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Title 19

Traffic Code

TITLE 19
NOOKSACK INDIAN TRIBE CODE OF LAWS
TRAFFIC CODE

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TITLE 19
NOOKSACK INDIAN TRIBE CODE OF LAWS
TRAFFIC CODE

Chapter 19.01 Civil Traffic Infractions- Generally

19.01.010 Purpose

The Nooksack Indian Tribal Council adopts this code to promote the welfare and safety of all persons who use the roadways lying within the jurisdiction of the Nooksack Indian Tribe and to provide for fair and efficient disposition of civil traffic infractions.

19.01.020 Jurisdiction

The Nooksack Indian Tribal Court is vested with the fullest personal, subject matter and territorial jurisdiction permissible under the Nooksack Indian Tribe Code of Laws.

19.01.030 Means of Exercising Jurisdiction

In exercising jurisdiction over civil traffic infractions, if a process is not specified under this title, the Tribal Court may adopt any suitable process consistent with the purpose of this title and in harmony with the spirit of Nooksack Indian Tribal Law.

19.01.040 Explanation of Privilege

The operation of a vehicle on the Nooksack Indian Tribal Lands is a privilege that may be granted, denied, suspended or revoked by the Nooksack Indian Tribe.

19.01.050 Officers to Enforce Traffic Codes

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

19.01.060 Effect of Invalidity

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

Chapter 19.02 Definitions

19.02.010 Definitions- Generally

Words in this title shall have the meaning given to them in this chapter unless the context 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 title.

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

- (b) "Authorized Emergency Vehicle," means any vehicle used by a fire department, enforcement department, sheriff's office, Washington State Patrol, or ambulance.
- (c) "Crest of 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 Nooksack Indian Tribal Council to serve as a Nooksack Tribal Enforcement Officer and officers commissioned by the United States.
- (g) "Highways" shall mean all streets, roads, and highways within the territorial jurisdiction of the Nooksack Indian Tribe maintained or built by the State of Washington, County, Tribe, or U.S. Government.
- (h) "Laned Road" means a roadway that is divided into cleared 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" shall mean every vehicle which is self-propelled but not operated upon trails.
- (k) "Off Road Vehicle" shall mean 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 vehicle, not merely permission to use the vehicle.
- (m) "Park or Parking" means to stop and keep standing a vehicle for a period of 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" shall mean the privilege of the immediate use of roadway.
- (p) "Roadway" means a way or passage designed or ordinarily used for vehicle 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, direction of an enforcement officer, or to avoid conflict with other traffic.
- (s) "Suspend" means invalidation of a person's privilege to drive for less than (1) year until reinstatement.
- (t) "Traffic" shall mean 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 Nooksack Indian Tribal Court.

- (v) "Vehicle" shall mean 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.
- (w) "Vehicle Right of Way" means the right of one vehicle to proceed in a manner in preference to another vehicle.

Chapter 19.03 Civil Traffic Infraction Procedure

19.03.010 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; or
- (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 title. The officer shall affix a notice of civil traffic infraction in plain view on the vehicle.

19.03.020 Notice of Infraction- Issuance by the Court

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

19.03.030 Notice of Infraction- Form

A notice of civil traffic infraction shall be on a form authorized by the Nooksack Indian Tribe.

19.03.040 Notice of Infraction- Time of Initial Hearing

The notice of civil infraction issued by the Court or an enforcement officer shall set a time for an initial hearing to be held no sooner than seven (7) and not more than sixty (60) calendar days from the date the notice of hearing is served.

19.03.050 Notice of Infraction- Four Options for Response

A defendant shall respond to a notice of civil traffic infraction in any one of the following ways:

- (a) Pay the fine. The fine shall be paid to the Nooksack Indian Tribal Court on or before the day of the initial hearing. No hearing is required. The Court shall then enter a judgment that the person committed the civil traffic infraction. A discount of 20% shall apply to all fines paid in full prior to the initial hearing; or
- (b) At the initial hearing, admit that he or she committed the violation and explain the circumstances surrounding the occurrence of the traffic infraction that might arguably lessen the amount of the fine; or
- (c) At the initial hearing, contest that a traffic infraction occurred, consent to the admission of the police report, and respond to the allegations in the police report. The Court shall make a decision based on the evidence presented at the hearing; or

- (d) Request a contested hearing to allow witnesses to be summoned. The defendant must appear at the initial hearing to inform the court which of the latter three options he or she chooses.

