

An Act

Legislative Act 05-08

AN ACT AMENDING LA#01-01 "A LEGISLATIVE ACT ENTITLED THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AS AMENDED BY LA#27-01, 34-01, 34-02, 25-04, 29-04, 7-06, 12-06, 17-06, AND 8-07

TITLE ONE: FINDINGS, PURPOSE, DEFINITIONS

Section 100: Findings.

- A. As a sovereign, federally recognized Indian tribe, the Cherokee Nation has the power and authority to issue motor vehicle license tags to its enrolled citizens living within its territorial boundaries, in accordance with the United States Supreme Court's decision in *Sac & Fox Nation vs. Oklahoma Tax Commission*, 508 U.S. 114 (1993).
- B. A large number of the Nation's citizens have expressed support for a motor vehicle licensing and registration tag code which would authorize the Cherokee Nation Tax Commission to issue tribal tags and administer a tribal tag system within the territorial area of the Cherokee Nation.
- C. The State public school system within Oklahoma relies in part on revenue generated by the sale of automobile license tags by the State of Oklahoma. Thousands of minor children enrolled as citizens of the Cherokee Nation attend public schools in eastern Oklahoma. Therefore, to minimize the impact of the sale of automobile license tags by the Cherokee Nation Tax Commission on the public schools within the Cherokee Nation, a portion of the revenues generated by the sale of such tags should be allocated to the public schools within the Nation's territorial boundaries.
- D. As a federally funded Indian school, Sequoyah High School receives no monies from the State of Oklahoma's automobile licensing revenues. Therefore, a portion of the revenue received from the issuance of Vehicle license tags by the Cherokee Nation should be allocated to Sequoyah High School.
- E. The Cherokee Nation Immersion Program receives no monies from the State of Oklahoma automobile licensing revenues. Therefore, a portion of the revenue received from the issuance of vehicle license tags by the Cherokee nation should be allocated to the Cherokee Nation Immersion Program.
- F. The Cherokee Nation Headstart Program receives no monies from the State of Oklahoma automobile licensing revenues. Therefore, a portion of the revenue received from the issuance of vehicle license tags by the Cherokee Nation should be allocated to the Cherokee Nation Headstart Program.
- G. If possible, the Cherokee Nation should endeavor to enter into a compact with the State of Oklahoma to coordinate its motor vehicle licensing activities with those of the Oklahoma Tax Commission, to make appropriate motor vehicle licensing information available to federal, state and local law enforcement agencies, and to engage in revenue sharing for the benefit of public schools within the territorial boundaries of the Cherokee Nation.

Section 101: Purposes.

The purpose of this Act is to establish a Vehicle and Trailer licensing system within the Cherokee Nation; to raise revenues through the issuance and renewal of Vehicle and Trailer license tags and titles to enrolled citizens of the Cherokee Nation; to provide for the expenditures of said revenues for certain purposes, including an allocation of a portion of said revenues to the

public schools within the territorial boundaries of the Cherokee Nation and to Sequoyah High School; and to authorize the Principal Chief to negotiate with officials of the State of Oklahoma for a compact addressing certain matters relating to the registration and licensing of motor vehicles by the Cherokee Nation Tax Commission.

Section 102: Citation and Codification.

This Act may be cited as "The Cherokee Nation Motor Vehicle Licensing and Tax Code" and shall be codified at Chapter 9 of Title 68 of the Cherokee Code Annotated.

Section 103: Definitions.

For the purposes of this Code, and notwithstanding any other definitions set forth elsewhere in this Title, the words and terms set forth below shall be defined as follows:

- A. "Act" shall mean this act, LA 01-01.
- 13. "Administrator" shall mean the Administrator of the Commission.
- C. "Commercial Trailer" shall mean any Trailer used primarily for the transportation of goods in the ordinary course of any trade or business.
- D. "Commercial Vehicle" shall mean any Vehicle used primarily for the transportation of persons or goods in the ordinary course of any trade or business.
- E. "Commission" shall mean the Cherokee Nation Tax Commission.
- F. "Eligible Vehicle" shall mean any Personal Vehicle, Commercial Vehicle, Motorcycle, Recreational Vehicle, Farm Truck, Farm Tractor, Farm Trailer or other Trailer, which is owned by a Tribal Citizen who resides within the Reservation Boundaries of the Cherokee Nation and is principally garaged within said boundaries on lands owned, leased or occupied by the Cherokee Nation or any Tribal Citizen in trust, restricted or fee status.
- G. "Farm Tractor" shall mean any Vehicle owned by a farmer and used primarily for pulling or towing farming equipment, tilling the soil or in other agricultural activities. Provided, that no Vehicle shall be registered as a Farm Tractor unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four tractors as "Farm Tractors".
- H. "Farm Trailer" shall mean any Trailer owned by a farmer and used primarily for the purpose of transporting farm animals or products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes. Provided, that no Vehicle shall be registered as a Farm Trailer unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four Trailers as "Farm Trailers".
- I. "Farm Truck" shall mean any Vehicle equipped with four or more wheels and a cargo area for the conveyance of property that is used primarily for agricultural purposes, but not for commercial or industrial purposes. Vans and sport utility vehicles shall not be eligible to carry a "Farm Truck" tag. Provided, that no Vehicle shall be registered as a Farm Truck unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four trucks as "Farm Trucks".

- J. "Motorcycle" shall mean any two or three-wheeled Personal Vehicle.
- K. "Nation" shall mean Cherokee Nation.
- L. "Person" shall mean any natural person or legal entity legally competent to hold title to a Vehicle.
- M. "Reservation Boundaries of the Cherokee Nation" shall mean the territorial boundaries of the Nation as they existed as of January 1, 1900.
- N. "Personal Vehicle" shall mean any Vehicle having four or more wheels, including but not limited to cars, trucks, vans and sport utility vehicles, and any Motorcycle; provided however, the definition of Personal Vehicle shall not include a Commercial Vehicle as defined in Subsection D of this section, a Farm Truck as defined in subsection I of this section, a Farm Trailer as used in Subsection H, a Farm Tractor as used in Subsection G of this section, or a Recreational Vehicle as defined in Subsection P of this section.
- O. "Rebuilt Vehicle" shall mean any Salvage Vehicle which has been rebuilt and inspected for the purpose of registration and title with the Cherokee Nation, another tribe or state.
- P. "Recreational Vehicle" shall mean any Vehicle that is equipped to serve as temporary living quarters for recreational, camping or travel purposes and is used solely as a family or personal conveyance.
- Q. "Salvage Vehicle" shall mean any Vehicle which is within the last ten (10) model years and has been damaged by collision or other occurrence to the extent that the cost of repairing the Vehicle for safe operation on the highway exceeds sixty percent (60%) of its fair market value, immediately prior to the damage.
- R. "Trailer" shall mean any portable structure having two or more wheels that is built on a chassis and is designed to be towed by a Vehicle and not propelled by its own power, with a width not exceeding eight (8) feet in travel mode and overall length not exceeding forty (40) feet, including the hitch or coupling, whether used for towing property or livestock or as a temporary dwelling for travel or recreational use. "Trailer" shall include in its meaning any mobile home until such time as it becomes affixed to the land.
- S. "Tribal Citizen" shall mean any person who is registered as a citizen of the Cherokee Nation.
- T. "Vehicle" shall mean any wheeled conveyance for carrying persons or property capable of being propelled under its own power through the use of an electric engine or internal combustion engine greater than 50 cubic centimeters, designed primarily for use on roads and/or highways and equipped with brakes, headlights, taillights, brake lights, a horn, turn signals and a rear-view mirror, the ownership of which is reflected on a Certificate of Title.

Section 104. Negotiation of Compact; Effective Date.

- A. The Principal Chief is hereby authorized to negotiate with appropriate officials of the State of Oklahoma for a compact between the Cherokee Nation and the State of Oklahoma, the provisions of which would (i) allocate a portion of the revenue generated by motor vehicle license fees to and the public schools within the Nation's jurisdictional area; (ii) coordinate motor vehicle title information with the appropriate state agencies; and (iii) address any other issues which may arise and may be resolved through a tribal -state compact. Provided, no such compact shall take effect until approved by way of Tribal Resolution enacted in accordance with 25 CNCA § 26 and all other parties have executed or approved the compact as required by applicable law.
- B. The provisions of this Act shall not take effect until the Commission adopts its rules and regulations pursuant to § 202 of this Act.

Section 105. Revenue Sharing.

