BAY MILLS INDIAN COMMUNITY

MOTOR VEHICLE LICENSE AND REGISTRATION ORDINANCE

Section 1. Purpose.

101. The purpose of this ordinance is to establish requirements for the issuance of motor vehicle licenses and registration of such vehicles operated by persons who are residents of the Reservation of the Bay Mills Indian Community.

Section 2. Definitions.

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

201. "Accessory" means any accessory, equipment, additional part or replacement part for a vehicle for which a certificate of title is required to be issued under this ordinance.

202. "Authorized emergency vehicle" means vehicles of the fire department, law enforcement vehicles, ambulances, or privately owned motor vehicles of volunteer or paid fire fighters if authorized by the chief of an organized fire department, or privately owned motor vehicles of volunteer or paid members of an emergency medical entity.

203. "Axle" means the common axis of rotation of one (1) or more wheels whether power driven or freely rotating, and whether in one (1) or more segments and regardless of the number of wheels carried thereon.

204. "Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereof either independently or any part of the weight of a vehicle or load so drawn.

205. "Division" means the Motor Vehicle Registration Division of the Tribe.

206. "Driver" means every person who drives or is in actual physical control of a vehicle.

207. "Leased vehicle" means a motor vehicle for which a person is granted possession for a contracted period of time and in return for a contracted sum.

208. "Motor vehicle" means every vehicle that is self-propelled.

209. "Non-resident" means every person who is not a resident of the Reservation of the Bay Mills Indian Community.

210. "Owner" means any of the following:

a. Any person, firm, association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than 30 days.

b. A person who holds the legal title of a vehicle.

c. A person who has the immediate right of possession of a vehicle under an installment sale contract.

211. "Person" means every natural person, firm, copartnership, association or corporation and their legal successors.

212. "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount greater than or equal to that established under the laws of the State of Michigan, as they may from time to time be amended.

213. "Registration" means a registration certificate, plate, adhesive tab, or other indicator of registration issued under this ordinance for display on a vehicle.

214. "Residence address" means the place that is the settled home or domicile at which a person resides.

215. "Resident" means every person who resides in a settled or permanent home within the exterior boundaries of the Reservation of the Bay Mills Indian Community.

216. "Resident member" means a person who is a resident and who is an enrolled member of the Tribe.

217. "State" means any state, territory, or possession of the United States, Indian country as defined in 18 U.S.C. 1151, the District of Columbia, or any province of the Dominion of Canada.

218. "Trailer" means every vehicle with or without motive power, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

219. "Tribe" means the Bay Mills Indian Community.

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

Section 3. Motor Vehicle Registration Division.

301. Establishment. The Motor Vehicle Registration Division of the Bay Mills Indian Community is hereby established.

302. Director. The Division shall be headed by a Director, who shall be selected by the Executive Council of the Bay Mills Indian Community.

303. Duties of Division. In addition to those duties specified herein, the Motor Vehicle Registration Division shall have the general responsibility to enforce, implement and administer the provisions of this ordinance.

Section 4. Required Registration of Motor Vehicles.

401. Vehicles subject to Registration Requirement. Every motor vehicle and trailer which is driven, operated or moved upon any public roadway on the Reservation of the Bay Mills Indian Community must, at the time of operation, be registered with the Tribe, or be subject to a pending application for registration, unless exempt from such requirement under section 402 of this ordinance.

402. Vehicles Exempt from Registration. A vehicle is exempt from the registration requirements of section 401, under any of the following circumstances:

a. The vehicle is owned by the United States of America;

b. The vehicle is owned by a person who is a non-resident, and it is registered in conformance with the laws of any State.

c. The vehicle is registered under the laws of the State of Michigan.

d. For three (3) days immediately following the date of a properly assigned title from any person other than a vehicle dealer, a registration need not be obtained for a vehicle driven or moved upon the roadways of the Reservation for the sole purpose of transporting the vehicle in the most direct route from the place of purchase to a place of storage if the driver has in his/her possession the assigned title showing the date of sale.

Section 5. Certificates of Title.

501. Certificates of Title Required. Every motor vehicle and trailer, when driven or moved upon a public roadway of the Reservation of the Bay Mills Indian Community, must have a certificate of title issued by the Secretary of State for the State of Michigan, or have an application for such certificate pending with the Secretary of State, in addition to the registration requirement of section 401.

Section 6. Penalties for Operating Unregistered or Untitled Vehicle.

601. Operation of Unregistered or Untitled Vehicle Prohibited. It is unlawful for any person to drive, operate, or move a vehicle, or for an owner to knowingly permit a vehicle to be driven, operated or moved upon any highway or roadway of the Reservation of the Bay Mills Indian Community which is not registered, or for which the appropriate fee has not been paid, as specified in this ordinance.

