

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #01/94

MOTOR VEHICLE LICENSING ORDINANCE  
CHAPTER 100, AMENDED

Adopted by Resolution #04/87 of the Fond du Lac Reservation Business Committee dated January 8, 1987

Amended by Resolution #1045/94 of the Fond du Lac Reservation Business Committee dated February 8, 1994.

Amended by Ordinance #04/97, adopted by Resolution #1124/97, of the Fond du Lac Reservation Business Committee, dated June 24, 1997.

Amended by Resolution #1418/99 of the Fond du Lac Reservation Business Committee dated November 30, 1999.

Amended by Resolution #1227/00 of the Fond du Lac Reservation Business Committee dated July 18, 2000.

Amended by Resolution #1307/00 of the Fond du Lac Reservation Business Committee dated September 21, 2000.

Amended by Resolution #1280/07 of the Fond du Lac Reservation Business Committee on June 28, 2007.

Amended by Resolution #1345/10 of the Fond du Lac Reservation Business Committee on September 28, 2010.

CHAPTER 100

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# FOND DU LAC MOTOR VEHICLE LICENSING ORDINANCE

## CHAPTER 100, AMENDED

### PREAMBLE

This Chapter of FDL Ordinance #01/94 is enacted by the Fond du Lac Band of Lake Superior Chippewa to provide for the establishment of standards for the registration of motor vehicles, the issuance of certificates of title for conveyance of ownership, and any subsequent transfer of title, the establishment lawful regulations for the operation of motor vehicles and other related purposes.

Section 1.01. Purpose. The Fond du Lac Reservation Business Committee of the Fond du Lac Band of Lake Superior Chippewa finds that the issuance of motor vehicle license plates and registration title certificates within the boundaries of the Reservation has a direct affect on the political integrity, economic security and health and welfare of its members. Pursuant to the inherent powers of the Fond du Lac Band to exercise civil regulatory authority in such matters and pursuant to the authorities in Article I, Sec. 3; Article VI, Sec. 1(b)), (c), (d) and (e) of the Constitution of the Minnesota Chippewa Tribe, the Reservation Business Committee of the Fond du Lac Band of Lake Superior Chippewa has enacted this Fond du Lac Motor Vehicle Licensing Ordinance regulating motor vehicle licensing within the presently recognized boundaries of the Fond du Lac Reservation.

Section 1.02. Application. The provisions of Chapter 100 of the Fond du Lac Band of Lake Superior Chippewa Motor Vehicle Licensing Ordinance #01/94, shall apply to vehicle owners who are enrolled members of the Fond du Lac Band of Lake Superior Chippewa and who reside within the boundaries of the Fond du Lac Reservation, to vehicles owned and operated by the governing body of the Fond du Lac Band of Lake Superior Chippewa, and to vehicles owned and operated by the Minnesota Indian Primary Residential Treatment Center, Inc.

Section 2. Definitions. In this Ordinance the following words and phrases have the designated meanings unless a different meaning is expressly provided or the contest clearly indicates a different meaning.

Section 2.01. Court - Means the Fond du Lac Tribal Court or any other court having jurisdiction over matters that arise from the application of this Ordinance.

Section 2.02. Fond du Lac Band - means Fond du Lac Band of Lake Superior Chippewa.

Section 2.03. Fond du Lac Reservation - means all lands within the boundaries of the Fond du Lac Reservation as established by the Treaty of September 30, 1854 and the Executive Order of 1858.

Section 2.04. Manufacturer - Means every person engaged in the business of constructing or assembling vehicles of a type for which a certificate of title is required hereunder.

Section 2.05. Manufacturer's or Importer's Certificate of Origin - means a certificate over the authorized signature of the manufacturer or importer of a vehicle, describing and identifying the vehicle, giving the name and address of the person to whom the vehicle is first sold by the manufacturer or importer, and containing assignments, duly executed, assigning the same to an applicant for a certificate of title on the vehicle in the Fond du Lac Band of Lake Superior Chippewa.

Section 2.06. Mobile Home - means a vehicle designated to be towed as a single unit or in sections upon the highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls of rigid noncollapsible construction.

Section 2.07. Owner - means a person, other than a secured party, having the property in or title to a vehicle. This term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. An Owner also means any person, firm, association, or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days.

Section 2.08. Register - means the act of assigning a registration plate and validation sticker(s) to a vehicle, and to renew the same, or the act of assigning a lifetime registration sticker to a qualifying trailer.

Section 2.09. Registrar - means the duly appointed Registrar of Motor Vehicles of the Fond du Lac Band of Lake Superior Chippewa and any designee's of the Registrar.

Section 2.10. Secured Party - means a lender, seller or other person to whom accounts or chattel paper have been sold. Then the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party having an interest in the vehicle.

Section 2.11. Titling - means the act of issuing a certificate of title.

Section 2.12. Vehicle - means every device in, upon or by which any person or property is or may be transported or drawn upon a highway or roadway.

Section 2.13. For the purpose of effectuating the terms of this Ordinance, any terms not defined herein shall have the meanings given to them in the statutes of the State of Minnesota, as amended from time to time, except where the context otherwise indicates or requires.

Section 3. Application; Process; Forms. Application for original registration and for renewal of registration shall be made to the Registrar of Motor Vehicles of the Fond du Lac Band of Lake Superior Chippewa upon forms prescribed by the Registrar and shall be accompanied by the required fee.

Section 3.01. Required Information. Applications for original registration of a vehicle shall contain the following information:

- (A) The name of the owner.
- (B) The address of the owner.
- (C) A description of the vehicle, including make, model, identifying number and any other information which the Fond du Lac Band may reasonably require for the proper identification of the vehicle.
- (D) Such further information as the Registrar may reasonably require to determine whether the vehicle is by law entitled to registration or to determine the proper registration fee for the vehicle.
- (E) Proof of liability insurance. The Registrar shall conduct periodic insurance checks on any vehicles registered under the jurisdiction of the Band. Any such checks shall be random in nature and occur 60 days after the issuance of license plates. Proper proof of liability insurance must be within the motor vehicle at all times and must be assessable and provided to any Law Enforcement Officer upon proper request for same.