- A. A portion of the revenue generated from fees, taxes, penalties and fines generated in connection with the issuance of motor vehicle licenses hereunder shall be allocated to Sequoyah High School and the public schools within the Reservation Boundaries of the Cherokee Nation, to the Marshal Service and to certain counties and municipalities in accordance with the provisions of Section 105B of this Act; provided, however, in the event that a compact is approved in accordance with Section 104A of this Act, such revenues shall be allocated in accordance with the provisions of the compact.

B. Allocation of Revenues.

The fees, taxes, penalties and fines collected by the Commission pursuant to the provisions of this Act shall be allocated and expended for the purposes set forth in the following paragraphs:

- (1) The fees, taxes, penalties and fines collected by the Commission shall be first applied to the costs and expenses of the Commission in carrying out the provisions of this Act, as authorized and appropriated in the Nation's comprehensive annual budget.
- (2) 38% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be allocated and made available to Oklahoma public schools located within the Reservation Boundaries of the Cherokee Nation that have students on current Johnson O'Malley rosters and to Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program in accordance with the apportionment provisions of subsection C of this section. Any public school located outside the Reservation Boundaries shall be eligible to receive a share of the allocation pursuant to subsection C of this section provided all three of the following conditions are met with respect to such school: (a) any portion of the district of which said school is a part is within the Reservation Boundaries; *and* (b) any portion of the premises of said school is located within two miles of the Reservation Boundary; *and* (c) the school has one or more enrolled students included in current Johnson O'Malley rosters.
- (3) 20% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be made available for apportionment to the Nation's Marshal Service and to counties and municipalities within the Nation's Reservation Boundaries for apportionment in accordance with Subsection C of this section.
- (4) Any funds not appropriated or expended pursuant to paragraphs (1), (2) or (3) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to future Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

C. Apportionment and Expenditure of Revenues.

All revenues set aside pursuant to Subsection B of this section shall be apportioned and expended as follows:

- (1) Within 30 days after the end of each fiscal year during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing annual report, the Commission shall prepare and submit to the Controller any monthly or quarterly reports as may be requested by the Controller. The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.
- (2) Revenues set aside under Subsection B(2) of this section shall be apportioned pro rata each year among the eligible public schools and Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program, based on each school's qualified student enrollment determined as follows: for the purposes of this allocation formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from the most recent official Johnson O'Malley roster prepared by the Cherokee Nation or any other bordering Indian Nation; and (b) the qualified student enrollment for Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count. The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program shall be weighted as two Indian students for the purposes of the apportionment formula in this paragraph.

- (3) The funds set aside under Section 105B(3) may be apportioned each year among the counties and municipalities within the Nation's Reservation Boundaries and to the Marshal Service in accordance with and as appropriated in the comprehensive annual budget of the Cherokee Nation. The funds apportioned under this subsection shall not be transferred to the schools, counties, municipalities or Marshal Service until appropriated as part of the comprehensive annual budget for the applicable fiscal year. The Controller shall be responsible for calculating and making all expenditures authorized by Section 105 C(2).

TITLE TWO: DUTIES OF TAX COMMISSION; REGISTRATION OF VEHICLES; FEES AND TAXES; CERTIFICATES OF TITLE; LICENSE PLATES; PENALTIES.

Section 201: General Powers and Duties of Tax Commission.

The Commission is hereby vested with the power, authority and duty to administer and enforce this Cherokee Nation Motor Vehicle Licensing and Tax Code. This power, authority and duty includes, but is not limited to, the calculation of all taxes, fees, penalties and fines assessed in accordance with the provisions of this Act, as well as contracting with Oklahoma Tag Agents to distribute Motor Vehicle tags and process Motor Vehicle registration documents, if the Commission determines that utilizing Oklahoma Tag Agents for such purposes is in the best interests of the Nation. The Administrator shall be responsible for carrying out the rules, regulations and directives of the Commission, and the Commission may delegate to the Administrator such authority as it deems proper for said purpose, provided that the authority to adopt rules and regulations pursuant to Section 202 of this Act shall not be delegable to the Administrator or any other person.

Section 202: Rules and Regulations.

