

SAUK-SUIATTLE TRAFFIC CODE

Chapter One – Civil Traffic Code

Subchapter I – General Provisions

1.1.000 Purpose

The Sauk-Suiattle Tribal Council adopts this Code in order to promote the welfare and secure the safety of all persons who use the roadways that are subject to the jurisdiction of the Sauk-Suiattle Tribe and to provide for fair and efficient disposition of civil traffic infractions.

1.1.010 Jurisdiction

The Court is vested with the fullest personal, subject matter, and territorial jurisdiction permissible under the Sauk-Suiattle Constitution.

1.1.020 Means of Jurisdiction

In exercising jurisdiction over civil traffic infractions, if a process is not specified under this Code, the Court may adopt any suitable process consistent with the purposes of this Code and in harmony with the spirit of Sauk-Suiattle tribal law.

1.1.030 Explanation of Privilege

The operation of a motor vehicle on Sauk-Suiattle Indian Reservation is a privilege, which may be granted, denied, suspended, or revoked by the Sauk-Suiattle Tribe.

1.1.040 Statement of Severability

If any provision of this Code or its applicability to any person or circumstance is held invalid, the remainder of this Code or its application to other persons or circumstances is not affected.

1.1.050 Nonwaiver of Sovereign Immunity

Nothing in this Code shall be deemed to constitute waiver by the Sauk-Suiattle Tribe of its sovereign immunity, rights, powers, or privileges.

Subchapter II – Definitions

1.2.000 Definitions

Words in this Code 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 or is not defined in this Code, the Court shall consider the word in its ordinary meaning and in accordance with the purpose of this Code. Any reference to "he", "him" or other masculine or gender-neutral terms shall include male and female persons. Any reference to "she," "her" or other feminine terms shall include male and female persons. Any reference to a singular term includes the plural.

"Abandoned motor vehicle" means a vehicle left unattended on either private or public property, for an unreasonable length of time, which, after being reported to a law enforcement agency, has been discovered by that agency:

- a) Not to have been stolen; and
- b) Not capable of the establishment of legal ownership by normal record-checking procedures; and
- c) The legal ownership of which is not claimed or asserted by any person.

"Alley" means a way or passage not designed for general travel that is used primarily as a means of access to the rear of residences and business establishments.

"Authorized Emergency Vehicle" means any vehicle used by a fire department, law enforcement department, or ambulance service.

"Crest of a Grade" means the highest point on an ascending roadway.

"Court" means the Sauk-Suiattle Tribal Court.

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

"Driveway" means a road leading from a street that is used for travel of vehicles to reach a house, building, or other structure by persons possessing the right to occupy the place or passage but not by others.

"Law Enforcement Officer" means every person authorized by the Sauk-Suiattle Tribal Council to serve as a Sauk-Suiattle Law Enforcement Officer and officers commissioned by the United States.

"Highways" shall mean all roadways within the territorial jurisdiction of the Sauk-Suiattle Indian Reservation.

"Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when available light would be

insufficient to clearly see persons or objects at a distance of five hundred (500) feet.

"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.

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

"Non-motorized vehicle" means any bicycle, coaster, roller skates, scooter, skateboard, sled, or toy vehicle.

"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. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

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

"Park or Parking" means to stop and keep standing a vehicle, whether occupied or not, otherwise than temporarily for the purpose of loading or unloading and while actually engaged in loading or unloading.

"Right of Way" means the privilege of the immediate use of a roadway.

"Roadway" means a way or passage designed or ordinarily used for vehicular travel.

"Roadway Construction" means an area where construction, repair, or maintenance work is being conducted by public employees or private contractors, on or adjacent to any public roadway.

"School bus" means every motor vehicle used regularly for the purpose of transporting to and from school or in connection with school activities; this does not include buses operated by common carriers.

"Stop" means to come to a complete stand still.

"Traffic" shall mean pedestrians, ridden or herded animals, and vehicular conveyances, either singly or together, while using a roadway for purposes of travel.

"Court" means the Sauk-Suiattle Tribal Court.