Section 3.02. Application by Person Under the Age of 18. If the applicant is under 18 years of age, the application shall be accompanied by a statement made and signed by the applicant's father or mother if he or she has custody of the applicant; or if neither parent has custody, then by the person or guardian having such custody, stating that the applicant has the consent of such

person or guardian to register such vehicle in the applicant's name. The signature of such statement shall not impute any liability for the negligence or misconduct of the applicant while operating such motor vehicle on the highways. Any person who violates this Section may be fined not more than \$500.00 or given same equivalency in community service, or both.

Section 4. Grounds for Refusing Registration. The Registrar shall refuse registration of a vehicle under the following circumstances:

- (A) No registration shall be issued unless the applicant is residing within the boundaries of the Fond du Lac Reservation;
- (B) The required fee has not been paid;
- (C) The applicant has failed to furnish the information or documents required by the Fond du Lac Band pursuant to this Ordinance;
- (D) Because certificate of title is a prerequisite to registration of the vehicle and the applicant does not hold a valid certificate of title and is not entitled to the issuance of a certificate of title;
- (E) The applicant has had his registration suspended or revoked in accordance with Section 17 and such suspension or revocation is still in effect; or
- (F) Applicant has not provided proof of liability insurance.

Section 5. Vehicles Exempt from Registration. A vehicle, even though operated upon roads within the boundaries of this Reservation, is exempt from registration when such vehicle:

- (A) Is operated in accordance with the provisions exempting nonresident or foreign-registered vehicles from registering;
- (B) Is an implement of husbandry used exclusively in or incidental to agricultural operations, not to include trucks;
- (C) Is a trailer or semitrailer permanently equipped with a well-drilling outfit and used exclusively for such purposes;
- (D) Is a forklift truck, a specially constructed road or truck tractor used for shunting trailers or semitrailers in terminal areas.

- (E) Is a trailer or semitrailer not operated in conjunction with a motor vehicle;
- (F) Is a motor vehicle being towed;
- (G) Is a piece of road machinery;
- (H) Is a motor truck which is operated upon a highway only when directly crossing such highway; or
- (I) Is a motor vehicle currently registered in another jurisdiction and not required to be registered with the Fond du Lac Band.

Section 6. 21-day permit: Temporary Registration Certificate. A vehicle may be operated by a private person after the date of purchase of such vehicle by such private person, or after the date such person moved to this reservation or is subject to the jurisdiction of the Band once the person has obtained a temporary 21-day registration certificate from the Registrar. The owner shall make application upon forms prescribed by the Registrar and remit the required fee of \$5.00. All temporary certificates shall be affixed to the interior rear window of the vehicle, on the driver's side of the car and in a position as not to obstruct the rear-view of any driver. The Registrar shall issue no other temporary registration certificate upon expiration of the first 21-day permit.

Section 7. Penalty for Operating Unregistered or Improperly Registered Vehicle(s). It is unlawful for any person to operate or for an owner to consent to being operated on any roads within the boundaries of the Fond du Lac Reservation, any motor vehicle, trailer, or semitrailer or any other vehicle for which a registration fee is specifically prescribed unless at the time of operation the vehicle in question either is registered with the Fond du Lac Reservation or is exempt from registration.

Section 7.01. All vehicles subject to renewal of registration may be operated provided that application of re-registration has been made.

Section 7.02. Any person violating Section 3 may be fined by the Court not less than \$5.00 and not more than \$50.00 or given the same in equivalent community service, or both. In addition to imposing the penalty, the Court shall order the offender to make application for registration or re-registration and to pay the fee thereof. The Court is hereby authorized to establish a bail forfeiture penalty schedule for offenses under this Ordinance.

Section 7.03. If upon order of the Court to register or re-register a vehicle, the owner fails to comply, the Court shall

have the power to order any Law Enforcement Officer of the Band to seize and impound any unregistered or unlawfully registered vehicle and to hold the same until such time as the owner complies with the provisions of this Ordinance. All costs incurred in the holding, under seizure by order of the Court shall be the responsibility of the owner of the vehicle. Any vehicle held, under seizure order of the Court, shall be sold at public auction to the highest bidder, including all costs incurred, after thirty (30) days from the date of seizure. The owner of the vehicle shall have the right to petition the Court to halt any public auction of the said vehicle at any time prior to the sale. The Registrar shall have the right to reject any and all bids received which are less than the appraised value of the vehicle. All proceeds derived from the sale of the vehicle, less all costs incurred by the Band, including Court fines and costs, shall become the property of the legal owner as defined in Section 2.05. If, in the event the sale does not realize sufficient proceeds to pay off any security interest, the owner prior to auction shall be obligated to the secured party for any balance remaining. The secured party shall have the right to be listed as a secured party on any other certificate of title for a vehicle registered in the Band and owned by the person prior to the auction. Nothing herein shall limit the rights of any secured party in any vehicle registered with the Fond du Lac Band.

Section 8. Removal of Registration. Applications for removal of registration shall contain the information required in Section 3.01 for application or such parts thereof as the Registrar deems necessary to assure the proper registration of the vehicle.

Section 9. Design, Procurement and Issuance of Registration Plates. The Band shall determine the size, color, and design of registration plates provided the plates contain visible evidence of the period for which the vehicle is registered, as well as being a means of identifying the specific vehicle or owner that the plates were issued to.

The Registrar upon registering a vehicle pursuant to this Ordinance shall issue and deliver prepaid to the applicant two registration plates for each automobile, motor truck, motor bus, school bus or self-propelled mobile home registered.

The Registrar upon registering a trailer or motorcycle pursuant to this Ordinance shall issue and deliver prepaid to the applicant one registration plate, except for two-wheel utility or recreational trailers with a gross weight of less than 3,000 pounds, which shall be issued lifetime registration stickers as described below.

