

TITLE 6
LUMMI NATION CODE OF LAWS
TRAFFIC CODE

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**TITLE 6
LUMMI NATION CODE OF LAWS
TRAFFIC CODE**

**Chapter 6.01 Civil Traffic Infractions -
Generally**

6.01.010 Purpose

The Lummi Indian Business Council (LIBC) adopts this Code to promote the welfare and safety of all persons who use the roadways lying within the jurisdiction of the Lummi Tribe and to provide for fair and efficient disposition of civil traffic infractions.

6.01.020 Jurisdiction

The provisions of this Title and all rules and regulations under it shall apply within the exterior boundaries of the Lummi Reservation and within the exterior boundaries all lands held in trust for the Lummi Nation by the United States regardless of location.

The Lummi Tribal Court is vested with the fullest personal, subject matter and territorial jurisdiction permissible under §1.02.010 of the Lummi Code of Laws.

**6.01.030 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 Lummi Tribal Law.

6.01.040 Explanation of Privilege

The operation of a vehicle within the Lummi Reservation or trust lands is a privilege which may be granted, denied, suspended or revoked by the Lummi Tribe.

**6.01.050 Officers to Enforce Traffic
Codes**

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

6.01.060 Effect of Invalidity

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

Chapter 6.02 Definitions

6.02.010 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 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 LIBC to serve as a Lummi enforcement officer and officers commissioned by the United States.

(g) "Highways" shall mean all streets, roads, and highways within the territorial jurisdiction of the Lummi 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 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 rails.

(k) “Off Road Vehicle” shall mean any motorized vehicle when used for recreational travel on trails or cross-county 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” shall mean 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, 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 one (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 purposes of travel.

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

(v) “Trust Land” shall mean all lands held in trust for the Lummi Nation by the United States regardless of location.

(w) “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.

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

Chapter 6.03 Civil Traffic Infraction Procedure

6.03.010 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;

(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.

6.03.020 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.

6.03.030 Notice of Infraction - Form

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

6.03.040 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 thirty (30) calendar days from the date the notice of hearing is served.

6.03.050 Notice of Infraction - Three Options for Response

A person 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 Lummi Tribal Court on or before the day of the initial hearing. The Court shall then enter a judgment that the person committed the civil traffic infraction. If the infraction requires a mandatory appearance under Chapter 6.07 the person cannot pay the fine in lieu of appearing before the Court.

(b) Request a hearing to explain the circumstances (without contesting that he or she committed the violation) surrounding the occurrence of the traffic infraction which might arguably lessen the amount of the fine; or

(c) Request a hearing to contest the determination that a traffic infraction occurred.

The person must appear at the initial hearing to tell the Court which of these three options he or she chooses. Unless the infraction requires a mandatory appearance as indicated in Chapter 6.07, the person may pay the fine before the hearing in lieu of making an appearance.

6.03.060 Notice of Hearing - Failure to Respond, Hearing

If a person fails to appear and respond as required in LCL §6.03.050 the Court shall enter an order finding that the person committed the traffic infraction, shall assess the appropriate fine and may notify the Washington State Department of Licensing to prevent the renewal of the person's driver's license until all fines are paid. Failure to appear and respond is a criminal offense under LCL §6A.02.010 of the Lummi Code of Laws.

6.03.070 Hearing - Scheduling by the Court

When a person requests a hearing to explain the circumstances or contest the infraction, the Court shall schedule a hearing to take 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 oral notice of the date and time of the hearing to explain the circumstances or hearing to contest the infraction, at the initial hearing.

6.03.080 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 person requesting the hearing has the right to present evidence and examine witnesses;

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

(f) any appeal shall be governed under the applicable appellate rules of the Lummi Tribe.

6.03.090 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 to which the following rules apply:

(a) the person requesting the hearing may not contest the determination 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 which may include ordering payment of the fine, suspending part or all of the fine, or ordering payments over time. The Court has continuing jurisdiction and authority to supervise the order; and

(e) there shall be no right to appeal the Court's order.

6.03.100 Order of Court

All orders entered by the Court under this Title are civil in nature. The Court may, in its discretion, waive, 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 Lummi Tribe, as provided under this Title.

6.03.110 Suspension

The Court may order a driver's privilege to drive within the jurisdiction of the Lummi Tribe 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 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.

6.03.120 Occupational License

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

Chapter 6.04 Vehicle Safety Equipment

6.04.010 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.

6.04.020 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 bumpers maintained in good condition.

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

(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 (2) stop lamps on the rear of the vehicle which shall clearly display a red or amber light and which shall be visible upon application of the service brakes.

(i) Tail Lights. Every motor vehicle shall be equipped with at least two (2) tail lights mounted on the rear which shall emit a red light plainly visible from a distance of one thousand (1000) 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.

6.04.030 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;
- (b) any bump, bulge or knot, affecting the tire structure;
- (c) any break repaired with a boot;
- (d) a tread depth 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 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.