"Tribe" means the Sauk-Suiattle Tribe.

Subchapter III – Civil Traffic Infraction Procedure

1.3.000 Law Enforcement Officers to Enforce Traffic Codes

All law enforcement officers commissioned by the Tribe or the United States Government shall have the authority to enforce the traffic codes of the Tribe. Any law enforcement officer shall, upon request, produce evidence of his or her commission.

1.3.010 Notice of Infraction - Issuance by Law Enforcement Officer

A Sauk-Suiattle Law Enforcement Officer has the authority to issue a notice of a civil traffic infraction:

- a) When it occurs in the officer's presence;
- b) When an officer investigating the scene of an accident has reasonable cause to believe that a civil traffic infraction has been committed; or
- c) When an officer discovers an unattended vehicle parked, stopped or standing in violation of this Title. The officer shall affix a notice of civil traffic infraction in plain view on the vehicle.

1.3.020 Notice of Infraction - Issuance by the Court

The Court may issue a notice of civil traffic infraction when it receives a written statement of a Law Enforcement Officer that there is reasonable cause to believe that an infraction has been committed.

1.3.030 Notice of Infraction – Form

A notice of civil traffic infraction shall be on a form authorized by the Tribal Council.

1.3.040 Notice of Infraction - Time and Manner of Response

A person who has been issued a notice of civil traffic infraction shall respond to the notice within fifteen (15) days of the date the notice was issued. The response may be in person or sent by mail. If mailed, the response must be postmarked no later than midnight of the day the response is due.

1.3.050 Notice of Infraction - Four Options for Response

A person shall respond to a notice of civil traffic infraction in any one of the following ways within the time provided in section 1.3.040 of this Chapter:

- a) Pay the fine. The Court shall then enter a judgment that the person committed the civil traffic infraction;
- b) Request a hearing to explain the circumstances surrounding the commission of the traffic infraction, which might arguably lessen the amount of the fine;
- c) Request a hearing to contest the determination that a traffic infraction was committed; or
- d) If the person is unable to return to the Court to attend a hearing due to his or her out-of-state residence or other unavoidable circumstance, but still would like either to explain the circumstances surrounding the traffic infraction or contest the determination that a traffic infraction was committed, then that person shall send a letter stating the following:
 - i) Whether the person is contesting the determination that a traffic infraction was committed or arguing to lessen the amount of the fine by explaining the circumstances surrounding the commission of the traffic infraction;
 - ii) An explanation of why the person cannot return to the Court for a hearing;
 - iii) An explanation of the circumstances surrounding the traffic infraction or an explanation as to why the person contests the determination that a traffic infraction was committed; and
 - iv) A signed and notarized statement that all of the information contained in the letter is true.

1.3.060 Notice of Infraction - Failure to Respond

If a person fails to respond to a notice of civil traffic infraction in accordance with section 1.3.050 of this Chapter, the Court shall enter an order finding that the person committed the traffic infraction, shall assess the appropriate fine, and may notify the Washington State Department of Licensing or other state's licensing authority to prevent the renewal of the person's driver's license until all fines are paid.

1.3.070 Hearings - Scheduling by the Court

When a person requests a hearing to explain the circumstances surrounding the commission of the traffic infraction or to contest the determination that an infraction was committed, the Court shall schedule a hearing to take place no less than ten (10) days and not more than ninety (90) days from the

date on which the Court receives the request for the hearing. The Court shall send a written notice of the time, place, and date of the scheduled hearing at least ten (10) days before the scheduled hearing date.

1.3.080 Hearing to Explain the Circumstances Surrounding the Infraction

- 1) A hearing held for the purpose of allowing a person to explain the circumstances surrounding the commission of the infraction, which might arguably lessen the amount of the fine, shall be an informal proceeding to which the following rules apply:
 - a) The person requesting the hearing may not contest the determination that the traffic infraction was committed;
 - b) The Tribe and the person requesting the hearing may both be represented by counsel;
 - c) The Tribe and the person requesting the hearing may not subpoena witnesses;
- 2) After the Court has heard the explanation of the circumstances, the Court shall determine whether the explanation of events justifies reducing the amount of the fine. The Court shall enter an appropriate order, which may include ordering payment of the fine, suspending part or the entire fine, or ordering payments over time. The Court has continuing jurisdiction and authority to supervise the order.
- 3) There shall be no right to appeal the Court's order.