All registration plates shall have displayed upon them the following:

- (A) The registration number or letter assigned to the vehicle or owner.
- (B) The name "Fond du Lac Chippewa" or an abbreviation thereof.
- (C) An indication of the period for which the specific plate is issued or the date of expiration of registration. Registration plates issued to vehicles operated by the Fond du Lac Police Department shall be exempt from this requirement.
- (D) All registration plates issued shall be treated with a reflectorized material.

All lifetime registration stickers issued to two-wheel utility or recreational trailers with a gross weight of less than 3,000 pounds, shall be of a size and design as determined by the Band.

Section 9.01. Issuance of Replacement or Duplicate Plates or Lifetime Registration Sticker. Whenever a current registration plate or lifetime registration sticker is illegible, lost or destroyed the owner of the vehicle shall immediately apply to the Registrar for replacement. Upon satisfactory proof of the loss or destruction of the plate or lifetime registration sticker, and upon payment of a fee of \$5.00 and the cost of replacement, the Registrar shall issue a replacement.

Upon receipt of his replacement plate, the applicant shall forthwith surrender to the Registrar his illegible plates. When issuing a replacement plate, the Registrar may assign a new number and issue a new plate rather than a duplicate of the original if in his judgment that is in the best interest of economy or prevention of fraud. In such event, the person receiving the replacement plates shall surrender both original plates.

Section 9.02. Fine for Failure to Surrender Illegible Plate(s). Any person issued replacement plates who fails to surrender his illegible plates as required by Section 10.2 may be required to pay a fine of not less than \$5.00 and not more than \$500.00.

Section 9.03. Disposition of Plates Upon Sale of Vehicle. Registration plates shall remain with the owner upon sale or disposal of the vehicle.

Section 9.04. Transfer of Registration Plates. Registration plates may be transferred upon application as prescribed in Section

3 of this Ordinance, including additional information as the Registrar may deem necessary, and upon payment of transfer fees and any additional registration fees. Transfer of staggered registration may require a pro-rating of registration on fees at 1/12th the total cost of registration for the remaining portion of previous registration, with a credit allowed for the unused portion of previous registration.

Section 9.05. Trailer lifetime registration is non-transferrable.

Section 10. Display of Registration Plates or Lifetime Registration Stickers. Plates issued to an automobile, motor truck, motor bus, school bus or self-propelled mobile home shall be attached firmly and rigidly in a horizontal position, one to the front and one to the rear of the vehicle. Plates issued to a trailer or motorcycle shall be attached firmly and rigidly in a horizontal position to the rear of said trailer or motorcycle. A lifetime registration sticker issued to a trailer shall be attached firmly and rigidly in a horizontal position at the rear of said trailer. The plates and lifetime registration stickers shall at all times be maintained in a legible condition and shall be so displayed that they can be readily and distinctly seen and read. Any peace officer may require the operator of any vehicle on which plates are not properly displayed to display such plates as required by this Section.

Section 10.01. Fines for Improper Display of Registration Plates or Lifetime Registration Stickers. Any of the following may result in a fine of not less than \$50.00 and not more than \$500.00 for each occasion:

- (A) A person who operates a vehicle for which current registration plate, lifetime registration sticker, or insert tag have been issued without such plate, lifetime registration sticker, or tag being attached to the vehicle;
- (B) A person who operates a vehicle with a registration plate or lifetime registration sticker attached in a non-rigid or non-horizontal manner or in an inconspicuous place so as to make it difficult to see and read the plate or lifetime registration sticker; or
- (C) A person who operates a vehicle with a registration plate or lifetime registration sticker in an illegible condition due to the accumulation of dirt or other foreign matter as the deterioration or mutilation of the plate or lifetime registration sticker.

Section 11. Annual Registration Fees.

A registration fee as herein set forth shall be paid for all motor vehicles, not exempted by Section 4, using the public streets or roads within the boundaries of the Fond du Lac Reservation for each calendar year on the following basis:

Fond du Lac Band owned vehicles and Minnesota Indian Primary Residential Treatment Center, Inc. owned vehicles shall be assessed \$10.00 flat fee in registration and a flat fee of \$5.00 for each application for renewal or transfer of registration. Registration plates issued to vehicles operated by the Fond du Lac Police Department shall be exempt from the annual renewal fee.

Fee Computation: Base Value (percentage of) times .0085 percent (rounded to the nearest even dollar) equals fee. Example:  $(4200 \times .060) = 2,520 \times 0.0085 = \$21.42 - \$21.00$  (Rounded).

The base value is the Manufacturer's suggested retail price plus destination charges (if any) for the vehicle when new. The amount of the base value used to determine the fee is depreciated annually as follows:

<u>YEAR OF VEHICLE LIFE</u>	<u>AMOUNT USED</u>	<u>FEE LIMITS</u>
1	100%	
2	90%	\$174.00 Maximum Fee
3	75%	\$ 84.00 Maximum Fee
4	60%	\$ 84.00 Maximum Fee
5	45%	\$ 84.00 Maximum Fee
6	35%	\$ 84.00 Maximum Fee
7	30%	\$ 84.00 Maximum Fee
8	20%	\$ 84.00 Maximum Fee
9	15%	\$ 84.00 Maximum Fee
10	10%	\$ 84.00 Maximum Fee
11 and older		\$ 20.00 Minimum Fee

Section 11.01 - Additional Fees. The following additional charges must be included when computing registration costs:

- (a) \$5.00 Filing Fee for each application.
- (b) \$20.00 Late Transfer Penalty for all vehicles that are registered later than ten (10) days after purchase.
- (c) \$3.00 Filing Fee for each renewal application.
- (d) 1/12 of the annual registration fee for every month or part thereof that registration renewal is late.

Section 11.02 - Other Fees.

- (a) Duplicate Validation Sticker - \$2.50 (each).
- (b) Duplicate Registration Renewal Card - \$2.00.
- (c) Duplicate Registration Certificate - \$2.00.
- (d) Duplicate Registration Plates or lifetime registration sticker - \$5.00, plus the cost of replacement.

