

Corporation commission cannot rescind its order under this section cancelling certificate of public convenience for failure to pay taxes, since cancellation order is final, and carrier can only obtain a new certificate by filing petition in conformance with provisions of § 66-506. *Tuscon Warehouse & Transfer Co. v. Al's Transfer*, 77 Ariz. 323, 271 Pac. (2d) 477.

**66-521. Reports from private motor carriers and persons leasing certain vehicles.**—Every private motor carrier as defined herein and every owner of a motor vehicle in excess of 6,000 pounds unladen weight who leases, licenses, or by any other arrangement permits the use of such vehicle by anyone (other than a common or contract carrier subject to tax herein) for the transportation of property upon the public highway for compensation or in the furtherance of any commercial or industrial enterprise shall on or before the twentieth day of each month file with the superintendent for the next preceding calendar month a verified report on the forms prescribed by him showing the total number of such leased vehicles and each vehicle of more than 6,000 pounds of unladen weight operated by such carrier, a particular description of each vehicle operated, the amount of money paid the owner for such leased vehicle the previous month, if any, and such other information as the superintendent may require. [Laws 1933, ch. 100, § 19, p. 472; 1955, ch. 135, § 2.]

**Amendment.**

Prior to the 1955 amendment this section read: "Every private motor carrier shall on or before the fifteenth day of each month file with the superintendent for the next preceding calendar month a verified report on the

forms prescribed by him showing the total number of vehicles operated by such carrier, a particular description of each vehicle operated, the total mileage travelled by each vehicle for such month, and such other information as the superintendent may require."

**66-526a. Private motor carrier manifests required—Inspection—Exception.**—Every private motor carrier shall at all times have in his possession on the vehicle in which property is being transported, a manifest in such form as may be prescribed by the superintendent of motor vehicles, showing the ownership of property aboard, the point of origin, including the name and address of the person from whom acquired, the point of delivery, the date of shipment of each separate item of property aboard, a statement of the amount of compensation received, or to be received, if any, for transporting such property, together with such additional information as may be prescribed by the superintendent of motor vehicles. All such manifests may be inspected by the vehicle superintendent or his agents at any time. Any business having a warehouse or other storage facility wherein merchandise of such business is stored, when delivering such merchandise in trucks owned by such business may, in place of the manifest provided for herein, use the delivery instructions or other similar document regularly issued by such business to the drivers of such trucks. [Code 1939, § 65-526a, as added by Laws 1955, ch. 135, § 3.]

## ARTICLE 9—MOTOR VEHICLE LICENSE TAX

**66-901. Distribution of vehicle license tax.****Section to Section Reference.**

This section is referred to in § 54-608a.

ORDINANCE OF THE PAPAGO COUNCIL

ORD. NO. 51

WHEREAS, The Traffic Rules and Regulations adopted from Title 66 of the Arizona Code Annotated in Resolution Number 842 have not been rewritten or modified to specifically apply to the Papago Reservation; and

WHEREAS, it has been the policy of the Papago Council to revise the Law and Order Code from time to time in order to provide greater traffic safety; and

WHEREAS, it has been shown that the Papago Reservation is in need of its own Traffic Regulations particularly suited to the Papago Tribe in order to provide for the safety and welfare of the Papago People; and

NOW THEREFORE BE IT RESOLVED THAT: Resolution Number 842 be amended as follows:

That Section 66-156 of the Arizona Code Annotated, dealing with Driving While Under the Influence of Liquor or Drugs is HEREBY REPEALED and is no longer a part of Chapter V of the Law and Order Code. Any other Resolution or Ordinance of the Papago Council that conflicts with, or modified, or amends this Ordinance is, HEREBY EXPRESSLY REPEALED AND REVOKED.

BE IT FURTHER RESOLVED that the following Sections be added to Chapter V of the Law and Order Code of the Papago Tribe:

Persons Under the Influence of Intoxicating Liquor or Drugs

Section A. It is unlawful and punishable as provided in Paragraph H for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within the boundaries of the Papago, San Xavier or Gila Bend reservations.

Section B. In the trial of any Civil or Criminal action for a violation of Paragraph A. the amount of alcohol in the defendant's blood at the time alleged as shown by Chemical Analysis of the defendant's blood or breath, shall give rise to the following presumptions:

1. If there was at that time .05 per cent or less by weight of alcohol in defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.
2. If there was at that time an excess of .05 per cent alcohol but less than .10 percent alcohol in defendant's blood, such fact shall not give rise to any presumption that the Defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
3. If there was at that time .10 percent or more by weight of alcohol in the defendant's blood it shall be presumed that the defendant was under the influence of intoxicating liquor.

Section C. The Court may hear any competent evidence bearing upon the questions of whether or not the defendant was under the influence of intoxicating liquor.

