

TITLE 9

MOTOR VEHICLES

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TITLE 9

MOTOR VEHICLES

Chapter 9.01 Civil Traffic Violations - Generally

9.01.01 Purpose

The Port Gamble S'Klallam Tribal Council adopts Chapters 9.01 through 9.07 for the purpose of promoting the welfare and safety of all persons who use the roadways lying within the jurisdiction of the Port Gamble S'Klallam Tribe and to provide for fair and efficient disposition of civil traffic violations enumerated herein.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.01.02 Jurisdiction

The Community Court is vested with the fullest personal, subject matter and territorial jurisdiction permissible under applicable law.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.01.03 Means of Exercising Jurisdiction

In exercising jurisdiction over civil traffic violations, if a process is not specified under this Title, the Community Court may adopt any suitable process which comports with the purposes of this Title and is in harmony with the spirit of Port Gamble S'Klallam Tribal Law.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.01.04 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

Chapter 9.02 Civil Traffic Violation Procedure

9.02.01 Notice of Violation - Issuance by Police Officer

A Port Gamble S'Klallam police officer has the authority to issue a notice of civil traffic violation:

- a) When it occurs in the police officer's presence;

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.02.02 Notice of Violation - Issuance by the Community Court

The Community Court may issue a notice of civil traffic violation when it receives a written statement of a Port Gamble S'Klallam police officer that there is reasonable cause to believe that a violation has been committed.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.02.03 Notice of Violation - Content

A notice of civil traffic violation shall be filed on a form authorized by the Tribal Council or by the Community Court. It shall include the following information:

- a) Name, address, and phone number of the Community Court;
- b) Name, address, and driver's license number of the violator;
- c) Description of the vehicle, its license number and state of licensing;
- d) Date, time and place the violation occurred;
- e) The specific civil traffic violation for which the notice was issued;
- f) Date of issue and name of notifying officer;
- g) Amount of the fine established for the violation;
- h) A statement that a civil traffic violation is not a crime and that the penalty does not include the possibility of a jail sentence; that the penalty may include suspension, revocation, or non-renewal of the person's driver's license;
- i) A statement of the three options the person has in responding to the notice as provided under Section 9.02.05;
- j) A statement that the person must respond to the notice within ten days of the date it is received and a statement of the penalties for failure to respond under Section 9.02.06;

- k) A statement that at a hearing to explain the circumstances, the person may not subpoena witnesses and that the person is deemed to have committed the traffic violation;
- l) A statement that at a hearing to contest the traffic violation, the person may subpoena witnesses and that the Tribe must prove, by a preponderance of the evidence, that the traffic violation was committed;
- m) A space for the person to sign a promise to respond to the notice of traffic violation.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.02.04 Notice of Violation - Time and Manner of Response

A person who has been issued a notice of civil traffic violation must respond to the notice within ten days of the date the notice was actually received or reasonably should have been received. The response may be in person or by mail. If mailed, the response must be postmarked no later than midnight of the day the response is due.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.02.05 Notice of Violation - Three Options for Response

A person may respond to a notice of civil traffic violation in any one of the following ways:

- a) Pay the fine. The Community Court shall then enter a judgment that the person committed the civil traffic violation;
- b) Request a hearing to explain the circumstances surrounding the occurrence of the traffic violation which might arguably lessen the amount of the fine; or
- c) Request a hearing to contest the determination that a traffic violation occurred.

[HIST: Resolution No. 81 A 57, passed 12/8/81.]

