

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 11: Rules of the Road

Article VII. Special Stops Required

§ 11-705. Meeting or overtaking stopped school bus—Violation and penalty—Reporting violations—Video monitoring on buses

Cite as: 47 CNCA § 11-705

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants. Any person convicted of violating the provisions of this subsection shall be punished by a fine of not less than One Hundred Dollars (\$100.00). In addition to the fine, a special assessment of One Hundred Dollars (\$100.00) shall be assessed, of which seventy-five percent (75%) shall be deposited to the credit of the Cameras for School Bus Stops Revolving Fund established in Section 2 of this act. The remaining twenty-five percent (25%) of the special assessment shall be deposited to the credit of the reviewing law enforcement agency referred to in subsection E of this section.

B. Visual signals, meeting the requirements of Section 12-228 of this title, shall be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

D. If the driver of a school bus witnesses a violation of the provisions of subsection (A) of this section, within twenty-four (24) hours of the alleged offense, the driver shall report the violation, the vehicle color, license tag number, and the time and place such violation occurred to the law enforcement authority of the municipality where the violation occurred. The law enforcement authority of Cherokee Nation shall issue a letter of warning on the alleged violation to the person in whose name the vehicle is registered. The Office of the Attorney General shall provide a form letter to each municipal law enforcement agency in this Nation for the issuance of the warning provided in this subsection. Such form letter

shall be used by each such law enforcement agency in the exact form provided for by the Office of the Attorney General. A warning letter issued pursuant to this subsection shall not be recorded on the driving record of the person to whom such letter was issued. Issuance of a warning letter pursuant to this section shall not preclude the imposition of other penalties as provided by law.

E. 1. A school district may install and operate a video-monitoring system in or on the school buses or the bus stop-arms operated by the district or contract with a private vendor to do so on behalf of the school district for the purpose of recording violations of subsection A of this section. In the event the video-monitoring system captures a recording of a violation of subsection A of this section, appropriate personnel at the school district shall extract data related to the violation from the recording. The extracted data shall include a recorded image or video containing the requirements listed in paragraph 2 of this subsection. The school district shall submit the extracted data for review to the law enforcement agency with jurisdiction in which the violation occurred. If the reviewing law enforcement agency determines there is sufficient evidence to identify the vehicle and the driver, such evidence shall be submitted to the district attorney's office for prosecution.

2. For the purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of subsection A of this section. The system shall, at a minimum, produce a recorded image of the license plate of the vehicle, an identifiable picture of the driver's face, the activation status of at least one warning device as prescribed in Section 12-228 of this title and the time, date and location of the vehicle when the image was recorded.

Historical Data

LA 2-91, eff. February 9, 1991. Amended LA 02-21, eff. January 11, 2021.