

Saginaw Chippewa Tribal Law

Ordinance 33

Vehicle License and Registration Ordinance

Enacted by Resolution 15-105 approved on July 8, 2015

Ordinance No. 33
Vehicle License and Registration Ordinance

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Ordinance No. 33
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BE IT ENACTED, by the Tribal Council of the Saginaw Chippewa Indian Tribe of Michigan as follows:

SECTION 1. Statement of Purpose. The Purpose of this Ordinance is to: establish a Vehicle Licensing and Registration Department; to establish requirements for the issuance of vehicle licenses and registration of such vehicles with the Saginaw Chippewa Indian Tribe of Michigan, which are owned and operated by persons who are Members of the Saginaw Chippewa Indian Tribe of Michigan, and vehicles which are owned and operated by the Saginaw Chippewa Indian Tribe of Michigan or its governmental subdivisions.

SECTION 2. Ordinance Title. This Ordinance shall be designated as the Vehicle License and Registration Ordinance of the Saginaw Chippewa Indian Tribe of Michigan.

SECTION 3. Authority. The authority for this Ordinance may be found in Article VI Sections (a), (e), (h), (i), (j), (k), and (n) of the Tribal Constitution of November 4, 1986.

SECTION 4. Definitions.

- a. Collector Plate means a plate that contains a reproduction of every characteristic of a specific registration plate except for the number and letter characters, which shall be determined by the Director, and that is sold as a novelty and is not a registration plate.
- b. Commercial Vehicle includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereof either independently or any part of the weight of a vehicle or load so drawn.
- c. Director means the position of Director of Business Regulation as established pursuant to Ordinance 26 Tax Administration Ordinance and Ordinance 30 Business Corporation Ordinance.
- d. Driver means every person who drives or is in actual physical control of a vehicle.
- e. Federally recognized Indian Tribe means any Tribe, Band or group which has been officially recognized by the Secretary of the Interior on behalf of the federal government of the United States.

- f. Leased Vehicle means a motor vehicle for which a person is granted possession for a contracted period of time and in return for a contracted sum.
- g. Member means a natural person who is an enrolled member of the Saginaw Chippewa Indian Tribe of Michigan.
- h. Moped means a 2- or 3-wheeled vehicle which is equipped with a motor that does not exceed a speed greater than 35 miles per hour on a level surface. The power drive system shall not require the operator to shift gears.
- i. Motorcycle means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground but excluding a tractor.
- j. Motor home means a motor vehicle constructed or altered to provide living quarters, including permanently installed cooking and sleeping facilities and is used for recreation, camping or other noncommercial use.
- k. Motor vehicle means every Vehicle that is self-propelled.
- l. ORV means a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh or other natural terrain. ORV includes, but is not limited to, multi-track or multi wheel drive vehicles and all terrain vehicles. ORV does not include a farm vehicle being used for farming, vehicles used for military, fire, emergency or law enforcement purposes or vehicles owned and operated by a utility company when performing maintenance on its facilities or operating on property over which it has an easement.
- m. Owner means any of the following:
 - 1. Any Person renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than 30 days; or
 - 2. A Person who holds the legal title of a vehicle; or
 - 3. A Person who has the immediate right of possession of a vehicle pursuant to an installment sale contract.
- n. Person means every governmental entity, natural person, firm, association or corporation and their legal successors.

- o. Proof of financial responsibility means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount greater than or equal to that established under the laws of the State of Michigan, as they may be amended from time to time.
- p. Registration means a registration certificate, plate, adhesive tab, or other indicator of registration issued under this ordinance for display of a vehicle.
- q. Residence address means the place that is the settled home or domicile at which a Person resides.
- r. Resident member means a natural person who is a resident of the Isabella Reservation and who is an enrolled member of the Saginaw Chippewa Indian Tribe of Michigan.
- s. Sport Utility Vehicle means a vehicle similar to a station wagon but built on a light-truck motive chassis.
- t. State means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.
- u. Trailer means every vehicle with or without motive power, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. The term trailer shall also include utility and boat trailers.
- v. Travel trailer; Camping trailer and Fifth wheel trailer
 - 1. Travel trailer means a trailer coach, fifth wheel trailer, camping trailer or other vehicle that is designed to be towed by a motor vehicle; is designed to provide temporary living quarters for recreational, camping or travel use; and does not require a special highway movement permit to be towed on a street or highway.
 - 2. Camper trailer means a trailer coach constructed with collapsible side walls that fold for towing and unfold to provide temporary living quarters for recreational, camping or travel use.
 - 3. Fifth wheel trailer means a trailer coach designed to be towed by a motor vehicle using a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
- w. Tribal Council shall mean the governing body of the Saginaw Chippewa

Indian Tribe of Michigan as defined in Article IV Section 1 of the Tribal Constitution of November 4, 1986.