9.02.06 Notice of Violation - Failure to Respond

If a person fails to respond to a notice of civil traffic violation, the Community Court shall enter an order finding that the person committed the traffic violation, 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.02.07 Hearing - Scheduling by the Community Court

When the Community Court receives a response from a person requesting a hearing, the Community Court shall schedule a hearing not less than seven days nor more than ninety days from the date the Court mails the notice of hearing.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.02.08 Hearing - Notice to be Sent by Community Court

The Community Court shall send a written notice of the time, place and date of the scheduled hearing within fourteen days of the date it receives the request for a hearing. The notice of hearing shall contain a statement advising the person that the proceeding will take place without a jury, that the person may have counsel present and that if the hearing is to contest the determination that a traffic violation occurred, the person may subpoena witnesses including the police officer involved.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.02.09 Hearing to Contest the Determination that a Violation was Committed

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

- a) The proceeding shall be heard by the Community Court without a jury;
- b) The Tribe and the person requesting the hearing may both be represented by counsel;
- c) The Tribe and the person requesting the hearing may subpoena witnesses;
- d) The burden of proof is on the Tribe to establish the commission of the violation by a preponderance of the evidence;
- e) The person requesting the hearing has the right to present evidence and examine witnesses;
- f) After consideration of the evidence and argument, the Community Court shall determine whether the violation was committed. Where it has not been established by a preponderance of the evidence that a violation has been committed, the Court shall enter an order dismissing the action. Where it has been established that a violation has been committed, the Court shall enter an order accordingly;

- g) Any appeal from the Court's decision shall be made to the Port Gamble S'Klallam Court of Appeals under the rules established for that Court.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81. Amended by Resolution No. 05-A-054, passed 6/14/05.]

9.02.10 Hearing to Explain the Circumstances Surrounding the Violation

A hearing held for the purpose of allowing a person to explain the circumstances surrounding the commission of the violation 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 violation 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 subpoena witnesses;
- d) After the Court has heard the explanation of the circumstances surrounding the commission of the traffic violation, the Court shall determine whether the explanation of events justifies reducing the amount of the fine, suspending part or all of the fine, or order payments over time or order community service to be performed in lieu of the fine. Each hour of community service shall reduce the fine by \$8.00 in 2005, to increase in subsequent years by a rate set by the Court Administrator, based on the annual employee cost of living increase established by the Tribal Council, if any. The Court has continuing jurisdiction and authority to supervise the order for not more than one year
- e) There may be no appeal from the Court's order.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81. Subsection (d) amended by Resolution 05-A-054, passed 6/14/05.]

9.02.11 Order of Court

All orders entered by the Community Court under this Title shall be deemed civil in nature. The Court may, in its discretion, waive, reduce or suspend the fine and/or order community service hours in lieu of a fine.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

Chapter 9.03 Vehicle Safety Equipment

9.03.01 Moving Vehicle in Unsafe Condition

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.02 Required Safety Equipment

It is a civil traffic violation to drive or move any vehicle on a roadway which does not have the following safety equipment in proper condition and adjustment:

- a) 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 head lamps.
- b) 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.
- c) Head Lights. Every motor vehicle shall be equipped with at least two head lights, with at least one on each side of the front of the vehicle.
- d) Tail Lights. Every motor vehicle shall be equipped with at least two tail lights 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.
- e) 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.
- f) Parking Brakes. Every motor vehicle shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated.
- g) Muffler. Every motor vehicle shall be equipped with a muffler in good working order to prevent excessive or unusual noise.
- h) Windshield. Every motor vehicle shall be equipped with a front windshield in such condition as to permit the driver a clear view.
- i) Windshield Wipers. Every motor vehicle shall be equipped with windshield wipers, maintained in good working order.

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.03 Vehicles to be Equipped with Tires - Safe Conditions 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 break repaired with a boot; or
- 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; or
- e) Any condition that reasonably demonstrates that the tire is unsafe; or
- 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.04 Times When Headlights, Tail Lights, Are Required to be On

It is a civil traffic violation for any person to drive or move any vehicle on a roadway from a half hour after sunset to a half four before sunrise and anytime weather conditions diminish a driver's clear view, without head lights and tail lights turned on.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.05 Flags on Projecting Load

It is a civil traffic violation for any person to drive or move any vehicle on a roadway, without red signal flags marking the extremities, whenever the load upon the vehicle extends four or more feet beyond the body.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.06 Multiple Beam Headlights

The head lights of all motor vehicles shall be so arranged that the driver may select at will between high and low beams of light. 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.07 Use of Multiple Beam Headlights

Whenever a motor vehicle is being operated on a roadway during the times specified in section 9.03.04, 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.

