

## TITLE 4. TRAFFIC CONTROL

### Chapter 4.1

#### TRAFFIC CONTROL

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#### Civil Traffic Infractions- Generally

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

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

(b) Those persons who violate the rules of conduct herein while operating a motor vehicle are deterred from violating the rules in the future; and persons violating this chapter pay the expenses incurred by the Hoh Tribe in deterring the violations.

4.1.015 Findings. (a) Dozens of motorists traverse the Hoh Indian Reservation on a daily basis. Furthermore, planned developments on and near the Hoh Indian Reservation will increase this already high volume of traffic. This high volume of traffic necessarily has a direct effect on the health and welfare of Hoh tribal members and all residents of the Hoh Indian Reservation.

(b) Presently, the Hoh Tribe employs one full-time Washington State certified patrol officer with duties limited to the Hoh Indian Reservation. In contrast, there are no state or federal law enforcement officers stationed on, or with duties limited to, the Hoh Indian Reservation. The Hoh Indian Reservation contains only a small fraction of the land mass and population of western Jefferson County.

(c) A civil traffic code enforced by the Hoh Department of Public Safety that is applicable to all motorists who operate vehicles within the Hoh Indian Reservation will play a direct role in ensuring that vehicles are operated within the reservation in a safe manner and will accordingly contribute to keeping our tribal members and all residents of the Hoh Indian Reservation healthy and safe.

4.1.020 Jurisdiction. The Hoh Tribal Court is vested with the maximum personal, subject matter, and territorial jurisdiction permissible under the Constitution and Bylaws of the Hoh Indian Tribe and to the extent consistent with federal law.

4.1.030 Means of Exercising Jurisdiction. In exercising jurisdiction over civil traffic infractions, if a process is not specified under this chapter, the tribal court may adopt any suitable process consistent with the purpose of this chapter and in harmony with the spirit of Hoh tribal law.

4.1.040 Explanation of Privilege. The operation of a vehicle on the Hoh Indian Reservation is a privilege which may be granted, denied, suspended or revoked by the Hoh Tribe.

4.1.045 Authority of Hoh Tribal Court to Allow Driving for Occupational Purposes. The Hoh Tribal Court, as part of the tribe's authority set forth in Section 4.1.040, may, within its discretion, authorize an individual to operate a motor vehicle for occupational purposes within the exterior boundaries of the Hoh Indian Reservation if:

(a) The individual meets the requirements set forth in Section 4.1.460, and;

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

The Hoh Tribal Court may require the individual to produce documentation of his or her driving record and, based upon a review of this documentation, attach conditions that he or she must comply with in order to operate a motor vehicle within the reservation for occupational purposes.

4.1.050 Officers to Enforce Traffic Codes. All law enforcement and fisheries enforcement officers duly appointed or authorized by the tribe or the United States government shall have the authority to enforce the traffic codes of the tribe. Any enforcement officer shall, upon request, produce evidence of his or her commission.

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

4.1.070 Prior Traffic Ordinance Repealed. The ordinance codified in this chapter repeals and supersedes all prior traffic ordinances and laws.

#### Definitions

4.1.080 Definitions. Words in this chapter shall have the meaning given to them in this chapter unless the context clearly indicates another meaning. If the meaning of a word is not clear, the court shall construe the meaning of the word in harmony with the purpose of this chapter.

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

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

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

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

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

(f) "Enforcement officer" means every person authorized by the Hoh Tribal Business Committee to serve as a Hoh Enforcement Officer and officers commissioned by the United States.

