

APRIL 2013 CROW TRIBAL LEGISLATURE

CLB No. 13-04

Introduced by Darrin Old Coyote, Chairman
Crow Tribe Executive Branch

Co-Sponsored by Senator V. Jeannie Pretty Paint
Black Lodge District

A Bill for an Act Titled:

**An Act to Amend the Crow Traffic Ordinance to Regulate Rates and Services
Provided by Commercial Towing Companies**

Legislative Findings:

WHEREAS, the Crow Tribal Legislature (“Legislature”) is vested with the power and duty to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with the 2001 Crow Constitution and federal laws pursuant to Article V, Section 2(a) of the 2001 Constitution; and

WHEREAS, the Crow Tribal Executive Branch (“Executive Branch”) has authority and responsibility pursuant to Article IV, Section 3(g) of the 2001 Constitution to enforce all laws, ordinances, resolutions, regulations or guidelines passed by the Legislative Branch providing for the levying of taxes and licensing of members and non-members for various purposes; and

WHEREAS, the Executive Branch has authority and responsibility pursuant to Article IV, Section 4(a) of the 2001 Constitution to implement all laws, resolutions, codes and policies duly adopted by the Legislature; and

WHEREAS, in 2012 Senator V. Jeannie Pretty Paint (Black Lodge District) collected a petition from the registered voters in her district in support of amendments to the Crow Civil Traffic Ordinance to regulate rates and services provided by commercial towing companies; and

WHEREAS, Crow tribal members have been subjected to very high towing bills and storage charges in situations where no consent or authorization was made by the owner or operator of the vehicle towed; and

WHEREAS, the Legislature now seeks to prohibit unauthorized towing of wrecked vehicles unless determined to be a junk vehicle and to ensure that all rates for towing services are reasonable and known by the owner or operator prior to any towing; and

WHEREAS, a similar law was enacted by the Legislature in its December 12, 2012 Special Session as CLB12-04, but due to an oversight, such Act was not approved by the Chairman of the Executive Branch within the time provided in the Veto-Override Act (CLB06-08),

Bill for an Act to Amend the Crow Traffic Ordinance to Regulate Rates and Services Provided by Commercial Towing Companies

and this bill has been introduced to allow the legislation to become effective sooner than the veto-Override process would otherwise allow, and to make any appropriate modifications resulting from further Committee work on this Bill.

**NOW, THEREFORE, BE IT HEREBY ENACTED BY THE CROW TRIBAL
LEGISLATURE AS CROW TRIBAL LAW:**

SECTION 1. PURPOSE.

The purpose of this legislation is to prevent unauthorized and/or exorbitant fees or charges for automobile towing or towing-related services to be assessed or imposed upon any persons on the Crow Indian Reservation.

SECTION 2. AMENDMENT TO TITLE 14 OF CROW LAW AND ORDER CODE.

Title 14, Chapter 2, Part 103 of the next edition of the Crow Law and Order Code ("Civil Regulation of Vehicle Traffic") shall be amended to read as follows:

14-2-103. Commercial Towing Service.

A) An operator of a vehicle used to provide commercial towing service for another vehicle following an accident must give immediate notice by the quickest available means of communication to Crow tribal law enforcement officials or federal law enforcement officials before moving the vehicle, unless traffic is being obstructed, in which case the vehicle shall be moved to the nearest safe location pending further instruction from the owner of the wrecked vehicle. The operator of the wrecked vehicle may give instruction to the towing service if the owner is unavailable. The owner of the wrecked vehicle shall have a reasonable amount of time to arrange for non-commercial towing before the vehicle may be considered an abandoned, junk vehicle. The Crow Tribe shall have jurisdiction within the exterior boundaries of the Crow Indian Reservation to enforce this Part.

B) An operator of a vehicle used to provide commercial towing service for another vehicle for any other reason than as provided for in section (A) above must receive signed authorization from the owner of the vehicle prior to assessing any charges or fees for the towing service. The commercial towing service must provide precise information as to any amounts to be charged prior to receiving authorization from the owner of the vehicle.

C) If law enforcement officials order the tow of a privately-owned vehicle for any reason without the consent of the owner or operator, such towing service costs and any storage charges or fees shall not under any circumstance be paid by the owner or operator of the vehicle towed. *Provided that*, reasonable towing service costs and related storage charges or fees may be paid to a licensed towing service provider or the Crow Tribe as a condition of sentencing for any violation of tribal criminal or civil law.

D) The Crow Tribal Department of Public Safety shall issue licenses to all such commercial towing service providers and their operators upon a showing to the Department of their ability to safely tow vehicles, to only charge reasonable rates for service in accordance with the maximum rates schedule set out below, and to otherwise comply at all times with Crow tribal laws, including the Crow Nation Workforce Protection Act, as amended. The table below represents the maximum assessable fees available to certified commercial towing service provider. All charges must be specifically itemized and agreed upon, in writing, by the owner of the vehicle prior to the tow of a vehicle unless otherwise provided by tribal law.

