

# An Act

**Legislative Act 45-24**

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**AN ACT AMENDING TITLE 68  
OF THE CHEROKEE NATION CODE ANNOTATED**

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

**Section 1. Title and Codification**

This act shall be known as the “Cherokee Nation Motor Vehicle Licensing and Tax Modernization Act of 2024” and codified at Title 68, Chapter 9 of the Cherokee Nation Code Annotated.

**Section 2. Purpose**

The purpose of this Act is to update and modernize certain provisions of the Nation’s Motor Vehicle Licensing and Tax Code in accordance with applicable law.

**Section 3. Legislative History**

LA-01-01	LA-24-08
LA-27-01	LA-04-09
LA-34-01	LA-02-10
LA-34-02	LA-07-10
LA-19-03	LA-23-10
LA-25-04	LA-33-10
LA-29-04	LA-51-12
LA-03-05	LA-27-13
LA-07-06	LA-13-15
LA-12-06	LA-06-16
LA-17-06	LA-19-17
LA-08-07	LA-23-19
LA-05-08	LA-31-22
LA-23-08	

**Section 4. Substantive Provisions**

Title 68, Chapter 9 shall be amended as follows:

**CHAPTER 9  
MOTOR VEHICLE LICENSING AND TAX**

## § 1301. Findings

A. As a sovereign, federally-recognized Indian tribe, 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 ~~Compact Jurisdictional Area~~Reservation 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 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 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 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 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 Cherokee Nation should be allocated to the Cherokee Nation Headstart Program.

G. If possible, 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 Cherokee Nation.

## § 1302. Purposes

The purpose of this act is to establish a vehicle and trailer licensing system within the ~~Compact Jurisdictional Area~~Reservation of the Cherokee Nation; to raise revenues through the issuance and renewal of vehicle and trailer license tags and titles to enrolled citizens of 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 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.

### **§ 1303. Short title**

This Act shall be known and may be cited as the Cherokee Nation Motor Vehicle Licensing and Tax Code.

### **§ 1304. 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:

1. "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; or a vehicle that is determined to be abandoned by the Cherokee Nation District Court after proper public notice is given so an unknown owner or interest holders may attend court proceedings to protest legal change of ownership.
2. "Act" shall mean Title 68, Chapter 9, "The Cherokee Nation Motor Vehicle Licensing and Tax.
3. "Administrator" shall mean the Administrator of the Commission.
4. "All-terrain vehicle" means a vehicle powered by an internal combustion engine manufactured and used exclusively for off-highway traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebars for steering.
5. "Assembled vehicle" means a vehicle from which major components from two or more vehicles are being incorporated into a single unit.
6. "Commercial trailer" shall mean any trailer used primarily for the transportation of goods in the ordinary course of any trade or business.
7. "Commercial vehicle" shall mean any vehicle used primarily for the transportation of persons or goods in the ordinary course of any trade or business.
8. "Commission" shall mean the Cherokee Nation Tax Commission.
9. "Eligible vehicle" shall mean any personal vehicle, commercial vehicle, motorcycle, recreational vehicle, farm truck, farm tractor, farm trailer or other trailer, which is 1) owned



by a tribal citizen or owned by the federally-recognized Delaware Tribe of Indians for the use of conducting official government business, and 2) is principally garaged within or outside of the ~~Compact Jurisdictional Area~~Reservation of the Cherokee Nation. Also included are vehicles belonging to active military personnel and college students who maintain permanent residency in the ~~Compact Jurisdictional Area~~Reservation of the Cherokee Nation but are temporarily domiciled in another location. The Commission shall determine the appropriate documentation for active military personnel or college student residency, and shall develop procedures for determining whether vehicles are owned by the federally-recognized Delaware Tribe of Indians and eligible for registration and licensing.

~~9(a). "Compact Jurisdictional Area of the Cherokee Nation" shall mean the area which includes the boundaries of the Cherokee Nation territory as described by the patents of 1838 and 1846 diminished only by the Treaty of July 19, 1866, and the Act of March 3, 1893 and shall also include the entirety of Tulsa County, Mayes County, Rogers County, Wagoner County and Muskogee County in the State of Oklahoma.~~

10. "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 68 O.S. § 1358.1. 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 (4) tractors as farm tractors. Businesses shall not be included in said limitation.

11. "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 68 O.S. § 1358.1. 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 (4) trailers as farm trailers. Businesses shall not be included in said limitation.