The Commission shall adopt such rules and regulations, and amendments thereto, as it deems necessary to administer and enforce this Code, which rules and regulations need not be approved by the Tribal Council, provided that said rules and regulations and any amendments thereto shall not be inconsistent with this Code and shall be made available to the Council immediately after adoption. The Commission shall adopt such rules and regulations no later than 90 days after the earlier of (i) the approval of a compact pursuant to Subsection A of § 105 of this Act, or (ii) May 31, 2001. The rules and regulations shall provide for a process to appeal decisions of the Administrator assessing any fees, taxes, fines or penalties authorized by this Act. Any decision by the Commission on a question so presented on appeal shall be final. The rules and regulations shall also set forth the procedures and requirements for perfecting the lien of a secured party against any Vehicle registered pursuant to this Act.

Section 203: Registration of Vehicles Required.

It shall be unlawful for any person, including without limitation any Tribal Citizen, to operate any Vehicle on the public streets, alleys, roadways or highways within the Reservation Boundaries of the Cherokee Nation unless such Vehicle is properly registered and tagged under the provisions of this Act or under the laws of the United States, a territory, a state or a federally-recognized Indian tribe with jurisdiction over the lands where such Vehicle is principally garaged. Except as expressly authorized by tribal compact between the Cherokee Nation and another federally recognized Indian tribe, it shall be unlawful for the purposes of this section for any Indian to operate a Motor Vehicle on any tribal fee or trust or individual Indian trust or restricted land within the Reservation Boundaries of the Cherokee Nation if (i) said Motor Vehicle is tagged by another federally recognized Indian tribe and (ii) the owner of said Motor Vehicle resides within the Reservation Boundaries of the Cherokee Nation and the Motor Vehicle is principally garaged within the Reservation Boundaries of the Cherokee Nation.

Section 204: Registration Fees and Taxes.

Eligible Vehicles and Trailers may be registered with the Cherokee Nation, subject to the following fees and taxes:

A. Registration Fees.

There is hereby levied on every Eligible Vehicle registered with the Cherokee Nation, an annual registration fee of the following:

Registration years 1-4:	\$75.00
Registration years 5-8:	\$65.00
Registration years 9-12:	\$45.00
Registration years 13-16:	\$25.00
Registration years 17 and over:	\$10.00

- (1) The registration fee on an Eligible Vehicle previously registered with any other tribe or with any state or territory will be calculated as if the Vehicle had been registered with the Cherokee Nation for the same number of years it had been so previously registered.

(2) Exceptions.

- (a) The annual registration fee for Tribal Citizens who present documentation that they are entitled to the veteran status shall be as follows:

Any active or former member of a branch of the United States military, not including veterans of foreign wars or disabled veterans, Special Fee: \$65.00 for registration years 1-4; \$45.00 for registration years 5-12; and for registration years 13 and over, the same fees as provided above in this Subsection A for other Eligible Vehicles;

- (ii) Veterans of Foreign Wars, Special Fee: \$60.00 for registration years 1-4; \$40.00 for registration years 5-12; and for registration years 13 and over, the same fees as provided above in this Subsection A for other Eligible Vehicles;
- (iii) Disabled Veterans, Special Fee: \$7.00 for registration years 1-8; and for registration years 9 and over, no fee.
- (iv) Winners of medals of honor, bronze or silver stars equivalent medals for bravery or heroism in combat, Special Fee: \$7.00 for registration years 1-8; and for registration years 9 and over, no fee;
- (v) Prisoners of war: Exempt from registration fee.

- (b) The annual registration fee on Farm Trucks and Farm Tractors shall be \$25.00.

- (c) The annual registration fee on a Commercial Trailer shall be \$45.00.

- (d) The annual registration fee on a Farm Trailer shall be \$20.00.

B. Registration Tax on Personal Vehicles.

There is hereby levied a registration tax of one and one-half percent (1 1/2 %) of the actual purchase price of Personal Vehicles not previously registered with the Cherokee Nation or any other tribe or with any state, provided that the actual purchase price is no more than twenty percent (20%) less than the average retail value. This registration tax shall also be levied upon any Vehicle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen. The "average retail value" as used in this subsection shall be determined from a published index of automobile values to be specified by the Commission in its rules and regulations adopted pursuant to this Act.