19.03.060 Notice of Hearing- Failure to Respond, Hearing

If a defendant fails to pay the fine or appear as required in section 19.03.050 the Court shall enter an order finding that the person committed the traffic infraction and shall assess the fine. There shall be no right to appeal the Court's order.

19.03.070 Hearing- Scheduling by the Court

When the defendant requests a hearing to contest the infraction, the court shall schedule a hearing to take a place no less than seven (7) days and not more than ninety (90) days from the date of the initial hearing. The court shall give the person notice of the date and time of the hearing to contest the infraction at the initial hearing.

19.03.080 Hearing to Explain Circumstances Surrounding the Infraction

A hearing held for the purpose of allowing a person to explain the circumstances surrounding the commission of the infraction which might arguably lessen the amount of the fine shall be an informal proceeding, held only at the initial appearance of the defendant, to which the following rules apply:

- (a) The defendant admits that the traffic infraction occurred;
- (b) The Tribe and the person requesting the hearing may both be represented by counsel;
- (c) The Tribe and the person requesting the hearing may not compel witnesses to attend;
- (d) After the Court has heard the explanation of the circumstances, the Court shall determine whether the explanation of events justifies reducing the amount of the fine. The Court shall enter an appropriate order that may include ordering payment of the fine, suspending part or the entire fine, or ordering payments over time. The Court has continuing jurisdiction and authority to supervise the order;
- (e) There shall be no right to appeal the Court's order.

19.03.090 Hearing to Contest the Determination that an Infraction was Committed

The following rules apply to a hearing held to contest the determination that a civil traffic infraction has occurred:

- (a) The proceeding shall be heard by the Court without a jury;
- (b) The Tribe and the person requesting the hearing may both be represented by counsel;
- (c) The burden of proof is on the Tribe to establish the commission of the infraction by a preponderance of the evidence;
- (d) The Tribe and the defendant have the right to present evidence and examine witnesses;

- (e) The parties can request that the Court issue subpoenas;
- (f) After consideration of the evidence and argument, the Court shall determine whether the infraction was committed. Where it has not been established that an infraction has been committed, the Court shall enter an order accordingly;
- (g) Any appeal shall be governed under the applicable appellate rules of the Nooksack Indian Tribe.

19.03.100 Order of Court

All orders entered by the Court under this title are civil in nature. The Court may, in its discretion, waive, refuse, 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 Nooksack Indian Tribe, as provided under this title.

19.03.110 Suspension

The Court may order a driver's privilege to drive within the jurisdiction of the Nooksack Indian Tribe to be suspended as part of any penalty ordered under this title. This suspension shall not be for more than one (1) year, and may be conditioned on the performance or nonperformance of certain activities, a clean driving record, and/or the payment of fines, in the discretion of the judge; PROVIDED, that if the penalty ordered is based on a driver's failure to respond to a Notice of Infraction, the Court may revoke a driver's privilege to drive for more than one (1) year.

19.03.120 Occupational License

When a driver's privilege to drive is suspended or revoked under Tribal Law, 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.

19.03.130 Record of Traffic Charges

The Court shall keep or cause to be kept a record of every notice of civil traffic infraction or other legal form of traffic charge deposited with the Court and shall keep a record of every official action the Court takes in relation to the civil traffic infraction or other traffic charge.

Chapter 19.04 Vehicle Safety Equipment

19.04.010 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.

19.04.020 Required Safety Equipment

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

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

- (b) Head lights. Every motor vehicle shall be equipped with at least two headlights, 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) Mufflers. 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) Reflectors. Every motor vehicle shall carry on the rear at least two red reflectors. Every reflector shall be of such size and so mounted as to be clearly visible at night within six hundred feet, when directly in front of lawful upper beams of headlamps.
- (g) 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.
- (h) 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.
- (i) Tail Lights. Every motor vehicle shall be equipped with at least two tail lights mounted on the rear that shall emit a red light plainly visible from a distance of one thousand feet to the rear of the vehicle.
- (j) Windshield. Every motor vehicle shall be equipped with a front windshield in such condition as to permit the driver a clear view.
- (k) Windshield Wipers. Every motor vehicle shall be equipped with windshield wipers, maintained in good working order.
- (l) License plate lights. Every motor vehicle shall be equipped with at least one license plate light mounted on the rear license plate that shall emit a white light illuminating the license plate.

