

TITLE 16
MOTOR VEHICLE CODE OF 2010

An ordinance of the Keweenaw Bay Indian Community adopted under the authority of the Constitution and By-Laws of the Keweenaw Bay Indian Community for the purpose of authorizing and regulating the issuance of certificates of title for motor vehicles; regulating the registration of motor vehicles; and repealing certain laws, resolutions and motions of the Tribal Council pertaining to titling and registration of motor vehicles.

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SECTION ONE

TITLE

§16.101 Title.

This ordinance shall be known as the “Motor Vehicle Code of 2010”.

SECTION TWO

DEFINITIONS

§16.201 Definitions.

As used in this ordinance, the following words and phrases shall each have the following meanings, unless a different meaning is expressly provided or the content clearly requires a different meaning:

1. “All-terrain Vehicle” means a motor-driven vehicle, having three or more wheels, which is designed for travel primarily over rugged terrain.
2. “Community” means the Keweenaw Bay Indian Community.
3. “Dealer” means (a) a person engaged in the business of purchasing, selling, exchanging, brokering, or dealing in motor vehicles of a type that may be titled or registered under this ordinance, or parts of those motor vehicles; (b) a person who negotiates the purchase, sale, deal, or exchange of those motor vehicles and who has an established place of business for those purposes within the jurisdiction of the Community; (c) a person engaged in the business of remanufacturing of engines or transmissions, or both; or (d) a person engaged in the business of buying motor vehicles to sell vehicle parts or buying motor vehicles to process into scrap metal. “Dealer” does not include a person who buys, sells or receives in exchange, used or remanufactured motor vehicle engines transmissions or salvageable motor vehicle parts, if the primary business of the person is the selling of new motor vehicle parts and the person is not engaged in any other activity that requires a dealer license under the laws and regulations of the Community.
4. “Director” means the director of the Community’s Motor Vehicle Division.
5. “Division” means the Motor Vehicle Division of the Community.
6. “Manufacturer” means a person engaged in the business of constructing or assembling

motor vehicles of a type for which a certificate of title is required under this ordinance.

7. “Manufacturer’s or Importer’s Certificate of Origin” means a certificate over the authorized signature of the manufacturer or importer of a motor vehicle, describing and identifying the motor vehicle, giving the name and address of the person to whom the motor vehicle is first sold by such manufacturer or importer, and containing duly executed assignments assigning the motor vehicle to an applicant for a certificate of title on the motor vehicle from the Community.

8. “Mobile Home” means a motor vehicle that is designed to be towed as a single unit or in sections upon a highway by another motor vehicle, and that is equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction.

9. “Motor Vehicle” means every device, except devices moved solely by human or animal power, in, upon, or by which any person or property is or may be transported upon a road, including, but not limited to, automobiles, trucks, trailers, semi trailers, pull trailers, and trailer coaches. Regardless of the ground surface upon which they are used, all-terrain vehicles and snowmobiles, as defined in this ordinance, shall be considered motor vehicles under this ordinance.

10. “Operator” means the person being in actual physical control of a motor vehicle regardless of whether or not the person is licensed under applicable law as an operator of the motor vehicle.

11. “Owner” means any of the following:

(a) a person who holds the legal title of a motor vehicle;

(b) a person renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period that is greater than 30 days;

(c) a person who has the immediate right of possession of a motor vehicle under an installment sales contract.

12. “Person” means every natural person, firm, partnership, association, corporation, trust or other legal entity.

13. “Register” or “Registered” means the act of assigning a registration number or validation sticker to a motor vehicle by the Director.

14. “Registration” means the issuance of a registration certificate, a license plate or a validation sticker for a motor vehicle by the Division, or the registration certificate itself, as applicable.

15. “Reside” means to live in a settled or permanent home or domicile within the jurisdiction of the Community, with the intention of remaining within the jurisdiction of the Community.

16. “Security Interest”, “Security Agreement”, “Secured Party”, “Debtor”, “Financing Statement”, and “Termination Statement” mean those terms as defined in Article 9 of the Uniform Commercial Code, as adopted by the Community in the Community’s Secured Transactions Ordinance.
17. “Snowmobile” means a motor-driven vehicle which is designed for travel primarily on snow or ice, and which utilizes sled type runners or skis or endless belt, or other similar means of contact with the surface on which it is operated.
18. “Tribal” or “Tribally” means relating to the Community.
19. “Tribal Council” means the Tribal Council of the Keweenaw Bay Indian Community.
20. “Tribal Court” means the Trial Division and the Appellate Division of the Tribal Court of the Keweenaw Bay Indian Community.
21. “Tribal Police” or “Tribal Police Department” means the Tribal Police Department of the Community.
23. “VIN Number” means the vehicle identification number of a motor vehicle.
24. “within the jurisdiction of the Community” shall mean all lands within the exterior boundary of the L’Anse Reservation and any and all future additions of land acquired within or without said boundary line by the Community or by the Secretary of the Interior in trust for the Community.

