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CHAPTER 13

WHITE EARTH TRAFFIC CODE

Section 1. Authority

This Traffic Code is enacted pursuant to the inherent sovereign authority of the White Earth Tribal Council a/k/a a RTC, as the governing body of the White Earth Band of Chippewa, as granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized by the United States under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. 476.

Section 2. Use

The purpose of this Traffic Code is to protect the health, safety and welfare of the residents of the White Earth Reservation through the establishment of minimum standards of motor vehicle safety for all public roadways within the boundaries of the White Earth Reservation.

Section 3. Definitions

For the purpose of the chapter, the terms defined in this section shall have the meaning ascribed to them.

Subdivision 1. Band. "Band" shall mean the White Earth Band of Chippewa

Subdivision 2. Band Member. "Band Member" shall mean an enrolled member of the White Earth Band of Chippewa.

Subdivision 3. White Earth Reservation. "White Earth Reservation" shall mean all lands within the exterior boundaries of White Earth Reservation and all trust lands held by the United States for the White Earth Band.

Subdivision 4. Vehicle. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a road, street or highway. The terms include bicycles.

Subdivision 5. Motor Vehicle. "Motor Vehicle" means every vehicle that is self-propelled. Motor vehicle includes automobiles, vans, pickup trucks, motorcycles, motorized bicycles, all-terrain vehicles, snowmobiles and any and all similar vehicles but does not include motorized wheelchairs.

Subdivision 6. Person. "Person" means every natural person, firm, co-partnership, association or corporation.

Subdivision 7. Pedestrian. "Pedestrian" means any person on foot or in a wheelchair.

Subdivision 8. Driver. "Driver" means every person who drives or is in actual physical control of a vehicle. In addition to their usual and customary meaning, means being in actual physical control of a vehicle regardless of whether or not such a vehicle is moving or stationary and, if such vehicle is self propelled, regardless of whether or not the engine of such vehicle is then operating as long as the vehicle is operable.

Subdivision 9. Owner. "Owner" means a person who holds the legal title of a vehicle or who is entitled to immediate possession of a vehicle in the event the vehicle is the subject of a conditional sale or lease agreement or of a mortgage.

Subdivision 10. Public Roadway. "Public Roadway" shall mean any highway, street, or other roadway situated within the boundaries of the White Earth Reservation.

Subdivision 11. Tribal Council. "Tribal Council" a/k/a a RTC shall mean the governing body of the White Earth Band.

Subdivision 12. Driver's or operator's license or driver's permit. "Driver's or operator's license or driver's permit" means the required authorization to drive or operate a motor vehicle within the White Earth Reservation pursuant to provisions of White Earth Tribal Code.

Subdivision 13. Registration. "Registration" means the required registering of ownership of a motor vehicle within the White Earth reservation pursuant to the provisions of White Earth Band Tribal Code, adopted by Resolution No. 001-96-012, April 23, 1996.

Subdivision 14. Insurance. "Insurance" means the motor vehicle insurance required of every driver, operator, or owner of a motor vehicle with the White Earth Reservation pursuant to the provisions of the White Earth Tribal Code.

Subdivision 15. Intoxicating liquor or drug. "Intoxicating Liquor or drug" means any lawful or unlawful substance, whether prescribed by a physician or not, which substance can substantially impair any person's ability to operate a vehicle.

Subdivision 16. Private property. "Private property" means any area within the White Earth Reservation not open to the general public, the use and enjoyment of which is restricted by custom, law, ordinance, resolution or agreement to one or more persons. Private property includes any private driveway or roadway contained within said area.

Subdivision 17. Police Officer "Police Officer" means any law enforcement officer having the power to make an arrest within the White Earth Reservation.

TRAFFIC REGULATIONS

Section 4. Violations

It shall be a violation of this Traffic Code for any person while within the boundaries of the White Earth Reservation to do any act, whether by omission or commission, which would constitute a violation of any specific section of this code.

Section 5. Failure to Comply or Obstruction of an Officer.

No person shall willfully fail or refuse to comply with any lawful order or direction of any officer who has been authorized by the White Earth Tribal Council to administer or enforce the provisions of this Traffic Code. No person shall obstruct the efforts of any officer who is lawfully engaged in the administration or enforcement of this Traffic Code.

Section 6. Defacement or Removal of Signs.

No person shall, without lawful authority, deface, alter, knock down, or remove any official traffic-control device or boundary sign, or any part thereof, within the White Earth Reservation.

Section 7. Accidents

A. Driver to Stop

1. Accidents resulting in bodily injury.

The driver of any vehicle involved in an accident resulting in the bodily injury or death of any person shall immediately stop the vehicle at the scene of the accident, or as close thereto as possible, and shall then return to and in every event shall remain at the scene of the accident until he or

she has fulfilled the requirements of subsection (B) of this section as to the provision of information and assistance. The stop shall be made without necessarily obstructing traffic.

2. Accidents not resulting in bodily injury.

The Driver of any vehicle involved in an accident with a vehicle which is driven or unattended shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, but shall immediately return, to and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of subsection (B) of this section as to the provision of information and assistance.

B. Driver to Provide Information

The driver of any vehicle involved in an accident resulting in bodily injury or death of any person, or damage to any vehicle which is driven or attended by any person, shall stop and provide the following information to any individual involved in the accident upon request and to any law enforcement officer responding to or investigating the accident:

1. Full Name;
2. Address;
3. Date of birth;
4. The registration number of the vehicle that he or she is driving;
5. Exhibit driver's license;
6. Provide proof of insurance, including the name of the insurer, policy number, and local insurance agent for the insurer. If proof of insurance is not available at the scene of the accident, the driver shall, within 72 hours of the accident, provide proof that he or she carried liability insurance on the vehicle at the time of the accident or may be charged with no insurance.

In addition to providing the above information, the driver shall render reasonable assistance to any person injured in such accident.

C. Collision with unattended vehicle.

The driver of any vehicle which collides with and damages any vehicle which is unattended shall immediately stop and either locate the driver or owner of the vehicle and provide the information required under subsection (B) of this section, shall report the same to a law enforcement officer, or shall leave in a conspicuous place in the struck vehicle a written notice giving name and address of the driver and owner.