602. Penalties. Any person violating section 601 of this ordinance may be sentenced by the Bay Mills Indian Community Tribal Court to pay a civil remedial forfeiture of not more than $100. In addition, the Court shall order the violator to make application for registration and to pay the requisite fee.

Section 7. Application for Vehicle Registration.

701. Application by Owner. An owner of a motor vehicle subject to registration shall make application to

the Division upon an appropriate form furnished by that agency, accompanied by the required fee.

702. Contents of Application. The application shall contain all of the following:

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

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

c. A description of the vehicle, including the make or name, style of body, and model year; the number of miles, not including the tenths of a mile, registered on the vehicle's odometer at the time of the transfer; whether the vehicle is to be used by the Tribe; vehicle identification number; and the vehicle's weight fully equipped.

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

e. For a leased vehicle, the lessee's name, residence, Michigan driver's license number of Michigan personal identification number.

703. Review of Application by Division. The Division shall examine and determine the genuineness, regularity, and legality of every application for registration of a vehicle, and may in all cases make investigation as may be deemed necessary, or require additional information, and shall reject any such application if not satisfied as to the genuineness, regularity, or legality thereof or the truth of any statement contained therein. In addition, the Division shall, upon receipt of an application for original registration of a vehicle, first check the engine and serial number or vehicle number shown in the application against the index maintained by the Michigan Secretary of State of stolen and recovered motor vehicles.

704. Application Record; Availability. The Division shall maintain a central file of all applications for registration of motor vehicles, and shall preserve the application forms for three (3) years after the date of registration. The Division shall

make such records available to agencies of the Tribe, the State of Michigan, and the United States, and is authorized to coordinate information sharing of such records with the Michigan Secretary of State.

Section 8. Issuance of Certificates.

801. Registration Certificate Issuance. Except as provided otherwise in this ordinance, the Division shall issue a registration certificate when registering a vehicle and upon receipt of the required fees.

802. Delivery of Certificates; Contents. The registration certificate shall be delivered to the owner. The certificate shall contain on its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, and a description of the vehicle.

803. Reproduction and Alteration Prohibited; Penalties. It is unlawful to intentionally reproduce, alter, counterfeit, forge, or duplicate a certificate of title or to use a reproduced, altered, counterfeited, forged, or duplicated certificate of title. Any person violating this section may be sentenced by the Bay Mills Indian Community Tribal Court to pay a civil remedial forfeiture of not more than $1,500, to imprisonment for not more than one (1) year, or both.

804. Registration Certificate Carrying and Display. Upon receipt of a registration certificate, the owner shall write his/her signature thereon in ink in the space provided. A registration certificate shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of the vehicle, who shall display the registration certificate upon demand of a law enforcement officer. Failure to comply with the requirements of this section shall subject the person to a civil remedial forfeiture imposed by the Bay Mills Indian Community Tribal Court of not more than $100.

Section 9. Issuance and Display of Registration Plates.

901. Registration Plate Issuance. The Division shall issue one (1) registration plate upon registering a vehicle. The registration plate shall display the registration number assigned to the vehicle for

which the registration plate is issued; the name of the Tribe; and when the registration plate expires, which may be shown by a tab or sticker furnished by the Division.

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

903. Plate Format. The registration plate and the required letters and numerals on the plate shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight. The Division may issue a tab or tabs designating the month and year of expiration. Such tabs shall be of a different color with a marked contrast between the color of the registration plate and the numerals or letters on the plate.

904. Display of Plate other than Assigned; Penalty. It is unlawful to operate a vehicle on the public roadways of the Reservation of the Bay Mills Indian Community displaying a registration plate other than the registration plate issued for the vehicle by the Division. Any person violating this requirement shall be sentenced by the Bay Mills Indian Community Tribal Court to pay a civil remedial forfeiture of not more than $100.

905. Plate Attachment and Display; Penalty. A registration plate issued by the Division shall be displayed and attached as follows:

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

b. The registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position which is clearly visible. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information, and in a clearly legible condition.

c. A person shall not attach a name plate, insignia, or advertising device to a motor vehicle registration plate in a manner which obscures or partially obscures the registration information.

d. A person who violates this section is subject to a civil remedial forfeiture imposed by the Bay Mills Indian Community Tribal Court in an amount of not more than $100.

906. Reflective Registration Plates and Stickers. Registration plates, tabs, and stickers shall be treated with an effective and dependable reflective material.

907. Collector Plates.

a. The Division may develop, promote and sell to any person a collector plate that matches the registration plate issued for a motorized vehicle.

b. A collector plate shall not be attached to a motor vehicle in a manner prescribed in Section 905. A collector plate may be used on a vehicle in any lawful manner, including, but not limited to, being displayed on the front bumper of a vehicle.

Section 10. Expiration and Renewal of Motor Vehicle Registration.

