

Committee: Rules  
Date: 3-20-06 Committee Date: 3-30-06

Author: Paula Ragsdale  
Sponsor: Bill John Baker/Cara Cowan Watts

## An Act

Legislative Act 7-06

**A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; ADDING DEFINITIONS; AND ADDING NEW SECTIONS 204(J) AND 204(K)**

**BE IT ENACTED BY THE CHEROKEE NATION:**

**Section 1. Title and Codification**

Example: This act shall be known as the "Cherokee Nation Motor Vehicle Code Amendment Act of 2006" and codified as \_\_\_\_\_ (Title) \_\_\_\_\_ (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

**Section 2. Purpose**

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to add new definitions and provisions for registration of assembled and abandoned motor vehicles, respectively.

**Section 3: Legislative History**

Legislative Act #01-01, "The Cherokee Nation Motor Vehicle and Licensing Tax Code" of 2001, as amended by Legislative Acts 27-01, 34-01, 34-02, 04-03, 19-03, 25-04, 29-04, and 03-05.

**Section 4. Definitions**

Section 103 of LA#01-01 is hereby amended as follows, to include the following new definitions:

- Y. "Assembled Vehicle" means a vehicle from which major components from two or more vehicles are being incorporated into a single unit.
- W. "major component" means a body or cab, frame, and front end or rear end clip, if the public VIN is changed.
- X. "Abandoned Vehicle" means an article of personal property, any service rendered to the owner thereof by furnishing material, labor or skill for the protection, improvement, safekeeping, towing, storage or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due such person from the owner for such service.

**Section 5: Amendment**

Section 204 is hereby amended to include the following new provisions:

**J. Registration Tax on Assembled Vehicles**

There is hereby levied a registration tax of one and one-half percent (1 ½ %) of the actual purchase price of Assembled Vehicles not previously registered with the Cherokee Nation or any other tribe or with any territory or 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. "Average retail value" is determined as used in Subsection B of this section.

Assembled Vehicles shall require:

(1) Affidavit of Assembly and Ownership. Affidavit shall be approved by the Cherokee Nation Tax Commission Motor Vehicle Division.

(2) Upon approval of the Affidavit of Assembly and Ownership the Cherokee Nation Marshal Service shall conduct an inspection and permanently affix a Cherokee Nation assigned Number to the vehicle.

**K. Registration Tax on Abandoned Vehicles**

There is hereby levied a registration tax of one and one-half percent (1 ½ %) of the actual purchase price of Assembled Vehicles not previously registered with the Cherokee Nation or any other tribe or with any territory or 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. "Average retail value" is determined as used in Subsection B and D of this section.

The Cherokee Nation Tax Commission shall adopt rules and regulations to set forth the procedures and requirements for the ownership transfer of Abandoned Vehicles.

**Section 6. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**Section 7. Severability**

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.


**Section 8. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

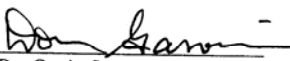
**Section 9. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 10th day of April, 2006.

  
Joe Grayson, Jr., President  
Council of the Cherokee Nation

ATTEST:

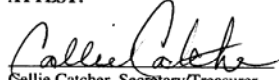
  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 17th day of April, 2006.



Chad Smith, Principal Chief  
Cherokee Nation

**ATTEST:**



Callie Catcher, Secretary/Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Audra Smoke-Conner	<u>YEA</u>	Melvina Shotpouch	<u>YEA</u>
Bill John Baker	<u>YEA</u>	Meredith A. Frailey	<u>YEA</u>
Joe Crittenden	<u>YEA</u>	John F. Keener	<u>YEA</u>
Jackie Bob Martin	<u>YEA</u>	Cara Cowan Watts	<u>YEA</u>
Phyllis Yargee	<u>YEA</u>	Buel Anglen	<u>YEA</u>
David W. Thornton, Sr.	<u>YEA</u>	William G. Johnson	<u>YEA</u>
Don Garvin	<u>YEA</u>	Charles "Chuck" Hoskin	<u>YEA</u>
Linda Hughes-O'Leary	<u>YEA</u>		

Cherokee Nation  
Act/Resolution Proposal Form

Act  Resolution

**TITLE:** A LEGISLATIVE ACT AMENDING LA# 01-01,  
"THE CHEROKEE NATION MOTOR VEHICLE  
LICENSING AND TAX CODE"; ADDING  
DEFINITIONS; AND ADDING NEW SECTIONS  
204(a) and 204(b)

Department Contact: Paula Ragsdale

Resolution Presenter: Paula Ragsdale

Council Sponsor: Bill John Baker & Cara Cowan Watts

**NARRATIVE:**  
(See Attached Outline for Information Needed)

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Act of 2001, to add new definitions and provisions for registration of assembled and abandoned motor vehicles.

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**RECEIVED**  
MAR 17 2006  
GOVERNMENT RESOURCES

**ADMINISTRATIVE CLEARANCE:**  
Program/Project Manager:  
\_\_\_\_\_  
Signature Date  
Department Director:  
Karen S. Wall 3/16/06  
Signature Date  
Group Leader:  
Paula Ragsdale  
Signature Date  
Government Resources Group:  
Debra May 3/20/06  
Signature Date  
Administration Approval:  
Debra May 3/20/06  
Signature Date

**LEGISLATIVE CLEARANCE**  
Legislative Aide:  
ds 3.20.06  
Signature/Initial Date  
Standing Committee:  
Rules  
3.30.06  
Next Meeting Date  
Chairperson:  
Frazier  
Signature/Initial Date  
Returned to Presenter: \_\_\_\_\_  
Date