

SISSETON-WAHPETON OYATE

New Code Amended Code Repealed Code
Tribal Council Resolution No. Swo-23-009
Ordinance Work Group Adoption Date 12/20/21
Tribal Council Approval Date 07/06/22

CHAPTER 27C

USE OF SAFETY SEAT BELT SYSTEM IN PASSENGER VEHICLES

27C-01-01 DEFINITIONS

For the purpose of this Chapter, the following definitions apply:

1. Passenger motor vehicle means a motor vehicle with motive power, except a low-speed vehicle, motorcycle, or trailer, designed for carrying ten (10) persons or less, including pickup trucks and vans.
2. Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway to transport passengers or property when the vehicle:
 - a. Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more, whichever is greater;
 - b. is designed or used to transport more than eight (8) individuals, including the driver, for compensation; or
 - c. is designed or used to transport more than fifteen (15) individuals, including the driver, and is not used to transport passengers for compensation.

27C-02-01 PASSENGER RESTRAINTS

Every operator and passenger of a passenger or commercial motor vehicle operated on roadways, streets, or highways of the Lake Traverse Reservation shall wear a properly adjusted and fastened safety seat belt system, such seat belt systems are required to be installed in vehicles when manufactured pursuant to 49 CFR 571.208.

27C-03-01 EXEMPTIONS

The provisions of 27C-02-01 of this Chapter do not apply to:

1. Any occupant of a passenger vehicle manufactured before September 1, 1973;
2. Any occupant of a passenger vehicle who for medical reasons is unable to use a seat belt system provided that there is current written documentation from a physician of such medical reasons;

3. Any occupant of a vehicle not equipped with a safety seat belt system because federal law does not require that vehicle is to be so equipped; or
4. Any rural carrier of the United States Postal Service while serving his or her rural postal route.

27C-04-01 Enforcement of this Code by Tribal Law Enforcement agencies shall be accomplished as a primary action. A violation of this Chapter is a Special Class Misdemeanor and is punishable by a fine of one-hundred dollars (\$100).

27C-05-01 The effective date of 27C-04-01, as amended, is July 10, 2022. The amendments to 27C-04-01 shall be applied prospectively to activities that occur after the aforementioned effective date. Activities that occurred prior to the effective date shall be prosecuted according to the law as it existed when the activities occurred.

WEIGHTED VOTE ON MOTION NO. 81: 17 For: Dallas Owen (3); Milton Owen (2); Brandon Gypsy Wanna (3); Dionne Crawford (2); Curtis Bissonette (2); A. Lydia Amos (2); Louis Johnson (1); Tribal Vice-Chairman (1); Tribal Secretary (1). 0 Opposed. 0 Abstained. 0 Absent From Vote. 1 Not Voting: Tribal Chairman.

MOTION PASSED.

MOTION NO. 82: made by Milton Owen, second by Curtis Bissonette, question by Brandon Gypsy Wanna, to approve the amendments/revisions to SWO Chapter 27B – Infant/Child Passenger Restraint Code, as presented by Ordinance Work Group Members Lorraine Rousseau, Bob LaFromboise, and Legal Counsel Phil Brodeen.

WEIGHTED VOTE ON MOTION NO. 82: 17 For: Dallas Owen (3); Milton Owen (2); Brandon Gypsy Wanna (3); Dionne Crawford (2); Curtis Bissonette (2); A. Lydia Amos (2); Louis Johnson (1); Tribal Vice-Chairman (1); Tribal Secretary (1). 0 Opposed. 0 Abstained. 0 Absent From Vote. 1 Not Voting: Tribal Chairman.

MOTION PASSED.

MOTION NO. 83: made by Milton Owen, second by Curtis Bissonette, question by Brandon Gypsy Wanna, to approve the amendments/revisions to SWO Chapter 27C – Use of Safety Seat Belt System in Passenger Vehicles, as presented by Ordinance Work Group Members Lorraine Rousseau, Bob LaFromboise, and Legal Counsel Phil Brodeen.

WEIGHTED VOTE ON MOTION NO. 83: 17 For: Dallas Owen (3); Milton Owen (2); Brandon Gypsy Wanna (3); Dionne Crawford (2); Curtis Bissonette (2); A. Lydia Amos (2); Louis Johnson (1); Tribal Vice-Chairman (1); Tribal Secretary (1). 0 Opposed. 0 Abstained. 0 Absent From Vote. 1 Not Voting: Tribal Chairman.

