

**SPIRIT LAKE TRIBE
RESOLUTION NO. A05-08-111**


- WHEREAS,** the Spirit Lake Tribe, formerly known as the Devils Lake Sioux Tribe of Indians is a federally recognized American Indian Tribe governed by a revised Constitution dated May 5, 1960, approved by the Acting Commissioner, Bureau of Indian Affairs, July 14, 1961, and subsequently amended July 17, 1969; May 3, 1974; April 16, 1976; May 4, 1981; and August 19, 1996; and
- WHEREAS,** the Constitution of the Spirit Lake Tribe generally authorizes and empowers the Spirit Lake Tribal Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribe and of the enrolled members thereof; and
- WHEREAS,** the Spirit Lake Tribal Council (hereinafter the Tribal Council) is the governing body of the Tribe and is empowered to administer the economic resources and financial affairs of the Tribe; and
- WHEREAS,** Article VI, Section 4 of the Constitution authorizes and empowers the Tribal Council to "enact ordinances to regulate the conduct and domestic relations of the members of the tribe, or Indians from other tribes on the reservation, subject to the review of the Secretary of the Interior or his duly authorized representative,"; and
- WHEREAS,** Article VIII, Section 1 of the Constitution states " Any resolution or ordinance which by terms of this constitution is subject to review by the Secretary of the Interior shall within ten days of its enactment be presented to the Superintendent of the Fort Totten Agency or other authorized official who shall within ten days after this receipt by him, approve or disapprove it."; and
- WHEREAS,** the Law and Order Committee under the direction of the Tribal Council did review and recommend the revisions to Title 6 Chapter 6 Section 126, Driving while Under the Influence of drugs or alcohol; Title 3 Chapter 7 Section 144, Liquor Violation; and Title 3 Chapter 7 Section 145, Public Intoxication; and
- WHEREAS,** the Law and Order Committee did act and present to the public as prescribed in Title 1 Chapter 3 Section 101 of the Law and Order Code; and

**SPIRIT LAKE TRIBE
RESOLUTION NO. A05-08-111
PG. 2**


NOW THEREFORE BE IT RESOLVED, that the Spirit Lake Tribal Council approves the amended Titles to the Law and Order Code are adopted and shall be codified into the prescribed Title, Chapter, and Sections of the Law and Order Code Manual.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Spirit Lake Tribal Council, do hereby certify that the Tribal Council is composed of six (6) members, of whom five (5) were present constituting a quorum for a Special Meeting, which was duly called and convened on this 28th day of MAY, 2008, and approved this resolution by affirmative vote of four (4) in favor, none (0) opposed, none (0) abstaining, one (1) absent.
(The Secretary-Treasurer does not vote and the Chairperson votes only in case of a tie.)



Brian S. Pearson
Secretary-Treasurer



Shelly Luger
Vice-Chairperson

~~DEVILS LAKE SIOUX~~ LAW AND ORDER CODE

TITLE 6: MOTOR VEHICLES AND HIGHWAYS

TABLE OF CONTENTS

CHAPTER ONE
GENERAL

§6-1-101.	Source	1
§6-1-102.	Definitions	1
(1)	"Highway"	1
(2)	"Mobile home"	1
(3)	"Motor vehicle"	1
(4)	"Owner"	1
(5)	"Registrar"	1
(6)	"Vehicle"	1
§6-1-103.	Statute of Limitations	1
§6-1-104.	Law Officers to Report Accidents	2
§6-1-105.	Penalties Not Otherwise Prescribed	2

CHAPTER TWO
REGISTRATION

§6-2-101.	Vehicle Registration Required; Exemption	3
§6-2-102.	Application for Registration	3
§6-2-103.	Grounds for Refusing Registration	4
§6-2-104.	Contents, Issuance and Display of Certificate of Registration; Issuance of Duplicate Certificate	5
§6-2-105.	Design, Procurement and Issuance of Registration Plates	5
§6-2-106.	Display of Registration Plates	5
§6-2-107.	Issuance of Duplicate Plates	6
§6-2-108.	Annual Registration Fees	6
§6-2-109.	When Fees Refundable	7
§6-2-110.	Nonresidents	7
§6-2-111.	Fraudulent Application for Registration or License	7
§6-2-112.	Improper Use of Evidence of Registration	8
§6-2-113.	False Evidence of Registration	8
§6-2-114.	Registration Suspended	8
§6-2-115.	Penalty for Operating Unregistered or Improperly Registered Vehicle	9

CHAPTER THREE
CERTIFICATE OF TITLE

§6-3-101.	When Certificate of Title is Required	10
§6-3-102.	Application for Certificate of Title	10

§6-3-103.	Maintenance of Records	11
§6-3-104.	Contents of Certificate of Title	11
§6-3-105.	Grounds for Refusing Issuance of the Certificate of Title	11
§6-3-106.	Lost, Stolen or Mutilated Certificates	12
§6-3-107.	Fees	12
§6-3-108.	Suspension or Revocation of Certificate	12
§6-3-109.	Penalty for Operating Vehicle Without Certificate of Title or With Improper Certificate of Title	13

**CHAPTER FOUR
TRANSFER OF TITLE**

§6-4-101.	Transfer of Interest in a Vehicle	14
§6-4-102.	When Registrar to Issue a New Certificate	14
§6-4-103.	Perfection of Security Interests	14
§6-4-104.	Duties on Creation of Security Interest	15
§6-4-105.	Assignment of Security Interest	15
§6-4-106.	Release of Security Interest	15
§6-4-107.	Secured Party's and Owner's Duties	16
§6-4-108.	Method of Perfecting Exclusive	16

**CHAPTER FIVE
PROVISIONS FOR THE HANDICAPPED**

§6-5-101.	Registration Plates for the Handicapped	17
§6-5-102.	Scope of Privilege	17
§6-5-103.	Design of Plates Furnished by Registrar	17
§6-5-104.	Definition of Handicapped	17
§6-5-105.	Parking Privileges for Physically Handicapped	18
§6-5-106.	Special Parking for the Physically Handicapped	18

**CHAPTER SIX
TRAFFIC OFFENSES**

§6-6-101.	Driving Without a License	20
§6-6-102.	Permitting an Unauthorized Minor to Drive	20
§6-6-103.	Minor Operating a Motor Vehicle	20
§6-6-104.	Driving a Motor Vehicle without the Consent of the Owner	20
§6-6-105.	Driving Without Required Registration	20
§6-6-106.	Driving Vehicle in Unsafe Condition	20
§6-6-107.	Starting, Turning and Stopping Without Regard to Safety	20
§6-6-108.	Speeding	21
§6-6-109.	Reckless Driving	22
§6-6-110.	Failure to Drive on Right Side of Roadway	22
§6-6-111.	Following Too Closely	23
§6-6-112.	Overtaking a Vehicle Without Regard for Safety	23
§6-6-113.	Failure to Observe School Zone or BIA Agency Speed Limits	23
§6-6-114.	Failure to Stop for School Bus Flashing Lights	23

§6-6-115.	Failure to Yield Right of Way	23
§6-6-116.	Stopping, Standing or Parking on Highway	24
§6-6-117.	Coasting	24
§6-6-118.	Obstruction to Indian Operator's View or Driving Mechanism	24
§6-6-119.	Riding on Fenders, Bumpers or Running Boards	25
§6-6-120.	Indian Pedestrians on Roadways Without Regard for Safety	25
§6-6-121.	Garbage, Glass, etc. on Highway	25
§6-6-122.	Driving in Violation of an Order of the Court	25
§6-6-123.	Duties in the Event of Accident	26
§6-6-124.	Refusing to Aid Officer	26
§6-6-125.	Opened Receptacle Containing Alcoholic Beverages in Motor Vehicles	26
§6-6-126.	Driving While Under the Influence of Intoxicating Liquors or Drugs	27
§6-6-127.	Chemical Blood, Breath or Urine Tests	28
§6-6-128.	Temporary Restricted Permits	30

**CHAPTER SEVEN
TRIBAL VEHICLE OPERATING LICENSE**

§6-7-101.	Tribal License Required For Motor Vehicle Operator	31
§6-7-102.	Persons Exempt From License Requirement - Resident Defined	31
§6-7-103.	Classes of Tribal Operator's Licenses	32
(1)	Class 1	32
(2)	Class 2	32
(3)	Class 3	32
(4)	Class 4	32
§6-7-104.	Application For Tribal License	32
§6-7-105.	Examination Of Applicants	33
§6-7-106.	Tribal Licenses Issued To Operators	33
§6-7-107.	Term of Tribal Operator's License; Renewal	34
§6-7-108.	Duplicate of Tribal License	34
§6-7-109.	Change of Name or Address	34
§6-7-110.	Restricted Tribal Licenses	34
§6-7-111.	Tribe May Require Examination; Suspension or Revocation of License by Registrar	34
§6-7-112.	Restoration of Driving Privileges by Registrar	35
§6-7-113.	Civil Penalty for Non-Indians For Violations of This Chapter	35
§6-7-114.	Criminal Penalties for Indians For Violations of This Chapter	35
§6-7-115.	Additional Penalties for Non-Indians and Indians For Violations Of This Chapter	35

**CHAPTER EIGHT
RECIPROCAL POWERS, AGREEMENTS, AND PLANS**

§6-8-101.	Reciprocity Powers	37
§6-8-102.	Reciprocal Use Of Highways	37

~~DEVILS LAKE SIOUX LAW AND ORDER CODE~~

~~TITLE 6: MOTOR VEHICLES AND HIGHWAYS~~

CHAPTER ONE
GENERAL

§6-1-101. Source.