12. "Farm truck" shall mean pickup, truck, or truck tractor used primarily for agricultural purposes. For purposes of farm truck registration eligibility, "pickup" means a small light truck with an open back or box used for hauling and designed or converted primarily for carrying or hauling farm commodities, property, livestock or equipment, rather than people. Manufacturers Statement of Origin, Titles or Registrations must be classified under body model as pickup or truck. 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 68 O.S. § 1358.1. 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 (4) trucks as farm trucks. Business shall not be included in said limitation.

13. "Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. § 571.500.

14. "Major component" means a body or cab, frame, and front end or rear end clip, if the public VIN is changed.

15. "Manufactured home" shall mean structures, transportable in one or more sections, which, in the traveling mode, are eight feet (8') or more in width or forty feet (40') or more in length, or, when erected on site, are more than three hundred twenty square feet (320 sq. ft.), and which are built on a permanent chassis and designed to be used as dwellings with or without permanent foundations when connected to the required utilities, and include the plumbing, heating, air conditioning and electrical systems contained thereon.

16. "Medium-speed electrical vehicle" means any self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not greater than thirty-five (35) miles per hour.

17. "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 inches (67") or less in width, with an unladen dry weight of three thousand four hundred pounds (3,400 lbs.) 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.

18. "Motorcycle" shall mean any two or three-wheeled personal vehicle.

19. "Nation" shall mean the Cherokee Nation.

20. "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.

21. "Person" shall mean any natural person or legal entity legally competent to hold title to a vehicle.

22. "Reservation ~~boundaries of the Cherokee Nation~~ or "Cherokee Nation Reservation" shall mean the area which includes the boundaries of the Cherokee Nation territory as described by the patents of 1838 and 1846 diminished only by the Treaty of July 19, 1866, and the Act of March 3, 1893 and shall also include the entirety of Tulsa County, Mayes County, Rogers County, Wagoner County and Muskogee County in the State of Oklahoma until January 1, 2029.~~territorial boundaries of the Nation as they existed as of January 1, 1900.~~

23. "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 subdivision 4 of this section, a farm truck as defined in subdivision 9 of this section, a farm trailer as used in subdivision 8, a farm tractor as used in subdivision 7 of this section, or a recreational vehicle as defined in subdivision 16 of this section.

24. "Physical disability" means an illness, disease, injury or condition by reason of which a person:

- a. cannot walk two hundred (200) feet without stopping to rest;
- b. cannot walk without the use or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- c. is restricted to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;
- d. must use portable oxygen;
- e. has functional limitations which are classified in severity as Class III or Class IV according to standards set by the American Heart Association;
- f. is severely limited in the person's ability to walk due to an arthritic, neurological or orthopedic condition;
- g. is certified legally blind; or
- h. is missing one or more limbs.

To qualify for a "physically disabled" plate an individual must meet one or more of the above requirements, and present sufficient documentation that they are persons qualified through the Oklahoma Department of Public Safety (DPS) as being physically disabled and having a five- (5) year expiration parking permit from DPS attesting to such disability.

25. "Rebuilt vehicle" shall mean any salvage vehicle which has been rebuilt and inspected for the purpose of registration and title with Cherokee Nation, another tribe or state.

26. "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.

27. "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.

28. "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.

29. "Tribal citizen" shall mean any person who is duly enrolled as a citizen of Cherokee Nation pursuant to the Cherokee Nation Membership Act, 11 CNCA § 1 et seq., LA 06-92, as amended.

30. "Utility vehicle" means a vehicle powered by an internal combustion engine, electric engine or combination thereof, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels.;

31. "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 fifty cubic centimeters (50cc), 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.

#### **§ 1305. 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 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 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 68 CNCA § 1352.

### § 1306. 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 the Cherokee Nation Immersion School, Sequoyah High School, the Cherokee Nation Head Start program and the public schools within the ~~Compact Jurisdictional Area~~Reservation of ~~the~~ Cherokee Nation and as described in subsection (B) of this section, to the Marshal Service and to certain counties and municipalities in accordance with the provisions of subsection (B) of this section.

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 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. Provided, however, that said costs and expenses shall be paid out of revenues remaining after the prior allocations of funds pursuant to paragraphs 2 and 3 of this subsection.

