

JAMESTOWN S'KALLAM TRIBE
TRIBAL CODE
TITLE 37 – TRAFFIC CODE

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Section 37.01.01 Purpose and Format

The purpose of this Title is to provide a traffic code that applies on the trust, reservation and Tribal Lands of the Jamestown S’Klallam Tribe (“Tribe”). To facilitate coordination with the law enforcement activities of the Clallam County Sheriff’s Office (“CCSO”), for which services the Tribe contracts with Clallam County, this Title is formatted to match, as closely as possible, the equivalent, applicable provisions of the Revised Code of Washington (“RCW”). That is why, after the initial Chapter 37.01 General Provisions of the Title, that the remaining chapters may have gaps in the numbering since not all the provisions of the related RCW chapters have been incorporated into this Traffic Code for the Tribe. For all chapters in this Title, after Chapter 37.01, no chapter table of contents is provided.

Section 37.01.02 Violation - Penalty

- A. Except as provided in paragraph B. of this section, a violation of any provision of this Title is a civil infraction.
- B. Violations that constitute criminal traffic offenses under Title 21 of the Tribal Code may be charged as such and are subject to the maximum penalties allowed for such offenses.

Section 37.01.03 Sentencing Guidelines

The penalties set forth in this Title are maximum penalties for each class of offense, and are intended to be imposed based upon the individual circumstances of each case.

- A. Felony: 3 years jail time and/or \$15,000.00 fine and/or community service.
- B. Gross Misdemeanor: 1-year jail time and/or \$5,000.00 fine and/or community service.
- C. Misdemeanor: 90 days jail time and/or \$2,500.00 fine and/ or community service.
- D. Civil Infraction: Under Tribal Law, an infraction is a non-criminal violation of law defined by statute. It usually means a civil prosecution brought in Tribal court pursuant to a statute that authorizes certain offenses to be punished as civil infractions as opposed to crimes such as misdemeanors or felonies.

Section 37.01.04 Traffic Infraction Hearing Procedure

- A. All traffic infraction hearings will be conducted in accordance with Titles 13, 15, and 20 of the Tribal Code, except when they may conflict at any time with the procedures outlined in this Code which are specifically detailed for traffic infractions.
- B. 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 Title.
- C. A traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include financial sanctions against the person, or a recommendation to the jurisdiction issuing a driver’s license for suspension, revocation, or denial. The penalty for a traffic infraction related to standing, stopping, or

parking may include a recommendation to the issuing jurisdiction for nonrenewal of the vehicle registration.

- D. At any hearing to contest the determination of an infraction, the Tribe has the burden of proving, by a *preponderance of the evidence*, that the infraction was committed; and the cited person may subpoena witnesses, including the officer who issued the notice of infraction.
- E. 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.
- F. A person must respond to the notice as provided in this Title within fifteen (15) days or any provided penalties may be imposed by default.
- G. Failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the maximum fine being imposed, and a recommendation may be forwarded to the issuing jurisdiction for the suspension of a person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, a recommendation that the jurisdiction refuse to renew the vehicle registration, until any penalties imposed pursuant to this Title have been satisfied.

Section 37.01.05 Severability

If any provision of this Title or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the Title which can be given effect without the invalid provision or application, and to this end the provisions of this Title are severable.

Section 37.01.06 Codification and Amendments

- A. Codification. This Title was approved and adopted by the Tribal Council, as a new title to the Tribal Code, on April 28, 2020, by Resolution #18-2020.
- B. Amendments. (Reserved)

Chapter 37.04

Definitions

37.04.015. Alcohol concentration.

"Alcohol concentration" means (1) grams of alcohol per two hundred ten liters of a person's breath, or (2) grams of alcohol per one hundred milliliters of a person's blood.

37.04.016. Tetrahydrocannabinol, abbreviated THC concentration.

"THC concentration" means a measurable quantity up to 5.00 nanograms of delta-9 tetrahydrocannabinol (THC) per milliliter of a person's whole blood in their system.

37.04.030. Arterial highway.

"Arterial highway" means every public highway, or portion thereof, designated as such by proper authority.

37.04.040. Authorized emergency vehicle.

"Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state patrol, or any other vehicle authorized in writing by the Jamestown S'Klallam Tribe Public Safety Department.

37.04.050. Auto stage.

"Auto stage" means any motor vehicle used for the purpose of carrying passengers together with incidental baggage and freight or either, on a regular schedule of time and rates: PROVIDED, That no motor vehicle shall be considered to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any city or town or the corporate limits of any adjoining cities or towns.

37.04.060. Axle.

"Axle" means structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve.

37.04.071. Bicycle.

"Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter.

37.04.080. Business district.

"Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

37.04.085. Camper.

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in section 37.04.305.

37.04.090. Cancel.

"Cancel," in all its forms, means invalidation indefinitely.

37.04.100. Center line.

"Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers.

37.04.110. Center of intersection.

"Center of intersection" means the point of intersection of the center lines of the roadway of intersecting public highways.

37.04.120. City Street.

"City Street" means every public highway, or part thereof located within the limits of cities and towns, except alleys.

37.04.130. Combination of vehicles.

"Combination of vehicles" means every combination of motor vehicle and motor vehicle, motor vehicle and trailer or motor vehicle and semitrailer.

37.04.140. Commercial vehicle.

"Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

37.04.150. County road.

"County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway.

37.04.160. Crosswalk.

"Crosswalk" means the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk.

37.04.168. Driving privilege withheld.

"Driving privilege withheld" means that the department has revoked, suspended, or denied a person's state driver's license, permit to drive, driving privilege, or nonresident driving privilege.

37.04.169. Electric-assisted bicycle.

"Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than one thousand watts, be incapable of propelling the device at a speed of more than twenty miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty miles per hour.

37.04.197. Highway.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

37.04.200. Hours of darkness.

"Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of five hundred feet.

37.04.220. Intersection area.

(1) "Intersection area" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway shall not constitute an intersection.

37.04.240. Intersection control area.

"Intersection control area" means intersection area, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection.

37.04.260. Laned highway.

"Laned highway" means a highway the roadway of which is divided into clearly marked lanes for vehicular traffic.

37.04.290. Marked crosswalk.

"Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof.

37.04.304. Moped.

"Moped" means a motorized device designed to travel with not more than three sixteen-inch or larger diameter wheels in contact with the ground, having fully operative pedals for propulsion by human power, and an electric or a liquid fuel motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) that is capable of propelling the device at not more than thirty miles per hour on level ground. The Jamestown S'Klallam Tribe Public Safety Department may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to motorized devices which do meet these specific criteria.

37.04.305. Motor homes.

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle.

37.04.320. Motor vehicle.

"Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

37.04.330. Motorcycle.

"Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor and a moped. The Jamestown S'Klallam Tribe Public Safety Department may approve of and define as a "motorcycle" a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria.

37.04.332. Motor-driven cycle.

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped.

37.04.340. Muffler.

"Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting therefrom.

37.04.370. Operator or driver.

"Operator or driver" means every person who drives or is in actual physical control of a vehicle.

37.04.380. Owner.

"Owner" means a person who has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle is subject to a security interest and means registered owner where the reference to owner may be construed as either to registered or legal owner.

37.04.381. Park or parking.

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

37.04.382. Passenger car.

"Passenger car" means every motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons.

37.04.400. Pedestrian.

"Pedestrian" means any person who is afoot or who is using a wheelchair or a means of conveyance propelled by human power other than a bicycle.

37.04.405. Person.

"Person" includes every natural person, firm, co-partnership, corporation, association, or organization.

37.04.410. Pneumatic tires.

"Pneumatic tires" includes every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon.

37.04.420. Private road or driveway.

"Private road or driveway" includes every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons.

37.04.455. Reasonable grounds.

"Reasonable grounds," when used in the context of a Tribal Police Officer's decision to make an arrest, means probable cause.

37.04.460. Registered owner.

"Registered owner" means the person whose lawful right of possession of a vehicle has most recently been recorded with a lawful department.

37.04.470. Residence district.

"Residence district" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business.

37.04.500. Roadway.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. In the event a highway includes two or more separated roadways, the term "roadway" shall refer to any such roadway separately but shall not refer to all such roadways collectively.

37.04.510. Safety zone.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible.

37.04.521. School bus.

"School bus" means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the state superintendent of public instruction, but does not include buses operated by common carriers in urban transportation of school children or private carrier buses operated as school buses in the transportation of children to and from private schools or school activities.

37.04.530. Semitrailer.

"Semitrailer" includes every vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such other vehicle, motor vehicle, or truck tractor.

37.04.540. Sidewalk.

"Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

37.04.555. Stand or standing.

"Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

37.04.560. State highway.

"State highway" includes every highway or part thereof, which has been designated as a state highway or branch thereof, by legislative enactment.

37.04.565. Stop.

"Stop" when required means complete cessation from movement.

37.04.566. Stop or stopping.

"Stop or stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Tribal Police Officer or traffic control sign or signal.