6.04.040 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 four hundred fifty (450) feet ahead. The low beams shall be so aimed and of such intensity to reveal persons and vehicles at a distance of one hundred fifty (150) feet ahead. On a straight level road none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

6.04.050 Use of Multiple - Beam Head Lights

Whenever a motor vehicle is being operated on a roadway during the time specified in LCL §6.04.070, 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 five hundred (500) feet, such driver shall use low

beams.

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

6.04.060 Spot Lamps

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

6.04.070 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.

6.04.080 Wheel Projections

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

6.04.090 Body Projections

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

6.04.100 Flags on Projecting Load

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

6.04.110 Safety Belts - Use Required

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

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

6.04.120 Child Passenger Restraints Required

(a) The parent or legal guardian of a child under the age of three (3) years shall have the child properly secured in a federally approved child safety seat when the child is a passenger in a vehicle owned and operated by the parent or legal guardian.

(b) The parent or legal guardian of a child age three (3) years or four (4) years shall have the child properly secured in a federally approved child safety seat or seat belt when the child is a passenger in a vehicle owned and operated by the parent or legal guardian.

6.04.130 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) Head Lights. Every motorcycle shall be equipped with at least one (1) 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 (1) red reflector.

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

(e) Tail Lights. Every motorcycle shall be equipped with at least one (1) tail light in good working order.

6.04.140 Motorcycles - Head Light and Tail Lights to be On

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

6.04.150 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.

6.04.160 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 which actually protects the eyes.

6.04.170 Motorcycles - Helmet Required

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

6.04.180 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.

6.04.190 Bicycle Equipment

Every bicycle when in use during the hours of darkness as defined under LCL §6.04.070 shall be equipped with a lamp on the front which shall emit a white light visible for at least five hundred (500) feet to the front and with a red reflector on the rear.

Chapter 6.05 Rules of the Road

Driver's License

6.05.010 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.

6.05.020 Drivers to be Licensed

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

6.05.030 Operator's License on Person

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

6.05.040 Driving While License is Suspended, Revoked

No person shall operate a vehicle within the jurisdiction of the Lummi 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.

6.05.050 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.

6.05.053 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 a jurisdiction recognized by the Lummi Tribe to enable the holder to drive such vehicles, nor may a person drive a motorcycle of a larger engine displacement than that authorized by the special endorsement.

6.05.055 Vehicle License Required

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

Emergency Vehicles

6.05.060 Yield to Emergency Vehicles

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

signals.

6.05.070 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 (500) feet, or stop any vehicle closer than five hundred (500) feet from an official fire vehicle.

6.05.080 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.

6.05.090 Emergency Vehicles Exempted 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.

Motorcycles

6.05.100 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.

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

6.05.120 Motorcycle - Footpegs

A motorcycle must be equipped with foot pegs for each person the motorcycle is designed to carry.

6.05.130 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.

6.05.140 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.

6.05.150 Motorcycle - Temporary Suspension of Rules for Public Demonstrations

The Lummi Chief of Enforcement 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

6.05.160 Off Road Vehicles

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

Pedestrians

6.05.170 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 upon a roadway.

6.05.180 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.

6.05.185 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

6.05.190 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.

6.05.200 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.

6.05.210 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

6.05.220 Speed Limits

No person shall drive a vehicle in excess of the posted speed limits within the jurisdiction of the Lummi Tribe or as designated by this Code for the particular district or location on a roadway.

6.05.230 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, 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.

6.05.240 Speed Limits - Changes by the Lummi Indian Business Council

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

Vehicle Travel - Rules of the Road

6.05.250 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; or
- (c) when an obstruction exists making it necessary to drive to the left of center; provided that any person so doing shall yield the right of

way to oncoming traffic.

6.05.260 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.

6.05.270 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.

6.05.280 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.

6.05.290 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.

6.05.300 Overtaking and Passing

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

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

6.05.310 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.

6.05.320 Following Too Closely

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

6.05.330 “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.

6.05.340 Backing

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

6.05.350 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 Lummi Tribe, unless otherwise directed by an enforcement officer, or flagger, or firefighter.

6.05.360 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 the prompt removal of the vehicle.

6.05.370 Stopping, Standing, or Parking Prohibited in Certain Places

No person shall stop, park, or leave standing any vehicle, except momentarily to pick up or discharge a passenger:

- (a) in front of any driveway or within five (5) feet of the curb radius thereto;
- (b) within fifteen (15) feet of a fire hydrant;
- (c) within twenty (20) feet of the driveway entrance to a fire station;
- (d) on the side of the street opposite the entrance to any fire station; or
- (e) at any place where official signs or markings prohibit stopping, standing, or parking.

6.05.380 Leaving Children Unattended in Vehicle

No person shall leave children under the age of twelve (12) years unattended in a vehicle.

6.05.390 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.

6.05.400 Tribal Center Regulations

Within the Lummi Indian Tribal Center complex located at 2665 Kwina Road, the following traffic regulations shall apply in addition to the other motor vehicle laws of the Lummi Tribe:

- (a) The maximum allowable speed is to be ten (10) mph.
- (b) No parking shall be allowed on the roadway between the 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.

