



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

***A Resolution Entitled: "Adopting and Enacting a Primary Offense Designation Law for Safety Belts on the Fort Berthold Indian Reservation"***

**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,** The Constitution of the Three Affiliated Tribe generally 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 III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; 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

**WHEREAS,** The Three Affiliated Tribes has a rich history and culture in protecting children and human life; and

**WHEREAS,** Motor vehicle crash injuries are a leading cause of death among American Indians, and are the leading cause of death for Native Americans between the ages of birth to 44 years; and

**WHEREAS,** Studies by the National Highway Safety Administration and Bureau of Indian Affairs show an increase in the use of safety belts on reservations with primary seat belt laws (68%) as compared with reservations with secondary laws (53%); and

**WHEREAS,** Traffic Crashes are a grave public health problem for our Nation, and a significant economic burden, with average cost for a critically injured survivor of a motor vehicle crash at \$1.1 million over a lifetime. This figure does not even begin to reflect the physical and psychological suffering of the victims and their families; and

**WHEREAS,** Safety belt use is the single most effective strategy a person can employ to prevent deaths and injuries associated with motor vehicle crashes; and

**WHEREAS,** The Three Affiliated Tribes is desirous of insuring the health and well-being of all people on the Fort Berthold Reservation; residents and visitors alike; and



**WHEREAS,** In further exercise of its constitutional power, the TAT Community Traffic Safety Program along with all other Law Enforcement entities of the Three Affiliated Tribes has recommended that the tribe require the use of seat belts and child safety seats on the Reservation, in order to protect the health safety of vehicle drivers and passengers on the Fort Berthold Reservation; and

**WHEREAS,** The TAT Community Traffic Safety Program believes that the use of automobile seat belts by drivers, passengers and children of the Fort Berthold Reservation would reduce that amount of fatalities that occur upon the Fort Berthold Reservation; and

**NOW THEREFORE BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes modifies the Tribal Safety Belt Ordinance, (39-21.41.5) which makes a safety belt violation only enforceable as a secondary action (When a person is first detained for another offense), and will forthwith allow law enforcement and Highway patrol to stop persons who fail to use safety belts, while operating a motor vehicle within the boundaries of the Fort Berthold Reservation, and to use the failure of wearing a safety belt as a primary basis for the traffic stop

**BE IT FURTHER RESOLVED,** That there shall be a transition period of three (3) months, from the passage of this resolution, to allow the general public to become familiar with the new safety belt ordinance, within said transition period, the law enforcement officer shall not issue a traffic ticket, but shall provide the person with written notice of the law, and additional safety information concerning safety belt use.

**BE IT FURTHER RESOLVED,** That after the expiration of the transition period that each driver and passengers of the motor vehicle operated upon a highway or other place open to general public or generally accessible to motor vehicle, including an area designated for the parking of vehicles within the Fort Berthold Reservation shall wear a properly adjusted and fastened seat belt, except that a child less than five (5) years of age shall be protected by a child restraint system as required in this code. There shall be a fine in the sum of one hundred dollars (\$100) per person for any violation of this Tribal Ordinance.

**BE IT FURTHER RESOLVED,** That this resolution shall not apply to a driver or passenger of:

- (1) A motor vehicle manufactured before January 1, 1965.
- (2) A Bus
- (3) A Motorcycle or moped



- (4) A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons.
- (5) A commercial or United States Postal Service vehicle that makes frequent stops for the purpose of pick up or delivery of goods or services.
- (6) A motor vehicle operated by a rural carrier of the United States Postal Service while serving his or her postal route.
- (7) A passenger of a school bus.

**BE IT FINALLY RESOLVED**, that the Tribal Business Council of the Three Affiliated Tribes hereby adopt the Primary Safety Belt law and child safety belt system in the Tribal Safety Belt Ordinance of Three Affiliated Tribes.

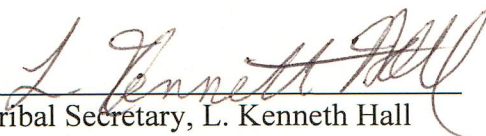
### CERTIFICATION

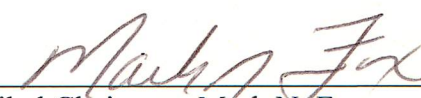
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8th day of October, 2015, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 4 members, 0 members opposed, 1 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 8<sup>th</sup> day of October, 2015.

**ATTEST:**

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes