

## TITLE 10. HEALTH, SAFETY, AND WELFARE

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### Chapter 10.1

### TRAFFIC CONTROL

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## CIVIL TRAFFIC INFRACTIONS — GENERALLY

**10.1.1. Purpose.** The purposes of this chapter are to ensure that:

(a) The public roadways within the reservation are safe and that operators of motor vehicles have reasonable rules and standards which govern their driving in order to protect the health and safety of tribal members and guests as well as other persons on the reservation.

(b) Those persons who violate the rules of conduct herein while operating a motor vehicle are deterred from violating the rules in the future and persons violating this chapter pay the expenses incurred by the Suquamish Tribe in deterring the violations. (Res. 97-046 (part), passed Apr. 21, 1997)

**10.1.2. Findings.** (a) Hundreds of motorists traverse the Port Madison Indian Reservation on a daily basis. Furthermore, planned developments on and near the Port Madison Indian Reservation will increase this already high volume of traffic. This high volume of traffic necessarily has a direct effect on the health and welfare of Suquamish tribal members and all residents of the Port Madison Indian Reservation. For example, during 1995 and 1996, Suquamish Tribal Police responded to one hundred and eleven (111) auto accidents on the Port Madison Indian Reservation involving Suquamish tribal members, other Native Americans, and non-Indians.

(b) Presently, the Suquamish Tribe employs five (5) full-time Washington State certified patrol officers with duties limited to the Port Madison Indian Reservation. In contrast, there are no state or federal law enforcement officers stationed on or with duties limited to the Port Madison Indian Reservation. Furthermore, there are an average of two (2) Kitsap County Deputy Sheriffs patrolling all of north Kitsap County at any given time. The Port Madison Indian Reservation contains only a small fraction of the land mass and population of north Kitsap County.

(c) A civil traffic code enforced by the Suquamish Department of Public Safety that is applicable to all motorists who operate vehicles within the Port Madison Indian Reservation will play a direct role in ensuring that vehicles are operated within the reservation in a safe manner and will accordingly contribute to keeping our tribal members and all residents of the Port Madison Indian Reservation healthy and safe. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.3. Jurisdiction.** The Suquamish Tribal Court is vested with the maximum personal, subject matter, and territorial jurisdiction permissible under the Constitution and Bylaws of the Suquamish Indian Tribe and to the extent consistent with federal law. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.4. Means of Exercising Jurisdiction.** In exercising jurisdiction over civil traffic infractions, if a process is not specified under this chapter, the Tribal Court may adopt

any suitable process consistent with the purpose of this chapter and in harmony with the spirit of Suquamish tribal law. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.5. Explanation of Privilege.** The operation of a vehicle on the Port Madison Indian Reservation is a privilege which may be granted, denied, suspended, or revoked by the Suquamish Tribe. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.6. Authority of Suquamish Tribal Court to Allow Driving for Occupational Purposes.** The Suquamish Tribal Court, as part of the Tribe's authority set forth in §10.1.5, may at its discretion authorize an individual to operate a motor vehicle for occupational purposes within the exterior boundaries of the Port Madison Indian Reservation if:

(a) The individual meets the requirements set forth in §10.1.49; and

(b) The individual can provide documentation that he or she once possessed a valid operator's license issued by the Suquamish Tribe or any state of the United States.

The Suquamish Tribal Court may require the individual to produce documentation of his or her driving record and, based upon a review of this documentation, attach conditions that he or she must comply with in order to operate a motor vehicle within the reservation for occupational purposes. (Res. 98-001, passed Jan. 15, 1998; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.7. Officers to Enforce Traffic Codes.** All law enforcement and fisheries enforcement officers duly commissioned by the Tribe or the United States government shall have the authority to enforce the traffic codes of the Tribe. Any enforcement officer shall upon request produce evidence of his or her commission. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.8. Severability.** If any provision of this chapter or its applicability to any person or circumstance is held invalid, the remainder of this chapter or its application to other persons or circumstances shall not be affected. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.9. Prior Traffic Ordinance Repealed.** The ordinance codified in this chapter repeals and supersedes all prior traffic ordinances and laws. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

## DEFINITIONS

**10.1.10. Definitions.** Words in this chapter shall have the meaning given to them in this chapter unless the context clearly indicates another meaning. If the meaning of a word

is not clear, the Court shall construe the meaning of the word in harmony with the purpose of this chapter.

(a) "Alley" means a way or passage used primarily as a means of access to the rear of a residence, a business establishment, and other buildings that is not designed for general travel.

(b) "Authorized emergency vehicle" means any vehicle used by a fire department, tribal or federal law enforcement department, sheriff's office, Washington State Patrol, municipal law enforcement department, or ambulance service.

(c) "Crest of a grade" means the highest point on an ascending roadway.

(d) "Driver or operator" means any person who is the operator of a vehicle or is in actual physical control of a vehicle.

(e) "Driveway" means a way or passage used for travel of vehicles by persons possessing the right to occupy the place or passage but not by others.

(f) "Enforcement officer" means every person authorized by the Suquamish Tribal Council to serve as a Suquamish enforcement officer and officers commissioned by the United States.

(g) "Highways" means all streets, roads, and highways within the territorial jurisdiction of the Suquamish Indian Tribe maintained or built by the State of Washington, county, tribe, or U.S. government.

(h) "Laned road" means a roadway which is divided into clearly marked lanes for vehicular travel.

(i) "Motorcycle" means every motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, excluding mopeds and farm vehicles.

(j) "Motor vehicle" means every vehicle which is self-propelled but not operated upon rails.