2. An amount equal to thirty-eight percent (38%) of all fees and taxes collected by the Commission shall be allocated and made available to Oklahoma public schools located within the ~~Compact Jurisdictional Area~~Reservation of the Cherokee Nation that have students who are tribal citizens; the Cherokee Nation Immersion School; to Sequoyah High School; and to the Cherokee Nation Head Start program in accordance with the provisions of paragraph 2 of subsection (C) of this section. Such students shall be included in a certified Cherokee student count by an eligible school under this subsection in order to participate in the allocation of revenues. Osage Hills Public Schools located in Osage County, Oklahoma and Miami Public Schools located in Ottawa County, Oklahoma shall be treated as if they were entirely located within the ~~compact jurisdictional area~~Reservation of the Cherokee Nation under this Act. Until January 1, 2029, Oklahoma public schools located in any portion of a county partially located within the Cherokee Nation Reservation shall be treated as if they were entirely located within the Reservation of the Cherokee Nation for the purposes of this Act.

3. Twenty percent (20%) of all fees and taxes collected by the Commission shall be made available for contribution to the cost of constructing or maintaining federal highways, state highways, or highways constructed or maintained with funds apportioned pursuant to 47 O.S. § 1104(A) that are part of the counties' collector system, within the Nation's reservation boundaries, to be allocated among such highway projects in accordance with paragraph 3 of subsection (C) of this section.

4. An amount not to exceed twenty percent (20%) but not less than five percent (5%) of the amount of such fees and taxes remaining after the amounts appropriated pursuant to paragraphs 1, 2 and 3 of this subsection shall be available to and allocated among counties and municipalities within the Nation's reservation boundaries and/or the Cherokee Nation Marshal Service in accordance with paragraph 4 of subsection (C) of this section.

5. Any funds not appropriated or expended pursuant to paragraphs 1, 2, 3 or 4 of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to Legislative Act. All amounts apportioned under subsection (C) of this section shall be appropriated as part of the Nation's comprehensive annual budget.

C. Distribution and expenditure of revenues. All revenues set aside pursuant to subsection (B) of this section shall be distributed and expended as follows:

1. Within ten (10) days after the end of each month 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 report, the Commission shall prepare and submit to the Controller any other 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. Each year, five percent (5%) of the revenues set aside under paragraph 2 of subsection (B) of this section shall be allocated for programs to assist public schools within Cherokee Nation with teaching core subjects with emphasis placed on STEM classes/programs. This amount shall be matched with an equal amount to be paid from revenues described in paragraph 4 of subsection (B). Education services shall develop policies and procedures for the priority level of distribution for these funds. In particular, special consideration shall be granted to schools with a high enrollment of Cherokee students.

The remaining ninety-five percent (95%) of the revenues set aside under paragraph 2 of subsection (B) of this section shall be distributed pro rata each year among eligible public schools, the Cherokee Nation Immersion School, Sequoyah High School and Cherokee Nation Head Start program based on each school's qualified student enrollment determined as follows: for the purposes of this distribution 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 a certified Cherokee student count as described in paragraph 2 of subsection (B) of this section, submitted and documented by the Superintendent of each eligible public school district as of October 1 of each year, and subject to review by the

Cherokee Nation Education Department; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count; and (c) the qualified student enrollment for the Cherokee Nation Immersion School and the Cherokee Nation Head Start shall be equal to the total amount of its enrolled Indian students, who are at least four (4) years old as of October 1 of each year, submitted and documented by the Director of the program.

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 ~~Compact Jurisdictional Area~~ Cherokee Nation Reservation and as described in paragraph 2 of subsection (B) of this section; the Cherokee Nation Immersion School; Sequoyah High School; and the Cherokee Nation Head Start program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending the Cherokee Nation Immersion School or Sequoyah High School is less than eighty-five percent (85%) of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian student enrolled at the Cherokee Nation Head Start Program, Cherokee Nation Immersion School or Sequoyah High School shall be weighted as two (2) Indian students for the purposes of the distribution formula in this paragraph.

The Cherokee Nation Education Department is hereby authorized to develop and implement policies and procedures necessary for review and proper documentation of the student counts for purposes of this act. Such policies and procedures shall, at a minimum, contain procedures by which appropriate parties will be notified about the requirements herein; requirements for documentation and substantiation of student count submissions; and procedures for appeal of determinations affecting an entity's student count.

The Office of the Principal Chief shall monitor schools receiving funds under this Act with honoring the rights of Cherokee students to engage in protected activities of cultural expression, provide appropriate guidance to school districts as to same and, in the case of egregious acts interfering with said protected activities, determine whether funds distributed under this Act should be conditioned on future compliance.

