



# Public Health Law

Office for State, Tribal, Local and Territorial Support  
Centers for Disease Control and Prevention

## Menu of Selected Tribal Laws Related to Motor Vehicle Safety

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American Indian and Alaska Native tribes are sovereign nations that maintain a government-to-government relationship with the United States.<sup>1</sup> There are currently 567 federally recognized tribes throughout the contiguous United States and Alaska.<sup>2</sup> In addition to exercising political sovereignty, tribes exercise cultural sovereignty through traditions and religious practices unique to each tribe's history and culture.<sup>3</sup> Cultural sovereignty "encompasses the spiritual, emotional, mental, and physical aspects" of Native people's lives and is a foundation to tribal exercise of political sovereignty.<sup>4</sup>

In the context of motor vehicle safety, tribes have inherent authority as sovereign nations to protect the public health and welfare of their citizens using methods most relevant for their communities.<sup>5</sup> This menu offers examples of selected tribal laws related to 1) primary seat belt laws, 2) child restraint laws, and 3) blood alcohol concentration laws and can be used by jurisdictions interested in developing or updating their own motor vehicle safety laws.<sup>6</sup>

The Community Preventive Services Task Force and the National Highway Traffic Safety Administration provide evidence-based recommendations on motor vehicle safety laws and policies. To learn more, visit the Centers for Disease Control and Prevention's [Motor Vehicle Injuries Prevention Status Report](#).

### Primary Seat Belt Laws

Seat belt use reduces motor vehicle crash related injuries by about half.<sup>7</sup> Laws requiring seat belt use are an effective intervention that increases use.<sup>8</sup> Seat belt laws include both primary seat belt laws and secondary seat belt laws.<sup>9</sup> Primary seat belt laws allow law enforcement officers to stop and cite drivers or passengers when drivers or passengers fail to wear a seat belt.<sup>10</sup> Secondary seat belts laws allow law enforcement officers to cite drivers or passengers for not wearing a seat belt only if the driver is stopped for another reason.<sup>11</sup>

Many tribes have enacted seat belt laws to try to prevent motor vehicle-related injuries within their communities, some of which are primary seat belt laws.<sup>12,13</sup> For example, the Standing Rock Sioux Tribal Code of Justice states that "[a] person may not operate nor ride as a passenger in a motor vehicle on a



public highway without wearing a properly secured and adjusted safety belt.”<sup>14</sup> The code specifically states that “Law Enforcement agencies shall enforce this chapter as a primary law, and so m[a]y stop a motor vehicle for a violation of this chapter.”<sup>15</sup>

Similarly, other tribes allow for the primary enforcement of seat belt laws, specifically outlining that law enforcement officers can stop and cite drivers or passengers for not wearing a seat belt. For example, the Swinomish Tribal Code requires that “[e]very person sixteen (16) years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.”<sup>16</sup> The code also states that “[a] person violating this section shall be issued a notice of traffic infraction.”<sup>17</sup>



The Little Traverse Bay Bands of Odawa Waganakising Odawa Tribal Code also establishes seat belt use requirements: “Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.”<sup>18</sup> The code grants law enforcement officers primary enforcement “authority to issue a notice of traffic violation citation . . . [w]hen the violation is committed in the officer’s presence.”<sup>19</sup>

The Coquille Indian Tribal Code makes not wearing a seat belt an offense if an individual “[o]perates a motor vehicle on a highway and is not properly secured with a safety belt.”<sup>20</sup> The code further states that “[t]he offense described in this section, failure to use safety belts, is a traffic infraction.”<sup>21</sup> The code does not indicate that law enforcement officers can only stop and cite drivers or passengers in the event of another traffic infraction.



Unintentional injuries, including motor vehicle-related injuries, are the third leading cause of death among American Indian and Alaska Native populations. Visit the Centers for Disease Control and Prevention’s web page on [American Indian and Alaska Native Populations](#) for more information.