(k) "Off-road vehicle" means any motorized vehicle when used for recreational travel on trails or cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain.

(l) "Owner" means a person who has lawful right of possession of a vehicle, not merely permission to use the vehicle.

(m) "Park" or "parking" means to stop and keep standing a vehicle for a time other than for the purpose of temporarily loading or unloading.

(n) “Revoke” means invalidation of a person’s privilege to drive for a period of at least one (1) year until reissue.

(o) “Right-of-way” means the privilege of the immediate use of a roadway.

(p) “Roadway” means a way or passage designed or ordinarily used for vehicular travel.

(q) “Stand” or “standing” means the halting of a vehicle other than temporarily to load or unload.

(r) “Stop” means to halt a vehicle even momentarily except when directed to do so by a traffic sign.

(s) “Suspended” means invalidation of a person’s privilege to drive for less than one (1) year until reinstated.

(t) “Traffic” means pedestrians, ridden or herded animals, and vehicular conveyances, either singly or together, using a roadway for the purpose of travel.

(u) “Tribal Court” and “Court” mean the Suquamish Tribal Court.

(v) “Tribe” means the Suquamish Indian Tribe.

(w) “Vehicle” means every mechanical device capable of being used for transportation or driven by a person upon a highway except vehicles moved by human or animal power.

(x) “Vehicle right-of-way” means the right of one vehicle to proceed in a manner in preference to another vehicle.

(y) “Trailer” means and includes every device without motive power designed for being drawn by or used in conjunction with a vehicle, constructed so that no appreciable part of its weight rests upon or is carried by such vehicle, but does not include a municipal transit vehicle or any portion thereof. (Res. 97-046 (part), passed Apr. 21, 1997; amended by Res. 97-075 (part), passed Aug. 4, 1997; amended by Res. 97-116, passed Dec. 1, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

## CIVIL TRAFFIC INFRACTION PROCEDURE

**10.1.11. Notice of Infraction — Issuance by Enforcement Officer.** An enforcement officer has the authority to issue a notice of civil traffic infraction:

(a) When it occurs in the enforcement officer’s presence;

(b) When an enforcement officer investigating the scene of an accident has reasonable cause to believe a civil traffic infraction has been committed; or

(c) When an enforcement officer discovers an unattended vehicle parked, stopped, or standing contrary to this chapter.

The officer shall affix a notice of civil traffic infraction in plain view on the vehicle. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.12. Notice of Infraction — Issuance by the Tribal Prosecutor.** The tribal prosecutor may issue a notice of civil traffic infraction upon receipt of a written statement of an enforcement officer that there is probable cause to believe that an infraction has been committed. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.13. Notice of Traffic Infraction — Determination Final Unless Contested — Form.**

(a) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(b) The form for the notice of traffic infraction shall include the following statements.

(1) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter.

(2) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction and that the penalty for a traffic infraction may include the suspension or revocation of a person's privilege to operate a motor vehicle within the exterior boundaries of the Port Madison Indian Reservation.

(3) A statement of the specific traffic infraction for which the notice was issued.

(4) A statement of the monetary penalty established for the traffic infraction.

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options.

(6) A statement that at any hearing to contest the determination the Tribe has the burden of proving, by a preponderance of the evidence, that the infraction was committed and that the person may subpoena witnesses, including the officer who issued the notice of infraction.



(7) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses.

(8) A statement that the person must respond to the notice as provided in this chapter within fifteen (15) days or the person's privilege to operate a motor vehicle within the exterior boundaries of the Port Madison Indian Reservation may be suspended or revoked.

(9) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances may result in the suspension or revocation of the person's privilege to operate a motor vehicle within the exterior boundaries of the Port Madison Indian Reservation.

(10) A statement that failure to respond to a notice of traffic infraction and/or the nonpayment of a fine may result in the person's case being sent to a collection agency.

(11) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter. If the person refuses to sign the infraction, the officer shall write "refused" in place of the person's signature. A person who refuses to sign a citation is presumed to have notice of its contents. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.14. Response to Notice of Infraction — Contesting Determination — Hearing — Failure to Appear.** (a) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within fifteen (15) days of the date of the notice.

(b) If the person determined to have committed the infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the Suquamish Tribal Court. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the Court's records, and a copy of the order shall be mailed to the person who committed the infraction at the address listed on the citation.

(c) If the person determined to have committed the infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the Suquamish Tribal Court. The Court shall notify the person in writing of the time, place,

and date of the hearing, and that date shall not be sooner than seven (7) days from the date of the notice, except by agreement.

(d) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the Suquamish Tribal Court. The Court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven (7) days from the date of the notice, except by agreement.

(e) If any person issued a notice of traffic infraction:

(1) Fails to respond to the notice of traffic infraction as provided in §10.1.14(b); or

(2) Fails to appear at a hearing requested pursuant to §10.1.14(c) or §10.1.14(d), the Court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by the Suquamish Tribal Code. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.15. Hearings — Procedure and Counsel.** (a) Procedures for the conduct of all hearings provided for in this chapter, to the extent that they are consistent with the procedures set forth herein, may be established by the chief judge of the Suquamish Tribal Court.

(b) Any person subject to proceedings under this chapter may be represented by counsel at his or her own expense.

(c) The Tribe may be represented by counsel. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.16. Hearing Contesting the Determination That an Infraction Has Been Committed — Appeal.** (a) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(b) The Court may consider the notice of traffic infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in Court.

(c) The burden of proof is upon the Tribe to establish the commission of the infraction by a preponderance of the evidence.

(d) After consideration of the evidence and argument, the Court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the Court's records. Where it has been established that the infraction was committed, an appropriate order shall be entered in the Court's records.