~~The numbers appearing in brackets refer to sections of the North Dakota Century Code from which the provisions of this Chapter are derived.~~

§6-1-102. Definitions.

In this Title, except where otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings: (Amended 12-11-89 by Res. A05-90-203.)

- (1) "Highway" means any road, whether public or private, inside the Reservation, which is open to the public for vehicular travel, including all public highways of the State of North Dakota, county roads, Bureau of Indian Affairs roads, tribal roads, streets, alleys and driveways.
- (2) "Mobile home" means a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction.
- (3) "Motor vehicle" means any vehicle which is self-propelled, snowmobiles, motorcycles, and all terrain vehicles (ATV's).
- (4) "Owner" means a person who holds the legal title of a vehicle.
- (5) "Registrar" means the Registrar of Motor Vehicles of the Devils Lake Sioux Tribe. (Amended 12-11-89 by Res. A05-90-202.)
- (6) "Vehicle" means every device in, upon or by which any Indian or property is or may be transported or drawn upon a highway, horse trailers, trailers, etc.

§6-1-103. Statute of Limitations.

- (1) No action upon an infraction under Chapters Two through Five of this Title shall be maintained unless the action shall have been commenced within three months of the commission of the infraction, provided that absence from the Reservation shall not count in computing the three month period. (Amended 3-23-89 by Res. A05-89-126.)

- (2) ~~No prosecution of an offense under Chapter Six of this Title shall be maintained unless the action shall have been commenced within one year of the commission of the offense, provided that absence from the Reservation shall not count in computing the one year period.~~

§6-1-104. Law Officers to Report Accidents.

Every Reservation law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses shall, within 24 hours after completing such investigation, forward a written report of such accident to the chief of police.

§6-1-105. Penalties Not Otherwise Prescribed.

- (1) Any person who is found to have committed an infraction enumerated in this Title for which the civil penalty is not otherwise prescribed shall be subject to a civil fine of not more than \$5000 for each such infraction and the Tribal Court shall take into consideration any circumstances urged for imposition of a civil fine of lesser amount. (Amended 3-23-89 by Res. A05-89-126.)
- (2) Any Indian who is convicted of an offense enumerated in this Title for which the penalty is not otherwise prescribed shall be sentenced under this section to a fine of not more than \$5000 for each such offense and the Tribal Court shall take into consideration any circumstances urged for the imposition of a criminal fine of lesser amount.

~~CHAPTER TWO~~
~~REGISTRATION~~

§6-2-101. Vehicle Registration Required; Exemption.

- (1) All vehicles owned by residents of the Reservation must be registered by the Tribe unless exempted by §6-2-113(2) or §6-2-110.
- (2) A vehicle, even though operated upon a highway of the Reservation, is exempt from registration when said vehicle:
 - (a) is a non-resident or foreign registered vehicle exempt from registration pursuant to §6-2-110 or;
 - (b) is a farm vehicle 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 or a trailer which is used principally off the highway or;
 - (e) is a trailer or semi-trailer having a gross weight of 3,000 pounds or less and not used for hire or;
 - (f) is a trailer or semitrailer not operated in conjunction with a motor vehicle or;
 - (g) is a motor vehicle being towed or;
 - (h) is a piece of road machinery or;
 - (i) is a motor truck which is operated upon a highway only when directly crossing such highway.

§6-2-102. Application for Registration. (Amended 12-11-89 by Res. A05-90-202.)

- (1) Application for original registration and for renewal of registration shall be made to the Registrar upon forms prescribed by him and shall be accompanied by the required fee.
- (2) Applications for original registration of a vehicle shall contain the following information:
 - (a) The name of the owner.
 - (b) The address of the owner.

- (c) A description of the vehicle, including make, model, identifying number and any other information which the Registrar may require for proper identification of the vehicle.
- (d) The village or Reservation District in which the vehicle is kept.
- (e) Copy of certificate of title or pending application for a certificate of title. If the applicant for registration holds a valid certificate of title previously issued to him by the Registrar for the vehicle in question, that is prima facie evidence that he is the owner of the vehicle, and he need not apply for a new certificate of title each time he applies for registration.
- (f) Such further information as the Registrar 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.
- (3) Applications for renewal of registration shall contain the information required in §6-2-102(2) for original applications or such parts thereof as the Registrar deems necessary to assure the proper registration of the vehicle.
- (4) If the applicant for a certificate of registration is under 21 years of age, the application shall be accompanied by a statement made and signed by the applicant's father if he has custody of the applicant; or if the father does not have custody, then by the mother if she has custody; or if neither parent has custody, then by person or guardian having such custody, 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 Section may be subject to a civil fine of not more than \$150.00.

§6-2-103. **Grounds for Refusing Registration.** (Amended 12-11-89 by Res. A05-90-202.)

The Registrar shall refuse registration of a vehicle under the following circumstances:

- (1) No registration shall be issued unless the applicant is residing within the boundaries of the Reservation; or
- (2) The required fee has not been paid; or
- (3) The applicant has failed to furnish the information or documents required by the Tribe pursuant to this Title; or
- (4) The applicant does not hold a valid certificate of title and is not entitled to the issuance of a certificate of title; or
- (5) The applicant has had his registration suspended or revoked in accordance with §6-2-114 and such suspension or revocation still is in effect.

§6-2-104.

~~Contents, Issuance and Display of Certificate of Registration; Issuance of Duplicate Certificate~~ (Amended 12-11-89 by Res. A05-90-202.)

- (1) The Registrar 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 Registrar deems advisable.
- (2) The Registrar shall issue a duplicate certificate of registration upon application therefor by any person in whose name the vehicle is registered and upon payment of the fee of \$5.00.

§6-2-105. Design, Procurement and Issuance of Registration Plates.

- (1) The Registrar 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 Registrar believes that two plates will better serve the interests of law enforcement. (Amended 12-11-89 by Res. A05-90-202.)
- (2) The Council 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;
- (3) All registration plates shall have displayed upon them the following:
 - (a) The registration number or letters assigned to the vehicle or owner.
 - (b) The name Devils Lake Sioux Tribe, or an abbreviation thereof.
 - (c) An insert tag indicating the period for which the specific registration is issued, including the date of expiration of registration.
- (4) All registration plates issued shall be treated with a reflectorized material as others are made.

§6-2-106. Display of Registration Plates.

- (1) Whenever two registration plates are issued for a vehicle, one such plate shall be attached to the front and one to the rear of the vehicle. Whenever only one registration plate is issued, the plate shall be attached to the front, if the vehicle is a truck tractor or road tractor; otherwise, it shall be attached to the rear.
- (2) Registration plates shall be attached firmly and rigidly in a horizontal position and in a conspicuous place. The plates shall at all times be maintained in a legible condition and shall be 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.~~

- (3) A civil fine of \$75.00 may be imposed upon any of the following:
 - (a) A person who operates a vehicle for which current registration plate or insert tag has been issued without such plate or tag being attached to the vehicle.
 - (b) 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.
 - (c) A person who operates a vehicle with registration plate in an illegible condition due to the accumulation of dirt or other foreign matter.

§6-2-107. **Issuance of Duplicate Plates.** (Amended 12-11-89 by Res. A05-90-202.)

- (1) 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 Registrar for replacement. Upon satisfactory proof of the loss or destruction of the plate and upon payment of \$5.00, the Registrar shall issue a replacement.
- (2) Whenever a current registration plate becomes illegible, the owner of the vehicle to which the plate is attached shall apply to the Registrar for a replacement. Upon receipt of satisfactory proof of illegibility, and upon payment of a fee of \$5.00 the Registrar shall issue a replacement. Upon receipt of his replacement plate, the applicant shall forthwith surrender to the Registrar his illegible plate.
- (3) When issuing a replacement plate, the Registrar 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 interests of economy or prevention of fraud.
- (4) Any person issued replacement plates who fails to surrender his illegible plates as required by §6-2-107(2) shall be subject to a civil fine of not more than \$75.00.
- (5) The Registrar shall keep an accurate and updated list of all registration plates issued, the number thereof, the name of the owner and the description of the motor vehicle.

§6-2-108. **Annual Registration Fees.**

- (1) A registration fee for each calendar year shall be paid for all motor vehicles not exempted by §6-2-101 or §6-2-110, using the public streets or highways of the Reservation on the following basis:
 - (a) During the first three years of vehicle life, \$45.00 per calendar year.
 - (b) During the fourth through seventh years of vehicle life, \$35.00 per calendar year.

(c) ~~During the first and succeeding years of vehicle life, \$25.00 per calendar year.~~

(d) ~~A registration fee of \$5.00 shall be paid for all motorcycles using the public streets and highways of the Reservation for each calendar year.~~

- (2) 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 pro-rated on a monthly basis, one-twelfth of the annual registration fee for each calendar month or fraction thereof.

§6-2-109. **When Fees Refundable.** (Amended 12-11-89 by Res. A05-90-202.)

- (1) The Tribe shall not refund a fee paid to it except when expressly authorized or directed by this Section.
- (2) The Tribe shall refund the unused portion of the registration fee paid upon application for such refund on a form prescribed by the Registrar, upon furnishing of such proof as the Registrar may require that the vehicle will not be operated on the Reservation during the remainder of the period for which the vehicle is registered, and upon return to the Tribe of the 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 highway of the Reservation.