D. Notification of law enforcement of personal injury.

The driver of a vehicle involved in an accident resulting in substantial damage to another vehicle or another person's property, or resulting in injury or death of any person shall, after compliance with the provisions of this section, by the quickest means of communication, give notice of such accident to local law enforcement.

Section 8. Open Bottle Prohibitions

- A. No person shall drink or consume intoxicating liquors or non-intoxicating malt liquors in any motor vehicle when such vehicle is within the boundaries of White Earth Reservation.
- B. No person shall have in his or her possession or on his or her person while in a motor vehicle upon a public roadway within the boundaries of the White Earth Reservation, any bottle or receptacle containing intoxicating liquor or non-intoxicating malt liquor which has been opened, or the seal broken, or the contents of which have been partially removed.
- C. It shall be unlawful for the owner of any motor vehicle or the driver, if the owner is not present in the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public roadway within the White Earth Reservation, any bottle or receptacle containing intoxicating liquors or non-intoxicating malt liquors which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk, a utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers:

Section 9. Careless Driving

No person shall operate or halt any vehicle upon any public street or highway within the White Earth Reservation, in a manner, which exhibits careless disregard of the rights or safety of others, or in a manner so as to endanger, or be likely to endanger any person or property.

Section 10. Reckless Driving

Any person who drives a vehicle in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property shall be guilty of reckless driving.

Section 11. Speed Restrictions

A. General prohibition. No person shall drive a vehicle on a public roadway within the White Earth Reservation at a speed greater than is reasonable and prudent under existing conditions. In every instance, even speed shall be restricted as reasonably necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the public roadway.

B. Speed limits. Where no special hazard exists the following speeds shall be lawful, but any speed in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful; except that any posted speed limit shall be absolute speed limit and any speed in excess thereof shall be unlawful.

- (1) 10-miles per hour in any school zone while children are present
- (2) 30-miles per hour in any municipality
- (3) 55-miles per hour on public trunk highways; and
- (4) 45-miles per hour in other locations.
- (5) 50-miles per hour in some locations.

Section 12. Impeding Traffic

No person shall drive a motor vehicle at a speed of which is so slow as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law. Band officers are authorized to enforce this section by issuing directions to drivers and, in the event of apparent willful disobedience of this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver shall be subject to penalty as defined.

Section 13. U-Turns

No vehicle shall be turned as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1000 feet.

Section 14. Through Highway; Stop Sign-Traffic Control lights

The driver of a vehicle shall stop as required at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard, but the driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on the through highway shall yield to the right-of-way to the vehicles so proceeding into or across the through highway. The driver of a vehicle shall likewise stop in obedience to a stop sign, or traffic control light, as required herein, at an intersection where a stop sign or traffic control light is erected at one or more entrances.

Section 15. Depositing on Public Roadways or Adjacent Land

No person shall throw or deposit upon any public roadway within the White Earth Reservation any refuse, including glass bottle, glass nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such public roadway or upon any public or privately owned land adjacent thereto without the owner's consent. Any person who drops or permits to be dropped or thrown, upon any public roadway any destructive or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a public roadway shall remove any glass or other injurious substance dropped upon the public roadway from such vehicle.

Section 16. Headlights and Rear Lamps

- A. **Headlights.** Every motor vehicle, other than a motorcycle shall be equipped with at least two headlamps, with at least one on each side of the front of the motor vehicle. Every motorcycle shall be equipped with at least one and not more than two headlamps.
- B. **Rear Lamps.** Every motor vehicle shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, exhibiting a red light plainly visible from a distance of 500 feet to the rear.

Section 17. Mufflers

Every motor vehicle shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. No person shall use a muffler cutout, by-pass, or similar device upon a motor vehicle on a street or

public roadway. The exhaust system shall not emit or produce a sharp popping or crackling sound. Every motor vehicle shall at all times be equipped with such parts and equipment so arranged and kept in such a state of repair as to prevent carbon monoxide from entering the interior of the vehicle.

Section 18. Wheel Flaps on Trucks and Trailers

Every truck, trailer and semi-trailer, except pole trailers and rear-end dump trucks, shall be equipped with wheel flaps or other suitable protection above and behind the rearmost wheels of the vehicle or combination of vehicles to prevent, as far as possible, such wheels from throwing dirt, water or other materials on the windshields of vehicles which follow. Such flaps or protectors shall have a ground clearance of not more than one-fifth of the horizontal distance from the center of the rearmost axle to the flap under any conditions of loading or operation of the motor vehicle and shall be at least as wide as the tires. Lamps or wiring shall not be attached to fender flaps.

Section 19. Liability Insurance Coverage and Proof of Insurance

No person shall operate or drive a motor vehicle on any public roadway within the White Earth Reservation without carrying liability insurance coverage on that vehicle and proof of said insurance coverage in the vehicle at all times. Such liability insurance coverage shall provide limits of at least \$25,000 because of injury or death of one person in any accident and at least \$50,000 because of injury or death of two or more persons in any accident.

Section 20. Possession of Valid Drivers License

No person or minor shall operate a motor vehicle within the White Earth Reservation without possessing a valid license issued by an authorized tribal, state or federal government agency. Driving after suspension, revocation or cancellation of a driver's license shall be subject to the jurisdictions and penalties of this ordinance.

- A. The White Earth Band of Chippewa adopts the procedures for testing and licensing which are currently used by the State of Minnesota, but in no event does this subject the White Earth Tribe or tribal members to Minnesota jurisdiction.
- B. The White Earth Band of Chippewa adopts the age limitations which are currently used by the State of Minnesota, but in no event does this subject the White Earth Tribe or its tribal members to Minnesota jurisdiction.