37.04.580. Suspend.

"Suspend," in all its forms and unless a different period is specified, means invalidation for any period less than one calendar year and thereafter until reinstatement.

37.04.582. Tandem axle.

"Tandem axle" means any two or more consecutive axles whose centers are less than seven feet apart.

37.04.590. Traffic.

"Traffic" includes pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together, while using any public highways for purposes of travel.

37.04.600. Traffic control signal.

"Traffic control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled.

37.04.611. Traffic-control devices.

Official traffic-control devices mean all signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

37.04.620. Trailer.

"Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a Tribal transit vehicle, or any portion thereof.

37.04.630. Tribal Police or CCSO

"Tribal Police or CCSO" means the Jamestown S'Klallam Tribe Public Safety & Natural Resources Department and the Clallam County Sheriff's Department.

37.04.653. Truck.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

37.04.670. Vehicle.

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds shall not be considered vehicles or motor vehicles for the purposes of section 37.70. Bicycles shall not be considered vehicles for the purposes of sections 37.16 or 37.70.

37.04.672. Vehicle or pedestrian right of way.

"Vehicle or pedestrian right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

37.04.710. Wheelchair conveyance.

"Wheelchair conveyance" means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a propulsion device capable of propelling the vehicle within a speed range established by the state patrol. The state patrol may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

Chapter 37.09
Off Road and Nonhighway Vehicles

37.09.120. Operating violations.

- (1) It is a traffic infraction for any person to operate any non-highway vehicle:
 - (a) In such a manner as to endanger the property of another;
 - (b) On public roadways within the boundaries of the Jamestown S'Klallam Tribe Indian Reservation, or Tribal Lands
 - (c) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;
 - (d) Without an adequate braking device or when otherwise required for the safety of others regardless of ownership;
 - (e) Without a spark arrester approved by the department of natural resources;
 - (f) Without an adequate, and operating, muffling device.
 - (g) On lands within the boundaries of the Jamestown S'Klallam Tribe Indian Reservation or Tribal Lands or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;
 - (h) On any road or trail which is restricted to pedestrian or animal travel.
- (2) It is a gross misdemeanor offense (Except as provided in Title 21 of the Tribal Code, subsection (6) of section 3.6.61.502) for any person to operate any non-highway vehicle while under the influence of intoxicating liquor or Cannabis, or a controlled substance. (See: Title 21 of the Tribal Code, Section 3.6.61.502 Driving under the influence).

Chapter 37.16

Vehicle Licenses

37.16.010. Licenses and plates required - Penalties - Exceptions.

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this reservation or Tribal Lands without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this reservation or Tribal Lands is a civil traffic infraction. Failure to renew an expired registration before operation on the highways of this reservation or Tribal Lands is a civil traffic infraction.

(2) These provisions shall not apply to the following vehicles:

(a) Electric-assisted bicycles;

(b) Farm vehicles if operated within a radius of fifteen 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;

(c) 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;

(d) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve:

(e) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either:

(i) Are in excess of the legal width, or

(ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in section 37.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or

(iii) Which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in section 37.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(3) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

- (a) A converter gear used to convert a semi-trailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.
- (b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

37.16.011. Allowing unauthorized person to drive - Penalty.

It is unlawful for any person in whose name a vehicle is registered knowingly to permit another person to drive the vehicle when the other person is not authorized to do so under the laws of this reservation or Tribal Lands.

37.16.240. Attachment of plates to vehicles - Violations enumerated.

The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: PROVIDED, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: PROVIDED, HOWEVER, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the Jamestown S'Klallam Tribe Public Safety Department. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. License plate frames may be used on vehicle license number plates only if the frames do not obscure license tabs or identifying letters or numbers on the plates and the plates can be plainly seen and read at all times. It is unlawful to use any holders, frames, or any materials that in any manner change, alter, or make the vehicle license number plates illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided.

37.16.260. License registration certificate - Signature required - Carried in vehicle - Penalty – Inspection - Exception.

A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued, at all times in the manner prescribed by the department. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any Tribal police officer or of any representative of the department, permit an inspection of such certificate of license registration. This section does not apply to a vehicle for which annual renewal of its license plates is not required.

Chapter 37.20
Driver's Licenses; Identity Cards

37.20.005. Driving without a license

It is a civil traffic infraction for a person to drive any motor vehicle upon a highway in this reservation or Tribal Lands without a valid driver's license issued to Washington residents under this chapter. This section does not apply if at the time of the stop the person is not in violation of section 37.20.342(1) or section 37.20.420 and has in his or her possession an expired driver's license or other valid identifying documentation. A violation of this section is a lesser included offense within the offenses described in section 37.20.342(1) or section 37.20.420.

37.20.015. Driving without a license –

(1) It is a traffic infraction if a person:

(a) Drives any motor vehicle upon a highway on this reservation or Tribal Lands without a valid driver's license issued to

Washington residents under this chapter in his or her possession;

(b) Provides the citing Tribal Police Officer with an expired driver's license or other valid identifying documentation at the time of the stop; and

(2) A person who violates this section is subject to a penalty. If the person appears in person before the court or submits by mail written proof that he or she obtained a valid license after being cited, the court shall reduce the penalty to fifty dollars.

37.20.017. Immediate possession and displayed on demand.

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any Tribal police officer or to any other person when and if required by law to do so. The offense described in this section is a nonmoving offense.

37.20.055. Instruction permit.

(1) Effect of instruction permit. A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and

(b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

37.20.308. Implied consent - Test refusal - Procedures.

(1) Any person who operates a motor vehicle within this reservation or Tribal Lands is deemed to have given consent, subject to the provisions of section 37.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol or cannabis concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of section 37.61.503.

(2) The test or tests of breath shall be administered at the direction of a Tribal Police officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this reservation or Tribal Lands while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol or cannabis a concentration in violation of section 37.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided

in section 37.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in section 37.61.506. The officer shall warn the driver that:

(a) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in section 37.61.520 or vehicular assault as provided in section 37.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in section 37.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of section 37.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a Tribal Police officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more, or the THC concentration of the person's blood is 5.00 nanograms or more if the person is age twenty-one or over, or is in violation of section 37.61.502, 37.61.503, or 37.61.504, if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other Tribal Police officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(b) Immediately notify the Tribal Court of the arrest and transmit to the Court within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by Title 21 section 3.2A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol or cannabis concentration in violation of section 37.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood is 5.00 nanograms or more if the person is age twenty-one or over, or was in violation of section 37.61.502, 37.61.503, or 37.61.504 if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the Court. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing. The Court may waive the required one-hundred-dollar fee if the person is an indigent. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled. The hearing shall be conducted in the reservation or Tribal Lands of the arrest, except

that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the Court following a blood test, unless otherwise agreed to by the Court and the person, in which case the action by the Court shall be stayed, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a Tribal Police officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this reservation or Tribal Lands while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this reservation or Tribal Lands while having alcohol or cannabis in his or her system in a concentration in violation of section 37.61.503 and was under the age of twenty-one, whether the person was placed under arrest,

(a) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood is 5.00 nanograms or more if the person was age twenty-one or over at the time of the arrest, or was in violation of section 37.61.502, 37.61.503, or 37.61.504 if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration, authorized by Title 21, of the Tribal Code, section 3.2A.72.085, submitted by a Tribal Police officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this reservation or Tribal Lands while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this reservation or Tribal Lands while having alcohol or cannabis in his or her system in a concentration in violation of section 37.61.503 and was under the age of twenty-one and that the officer complied with the requirements of this section. The Tribal Court shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The sworn report or report under a declaration, authorized by Title 21 of the Tribal Code, section 3.2A.72.085, of the Tribal Police officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify.

37.20.342. Driving while license invalidated - Penalties - Extension of invalidation

(1) It is unlawful for any person to drive a motor vehicle within tribal lands while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

- (a) DWLS 1st offense is a misdemeanor with minimum of 10 days, fine \$175-\$500;
- DWLS 2nd offense is a gross misdemeanor with minimum of 10 days, fine \$175-\$500;
- DWLS 3rd offense is a gross misdemeanor with minimum of 180 day minimum, fine \$175-\$500;

37.20.420. Operation of motor vehicle under other license or permit prohibited while license is suspended or revoked - Penalty.

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. A person who violates the provisions of this section is guilty of a civil infraction.

Chapter 37.29

Financial Responsibility

37.29.080. Exceptions as to requirement of security.

The requirements as to security and suspension in this chapter shall not apply:

(1) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this subsection if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;

(2) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;

(3) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond as to which there is a bona fide dispute concerning coverage of such driver as evidenced by the pendency of litigation seeking a declaration of said driver's coverage under such policy or bond;

(4) To the driver, whether or not the owner, if there is a bona fide claim on the part of the driver that there was in effect at the time of the accident, an automobile liability policy or bond insuring or covering such driver;

(5) To any person qualifying as a self-insurer under or to any person operating a vehicle for such self-insurer;

(6) To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner;

(7) To the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(8) To the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission, except if the vehicle was operated by his minor child or spouse;

(9) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, the state or any political subdivision of the state or a municipality thereof, or to the driver of such vehicle if operating such vehicle with permission; or

(10) To the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a Tribal Police Officer who, in the performance of his duties, shall have assumed custody of such vehicle.