Failure of any person to comply with this section shall be a civil traffic violation.

[HIST: Source Resolution No. 81 A 57, passed 12/8/81.]

9.03.08 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. Failure of any person to comply with this section shall be a civil traffic violation.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.09 Wheel Projection

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. Failure of any person to comply with this section shall be a civil traffic violation.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.10 Body Projections

The body, fenders and bumpers of all vehicles shall be maintained without protrusions which could be hazardous to pedestrians and cyclists. Failure of any person to comply with this section shall be a civil traffic violation.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.11 Motorcycle - Safety Equipment

It is a civil traffic violation for any person to drive or move any motorcycle which does not have the following safety equipment in proper condition and adjustment.

- a) Head Lights. Every motorcycle shall be equipped with at least one head light in good working order.
- b) Tail Lights. Every motorcycle shall be equipped with at least on tail 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) Brakes. Every motorcycle shall be equipped with service brakes in safe, working order and which operates on the front and rear wheels.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.12 Motorcycles - Headlights 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. Failure of any person to comply with this section shall be a civil traffic violation.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.13 Motorcycles - Exhaust System

No person shall modify the exhaust system of a motorcycle in a manner which would amplify or increase the noise above the level emitted by the muffler originally installed on the motorcycle. Failure of any person to comply with this section shall be a civil traffic violation.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.14 Motorcycles - Eye Protection

It is a civil traffic violation for any person to drive or ride as a passenger on any motorcycle on any roadway without wearing glasses or goggles or a face shield.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.03.15 Seat Belts and Child Safety Restraints

Unless expressly exempted under this section:

- a) Occupant's Responsibility. No person sixteen years of age or older may ride in a motor vehicle unless he or she is wearing a safety belt assembly in a properly adjusted and securely fastened manner.
- b) Driver's Responsibility - Passengers Under Sixteen Years of Age and Self. No person may operate a motor vehicle unless he or she and all passengers under the age of sixteen years are either wearing a safety belt assembly in a properly adjusted and securely fastened manner or are securely fastened into an approved child restraint device as specified in subsections (c) and (d).
- c) Driver's Responsibility - Passengers Two to Five Years of Age. Whenever a child who is less than six but at least two years of age, is being transported in a motor vehicle, the driver of the vehicle shall keep the child properly restrained either as specified in subsection (d) or with a safety belt properly adjusted and fastened around the child's body.
- d) Driver's Responsibility - Passengers Under Two Years of Age. Whenever a child who is less than two years of age is being transported in a motor vehicle, the driver of the vehicle shall keep the child properly restrained in a child restraint device (infant car seat) that is secured in the vehicle in accordance with instructions of the system's manufacturer.

Failure of any person to comply with subsections (a) through (d) above shall be a civil traffic violation. The Court shall not reduce, suspend or order community service in lieu of the fine for this infraction below the amount of \$40.00, due to the rebate provisions in subsection (f).

- e) Dismissal Upon Proof of Acquiring Child Safety Device . A person who is issued a notice of civil traffic infraction for violating subsections (c) and (d) due to the absence of an approved child restraint device may present proof of acquisition of such device within ten (10) business days to the Tribe's Police Department and the Tribe shall dismiss the notice of infraction.
- f) Traffic Safety Presentation - Partial Reduction of Fine. A person who has committed his or her first violation of subsections (a) through (d) above may view a traffic safety presentation at the Tribe's Police Department. Upon viewing the safety presentation, the Police Department shall issue a notice to the Court Clerk that the person has viewed the presentation and note whether this was the first violation. The person shall then be entitled to a \$40.00 rebate which shall be refunded when the person has paid his or her fine in full. No refund

shall be given more than sixty (60) days after the person committed the violation.

g) Exemptions.

