

HO-CHUNK NATION CODE (HCC)
TITLE 3- HEALTH AND SAFETY CODE
SECTION 12 – VEHICLE REGISTRATION CODE

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CHAPTER 1
GENERAL PROVISIONS, POLICIES AND DEFINITIONS

1. Authority.

a. Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation.

c. Article V, Section 2(o) of the Constitution grants the Legislature the power to enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation.

d. Article V, Section 2(p) of the Constitution grants the Legislature the power to enact laws to create and regulate a system of property included by not limited to use, title, deed, estate, inheritance, transfer, conveyance, and devise.

e. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

f. Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation.

g. Article V, Section 2(u) of the Constitution grants the Legislature the power to enact laws to regulate the domestic relations of persons within the jurisdiction of the Nation.

2. Purpose and Construction. It is the purpose of this Code is to provide regulations for the registration and operation of vehicles within the Ho-Chunk Nation.

3. Interpretations. Where a provision of this Code correlates with Wisconsin Statutes or with a standard in Wisconsin Statutes, and where the Code provision is unclear, the provision

shall be interpreted in light of the current Wisconsin law in effect, as long as consistent with Ho-Chunk Nation tradition and law.

4. **Definitions.** This article shall govern the definitions of words and phrases used within the law. All words not defined herein shall be used in their ordinary and everyday sense.
- a. “Automobile” means any of the following:
 - i. A motor vehicle designed and used primarily for carrying persons but which does not come within the definition of a motor bus, motorcycle, or moped.
 - ii. A motor vehicle capable of speeds in excess of 30 miles per hour on a dry, level, hard surface with no wind, designed and built to have at least three (3) wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least 1,600 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.
 - b. “Division” means the Transportation Division, or any other department or division of the Ho-Chunk Nation, with the authority to implement, administer and enforce this law.
 - c. “Gross weight” means the weight of the vehicle equipped for service plus the weight which the vehicle is carrying as load.
 - d. “Highway” means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel.
 - e. “Ho-Chunk Jurisdiction” – any territory within the authority and control of the Ho-Chunk Nation, including but not limited to all trust property and fee simple lands owned by the Ho-Chunk Nation.
 - f. “Ho-Chunk member” means an enrolled member of the Ho-Chunk Nation who has an enrollment number.
 - g. “Ho-Chunk Nation” means the Ho-Chunk Nation, with governmental operations based in Black River Falls, Wisconsin.
 - h. “Identification number” means the numbers, letters or combination of numbers and letters assigned by the manufacturer of a vehicle or vehicle part or by the division and stamped upon or affixed to a vehicle or vehicle part for the purpose of identification.
 - i. “Junked” means dismantled for parts or scrapped.
 - j. “Moped” means any of the following motor vehicles capable of speeds of not more than 30 miles per hour with a 150-pound rider on a dry, level hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator:
 - i. A bicycle-type vehicle with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.

- ii. A Type 1 motorcycle with an automatic transmission and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.
- k. “Motorcycle” means a motor vehicle, excluding a tractor or an all-terrain vehicle, which is capable of speeds in excess of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, with a power source as an integral part of the vehicle, and which meets one of the below conditions:
 - i. Type 1 is a motor vehicle which meets either of the following conditions:
 - 1. Is designed and built with two (2) wheels in tandem and a seat for the operator, and may be modified to have no more than three (3) wheels by attaching a sidecar to one of the side the wheels in tandem without changing the location of the power source.
 - 2. Is designed and built to have no more than three (3) wheels, seating for the operator and no more than three (3) passengers, and does not have the operator area enclosed.
 - ii. Type 2 is a motor vehicle designed and built to have at least three (3) wheels in contact with the ground, a curb weight of less than 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.
- l. “Motor home” means motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
- m. “Operator” means a person who drives or is in actual control of a vehicle. In the event the vehicle is the subject of a lease, the lessee who is operating the vehicle and not the holder of legal title shall be considered the operator.
- n. “Other jurisdiction” or “another jurisdiction” means territory other than property owned by or held in trust for the Ho-Chunk Nation, including the State of Wisconsin and any State other than Wisconsin.
- o. “Owner” means a person who holds the legal title of a vehicle, except that if legal title is held by a secured party with the immediate right of possession of the vehicle vested in the debtor, the debtor is the owner for the purposes of this law.
- p. “Personal identifier” means a name, street address, post office box number or 9-digit extended zip code.
- q. “Person with a disability that limits or impairs the ability to walk” means any person with a disability as defined by the federal American with disabilities act of 1990, 42 USC 12101 et. seq., so far as applicable, or any persons who meet the following conditions:
 - i. Cannot walk 200 feet or more without stopping to rest.
 - ii. Cannot walk without the use of, or assistance from, another person or brace, cane, crutch, prosthetic device, wheelchair or other assistive device.