37.29.090. Requirements as to policy or bond.

(1) No policy or bond is effective under section 37.29.080 unless issued by an insurance company or surety

company authorized to do business in this state, except as provided in subsection (2) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than ten thousand dollars because of injury to or destruction of property of others in any one accident.

(2) No policy or bond is effective under section 37.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it executes a power of attorney authorizing the director of licensing to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) The Court may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the Court has reason to believe that the information is erroneous.

Chapter 37.30

Mandatory Liability Insurance

37.30.020. Liability insurance or other financial responsibility required - Violations - Exceptions.

(1) (a) No person may operate a motor vehicle on this reservation or Tribal Lands unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in section 37.29.090, is self-insured, is covered by a certificate of deposit or is covered by a liability bond of at least the amounts provided in section 37.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a Tribal Police Officer.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a Tribal Police Officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a Tribal Police Officer, failure to display an insurance identification card as specified under section 37.30.030 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 as set by the Tribal Council under section 37.63.110 or community service.

(2) If a person cited for a violation of subsection (1) of this section appears in person before the 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 subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section 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 subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under section 37.16.305(1), governed by section 37.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in section 37.04.330, a motor-driven cycle as defined in section 37.04.332, or a moped as defined in section 37.04.304.

37.30.030. Insurance identification card.

(1) Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policyholder with an identification card as specified by the **a** department of

licensing. At the policyholder's request, the insurer shall provide the policyholder a card for each vehicle covered under the policy.

(2) The state department of licensing rules specifying the type, style, and content of insurance identification cards shall be used for proof of compliance with section 37.30.020, including the method for issuance of such identification cards by persons or organizations providing proof of compliance through self-insurance, certificate of deposit, or bond. In adopting such rules, the department shall consider the guidelines for insurance identification cards developed by the insurance industry committee on motor vehicle administration.

Chapter 37.37

Vehicle Lighting and Other Equipment

37.37.010. Scope and effect of regulations - General penalty.

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required by law, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter or the Jamestown S'Klallam Tribe Code or Public Safety regulations.

(2) Nothing contained in this section or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this section or the Jamestown S'Klallam Tribe Public Safety Department regulations.

(3) The provisions of the chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of section 37.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

(6) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(7) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

37.37.020. When lighted lamps and signaling devices are required.

Every vehicle upon a public roadway within this reservation or Tribal Lands at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead shall display lighted head lights, other lights, and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and such stop lights, turn signals, and other signaling devices shall be lighted as prescribed for the use of such devices.

37.37.030. Visibility distance and mounted height of lamps.

(1) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in section 37.37.020 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(3) No additional lamp, reflective device, or other motor vehicle equipment shall be added which impairs the effectiveness of this standard.

37.37.040. Head lamps on motor vehicles.

(1) Every motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every head lamp upon every motor vehicle shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in section 37.37.030(2).

37.37.050. Tail lamps.

(1) After January 1, 1964, every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in section 37.37.020, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, shall have at least one tail lamp. On a combination of vehicles only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than fifteen inches.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

37.37.070. Stop lamps and turn signals required.

(1) After January 1, 1964, every motor vehicle, trailer, semi-trailer, and pole trailer shall be equipped with two or more stop lamps meeting the requirements of 37.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in section 46.37.200(1).

(2) After January 1, 1960, every motor vehicle, trailer, semi-trailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of section 37.37.200(2), except that passenger cars, trailers, semi-trailers, pole trailers, and trucks less than eighty inches in width, manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

37.37.100. Color of clearance lamps, side marker lamps, back-up lamps, and reflectors.

(1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber, or yellow, and except that

on any vehicle forty or more years old, the taillight may also contain a blue or purple insert of not more than one inch in diameter, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

37.37.120. Visibility of reflectors, clearance lamps, identification lamps, and side marker lamps.

(1) Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle on which mounted.

37.37.130. Obstructed lights not required.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

37.37.140. Lamps, reflectors, and flags on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such

vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 37.37.020, two red lamps, visible from a distance of at least five hundred feet to the rear, two red reflectors visible at night from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful lower beams of headlamps, and located so as to indicate maximum width, and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than twelve inches square, marking the extremities of such loads, at each point where a lamp would otherwise be required by this section, under section 37.37.020.

37.37.150. Lamps on vehicles - Parked or stopped vehicles, lighting requirements.

(1) Every vehicle shall be equipped with one or more lamps, which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and a red light visible from a distance of one thousand feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(2) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, outside an incorporated city or town, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1) of this section.

(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

37.37.180. Spot lamps and auxiliary lamps.

(1) Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

(2) Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in section 37.37.220.

(3) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 37.37.220 shall apply to any combinations of head lamps and auxiliary passing lamps.

(4) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 37.37.220 shall apply to any combination of head lamps and auxiliary driving lamps.

37.37.190. Warning devices on vehicles -- Other drivers yield and stop.

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the Jamestown S'Klallam Tribe Public Safety Department for that purpose. The Jamestown S'Klallam Tribe Public Safety Department may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the Jamestown S'Klallam Tribe Public Safety Department, a publicly owned law enforcement or emergency vehicle, a department of transportation, city, or county maintenance vehicle, or a public transit vehicle.

(a) An "optical strobe light device" used by emergency vehicles means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the emergency vehicle in which the strobe light device is used to obtain the right of way at intersections.

(b) An "optical strobe light device" used by department of transportation, city, or county maintenance vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic

control light enabling the department of transportation maintenance vehicle in which the strobe light device is used to perform maintenance tests.

(c) An "optical strobe light device" used by public transit vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the public transit vehicle in which the strobe light device is used to accelerate the cycle of the traffic control light. For the purposes of this section, "public transit vehicle" means vehicles, owned by a governmental entity, with a seating capacity for twenty- five or more persons and used to provide mass transportation. Public transit vehicles operating an optical strobe light will have second degree priority to emergency vehicles when simultaneously approaching the same traffic control light.

(5) The use of the signal equipment described herein, except the optical strobe light devices used by public transit vehicles and department of transportation, city, or county maintenance vehicles that are not used in conjunction with emergency equipment, shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in section 37.61.210, 37.61.370.

37.37.200. Stop lamps and electric turn signals.

(1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and when required under section 37.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

37.37.210. Additional lighting equipment.

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with one or more side marker lamps, and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.

(5) Any vehicle eighty inches or more in over-all may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare.

(6) (a) Every motor vehicle, trailer, semi-trailer, truck tractor, and pole trailer used in the reservation or Tribal Lands may be equipped with an auxiliary lighting system consisting of:

- (i) One green light to be activated when the accelerator of the motor vehicle is depressed;
- (ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine.
- (b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by section 37.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals.
- (c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated.
- (d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear.
- (e) Only one such system may be mounted on a motor vehicle, trailer, semi-trailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy- two inches, nor less than twenty inches, as provided by section 37.37.050.
- (f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection.

37.37.215. Hazard warning lamps.

(1) Any vehicle may be equipped with lamps for the purpose of warning other operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(2) After June 1, 1978, every motor home, bus, truck, truck tractor, trailer, semi-trailer, or pole trailer eighty inches or more in overall width or thirty feet or more in overall length shall be equipped with lamps meeting the requirements of this section.

(3) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet in normal sunlight.

37. 37.220. Multiple-beam road-lighting equipment.

Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may be so arranged that such selection can be made automatically subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of four hundred fifty feet ahead for all conditions of loading;

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred fifty feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(3) Every new motor vehicle registered in Washington state after January 1, 1948, which has multiple-beam road- lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

37.37.230. Use of multiple-beam road-lighting equipment.

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 37.37.020, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(2) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 37.37.220(2) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(3) Whenever the driver of a vehicle approaches another vehicle from the rear within three hundred feet such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 37.37.220(1).

37.37.240. Single-beam road-lighting equipment.

Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on all other motor vehicles manufactured and sold prior to one year after March 18, 1955, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead;

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

37.37.260. Alternate road lighting equipment.

Any motor vehicle may be operated under the conditions specified in section 37.37.020 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects one hundred feet ahead in lieu of lamps required in section 37.37.220 or 37.37.240: PROVIDED, HOWEVER, That at no time shall it be operated at a speed in excess of twenty miles per hour.

37.37.270. Number of lamps required - Number of additional lamps permitted.

(1) At all times specified in section 37.37.020, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of two of any such additional lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

37.37.280. Special restrictions on lamps.

(1) During the times specified in section 37.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state patrol and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in section 37.37.190 no person shall drive or move any vehicle or equipment

upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in section 37.37.190, 37.37.200, 37.37.210, 37.37.215, and 37.37.300, warning lamps authorized by the state patrol, and light-emitting diode flashing taillights on bicycles.