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

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

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

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

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

- (l) "Owner" means a person who has lawful right of possession of a vehicle, not merely permission to use the vehicle.
- (m) "Park or parking" means to stop and keep standing a vehicle for a time other than for the purpose of temporarily loading or unloading.
- (n) "Revoke" means invalidation of a person's privilege to drive for a period of at least one year until reissue.
- (o) "Right-of-way" means the privilege of the immediate use of a roadway.
- (p) "Roadway" means a way or passage designed or ordinarily used for vehicular travel.
- (q) "Stand or standing" means the halting of a vehicle, other than temporarily to load or unload.
- (r) "Stop" means to halt a vehicle even momentarily except when directed to do so by a traffic sign.
- (s) "Suspended" means invalidation of a person's privilege to drive for less than one year until reinstated.
- (t) "Traffic" means pedestrians, ridden or herded animals, and vehicular conveyances either singly or together, while using a roadway for purpose of travel.
- (u) "Tribal court" and "court" mean the Hoh Tribal Court.
- (v) "Tribe" means the Hoh Indian Tribe.
- (w) "Vehicle" means every mechanical device capable of being used for transportation or driven by a person upon a highway, except vehicles moved by human or animal power.
- (x) "Vehicle right-of-way" means the right of one vehicle to proceed in a manner in preference to another vehicle.
- (y) "Trailer" means and includes every device without motive power designed for being drawn by or used in conjunction with a vehicle constructed so that no appreciable part of its weight rests upon or is carried by such vehicle, but does not include a municipal transit vehicle, or any portion thereof.

#### Civil Traffic Infraction Procedure

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

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

4.1.100 Notice of Infraction - Issuance by the Tribal Prosecutor. The tribal prosecutor may issue a notice of civil traffic infraction upon receipt of a written statement of an enforcement officer that there is probable cause to believe that an infraction has been committed.

4.1.110 Notice of Traffic Infraction - Determination Final Unless Contested - Form. (a) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

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

- (1) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;
- (2) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include the suspension or revocation of a person's privilege to operate a motor vehicle within the exterior boundaries of the Hoh Indian Reservation;
- (3) A statement of the specific traffic infraction for which the notice was issued;
- (4) A statement of the monetary penalty established for the traffic infraction;
- (5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

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

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

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

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

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

(11) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter. If the person refuses to sign the infraction, the officer shall write "refused" in place of the person's signature. A person who refuses to sign a citation is presumed to have notice of its contents.

#### 4.1.120 Response to Notice to Infraction - Contesting Determination - Hearing - Failure to Appear.

(a) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

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

(c) If the person determined to have committed the infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the Hoh Tribal Court. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven (7) days from the date of the notice, except by agreement.

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

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

(1) Fails to respond to the notice of traffic infraction as provided in subsection (b) of this section; or

(2) Fails to appear at a hearing requested pursuant to subsection (c) or (d) of this section, the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by the Hoh Tribal Code.

4.1.130 Hearings - Procedure and Counsel. (a) Procedures for the conduct of all hearings provided for in this chapter, to the extent that they are consistent with the procedures set forth herein, may be established by the Chief Judge of the Hoh Tribal Court.

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

(c) The tribe may be represented by counsel.

4.1.140 Hearing Contesting the Determination That an Infraction Has Been Committed - Appeal.

(a) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

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

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

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

(e) An appeal from the court's determination or order shall be to the Hoh Tribal Court of Appeals. The decision of the Hoh Tribal Court is subject only to discretionary review.

#### 4.1.150 Hearing to Explain Mitigating Circumstances.

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

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

(c) There may be no appeal from the court's determination or order.

4.1.160 Order of Court. All orders entered by the court under this chapter are civil in nature. The court may, in its discretion, waive, reduce, or suspend the fine. The court may also order suspension or revocation of the driver's privilege to operate a vehicle within the jurisdiction of the tribe.

4.1.170 Suspension. The court may order a driver's privilege to drive within the jurisdiction of the tribe suspended as part of any penalty ordered under this chapter. This suspension shall not be for more than one year, and may be conditioned on the performance or non-performance of certain activities, a clean driving record, and/or the payment of fines, in the discretion of the judge; provided, that if the penalty ordered is based on a driver's failure to respond to a notice of infraction, the court may revoke a driver's privilege to drive for more than one year.

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

4.1.190 Court Authorized to Send Cases to a HTBC-approved Collection Agency. The court shall assign cases involving the non-payment of fines, or delinquent payment of fines, to a collection agency approved by the Tribal Business Committee.

4.1.200 Court Authorized to Use Contempt Powers in Cases Arising Under this Chapter. The court is authorized to employ its full contempt powers set forth in the Hoh Tribal Code § 1.8.21 in cases arising under this chapter.

#### Vehicle Safety Equipment

4.1.210 Vehicle Safety Equipment - Generally. It is a civil traffic infraction for any person to fail to comply with any provision set forth in this chapter.

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

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

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

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

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

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

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

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

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

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

(j) Windshield Wipers. Every motor vehicle shall be equipped with windshield wipers, maintained in good working order.

#### 4.1.230 Vehicles to be Equipped with Tires - Safe Condition Defined.

Every motor vehicle shall be equipped with tires in safe operating condition. A tire shall be considered to be unsafe if it has:

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

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

(c) Any break repaired with a boot;

(d) A thread depth of less than  $\frac{2}{32}$  of an inch measured in two major tread grooves at three locations equally spaced around the tires;

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

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

(g) Tread wear indicators which contact the road in any two major tread grooves at three locations equally spaced around the tire.

4.1.240 Multiple-beam Headlights. The headlights of all motor vehicles shall be so arranged that the driver may select at will between high and low beams of lights. The high beams shall be so aimed and of such intensity as to reveal persons and vehicles at a distance of 450 feet ahead. The low beams shall be so aimed and of such intensity to reveal persons and vehicles at a distance of 150 feet ahead. On a straight level road, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

4.1.250 Use of Multiple-beam Headlights. Whenever a motor vehicle is being operated on a roadway during the time specified in Section 4.1.270, the driver shall use a beam sufficient to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to these requirements:

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

(b) Whenever a driver of a motor vehicle approaches another vehicle from the rear within 300 feet, such driver shall use low beams.

4.1.260 Spot Lamps. Whenever a motor vehicle is equipped with spot lamps or other auxiliary lamps, such lamps shall not be of such intensity and adjustment as to strike the eyes of approaching drivers.

4.1.270 Times When Headlights, Taillights are Required to Be On. No person shall drive or move any vehicle on a roadway without headlights and taillights turned on from a half-hour before sunset to a half-hour after sunrise and anytime weather conditions diminish a driver's clear view.

4.1.280 Wheel Projections. No vehicle shall be equipped with wheel nuts, hubcaps, or wheel disks which project outside the body of the vehicle in a manner constituting a hazard to pedestrians and cyclists.

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

4.1.300 Flags On Projecting Load. No person shall drive or move any vehicle on a roadway, without red signal flags, at least twelve inches square, marking the extremities, whenever the load upon the vehicle extends four or more feet beyond the body of the vehicle. During hours of darkness, such extremities shall be marked with a red light plainly visible from a distance of at least 500 feet from the sides and rear. This light shall be in addition to the red taillights required on every vehicle.

4.1.310 Safety Belt - Use Required. (a) For purposes of this section, the term "motor vehicle" includes:

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

(2) "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.

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

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

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

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

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

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

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

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

(h) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

4.1.320 Child Passenger Restraints Required.

(a) Whenever a child who is less than ten years of age is being transported in a motor vehicle that is in operation and the motor vehicle is required to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

(1) If the child is less than three years of age, the child shall be properly restrained in a child restraint system that complies with the standards of the United States Department of Transportation and that is secured in the vehicle in accordance with the instruction of the manufacturer of the child restraint system;

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

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

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

(d) This section does not apply to:

(1) For-hire vehicles,

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

(3) Vehicles providing customer shuttle service between parking, convention, hotel facilities, casinos, bingo halls, and airport terminals.

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

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

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

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

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

(e) Mirrors. It is unlawful for any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred 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; provided further, that no mirror is required on any motorcycle manufactured prior to January 1, 1931.

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

4.1.340 Motorcycles - Headlight and Taillights to Be On. Every motorcycle shall have its headlight and taillight on whenever such vehicle is in motion on any roadway.

4.1.350 Motorcycles - Exhaust System. No person shall modify the exhaust system of a motorcycle in a manner or fail to maintain the exhaust system so as to amplify or increase the noise above the level emitted by the muffler originally installed on the motorcycle.

