

TRIBAL CODE

CHAPTER 73:

MOTOR VEHICLE LICENSE AND REGISTRATION ORDINANCE

CONTENTS:

73.101 Purpose.....73-2  
73.102 Definitions .....73-2  
73.103 Administration .....73-4  
73.104 Required Registration of Motor Vehicles.....73-4  
73.105 Certificate of Title.....73-4  
73.106 Penalties for Operating Unregistered or Untitled Vehicles .....73-4  
73.107 Application for Vehicle Registration.....73-5  
73.108 Issuance of Certificates.....73-6  
73.109 Issuance and Display of Registration Plates.....73-6  
73.110 Expiration and Renewal of Motor Vehicle Registration .....73-7  
73.111 Transfer of Title .....73-9  
73.112 Fees for Certificates, Plates, Duplicates and Transfers .....73-9

HISTORY NOTE:

Current Ordinance:

Resolution 2009-261, adopted, December 8, 2009, enacts Chapter 73: Motor Vehicle License and Registration Ordinance.

## TRIBAL CODE

### CHAPTER 73

#### MOTOR VEHICLE LICENSE AND REGISTRATION ORDINANCE

##### **73.101 Purpose.**

The purpose of this ordinance is to establish requirements for the issuance of motor vehicle licenses and registration of such vehicles operated by persons who are residents living upon Tribal lands of the Sault Ste Marie Tribe of Chippewa Indians.

##### **73.102 Definitions.**

The following words and phrases shall have the provided definition for purposes of this ordinance:

- (1) “Accessory” means any accessory, equipment, additional part or replacement part for a vehicle for which a certificate of title is required to be issued under this ordinance.
- (2) “Authorized emergency vehicle” means vehicles of the fire department, law enforcement vehicles, ambulances, or privately owned motor vehicles of volunteer or paid fire fighters if authorized by the chief of an organized fire department, or privately chief of an organized fire department, or privately owned motor vehicles of volunteer or paid members of an emergency medical entity.
- (3) “Axle” means the common axis of rotation of one (1) or more wheels whether power driven or freely rotating, and whether in one (1) or more segments and regardless of the number of wheels carried thereon.
- (4) “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 and load thereof either independently or any part of the weight of a vehicle or load so drawn.
- (5) “Driver” means every person who drives or is in actual physical control of a vehicle.
- (6) “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.
- (7) “Motor vehicle” means every vehicle that is self-propelled.

- (8) “Non-resident” means every person who is not a resident of the Tribal lands.
- (9) “Owner” means any of the following:
- (a) Any person, firm association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than 30 days.
  - (b) A person who holds the legal title of a vehicle.
  - (c) A person who has the immediate right of possession of a vehicle under an installment sale contract.
- (10) “Person” means every natural person, firm, co-partnership, association or corporation and their legal successors.
- (11) “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 from time to time be amended.
- (12) “Registration” means a registration certificate, plate, adhesive tab, or other indicator of registration issued under this ordinance for display on a vehicle.
- (13) “Residence address” means the place that is the settled home or domicile at which a person resides.
- (14) “Resident” means every person who resides in a settled or permanent home within the exterior boundaries of Tribal lands.
- (15) “Resident member” means a person who is a resident and who is an enrolled member of the Tribe.
- (16) “State” means any state, territory, or possession of the United States, Indian Country as defined in 18 U.S.C. 1151, the District of Columbia, or any province of the Dominion of Canada.
- (17) “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.
- (18) “Tribe” means the Sault Ste Marie Tribe of Chippewa Indians.

(19) "Tribal lands" means those lands under the jurisdiction of the Tribe by operation of Federal law.

(20) "Vehicle" means every device, in, upon, or by which any person or property may be transported or drawn upon a highway. For purposes of this ordinance only, this term does not include bicycle or mobile home.

**73.103 Administration.**

Sault Tribe Law Enforcement shall have the general responsibility to enforce, implement and administer the provisions of this ordinance.

**73.104 Required Registration of Motor Vehicles.**

(1) Every motor vehicle and trailer which is driven, operated or moved upon any roadway within Tribal lands 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 subsection (2) below.

(2) A vehicle is exempt from the registration requirements of subsection (1) above under any of the following circumstances:

- (a) The vehicle is owned by the United States of America;
- (b) The vehicle is owned by a person who is a non- resident, and it is registered in conformance with the laws of any State.
- (c) The vehicle is registered under the laws of the State of Michigan.
- (d) 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 roadways within Tribal lands for the sole purpose of transporting the vehicle in the most direct route from the place of purchase to the place of storage if the driver has in his/her possession the assigned title showing the date of sale.