§6-2-110. **Nonresidents.**

- (1) Any vehicle which is registered in another jurisdiction is exempt from the vehicle registration laws of the Tribe if:
- (a) The vehicle carries a registration plate indicating registration in such other jurisdiction; and
 - (b) The vehicle is owned by a nonresident of the Reservation; and
 - (c) The jurisdiction in which the vehicle is registered allows such vehicle when registered by the Tribe to be operated tax-free upon highways under conditions substantially as favorable to residents of the Reservation as to its residents.
- (2) If a vehicle of an individual is registered in another jurisdiction, but he becomes a resident of the Reservation, after 60 days of residency on the Reservation he is subject to the vehicle registration laws of the Tribe.

§6-2-111. **Fraudulent Application for Registration or License.**

Any person who gives a false or fictitious name or address in an application for license or registration, or for any reason applies in the name of a person other than the true owner or lessee, shall be subject to a civil fine of not more than \$100.00.

§6-2-112. ~~Improper Use of Evidence of Registration.~~

~~A civil fine of \$75.00 may be imposed upon any of the following:~~

- ~~(1) A person who lends to another a registration plate, knowing that the person borrowing the plate is not authorized by law to use it; or~~
- ~~(2) A person who displays upon a vehicle a registration plate not issued for such vehicle or not otherwise authorized by law to be used thereon; and~~
- ~~(3) A person who 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 readings of such plate; or who defaces, disfigures, changes or attempts to change any letter or figure thereon.~~

§6-2-113. ~~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 Tribe may be subject to a civil fine of not more than \$100.00.~~

§6-2-114. ~~Registration Suspended.~~ (Amended 12-11-89 by Res. A05-90-202.)

- ~~(1) The Registrar shall suspend the vehicle registration when he finds that:~~
 - ~~(a) The registration was completed through fraud or error and the person who registered the vehicle does not or cannot register the vehicle properly; or~~
 - ~~(b) The required fee has not been paid and the same is not paid upon reasonable notice and demand.~~
 - ~~(c) The issuance or possession of a registration or certificate of title for the registered vehicle is prohibited by law.~~
- ~~(2) Any registration suspended pursuant to this Section continues to be suspended until reinstatement is authorized by the Registrar. The Registrar shall reinstate the registration when the reason for the suspension has been removed.~~
- ~~(3) 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 Registrar. Any person who fails to return the plates as required by this Section shall be subject to a civil fine of not more than \$75.00.~~

§6-2-115. ~~Penalty for Operating Unregistered or Improperly Registered Vehicle.~~

- (1) ~~It is unlawful for any person to operate or for an owner to consent to the operation on any highway of the Reservation any motor vehicle, mobile home, trailer or semi-trailer or any other vehicle unless at the time of operation, the vehicle in question is either registered by the Tribe or exempt from registration.~~
- (a) ~~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 became a resident of the Reservation if application for registration and certificate of title has been made.~~
- (b) ~~All vehicles subject to renewal of registration may be operated provided that the application for registration has been made.~~
- (2) Any person violating §6-2-101(1) shall be subject to a civil fine of not more than \$75.00. In addition to the civil fine, the Court shall order the offender to make application for registration or re-registration and to pay the fee therefor.

~~CHAPTER THREE~~
~~CERTIFICATE OF TITLE~~

§6-3-101. When Certificate of Title is Required.

The owner of a vehicle subject to registration pursuant to this Title, whether or not such vehicle is operated on any highway of the Reservation, shall make application for certificate of title for the vehicle under the following circumstances:

- (1) If he has newly acquired the vehicle.
- (2) 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 Registrar for the vehicle in question, he shall at the same time apply for a certificate of title. (Amended 12-11-89 by Res. A05-90-202.)

§6-3-102. Application for Certificate of Title. (Amended 12-11-89 by Res. A05-90-202.)

- (1) An application for a certificate of title shall be made to the Registrar 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 Registrar 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 a dealer authorized to sell such new vehicle.
 - (e) Any further evidence of ownership, which may reasonably be required by the Registrar to enable him to determine whether the owner is entitled to a certificate of title and to determine the existence or nonexistence 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 Registrar prescribes, and shall furnish a certification by a law enforcement officer or by an employee designated by the Registrar to the effect that the physical description of the motor vehicle has been checked and conforms to the description given in the application.

- (2) ~~Any person who knowingly makes a false statement in an application for a certificate of title shall be subject to a civil fine of not more than \$75.00.~~

§6-3-103. **Maintenance of Records.** (Amended 12-11-89 by Res. A05-90-202.)

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

- (1) According to the title number.
- (2) Alphabetically, according to the name of owner.
- (3) In any other manner which the Registrar shall desire.

§6-3-104. **Contents of Certificate of Title.** (Amended 12-11-89 by Res. A05-90-202.)

- (1) Each certificate of title issued by the Registrar shall contain:
 - (a) The name and address of the owner.
 - (b) The names of any secured parties in the order of priority as shown on the applications or, if the application is based on another certificate of title, as shown on such certificate.
 - (c) The title number assigned to the vehicle.
 - (d) A description of the vehicle, including make, model, and identifying number.
 - (e) Any other data which the Registrar deems pertinent and desirable.
- (2) 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 transferee, and for the naming of a secured party and the assignment or release of a security interest.
- (3) A certificate of title issued by the Registrar is prima facie evidence of the facts appearing on it.

§6-3-105. **Grounds for Refusing Issuance of the Certificate of Title.** (Amended 12-11-89 by Res. A05-90-202.)

The Registrar shall refuse issuance of a certificate of title if any required fee is not paid or if he has reasonable grounds to believe that:

- (1) The person alleged to be the owner of the vehicle is not the owner; or
- (2) The application contains false or fraudulent statements; or
- (3) The applicant fails to furnish the information or documents required by this Title.

~~§6-3-106.~~ ~~Lost, Stolen or Mutilated Certificates.~~ (Amended 12-11-89 by Res. A05-90-202.)

- (1) If a certificate of title is lost, stolen, mutilated, destroyed or becomes illegible, the owner or legal representative of the owner named in the certificate, as shown by the records of the Registrar, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Registrar. The duplicate certificate of title shall contain the legend: *"This is a duplicate certificate and may be subject to the rights of a person under the original certificate."*
- (2) The Registrar shall not issue a new certificate of title to a transferee upon application made on a duplicate until 15 days after receipt of the application.
- (3) A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the Registrar.

§6-3-107. Fees. (Amended 12-11-89 by Res. A05-90-202.)

The Registrar shall be paid the following fees:

- (1) For filing an application for a first certificate of Title, \$5.00 by the owner of the vehicle.
- (2) 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.
- (3) For a duplicate of certificate of title, \$5.00 by the owner of the vehicle.

§6-3-108. Suspension or Revocation of Certificate. (Amended 12-11-89 by Res. A05-90-202.)

- (1) The Registrar shall suspend or revoke a certificate of title if he finds:
 - (a) The certificate of title was fraudulently procured, erroneously issued; or
 - (b) The vehicle has been scrapped, dismantled or destroyed; or
 - (c) The holder of the certificate of title is no longer the owner of the vehicle and no vehicle transfer has been made; or
 - (d) A transfer of title is set aside by a court by order judgment.
 - (e) The issuance or possession of a title is prohibited by law.
- (2) Suspension or revocation of a certificate of title does not, in fact, affect the validity of a security interest noted on it.
- (3) When the Registrar 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 Registrar.

The Registrar may seize and impound any certificate of title which has been suspended or revoked.

~~§6-3-109.~~ **Penalty for Operating Vehicle Without Certificate of Title or With Improper Certificate of Title.**

- (1) It is unlawful for any person to operate or for an owner to consent to the operation on any highway of the Reservation any motor vehicle, mobile home, trailer or semi-trailer or any other vehicle unless at the time of operation, the vehicle in question has a certificate of title issued by the Tribe or is exempt from obtaining a certificate of title.
 - (a) 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 became a resident of the Reservation if application for registration and certificate of title has been made.
 - (b) All vehicles subject to renewal of certificate of title may be operated provided that the application for certificate of title has been made.
- (2) Any person violating §6-3-109(1) shall be subject to a civil fine of not more than \$75.00. In addition to imposing the penalty, the court shall order the offender to make application for certificate of title or reapplication and to pay the fee therefor.

~~CHAPTER FOUR~~
~~TRANSFER OF TITLE~~

§6-4-101. Transfer of Interest in a Vehicle.

- (1) If an owner transfers his interest in a vehicle, 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 therefor on the certificate, and cause the certificate to be mailed or delivered to the transferee.
- (2) The transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate, and cause the certificate and application to be mailed or delivered to the Registrar. (Amended 12-11-89 by Res. A05-90-202.)
- (3) A transfer by 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.
- (4) Any owner of a vehicle for which a certificate of title has been issued who upon transfer of the vehicle fails to execute and deliver the assignment and warranty of title required by §6-3-105(1) shall be subject to a civil fine of not more than \$75.00.
- (5) Any transferee of a vehicle who fails to make application for a new certificate of title immediately upon transfer to him of a vehicle shall be subject to a civil fine of not more than \$75.00. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the Registrar or deposited in the mail properly addressed with postage prepaid. (Amended 12-11-89 by Res. A05-90-202.)

§6-4-102. When Registrar to Issue a New Certificate. (Amended 12-11-89 by Res. A05-90-202.)

- (1) The Registrar, 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 this Title to support the transfer, shall issue a new certificate of title in the name of the transferee as owner.

§6-4-103. Perfection of Security Interests.

- (1) 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 §6-4-106(2).
- (2) A security interest is perfected by the delivery to the Registrar 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, and the required fee. It

~~is perfected as of the time of its creation if such delivery is completed within 10 days thereafter. (Amended 12-11-89 by Res. A05-90-202.)~~

§6-4-104. **Duties on Creation of Security Interest.** (Amended 12-11-89 by Res. A05-90-202.)

If an owner creates a security interest in a vehicle:

- (1) The owner shall immediately execute, in the space provided therefor on the certificate of title or on a separate form prescribed by the Registrar, 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.
- (2) The secured party shall immediately cause the certificate, application, and the required fee to be mailed or delivered to the Registrar.
- (3) Upon receipt of the certificate of title, application and the required fee, the Registrar shall issue to the owner a new certificate containing the name and address of the new secured party.

§6-4-105. **Assignment of Security Interest.**

- (1) 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 or 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.
- (2) The assignee may, to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as secured party, upon delivering to the Registrar the certificate and an assignment by the secured party named in the certificate in the form the Registrar prescribes. (Amended 12-11-89 by Res. A05-90-202.)

§6-4-106. **Release of Security Interest.** (Amended 12-11-89 by Res. A05-90-202.)

- (1) 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 a security agreement between the owner and the secured party, the secured party shall execute and deliver to the owner, as the Registrar prescribes, a release of the security interest in the form and manner prescribed by the Registrar. If the secured party fails to execute and deliver such a release within 10 days after receipt of the owner's written demand therefor he shall be liable to the owner for \$30.00 and for any loss caused to the owner by such failure.
- (2) The owner, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the Registrar, which shall release the secured party's rights on the certificate and issue a new certificate.

§6-4-107. ~~Secured Party's and Owner's Duties.~~

- (1) ~~A secured party named in a certificate of title shall, upon written request of the owner or of another secured party named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.~~
- (2) ~~An owner shall promptly deliver his certificate of title to any secured party who is named on it or who has a security interest in the vehicle described in it upon receipt of a notice from such secured party that his security interest is to be assigned, extended or perfected.~~
- (3) ~~Any secured party who fails to disclose information pursuant to §6-4-107(1) shall be liable for any loss caused to owner thereby.~~
- (4) ~~Any owner who fails to deliver the certificate of title to a secured party requesting it pursuant to §6-4-107(2) shall be liable to such secured party for any loss caused to the secured party thereby and shall be subject to a fine of not more than \$30.00.~~

§6-4-108. ~~Method of Perfecting Exclusive.~~

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

~~CHAPTER FIVE~~
~~PROVISIONS FOR THE HANDICAPPED~~

§6-5-101. **Registration Plates for the Handicapped.**

When a motor vehicle registered under this Title is owned or primarily operated by or for a physically handicapped person, the owner may apply for and secure from the Registrar two registration plates with attached emblems bearing the handicapped symbol described in §6-5-103. One plate shall 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 or first application for registration when the owner first applies for the plates and the owner must submit a physician's statement on a form developed by the Registrar. The Registrar 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 Commissioner that a person is a physically handicapped person as defined in §6-5-104 and that the person is entitled to the license plates authorized by this Title, is guilty of an infraction and shall be subject to a fine of not more than \$500.00. (Amended 3-23-89 by Res. A05-89-126, and 12-11-89 by Res. A05-90-202.)

§6-5-102. **Scope of Privilege.**

If a physically handicapped person parks a vehicle displaying license plates described in this Title or any person parks the vehicle for a physically handicapped person, that person shall be entitled to park the vehicle as provided in §6-5-106.

§6-5-103. **Design of Plates Furnished by Registrar.** (Amended 12-11-89 by Res. A05-90-202.)

The Registrar shall design and furnish two registration 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 \$4.00 for each month registered.

§6-5-104. **Definition of Handicapped.**

For the purpose of this Title, a physically handicapped person means a person who:

- (1) because of disability cannot walk without significant risk of falling;
- (2) because of disability cannot go 200 feet without stopping for rest;
- (3) because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces or a prosthetic device, or needs a wheelchair;
- (4) is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than 1 meter;

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

(6) uses portable oxygen; or

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

§6-5-105. Parking Privileges for Physically Handicapped.

A vehicle that properly displays the registration plates by this Title may be parked by or for a physically handicapped person in a designated handicapped parking space, or in a meter parking space without obligation to pay the meter fee.

§6-5-106. Special Parking for the Physically Handicapped.

(1) A person shall not:

(a) Park a motor vehicle in or obstruct access to an area designated and reserved for the physically handicapped, on either private or public property, or

(b) Park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a handicapped transfer zone; or

(c) Exercise the parking privileges in this Title, unless:

(i) that person is a physically handicapped person as defined in §6-5-104, or the person is transporting or parking a vehicle for a physically handicapped person; and

(ii) the vehicle properly displays one of the following:

A registration plate issued under this Title or an equivalent certificate, insignia or license plate issued by North Dakota or another state or one of its political subdivisions.

(2) 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 a space, be kept clear of snow or other obstructions which block its visibility, and be non-movable or only movable by authorized persons.

(3) The owner or manager of the property on which the designated parking space is located shall insure 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 police officer, the owner or manager is guilty of an

infractions and shall be subject to a fine of not more than \$500.00. (Amended 3-23-89
by Res. A05-89-126.)

- (4) A physically handicapped person, or person parking a vehicle for a handicapped person, who is charged with violating §6-5-106(1)(a) shall be exonerated if he produces in court or before the court appearance evidence that he has been issued registration plates under this Title.

DEVILS LAKE SIOUX TRIBE

RESOLUTION NO: A05-93-253

- Whereas, The Devils Lake Sioux Tribe of Indians, acting under a revised Constitution dated May 5, 1960, approved by the Acting Commissioner Bureau of Indian Affairs, July 14, 1961, and subsequently amended July 17, 1969, May 3, 1974, April 16, 1976 and May 4, 1981; and
- Whereas, The Constitution of the Devils Lake Sioux Tribe generally authorizes and empowers the Devils Lake Sioux Tribal Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribe and of the enrolled members thereof; and
- Whereas, Title 6 of the Devils Lake Sioux Tribal Law and Order Code relates to traffic offenses, more specifically, § 6-6-101 and is presently in need of updating, to better serve the members of the Devils Lake Sioux Reservation; and
- Whereas, It is the intention of the Devils Lake Sioux Tribe that the members and residents of the reservation possess a valid operators license when operating such vehicles on the Devils Lake Sioux Reservation; and
- Whereas, The Devils Lake Sioux Tribe does have a Registrar's Office established for the issuance of Tribal Operator's License, however due to unexpected circumstances are presently not issuing Tribal Operators License; and
- Whereas, The Devils Lake Sioux Tribe's intention is to have vehicle operators possess a valid operators license and does direct the Tribal Court that until the Registrars Office states issuing Tribal Operators License from their appropriate licensing divisions on the Devils Lake Sioux Reservation, this is enforceable.

Now, Therefore, Be It Resolved,

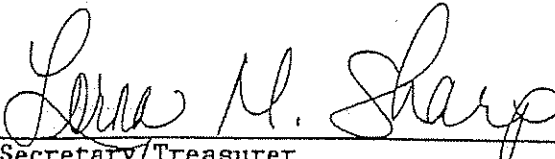
That the Devils Lake Sioux Tribal Council hereby amends Section 6-6-101 Driving Without a License, to read as follows:


6-6-101 Driving Without a License [30-06-01]

- (1) No Indian shall drive a motor vehicle on the highway without a valid operator's license issued by a State, Tribal or Federal government entity, or in violation of restrictions placed by the Registrar on the operator's license.
- (2) Any Indian convicted of violating this section shall be sentenced to a fine not to exceed \$120.00.

CERTIFICATION

I, the Undersigned Secretary/Treasurer of the Devils Lake Sioux Tribal Council, do hereby certify that the Tribal Council is composed of six (6) members, of whom five (5) were present, constituting a quorum for a Special Meeting, which was duly called and convened this 16th day of SEPTEMBER, 1993, and approved this Resolution by an affirmative vote of three in favor, one absent. (The Secretary does not vote and the Chairman votes only in cases of ties.)


Secretary/Treasurer


Chairman

CHAPTER SIX
TRAFFIC OFFENSES

§6-6-101. Driving Without a License. [30-06-01] ~~REPEALED~~ - September 16, 1993
(Resolution No. A05-93-253)

- (1) ~~No Indian shall drive a motor vehicle on the highway without a valid tribal operator's license or in violation of restrictions placed by the Registrar on the tribal operator's license. (Amended 12-11-89 by Res. A05-90-202.)~~
- (2) ~~Any Indian convicted of violating this Section shall be sentenced to labor for a period not to exceed 60 days or to a fine not to exceed \$120.00 or to both such imprisonment and fine, with costs.~~

§6-6-102. Remitting an Unauthorized Minor to Drive. [39-06-44]

No Indian shall permit a child or ward to drive a motor vehicle on the highway unless such minor is licensed to drive. Any Indian convicted of violating this Section shall be sentenced to labor for a period not to exceed 30 days or to a fine not to exceed \$60.00 or to both such imprisonment and fine, with costs.

§6-6-103. Minor Operating a Motor Vehicle.

~~Any minor Indian who drives a motor vehicle on the highway must comply with the State traffic laws. Any violation of any State law shall constitute an offense and any minor Indian convicted of violating this Section shall be sentenced to labor for a period not to exceed 30 days or to a fine not to exceed \$50.00 or to both such imprisonment and fine, with costs.~~

§6-6-104. Driving a Motor Vehicle without the Consent of the Owner.

~~No Indian shall take or drive any motor vehicle without the consent and knowledge of the owner of such vehicle.~~

§6-6-105. Driving Without Required Registration. [39-04-02]

~~No Indian shall operate a motor vehicle on the highway unless such vehicle complies with the registration provisions of Chapter Two of this Title.~~

§6-6-106. Driving Vehicle in Unsafe Condition. [39-04A-08]

~~No Indian shall operate a motor vehicle in an unsafe condition on the highway.~~

§6-6-107. Starting, Turning and Stopping Without Regard to Safety. [39-10-07, 39-10-39, 39-10-41, 39-10-44, 39-10-64]

- (1) ~~No Indian shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.~~

- (2) ~~No Indian shall turn a vehicle at an intersection unless the vehicle is in such position on the highway that such movement can be made with reasonable safety and a signal of intention to turn right or left, when required, has been given continuously during not less than the last 100 feet traveled by the vehicle before turning.~~
- (3) No Indian shall stop or suddenly decrease the speed of the vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.
- (4) The signals herein required shall be given either by means of the standard hand and arm signals or by mechanical or electrical signal device. [39-10-39]
- (5) Every Indian driver of a vehicle approaching an intersection with a stop sign or a flashing red light, shall stop on the near side of the intersection or railroad grade crossing, at the point where he has a view of approaching traffic and shall not proceed until the intersection is clear. [39-19-07, 39-19-41, 39-10-44]
- (6) No vehicle shall at anytime be driven through, over, or within a safety zone. [39-10-64]

§6-6-108. ~~Speeding.~~ [39-09-02, 39-09-06]

- (1) ~~Every Indian operating or driving a vehicle of any character on a highway shall drive in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, condition of surface, freedom from obstruction to view ahead and the rights of any other person entitled to the use of the street or highway.~~
- (2) ~~Where no special hazard exists that requires lower speed for compliance with (1) above, any speed not in excess of the limits specified in this Section shall be lawful but it is illegal for any Indian to drive at any speed in excess of the limits specified in this Section:~~
 - (a) ~~25 miles per hour in any urban district unless a different speed limit is posted;~~
 - (b) ~~20 miles per hour when passing a school during recess or when children are coming to or from school during opening or closing hours;~~
 - (c) ~~20 miles per hour when approaching within 50 feet of a railroad grade crossing or highway intersection or when the driver's view is obstructed within a distance of 100 feet;~~
 - (d) ~~55 miles per hour under other conditions unless a maximum daytime speed of 65 miles per hour is permitted on special areas of the state highway.~~
- (3) The speed limitations set forth above shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of offenders of the law or of Indians charged with or suspected of any such offense nor

~~to fire departments when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall not, however, protect the Indian driver of any such vehicle from the consequences of a reckless disregard of the safety of others. [39-09-06]~~

§6-6-109. Reckless Driving. [39-08-03]

- (1) Any Indian who drives a vehicle carelessly and heedlessly or in willful or wanton disregard of the rights or safety of others or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another is guilty of reckless driving.
- (2) Every Indian convicted of reckless driving shall be punished by imprisonment for a period of not more than 30 days or to a fine not to exceed \$100.00 or to both such imprisonment and fine, with costs, and may be deprived of the right to operate a motor vehicle for a period of not to exceed one year.
- (3) For the commitment of an offense under this Section, while under the influence of liquor, the offender may be sentenced to labor for a period not to exceed 6 months or to a fine not to exceed \$360.00 or to both such imprisonment and fine, with costs.

§6-6-110. Failure to Drive on Right Side of Roadway. [39-10-08, 39-19-13, 39-19-14]

- (1) Upon all highways of sufficient width, the Indian driver of a vehicle shall drive upon the right half of the highway except:
 - (a) When overtaking and passing another vehicle proceeding in the same direction;
 - (b) When the right half of the roadway is closed to traffic while under construction or repair or signposted for one-way traffic or other conditions.
- (2) No Indian shall, at any time, drive a vehicle to the left side of the roadway:
 - (a) When approaching the crest of a grade or upon a curve in the highway where the Indian operator's view of the highway is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 - (b) When approaching within 100 feet of or traversing any intersection or railroad grade crossing; or
 - (c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel. [39-10-13, 39-10-14]

§6-6-111. ~~Following Too Closely~~ [39-10-18]

~~The Indian driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon the condition of the highway.~~

§6-6-112. Overtaking a Vehicle Without Regard for Safety. [39-10-11, 39-10-15]

- (1) ~~The Indian driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass it at a safe distance to the left, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.~~
- (2) The Indian driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (3) No Indian shall drive a vehicle to the left side of the center line of a highway in ~~overtaking another vehicle unless such left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead to permit such overtaking to be made in safety. No Indian driver shall overtake another vehicle in a NO PASSING zone.~~ [39-10-15]

§6-6-113. ~~Failure to Observe School Zone or BIA Agency Speed Limits.~~

Any Indian who drives through a school zone or the Bureau of Indian Affairs Agency at a greater speed than 20 miles per hour shall, upon conviction thereof, be sentenced to labor for a period not to exceed 30 days or to a fine not to exceed \$60.00 or to both such imprisonment and fine, with costs.

§6-6-114. ~~Failure to Stop for School Bus Flashing Lights.~~ [39-10-46]

- (1) ~~Every Indian driver shall stop before reaching a school bus receiving or discharging school children when flashing lights are in operation and shall not proceed until the school bus resumes motion or signaled by the driver to proceed.~~
- (2) Any Indian driver failing to stop and wait at such signal shall, upon conviction thereof, be sentenced to labor for a period not to exceed 30 days or to a fine not to exceed \$120.00 or to both such imprisonment and fine, with costs.

§6-6-115. Failure to Yield Right of Way. [39-10-22, 39-10-23, 39-10-25, 39-10-25]

- (1) The Indian driver of a vehicle about to enter or cross a highway from a private drive or road shall yield the right of way to all vehicles approaching on the highway. [39-10-25]
- (2) When two vehicles from different highways enter an intersection at approximately the same time, the Indian driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

- (3) ~~The Indian driver of a vehicle within an intersection intending to turn left shall yield the right of way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard.~~
- (4) The Indian driver of a vehicle approaching, but not having entered, an intersection shall yield the right of way to a vehicle already within such intersection and making a left turn, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn.
- (5) Upon the immediate approach of an authorized emergency vehicle making use of audible or flashing light signals, the Indian driver of every other vehicle shall yield the right of way and shall immediately drive to a position as close as possible to the right hand edge of the road and stop until the emergency vehicle has passed. This provision shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. [39-10-26]
- (6) ~~The Indian driver of any vehicle upon a highway within a business or residence district shall yield the right of way to a pedestrian crossing at any marked or unmarked crosswalk at an intersection.~~

§6-6-116. ~~Stopping, Standing or Parking on Highway.~~ [39-10-47, 39-10-48, 39-10-51]

- (1) ~~No Indian shall park or leave standing any vehicle whether attended or unattended, upon the paved or unpaved or main traveled portion of such highway; but in every event an unobstructed width of highway opposite the standing vehicle shall be left free for the passage of other vehicles and the vehicle must be clearly visible for a distance of 500 feet to the drivers of vehicles approaching from either direction.~~
- (2) Whenever any duly authorized law officer finds a vehicle standing upon a highway in violation of this provision, he is hereby authorized to move such vehicle or require the Indian driver or person in charge of such vehicle to move such vehicle to the nearest place of safety. [39-10-48]
- (3) No Indian driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, effectively setting the brake and, when standing upon any grade, turning the front wheels to the curb or side of the highway. [39-10-51]

§6-6-117. ~~Coasting.~~ [39-10-56]

No Indian driver of a motor vehicle when traveling upon a down grade shall coast with the gears of the vehicle in neutral or with the clutch manually disengaged.

§6-6-118. ~~Obstruction to Indian Operator's View or Driving Mechanism.~~ [39-19-54]

- (1) No Indian shall drive a vehicle when it is so loaded or when there are, in the front seat, such number of persons exceeding three as to obstruct the view of the Indian driver to the front or sides of the vehicle or as to interfere with the Indian operator's control over the driving mechanism of the vehicle.

- ~~(2) No Indian passenger in a vehicle shall ride in such position as to interfere with the Indian operator's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.~~

§6-6-119. Riding on Fenders, Bumpers or Running Boards.

No Indian driver shall permit passengers to ride on the fenders, bumpers or running boards nor shall any Indian passenger ride on the fenders, bumpers or running boards of a vehicle.

~~§6-6-120. Indian Pedestrians on Roadways Without Regard for Safety. [39-10-29, 39-10-33, 39-10-34]~~

- ~~(1) Every Indian pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield right of way to all vehicles upon the roadway. [39-10-29]~~
- ~~(2) Where sidewalks are provided, it is unlawful for any Indian pedestrian to walk along or upon an adjacent roadway. Where sidewalks are not provided, an Indian pedestrian walking along a highway shall, when practical, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.~~
- ~~(3) No Indian shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle. [39-10-34]~~
- ~~(4) No Indian shall walk upon or along the highway while under the influence of intoxicating liquor.~~

§6-6-121. Garbage, Glass, etc. on Highway. [39-19-59]

- (1) No Indian shall throw or deposit, upon the highway, any glass bottle, glass, nails, tacks, wire, cans, rubbish or any other thing likely to injure any person, animal or vehicle.
- (2) Any Indian who drops or permits to be dropped or thrown, upon any highway, any destructive or injurious material shall immediately remove the same or cause it to be removed.
- (3) Any Indian removing a wrecked or damaged vehicle from the highway shall remove any glass or injurious substance dropped upon the highway from such vehicle.