Section 21. Safety Belts and Child Restraints

- A. Safety belt requirement. Every driver and front seat passenger, and rear seat passengers ages 4-11 shall wear a properly adjusted and fastened safety belt at all times during which the vehicle is moving on public roadways within the White Earth Reservation.
- B. Child restraint devices. Every parent or custodian of a child under age 4 shall secure that child in a child restraint system meeting federal motor vehicle safety standards at all times during which the vehicle is moving on public roadways within the White Earth Reservation.
- C. Safety belt exceptions. The safety belt requirements of subsection (a) and (b) of this section shall not apply to the following:
 - (1) A person driving a passenger vehicle in reverse;
 - (2) A person riding in a seat in which all the seating positions equipped with safety belts are in use;
 - (3) A person who is in possession of a written certificate from a licensed physician verifying that the person is unable to wear a safety belt for medical reasons;
 - (4) A person who is actually engaged in work which requires the person to leave a passenger vehicle at frequent intervals and who, while engaged in that work, does not drive the vehicle at speeds exceeding 25 miles per hour;
 - (5) A rural mail carrier of the United States Postal Service while in the performance of those duties;
 - (6) A person driving or riding in a passenger vehicle manufactured before January 1, 1965; or
 - (7) A person driving or riding in a pickup truck while engaged in farm work.
 - (8) To any vehicle that is parked;
 - (9) To any police or other emergency vehicle.

No motor vehicle shall be stopped by any law enforcement officer solely because of an alleged violation of Section 21 (a) or (b), nor shall any person be charged with violating (a) and (b) above, unless a motor vehicle accident has taken place or there has been a concurrent moving violation of another section of this chapter.

Section 22. Unreasonable Acceleration

No person shall operate a motor vehicle in a manner, which involves acceleration, which unreasonably causes the projection of matter, disturbs the peace, or otherwise endangers the safety or well being of others.

Section 23. Responsibility of Parents for Violations of Minor Children

The custodial parent or parents of a minor who is charged with a violation of this ordinance shall be legally responsible for the payment of fines, or insuring the minor does the community service work, imposed in connection with such violation.

Section 24. Drivers of Emergency Vehicles

The driver of any authorized emergency vehicle, when responding to an emergency call, may enter against the run of traffic on any road or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency has been reported; and these provisions shall not effect any cause of action arising prior to its passage. No driver of any authorized emergency vehicle shall assume any special privilege except when such vehicle is operated in response to any emergency call or in the immediate pursuit of any actual or suspected violator of the law with lights and siren required.

Section 25. Driving or operating a motor vehicle after revocation or suspension of license or permit:

It shall be unlawful for any person whose driving privileges, or whose driver's or operator's license or driver's permit is revoked, suspended or cancelled to drive or operate a motor vehicle anywhere within the White Earth Reservation open to the general public, including areas designated or used for the parking of motor vehicles.

Section 26. Owner allowing another person to drive or operate the owner's motor vehicle:

It shall be unlawful for any owner of a motor vehicle to allow another person or mentally impaired vulnerable person to drive or operate the owner's motor vehicle anywhere within the White Earth Reservation open to the general public, including areas designated or used for the public parking or motor vehicle, if such owner knows or reasonably should know that the driver or operator has not been issued a currently valid driver's or operator's license or driver's permit, or if such owner knows or reasonably should know that the driver's or operator's driving privileges, driver's or operator's license or driver's permit has been revoked, suspended or cancelled.

Section 27. Driving or operating a motor vehicle contrary to any current conditions or restrictions of driving privileges:

It shall be unlawful for any person, whose current driving privileges are in any manner conditioned or restricted, to drive or operate a motor vehicle contrary to the terms of such conditions or restrictions anywhere within the White Earth Reservation open to the general public, including those areas designated or used for the public parking of motor vehicles.

Section 28. Allowing another person to drive or operate a motor vehicle contrary to current conditions or restrictions of the other person's driving privileges.

It shall be unlawful for any person to knowingly allow any other person, whose current driving privileges are in any manner conditioned or have restrictions anywhere within the White Earth Reservation open to the general public, including those areas designated or used for the public parking of motor vehicles.

Section 29. Driving or operating a motor vehicle while under the influence of alcohol or controlled substance:

Subdivision 1. It shall be unlawful for any person to drive, operate, or be in physical control of any motor vehicle within the White Earth Reservation.

- A. when the person is under the influence of alcohol or controlled substance

It shall be unlawful for any person who is the owner of a motor vehicle to allow another person to drive, operate or be in physical control of the owner's motor vehicle within the White Earth Reservation when said owner knows, or reasonably should know that the other person is intoxicated or under a controlled substance that such person's ability to drive and/or operate such motor vehicle in a reasonably prudent and safe manner has been impaired as a result of the induction into the bodily system of such person of any intoxicating liquor or drug.

Section 30. Prohibited parking:

Subdivision 1. It shall be unlawful for any person to park a vehicle, except when necessary to avoid conflict with other traffic or when in compliance with any law, ordinance, or directions of a tribal police officer, in any of the following places:

- A. On a sidewalk;

- B. In front of a public or private driveway;
- C. Within an intersection;
- D. Within fifteen (15) feet of a fire hydrant;
- E. On a crosswalk;
- F. On any public street, road or highway and alongside of any other vehicle stopped or parked on said street, road or highway (example: "double-parking");
- G. In any manner likely to impede or obstruct traffic or to endanger the safety of persons or property,
- H. In any area posted "No parking" or posted so as to restrict parking to certain persons or vehicles, including areas restricted to vehicle of disabled persons only, unless the posted restriction does not apply to the person operating the vehicle or to the vehicle.

Section 31. Mandatory use of Helmets

It shall be unlawful for any juvenile under 16 to operate or occupy a motorcycle, all terrain vehicles (hereinafter "ATV") ATV or snowmobile upon any public street, road or highway, or upon a frozen lake, stream or pond, or in any other place open to the general public within the White Earth Reservation, including any area designated for the parking of motor vehicles, unless said person is then wearing a helmet approved for such use in accordance with standards set by the White Earth Tribal Council or, if no such standards exist, in accordance with standards set by the State of Minnesota, which are strictly for guidance purposes only.