4.1.360 Motorcycles - Eye Protection. No person shall drive or ride as a passenger on any motorcycle on any roadway without wearing glasses or goggles or a face shield in a manner which actually protects the eyes.

4.1.370 Moving Vehicle in Unsafe Condition. It is a civil traffic infraction to drive or move any vehicle which is in such unsafe condition as to endanger any person.

4.1.380 Bicycle Equipment. Every bicycle when in use during the hours of darkness as defined under Section 4.1.270 shall be equipped with a lamp on the front which shall emit a white light visible for at least 500 feet to the front and with a red reflector on the rear.

4.1.385 Trailer Safety Equipment. Every trailer shall be equipped with two stop lamps and two taillights meeting the requirements of HTC 4.1.220. Failure to meet the requirements of this section constitutes a violation of Section 4.1.220.

#### Rules of the Road

4.1.390 Rules of the Road - Generally. It shall be a civil traffic infraction for any person to fail to comply with any of the provisions set forth in this chapter. If a vehicular accident occurs in conjunction with a violation of the following sections, the penalty as listed in Section 4.1.890 shall be doubled: 4.1.660, 4.1.670, 4.1.680, 4.1.700, 4.1.710, 4.1.720, 4.1.730, 4.1.740, 4.1.760, 4.1.770, 4.1.780, 4.1.790, and 4.1.830.

4.1.400 Drivers to Be Licensed. No person shall operate a vehicle within the jurisdiction of the tribe unless he or she has obtained a valid operator's license issued by any state of the United States, Canada or Mexico.

4.1.410 Notification of Change of Address or Name. Whenever any person after applying for and receiving a driver's license or identification card moves from the address named in the application or on the license or identification card issued to him or her or when the name of the licensee or holder of an identification card is changed by marriage or otherwise, the person shall, within ten (10) days thereafter, notify the appropriate licensing agency or agency that issued the identification card in writing on an appropriate form of his or her old and new address or of such former and new names and the number of any license held by him or her. If any person fails to comply with this section, in addition to any monetary penalty imposed pursuant to this chapter, any notice regarding the cancellation, suspension, revocation, probation, or non-renewal of the driver's license, driving privilege, or identification card mailed to the address of the licensee or identification card holder is effective notwithstanding the licensee's or identification card holder's failure to receive the notice.

4.1.420 Operator's License on Person. No person shall operate a vehicle within the jurisdiction of the tribe unless he or she has a valid operator's license issued to him or her by any state of the United States, Canada or Mexico on his or her person or within the vehicle operated.

4.1.430 Learner's Permit. No person under the age of sixteen (16) years of age shall operate a vehicle within the tribe's jurisdiction except in full compliance with all requirements of a valid state or tribal learner's permit.

4.1.440 Motorcycle Endorsement Required. No person shall drive a motorcycle or a motor-driven cycle, except a moped, unless such person has a valid driver's license specially endorsed by any state of the United States, Canada or Mexico to enable the holder to drive such vehicles, nor may a person drive a motorcycle or motor-driven cycle of a larger engine displacement than that authorized by the special endorsement.

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

(b) These provisions shall not apply:

(1) To farm vehicle(s) if operated within a radius of fifteen 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 roadways, and trailers used exclusively to transport farm implements from one farm to another during daylight hours or at night when such equipment has lights that comply with the law;

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

(3) To forklifts operated during daylight hours on public highways adjacent to and within 500 feet of the warehouses which they serve.

#### 4.1.460 Liability Insurance or Other Financial Responsibility Required.

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

(1) An insurance policy or bond issued by an insurance company or surety company authorized to do business within the exterior boundaries of the Hoh Indian Reservation or within the State of Washington which, in the case of an accident resulting in bodily injury or death, is subject to a limit of not less than twenty-five thousand dollars (\$25,000.00) due to bodily injury or death of one person in any one accident, exclusive of interest and costs and, subject to said limit for one person, to a limit of not less than fifty thousand dollars (\$50,000.00) due to bodily injury or death of two or more persons in any one accident, and, if the accident has resulted in injury to, or destruction of, property of others, to a limit of not less than ten thousand dollars (\$10,000.00).