SECTION THREE MOTOR VEHICLE TITLES

§16.301 Persons and Motor Vehicles Subject to this Section.

(A) The owner of a motor vehicle who is (i) an enrolled member of the Community and resides within the jurisdiction of the Community; (ii) a business owned at least 51% by an enrolled member of the Community, which is subject to the jurisdiction of the Community; or (iii) the Community or any entity organized or chartered by the Community, may, if such motor vehicle is subject to registration pursuant to this ordinance, apply for a certificate of title for the motor vehicle under the following circumstances:

(1) The motor vehicle has been acquired by the owner;

- (2) The owner applies for the registration of a motor vehicle for which the Director has not previously issued a certificate of title; or
- (3) A certificate of title for a motor vehicle has been assigned to the owner by the previous owner; provided, that this Subsection §16.301 (A) (3) does not apply to Dealers.

§16.302 Application.

(A) An application for a certificate of title for a motor vehicle shall be submitted by the owner to the Director on a form prescribed by the Director and shall be accompanied by the payment of the fee provided for in §16.307. At a minimum, an application shall contain the following information:

- (1) the applicant's full name and date of birth;
- (2) the applicant's current home address and telephone number;
- (3) the applicant's Tribal enrollment number;
- (4) a physical description of the motor vehicle, including, but not limited to, make, model, year, VIN Number, and any other information which the Director may require for the proper identification of the motor vehicle;
- (5) the date of acquisition of the motor vehicle by the applicant and the name and address of the person from whom the motor vehicle was acquired by the applicant;
- (6) the name and address of any secured parties in the order of their priority, and the dates of their security agreements;
- (7) if the motor vehicle is new and is being registered for the first time, the signature of the dealer authorized to sell such a new motor vehicle;
- (8) if the motor vehicle is a used motor vehicle which was previously registered, an assignment of the certificate of title, signed by the previous owner in the name of the owner;
- (9) the odometer reading of the motor vehicle together with the applicant's certification of one of the following:
 - (i) A statement by the transferor certifying that to the best of his or her knowledge the odometer reading reflects the actual mileage of the vehicle;
 - (ii) If the transferor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, a statement to that effect; or

(iii) If the transferor knows that the odometer reading differs from the mileage and the difference is greater than that caused by odometer calibration error, a statement that the odometer reading does not reflect the actual mileage and should not be relied upon. This notice shall include a warning notice to alert the transferee that a discrepancy exists between the odometer and the actual mileage;

provided, however, the odometer information described in this subsection shall not be required for any of the following:

- (a) Vehicles having a gross vehicle weight rating of more than 16,000 pounds;
- (b) A vehicle that is not self propelled;
- (c) A vehicle that is 10 years old, or older; or
- (d) A new vehicle transferred from a manufacturer to a dealer.

(10) a written statement by the applicant that the applicant resides within the jurisdiction of the Community; and

(11) any further evidence of ownership of the motor vehicle that may reasonably be required by the Director to enable a determination whether the applicant is entitled to a certificate of title and to determine the existence or non-existence of security interests in the motor vehicle.

(B) The Director may require the applicant to furnish a certification by an inspector, who is trained in accordance with §16.303 (A) below, to the effect that the physical description of the motor vehicle has been inspected and conforms to the description made in the application pursuant to subsection §16.302(A)(4).

(C) As a precondition for receiving a certificate of title, each applicant shall surrender to the Director either:

- (1) all other certificates of title for the motor vehicle issued by any other governmental agency of any tribe or state, which are held by the applicant or any other person or entity; or
- (2) the Manufacturer's or Importer's Certificate of Origin.

§16.303 Inspection of Motor Vehicle.

(A) Upon receipt of an application pursuant to Sections Three or Five of this ordinance, the Director may require an inspection of the motor vehicle by a person who is a qualified inspector, to determine the information required by subsection §16.303 (B). Any inspector shall be trained to perform such inspection and shall be assigned by the Director to do the inspection. Any

inspection shall be conducted in accordance with the generally accepted inspection practices commonly utilized by other jurisdictions in the United States, and in accordance with applicable policies of the American Association of Motor Vehicle Administrators and the National Highway Traffic Safety Administration.