19.04.030 Vehicles to be Equipped with Tires- Safe Condition Defined

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

- (a) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or
- (b) Any bump, bulge or knot, affecting the tire structure; or
- (c) Any brake repaired with a boot; or
- (d) Tread depths of less than 2/32 of an inch measured in two major tread grooves at three locations equally spaced around the tire.
- (e) Any condition that reasonably demonstrated that the tire is unsafe; or
- (f) Markings on the tire specifying that the tire is not intended for use on 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.

19.04.040 Multiple-Beam Head Lights

The head lights 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 as 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.

19.04.050 Use of Multiple-Beam Head Lights

Whenever a motor vehicle is being operated on a roadway during the time specified in section 19.04.070, 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.

19.04.060 Spot Lamps

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

19.04.070 Times When Head Lights, Tail Lights are Required to be On

No person shall drive or move any vehicle on a roadway without head lights and tail lights turned on, from a half hour after sunset to a half hour before sunrise and anytime weather conditions diminish a driver's clear view.

19.04.080 Wheel Projections

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

19.04.090 Body Projections

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

19.04.100 Flags on Projecting Load

No Person shall drive or move any vehicle on a roadway, without red signal flags, at least 12 inches square, marking the extremities, whenever the load upon the vehicle extends four (4) or more feet beyond the body of the vehicle. During hours of darkness such extremities shall be marked with a red light plainly visible from a distance of at least 500 feet from the sides and rear. This light shall be in addition to the red tail lights required on every vehicle.

19.04.110 Safety Belts- Use Required

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

19.04.120 Child Passenger Restraints Required

Whenever a child who is less than sixteen years of age is being transported in a motor vehicle, the driver of the vehicle shall keep the child properly restrained as follows:

- (a) A child must be restrained in a child restraint system, if the passenger seating position equipped with a safety belt system allows sufficient space for installation, until the child is eight years old, unless the child is four feet nine inches or taller. The child restraint system must comply with standards of the United States department of transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child restraint system manufacturer;
 - (i) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;
 - (ii) If the child is more than one but less than four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system;
 - (iii) If the child is less than eight but at least four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained in a child booster seat;
- (b) A child who is eight years of age or older or four feet nine inches or taller shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting child restraint system; and
- (c) The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.
- (d) Enforcement of (a) through (c) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (c) of this subsection. The driver of a vehicle transporting a child who is under the age of thirteen years old, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

19.04.130 Motorcycle Safety Equipment

No person shall drive or move any motorcycle that 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) Head Lights. Every motorcycle shall be equipped with at least one head light in good working order.
- (c) Reflector. Every motorcycle shall carry on the rear either as part of the tail light or separately, at least one red reflector.
- (d) 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 brake.
- (e) Tail Lights. Every motorcycle shall be equipped with at least one tail light in good working order.
- (f) Foot Pegs. Every motorcycle shall be equipped with foot pegs for each person the motorcycle is designed to carry.

19.04.140 Motorcycles- Headlight and Tail Lights to be On

Every motorcycle shall have its headlight and tail light on whenever such vehicle is in motion on any roadway.

19.04.150 Motorcycles- Exhaust System

No person shall modify the exhaust system of a motorcycle in any 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.

19.04.160 Motorcycles- Eye Protection

No person shall drive or ride as a passenger on any motorcycle on any roadway without wearing glasses or goggles or a face shield in a manner that actually protects the eyes.

19.04.170 Motorcycles- Helmet Required

No person shall drive or ride as a passenger on any motorcycle on any roadway without wearing a protective helmet that meets either current Snell safety standards or Department of Transportation standards.

19.04.180 Moving Vehicle in Unsafe Condition

It is a civil traffic infraction to drive or move any vehicle that is in such unsafe condition as to endanger any person.

19.04.190 Bicycle Equipment

Every bicycle when in use during the hours of darkness as defined under section 19.04.070 shall be equipped with a lamp on the front that will emit a white light visible for at least 500 feet to the front and with a red reflector on the rear.

19.04.200 Bicycles – Helmet Required for Riders Under Age of Eighteen

No person under the age of eighteen (18) shall operate or ride a bicycle on any roadway or bicycle path without wearing a protective helmet designed for bicycle safety that meets current Snell safety standards. The helmet must be equipped with either a neck or chinstrap that shall be fastened securely while the bicycle is in motion.

