

LEECH LAKE BAND OF CHIPPEWAS
MOTOR VEHICLE CODE

ORDINANCE NO. 93-01

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1.0 Definitions. In this Leech Lake Tribal Ordinance No. , the following words and phrases have the below designated meanings.

1.1 Registrar- The Leech Lake Reservation Motor Vehicle Registrar.

1.2 Leech Lake Band- The duly recognized governmental body of the federally recognized Leech Lake Band of Chippewa.

1.3 Leech Lake Reservation- All lands on or near the exterior boundaries whether retained by treaty or executive order all such lands being under the jurisdiction of the Leech Lake Band.

1.4 Mobile Home- a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation with walls of rigid uncollapsible construction.

1.5 Motor Vehicle- any vehicle which is self-propelled.

1.6 Owner- person who holds legal title to a vehicle.

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

1.8 Court- Leech Lake Tribal Court.

2.0 Unregistered or Improperly Registered Vehicle

2.1 It is unlawful for any person to operate or allow another to operate on any highway or public road of the Leech Lake Reservation, any motor vehicle, mobile home, trailer, semitrailer or any other vehicle for which registration is specifically required unless at the time of operation the vehicle in question is registered with the Leech Lake Band of Chippewa or is exempt from registration.

2.2 A vehicle may be operated by a private person after the date of purchase of such a vehicle by such private person or after the date such person gains residence on the Leech Lake Reservation if application for registration and certificate of title has been made.

2.3 All vehicles subject to renewal of registration may be operated provided that application for reregistration has been made.

2.4 The penalty for violating subsections 2.1 through 2.3 is a fine not to exceed \$1000 and (one thousand dollars) imprisonment of not more than 100 days. In addition to imposing a fine, the court may order the violator to make an application for registration or reregistration and to pay all required fees.

3.0 Exempt Vehicle

A vehicle operated upon a highway or public road of the Leech Lake Reservation is exempt from registration if such vehicle is:

3.1 operated in accordance with the provisions exempting nonresident or foreign-registered vehicles from registration; or

3.2 a farm vehicle used exclusively in or incidental to agricultural operations; or

3.3 a trailer or semi-trailer permanently equipped with a well-drilling outfit and used exclusively for such purposes; or

3.4 a forklift truck, a specially constructed road or truck tractor used for shunting trailers or semi-trailers in terminal areas or a trailer which is used principally off the highway; or

3.5 a trailer or semi-trailer having a gross weight of 3,000 pounds or less and not used for hire; or

3.6 a trailer or semi-trailer not operated in conjunction with a motor vehicle; or

3.7 a motor vehicle being towed; or

3.8 a piece of road machinery; or

3.9 a motor truck which is operated upon a highway only when directly crossing such highway; or

3.10 a motor vehicle last previously registered in another jurisdiction.

4.0 Registration Application

4.1 Application for original registration and for renewal of registration shall be made to the Leech Lake Clerk upon forms provided and shall be accompanied by the required fee.

4.2 Application for registration of a vehicle shall contain

the following information:

- 4.21 the name of the owner; and
- 4.22 the address of the owner; and
- 4.23 a description of the vehicle, including make, model, identifying serial number and any other information which the Leech Lake Band may reasonably require for proper identification of the vehicle; and
- 4.24 the name of the village or reservation district in which the vehicle is kept; and

4.3 If the applicant for a certificate of registration is under 18 years of age, the application shall be accompanied by a notarized statement from the parent or legal guardian declaring that the applicant has the consent of the parent or legal guardian to register such vehicle. The submission of this required statement by the parent or legal guardian shall not impute any liability for the negligence or misconduct of the applicant while operating such motor vehicle on the highways or public roads. Any person who violates this section may be fined not more than \$1000 (one thousand dollars) or imprisoned not more than 60 (sixty) days or both.

5.0 Insurance Requirements

All applicants for motor vehicle licenses issued pursuant to this ordinance shall provide the information required on forms provided by the Motor Vehicle Clerk to show that applicant has liability insurance required by Minnesota Statutes Section 65B subsection 41 through subsection 77. Vehicles owned by the Leech Lake Band of Chippewa are exempt from this requirement.