(B) An inspection may include, without limitation, the following:

(1) identification of the person who brought the motor vehicle for inspection, including examination of photo identification and recording of such additional information as the inspector may require, including, at a minimum, the name and current address of the owner, the class, body type, make and year of the motor vehicle, the date of inspection, the VIN Number, the mileage or odometer reading, defects by category, and the name of the inspector;

(2) matching and inspection of VIN Number as shown on the current certificate of title or certificate of origin, if applicable, and on the motor vehicle's public VIN plate and EPA sticker VIN;

(3) inspection of VIN Number, VIN plate and EPA sticker VIN for signs of alteration, tampering, defacing, removal or switching;

(4) processing of VIN Numbers, VIN plate and EPA sticker VIN identified for the motor vehicle through a check with the National Crime Information Center (NCIC) to determine if all or part of the motor vehicle was stolen;

(5) physical examination of the motor vehicle to determine if:

(a) there are indications of stolen parts; and

(b) the motor vehicle is properly equipped for highway use. If the inspector determines that the motor vehicle has a safety defect, the defect shall be corrected before the motor vehicle is registered; and

(6) verification of the odometer reading, including a comparison of the reading to the odometer statement on the certificate of title.

(C) The Director may notify federal, state, local or tribal law enforcement if it appears that a VIN Number, VIN plate or EPA sticker VIN has been destroyed, removed, altered or defaced or if there are other particular circumstances warranting such notification, including, but not limited to, possible criminal offenses such as theft of all or part of a motor vehicle.

(D) The Community may charge an inspection fee to the applicant for each inspection of a motor vehicle pursuant to this subsection §16.303.

§16.304 Denial of Application.

(A) The Director shall deny an application for a certificate of title for a motor vehicle for any of the following reasons:

- (1) The applicant is not an enrolled member of the Community; or is not a business at least 51% owned by an enrolled member of the Community under the jurisdiction of the Community; or is not the Community or any entity organized or chartered by the Community.
- (2) The applicant does not reside within the jurisdiction of the Community.
- (3) The applicant has failed to furnish information or documents required pursuant to this ordinance to the satisfaction of the Director.
- (4) The applicant has made a materially false statement in the application.
- (5) The person listed as the owner of the motor vehicle in the application is not the owner.
- (6) The odometer reading of the motor vehicle is inaccurate or has been altered in any manner in order to unlawfully increase the monetary value of the motor vehicle.
- (7) The application is not accompanied by the payment of the fee required under this ordinance.

§16.305 Issuance of Certificate of Title.

(A) If the requirements for the issuance of a certificate of title are met, the Director shall issue to the applicant a certificate of title for the motor vehicle.

(B) Each certificate of title shall contain the following information:

- (1) The name and address of the owner of the motor vehicle.
- (2) A brief description of the motor vehicle, including make, model, year and VIN Number.
- (3) The title number assigned to the motor vehicle.
- (4) The odometer reading of the motor vehicle together with the certification described in §16.302 (A)(9) above for the time of the first registration and every time thereafter when the ownership of the motor vehicle is transferred.
- (5) Space for assignments and warranties of title by the owner of the motor vehicle or a dealer.
- (6) The names and addresses of the holders of security interests in the motor vehicle or in an accessory to the motor vehicle, in the order of their priority, and space for the assignment or release of a security interest; and
- (7) Such additional information as the Director may require.

(C) A certificate of title issued by the Director pursuant to this ordinance is prima facie evidence of the facts shown in the certificate.

(D) The Director is not authorized to issue an initial salvage certificate of title.

(E) Salvage or non-highway titles may be used by the Director as a basis for issuing tribal salvage certificates of title and registrations.

§16.306 Lost, Stolen, Mutilated, Destroyed or Illegible Certificates.

If a certificate of title is lost, stolen, mutilated, destroyed or becomes illegible, the owner named in the certificate of title shall promptly apply for a duplicate certificate of title and may obtain a duplicate upon furnishing information satisfactory to the Director. The duplicate certificate of title shall contain the following notice: "This is a duplicate Certificate of Title and may be subject to the rights of a person under the original certificate of title."

§16.307 Titling Fees.

Every application for a certificate of title pursuant to this ordinance shall be accompanied by the payment of a titling fee by the owner.

§16.308 Transfer of Title in a Motor Vehicle; Civil Infraction.

(A) (1) If the owner of a motor vehicle transfers the interest in the motor vehicle to a transferee subject to the jurisdiction of the Community, the owner shall, at the time of the delivery of the motor vehicle to the transferee, execute an assignment and warranty of title to the transferee in the space provided on the certificate of title issued under this ordinance, cause the certificate to be delivered to the transferee, and verify the odometer reading in the proper space provided on the certificate of title.