(e) An appeal from the Court's determination or order shall be to the Suquamish Tribal Court of Appeals. The decision of the Suquamish Tribal Court is subject only to discretionary review. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.17. Hearing to Explain Mitigating Circumstances.** (a) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(b) After the Court has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the Court's records.

(c) There may be no appeal from the Court's determination or order. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.18. Order of Court.** All orders entered by the Court under this chapter are civil in nature. The Court may, at its discretion, waive, reduce, or suspend the fine. The Court may also order suspension or revocation of the driver's privilege to operate a vehicle within the jurisdiction of the Tribe. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.19. Suspension.** The Court may order a driver's privilege to drive within the jurisdiction of the Tribe suspended as part of any penalty ordered under this chapter. This suspension shall not be for more than one (1) year and may be conditioned on the performance or nonperformance of certain activities, a clean driving record, and/or the payment of fines, at the discretion of the judge; provided that if the penalty ordered is based on a driver's failure to respond to a notice of infraction, the Court may revoke a driver's privilege to drive for more than one (1) year. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.20. Occupational License.** When a driver's privilege to drive is suspended or revoked under this chapter, the judge may, at his or her discretion, provide for a limited occupational license for that driver. This license to drive shall be limited to driving activities necessary for the driver's transportation to and from work. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.21. Court Authorized to Send Cases to a Council-Approved Collection Agency.** The Court shall assign cases involving the nonpayment of fines or delinquent payment of fines to a collection agency approved by the Tribal Council. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.22. Court Authorized to Use Contempt Powers in Cases Arising under this Chapter.** The Court is authorized to employ its full contempt powers set forth in the Suquamish Tribal Code §3.8.21 in cases arising under this chapter. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

## VEHICLE SAFETY EQUIPMENT

**10.1.23. Vehicle Safety Equipment — Generally.** It is a civil traffic infraction for any person to fail to comply with any provision set forth in this chapter. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.24. Required Safety Equipment.** No person shall drive any vehicle on a roadway which does not have the following safety equipment in proper condition and adjustment.

(a) Bumpers. Every motor vehicle shall be equipped with front and rear bumpers maintained in good condition.

(b) Headlights. Every motor vehicle shall be equipped with at least two (2) headlights with at least one (1) on each side of the front of the vehicle.

(c) Horns. Every motor vehicle shall be equipped with a horn in good working order.

(d) Muffler. Every motor vehicle shall be equipped with a muffler in good working order to prevent excessive or unusual noise.

(e) Parking Brakes. Every motor vehicle shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated.

(f) Service Brakes. Every motor vehicle shall be equipped with service brakes maintained in good working order and adequate to control the movement of and to stop and hold such vehicle on any grade incident to its operation.

(g) Stop Lamps. Every motor vehicle shall be equipped with at least two (2) stop lamps on the rear of the vehicle which shall clearly display a red or amber light and which shall be visible upon application of the service brakes.

(h) Taillights. Every motor vehicle shall be equipped with at least two (2) taillights mounted on the rear which shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear of the vehicle.

(i) Windshield. Every motor vehicle shall be equipped with a front windshield in such condition as to permit the driver a clear view.

(j) Windshield Wipers. Every motor vehicle shall be equipped with windshield wipers, maintained in good working order. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.25. Vehicles to be Equipped with Tires — Safe Condition Defined.** Every motor vehicle shall be equipped with tires in safe operating condition. A tire shall be considered to be unsafe if it has:

(a) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed;

(b) Any bump, bulge, or knot affecting the tire structure;

(c) Any break repaired with a boot;

(d) A thread depth of less than two-thirty-seconds ( $2/32$ ) of an inch measured in two (2) major tread grooves at three (3) locations equally spaced around the tires;

(e) Any condition that reasonably demonstrates that the tire is unsafe;

(f) Markings on the tire specifying that the tire is not intended for use on a roadway, such as “for racing purposes only;” or

(g) Tread wear indicators which contact the road in any two (2) major tread grooves at three (3) locations equally spaced around the tire. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.26. Multiple-beam Headlights.** The headlights of all motor vehicles shall be so arranged that the driver may select at will between high and low beams of lights. The high beams shall be so aimed and of such intensity as to reveal persons and vehicles at a distance of four hundred and fifty (450) feet ahead. The low beams shall be so aimed and of such intensity to reveal persons and vehicles at a distance of one hundred and fifty (150) feet ahead. On a straight level road, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.27. Use of Multiple-beam Headlights.** Whenever a motor vehicle is being operated on a roadway during the time specified in §10.1.29, the driver shall use a beam sufficient to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to these requirements:

(a) Whenever a driver of a motor vehicle approaches an oncoming vehicle within five hundred (500) feet, such driver shall use low beams; and

(b) Whenever a driver of a motor vehicle approaches another vehicle from the rear within three hundred (300) feet, such driver shall use low beams. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.28. Spot Lamps.** Whenever a motor vehicle is equipped with spot lamps or other auxiliary lamps, such lamps shall not be of such intensity and adjustment as to strike the eyes of approaching drivers. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.29. Times When Headlights and Taillights Are Required to Be On.** No person shall drive or move any vehicle on a roadway without headlights and taillights turned on from a half hour after sunset to a half hour before sunrise and anytime weather conditions diminish a driver's clear view. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.30. Wheel Projections.** No vehicle shall be equipped with wheel nuts, hubcaps, or wheel disks which project outside the body of the vehicle in a manner constituting a hazard to pedestrians and cyclists. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.31. Body Projections.** The body, fenders, and bumpers of all vehicles shall be maintained without protrusions which could be hazardous to pedestrians and cyclists. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.32. Flags on Projecting Load.** No person shall drive or move any vehicle on a roadway without red signal flags at least twelve (12) inches square marking the extremities whenever the load upon the vehicle extends four (4) or more feet beyond the body of the vehicle. During hours of darkness, such extremities shall be marked with a red light plainly visible from a distance of at least five hundred (500) feet from the sides and rear. This light shall be in addition to the red taillights required on every vehicle. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.33. Safety Belts — Use Required.** (a) For purposes of this section, the term "motor vehicle" includes:

(1) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten (10) passengers;

(2) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten (10) persons or fewer that are constructed either on a truck chassis or with special features for occasional off-road operation;

(3) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten (10) passengers or fewer; and

(4) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(b) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in Federal Motor Vehicles Safety Standard 208. This section does not apply to a vehicle's occupant for whom no safety belt is available when all designated seating positions as required by Federal Motor Vehicles Safety Standard 208 are occupied.

(c) Every person sixteen (16) years of age or older operating or riding a motor vehicle shall wear a safety belt assembly in a properly adjusted and securely fastened manner.

(d) No person may operate a motor vehicle unless all passengers under the age of sixteen (16) years of age are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(e) A person violating this section shall be issued a notice of traffic infraction under this chapter. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(f) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(g) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this chapter or some other offense.

(h) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.34. Child Passenger Restraints Required.** (a) Whenever a child who is less than ten (10) years of age is being transported in a motor vehicle that is in operation and the motor vehicle is required to be 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) If the child is less than three (3) years of age, the child shall be properly restrained in a child restraint system that complies with the standards of the United States Department of Transportation and that is secured in the vehicle in accordance with the instruction of the manufacturer of the child restraint system; or

(2) If the child is less than ten (10) but at least three (3) years of age, the child shall be restrained either as specified in §10.1.34(a)(1) or with a safety belt properly adjusted and fastened around the child's body.

(b) A person violating §10.1.34(a)(1) may be issued a notice of traffic infraction under this chapter. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven (7) days to the Tribal Court, the Tribal Court shall dismiss the notice of traffic infraction.

(c) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian, nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(d) This section does not apply to:

(1) For-hire vehicles;

(2) Vehicles designed to transport sixteen (16) or fewer passengers, including the drivers, operated by auto transportation companies; and

(3) Vehicles providing customer shuttle service between parking, convention facilities, hotel facilities, casinos, bingo halls, and airport terminals. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.35. Motorcycle Safety Equipment.** No person shall drive or move any motorcycle which does not have the following safety equipment in proper condition and adjustment.

(a) Brakes. Every motorcycle shall be equipped with service brakes in safe, working order and which operate on the front and rear wheels.

(b) Headlight. Every motorcycle shall be equipped with at least one (1) headlight in good working order.



(c) Stop Lamps. Every motorcycle shall be equipped with at least one (1) stop lamp which shall clearly display a red or amber light and which shall be visible upon application of the service brakes.

(d) Taillight. Every motorcycle shall be equipped with at least one (1) taillight in good working order.

(e) Mirrors. It is unlawful for any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred (200) feet to the rear of the motorcycle or motor-driven cycle; provided that mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five (25) years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest; provided further that no mirror is required on any motorcycle manufactured prior to January 1, 1931.

(f) Helmet. It is unlawful for any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the State of Washington for this limited purpose, except when the vehicle is an antique motor-driven cycle that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.36. Motorcycles — Headlight and Taillight to Be On.** Every motorcycle shall have its headlight and taillight on whenever such vehicle is in motion on any roadway. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.37. Motorcycles — Exhaust System.** No person shall modify the exhaust system of a motorcycle in a manner or fail to maintain the exhaust system so as to amplify or increase the noise above the level emitted by the muffler originally installed on the motorcycle. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.38. Motorcycles — Eye Protection.** No person shall drive or ride as a passenger on any motorcycle on any roadway without wearing glasses or goggles or a face shield in a manner which actually protects the eyes. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.39. Moving Vehicle in Unsafe Condition.** It is a civil traffic infraction to drive or move any vehicle which is in such unsafe condition as to endanger any person. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.40. Bicycle Equipment.** Every bicycle when in use during the hours of darkness as defined under §10.1.29 shall be equipped with a lamp on the front which shall emit a white light visible for at least five hundred (500) feet to the front and with a red reflector on the rear. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.41. Trailer Safety Equipment.** Every trailer shall be equipped with two (2) stop lamps and two (2) taillights meeting the requirements of STC §10.1.24. Failure to meet the requirements of this section constitutes a violation of §10.1.23. (Res. 97-075 (part), passed Aug. 4, 1997; amended by Res. 97-116, passed Dec. 1, 1997; amended and renumbered by Res. 08-023, passed Mar. 24, 2008)

