

Mille Lacs Band Statutes Annotated

Amendments received through: May 14, 2004

TITLE 19 - MOTOR VEHICLES

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Historical and Statutory Notes

The Preamble of Band Statute 1097-MLC-52 provides:

"It is, enacted by the Band Assembly of the Mille Lacs Band of Chippewa Indians for the purpose of establishing standards for the registration of motor vehicles, the issuance of certificates of title for conveyance of ownership, any subsequent transfer of title, establishing lawful regulations for the operation of motor vehicles and other related purposes."

Band Statute 1097-MLC-52, §§39 and 48 provide:

"Section 39. Severability. If any provision of this Chapter 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 Chapter which can be given effect without the invalid provision or application and to this end the provisions of this Chapter are declared severable."

"Section 48. Director of Reciprocity. The Director of Reciprocity, in and for the Non-Removable Mille Lacs Band of Chippewa Indians for the purpose of conducting relations pursuant to the terms of said agreement with the State of Minnesota, Department of Public Safety and any other State is hereby designated as Margie Anderson.

"Section 48.01. The Secretary Treasurer, Douglas Sam, the Director of Reciprocity, Margie Anderson, and the Solicitor General, Jay Kanassatega are hereby authorized to execute a Reciprocity Agreement with the

State of Minnesota Department of Public Safety. The said Reciprocity Agreement shall remain in full force and effect until repealed by formal legislative act of the Band Assembly, concurrence by the Chief Executive pursuant to provisions of Band Statute 1141-MLC-2, Section 17 [now 3 MLBSA §16] and proper notification to the State of Minnesota."

Cross References

Application of provisions of this title to watercraft, see 20 MLBSA §12.
Motor vehicle excise tax, see 22 MLBSA §§401, 402.

CHAPTER 1

GENERAL PROVISIONS

Section

1. Findings and determinations.
2. Definitions.
3. Reservation of right.
4. Administrative expenses.
5. Revenue distribution.
6. American Association of Motor Vehicle Administrators: policy positions.
7. Powers and duties of Secretary.
8. Cancellation of title or registration.
9. Deputy Registrar of Motor Vehicles.
10. Removal of Deputy Registrar of Motor Vehicles.
11. Court of Central Jurisdiction.
12. Limited waiver of sovereign immunity.
13. Solicitor General obligations.
14. State and territorial motor vehicle statutes and judicial proceedings; full faith and credit.
15. State and territorial non-judicial motor vehicle records; full faith and credit.
16. Motor vehicle registration forms.
17. Applicability of 24 MLBSA §3301 et seq., Remedies for Creditors, and 18 MLBSA § 301, Uniform Commercial Code.

§ 1. Findings and determinations

(a) The Band Assembly hereby finds that the registration of motor vehicles and the imposition of motor vehicle excise taxes for the privilege of using a motor vehicle on lands subject to the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians owned by enrolled members, who reside on said lands, is consistent with the statutory authority of Indian tribes across the United States of America which has been recognized by the United States Supreme Court in *Washington V. Confederated Tribes*, 447 U.S. 134 (1980).

(b) The Band Assembly hereby finds that the agreement relating to the refundment of sales and use tax and motor vehicle excise taxes which purports to grant continuing authority to the State of Minnesota to collect taxes from members of any constituent Bands of the Non-Removable

Mille Lacs Band of Chippewa Indians pursuant to 25 U.S.C. 1322 and 1326 was ultra vires, to each party; and, that the Solicitor General properly declared such agreement null and void.

(c) The Band Assembly hereby declares that the intent and purpose of Title 19 of the Mille Lacs Band Statutes Annotated is to obtain and retain forever the sovereign rights of the people who comprise the constituent Bands of the Non-Removable Mille Lacs Band of Chippewa Indians to be free from all taxation imposed by the State of Minnesota and any of its political sub-divisions by the imposition of like taxes to support government services for the people and by the people, and the same shall be liberally construed to effect this purpose. Nothing herein shall be construed as a waiver of sovereign immunity by the Non-Removable Mille Lacs Band of Chippewa Indians in any court of competent jurisdiction with the exception of limited waivers to the Court of Central Jurisdiction authorized herewith.

(d) The Band Assembly hereby finds and determines that the State of Minnesota has continued to collect motor vehicle excise taxes from enrolled members of the Non-Removable Mille Lacs Band of Chippewa Indians since December 14, 1974 in violation of the United States Supreme Court decision, *Bryan V. Itasca County*, 426 US 373 (1976).

(e) The Band Assembly hereby finds and determines that the development and implementation of this motor vehicle licensing statute is sufficient to preempt Minnesota law and hereby respectfully requests reciprocity from the State of Minnesota in the same manner it offered other governing jurisdictions. The Solicitor General is hereby authorized and directed to implement this provision.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §1.

§ 2. Definitions

In this title the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(a) Court - means the Court of Central Jurisdiction for the Mille Lacs Band of Chippewa Indians.

(b) 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.

(c) 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 Non-Removable Mille Lacs Band of Chippewa Indians.

(d) Mille Lacs Band - means the Non-Removable Mille Lacs Band of Chippewa Indians.

(e) Mille Lacs Reservation - means all lands under the jurisdiction of the Mille Lacs Band of Chippewa Indians.

(f) Mobile Home - means a vehicle designed 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 uncollapsible construction.

(g) 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.

(h) Secretary - means the Secretary of Treasury of the Mille Lacs Band of Chippewa Indians.

(i) Secured Party - means a lender, seller or other person to whom accounts or chattel paper have been sold. When 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.

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

(k) For the purposes of effectuating the terms of this title, any terms not defined herein shall have the meanings given to them in the statutes of the State of Minnesota, except when the context otherwise requires.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §2.

§ 3. Reservation of right

The Band Assembly hereby fully reserves the right to alter, amend, or increase or decrease taxes imposed herein, or repeal the several provisions of this title, and all rights and privileges granted or extended hereunder shall be subject to such reserved right.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, 41.

§ 4. Administrative expenses

In no event shall the expenses of administration of the provisions of this title exceed thirty-five percent of the gross receipts of the taxes imposed herein.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §38.02.

§ 5. Revenue distribution

All revenue derived from fees imposed by this title shall be deposited in a trust fund account in the name of Non-Removable Mille Lacs Band of Chippewa Indians-Motor Vehicle Revenue Account, which is herewith created and shall not be distributed except upon the adoption of special Revenue Resolution of the Band Assembly so directing disbursement.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §42.

§ 6. American Association of Motor Vehicle Administrators: policy positions

The Band Assembly hereby declares that the implementation of the provisions of this title shall be accomplished, as much as feasible, according to the policies promulgated by the American Association of Motor Vehicle Administrators, which are hereby incorporated by reference into this title.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §45.

§ 7. Powers and duties of Secretary

The Secretary of Treasury shall enforce all provisions of this title. He may prescribe all rules and regulations consistent with the provisions of this title through the issuance of Secretarial Orders. He may call upon the Solicitor General or any Band law enforcement officer to aid him in the performance of his duties. He may appoint such employees of the Non-Removable Mille Lacs Band of Chippewa Indians as may be required to administer the provisions of this title.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §38.01.

§ 8. Cancellation of title or registration

The Secretary 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.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §34.

§ 9. Deputy Registrar of Motor Vehicles

The Secretary-Treasurer shall nominate and the Band Assembly shall confirm one person who shall act as the Deputy Registrar of Motor Vehicles for the Non-Removable Mille Lacs Band of Chippewa Indians. This position shall not be on an employment basis with the Band, however this position is designated as self-employment under the terms and conditions established by the Band Assembly. Compensation for registration set-vices is hereby established at three dollars per vehicle registration and three dollars per issuance of certificate of title. It is hereby declared that the fees imposed hereunder shall be in addition to fees imposed in 19 MLBSA §109.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §46.