6.0 Refusal to Register

The motor vehicle clerk shall refuse to register vehicles upon the following grounds:

- 6.1 Applicant does not reside within the exterior boundaries of the Leech Lake Reservation; or
- 6.2 The required fees have not been paid; or
- 6.3 Failure to furnish all information or documents required by the Leech Lake Band pursuant to this Ordinance; or
- 6.4 Failure to provide a valid certificate of title; or
- 6.5 Registration is suspended or revoked pursuant to section 17 of this Ordinance.

7.0 Certificate of Registration

Upon registering a vehicle the motor vehicle clerk shall issue and deliver to the owner a certificate of registration. The certificate of registration shall contain:

- 7.1 The name and address of the owner; and
- 7.2 A brief description of the vehicle; and
- 7.3 The registration number assigned; and
- 7.4 The date of expiration of registration.

8.0 Registration Plates

8.1 Upon registering a motor vehicle pursuant to this Ordinance, the motor vehicle clerk shall issue to the applicant two (2) registration plates for each automobile, motor truck, school bus or self-propelled mobile home registered. One (1) plate shall be issued for other vehicles registered unless the use of two (2) plates will better serve the interests of law enforcement.

8.2 All registration plates shall have displayed upon them the following:

- 8.21 The registration number or letters assigned to the vehicle; and
- 8.22 The name of the Leech Lake Band of Chippewa or an abbreviation thereof; and
- 8.23 A date of expiration; and
- 8.24 Treatment with a reflectorized material.

9.0 Display of Registration Plates

9.1 When two registration plates are issued for a vehicle, one plate shall be attached to the front and one to the rear of the vehicle. When one registration plate is issued, the plate shall be attached to the front unless the vehicle is a truck tractor or road tractor and then it shall be attached to the rear.

9.2 Registration plates shall be attached firmly and rigidly in a horizontal position and in a conspicuous place. The plates shall at all times be maintained in a legible condition and shall be placed to be readily and distinctly seen and read.

9.3 The following violations shall be subject to a fine of not more than \$500.00 (five hundred):

- 9.31 Operation of a motor vehicle without current registration plate or insert tag attached; or
- 9.32 Operation of a motor vehicle with registration plate in an obstructed or non-horizontal manner; or
- 9.33 Operation of a motor vehicle with a registration plate in an illegible condition.

10.0 Duplicate Registration Plates

10.1 When a registration plate is lost, destroyed or becomes illegible, the owner of the vehicle may apply to the motor vehicle clerk for a replacement. Upon satisfactory proof of

the loss, destruction or illegibility of the plate and upon the payment of a fee of \$25.00 (twenty five dollars), the motor vehicle clerk shall issue a replacement. Upon receipt of the replacement the owner of the vehicle shall surrender to the motor vehicle clerk the illegible plate.

10.2 When issuing a replacement plate, the motor vehicle clerk may issue a new plate rather than a duplicate of the original. In this situation, the owner of the vehicle shall surrender both original plates if 2 (two) plates were originally issued.

10.3 Any person who fails to surrender his illegible plates as required by subsection 10.1 and subsection 10.2 may be fined an amount not to exceed \$500.00 (five hundred dollars).

10.4 The motor vehicle clerk shall maintain an accurate and up to date list of all registration plates and duplicate registration plates issued, the number thereof, the name of the owner and the description of the motor vehicle.

11.0 Exemption of Nonresidents

11.1 Any vehicle which is registered in another jurisdiction is exempt from the motor vehicle code of the Leech Lake Band of Chippewa providing that such vehicle:

11.11 Carries a registration plate indicating that the vehicle has a valid registration in another jurisdiction; and

11.12 Is owned by a nonresident of the Leech Lake Reservation; and

11.13 The jurisdiction in which the vehicle is validly registered recognizes the valid registration of vehicles from the Leech Lake Band of Chippewa.

11.2 Upon becoming a resident of the Leech Lake Reservation all tribal members immediately become subject to the motor vehicle code of the Leech Lake Band of Chippewa.