## RULES OF THE ROAD

**10.1.42. Rules of the Road — Generally.** It shall be a civil traffic infraction for any person to fail to comply with any of the provisions set forth in this chapter. If a vehicular accident occurs in conjunction with a violation of the following sections, the penalty as listed in §10.1.93 shall be doubled: §10.1.69, §10.1.70, §10.1.71, §10.1.73, §10.1.74, §10.1.75, §10.1.76; §10.1.77, §10.1.79, §10.1.80, §10.1.81, §10.1.82, §10.1.86. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.43. Drivers to Be Licensed.** No person shall operate a vehicle within the jurisdiction of the Tribe unless he or she has obtained a valid operator's license issued by the Suquamish Tribe, any state of the United States, Canada, or Mexico. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.44. Notification of Change in Address or Name.** Whenever any person after applying for and receiving a driver's license or identicard moves from the address named in the application or on the license or identicard issued to him or her or when the name of the licensee or holder of an identicard is changed by marriage or otherwise, the person shall, within ten (10) days thereafter, notify the appropriate licensing agency or agency that issued the identicard in writing on an appropriate form of his or her old and new address or of such former and new names and the number of any license held by him or her. If any person fails to comply with this section, in addition to any monetary penalty imposed pursuant to this chapter, any notice regarding the cancellation, suspension, revocation, probation, or nonrenewal of the driver's license, driving privilege, or identicard mailed to the address of the licensee or identicard holder is effective notwithstanding the licensee's or identicard holder's failure to receive the notice. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.45. Operator's License on Person.** No person shall operate a vehicle within the jurisdiction of the Tribe unless he or she has a valid operator's license issued to him or her by the Suquamish Tribe, any state of the United States, Canada, or Mexico on his or her person or within the vehicle operated. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.46. Learner's Permit.** No person under the age of sixteen (16) years of age shall operate a vehicle within the Tribe's jurisdiction except in full compliance with all requirements of a valid state or tribal learner's permit. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.47. Motorcycle Endorsement Required.** No person shall drive a motorcycle or a motor-driven cycle, except a moped, unless such person has a valid driver's license specially endorsed by the Suquamish Tribe, any state of the United States, Canada, or Mexico to enable the holder to drive such vehicles, nor may a person drive a motorcycle or motor-driven cycle of a larger engine displacement than that authorized by the special endorsement. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.48. Vehicle License Required.** (a) It is unlawful for a person to operate any vehicle over and along a public road within the exterior boundaries of the Port Madison Indian Reservation without first having obtained and having in full force and effect a current and proper vehicle license and not to display the vehicle license plates issued by the Tribe, any state of the United States, Canada, or Mexico. Failure to make an initial registration before operation in the public roadways within the Tribe's territorial jurisdiction is a civil offense, and any person found liable thereof shall be punished by a fine. Failure to renew an expired registration before operation on the public roadways within the Tribe's territorial jurisdiction is a traffic infraction.

(b) These provisions shall not apply:

(1) To farm vehicle(s) if operated within a radius of fifteen (15) miles of the farm where principally used or garaged; farm tractors and farm implements, including trailers designed as cookhouses or bunkhouses used exclusively for animal herding, temporarily operating or drawn upon the public roadways; and trailers used exclusively to transport farm implements from one farm to another during daylight hours or at night when such equipment has lights that comply with the law;

(2) To spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation; and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation; or

(3) To fork lifts operated during daylight hours on public highways adjacent to and within five hundred (500) feet of the warehouses which they serve. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.49. Liability Insurance or Other Financial Responsibility Required.** (a) No person may operate a motor vehicle on roads within the territorial jurisdiction of the Tribe unless the person is insured under an acceptable motor vehicle liability policy, is self-insured, is covered by an acceptable certificate of deposit, or is covered by an acceptable liability bond. "Acceptable" means, for the purposes of this section:

(1) An insurance policy or bond issued by an insurance company or surety company authorized to do business within the exterior boundaries of the Port Madison Indian Reservation or within the state of Washington which, in the case of an accident resulting in bodily injury or death, is subject to a limit of not less than twenty-five thousand dollars (\$25,000) due to bodily injury or death of one (1) person in any one (1) accident, exclusive of interest and costs; and subject to said limit for one person, to a limit of not less than fifty thousand dollars (\$50,000) due to bodily injury or death of two (2) or more persons in any one (1) accident; and if the accident has resulted in injury to or destruction of property of others, to a limit of not less than ten thousand dollars (\$10,000);

(2) An amount consistent with the law of the State of Washington pursuant to RCW 46.29.090, RCW 46.29.550, or RCW 46.29.630 as now or hereafter amended; or

(3) If a person drives a motor vehicle that is required to be registered in another state or country that requires drivers and owners of vehicles to maintain insurance or financial responsibility, then in an amount required by said state or country.

(b) Written proof of financial responsibility for motor vehicle operation as set forth in §10.1.49(a) must be provided at the request of a law enforcement officer.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties.

(e) If a person cited for a violation of §10.1.49(a) appears in person before the Tribal Court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of §10.1.49(a), the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation

of §10.1.49(a) may before the date scheduled for the person's appearance before the Court submit by mail to the Court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of §10.1.49(a), in which case the citation shall be dismissed without cost, except that the Court may assess court administrative costs of not less than twenty-five dollars (\$25) at the time of dismissal.

(f) The provisions of this section shall not apply to operation of a motorcycle, a motor-driven cycle, or a moped. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.50. Vehicle License Registration Certificate Required.** A certificate of vehicle license registration issued by the Tribe, any state of the United States, Canada, or Mexico must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or duly authorized agent) to be valid and must be carried in the vehicle for which it is issued. It shall be unlawful for any person to operate or have in his or her possession a vehicle without carrying thereon such a certificate of vehicle license registration. Any person in charge of such vehicle shall, upon demand of a tribal law enforcement officer, permit inspection of such certificate of vehicle license registration. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.51. Yield to Emergency Vehicles.** The driver of every vehicle shall yield the right-of-way by pulling over to the far right of the road and stopping upon immediate approach of an authorized emergency or law enforcement vehicle making lawful use of sirens and visual signals. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.52. Following Fire Vehicle Prohibited.** The driver of any vehicle other than one of official business shall not follow any official fire vehicle traveling in response to a fire alarm closer than five hundred (500) feet or stop any vehicle closer than five hundred (500) feet from an official fire vehicle. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.53. Crossing Fire Hose.** No person shall drive or move a vehicle over any unprotected fire hose without consent of the fire official in command. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.54. Emergency Vehicles Exempted from Speed Limits — Due Care Required.** The speeds designated in this code shall not apply to authorized emergency vehicles when operated in emergencies. Nothing in this code shall relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using a roadway. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.55. Motorcycles — Operation on Laned Roads.** (a) All motorcycles are entitled to full use of a lane, and no motor vehicle shall be driven in a way that deprives a motorcycle of the full use of a lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane as is occupied by the vehicle being overtaken.