C. Registration Tax on Commercial Vehicles.

There is hereby levied on every Commercial Vehicle registered with the Cherokee Nation a registration tax equal to one-half (1/2) of the amount of the tax which would otherwise be imposed by Subsection B of this section if the Vehicle were a Personal Vehicle. Provided, however, the owner of said Vehicle shall be required to sign an affidavit, under oath, in such form as shall be prescribed by the Commission, stating that the Vehicle will be used primarily for trade or business purposes, and shall either:

- (1) Affix the federal employer identification number of said business to the affidavit, or
- (2) Cause the name of the business to be permanently affixed to each side of said Vehicle in letters or numerals of at least one (1) inch in height and in a color contrasting with the color of said Vehicle.

Proof of trade or business purposes shall be required each year for subsequent registrations. This registration tax shall also be levied on any Commercial Vehicle registered pursuant to this Act upon its sale by one Tribal Citizen to another Tribal Citizen.

D. Registration Tax on Motorcycles.

There is hereby levied a registration tax on every Motorcycle not previously registered with the Cherokee Nation or any other tribe or with any territory or state at the same rate as described in Subsection B of this section. This registration tax shall also be levied on any Motorcycle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen.

E. Registration Tax on Recreational Vehicles.

There is hereby levied a registration tax on every Recreational Vehicle not previously registered with the Cherokee

Nation or any other tribe or with any territory or state equal to one-half (1/2) of the amount of tax which would otherwise be imposed by Subsection B. This registration tax shall also be levied on any Recreational Vehicle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen.

F. Registration Tax on Farm Trucks and Farm Tractors.

There shall be no registration tax levied on Farm Trucks or Farm Tractors.

G. Registration Tax on Farm Trailers and Commercial Trailers.

There shall be no registration tax levied on Farm Trailers or Commercial Trailers.

H. Lien for Delinquent Fees, Etc.

Any delinquent fees, taxes, penalties or interest due under the provisions of this Act with respect to any Vehicle shall constitute a lien of first priority against said Vehicle. The Commission shall not register, title or renew the registration for any such Vehicle until the delinquent fees, taxes, penalties or interest are paid.

Section 205. Certificates of Title.

A. Application for Certificate of Title.

Prior to the initial registration of any Vehicle with the Cherokee Nation, the owner shall apply to the Commission, on a form that the Commission shall by regulation direct, for a certificate of title for said Vehicle. Prior to issuance of a certificate of title for a Vehicle, the Commission shall require the applicant to furnish proof of purchase from a licensed new or used car dealer, or a properly endorsed Vehicle Certificate of Title issued by the Commission or some other tribal, state or territorial licensing authority. Notice of liens against said Vehicle shall be placed upon said title upon request of the lending institution in accordance with regulations adopted by the Commission pursuant to this Act. The procedures for placing and releasing liens on Vehicles and reflecting same on the certificate of title shall be provided by regulations adopted by the Commission pursuant to this Act.

B. Title Fees.

The Commission shall charge a fee of six dollars (\$6.00) for issuing an original or transfer certificate of title and a fee of six dollars (\$6.00) for issuing a duplicate certificate of title. A receipt shall be given for said fees. If an Oklahoma tag agency issues the certificate of title, the agency shall charge the same fees as are provided in this subsection.

C. Original, Transfer and Duplicate Titles.

- (1) An "original title" shall be issued to the first purchaser of a Vehicle from a new Vehicle dealer.
- (2) A "transfer title" shall be the title issued to a second or subsequent owner of an Eligible Vehicle whether purchased from an individual or dealer.
- (3) A "duplicate title" shall be the title issued to the owner of record of an Eligible Vehicle to replace a lost, stolen or mutilated original or transfer title.

D. Salvage and Rebuilt Title.

No certificate of title shall be issued on for a salvage or rebuilt title issued by another tribe or state. The Cherokee Nation shall not issue any titles on Salvage or Rebuilt Vehicles.

E. Sale of Vehicle to Non-Indian.

In the event a Tribal Citizen sells a Vehicle registered under this Act to a person who is not a Tribal Citizen, the seller shall at the time of sale provide copies of his or her current CUB and Tribal membership cards to the purchaser. If the Tribal Citizen seller fails to provide the purchaser with copies of such documents at the time of sale of the Vehicle, the Nation's Registrar is authorized upon request of the purchaser to provide said purchaser the documentation confirming the enrollment of the seller as a citizen of Cherokee Nation.

Section 206: License Plates.