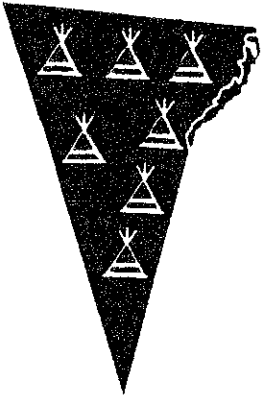
MOTION PASSED.

MOTION NO. 84: made by Brandon Gypsy Wanna, second by Milton Owen, question by A. Lydia Amos, to approve the amendments/revisions to SWO Chapter 54 – Animal Control Ordinance, as presented by Ordinance Work Group Members Lorraine Rousseau, Bob LaFromboise, and Legal Counsel Phil Brodeen.

WEIGHTED VOTE ON MOTION NO. 84: 17 For: Dallas Owen (3); Milton Owen (2); Brandon Gypsy Wanna (3); Dionne Crawford (2); Curtis Bissonette (2); A. Lydia Amos (2); Louis Johnson (1); Tribal Vice-Chairman (1); Tribal Secretary (1). 0 Opposed. 0 Abstained. 0 Absent From Vote. 1 Not Voting: Tribal Chairman.

MOTION PASSED.

MOTION NO. 85: made by Edmund Johnson Jr., second by Dallas Owen, question by Curtis Bissonette, to approve by Ordinance Work Group report as presented by Lorraine Rousseau, Bob LaFromboise, and Legal Counsel Phil Brodeen.



Sisseton - Wahpeton Oyate

LAKE TRAVERSE RESERVATION

PO BOX 509 • 12554 BIA HWY. 711
AGENCY VILLAGE, SOUTH DAKOTA 57262-0509
PHONE: (605) 698-3911

TRIBAL COUNCIL RESOLUTION NO. SWO-23-009

Amendments to SWO Chapter 27C Use of Safety Seat Belt System in Passenger Vehicles

WHEREAS, The Sisseton-Wahpeton Oyate is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966, and last amended effective November 15, 2006; and

WHEREAS, The Constitution ARTICLE III, Section 1, states that, the Sisseton-Wahpeton Oyate shall be governed by a Council, and ARTICLE VII, Section 1, states that, the Council shall have the following powers: (a) to represent the Tribe in all negotiations with Federal, State and local governments; (b) to acquire, own, use, manage, lease and otherwise encumber and to dispose of Tribal property, both real and personal, wherever situated; (c) to engage in any business that will further the economic development of the Tribe and its Members, and to use Tribal funds or other resources for such purposes; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (e) to hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services; (f) to deposit Tribal funds to the credit of the Tribe, without limitations of the amount in any account; (g) to take any action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the for-going purposes; (h) to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Oyate; (i) adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of Tribal Affairs; and

WHEREAS, It has been brought to the attention of the Sisseton-Wahpeton Oyate Judicial Committee and renamed Ordinance Work Group that there is a need to address necessary updates to Chapter 27C - Use of Safety Seat Belt System in Passenger Vehicles; and

WHEREAS, The proposed amendments were passed by the Ordinance Work Group on June 9th, 2022; and

WHEREAS, The Sisseton-Wahpeton Oyate desires to update Chapter 27C in accordance with the amendments passed by the Ordinance Work Group;

WHEREAS, The following revisions shall be enacted:

SISSETON-WAHPETON OYATESIOUX TRIBE

CHAPTER 27C

USE OF SAFETY SEAT BELT SYSTEM IN PASSENGER VEHICLES

27C-01-01 INTENT DEFINITIONS

For the purpose of this ~~Code~~Chapter, the following definitions apply:

1. ~~a passenger motor vehicle is any self-propelled vehicle intended primarily for use and operation on the public highways including passenger cars, station wagons, vans, taxicabs, emergency vehicles, motor homes, trucks, and pickups. The term does not include motorcycles, motor scooters, motor bicycles, motorized bicycles, passenger buses, and school buses. The term also does not include farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.~~ means a motor vehicle with motive power, except a low-speed vehicle, motorcycle, or trailer, designed for carrying ten (10) persons or less, including pickup trucks and vans.

2. Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway to transport passengers or property when the vehicle:
 - a. Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more, whichever is greater;

 - b. is designed or used to transport more than eight (8) individuals, including the driver, for compensation; or

 - c. is designed or used to transport more than fifteen (15) individuals, including the driver, and is not used to transport passengers for compensation.