(2) A person who violates subsection §16.308 (A) (1) is responsible for a civil infraction.

(B) (1) Upon delivery of the motor vehicle to the transferee, the transferee shall, if the transferee elects to obtain a certificate of title from the Director, within 15 days of such delivery, deliver the old certificate of title together with an application for a new certificate of title to the Director.

This Subsection §16.308 (B) shall not apply to Dealers.

(2) A person who violates subsection §16.308 (B) (1) is responsible for a civil infraction.

(C) An owner who has delivered possession of the motor vehicle to the transferee and has complied with the provisions of this ordinance shall not be liable as owner of the motor vehicle for any damages resulting from the operation of the motor vehicle by another.

(D) Upon receipt of a properly assigned certificate of title, together with an application for a new certificate of title, the required titling fee, and any other information and documentation required to support the transfer, the Director shall issue a new certificate of title to the transferee.

§16.309 Death of Owner of Motor Vehicle.

(A) Upon death, testate or intestate, of the owner of a motor vehicle who has been issued a certificate of title by the Director for such motor vehicle pursuant to this ordinance, the Director shall issue a new certificate of title as follows:

(1) upon receipt of an order from a court of competent jurisdiction directing issuance of a new certificate, if the person to whom the new certificate shall be issued meets the eligibility requirements under this ordinance; or

(2) upon receipt of a fully executed application pursuant to subsection §16.302 above, together with all required documentation and information.

§16.310 Revocation of Certificate of Title.

(A) The Director shall revoke a certificate of title if any of the following occurs:

(1) The Director determines that the certificate of title was fraudulently obtained, erroneously issued, or it is subsequently discovered that the issuance or possession of a certificate of title is prohibited by applicable law.

(2) The motor vehicle has been scrapped, dismantled, or destroyed.

(3) A transfer of title is set aside by an order or judgment of a court of competent jurisdiction.

(B) The revocation of a certificate of title pursuant to this subsection does not, in itself, affect the validity of a security interest noted on the certificate of title.

(C) At least 15 calendar days before the Director revokes a certificate of title, the owner or person in possession of the certificate of title shall be given notice of the revocation and an opportunity to be heard by the Director.

(D) Upon revocation of a certificate of title by the Director in accordance with this subsection, the owner or person in possession of the certificate of title shall, within 7 calendar days of receipt of the notice of revocation by the Director, deliver the certificate of title to the Director.

(E) If a certificate of title that has been revoked in accordance with this subsection, and is not r delivered to the Director in accordance with paragraph (D) of this subsection, the Director may file a civil complaint with Tribal Court for the impoundment of the certificate of title.

§16.311 Fraudulent Application for Certificate of Title; Misdemeanor.

(A) Any person who knowingly fails to disclose a material fact or fails to disclose a security interest in a motor vehicle in an application for a certificate of title shall be guilty of a misdemeanor.

A conviction upon a violation of this subsection §16.311 (A) shall constitute a conviction of a Class C misdemeanor.

(B) Any person who intentionally submits a false, forged or fictitious document or uses a false or fictitious name or address, or makes a materially false statement on an application for a certificate of title shall be guilty of a misdemeanor.

A conviction upon a violation of this subsection §16.311 (B) shall constitute a conviction of a Class C misdemeanor.

§16.312 Improper Use of Certificates of Title; Misdemeanor.

(A) Any person who does any of the following shall be guilty of a misdemeanor:

- (1) knowingly permits another person, who is not entitled thereto, to use a certificate of title;
- (2) fails to deliver a certificate of title to the Director in accordance with §16.310(D) of this ordinance;

A conviction upon a violation of the provisions of this subsection §16.312 (A) shall constitute a conviction of a Class D misdemeanor.

§16.313 Improper Use of VIN Number or Tampering with Odometer Reading;
Misdemeanor.

(A) Any person who does any of the following shall be guilty of a misdemeanor:

- (1) knowingly tampers with or alters the odometer reading of a motor vehicle, or causes another person to tamper with or alter the odometer reading of a motor vehicle; or
- (2) knowingly owns or possesses a motor vehicle whose VIN Number has been destroyed, removed, altered or defaced without informing the Tribal Police Department within 15 calendar days of attaining actual knowledge thereof; or (3) except as part of an official governmental function, destroys, removes, alters or defaces a VIN Number on a motor vehicle, or (4) knowingly sells, barter, or exchanges a motor vehicle whose VIN Number has been destroyed, removed, altered or defaced,

A conviction upon a violation of the provisions of this subsection §16.313 shall constitute a conviction of a Class C misdemeanor.

§16.314 Altering, Forging or Counterfeiting of Certificate of Title; Misdemeanor. (A) Any person who commits any of the following acts shall be guilty of a misdemeanor:

- (1) Intentionally alters a certificate of title issued by the Division; or
 - (2) Forges or counterfeits a certificate of title purporting to have been issued by the Division; or
 - (3) Holds or uses a certificate of title, knowing the same to have been altered, forged or falsified;
- or
- (4) Defaces, disfigures, changes or attempts to change any letter or figure on a certificate of title;
- or

A conviction upon a violation of any of the provisions of this subsection §16.314 shall constitute a conviction of a Class B misdemeanor.

SECTION FOUR SECURITY INTERESTS

§16.401 Security Interests.

Any security interest in connection with a motor vehicle subject to this ordinance shall be governed by the provisions of the Secured Transactions Ordinance.

SECTION FIVE
MOTOR VEHICLE REGISTRATION

§16.501 Persons and Motor Vehicles Subject to Registration; Exceptions.

(A) The owner of a motor vehicle who is (i) an enrolled member of the Community and resides within the jurisdiction of the Community; (ii) a business owned at least 51% by an enrolled member of the Community, which is subject to the jurisdiction of the Community; or (iii) the Community or any entity organized or chartered by the Community; and whose motor vehicle is driven or moved upon a road within the jurisdiction of the Community shall apply for a certificate of registration for the motor vehicle.

(B) Motor vehicles owned by the Community or any entity organized or chartered by the Community are exempt from all fees and penalties imposed under this ordinance.

(C) Subject to paragraph (A) of this subsection §16.501, every motor vehicle located within the jurisdiction of the Community is subject to the registration provisions of this ordinance, except the following:

- (1) a motor vehicle registered in another jurisdiction;
- (2) for 3 days immediately following the date of a properly assigned title or a signed lease agreement, from any person, a certificate of registration is not required for a motor vehicle driven or moved upon a road for the sole purpose of transporting the motor vehicle by the most direct route from the place of purchase or lease to a place of storage if the driver has in his or her possession the assigned title showing the date of sale or the signed lease agreement showing the date of sale or lease.
- (3) an implement used exclusively in agricultural operations, except trucks;
- (4) a trailer or semitrailer not operated in conjunction with a motor vehicle;
- (5) a motor vehicle being towed;
- (6) a motor vehicle that is a piece of road machinery;
- (7) a motor vehicle that is driven or moved upon a highway only for the purpose of crossing that highway from one property to another;
- (8) a mobile home.

(D) No motor vehicle subject to the provisions of this ordinance shall have dual registration with the Community and with another tribe or any of the states comprising the United States of America.

§16.502 Registration Application.

(A) All applications for registrations of motor vehicles shall be submitted to the Director on a form prescribed by the Director and shall be accompanied by payment of the registration fee. At a minimum, an application shall contain the following information:

- (1) the applicant's full name and date of birth;
- (2) the applicant's current home address and telephone number;
- (3) the applicant's Tribal enrollment number;
- (4) a physical description of the motor vehicle, including, but not limited to the make, model, year, VIN Number, and any other information which the Director may require for the proper identification of the motor vehicle;
- (5) a written statement by the applicant that the applicant resides within the jurisdiction of the Community;
- (6) proof of automobile insurance; and
- (7) such further information as the Director may require to determine whether the motor vehicle is by law entitled to registration or to determine the proper registration fee for the motor vehicle.

(B) If the applicant is under 18 years of age, the application shall be accompanied by a statement made and signed by a person having legal custody of the applicant. The statement shall declare that the applicant has the consent of the declarant to register the motor vehicle in the applicant's name.

(C) A valid certificate of title previously issued by the Director to an applicant for registration of a motor vehicle is prima facie evidence that the applicant is the record owner of the motor vehicle. In such a case, the applicant need not apply for a new certificate of title when applying for registration of the motor vehicle.

§16.503 Proof of Automobile Insurance; Civil Infraction; Misdemeanor.

(A) The applicant must have in effect automobile insurance as a prerequisite for the issuance of a certificate of registration or license plates under this ordinance. Such insurance shall in all

respects comport with the requirements for insurance which would be enforced if the motor vehicle was to be registered with the State of Michigan (see Section 257.328 of the Michigan Compiled Laws).

(B) A certificate of insurance issued by an insurance company which meets the requirements of Section 257.328 of the Michigan Compiled Laws shall be accepted as prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown in the certificate.

