



SQUAXIN ISLAND TRIBE

WEST 81 HIGHWAY 108
SHELTON, WASHINGTON 98584
(206) 426-9781

SQUAXIN ISLAND TRIBAL COUNCIL

RESOLUTION NO. 86 - 30

WHEREAS; the Squaxin Island Tribal Council is the governing body of the Squaxin Island Tribe of Indians by the authority of the constitution and By-laws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS; the Squaxin Island Tribal Council has the responsibility to care for and protect the members of the Tribal community; the Council has enacted a civil traffic code to do so; and

WHEREAS; the Tribal council deems it necessary to amend the civil traffic code in order to carry out that responsibility in the best possible manner,

NOW THEREFORE BE IT RESOLVED; that the Squaxin Island Tribal Council does hereby amend the Squaxin Island Civil Traffic code to read as follows:

Change Section 1A.02 DRIVER'S LICENSE RECOGNIZED: To read:

Only a person in possession of a valid motor vehicle driver's license issued by any state, tribal or federal jurisdiction may operate a motor vehicle on the Squaxin Island Reservation. Operation of a motor vehicle on the reservation must be in conformance with this code and all other applicable tribal, state or federal laws, requirements and restrictions.

ADD SECTION: 1A.08 DRIVING WHILE PRIVILEGE SUSPENDED/REVOKED:

It shall be a violation of this code for any person to operate a motor vehicle within the Squaxin Island Reservation while his/her driver's license has been suspended or revoked by any tribal, state or federal jurisdiction.

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ADD TO CHAPTER 7 - FINE SCHEDULE; NEW SECTION:

<u>Statute:</u>	<u>Violation:</u>	<u>Fine:</u>	<u>Amount:</u>
1A.08	Driving while privilege Suspended or Revoked.	1st violation of this section.	\$ 50.00
		2nd violation of this section.	100.00
		3rd and subsequent violations of this section.	150.00

C E R T I F I C A T I O N

The Squaxin Island Tribal Council does hereby certify that the fore-
going resolution was adopted at a regular meeting of the Squaxin
Island Tribal Council held on this 14th day of August, 1986,
at which time a quorum was present and was passed by a vote of 3
for, and 0 against and 0 abstentions.


David W. Whitener, Chairman


Attested by: David E. Lopeman
Secretary


Evie Allen, Chairperson

- (1) Add to Table of Contents page between Chapter 1 and Chapter 2:

"Chapter 1A Privilege to Drive on Reservation

- 1A.01 Explanation of Privilege
- 1A.02 Driver's Licenses Recognized
- 1A.03 Cooperation with Law Enforcement
- 1A.04 Consent to Breathalyzer Test
- 1A.05 Suspension
- 1A.06 Occupational License

Delete: "Section 2.09 Occupation License"

- (2) Add, after Chapter 1 and before Chapter 2:

"Chapter 1A - Privilege to Drive on Reservation

"1A.01 Explanation of Privilege. The operation of motor vehicle on the Squaxin Island Indian Reservation is a privilege which may be granted, denied, suspended or revoked by the Squaxin Island Tribe.

Draft for next meeting

"1A.02 Driver's Licenses Recognized. ~~Any~~ person in possession of a valid motor vehicle driver's license issued to him or her by ~~any~~ state or tribe may operate a motor vehicle on the Reservation in conformity with this Code and ~~any~~ ^{all} other applicable tribal laws; PROVIDED, that no person under the age of sixteen years of age ~~shall~~ ^{may} operate a motor vehicle on the Reservation except in full compliance with ~~the~~ ^{the} requirements of a valid state or tribal learner's permit.

"1A.03 Cooperation with Law Enforcement. Every driver of a motor vehicle on the Reservation shall give to a law enforcement officer, upon request, his or her driver's license, the registration of the vehicle he or she is driving, his or her name

~~"25.5 Driving While Privilege Suspended.~~

Used

~~Any person who drives a motor vehicle on the Reservation when his or her privilege to do so is under suspension shall be guilty of Gross Misdemeanor."~~

(8) Add a new section to Exclusion Ordinance after Section 1.5:

"1.6 Refusal to comply with any legal process, notice, subpoena, order or other decree issued by the Tribal Council or Tribal Court."

Delete present Section 3.1, and add new Section 3.1, as follows:

"3.1 Procedures for Enforcement of Orders of Exclusion.

Tribal law enforcement officers shall have authority to enforce orders of exclusion issued by the Tribal Court. If, after service of the order of exclusion, the non-member does not voluntarily comply with the order, an officer may remove the non-member and/or any property of the non-member bodily from tribal land, including land leased to the Inter-tribal Housing Authority. Except in cases of emergency (see Section 3.2), the non-member shall be allowed a reasonable opportunity to comply with the order of exclusion. The officer enforcing the order shall use only so much force as is necessary to effect the removal. Except in emergencies under Section 3.2, the officer shall notify the Superintendent of the Olympic Peninsula Agency of the Bureau of Indian Affairs, or his or her deputy, and the Tribal Court, prior to removing the non-member."

"10A.06 Occupational License. When a driver's privilege to drive on the Reservation is suspended pursuant to this Code, 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."

- (3) Add the following language to the end of Section 2.05, Notice of Violation - Failure to Respond:

"The Tribal Court shall also suspend the driver's privilege to operate a motor vehicle on the Reservation until the driver responds to the Notice of Violation as required by this Code. Any person who drives on the Reservation while his or her privilege to do so is suspended may be subject to criminal prosecution or exclusion from the Reservation."

- (4) Add the following language to the end of Section 2.08, Order of Court:

"The Court may also order suspension or revocation of the driver's privilege to operate a motor vehicle on the Reservation."

- (5) Delete: Section 2.09 - Occupation License

- (6) Add to Section 7.01 the following language, before "2.06 Failure to respond to a notice of":

"1A.02	Driving without a valid driver's license	\$25.00
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- (7) Add a new section to Law and Order Code, after Section 25.4:

and address and the name and address of the registered owner of the vehicle if there is no vehicle registration.

- "1A.04 Consent to Breathalyzer Test. Driving on a Reservation road implies consent to take a breathalyzer test under reasonable circumstances as set forth below. Failure to comply with a request by an officer to take a breathalyzer test shall result in suspension of a driver's privilege to drive on the Reservation, upon order of the Tribal Court, for a period of twelve (12) months, in addition to any penalties otherwise imposed by law, in accordance with the following conditions:
- (a) The request to take the breathalyzer test must be made only if the officer has reasonable grounds to believe the driver is under the influence of alcohol or drugs;
 - (b) The officer must inform the driver that if he or she refuses, his or her privilege to drive on the Reservation will be suspended for one (1) year.

"1A.05 Suspension. A Tribal judge may order a driver's privilege to drive on the Reservation suspended as part of any penalty ordered under this Code. This suspension shall not be for more than one (1) year, and may be conditioned on the performance or nonperformance of certain activities, a clean driving record, and/or the payment of fines, in the discretion of the judge; PROVIDED, that if the penalty ordered is based on a driver's failure to respond to a Notice of Violation, the suspension may be for more than one (1) year.