Section 11.03. Motorcycle Registration Fee. A registration fee as herein set forth shall be paid for all motorcycles using the public street and roadways within the boundaries of the Fond du Lac Reservation on the following basis:

- (a) \$10.00 registration fee for each calendar year shall be paid for all motorcycles.

Section 11.04. Trailer Registration Fee. A registration fee as herein set forth shall be paid for all trailers drawn upon the public streets and roadways within the boundaries of the Fond du Lac Reservation, on the following basis:

- (a) \$35.00 lifetime registration fee shall be paid for all two-wheel utility and recreational trailers with a gross weight of less than 3,000 pounds, which are newly registered. A \$20.00 lifetime registration fee shall be paid for trailers previously registered by the Band. The lifetime registration fee is a one-time non-refundable payment and the registration is non-transferrable.
- (b) \$20.00 per calendar year shall be paid for all other two-axle trailers with a gross weight of more than 3,000 pounds, but less than 25,000 pounds.

Section 12. Refundable Fees. The Fond du Lac Band shall not refund a fee paid to it except when expressly authorized or directed by this Section.

Section 12.01. The Fond du Lac Band shall refund the unused portion of the registration fee paid for the registration of a vehicle upon application for such refund upon a form prescribed by the Registrar and upon furnishing of such proof as the Registrar may require that the vehicle will not be operated within the boundaries of the Fond du Lac Reservation during the remainder of the period for which the vehicle is registered, and return to the Fond du Lac Band his certificate of registration and registration plates. The refund shall be computed on a monthly basis, one-twelfth of the annual registration fee for each calendar month or fraction thereof, during which the motor vehicle will not be

used on any road within the boundaries of the Fond du Lac Reservation.

Section 13. Contents, Issuance and Display of Certificates of Registration; Issuance of Duplicate Certificate.

The Registrar upon registering a vehicle shall issue and deliver to the owner a certificate of registration. The certificate shall contain the name and address of the owner, a brief description of the vehicle, the registration number assigned and the date of expiration of registration. The certificate shall be in such form and may contain such additional information as the Registrar deems advisable. A Vehicle Seller's Report of Sale form shall be on the reverse side of the Certificate of Registration, as required by Section 24.02.

Section 13.01. The Registrar shall issue a duplicate certificate of registration upon application thereof by any person in whose name the vehicle is registered and upon payment of a fee of \$2.00.

Section 14. Fraudulent Application for Registration or License. A person who with fraudulent intent uses a false or fictitious name or address, or makes a materially false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title, or submits a false, forged, or fictitious document in support of an application for a certificate of title, shall be guilty of fraud and may be sentenced to a fine of not less than \$50.00 and not more than \$500.00 or six months in jail.

Section 14.01. Violations/Penalties. A person is in violation of the provisions of this Ordinance and shall be guilty of fraudulent practices involving the registration and titling of a motor vehicle and upon conviction sentenced to a fine of not less than \$50.00 and not more than \$500.00 or six months in jail, as follows:

- (1) who with fraudulent intent permits another, not entitled thereto, to use or have possession of a certificate of title;
- (2) who willfully fails to mail or deliver a certificate of title to the Registrar of Motor Vehicles within ten days after legal sale or transfer of interest;
- (3) who commits fraud in any application for a certificate of title;
- (4) who fails to notify the Registrar of Motor Vehicles or his designee of any fact required by the provisions of this Ordinance; or

- (5) who willfully violates any provisions of this Ordinance.

Section 14.02. Odometer reading. A person who knowingly tampers with or alters a motor vehicle odometer reading, or causes another person to alter or tamper with a motor vehicle odometer reading, shall be guilty of fraud and may be sentenced to a fine of not less than \$200.00 and not more than 500.00 or six months in jail.

Section 15. Improper Use of Registration. Any person who does any of the following may be fined not less than \$25.00 and not more than \$300.00:

- (A) Lends to another a registration plate, knowing that the person borrowing the plate is not authorized by law to use it;
- (B) Displays upon a vehicle a registration plate not issued for such vehicle, or not otherwise authorized by law to be used thereon; or
- (C) Willfully twists, paints, alters or adds to, or cuts off any portion of a registration plate or sticker; or who places or deposits, or causes to be placed or deposited on such plate or sticker any substance to hinder the normal reading of such plate; or who defaces, disfigures, changes or attempts to change any letter or figure thereon.
- (D) Sells, trades, barter, or otherwise disposes of the plate(s) in a manner which is prohibited by provisions of this Ordinance.

Section 16. False Evidence of Registration. Whoever operates or has in his possession a motor vehicle, motor home, trailer or semitrailer or other vehicle subject to registration which has attached thereto any plate or similar device fashioned in imitation of or altered so as to resemble the current registration plate issued by the Fond du Lac Band may be fined not less than \$50.00 and not more than \$250.00.

Section 17. Suspension/Revocation of Registration. The Registrar of the Fond du Lac Band of Lake Superior Chippewa shall suspend and/or revoke the registration when:

- (A) The registration was complete through fraud or error and the person who registered the vehicle does not or cannot register the vehicle properly; or
- (B) The required fee has not been paid and the same is not paid with interest at the rate of 12 percent per annum upon reasonable notice and demand.

- (C) The registered owner is in violation of any provision of this Ordinance.

Section 17.01. Period of Suspension. Any registration suspended pursuant to this Section continues to be suspended until reinstated by the Registrar. The Registrar shall reinstate the registration when the reason for the suspension has been removed.

Section 17.02. Return of Registration Plates: Penalty for Non-Compliance. Whenever the registration of a vehicle is suspended under this Section, the owner or person in possession of the registration plates shall forthwith return them to the Fond du Lac Band. Any person who fails to return the plates as required by this Section may be required to forfeit not more than \$50.00.

Section 17.03. Revocation. Revocation of registration shall occur when the period of suspension exceeds 90 days. The owner shall be notified in writing that the registration has been revoked pursuant to this Section. The owner shall also be notified of the revocation of the Certificate of Title and the provisions of Section 32 shall apply.