- i) 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 is not required to wear a safety belt.
- ii) Operators and passengers of buses and motorcycles are not required to wear a safety belt.
- iii) Subsections (a) through (d) shall not apply to a vehicle occupant for whom no safety belt is available because all the seat belts are in use or because seat belts were not required to be installed by the vehicle's manufacturer. This exemption shall not apply when the seat belts installed by the manufacturer have been removed or are unusable.

h) Enforcement. Enforcement of subsections 9.03.15 (a) and (b) by Port Gamble S'Klallam police officers may be accomplished only as a secondary action when a driver or a motor vehicle has been detained for a suspected violation of another section of the Port Gamble S'Klallam Law and Order Code.

[HIST: Source - Resolution No. 95 A 059, passed 5/9/95. Amended by Resolution No. 97 A 073, passed 10/14/97 to correct typographical errors. Fine and rebate amounts were amended by Resolution 05-A-054, passed 6/14/05.]

Chapter 9.04 Rules of the Road

9.04.01 Rules of the Road - Generally

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.02 Traffic Signs, Signals and Markings

A 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 Port Gamble S'Klallam Tribe.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.03 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 all vehicles traveling in the proper direction on the unobstructed portion of the road.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.04 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 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 passing zone;
- e) A driver shall overtake and pass another vehicle in a safe manner.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.05 Following Too Closely

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.06 Right of Way - Vehicle Turning Left

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.07 Right of Way - Yielding 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 police vehicle making lawful use of sirens and visual signals.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.08 Right of Way - Yielding for Highway Construction

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.09 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.10 Pedestrians - Under the Influence of Alcohol or Drugs a degree which renders himself a hazard shall remain safely off the main traveled portion of the road.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.11 "U" Turns

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.12 Signals Required for Turning, Stopping, Moving Right or Left

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 signal is given, as follows:

- a) A driver shall signal intention to turn or move right or left by continuously using signal lamps or appropriate hand signals at least one hundred feet before turning or moving.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.13 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.14 Speed Limits

No person shall drive a vehicle in excess of the posted speed limits within the jurisdiction of the Port Gamble S'Klallam Tribe. In residential areas which are not posted, no person shall drive a vehicle in excess of twenty-five miles per hour.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.15 Speed Limits - Changes by The Tribal Council

The Tribal Council may, as it shall see fit, request the State of Washington to conduct an engineering and traffic investigation to determine whether the maximum speed limits within the Port Gamble S'Klallam 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.16 Due Care Required

No person shall drive a vehicle within the jurisdiction of the Port Gamble S'Klallam Tribe at a speed greater than is reasonable and prudent under the conditions. All drivers are under a duty to exercise due care and caution as the circumstances require.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.17 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.18 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, within seventy-five feet of the driveway entrance, when properly sign posted;
- e) At any place where official signs or markings prohibit stopping, standing, or parking.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.19 Officers Authorized to Remove Certain Vehicles

A police officer may take custody of a vehicle and provide for its removal to a reasonably safe place whenever:

- a) Any unattended vehicle obstructs traffic or jeopardizes public safety;
- b) The driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;
- c) A police officer discovers a vehicle he or she reasonably believes is stolen;
- d) The driver of a vehicle is arrested and taken into custody and is not physically or mentally capable of deciding upon steps to be taken to protect his or her property.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.20 Backing

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.21 Leaving Children Unattended in Vehicle

No person shall leave children under the age of twelve (12) unattended in a vehicle with its motor running.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.22 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.23 Following Fire Vehicle Prohibited

The driver of any vehicle other than one on 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 five hundred feet from an official fire vehicle.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.24 Crossing Fire Hose

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.25 Littering, Throwing Glass or Other Materials on Road Prohibited

- a) No person shall litter, or shall throw or deposit upon any roadway any glass, nails, tacks, wire or any other substance likely to injure any person or animal or vehicle upon 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81. Amended by Resolution No. 05-A-054, passed 6/14/05.]

