

CHAPTER 3-3 MOTOR VEHICLES

STATE MOTOR VEHICLE LAWS INCORPORATED

3-3-1 Provisions Incorporated

The substantive provisions of the following parts of the Revised Code of Washington as presently constituted or hereafter amended are incorporated herein as provisions of this Code and shall apply to all persons subject to the jurisdiction of the Colville Tribal Court:

RCW Chapters 46.04, 46.37, 46.44, 46.48, 46.61 (except 46.61.688; 46.61.687), and RCW 46.20.015, 46.52.010, 46.52.020, 46.52.030, 46.52.035, 46.52.040

(Amended 8/25/11, Codified 8/4/11, Resolution 2011-570)
(Amended 7/9/09, Resolution 2009-516)

3-3-2 Amendments

Amendments, additions or deletions to or from such provisions by the State of Washington after the enactment of this Code shall become a part hereof for all purposes unless the Council by Chapter or resolution specifically provides otherwise.

3-3-3 Motor Vehicle Offenses

It is unlawful for any person to operate, drive or move a motor vehicle on the roads of the Colville Indian Reservation in violation of any of the requirements of section 3-3-1 or to do any act forbidden or fail to perform any act required by section 3-3-1.

3-3-4 Driving Without a Valid Driver's License

Any person, except those expressly exempted by statute, who shall drive any motor vehicle upon a public highway without a valid driver's license issued by the State of Washington under RCW Chapter 46.20 shall be guilty of Driving Without a Valid Driver's License.

3-3-5 Driving While License Suspended or Revoked

Any person who drives a motor vehicle on any public highway at a time when his privilege to do so is suspended or revoked shall be guilty of Driving While License Suspended or Revoked.

3-3-6 Negligent Driving

Any Indian who drives any vehicle in a negligent manner without due care and caution or in such a manner as to endanger or be likely to endanger any persons or property shall be guilty of Negligent Driving.

3-3-7 Negligent Driving Lesser Included Offense

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner.

(Amended 6/19/81, Resolution 1978-422)

3-3-8 Definitions

As contained in the above-cited motor vehicle laws, "highways", "state highways" and "public highways" shall be construed to mean "all roads, public and private, within the jurisdiction of the Colville Confederated Tribes", and "county jail" or "jail" shall be construed to mean "tribal or other jail authorized by the Tribes to receive prisoners". Reference to any "court" shall be construed to mean the "Colville Tribal Court".

3-3-9 Inapplicable Provisions

Any of the provisions or portions of the provisions of the Revised Code of Washington listed above which, by their nature, would not apply to the Colville Confederated Tribes, Reservation, or Tribal Court, or the incorporation of which would undermine the underlying principles and purposes of this Code, or which are inconsistent with the provisions of this Chapter or this Code are not incorporated herein.

3-3-10 Maximum Speed Limit for Community Centers

The maximum speed limit for the grounds of the four district community centers shall be ten miles per hour.

(Adopted 8/20/79, Resolution 1979-605)

3-3-11 Maximum Speed Limit for Trailer Courts

The maximum speed limit for the road leading to and around the tribal trailer court shall be fifteen miles per hour. Signs shall be prominently placed indicating the speed limit and shall clearly indicate by order of the Colville Business Council. There should be prominently placed, a sign stating that the speed limit will be strictly enforced.

(Recommended 9/7/76, Resolution 1976-555)

3-3-12 Safety Belts – Use Required

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

(b) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either:

(1) Wearing a safety belt assembly; or

(2) Are securely fastened into a federally approved child passenger safety restraint.

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

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

(Amended 8/25/11, Codified 8/4/11, Resolution 2011-570)

3-3-13 Child Passenger Restraints – Use Required

(a) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in

operation and equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

(1) A child must be restrained in a child restraint system, if the passenger seating position is equipped with a safety belt system that allows sufficient space for proper installation until the child is eight years old, unless the child is four feet nine inches or taller.

(2) The child restraint system must comply with the standards of the United States Department of Transportation; and is determined to be appropriate for the child's individual height, weight, age and must be secured in the vehicle in accordance with both the instructions of the vehicle manufacturer and the car seat manufacturer.