(c) The operator of a motorcycle shall not overtake and pass a vehicle while any oncoming vehicles are adjacent to the vehicle being overtaken.

(d) Motorcycles shall not be operated more than two (2) abreast in a lane.

(e) Subsections (b) and (c) shall not apply to enforcement officers in the performance of their official duties.

(f) It is unlawful for any person to transport a child under the age of five (5) on a motorcycle or motor-driven cycle. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.56. Motorcycles — Riding on the Permanent Seat Only.** A person operating a motorcycle shall ride only upon the permanent and regular seat attached to the motorcycle, and such operator shall not carry any other person, nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person. A passenger shall ride only upon a seat designated for that purpose. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.57. Motorcycles — Footpegs.** A motorcycle must be equipped with footpegs for each person the motorcycle is designated to carry. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.58. Motorcycles — Both Feet Not to Be on the Same Side.** No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.59. Motorcycles — Clinging to Other Vehicles.** No person riding upon a motorcycle shall attach him- or herself or the motorcycle to any other vehicle on a roadway. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.60. Motorcycles — Temporary Suspension of Rules for Public Demonstrations.** The Suquamish chief of police may suspend certain provisions of this chapter relating to operation of motorcycles for the purpose of allowing public demonstrations of motorcycle operation. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

## OFF-ROAD VEHICLES

**10.1.61. Off-road Vehicles.** It shall be unlawful for any person to drive a vehicle except on existing roadways anywhere within the jurisdiction of the Tribe unless the person has prior permission of the landowner. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

## PEDESTRIANS

**10.1.62. Pedestrians — Drivers to Exercise Care.** Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall exercise proper precaution upon seeing any child or incapacitated person upon a roadway. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.63. Pedestrians — Under the Influence of Alcohol or Drugs.** A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall remain safely off the main traveled portion of the road. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.64. Pedestrians — To Remain off the Road.** Every pedestrian shall remain safely off the main traveled portion of the road. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

## PROPERTY DAMAGE — MATERIALS ON THE ROAD

**10.1.65. Throwing Glass or Other Materials on Road Prohibited.** (a) No person shall throw or deposit upon any roadway any glass, nails, tacks, wire, cans, bottles, or any other substance likely to injure any person or animal or vehicle upon or near the edge of such roadway.

(b) Any person removing a wrecked or damaged vehicle from a roadway shall remove any glass or other injurious substance dropped from the vehicle onto the roadway. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.66. Permitting Escape of Load or Other Materials.** Any person operating a vehicle from which any glass or other objects have fallen or escaped which could endanger travel upon the roadway shall immediately remove all such glass or objects from the roadway. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.67. Interference with Signs and Signals.** No person shall deface, injure, or remove any of the official traffic signs or signals placed or erected as provided in this code. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

## SPEED LIMITS — DUE CARE REQUIRED

**10.1.68. Speed Limits.** No person shall drive a vehicle in excess of the posted speed limits within the jurisdiction of the Tribe or as designated by this code for the particular district or location on a roadway. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.69. Residential Speed Limit.** In residential areas which are not posted, no person shall drive a vehicle in excess of twenty-five (25) miles per hour. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.70. Due Care Required.** No person shall drive a vehicle or a bicycle upon a roadway in a manner or at a speed greater than is reasonable and prudent, having due regard for the traffic, surface, and width of the roadway and the hazards at intersections and any other conditions then existing. Nor shall any person drive in a manner or at a speed which is greater than will permit the driver to exercise proper control of the vehicle or bicycle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the roadway in compliance with legal requirements and with the duty of drivers and other persons using the roadway to exercise due care. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.71. Speed Limits — Changes by the Suquamish Tribal Council.** The Suquamish Tribal Council may initiate an engineering and traffic investigation to determine whether the maximum speed limits within the Tribe's jurisdiction are greater or less than is reasonable and safe under the conditions of a particular road or section of road. The Suquamish Tribal Council may then declare a reasonable and safe maximum speed limit and cause the same to be posted. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

## VEHICLE TRAVEL — RULES OF THE ROAD

**10.1.72. Drive on the Right Side of the Road.** Every vehicle shall be driven on the right side of the roadway except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction;

(b) When a roadway is not sufficiently wide; or

(c) When an obstruction exists making it necessary to drive to the left of center, provided that any person so doing shall yield the right-of-way to oncoming traffic. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)



**10.1.73. Turning, Stopping, Moving Right or Left — Signals Required.** No person shall turn a vehicle or move right or left upon a road unless such movement can be made with reasonable safety and unless the proper hand or lighted turn signal is given. Whenever the signal is given by means of the hand and arm, the driver shall indicate his or her intention to turn to the left by extending his or her hand and arm horizontally from and beyond the left side of the vehicle, his or her intention to turn to the right by extending his or her hand and arm upward from and beyond the left side of the vehicle, and his or her intention to stop or suddenly decrease speed by extending his or her hand and arm downward from and beyond the left side of the vehicle. The signal herein required is to be given before turning to the right or the left, whether by means of the hand and arm or by means of an approved mechanical or electrical device. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.74. Turning at Intersections.** The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Approach for a right turn shall be made in the lane for traffic nearest to the right-hand side of the roadway, and the right turn shall be made as closely as practicable to the right-hand curb or edge of the roadway.

