

**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

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**Memorandum**

**TO:** Legislative Operating Committee  
**FROM:** Lynn A. Franzmeier, Staff Attorney  
**DATE:** March 10, 2015  
**RE:** Motor Vehicle Law Amendments: Public Meeting Comment Review

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On February 19, 2015, a public meeting was held regarding amendments to the Motor Vehicle Law (Law). The Law would remove specific fees from the Law and require the Oneida Business Committee to adopt the motor vehicle registration fee schedule upon recommendation of the Licensing Department; require records to be retained in accordance with the Open Records and Open Meetings Law and remove language creating a record retention schedule; allow the Licensing Department to determine the vehicle registration period; and remove process language from the Law to streamline the Law and give the Department the responsibility for determining how the Law will be carried out.

This memorandum is submitted as a review of the written comments received during the public meeting process; there were no oral comments received at the public meeting itself. The public meeting draft with comments, as well as the comments received, have been attached for your review.

**Comment 1. Comment on removing Records Management from the Law.**

**Tonya Webster:** Were we taking out Records Management because we now save them onto On-Base? So we don't need to send to records management anymore.

*Response*

The comment is referring to the following amendments:

51.4-~~5.3~~. Records Retention. All registration applications and ~~registrations~~renewal requests shall be retained by in accordance with the ~~department for one year after the application has been submitted or registration filed, thereafter all applications~~Open Records and ~~registrations shall be retained by Oneida Records Management for seven years~~Open Meetings Law.

The current Law requires all applications and registrations to be retained by Oneida Records Management for seven years. The proposed amendments would update this section to require all registration applications and renewal requests to be retained in accordance with the Open Records and Open Meetings Law. The Open Records and Open Meetings Law designates Records Management as the body responsible for collecting, storing and disposing of records created throughout the Tribe. The Law is now requiring records to be kept in accordance with the Open Records and Open Meetings Law, which could include the saving

of these records into On-Base, which is Records Management's tool for collecting/storing records. Whether the Licensing Department will need to continue to send Records Management the actual records is something the two departments can work out between themselves, without needing to spell it out in the Law.

There are no recommended changes based on this comment.

**Comment 2. Comment on personalized collector plates.**

**Tonya Webster:** Currently we do not do this. We simply issue them the next collector plate we have unless they would like a Personalized Collector plate. This is something the State of Wisconsin does, but they do not issue personalized collector plates.

*Response*

The comment is referring to the underlined section of 51.7-7(b):

51.7-7. *Special Interest Vehicles.* Any owner who has a motor vehicle registered through the Tribe and uses for regular transportation at least one (1) vehicle that has regular registration plates may apply to register a vehicle he or she owns as a special interest vehicle if the vehicle is at least twenty (20) years old.

(a) The Department shall furnish the owner of the vehicle with registrations plates of a distinctive design in lieu of the usual registration plates, and those shall show that the vehicle is a special interest vehicle owned by a collector. Upon application, the owner may re-register the vehicle without the payment of any additional fee.

(b) Each collector applying for special interest vehicle registration plates will be issued a collector's identification number which will appear on each plate. Second and all subsequent registrations under this section by the same collector will bear the same collector's identification number followed by a suffix letter for vehicle identification.

(c) The vehicle may be used as are other vehicles of the same type except:

(1) Motor vehicles may not transport passengers for hire.

(2) Trucks may not haul material weighing more than five hundred (500) pounds.

(3) No special interest vehicle may be operated upon any highway within the Reservation during the month of January unless the owner of the vehicle re-registers the vehicle with regular registration plates or transfers regular registration plates to the vehicle.

(d) Unless inconsistent with this section, the provisions applicable to other vehicles shall apply to special interest vehicles.

The second sentence under section 51.7-7(b) can be deleted as recommended by the commenter.

**Comment 3. Comment on removing the Reservation restriction from section .**

**Tonya Webster:** Do you think we should take out within the Reservation because they wouldn't be valid on any highway not just within the reservation?

*Response*

The comment is referring to section 51.7-7(c)(3) which states:

No special interest vehicle may be operated upon any highway within the Reservation during the month of January unless the owner of the vehicle re-registers the vehicle with

regular registration plates or transfers regular registration plates to the vehicle.

This Law would not apply to a person operating a vehicle on a highway outside of the Reservation, so removing that part of the section would not change the application of the Law. This suggestion can be implemented and the phrase “within the Reservation” should then also be removed from sections 51.5-8 and 51.5-9.

**Conclusion**

Minor changes are being suggested based on the public meeting comments received. After review of the public meeting comments by the LOC, this item can be deferred to the LRO to prepare for OBC consideration.