A. Standard License Plate.

Each Vehicle registered with the Cherokee Nation shall be issued a license plate to be properly displayed on the rear of said vehicle. The Commission shall be responsible for the design of all license plates issued hereunder which plates shall conform to the following requirements:

- (1) Each license plate shall be made of metal with a background and lettering of sufficient contrast so as to be easily read from a distance of not less than fifty (50) feet;
- (2) Each license plate shall bear the name of Cherokee Nation along the upper portion of the plate;
- (3) Each license plate shall bear the Cherokee Nation seal;
- (4) Each license plate shall bear the word Oklahoma;
- (5) Each license plate number shall contain no more than seven (7) characters, made up of numbers, letters or a unique combination of both, unless otherwise provided herein;
- (6) The identifying symbols on the license plate shall be large and clear enough to be read by the unaided eye at a distance of not less than fifty (50) feet;
- (7) Each license plate shall provide a space for the placement of month and year decals in two corners of the license plate; The license plates for each class of Vehicles shall bear some mark or decal as determined by the Commission so as to make it different from those assigned to other classes of Vehicles; and
- (8) The Commission may in its discretion provide by regulation for special identifying symbols or legends to be placed upon Personal Vehicles license plates issued for:
 - (a) The physically handicapped;
 - (b) Veterans of the armed forces;
 - (c) Winners of selected medals for heroism in combat;
 - (d) Past or present prisoners of war;
 - (e) Parents whose child has been killed as a result of service in the armed forces; and
 - (f) Past and present elected tribal officials.
- (9) The Commission may in its discretion provide by regulation for special identifying symbols or legends to be placed upon Personal Vehicles license plates issued for:
 - (g) The physically handicapped;
 - (h) Veterans of the armed forces;
 - (i) Winners of selected medals for heroism in combat;
 - (j) Past or present prisoners of war;
 - (k) Parents whose child has been killed as a result of service in the armed forces; and
 - (l) Past and present elected tribal officials.

The Commission shall require such documentation as it deems appropriate that the owner of the Vehicle is eligible for the special symbol or legend.

B. Cherokee Nation Government Vehicles.

The Commission shall issue without charge appropriate titles, certificates of registration, license plates and decals for any Vehicle owned by the Cherokee Nation or its agencies. Title to any such Vehicles shall be in the name of the Cherokee Nation and such Vehicles shall not be sold or transferred except in accordance with applicable law.

C. Lost, Mutilated or Destroyed License Plate or Decal.

- (1) In the event of loss, mutilation or destruction of a license plate or decal issued to an Eligible Vehicle the owner of the Vehicle shall file an affidavit showing such fact and obtain a replacement plate or decal. The charge shall be \$10.00 for each such plate or decal.
- (2) In the event a license plate becomes so mutilated as to make its numbers, letters or decals illegible, the owner/operator of the Vehicle to which the plate was issued shall be subject to a fine of \$50.00. Law enforcement shall have the authority to detain and cite any owner or operator of Vehicles bearing such

mutilated license plates.

Section 207. Documents Required for Registration.

A. Each applicant for Vehicle registration with the Nation shall present with the completed application form the following items:

- (1) A valid certificate of title to the Vehicle in the name of the applicant; and
- (2) Unless the Vehicle is currently registered with the Cherokee Nation pursuant to this Act in the applicant's name, proof of current and valid vehicle registration with another tribe, territory or state, or if a new purchase, a copy of the bill of sale; and
- (3) A valid Oklahoma drivers license showing applicant's residence within the Reservation Boundaries of the Cherokee Nation; and
- (4) Proof of current liability insurance policy or bond covering any liability for an accident involving such Motor Vehicle, with coverage limits, exclusive of interest and costs, of not less than ten thousand dollars (\$10,000) because of bodily injury to or death to any one person in any one collision or accident and, subject to said limit for one person, not less than twenty thousand dollars (\$20,000) because of bodily injury to or death of two or more persons in any one collision or accident, and not less than ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one collision or accident; and
- (5) Evidence that the owner of the Vehicle is a Tribal Citizen and lives within the Reservation Boundaries of the Cherokee Nation or, if outside the boundaries, within the territorial areas of other tribes to the extent and as provided for in a compact with the State of Oklahoma approved pursuant to Section 104A of this Act.