Section 32. Under-age operation of ATV's, snowmobiles and other recreational vehicles:

Subdivision 1. It shall be unlawful for any minor under the age of fourteen (14) years to operate an ATV, snowmobile, or other similar recreational vehicle anywhere within the boundaries of the White Earth Reservation unless accompanied on said vehicle or on a companion vehicle by said minor's parent, guardian or custodian or by another adult.

Subdivision 2. It shall be unlawful for any person to permit any minor under the age of fourteen (14) years to operate an ATV, snowmobile, or other similar recreational vehicle unless accompanied on said vehicle or on a companion vehicle by said minor's parent, guardian or custodian or by another adult.

Subdivision 3. It shall be unlawful for any person to allow any other person under the age of twelve (12) years to drive or operate an ATV, snowmobile, or other recreational vehicle anywhere within the boundaries of the White Earth Reservation.

Section 33. Other violations:

Subdivision 1. It shall be unlawful for the driver or operator of any motor vehicle within the boundaries of the White Earth Reservation to:

- A. Fail to give way and stop for any approaching emergency vehicle whose emergency lights are flashing or whose siren is being sounded;
- B. Fail to stop at least fifty (50) feet distant from any marked school bus whose lights are flashing and whose stop sign is extended;
- C. Pass another vehicle in a zone marked "No Passing," in an intersection, in the patch of an on-coming vehicle or, in any manner in which the pass cannot safely be completed without reasonable risk of causing damage to another vehicle or injuries to other persons;
- D. Fail, without lawful excuse, to obey the order(s) of any law enforcement officer directing traffic;
- E. Return to the scene of an arrest, traffic stop and/or accident without lawful excuse after having been directed by a law enforcement officer to leave the scene of such arrest, traffic stop and/or accident;
- F. Cross over the center line of any street, road or highway except for the purpose of lawfully passing another vehicle or to avert an obstruction and, in such an event only when the vehicle can be brought safely back into the proper lane without reasonable risk of causing damage to another vehicle or injuries to another person.
- G. Fail to keep and maintain a reasonable distance between the vehicle being operated and any vehicle immediately ahead;
- H. Operate a motor vehicle without both headlights and both taillights on and in working condition during any period of fog, rain, snow, sleet, freezing rain, drizzle or during the period from sunset to sunrise; and operate a motor vehicle without dimming the high intensity portion of the beam within 1000 feet of an approaching vehicle whereas the beam would be projected into the eyes of the oncoming driver;
- I. Fail to signal any turn or stop using appropriate turn signal lights, hand signals or brake lights as the case may be;
- J. Operate any motor vehicle with a windshield cracked or discolored to an extent to limit or obstruct proper vision except for law enforcement vehicles with any objects suspended between the driver and windshield.
- K. Operate a vehicle in which the side or rear window is composed or treated with any material so as to obstruct or substantially reduce the driver's clear view through the window or has a light transmittance of less than 50% plus or minus 3% in the visible light range.
- L. Operate all animal-drawn vehicles, motorized golf carts, implements of husbandry and other machinery, including all road construction machinery, which are designed for operation at a speed of 30 miles per hour or less shall display a triangular slow-moving vehicle emblem.

Section 34. Police May Move Vehicle

Subdivision 1. Towing Authorized

- A. When a police officer finds a vehicle standing upon a highway in violation of any of the provisions of Section 34, Subd. 3, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.
- B. When a police officer finds a vehicle unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle and remove the same to the nearest convenient garage or other place of safety.

Subdivision 2. Towing order required. A towing authority may not tow a motor vehicle from public property unless a peace officer or parking enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle and the reasons for towing. The report must be signed by the officer and the tow driver.

Subdivision 3. Towing Allowed

A towing authority may tow a motor vehicle if the following conditions exist.

1. The vehicle is parked in violation of snow emergency regulations;
2. The vehicle is blocking a driveway, alley, or fire hydrant;
3. The vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
4. The vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates;
5. The vehicle is parked within the right-of-way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;
6. The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
7. A law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
8. The driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
9. The vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;
10. The vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or

11. The vehicle is a junk, abandoned, or unauthorized vehicle, as defined in Section 168B.011, and subject to immediate removal under Chapter 13.
12. The vehicle is a subject to repossession and the creditor has a legal court order signed by a tribal judge.

Section 35. Parking Certificate for the Handicapped

When a motor vehicle registered under this Code is owned or primarily operated by or for a physically handicapped person, the owner may apply for and secure from White Earth Motor Vehicle Department, one parking certificate with the attached emblem bearing the handicapped symbol described in Section 35-3. The parking certificate shall be displayed on the dashboard in the left-hand corner of the front windshield of the vehicle with no part of the certificate obscured or shall be visible from the front windshield. Application for the parking certificate must be made at the time of renewal or first application for registration of the vehicle, and the owner must submit a physician's statement on a form developed by White Earth Motor Vehicle Department. The White Earth Motor Vehicle Department 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 that a person is a physically handicapped person as defined in Section 35-4 and that the person is entitled to the parking certificate authorized by this Code is guilty of an infraction and shall be subject to a fine of not more than \$500.00.

Section 35-2. Scope of Privilege

If a physically handicapped person parks a vehicle displaying a parking certificate described in this Chapter or any person parks the vehicle for a physically handicapped person, that person shall be entitled to park the vehicle as provided in Section 35-6.

Section 35-3. Design of Parking Certificate Furnished by WE-MVD

White Earth Motor Vehicle Department shall design and furnish one parking certificate with attached emblem 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 parking certificate shall pay the motor vehicle registration fee authorized by law.

Section 35-4. Definition of Handicapped

For the purpose of this Code, a physically handicapped person means a person whom:

1. Because of disability cannot walk without significant risk of falling;
2. Because of disability cannot walk 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 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;
8. Has a terminal illness and is unable to walk a long distance for health reasons.
9. The applicant has a specific medical condition related to pregnancy that walking would aggravate to the extent that it could endanger the life or health of the person or fetus.
10. The applicant has lost an arm or a leg and does not have or cannot use an artificial limb.

