

Committee: Rules  
Date: 1-19-09 Committee Date: 1-29-09

Author: Sharon Swebston  
Sponsor: Chuck Hoskin Jr.

# An Act

Legislative Act 04-09

## **A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING AND ADDING DEFINITIONS**

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

#### **Section 1. Title and Codification**

Example: This act shall be known as the "The Cherokee Nation Motor Vehicle Code Amendment Act of 2008" 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 Mini-trucks and Off-Road Motorcycles.

#### **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, 03-05, 07-06, 12-06, 17-06, and 8-06.

#### **Section 4. Definitions**

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

- AA. Off-Road motorcycles (ORM's) means a motorcycle manufactured for and used exclusively off roads, highways, and any other paved surfaces. Small street or sidewalk mini-motorcycles or scooters are not included in this category.
- BB. "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

**Section 5: Amendment**

Section 204 and 205 of LA #01-01 is hereby amended to include the following;  
M. Registration Tax for "Mini-Trucks";

Mini-trucks shall be registered pursuant to the provisions of the Cherokee Nation Motor Vehicle Licensing and Tax Code. The Cherokee Nation Tax Commission shall promulgate rules for the titling and registration of mini-trucks.

Mini-trucks which have been titled and registered pursuant to the provisions of the Cherokee Nation Motor Vehicle Licensing and Tax Code may be operated on the roadways of the state of Oklahoma; provided, however, mini-trucks shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. Operators of mini-trucks shall comply with all traffic regulations and rules of conduct for the operation of motor vehicles on the roadways of the state of Oklahoma provided by law.

**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 17<sup>th</sup> day of February, 2009.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

ATTEST:

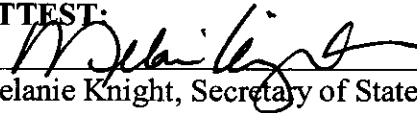
  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief on this 23rd day of February, 2009.



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>Absent</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Sharon Swepston 4/15/09  
Signature Date

Department Director:

Sharon Swepston 4/15/09  
Signature Date

Group Leader:

Sharon Swepston 4/15/09  
Signature Date

Finance Approval (if needed):

Signature Date

Government Resources Group:

Kita May  
Signature Date

Administration Approval:

Melanie Light 4/15/09  
Signature Date

**Cherokee Nation  
Act/Resolution Proposal Form**

Act

Resolution

**TITLE:** (Motor Vehicle Licensing and Tax Code)

Department Contact: Sharon Swepston

Resolution Presenter: Sharon Swepston

Council Sponsor: Chuck Hoskins Jr.

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this Act/Resolution is to add definitions and registration capabilities for Off-Road Motorcycles and Mini Trucks.

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Shelli Britton 1/19/09  
Signature/Initial Date

Standing Committee:

Rules

1/29/09

Next Meeting Date

Chairperson:

Frailer  
Signature/Initial Date

Returned to Presenter: \_\_\_\_\_  
Date

01-19-09P03:16 RCVD