1.3.090 Hearing to Contest the Determination That an Infraction Was Committed

- 1) The following rules apply to hearings held to contest the determination that an infraction was committed:
 - a) The proceeding shall be heard by the Court without a jury;
 - b) The Tribe and the person requesting the hearing may both be represented by counsel;
 - c) The Tribe and the person requesting the hearing may have witnesses subpoenaed;
 - d) The burden of proof is on the Tribe to establish the commission of the infraction by a preponderance of the evidence;
 - e) The Tribe and the person requesting the hearing have the right to present evidence and examine witnesses;

- 2) After consideration of the evidence and argument, the Court shall determine whether the infraction was committed. Where it has not been established by a preponderance of the evidence that an infraction has been committed, the Court shall enter an order dismissing the action. Where it has been established that an infraction has been committed, the Court shall enter an order accordingly.

1.3.100 Order of the Court

All orders entered by the Court under this Chapter are civil in nature. The Court may, in 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 Tribe's jurisdiction, as provided under this Code.

1.3.110 Suspension

The Court may order a suspension of a driver's privilege to drive within the Tribe's jurisdiction as part of any penalty ordered under this Title. 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, in 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.

1.3.120 Occupational License

When a driver's privilege to drive is suspended or revoked under this Title, the judge may, in his or her discretion, provide for a limited occupational license for that driver. This license to drive shall be limited to driving activities that are necessary for the driver's transportation to and from work.

Subchapter IV – Requirements for Drivers

1.4.000 Requirements Generally

It shall be a civil traffic infraction for any person to fail to comply with any of the provisions set forth in this subchapter.

1.4.010 Drivers to be Licensed

No person shall operate a vehicle unless he or she has obtained a valid operator's license issued by any jurisdiction recognized by the Tribe.

1.4.020 Operator's License on Person

No person shall operate a vehicle unless he or she has a valid operator's license, issued by any jurisdiction recognized by the Tribe, on his or her person or within the vehicle.

1.4.030 Learner's Permit

No person under the age of sixteen (16) years of age shall operate a vehicle except in full compliance with all requirements of a valid learner's permit.

1.4.040 Vehicle License Required

No person shall operate or possess a vehicle without carrying a valid certificate of license registration, issued by the Tribe or other jurisdiction recognized by the Tribe, in the vehicle. Any person in charge of such vehicle shall, upon demand of a Sauk-Suiattle Law Enforcement Officer, permit an inspection of such certificate of license registration. No person shall fail to renew an expired registration before operating the vehicle. These provisions shall not apply to:

- a) Farm vehicles 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 cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;
- b) 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; and
- c) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred (500) feet of the warehouses that they serve.

1.4.050 Liability Insurance or Other Financial Responsibility Required

No person shall operate a motor vehicle unless the person is insured under an acceptable third-party motor vehicle liability policy. "Acceptable" means, for purposes of this section, an amount consistent with Tribal law or that of a jurisdiction recognized by the Tribe for the limited purpose of this section.

Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer.

If a person cited for an infraction based on this section appears in person before 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 this section, the infraction shall be dismissed. In lieu of personal appearance, a person cited for this infraction 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 this section, in which case the infraction shall be dismissed without cost, except that the court may assess Court administrative costs of twenty-five (\$25) dollars at the time of dismissal.

The provisions of this section shall not apply to operation of a motorcycle, a motor-driven cycle, or a moped.

Subchapter V – Vehicle Safety Equipment - Condition and Use

1.5.000 Vehicle Safety Equipment - Generally

It is a civil traffic infraction for any person to fail to comply with any provision set forth in this subchapter.

1.5.010 Moving Vehicle in Unsafe Condition

No person shall drive or move any vehicle that is in such unsafe condition as to endanger any person.

1.5.020 Required Safety Equipment

No person shall drive any vehicle on a roadway if that vehicle does not have all of the following safety equipment in proper condition and adjustment:

Bumpers. Every motor vehicle shall be equipped with bumpers maintained in good condition.

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.

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

Muffler. Every motor vehicle shall be equipped with a muffler in good working order to prevent excessive or unusual noise. No person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle.

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

Reflectors. Every motor vehicle shall carry on the rear at least two (2) red reflectors. Every reflector shall be of such size and so mounted as to be clearly visible at night within six hundred (600) feet, when directly in front of lawful upper beams of headlamps.

Seat Belts. Every motor vehicle shall be equipped with seat belts in good working order for the driver and any passengers.

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 upon application of the service brakes.

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

Taillights. Every motor vehicle shall be equipped with at least two (2) taillights mounted on the rear that shall emit a red light plainly visible from a distance of one thousand (1000) feet to the rear of the vehicle.

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

Windshield Wipers. Every motor vehicle shall be equipped with windshield wipers in good working order.

1.5.030 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 tread depth of less than- $\frac{2}{32}$ of an inch measured in two (2) major tread grooves at three (3) locations equally spaced around the tire;
- 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 that contact the road in any two (2) major tread grooves at three (3) locations equally spaced around the tires.-

1.5.040 Times When Illuminated Headlights and Taillights are Required

No person shall drive or move any vehicle on a roadway without headlights and taillights illuminated during the hours of darkness and anytime weather conditions diminish a driver's clear view.

1.5.050 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 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 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.

1.5.060 Use of Multiple-Beam Headlights

Whenever a motor vehicle is being operated on a roadway during the hours of darkness and anytime weather conditions diminish a driver's clear view, 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.
- 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.

1.5.070 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 an approaching driver.

1.5.080 Flags on Projecting Load

No person shall drive or move any vehicle on a roadway without red signal flags marking the extremities, whenever the load upon the vehicle extends four (4) or more feet beyond the body of the vehicle.

1.5.090 Wheel Projections

No vehicle shall be equipped with wheel nuts, hub caps, or wheel disks that project outside the body of the vehicle in a manner constituting a hazard to pedestrians and cyclists.

1.5.100 Body Projections

The body, fenders, and bumpers of all vehicles shall be maintained without protrusions, which could be hazardous to pedestrians and cyclists.

1.5.110 Safety Belts - Use Required

This section only applies to motor vehicles that meet the manual seat belt safety standards. This section does not apply to a vehicle occupant for whom no safety belt is available when all designed seating positions are occupied, subject to the provisions of Section 1.5.130.

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

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

A person violating this section shall be issued a notice of traffic infraction under the Sauk-Suiattle Civil Traffic Code. 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 and employers.

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.

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 infraction of the Sauk-Suiattle Civil Traffic Code or some other offense.

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.

1.5.120 Child Passenger Restraints Required

Notwithstanding Section 1.5.110, whenever a child, who is less than sixteen (16) years, is being transported in a motor vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

- a) If the child is less than six years (6) old and/or sixty (60) pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child shall be restrained in a child restraint system that complies with standards of the United States Department of Transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;
- b) If the child is less than one (1) year of age or weighs less than twenty (20) pounds, the child shall be properly restrained in a rear-facing infant seat;
- c) If the child is more than one (1) but less than four (4) years of age or weighs less than forty (40) pounds but at least twenty (20) pounds, the child shall be properly restrained in a forward facing child safety seat restraint system;
- d) If the child is less than six (6) but at least four (4) years of age or weighs less than sixty (60) pounds but at least forty (40) pounds, the child shall be properly restrained in a child booster seat;
- e) If the child is six (6) years of age or older or weighs more than sixty (60) pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat;

The driver of a vehicle transporting a child who is under the age of six (6) years or weighs less than sixty (60) pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

A person violating this section may be issued a notice of traffic infraction. 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 Court, the Court may dismiss the notice of traffic infraction.