(b) Approach for a left turn shall be made in the lane for traffic to the right and nearest to the center line of the roadway, and the left turn shall be made by passing to the right of such center line where it enters the intersection and, upon leaving the intersection, by passing to the right of the center line of the roadway then entered; provided that the provisions of this subsection shall not apply to passenger vehicles actually engaged in loading or unloading passengers at an intersection prior to making a left turn. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.75. Right-of-way — Vehicle Turning Left.** The driver of a vehicle intending to turn left into an alley, driveway, or other road shall yield the right-of-way to any vehicle approaching from the opposite direction. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.76. Right-of-way — Yielding for Road Construction.** The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a road. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.77. Overtaking and Passing.** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction.

(a) A driver may overtake and pass another vehicle only while traveling on the left side of the road and shall not again drive on the right side of road until safely clear of the overtaken vehicle.

(b) A driver may overtake and pass another vehicle only when the left side of the road is clearly visible and free of oncoming traffic for a sufficient distance ahead to avoid interfering with the flow of oncoming traffic.

(c) No vehicle shall be driven on the left side of the road when approaching or upon the crest of a grade or a curve in the road where the driver's view is obstructed.

(d) No driver shall at any time drive on the left side of the road where signs or markings are in place to define a no-passing zone.

(e) A driver shall overtake and pass another vehicle in a safe manner. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.78. Passing School Bus.** The driver of a vehicle approaching a school bus from either direction shall stop the vehicle before reaching the school bus when the school bus displays a visual signal to stop. The driver shall not proceed until such visual signal is withdrawn. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.79. Following Too Closely.** The driver of a vehicle shall not follow another vehicle more closely than is reasonable for the speed and travel conditions. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.80. "U" Turns.** The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety, without interfering with other traffic. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.81. Backing.** A driver shall not back a vehicle unless such movement can be made safely and without interfering with the other traffic. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.82. Traffic Signs, Signals, and Markings.** The driver of any vehicle and every bicyclist shall obey the instructions of any official traffic sign, signal, or marking placed within the jurisdiction of the Tribe, unless otherwise directed by an enforcement officer or flagger or firefighters. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.83. Stopping, Standing, or Parking on Road.** No person shall stop, park, or leave standing any vehicle so as to interfere with traffic on the traveled portion of the road. This prohibition shall not apply to the driver of any vehicle which is disabled to the extent that it is impossible to avoid temporarily leaving the vehicle in such position. The driver shall arrange for prompt removal of the vehicle. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.84. Stopping, Standing, or Parking Prohibited in Certain Places.** No person shall stop, park, or leave standing any vehicle, except momentarily to pick up or discharge a passenger:

(a) In front of any driveway or within five (5) feet of the curb radius thereto;

(b) Within fifteen (15) feet of a fire hydrant;

(c) Within twenty (20) feet of the driveway entrance to a fire station;

(d) On the side of the street opposite the entrance to any fire station; or

(e) At any place where official signs or markings prohibit stopping, standing, or parking. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.85. Leaving Children Unattended in Vehicle.** No person shall leave children under the age of twelve (12) years unattended in a vehicle. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.86. Obstructing the Driver's View.** No person shall drive a vehicle when it is so loaded as to obstruct the driver's view to the front and sides of the vehicle or as to interfere with the driver's control over the vehicle. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.87. Alcoholic Beverages — Prohibited.** (a) No person shall drink any alcoholic beverage in a motor vehicle when the vehicle is upon a roadway.

(b) No person shall have an open or unsealed receptacle containing an alcoholic beverage in his or her possession while in a motor vehicle when the vehicle is upon a roadway.

(c) No driver of a motor vehicle which is on a roadway shall keep an open or unsealed receptacle containing an alcoholic beverage within the vehicle unless the receptacle is kept in the trunk or other area of the vehicle which is not normally accessible to the occupants. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

#### ACCIDENT REPORTS; STOLEN VEHICLE

**10.1.88. Driver's Duty upon Damaging Unattended Vehicle or Other Property.** The driver of any vehicle which damages any unattended vehicle or other property on or adjacent to a roadway shall:

(a) Immediately notify the owner of the unattended vehicle or other property, giving the driver's name and address; or

(b) Leave a written notice giving the driver's name and address in a conspicuous place on the unattended vehicle or other property.

Failure of any person to comply with this section shall be a civil traffic infraction. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.89. Driver's Duty in Case of Injury or Death to Person.** A driver of any vehicle involved in an accident resulting in the injury or death of any person or damage to any vehicle shall do all the following:

(a) Immediately stop such vehicle at the scene of the accident.

(b) Give his or her name, address, vehicle license number, and driver's license number to any occupant or driver involved in the accident.

(c) Render reasonable assistance to any person injured in such accident. Compliance with this requirement shall not be evidence of the liability of any driver for such accident.

(d) Notify law enforcement as soon as practicable following the accident.