(3) 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 system properly adjusted and fastened around the child's body.

(4) 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.

(b) Enforcement of subsection CTC § 3-3-13 (a) 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 child restraint system must ensure that the child restraint system is being used accordance with instructions of the vehicle and the child restraint manufacturers. 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 practical to do so.

(1) The requirements of subsection CTC § 3-3-13 (a) do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

(2) A person violating subsection CTC § 3-3-13 (a) may be issued a notice of traffic infraction. If the person to whom the notice was issued presents proof of acquisition of an approved, non-

expired child passenger restraint system or a child booster seat, and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian. Failure to use a child restraint system shall not be admissible as evidence of negligence in any civil action.

(Amended 8/25/11, Codified 8/4/11, Resolution 2011-570)

PENALTIES

3-3-40

Penalties

Punishment for violation of this Chapter shall be as follows:

(a) Negligent homicide, vehicular assault, failure of the driver of an involved vehicle to stay at the scene of the accident involving injury or death, and attempting to elude a pursuing police vehicle shall be punishable by imprisonment for a period not to exceed 360 days, or a fine not to exceed \$5,000, or both the imprisonment and the fine.

(Amended 9/21/00, Resolution 2000-622)

(b) Driving under the influence of intoxicating liquor or of any drug, being in actual physical control of a motor vehicle, reckless driving, failure to stop at the command of a police officer, and driving while license is suspended or revoked shall be punishable by imprisonment for a period not to exceed 360 days, or a fine not to exceed \$2,500, or both the imprisonment and the fine.

(Amended 9/21/00, Resolution 2000-622)

(c) All other violations shall, except traffic infractions, as provided in this section shall be punishable by a fine not to exceed \$500.00 and/or imprisonment for a period not to exceed ninety (90) days.

(Amended 9/21/00, Resolution 2000-622)

(d) In addition to any other penalties imposed on a person convicted of a traffic offense, the Court may prohibit or set restrictions on the operation of a vehicle by such person on any road within the jurisdiction of the Colville Confederated Tribes for a period not to exceed one (1) year, or may utilize the provisions for the suspension or revocation of driver's licenses under the laws of the jurisdiction issuing such license.

(Amended 9/21/00, Resolution 2000-622)

(Effective 10/23/00)

(Amended 9/17/87, Resolution 1987-547)

(Amended 9/21/81, Resolution 1981-723)

3-3-41

Procedural Provisions

The procedure established for criminal offenses under this Code shall be utilized for violations of this Chapter.

IMPLIED CONSENT

3-3-70

Implied Consent—Suspension, etc. for Refusal to Submit to Chemical Tests to Determine Alcoholic Content of Blood

(a) Any person who operates a motor vehicle upon the public highways within the exterior boundaries of the Colville Indian Reservation shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this reservation while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive within the exterior boundaries of the Colville Reservation will be suspended or denied if he refuses to submit to the test. The chemical test administered

shall be of his breath only.

(b) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the suspension or denial of his privilege to drive within the exterior boundaries of the Colville Reservation, no test shall be given. The Colville Tribal Court, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways within the exterior boundaries of the Colville Indian Reservation while under the influence of intoxicating liquor and that the person refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the suspension or denial of his privilege to drive within the exterior boundaries of the Colville Indian Reservation, shall suspend or deny such person's privilege to drive within the exterior boundaries of the Colville Reservation for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(c) Upon suspending or denying the privilege to drive of any person, as hereinbefore directed in this section, the Colville Tribal Court shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom, request a formal hearing, the Colville Tribal Court shall schedule a hearing for a date within thirty days of receipt of the request and shall give ten (10) days' notice of the hearing to the person requesting the hearing. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within the exterior boundaries of the Colville Reservation while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the suspension or denial of his privilege to drive on the Reservation. The Colville Tribal Court shall order that the suspension or denial either be rescinded or sustained. Any decision by the Tribal Court suspending or denying a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending or during the pendency of a subsequent appeal to the Colville Tribal Appellate Court.

(d) If the suspension or denial is sustained by the Tribal Court in the formal hearing, the person whose privilege to drive is so affected shall have the right to file a notice of appeal with the Colville Tribal Court. The subchapter on Appellate Proceedings set forth in Chapter 1-1 of the Colville Tribal Law and Order Code shall govern any appeal that may be filed under this subchapter.