**73.105 Certificates of Title.**

Every motor vehicle and trailer, when driven or moved upon a roadway within Tribal lands, must have certificate of title issued by the Secretary of State, in addition to the registration requirement of Section 73.104.

**73.106 Penalties for Operating Unregistered or Untitled Vehicle.**

(1) It is unlawful for any person to drive, operate, or move a vehicle, or for an owner to knowingly permit a vehicle to be driven, operated or moved upon any roadway within

Tribal lands which is not registered, or for which the appropriate fee has not been paid, as specified in this ordinance.

(2) Any person violating subsection (1) above may be sentenced by Tribal Court to pay a civil remedial forfeiture of not more than One Hundred Dollars (\$100.00). In addition, Tribal Court shall order the violator to make application for registration and to pay the requisite fee.

**73.107 Application for Vehicle Registration.**

(1) An owner of a motor vehicle subject to registration shall make application to Sault Tribe Law Enforcement upon an appropriate form furnished by the agency, accompanied by the required fee.

(2) The application shall contain all of the following:

(a) The owner's name, the owner's residence and, if an individual, the owner's mailing address; if the owner is a firm, association, or corporation, the owner's business address shall be listed.

(b) Written proof of financial responsibility for the vehicle for which registration is sought.

(c) 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 vehicles' weight fully equipped.

(d) For a trailer, in addition to weight, the manufacturer's serial number, or in the absence of such number, a number assigned by Sault Tribe Law Enforcement. Any such number assigned by Sault Tribe Law Enforcement shall be permanently placed on the trailer in the manner and place designated by Sault Tribe Law Enforcement.

(e) For the leased vehicle, the lessee's name, residence, Michigan driver's license number or Michigan personal identification number.

(3) Sault Tribe Law Enforcement 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. In addition, Sault Tribe Law Enforcement shall, upon receipt of an application for original registration of a vehicle, first check the engine and serial number or vehicle number shown in the

application against the index maintained by the Michigan Secretary of State of stolen and recovered motor vehicles.

(4) Sault Tribe Law Enforcement shall maintain a central file of all applications for registration of motor vehicles and shall preserve the application forms for three years after the date of registration. Sault Tribe Law Enforcement shall make such records available to agencies of the Tribe, the State of Michigan, and the United States and is authorized to coordinate information sharing of such records with the Michigan Secretary of State.

### **73.108 Issuance of Certificates.**

(1) Except as provided otherwise in this ordinance, Sault Tribe Law Enforcement shall issue a registration certificate when registering a vehicle and upon receipt of the required fees.

(2) The registration certificate shall be delivered to the owner, the certificate shall contain on its face the dates issued, the name and address of the owner, the registration number assigned to the vehicle, and a description of the vehicle.

(3) It is unlawful to intentionally reproduce, alter, counterfeit, forge, or duplicate a certificate of title or to use a reproduced, altered, counterfeited, forged, or duplicated certificate of title. Any person violating this section may be sentenced by Tribal Court to pay a civil remedial forfeiture of not more than Fifteen Hundred Dollars (\$1,500.00), or imprisonment for not more than one (1) year, or both.

(4) Upon receipt of the registration certificate, the owner shall write his/her signature thereon in ink in the space provided. A registration certification 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 Tribal Court of not more than One Hundred Dollars ( \$100.00).

### **73.109 Issuance and Display of Registration Plates.**

(1) Sault Tribe Law Enforcement shall issue one (1) registration plate upon registration of 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 Sault Tribe Law Enforcement.

(2) A registration plate issued for motor vehicles owned and operated by the Tribe or an entity chartered by the Tribe shall not expire at any particular time but shall be renewed when the registration plate is worn out or is illegible. The registration plate shall be assigned upon proper application and payment of the applicable fee.

(3) The registration plate and the required letters and numeral on the plate shall be of sufficient size and be plainly readable from a distance of 100 feet during daylight. Sault Tribe Law Enforcement 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 numeral or letters on the plate.

(4) It is unlawful to operate a vehicle on roadways within Tribal lands displaying a registration plate other than the registration plate issued for the vehicle by Sault Tribe Law Enforcement. Any person violating this requirement shall be sentenced by Tribal Court to pay a civil remedial forfeiture of not more than One Hundred Dollars (\$100.00).

(5) A registration plate issued by Sault Tribe Law Enforcement shall be displayed and attached as follows;

(a) The registration plate issued for a vehicle shall be attached to the rear of the vehicle. If the vehicle is a truck trailer or road tractor, the registration plate shall be attached to the front of the vehicle.

(b) 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.

(c) 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.