## Child Restraint Laws

In addition to seat belt laws, child restraint laws are an effective intervention for increasing child restraint use as well as preventing motor vehicle related injuries.<sup>22</sup> Many tribes have enacted specific child restraint laws to ensure that child passengers are properly restrained for the individual child’s age, height, and weight.<sup>23</sup> For example, the Colville Confederated Tribes Code requires that “[w]henever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

- 1) A child must be restrained in a child restraint system, if the passenger seating position is equipped with a safety belt system that allows sufficient space for proper installation until the child is eight years old, unless the child is four feet nine inches or taller.
- 2) The child restraint system must comply with the standards of the United States Department of Transportation; and is determined to be appropriate for the child’s individual height, weight,

age and must be secured in the vehicle in accordance with both the instructions of the vehicle manufacturer and the car seat manufacturer.

- 3) A child who is eight years of age or older or four feet nine inches or taller shall be properly restrained with the motor vehicle's safety belt system properly adjusted and fastened around the child's body.
- 4) The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so."<sup>24</sup>

The code further states that "[e]nforcement . . . is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age."<sup>25</sup>




The Navajo Nation Motor Vehicle Code states that "Any parent, guardian or custodian of an infant, child or youth under the age of 12 years and less than 4'9", when transporting the child in a non-commercial motor vehicle operated on any highway of the Navajo Nation, shall properly secure the child in a child passenger restraint system. The restraint system shall meet Federal Motor Vehicle Safety Standard Number 213, which requires the following information:

1. On a permanent label attached to the restraint, the statement, 'This child restraint system conforms to all applicable Federal Motor Vehicle Safety Standards' shall be printed; and
2. On a permanent label, attached to the restraint, the manufacturer's recommendations of the minimum and maximum weight and height of the children who can safely occupy the system shall be printed."<sup>26</sup>

The Navajo Nation Motor Vehicle Code further establishes that "[a] person shall not operate a passenger car, van or pickup truck within the Navajo Nation, except for an authorized emergency vehicle, public transportation or a school bus, unless all passengers less than 12 years of age and less than 4 feet 9 inches in height are properly restrained. Each child less than 12 years of age and less than 4 feet 9 inches in height shall be properly secured in a child passenger restraint device or by a safety belt, unless all seating positions equipped with safety belts are occupied, as follows:

1. Children less than one year of age shall be properly secured in a rear-facing child restraint of a vehicle that is equipped with a rear seat. If the vehicle is not equipped with a rear seat, the child may ride in the front seat of the vehicle with the passenger-side air bag deactivated.
2. Children one year of age through four years of age, regardless of weight; or children who weigh less than forty pounds, regardless of age, shall be properly secured in a child passenger restraint device that meets federal standards for this age and size range.
3. Children five years of age through 12 years of age, regardless of weight; or children who weigh less than 60 pounds, regardless of age, shall be properly secured in a child passenger restraint device that meets federal standards, by a booster seat or by a seat belt."<sup>27</sup>



Want to learn more about child passenger safety? The Centers for Disease Control and Prevention's National Center for Injury Prevention and Control offers guidelines on child car and booster seats. Visit the [Child Passenger Safety: Get the Facts](#) webpage for more information.

## Blood Alcohol Concentration Laws


Laws establishing maximum blood alcohol concentration thresholds at .08% under which a driver can legally operate a motor vehicle reduce the incidence of alcohol-related motor vehicle crashes.<sup>28</sup> Tribal codes offer examples of laws that establish a maximum blood alcohol concentration.<sup>29</sup> For example, the Squaxin Island Tribal Code makes a person “guilty of driving while under the influence of intoxicating liquor or any drug or glue if he or she drives a vehicle within Indian country while:

1. He or she has 0.08 grams or more of alcohol per two hundred ten (210) liters of breath as shown by analysis of the person's breath;
2. He or she has 0.08 percent or more weight of alcohol in the person's blood as shown by analysis of the person's blood.”<sup>30</sup>