9.04.26 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.27 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 police officers in the performance of their official duties.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.28 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 designed for that purpose.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.29 Motorcycles - Foot pegs

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.30 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.31 Motorcycles- Temporary Suspension of Rules for Public Demonstrations

The Port Gamble S'Klallam Tribe's 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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.32 Motorcycles- Clinging to Other Vehicles

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.04.33 Operator's License

Any person who operates a motor vehicle on any road, street, or alley within the Port Gamble S'Klallam Reservation shall have a valid Washington State driver's license in his/her possession.

[HIST: Source - Resolution No. 84 A 03, passed 2/14/84.]

9.04.34 Careless Driving

- a) Any person operating a vehicle on the roadways of the Port Gamble Indian Reservation shall give his full time and entire attention to the operation of the vehicle.
- b) Any person who operates a vehicle in a careless, inattentive or imprudent manner, without due regard for the width, grade, curves, road markings, corners, traffic, weather and road conditions and all other attendant circumstances is guilty of a civil traffic violation.

[HIST: Source - Resolution No. 87 A 13, passed 5/12/87.]

9.04.35 Prohibited Use of Alcoholic Beverages in Vehicle

Any person who:

- (a) Drinks any alcoholic beverage in a motor vehicle when the vehicle is upon a roadway;
- (b) Has an open or unsealed receptacle containing an alcoholic beverage in his or her possession while in a motor vehicle or while the vehicle is upon a roadway; or
- (c) Is the driver of a motor vehicle which is on a roadway and in which an open or unsealed receptacle containing an alcoholic beverage is present, 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 driver and passengers.

is guilty of a civil traffic violation.

[HIST: Source - Resolution No. 05-A-054, passed 6/14/05.]

[Cross Reference 9.06.17 Roadway. "Roadway means a way or passage designed or ordinarily used for vehicular travel."]

Chapter 9.05 Accident Reports, Abandoned and Stolen Vehicles

9.05.01 Driver's Duty Upon Damaging Unattended Vehicle or Other Property**Error! Bookmark not defined.**

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 civil traffic violation.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.05.02 Driver's Duty in Case of Injury or Death of Person

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

- a) Immediately stop such vehicle at the scene of the accident;
- b) Give his or her name, address, 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 the Port Gamble S'Klallam Tribal Police as soon as practicable following the accident. Failure of any person to comply with this section shall be a civil traffic violation. The Community Court may, in addition to imposing a fine, request the Washington State Department of Licensing to revoke the driver's license of any person who fails to comply with the provisions of this section. Provided, this section shall not apply to any person physically incapable of complying.

[HIST: Source - Resolution No. 81 A 57], passed 12/8/81.]

9.05.03 Record of Traffic Charges

The Community Court shall keep or cause to be kept a record of every notice of civil traffic violation or other legal form of traffic charge

deposited with the Community Court and shall keep a record of every official action the Community Court takes in relation to the civil traffic violation or other traffic charge.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.05.04 Stolen Vehicle Reports

It shall be the duty of the Chief of Police of the Port Gamble S'Klallam Tribe to notify immediately all motor vehicles reported to him as stolen or recovered to the appropriate Washington State Authority.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.05.05 Abandoned Motor Vehicles - Defined

For the purposes of the next two following sections, an "abandoned motor vehicle" shall mean any motor vehicle which substantially meets the following criteria:

- a) Left within the jurisdiction of the Port Gamble S'Klallam Tribe for seven (7) days or longer;
- b) Extensively damaged;
- c) Apparently inoperable; and
- d) Without valid, current registration.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81. Amended by Resolution No. 05-A-054, passed 6/14/05.]

