

# An Act

## Legislative Act 06-16

### **A LEGISLATIVE ACT AMENDING TITLE 68 (“REVENUE & TAXATION”) THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE**

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

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

This act shall be known as the **Motor Vehicle Licensing and Tax Code Amendment of 2016** and codified as Title 68 Revenue & Taxation, Chapter 9, Sections 1356(A) and 1357(B) of the Cherokee Nation Code Annotated.

#### **Section 2. Purpose**

The purpose of this Act is to amend Title 68 Revenue & Taxation, Chapter 9, Sections 1356(A) and 1357(B)

#### **Section 3. Amendments**

**Section 1356(A) of Title 68, Chapter 9 is hereby amended as follows:**

#### **Section 1356. 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;
  - f. Past and present elected tribal officials;
  - g. Manufactured Home;
  - h. Commercial Trailer;
  - i. Farm Trailer;
  - ƒ.j. Nation Vehicle.

**Section 1357(B) of Title 68, Chapter 9 is hereby amended as follows:**

**Section 1356. Documents required for registration.**

**B. Penalties For Late Registration**

1. Any Tribal Citizen residing within the Compact Jurisdictional Area of the Cherokee Nation, or owning and garaging a Vehicle within said Jurisdictional Area, who is eligible to apply for a certificate of title, certificate of registration, tag and decal for said Vehicle shall have thirty (30) days after purchasing or obtaining possession of said Vehicle, or thirty (30) 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 .25¢ per day beginning on the first day following the expiration of said 30-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 owned 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 Subsectino 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 land or fee land within the Compact Jurisdictional Area 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 that date of sale the Commission shall give notice of the date and time of sale to the owner and any lien holder whose name(s) appears on the most recent application for registration and/or lien entry 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



process 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 lien holder 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 lien holders 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.~~

**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.

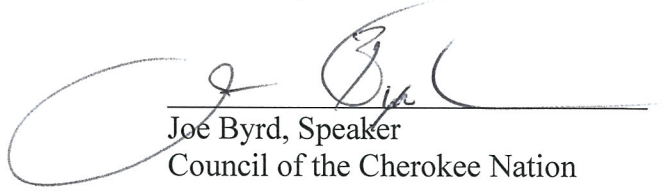
**Section 8. Effective Date**

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

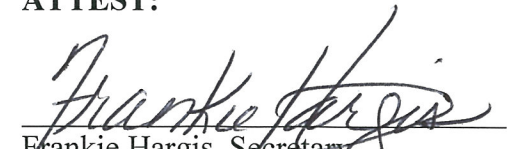
**Section 9. Self-Help Contributions**

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.

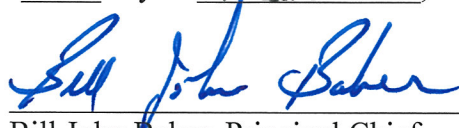
Enacted by the Council of the Cherokee Nation on the 14<sup>th</sup> day of March, 2016.

  
Joe Byrd, Speaker  
Council of the Cherokee Nation

**ATTEST:**

  
Frankie Hargis, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22 day of March, 2016.



Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**



Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Joe Byrd	<u>Yea</u>	Janees Taylor	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Rex Jordan	<u>Absent</u>	Wanda Hatfield	<u>Yea</u>
Bryan Warner	<u>Yea</u>	Harley Buzzard	<u>Absent</u>
Shawn Crittenden	<u>Yea</u>	Frankie Hargis	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Don Garvin	<u>Yea</u>	Keith Austin	<u>Yea</u>
Buel Anglen	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

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

**TITLE:**

**DEPARTMENT CONTACT:** Sharon Swepston

**RESOLUTION PRESENTER:** Sharon Swepston

**COUNCIL SPONSOR:** Victoria Vazquez

**NARRATIVE:**

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
<b>Dept/Program:</b>	
Signature/Initial	Date
<b>Executive Director:</b>	
<i>Sharon Swepston 1-28-16</i>	
Signature/Initial	Date
<b>Treasurer: (Required: Grants/Contracts/Budgets)</b>	
Signature/Initial	Date
<b>Government Relations:</b>	
Signature/Initial	Date
<b>Administration Approval:</b>	
<i>Bill Johnson 1-29-16</i>	
Signature/Initial	Date
<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
<i>Brittany 2/3/16</i>	
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
<i>Rules 2/17/16</i>	
<b>Chairperson:</b>	
<i>Byrd</i>	
Signature/Initial	Date
<b>Returned to Presenter:</b> _____	
	Date

02-03-16 JUN 12:58 ARNV

02-03-16 P04:58 RCVD