Section 35-5. Parking Privileges for Physically Handicapped

A vehicle that properly displays the parking certificate described in this Chapter 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 and without regard to time limitation unless otherwise posted.

Section 35-6. 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 Code, unless:

1. that person is a physically handicapped person as defined in Section 35-4, or the person is transporting or parking a vehicle for a physically handicapped person; and
2. the vehicle properly displays one of the following:

A parking certificate issued under this Code or an equivalent certificate, insignia or license plate issued by Minnesota 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.

Section 36. Miscellaneous violation of White Earth Band of Ojibwe traffic regulations.

Except as otherwise provided herein, it shall be unlawful for any person to drive or operate a motor vehicle upon any public street, road or highway, or upon a frozen, lake, stream or pond or in any other place open to the general public within the White Earth Reservation, including any area designated for the parking of motor vehicles, in violation of the White Earth Tribal traffic regulations.

Subdivision 1. In the event that the commission of an act in violation of this section also constitutes a violation of any other section of the White Earth Traffic Code governing the commission of such an act, such other section shall apply and, upon conviction for a violation thereof, the sentence imposed shall be that set forth in such other section of the White Earth Traffic Code.

Subdivision 2. Violation of any provision of Minnesota traffic regulations hereinafter enacted, altered, amended or modified pursuant to the laws of the White Earth Band of Ojibwe (except as the same applies to the registration of motor vehicle, licensing of drivers and operators, reporting of accidents, and insuring of drivers, operators and owners of motor vehicles) shall not be in a violation of this section.

Section 37. Registration

Section 37-1. Vehicle Registration Required; Exemption

1. All vehicles owned by enrolled residents of White Earth Reservation shall have the option to register their motor vehicle unless exempted by Section 37-1 (2) or Section 37-10.
2. Students attending college or post secondary schools, with permanent residence with parents or legal guardians residing within reservation boundaries are eligible to register their vehicles with White Earth Motor Vehicle Department.
3. Other enrolled members of other federally recognized Indian tribes residing within White Earth Reservation boundaries are eligible to register their vehicles with White Earth Motor Vehicle Department.
4. A vehicle, even though operated upon a public street or highway of the Reservation, is exempt from registration by the White Earth Tribe when said vehicle:
 - A. is owned by a non-resident and is a foreign registered vehicle exempt from registration pursuant to Section 37-10; or
 - B. is a farm vehicle used exclusively in agricultural operations; or
 - C. is a trailer or semi-trailer 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 semi-trailers 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 semi-trailer not operated in conjunction with a motor vehicle; or
 - G. is a motor vehicle being towed; or
 - H. is a piece of road maintenance machinery; or
 - I. is a motor truck, which is operated upon a public street or highway only when directly crossing such public street or highway.

Section 37-2. Application for Registration

1. Application for original registration and for renewal shall be made to White Earth Motor Vehicle Department upon forms prescribed by it 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 (s);
 - B. The address of the owner (s);
 - C. A description of the vehicle, including make, model, vehicle identification number (VIN), and any other information which White Earth Motor Vehicle Department may require for proper identification of the vehicle;

- D. Copy of certificate of title. If the applicant for registration holds a valid certificate of title previously issued to him by White Earth Motor Vehicle Department 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; and
- E. Such further information as White Earth Motor Vehicle Department may require to enable it to determine whether the vehicle is by law entitled to registration or to enable it to determine the proper registration fee for the vehicle.

Applications for renewal of registration shall contain the information required in Section 37-2 (2) for original applications or such parts thereof as White Earth Motor Vehicle Department deems necessary to assure the proper registration of the vehicle.

Any applicant for a certificate of registration must be at least 18 years of age.

Section 37-3. Grounds for Refusing Registration

White Earth Motor Vehicle Department 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 White Earth Band of Chippewa pursuant to this Code; 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 Section 37-14 and such suspension or revocation is still in effect.
6. The applicant does not hold a Certificate of Title and/or the certificate holder is deceased and/the property issue must be probated.
7. The applicant does not have a valid driver license or proof of insurance.

Section 37-4. Contents, Issuance and Display of Certificate of Registration; Issuance of Duplicate Certificate

1. Upon registering a vehicle, White Earth Motor Vehicle Department shall issue and deliver to the owner a certificate of registration. The certificate shall contain the name and address of the owner (s), 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 White Earth Motor Vehicle Department deems advisable.

2. White Earth Motor Vehicle Department shall issue a duplicate certificate of registration upon application therefore by any person in whose name the vehicle is registered and upon payment of the fee.

Section 37-5. Design, Procurement and Issuance of Registration Plates

1. White Earth Motor Vehicle Department, upon registering a vehicle pursuant to this Code, 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 White Earth Motor Vehicle Department believed that two plates will better serve the interests of law enforcement.
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 (s) 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 (s)
 - B. The name "White Earth" or an abbreviation thereof; and
 - 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.

Section 37-6. Display of Registration Plates

1. Whenever two registration plates are issued for a vehicle, on 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 displayed so that they can be readily and distinctly seen and read. Any Police 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 fine may be imposed upon any of the following:
 - A. A person who operates a vehicle for which current registration plates or insert tags have been issued without such plates or tags being attached to the vehicle; or
 - 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.

Section 37-7. Issuance of Duplicate Plates

1. Whenever a current registration plate is lost or destroyed, the owner (s) of the vehicle to which the plate was attached shall immediately apply to White Earth Motor Vehicle Department for replacement. Upon satisfactory proof of the loss or destruction of the plate and upon payment of a fee, White Earth Motor Vehicle Department shall issue a replacement.
2. Whenever a current registration plate becomes illegible, the owner (s) of the vehicle to which the plate is attached shall apply to White Earth Motor Vehicle Department for a replacement. Upon receipt of satisfactory proof of illegibility and upon payment of a fee, White Earth Motor Vehicle Department shall issue a replacement. Upon receipt of his replacement plate, the applicant shall forthwith surrender to White Earth Motor Vehicle his/her illegible plate.
3. When issuing a replacement plate, White Earth Motor Vehicle Department may assign a new number and issue a new plate rather than a duplicate of the original if it is the judgment of White Earth Motor Vehicle Department that it is in the best interests of economy or prevention of fraud to do so.
4. Any person issued replacement plates that fail to surrender his/her original plates as required by Section 37-7 (2) shall be subject to a fine.
5. White Earth Motor Vehicle Department shall keep an accurate and updated list of all registration plates issued, the number thereof, the name of the owner (s) and the description of the motor vehicle.