(C) The Division may conduct periodic automobile insurance checks on any motor vehicle registered under the jurisdiction of the Community. If the Division determines that the owner or operator of a motor vehicle does not have automobile insurance on a motor vehicle as required by this Section 16.503, the Division shall file a report thereof with a law enforcement officer.

(D) Proof of automobile insurance and certificates of registration must be kept in the motor vehicle at all times and must be shown to law enforcement officers upon request. An owner or operator of a motor vehicle who fails to produce evidence under this subsection when requested by a law enforcement officer is responsible for a civil infraction and may result in the suspension of the driving privileges of the owner or operator as may be determined by the Tribal Court.

(E) An owner or operator of a motor vehicle, who knowingly produces false evidence of registration or automobile liability insurance at the request of a law enforcement officer for evidence of registration and/or automobile liability insurance, shall be guilty of a misdemeanor. A conviction upon a violation of this subsection §16.503 (E) shall constitute a conviction of a Class D misdemeanor and may result in the suspension of the driving privileges of the owner or operator as may be determined by the Tribal Court.

§16.504 Denial of Application.

(A) The Director shall deny an application for registration for any of the following reasons:

(1) The applicant is not an enrolled member of the Community, or is not a business owned at least 51% by an enrolled member of the Community under the jurisdiction of the Community; or is not the Community or any entity organized or chartered by the Community.

(2) The applicant does not reside within the jurisdiction of the Community.

(3) The applicant has failed to furnish any information or document required pursuant to this ordinance to the satisfaction of the Director.

- (4) The applicant has made a materially false statement in the application.
- (5) The applicant does not hold a valid certificate of title for the motor vehicle and is not entitled to the issuance of a certificate of title.
- (6) The certificate of registration or the certificate of title of the motor vehicle has been suspended or revoked in accordance with this section and the suspension or revocation is still in effect.
- (7) The applicant has not provided proof of automobile liability insurance in accordance with this section.
- (8) The application is not accompanied by the registration fee.
- (9) The motor vehicle did not pass an inspection conducted in accordance with subsection §16.303 of this ordinance.

§16.505 Certificate of Registration.

- (A) If the requirements for the issuance of a certificate of registration are met, the Director shall register the motor vehicle and issue to the applicant a certificate of registration.
- (B) Each certificate of registration shall contain the following information:
 - (1) the name and address of the owner of the motor vehicle;
 - (2) a brief description of the motor vehicle, including make, model, year and VIN Number;
 - (3) the registration number assigned to the motor vehicle;
 - (4) except as provided in subsection §16.505 (C) below, the date of expiration of the certificate of registration; and
 - (5) such additional information as the Director may require.
- (C) Certificates of registration and license plates issued for motor vehicles owned and operated by the Community shall not expire.

§16.506 Issuance, Design, and Procurement of License Plates.

- (A) If the requirements for the registration of a motor vehicle pursuant to this section are met, the Director shall issue to the applicant:
 - (a) a license plate for the motor vehicle; or
 - (b) an identification tag for the motor vehicle.
- (B) Every reference to license plates in this ordinance shall also apply to

identification tags, except as specifically indicated to the contrary in this ordinance.

(C) From time to time, the Director may submit changes to the color and design of the license plates to the Tribal Council for approval. The license plates shall contain visible evidence of the date when the license plates expire.

(D) Each license plate shall contain the following information:

(1) The registration number, including letters and/or numerals, assigned to the motor vehicle for which the license plate is issued.

(2) The name of the Community or an abbreviation thereof, except that motor vehicles owned by the Community or any entity organized or chartered by the Community shall display the name “Keweenaw Bay Indian Community Government Vehicle” or an abbreviation thereof; and

(3) Except as provided in subsection §16.505 (C) above, the date of expiration of the license plate, which shall be shown by a tab or sticker furnished by the Director.

(E) All license plates shall be treated with a reflective material and shall be designed to be plainly readable from a distance of 100 feet during daylight.

§16.507 Attachment and Display of License Plates; Misdemeanor.

(A) Except as provided in subsection §16.507 (B), a license plate shall be attached to the rear of the motor vehicle to which the plate is issued and shall at all times be securely fastened in a horizontal position so as to prevent the plate from swinging.

(B) In the case of a snowmobile or all-terrain vehicle, an identification tag shall be attached to:

(1) the front part of the snowmobile; or

(2) the front part, or the side cowl near the handlebar, of the all-terrain vehicle.

(C) The license plate or identification tag shall at all times be maintained in a legible condition and shall be so displayed that it can be readily and distinctly seen and read.

