# MHA Nation TERO Regulation

# Marking of Vehicles and Commercial Motor Vehicles

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## PART 1.

## GENERAL PROVISIONS

1.1 Purpose

The following Regulation is issued pursuant to the authority granted to the Mandan Hidatsa and Arikara Tribal Employment Rights Office (hereinafter "TERO") by the Mandan Hidatsa and Arikara Tribal Employment Rights Ordinance, which requires any person or entity to apply for and receive a TERO Business license or for purposes of conducting business and are operating within the exterior boundaries of the lands which the Mandan Hidatsa and Arikara Nation ("MHA Nation") has jurisdiction.

A. Jurisdiction

Any person or business entity applying for and receiving a TERO Business License or any person or business entity conducting business on the MHA Nation shall be deemed as submitting to the jurisdiction of the MHA Nation Tribal Courts.

B. Regulatory Authority

Any person or business entity applying for and receiving a TERO Business license or for purposes of conducting business operations on the MHA Nation shall be deemed to have submitted to the regulatory authority of the MHA Nation Tribal Courts.

1.1 Dissemination

Any person or entity must forthwith comply with the TERO requirements and regulation entitled: *Marking of Motor Vehicles and Commercial Motor Vehicle.*

1.2 Definitions

- *Commercial Motor Vehicle (CMV*) means any single motor vehicle or combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more. Any vehicle not listed above but requiring one or more commercial endorsements. Any size vehicle that transports hazardous materials that require federal placarding.

- *Entity* means any person, partnership, corporation joint venture. The term Entity is intended to be as broad and encompassing as possible to ensure the application of the TERO Ordinance and TERO Regulations over all business, employment and contract activities within the MHA Nation's jurisdiction. The term shall be interpreted broadly by the Commission and the Courts.

- *Lease* means a contract or arrangement in which the owner grants the use of equipment, motor vehicle, CMV for a specified period to any person or entity for use in the regulated transportation of property, in exchange for compensation.

- *Lessor*, in a lease, the party granting the use of equipment, motor vehicle, CMV to another.

- *Lessee,* in a lease, the party acquiring the use of equipment, motor vehicle, CMV from another.

- *MHA Department of Transportation* (MHA DOT) means as established by the Tribal Business Council and described in MHA Nation Resolution No. 119-VJB.

- *MHA Nation* means the Mandan Hidatsa and Arikara Nation.

- *Motor Vehicle* means any motor vehicle owned by a person or entity that is required to apply and obtain a TERO Business license or for purposes of conducting business and are operating within the exterior boundaries of the lands which the Mandan Hidatsa and Arikara Nation ("MHA Nation") has jurisdiction.

- *Nation* may include other references including but not limited to the Ft. Berthold Indian Reservation or MHA Nation, or Reservation.

- *Ordinance* means the codified Tribal Statute promulgated by the MHA Nation Tribal Business Council.

- *Person* means an individual, partnership, corporation, sole proprietorship, unincorporated association, trust, estate, joint venture. The term Person is intended to be as broad and encompassing as possible to ensure the application of the TERO Ordinance and TERO Regulations over all business, employment and contract activities within the MHA Nation's jurisdiction. The term shall be interpreted broadly by the Commission and the Courts.

- *Regulations* means these legally enforceable policies passed by the TERO Commission and enforced by MHA Department of Transportation and TERO.

- *TERO* means the MHA Nation Tribal Employment Rights Office.

- *TERO Commission* means the Tribal Employment Rights Commission established and defined by TERO Ordinance Title 5, Section 501.

- *Tribal Business Council* means the Tribal Business Council of the Three Affiliated Tribes or MHA Nation.

- *Tribal Court* means the Tribal Court of the Three Affiliated Tribes.

## PART 2.

## MARKING OF MOTOR VEHICLES AND COMMERCIAL MOTOR VEHICLES

2.1 Applicability

This Regulation and its requirements apply to every person or entity that is required to apply for and receive a TERO Business license or for purposes of conducting business and are operating within the exterior boundaries of the lands which the Mandan Hidatsa and Arikara Nation ("MHA Nation") has jurisdiction.

2.2 Nature of marking. The marking must display the following information:

(a) The owner's legal name or single trade name as listed on issued business license issued by TERO or MHA DOT.

(b) The legal name will be preceded by the words "Owner." 2.3

Size, shape, location, and color of marking. The marking must-

(a) Appear on both sides of motor vehicle or CMV.

(b) Be in letters that contrast sharply in color with the background on which the letters are placed.

(c) Be readily legible, during daylight hours, from a distance of 50 feet (15.24) meters while vehicle is stationary; and

(d) Be kept and maintained in a manner that retains the legibility by **paragraph (c)** of this section.

2.4 Construction and durability

(a) The marking may be painted on the motor vehicle or CMV or consist of a removable device, if that device meets the identification and legibility of section 2.3 and such marking must be maintained as required by section 2.3 (d).

2.5 Motor vehicle and CMV

The owner will mark and display the following information on their motor vehicle and CMV. Any changes to original application will be reported immediately to both MHA TERO and MHA DOT.

(a) The legal name of the owner or entity for which the owner is working on behalf of, as listed on issued business license issued by TERO or MHA DOT.

(b) For Commercial Motor Vehicles; The lessee's legal name will be preceded by the words "Leased By"

(c) The owner or entity will mark their motor vehicle and CMV as required in section 2.3, 2.4 and comply with described requirements.

2.6 Leased motor vehicle and leased CMV

The lessee will mark and display the following information on the leased motor vehicle and leased CMV during the full term of the lease agreement. The lease will contain, indicate a start and end date. The lease will be signed by the lessor's and lessee's authorized employee, agent, and or representative. Any changes to original lease will be reported immediately to both MHA TERO and MHA DOT. Any reoccurring, continuing lease will be subject to the signing of both parties, as deemed necessary by MHA TERO or MHA DOT.

(a) The lessee's legal name as listed on issued business license issued by TERO or MHA DOT.

(b) For Commercial Motor Vehicles; The lessee's legal name will be preceded by the words "Leased By"

(c) The lessee will mark leased motor vehicle or leased CMV as required in section 2.3, 2.4 and comply with described requirements.

2.7 Rented motor vehicle and rented CMV

The renter will mark and display the following information on the rented motor vehicle and rented CMV during the full term of the rental agreement. The rental agreement will contain, indicate a start and end date. The rental agreement will be signed by the renter's and Rental Company authorized employee, agent, and or representative. Any changes to original rental agreement will be reported immediately to both MHA TERO and MHA DOT. Any reoccurring, continuing rental agreement will be subject to the signing of both parties, as deemed necessary by MHA TERO or MHA DOT.

(a) The renter's legal name as listed on issued business license issued by TERO or MHA DOT.

(d) For Commercial Motor Vehicles; The lessee's legal name will be preceded by the words "Leased By"

(c) The renter will mark the rented motor vehicle or rented CMV as required in section 2.3, 2.4 and comply with described requirements.

2.8 Exemptions

Those persons and entities identity below shall be exempt from said TERO regulation and requirements.

- The Tribal government or any subdivision or enterprise of the Tribal government, to extend of the Tribe's ownership.
- Farming and livestock operations within the MHA Nation.
- Charity, church, or school operations.
- Vehicles used or operated by Tribal governmental personnel while performing emergency operations or duties.

## PART 3.

## ADMINSTRATIVE PROCEDURES

3.1 Authority and Duty to Enforce

The TERO Commission pursuant to regulation- *Marking of Motor Vehicles and Commercial Motor Vehicles* authorizes the TERO Department and MHA DOT Motor Carrier Division to enforce and ensure compliance of regulation within the jurisdiction of the MHA Nation. Compliance will be done by inspection, examination or other means necessary. \

3.2 Civil Penalty

Any person or entity found by the MHA DOT/TERO regulatory departments to be in violation or non-compliant with said regulation shall be subject to a civil penalty of a maximum of five hundred U.S. dollars ($500.00). Should the violation or noncompliance continue to occur, a maximum penalty of five hundred U.S. dollars ($500.00) per day will be accessed. Furthermore the TERO Commission may take such action, including denying, suspending, revoking the status of any person or entity's Tribal business license. The civil penalties are progressive in nature, to ensure full compliance of TERO Regulation. The entity or person will be issued a citation describing the nature of violation.

3.3 Informal Resolution

(a) The entity or person, within 14 days of the date of citation, must contact issuing regulatory department and pay the civil penalty.

(b) The entity or person, within 14 days of the date of citation, must contact issuing regulatory department and request an informal resolution hearing before issuing regulatory department's director or director's designated official. The regulatory department, in writing will contact, within 10 days of receiving request, the requesting entity or person of date and time of informal hearing. Upon appearing at the hearing scheduled, the entity or person may make a statement in explanation of the entity or person's action. The official may at that time may waive, reduce, or suspend the civil penalty.

(c) Should the entity or person, within 14 days of the date of citation, fails to request informal resolution hearing, the entity or person is deemed to have admitted violation and must pay civil penalty.

## PART 4.

## DUE PROCESS AND HEARING PROCEDURE

4.1 Hearing

If an informal resolution cannot be reached, the entity or person will follow MHA TERO Regulations Part 7, titled: *DUE PROCESS AND HEARING PROCEDURE.*