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

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

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

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

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

(e) If a person cited for a violation of subsection (a) of this section appears in person before the tribal court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (a) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (a) 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 (a) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of not less than twenty-five dollars (\$25) at the time of dismissal.

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

4.1.470 Vehicle License Registration Certificate Required. A certificate of vehicle license registration issued by the tribe, any state of the United States, Canada or Mexico, 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 duly authorized agent) and must be carried in the vehicle for which it is issued. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such a certificate of vehicle license registration. Any person in charge of such

vehicle shall, upon demand of a tribal law enforcement officer, permit inspection of such certificate of vehicle license registration.

4.1.480 Yield to Emergency Vehicles. The driver of every vehicle shall yield the right-of-way by pulling over to the far right of the road and stopping upon immediate approach of an authorized emergency or law enforcement vehicle making lawful use of sirens and/or visual signals.

4.1.490 Following Fire Vehicle Prohibited. The driver of any vehicle other than one of official business shall not follow any official fire vehicle traveling in response to a fire alarm, closer than 500 feet, or stop any vehicle closer than 500 feet from an official fire vehicle.

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

4.1.510 Emergency Vehicles Exempted from Speed Limits - Due Care Required. The speeds designated in this code shall not apply to authorized emergency vehicles when operated in emergencies. Nothing in this code shall relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using a roadway.

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

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

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

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

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

(f) It is unlawful for any person to transport a child under the age of five on a motorcycle or motor-driven cycle.

4.1.530 Motorcycles - Riding on the Permanent Seat Only. A person operating a motorcycle shall ride only upon the permanent and regular seat attached to the motorcycle and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person. A passenger shall ride only upon a seat designated for that purpose.

4.1.540 Motorcycles - Footpegs. A motorcycle must be equipped with footpegs for each person the motorcycle is designated to carry.

4.1.550 Motorcycles - Both Feet Not to Be On the Same Side. No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle.

4.1.560 Motorcycles - Clinging to Other Vehicles. No person riding upon a motorcycle shall attach him or herself or the motorcycle to any other vehicle on a roadway.

4.1.570 Motorcycles - Temporary Suspension of Rules for Public Demonstrations. The Hoh Chief of Police may suspend certain provisions of this chapter relating to operation of motorcycles for the purpose of allowing public demonstrations of motorcycle operation.

## Off-road Vehicles

4.1.580 Off-road Vehicles. It shall be unlawful for any person to drive an off-road vehicle on existing roadways anywhere within the jurisdiction of the Tribe unless the person has insurance and all riders are wearing helmets. All basic rules of the road must be followed as for all other vehicles (signals, speed limits, etc.). Off-road vehicles may not ride off-road without prior permission of the landowner.

## Pedestrians

4.1.590 Pedestrians - Drivers to Exercise Care. Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall exercise proper precaution upon seeing any child or incapacitated person upon a roadway.

4.1.600 Pedestrians - Under the Influence of Alcohol or Drugs. A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall remain safely off the main-traveled portion of the road.

4.1.610 Pedestrians - To Remain Off the Road. Every pedestrian shall remain safely off the main-traveled portion of the road.

## Property Damage - Materials on the Road

4.1.620 Throwing Glass or Other Materials on Road Prohibited.

(a) No person shall throw or deposit upon any roadway any glass, nails, tacks, wire, cans, bottles, or any other substance likely to injure any person or animal or vehicle upon or near the edge of such roadway.

(b) Any person removing a wrecked or damaged vehicle from a roadway shall remove any glass or other injurious substance dropped from the vehicle onto the roadway.

4.1.630 Permitting Escape of Load and Other Materials. Any person operating a vehicle from which any glass or other objects have fallen or escaped which could endanger travel upon the roadway shall immediately remove all such glass or objects from the roadway.

4.1.640 Interference with Signs and Signals. No person shall deface, injure, or remove any of the official traffic signs or signals placed or erected as provided in this code.

## Speed Limits - Due Care Required

4.1.650 Speed Limits. No person shall drive a vehicle in excess of the posted speed limits within the jurisdiction of the tribe or as designated by this code for the particular district or location on a roadway.