9.05.06 Abandoned Motor Vehicle - Notice

A Port Gamble S'Klallam Police Officer discovering an apparently abandoned vehicle shall attach to the vehicle a conspicuous notice giving the following information:

- a) The date and time the notice was attached;
- b) The identity of the officer;
- c) A statement that if the vehicle is not removed within seven days from the time the notice was attached, the vehicle may be taken into custody and stored at the owner's expense;
- d) The address and telephone number where additional information is available.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.05.07 Abandoned Motor Vehicle - Disposition

If a vehicle has not been removed within seven days from the time notice is given under section 9.05.06, the Chief of Police of the Port Gamble S'Klallam Tribe may take custody of the vehicle and remove or cause to be removed the vehicle to a place of reasonable safety.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.05.08 Impounding Vehicles

A Police Officer may impound the motor vehicle of any person within the jurisdiction of the Port Gamble S'Klallam Reservation or may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway when the Police Officer determines:

- a) That a vehicle standing upon the roadway in violation of any law of the Port Gamble S'Klallam Tribe;
- b) That a vehicle is unattended upon a roadway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;
- c) That a vehicle is unattended at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;
- d) That the driver of a vehicle is arrested and taken into custody by a police officer;
- e) That a vehicle is stolen;
- f) That a vehicle is illegally occupying a restricted parking zone, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone.
- g) That the person has created a breach of the peace with the motor vehicle;
- h) That the person failed to pay fines for traffic infractions committed on the Reservation;
- i) That the person failed to comply with any legal process issuing from the Port Gamble S'Klallam Community Court or Tribal Council;
- j) That the person fails to sign a lawfully issued citation; or

- k) That the person otherwise poses a threat to the health, safety, welfare, or property of the Port Gamble S'Klallam Tribe and its members and continued operation of the motor vehicle on the Reservation poses the danger of irreparable harm.

[HIST: Resolution No. 88 A 30, passed 8/9/88. Amended by Resolution No. 05-A-054, passed 6/14/05.]

9.06 Definitions

9.06.01 Definitions - Generally

Words in this Title 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 Community Court shall construe the meaning of the word in harmony with the purpose of this Title.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.02 Alley

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.03 Authorized Emergency Vehicle

"Authorized Emergency Vehicle" means any vehicle of a fire department, police department, sheriff's office, Washington State Patrol or ambulance service.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.04 Civil Traffic Violation

"Civil Traffic Violation" means any act or condition which is contrary to Title IX of the Port Gamble S'Klallam Law and Order Code. Such violation shall not carry the criminal sanction of imprisonment.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.05 Community Court

"Community Court" means the Port Gamble S'Klallam Community Court.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.06 Crest of a Grade

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.07 Driveway

“Driveway” means a way or passage used for travel of vehicles by persons possessing the right to occupy the place or passage by not by others.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.08 Laned Road

“Laned Road” means a roadway which is divided into clearly marked lanes for vehicular travel.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.09 Motor Vehicle

“Motor Vehicle” means every vehicle which is self propelled.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.10 Motorcycle

“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.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.11 Operator or Driver

“Operator or Driver” means every person who drives or is in actual physical control of a vehicle.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.12 Owner

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.13 Park or Parking

“Park or Parking” means to stop and keep standing a vehicle for a time other than for the purpose of temporarily loading or unloading.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.14 Police Officer

“Police Officer” means every person authorized by the Port Gamble S’Klallam Tribal Council to serve as a Port Gamble S’Klallam Police Officer.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.15 Residential Area

“Residential Area” means an area primarily improved for the purpose of residences.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.16 Revoke

“Revoke” means invalidation for a period of at least one year until reissue.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.17 Roadway

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.18 Stand or Standing

“Stand or Standing” means the halting of a vehicle other than temporarily to load or unload.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.19 Stop

“Stop” means to halt a vehicle even momentarily except when directed to do so by a traffic sign, direction of a police officer or to avoid conflict with other traffic.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.20 Suspend

“Suspend” means invalidation for less than one year until reinstatement.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.21 Traffic

“Traffic” includes pedestrians, vehicles and other conveyances traveling on a roadway.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.22 Vehicle

“Vehicle” includes every device capable of being moved upon a roadway in which persons or property may be transported excluding devices moved by human or animal power.