<u>Service</u>	<u>Standard Maximum Rate</u>	<u>Emergency/Exigent Maximum Rate</u>
Vehicle Hook-Up	\$35	\$50
Tow	\$1/mile	\$3/mile
Storage Fees	\$1/day, not to exceed a total of \$50	\$3/day not to exceed a total of \$60
Off-Reservation Transport Permit	\$50	\$50

“Emergency/Exigent” situations shall include weekends (beginning 12:01 a.m. on Saturday and ending 12:00 a.m. on Monday), circumstances in which the vehicle in need of a tow has been involved in a major wreck, and other situations as determined on a case-by-case basis by the Director of the Department of Public Safety.

E) The Crow Tribal Department of Public Safety shall maintain a list of all commercial towing service providers licensed to do business on the Crow Indian Reservation.

F) Any person found to be in non-compliance with the requirements of this part shall be liable for a fine of not more than one-thousand dollars (\$1,000.00), nor less than one-hundred dollars (\$100.00).

G) This Part of Title 14 shall not be construed to prevent any tribally-sanctioned removal of junk vehicles from public or tribal roadways in accordance with an approved tribal junk vehicle abatement program.

SECTION 3. AUTHORIZATION FOR DEVELOPMENT OF CROW TRIBAL TOWING MANUAL.

The Legislative Branch Transportation Committee is hereby authorized and directed to work with the Crow Tribal Department of Public Safety to develop within one (1) year of the effective date of this Act a proposed manual containing rules and regulations governing commercial towing service providers which ensures appropriate measures are taken to protect safety and which further implements this Act. The manual shall be subject to final approval by the Legislature through a joint action resolution prior to taking effect as tribal law.

SECTION 4. EFFECTIVE DATE.

This act shall take effect immediately upon being duly adopted by the Crow Tribal Legislature and signed by the Crow Tribal Executive Branch Chairman or through the veto-override process as provided for under tribal law.

[Remainder of page left blank intentionally]

CERTIFICATION

I hereby certify that this **An Act to Amend the Crow Traffic Ordinance to Regulate Rates and Services Provided by Commercial Towing Companies** was duly approved by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 10TH day of April, 2013.



Sen. Kenneth Shane
Speaker of the House
Crow Tribal Legislature

ATTEST:



Sen. R. Knute Old Crow
Secretary
Crow Tribal Legislature

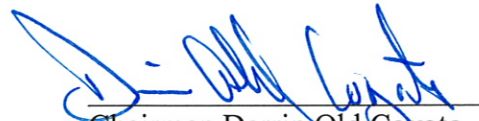


EXECUTIVE ACTION

I hereby:

X approve
 veto

An Act to Amend the Crow Traffic Ordinance to Regulate Rates and Services Provided by Commercial Towing Companies pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians on this 14 day of MAY, 2013.



Chairman Darrin Old Coyote
Crow Tribal Executive Branch

A Bill for an Act Titled: An Act to Amend the Crow Traffic Ordinance to Regulate Rates and Services Provided by
Commercial Towing Companies

Bill or Resolution: CLB13-04 **Introduced by:** Chairman Darrin Old Coyote **Date of** 4/10/2013
Number **Co-Sponsor by:** Senator V. Pretty Paint, Black Lodge District

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
H. Two Leggins	<u>X</u>	<u> </u>	<u> </u>
V. Pretty Paint	<u>X</u>	<u> </u>	<u> </u>
C. J. Stewart	<u>X</u>	<u> </u>	<u> </u>
L. Other Medicine	<u>X</u>	<u> </u>	<u> </u>
A.Coyote-Runs, Sr.	<u>X</u>	<u> </u>	<u> </u>
L. Not Afraid.	<u>X</u>	<u> </u>	<u> </u>
M. Covers Up, Sr.	<u>X</u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> </u>	<u> </u>	<u> </u>
M. Not Afraid	<u>X</u>	<u> </u>	<u> </u>
V. Crooked Arm	<u>X</u>	<u> </u>	<u> </u>
L. DeCrane	<u>X</u>	<u> </u>	<u> </u>
C. Goes Ahead	<u>X</u>	<u> </u>	<u> </u>
B. Hugs	<u>X</u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u>X</u>	<u> </u>	<u> </u>
M. Backbone	<u> </u>	<u> </u>	<u> </u>
G. Stewart	<u>X</u>	<u> </u>	<u> </u>
R. K. Old Crow, Sr. <i>Secretary of the House</i>	<u>X</u>	<u> </u>	<u> </u>
K. Shane <i>Speaker of the House</i>	<u>X</u>	<u> </u>	<u> </u>
Totals:	<u>16</u>	<u>0</u>	<u>0</u>

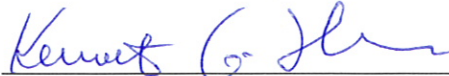
Result of Vote:

Passed

Not Passed

Tabled

Veto-Override



Senator Kenneth G. Shane
Speaker of the House

Date



Senator R. Knute Old Crow, Sr.
Secretary of the House

Date