37.37.360. Maintenance of brakes - Brake system failure indicator.

(1) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the front and back wheels and to wheels on opposite sides of the vehicle.

(2) All passenger cars manufactured on or after January 1, 1968, and other types of vehicles manufactured on or after September 1, 1975, shall be equipped with brake system failure indicator lamps which shall be maintained in good working order. The brake system shall demonstrate good working order and integrity by the application of a force of one hundred twenty-five pounds to the brake pedal for ten seconds without the occurrence of any of the following:

- (i) Illumination of the brake system failure indicator lamp;
- (ii) A decrease of more than eighty percent of service brake pedal height as measured from its free position to the floorboard or any other object which restricts service brake pedal travel;
- (iii) Failure of any hydraulic line or other part.

(3) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. In addition, brake hoses shall not be cracked, chafed, flattened, abraded, or visibly leaking. Protection devices such as "rub rings" shall not be considered part of the hose or tubing.

(4) Disc and drum condition. If the drum is embossed with a maximum safe diameter dimension or the rotor is embossed with a minimum safety thickness dimension, the drum or disc shall be within the appropriate specifications. These dimensions will be found on motor vehicles manufactured since January 1, 1971, and may be found on vehicles manufactured for several years prior to that time. If the drums and discs are not embossed, the drums and discs shall be within the manufacturer's specifications.

(5) Friction materials. On each brake the thickness of the lining or pad shall not be less than one thirty-second of an inch over the rivet heads, or the brake shoe on bonded linings or pads. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(6) Backing plates and caliper assemblies shall not be deformed or cracked. System parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled and installed correctly.

37.37.380. Horns, warning devices, and theft alarms.

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type conforming to rules adopted by the Jamestown S'Klallam Tribe Public Safety Department, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

37.37.390. Mufflers, prevention of noise - Smoke and air contaminants - Standards - Definitions.

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(2) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds.

(3) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection.

37.37.400. Mirrors, backup devices.

(1) Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(3) Every truck registered or based in Washington that is equipped with a cube-style, walk-in cargo box up to eighteen feet long used in the commercial delivery of goods and services must be equipped with a rear cross view mirror or backup device to alert the driver that a person or object is behind the truck.

(4) All mirrors and backup devices required by this section shall be maintained in good condition.

37.37.410. Windshields required, exception - Must be unobstructed and equipped with wipers.

(1) All motor vehicles operated on the public highways of this reservation or Tribal Lands shall be equipped with a front windshield manufactured of safety glazing materials for use in motor vehicles in accordance with section 37.37.430, except, however, on such vehicles not so equipped or where windshields are not in use, the operators of such vehicles shall wear glasses, goggles, or face shields pursuant to section 37.37.530(1) (b).

(2) No person shall drive any motor vehicle with any sign, poster, or other non-transparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

(3) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated

by the driver of the vehicle. It shall be unlawful for any person to operate a new motor vehicle which is not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.

(4) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

37.37.420. Tires - Restrictions.

(1) It is unlawful to operate a vehicle upon the public highways of Washington State unless it is completely equipped with pneumatic rubber tires except vehicles equipped with temporary-use spare tires that meet federal standards that are installed and used in accordance with the manufacturer's instructions.

(2) No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery equipped with pneumatic tires or solid rubber tracks having protuberances that will not injure the highway, and except also that it is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type conforming to rules adopted by the Washington State Patrol, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st. The Washington State Patrol may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(3) Local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

37.37.425. Tires - Unsafe – Jamestown S’Klallam Tribe Public Safety Department’s authority - Penalty.

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in Washington state, upon the public highways of this reservation or Tribal Lands unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the Washington State Patrol. The Jamestown S’Klallam Tribe Public Safety department shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a Tribal Police Officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread. A tire shall be considered unsafe if it has:

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

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

(3) Any break repaired with a boot; or

(4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the

circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use" or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle, except for temporary-use spare tires that meet federal standards that are installed and used in accordance with the manufacturer's instructions. No person, firm, or corporation shall sell any vehicle for use on the public highways of this reservation or Tribal Lands unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section. It is a traffic infraction for any person to operate a vehicle on the public highways of this reservation or Tribal Lands, or to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the Jamestown S'Klallam Tribe Public Safety department hereunder: PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

37.37.430. Safety glazing – Sun screening or coloring.

(1) No film sun screening or coloring material that reduces light transmittance to any degree may be applied to the surface of the safety glazing material in a motor vehicle unless it meets the following standards for such material:

(a) The maximum level of film sun screening material to be applied to any window, except the windshield, shall have a total reflectance of thirty-five percent or less, plus or minus three percent, and a light transmission of thirty-five percent or more, plus or minus three percent, when measured against clear glass resulting in a minimum of twenty-four percent light transmission on AS-2 glazing where the vehicle is equipped with outside rearview mirrors on both the right and left. Installation of more than a single sheet of film sun screening material to any window is prohibited. The same maximum levels of film sunscreen material may be applied to windows to the immediate right and left of the driver on limousines and passenger buses used to transport persons for compensation and vehicles identified by the manufacturer as multi-use, multipurpose, or other similar designation. All windows to the rear of the driver on such vehicles may have film sun screening material applied that has less than thirty-five percent light transmittance, if the light reflectance is thirty-five percent or less and the vehicle is equipped with outside rearview mirrors on both the right and left. A person or business tinting windows for profit who tints windows within restricted areas of the glazing system shall supply a sticker to be affixed to the driver's door post, in the area adjacent to the manufacturer's identification tag. Installation of this sticker certifies that the glazing application meets this chapter's standards for light transmission, reflectance, and placement requirements. Stickers must be no smaller than three-quarters of an inch by one and one-half inches, and no larger than two inches by two and one-half inches. The stickers must be of sufficient quality to endure exposure to harsh climate conditions. The business name and state tax identification number of the installer must be clearly visible on the sticker.

(b) A greater degree of light reduction is permitted on all windows and the top six inches of windshields of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

(c) Windshield application. A greater degree of light reduction is permitted on the top six-inch area of a vehicle's windshield. Clear film sun screening material that reduces or eliminates ultraviolet light may be applied to windshields.

(d) When film sun screening material is applied to any window except the windshield, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the roadway, through each mirror, a distance of at least two hundred feet to the rear of the vehicle.

(e) The following types of film sun screening material are not permitted:

- (i) Mirror finish products;
 - (ii) Red, gold, yellow, or black material; or
 - (iii) Film sun screening material that is in liquid pre-application form and brushed or sprayed on.
- Nothing in this section prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet federal standards and the standards of the state patrol for such safety glazing materials.

(2) It is a traffic infraction for any person to operate a vehicle for use on the public highways of this reservation or Tribal Lands, if the vehicle is equipped with film sun screening or coloring material in violation of this section.

37.37.490. Safety load chains and devices required.

It shall be unlawful to operate any vehicle upon the public highways of this reservation or Tribal Lands without having the load thereon securely fastened and protected by safety chains or other device. The chief of the Jamestown S'Klallam Tribe Public Safety Department is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles.

37.37.500. Fenders or splash aprons.

(1) Except as authorized under subsection (2) of this section, no person may operate any motor vehicle, trailer, or semi-trailer that is not equipped with fenders, covers, flaps, or splash aprons adequate for minimizing the spray or splash of water or mud from the roadway to the rear of the vehicle. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(2) A motor vehicle that is not less than forty years old or a street rod vehicle that is owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads.

37.37.513. Bumpers.

When any motor vehicle was originally equipped with bumpers or any other collision energy absorption or attenuation system, that system shall be maintained in good operational condition, and no person shall remove or disconnect, and no owner shall cause or knowingly permit the removal or disconnection of, any part of that system except temporarily in order to make repairs, replacements, or adjustments.

37.37.522. Motorcycles and motor-driven cycles - When head lamps and tail lamps to be lighted.

Every motorcycle and motor-driven cycle shall have its head lamps and tail lamps lighted whenever such vehicle is in motion upon a highway.

37.37.523. Motorcycles and motor-driven cycles - Head lamps.

(1) Every motorcycle and every motor-driven cycle shall be equipped with at least one lamp which shall comply with the requirements and limitations of this section.

(2) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in section 37.37.030(2).

(3) Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment.

(4) Such equipment shall:

- (a) Reveal persons and vehicles at a distance of at least three hundred feet ahead when the uppermost distribution of light is selected;
- (b) Reveal persons and vehicles at a distance of at least one hundred fifty feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

37.37.524. Motor-driven cycles - Head lamps.

The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

- (1) Every such head lamp or head lamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour;
- (2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section 37.37.220(1), and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section 37.37.220;
- (3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty- five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

37.37.525. Motorcycles and motor-driven cycles - Tail lamps, reflectors, and stop lamps.

- (1) Every motorcycle and motor-driven cycle shall have at least one tail lamp which shall be located at a height of not more than seventy-two nor less than fifteen inches.
- (2) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.
- (3) Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of section 37.37.070.