Similarly, the Snoqualmie Tribal Code states that “[a]ny person who drives or has actual physical control of a motor vehicle while . . . [h]e or she has a blood alcohol concentration (BAC) of 0.08 or above as measured by a test of his or her breath or blood shall be guilty of driving under the influence.”<sup>31</sup>

Under the Swinomish Tribal Code, “[a] person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within the boundaries of the Swinomish Indian Reservation and . . . [t]he person has, within two (2) hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood.”<sup>32</sup>

The Prairie Band Potawatomi Nation Law and Order Code establishes that “[i]t is unlawful and punishable for any person who has 0.08 percent or more by weight of alcohol in the person's blood to drive or be in actual physical control of a vehicle upon a public highway, roadway or public parking area within the Prairie Band Potawatomi jurisdiction.”<sup>33</sup>



Want to learn more about preventing impaired driving? Visit the Centers for Disease Control and Prevention's National Center for Injury Prevention and Control [Impaired Driving](#) webpage for more information.

## Conclusion

Tribal public health laws vary from tribe to tribe based on the unique history, culture, and perspectives of each tribe. This inventory is a sample of motor vehicle safety laws found in select tribal codes and can be used by jurisdictions interested in the potential depth and breadth of their own motor vehicle safety laws.

## Acknowledgments and Disclaimers

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For further technical assistance with this inventory, please contact [phlawprogram@cdc.gov](mailto:phlawprogram@cdc.gov). PHLP provides technical assistance and public health law resources to advance the use of law as a public health tool. PHLP cannot provide legal advice on any issue and cannot represent any individual or entity in any matter. PHLP recommends seeking the advice of an attorney or other qualified professional with questions regarding the application of law to a specific circumstance. The findings and conclusions in this summary are those of the author and do not necessarily represent the official views of the Centers for Disease Control and Prevention.

*This menu includes tribal motor vehicle safety laws collected from WestlawNext between June 29–July 12, 2015.*

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<sup>1</sup> COHEN'S HANDBOOK OF FEDERAL INDIAN LAW, § 4.01[1][a] (Nell Jessup Newton et al. eds., 2012).

<sup>2</sup> Indian Entities Recognized and Eligible to Receive Services from the Bureau of Indian Affairs, Fed. Reg. 77, 155 (Aug. 10, 2012) available at [www.gpo.gov/fdsys/pkg/FR-2012-08-10/pdf/2012-19588.pdf](http://www.gpo.gov/fdsys/pkg/FR-2012-08-10/pdf/2012-19588.pdf); Final Determination for Federal Acknowledgment of the Pamnukey Indian Tribe, Bureau of Indian Affairs, Department of Interior, July 2, 2015, available at [www.bia.gov/cs/groups/public/documents/text/idc1-030829.pdf](http://www.bia.gov/cs/groups/public/documents/text/idc1-030829.pdf) and <https://turtletalk.files.wordpress.com/2015/07/idc1-030831.pdf>.

<sup>3</sup> Wallace Coffey and Rebecca Tsosie, *Rethinking the Tribal Sovereignty Doctrine: Cultural Sovereignty and the Collective Future of Indian Nations*, 12 STAN. L. & POL'Y REV. 191, 196 (2001) (arguing that the concept of "cultural sovereignty" needs to be defined by Native communities and outside the construct of political sovereignty: "[W]e hope to open a dialogue about sovereignty and our collective future that is generated from *within* our tribal communities." *Id.* at 192.). Wallace Coffey is the chairman of the Comanche Nation Business Committee. Rebecca Tsosie is a law professor at the Indian Legal Program at Arizona State University. At the time of publication of this article, Chairman Coffey and Professor Tsosie both served on the Board of the Directors of the Native American Rights Fund, which they credited as providing the "impetus for this dialogue on cultural sovereignty." *Id.* at n.a1.