3-3-71 Occupational Driver's Permit—Petition—Eligibility—Restrictions—Cancellation

(a) Any person whose privilege to drive within the exterior boundaries of the Colville Reservation is suspended or denied under this subchapter may petition the Tribal Court for an occupational driver's permit. The court upon determining that the petitioner is engaged in an occupation or trade which makes it essential that the petitioner operate a motor vehicle may, in its discretion, issue a permit to drive to the petitioner and may set definite restrictions such as hours of the day, which may not exceed twelve hours in any one day, days of the week, type of occupation, areas or routes of travel permitted, or no driving if the person has been drinking.

(b) The Tribal Court may cancel an occupational driver's permit upon receipt of notice that the holder has operated a motor vehicle in violation of its restrictions or upon notice of the commission of an alcohol related driving offense.

3-3-72 Notice to Tribal Police Department

(a) The Tribal Court shall notify the Tribal Police Department in writing of any suspension or denial of driving privileges within the boundaries of the Colville Reservation and of any occupational permits issued by the court and restrictions placed upon such occupational permit.

(Subchapter "Implied Consent" Adopted 9/8/81, Resolution 1981-690)

LICENSE, REGISTRATION AND EQUIPMENT

3-3-100 Exclusive License and Registration

Notwithstanding any other section of this Code, all motor vehicles of any sort, type, or kind, or any trailer, wagon, or motor drawn vehicle owned, rented or leased by the Government of the Colville Confederated Tribes and operated exclusively in the service of the Colville Indian Tribe or any governmentally operated endeavor of the Colville Tribal Government, shall be licensed and registered exclusively by the Colville Confederated Tribes, pursuant to this section.

3-3-101 License and Registration Required

All vehicles described in the preceding section of the Colville Tribal Code shall display at all times proper Colville Indian Tribal numbered license plates and shall carry within the vehicle a proper Colville Indian Tribal registration certificate.

3-3-102 Information Required

The Colville Indian Tribal Government vehicle registration certificate shall contain the following information:

(a) Name and address of the owner, and if applicable, renter or lessee, of the vehicle; and a statement of the nature and character of the ownership of the vehicles including any encumbrances or liens against the vehicle;

(b) Trade name of the vehicle, model, year, type of body, the motor number or identification number thereof if the vehicle is a motor vehicle, or the serial number thereof, if such vehicle is a trailer or other vehicle;

(c) The power to be used, whether electric, steam, gas or other power;

(d) The weight of such vehicle which shall be the shipping weight as given by the manufacturer, except that when said vehicle has been substantially modified in size and bulk, a weight slip shall be obtained from a certified weighmaster showing the modified weight and that modified weight shall be reported on the registration certificate;

(e) Any other information that the Colville Tribes may require.

3-3-103 Records Maintained

Records on all vehicles licensed pursuant to this section including all information required by section 3-3-102 shall be maintained as public record at the Colville Tribal Office, Colville Indian Reservation, Nespelem, Washington.

3-3-104 Reciprocity, Exemptions

Motor vehicles properly licensed and registered pursuant to the laws of any nation, Indian tribe or nation, state, foreign country, territory or federal district shall be required to display a current Colville Tribal vehicle license tag while being operated on any road subject to the jurisdiction of the Colville Tribes; provided, motor vehicles owned and operated by Colville Tribal members, Indians holding trust allotments on the Colville Reservation, employees of the Bureau of Indian Affairs and Colville Confederated Tribes, persons having their primary residence on the Colville Indian Reservation, and vehicles making deliveries of goods and services to residents of the Colville Indian Reservation, and to the Colville Indian Tribes, shall not be required to display a Colville Tribal license tag when traveling on roads subject to the jurisdiction of the Colville Tribes, unless motor vehicles properly licensed and registered pursuant to the laws of any nation, Indian tribe or nation, state, foreign country, territory or federal district shall be required to do so. Provided further, that motor vehicles properly licensed and registered pursuant to the laws of any nation, Indian tribe or nation, state, foreign country, territory, or federal district, which grants to the vehicles owned and operated by the Colville Tribal Government, and registered and licensed pursuant to this section, the rights and privileges normally accorded to publicly owned and operated motor vehicles or non-resident motor vehicles by the laws of that nation, Indian tribe or nation, state, foreign country, territory, or federal district, shall not be required to display a Colville Tribal vehicle license tag

when traveling upon roads subject to the jurisdiction of the Colville Tribe.