Chapter 19.05 Rules of the Road

19.05.010 Rules of the Road- Generally

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

Driver's License

19.05.020 Drivers to be Licensed

No person shall operate a vehicle within the jurisdiction of the Nooksack Indian Tribe unless he has obtained a valid operator's license issued by any jurisdiction recognized by the Nooksack Indian Tribe.

19.05.030 Operator's License on Person

No person shall operate a vehicle within the jurisdiction of the Nooksack Indian Tribe unless he has obtained a valid operator's license issued by any jurisdiction recognized by the Nooksack Indian Tribe on his or her person or within the vehicle operated.

19.05.040 Driving While License is Suspended, Revoked

No person shall operate a vehicle within the jurisdiction of the Nooksack Indian Tribe when the person's operator's license has been suspended or revoked by any jurisdiction, except in compliance with the terms of a valid occupational license.

19.05.050 Learner's Permit

No person under the age of sixteen 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.

19.05.053 Motorcycle Endorsement Required

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

19.05.055 Vehicle License Required

No person shall operate a vehicle within the jurisdiction of the Nooksack Indian Tribe unless the vehicle has mounted on it proper vehicle license plates and current license tabs issued by the Nooksack Indian Tribe or any jurisdiction recognized by the Nooksack Indian Tribe.

Emergency Vehicles

19.05.060 Yield to Emergency Vehicles

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

19.05.070 Following Fire Vehicle Prohibited

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

19.05.080 Crossing Fire Hose

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

19.05.090 Emergency Vehicles Exempt from Speed Limits. Due Care is 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.

19.05.100 Motorcycle- 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.

19.05.110 Motorcycle- 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 the motorcycle unless such motorcycle is designed to carry more than one person. A passenger shall ride only upon a seat designed for that purpose.

19.05.120 Motorcycle- 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.

19.05.130 Motorcycle- Clinging to Other Vehicles

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

19.05.140 Motorcycle- Temporary Suspension of Rules for Public Demonstrations

The Nooksack Tribe Chief of Enforcement may suspend certain provisions of this chapter relating to the operation of motorcycles for the purpose of allowing public demonstrations of motorcycle operation.

Off Road Vehicles

19.05.150 Off Road Vehicles

It shall be unlawful for any person to drive a vehicle, except on existing roadways, anywhere within the jurisdiction of the Nooksack Indian Tribe unless the person has prior permission of the landowner. All vehicles driven within the jurisdiction of the Nooksack Indian Tribe are subject to all applicable licensing, equipment, and other provisions of this code.

Pedestrians

19.05.160 Pedestrians- Drivers to Exercise Care

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrians upon any roadway and shall exercise proper precaution upon seeing any child or incapacitated person on any roadway.

19.05.170 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

19.05.180 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.

19.05.190 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 roadway.

19.05.200 Interface 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

19.05.210 Speed Limits

No person shall drive a vehicle in excess of the posted speed limits within the jurisdiction of the Nooksack Indian Tribe or as designated by this code for the particular district or location on the roadway. The speed limit for all tribal roads shall be 20 miles per hour, unless otherwise marked. The speed limit for all tribal parking lots is 5 miles per hour, unless otherwise marked.

19.05.220 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 to 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 using the roadway to exercise due care.

19.05.230 Speed Limits- Changes by the Nooksack Indian Tribal Council

The Nooksack Indian Tribal Council may initiate an engineering and traffic investigation to determine whether the maximum speed limits within the Nooksack Indian Tribe's jurisdiction are greater or less than is reasonable and safe under the conditions of a particular road or section of road. The Tribal Council may then declare a reasonable and safe maximum speed limit and cause same to be posted.

Vehicle Travel- Rules of the Road

19.05.240 Drive on the Right Side of the Road

Every vehicle shall be driven on the right half 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.

19.05.250 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 signals herein are required 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.

19.05.260 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.

19.05.270 Right of Way- Vehicle Turning Left

The driver of a vehicle intending to turn left into an alley, driveway, or other roads shall yield the right of way to any vehicle approaching from the opposite direction.

19.05.280 Right of Way- Yielding for Road Construction

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

19.05.290 Overtaking a Passing

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

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

19.05.300 Passing a 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.

19.05.310 Following Too Closely

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

19.05.320 "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 safely, without interfering with other traffic.