§ 10. Removal of Deputy Registrar of Motor Vehicles

Any Deputy Registrar who shall act in a manner not consistent with the exercise of authority conferred in this title or pursuant to Secretarial Order may be suspended from further duty, for just cause, by the Secretary/Treasurer. Removal of the Deputy Registrar from office shall be initiated by the Secretary/Treasurer, subject to formal hearing and review by the Band Assembly, after provisions of due process rights. Under no circumstances shall any suspension exceed two weeks without hearing in the Band Assembly. The Secretary/Treasurer is authorized to temporarily appoint another Deputy Registrar in the event of inability or disability of the Deputy Registrar to perform the duties herein.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §47.

Cross References

Due process, see 1 MLBSA § 8.

§ 11. Court of Central Jurisdiction

The Court of Central Jurisdiction is hereby granted subject matter jurisdiction for any cause of action which arises from this title. Nothing in this title shall be construed as a waiver of sovereign immunity of the Non-Removable Mille Lacs Band of Chippewa Indians in any state or federal court of competent jurisdiction. Associate Justices of the Court of Central Jurisdiction shall have original jurisdiction over all causes of action which arises from any provisions of this title. A Criminal Division is hereby created in the Court of Central Jurisdiction to hear causes of actions arising from this title. The Court of Central Jurisdiction is additionally authorized to adjudicate unwritten cultural law causes of action pursuant to rules and regulations promulgated by Court order.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §38.

Cross References

Subject matter jurisdiction, court of central Jurisdiction, see 5 MLBSA § 111.

§ 12. Limited waiver of sovereign immunity

The Band Assembly hereby waives sovereign immunity to be sued only in the Court of Central Jurisdiction in any seizure of property matter pursuant to provisions of this title.

However, any such action shall only be directed against the Secretary of Treasury, in his/her official capacity in order to challenge any seizure action. Any and all seizure causes of action which arise pursuant to this title shall be limited to actions against the Secretary of Treasury in his/her official capacity for an order returning any seized goods. All other causes of action which arise pursuant to this title 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.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §40.

Cross References

Seizure and confiscation of certain substances and vehicles containing them, see 19 MLBSA §503.
Unregistered or improperly registered vehicles, seizure and impoundment, see 19 MLBSA §105.

§ 13. Solicitor General obligations

The Solicitor General shall represent the interests of the Non-Removable Mille Lacs Band of Chippewa Indians and the Secretary of Treasury in any matter arising from any provisions of this title before the Court of Central Jurisdiction.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §43.

§ 14. State and territorial motor vehicle statutes and judicial proceedings; full faith and credit

(a) The Acts of the Legislature of any state, territory or possession of the United States or any federally recognized Indian Tribe, relating to any matter of motor vehicle titling or registration or the operation of motor vehicles on any public highway, road or street or copies thereof, shall be authenticated by affixing the seal of such state, territory or possession of the United States or any federally recognized Indian Tribe thereto

(b) The Motor Vehicle records and any judicial motor vehicle proceedings of any court of any such state, territory or possession of the US or any recognized Indian Tribe, or copies thereof, shall be proved or admitted in the Court of Central Jurisdiction by the attestation of the Clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form.

(c) Such Acts, records and judicial proceedings or copies thereof, so authenticated shall have the same full faith and credit in the Court of Central Jurisdiction as they have by law or usage in the courts of such state, territory or possession of the United States or any federally recognized Indian Tribe from which they are taken provided that any such state, territory or possession of the United States or any federally recognized Indian Tribe has executed a motor vehicle reciprocity agreement with the Non-Removable Mille Lacs Band of Chippewa Indians.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §50.

§ 15. State and territorial nonjudicial motor vehicle records; full faith and credit

(a) All non-judicial motor vehicle records or books kept in any public office of any state, territory or possession of the United States or any federally recognized Indian Tribe, or copies thereof, shall be proved or admitted in the Court of Central Jurisdiction or any office of the Non-Removable Mille Lacs Band of Chippewa Indians by the attestation of the custodian of such records or books and the seal of his office annexed, if there be a seal, together with a certificate of a judge of a court of record of the county, parish, or district in which such office may be kept, or of the Governor, any duly appointed officer of the Governor or Secretary of State, the chancellor or keeper of the great seal of the state, territory or possession of the United States or any federally recognized Indian Tribe that the said attestation is in due form and by the proper offices.

(b) If the certificate is given by a judge, it shall be further authenticated by the Clerk of Court, who shall certify, under his/her hand and the seal of his/her office that such judge is duly commissioned and qualified; or, if given by the Governor, executive appointee, secretary, chancellor or keeper of the great seal, it shall be under the great seal of the state, territory or possession of the United States or any federally recognized Indian Tribe in which it is made.

(c) Such records or books or copies thereof, so authenticated shall have the same full faith and credit in the Court of Central Jurisdiction and every public office of the Non-Removable Mille Lacs Band of Chippewa Indians, as they have by law or usage in the courts or offices of the state, territory or possession of the United States or any federally recognized Indian Tribe from which they are taken provided that any such state, territory or possession of the United States or any federally recognized Indian Tribe has executed a motor vehicle reciprocity agreement with the Non-Removable Mille Lacs Band of Chippewa Indians.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52. §51.

§ 16. Motor vehicle registration forms

The Deputy Registrar is hereby authorized and empowered to utilize any form presently in use by the Minnesota Department of Public Safety for any matter related to fulfilling the mandates of this Band Statute as an official form of the Mille Lacs Band of Chippewa Indians. Any such form so utilized, shall be modified by the Deputy Registrar wherever necessary to comply with applicable provisions of this title. All such forms bearing the name of the Minnesota Department of Public Safety or the logo of the said Department shall be treated as the official form of the Mille Lacs Band of Chippewa Indians for the purpose so designated in the title of the form.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §49.

§ 17. Applicability of 24 MLBSA §3301 et seq., Remedies for Creditors, and 18 MLBSA §301, Uniform Commercial Code

The provisions of 24 MLBSA §3301 et seq., Remedies for Creditors, and 18 MLBSA §301, Uniform Commercial Code of the State of Minnesota, are hereby declared as mandatory provisions of Band law available to lien holders for the recovery of a vehicle when the owner of record is in default of any security agreement entered into with a member of the Non-Removable Mille Lacs Band of Chippewa Indians who resides on land subject to the jurisdiction of the Band. Provisions for due process in the Court of Central Jurisdiction pursuant to 24 MLBSA §3301 et seq. are mandatory prior to any repossession action by any lien holder.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §44.

Cross References

Security interests, certificates of title, see 19 MLBSA §271 et seq.

CHAPTER 2
REGISTRATION

Subchapter Section	Section
I. General Provisions	101
II. Registration Plates	141

SUBCHAPTER I
GENERAL PROVISIONS

Section

- 101. Operating unregistered or improperly registered vehicle.
- 102. When vehicles exempt from registration.
- 103. Exemption of nonresidents.
- 104. Penalties.
- 105. Seizure and impoundment of vehicles.
- 106. Application for registration.
- 107. Grounds for refusing registration.
- 108. Contents, issuance and display of certificates of registration; issuance of duplicate certificate.
- 109. Annual registration fees.
- 110. When fees refundable.
- 111. When registration to be suspended.

§ 101. Operating unregistered or improperly registered vehicle

(a) It is unlawful for any person to operate or for an owner to consent to being operated on any roads of the Mille Lacs Reservation or roads subject to the jurisdiction of the Band, 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 Mille Lacs Reservation or is exempt from registration.

(b) 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 lands subject to the jurisdiction of the Band, once the person has obtained a temporary 21 days registration certificate from the Secretary. 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 so as not to obstruct the rear-view of any driver. The Secretary shall issue no other temporary registration certificate upon the expiration of the first 21 days permit.

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

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §3.