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.

This section does not apply to:

- a) For hire vehicles including public transit;
- b) Vehicles designed to transport sixteen (16) or fewer passengers, including the driver, operated by auto transportation companies;
- c) Vehicles providing customer shuttle service between parking, convention and hotel facilities, and airport terminals; and
- d) School buses.

This section does not apply in any seating position where there is only a lap belt available and the child weighs more than forty (40) pounds.

1.5.130 Emergency Vehicles - Warning Lights

All emergency vehicles shall be identified by red lights, which flash intermittently and are visible from both the front and rear of the vehicle for a distance of five hundred (500) feet.

1.5.140 Firefighter's Private Vehicle

No person shall display a sign or plate indicating a Fire Department connection unless the owner is a member of the Fire Department.

No person shall use a green light on his or her vehicle unless he/she is a firefighter on emergency duty.

1.5.150 Emergency Tow Trucks - Red Lights

All emergency tow trucks shall be identified by an intermittent or revolving red light capable of 360° visibility at distance of five hundred (500) feet.

1.5.160 School Buses and Private Carriers - Signals Required

Every school bus and private carrier shall be equipped with a "stop" signal and two (2) sets of flashing signal lamps.

The "stop" signal shall be a sign of not less than fourteen (14) by eighteen (18) inches displaying the word "stop" in letters of distinctly contrasting colors no less than eight (8) inches high.

Each set of the alternately flashing signal lamps shall be mounted as high and far apart as practical on the front and rear of the vehicle and shall have sufficient intensity to be visible at five hundred (500) feet.

1.5.170 School Buses and Private Carriers - Signs Required

Every school bus and private carrier shall be equipped with a plainly visible sign containing only the words "School Bus" or "Private Carrier Bus".

The letters on the signs shall be no less than eight (8) inches tall.

Subchapter VI – Vehicle Travel - Rules Of The Road

1.6.000 Vehicle Travel - Generally

It is a civil traffic infraction for any person to fail to comply with any provision set forth in this subchapter.

1.6.010 Due Care Required

No person shall drive a vehicle or non-motorized vehicle 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 existing at that time.

No person shall drive in a manner or at a speed which is greater than will permit the driver to exercise proper control of the vehicle or non-motorized vehicle. Drivers shall decrease speed or 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.

1.6.020 Speed Limits

No person shall drive a vehicle in excess of the posted speed limits or as designated by this Code for the particular district or location on a roadway. In residential areas which are not posted, no person shall drive a vehicle in excess of five (5) miles per hour.

1.6.030 Speed Limits - Changes by the Sauk-Suiattle Tribal Council

The Sauk-Suiattle 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 Sauk-Suiattle Tribal Council may then declare a reasonable and safe maximum speed limit and cause same to be posted.

1.6.040 Slow-Moving Vehicle

No person shall drive a vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or compliance with this Code.

1.6.050 Slow-Moving Vehicle to Pull Off Roadway

On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five (5) or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

1.6.060 Drive on the Right Side of the Road

No person shall drive on the left side of the roadway except:

- 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 doing so shall yield the right of way to oncoming traffic.

1.6.070 Turning, Stopping, Moving Right or Left - Signals Required

No person shall turn a vehicle or move right or left upon a roadway 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 or operator of the non-motorized vehicle shall indicate his or her turn in the following manner before the initiation of the turn:

- a) Left turn. Left hand and arm extended horizontally beyond the side of the bicycle;
- b) Right turn. Left hand and arm extended upward beyond the side of the bicycle, or right hand and arm extended horizontally to the right side of the bicycle;
- c) Stop or decrease speed. Left hand and arm extended downward beyond the side of the bicycle.

The hand signal is required to be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning left or right, whether by means of the hand and arm or by means of an approved mechanical or electrical device.

1.6.080 Turning at Intersection

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; and
- 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 and unloading passengers at an intersection prior to making a left turn.

1.6.090 Right of Way - Vehicle Approaching Intersection

When two vehicles approach or enter an intersection from different roads at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

1.6.100 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.