<sup>4</sup> *Id.* at 210.

<sup>5</sup> Tribes maintain "inherent powers of limited sovereignty which has never been extinguished." *United States v. Wheeler*, 435 U.S. 313, 322–3 (1978) (quoting F. Cohen, HANDBOOK OF FEDERAL INDIAN LAW 122 (1945)). *Wheeler* further explains that "Indian tribes still possess those aspects of sovereignty not withdrawn by treaty or statute, or by implication as a necessary result of their dependent status." *Wheeler*, 435 U.S. at 323.

<sup>6</sup> CDC's Public Health Law Program (PHLP) collected tribal code provisions between June 29 and July 12, 2015, using WestlawNext, a legal research database. PHLP selected the provisions for inclusion in this document based on legal research assistance requests received on these legal domains. The following tribal codes are available using this database: Absentee Shawnee Tribe of Indians; Confederated Tribes of the Colville Reservation; Confederated Tribes of Siletz Indians; Coquille Indian Tribe; Eastern Band of Cherokee Indians; Grand Traverse Band of Ottawa & Chippewa; Kalispel Tribe of Indians; Leech Lake Band of Ojibwe; Little River Band of Ottawa Indians; Little Traverse Bay Bands of Odawa; Mashantucket Pequot; Navajo Nation; Oneida Tribe of Indians of Wisconsin; Poarch Band of Creek Indians; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Sac & Fox Tribe of the Mississippi in Iowa; Snoqualmie Indian Tribe; Squaxin Island Tribe; Standing Rock Sioux; Swinomish Indian Tribal Community; White Earth Nation; Wind River Reservation, Eastern Shoshone & Northern Arapaho Tribes; and Yurok Tribe of California.

<sup>7</sup> *Lives Saved in 2012 by Restraint Use and Minimum-Drinking-Age Laws*, NAT'L HIGHWAY TRAFFIC SAFETY ADMINISTRATION TRAFFIC SAFETY FACTS, (Nov. 2013), available at [www.nrd.nhtsa.dot.gov/Pubs/811851.pdf](http://www.nrd.nhtsa.dot.gov/Pubs/811851.pdf).

<sup>8</sup> Ruth A. Shults et al., *Effectiveness of primary enforcement safety belt laws and enhanced enforcement of safety belt laws: a summary of the Guide to Community Preventive Services systematic reviews*, J. OF SAFETY RESEARCH 2004; 35(2):189–96 (2004).

<sup>9</sup> *Motor Vehicle Injuries Policies and Practices*, CENTERS FOR DISEASE CONTROL AND PREVENTION, [www.cdc.gov/psr/motorvehicle/index.html](http://www.cdc.gov/psr/motorvehicle/index.html) (last visited July 15, 2015).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> See, e.g., COLVILLE CONFEDERATED TRIBES CODE § 3-3-12; COQUILLE INDIAN TRIBAL CODE 675A.210(1); LEECH LAKE OJIBWE TRAFFIC CODE § 216(A), 301; 7 MASHANTUCKET PEQUOT TRIBAL LAWS ch. 3 § 44(a); 14 NAVAJO CODE § 546(A); PRAIRIE BAND POTAWATOMI NATION LAW AND ORDER CODE § 17-4-32; POARCH BAND CREEK INDIAN CODE § 13A-1-11, 13A-1-63; SWINOMISH TRIBAL CODE § 5-01.310(C); WHITE EARTH NATION TRAFFIC CODE ch. 13 § 40.

<sup>13</sup> See, e.g., COQUILLE INDIAN TRIBAL CODE §§ 675A.210(1)(a), 675A.210(3); LITTLE TRAVERSE BAY BANDS OF ODAWA WAGANAKISING ODAWA TRIBAL CODE § 9.367(B)(1); LITTLE TRAVERSE BAY BANDS OF ODAWA WAGANAKISING ODAWA TRIBAL CODE § 9.371(A)(1); STANDING ROCK SIOUX TRIBE CODE OF JUSTICE § 11-205; STANDING ROCK SIOUX TRIBE CODE OF JUSTICE § 11-207; SWINOMISH TRIBAL CODE § 5-01.310(C); SWINOMISH TRIBAL CODE § 5-01.310(E). See POARCH BAND CR. IND. CODE § 13A-1-11 for an example of a secondary seat belt law.