§6-6-122. Driving in Violation of an Order of the Court.

- (1) Any Indian whose right to operate a motor vehicle has been suspended by the court and who, within the period fixed by the court's order, drives or attempts to drive a motor vehicle upon a highway is guilty of an offense.
- (2) Every Indian who is convicted of driving in violation of an order of the court shall be sentenced to labor for a period not to exceed six months or to a fine not to exceed

⋮

~~\$300.00 or to both such imprisonment and fine, with costs, and may be further deprived of the right to operate a motor vehicle for an additional period of one year.~~

§6-6-123. Duties in the Event of Accident. [39-08-04, 39-08-12]

- (1) The Indian driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any Indian shall immediately stop at the scene of such accident or as close thereto as possible and shall give his name, address and the registration number of the vehicle he is driving and shall, upon request, and if available, exhibit his Indian operator's license to the person struck or the driver or occupant of or person attending the vehicle collided with and shall render to any person injured in such accident reasonable assistance including hospital or medical attention.
- (2) The Indian driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle of the name and address of the driver and the owner of the vehicle striking the unattended vehicle or shall leave, in a conspicuous place on the vehicle struck, a written notice giving the name and address of the Indian driver and the owner of the vehicle striking the unattended vehicle and a statement of the circumstances thereof.
- (3) The Indian driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of the accident and of his name and address and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's license.
- (4) The Indian driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to another or others to an apparent extent of \$50.00 or more shall, as soon as practicable thereafter, give notice of such accident to the chief of police.

§6-6-124. Refusing to Aid Officer.

Any Indian who shall neglect or refuse when called upon by an Indian Police or other police officer of the United States Indian Service, to assist in the arrest of any person charged with or convicted of an offense or in securing such offender when apprehended or in conveying such offender to the nearest place of confinement shall, upon conviction thereof, be sentenced to labor for a period not to exceed 10 days or a fine not to exceed \$20.00 or to both such imprisonment and fine, with costs.

§6-6-125. Opened Receptacle Containing Alcoholic Beverages in Motor Vehicles. [39-08-18]

No Indian shall drink or consume alcoholic beverages in a motor vehicle nor keep in the vehicle or have in his possession or on his person while in such vehicle any bottle or receptacle containing alcoholic beverages which has been opened or the contents of which have been partially consumed.

Above not included

Amended A05-08-11

§66-126

~~Driving While Under the Influence of Intoxicating Liquors or Drugs. [39-08-01]
(Amended 3-23-89 by Res. A05-89-126)~~

- (1) No Indian who is under the influence of intoxicating liquor or who is under the influence of any drug to a degree which renders him incapable of safely driving a motor vehicle shall operate or be in actual physical control of any motor vehicle upon the highway.
- (2) In any criminal prosecution of an offense under Subsection (1) of this Section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance, shall give rise to the following presumptions:
 - (a) If there was at the time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.
 - (b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
 - (c) If there was at that time 0.10 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.
- (3) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood or grams of alcohol per 210 liters of alveolar breath.
- (4) In addition to the results of chemical analysis as set forth in Subsection (2), other competent evidence may be introduced on the question whether the defendant was under the influence of intoxicating liquor.
- (5) Every Indian who is convicted of an offense under this Section shall be punished by:
 - (a) Imprisonment for not more than 90 days, or a fine of not more than \$250.00 or both, with costs, and suspension of the right to operate a motor vehicle for a period of 30 days, for the first offense;
 - (b) Imprisonment for not more than 90 days, or a fine of not more than \$350.00 or both, with costs, and suspension of the right to operate a motor vehicle for a period of 120 days, for a second offense within two years of the first; and
 - (c) Imprisonment for not less than 30 nor more than 90 days, and a fine of not more than \$500.00, with costs, and suspension of the right to operate a motor vehicle

TIME REQUIRED FOR TESTING

A05 08 111
5-28-08

6 - 6 - 126 Driving while under the influence of intoxicating liquors or drugs.

- (1) Any Indian may not drive or be in actual physical control of any vehicle upon a highway or upon a public or private roadway if any of the following apply:
- a. That person has a blood alcohol concentration (BAC) of at least eight-hundredths of one percent (0.08%) by weight at the time of the performance of a chemical test within two(2) hours after the driving or being in actual physical control of a vehicle.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the influence of alcohol and any other drugs or substance to a degree which renders that person incapable of safely driving.
 - e. The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.
- (2) Any person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this section.
- (3) Any person violating this section who refuses to be tested for alcohol and drugs prompts the suspension of driving privileges.

First Offense: Drivers licence suspended for 90 days if your BAC is between .08% and .17% or suspended for 180 days if your BAC is .18% or higher. A minimum fine of \$250 and a mandatory referral to an addiction facility for alcohol evaluation..

Second Offense: If this is your second offense within two years of the first offense, your license will be suspended for one year (two years if your BAC is .18% or higher). A minimum fine of \$500, and either 5 days in jail or 30 days of community service. Mandatory attendance to an addiction facility for alcohol counseling.

Third Offense: If this is your third offense within five years of the first offense, your license will be

suspended for two years (three years if your BAC is .18% or higher). A minimum fine of \$1000, a jail sentence of 60 days or 60 days of community service. Mandatory attendance to an addiction facility for alcohol counseling.

Fourth Offense: If this is your fourth offense within seven years of the first offense, your license will be suspended for two years (three years if your BAC is .18% or higher). A minimum fine of \$1000, 180 days in jail. Your driving privileges will only be returned after being treated for alcohol addiction and not committing any alcohol-related offenses for at least two straight years after completing treatment.

Fifth Offense: which carries a fine of up to \$5000 and up to one year in jail.

(4) For the purpose of this section, conviction of an offense under a law or ordinance of another Tribe or State which is equivalent to this section must be considered a prior offense if such offense was committed within the time limitations specified in accordance with this subsection.

(5) At the discretion of the court, the individual convicted of such offense may have his/her vehicle impounded for the duration of the sentence imposed and subsequent fines have been collected by the court. If the vehicle is not registered to the operator/offender, the vehicle owner may redeem the vehicle but is responsible for any and all towing, storage or subsequent charges.

~~for a period of one year, for a third or subsequent offense within two years of the second.~~

86-6-127. Chemical Blood, Breath or Urine Tests. (Amended 3-23-89 by Res. A05-89-126.)

*OPERATION
THIS SECTION
IS ABOUT TESTING
WHO IS TESTED
WHO IS TESTED
CONSENT & REFUSAL
TO BE TESTED
6-6-128
MISCELLANEOUS
LICENSE*

(1) Any Indian who operates a motor vehicle on a highway is deemed to have given consent, and shall consent, subject to the provisions of this Title, to a chemical test, or tests, of the blood, breath, saliva, or urine for the purpose of determining the alcoholic, other drug, or combination thereof, content of the blood. All tests must be administered at the direction of a law enforcement officer only after placing the Indian, except one referred to in Subsection (3), under arrest and informing the Indian that he is or will be charged with the offense of driving or being in actual physical control of a vehicle upon the highway while under the influence of intoxicating liquor, drugs, or a combination thereof. The arresting officer shall also inform the Indian charged that his refusal to submit to testing determined to be appropriate by the officer will result in a revocation of his driving privilege for one year.

501 (4) (9)

(2) Only a physician, or a qualified technician, chemist, or registered nurse acting at the request of a law enforcement officer, may withdraw blood for purpose of testing. This limitation does not apply to the taking of breath, saliva or urine specimen. The Indian tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing, administer chemical tests at his expense in addition to any administered at the direction of a law enforcement officer. The failure or inability of an Indian to obtain any additional test shall not preclude the admission of the tests taken at the direction of the law enforcement officer. Upon the request of the Indian who is tested, full information concerning the tests taken at the direction of the law enforcement officer shall be made available to him.

(3) Any Indian who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by Subsection (1) and the tests may be administered.

(4) If an Indian refuses to submit to testing as provided in Subsection (1), or in the event of emergent circumstances in which a law enforcement officer deems it necessary to seize an operator's license to protect the safety of people and property within the Reservation, the following procedures shall apply:

*Why?
Court
determine
THAT
OK
: 1/10/89?*

(a) In the event an Indian refuses to submit to testing, the law enforcement officer shall immediately take/seize the Indian's operator's license and shall immediately issue to the Indian a temporary operator's permit extending the driving privilege on the Reservation for the next 20 days, subject, however, to the provisions of Subsection (b).

(b) In the event the officer deems it necessary to seize an Indian's operator's license to protect the safety of people and property within the Reservation, he shall immediately seize the Indian's operator's license, and, within 72 hours thereafter, or at such time as the officer shall deem that the emergency no longer exists, whichever comes later, the law enforcement officer shall issue to the Indian a

~~temporary operator's permit extending the driving privilege on the Reservation for the next 20 days.~~

2
(c) At the time of issuance of a temporary operator's permit, the law officer shall sign and date the temporary operator's permit. The temporary operator's permit shall state that it serves as the Tribe's official notification to the Indian of the Tribe's intent to revoke his driving privilege on the Reservation.