Section D. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters of blood.

Section E. Chemical Analysis of a person's breath shall only be made by persons qualified and trained to make such tests and authorized to do so by the Chief of Police.

Section F. Chemical analysis of a person's blood shall only be made by a physician, registered nurse or other qualified person authorized by the Public Health Service to make such tests.

Section G. It is unlawful and punishable as provided in paragraph H of this ordinance for any person to operate a motor vehicle within the boundaries of the Papago, San Xavier or Gila Bend reservations, while under the influence of narcotic drugs or any drug which renders such person incapable of driving safely. It is no defense that such drug was prescribed by a physician.

Section H. Punishment. A person convicted of a violation of this Ordinance shall be punished upon the first conviction by a fine not to exceed three hundred dollars, or by imprisonment not to exceed six (6) months or both. Upon a second or subsequent conviction under this Ordinance, the court may require under its sole discretion, that the Operator's or Chauffeur's license of such convicted person be surrendered to the court for a period not to exceed one year and to restrict the driver, in addition to a fine or imprisonment set forth above. Furthermore, the court in its sole discretion, upon a conviction under this Ordinance, may require such convicted person to undergo counseling from an appropriate Agency, such as Mental Health or Alcoholics Anonymous.

Section I. The court may, upon pronouncement of a jail sentence as provided in Section H of this Ordinance, provided that if the defendant is employed he may continue in such employment for not more than twelve hours a day, six (6) days a week, and the remaining day, days or parts of days shall be spent in jail until his sentence is served. He shall be allowed out of jail only long enough to complete his actual employment and no longer.

The foregoing Ordinance was duly enacted by the Papago Council on the 3rd day of January, 1975, at a meeting at which a quorum was present with a vote of 16 for, 2 against 2 not voting and 2 absent, pursuant to the authority vested in the Papago Council by Section 2 (h) Article V of the Constitution and By-laws of the Papago Tribe, ratified by the Tribe on December 12, 1936 and approved by the Secretary of the Interior on January 6, 1937 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984). Said Resolution is effective as of the date of its approval by the Superintendent of the Papago Agency and is not subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

/s/ Jacob A. Escalante  
Jacob A. Escalante, Chairman

Attest:

/s/ Delma Garcia, Secretary

Approved: January 9, 1975

/s/ Joseph M. Lucero,

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Compiling Traffic Laws Within the Traffic Code of the Tohono O'odham Nation**  
**and Referring to the Domestic Affairs Committee for Review)**

**RESOLUTION NO. 05-361**

1 **WHEREAS, the Legislative Council is vested with the power "to enact criminal and civil laws**  
2 **governing the conduct of any person within the Tohono O'odham Nation" and to**  
3 **provide laws "to promote, protect and provide for public health, peace, morals,**  
4 **education and general welfare of the Tohono O'odham Nation and its members"**  
5 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1(c)(6) and 1(c)(2));**  
6 **and**  
7 **WHEREAS, in 1945 the Papago Tribal Council enacted thirty-six criminal laws as Chapter 5 of the**  
8 **Law and Order Code of the Papago Tribe; and**  
9 **WHEREAS, in 1955 the Tribal Council adopted numerous Arizona traffic statutes, including the**  
10 **then-current Arizona driving under the influence ("DUI") statute, as the traffic laws**  
11 **of Papago Tribe (Resolution No. 842); and**  
12 **WHEREAS, in 1975 the Tribal Council (1) enacted Ordinance No. 51, thereby repealing the Arizona**  
13 **DUI law adopted in 1955 and replacing it with a new DUI law, and (2) enacted**  
14 **speeding restrictions pursuant to Ordinance No. 52; and**  
15 **WHEREAS, the Tribe's traffic laws were never compiled within a single traffic code but were**  
16 **instead added to Chapter 5 of the Law and Order Code; and**  
17 **WHEREAS, the criminal laws originally enacted in 1945 as Sections 1-36 of Law and Order Code**  
18 **Chapter 5 were repealed and replaced by the Nation's Criminal Code in 1985 pursuant**  
19 **to Ordinance No. 02-85; and**  
20 **WHEREAS, Ordinance No. 02-85 also repealed laws conflicting with the Criminal Code but did not**  
21 **repeal the traffic laws added to Law and Order Code Chapter 5 after its enactment in**  
22 **1945; and**  
23 **WHEREAS, there is a need to organize the Nation's traffic laws into a single, separate volume of**  
24 **laws known as the Traffic Code of the Tohono O'odham Nation ("Traffic Code") and to**  
25 **update and otherwise revise these laws; and**  
26 **WHEREAS, the importance of updating the Nation's traffic laws has been highlighted by**  
27 **members of the Nation and, particularly, by surviving family members of DUI victims**  
28 **who have expressed concern regarding the Nation's DUI sentencing provisions and**  
29 **who have recommended that Ordinance No. 51 be amended; and**