1.6.110 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.

1.6.120 Vehicle Entering Stop or Yield Intersection

The driver of a vehicle approaching a stop sign shall stop at the stop line or, if none, then at the point nearest the intersecting road where the driver has a view of the approaching traffic before entering the roadway.

The driver of a vehicle, after having stopped, shall yield the right of way to any vehicle in the intersection or approaching the intersection on the roadway.

1.6.130 Roadway Construction Zone

No person shall drive a vehicle in a roadway construction zone at a speed greater than that allowed by traffic control devices.

The driver of a vehicle shall yield the right of way to any authorized vehicle obviously or actually engaged in work upon the road.

1.6.140 Yield to Transit Vehicles

The driver of a vehicle shall yield the right of way to a transit vehicle traveling in the same direction that has signaled and is reentering the traffic flow.

1.6.150 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.

1.6.160 Following Emergency Vehicle Prohibited

The driver of any vehicle other than one of official business shall not follow any official emergency vehicle traveling in response to an alarm, closer than five hundred (500) feet, or stop any vehicle closer than five hundred (500) feet from an official emergency vehicle.

1.6.170 Crossing Fire Hose

No person shall drive or move a vehicle over any unprotected fire hose without consent of the fire official in command.

1.6.180 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.

1.6.190 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 the 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 non-passing zone;
- e) No driver may overtake and pass another vehicle when the other vehicle is stopped to permit a pedestrian or non-motorized vehicle to cross the roadway;
- f) A driver may overtake and pass upon the right of another vehicle when the overtaken vehicle is making or about to make a left turn;
- e) A driver shall overtake and pass another vehicle in a safe manner.

1.6.200 Passing School Bus Prohibited

A driver of a vehicle approaching a school bus from either direction shall stop the vehicle at least three (3) vehicle lengths 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.

1.6.210 Drivers to Exercise Care Around Pedestrians

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall exercise extra caution upon seeing any child or incapacitated person upon a roadway.

1.6.220 Following Too Closely

The driver of a vehicle shall not follow another vehicle more closely than is reasonable for the speed and travel conditions.

1.6.230 Restricted Access

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits that are established by public authority.

1.6.240 "U" Turns

No driver shall turn a vehicle so as to proceed in the opposite direction unless such movement can be made in safety, without interfering with other traffic.

1.6.250 Backing

No person shall drive a vehicle backwards, unless such movement can be made safely and without interfering with the other traffic.

1.6.260 Traffic Signs, Signals, and Markings

The driver of any vehicle shall obey the instructions of any official traffic sign, signal, and marking, unless otherwise directed by a law enforcement officer, flagger, or firefighter.

1.6.270 Stopping or Parking on Road

No person shall stop or park 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 that is disabled to the extent that it is impossible to avoid temporarily leaving the vehicle in such position. The driver of a disabled vehicle shall arrange for prompt removal of the vehicle.

1.6.280 Stopping or Parking Prohibited in Certain Places

No person shall stop or park 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;
- 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;
- e) In a manner or location which impedes access to any disabled or elder parking areas;
- f) In front of any building entry doorway, stairway, or ramp system;
- g) In a manner or location which impedes emergency vehicles, garbage collection, or mail delivery;
- h) At any place where official signs or markings prohibit stopping, standing, or parking.

1.6.290 Unattended Motor Vehicle - Removal from Highway

No person driving a vehicle shall leave the vehicle unattended within the limits of any highway unless the driver arranges for prompt removal of the vehicle.

1.6.300 Leaving Motor Vehicle Unattended

No person driving or in charge of a vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake and, when standing on any grade, turning the front wheels to the curb or side of the highway.

1.6.310 Leaving Children Unattended in Vehicle

No person shall leave children under the age of ten (10) years unattended in a vehicle.

1.6.320 Obstructing the Driver's View

No person shall drive a vehicle when it is 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.

No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with his/her control over the vehicle.