§ 102. When vehicles exempt from registration

A vehicle even though operated upon roads 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 registration; or
- (b) Is an implement of husbandry used exclusively in or incidental to agricultural operations; or
- (c) Is a trailer or semitrailer permanently equipped with a well-drilling outfit and used exclusively for such purposes; or
- (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; or
- (f) Is a motor vehicle being towed; or
- (g) Is a piece of road machinery; or
- (h) Is a motor truck which is operated upon a highway only when directly crossing such highway; or
- (i) Is a motor vehicle last registered in another jurisdiction.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §4.

§ 103. Exemption of nonresidents

(a) Any vehicle which is registered in another jurisdiction is exempt from the laws of the Non-Removable Mille Lacs Band of Chippewa Indians providing for the registration of such vehicles if:

(1) The vehicle carried a registration plate indicating the registration in such other jurisdiction; and

(2) The vehicle is owned by a nonresident of the Mille Lacs Reservation; and

(3) The jurisdiction in which the vehicle is registered allows such vehicles when registered in the Mille Lacs Reservation to be operated tax free upon its roads under conditions substantially as favorable to residents of the Mille Lacs Band as to its own residents.

(b) If the owner of any such vehicle moves to the Mille Lacs Reservation or if the vehicle is purchased by a resident of the Mille Lacs Reservation the vehicle immediately becomes subject to the laws of the Mille Lacs Reservation providing for the registration of vehicles.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §13.

§ 104. Penalties

Any person violating 19 MLBSA §101(a) may be fined not more than \$50.00 or imprisoned not more than 30 days, or both. In addition to imposing the penalty, the Court shall order the offender to make application for registration or reregistration and to pay the fee thereof.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §3.03.

§ 105. Seizure and impoundment of vehicles

If upon order of the Court of Central Jurisdiction to register or reregister 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 title. 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 Secretary 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 19 MLBSA §2(g). 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 within the Mille Lacs Band.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §3.04.

Cross References

Actions challenging seizure of property. see 19 MLBSA §13.

§ 106. Application for registration

(a) Application for original registration and for renewal of registration shall be made to the Secretary of Treasury of the Mille Lacs Band of Chippewa Indians upon forms prescribed by him and shall be accompanied by the required fee.

(b) Applications for original registration of a vehicle shall contain the following information:

- (1) The name of the owner.
- (2) The address of the owner.
- (3) A description of the vehicle, including make, model, identifying number and any other information which the Mille Lacs Band may reasonably require for proper identification of the vehicle.
- (4) The District in which the vehicle is kept.

(5) Such further information as the Secretary may reasonably require to enable him to determine whether the vehicle is by law entitled to registration or to enable him to determine the proper registration fee for the vehicle.

(6) Proof of liability insurance. The Deputy Registrar shall conduct periodic insurance checks on any vehicles registered under the jurisdiction of the Band. Any said check shall be random in nature and occur 60 days after issuance of license plates.

(c) Applications for removal of registration shall contain the information required in subsection (b) for applications or such parts thereof as the Secretary deems necessary to assure the proper registration of the vehicle.

(d) If the applicant for a certificate of registration is under 18 years of age, the application shall be accompanied by a statement made and signed by the person or guardian having custody of the applicant, stating that the applicant has the consent of such person or guardian to register such vehicle in the applicant's name. The signature on 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 subsection may be fined not more than \$50.00 or imprisoned not more than 30 days, or both.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §5.

Cross References

Designation of districts, see 2 MLBSA §11.

License plates for handicapped persons, see 19 MLBSA §602.

§ 107. Grounds for refusing registration

The Secretary 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 Mille Lacs Reservation; or

(b) The required fee has not been paid; or

(c) The applicant has failed to furnish the information or documents required by the Mille Lacs Band pursuant to this title; or

(d) A certificate of title is a prerequisite to registration of the vehicle and applicant does not hold a valid certificate of title and is not entitled to the issuance of a certificate of title; or

(e) The applicant has had his registration suspended or revoked in accordance with 19 MLBSA §111 and such suspension or revocation still is in effect.

(f) Proof of liability insurance.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §6.

Cross References

Certificates of title, prerequisite to registration, see 19 MLBSA §202.

§ 108. Contents, issuance and display of certificates of registration; issuance of duplicate certificate

(a) The Secretary 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 Secretary deems advisable.

(b) The Secretary 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 \$2.50.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §7.

§ 109. Annual registration fees

(a) A registration fee as herein set forth shall be paid for all motor vehicles, not exempted by 10 MLBSA §102, using the public streets or roads of the Mille Lacs Reservation for each calendar year on the following basis:

(1) During the first three years of vehicle life \$50.00 per calendar year.

(2) During the fourth through seventh years of vehicle life \$25.00 per calendar year.

(3) During the eighth and succeeding years of vehicle life \$20.00 per calendar year.

(4) A registration fee of \$10.00 shall be paid for all motorcycles using the public streets and roads of the Mille Lacs Reservation for each calendar year.

(5) A registration fee of \$10.00 biennium shall be paid for two wheel utility trailers. Any other recreational trailer (s) shall be registered at a fee of \$20.00 biennium.

(b) Pro-rated fee - When a motor vehicle first becomes subject to registration during the calendar year, the registration fee shall be for the remainder of the year prorated on a monthly basis, one-twelfth of the annual registration fee for each calendar month or fraction thereof.

Historical and Statutory Notes

Source: Band Statute 1 097-MLC-52, §11.

§ 110. When fees refundable

(a) The Mille Lacs Band shall not refund a fee paid to it except when expressly authorized or directed by this section.

(b) The Mille Lacs 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 Mille Lacs Band and upon furnishing of such proof as the Secretary may require that the vehicle will not be operated in the Mille Lacs Reservation during the remainder of the period for which the vehicle is registered, and returns to the Mille Lacs 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 of the Mille Lacs Reservation.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §12.

§ 111. When registration to be suspended

(a) Any Justice of the Court of Central Jurisdiction for the Mille Lacs Band of Chippewa Indians shall suspend the registration when:

(1) The registration was completed through fraud or error and the person who registered the vehicle does not or cannot register the vehicle properly; or

(2) The required fee has not been paid and the same is not paid upon reasonable notice and demand.

(b) Any registration suspended pursuant to this section continues to be suspended until reinstated by the Court. The Court shall reinstate the registration when the reason for the suspension has been removed.

(c) 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 Mille Lacs Band. Any person who fails to return the plates as required by this section may be required to forfeit not more than \$50.00.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §17.

SUBCHAPTER II

REGISTRATION PLATES

Section

- 141. Issuance and delivery of registration plates.
- 142. Design of registration plates.
- 143. Display of registration plates.
- 144. Issuance of duplicate plates.
- 145. List of registration plates issued.

Cross References

License plates for handicapped persons, see 19 MLBSA §602.

§ 141. Issuance and delivery of registration plates

The Secretary upon registering a vehicle pursuant to this title 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, and one plate for other vehicles registered unless the Secretary believes that two plates will better serve the interests of law enforcement.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §8.

§ 142. Design of registration plates

(a) The Band Assembly shall determine the size, color, and design of registration plates with a view toward making them visible evidence of the period for which the vehicle is registered, as well as making them a ready means of identifying the specific vehicle or owner for which the plates were issued.

(b) All registration plates shall have displayed upon them the following:

(1) The registration number of letters assigned to the vehicle or owner.

(2) The name "Mille Lacs Band of Chippewa Indians" or an abbreviation thereof.

(3) An indication of the period for which the specific plate is issued or the date of expiration of registration.

(4) All registration plates issued shall be treated with a reflectorized material.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §§8.01, 8.02.

§ 143. Display of registration plates

(a) When two registration plates are issued for a vehicle, one such plates shall be attached to the front and one to the rear of the vehicle. Whenever only one registration plate is issued, it shall be attached to the rear.

(b) 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 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.

(c) Any of the following may be required to forfeit not more than \$50.00:

(1) A person who operates a vehicle for which current registration plate or insert tag have been issued without such plate or tag being attached to the vehicle;

(2) A person who operates a vehicle with a registration plate 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;

(3) A person who operates a vehicle with a registration plate in an illegible condition due to the accumulation of dirt or other foreign matter.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §9.