**RESOLUTION NO. 05-361**

**(Compiling Traffic Laws Within the Traffic Code of the Tohono O'odham Nation and Referring to the Domestic Affairs Committee for Review)**

**Page 2 of 4**

1 **WHEREAS, concern has also been expressed that the Nation does not have a seatbelt or child**  
2 **restraint law despite the fact that these laws have proven effective in reducing the**  
3 **number of traffic fatalities and serious injuries to children and adults in other**  
4 **jurisdictions; and**

5 **WHEREAS, the Domestic Affairs Committee is vested with the power to "draft, review and make**  
6 **recommendations on proposed laws, ordinances, or resolutions" and exercises**  
7 **jurisdiction over the "enactment of civil and criminal laws" (Plan of Operation for**  
8 **Domestic Affairs Committee, Article III.B.5. and C.2(b)); and**

9 **WHEREAS, it is in the Nation's best interest to both enact the Traffic Code and refer the Traffic**  
10 **Code to the Domestic Affairs Committee to be updated and otherwise amended in a**  
11 **manner that will protect public health, safety, and welfare.**

12 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council hereby enacts the Traffic**  
13 **Code of the Tohono O'odham Nation, which shall be comprised of (1) the provisions**  
14 **of Ordinance No. 52 and (2) the Arizona traffic laws incorporated and enacted as laws**  
15 **of the Tohono O'odham Nation (then known as the Papago Tribe) pursuant to**  
16 **Resolution No. 842, as revised by Ordinance No. 51.**

17 **BE IT FURTHER RESOLVED that each provision of the Traffic Code shall stand separate and**  
18 **independent of every other provision. If any provision of the Traffic Code or its**  
19 **application to any person or circumstance is held invalid by a court of competent**  
20 **jurisdiction, the invalidity shall not affect any other provisions or applications of the**  
21 **Traffic Code which can be given effect without the invalid provision or application,**  
22 **and to this end the provisions of the Traffic Code are severable.**

23 **BE IT FINALLY RESOLVED that the Tohono O'odham Nation Legislative Council hereby**  
24 **directs the Domestic Affairs Committee to review the Traffic Code and to make**  
25 **recommendations to the Council within 90 days for enacting new and updated traffic**  
26 **laws, including but not limited to seatbelt and child restraint laws and revisions to**  
27 **the Nation's DUI law.**

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 27<sup>TH</sup> Day**  
29 **of JUNE, 2005 at a meeting at which a quorum was present with a vote of 2,347.45 FOR; 93.35**  
30 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**  
31 **Section 1 (c)(1), 1(c)(2), 1(c)(6), and 1(l) of Article VI of the Constitution of the Tohono 'Odham**  
32 **Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting**  
33 **Deputy Assistant Secretary- Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16**  
34 **of the Act of June 18, 1934 (48 Stat. 984).**

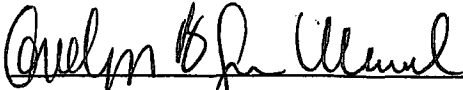


RESOLUTION NO. 05-361

(Compiling Traffic Laws Within the Traffic Code of the Tohono O'odham Nation and Referring to the Domestic Affairs Committee for Review)

Page 3 of 4

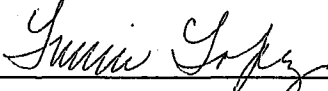
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

30<sup>th</sup> day of June, 2005

ATTEST:

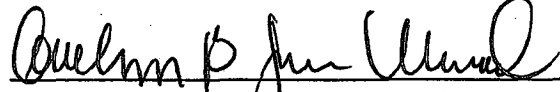


Lucille Lopez, Acting Legislative Secretary

30<sup>th</sup> day of June, 2005.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 30<sup>th</sup> day of June, 2005 at 11:45 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



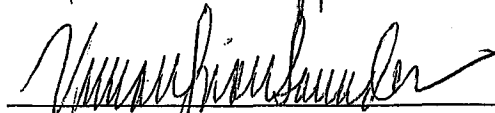
Evelyn B. Juan Manuel, Legislative Chairwoman

☒ APPROVED

☐ DISAPPROVED

on the 5 day of July, 2005

at 11:35 o'clock, A.M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

**RESOLUTION NO. 05-361**

**(Compiling Traffic Laws Within the Traffic Code of the Tohono O'odham Nation and Referring to the Domestic Affairs Committee for Review)**

**Page 4 of 4**

Returned to the Legislative Secretary on the 05<sup>th</sup> day of

July, 2005, at 11:46 o'clock, A.M.

Lucille Lopez  
Lucille Lopez, Acting Legislative Secretary