Section 37-8. Annual Registration Fees

A registration fee for each calendar year shall be paid for all motor vehicles not exempted by Section 37-1 or Section 37-10 using the public streets or highways of the Reservation.

Section 37-9. When Fees Refundable

White Earth Motor Vehicle Department shall not refund a fee paid to it except when expressly authorized or directed by the Motor Vehicle Administration.

Section 37-10. Non residents/Exemption

Any vehicle which is registered in another jurisdiction is exempt from the vehicle registration laws of the White Earth Band of Chippewa if:

1. The vehicle carries a registration plate indicating registration in such other jurisdiction; or
2. The vehicle is owned by a non resident of the Reservation and is duly registered in his/her home jurisdiction; and
3. The jurisdiction in which the vehicle is registered allows a vehicle registered by the White Earth Band of Chippewa to be operated tax free upon its public streets or highways.

Section 37-11. Fraudulent Application for Registration or License

Any person who gives a false or fictitious name or address in an application for registration, or for any reason applies in the name of a person other than the true owner or lessee, shall be subject to a fine.

Section 37-12. Improper use of Evidence of Registration

A fine 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; or
3. A person who willfully twists, paints, alters or adds to or cuts off any portion of a registration plate or tab; or who places or deposits or causes to be placed or deposited on such plate or tab, any substance to hinder the normal readings of

such plate; or who defaces, disfigures, changes or attempts to change any letter or figure thereon.

Section 37-13. False Evidence of Registration

Whoever operates or has in his/her possession a motor vehicle, mobile home, trailer or semi-trailer 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 White Earth Band of Chippewa may be subject to a fine.

Section 37-14. Registration Suspended

1. White Earth Motor Vehicle Department shall suspend the vehicle registration under the following circumstances:
 - 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 fee is not paid upon reasonable notice and demand; or
 - C. The issuance or possession of registration or a 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 White Earth Motor Vehicle Department. The clerk 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 (s) or person in possession of the registration plates shall forthwith return them to White Earth Motor Vehicle Department. Any person who fails to return the plates as required by this Section shall be subject to a civil fine.

Section 37-15. Penalty for Operating Unregistered or Improperly Registered Vehicle

It is unlawful for any person to operate or for an owner to consent to the operation on any public street or 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 is either registered by the White Earth Band of Chippewa or exempt from registration.

Section 38. Certificate of Title

The owner (s) of a vehicle subject to registration pursuant to this Code shall make application for certificate of title for all vehicles owned and operated within the boundaries of the Reservation unless exempted under this Code.

Section 38-2. Application for Certificate of Title

1. An application for a certificate of title shall be made to White Earth Motor Vehicle Department upon a form prescribed by it 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 (s);
 - B. A description of the vehicle including make, model, vehicle identification number (VIN), and any other information which White Earth Motor Vehicle Department may 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 be required by White Earth Motor Vehicle Department to enable it to determine whether the owner (s) is entitled to a certificate of title and to determine the existence or nonexistence of security interests in the vehicle; and
 - 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 the motor vehicle. The statement shall be in the form White Earth Motor Vehicle Department prescribes. The applicant shall also furnish a certification by a law enforcement officer or by an employee designated by White Earth Motor Vehicle Department 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 fine.

Section 38-3. Maintenance of Records

White Earth Motor Vehicle Department shall maintain a record of all applications and all certificates of title issued by it:

1. According to the title number; or
2. Alphabetically, according to the name of the owner (s); or
3. In any other organized manner which White Earth Motor Vehicle Department shall desire as long as any other clerk could access the information.

Section 38-4. Contents of Certificate of Title

1. Each certificate of title issued by White Earth Motor Vehicle Department shall contain:
 - A. The name and address of the owner (s);
 - B. The names of any secured parties in the order of their priority as shown on the application 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 vehicle identification number (VIN).
 - E. Any other data which White Earth Motor Vehicle Department deems pertinent and desirable.
2. The certification of title shall contain forms for assignment and warranty of title by the owners (s), 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 White Earth Motor Vehicle Department is prima facie evidence of the facts appearing on it.

Section 38-5. Grounds for Refusing Issuance of Certificate of Title

White Earth Motor Vehicle Department shall refuse issuance of a certificate of title if any required fee is not paid or if there are 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 Code.

Section 38-6. Lost, Stolen or Mutilated Certificates

1. If a certificate of title is lost, stolen, mutilated, destroyed or becomes illegible, the owner (s) named in the certificate as shown by the records of White Earth Motor Vehicle Department or his/her White Earth Tribal court-appointed representative shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to White Earth Motor Vehicle. The duplicate certificate of title shall contain the legend: "Duplicate Title may be subject to the rights of a person under the original certificate."
2. White Earth Motor Vehicle Department shall not issue a new certificate of title to the 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 White Earth Motor Vehicle Department.

Section 38-7. Fees

White Earth Motor Vehicle Department shall be paid the following fees:

1. For filing an application for a first certificate of title, \$10.00 by the owner (s) of the vehicle.
2. For the original notation and subsequent release of each security instrument noted upon a certificate of title, a single fee of \$10.00 by the owner (s) of the vehicle.
3. For a duplicate of certificate of title, \$10.00 by the owner (s) of the vehicle.

Section 38-8. Suspension or Revocation of Certificate

White Earth Motor Vehicle Department shall suspend or revoke a certificate of title if:

- 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 an order or judgement.

Suspension or revocation of a certificate of title does not affect the validity of a security interest noted on it.

When White Earth Motor Vehicle Department suspends or revokes a certificate of title, the owner (s) or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to White Earth Motor Vehicle Department.