§ 144. Issuance of duplicate plates

(a) Whenever a current registration plate is lost or destroyed, the owner of the vehicle to which the plate was attached shall immediately apply to the Secretary for replacement. Upon satisfactory proof of the loss or destruction of the plate and upon payment of a fee of \$5.00 and the cost of replacement, the Secretary shall issue a replacement.

(b) Whenever a current registration plate becomes illegible, the owner of the vehicle to which the plate is attached shall apply to the Secretary for a replacement. Upon receipt of satisfactory proof of illegibility, and upon payment of all costs and a fee of \$5.00, the Secretary shall issue a replacement. Upon receipt of his replacement plate, the applicant shall forthwith surrender to the Secretary his illegible plate.

(c) When issuing a replacement plate, the Secretary 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, if two plates were issued.

(d) Any person issued replacement plates who fails to surrender his illegible plates as required by subsection (c) may be required to forfeit not more than \$50.00.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §10.

§ 145. List of registration plates issued

The Secretary shall keep an accurate and updated list of every registration plate issued, the number thereof, the name of the owner and the description of the motor vehicle.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §10.04.

CHAPTER 3

CERTIFICATES OF TITLE

Subchapter	Section
I. General Provisions	201
II. Transfer of Title	241
III. Security Interests	271

SUBCHAPTER I

GENERAL PROVISIONS

- Section**
- 201. When certificate of title required.
 - 202. Prerequisite to registration.
 - 203. Application for certificate of title.
 - 204. New vehicles; certificate of origin.
 - 205. Maintenance of records.
 - 206. Contents of certificate of title.
 - 207. Grounds for refusing issuance of certificate of title.
 - 208. Lost, stolen or mutilated certificates.

209. Fees.

210. Suspension or revocation of certificate.

§ 201. When certificate of title required

The owner of a vehicle subject to registration on the Mille Lacs Reservation whether or not such vehicle is operated on any roads of the 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 a vehicle for which he does not hold a valid certificate of title previously issued to him by the Secretary for the vehicle in question, he shall at the same time apply for a certificate of title.
- (c) A vehicle which is presently in possession.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §18.

§ 202. Prerequisite to registration

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 Secretary 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.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §18.01

Cross References

Grounds for refusing registration, see 19 MLBSA §107.

§ 203. Application for certificate of title

An application for a certificate of title shall be made to the Secretary upon a form prescribed by him and shall be accompanied by the required fee. Each application for 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, identifying number and any other information which the Secretary 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 names and addresses 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 reasonable be required by the Secretary 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 last 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, such statement to be in the form the Secretary prescribes, and shall furnish a certification by a law enforcement officer, or by an employee designated by the Secretary to the effect that the physical description of the motor vehicle has been checked and conforms to the description given in the application.

(g) Each applicant for a certificate of title shall surrender to the Secretary or his designee, any and all other certificates 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 Non-Removable Mille Lacs Band of Chippewa Indians.

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

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §19.

Cross References

Fraudulent application for certificate of title, see 19 MLBSA §§301, 302.
Tampering with odometer reading, see 19 MLBSA §303.

§ 204. New vehicles; certificate of origin

It is hereby specifically required that the automobile manufacturer's certificate of origin be surrendered to the Secretary or his designee prior to any lawful registration and titling of any new vehicle.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §19.01.

§ 205. Maintenance of records

The Secretary shall maintain a record of all applications and all certificates of title issued by him:

- (a) According to title number.
- (b) Alphabetically, according to name of owner.
- (c) In any other manner which the Secretary determines to be desirable.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §20.

§ 206. Contents of certificate of title

- (a) Each certificate of title issued by the Secretary shall contain:
 - (1) The name and address of the owner.
 - (2) The names of any secured parties in the order of priority as shown on the application, or if the application is based on another certificate of title, as shown on such certificate.
 - (3) The title number assigned to the vehicle.
 - (4) A description of the vehicle, including make, model and identifying number.
 - (5) 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.

(6) Any other data which the Secretary deems pertinent and desirable.

(b) 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.

(c) A certificate of title issued by the Secretary is prima facie evidence of the facts appearing on it.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §21.

Cross References

Tampering with odometer, see 19 MLBSA §303.

§ 207. Grounds for refusing issuance of certificate of title

The Secretary 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; or
- (b) The application contains false or fraudulent statement; or
- (c) The applicant fails to furnish the information or documents required by this Statute.
- (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.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §22.

Cross References

Fraudulent application for certificate of title, see 19 MLBSA §301, 302.
Tampering with odometer reading, see 19 MLBSA §303.

§ 208. Lost, stolen or mutilated certificates

If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal representative of the owner named in the certificate, as shown by the records of the Secretary shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Secretary. 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".

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §23.

§ 209. Fees

The Secretary shall be paid the following fees:

- (a) For filing an application for the first certificate of title \$5.00 by the owner of the vehicle.
- (b) For the original notation and subsequent release of each security interest noted upon a certificate of title, a single fee of \$5.00 by the owner of the vehicle.
- (c) For a duplicate certificate of title \$10.00 by the owner of the vehicle.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §24.

§ 210. Suspension or revocation of certificate

- (a) The Secretary shall suspend or revoke a certificate of title if he finds:
 - (1) The certificate of title was fraudulently procured, erroneously issued, or prohibited by law; or
 - (2) The vehicle has been scrapped, dismantled or destroyed; or
 - (3) A transfer of title is set aside by a court by order or judgment.

(b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(c) When the Secretary 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 Secretary.

(d) The Secretary may seize and impound any certificate of title which has been suspended or revoked.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §33.

Cross References

Fraudulent application for certificate of title, see 19 MLBSA §§301 , 302.

SUBCHAPTER II

TRANSFER OF TITLE

Section

241. Transfer of interest in vehicle.

242. Death of owner.

243. When Secretary to issue new certificate.

244. Penalties.

§ 241. Transfer of interest in vehicle

(a) If an owner transfers his interest in a vehicle other than by the creation of a security interest, 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 therefore on the certificate. With respect to motor vehicles that are not twenty-six (26) years of age or older, the transferor shall also, in the space provided therefore on the certificate state the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage. The transferor shall cause the certificate and assignment to be mailed or delivered to the transferee or the Band's Secretary of Treasury.

(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 therefore on the certificate and cause the certificate and application to be mailed or delivered to the Secretary.

(c) 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 this section requiring action by him is not liable as owner for any damages thereafter resulting from operation of the vehicle.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §25.

Cross References

Fraudulent practices involving registration and titling of motor vehicle, see 19 MLBSA §302.

§ 242. Death of owner

When any person dies testate or intestate and said person is the legal owner of a vehicle registered under the laws of the Non-Removable Mille Lacs Band of Chippewa Indians, the Secretary shall issue a new certificate of title only upon receipt of an order from the Court of Central Jurisdiction so directing any said issuance, provided that the new legal owner is a person eligible to have said vehicle registered under the laws of this Band.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §25.05.

§ 243. When Secretary to issue new certificate

The Secretary 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 statute, to support the transfer, shall issue a new certificate of title in the name of the transferee as owner.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §26.

§ 244. Penalties

(a) An 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 19 MLBSA §241(a) may be required to forfeit not more than \$50.00.

(b) Any transferee of a vehicle who fails to make application for a new certificate of title immediately upon transfer to him 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 Secretary or deposited in the mail properly addressed with postage required.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §§25.03, 25.04.

SUBCHAPTER III

SECURITY INTERESTS

Section

- 271. Perfection of security interests.
- 272. Duties on creation of security interest.
- 273. Assignment of security interest.
- 274. Release of security interest.
- 275. Secured party's duties.
- 276. Owner's duties.
- 277. Methods of perfecting exclusive.

§ 271. Perfection of security interests

(a) 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 in this title.

(b) A security interest in perfected by the delivery to the Secretary 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 his security agreement, the required fee. It is perfected as of the time of its creation if such delivery is completed within 10 days thereafter.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §27.