27C-02-01 PASSENGER RESTRAINTS

Every operator and front seat passenger of a passenger vehicle, including pickup trucks and vans, or commercial vehicle operated on a roadways, streets, or highways Tribal road within the jurisdiction of the Sisseton-Wahpeton Law Enforcement Lake Traverse Reservation, shall wear a properly adjusted and fastened safety seat belt system. These, such seat belt systems are required to be installed in the passenger vehicles when manufactured pursuant to Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208.) in effect January 01, 1989, at all times when the vehicle is in forward motion. The driver of the passenger vehicle shall secure or cause to be secured a properly adjusted and fastened safety seat belt system on any passenger in the front seat who is at least five years of age but younger than



~~eighteen years of age. Any violation of this Section is not a moving traffic offense.~~

27C-03-01 ~~THE PROVISION OF 27C-02-01 OF THIS CODE DO NOT APPLY TO EXEMPTIONS~~

The provisions of 27C-02-01 of this Chapter do not apply to:

1. Any occupant of a passenger vehicle manufactured before September 01, 1973;
2. Any occupant of a passenger vehicle who ~~possesses a written statement from a doctor licensed under Chapter 36-4 or 36-5 that the individual is unable for medical reasons to wear a safety seat belt system~~ for medical reasons is unable to use a seat belt system provided that there is current written documentation from a physician of such medical reasons;
3. Any occupant of a vehicle not equipped with a safety seat belt system because federal law does not require that vehicle is to be so equipped; or
4. Any rural carrier of the United States Postal Service while serving his or her rural postal route ~~or lay person delivering newspapers or periodicals on an assigned home delivery route.~~

~~27C-04-01 Failure to comply with the provisions of this Code does not constitute contributory negligence, comparative negligence or assumption of the risk. Failure to comply with the provisions of this Code may not be introduced evidence in any criminal litigation other than a prosecution under this Code or in any civil litigation the issue of injuries or on the issue of mitigation of damages.~~

27C-0405-01 Enforcement of this Code by Tribal Law Enforcement agencies shall be accomplished as a primary action. A violation of this ~~e Code Chapter~~ is a petty offense Special Class Misdemeanor and is punishable by a fine of one-hundred dollars (\$100).

27C-065-01 The effective date of 27C-0405-01, as amended, is ~~October 01, 1994~~ July 10, 2022. The amendments to 27C-04-01 shall be applied prospectively to activities that occur after the aforementioned effective date. Activities that occurred prior to the effective date shall be prosecuted according to the law as it existed when the activities occurred.

~~27C-7-01~~ **SEVERABILITY**

~~If any clause, sentence, paragraph, section, or part of this Code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.~~



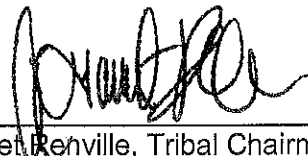
Amendments to SWO Chapter 27C Use of Safety Seat Belt System in Passenger Vehicles

NOW, THEREFORE BE IT RESOLVED, That the Tribal Council of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation hereby memorializes the amendments to Chapter 27C of the Tribal Code enacted via Motion No. 83 on July 6th, 2022; and

FINALLY, BE IT RESOLVED, That the Tribal Council of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation hereby adopts and enacts the amendments to Chapter 27C passed by Motion No. 83 on July 6th, 2022.

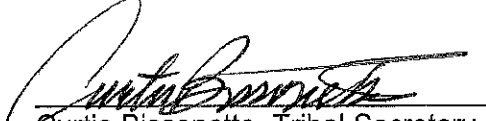
CERTIFICATION

We, the Undersigned duly elected Tribal Chairman and Tribal Secretary of the Sisseton-Wahpeton Oyate Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Oyate Tribal Council, which is composed of 10 members (representing a total of 15 Tribal Council weighted votes and two Executive Committee votes for a total of 17 votes) of whom 10 constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, February 8, 2023, by a vote of 16 for, 0 opposed, 0 abstained, 0 absent from vote, 1 not voting, and that said Resolution has not been rescinded or amended in any way.



J. Garret Renville, Tribal Chairman
Sisseton-Wahpeton Oyate

ATTEST:



Curtis Bissonette, Tribal Secretary
Sisseton-Wahpeton Oyate