- iii. Is restricted by lung disease.
- iv. Uses portable oxygen.
- v. Has cardiac condition to the extent that functional limitations are present.
- vi. Is severely limited in the ability to walk due to an arthritic neurological or orthopedic condition.
- vii. Has a degree of disability equal to that specified in pars. i. to vi.
- r. “Vehicle” means every device in, upon or which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile shall not be considered a vehicle except for purposes made specifically applicable by this law.
- s. “Truck” means every motor vehicle 10,000 pounds or under designed, used or maintained primarily for the transportation of property.

CHAPTER 2

VEHICLE REGISTRATION

1. **Vehicle Registration Required Generally.** All vehicles operating within the jurisdiction of the Ho-Chunk Nation must be properly registered either in accordance with the provisions below, or in accordance with Tribal Regulations or Wisconsin State Registration requirements as outlined in Wis. Stat. § 341.
2. **Exemption of nonresidents and foreign-registered vehicles.**
 - a. Any vehicle that is registered in another jurisdiction is exempt from the laws of the Nation providing for the registration of the vehicles if all of the following apply:
 - i. The vehicle carries a registration plate indicating the registration in the other jurisdiction.
 - ii. The vehicle is owned by a nonresident.
 - iii. The jurisdiction in which the vehicle is registered allows vehicles that are registered in by the Nation to be operated tax free upon its highways under conditions substantially as favorable to residents of Nation as to its own residents.
 - iv. The vehicle is operated in accordance with rules adopted by the Legislature based on the gross weight of the vehicle. The Legislature may, by rule, determine the gross weight exemption, giving consideration to reciprocity privileges extended to the Nation’s residents in other jurisdictions
 - b. Foreign owned or operated vehicles entering the Nation to have special equipment or a body constructed or installed or for repair shall be exempt from the registration requirements of this section.
 - c. If the owner of any vehicle exempted under sub. a. or b. moves to the Ho-Chunk Nation or if the vehicle is purchased by or leased to a Ho-Chunk Nation resident,

the vehicle immediately becomes subject to the laws of this Nation providing for the registration of vehicles.

3. Operating Unregistered or Improperly Registered Vehicle.

- a. It is unlawful for any person to operate or for an owner to consent to being operated on any roadway of this jurisdiction any motor vehicle, mobile home, trailer, or any other vehicle for which a registration fee is specifically prescribed unless at the time of operation the vehicle in question either is registered in this jurisdiction, or, a complete application for registration, including evidence of any inspection required by the jurisdiction, accompanied by the required fee has been delivered to the division or deposited in the mail properly addressed with postage prepaid, and if the vehicle is an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle unless the operator or owner of the vehicle displays a temporary operation plate issued for the vehicle unless the operator or owner of the vehicle produces proof that operation of the vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle in question or is exempt from registration.
 - i. A vehicle may be operated by a private person after the date of purchase of such vehicle by such private person or after the date such person moved to this jurisdiction if application for registration and certificate of title has been made.
 - ii. All vehicles subject to renewal or registration may be operated provided that application for re-registration has been made.
- b. Unless application for re-registration has been made as required by sec. 15 it is unlawful for any person to operate or for the owner to consent to being operated on any highway of this jurisdiction any registered vehicle the construction or use of which has been changed so as to make the vehicle subject to a higher fee than the fee at which it currently is registered or which is carrying a greater load than that permitted under the current registration.
- c. Any person who violates par. a or b, where the vehicle used is an automobile, station wagon, or any other vehicle having a gross weight of 10,000 pounds or less, may be required to forfeit not more than \$200.
- d. Any person who violates par. a or b, where the vehicle used is vehicle not enumerated under sub.c., may be required to forfeit not more than \$500.

