

**CIVIL TRAFFIC ORDINANCE
ENFORCEMENT**

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8.64.010 **Traffic Citations - Record of - Cancellation Prohibited**

The Tribal law enforcement agency shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this section.

The chief of police is responsible for the issuance of the books and shall maintain a record of every book and each citation contained therein issued to individual members of the department and shall require and retain a receipt for every book so issued.

Every enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle ordinances shall deposit the original or a copy of the traffic citation with the Tribal court.

Upon the deposit of the original or a copy of the traffic citation with the court, this original or copy of the traffic citation may be disposed of only by trial in the court or other official action by a judge of the court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine by the person to whom the traffic citation has been issued.

It is a class D criminal offense and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required.

The chief of police shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court in which the original or copy of the traffic citation was deposited.

8.64.015 **Citation and Notice to Appear in Court - Issuance - Contents - Written Promise - Arrest - Detention**

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a criminal offense or by imposition of a fine, the arresting officer may issue a traffic citation and notice to appear in court. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his or her written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer, and if the arrested person is an Indian nonresident of the Skokomish Reservation, may also be required to post a bond, cash security, or bail as required. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(a) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;

(b) Where the arresting officer has probable cause to believe that the person has committed or is committing a violation of any of the following;

(1) 8.52.010 relating to duty on striking an unattended car or other property

(2) 8.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(3) 8.61.530 relating to reckless driving by racing of vehicles;

(4) 8.61.525 relating to operating a motor vehicle in a negligent manner;

(5) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation;

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action.

(c) When the arrested person is a nonresident and is being detained for a hearing.

8.64.025 Nonappearance after Written Promise

Whenever any person has for a period of fifteen or more days violated his written promise to appear in court, the court in which the defendant so promised to appear shall forthwith give notice of that fact to a collection agency of the failure to pay the penalty, and the collection agency shall process the failure to pay as a bad debt.

8.64.030 Procedure Governing Arrest and Prosecution

The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for

offenses either committed in their presence or believed to have been committed based on probable cause, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses.

8.64.035 Posting of Security or Bail by Nonresident - Penalty

Any nonresident of the Skokomish Reservation who is issued a notice of infraction or a citation for a traffic offense may be required to post either a bond or cash security in the amount of the infraction penalty or to post bail. In lieu of posting bail the Skokomish law enforcement officer may impound an item of value of the violator to be held only until the penalty or bail is paid or posted. If the person cannot post the bond, cash or other security, or bail, he or she shall be taken to a magistrate or judge for a hearing at the first possible working time of the court. If the person refuses to comply with this section, he or she is guilty of a misdemeanor.

8.64.048 Attempting, Aiding, Abetting, Coercing, Committing Violations, Punishable

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense, and every person who falsely, fraudulently, forcefully, or willfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of the offense.

8.64.050 General Penalty

It is a traffic infraction for any person to violate any of the provisions of this title unless violation is by this title or other ordinance declared to be a criminal violation.