37.37.530. Motorcycles, motor-driven cycles, mopeds, electric-assisted bicycles - Helmets, other equipment - Children - Rules.

(1) It is unlawful:

- (a) 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 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 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;
- (b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the Jamestown S'Klallam Tribe Public Safety Department;

- (c) 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 public safety department 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 Jamestown S'Klallam Tribe Public Safety Department. 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. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;
- (d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;
- (e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the Jamestown S'Klallam Tribe Public Safety Department.

(2) The Jamestown S'Klallam Tribe Public Safety Department is hereby authorized and may adopt and amend rules concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

Chapter 37.44

Drinking in public conveyance -- Penalty against individual -- Restricted application

Appendix A – Bail Schedule

Chapter 37.52
Accidents; Reports; Abandoned Vehicles

37.52.010. Duty on striking unattended car or other property - Penalty.

The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle. The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state. Any person violating the provisions of this section is guilty of a gross misdemeanor.

37.52.020. Duty in case of injury to or death of person or damage to attended vehicle or other property - Penalties.

- (1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.
- (2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.
- (3) Unless otherwise provided in subsection (7) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his or her name, address, insurance company, insurance policy number, and vehicle license number and shall exhibit his or her vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his or her behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident.
- (4) (a) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section in the case of an accident resulting in death is guilty of a Felony and, upon conviction, is punishable according to Title 21 section 3.6.61.520 Vehicular Homicide.
(b) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section in the case of an accident resulting in injury is guilty of a felony and, upon conviction, is punishable according to:
Title 21 section 3.6.61.520 Vehicular Homicide or;
Title 21 section 3.6.61.522 vehicular assault, or;
Title 21 3.6.61.500 Reckless Driving.
- (c) This subsection shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying with this section.

- (5) Any driver covered by the provisions of subsection (2) of this section failing to stop or to comply with any of the requirements of subsection (3) of this section under said circumstances shall be guilty of a gross misdemeanor: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.
- (6) The permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the Tribal Police department.
- (7) If none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no Tribal Police Officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his or her part to be performed, shall forthwith report such accident to the nearest office of the duly authorized Tribal Police authority and submit thereto the information specified in subsection (3) of this section.

Chapter 37.55

Towing and Impoundment

37.55.010. Definitions.

The definitions set forth in this section apply throughout this chapter:

- (1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.
- (2) "Abandoned vehicle report" means the document that the towing operator forwards to the Tribal Police department after a vehicle has become abandoned.
- (3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds - public and private.
 - (a) "Public impound" means that the vehicle has been impounded at the direction of a Tribal Police officer having jurisdiction over the public property upon which the vehicle was located.
 - (b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.
- (4) "Junk vehicle" means a vehicle certified under section 37.55.230 as meeting at least three of the following requirements:
 - (a) Is three years old or older;
 - (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;
 - (c) Is apparently inoperable;
 - (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.
- (5) "Master log" means the document or an electronic facsimile prescribed by the Tribal Police in which an operator records transactions involving impounded vehicles.
- (6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.
- (7) "Residential property" means property that has no more than four living units located on it.
- (8) "Suspended license impound" means an impound ordered under section 37.55.113.
- (9) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.
- (10) "Tow truck number" means the number issued by the Tribal Police to tow trucks used by a registered tow truck operator in the state of Washington.
- (11) "Tow truck permit" means the permit issued by the Tribal Police Department that has the classification of service the tow truck may provide stamped upon it.
- (12) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.
- (12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

 - (a) Public locations:

- | | |
|--|-------------|
| (i) Constituting an accident or a traffic hazard as defined in section 37.55.113 | Immediately |
| (ii) On a highway and tagged as described in section 37.55.085 | 24 hours |
| (iii) In a publicly owned or controlled parking facility,
properly posted under section 37.55.070 | Immediately |
| (b) Private locations: | |
| (i) On residential property | Immediately |
| (ii) On private, nonresidential property, properly posted under section 37.55.070 | Immediately |
| (iii) On private, nonresidential property, not posted | 24 hours |

37.55.070. Posting requirements - Exception.

- (1) No person may impound, tow, or otherwise disturb any unauthorized vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property that clearly indicates:
- (a) The times a vehicle may be impounded as an unauthorized vehicle; and
 - (b) The name, telephone number, and address of the towing firm where the vehicle may be redeemed.
- (2) The requirements of subsection (1) of this section do not apply to residential property. Any person having charge of such property may have an unauthorized vehicle impounded immediately upon giving written authorization.
- (3) The Tribal Council may adopt rules relating to the size of the sign required by subsection (1) of this section, its lettering, placement, and the number required.

37.55.080. Tribal Police Officer impound, private impound - Master log - Certain associations restricted.

- (1) If a vehicle is in violation of the time restrictions of section 37.55.010(13), it may be impounded by a registered tow truck operator at the direction of a Tribal Police Officer if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A Tribal Police Officer may also direct the impoundment of a vehicle pursuant to a writ or court order.
- (2) The person requesting a private impound or a Tribal Police officer requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.
- (3) In the case of a private impound, the impound authorization shall include the following statement:
"A person authorizing this impound, if the impound is found in violation of section 37.55, may be held liable for the costs incurred by the vehicle owner."

37.55.085. Tribal Police Officer impound - Unauthorized vehicle in right of way.

- (1) A Tribal Police officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:
- (a) The date and time the sticker was attached;
 - (b) The identity of the officer;
 - (c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and
 - (d) The address and telephone number where additional information may be obtained.

(2) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(3) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the Tribal Police Officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies Jamestown S'Klallam Tribe officials and requests assistance.

(4) For the purposes of this section a place of safety includes the business location of a registered tow truck operator.

37.55.105. Responsibility of registered owner.

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section and removed at the direction of a Tribal Police Officer, the last registered owner of record is guilty of a traffic infraction, unless the vehicle is redeemed as provided in section 37.55.120. In addition to any other monetary penalty, the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under section 37.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle (1) relieves the last registered owner of liability under subsections (1) and (2) of this section. If the date of sale as indicated on the report of sale is on or before the date of impoundment, the buyer identified on the latest properly filed report of sale is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (1) and (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale. In that case the person to whom the licensed vehicle dealer has sold or transferred the vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

37.55.110. Notice to legal and registered owners.

(1) When an unauthorized vehicle is impounded, the Tribal Police shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled, as provided by the Jamestown S'Klallam Tribe Public Safety Department, and shall inform the owners of the identity of the person or agency authorizing the impound. The notice shall include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of

redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to section 37.55.120.

(2) In addition, if a suspended license impound has been ordered, the notice must state the length of the impound, the requirement of the posting of a security deposit to ensure payment of the costs of removal, towing, and storage, notification that if the security deposit is not posted the vehicle will immediately be processed and sold at auction as an abandoned vehicle, and the requirements set out in section 37.55.120(1)(b) regarding the payment of the costs of removal, towing, and storage as well as providing proof of satisfaction of any penalties, fines, or forfeitures before redemption. The notice must also state that the registered owner is ineligible to purchase the vehicle at the abandoned vehicle auction, if held.

(3) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled, if the vehicle or personal property has been redeemed.

37.55.113. Removal by a Tribal Police Officer.

A Tribal Police Officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a Tribal Police Officer finds a vehicle standing upon the roadway in violation of any of the provisions of section 37.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a Tribal Police Officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a Tribal Police Officer finds an unattended vehicle at the scene of an accident or when 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;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a Tribal Police Officer;

(5) Whenever a Tribal Police Officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person is parked in a stall or space clearly and conspicuously marked which space is provided on private property without charge or on public property; Nothing in this section may derogate from the powers of Tribal Police Officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

37.55.120. Redemption of vehicles - Sale of unredeemed property - Improper impoundment.

(1) Vehicles or other items of personal property registered or titled with a state or Tribe that are impounded by registered tow truck operators pursuant to section 37.55.080, 37.55.085 or 37.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer may redeem an impounded vehicle or items of personal property registered or titled with a state or Tribe. In addition, a vehicle impounded because the operator is in violation of section 37.20.343 shall not be released until a person eligible to redeem it satisfies the requirements of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in Tribal Court in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The Tribal Court has jurisdiction to determine the issues involving all impoundments including those authorized by the Tribal Police-or its agents. Any request for a hearing shall be made in writing on a form provided for that purpose and must be received by the Tribal Court

within ten days of the date of impoundment, and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in Tribal court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(2) (a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter.