Failure of any person to comply with this section shall be a civil traffic infraction, provided this section shall not apply to any person physically incapable of complying. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.90. Record of Traffic Charges.** The Court shall keep or cause to be kept a record of every notice of civil traffic infraction or other traffic charge deposited with the Court and shall keep a record of every official action the Court takes in relation to the civil traffic infraction or other traffic charge. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.91. Stolen Vehicle Reports.** It shall be the duty of the Suquamish chief of police to notify the appropriate Washington State authority of all motor vehicles reported to him or her as stolen or recovered. (Res. 97-046 (part), passed Apr. 21, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

**10.1.92. Officers Authorized to Remove Certain Vehicles.** A Suquamish police officer or a Suquamish fisheries officer may take custody of a vehicle and provide for its removal to a reasonably safe place whenever:

(a) Any unattended vehicle obstructs traffic or jeopardizes public safety; or

(b) The driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property.

A Suquamish police officer or a Suquamish fisheries officer may provide for removal of a vehicle pursuant to §10.1.92(a) and §10.1.92(b) by directing a tow truck operator duly registered by the Washington State Department of Licensing to impound the vehicle in accordance with RCW 46.55.090 as now or hereafter amended. (Res. 97-046 (part), passed Apr. 21, 1997; amended by Res. 97-116, passed Dec. 1, 1997; renumbered by Res. 08-023, passed Mar. 24, 2008)

## FINE SCHEDULE

**10.1.93. Fines.** The following schedule of fines applies to the civil traffic infractions enumerated in the Suquamish Tribal Code.

STC §	INFRACTION	FINE
7.25.4	Negligent driving — second degree	\$350.00
10.1.23	Vehicle safety equipment	66.00
10.1.24	Required safety equipment	66.00
10.1.25	Vehicles to be equipped with tires	66.00
10.1.26	Multiple-beam headlights	66.00
10.1.27	Use of multiple-beam headlights	66.00
10.1.28	Spot lamps	66.00
10.1.29	Times when headlights and taillights are required to be on	66.00
10.1.30	Wheel projections	66.00
10.1.31	Body projections	66.00
10.1.32	Flags on projecting load	66.00
10.1.33	Safety belts — use required	66.00
10.1.34	Child passenger restraints required	66.00
10.1.35	Motorcycle safety equipment	66.00
10.1.36	Motorcycles — headlight and taillight to be on	66.00
10.1.37	Motorcycles — exhaust system	66.00
10.1.38	Motorcycles — eye protection	66.00
10.1.39	Moving vehicles in unsafe condition	66.00
10.1.40	Bicycle equipment	66.00
10.1.42	If an accident occurs in conjunction with a violation of the following sections, the penalty for the infractions shall be doubled: §10.1.69, §10.1.70, §10.1.71, §10.1.73, §10.1.74, §10.1.75, §10.1.76; §10.1.77, §10.1.79, §10.1.80, §10.1.81, §10.1.82, §10.1.86	
10.1.43	Drivers to be licensed	332.00
10.1.44	Failure to notify licensing agency regarding address or name change	66.00
10.1.45	Operator license on person	66.00

10.1.46	Failure to comply with learner's permit	66.00
10.1.47	Motorcycle endorsement required	66.00
10.1.48	Vehicle license required	66.00
10.1.49	Failure to show proof of liability insurance	475.00
10.1.50	Failure to show vehicle registration with signature	66.00
10.1.51	Failure to yield to emergency vehicles	100.00
10.1.52	Following fire vehicle	100.00
10.1.53	Crossing fire hose	66.00
10.1.55	Motorcycles — operation on laned roads	66.00
10.1.56	Motorcycles — riding on the permanent seat only	66.00
10.1.57	Motorcycles — footpegs	66.00
10.1.58	Motorcycles — both feet not to be on the same side	66.00
10.1.59	Motorcycles — clinging to other vehicles	66.00
10.1.61	Off-road vehicles	76.00
10.1.62	Pedestrians — drivers to exercise care	66.00
10.1.63	Pedestrians under the influence of alcohol or drugs	60.00
10.1.64	Pedestrians to remain off road	40.00
10.1.65	Throwing glass or other materials on road prohibited	152.00
10.1.66	Permitting escape of load or other materials	152.00
10.1.67	Interference with signs and signals	100.00
10.1.68–69	Exceeding speed limit	
	If speed limit is 40 mph or less:	
	<u>mph</u>	
	1-5 over	57.00
	6-10 over	66.00
	11-15 over	95.00
	16-20 over	133.00
	21-25 over	180.00
	26-30 over	228.00
	31-35 over	275.00
	36 + over	332.00

If speed limit is over 40 mph:

mph

1-5 over	38.00
6-10 over	57.00
11-15 over	85.00
16-20 over	114.00
21-25 over	142.00
26-30 over	180.00
31-35 over	228.00
36-40 over	275.00
Over 40	332.00

21 mph and more over the speed limit constitutes reckless driving under STC §7.25.3

10.1.70	Due care required	66.00
10.1.72	Drive on the right side of the road	66.00
10.1.73	Turning, stopping, moving — right or left signals required	66.00
10.1.74	Turning at intersections	66.00
10.1.75	Right-of-way — vehicle turning left	66.00
10.1.76	Right-of-way — yielding for road construction	114.00
10.1.77	Overtaking and passing	66.00
10.1.78	Passing school bus	152.00
10.1.79	Following too closely	66.00
10.1.80	“U” turns	66.00
10.1.81	Backing	152.00
10.1.82	Traffic signs, signals, and markings	66.00
10.1.83	Stopping, standing, or parking on road	57.00
10.1.84	Stopping, standing, or parking in certain places	47.00
10.1.85	Leaving children unattended in vehicle	100.00
10.1.86	Obstructing the driver’s view	66.00
10.1.87	Alcoholic beverages — prohibited	66.00

(Res. 97-046 (part), passed Apr. 21, 1997; amended and renumbered by Res. 08-023, passed Mar. 24, 2008)