4.1.660 Residential Speed Limit. In residential areas which are not posted, no person shall drive a vehicle in excess of twenty-five (25) miles per hour.

4.1.670 Due Care Required. No person shall drive a vehicle or a bicycle upon a roadway in a manner or at a speed greater than is reasonable and prudent, having due regard for the traffic, surface, and width of the roadway and the hazards at intersections and any other conditions then existing. Nor shall any person drive in a manner or at a speed which is greater than will permit the driver to exercise proper control of the vehicle or bicycle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the roadway in compliance with legal requirements and with the duty of drivers and other persons using the roadway to exercise due care.

4.1.680 Speed Limits - Changes by the Hoh Tribal Business Committee. The Hoh Tribal Business Committee may initiate an engineering and traffic investigation to determine whether the maximum speed limits within the tribe's

jurisdiction are greater or less than is reasonable and safe under the conditions of a particular road or section of road. The Hoh Tribal Business Committee may then declare a reasonable and safe maximum speed limit and cause same to be posted.

#### Vehicle Travel - Rules of the Road

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

- (a) When overtaking and passing another vehicle proceeding in the same direction;
- (b) When a roadway is not sufficiently wide;
- (c) When an obstruction exists making it necessary to drive to the left of center; provided that any person so doing shall yield the right-of-way to oncoming traffic.

4.1.700 Turning, Stopping, Moving Right or Left - Signals Required. No person shall turn a vehicle or move right or left upon a road unless such movement can be made with reasonable safety and unless the proper hand or lighted turn signal is given. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to turn to the left by extending his hand and arm horizontally from and beyond the left side of the vehicle, his intention to turn to the right by extending his hand and arm upward and beyond the left side of the vehicle, and his intention to stop or suddenly decrease speed by extending his hand and arm downward from and beyond the left side of the vehicle. The signal herein required is to be given before turning to the right or the left, whether by means of the hand and arm or by means of an approved mechanical or electrical device.

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

- (a) Approach for a right turn shall be made in the lane for traffic nearest to the right-hand side of the roadway and the right turn shall be made as closely as practicable to the right-hand curb or edge of the roadway.
- (b) Approach for a left turn shall be made in the lane for traffic to the right and nearest to the center line of the roadway and the left turn shall be made by passing to the right of such center line where it enters the intersection, and upon leaving the intersection by passing to the right of the center line of the roadway then entered; provided, that the provisions of this subsection shall not apply to passenger vehicles actually engaged in loading or unloading passengers at an intersection prior to making a left turn.

4.1.720 Right-of-way - Vehicle Turning Left. The driver of a vehicle intending to turn left into an alley, driveway, or other road shall yield the right-of-way to any vehicle approaching from the opposite direction.

4.1.730 Right-of-Way - Yielding for Road Construction. The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a road.

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

- (a) A driver may overtake and pass another vehicle only while traveling on the left side of the road and shall not again drive on the right side of road until safely clear of the overtaken vehicle;
- (b) A driver may overtake and pass another vehicle only when the left side of the road is clearly visible and free of oncoming traffic for a sufficient distance ahead to avoid interfering with the flow of oncoming traffic;
- (c) No vehicle shall be driven on the left side of the road when approaching or upon the crest of a grade or a curve in the road where the driver's view is obstructed;
- (d) No driver shall at any time drive on the left side of the road where signs or markings are in place to define a no-passing zone; and,
- (e) A driver shall overtake and pass another vehicle in a safe manner.

4.1.750 Passing School Bus. The driver of a vehicle approaching a school bus from either direction shall stop the vehicle before reaching the school bus when the school bus displays a visual signal to stop. The driver shall not proceed until such visual signal is withdrawn.

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

4.1.770 "U" Turns. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety, without interfering with other traffic.

4.1.780 Backing. A driver shall not back a vehicle unless such movement can be made safely and without interfering with the other traffic.

4.1.790 Traffic Signs, Signals and Markings. The driver of any vehicle and every bicyclist shall obey the instructions of any official traffic sign, signal and marking placed within the jurisdiction of the tribe, unless otherwise directed by an enforcement officer, or flagger, or firefighters.