19.05.330 Backing

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

19.05.340 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 Nooksack Indian Tribe, unless otherwise directed by an enforcement officer, flagger, or firefighter.

19.05.350 Stopping, Standing, 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 that is disabled to the extent that it is impossible to avoid temporarily leaving the vehicle in such position. The driver shall arrange for the prompt removal of the vehicle.

19.05.360 Stopping, Standing, or Parking 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.

19.05.370 Leaving Children Unattended in Vehicle

No person shall leave children under the age of twelve years unattended in a vehicle.

19.05.380 Obstructing the Driver's View

No person shall drive a vehicle when it is loaded so 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.

19.05.390 Tribal Center Regulations

Within the Nooksack Indian Tribal Center complex located at 5048 Mt. Baker Highway, the following traffic regulations shall apply in addition to the other motor vehicle laws of the Nooksack Indian Tribe:

- (a) The maximum allowable speed is to be 5 miles per hour.
- (b) No parking shall be allowed on the roadway between Tribal Administration buildings except in designated areas clearly marked.
- (c) No parking or stopping for other than traffic safety reasons shall be allowed in the entrance to the complex or in a manner that blocks or obstructs the entrances either completely or in part.
- (d) The Chairman or his designate is delegated the authority to designate and post certain areas within the complex for visitor parking and no person other than a visitor shall be allowed to park at these locations.

19.05.400 Alcoholic Beverages- Prohibitions

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

Chapter 19.06 Fine Schedule

19.06.010 Fines

The following schedule of fines applies to the civil traffic infractions enumerated in this title:

<u>STATUTE</u>	<u>INFRACTION</u>	<u>FINE</u>
19.04	Vehicle safety equipment violation of any provision in chapter 19.04	\$40.00
19.05.020	Drivers to be licensed- 1 st violation 2 nd violation 3 rd violation	\$40.00 \$50.00 \$65.00
19.05.030	Operator's License on Person	\$20.00
19.05.040	Driving while license is suspended, revoked 1 st violation 2 nd violation 3 rd violation	\$100.00 \$125.00 \$150.00
19.05.050	Failure to comply with learner's permit	\$40.00
19.05.053	Motorcycle endorsement required	\$40.00
19.05.055	Vehicle license required	\$40.00
19.05.060	Failure to yield to emergency vehicles	\$100.00
19.05.070	Following fire vehicle prohibited	\$100.00
19.05.080	Crossing fire hose	\$40.00
19.05.100	Motorcycle-Operation on laned roads	\$40.00
19.05.110	Motorcycles- riding on the permanent seat only	\$40.00
19.05.120	Motorcycle- both feet not to be on the same side	\$40.00
19.05.130	Motorcycles- clinging to other vehicles	\$40.00
19.05.150	Off road vehicles	\$40.00

19.05.160	Pedestrians- drivers to exercise care	\$40.00
19.05.170	Pedestrians to remain off the road	\$40.00
19.05.180	Throwing glass or other materials on road prohibited	\$75.00
19.05.190	Permitting escape of load and other materials	\$50.00
19.05.200	Interference with signs, signals	\$100.00
19.05.210	Exceeding speed limit	

MPH

- 1-5 Over.....\$15.00
- 6-10 Over.....\$25.00
- 11-15 Over.....\$35.00
- 16-20 Over.....\$45.00
- 21 and more over shall constitute reckless driving under section 20.08.070

19.05.220	Due care required	\$40.00
19.05.240	Drive on the right side of the road	\$40.00
19.05.250	Turning, stopping, moving right to left- signals required	\$40.00
19.05.260	Turning at intersections	\$40.00
19.05.270	Right of Way- vehicle turning left	\$40.00
19.05.280	Right of Way- yielding for road construction	\$40.00
19.05.290	Overtaking and Passing	\$50.00
19.05.300	Passing school bus	\$100.00
19.05.310	Following too closely	\$40.00
19.05.320	"U" Turns	\$40.00
19.05.330	Backing	\$50.00
15.05.340	Traffic signs, signals and markings	\$40.00
19.05.350	Stopping, Standing, or parking on road	\$40.00

19.05.360	Stopping, Standing, or parking in certain places	\$40.00
19.05.370	Leaving children unattended in vehicle	\$100.00
19.05.380	Obstructing the driver's view	\$40.00
19.05.390	Failure to obey Tribal Center regulations	\$25.00
19.05.400	Alcoholic beverages-prohibitions	\$60.00