Cross References

Applicability of statutes relating to remedies of creditors and Uniform Commercial Code, see 19 MLBSA §18 [Digitizer's note: Section not in digital copy].

§ 272. Duties on creation of security interest

If an owner creates a security interest in a vehicle:

- (a) The owner shall immediately execute, in the space provided therefore on the certificate of title or on a separate form prescribed by the Secretary 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.
- (b) The secured party shall immediately cause the certificate, application and the required fee to be mailed or delivered to the Secretary.
- (c) Upon receipt of the certificate of title, application and the required fee, the Secretary shall issue to the secured party a new certificate which contains the name and address of the lien-holder.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §28.

§ 273. Assignment of security interest

- (a) 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 of 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.
- (b) 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 Secretary the certificate and an assignment by

the secured party named in the certificate in the form the Secretary prescribes.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §29.

§ 274. Release of security interest

(a) 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 Secretary prescribes, a release of the security interest in the form and manner prescribed by the Secretary. If the secured party fails to execute and deliver such a release within 10 days after receipt of the owner's written demand therefore he shall be liable to the owner for \$25.00 and for any loss caused to the owner by such failure.

(b) 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 Secretary, which shall release the secured party's rights on the certificate and issue a new certificate.

Historical and Statutory Notes

Source: Band Statute 1097-ML-52, §30.

§ 275. Secured party's duties

(a) 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.

(b) Any secured party who fails to disclose information pursuant to subsection (a) shall be liable for any loss caused to owner thereby.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §31.

§ 276. Owner's duties

(a) 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 security interest is to be assigned, extended or perfected.

(b) Any owner who fails to deliver the certificate of title to a secured party requesting it pursuant to subsection (a) shall be liable to such secured party for any loss caused to the secured party thereby and may be required to forfeit not more than \$25.00.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §§31.01, 31.03.

§ 277. Methods of perfecting exclusive

The method provided in this title of perfecting and giving notice of security interests subject to this title is exclusive.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §32.

CHAPTER 4

FRAUDULENT PRACTICES

Section

- 301. Fraudulent application for certificate of title.
- 302. Fraudulent practices involving registration and titling of motor vehicle.
- 303. Tampering with odometer reading.
- 304. Improper use of evidence of registration.
- 305. False evidence of registration.

Cross References

Fraud, see 24 MLBSA §1154.

§ 301. Fraudulent application for certificate of title

A person who with fraudulent intent uses a false or fictitious name or address, or makes a material 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 term of not more than 180 days incarceration, a five hundred dollar fine or exclusion from the Band for not more than 180 days, or all of the above.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §14.

Cross References

Application for certificate of title, see 19 MLBSA §203.
Grounds for refusing issuance of certificate of title, see 19 MLBSA §207.
Suspension or revocation of certificate of title, see 19 MLBSA §210.

§ 302. Fraudulent practices involving registration and titling of motor vehicle

A person is in violation of the provisions of this title who with fraudulent intent permits another, not entitled thereto, to use or have possession of a certificate of title, who willfully fails to mail or deliver a certificate of title to the Secretary of Treasury within ten days after legal sale or transfer of interest; who commits fraud in any application for a certificate of title, who fails to notify the Secretary of Treasury or his designee of any fact required under the provisions of this title; or, who willfully violates any provisions of this Statute shall be guilty of fraudulent practices involving the registration and titling of a motor vehicle and upon conviction sentenced to up to 180 days incarceration and/or a fine of up to five hundred dollars.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §14.01.

Cross References

Application for certificate of title, see 19 MLBSA §203.
Grounds for refusing issuance of certificate of title, see 19 MLBSA §207.
Transfer of interest in vehicle, certificates of title, see 19 MLBSA §241.

§ 303. Tampering with odometer reading

Any 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 term of not more than 180 days incarceration and a punitive fine not to exceed five hundred dollars. Any person so convicted pursuant to the provisions of this section is liable for all Court costs including compensatory damages that result from his/her unlawful acts payable to the injured party at the direction of the Court.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §14.02.

Cross References

Application for certificate of title, see 19 MLBSA §203.
Contents of certificate of title, see 19 MLBSA §206.
Grounds for refusing issuance of certificate of title, see 19 MLBSA §207.
Suspension or revocation of certificate of title, see 19 MLBSA §210.

§ 304. Improper use of evidence of registration

Any person who does any of the following may be fined not more than \$50.00 or imprisoned not more than 30 days, or both:

- (a) Lends to another a registration plate, knowing that the person borrowing the plate is not authorized by law to use it; or
- (b) Display 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.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §15.

§ 305. False evidence of registration

Whoever operates or has in his possession a motor vehicle, mobile 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 Mille Lacs Band may be fined not more than \$50.00 or imprisoned not more than 30 days, or both.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §16.

CHAPTER 5

TRAFFIC VIOLATIONS

Section

- 401. Driver's license.
- 402. Insurance.
- 403 . Careful and prudent driving; speed.
- 404. Reckless driving.
- 405. Driving under influence of alcohol or controlled substance.
- 406. Open bottle law.
- 407. Parking in restricted area.
- 408. Definitions.
- 409. Signs, signals marking.
- 410. Unauthorized signs.
- 411. Unlawful to possess, alter or remove signs.
- 412. Accidents.
- 413. Impeding traffic.
- 414. Emergency vehicles.
- 415. Right of way.
- 416. Operation of bicycles.
- 417. Stopping, standing and parking.
- 418. Police may move cars.
- 419. Good Samaritan.
- 420. Obstructing view of driver.
- 421. Littering.
- 422. School buses.
- 423. Hitching behind vehicles.
- 424. Vehicle lighting.
- 425. Head lamps.
- 426. Rear lamps.
- 427. Vehicle signals.
- 428. Brakes.
- 429. Horns.
- 430. Mufflers.
- 431. Rear view mirrors.
- 432. Windshields.

- 433. Surface of tires; tires with metal studs.
- 434. Offenses et al.
- 435. Interpretation and effect.
- 436. Uniform traffic ticket.
- 437. Fine.
- 438. Guilty plea.

Historical and Statutory Notes

Band Statute 1097-MLC-52, §35.11 provides:

The following addition provisions of Minnesota Statutes Chapter 169 relating to the Highway Traffic Regulations shall be incorporated by reference as traffic regulations of the Mille Lacs Band of Chippewa Indians.

<u>Minnesota Statute</u>	<u>Title</u>	<u>Band Codification Section</u>
Chapter 169.01	<u>Definitions</u>	35.12
169.06	<u>Signs, Signals Marking</u>	35.13
169.07	<u>Unauthorized Signs</u>	35.14
169.08	<u>Unlawful to Possess, Alter, Deface or Remove Signs</u>	35.15
169.09	<u>Accidents</u>	35.16
169.15	<u>Impeding Traffic</u>	35.17
169.17	<u>Emergency Vehicles</u>	35.18
169.20	<u>Right of Way</u>	35.19
169.222	<u>Operation of Bicycles</u>	35.20
169.32 & 169.34	<u>Stopping, Standing and Parking</u>	35.21
169.33	<u>Police May Move Cars</u>	35.22
169.342	<u>Good Samaritan</u>	35.23
169.37	<u>Obstructing View of Driver</u>	35.24
169.42 & 169.421	<u>Littering</u>	35.25
169.44	<u>School Buses</u>	35.26
169.46	<u>Hitching Behind Vehicles</u>	35.27
169.48	<u>Vehicle Lighting</u>	35.29

169.49	<u>Head Lamps</u>	35.29
169.50	<u>Rear Lamps</u>	35.20
169.57	<u>Vehicle Signals</u>	35.21
169.67	<u>Brakes</u>	35.32
169.68	<u>Horns</u>	35.33
169.69	<u>Mufflers</u>	35.34
169.70	<u>Rear View Mirrors</u>	35.35
169.71	<u>Windshields</u>	35.36
169.72	<u>Surface of Tires, Tires with Metal Studs</u>	35.37
169.90 through 169.95, inclusive	<u>Offenses et al.</u>	35.37
169.96	<u>Interpretation and Effect</u>	35.39
169.99	<u>Uniform Traffic Ticket</u>	35.40

"The above-reference Sections of Minnesota Statute Chapter 169 are hereby incorporated as sub-sections of Section 35 of this Band Statute. A sub-section provisions within any specific section of Chapter 169 which is not listed is hereby incorporated as a specific sub-sectional provisions within Section 35 of this Band Statute. Any violation of the above-referenced Sections of Chapter 169 of Minnesota Statutes shall be cited by any Band Law Enforcement Officer as a specific subsection violation of Section 35 of this Band Statute."