(3) Any impounded abandoned vehicle or item of personal property registered or titled with the state or Tribe that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by section 37.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of section 37.55.130. A vehicle or item of personal property registered or titled may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

37.55.130. Notice requirements - Public auction - Accumulation of storage charges.

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in section 37.55.110(3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, or a suspended license impound has been directed, but no security paid under section 37.55.120, then the Tribal Police may conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the precaution bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

- (c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;
- (d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;
- (e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;
- (f) The successful bidder shall apply for title within fifteen days;

37.55.230. Junk vehicles - Removal, disposal, sale - Penalties - Cleanup restitution payment.

(1) Notwithstanding any other provision of law, any Tribal Police Officer having jurisdiction, or any employee or officer of a jurisdictional health department, or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The Tribal Police Officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6) (a) It is a civil infraction for a person to abandon a junk vehicle on property located in an incorporated area. If a junk vehicle is abandoned in an incorporated area, the landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(b) It is a gross misdemeanor for a person to abandon a junk vehicle on property located in an unincorporated area. If a junk vehicle is abandoned in an unincorporated area, the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

Chapter 37.61

Rules of the Road

37.61.015. Obedience to Tribal Police Officers, Flaggers, or Fire Fighters - Penalty.

No person shall willfully fail or refuse to comply with any lawful order or direction of any duly authorized flagger or any Tribal Police Officer or fire fighter invested by law with authority to direct, control, or regulate traffic. A violation of this section is a misdemeanor.

37.61.020. Refusal to give information to or cooperate with officer - Penalty.

It is unlawful for any person while operating or in charge of any vehicle to refuse when requested by a Tribal Police Officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it is likewise unlawful for any such person to refuse or neglect to stop when signaled to stop by any Tribal Police Officer or to refuse upon demand of such Tribal Police Officer to produce his certificate of license registration of such vehicle, his insurance identification card, or his vehicle driver's license or to refuse to permit such officer to take any such license, card, or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle, insurance card, or his vehicle driver's license when requested by any court. Any Tribal Police Officer shall on request produce evidence of his authorization as such. A violation of this section is a misdemeanor.

37.61.021. Duty to obey Tribal Police Officer - Authority of officer.

(1) Any person requested or signaled to stop by a Tribal Police Officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check for outstanding warrants, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself or herself to a Tribal Police Officer pursuant to an investigation of a traffic infraction has a duty to identify himself or herself, give his or her current address, and sign an acknowledgement of receipt of the notice of infraction.

37.61.022. Failure to obey Tribal Police Officer - Penalty.

Any person who willfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a Tribal Police Officer or to comply with section 37.61.021(3), is guilty of a misdemeanor.

37.61.024. Attempting to elude pursuing Police vehicle

Any driver of a motor vehicle who willfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a manner indicating a wanton or willful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a Felony. The signal given by the Tribal Police Officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his vehicle shall be appropriately marked showing it to be an official police vehicle.

37.61.035. Authorized emergency vehicles.

(1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this chapter;

- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the maximum speed limits so long as he does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of section 37.37.190, except that:

- (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle;
- (b) Authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

37.61.050. Obedience to and required traffic control devices.

(1) The driver of any vehicle, every bicyclist, and every pedestrian shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a Tribal Police Officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

37.61.075. Display of unauthorized signs, signals, or markings.

(1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

37.61.080. Interference with official traffic-control devices or railroad signs or signals.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

DRIVING ON RIGHT SIDE OF ROADWAY-OVERTAKING AND PASSING-USE OF ROADWAY

37.61.100. Keep right except when passing, etc.

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard.

37.61.105. Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

37.61.110. Overtaking a vehicle on the left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

37.61.115. When overtaking on the right is permitted.

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

37.61.120. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of section 37.61.100 through section 37.61.140 and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

37.61.125. Further limitations on driving to left of center of roadway.

(1) No vehicle shall be driven on the left side of the roadway under the following conditions:

- (a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
- (b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;
- (c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(2) The foregoing limitations shall not apply under the conditions described in section 37.61.100(1) (b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

37.61.130. No-passing zones.

(1) The Tribal Council is authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) of this section, no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(3) This section does not apply under the conditions described in section 37.61.100(1) (b), nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

37.61.140. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

37.61.145. Following too closely.

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

RIGHT OF WAY

37.61.180. Vehicle approaching intersection.

(1) When two vehicles approach or enter an intersection from different highways 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.

(2) The right of way rule declared in subsection (1) of this section is modified at arterial highways and otherwise as stated in this chapter.

37.61.185. Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

37.61.190. Vehicle entering stop or yield intersection.

(1) Preferential right of way may be indicated by stop signs or yield signs.

(2) Except when directed to proceed by a duly authorized flagman, or a Tribal Police Officer, or a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

37.61.200. Stop intersections other than arterial may be designated.

In addition to the points of intersection of any public highway with any arterial public highway that is constituted by law or by any proper authorities of this reservation or Tribal Lands, the Tribal Council has the power to determine and designate any particular intersection, or any particular highways, roads, or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection. Upon the determination and designation of such points at which vehicles will be required to come to a stop before entering the intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design indicating that the intersection has been so determined and designated and that vehicles entering it are required to stop. It is unlawful for any person operating any vehicle when entering any intersection determined, designated, and bearing the required sign to fail and neglect to bring the vehicle to a complete stop before entering the intersection.

37.61.202. Stopping when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, or pedestrians notwithstanding any traffic control signal indications to proceed.

37.61.205. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles lawfully approaching on said highway.

37.61.210. Operation of vehicles on approach of emergency vehicles.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of section 37.37.190, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Tribal Police Officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

37.61.220. Transit vehicles.

(1) 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.

(2) Nothing in this section shall operate to relieve the driver of a transit vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

PEDESTRIANS' RIGHTS AND DUTIES

37.61.230. Pedestrians subject to traffic regulations.

Pedestrians shall be subject to traffic-control signals at intersections, and at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

37.61.235. Stopping for pedestrians in crosswalks.

(1) The operator of an approaching vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within an unmarked or marked crosswalk when the pedestrian is upon or within one lane of the half of the roadway upon which the vehicle is traveling or onto which it is turning. For purposes of this section "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) Subsection (1) of this section does not apply under the conditions stated in section 37.61.240(2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

37.61.240. Crossing at other than crosswalks.

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(2) Where curb ramps exist at or adjacent to intersections or at marked crosswalks in other locations, disabled persons may enter the roadway from the curb ramps and cross the roadway within or as closely as practicable to the crosswalk. All other pedestrian rights and duties as defined elsewhere in this chapter remain applicable.

(3) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(4) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(5) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(6) No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

37.61.245. Drivers to exercise care.

Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

37.61.250. Pedestrians on roadways.

(1) Where sidewalks are provided it is unlawful for any pedestrian to walk or otherwise move along and upon an adjacent roadway. Where sidewalks are provided but wheelchair access is not available, disabled persons who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk.

(2) Where sidewalks are not provided any pedestrian walking or otherwise moving along and upon a highway shall, when practicable, walk or move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall move clear of the roadway.

37.61.255. Pedestrians soliciting rides or business.

(1) No person shall stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle.

(2) It shall be unlawful for any person to solicit a ride for himself or another from within the right of way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city or town having jurisdiction over the highway.

(3) The provisions of subsections (1) and (2) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(4) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

37.61.260. Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone.

37.61.261. Sidewalks, crosswalks - Pedestrians, bicycles.

The driver of a vehicle shall yield the right of way to any pedestrian or bicycle on a sidewalk. The rider of a bicycle shall yield the right of way to a pedestrian on a sidewalk or crosswalk.

37.61.264. Pedestrians yield to emergency vehicles.

(1) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of section 37.37.380 subsection (4) and visual signals meeting the

requirements of section 37.37.190, or of a police vehicle meeting the requirements of section 37.61.035 subsection (3), every pedestrian shall yield the of way to the authorized emergency vehicle.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

37.61.266. Pedestrians under the influence of alcohol or drugs.

A Tribal Police Officer may offer to transport a pedestrian who appears to be under the influence of alcohol or any drug and who is walking or moving along or within the right of way of a public roadway, unless the pedestrian is to be taken into protective custody. The Tribal Police Officer offering to transport an intoxicated pedestrian under this section shall:

(1) Transport the intoxicated pedestrian to a safe place; or

(2) Release the intoxicated pedestrian to a competent person. The Tribal Police Officer shall take no action if the pedestrian refuses this assistance. No suit or action may be commenced or prosecuted against the Tribal Police Officer or the Jamestown S'Klallam Tribe Public Safety Department for any act resulting from the refusal of the pedestrian to accept this assistance.

TURNING AND STARTING AND SIGNALING ON STOPPING AND TURNING

37.61.290. Required position and method of turning at intersections.

The driver of a vehicle intending to turn shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

37.61.295. "U" turns.

(1) 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 and without interfering with other traffic.

(2) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

37.61.300. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

37.61.305. When signals required - Improper use prohibited.

(1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in section 37.61.310 subsection (2), shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

37.61.310. Signals by hand and arm or signal lamps.

(1) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (2) hereof.

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurements shall apply to any single vehicle, also to any combination of vehicles.

37.61.315. Method of giving hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(1) Left turn. Hand and arm extended horizontally.