4.1.800 Stopping, Standing or Parking on Road. No person shall stop, park, or leave standing any vehicle so as to interfere with traffic on the traveled portion of the road. This prohibition shall not apply to the driver of any vehicle which is disabled to the extent that it is impossible to avoid temporarily leaving the vehicle in such position. The driver shall arrange for prompt removal of the vehicle.

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

- (a) In front of any driveway or within five feet of the curb radius thereto;
- (b) Within fifteen feet of a fire hydrant;
- (c) Within twenty feet of the driveway entrance to a fire station;
- (d) On the side of the street opposite the entrance to any fire station; or
- (e) At any place where official signs or markings prohibit stopping, standing, or parking.

4.1.820 Leaving Children Unattended in Vehicle. No person shall leave children under the age of eight years unattended in a vehicle.

4.1.830 Obstructing the Driver's View. No person shall drive a vehicle when it is so loaded as to obstruct the driver's view to the front and sides of the vehicle or as to interfere with the driver's control over the vehicle.

4.1.840 Alcoholic Beverages - Prohibited.

- (a) No person shall drink any alcoholic beverage in a motor vehicle when the vehicle is upon a roadway.
- (b) No person shall have an open or unsealed receptacle containing an alcoholic beverage in his or her possession while in a motor vehicle when the vehicle is upon a roadway.
- (c) No driver of a motor vehicle which is on a roadway shall keep an open or unsealed receptacle containing an alcoholic beverage within the vehicle unless the receptacle is kept in the trunk or other area of the vehicle which is not normally accessible to the occupants.

4.1.850 Texting and Cell Phone usage.

- (a) It shall be illegal to read or send a text message while driving.
- (b) It shall be illegal to use a cellular phone while driving unless using with a hands-free device.

Accident Reports, Stolen Vehicle

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

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

(b) Leave a written notice giving the driver's name and address in a conspicuous place on the unattended vehicle or other property. Failure of any person to comply with this section shall be a civil traffic infraction.

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

- (a) Immediately stop such vehicle at the scene of the accident;
- (b) Give his or her name, address, vehicle license number and driver's license number to any occupant or driver involved in the accident;
- (c) Render reasonable assistance to any person injured in such accident. Compliance with this requirement shall not be evidence of the liability of any driver for such accident; and,
- (d) Notify law enforcement as soon as practicable following the accident. Failure of any person to comply with this section shall be a civil traffic infraction; provided, this section shall not apply to any person physically incapable of complying. Failure of any person to comply with this section shall be a civil traffic infraction.

4.1.870 Record of Traffic Charges. The court shall keep or cause to be kept a record of every notice of civil traffic infraction or other traffic charge deposited with the court and shall keep a record of every official action the court takes in relation to the civil traffic infraction or other traffic charge.

4.1.880 Stolen Vehicle Reports. It shall be the duty of the Hoh Chief of Police to notify the appropriate Washington State authority of all motor vehicles reported to him or her as stolen or recovered.

4.1.885 Officers Authorized to Remove Certain Vehicles. A Police Officer (Law Enforcement) or a Hoh Fisheries Officer may take custody of a vehicle and provide for its removal to a reasonably safe place whenever:

- (a) Any unattended vehicle obstructs traffic or jeopardizes public safety;
- (b) The driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property.

A Police Officer (Law Enforcement) or a Hoh Fisheries Officer may provide for removal of a vehicle pursuant to subsections (a) and (b) of this section by directing a tow truck operator duly registered by the Washington State Department of Licensing to impound the vehicle in accordance with RCW 46.55.090 as now or hereafter amended.