B. Penalties For Late Registration.

- (1) Any Tribal Citizen residing within the Reservation Boundaries of the Cherokee Nation, or owning and garaging a Vehicle within said Boundaries, who is eligible to apply for a certificate of title, certificate of registration, tag and decal for said Vehicle shall have twenty (20) days after purchasing or obtaining possession of said Vehicle, or twenty (20) days after the expiration of the previous tag issued by the Cherokee Nation, another tribe, Oklahoma or other state or territory, within which to apply for a Cherokee Nation certificate of title, certificate of registration, tag and decal. Failure to apply within the prescribed time will result in the civil penalty of \$0.25 per day beginning on the first day following the expiration of said 20-day period, provided that no such penalty shall be assessed unless and until an application for registration is made. Provided, the foregoing penalty shall not exceed two (2) times the registration fee for the Vehicle and shall be assessed and collected by the Commission at the time of application for a new or renewal registration for said Vehicle. No such application shall be granted until all civil penalties and fines owed by the applicant pursuant to this Act are paid in full along with all other taxes and fees payable hereunder, except that penalties need not be paid if the Administrator waives the penalties in whole or in part in accordance with Subsection B(2) of this section. Any Vehicle last registered with the Cherokee Nation pursuant to this Act whose tag has been expired for 12 months or longer and being operated upon any tribal trust or fee land within the Reservation Boundaries of the Cherokee Nation is hereby declared contraband and shall be subject to seizure and sale by the Commission; provided, that not less than 30 days prior to the date of sale the Commission shall give notice of the date and time of sale to the owner and any lienholder whose name(s) appears on the most recent application for registration and/or lien entry form for said Vehicle, by certified mail sent to the address set forth therein, during which period the owner may avoid the sale and recover the Vehicle by paying all fees, taxes, fines and penalties then owing with respect to said vehicle. The proceeds of such sale shall be deposited into the General Fund and shall be available for appropriation and allocation under Section 105B of this Act, unless there is a lienholder whose lien has been perfected in accordance with the regulations of the Commission, in which event the proceeds shall be first applied to the costs of sale, then to any such lienholders in accordance with their respective priorities, and the balance, if any, into the General Fund for appropriation and allocation pursuant to this Act.
- (2) The Administrator shall have the authority to waive penalties in whole or in part for failure to register a Vehicle in accordance with this Act in cases where such Vehicle is proven to have been inoperable during the registration period. Proof of inoperability may be by, but is not limited to, submission of parts or repair receipts or such other evidence deemed appropriate by the Administrator.

- (3) The Administrator shall have the authority to deny registration or renewal registration to any applicant when the application information submitted by the applicant is determined by the Administrator to be fraudulent or incorrect. If a Vehicle is registered hereunder and thereafter the Administrator determines that the registration was made on the basis of false or fraudulent information, the Administrator shall notify the applicant-owner that the registration has been revoked. Notification shall be done by certified mail and shall be complete upon acceptance of, or refusal to accept, delivery of the notice.
- (4) Penalties under this section shall not apply if the Vehicle has been properly registered with any other tribe, state, territory or the United States.

C. Application Form.

The Vehicle registration application form shall be as prescribed by the Commission pursuant to regulations promulgated by it hereunder and shall include provisions whereby the applicant expressly submits himself or herself to the jurisdiction of the Cherokee Nation and its courts for purposes of enforcement of this Act, including without limitation the assessment and collection of any penalties, fines or interest provided for hereunder.

Section 208. Operation of Motor Vehicle within Cherokee Nation.

