

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 11: Rules of the Road

Article XIII. Maintenance, Construction and Safety Zones

§ 11-1303. Endangerment of a highway worker

Cite as: 47 CNCA § 11-1303

A. A person shall be guilty of the offense of endangerment of a highway worker if the person commits any of the following when the act occurs within a maintenance or construction zone:

- l. Exceeding the posted speed limit by fifteen (15) miles per hour or more;
2. Failing to merge as required in subsection D of Section 11-1302 of Title 47 of this title;
3. Failing to stop for a work-zone flagman or failing to obey traffic-control devices that have been erected for purposes of warning or guiding the public into and through the construction or maintenance area;
4. Driving through or around a construction or maintenance area by any lane not clearly designated to motorists for the flow of traffic through or around the construction or maintenance area; or
5. Intentionally striking, moving or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect highway workers and motorists in the construction or maintenance area for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

B. Upon conviction for committing the offense of endangerment of a highway worker pursuant to subsection A of this section, if no injury or death of a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00).

C. A person shall be deemed to commit the offense of aggravated endangerment of a highway worker upon conviction for any offense pursuant to subsection A of this section when such offense occurs in a construction or maintenance area and results in the injury or death of a highway worker. Upon conviction for committing the offense of aggravated endangerment and/or injury of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00).

D. Except for the offense provided for in paragraph 5 of subsection A of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction or maintenance area.

E. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection A of this section, if such act or omission resulted, in whole or in part, from mechanical failure of the vehicle of the person or from the negligence of another person or a highway worker.

F. Upon the expiration of any contract for maintenance or construction on a section of roadway, any increased fines or penalties otherwise imposed by law shall not apply.

Historical Data

LA 02-21, eff. January 11, 2021.