2
(d) The law enforcement officer shall, within five days of seizing an Indian's operator's license, forward to the Tribal Court a sworn report and the Indian's operator's license taken under Subsection (4)(a) or (b). The sworn report shall include all applicable information as provided in Subsection (5).

2
OK
(5) Whenever a law enforcement officer seizes an Indian's operator's license under Subsection (4)(a), the Tribal Court, upon receipt of the Indian's operator's license and the sworn report of the law enforcement officer showing that the officer had reasonable grounds to believe the Indian had been driving or was in actual physical control of a motor vehicle in violation of §6-6-126, that the Indian was arrested and that the Indian had refused to submit to testing, shall revoke the Indian's privilege to drive on the Reservation for one year, subject to the opportunity for a pre-revocation hearing as provided in this Section.

Subsection (6)
OFFICER TO
HEAR
(6) Before issuing an order of revocation under Subsection (5), the Tribal Court shall give the Indian a written notice of intention to revoke and afford the Indian an opportunity for a hearing if the Indian mails a request for the hearing to the Tribal Court within ten days thereafter. The hearing must be held within 30 days after the date of issuance of the temporary operator's permit. The hearing may cover only the issues of whether the law enforcement officer had reasonable grounds to believe the Indian had been driving or was in actual physical control of a vehicle as an offense under §6-6-126 whether the Indian was placed under arrest, and whether the Indian refused to submit to testing. Whether the Indian was informed that the privilege to drive would be revoked for refusal to submit to the testing is not an issue.

At the close of the hearing, the Judge shall notify the Indian of the Judge's findings of fact, conclusions of law, and decision and shall immediately deliver to the Indian a copy of the decision. If the Judge finds, based on a preponderance of the evidence, that the Indian refused testing under Subsection (1), and revokes the Indian's driving privilege, the Judge shall immediately take possession of the Indian's temporary operator's permit issued under Subsection (4)(a). If the Judge does not find against the Indian he shall return the Indian's operator's license. If the Indian who requested the hearing fails to appear at the hearing without justification, his right to a hearing is deemed waived and the Tribal Court's determination on the revocation of the privilege to drive will be based upon the written request for a hearing, the law enforcement officer's report and such other evidence as may be available.

(7) The decision of the Tribal Court after a hearing under Subsection (6) shall be considered a final judgment by the Tribal Court.

- SUBJECT TO
§6-6-122 (3)
SECT. (1)
- (8) ~~If the Indian under arrest refuses to submit to testing, proof of refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the Indian was driving or in actual physical control of a vehicle upon the highway while under the influence of intoxicating liquor, drugs, or a combination thereof.~~
- (9) When an Indian's privilege to drive has been revoked, the Tribal Court shall give information in writing of the action taken to the North Dakota Department of Motor Vehicles, or to the official in charge of motor vehicles of any other State which issued the Indian's operator's license. *OK*
- (10) If any licensed physician, nurse, technician or an employee of a hospital shall draw blood from any Indian pursuant to a request of any arresting officer, he shall not be liable in any civil action for damages arising therefrom, except for gross negligence. *OK*

§6-6-128. Temporary Restricted Permits.

- (1) ~~If the Tribal Court has suspended the right of an Indian to operate a motor vehicle under §6-6-126 hereof, the Tribal Court may, for good cause and upon the written application of the offender, issue a temporary restricted permit to operate a motor vehicle which shall take effect 30 days after the date of suspension for a first offense. The Tribal Court may not issue a temporary restricted permit to any offender whose right to operate a motor vehicle has been suspended upon a second or subsequent offense under §6-6-126.~~ *Subject*
- (2) ~~A temporary restricted permit may authorize the use of a motor vehicle only during the permittee's normal working hours and may contain such other restrictions as to time or place of its use or other matters, as the Tribal Court determines will best serve the interests of justice and safety.~~ *OK*
- (3) In no event shall a temporary restricted permit be issued to an Indian whose operator's license has been suspended under §6-6-122. *OK*
- (4) Any offense under the conditions of a temporary restricted permit shall be Driving in Violation of an Order of the Tribal Court, and §6-6-122 of this Title. *OK*

6-6-129 Failure to Use Safety Belt

- (A) Any individual of age 16 years or more who shall fail to properly wear and fasten a safety belt while operating a motor vehicle on any highway or public roadway or any individual of age 18 years or more who shall fail to properly wear and fasten a safety belt while a passenger in a motor vehicle that is being operated on any highway or public roadway shall be subject to a civil fee not to exceed \$30.00.
- (B) Law Enforcement Officers shall enforce the provisions herein as a primary safety belt law, and shall therefore be authorized to stop a vehicle and issue a citation based upon probable cause that the driver or occupant of the vehicle is in violation of 6-6-129 (A).
- (C) This section shall not apply to vehicles designed and manufactured to carry more than fifteen passengers, vehicles not manufactured with safety belts, rural mail carriers, operators of farm equipment, or those with a medically diagnosed disability which prevents the use of an appropriate restraint system so long as the individual has a medical statement stating the nature of the medical condition and the justification for not using a safety belt. This section also shall not apply to children under the age of 18 years.

6-6-130 Failure to Use Child Restraint Device

- (A) Any individual of age 16 years or more who shall operate a motor vehicle on a highway or public roadway and who shall fail to properly fasten or otherwise restrain child occupants or passengers of age 17 years and younger, into an approved child restraint system or safety belt shall be subject to a civil fee of \$30.00 for each passenger that is not restrained in accordance with this provision and 6-6-130(B). For individuals who are cited on three or more separate occasions for this offense, the Spirit Lake Tribal Court may, in its discretion, increase the civil fee to an amount not to exceed \$500.00.
- (B) Children who are under the age of 1 year or weigh less than 20 pounds must be restrained in a rear facing child car seat.

Children who are under the age of 4 years or who weigh less than 40 pounds must be restrained in a front facing child car seat.

Children under the age of 7 years or who weigh between 40 and 80 pounds and are less than 57 inches tall must be restrained in a child booster seat.

Children ages 7 through 17 must be properly secured in a booster seat or safety belt. Safety belts may be used for children between the ages of 7 and 17 years so long as said child weighs 80 pounds or more and is at least 57 inches tall.

Child car seats and child booster seats must be used and fastened in accordance with manufacturers instructions.

- (C) Law Enforcement Officers shall enforce the provisions herein as a primary safety belt law, and shall therefore be authorized to stop a vehicle and issue a citation based upon probable cause that the driver of the vehicle is in violation of 6-6-130 (A).
- (D) This section shall not apply to vehicles designed and manufactured to carry more than fifteen passengers, vehicles not manufactured with safety belts, rural mail carriers, operators of farm equipment, or those with a medically diagnosed disability which prevents the use of an appropriate restraint system so long as the individual has a medical statement stating the nature of the medical condition and the justification for not using a safety belt.

~~CHAPTER SEVEN~~

~~TRIBAL VEHICLE OPERATING LICENSE~~

~~(Adopted 12-11-89 by Res. A05-90-202.)~~

§6-7-101. Tribal License Required For Motor Vehicle Operator.

- (1) Every person, unless expressly exempted in this Section, who drives any motor vehicle on a highway or on public or private areas designated for vehicular use on the Reservation must have a valid tribal operator's license or a temporary operator's permit under the provisions of this Chapter.
- (2) Any person licensed hereunder may drive a motor vehicle upon all highways or on public or private areas designated for vehicular use on the Reservation and may not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

§6-7-102. Persons Exempt From License Requirement--Resident Defined.

The following persons are exempt from license hereunder:

- (1) Any employee of the United States government while operating a motor vehicle owned by or leased to that government and being operated on official business.
- (2) A nonresident who is at least sixteen years of age, who has in his immediate possession a valid operator's license issued to him by his tribe, home state, province or country.
- (3) A nonresident who is at least sixteen years of age, whose tribe, home state, province or country does not require the licensing of operators, may operate a motor vehicle within the Reservation for a period of not more than thirty days in any calendar year without making an application for or obtaining a tribal operator's license; provided, however, that he: (a) shall have in his possession while driving on the Reservation an official certificate showing the lawful registry of the motor vehicle, (b) shall be able to prove his lawful possession of or the right to operate such vehicle, and (c) shall be able to establish his identity.
- (4) A member of the armed forces of the United States may operate a motor vehicle on the Reservation while he is stationed on the Reservation, provided he has a valid current operator's license from another tribe or state.
- (5) A person over sixteen years of age who becomes a resident of the Reservation and who has in his possession a valid operator's license issued to him pursuant to the laws of some other tribe, state, province, country or by military authorities of the United States may operate a motor vehicle for a period of not more than sixty days after becoming a resident of the Reservation, without being required to have a tribal operator's license.
- (6) A member of the North Dakota national guard may operate any military vehicles as authorized by a national guard operator's license while on duty.

⋮

~~For purposes of this Chapter, a person is deemed a resident of the Reservation when he has lived on the Reservation for ninety consecutive days, unless he is a nonresident student, a tourist, or a member of the armed forces.~~

§6-7-103. Classes of Tribal Operator's Licenses.