Section 17.04. Any disputes arising under this Section shall be brought before the Fond du Lac Tribal Court.

Section 18. Titling.

Section 18.01. When Certificate of Title Required. The owner of a vehicle subject to registration on the Fond du Lac Reservation, shall make application for certificate of title for the vehicle under the following circumstances:

- (A) If he has newly acquired the vehicle;
- (B) If he applies for registration of the vehicle for which he does not hold a valid certificate of title previously issued to him by the Registrar for the vehicle in question, he shall at the same time apply for a certificate of title; or
- (C) A vehicle which is presently in possession.

Section 18.02. Eligibility a Prerequisite. An applicant's eligibility for a certificate of title is a prerequisite to registration of the vehicle. If the applicant for registration holds a valid certificate of title previously issued to him by the Registrar for the vehicle in question, that is prima facie evidence that he is the record owner of the vehicle and he need not apply for a new certificate of title each time he applies for registration.

Section 18.03. Application for Certificate of Title. An application for a certificate of title shall be made to the Registrar upon a form prescribed by him and shall be accompanied by the required fee. Each application for a certificate of title shall contain the following information:

- (A) The name and address of the owner;
- (B) A description of the vehicle, including make, model, year, identifying number and any other information which the Registrar may reasonably require for proper identification of the vehicle;
- (C) The date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired and the name and address of any secured parties in the order of their priority and the dates of their security agreements;
- (D) If the vehicle is a new vehicle being registered for the first time, the signature of the dealer authorized to sell such new vehicle;
- (E) Any further evidence of ownership, which may reasonably be required by the Registrar to enable him to determine whether the owner is entitled to a certificate of title and the existence or non-existence of security interests in the vehicle;
- (F) If the vehicle is a used motor vehicle which was previously registered in another jurisdiction, the applicant shall furnish a certificate of ownership issued by the other jurisdiction, and a statement pertaining to the title history and ownership of such motor vehicle, such statement to be in the form the Registrar prescribes;
- (G) The Registrar may, at his discretion, require the applicant to furnish a certification by a law enforcement officer, or by an employee designated by the Registrar, to the effect that the physical description of the motor vehicle has been checked and conforms to the description given in the application;
- (H) Each applicant for a certification of title shall surrender to the Registrar or his designee any and all other certificate of title issued by any other governmental agency of any state which is held by the applicant or any other person or entity as a prerequisite to receiving a certificate of title from the Fond du Lac Band of Lake Superior Chippewa; and

- (I) The vehicle odometer reading with the owner's certificate of the accuracy and that to the best of his/her knowledge neither he/she or any other person has altered the odometer.

Section 18.04. Surrender of Manufacturer's Certificate of Origin. It is hereby specifically required that the automobile manufacturer's certificate of origin be surrendered to the Registrar or his designee prior to any lawful registration and titling of any new vehicle.

Section 18.05. Title Only Applications. The Registrar may process an application for issuance of a "title only" (no registration plates) under the following circumstances, subject to the applicable application requirements under Section 18.03, and the fees under Section 18.10:

- (A) The vehicle is a Mobile Home as defined under Section 2.06 and the Owner chooses to make application for registration under this Ordinance. Mobile Homes are exempt from registration under Section 5(E), so registration plates will not be issued.
- (B) The vehicle has been newly purchased by the applicant, but is not in operation. A statement of vehicle storage must be filed on the form prescribed by the Registrar.
- (C) The vehicle has been repossessed by the Secured Party and sufficient documentation evidencing its right to repossession has been provided to the Registrar. The requirements under Section 18.03 shall not apply to applications for a repossession title, but an application for repossession title must be filed on the form prescribed by the Registrar. The repossession title shall contain on its face the legend, "Repossession Title".

Section 18.06. Contents of Certificate of Title. Each certificate of title issued by the Registrar shall contain:

- (A) The name and address of the owner;
- (B) The names of any secured parties in order of priority as shown on such certificate;
- (C) The title number assigned to the vehicle;
- (D) A description of the vehicle, including make, model and identifying number;

- (E) Any other data which the Registrar deems pertinent and desirable;
- (F) Vehicle odometer reading and a certification of accuracy of the reading when the vehicle is first registered and every time the ownership is transferred thereafter; and
- (G) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for application for a certificate of title by a transferee and for the naming of a secured party and the assignment or release of a security interest.

Section 18.07. Prima Facie Evidence. A certificate of title issued by the Registrar is prima facie evidence of the facts appearing on it.

Section 18.08. Grounds for Refusing Issuance of Certificate of Title. The Registrar shall refuse issuance of a certificate of title if any required fee is not paid or if he has reasonable grounds to believe that:

- (A) The person alleged to be the owner of the vehicle is not the owner;
- (B) The application contains false or fraudulent statement;
- (C) The applicant fails to furnish the information or documents required by this Ordinance to the satisfaction of the Registrar; and
- (D) The vehicle odometer reading is inaccurate or the vehicle odometer has been altered in any manner so as to unlawfully alter the value of the vehicle.

Section 18.09. Lost, Stolen or Mutilated Certificates. If a certificate of title is lost, stolen, mutilated, destroyed or becomes illegible the owner or legal representative of the owner named in the certificate as shown by the records of the Registrar shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Registrar. The duplicate certificate of title shall contain the legend, "This is a duplicate Certificate and may be subject to the rights of a person under the original certificate."

Section 18.10. Titling Fees. The Registrar shall be paid the following fees:

- (A) \$5.00 by the owner for filing an application for the first certificate of title.

- (B) \$5.00 by the owner of the vehicle for the original notation and subsequent release of each security interest noted upon a certificate of title.
- (C) \$10.00 by the owner of the vehicle for a duplicate certificate of title.
- (D) \$10.00 by the owner of the vehicle for all other issuances of certificate of title for any other reason.
- (E) \$10.00 by Secured Party of the vehicle for repossession title.

Section 18.11. Transfer of Interest in a Vehicle.