White Earth Motor Vehicle Department may seize and impound any certificate of title which has been suspended or revoked or procured fraudulently.

Section 38-9. 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 public street or 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 has a certificate of title issued by the White Earth Band of Chippewa or is exempt from obtaining a certificate of title.
 - A. A vehicle may be operated 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. A person violating Section 38-9 (1) shall be subject to a fine. In addition to imposing the penalty, the White Earth Tribal Court shall order the offender to make application for certificate of title or reapplication and to pay the fee therefore.

Section 39. Transfer of Title

Section 39-1. Transfer of Interest in a Vehicle

1. If an owner transfers his/her interest in a vehicle, he/she 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, within 14 days after delivery to him/her 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 delivered to White Earth Motor Vehicle Department.
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/her 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 whom upon transfer of the vehicle fails to execute and deliver the assignment and warranty of title required by Section 39-1 (1), shall be subject to a fine.
5. Any transferee of a vehicle who fails to make application for a new certificate of title immediately upon transfer to him/her of a vehicle shall be subject to a fine. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to White Earth Motor Vehicle Department.

Section 39-2. When Motor Vehicle Department to Issue a New Certificate

White Earth Motor Vehicle Department, 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 Code to support the transfer, shall issue a new certificate of title in the name of the transferee as owner.

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 (s) or subsequent transferees or secured parties of the vehicle unless perfected as provided in Section 39-3 (2).
2. The secured party shall immediately cause the certificate, application, and the required fee to be mailed or delivered to White Earth Motor Vehicle Department.

Section 39-4. Duties on Creation of Security Interest

If an owner creates a security interest in a vehicle:

1. The owner shall immediately execute, in the space provided therefore on the certificate of title or on a separate form prescribed by White Earth Motor Vehicle Department, an application to name the secured party on the certificate, showing the name and address of the secured party and the date of his/her 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 White Earth Motor Vehicle Department

3. Upon receipt of the certificate of title, application and the required fee, White Earth Motor Vehicle Department shall issue to the owner (s) a new certificate containing the name and address of the new secured party.

Section 39-5. Assignment of Security Interest

1. A secured party may assign, absolutely or otherwise, his/her security interest in the vehicle to a person other than the owner (s) without affecting the interest of the owner (s) 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 the secured party on the certificate.
2. To perfect the assignment, the assignee may have the certificate of title endorsed or issued with the assignee named as the secured party, upon delivering to White Earth Motor Vehicle Department the Certificate and an assignment by the secured party named in the certificate in the form White Earth Motor Vehicle Department prescribes.

Section 39-6. Release of Security Interest

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

Section 39-7. Secured Party's and Owner's Duties

1. A secured party named in a certificate of title shall, upon written request of the security party named on the certificate, disclose any pertinent information as to

his/her security agreement and the indebtedness secured by it.

2. An owner shall promptly deliver his/her 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/her security interest is to be assigned, extended or perfected.
3. Any secured party who fails to disclose information pursuant to Section 39-7 (1) shall be liable for any loss caused to owner (s) thereby.
4. Any owner who fails to deliver the certificate of title to a secured party requesting it pursuant to Section 39-7 (2) shall be liable to such secured party for any loss caused to the secured party thereby and shall be subject to a fine.

Section 39-8. Method of Perfecting Exclusive

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

Section 40. Fines

The following fines shall apply to violation under Chapter 13 of this Traffic Code:

Violation Description	Ordinance Section	Fine
Failure to comply with lawful order or direction of peace officer	5	\$200.00 Mandatory Court
Obstruction of Peace Officer	5	\$200.00 Mandatory Court
Defacement or removal of signs	6	\$ 50.00
Failure to remain at scene of accident resulting in injury	7 (a) 1	\$200.00 Mandatory Court
Failure to remain at scene of accident not resulting in injury	7 (b) 2	\$ 75.00
Failure to provide information or assistance at scene of accident	7 (b)	\$ 75.00
Leaving the scene of collision with unattended vehicle	7 (c)	\$100.00

Failure to report accident involving Substantial property damage or human injury to law enforcement	7 (d)	\$200.00 Mandatory Court
Open bottle violation	8	\$100.00
Careless Driving	9	\$200.00 Mandatory Court
Reckless Driving	10	\$200.00 Mandatory Court
Failure to reduce speed as appropriate for existing conditions	11 (a)	\$100.00
Speeding up to 10 miles per hour over the speed limit	11 (b)	\$ 50.00
Speeding in excess of 10 miles per hour over the speed limit	11 (b)	\$ 75.00
Speeding in excess of 20 miles per hour over the speed limit	11 (b)	\$100.00
Speeding in excess of 30 miles per hour over the speed limit	11 (b)	\$150.00
Impeding traffic	12	\$100.00
Illegal U-turn	13	\$ 50.00
Failure to yield, stop	14	\$ 50.00
Depositing refuse on public roadway or adjacent land	15	\$100.00
Violation of headlight requirements	16 (a)	\$ 50.00
Violation of rear lamp requirements	16 (b)	\$ 50.00
Illegal muffler	17	\$ 50.00
Failure to have wheel flaps on truck or trailer	18	\$ 25.00
Failure to provide proof of insurance	19	\$ 50.00
Failure to carry required liability	19	\$200.00

insurance coverage		
Driving without valid drivers license	20	\$ 50.00
Failure to use seat belts or child restraint devices	21	\$ 50.00
Unreasonable acceleration	22	\$ 75.00
Driving after revocation	25	\$100.00 Mandatory Court
Driving after cancellation	25	\$100.00 Mandatory Court
Driving after suspension	25	\$100.00 Mandatory Court
Owner allowing another person to drive or operate the owner's motor vehicle	26	\$ 75.00
Driving or operating motor vehicle contrary to current conditions or restriction of driving privileges	27	\$100.00
Allowing another person to drive or operate a motor vehicle contrary to current conditions or restrictions of driving privileges	28	\$100.00
Driving or operating a motor vehicle while under the influence of alcohol or controlled substance	29	\$300.00
Prohibited parking areas	30	\$ 50.00
Failure to wear helmet	31	\$ 50.00
Underage operation of ATV snowmobiles or other recreational vehicles	32	\$ 50.00
Other violations	33	\$100.00
School bus stop arm violation	33 (b)	\$200.00 Mandatory Court
Failure to display plates or registration on vehicle	37-6	\$ 75.00