REGISTRATION FEE

12.0 Annual Fee

12.1 A registration fee as set forth below shall be paid for all motor vehicles, not exempt by Leech Lake Motor Vehicle Code section 3, using the public streets or highways of the Leech Lake Reservation, for each registration year on the following basis:

12.11 A registration fee will be assessed annually based upon the Leech Lake Motor Vehicle Fee Schedule; and

12.12 A plate fee of \$3.50 per new plate issued; and

12.13 A late fee of \$2.00 will be assessed for issuing registration plates after the expiration date of the previous years tabs; and

12.14 A registration fee of Leech Lake Motor Vehicle Fee

Schedule shall be paid for all motorcycles using the public streets and highways of the Leech Lake Reservation for each year.

12.15 An administrative fee of 6.5% of the total of all other Leech Lake Motor Vehicle Fees shall be assessed on each registration.

Penalties

13.0 Fraudulent Application. Any person who gives a false or fictitious name or address in an application for license or registration or who makes an application for license or registration in the name of a person other than the true owner, or true owner and lessee, may be fined not more than \$500 (five hundred dollars) or imprisoned not more than 30 (thirty) days or both and may be subject to seizure of license plates and registration.

14.0 Improper Use of Registration. Any person who:

14.11 Lends a registration plate to another person who is not lawfully authorized to use it; or

14.12 Displays a registration plate upon a vehicle other than the vehicle for which the registration plate was issued; or

14.13 Wilfully twists, paints alters or adds to or cuts off any portion of a registration plate or sticker; or

14.14 Places any material or substance on the registration plate which hinders or obstructs the reading of such plate; or

14.15 Defaces, disfigures, changes or attempts to change any letter or figure upon the registration plate, may be fined not more than \$500 (five hundred dollars) or imprisoned not more than 30 (thirty) days or both and may be subject to seizure of the registration plates.

15.0 Fraudulent Registration

Any person who operates or has in his or her possession any vehicle subject to registration pursuant to the laws of the Leech Lake Band of Chippewa and has imitated or altered any registration plate so as to resemble a current registration plate may be fined not more than \$500 (five hundred dollars) or imprisoned more than 30 (thirty) days or both and may be subject to the seizure of the fraudulent plate.

16.0 Suspension of Registration

16.1 The motor vehicle registrar shall suspend the registration of a vehicle when:

16.11 The registration was completed through fraud or error and the vehicle cannot be registered properly; or
16.12 The required fee has not been paid upon reasonable notice and demand.

16.2 Suspension of registration is effective until reinstated by the motor vehicle registrar. Upon notice of suspension to the owner or person in possession of the registration plates, the plates shall be immediately returned to the motor vehicle registrar. Failure to return the plates to the motor vehicle registrar immediately may result in a fine of not more than \$300 (three hundred dollars) and seizure of the suspended plates.

Certificate of Title

17.0 Mandatory Title

17.1 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 the applicant by the Leech Lake Band motor vehicle registrar for the vehicle in question, this shall serve as prima facie evidence that the applicant is the owner of the vehicle and new certificate of title will not be required.

17.2 The owner of a vehicle subject to the motor vehicle code of the Leech Lake Band of Chippewas shall make an application for certificate of title for the vehicle when:

17.21 The vehicle is initially acquired; or

17.22 Upon application for registration there is no valid certificate of title presented for the vehicle to be registered.

18.0 Application for Certificate of Title

18.1 An application for a certificate of title shall be made to the Leech Lake Band motor vehicle registrar upon a form supplied by the motor vehicle registrar and accompanied by the required fee. Each application for certificate of title shall contain the following information:

18.11 The name and address of the owner; and

18.12 A description of the vehicle, including make, model, identifying number and any other information which may be reasonably required by the Leech Lake Band motor vehicle registrar for identification purposes; and

18.13 The date of purchase by the applicant, the name and address of the person or corporate entity from whom the vehicle was acquired; and

18.14 The name(s) and address(es) of any secured parties in the order of their priority and the day of their security agreements; and

18.15 If the vehicle is a new vehicle being registered

for the first time, the signature of the dealer authorized to sell such a new vehicle; and

18.16 Any further evidence of ownership which may be reasonable required by the motor vehicle registrar in order to determine whether the purported owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle; and

18.17 If the vehicle is a used motor vehicle which was previously registered in another jurisdiction, the applicant shall furnish any certificate of ownership issued by the other jurisdiction and a statement pertaining to the title history and ownership of such motor vehicle.