(2) Right turn. Hand and arm extended upward.

(3) Stop or decrease speed. Hand and arm extended downward.

37.61.365. Emerging from alley, driveway, or building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

37.61.370. Overtaking or meeting school bus - Duties of bus driver.

(1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the roadway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in section 37.37.190 and said driver shall not proceed until such school bus resumes motion or the visual signals are no longer activated.

(2) The driver of a school bus shall actuate the visual signals required by section 37.37.190 only when such bus is stopped on the roadway for the purpose of receiving or discharging school children.

(3) The driver of a school bus may stop completely off the roadway for the purpose of receiving or discharging school children only when the school children do not have to cross the roadway. The school bus driver shall actuate the hazard warning before loading or unloading school children at such stops.

(4) A person found to have committed an infraction of subsection (1) of this section shall be assessed a monetary penalty equal to twice the total penalty assessed under section 37.63.110. This penalty may not be waived, reduced, or suspended.

37.61.371. School bus stop sign violators - Identification by vehicle owner.

If a Tribal Police Officer investigating a violation of section 37.61.370 has reasonable cause to believe that a violation has occurred, the officer may request the owner of the motor vehicle to supply information identifying the driver of the vehicle at the time the violation occurred. When requested, the

owner of the motor vehicle shall identify the driver to the best of the owner's ability. The owner of the vehicle is not required to supply identification information to the Tribal Police Officer if the owner believes the information is self-incriminating.

37.61.400. Basic rule and maximum speed limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection(1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets; (b) Fifty five miles per hour on state highways.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

37.61.415. When local authorities may alter maximum limits.

(1) Whenever the Jamestown S'Klallam Tribe Public Safety Department determines on the basis of an engineering and traffic investigation that the maximum speed permitted under section 37.61.400 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the Jamestown S'Klallam Tribe Public Safety Department may determine and declare a reasonable and safe maximum limit thereon which:

(a) Decreases the limit at intersections; or
(b) Increases the limit but not to more than sixty miles per hour; or
(c) Decreases the limit but not to less than twenty miles per hour.

(2) The Jamestown S'Klallam Tribe Public Safety Department shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under section 37.61.400(2) but shall not exceed sixty miles per hour.

(3) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

37.61.425. Minimum speed regulation - Passing slow moving vehicle.

(1) No person shall drive a motor 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 in compliance with law: PROVIDED, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of section 37.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the Jamestown S'Klallam Tribe Public Safety Department determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the Jamestown S'Klallam Tribe Public Safety Department may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

37.61.445. Due care required.

Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require.

37.61.465. Exceeding speed limit evidence of reckless driving.

The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof.

37.61.507. Analysis of breath sample

The Jamestown S'Klallam Tribe Public Safety Department will use an Alco-Sensor III portable breath tester to obtain a breath sample. This device must be checked for calibration once every six months.

37.61.519. Alcoholic beverages - Drinking or open container in vehicle on highway or Cannabis Product-Exceptions.

(1) It is a traffic infraction to drink any alcoholic beverage or ingest any cannabis product in a motor vehicle when the vehicle is upon a highway.

(2) It is a traffic infraction for a person to have in his possession while in a motor vehicle upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage or cannabis product if the container has been opened or a seal broken or the contents partially removed.

(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage or cannabis product which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper.

STOPPING, STANDING AND PARKING

37.61.560. Stopping, standing, or parking outside business or residence districts.

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and section 37.61.570 and 37.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by section 37.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions.

37.61.570. Stopping, standing, or parking prohibited in specified places - Reserving portion of highway prohibited.

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Tribal Police Officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) On any railroad tracks; or

(viii) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers: or

(i) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by Tribal ordinance.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

37.61.575. Additional parking regulations.

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) The Jamestown S'Klallam Tribe Public Safety Department may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the Tribal Council has determined by order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

37.61.590. Unattended motor vehicle - Removal from highway.

It is unlawful for the operator of a vehicle to leave the vehicle unattended within the limits of any highway unless the operator of the vehicle arranges for the prompt removal of the vehicle.

37.61.605. Limitations on backing.

(1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access highway.

37.61.606. Driving on sidewalk prohibited - Exception.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

37.61.608. Operating motorcycles on roadways laned for traffic.

(1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

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

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to Tribal Police Officers in the performance of their official duties.

37.61.610. Riding on motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, 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, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator: PROVIDED, HOWEVER, That the motorcycle must contain foot pegs, of a type approved by the *equipment commission, for each person such motorcycle is designed to carry.

37.61.611. Motorcycles - Maximum height for handlebars.

No person shall operate on a public highway a motorcycle in which the handlebars or grips are more than thirty inches higher than the seat or saddle for the operator.

37.61.612. Riding on motorcycles - Position of feet.

No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle.

37.61.614. Riding on motorcycles - Clinging to other vehicles.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

37.61.615. Obstructions to driver's view or driving mechanism.

(1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

37.61.620. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle adjacent to moving traffic for a period of time longer than necessary to load or unload passengers.

37.61.625. Riding in trailers or towed vehicles.

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck as defined in section 37.55.010.

37.61.635. Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or stop such vehicle within five hundred feet of any fire apparatus stopped in answer to a fire alarm.

37.61.640. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

37.61.645. Throwing dangerous materials on highway prohibited - Removal.

(1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

37.61.655. Dropping load, other materials - Covering.

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The Jamestown S'Klallam Tribe Public Safety Department may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

37.61.660. Carrying persons or animals on outside part of vehicle.

It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom. It shall be unlawful for any person to transport any persons upon the running board, fenders, hood or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles or to solid waste collection vehicles that are engaged in collecting solid waste or recyclables on route at speeds of twenty miles per hour or less.

37.61.665. Embracing another while driving.

It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. Operation of a motor vehicle in violation of this section is prima facie evidence of reckless driving.

37.61.667. Using a wireless communications device while driving.

(1) Except as provided in subsections (2) and (3) of this section, a person operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction.

(2) Subsection (1) of this section does not apply to a person operating:

- (a) An authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
- (b) A moving motor vehicle using a wireless communications device in hands-free mode;
- (c) A moving motor vehicle using a hand-held wireless communications device to:
 - (i) Report illegal activity;
 - (ii) Summon medical or other emergency help;
 - (iii) Prevent injury to a person or property; or
 - (iv) Relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle;
- (d) A moving motor vehicle while using a hearing aid.

(3) Subsection (1) of this section does not restrict the operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.

(4) For purposes of this section, "hands-free mode" means the use of a wireless communications device with a speaker phone, headset, or earpiece.

(5) The Tribe preempts the field of regulating the use of wireless communications devices in motor vehicles, and this section supersedes any local laws, ordinances, orders, rules, or regulations enacted by a political subdivision or municipality to regulate the use of wireless communications devices by the operator of a motor vehicle.

(6) Infractions that result from the use of a wireless communications device while operating a motor vehicle under this section shall not become part of the driver's record. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers.

37.61.668. Sending, reading, or writing a text message while driving.

(1) Except as provided in subsection (2) of this section, a person operating a moving motor vehicle who, by means of an electronic wireless communications device, sends, reads, or writes a text message, is guilty of a traffic infraction. A person does not send, read, or write a text message when he or she reads, selects, or enters a phone number or name in a wireless communications device for the purpose of making a phone call.

(2) Subsection (1) of this section does not apply to a person operating:

- (a) An authorized emergency vehicle;
- (b) A voice-operated global positioning or navigation system that is affixed to the vehicle and that allows the user to send or receive messages without diverting visual attention from the road or engaging the use of either hand; or
- (c) A moving motor vehicle while using an electronic wireless communications device to:
 - (i) Report illegal activity;
 - (ii) Summon medical or other emergency help;
 - (iii) Prevent injury to a person or property; or
 - (iv) Relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

(3) Infractions under this section shall not become part of the driver's record. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers.

37.61.670. Driving with wheels off the road.

It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except as permitted for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof.

37.61.675. Causing or permitting vehicle to be unlawfully operated.

It shall be unlawful for the owner, or any other person, in employing or otherwise directing the operator of any vehicle to require or knowingly to permit the operation of such vehicle upon any public highway in any manner contrary to the law.

37.61.685. Leaving children unattended in standing vehicle with motor running - Penalty.

It is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended in the vehicle. Any person violating the provisions of this section is guilty of a civil traffic infraction.

37.61.686. Leaving children unattended in standing vehicle - Penalty.

It is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place, leaving a minor child or children under the age of sixteen years unattended in the vehicle. Any person violating the provisions of this section is guilty of a civil traffic infraction.

37.61.688. Safety belts, use required - Penalties - Exemptions.

(1) For the purposes of this section, the term "motor vehicle" includes:

- (a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;
- (b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;
- (c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and
- (d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

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

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

(5) A person violating this section shall be issued a notice of traffic infraction.

(6) 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.

(7) 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.

