



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: "Tribal Business Council Amendment in the Three Affiliated Tribes Seat Belt Ordinance"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, The safety of those who use the public roads and highways within the Fort Berthold Reservation is an important priority of the Tribal Business Council; and

WHEREAS, Accidents occasionally occur on the public roads and highways within the Fort Berthold Reservations; and

WHEREAS, For more than 30 years, seat belts, shoulder harnesses, and appropriate child restraint systems have been a proven way to prevent loss of life and service injury on public streets, road and highways wherever motor vehicles are in use and accidents occur; and

WHEREAS, The Tribal Business Council believes that enactment and enforcement of laws requiring use of seat belt, shoulder harness and appropriate child restraint systems in motor vehicles on the pubic streets, roads and highways within the Fort Berthold Reservation will save lives and help prevent serious injury and that Enactment and enforcement of a seat belt law is in the best interest of the Tribes and its members.

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby enacts the revised Seat Belt Ordinance with Amendments to section 39-21.41.2 which shall be effective upon adoption of this ordinance.



SEAT BELT ORDINANCE

39-21.41.1 Safety Belts

1. Every passenger car manufactured or assembled after January 1, 1965 and in operation within the exterior boundaries of the Fort Berthold Reservation, must be equipped with lap belt assemblies for use in the driver's and one other front seating position.
2. All motor vehicles manufactured after January 1, 1968 and in operation within the exterior boundaries of the Fort Berthold Reservation must be equipped with any lap belt or shoulder belt required at the time the vehicle was manufactured by standards of the United States Department of the Transportation. Nothing in this subsection affects the requirement in subsection 1 for a lap belt in the driver's seating position.
3. The North Dakota Department of Transportation may accept specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections 1 and 2 when compliance would be impractical.
4. No person may install, distribute, have for sale, offer for sale, or sell any belt for use in motor vehicles within the Fort Berthold Reservation unless it meets current minimum standards and specifications of the United States Department of Transportation.
5. Every owner shall maintain belts and assemblies required by this section in proper condition and in a manner that will enable occupants to use them.

39-21.41.2. Child restraint devices-penalty –evidence.

1. If a child, under five years of age, is present in any motor vehicle that motor vehicle must be equipped with at least one child restraint system for each such child. The child restraint system must meet the standards adopted by the United States Department of Transportation for those systems. While the motor vehicle is in motion, each such child must be properly secured in the child restraint system in accordance with the manufacturer's instructions. While the motor vehicle is moving, each child of six through seventeen years of age who is in the motor vehicle must be in an approved child restraint system or buckled in a seatbelt. Use of child restraint systems and seatbelts is not required in motor vehicles that were not equipped with seatbelts when manufactured. If all of the seatbelts are used by other family members in the vehicle or if a child is being transported in an emergency situation, this section does not apply.
2. Violation of this section is punishable by a fine of twenty dollars (\$20.00).



3. Violation of this section shall not be, in and of itself, considered evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

39-21.41.3 RESERVED.

39-21.41.4 Use of safety belt required in certain motor vehicles-enforcement.

Subject to the limitations of this section and section 39-21.41.5, a driver may not operate on a public highway within the Fort Berthold Reservation a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or seatbelt in accordance with section 39-21.41.2; to drivers of implements of husbandry; to operators of farm vehicles; to rural mail carriers while on condition that prevents appropriate restraint in a safety belt, of a qualified physician states in a signed writing the nature of the condition and the reason restraint is inappropriate; or when all front seat safety belts are in use by other occupants. A physician who in good faith, provides a statement that restraint would be inappropriate is not subject to civil liability.

39-21.41.5 Secondary enforcement.

A law enforcement officer may not issue a citation for a violation of section 39-21.41.4 unless the officer lawfully stopped or detained the driver of the motor vehicle for another violation. A violation of section 39-21.41.4 is punishable by a fine of twenty dollars (\$20.00).

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby

CERTIFICATION



I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 17 day of October 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman voting. [] not voting.

Dated this 17 day of October 2005.

Secretary, Nathan Hale
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall
Tribal Business Council