4. Application for Registration.

- a. Application for original registration and for renewal of registration shall be made to the Transportation Division upon forms prescribed by it and shall be accompanied by the required fee.
- b. The forms for application for original registration and for renewal of registration shall be provided by the division and shall include a place for an applicant or registrant under this section to designate that the applicant's or registrant's name, street address, post-office box number, and 9-digit extended zip code may not be disclosed, a statement indicating the effect of making such a designation and a place

for an applicant or registrant who made a designation under this subsection to reverse the designation.

- c. The forms for application for original registration and for renewal of registration under sub. a. shall include the applicant's personal identifiers and the applicant's birth date.
- d. Applications for original registration of a vehicle shall contain the following information:
 - i. The name and birth date of the owner.
 - ii. If the owner under par. i. is a lessee, the name and birth date of the lessor.
 - iii. The name of the town, city or village in which the owner resides and, if applicable, the owner's true residential or business address.
 - iv. If applicable, the name of the town, city or village in which the lessor resides and if applicable, the lessor's true residential or business address.
 - v. A description of the vehicle, including make, model, color, identification number and any other information which the division may reasonably require for proper identification of the vehicle. An application for a motorcycle or for a vehicle registered at a gross weight of more than 8,000 pounds is not required to include the vehicle color in the description of the vehicle.
 - vi. A place for the applicant to indicate whether the color of the vehicle being registered has changed from the color specified on the certificate of registration and, if so, the new color.
 - vii. The city, village or town and the county in which the vehicle is customarily kept.
 - viii. Such further information as the Transportation Division may reasonably require to enable it to determine whether the vehicle is by law entitled to registration or to enable it to determine the proper applicant or registration fee for the vehicle.
 - ix. The division may accept an application and complete registration of a vehicle when the evidence of ownership is held by a nonresident lien holder or for other reasons not immediately available if the division is satisfied as to ownership of the vehicle. The title fee shall be collected at the time of registration and retained even though certificate of title is not issued.
- e. Applications for renewal of registration shall contain the information required in sec. c. above for original applications, or such parts thereof as the division deems necessary to assure the proper registration of the vehicle. The division may require that applications for renewal of registration be accompanied by the certificate of title issued for the vehicle only when the true ownership or proper registration of the vehicle is in doubt and cannot be resolved from records maintained by the division.
 - x. At least 30 days prior to the expiration of a vehicle's registration, the division shall mail to the last-known address of the registrant a notice of the date upon which the registration must be renewed and an application form for renewal of registration.
 1. The application form or an accompanying document shall include a list of any unpaid citations for nonmoving traffic violations, or any

violations of administrative rules of the division, or parking violations, entered against the registrant which remains unpaid.

2. If there is a citation for any nonmoving traffic violation entered against the registrant which is unpaid, he or she shall be notified that the vehicle may not be registered until the citation is paid or the registrant appears in court to respond to the citation.
 - f. If the applicant for a certificate of registration is under 18 years of age, the application must be completed and signed by a parent or legal custodian. The division may require proof of legal custody. The signature on the 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 required to forfeit not more than \$200.
5. **Grounds for Refusing Registration.** The division shall refuse registration of a vehicle under any of the following circumstances:
- a. The vehicle owner applying for registration is not a Ho-Chunk member.
 - b. The required vehicle registration fee imposed by the division for a vehicle owned by an enrolled Ho-Chunk member, has not been paid for the specific vehicle, and the division may refuse registration of a vehicle, if such fees for the current period or for any previous period for which payment of a registration fee is required by law, have not been paid on any other vehicles owned or leased by the applicant for registration.
 - c. The applicant has failed to furnish any of the following:
 - i. Unless otherwise exempted, the mileage disclosure from the most recent titled owner and of all subsequent non-titled owners of the vehicle.
 - ii. Other information or documents required by law or by the division pursuant to authority of law.
 - iii. Proof of Ho-Chunk membership by enrollment card or number.
 - d. Where the applicant does not hold a valid certificate of title and is not entitled to the issuance of a certificate of title.
 - e. The applicant's registration has been suspended or revoked and such suspension or revocation still is in effect.
 - f. The vehicle is exempt from registration and voluntary registration of the vehicle is not expressly authorized.
6. **Vehicles Exempt from Registration.** A vehicle, even though operated upon a roadway of the Nation, is exempt from registration if the vehicle:
- a. Is operated in accordance with the provisions exempting nonresident or foreign registered vehicles from registration, or
 - b. Is a farm tractor used exclusively in agricultural operations, including threshing, or used exclusively to provide power to drive other machinery, or to transport from job to job machinery driven by such tractor; or
 - c. Is a trailer or semi-trailer used exclusively for the transportation of farm machinery, implements, produce or supplies on a farm or between farms; or