Failure to return original plates	37-7 (4)	\$ 75.00
Fraudulent application for registration	37-11	\$100.00
Illegal use of plates or tabs	37-12	\$100.00
False evidence of registration	37-13	\$100.00
Registration suspended	37-14	\$ 75.00
Operating unregistered or improperly registered vehicle	37-15	\$ 75.00
False statement in application for certificate of title	38-2 (2)	\$ 75.00
Operate vehicle without certificate of title or with improper certificate of title	38-9 (1)	\$ 75.00
Failure to transfer title or apply for new certificate of title	39-1 (4) (5)	\$ 75.00
Failure to deliver new certificate of title to secured party	39-1 (4)	\$ 75.00
Physician fraudulently certifies person as physically handicapped	35	\$500.00
Parking in designated area reserved for physically handicapped	35-6	\$100.00

Section 41. Jurisdiction of the White Earth Tribal Court

The White Earth Tribal Court shall have sole and exclusive jurisdiction over any Indian person alleged to have committed a violation of the White Earth Traffic Code.

- A. Shall have the authority to revoke, suspend, modify, extend, condition, limit or restrict the driving privileges of said person within the White Earth Reservation for a period of time not to exceed one (1) year from the date of the conviction;
- B. May direct the Clerk of the White Earth Tribal Court or the White Earth Police Department to notify any governmental agency, whether Indian, federal, state or otherwise, having the authority to issue licenses and permits to drive or operate motor vehicles and/or having authority to

register, the ownership of motor vehicles, of the name, address, driver's or operator's license or permit number, motor vehicle registration identification, date and nature of offense and date of conviction thereof, of any person so convicted;

- C. May direct the person convicted to attend a counseling, educational, treatment, or similar program designed to address and/or correct the condition or circumstances which gave rise to the offense for which the conviction was entered.

Subdivision 3. The White Earth Tribal Court shall have the authority to establish and publish a uniform procedure wherein persons charged with alleged violations of this chapter may enter a plea of guilty to the alleged offense simply by both endorsing the back of the traffic citation issued to such person and by paying to the Clerk of the White Earth Tribal Court such fine has been previously set by the court of the violation.

Section 42. Violations by minors:

Subdivision 1. The White Earth Tribal Court, Juvenile Division, shall have sole and exclusive jurisdiction over any person under the age of eighteen (18) years who is alleged to have committed a violation of the White Earth Traffic Code. Proceedings may be commenced in the Juvenile Division of the White Earth Tribal Court by either the issuance or filing of a traffic citation or of a juvenile delinquency petition. (See also Juvenile Justice Code)

Subdivision 2. Upon entering a finding that the minor has committed the violation (s) alleged, the White Earth Tribal Court, Juvenile Division shall, in addition to all other authority it may have, be empowered to imposed upon said minor a fine similar to that which would be imposed if the minor were an adult having been convicted of the same violation and the Court shall also have the authority to impose any of the procedures authorized in Section 39, Subd. 1 (a)-(c) above.

Section 43. Copies; duties of the Clerk of White Earth Tribal Court:

Subdivision 1. The Clerk of the White Earth Tribal Court shall maintain and keep open for inspection by the general public copies of the White Earth Traffic Code.

Subdivision 2. The Clerk of the White Earth Tribal Court shall distribute copies of the White Earth Traffic Code to the Secretary of the United States Department of Interior, the Superintendent of the Minnesota Agency, Bureau of Indian Affairs, the Judge of the White Earth Tribal Court, the White Earth Tribal Police Department, the White Earth Tribal Court Prosecutor, Anishinabe Legal Services,

Cass Lake, MN and to such other persons or agencies as the Reservation Tribal Council and/or Clerk may deem necessary.

Subdivision 3. The Clerk of the White Earth Tribal Court shall cause copies of the White Earth Traffic Code to be publicly posted at several and various locations throughout the White Earth Reservation and copies shall also be made available, at cost, to any member of the White Earth Band of Chippewa or resident of the White Earth Reservation, or other interested person, requesting the same.

Section 44. Effective Date:

Subdivision 1. The effective date of this, the revised White Earth Traffic Code, shall be _____.

White Earth Reservation Tribal Council

Resolution No. 001-01-025

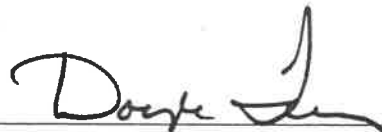
WHEREAS, The White Earth Reservation Tribal Council is duly empowered as the governing body for the White Earth Reservation pursuant to Article VI, Section 1 of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, as amended March 3, 1964; and

WHEREAS, The White Earth Band seeks to protect the health, safety and welfare of the residents within the reservation.

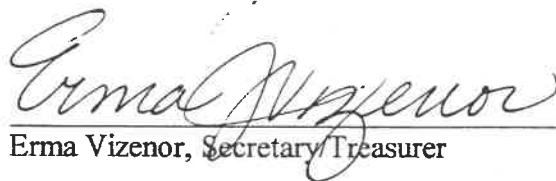
WHEREAS, The White Earth Band wishes to establish motor vehicle regulations in order to provide for the health, safety and welfare of the residents of the reservation.

NOW THEREFORE, IT IS HEREBY RESOLVED that the White Earth Reservation Tribal Council approves the White Earth Band of Chippewa's Traffic Code for the health, safety and welfare of the residents of the White Earth Reservation.

We do hereby certify that the foregoing resolution was duly acted upon by a vote of 2 for, 0 against, 0 silent, a quorum being present at a meeting held Sept 6, 2001, at White Earth, Minnesota.



Doyle Turner, Chairman



Erma Vizenor, Secretary/Treasurer