(8) The Jamestown S'Klallam Tribe Public Safety Department may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

37.61.700. Parent /guardian shall not authorize or permit violation by a child /ward.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

Chapter 37.63
Notice of Traffic Infraction; Issuance; Abandoned Vehicles

37.63.030. Notice of traffic infraction - Issuance - Abandoned vehicles.

- (1) A Tribal Police Officer has the authority to issue a notice of traffic infraction:
 - (a) When the infraction is committed in the officer's presence;
 - (b) When the officer is acting upon the request of a Tribal Police Officer in whose presence the traffic infraction was committed; or
 - (c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction.
- (2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.
- (3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.
- (4) In the case of failure to redeem an abandoned vehicle under section 37.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, a Tribal Police officer of the Jamestown S'Klallam Tribe Public Safety Department responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the registered owner of the vehicle. The officer shall append to the notice of infraction, on a form prescribed by the appropriate state department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

37.63.110. Monetary penalties.

- (1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.
- (2) The Jamestown Tribal Council shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. The Jamestown Tribal Council may adjust this schedule every two years for inflation.
- (3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter.
- (4) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid.
- (5) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived.

37.44.250. Drinking in public conveyance -- Penalty against individual -- Restricted application.

Every person who drinks any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, is guilty of a misdemeanor offense. With respect to a public conveyance that is commercially chartered for group use and with respect to a for-hire vehicle licensed under Tribal, city, county, or state law, this section applies only to the driver of the vehicle.

Appendix A – Bail Schedule

37.09.120	Off road and non-highway vehicles/operating violations	\$81.00
37.16.010	Licenses and plates required/less than two months	\$96.00
37.16.010	Licenses and plates required/more than two months	\$182.00
37.16.011	Allowing unauthorized person to drive	\$250.00
37.16.240	Attachment of plates to vehicles/improper use/switch/alter	\$96.00
37.16.240	Attachment of plates to vehicles/obscured/illegible	\$96.00
37.16.260	License registration certificate/signature required/carried in vehicle	\$96.00
37.20.005	Driving without a license without identification	\$150.00
37.20.015	Driving without a license	\$91.00
37.20.017	Immediate possession and displayed on demand	\$96.00
37.20.055	Instruction permit	\$96.00
37.20.342	Driving while license invalidated	\$175.00-\$500.00
37.20.420	Operation of motor vehicle under other license or permit prohibited while license is suspended or revoked	\$175.00
37.30.020	Liability insurance or other financial responsibility required	\$500.00
37.36.110	Stop Signs; Yield Signs; Duties of Persons Using Highway	\$136.00 (Initial) \$234.00 (Subsequent)
37.37.010 through 37.37.530	Vehicle Lighting and Other equipment	\$96.00
37.44.250	Drinking in public conveyance - Penalty against individual - Restricted Application	90 Days/\$2,500.00
37.44.090	Special permits for oversize or overweight movements	\$144.00
37.52.010	Duty on striking unattended car or other property	\$250.00
37.52.020	Duty in case of injury to or death of person or damage to attended vehicle or other property	1 Year/\$5,000.00
37.55.105	Responsibility of registered owner	\$96.00
37.55.110	Notice to legal and registered owners	\$274.00
37.55.230	Junk vehicle/removal, disposal, sale/Cleanup restitution payment	\$475.00
37.61.015	Obedience to Tribal Police officer, flaggers or fire fighter	90 Days/\$2,500.00
37.61.020	Refusal to give information to or cooperate with officer	90 Days/\$2,500.00
37.61.021	Duty to obey Tribal Police Officer	\$250.00

37.61.022	Failure to obey officer	90 Days/\$2,500.00
37.61.024	Attempting to elude pursuing police vehicle	3 Years/\$15,000.00
37.61.050	Obedience to and required traffic control devices	\$96.00
37.61.080	Interference with official traffic control devices or railroad signs or signals	\$96.00
37.61.100	Keep right except when passing, etc.	\$96.00
37.61.105	Passing vehicles proceeding in opposite directions	\$96.00
37.61.110	Overtaking a vehicle on the left	\$96.00
37.61.115	When overtaking on the right is permitted	\$96.00
37.61.120	Limitation on overtaking on the left	\$96.00
37.61.125	Further limitations on driving to left of center of roadway	\$96.00
37.61.130	No passing zones	\$96.00
37.61.140	Driving on roadways laned for traffic	\$96.00
37.61.145	Following too closely	\$96.00
37.61.180	Vehicle approaching intersection	\$96.00
37.61.185	Vehicle turning left	\$96.00
37.61.190	Vehicle entering stop or yield intersection	\$96.00
37.61.200	Stop intersection other than arterial may be designated	\$96.00
37.61.202	Stopping when traffic obstructed	\$96.00
37.61.205	Vehicle entering highway from private road or driveway	\$96.00
37.61.210	Operation of vehicles on approach of emergency vehicles	\$96.00
37.61.220	Transit vehicles	\$96.00
37.61.230	Pedestrians subject to traffic regulations	\$56.00
37.61.235	Stopping for pedestrians in crosswalks	\$96.00
37.61.240	Crossing at other than crosswalks	\$56.00
37.61.245	Driver to exercise care	\$96.00
37.61.250	Pedestrians on roadways	\$56.00
37.61.255	Pedestrians soliciting rides or business	\$56.00
37.61.260	Driving through safety zone prohibited	\$96.00
37.61.261	Sidewalks, crosswalks-Pedestrians, bicycles	\$96.00
37.61.264	Pedestrians yield to emergency vehicles	\$56.00
37.61.290	Required position and method of turning at intersection	\$96.00
37.61.295	"U" turns	\$96.00

37.61.300	Starting parked vehicle	\$96.00
37.61.305	When signals required – improper use prohibited	\$96.00
37.61.310	Signals by hand and arm or signal lamps	\$96.00
37.61.315	Method of giving hand and arm signals	\$96.00
37.61.365	Emerging from alley, driveway or building	\$96.00
37.61.370	Overtaking or meeting school bus	\$500.00
37.61.371	School bus stop sign violators	\$96.00
37.61.400	Basic Rule and maximum speed limits	

SPEED LIMIT IS OVER 40 MPH

1-5 MPH	\$68.00
6-10 MPH	\$87.00
11-15 MPH	\$115.00
16-20 MPH	\$129.00
21-25 MPH	\$172.00
26-30 MPH	\$210.00
31-35 MPH	\$258.00
36-40 MPH	\$305.00
OVER 40 MPH	\$362.00

SPEED LIMIT IS UNDER 40 MPH

1-5 MPH	\$87.00
6-10 MPH	\$96.00
11-15 MPH	\$125.00
16-20 MPH	\$163.00
21-25 MPH	\$210.00
26-30 MPH	\$258.00
31-35 MPH	\$305.00
Over 35 MPH	\$362.00

37.61.400	Speed too fast for conditions	\$96.00
37.61.425	Minimum speed regulation	\$96.00
37.61.445	Due care required	\$96.00
37.61.465	Exceeding speed limit evidence of reckless driving	\$275.00
37.61.519	Alcoholic beverages/drinking or open container in vehicle on hwy.	\$96.00
37.61.560	Stopping, standing, or parking outside business or residence districts	\$96.00
37.61.570	Stopping, standing, or parking prohibited in specified places	\$96.00
37.61.590	Unattended motor vehicle – Removal from highway	\$96.00
37.61.605	Limitations on backing	\$157.00
37.61.606	Driving on sidewalk prohibited	\$96.00
37.61.610	Riding on motorcycles	\$96.00
37.61.611	Motorcycles – Maximum height for handlebars	\$96.00
37.61.612	Riding on motorcycles – position of feet	\$96.00
37.61.614	Riding on motorcycles – clinging to other vehicles	\$96.00
37.61.615	Obstructions to driver's view or driving mechanism	\$96.00
37.61.620	Opening and closing vehicle doors	\$96.00
37.61.625	Riding in trailers or towed vehicles	\$96.00

37.61.635	Following fire apparatus prohibited	\$96.00
37.61.640	Crossing fire hose	\$96.00
37.61.645	Throwing dangerous material on highway prohibited	\$182.00
37.61.655	Dropping load, other materials – covering	\$182.00
37.61.660	Carrying person or animals on outside part of vehicle	\$96.00
37.61.665	Embracing another while driving	\$96.00
37.61.667	Using a wireless communications device while driving	\$96.00
37.61.668	Send, reading, or writing a text message while driving	\$96.00
37.61.670	Driving with wheels off the road	\$96.00
37.61.675	Causing or permitting vehicle to be unlawfully operate	\$96.00
37.61.685	Leaving children unattended in standing vehicle with motor running	\$250.00
37.61.686	Leaving children unattended in standing vehicle	\$125.00
37.61.688	Safety belts, use required	\$96.00
37.61.700	Parent or guardian shall not authorize or permit violation by a child or ward	\$96.00
37.63.030	Notice of traffic infraction – Issuance – Abandoned vehicles	\$96.00