- d. Is a fork-lift truck, a specially constructed road or truck tractor used for shunting trailers or semi-trailer used exclusively for the transportation of farm machinery, implements, produce or supplies on a farm or between farms; or
- e. Is a trailer or camping trailer having a gross weight of 3,000 pounds or less and not used for hire or rental; or
- f. Is a trailer not operated in conjunction with a motor vehicle; or
- g. Is a new motor vehicle being operated only across a highway from point of manufacture or assembly; or
- h. Is a piece of road machinery.

7. Design, Procurement and Issuance of Registration Plates.

- a. The division upon registering a vehicle shall issue to the applicant two (2) registration plates for an automobile, truck, motor home, and any other authorized motor vehicle. The division upon registering a vehicle pursuant to any other section shall issue two (2) plates.
- b. The registration plates shall be of a size, color and design of registration making them visible, evidencing the period for which the vehicle is registered, and the fee class into which the vehicle is registered. Registration plates shall be a ready means of identifying the specific vehicle or owner for which the plated were issued.
- c. All registration plates shall have displayed upon them the following:
 - i. The registration number assigned to the vehicle or owner. The registration number shall be composed of numbers or letters or both.
 - ii. The name “Ho-Chunk Nation.”
 - iii. An indication of the period for which the specific plate is issued or the date of expiration of registration.
- d. In lieu of issuing a new plate upon each renewal of registration of a vehicle, the division may issue one insert tag, decal or other identification per vehicle to indicate the period of registration. The tag, decal or other identification shall be provided by the division and used only if the outstanding plate is in suitable condition for further usage.

8. Personalized License Plates.

- a. In this article, “personalized registration plates” means a registration plate for a motor vehicle registered under this ordinance which displays a registration composed of letters or numbers, or both, requested by the applicant. Personalized registration plates under this paragraph shall be of the same color and design as regular registration plates and shall consist of numbers or letters, or both, not exceeding five (5) positions and not less than one (1) position for a plate issued for a motorcycle or not exceeding seven (7) positions and not less than one (1) position for all other plates.
- b. The division shall issue personalized registration plates only upon request and if:
 - i. The request and alternate thereto is received by the division in writing by mail by the 15th day of the month in which the vehicle is to be registered;
 - ii. The request is accompanied by the proper fee, an application for original or renewal vehicle registration and the proper registration fee;

- iii. The requested combination of numbers or letters has not already been issued.
- c. In addition to the regular application fee provided for in this ordinance, the applicant for a personalized registration plate issued on an annual basis shall pay a fee of \$15 for the issuance of the plate and \$15 in each succeeding year to maintain the plate.
- d. Each personalized registration plate issued shall be reserved for the recipient in succeeding registration periods and shall not be duplicated for issuance to any other person if the recipient maintains the plate, unless the recipient authorizes the issuance of the plate to another person. If the recipient does not maintain the plate for two (2) successive years which are not plate issuance years or if the recipient does not specifically request re-issuance of the personalized license plate by the end of the month in which the plate expires in a plate issuance year, the division may reissue the personalized registration plate to another applicant.
- e. If an individual in possession of a personalized registration plate does not maintain the personalized registration plate during a year which is not plate issuance year, the individual shall:
 - i. Dispose of the personalized plate in a manner prescribed by the division;
 - ii. In addition to the regular application fee, pay a \$4 fee for the issuance of replacements plates; and
 - iii. Return the certificate of title to the division for correction.
- f. The division may refuse to issue any combination of letters or numbers, or both, which carry connotations offensive to Ho-Chunk heritage or traditions, to good taste or decency, or which would be misleading or in conflict with the issuance of any other registration plates. All decisions of the division with respect to personalized registration plate applications shall be final and not subject to judicial review.
- g. The division may cancel and order the return of any personalized registration plates issued which contain any combination of letters or numbers, or both, which the division determines may carry connotations that are offensive to the Ho-Chunk heritage or traditions, good taste and decency or which may be misleading. Any person ordered to return such plate shall either be reimbursed for any additional fees they paid for the plates for the registration year in which they are recalled, or be given at no additional cost replacement personalized registration plates, the issuance of which is in compliance with this ordinance. A person who fails to return personalized registration plates upon request of the division may be required forfeit not more than \$200.

9. Display of Registration.

- a. Whenever two (2) registration plates are licensed for a vehicle, one (1) plate shall be attached to the front and one (1) to the rear of the vehicle. Whenever only one (1) registration plate is issued for a vehicle, the plate shall be attached to the rear.
- b. Any registration decal or tag issued by the division shall be placed on the rear registration plate of the vehicle in the manner directed by the division.
- c. Registration plates shall be attached firmly and rigidly in a horizontal position and 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 read. Any peace officer may require the operator of any vehicle on which plates are not properly displayed to display the plates as required by this section.

- d. Any of the following may be required to forfeit \$200:
 - i. A person who operates a vehicle for which a current registration plate or insert tag has been issued without such plate or tag being attached to the vehicle.
 - ii. 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;
 - iii. A person who operates a vehicle with the registration plate in an illegible condition due to the accumulation of dirt or other foreign matter.

10. Issuance of Replacement Plates.

- a. *Lost or Destroyed Plates.* 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 division for replacement. Except as further provided in this article, upon satisfactory proof of the loss or destruction of each plate and upon payment of a fee for each plate, the division shall issue a replacement.
- b. *Illegible Plates.* Whenever a current registration plate becomes illegible, the owner of the vehicle to which the plate is attached shall apply to the division for a replacement. Upon receipt of satisfactory proof of illegibility, and upon payment of a fee of \$2 for each plate, the division shall issue a replacement. Upon receipt of a replacement plate, the applicant shall return the illegible plate to the division for recycling.
- c. *Replacement Plates.* When issuing a replacement plate, the division may assign a new number and issue a new plate rather than a duplicate of the original, if in its judgment that is in the best interests of economy or prevention of fraud. Upon receipt of a replacement plate, the applicant shall return the illegible plate to the division for recycling.
- d. Any person issued a replacement plate who fails to return the original plates to the division as required by this Code may be required to forfeit not more than \$200.

11. Division to Compile Registration Lists.

- a. *Maintaining of Lists.*
 - i. At intervals selected by the division, the division shall compile a list of registrations made during that interval pursuant to the monthly series system of registering automobiles. The list shall give the name and address of each registrant, the registration number assigned, and other identifying information as the division deems necessary.
 - ii. The division shall compile a list of new automobile and motor truck registrations. Registrations for other new vehicles may be included if deemed necessary by the division. Such lists shall be compiled at such intervals during the month as is deemed necessary by the division but the final list compiled each month shall include the listing of the last day of the month. Such list shall contain only those vehicles being registered for the first time after sale by a dealer. Such list shall contain the name and address

of the owner, the make, body type, identification number of the vehicle, and the date of sale.

b. *Access to Lists.*

- i. Upon request, the division shall distribute free of charge registration lists compiled under this section as follows:
 1. To the Ho-Chunk Nation Police Department, one copy of each automobile registration list under sec.a.
 2. To any other public officer or agency that provides in writing reasonable requests for the lists, one copy of each automobile registration list under sec.a.
- ii. Except as provided in sec. c. public officers and agencies receiving free copies of registration lists under par. b. shall keep such lists current and open to public inspection.

c. *Limitations in Disclosure.*

- i. In providing copies under this section of any written information collected or prepared under this law which consists in whole or in part of the personal identifiers of 10 or more persons, the division may not disclose a personal identifier of any person who has made a designation that his or her personal identifiers may not be disclosed as provided in this Code.
- ii. Sec. 14c.i. does not apply to any of the following:
 1. A person receiving a registration list under sec. 14a.-b. to perform a legally authorized function..
 2. A law enforcement agency.
 3. An insurer authorized to write property and casualty insurance in the State of Wisconsin or an agent of the insurer, if the insurer or agent uses the personal identifier designated for non-disclosure under sec. 8b. purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim.
 4. A person obtaining registration or title information for use in the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the manufacturer, if the person uses the personal identifiers designated for non-disclosure under sec. 8b.
- iii. Any person who has received, under sec. 14c.ii., a personal identifier of any person who has made a designation under sec. 8b. shall keep the personal identifier confidential and may not disclose it except for a purpose applicable to that person under sec. 14c.ii.
 1. Any person who willfully discloses a personal identifier in violation of this section may be subject to a fine of not more than \$500 for each violation.
 2. Any person who willfully requests or obtains a personal identifier from the division under this subsection under false pretenses may be required to forfeit not more than \$500 for each violation.