- A. Every operator of a Vehicle upon the public streets, alleys, roadways or highways within the Reservation Boundaries shall have in their possession a currently valid United States, state or territorial driver's license and shall exhibit such license to any law enforcement officer upon request.
- B. Every owner and/or operator of a Vehicle operated upon the public streets, alleys, roadways or highways within the Reservation Boundaries shall maintain with some insurance company or surety company a liability insurance policy or bond, to cover any liability arising from a collision or an accident involving such motor vehicle, with limits, exclusive of interest and costs, of not less than ten thousand dollars (\$10,000) because of bodily injury to or death of one person in any one collision or accident and, subject to said limit for one person, not less than twenty thousand dollars (\$20,000) because of bodily injury to or death of two or more persons in any one collision or accident, and not less than ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one collision or accident. This requirement shall not apply to any operator if the owner of such Vehicle has insurance with the foregoing minimum limits that covers the operator while he or she is operating the Vehicle.
- C. Every owner of a Vehicle registered with the Nation pursuant to the provisions of this Act shall carry in such Vehicle at all times a current owner's security verification form identifying the Vehicle, which form must be issued by an insurance company or surety company and shall produce such form upon request for inspection by any law enforcement officer or representative of the Commission and, in case of a collision or accident, the form shall be shown upon request to any person injured by said collision or whose Vehicle or property has been damaged by said collision. Said form shall not be valid or sufficient unless issued by an insurance carrier authorized to transact business in the State of Oklahoma. Provided, however, that residents of other states operating a Vehicle registered in another state, territory or an Indian tribe from another state must have in effect liability insurance or other coverage, together with proof of same, as is required under the financial responsibility laws of the state, territory or Indian tribe where the Vehicle is registered, or liability insurance coverage or other forms of financial security, and proof thereof, that meet the requirements of Oklahoma financial responsibility laws applicable to non-residents.
- D. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form during operation of a Vehicle and shall not be required to surrender such form for Vehicle registration purposes:
 - (1) Any Vehicle owned or leased by the federal, state, territory or tribal government, or any agency or political subdivision thereof;
 - (2) Any Vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior whose business, corporation or utility has a deposit, bond, self-insurance or fleet policy on file with the Commission in an amount that meets the minimum limits of Subsection B of this section, or the financial responsibility laws of the State of Oklahoma, whichever amount is greater; or
 - (3) Any Vehicle not required to carry such security verification form under the provisions of Section 7-602 of Title 47 of the Oklahoma Statutes, as amended, replaced or recodified from time to time.

Section 209. Penalties.

- A. Any Indian operating a Vehicle registered pursuant to this Act within the jurisdiction of the Cherokee Nation, including without limitation any Tribal Citizen, who knowingly issues or promulgates false or fraudulent information in connection with either the financial security verification form or an equivalent form of an owner or operator shall be guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not more than six (6) months or by both such fine or imprisonment.
- B. Any Indian who operates a Vehicle, or allows to be operated a Vehicle owned by him or her, on the streets, alleys, roads and highways in the Reservation Boundaries of the Cherokee Nation in violation of this Act shall be guilty of a misdemeanor punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than thirty (30) days, or both such fine and imprisonment.
- C. Any Vehicle operated in violation of any provision in Sections 203 through 208, inclusive, of this Act, shall be considered a public nuisance. The Commission shall have the authority to seize any Cherokee Nation license plate placed upon such Vehicle and prohibit the return or re-registration of the Vehicle until a security verification form is filed with the Commission or other appropriate action as ordered by the Commission is taken to assure that such Vehicle shall not be used in violation of this Act. If such Vehicle has been in a collision or accident, any law enforcement officer shall impound such Vehicle until a security verification form is filed with the Commission or other appropriate action as ordered by the Commission is taken.

Section 210. Recognition of Foreign Titles and Registration.

It shall not be unlawful by reason of this Act for any person to possess or operate a Vehicle within the Reservation Boundaries of the Cherokee Nation so long as the Vehicle is properly registered and tagged by the jurisdiction in which such persons resides or in which the Vehicle is principally garaged and such jurisdiction extends like or similar recognition to the vehicle tags, certificates of title and registrations issued by the Cherokee Nation.

Section 211. Amendment to 68 CNCA §5.

Section 5 of Title 68 of the Cherokee Code Annotated is hereby amended to read as follows:

At least seventy-five percent (75%) of all future tax appropriations, from revenues other than those collected pursuant to Chapter 9 of this Title, shall be dedicated for the purposes of education, health and human services, housing programs/projects and economic development.

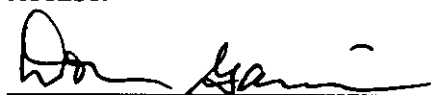
Section 212. Severability.

If any provision of this Act is determined to be invalid for any reason by a court of competent jurisdiction, said provision shall be severable from all other provisions of the Act not held invalid, and such other provisions shall continue in full force and effect as if the invalidated provision had not been a part of this Act.


Enacted by the Council of the Cherokee Nation on the 14th day of April, 2008.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of APRIL, 2008.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		