6.05.410 Alcoholic Beverages and Marijuana - Prohibitions

- (a) No person shall drink any alcoholic beverage or use marijuana products, as defined in Title 5, Lummi Code of Laws, Section 5.09A.055(a), 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 or have an open or unsealed receptacle containing marijuana products, as defined in Title 5, Lummi Code of Laws, Section 5.09A.055(a), 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 or keep open or unsealed receptacle containing marijuana products, as defined in Title 5, Lummi Code of Laws, Section 5.09A.055(a),

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. A utility compartment or glove compartment is deemed to be within the area occupied by the occupants.

Chapter 6.06 Accident Reports, Stolen Vehicles

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

The driver of any vehicle which damages any unattended vehicle or other property on or adjacent to a roadway shall:

- (a) immediately notify the owner of the unattended vehicle or other property, giving the driver's name and address; or
- (b) leave a written notice giving the driver's name and address in a conspicuous place on the unattended vehicle or other property.

Failure of any person to comply with this Section shall be a civil traffic infraction.

6.06.020 Driver's Duty in Case of Injury or Death to Person

- (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; and
- (c) Render reasonable assistance to any person injured in such 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.

6.06.030 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.

6.06.040 Stolen Vehicle Reports

It shall be the duty of the Chief Enforcement Officer of the Lummi Tribe to notify the appropriate Washington State authority of all motor vehicles reported to him or her as stolen or recovered.

If a “yes” appears under “mandatory appearance”, the person must appear before the Court for a hearing and cannot pay the fine in lieu of that Court appearance.

Chapter 6.07 Fine Schedule

6.07.010 Fines

The following schedule of fines applies to the civil traffic infractions enumerated in this Title.

STATUTE	INFRACTION	FINE	MANDATORY APPEARANCE
6.04	Vehicle Safety Equipment Violation of any provision in Chapter 6.04	\$40.00	No
6.05.020	Drivers to be Licensed		
	1 st violation	\$40.00	Yes
	2 nd violation	\$50.00	Yes
	3 rd violation	\$65.00	Yes
6.05.030	Operator’s License on Person	\$20.00	No
6.05.040	Driving While License is Suspended, Revoked		
	1 st violation	\$100.00	Yes
	2 nd violation	125.00	Yes
	3 rd violation	\$125.00	Yes
6.05.050	Learners Permit	\$40.00	No
6.05.053	Motorcycle Endorsement Required	\$40.00	No
6.05.055	Vehicle License Required	\$40.00	No
6.05.060	Yield to Emergency Vehicles	\$100.00	Yes
6.05.070	Following Fire Vehicle Prohibited	\$100.00	Yes
6.05.080	Crossing Fire Hose	\$100.00	No
6.05.100	Motorcycle – Operation on Laned Roads	\$40.00	No
6.05.110	Motorcycle – Riding on the Permanent Seat Only	\$40.00	No
6.05.120	Motorcycle – Footpegs	\$40.00	No
6.05.130	Motorcycle – Both Feet Not To Be on the Same Side	\$40.00	No
6.05.140	Motorcycle – Clinging to Other Vehicles	\$40.00	No, except persons under 16 years of age must appear.
6.05.160	Off Road Vehicles	\$40.00	No
6.05.170	Pedestrians – Drivers to Exercise Care	\$40.00	No
6.05.180	Pedestrians – Under the Influence of Alcohol or Drugs	\$60.00	No
6.05.185	Pedestrians to Remain Off the Road	\$40.00	No
6.05.190	Throwing Glass or Other Materials on Road Prohibited	\$75.00	No
6.05.200	Permitting Escape of Load and Other Materials	\$50.00	No
6.05.210	Interference with Signs and Signals	\$100.00	No
6.05.220	Speed Limits		
	1-5 MPH Over	\$15.00	No

	6-10 MPH Over	\$25.00	No
	11-15 MPH Over	\$35.00	No
	21 and More Over Shall constitute Reckless Driving under LCL §6A.02.060		
6.05.230	Due Care Required	\$40.00	No
6.05.250	Drive on the Right Side of the Road	\$40.00	No
6.05.260	Turning, Stopping, Moving Right or Left – Signals Required	\$40.00	No
6.05.270	Turning at Intersections	\$40.00	No
6.05.280	Right of Way – Vehicle Turning Left	\$40.00	No
6.05.290	Right of Way – Yielding for Road Construction	\$40.00	No
6.05.300	Overtaking and Passing	\$50.00	No
6.05.310	Passing a School Bus	\$100.00	No
6.05.320	Following Too Closely	\$40.00	No
6.05.330	“U” Turns	\$40.00	No
6.05.340	Backing	\$50.00	No
6.05.350	Traffic Signs, Signals and Markings	\$40.00	No
6.05.360	Stopping, Standing or Parking on Road	\$40.00	No
6.05.370	Stopping, Standing, or Parking in Certain Places	\$40.00	No
6.05.380	Leaving Children Unattended in Vehicle	\$100.00	Yes
6.05.390	Obstructing the Driver’s View	\$25.00	No
6.05.400	Tribal Center Regulations	\$25.00	No
6.05.410	Alcoholic Beverages and Marijuana – Prohibitions	\$60.00	Yes

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