19.0 Maintenance of Records

The motor vehicle registrar shall maintain a record of all applications and all certificates of title issued according to title number or alphabetically according to the name of the owner.

20.0 Contents of Certificate of Title

20.1 The Leech Lake motor vehicle registrar shall include the following on each certificate of title:

20.11 The full name and mailing address of the owner ;
and

20.12 The name and address of any secured party in the order of priority as shown on the application or, if the application is based upon another certificate of title, as shown on such certificate; and

20.13 The title number assigned to the vehicle; and

20.14 A description of the vehicle including make, model, year and serial number; and

20.15 Any other data which the motor vehicle registrar deems to be necessary.

20.2 The certificate of title shall contain information regarding assignment and warranty of title by the owner, information regarding assignment and warranty of title by a licensed automobile dealer, information regarding a certificate of title by a transferee, information regarding the names of all secured parties and information regarding the assignment or release of a security interest.

20.3 A certificate of title issued by the Registrar is prima facie evidence of the facts appearing on it.

21.0 Refusal to Issue Certificate of Title

The motor vehicle registrar shall refuse to issue a certificate of title if any required fees are not paid or if the registrar has reasonable grounds to believe that:

21.1 The person alleged to be the owner of the vehicle is not

the owner; or

21.2 The application contains false or fraudulent information; or

21.3 The applicant fails to furnish the information or documents required by the Leech Lake motor vehicle code.

22.0 Lost, Stolen or Mutilated Titles

22.1 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 words "This is a duplicate certificate of title and may be subject to the rights of a person under the original certificate."

22.2 The registrar shall not issue a new certificate of title to a transferee upon application made on a duplicate until 15 (fifteen) days after receipt of the application.

22.3 Any person who recovers an original certificate of title for which a duplicate has been issued shall immediately surrender the original certificate to the motor vehicle registrar.

23.0 Title Fees

The following fees are required to be deposited with the registrar before a certificate of title will be issued:

23.1 For filing an application for an original certificate of title a fee of \$2.00 shall be deposited.

23.2 For filing the original notation and subsequent release of each security interest noted upon the certificate of title, a fee of \$3.50 shall be deposited for each security interest.

23.3 For a duplicate certificate of title a fee of \$ 3.50 shall be deposited.

23.4 As an abandoned motor vehicle Leech Lake Band surcharge the amount of \$4.00 shall be assessed on each application for a certificate of title.

23.5 For transferring the title from one owner to another a fee of \$2.00 shall be deposited.

TRANSFER OF TITLE

24.0 Transfer of Interest in a Vehicle

24.1 If an owner transfers the interest in a vehicle, the owner shall at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee and mail or deliver the title to the transferee.

24.2 The transferee shall execute the application for a new certificate of title promptly after receipt of the vehicle and mail or deliver the certificate and application to the motor vehicle registrar.

24.3 A transfer by an owner is not effective until there is complete compliance with all the provisions of this section. An owner who has delivered possession of the vehicle to the transferee and has fulfilled all of the obligations of the seller, shall not be liable as the owner of the vehicle for any damages resulting from the operation of the vehicle.

24.4 Any 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 title required by subsection 23.1 of the Leech Lake motor vehicle code may be required to pay a penalty of not more than \$500 (five hundred dollars).

24.5 Any transferee of a vehicle who fails to make application for a new certificate of title immediately upon receipt of possession of the vehicle may be fined not more than \$500 (five hundred dollars). An application for a certificate is made when delivered to the motor vehicle registrar or deposited in the mail properly addressed with postage prepaid.

25.0 New Certificate

The motor vehicle registrar shall issue a new certificate of title in the name of the transferee as owner upon receipt of a properly assigned certificate of title, the required fee and any other transfer documents required by ordinance to support the transfer.

26.0 Perfection of Security Interests

26.1 A security interest in a vehicle licensed and titled under the authority of the Leech Lake Band of Chippewa is valid only when perfected in accordance with the provisions of this ordinance.

26.2 A security interest is perfected by the delivery to the motor vehicle registrar of:

26.21 The existing certificate of title, if any, and

26.22 An application for a certificate of title which contains the name and address of the secured party and the date of the security agreement.