#### Fine Schedule

4.1.890 Fines. The following schedule of fines applies to the civil traffic infractions enumerated in this chapter:

HTC §	INFRACTION	FINE
4.1.210	Vehicle safety equipment	\$100.00
4.1.220	Required safety equipment	100.00
4.1.230	Vehicles to be equipped with tires	100.00
4.1.240	Multiple-beam headlights	100.00
4.1.250	Use of multiple-beam headlights	100.00
4.1.260	Spot lamps	100.00
4.1.270	Times when headlights, taillights are required to be on	100.00
4.1.280	Wheel projections	100.00
4.1.290	Body projections	100.00
4.1.300	Flags on projecting load	100.00
4.1.310	Safety belts - use required	100.00
4.1.320	Child passenger restraints required	100.00
4.1.330	Motorcycle safety equipment	100.00

4.1.340	Motorcycles - headlights and taillights to be on	100.00
4.1.350	Motorcycles - exhaust system	100.00
4.1.360	Motorcycles - eye protection	100.00
4.1.370	Moving vehicles in unsafe condition	100.00
4.1.380	Bicycle equipment	100.00
4.1.390	If an accident occurs in conjunction with a violation of the following sections, the penalty for the infractions shall be doubled: 4.1.220, 4.1.660, 4.1.670, 4.1.680, 4.1.700, 4.1.710, 4.1.720, 4.1.730; 4.1.740, 4.1.760, 4.1.770, 4.1.780, 4.1.790, 4.1.830	100.00
4.1.350	Failure to wear seatbelt	124.00
4.1.400	Drivers to be licensed	450.00
4.1.410	Failure to notify licensing agency regarding name/address change	150.00
4.1.420	Operator license on person	100.00
4.1.430	Failure to comply with learner's permit	100.00
4.1.440	Motorcycle endorsement required	100.00
4.1.450	Vehicle license required	100.00
4.1.460	Failure to show proof of liability insurance	450.00
4.1.470	Failure to show registration with signature	100.00
4.1.480	Failure to yield to emergency vehicles	100.00
4.1.490	Following fire vehicle	100.00
4.1.500	Crossing fire hose	100.00
4.1.520	Motorcycles - operation on laned roads	100.00
4.1.530	Motorcycles - riding on the permanent seat only	100.00
4.1.540	Motorcycles - footpegs	100.00
4.1.550	Motorcycles - both feet not to be on same side	100.00
4.1.560	Motorcycles - clinging to other vehicles	100.00
4.1.580	Off-road vehicles	100.00
4.1.590	Pedestrians - drivers to exercise care	100.00
4.1.600	Pedestrians - under the influence of alcohol or drugs	100.00
4.1.610	Pedestrians to remain off road	60.00
4.1.620	Throwing glass or other materials on road prohibited	150.00
4.1.630	Permitting escape of load and other materials	250.00
4.1.640	Interference with signs, signals	100.00
4.1.650--660	Exceeding speed limit:	
	If Speed Limit is 40 MPH or less:	
	MPH	
	1-5 over	113.00
	6-10 over	124.00

	11-15 over	154.00
	16-20 over	195.00
	21-25 over	247.00
	26-30 over	298.00
	31-35 over	349.00
	36- over	411.00
If Speed Limit is over 40 MPH:		
	MPH	
	1-5 over	93.00
	6-10 over	113.00
	11-15 over	144.00
	16-20 over	175.00
	21-25 over	206.00
	26-30 over	247.00
	31-35 over	298.00
	36-40 over	349.00
	Over 40	411.00
	If collision occurs caused by violation of rules of roadway	175.00
46.61.400	Speed-----Speed too fast for conditions	124.00
4.1.670	Due care required	100.00
4.1.690	Drive on the right side of the road	100.00
4.1.700	Turning, stopping, moving - right or left signals required	100.00
4.1.710	Turning at intersections	100.00
4.1.720	Right-of-way - vehicle turning left	100.00
4.1.730	Right-of-way - yielding for road construction	114.00
4.1.740	Overtaking and passing	100.00
4.1.750	Passing school bus	152.00
4.1.760	Following too closely.	100.00
4.1.770	"U" turns	100.00
4.1.780	Backing	152.00
4.1.790	Traffic signs, signals and markings	100.00
4.1.800	Stopping, standing or parking on road	57.00
4.1.810	Stopping, standing or parking in certain places	47.00
4.1.820	Leaving children unattended	100.00
4.1.830	Obstructing the driver's view	100.00
4.1.840	Alcoholic beverages - prohibitions	100.00
4.1.850	Text and Cell Phone useage	100.00