

**TITLE 5 – CIVIL CODE
CHAPTER 1 – CIVIL ACTIONS**

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Section 30 Adoption of Foreign Law by Reference or Incorporation; Law Applicable to Civil Actions (5 PYTC § 1-30)

- (A) The adoption of any law into the Pascua Yaqui Code by reference or incorporation shall not constitute a waiver or cession of any sovereign power, but shall result in the law becoming the law of the Pascua Yaqui Tribe.
- (B) Whenever a law of another jurisdiction is adopted by reference or incorporation as Pascua Yaqui law, the omission of any part of that law from the portion adopted shall not be construed as a negative statement regarding the principles embodied in the omitted part unless such a negative statement is expressly made or the omitted part conflicts with the laws of the Tribe.
- (C) Whenever a law of another jurisdiction is adopted by reference or incorporation as Pascua Yaqui law, the decisions of the courts of that jurisdiction interpreting such law shall be considered as merely advisory and shall not be binding on the Tribal Court unless the Pascua Yaqui Code expressly provides.
- (D) In all civil cases the Tribal Court shall apply Pascua Yaqui law, including Yaqui traditions and customs. Where a matter is not addressed by Pascua Yaqui law, the Tribal Court shall apply the applicable laws and regulations of the United States, and may apply the laws of Arizona to the extent they do not conflict with the laws or policies of the Tribe.

Section 40 Statute of Limitations (5 PYTC § 1-40)

The limitation period for civil causes of action shall be set forth in the Pascua Yaqui Rules of Civil Procedure.

Section 50 Punitive Damages (5 PYTC § 1-50)

Punitive damages shall not be imposed in civil proceedings. Where the injury was intentionally inflicted, the Court shall impose an additional penalty upon the respondent in favor of the injured party, subject to any defenses raised.

Section 60 Comparative Fault (5 PYTC § 1-60)

Where an injury was inflicted and both the complainant and the respondent were at fault, the plaintiff's own fault shall proportionally reduce the damages recoverable from a defendant.

Section 70 Repossession of Personal Property (5 PYTC § 1-70)

- (A) When used in this Chapter, "Purchaser" means the person who owes payment or other performance of an obligation secured by personal property, whether or not the Purchaser owns or has rights in the personal property.
- (B) The personal property of an enrolled member of the Pascua Yaqui Tribe or any resident of the Pascua Yaqui Reservation shall not be repossessed and taken from the territorial jurisdiction of the Pascua Yaqui Tribe except in strict compliance with the following:
 - (1) Written consent to remove the property from the territorial jurisdiction of the Pascua Yaqui Tribe shall be secured from the Purchaser at the time repossession is sought. The written consent shall be retained by the creditor and exhibited to the Pascua Yaqui Law Enforcement upon proper demand.

- (2) Where the Purchaser refuses to sign said written consent to permit removal of the property from the jurisdiction of the Pascua Yaqui Tribe, the property shall be removed only by order of the Pascua Yaqui Tribal Court after providing the Purchaser with notice and the opportunity to be heard.
- (C) Notwithstanding any other law, the Tribal Court shall have jurisdiction over actions arising under this Chapter.

Section 80 Violation; Civil Liability; Exclusion (5 PYTC § 1-80)

- (A) Any person who violates any provision of Section 70 of this Chapter shall be guilty of a civil offense and upon conviction shall be fined not less than \$500.
- (B) Any business whose employees are found to be in willful violation of Section 70 may be denied the privilege of doing business within the territorial jurisdiction of the Pascua Yaqui Tribe.
- (C) Any person who violates, or any business whose employee violates, Section 70 is deemed to have breached the peace of the Pascua Yaqui Tribe, and shall be civilly liable to the Purchaser for any loss caused by such a violation.
- (D) If the personal property repossessed is consumer goods (goods used or bought for use primarily for personal, family or household purposes), the Purchaser has the right to recover an amount not less than the credit service charge plus ten percent of the cash price.
- (E) Any non-member of the Pascua Yaqui Tribe found to be in violation of Section 70 may be excluded from the territorial jurisdiction of the Pascua Yaqui Tribe in accordance with the exclusion and removal procedures set forth in the Pascua Yaqui Code.

Legislative History: Originally approved on October 19, 1989 by Resolution No. C9-56-89; Enacted on November 4, 2004 by Resolution No. C11-198-04; and Recodified on August 9, 2006 by Resolution No. C08-313-06.

DISPOSITION TABLE

Former Section	New Section
Title 20, Chapter One	Title 5, Chapter One
Title 20, Chapter One, Section 101	Section 10
Title 20, Chapter One, Section 101	Section 20
Title 20, Chapter One, Section 102	Section 30
Title 20, Chapter One, Section 103	Section 40
Title 20, Chapter One, Section 111	Section 50
Title 20, Chapter One, Section 112	Section 60
Title 4, Chapter 4, Section 401	Section 70
Title 4, Chapter 4, Section 402	Section 80