3-3-105 **Fees, Exemptions**

Colville Tribal motor vehicle license tags may be obtained at the Colville Tribal Offices. The cost of the license tag shall be \$25.00 per year. No fee will be charged for a license tag required to be displayed on motor vehicles owned and operated by Colville Indian Tribes. Members of the Colville Tribes having their primary residence within the boundaries of the Colville Indian Reservation and vehicles making deliveries of goods and services to the residents of the Colville Indian Reservation, or the Colville Tribes.

3-3-106 **Fine**

Failure to obtain the display of a tribal vehicle license tag when required by this section shall be an offense against the Colville Tribes and shall be punishable by a civil penalty of \$50.00

3-3-107 **Temporary Tags**

Temporary tribal motor vehicle license tags may be issued for periods of not longer than seven (7) days pursuant to regulations adopted by the Colville Business Council. Fees for temporary license tags shall be determined by the Business Council.

3-3-108 **Display Instructions**

Tribal motor vehicle license tags shall be displayed, when required, on the vehicle in the manner required by instructions printed on the tag.

(Subchapter "License, Registration and Equipment" Adopted 2/22/83, Resolution 1983-139)

TRAFFIC INFRACTIONS

3-3-140 **Purpose**

The purpose of the enforcement procedure set out herein is to decriminalize certain traffic offenses prohibited by this Chapter and to facilitate the implementation of a uniform and expeditious system for the disposition of traffic infractions. The Confederated Tribes of the Colville Reservation has the authority under Article 5, section 1A of the Constitution and By-laws of the Confederated Tribes to decriminalize the traffic offenses as set forth herein in order to protect the health, safety and welfare of the Reservation population and those people doing business on or visiting the Reservation and enable the Confederated Tribes to effectively govern the Reservation for these purposes.

3-3-141 **Infraction—What Constitutes**

Failure to perform any act required or the performance of any act prohibited by this Chapter is designated a traffic infraction and may not be classified as a criminal offense except for the following provisions of this Chapter incorporated by reference in CTC § 3-3-1:

- (a) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (b) RCW 46.48.175 relating to the transportation of dangerous articles;
- (c) RCW 46.52.010 relating to hitting or striking an unattended car or other property;
- (d) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (e) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (f) RCW 46.62.020 relating to refusal to give information to or cooperate with an officer;
- (g) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (h) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (i) RCW 46.61.500 relating to reckless driving;

- (j) RCW 45.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (k) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (l) RCW 46.61.522 relating to vehicular assault;
- (m) RCW 46.61.525 relating to negligent driving;
- (n) RCW 46.61.530 relating to racing of vehicles on highways;
- (o) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (p) CTC § 3-3-4 relating to driving without a valid driver's license;
- (q) CTC § 3-3-5 relating to driving with a suspended or revoked license.

3-3-142 Infractions-Other

Unless otherwise provided by this Chapter, prosecution of traffic infractions listed under this Chapter shall be in accordance with the procedures for infraction violations pursuant to this Code.

3-3-143 to 3-3-148 REPEALED

3-3-149 Repealed

Recommend Repeal, set schedule by resolution—so that amounts can be changed as needed.

(Subchapter "Traffic Infractions" Adopted 9/17/87, Resolution 1987-547)
(Amended 7/9/09, Resolution 2009-516)

3-3-150 Deterrent Schedule

The monetary deterrent schedule shall be established periodically by Colville Business Council Resolution. This schedule, as it may be revised, will be published in the Tribal Code.

(Amended 7/9/09, Resolution 2009-516)

3-3-151 Infractions

It is unlawful for any person to knowingly permit another person to drive a vehicle registered to him when he/she knows the other person is not lawfully authorized to do so.

No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle on any road when such manner is not authorized to do so under RCW 46.20.

(Amended 7/9/09, Resolution 2009-516)