26.3 Perfection of the security interest shall be perfected at the time of its creation if delivery of all requirements pursuant to section 25.2 of this code is made within 10 (ten) days after the creation.

27.0 Duties of Creation of Security Interest

When an owner creates a security interest in a vehicle:

27.1 The owner shall immediately execute an application to name the secured party on the certificate, showing the name and address of the secured party, the date of the security agreement and deliver the certificate application and the required fee to the secured party.

27.2 The secured party shall immediately mail or deliver the application and required fee to the motor vehicle registrar.

27.3 The motor vehicle registrar shall issue a new certificate to the owner upon receipt of the title, application and required fee.

28.0 Assignment of Security Interest

28.1 A secured party may assign 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.

28.2 The secured party remains liable for any obligations as a secured party until the assignee is named as a secured party on the certificate.

28.3 The assignee may perfect the assignment by having the certificate of title endorsed and issued with the assignee named as a secured party.

29.0 Release of Security Interest

29.1 A release of a security interest in a vehicle shall be executed by the secured party and delivered to the owner of a vehicle upon the satisfaction of all financial obligations secured. If the secured party fails to execute and deliver such a release within 10 (ten) days after receipt of the owner's written demand, the secured party shall be liable to the owner for any loss caused to the owner by such failure.

29.2 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 motor vehicle registrar, who shall release the secured party's rights on the certificate and issue a new certificate.

30.0 Duties

30.1 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 information regarding his security agreement and the indebtedness secured by it.

30.2 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 the security interest is to be assigned, extended or perfected.

30.3 Any secured party who fails to disclose information pursuant to section 29.1 of the Leech Lake Motor Vehicle Code shall be liable for any loss caused to the owner as a result of this failure to disclose.

30.4 Any owner who fails to deliver the certificate of title to a secured party requesting it pursuant to section 29.2 of the Leech Lake Motor Vehicle Code shall be liable to the secured party for any loss caused by the failure to deliver the title.

31.0 Suspension or Revocation of Certificate

31.1 The motor vehicle registrar shall suspend or revoke a certificate of title if the registrar has evidence which supports a finding that:

31.11 The certificate of title was fraudulently procured, erroneously issued or prohibited by law; or

31.12 The vehicle has been scrapped, dismantled or destroyed; or

31.13 A transfer of title, security interest in the vehicle or other interest in the vehicle has been set aside by an order or judgement of the Leech Lake Tribal Court.

31.2 Suspension or revocation of a certificate of title does not affect the validity of a security interest noted on it.

31.3 Upon receiving notice of the suspension or revocation of a certificate of title, the owner shall immediately mail or deliver the certificate to the motor vehicle registrar.

31.4 The Leech Lake Band of Chippewa may seize or impound any certificate of title, any registration plates and any registration tabs which have been suspended or revoked.

32.0 Cancellation of Title or Registration

The motor vehicle registrar shall cancel a title registration when:

32.1 An original title or transfer of title is set aside by an order or judgement of the Leech Lake Tribal Court; or

32.2 It is subsequently discovered that the issuance or possession of a title or registration is prohibited by law.

33.0 Special Plates

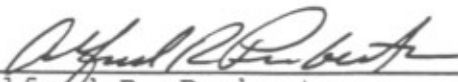
At the discretion of the Leech Lake Tribal Council special plates such as personalized plates or other categories of special license plates may be issued.

34.0 Enforcement of Leech Lake Motor Vehicle Code


All Leech Lake Conservation Officers and any other duly recognized law enforcement officers of the Leech Lake Band of Chippewa shall have the authority and responsibility for the enforcement of this Leech Lake Motor Vehicle Code.

CERTIFICATION

We do hereby certify that the foregoing Leech Lake Motor Vehicle Code was duly presented and adopted by a vote of 4 For, 0 Against, 0 Silent, at a Regular Meeting of the Leech Lake Tribal Council, a quorum present, held on March 26, 1993, 1993, at Cass Lake, Minnesota.



Alfred R. Pemberton
Chairman
Leech Lake Band of Chippewa



James D. Michaud
Secretary/Treasurer
Leech Lake Band of Chippewa