12. **Annual and Biennial Registration Fees.** By resolution, the Ho-Chunk Nation Legislature will set the annual and biennial registration fees based upon the recommendations of the division.

- a. For each automobile, a fee will be set.

- b. For each motorcycle or moped with a curb weight of 1,499 pounds or less, which is designed for the transportation of persons rather than property, a biennial fee will be set.
 - i. Registration plates under this article expire on April 30 of even numbered years.
 - ii. One license plate is sent by the division of each cycle registered.
- c. Unless otherwise noted, for each truck under this article, a yearly registration fee is to be determined on the basis of the maximum gross weight of the vehicle. Each vehicle registered will receive one license plate. Maximum gross weight shall be determined by adding together the weight in pounds of the vehicle when equipped to carry a load as a motor truck and the maximum load in pounds which the applicant proposes to carry on the vehicle when used as a motor truck.
 - i. The division shall adhere to the fee schedule set forth by the Legislature in determining truck fees based on gross weight, provided that a surcharge of \$18 shall be added to and collected with the fee for each truck. The Legislature shall make set the following truck fees:

Gross Weight in Pounds:	Annual Fee
Not more than 4,500	\$75
Not more than 6,000	\$84
Not more than 8, 000	\$106
Not more than 10,000	\$155
In excess of 10,000	\$209

- d. For each motor home, including any vehicle which is converted to be used as a motor home, an annual fee based on gross weight as set by the Legislature:

Gross Weight in Pounds:	Annual Fee
Not more than 5,000	\$75
Not more than 8,000	\$106
Not more than 12,000	\$209
Not more than 16,000	\$283
Not more than 20,000	\$356
Not more than 26,000	\$475
More than 26,000	\$609

- e. Upon payment of the fee prescribed by law, a vehicle subject to registration on the basis of gross weight may be registered at a weight in excess of the manufacturer's maximum gross weight rating, but such registration does not exempt such vehicle from compliance with weight limitations imposed by law or by state, local or tribal authorities pursuant to authority of law.

13. Biennial Registration. The following vehicles shall be registered on a biennial basis:

- a. A motorcycle or moped, as specified in sec. 4. The registration period for a motorcycle or moped begins on May 1 of an even-numbered year and ends on April 30 of the next even numbered year.

14. Special Registration Fees for Certain Vehicles. *Ho-Chunk Government Vehicles.*

- a. An administration fee shall be paid to the division for the original issuance of a registration plate for any vehicle owned by the Ho-Chunk Nation and operated exclusively in service of the public.
- b. The administration fee shall be paid to the division for the original issuance of a registration plate for vehicles used by the Ho-Chunk Nation Police Department exclusively in the performance of their duties.

15. When Part-Period Fees Payable for Vehicles Other Than Automobiles; Computation of Part-Period Fees.

- a. Vehicles within one of the following categories, in which event the applicant is liable for the payment of only a part-period fee to be computed in accordance with sec. 18b.:
 - i. The vehicle has not previously been registered with the Ho-Chunk Nation;
or
 - ii. The vehicle previously was registered within the Ho-Chunk Nation; but
 1. The vehicles in the meantime has been registered in another jurisdiction and such foreign registration was in effect during or subsequent to the expiration of the previous registration in this state;
or
 2. The vehicles was transferred to the applicant after the expiration of the last registration in this state; or
 3. At least 12 months have elapsed since the end of the period for which the vehicles previously was registered and the applicant files with the division a statement that did not, during such 12-month period, operate or consent to the operation of the vehicle under circumstances making the vehicle subject to registration in this state;
or
 4. The vehicle is a motorcycle which has been transferred to the applicant and for which current registration plates had been issued to the previous owner; or
 5. The vehicle which has been transferred to the applicant is a motor home or a truck; or
 - iii. The vehicle is a replacement for a registered vehicle which has been junked or is no longer used on the highway; or
 - iv. The vehicle is owned by a person who has been in active military service and less than 12 months of non-operation have elapsed since the end of the period for which the vehicle was previously registered, provided the applicant files with the division a statement of such non-operation.
- b. Part-period registration fees shall be computed as follows:
 - i. For vehicles registered under the conditions in sec. 18a.i., ii., or iv., the fee for the current registration period shall be computed on the basis of one-twelfth of the annual registration fee or one twenty-fourth of the biennial registration fee prescribed for the vehicle multiplied by the number of months of the current registration period which have not fully expired on the date the vehicle first is operated by or with the consent of the applicant