- (A) If an owner transfers his interest in a vehicle, he shall at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, cause the certificate to be mailed or delivered to the transferee, and verify the odometer reading in the proper space provided.
- (B) The transferee shall promptly, after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate and cause the certificate and application to be mailed or delivered to the Registrar.
- (C) "Vehicle Seller's Report of Sale." The seller of a vehicle which is registered pursuant to this Ordinance shall deliver to the Registrar, within five days of the sale, a fully completed Vehicle Seller's Report of Sale form, which is located on the reverse side of the Certificate of Registration for said vehicle.
- (D) A transfer by an owner is not effective until the provisions of this Section have been complied with. An owner who has delivered possession of the vehicle to the transferee and has complied with the provisions of the Section requiring action by him is not liable as owner for any damages thereunder resulting from operation of the vehicle.
- (E) As owner of a vehicle for which a certificate of title has been issued, who upon transfer of the vehicle fails to execute and deliver the assignment and warranty of title required by Section 24 may be required to forfeit not more than \$50.00.

- (F) Any transferee of a vehicle who fails to make application for a new certificate of title within ten days after legal sale of a vehicle may be required to forfeit not more than \$50.00. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the Registrar or deposited in the mail properly addressed with the required postage.
- (G) When any person who dies testate or intestate and that person is the legal owner of a vehicle registered under the laws of the Fond du Lac Band of Lake Superior Chippewa, the Registrar shall issue a new certificate of title, as follows:
- (1) Upon receipt of an order from the Fond du Lac Tribal Court or a court of competent jurisdiction so directing any said issuance; or
  - (2) Upon receipt of a properly executed form(s) as prescribed by the Registrar and all required accompanying documents which provides for the transfer of interest and ownership to an individual (or individuals) stated thereon.
- (H) When a certificate of title is issued to a new owner pursuant to Section 18.11(F) and the new owner is not eligible to have said vehicle registered under the laws of the Band, said new owner shall promptly register the vehicle with the appropriate jurisdiction.

Section 18.12. When Registrar to Issue a New Certificate. The Registrar upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other transfer documents required by Ordinance, to support the transfer, shall issue a new certificate of title in the name of the transferee as owner.

Section 19. Perfection of Security Interests. A security interest in a vehicle of a type for which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or secured parties of the vehicle unless perfected as provided by this Ordinance.

Section 19.01. A security interest is perfected by the delivery to the Registrar of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the secured party and the date of the security agreement, with the required fee. It is perfected as of the time of its creation if such delivery is completed within 10 days thereafter.

Section 20. Duties on Creation of Security Interest. If an owner creates a security interest in a vehicle:

Section 20.01. The owner shall immediately execute, in the space provided therefor on the certificate of title or on a separate form prescribed by the Registrar an application to name the secured party on the certificate, showing the name and address of the secured party and the date of his security agreement, and cause the certificate, application and the required fee to be delivered to the secured party.

Section 20.02. The secured party shall immediately cause the certificate, application and the required fee to be mailed or delivered to the Registrar.

Section 20.03. Upon receipt of the certificate of title, application and the required fee the Registrar shall issue to the secured party a new certificate which contains the name and address of the lienholder.

Section 21. Assignment of Security Interest. A secured party may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the secured party, as the holder of the security interest and the secured party remains liable for any obligations as a secured party until the assignee is named as secured party on the certificate.

Section 21.01. The assignee may not need to perfect the assignment, have the certificate of title endorsed or issue with the assignee named as secured party, upon delivering to the Registrar the certificate and an assignment by the secured party named in the certificate in the form the Registrar prescribes.

Section 22. Release of Security Interest. Whenever there is no outstanding obligation and no commitment to make advances, incur obligations or otherwise give value, secured by the security interest in a vehicle under any security agreement between the owner and the secured party, the secured party shall execute and deliver to the owner, as the Registrar prescribes, a release of the security interest in the form and manner prescribed by the Registrar. If the secured party fails to execute and deliver such a release within 10 days after the receipt of the owner's written demand therefor he shall be liable to the owner for \$25.00 and for any loss caused to the owner by such failure.

Section 22.01. The owner, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the Registrar which shall release the

secured party's rights on the certificate and issue a new certificate.

Section 23. Secured Party's and Owner's Duties. A secured party named in a certificate of title shall, upon written request of the owner or of another secured party named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

Section 23.01 An owner shall promptly deliver his certificate of title to any secured party who is named on it or who has a security interest in the vehicle described in it upon receipt of a notice from such secured party that his interest is to be assigned, extended or perfected.

Section 23.02. Any secured party who fails to disclose information pursuant to Section 23 shall be liable for any loss caused to owner thereby.

Section 23.03. Any owner who fails to deliver the certificate of title to a secured party requesting it pursuant to Section 23.01 shall be liable to such party for any loss caused to the secured party thereby and may be required to pay a fine of not more than \$100.00.

Section 24. Methods of Perfecting Exclusive. The method provided in this Ordinance of perfecting and giving notice of security interests subject to this Ordinance is exclusive.

Section 25. Suspension or Revocation of Certificate. The Registrar shall suspend or revoke a certificate of title if he finds:

- (A) The certificate of title was fraudulently procured, erroneously issued, or prohibited by law;
- (B) The vehicle has been scrapped, dismantled, or destroyed;
- (C) A transfer of title is set aside by a court by order or judgment; or
- (D) Registration has been revoked pursuant to Section 17.03.

Section 25.01. Suspension or revocation of a certificate of title does not, in itself, affect the validating of a security interest noted on it.

Section 25.02. When the Registrar suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the Registrar.

Section 25.03. The Registrar may seize and impound any certificate of title which has been suspended or revoked.

Section 26. Cancellation of Title or Registration. The Registrar shall cancel a title or registration whenever:

- (A) A transfer of title is set aside by the Court by order or judgment; or
- (B) It is subsequently discovered that the issuance or possession of a title or registration is prohibited by law.