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

9.06.23 Vehicle Right of Way

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

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81.]

Chapter 9.07 Fine Schedule

9.07.01 Fine Schedule

The following schedule of fines applies to the civil traffic violations enumerated in this Title:

Statute	Violation	Fine
9.02.06	Failure to respond to a notice of civil traffic violation.	\$40.00
9.03.01 et seq.	Vehicle safety equipment-violation of any provision in chapter 9.3 except 9.03.015.	\$40.00
9.03.15	Seat Belts and Child Safety Restraints	\$80.00 (see rebate)
9.04.02	Traffic signs, signals and markings	\$40.00
9.04.03	Drive on the right side of the road	\$40.00
9.04.04	Overtaking and Passing	\$40.00
9.04.05	Following too closely	\$40.00
9.04.06	Right of Way - vehicle turning left	\$40.00
9.04.07	Right of Way - yielding to emergency vehicle	\$40.00
9.04.08	Right of Way - yielding for highway construction	\$40.00
9.04.09	Pedestrians - Drivers to exercise care	\$40.00
9.04.10	Pedestrians - Under the influence of alcohol/ drugs	\$40.00
9.04.11	"U" Turns	\$40.00
9.04.12	Signals required for turning, stopping, moving right or left	\$40.00
9.04.13	Passing school bus	\$100.00
9.04.14	6-10 M.P.H. over limit	\$30.00
	11-15 M.P.H. over limit	\$40.00
	16-20 M.P.H. over limit	\$60.00
	21-25 M.P.H. over limit	\$80.00
	26-30 M.P.H. over limit	\$120.00
	Over 30 M.P.H. over limit	\$120.00 plus \$5.00 for each mile in excess of 30 mph. over the limit.
9.04.16	Due care required	\$40.00
9.04.17	Stopping, standing or parking on road	\$40.00
9.04.18	Stopping, standing or parking in certain places	\$40.00
9.04.20	Backing	\$40.00
9.04.21	Leaving children unattended in vehicle	\$60.00
9.04.22	Obstructing the driver's view	\$40.00
9.04.23	Following fire vehicle prohibited	\$40.00
9.04.24	Crossing fire hose	\$40.00
9.04.25	Littering, throwing glass, other materials on road prohibited	\$60.00

9.04.26	Permitting escape of load and other materials	\$40.00
9.04.27	Motorcycles - operation on laned roads	\$40.00
9.04.28	Motorcycles - riding on the permanent seat only	\$40.00
9.04.29	Motorcycles - foot pegs	\$40.00
9.04.30	Motorcycles - both feet not to be on same side	\$40.00
9.04.31	Motorcycles - temporary suspension of rules for public demonstration	\$40.00
9.04.32	Motorcycles - clinging to other vehicles	\$40.00
9.04.33	Operator's license	\$40.00
9.04.34	Careless driving	\$80.00
9.04.35	Prohibited Use of Alcoholic Beverages in Vehicle	\$80.00
9.05.01	Driver's duty upon damaging unattended vehicle or other property	\$80.00
9.05.02	Driver's duty in case of injury or death to person	\$100.00

[HIST: Source - Resolution No. 81 A 57, passed 12/8/81. Amended by Resolution No. 05-A-054, passed 6/14/05; Amended by Resolution 09-A-126 on November 10, 2009 to include a \$60.00 fine for driving 16-20 MPH over the limit, previously not included as an erroneous oversight.]