<sup>14</sup> STANDING ROCK SIOUX TRIBE CODE OF JUSTICE § 11-205.

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- <sup>15</sup> *Id.* § 11-207.
- <sup>16</sup> SWINOMISH TRIBAL CODE § 5-01.310(C).
- <sup>17</sup> *Id.* § 5-01.310(E).
- <sup>18</sup> LITTLE TRAVERSE BAY BANDS OF ODAWA WAGANAKISING ODAWA TRIBAL CODE § 9.367(B)(1).
- <sup>19</sup> *Id.* § 9.371(A)(1).
- <sup>20</sup> COQUILLE IND. TR. CODE § 675A.210(1)(a).
- <sup>21</sup> *Id.* § 675A.210(3).
- <sup>22</sup> Stephanie Zaza et. al., Task Force on Community Preventive Services. Reviews of evidence regarding interventions to increase the use of child safety seats. *American Journal of Preventive Medicine*: 21 (4S), 31-47 (2001).
- <sup>23</sup> COLVILLE CONFEDERATED TRIBES CODE § 3-3-12-13; LEECH LAKE OJIBWE TRAFFIC C. § 216, 301; LITTLE TRAVERSE BAY BANDS OF ODAWA WAGANAKISING ODAWA TRIBAL CODE § 9.366-67; 7 MASHANTUCKET PEQUOT TRIBAL LAWS ANN. ch. 3 § 44, 50; 14 NAVAJO CODE § 547; PRAIRIE BAND POTAWATOMI NATION LAW AND ORDER CODE § 17-4-32; POARCH BAND CREEK INDIAN CODE § 13A-1-10; STANDING ROCK SIOUX TRIBE CODE OF JUSTICE § 11-201, 202, 204; SWINOMISH TRIBAL CODE §§ 15-01.190, 5-01.310, 320; WHITE EARTH NATION TRAFFIC CODE ch. 13 § 21.
- <sup>24</sup> COLVILLE CONFEDERATED TRIBES CODE § 3-3-13(a).
- <sup>25</sup> *Id.* § 3-3-13(b).
- <sup>26</sup> 14 NAVAJO CODE § 547(A).
- <sup>27</sup> 14 NAVAJO CODE § 547(B).
- <sup>28</sup> Ruth A. Shults et al. Reviews of evidence regarding interventions to reduce alcohol-impaired driving. *Am J Prev Med* 2001;21(4S):66–88 (2001).
- <sup>29</sup> 7 MASHANTUCKET PEQUOT TRIBAL LAWS ANN. ch. 7 § 19, 20, 22; POARCH BAND CREEK INDIAN CODE §§ 8-8-1, 13A-1-4; PRAIRIE BAND POTAWATOMI NATION LAW AND ORDER CODE § 17-4-13; SNOQUALMIE TRIBAL CODE §§ 7.1, 14.0; SQUAXIN ISLAND TRIBAL CODE § 9.12.965; SWINOMISH TRIBAL CODE §§ 5-02.180, 200, 210, 220.
- <sup>30</sup> SQUAXIN ISLAND TRIBAL CODE § 9.12.965.
- <sup>31</sup> SNOQUALMIE TRIBAL CODE 7.1, § 14.0.
- <sup>32</sup> SWINOMISH TRIBAL CODE § 5-02.180. *See also* SWINOMISH TRIBAL CODE § 5-02.200.
- <sup>33</sup> PRAIRIE BAND POTAWATOMI NATION LAW AND ORDER CODE § 17-4-13.