*REN 83
A05-89-030*
Tribal operator's licenses issued hereunder shall be classified and clearly marked to indicate the license class; such marking shall indicate the equivalent State of North Dakota marking for the license class. The classes are defined as follows:

- (1) ~~Class 1. Class 1 shall entitle the licensee to operate motor vehicles or combination of vehicles except two or three-wheeled motorcycles.~~
- (2) ~~Class 2. Class 2 shall entitle the licensee to operate motor vehicles or combination of vehicles except:~~
 - ~~(a) Any two or three-wheeled motorcycle.~~
 - (b) ~~A vehicle towing a trailer, semitrailer, or farm trailer whenever the gross weight of any such trailer, not including the weight of the towing vehicle, exceeds 24,000 pounds.~~
 - (c) ~~A tractor-trailer combination.~~
- (3) ~~Class 3. Class 3 shall entitle the licensee to operate motor vehicles as follows:~~
 - (a) ~~Any two-axle or tandem-axle vehicle, except a tractor-trailer combination, which is towing a trailer, semitrailer, or farm trailer whenever the gross weight of any such trailer, not including the weight of the towing vehicle, exceeds 24,000 pounds.~~
 - (b) ~~A farm tractor towing any vehicle, regardless of the weight of the vehicle being towed.~~
 - (c) ~~A bus not exceeding 80 inches in width, designed with a capacity of more than 13 passengers and used for transporting passengers.~~
- (4) Class 4. Class 4 shall entitle the licensee to operate any two or three-wheeled motorcycle.

§6-7-104. Application For Tribal License.

- (1) Every application for a tribal operator's license must be made upon a form furnished by the Registrar.
- (2) Every application must state the full name, date of birth, sex, residence and mailing address, and a brief description of the applicant. The application must contain such other information as the Registrar may require and must be accompanied by the proper

⋮

~~fee. By signing the application, the applicant certifies that all information contained on the application is true and correct.~~

- (3) Whenever an application is received from a person previously licensed in another jurisdiction, the Registrar may request a copy of the driver's record from such other jurisdiction. When received, the driving record becomes a part of the driving record of the Tribe with the same force and effect as though entered on the driving record on the Reservation in the original instance.
- (4) Whenever the Registrar receives a request for a driving record from another licensing jurisdiction, the record may be forwarded at the Registrar's discretion, unless the Tribe has entered into a reciprocal agreement with the jurisdiction covering such request, then the Registrar shall meet the requirements of the reciprocal agreement.

§6-7-105. Examination Of Applicants.

The Registrar shall examine every applicant for a tribal operator's license, except as otherwise provided in this Chapter. Such examination must include a test of the applicant's eyesight, ability to read and understand highway signs regulating, warning, and directing traffic, knowledge of the traffic laws of the Tribe and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. Operator's examinations must be given at locations designated by the Registrar. The Registrar may require such other physical or mental examination as may be deemed advisable. The Registrar may waive any provision of this Subsection for any applicant who has in his possession a valid operator's license from any other tribe, state, province or country. All applicants must pay a \$5.00 fee for each written knowledge test and for each road test attempted.

§6-7-106. Tribal Licenses Issued To Operators.

- (1) The Registrar shall, upon payment of a ten dollar fee, issue a tribal operator's license to every qualified applicant. The license must bear a distinguishing number assigned to the licensee, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write the licensee's usual signature. If the licensee is under the age of twenty-one, the photograph must be against a color background that is different from the color used for other licensees.
- (2) Any holder of a classified license who drives a motor vehicle otherwise than as permitted by the class of license issued to him must be deemed to be driving a motor vehicle without being duly licensed by this Chapter. The holder of a classified license who desires to obtain a different class license in one of the classes provided by this Chapter must exchange or renew such license. The Registrar may impose such rules and regulations as he may deem necessary with respect to such renewals or exchanges for the proper administration of this Chapter.
- (3) If any holder of a license issued pursuant to this Chapter suffers permanent loss of use of a hand, arm, foot, leg, or eye, he shall, before operating any motor vehicle or motorcycle, make a report thereof to the Registrar; and the Registrar shall take

⋮

reasonable action to ensure that the licensee is still capable of operating vehicles for which the individual is licensed.

§6-7-107. Term of Tribal Operator's License; Renewal.

- (1) A tribal operator's license issued to a person under 18 year's of age expires on midnight of the licensee's eighteenth birthday.
- (2) A tribal operator's license issued to a person of 18 years of age or older but under 21 expires on midnight of the licensee's twenty-first birthday.
- (3) A tribal operator's license issued to a person of 21 years' of age or older expires on midnight of the licensee's third birthday after issuance of the license.
- (4) A tribal operator's license of any person over 24 years' of age may be renewed for a period of three years.

§6-7-108. Duplicate of Tribal License.

A licensee shall apply for a duplicate license if his original is lost, mutilated or contains incorrect information. A licensee requesting a duplicate must present documentary evidence of name, date of birth, or social security number.

§6-7-109. Change of Name or Address.

A licensee who has changed his name or address must report such change to the Registrar within ten days thereafter and surrender his present license. The Registrar shall issue a corrected duplicate license upon proof, satisfactory to the Registrar, of his present name or address.

§6-7-110. Restricted Tribal Licenses.

- (1) The Registrar, upon issuing a tribal operator's license or a temporary restricted operator's license, has authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate, or such other restrictions applicable to the licensee as the Registrar may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
- (2) Any such restrictions imposed by the Registrar shall be set forth on the restricted tribal license.
- (3) It is unlawful for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted tribal license issued to him.

§6-7-111. Tribe May Require Examination; Suspension or Revocation of License by Registrar.

- (1) In addition to other powers set forth in this Chapter, the Registrar, having good cause to believe that a licensee under this Chapter is incompetent or otherwise not qualified

~~to be licensed, may, upon written notice of at least five days, require the licensee to submit to such physical, mental, or driver's examination as may be deemed necessary.~~

- (2) If the Registrar has good cause to believe that the licensee presents an immediate danger to the motoring public, the Registrar may immediately, and without prior notice, suspend the licensee's tribal operator's license pending the examination.
- (3) The notice of suspension must provide the operator with the opportunity for a hearing within five days of the receipt of the notice of suspension.
- (4) Upon the conclusion of such examination the Registrar shall take such action as may be appropriate and may suspend or revoke the license of such person or permit him to retain the license subject to restrictions. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of the license.

§6-7-112. Restoration of Driving Privileges by Registrar.

If any conviction of a licensee hereunder by the Tribal Court is later reversed by the Tribal Court, the Registrar shall restore such licensee to the status held by him prior to the conviction, including driving privileges, if appropriate.

§6-7-113. Civil Penalty for Non-Indians For Violations of This Chapter.

Violation of any provision of this Chapter by a non-Indian shall be an infraction for which a civil penalty not to exceed \$120.00 may be imposed by the Tribal Court.

§6-7-114. Criminal Penalties for Indians For Violations of This Chapter.

Any Indian convicted of violating any provision of this Chapter shall be sentenced to labor for a period not to exceed 60 days or to a fine not to exceed \$120.00 or to both such imprisonment and fine, with costs.

§6-7-115. Additional Penalties for Non-Indians and Indians For Violations Of This Chapter.

In addition to the penalties provided in Sections §6-7-113 and §6-7-114, the Tribal Court may suspend the tribal operator's license of the violator for any of the following reasons:

- (1) Commission of an offense for which mandatory revocation of licensee is required upon conviction.
- (2) Incompetence to drive a motor vehicle.
- (3) Refusal to submit to an implied consent chemical alcohol test in another jurisdiction. For purposes of this Subsection the specific requirements for establishing a refusal used in the other jurisdiction shall be accepted, and photostatic copies of the records of the other jurisdiction's drivers licensing authority are sufficient evidence of the refusal whether or not those copies are certified.

- (4) ~~An administrative decision has been issued in another jurisdiction which suspends or revokes the violator's privilege to drive in that jurisdiction because of a violation of that jurisdiction's law forbidding motor vehicle operation while under the influence of alcohol. The specific requirements for establishing such violation in the other jurisdiction shall be accepted and certified copies of the records of the other jurisdiction's drivers licensing authority are sufficient evidence of the violation.~~
- (5) Conviction under this Title of an offense which appears from the Registrar's records to have contributed to causing an accident which resulted in death or serious personal injury or serious property damage.

In addition to any other penalty imposed, the Tribal Court may order the license plates of the motor vehicle owned and operated by any such violator at the time of the violation to be impounded by the tribal police for the duration of any period of suspension or revocation of the violator's tribal operator's license. The impounded license plates may be released, upon order of the Tribal court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title to the motor vehicle issued by the Registrar.

~~CHAPTER EIGHT~~
RECIPROCAL POWERS, AGREEMENTS, AND PLANS
(Adopted 12-11-89 by Res. A05-90-202.)

§6-8-101. Reciprocity Powers.

The Registrar shall have the power to execute agreements, arrangements, or declarations involving the reciprocal use of highways or of public or private areas designated for vehicular use on the Reservation involving reciprocity between the Tribe and any other jurisdiction on matters relating to drivers' licensing, financial responsibility, traffic law enforcement, vehicle sizes and weights, and vehicle inspection.

§6-8-102. Reciprocal Use Of Highways.

No person may operate a motor vehicle upon the highways or the public or private areas designated for vehicular use on the Reservation unless the driver is licensed to operate a motor vehicle on the Reservation under this Chapter or under a reciprocal agreement, arrangement, or declaration and such person has complied with the requirements of such reciprocity agreement, arrangement, or declaration.