- x. Tribal Land means all lands and water located within the Tribe's Reservation. "Reservation" has the meaning specified in the Order for Judgment entered by the United States District Court for the Eastern District of Michigan in *Saginaw Chippewa Indian Tribe of Michigan v. Granholm, et al.*, Case No. 05-10296-BC, and any other lands or waters that may hereafter be added to the Reservation by the Secretary of the Interior and all lands now or hereafter held in trust by the United States of America for the benefit of the Tribe or any member of the Tribe.
- y. Tribe means the Saginaw Chippewa Indian Tribe of Michigan.
- z. Vehicle means every device, in, upon, or by which any person or property may be transported or drawn upon a roadway. For purposes of this Ordinance only, this term does not include bicycle, mobile home, tractor, or golf cart.

SECTION 5. This Ordinance shall be administered by the Director of Business Regulation. The Director shall be responsible for the implementation of the duties prescribed herein.

- a. Duties of Director. In addition to those duties specified herein, Director shall have the general responsibility to implement, administer and enforce the provisions of this Ordinance.
 - 1. Forms. The Director may prescribe and provide by rules and regulations, suitable forms of applications, registration certificates and all other forms requisite or deemed necessary to carry out the provisions of this Ordinance. The Director's regulations shall be effective upon approval by formal action of the Tribal Council.
 - 2. Review of Application by the Director. The Director shall examine and determine the genuineness, regularity, and legality of every application for registration of a vehicle, and may in all cases make investigation as may be deemed necessary, or require additional information and shall reject any such application if not satisfied as to the genuineness, regularity, or legality thereof or the truth of any statement contained therein.
 - 3. Checking Vehicle Identification Number Against Michigan Index of Stolen and Recovered Vehicles. The Director shall, upon receipt of an application for original registration of a vehicle, first check the engine and serial number or vehicle identification number shown in the application against the index maintained by

the Michigan Secretary of State of stolen and recovered vehicles.

4. Maintenance of Applications. The Director shall maintain a central file of all application for registration of vehicles, and shall preserve the application forms for three (3) years after the date of registration. Upon prior written request, the Department shall make such records available to agencies of the Tribe, the State of Michigan and the United States. The Department is authorized to coordinate information sharing of such records with the office of the Michigan Secretary of State.

SECTION 6. Required Registration of Vehicles.

- a. Vehicles Subject to Registration Requirement. Every motor vehicle, trailer and travel trailer which is driven, operated or moved upon any public roadway on the Isabella Reservation of the Saginaw Chippewa Indian Tribe must, at the time of operation, be registered with the Tribe, or be subject to a pending application for registration, unless exempt from such requirement under section 6(b) of this Ordinance.
- b. Vehicles Exempt from Registration with the Tribe. A vehicle is exempt from the registration requirements of section 6(a), under any of the following circumstances.
 1. The vehicle is owned by the United States of America;
 2. The vehicle is registered under the laws of any federally recognized Indian tribe.
 3. The vehicle is registered under the laws of any State as that term is defined by this Ordinance.
 4. For three (3) days immediately following the date of a properly assigned title from any person other than a vehicle dealer, a registration need not be obtained for a vehicle driven or moved upon the roadways of the Isabella Reservation for the sole purpose of transporting the vehicle in the most direct route from the place of purchase to a place of storage if the driver has in his/her possession the assigned title showing the date of sale.

SECTION 7. Certificates of Title Required. Every motor vehicle, trailer and travel trailer subject to the jurisdiction of this Ordinance when driven or moved upon a public roadway of the Isabella Reservation of the Saginaw Chippewa Indian Tribe of Michigan, must have a valid certificate of title issued consistent with the laws and regulations of any federally recognized Indian tribe or State, or have an application for such certificate pending with the issuing applicable agency of any

federally recognized Indian tribe or State.

SECTION 8. Penalties for the Operation of Unregistered or Untitled Vehicle Prohibited. It is unlawful for any Person to drive, operate, or move a Vehicle, or for an owner to knowingly permit a Vehicle which is required to be registered under this Ordinance to be driven, operated or moved upon any highway or roadway within the boundaries of the Isabella Reservation of the Tribe which is not registered, or for which the appropriate fee has not been paid, as specified in this Ordinance.

- a. Penalties. Any Person who violates this Ordinance may be sentenced by the Saginaw Chippewa Community Court to pay a civil remedial forfeiture of not more than \$500. In addition, the Court shall order the violator to make application for registration if applicable and pay the requisite fee.

