

AGREEMENT BETWEEN
THE STATE OF WISCONSIN
AND
THE ONEIDA TRIBE OF INDIANS OF WISCONSIN
CONCERNING
RECIPROCAL MOTOR VEHICLES REGISTRATION EXEMPTIONS

The duly authorized officials of the State of Wisconsin and the Oneida Tribe of Indians of Wisconsin, acting by and through the authority granted to them by their respective laws, hereby mutually agree:

I.

All understandings and agreements, oral or written, heretofore had or entered into between the parties, regarding the registration of motor vehicles, are hereby mutually rescinded.

II.

The following words as used in this agreement shall have the following meanings, respectively.

(A) RESIDENT -- (1) An individual who is a resident of either jurisdiction; (2) A partnership, association or corporation maintaining a place of business in either jurisdiction

(B) JURISDICTION -- Either the State of Wisconsin, excluding the portion consisting of the Oneida Indian Reservation, or the Oneida Indian Reservation.

(C) VEHICLE -- Automobile, bus, motorcycle, motor truck, truck-tractor, road-tractor, trailer, semi-trailer, roped or motor home or any combination thereof.

(D) RECIPROcity -- Exemption from registration, the display of license plates or reciprocity authorizations issued by the contracting jurisdiction, from payment of taxes or fees levied against an owner or operator by reason of the operation of the vehicles provided, however, that nothing contained in this agreement shall be construed to exempt the owner or operator of any vehicle transporting persons or property "for hire" from compliance with any existing laws and regulations of either jurisdiction with respect to the necessity of procuring authority to operate, the filing of insurance coverage, or the payment of vehicle "personal" fees.

(E) OPERATOR -- Any person, firm, partnership, corporation or association who is lawfully entitled to possession of such vehicle. In the event the vehicle is the subject of a lease, the lessee who is operating the vehicle, and not the holder of legal title, shall be considered the operator.

(F) PLACE OF BUSINESS -- A place of business, as that term is used in this agreement shall mean the place or location in either contracting jurisdiction where the operator of a vehicle has a terminal, warehouse, office, garage, or some permanent bona fide address at which one or more employees report and perform regular and continuing services for the operator, except that a place of business of a household goods carrier shall mean the place or location where the household goods carrier or an agent of such carrier has a terminal, warehouse, office, garage or some permanent address at which an employee reports and performs regular and continuing services for the household goods carrier or for the agent of the household goods carrier. In case of dispute as to the existence of a place of business, the applicant for reciprocity must furnish the contracting jurisdiction proof of ownership, rental or lease of the property involved by said applicant. Proof of payment of electric and telephone bills in the name of the applicant must be submitted along with full information in regard to employee records, including names and addresses of employees, evidence that the responsibility for wages, unemployment and workmen's compensation insurance, as well as social security requirements have been assumed directly by the applicant. Failure to supply any of the above information upon request shall be the cause for denial of reciprocal privileges on the grounds that proof of place of business has not been established.

III.

Vehicles owned or operated by a resident of either jurisdiction and lawfully registered and displaying registration as required by the law of either jurisdiction shall be entitled to reciprocity in the other jurisdiction except as hereinafter provided.

IV.

The following vehicles shall not be entitled to reciprocity:

(A) Any vehicle having a gross weight greater than that for which the vehicle is registered.

(B) Any vehicle owned by a resident of one contracting jurisdiction who has moved to the other contracting jurisdiction and has failed to immediately apply for registration in the jurisdiction in which he is presently a resident or does not display the registration license plates of his new jurisdiction on the vehicle within 30 days.

V.

An exception to the provisions of this agreement shall apply only to motor carriers of the Oneida Reservation who may register their vehicles under the International Registration Plan through the State of Wisconsin if they elect to do so in order to take advantage of Wisconsin's Interstate reciprocity agreements.

VI

Each jurisdiction reserves the right to withdraw, deny or suspend, by order of the duly authorized officials, all or any part of the reciprocal privileges granted pursuant to this agreement, from the owner or operator of any vehicle or fleet of vehicles operated in violation of any provision of this agreement, or operated in violation of any rules or regulations promulgated hereunder. Each jurisdiction, when withdrawing, denying or suspending the reciprocal privileges of a resident of the other jurisdiction, shall give written notice thereof to the resident whose privileges are withdrawn, denied, or suspended, and also to the officials of the other jurisdiction. Such notice shall include a statement of the reasons for such withdrawal, denial, or suspension.

VII.

The duly authorized officials of each jurisdiction shall be authorized from time to time, to promulgate rules and regulations where necessary to effectuate the purposes of this agreement. Such rules and regulations shall be effective when accepted by the duly authorized officials of each jurisdiction, or at any other time set forth in such supplemental agreements.

VIII.

This agreement shall become effective on a date mutually agreed on by the Secretary of the Department of Transportation and the Oneida Tribe of Indians of Wisconsin.

IX.

IN WITNESS WHEREOF the State of Wisconsin and the Oneida Tribe of Indians of Wisconsin, each acting through its duly authorized and responsible officers, have executed this agreement on the date indicated.

STATE OF WISCONSIN by:

ONEIDA TRIBE OF INDIANS OF
WISCONSIN:

Charles H. Thompson
-Charles H. Thompson
Secretary

Deborah J. Doxtator
Deborah J. Doxtator
Chairperson

Dated: 11/23/98

Dated: 11-6-98

APPROVED: Joint Committee on Finance

Date: September 24, 1998.