(D) Any law enforcement officer of the Tribal Police Department may require the operator of a motor vehicle on which a license plate or identification tag issued under this ordinance is not properly secured or displayed to display such plate or tag as required by this section.

(E) Any person who fails to properly attach and display a valid identification tag, license plate, or registration sticker to a motor vehicle covered by this ordinance shall be guilty of a misdemeanor.

A conviction upon a violation of this subsection §16.507 (E) shall constitute a conviction of a Class C misdemeanor.

§16.508 Replacement Plate.

(A) If a license plate, that has been issued in accordance with this section, loses its readability as required by Section §16.507 (C) or is lost or destroyed, the owner of the motor vehicle shall immediately apply to the Director for a replacement plate.

(B) Upon satisfactory proof of the un-readability, loss or destruction of the license plate and upon payment of the fee required pursuant to §16.502, the Director shall issue a replacement plate.

(C) When issuing a replacement plate, the Director shall assign a new registration number to the motor vehicle.

(D) Upon issuance of a replacement plate, the owner of the motor vehicle shall immediately surrender the unreadable, destroyed or subsequently discovered license plate to the Director.

§16.509 Annual Renewal of Registration Certificate and License Plate; Payment of Annual Registration Fee.

(A) The registration certificate and license plate expire annually and may be renewed upon payment of an annual registration fee to the Director on or before the expiration date.

(B) Upon payment of the annual registration fee and presentation of proof of automobile insurance in accordance with subsection §16.503 above, the Director shall issue to the owner a new tab or sticker or identification tag for the motor vehicle and an updated certificate of registration.

§16.510 Transfer of Registration Plates.

(A) An applicant for registration may request in the application, required by subsection §16.502, that a license plate, previously issued by the Director for a motor vehicle registered by the applicant, be transferred to a motor vehicle identified in the application upon payment of a transfer fee and the registration fee applicable to the motor vehicle to be registered.

(B) The Director may require such additional information for the transfer of registration plates as the Director deems necessary.

§16.511 Suspension or Revocation of Registration.

(A) The Director shall suspend or revoke the registration of a motor vehicle if any of the following occurs:

(1) The Director determines that the registration was fraudulently obtained, erroneously issued, or it is subsequently discovered that the issuance or possession of the registration is prohibited by applicable law.

(2) The required registration fee has not been paid within 10 calendar days of the due date.

(3) The Director determines that the registration of the motor vehicle is in violation of any provision of this ordinance.

(B) Any registration suspended pursuant to this subsection continues to be suspended until reinstated by the Director. The Director shall reinstate the registration when the reason for the suspension has been removed. When the period of suspension of a registration exceeds 90 calendar days and the reason for the suspension has not been removed, the Director shall revoke the registration.

(C) At least 15 calendar days before the Director revokes a registration, the owner or person in possession of the motor vehicle shall be given notice thereof by the Director and an opportunity to be heard by the Director.

(D) Upon revocation of a registration by the Director in accordance with this subsection, the owner or person in possession of the motor vehicle shall, within 7 calendar days of receipt of the notice of revocation by the Director, deliver the certificate of registration and the license plate to the Division.

(E) The owner of the registered motor vehicle and the Tribal Police shall be notified in writing by the Director that the registration has been revoked pursuant to this subsection within 15 days after the date of the revocation.

(F) If a registration has been revoked in accordance with this subsection, and is not delivered to the Director in accordance with paragraph (D) of this subsection, the Director shall file a complaint with Tribal Police requesting the impoundment of the certificate of registration and the associated license plate.

§16.512 Property of the Community.

All certificates of registration and license plates issued by the Director are the property of the Community.

§16.513 Operation of Unregistered or Improperly Registered Motor Vehicle or Use of Suspended or Revoked Registration Certificate; Misdemeanor.

(A) Any person who operates or uses or an owner who knowingly permits the operation or use of, an unregistered or improperly registered motor vehicle or suspended or revoked registration certificate upon any road within the jurisdiction of the Community shall be guilty of a misdemeanor.

A conviction upon a violation of this subsection §16.512 (A) shall constitute a conviction of a Class D misdemeanor.

(B) The Tribal Police Department may seize and impound any unregistered or improperly registered motor vehicle located on public property or any other place open to travel by the public, and proceed in accordance with Section 2.5 of the Traffic Code.

§16.514 Fraudulent Application for Certificate of Registration; Misdemeanor.

(A) Any person who knowingly does any of the following acts in connection with an application for a registration of a motor vehicle or the payment of the annual registration fee shall be guilty of a misdemeanor:

- (1) fails to disclose a material fact;
- (2) fails to disclose a security interest in a motor vehicle;

A conviction upon a violation of the provisions of this subsection §16.513 (A) shall constitute a conviction of a Class D misdemeanor.

(B) Any person who intentionally submits a false, forged, or fictitious document in connection with an application for a registration of a motor vehicle or the payment of the annual registration fee shall be guilty of a misdemeanor.

A conviction upon a violation of the provisions of this subsection §16.513 (B) shall constitute a conviction of a Class B misdemeanor.

(C) Any person who intentionally uses a false or fictitious name or address, or makes a materially false statement, in connection with an application for a registration of a motor vehicle or the payment of the annual registration fee shall be guilty of a misdemeanor.

A conviction upon a violation of the provisions of this subsection §16.513 (C) shall constitute a conviction of a Class B misdemeanor.

§16.515 Improper Use of Certificates of Registration or License Plates; Misdemeanor.

Any person who commits any of the following acts shall be guilty of a misdemeanor:

- (1) Lends to another person, or knowingly permits the use of, a certificate of registration or license plate issued to him or her by the Division, if the person receiving or using the certificate of registration or license plate would not be entitled to the use or receipt thereof; or
- (2) Carries or displays upon a motor vehicle a certificate of registration or license plate that has been revoked by the Director, has not been issued for the motor vehicle or may not otherwise lawfully be used under this ordinance.

A conviction upon a violation of the provisions of this subsection §16.514 shall constitute a conviction of a Class D misdemeanor and will result in the impoundment of the certificate of registration and the associated license plate.

§16.516 Altering, Forging, or Counterfeiting Registration Certificate or License Plate; Misdemeanor.

Any person who commits any of the following acts shall be guilty of a misdemeanor:

- (1) Intentionally alters a certificate of registration or license plate issued by the Division, or
- (2) Forges or counterfeits a certificate of registration or license plate purporting to have been issued by the Division, or
- (3) Holds or uses a certificate of registration or license plate knowing the same to have been altered, forged, or falsified or,
- (4) Willfully twists, paints, alters or adds to, or cuts off any portion of a license plate or sticker; or 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 sticker; or defaces, disfigures, changes or attempts to change any letter or figure thereon, or

(5) Knowingly sells, trades, barter, or offers for sale, trade, barter, or otherwise disposes of, a certificate of registration, license plate, or sticker.

A conviction upon a violation of the provisions of this subsection §16.515 shall constitute a conviction of a Class C misdemeanor.

SECTION SIX MISCELLANEOUS

§16.601 Maintenance of Records.

(A) The Director shall maintain records of all certificates of title, certificates of registration, license plates and applications therefor, issued by the Director pursuant to this ordinance, and of all annual registration fees and other fees paid to the Division under this ordinance.

(B) The records shall be maintained:

(1) according to title, registration, or license plate number; and

(2) alphabetically, according to the name of the owner of the motor vehicle.

(C) Any information maintained by the Director in accordance with this ordinance may be made available to other tribal agencies solely for purposes of law enforcement and motor vehicle regulation.

§16.602 Fees.

All fees required under this ordinance shall be determined by the Director with the approval of the Tribal Council.

§16.603 Change of Address; Civil Infraction.

(A) If a person, after submitting an application for or obtaining a certificate of title or registration in accordance with subsection §16.302 or §16.502 of this ordinance, moves from the address listed in the application or certificate, the person, within 15 days after moving, shall notify the Director in writing of the new address.

(B) A person who violates subsection §16.603 (A) is responsible for a civil infraction.

§16.604 Implementation of Ordinance.

(A) This ordinance shall be implemented by the Division.

(B) The Division may, from time to time, adopt regulations to implement this ordinance. Before taking effect, the regulations must be submitted by the Division to the Tribal Council for approval, in whole or in part.

§16.605 Repealing of Laws , Resolutions, and Motions.

(A) The existing Motor Vehicle Code, Sections 1 through 18, is hereby repealed.

(B) Sections 5.68 through 5.69b and Sections 10.9 through 10.12 of the Traffic Code are hereby repealed.

(C) Any laws, resolutions and motions of the Tribal Council pertaining to the titling and registration of motor vehicles, which expressly conflicts with this ordinance and were adopted prior to the effective date of this ordinance, are hereby repealed.

§16.606 Savings Clause.

No action or proceeding commenced before this ordinance takes effect and no rights, remedies and penalties accrued, exercised or incurred under prior laws of the Community, shall be affected by the provisions of this ordinance.

§16.607 Effective Date.

This ordinance shall take effect on May 1, 2011.

Legislative History: Ordinance 2010 – 04 adopted January 8, 2011.