SECTION 9. Application for Vehicle Registration. The following actions must be taken in order to register a Vehicle with the Tribe under this Ordinance:

- a. Application by Owner. A Resident member owner of a Vehicle, who wishes to register his or her Vehicle with the Tribe, or governmental subdivision of the Tribe, shall submit an application to the Director upon an appropriate form furnished by the Director accompanied by the required fee.
- b. Contents of the Application. The application shall contain all of the following information:
 1. The owner's name and mailing address. If the owner is an individual then the owner's mailing address. If, however, the owner is a governmental subdivision, the owner's business address shall be listed.
 2. Written proof of financial responsibility for the vehicle for which registration is sought.
 3. A description of the vehicle including the make or name, style of body, and model year, the number of miles (not including the tenths of a mile) registered on the vehicle's odometer at the time of the transfer; whether the vehicle is to be used by the Tribe; vehicle identification number; and the vehicle's weight when fully equipped.
 4. For a trailer, in addition to weight, the manufacturer's serial number, or in the absence of such number, a number assigned by the Director. Any such number assigned by the Director shall be permanently placed on the trailer in the manner and place designated by the Director.

5. For a leased vehicle, the lessee's name, resident's address, Michigan's driver's license number or Michigan personal identification number.

SECTION 10. Issuance of Certificates.

- a. Registration Certificate Issuance. Except as otherwise provided in this Ordinance, the Director shall issue a registration certificate when registering a Vehicle upon compliance with Section 9 and upon receipt of the required fees.
- b. Delivery of Certificates; Contents. The registration certificate shall be delivered to the owner. The certificate shall contain on its face the date issued, the name and address of the owner, the registration number assigned to the vehicle and a description of the vehicle.
- c. Reproduction and Alteration Prohibited; Penalties. It is unlawful to intentionally reproduce, alter, counterfeit, forge or duplicate a certificate of registration or to use a reproduced, altered, counterfeited, forged or duplicated certificate of registration. Any Person who violates this section may be sentenced by the Saginaw Chippewa Community Court to pay a civil remedial forfeiture of not more than \$1,500.
- d. Registration Certificate Carrying and Display. Upon receipt of a registration certificate, the owner shall write his or her signature thereon in ink in the space provided. A registration certificate shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of the vehicle, who shall display the registration certificate upon demand of a law enforcement officer. Failure to comply with the requirements of this section shall subject the person to a civil remedial forfeiture imposed by the Saginaw Chippewa Community Court of not more than \$500.

SECTION 11. Issuance and Display of Registration Plates.

- a. Registration Plate Issuance. The Director shall issue one (1) registration plate upon registering a Vehicle. The registration plate shall display the registration number assigned to the vehicle for which the registration plate is issued; the name of the Tribe; and when the registration plate expires, which may be shown by a tab or sticker furnished by the Director.
- b. Plates for Vehicles Owned by the Tribe. A registration plate issued for Vehicles owned and operated by the Tribe or an entity characterized by the Tribe shall not expire at any particular time but shall be renewed when the registration plate is worn out or is illegible. This registration plate shall be assigned upon proper application and payment of the applicable fee.

- c. Plate Format. The registration plate and the required letters and numerals on the plate shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight. The Director may issue a tab or tabs designating the month and year of expiration. Such tabs shall be of a different color with a marked contrast between the color of the registration plate and the numerals or letters on the plate.
- d. Display of Plate other than Assigned; Penalty. It is unlawful to operate a Vehicle on the public roadways located within Tribal land displaying a registration plate other than the registration plate issued for the Vehicle. Any Person who violates this requirement shall be sentenced by the Saginaw Chippewa Community Court to pay a civil remedial forfeiture of not more than \$500.
- e. Plate Attachment and Display; Penalty. A registration plate issued by the Director shall be displayed and attached as follows:
 - 1. The registration plate issued for a Vehicle shall be attached to the rear of the Vehicle. If the Vehicle is a truck tractor or road tractor, the registration plate shall be attached to the front of the vehicle.
 - 2. The registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position which is clearly visible. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information, and in a clearly legible condition.
 - 3. A Person shall not attach a name plate, insignia, or advertising device to a motor vehicle registration plate in a manner which obscures or partially obscures the registration information.
 - 4. A Person who violates this section is subject to a civil remedial forfeiture imposed by the Saginaw Chippewa Community Court in an amount of not more than \$100.
- f. Reflective Registration Plates and Stickers. Registration plates, tabs and stickers shall be treated with an effective and dependable reflective material.
- g. Collector Plates. The Director may develop, promote and sell to any person a collector plate that matches the registration plate issued for a Vehicle. A collector plate may be used on a Vehicle in any lawful manner, including, but not limited to, being displayed on the front bumper on the

vehicle. However, a collector plate shall not be attached to a Vehicle in a manner prescribed in Section 11(e).

SECTION 12. Expiration and Renewal of Vehicle Registration.