Cross References

Juvenile delinquency, violations heard in Criminal Division, see 24 MLBSA §4305.
Off-road use of motor bikes, cycles or scooters, criminal offenses, see 24 MLBSA §1262.

§ 401. Driver's license

(a) Any person who shall drive or operate any motor vehicle which is self-propelled and any vehicle propelled or drawn by a self-propelled vehicle, and not deriving its power from overhead wires with the exception of snowmobiles, shall do so under a valid license issued by any domestic or foreign Department of Public Safety. Any privilege to operate a motor vehicle which is suspended by the Commissioner of Public Safety shall also suspend said right on roads under the jurisdiction of the Band. Any person who shall operate any motor vehicle without a license, shall be deemed guilty of an offense and upon conviction thereof, may be

sentenced to labor for a period of time not to exceed 180 days, and/or a fine not to exceed \$500.00

(b) Any person who is licensed in good standing to operate a motor vehicle shall have his/her license in his/her immediate possession at all times when operating a motor vehicle and shall display the same upon demand of an officer authorized by law to enforce provisions of this title. However, no person shall be found guilty of a lack of possession offense if he shall produce a valid driver's license to the Law Enforcement Administration within 5 days of the date of a citation. Any person who fails to produce a valid driver's license shall be deemed guilty of an offense, and upon conviction thereof, may be fined in an amount not to exceed \$100.00, and be required to post an assurance bond in an amount deemed appropriate by the Court.

(c) Any person whose driver's license or driving privilege has been suspended shall not operate a motor vehicle under any loan, lease or rental conditions from any licensed owner of a motor vehicle, except under conditions of emergency medical care for another person. Any person who shall so act, shall be deemed guilty of an offense, and upon conviction thereof, shall be sentenced to labor for a period of time not to exceed 180 days, and/or a fine not to exceed \$500.00.

Historical and Statutory Notes

Source: Band Statute 1164-MLC-6, §§53.01, 53.03, 53.04.
Band Statute 1097-MLC-52, §§35.01, 35.03, 35.04.

§ 402. Insurance

(a) Any person who shall own a motor vehicle of a type which is required to be registered under the laws of the Non-Removable Mille Lacs Band of Chippewa Indians or licensed or is principally garaged on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians shall maintain during the period in which operation or use is contemplated a plan of reparation insuring against loss resulting from liability imposed by law for injury and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the motor vehicle. The non-resident owner of a motor vehicle which is not required to be registered or licensed, or which is not principally garaged on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, shall maintain such security in effect continuous throughout the period of operation, maintenance or use of such motor vehicle on the roads under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians with respect to accidents that occur on lands under the

jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians. Any person who shall operate a motor vehicle on lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians without motor vehicle insurance coverage, shall be deemed guilty of operating a motor vehicle without insurance, and upon conviction thereof, shall be sentenced to labor not to exceed a period of 180 days, and/or a fine not to exceed \$500.00.

(b) Upon the request of a law enforcement official, any person operating a vehicle registered under the laws of the Band, shall display to said officer proof of vehicle insurance. Failure to provide such proof within seven (7) days from the date of request, shall be grounds for the Court to order the seizure of the vehicle license plate and/or vehicle.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §§35.08, 35.42.
Band Statute 1164-MLC-6, §54.08.

Cross References

Government employees, summary dismissal, see 6 MLBSA § 103.

§ 403. Careful and prudent driving; speed

(a) Every person operating a vehicle of any character on a public road within the territorial jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians shall drive in a careful and prudent manner, and generally at a rate of speed no greater than is reasonable and proper, and so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of the road. A speed limit of 30 miles per hour is established as reasonable and proper.

(b)(1) No person shall drive a vehicle on any road under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the roads in compliance with the legal requirement and the duty of all persons to use due care.

(2) Where no special hazard exists, a speed limit of 30 miles per hour shall be lawful, but any speeds in excess of such limit shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

Whosoever violates the provisions of this subsection shall be deemed guilty of a speeding offense, and upon conviction thereof, shall be sentenced to a fine of \$ 1 00.00 for the first offense, and an additional \$100.00 for each conviction thereafter. Any person whom the Court deems to be a habitual speeder after two convictions within a six month period of time shall be required to forfeit driving privileges and to post an assurance bond in the amount of \$500.00.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.
Band Statute 1164-MLC-6, §53.

§ 404. Reckless driving

Any person who shall drive or operate any motor vehicle, or any other vehicle, including a snowmobile and three wheel vehicle, in a manner dangerous to the public safety, shall be deemed guilty of an offense of reckless driving, and upon conviction thereof, shall be sentenced to labor for a period of time not to exceed 1 80 days, and/or a fine not to exceed \$500.00. Additionally, at the discretion of the Court, the privilege to operate a motor vehicle on any road under the jurisdiction of the Band may be suspended for a period not to exceed 180 days.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.02.
Band Statute 1164-MLC-6, §53.02.

§ 405. Driving under influence of alcohol or controlled substance

Any person who shall operate, drive or be in physical control of any motor vehicle on the roads under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, when such person is under the influence of alcohol, or when such person is under the influence of a controlled substance, or when such person is under the influence of any combination of the above two conditions, or when any such person's alcohol concentration is 0.10 or more, shall be deemed guilty of driving under the influence, and upon conviction thereof, shall be sentenced to labor for a period not to exceed 1 80 days, and/or a fine not to exceed \$500.00, and/or be required to post an assurance bond in an amount at the discretion of the Court.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.05.
Band Statute 1164-MLC-6, §53.05.

Cross References

Government employees, summary dismissal, see 6 MLBSA § 103.
Prohibited drugs, see 23 MLBSA §1 et seq.

§ 406. Open bottle law

Any person who shall have in his/her possession on his person while in a private motor vehicle upon the roads under the jurisdiction of the Band, any bottle or receptacle containing intoxicating liquor or non-intoxicating malt liquor which has been opened, or the seal broken, or the contents of which have been partially removed. Additionally, no person shall drink or consume intoxicating liquors or non-intoxicating malt liquor in any motor vehicle when such vehicle is upon the roads under the jurisdiction of the Band. A utility compartment or glove compartment shall be deemed to be the same as "on his or her person". Whosoever violates the provisions of this section shall be deemed guilty of an open bottle offense, and upon conviction thereof, shall be sentenced to labor for a period not to exceed 1 80 days, and/or a fine not to exceed \$500.00.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.06.
Band Statute 1164-MLC-6, §53.06.

Cross References

Government employees, summary dismissal, see 6 MLBSA § 103.
Seizure and confiscation of substances found in motor vehicle, see 19 MLBSA §503.
Seizure and confiscation of substances found in watercraft, see 20 MLBSA §405.

§ 407. Parking in restricted area

Any employee who shall park his/her vehicle in a restricted area in violation of any order lawfully issued by the Commissioner of Administration, shall be liable upon conviction for a fine of \$3.00. The Commissioner of Administration is hereby authorized to promulgate regulations governing all parking areas of employees' vehicles during employment hours. All regulations of the Commissioner of Administration shall be effective ten (10) calendar days after public posting in officially designated areas. The Commissioner of Administration shall by order, designate an area of each band-owned building for such notices no later than Friday, October 3, 1986.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.43.