1.6.330 Riding in Trailers or Towed Vehicles

No person shall occupy any trailer while it is being moved upon a public road, except a person occupying a proper position for steering a trailer to be steered from a rear-end position.

No person may occupy a vehicle while a tow truck is towing it.

1.6.340 Coasting Prohibited

No person shall drive a vehicle down a grade and coast with the gears of the vehicle in neutral.

No driver of a commercial vehicle traveling down a grade shall coast with the clutch disengaged.

1.6.350 Alcoholic Beverages - Prohibitions

No person shall drink any alcoholic beverages in a vehicle when the vehicle is upon a roadway.

No driver of a vehicle that 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 that is not normally accessible to the occupants.

1.6.360 Off-Road Vehicles

No person shall operate any off-road vehicle within the reservation, except in posted, designated areas.

Within designated areas, no person shall operate an off road vehicle within three hundred (300) feet of any residence before the hour of seven (7:00) a.m. and after the hour of ten (10:00) p.m.

Subchapter VII – Motorcycles

1.7.000 Motorcycles – Generally

It shall be a civil traffic infraction for any person to fail to comply with any of the provisions set forth in this subchapter.

1.7.010 Motorcycle Endorsement Required

No person shall drive a motorcycle or a motor-driven cycle, except a moped, unless such person has a valid operator's license specially endorsed by a jurisdiction recognized by the Tribe to enable the holder to drive such vehicles, nor may a person drive a motorcycle of a larger engine displacement than that authorized by the special endorsement.

1.7.020 Motorcycle Safety Equipment

No person shall drive or operate any motorcycle that does not have the following safety equipment in proper condition and adjustment.

Foot Pegs. A motorcycle shall be equipped with foot pegs for each person the motorcycle is designated to carry.

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

Helmet. It is unlawful for any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a road unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the Tribe or a jurisdiction recognized by the Tribe for this limited purpose, except when the vehicle is an antique motor-driven cycle or automobile 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 shall be equipped with either a

neck or a chinstrap, which shall be fastened securely while the motorcycle or motor-driven cycle is in motion.

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 that 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, show, or other such assemblage: PROVIDED FURTHER, that no mirror is required on any motorcycle manufactured prior to January 1, 1931.

Reflectors. Every motorcycle shall carry on the rear, either as part of the taillight or separately, at least one (1) red reflector.

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

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

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

1.7.030 Motorcycles - Headlights and Taillights Illuminated

Every motorcycle shall have its headlights and taillights illuminated whenever such vehicle is in motion on any roadway.

1.7.040 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.

1.7.050 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 that actually protects the eyes.

1.7.060 Motorcycle - Operation on Roadway--Laned Roads

- 1) 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.
- 2) The operator of a motorcycle shall not overtake and pass in the same lane as is occupied by the vehicle being overtaken.
- 3) The operator of a motorcycle shall not overtake and pass a vehicle while any oncoming vehicles are adjacent to the vehicle being overtaken.
- 4) Motorcycles shall not be operated more than two (2) abreast in a lane.
- 5) Subsections 2) and 3) shall not apply to law enforcement officers in the performance of their official duties.
- 6) No person shall transport a child under the age of five (5) on a motorcycle or motor-driven cycle.

1.7.070 Motorcycles - Ride 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 (1) person. A passenger shall ride only upon a seat designated for that purpose.

1.7.080 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.

1.7.090 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.

1.7.100 Motorcycles - Temporary Suspension of Rules for Public Demonstration

The Sauk-Suiattle 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.

Subchapter VIII – Pedestrians and Non-Motorized Vehicles

1.8.000 Pedestrians and Non-Motorized Vehicles - Generally

It is a civil traffic infraction for any person to fail to comply with any provision set forth in this subchapter.

1.8.010 Pedestrians on Roadways

Any pedestrian walking or otherwise moving along and upon a road shall, when practicable, remain safely off the main traveled portion of the road.

1.8.020 Bicycle Equipment

Every bicycle when in use during the hours of darkness shall be equipped with a lamp on the front that will emit a white light visible for at least five hundred (500) feet to the front and with a red reflector on the rear.