- a. Expiration Date for Registration. A Vehicle registration issued by the Department expires one year after the date of issuance, unless another expiration date is provided by this Ordinance.
 1. A Vehicle registration issued by the Director to a Vehicle owned by the Tribe has no expiration date. Such registration shall be valid until the Vehicle's ownership is transferred to a person other than the Tribe.
- b. Temporary Registration Expiration. A temporary registration may be issued to an owner of a Vehicle, which shall be valid for 14 days from the date of issue and shall be in a form determined by the Director.
- c. Optional 6-month Expiration Date Registration. The Director may issue registration for a motorcycle, moped, trailer or ORV for a term of six (6) months, upon the request of the owner of such Vehicle, contained in the application for registration. In the absence of such a request, the expiration date for registration of a motorcycle, moped, trailer or ORV shall be as provided in Section 12(a) of this Ordinance.
- d. Optional One-Time Permanent Registration for Trailer, Moped and ORV Registration. The Director may issue a registration for a trailer, moped or ORV valid for so long as the trailer, moped or ORV remains the property of the Person who originally registered the trailer, moped or ORV.
- e. Application for Renewal of Registration. Application for renewal of a Vehicle registration shall be made by the owner upon proper application and by payment of the registration fee for the Vehicle established by this Ordinance. The application shall be accompanied by the following:
 1. The certificate of title pertaining to the Vehicle, showing ownership in the person applying for registration at the time of the application; and
 2. Proof of vehicle insurance in a form satisfactory to the Director.
- f. Criteria for Issuance of Renewal Registration. No renewal registration shall be issued by the Director if the applicant fails to comply with each requirement of Section 12(d) of the Ordinance.
- g. Change of Name or Address. If an owner, after making application for or

obtaining the registration of a Vehicle moves from the address named in the application as shown upon a registration certificate, or changes the name of the owner by operation of marriage or divorce, said person shall notify the Director within ten (10) calendar days of such change of address or name in writing.

- h. Issuance of Duplicate Certificates or Plates. In the event that a registration certificate or a registration plate is lost, mutilated, or becomes illegible, the Person entitled to possession of such certificate or plate, or such Person's legal representative or successor in interest as shown by the records of the Director, shall immediately make application for and may obtain a duplicate registration certificate or registration plate. The applicant shall furnish information satisfactory to the Director of the basis for making the application and shall pay the fee required by this Ordinance. A new registration certificate or registration plate under a new registration number will be issued by the Director absent good cause not to issue a duplicate registration certificate or registration plate.
 - 1. Upon issuance of a duplicate registration certificate or plate, the previous registration certificate or plate last issued shall be void.

SECTION 13. Transfer of Title.

- a. Title Transfer; Use of Registration Plate. If the owner of a Vehicle registered by the Tribe pursuant to this Ordinance, transfers or assigns the title or interest in the Vehicle, the registration plates issued for the Vehicle pursuant to this Ordinance, shall be removed, retained and preserved by the owner for transfer to another Vehicle upon application and payment of the required fees. An owner shall not transfer the plates to a Vehicle without applying for a proper certificate of registration describing the Vehicle to which the plates are being transferred.
- b. Transfer to Circumvent Operation of Michigan Law Prohibited. A Person shall not purchase or lease another Vehicle and seek to transfer his or her interest through registration under this Ordinance in order to avoid, hinder or circumvent provision of Michigan law by which a Vehicle is forfeited, immobilized or subject to registration denial. The Director shall not issue a registration certificate under these circumstances.
- c. Director's Authority to Seize Certificates and Plates. The Director and any agent thereof is authorized to take possession of any registration certificate or registration plate issued by the Director upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. The Director or any agent thereof is authorized to take possession of any registration plate found attached to any Vehicle for which it was not issued or when any other unlawful use is

being made thereof.

- d. Issuance of New Registration. Upon receipt of a properly endorsed certificate of title and application for transfer of registration, together with the required fee, the Director shall transfer the registration thereof under its registration number to the newly acquired vehicle and shall issue a new registration certificate as upon an original registration.

SECTION 14. Fees for Certificates, Plates, Duplicates and Transfers. The Director shall promulgate regulations regarding the fees applicable to certificates, plates, duplications and transfers required by this Ordinance. The Director's regulations shall be effective upon approval by formal action of the Tribal Council.

SECTION 15. Enforcement. The Saginaw Chippewa Community Court shall have sole jurisdiction in all cases regarding the enforcement of this Ordinance. If sufficient cause exists the court shall conduct a hearing to determine if there has been a violation of this Ordinance.

SECTION 16. Severability. If any portion of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction then such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 17. Effective Date. This Ordinance shall take effect on the date certified.

LEGISLATIVE HISTORY

Enacted by Resolution 15-105 approved on July 8, 2015