Cross References

Parking areas for employees, see Admin. Comm. Order 22-85.

§ 408. Definitions

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.12 **Prior Laws:** Minnesota Statutes Annotated §169.01

§ 409. Signs, signals marking

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.13 **Prior Laws:** Minnesota Statutes Annotated §169.06.

§ 410. Unauthorized signs

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.14 **Prior Laws:** Minnesota Statutes Annotated §169.07.

§ 411. Unlawful to possess, alter or remove signs

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.15.

Prior Laws: Minnesota Statutes Annotated
§169.08.

§ 412. Accidents

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.16.

Prior Laws: Minnesota Statutes Annotated
§169.09.

§ 413. Impeding traffic

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.17.

Prior Laws: Minnesota Statutes Annotated
§169.15.

§ 414. Emergency vehicles

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.18.

Prior Laws: Minnesota Statutes Annotated
§169.17.

§ 415. Right of way

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC- **Prior Laws:** Minnesota Statutes

52, §35.19.

Annotated §169.20.

§ 416. Operation of bicycles

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.20.

Prior Laws: Minnesota Statutes Annotated §169.222.

§ 417. Stopping, standing and parking

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.21.

Prior Laws: Minnesota Statutes Annotated §§169.32, 169.34.

§ 418. Police may move cars

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.22.

Prior Laws: Minnesota Statutes Annotated §169.33.

§ 419. Good Samaritan

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §35.23.

Prior Laws: Minnesota Statutes Annotated §169.342.

§ 420. Obstructing view of driver

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.24.

Prior Laws: Minnesota Statutes Annotated
§169.37.

§ 421. Littering

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.25.

Prior Laws: Minnesota Statutes Annotated §§169.42,
169.421.

§ 422. School buses

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.26.

Prior Laws: Minnesota Statutes Annotated
§169.44.

§ 423. Hitching behind vehicles

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.27.

Prior Laws: Minnesota Statutes Annotated
§169.46.

§ 424. Vehicle lighting

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.28.

Prior Laws: Minnesota Statutes Annotated §169.

§ 425. Head lamps

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.29.

Prior Laws: Minnesota Statutes Annotated
§169.49.

§ 426. Rear lamps

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.30.

Prior Laws: Minnesota Statutes Annotated
§169.50.

§ 427. Vehicle signals

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.31.

Prior Laws: Minnesota Statutes Annotated
§169.57.

§ 428. Brakes

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC- **Prior Laws:** Minnesota Statutes

Annotated §169.67.

52, §35.32.

§ 429. Horns

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.33.

Prior Laws: Minnesota Statutes Annotated
§169.68.

§ 430. Mufflers

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.34.

Prior Laws: Minnesota Statutes Annotated
§169.69.

§ 431. Rear view mirrors

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.35.

Prior Laws: Minnesota Statutes Annotated
§169.70.

§ 432. Windshields

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.36.

Prior Laws: Minnesota Statutes Annotated
§169.71.

§ 433. Surface of tires; tires with metal studs

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.37.

Prior Laws: Minnesota Statutes Annotated
§169.72.

§ 434. Offenses et al.

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.38.

Prior Laws: Minnesota Statutes Annotated §§169.90 to
169.95.

§ 435. Interpretation and effect

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.39.

Prior Laws: Minnesota Statutes Annotated
§169.96.

§ 436. Uniform traffic ticket

[See Historical and Statutory Notes preceding 19 MLBSA §401]

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52,
§35.40.

Prior Laws: Minnesota Statutes Annotated
§169.99.

§ 437. Fine

The Court of Central Jurisdiction, shall impose a fine of \$20.00 for each violation of the provisions of Minnesota Statutes Chapter 169 relating to highway traffic regulations that have been incorporated by reference as traffic regulations of the Mille Lacs Band of Chippewa Indians upon conviction of violating any said regulation. This section applies only to violations found in 19 MLBSA §§402(b), 408 to 436 and 504(b).

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §38.03.

§ 438. Guilty plea

Any person cited by a law enforcement officer of the Mille Lacs Band for violation of traffic regulations found in 19 MLBSA 402(b), 408 to 436 and 504(b) who desires to plead guilty and forego judicial process may pay a fine of \$20.00 for each such violation. Payment of the fine constitutes an admission of guilt.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52. §38.04.

CHAPTER 6

POLICE POWERS

Section

- 501 Powers of Natural Resource Officer.
- 502. Powers of law enforcement officer.
- 503. Seizure and confiscation of substances and vehicles.
- 504. Hindering, resisting, obstructing or disobeying law enforcement officer.
- 505. Notice to appear.

Cross References

Natural resources protection, enforcement, see 11 MLBSA §2601 et seq.
Warrant, summons and arrest, see 24 MLBSA §4101 et seq.

§ 501. Powers of Natural Resource Officer

(a) Any duly sworn Natural Resource Officer of the Non-Removable Mille Lacs Band of Chippewa Indians is hereby authorized and empowered to enforce the provisions of this title and to execute and serve all warrants and processes issued by any Justice of the Court of Central Jurisdiction under any law of the Mille Lacs Band of Chippewa Indians. Any Natural Resource Officer may arrest without a warrant any person under the jurisdiction of the Band detected in the actual violation of any provisions of Band law, and to take such person before the Court of Central Jurisdiction and make a proper complaint.

(b) For purposes of enforcing the provisions of this title any duly sworn Natural Resource Officer shall be considered as a duly sworn law enforcement officer of the Band.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §36.

§ 502. Powers of law enforcement officer

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, or to make investigations of any violation of the Band's motor vehicle laws, and in aid thereof to take affidavits upon oath administered by him, and to cause proceedings to be instituted if proofs at hand warrant it.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §36.02.

§ 503. Seizure and confiscation of substances and vehicles

(a) Any duly sworn Natural Resource Officer of the Non-Removable Mille Lacs Band of Chippewa Indians is hereby authorized and empowered to seize and confiscate in the name of the Band, any substance described in 9 MLBSA §406 [Digitizer's note: Section not in digital copy] or 23 MLBSA §§1 (a) or 7 which is possessed in a motor vehicle operated on the roads of the Band in violation of the appropriate statutory section. Anything seized or confiscated shall be held by the Band until proper determination of the case by the Court of Central Jurisdiction is finalized.

(b) Any duly sworn law enforcement officer of the Band is hereby authorized and empowered to seize and confiscate in the name of the Band, any vehicle in which substances described in subsection (a) are

found. Any vehicle so seized, impounded or confiscated shall be held by the Band until proper determination of the case by the Court of Central Jurisdiction is finalized. It shall be the responsibility of the record owner of the vehicle to pay for all costs associated with any seizure, confiscation or impoundment action initiated by a Law Enforcement Officer in the performance of his duty. The Mille Lacs Band of Chippewa Indians, any of its officers, agents and employees, shall not be liable for damages to any vehicle so seized, confiscated or impounded.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §36.04.

Cross References

Actions challenging seizure of property, see 19 MLBSA §13.
Search without warrant, see 24 MLBSA §4108.
Unreasonable searches and seizures, see 1 MLBSA §2.

§ 504. Hindering, resisting, obstructing or disobeying law enforcement officer

(a) It shall be illegal for any person under the jurisdiction of the Band to willfully hinder, resist, or obstruct a duly sworn law enforcement officer of the Band in the performance of his official duty, or refuse to submit anything called for by him for his inspection.

(b) It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any law enforcement officer invested by law with authority to direct, control or regulate traffic on roads subject to the jurisdiction of the Mille Lacs Band.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §§35.41, 37.

Cross References

Fine, see 19 MLBSA §§437, 438.