Section 27. Remedies for Holders of Security Interests. The Fond du Lac Band of Lake Superior Chippewa hereby adopts and incorporates by reference Article IX of the Uniform Commercial Code as enacted in Minnesota and requires the Registrar to notify by registered mail, return receipt requested, any holder of any registered security interest of any action under this Ordinance that may affect their rights as registered.

Section 28. Maintenance of Records. The Registrar shall maintain records of all applications and all certificates of title issued by him:

- (A) According to title number;
- (B) Alphabetically, according to the name of owner, and
- (C) In any other manner which the Registrar may determine to be desirable.

Section 28.01. The Registrar shall keep and accurate and updated list of all registration plates issued, the number thereof, the name of the owner and the description of the motor vehicle.

Section 29. Police Powers. Any duly sworn Law Enforcement Officer, including Conservation Officers of the Fond du Lac Band of Lake Superior Chippewa and Law Enforcement Officer of the State of Minnesota are hereby authorized and empowered to enforce the provisions of this Ordinance and any other Ordinance of the Fond du Lac Band of Lake Superior Chippewa and to execute and serve all warrants and processes issued by the Fond du Lac Tribal Court under any law of the Fond du Lac Band of Lake Superior Chippewa.

Section 29.01. When a person is cited for any violation of this ordinance, the arresting officer shall prepare in quadruplicate, written notice to appear before the Court. This notice has the effect of, and serves as a summons and complaint. The written notice must be signed by the arresting officer, describe the violation, the date and time of return or first appearance before

the court and the address of the court. In order to secure appearance, the cited person must give his written promise so to appear before the Court by signing, in quadruplicate, a written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy thereof marked "summons" to the person cited. If the person so summoned fails to appear on the day, the Court shall issue an order to show cause, and may subject the person to the court powers of contempt.

Section 29.02. Any duly sworn law enforcement officer is hereby authorized and empowered to enter upon any trust land within the jurisdiction of the Band for the purpose of carrying out the duties and functions of his office.

Section 30. Enforcement. It shall be illegal for any person to willfully hinder, resist, or obstruct a law enforcement officer in the performance of his official duty, or refuse to submit anything called for by him for his inspection when authorized by law.

Section 31. Fond du Lac Tribal Court. The Fond du Lac Tribal Court is hereby granted jurisdiction for any cause of action which arises from this Chapter. Nothing in this Chapter shall operate or be construed as a waiver of the sovereign immunity of the Fond du Lac Band of Lake Superior Chippewa, the Fond du Lac Reservation Business Committee or the Minnesota Chippewa Tribe.

Section 32. Enforcement by Registrar. The Registrar shall enforce all provisions of this Chapter. He may prescribe all rules and regulations consistent with the provisions of this Chapter through the issuance of Registrar Orders. He may call upon the Fond du Lac Reservation Business Committee or any Band law enforcement officer to aid him in the performance of his duties. He may appoint current employees of the Fond du Lac Band of Lake Superior Chippewa as designees as may be required to administer the provisions of this Ordinance.

Section 33. Severability. If any provision of this Ordinance or the application thereof to any person, business, corporation or circumstances is held invalid, the invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared severable.

Section 34. Limited Waiver of Sovereign Immunity. The Fond du Lac Band hereby waives sovereign immunity to be used only in the Fond du Lac Tribal Court or such other court as the Fond du Lac Reservation Business Committee may designate in any seizure of property matter pursuant to the provisions of this Ordinance. However, any such action shall only be directed against the Registrar, in his/her official capacity in order to challenge any seizure action. Any and all seizure cause of action which arise

pursuant to this Ordinance shall be limited to actions against the Registrar in his/her official capacity for an order returning any seized goods or the proceeds of a sale of such seized goods if in the possession of the Registrar or his/her office. All other causes of action which arise pursuant to this Ordinance shall be limited in relief to declaratory or injunctive measures and no damages, monetary or otherwise, including but not limited to attorney fees, shall be permitted. All causes of action arising must be commenced by service of complaint and filing same within 90 days of the first event giving rise to the cause of action.

Section 35. Reservation of Right. The Fond du Lac Reservation Business Committee hereby reserves the right to alter, amend or increase or decrease the fees, forfeiture and penalties imposed herein, or amend or repeal the several provisions of this Ordinance, and all rights and privileges granted or extended hereunder shall be subject to such reserved right.

Section 36. Revenue Distribution. All revenue derived from fees imposed by this Ordinance shall be deposited in the general revenue account of the Fond du Lac Band of Lake Superior Chippewa.

Section 37. Band Attorney Obligations. The Attorney(s) designated by the Fond du Lac Reservation Business Committee shall represent the interests of the Fond du Lac Band of Lake Superior Chippewa and the Registrar of Motor Vehicle in any matter arising from any provision of this Band Ordinance before the Fond du Lac Tribal Court.

Section 38. American Association of Motor Vehicle Administrators: Policy Positions. The Fond du Lac Reservation Business Committee hereby declares that the implementation of the provisions of this Ordinance shall be accomplished, as much as feasible, according to the policies promulgated by the American Association of Motor Vehicle Administrators, which is hereby incorporated by reference into this Ordinance.

Section 39. Issuance of Physically Disabled Person Parking Certificates. The Registrar shall have the authority to issue permanent, temporary and commercial parking certificates for physically disabled persons who meet the requirements of this Section.

Section 39.01. For the purposes of this Section, "physically disabled person" means a person who:

- (A) because of disability cannot walk without significant risk of falling;
- (B) because of disability cannot walk 200 feet without stopping to rest;

- (C) because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;
- (D) is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter;
- (E) has an arterial oxygen tension (PAO<sub>2</sub>) of less than 60 mm/Hg on room air at rest;
- (F) uses portable oxygen;
- (G) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;
- (H) has lost an arm or a leg and does not have or cannot use an artificial limb; or
- (I) has a disability that would be aggravated by walking 200 feet under normal environmental conditions to an extent that would be life threatening.