1001. Expiration Date for Registration.

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

b. A vehicle registration issued by the Division to a vehicle owned by the Tribe has no expiration date. Such registration shall be valid until the vehicle's ownership is transferred to a person other than the Tribe.

1002. Temporary Registration Expiration. A temporary registration may be issued to an owner of a vehicle, which shall be valid for 14 days from the date of issue, and shall be in a form determined by the Division.

1003. Expiration Date for Trailer and Motorcycle Registration. The Division may issue registration

for a trailer, utility trailer, and a motorcycle for a term of six (6) months, upon the request of the owner of such vehicle, contained in the application for registration. In the absence of such a request, the expiration date for registration of a trailer, utility trailer and motorcycle shall be as provided in Section 1001 of this Ordinance.

1004. Application for Renewal of Registration. Application for renewal of a vehicle registration shall be made by the owner upon proper application and by payment of the registration fee for the vehicle established by this ordinance. The application shall be accompanied by the following:

a. The certificate of title pertaining to the vehicle, showing ownership in the person applying for registration at the time of the application; and

b. Proof of vehicle insurance in a form satisfactory to the Division.

1005. Criteria for Issuance of Renewal Registration. No renewal registration shall be issued by the Division if the applicant fails to comply with each and every requirement of Section 1004 of this ordinance.

1006. Change of Name or Address. If a person, after making application for or obtaining the registration of a vehicle moves from the address named in the application as shown upon a registration certificate, or changes the name of the owner by operation of marriage or divorce, said person shall notify the Division within 10 days of such change of address or name in writing.

1007. Issuance of Duplicate Certificates or Plates.

a. In the event that a registration certificate or a registration plate is lost, mutilated, or becomes illegible, the person entitled to possession of such certificate or plate, or such person's legal representative or successor in interest as shown by the records of the Division, shall immediately make application for and may obtain a duplicate registration. A new registration under a new registration number may be issued by the Division upon such application if it determines such issuance to be advisable. The applicant shall furnish information satisfactory to the Division of the basis for making the application and shall pay the fee required by this ordinance.

b. Upon issuance of a duplicate registration certificate or plate, the previous registration certificate or plate last issued shall be void.

Section 11. Transfer of Title.

1101. Title Transfer; Use of Registration Plate. If the owner of a registered vehicle transfers or assigns the title or interest in the vehicle, the registration plates issued for the vehicle shall be removed and transferred to the owner's spouse, mother, father, sister, brother, or child to whom title or interest in the vehicle is transferred, or retained and preserved by the owner for transfer to another vehicle upon application and payment of the required fees. A person shall not transfer the plates to a vehicle without applying for a proper certificate of registration describing the vehicle to which the plates are being transferred.

1102. Transfer to Circumvent Operation of Michigan Law Prohibited. A person shall not purchase or lease another vehicle and seek to transfer his/her interest through registration under this ordinance in order to avoid, hinder or circumvent provisions of Michigan law by which a vehicle is forfeited, immobilized, or subject to registration denial. The Division shall not issue a registration certificate under these circumstances.

1103. Division Authority to Seize Certificates and Plates. The Division is authorized to take possession of any registration certificate or registration plate issued by it upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, and the Division or any agent thereof is authorized to take possession of any registration plate found attached to any motor vehicle for which it was not issued, or when any other unlawful use is being made thereof.

1104. Issuance of New Registration. Upon receipt of a properly endorsed certificate of title and application for transfer of registration, together with the required fee, the Division shall transfer the registration thereof under its registration number to the newly acquired vehicle and shall issue a new registration certificate as upon an original registration.

Section 12. Fees for Certificates, Plates, Duplicates and Transfers.

1201. Annual Registration Fee. The fee for each registration certificate shall be as follows:

a. The registration fee for an automobile shall be $40.

b. The registration fee for a truck, sport utility vehicle (as such is defined by the vehicle manufacturer) and motorized recreational vehicle shall be $50.

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

1. Annual registration fee is $40.

2. Six-month registration fee is $20.

3. One-time permanent registration fee is $120.

d. The registration fee for a utility trailer, including a boat trailer, shall be:

1. Annual registration fee is $15.

2. Six-month registration fee is $7.50.

3. One-time permanent registration fee is $45.00

e. The registration fee for a motorcycle shall be:

1. Annual registration fee is $20.

2. Six-month registration fee is $10.

f. The registration fee for any vehicle owned by the Tribe shall be $5. Such fee shall be collected only upon initial registration, as provided in Section 1001(b) of this Ordinance.

1202. Fee for Duplicate Certificates. The fee for issuance of a duplicate registration certificate or registration plate shall be $15.

1203. Fee for Registration Transfer. The fee for transferring a registration plate shall be $15.

1204. Price for Collector License Plate. The price for a collector license plate version of the motor vehicle registration plate shall be $30.