under circumstances making it subject to registration by the Ho-Chunk Nation. In the case of a vehicle which has not previously been registered by the present owner since the owner last acquired ownership of the vehicle, the division shall assume that the date of first operation bill of sales evidencing transfer of ownership to the applicant unless he or she files with the division a statement that the vehicle was not so operated until a later date, specifying the date of such first operation. The division may refuse to accept any statement which projects the date of first operation into the future.

- ii. For the registration of a replacement vehicle under the conditions set forth in sec. 18a.iii., or the fee shall be computed as for a vehicle not previously registered with the Nation, but a credit shall be allowed for the unused portion of the fee paid for the vehicle being replaced. Such credit shall be computed on the basis of one-twelfth of the annual registration fee or one twenty-fourth of the biennial registration fee prescribed for the vehicle being replaced multiplied by the number of months of registration which have not fully expired at the time the vehicle being replaced was junked, traded, sold or removed from jurisdiction of the Ho-Chunk Nation. Except for a vehicle registered on a biennial basis, it is not necessary that the replacement vehicle be of the same type as the one being replaced in order for the applicant to take advantage of the credit but the credit may be applied toward registration of the replacement vehicle only up to the date when the registration of the vehicle being replaced would have expired.

- c. This section does not apply to vehicles registered under sec. 17.

16. Re-registration Required for Vehicles subject To a Different Fee. Whenever the construction or the use of a registered vehicle is changed in a manner making the vehicle subject to a different registration fee than the fee for which the vehicle currently is registered, the owner shall immediately make application for registration. The fee payable upon such re-registration shall be computed as for a vehicle not previously registered in this jurisdiction but a credit shall be allowed for the unused portion of the fee paid for the previous registration if the registration plates issued upon the previous registration are returned to the division. The credit shall be computed on the basis of one-twelfth of the annual registration fee or one twenty-fourth of the biennial registration fee prescribed for the vehicle as previously registered multiplied by the number of months of registration which have not fully expired on the date the vehicle became subject to the different fee. The credit may be applied toward the re-registration of the vehicle only up to the date when the previous registration would have expired.

17. Refundable Fees.

- a. The division shall not refund a fee paid to it except when expressly authorized or directed by this section or some other provision of this ordinance to do so.
- b. Upon request, the division shall refund 50 percent of a registration fee paid for a vehicle registered on a biennial basis if the person who registered the vehicle furnishes such proof as the division requires that the person has transferred his or her interest in the vehicle before the beginning of the second year of the period for

which the vehicle is registered or that the vehicle will not be operated within the jurisdiction of the Ho-Chunk Nation after the beginning of the second year of the period for which the vehicle is registered. The division may require the person to return the certificate of registration and registration plates for the vehicle to the division.

18. Notice of Change of Address. *Change of Address.*

- a. Whenever any person, after applying for and receiving registration plates, moves from the address named in the application for the registration plates or when the name of the licensee is changed by marriage or otherwise, the person shall within 10 days notify the division in writing of the old and new address or of such former and new names and of all registration plate numbers held.
- b. Any person who fails to comply with any of the requirements of par. a., may be required to forfeit not more than \$25.

19. Fee to Reinstate Suspended or Revoked Registration.

- a. Except as provided in par. b., the division shall charge a fee of \$25 to reinstate a registration previously suspended or revoked under this law. The fee under this subsection is in addition to any other fee required to complete the registration of the vehicle.
- b. Par. a., does not apply to the reinstatement of a registration suspended or revoked as a result of an error by the division.

20. Reciprocal agreements. The Ho-Chunk Nation may enter into a reciprocal exemption agreement with the State of Wisconsin. The reciprocal agreement may exempt designated classes of vehicles registered by the division from the registration requirements of the State of Wisconsin.

21. Penalties.

- a. *Fraudulent Applications.* Any person who gives a false or fictitious name, address or location where a vehicle is customarily kept in an application for license or registration or who makes application for license or registration in the name of a person other than the true owner, or true owner and lessee, may be fined not more than \$200.
- b. *Improper Use of Evidence of Registration.* Any person who does any of the following may be subject to a fine of not more than \$500:
 - i. Lends to another a registration plate for display upon a vehicle for which the plate has not been issued.
 - ii. Displays upon a vehicle a registration plate not issued for such vehicle or not otherwise authorized by law to be used thereon.
 - iii. Willfully twists, paints, alters or adds to or cuts off any portion of a registration plate or sticker; or who places or deposits, or causes to be placed or deposited on such plate or sticker any substance to hinder the normal reading of such plate; or who defaces, disfigures, covers, obstruct, changes or attempts to change any letter or figure thereon; or who causes such plate or sticker to appear to be a different color.

22. When Registration Is to Be Suspended.

- a. The division shall suspend the registration of a vehicle when:
 - i. The registration was completed through fraud or error and the person who registered the vehicle does not or cannot register the vehicle properly.
 - ii. The required fee has not been paid and the same is not paid upon reasonable notice and demand.
 - iii. Suspension of registration is specified by an authority under sec. 26.
 - iv. The applicant fails, upon reasonable notice and demand, to furnish proof of payment, in the form prescribed by the U.S. Secretary of Treasury, that the federal heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code has been paid.
 - v. The licensee of a vehicle registered under sec. 14, has not been compiled with the test or inspection requirements of the State of Wisconsin under s.110.20(6) Wis. Stats.
- b. Any registration suspended pursuant to this section continues to be suspended until reinstated by the division. The division shall reinstate the registration when the reason for the suspension has been removed. The division must promptly notify the Ho-Chunk Nation Police Department of any suspended or reinstated registration.
- c. Whenever the registration of a vehicle is suspended under this section, the division may order the owner or person in possession of the registration plates to return them to the division. Any person who fails to return the plates when ordered to do so by the division may be required to forfeit not more than \$200.

23. Transfer of Vehicle Ownership While Registration Is Suspended.

- a. No owner may transfer the ownership or registration of any vehicle whose registration is suspended under sec. 25., until the registration is reinstated under sec. 25b., or until the division is satisfied that such transfer is proposed in good faith and not for the purpose or with the effect of defeating the purposes of sec. 25a.iii.
- b. Any person violating this section may be subject to a fine of not more than \$200.
- c. This section does not apply to or affect the registration of any vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed such vehicle from a person whose registration has been suspended under sec. 25.a.iii.

24. Nonmoving Violations.

- a. As used in this section:
 - i. "Authority" means a Tribal Authority, a local authority, or a state agency.
 - ii. "Forfeiture" includes a fine established under this ordinance.
 - iii. "Nonmoving traffic violation" is any parking of a vehicle in violation of a statute, an ordinance, or a resolution of the Ho-Chunk Nation or the state of Wisconsin.
- b. If the person does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 28 days after the citation is issued, the authority which issued the citation may issue a summons to the person and, in lieu of or in

addition to issuing the summons, may proceed but, except as provided in this section, no warrant may be issued for the person. If the person appears in response to a summons for a nonmoving traffic violation, the procedures under the current Ho-Chunk Nation Rules of Civil Procedure and regulations shall apply.

- c. If the person does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 2 days after the citation is issued, the authority may notify the division in the form and manner prescribed by the division that a citation has been issued to the person and the citation remains unpaid. The authority shall specify whether the division is to suspend the registration of the vehicle involved sec. 25., and/or refuse registration of any vehicle owned by the person.

25. **Severability.** If any provisions of this Act are determined by the Judiciary to be contrary to the Constitution, the invalid provision shall be severed from this Act and the remaining provisions shall be given full force and effect.

Legislative History:

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| 08.19.14 | Legislature adopts resolution 08.19.14A placing the proposed Vehicle Registration Code out for forty-five day public comment. |
| 04.07.15 | Legislature adopts resolution 04.07.15D enacting the Ho-Chunk Nation Vehicle Registration Code (3 HCC § 13). |