Section 39.02. Physician's or Chiropractor's Statement. The applicant must submit a physician's or chiropractor's statement on the form prescribed by the Registrar. The statement must be signed by a licensed physician or chiropractor who certifies that the applicant is a physically disabled person as defined in Section 39.01. The Registrar may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility. The statement that the applicant is a physically disabled person must specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician or chiropractor as to the duration of the disability. The Registrar may waive the requirement of providing a statement of a licensed physician or chiropractor, if the applicant has previously filed with the Registrar a statement of a licensed physician or chiropractor certifying that the applicant has a permanent physical disability. A physician or chiropractor who fraudulently certifies to the Registrar that a person is a physically disabled person as defined in this Section, and that the person is entitled to the certificate authorized by this Section, shall be subject to a fine of \$250.00.

Section 39.03. Permanent Disability Certificate. The Registrar shall issue a permanent disability certificate which shall be valid

for a period of six (6) years, if the disability is specified in the physician's or chiropractor's statement as permanent.

Section 39.04. Temporary Disability Certificate. The Registrar shall issue a temporary disability certificate which shall be valid for a period not to exceed six months, if the disability is specified in the physician's or chiropractor's statement as temporary.

Section 39.05 Commercial Disability Certificate. The Registrar shall issue a commercial disability certificate to an operator of a motor vehicle upon satisfactory evidence that the vehicle is used primarily for the purpose of transporting physically disabled persons. The operator of a vehicle displaying the certificate has the parking privileges provided in Section 39.10 only while the vehicle is actually in use for transporting physically disabled persons. On application and renewal, the person must present evidence that the vehicle continues to be used for transporting physically disabled persons. The Registrar may issue a commercial certificate to a subdivision of the Fond du Lac Band or to the Minnesota Indian Primary Residential Treatment Center, which is located within the boundaries of the Fond du Lac Reservation, upon receipt of documentation satisfactory to the Registrar that procedures and controls have been implemented to ensure that the parking privileges under this Ordinance will not be abused. Commercial Disability Certificates must be renewed every three years.

Section 39.06. All certificates must be made of a plastic or similar durable material and must bear the expiration date prominently on both sides. The certificates for person with permanent and temporary disabilities shall be designed so that they can be readily distinguished from each other from outside a vehicle at a distance of 25 feet. All certificates shall be individually identifiable by serial number.

Section 39.07. The Registrar shall be responsible for maintaining a record of all certificates issued, including, but not limited to, certificate serial number, applicant's name, address, certificate issuance and expiration date, and any other relevant information as deemed necessary by the Registrar.

Section 39.08. Fees. The Registrar shall charge a fee of \$5 for issuance or renewal of a certificate, and a fee of \$5 for a duplicate to replace a lost, stolen, or damaged certificate. The Registrar shall not issue more than three replacement certificates within any six-year period without the approval of the Reservation Business Committee.

Section 39.09. Prominent Display of Certificates. A certificate shall be considered prominently displayed by hanging it from the

rearview mirror attached to the front windshield of the vehicle. If there is no rearview mirror or if the certificate holder's disability precludes placing the certificate on the mirror, the certificate must be displayed on the dashboard on the driver's side of the vehicle so that it is clearly visible from outside the vehicle.

Section 39.10. Parking Privilege for Physically Disabled Persons. A vehicle that prominently displays the certificate authorized by this Section, or that bears license plates issued under this Ordinance, may be parked by or solely for the benefit of a physically disabled person, as follows:

- (J) In a designated parking space for disabled persons;
- (K) In a metered parking space without obligation to pay the meter fee and without time restrictions unless time restrictions are separately posted on official signs; and
- (L) Without time restrictions in a non-metered space where parking is otherwise allowed for passenger vehicles but restricted to a maximum period of time and which does not specifically prohibit the exercise of disabled parking privileges in that space.

Section 39.11. If a holder of a disability certificate or disability plates allows another person, who is not otherwise eligible, to use the certificate or plates, then the holder shall not be eligible to be issued or to use a disability certificate or disability plates for 12 months after the date of violation. A physically disabled person, or a person parking a vehicle for a disabled person, who is charged with violating this Section because the person parked in a parking space for physically disabled persons without the required certificate or plates shall not be convicted if the person produces in court or before the court appearance the required certificate or evidence that the person has been issued disability plates under this Ordinance, and demonstrates entitlement to the certificate or plates at the time of arrest or tagging.

Section 39.12. Unauthorized Use. If a Band Police Officer finds that the disability plates or a disability certificate issued under this Ordinance is being improperly used, the officer shall issue a citation in accordance with Section 3629.01 of this Ordinance, and shall report the violation to the Fond du Lac Registrar. The Registrar shall revoke the certificate pending the decision of the court. A person who uses the certificate in violation of this Section shall be subject to a fine of \$250.00.


Section 39.13. Revocation of Disability Certificate. The Registrar shall revoke the disability certificate when:

- (A) The certificate was obtained by fraud, or error and the person who applied for the certificate is not eligible; or
- (B) The certificate holder is in violation of any provision of this Section.

The owner shall be notified in writing that the certificate has been revoked pursuant to this subsection. Whenever a disability certificate is revoked under this subsection, the certificate holder shall immediately return the disability certificate to Registrar of the Fond du Lac Band. Any person who fails to return the disability certificate as required by this subsection shall be fined \$50.00.

**CERTIFICATION**

We do hereby certify that the foregoing Ordinance, was duly presented and approved by Resolution #04/87 by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on January 8, 1987, on the Fond du Lac Reservation, and subsequently amended by Resolution #1045/94 on February 8, 1994; by Ordinance #04/97, adopted by Resolution #1124/97 on June 24, 1997; by Resolution #1418/99 on November 30, 1999; by Resolution #1227/00 on July 18, 2000; by Resolution #1307/00 on September 21, 2000; by Resolution #1280/07 on June 28, 2007; and by Resolution #1345/10 on September 28, 2010.

  
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Karen R. Diver  
Chairwoman

  
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Ferdinand Martineau, Jr.  
Secretary/Treasurer