§ 505. Notice to appear

When a person is arrested for any violation of law which is punishable as a civil misdemeanor and is not taken into custody and immediately taken before the Court, 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. Said notice shall conform with applicable provisions of the United States Government, United States

Department of Interior, Title 25-Indians. In order to secure release, without being taken into custody and immediately taken before the Court, the arrested 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 arrested. Thereupon the officer shall release the person from custody. If the person so summoned fails to appear on the return day, the Court shall issue a warrant for his arrest, and upon his arrest proceedings shall be had as in any other case.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §36.01.

CHAPTER 7

PARKING PRIVILEGES FOR PHYSICALLY HANDICAPPED PERSONS

Section

- 601. Definitions.
- 602. License plates for handicapped persons.
- 603. Identifying certificate.
- 604. Scope of privilege.
- 605. Prohibition.
- 606. Signs; parking spaces to be free of obstructions.
- 607. Penalty.

§ 601. Definitions

For the purposes of this chapter "physically handicapped 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 spirometer, is less than one meter;

(e) has an arterial oxygen tension (PA⁰2) of less than 60 mm/hg on room air at rest;

(f) uses portable oxygen or

(g) has a cardiac condition to the extent that the person's functional limitations are classified in severity as class IV according to standards set by the American Heart Association.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §§52.04, 52.052.

§ 602. License plates for handicapped persons

(a) When a motor vehicle registered under 19 MLBSA §106, or a self-propelled recreational vehicle, is owned or primarily operated by a permanently physically handicapped person, the owner may apply for and secure from the Deputy Registrar of the Mille Lacs Band two license plates with attached emblems, one plate to be attached to the front, and one to the rear of the vehicle. Application for the plates must be made at the time of renewal for first application for registration when the owner first applies for the plates, the owner must submit a physician's statement on a form developed by the Deputy Registrar of the Mille Lacs Band of Chippewa Indians.

(b) The Deputy Registrar of the Mille Lacs Band of Chippewa Indians shall furnish two license plates with attached emblems to each eligible owner. The emblem must bear the internationally accepted wheelchair symbol, approximately three inches square. The emblem must be large enough to be visible plainly from a distance of 50 feet. An applicant eligible for the special plates shall pay the motor vehicle registration fee authorized by law less a credit of \$1 for each month registered.

(c) If a physically handicapped person parks a vehicle displaying license plates described in this section or any person parks the vehicle for a physically handicapped person, that person shall be entitled to park the vehicle as provided in 19 MLBSA §604.

(d) A person who uses the plates provided under this section on a motor vehicle in violation of this section is guilty of an offense and is subject to a fine of \$500. This subdivision does not preclude a person who is not physically handicapped from operating a vehicle bearing the plates if the person is the owner of the vehicle and permits its operation by a physically handicapped person, or if the person operates the vehicles with the consent

of the owner who is physically handicapped. A driver who is not handicapped is not entitled to the parking privileges provided in this section and in 19 MLBSA §604 unless parking the vehicle for a physically handicapped person.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §52.

Cross References

Registration plates, see 19 MLBSA §141 et seq.

§ 603. Identifying certificate

(a) The Deputy Registrar of the Mille Lacs Band shall issue a special identifying certificate for a motor vehicle when a physically handicapped applicant submits a physician's statement. The Deputy Registrar shall design separate certificates for persons with permanent and temporary disabilities that can be readily distinguished from each other from outside a vehicle at a distance of 25 feet. The certificate is valid for the duration of the persons disability, as specified in the physician's statement, up to a maximum of six years. A person with a disability of longer duration will be required to renew the certificate for additional period of time, up to six years each, as specified in the physician statement.

(b) The Reciprocity Director shall develop a form for the physician's statement. The statement must be signed by a licensed physician who certifies that the applicant is a physically handicapped person as defined in 19 MLBSA §601. The Director of Reciprocity may request additional information from the physician if needed to verify the applicant's eligibility. The Physician's statement must specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician as to the duration of the disability. A physician who fraudulently certifies to the Director of Reciprocity that a person is a physically handicapped person as defined in 19 MLBSA §601, and that the person is entitled to the license plates authorized by 19 MLBSA §602 or to the certificate authorized by this section, is guilty of an offense and is subject to a fine of \$500.00.

(c) When the Deputy Registrar is satisfied that a motor vehicle is used primarily for the purpose of transporting physically handicapped persons, the division may issue without charge a special identifying certificate for the vehicle. The operator of a vehicle displaying the certificate has the parking privileges provided in 19 MLBSA §604 while the vehicle is in use for transporting physically handicapped persons. The certificate issued to a

person transporting physically handicapped persons must be renewed every third year. On application and renewal, the person must present evidence that the vehicle continues to be used for transporting physically handicapped persons.

(d) A certificate must be made of plastic or similar durable material, must be distinct from certificates issued before January 1, 1988, and must bear its expiration date prominently on its face. A certificate issued to a temporarily disabled person must display the date of expiration of the duration of the disability, as determined under subsection (a). Each certificate must have printed on the back a summary of the parking privileges and restrictions that apply to each vehicle in which it is used. The Deputy Registrar may charge a fee of \$5.00 for a duplicate to replace a lost, stolen, or damaged certificate.

(e) If a peace officer finds that the certificate is being improperly used, the officer shall report the violation to the law enforcement officers of the Non-Removable Mile Lacs Band of Chippewa Indians and the Deputy Registrar may revoke the certificate. A person who uses the certificate in violation of this section, is guilty of an offense and is subject to a fine of \$500.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §§52.053 to 52.055.

§ 604. Scope of privilege

(a) A vehicle that prominently displays the certificate authorized by this chapter may be parked by or for a physically handicapped person:

(1) in a designated handicapped parking place, as provided in 19 MLBSA § 605, and;

(2) in a metered parking space without obligation to pay the meter fee.

(b) For purpose of this section, a certification is prominently displayed if it is displayed on the dashboard in the left hand corner of the front windshield of the vehicle with no part of the Certificate obscured.

(c) Notwithstanding paragraph 1 of subsection (a), this section does not permit parking in the areas prohibited by 19 MLBSA §605, spaces reserved for specified purposes or vehicles.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §52.05.

§ 605. Prohibition

A person shall not: park a motor vehicle in or obstruct access to a parking space designated and reserved for the physically handicapped, on either private or public property; park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a handicapped transfer zone; or exercise the parking privilege provided in 19 MLBSA §604 unless:

- (a) That person is physically handicapped person as defined in 19 MLBSA §601, or the person is transporting or parking a vehicle for a physically handicapped person; and
- (b) The vehicle visibly displays one of the following: a certificate issued under 19 MLBSA §603, or an equivalent certificate, insignia, or license plate issued by Minnesota or another state or one of its political subdivisions

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §52.06.

§ 606. Signs; parking spaces to be free of obstructions

- (a) Handicapped parking spaces must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that the parking space is reserved for handicapped persons with vehicles displaying the required certificate, license plates or insignia. A sign posted for the purpose of this section must be visible from inside a vehicle parked in the space, be kept clear of snow or other obstruction which block its visibility, and be nonmovable or only movable by authorized person.
- (b) The owner or manager of the property on which the designated parking space is located shall ensure that the space is kept free of obstruction. If the owner or manager allows the space to be blocked by snow, merchandise or similar obstruction for 24 hours after receiving a warning from a peace officer, the owner or manager is guilty of an offense and subject to a fine up to \$500.00.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §52.07.

§ 607. Penalty

A person who violates 19 MLBSA §605 is guilty of an offense and shall be fined not less than \$100.00 or more than \$200.00. This chapter shall be enforced in the same manner as violations of other Band Statutes. Law Enforcement Officers have the authority to tag vehicles parked on reservation property in violation of 19 MLBSA §605. A physically handicapped person, or a person parking a vehicle for a handicapped person, who is charged with violating 19 MLBSA §605 because the person parked in a handicapped parking space without the required certificate or license 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 license plates under this chapter, and demonstrate entitlement to the certificate or plates at the time of arrest or tagging.

Historical and Statutory Notes

Source: Band Statute 1097-MLC-52, §52.08.

Cross References

Criminal procedure, see 24 MLBSA §4001 et seq.