1.8.030 Non-Motorized Vehicles - Rules of the Road

Every non-motorized vehicle shall obey the instructions of any official traffic sign, signal, and marking, unless otherwise directed by a law enforcement officer, flagger, or firefighter.

1.8.040 Non-Motorized Vehicles - Clinging to Other Moving Vehicles

No person riding upon a non-motorized vehicle shall hold onto or attach such vehicle to another moving vehicle.

1.8.050 Yield to Emergency Vehicles

Every pedestrian and non-motorized vehicle shall yield the right of way to an authorized emergency vehicle making use of warning signals.

Subchapter IX – Property Damage - Materials on the Road - Accidents

1.9.000 Property Damage - Generally

It is a civil traffic infraction for any person to fail to comply with any provision set forth in this subchapter.

1.9.010 Glass or Other Materials on Road Prohibited

No person shall throw, drop, 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.

Any person who throws, drops, or deposits upon any roadway any destructive or injurious material shall immediately remove it or cause it to be removed.

1.9.020 Dropping Load Prohibited

No person shall drive or move a vehicle on any public roadway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping, except that sand may be dropped for the purpose of securing traction.

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.

1.9.030 Removal of Accident Debris

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.

1.9.040 Interference with Signs and Signals

No person shall, without lawful authority, alter, deface, injure, or remove any official traffic signs or signals.

Subchapter X – Accident Reports, Stolen and Abandoned Vehicles

1.10.000 Driver's Duty Upon Damaging Unattended Vehicle or Other Property

The driver of any vehicle that 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, address, phone number, and an explanation of what happened in a conspicuous place on the unattended vehicle or other property.

It is a civil traffic infraction for any person to fail to comply with this provision.

1.10.010 Driver's Duty in Case of Injury or Death to Person or Damage to any Attended Vehicle

A driver of any vehicle involved in an accident resulting in injury or the death of any person, or damage to any attended vehicle, shall:

- a) Immediately stop such vehicle at the scene of the accident;
- b) Give his or her name, address, phone number, vehicle license number, insurance information, and operator's license number to any occupant or driver involved in the accident;
- c) Render reasonable assistance to any person injured in such accident, provided that compliance with this requirement shall not be evidence of the liability of any driver for such accident; and
- d) Notify Law Enforcement as soon as practicable following the accident.

It is a civil traffic infraction for any person to fail to comply with this provision. This section shall not apply to any person physically incapable of complying.

1.10.020 Officers Authorized to Remove Certain Vehicles

A Law Enforcement 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;
- 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;
- c) A Law Enforcement Officer discovers a vehicle he or she reasonably believes is stolen;
- d) The driver of a vehicle is arrested and taken into custody and is not physically or mentally capable of deciding upon steps to be taken to protect his or her property.

The cost of such removal shall be born by the registered owner of the vehicle.

Subchapter XI – Enforcement

1.11.000 Fines

The Sauk-Suiattle Tribal Council shall establish a current fine schedule by resolution. The schedule shall state whether or not an appearance before the Court is mandatory for the traffic infractions enumerated in this Chapter. A copy of the schedule shall be posted and available for public inspection at the Office of the Clerk of Court and the Sauk-Suiattle Police Department. The fine schedule shall be reviewed and either ratified or amended no more than once a year.

1.11.010 Use of Driving Record in Determining Fine

For subsequent infractions of the civil traffic laws of the Sauk-Suiattle Tribe, the Court shall impose more than any minimum penalty established for the infraction. Multiple offenses arising from the same factual incident shall not constitute “subsequent” infractions for purposes of this section. The Court shall impose one or more of the following penalties for subsequent infractions of the traffic laws of the Tribe:

- a) A fine in excess of the last fine imposed; or
- b) Suspension or revocation of some or all privileges, licenses, and permits granted by the Tribe.

1.11.020 Record of Traffic Charges

The Court shall keep or cause to be kept a record of every notice of civil traffic infraction or other legal form of 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 for a minimum of three (3) years.