(d) A person who violates this section is subject to a civil remedial forfeiture imposed by Tribal Court in an amount of not more than One Hundred Dollars (\$100.00).

(6) Registration plates, tabs, and stickers shall be treated with an effective and dependable reflective material.

### **73.110 Expiration and Renewal of Motor Vehicle Registration.**

(1) A vehicle registration issued by the Sault Tribe Law Enforcement expires on the owner's birthday, unless another expiration date is provided by this ordinance. If the owner's next birthday is less than six (6) months in the future, the owner shall receive a registration valid until the owner's birthday following the owner's next birthday.

- (2) A vehicle registration issued by Sault Tribe Law Enforcement 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.
- (3) A temporary registration may be issued to an owner of a vehicle, which shall be valid for 14 days from the date of the issue, and shall be in a form determined by Sault Tribe Law Enforcement.
- (4) Sault Tribe Law Enforcement may issue registration for a trailer, utility trailer, and a motorcycle 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 trailer, utility trailer and motorcycle shall be as provided in subsection (1) above.
- (5) 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:
  - (a) The certificate of title pertaining to the vehicle, showing ownership in the person applying for registration at the time of the application; and
  - (b) Proof of vehicle insurance in a form satisfactory to the Sault Tribe Law Enforcement.
- (6) No renewal registration shall be issued by Sault Tribe Law Enforcement if the applicant fails to comply with each and every requirement of this ordinance.
- (7) If a person, after making application for or obtaining the registration of a vehicle from the addressed name in the application as shown upon a registration certificate, or changed the name of the owner by operation of marriage or divorce, said person shall notify Sault Tribe Law Enforcement within ten (10) days of such change of address or name in writing.
- (8) In the event that a registration certificate or a registration plate is lost, mutilated, or becomes illegible, the person who is entitled to possession of such certificate or plate, or such person's legal representative or successor in interest as shown by the records of Sault Tribe Law Enforcement, shall immediately make application for and may obtain a duplicate registration. A new registration under a new registration number may be issued by Sault Tribe Law Enforcement upon such application if it determines such issuance to be advisable. The applicant shall furnish information satisfactory to Sault Tribe Law Enforcement of the basis for making the application and shall pay the fee required by this ordinance. Upon issuance of a duplicate registration certificate or plate, the previous registration certificate or plate last issued shall be void.



### **73.111 Transfer of Title.**

(1) If the owner of a registered vehicle transfers or assigns the title or interest in the vehicle, the registration plates issued for the vehicle shall be removed and transferred to the owner's spouse, mother, father, sister, brother, or child whom title or interest in the vehicle is transferred, or retained and preserved by the owner for transfer to another vehicle upon application and payment of the required fees. A person 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.

(2) A person shall not purchase or lease another vehicle and seek to transfer his/her interest through registration under this ordinance in order to avoid, hinder or circumvent provisions of Michigan law by which a vehicle is forfeited, immobilized, or subject to registration denial. Sault Tribe Law Enforcement shall not issue a registration certificate under these circumstances.

(3) Sault Tribe Law Enforcement is authorized to take possession of any registration certificate or registration plate issued by it upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, and Sault Tribe Law Enforcement or any agent thereof is authorized to take possession of any registration plate found attached to any motor vehicle for which it was not issued, or when any other unlawful use is being made thereof.

(4) Upon receipt of a properly endorsed certificate of title and application for transfer of registration, together with the required fee, Sault Tribe Law Enforcement 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.

### **73.112 Fees for Certificates, Plates, Duplicates and Transfers.**

(1) The fee for each registration certificate shall be as follows:

(a) The registration fee for an automobile shall be \$40.00.

(b) The registration fee for a truck, sport utility vehicle (as such is defined by the vehicle manufacturer) and motorized recreational vehicle shall be \$50.00.

(c) The registration fee for a trailer, including a towed recreational vehicle, shall be:

(i) Annual registration fee is \$40.00.

(ii) Six-month registration fee is \$20.00.

(iii) One-time permanent registration fee is \$120.00.

- (d) The registration fee for a utility trailer, including a boat trailer, shall be:
    - (i) Annual registration fee is \$15.00.
    - (ii) Six-month registration fee is \$7.50.
    - (iii) One-time permanent registration fee is \$45.00.
  - (e) The registration fee for a motorcycle shall be:
    - (i) Annual registration fee is \$20.00.
    - (ii) Six-month registration fee is \$10.00.
  - (f) The registration fee for any vehicle owned by the Tribe shall be \$5.00. Such fee shall be collected only upon initial registration.
- (2) The fee for issuance of a duplicate registration certificates or registration plate shall be \$15.00.
- (3) The fee for transferring a registration plate shall be \$15.00.