3. The funds set aside under paragraph 3 of subsection (B) of this section shall be allocated each year to governmental agencies or political subdivisions for expenditure on construction or maintenance projects on federal highways, state highways, or highways constructed or maintained with funds apportioned pursuant to 47 O.S. § 1104(A) that are part of the counties' collector system, within the Nation's reservation boundaries. The projects and their respective allocations hereunder shall be identified in the comprehensive annual budget approved by the Tribal Council. These funds are to be distributed equally between Council Members for appropriation.



4. The funds set aside under paragraph 4 of subsection (B) of this section shall be allocated among the counties and municipalities within the Nation's reservation boundaries and/or to the Marshal Service in accordance with and as appropriated in the comprehensive annual budget of Cherokee Nation.

5. No funds allocated and distributed under this subsection shall be made available to the schools, highway projects, counties, municipalities or Marshal Service until appropriated as part of the comprehensive annual budget for the applicable fiscal year. Any revenue distributions to the Cherokee Nation Immersion School, Sequoyah High School or the Cherokee Nation Head Start program pursuant to this act shall first be used to meet any matching requirements for federal funds, if applicable. The Controller, with the assistance of any officer designated by the Principal Chief, shall be responsible for calculating and making all expenditures authorized by this subsection.

#### DUTIES OF TAX COMMISSION—REGISTRATION OF VEHICLES—FEES AND TAXES— CERTIFICATES OF TITLE—LICENSE PLATES—PENALTIES

##### **§ 1351. 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 or any applicable term of a Motor Vehicle Compact between the Cherokee Nation and the State of Oklahoma, 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 68 CNCA § 1352 shall not be delegable to the Administrator or any other person.

##### **§ 1352. 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 one hundred fifty (150) days as may be required to implement the provisions of this code and the Motor Vehicle Compact between the Cherokee Nation and the State of Oklahoma ~~after the earlier of (i) the approval of a compact pursuant to 68 CNCA § 1305(A), 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.

### § 1353. 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 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 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 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 Cherokee Nation and the motor vehicle is principally garaged within the reservation boundaries of Cherokee Nation.

### § 1354. Registration fees and taxes

A. Eligible vehicles and trailers principally garaged within the Cherokee Reservation may be registered with Cherokee Nation, subject to the following fees and taxes:

1. Registration fees. ~~There~~ An annual registration fee is hereby levied on every eligible vehicle registered with Cherokee Nation pursuant to this Act. The amount of such fee and its method of calculation shall be determined in accordance with applicable rules and regulations established by the Commission., ~~an annual registration fee of the following:~~

- ~~1. Registration years 1–4: \$75.00~~
- ~~2. Registration years 5–8: \$65.00~~
- ~~3. Registration years 9–12: \$45.00~~
- ~~4. Registration years 13–16: \$25.00~~
- ~~5. Registration years 17 and over: \$10.00~~

a. 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 Cherokee Nation for the same number of years it had been so previously registered.

b. Exceptions.

- i. The annual registration fee for tribal citizens who present documentation that they are entitled to veteran status shall be as follows:

(I) 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 subdivision 1 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 subdivision 1 for other eligible vehicles;

(III) Disabled veterans, Special Fee: \$5.00 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.

- ii. The annual registration fee on farm trucks and farm tractors shall be \$25.00.
- iii. The annual registration fee on a commercial trailer shall be \$45.00.
- iv. The annual registration fee on a farm trailer shall be \$20.00.
- v. The one-time permit fee for all-terrain vehicles is \$6.00.
- vi. The annual registration fee for tribal citizens who present documentation that they are personally qualified through the Oklahoma Department of Public Safety (DPS) as being physically disabled and having a five (5) year expiration parking permit from DPS shall be free of charge. Any Cherokee citizen who is eligible for a "physically disabled" license plate or whose vehicle has had modifications because of the physical disability of the owner or of an individual related to the owner within the second degree of consanguinity (parent, grandparent, child, grandchild or sibling by blood) may register the vehicle for the fee prescribed above. This fee shall be in lieu of all other registration fees provided by this act.

2. 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 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 subdivision 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.

3. Registration tax on commercial vehicles. There is hereby levied on every commercial vehicle registered with Cherokee Nation a registration tax equal to one-half (1/2) of the amount of the tax which would otherwise be imposed by subdivision 2 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:

- a. affix the federal employer identification number of said business to the affidavit, or

- b. cause the name of the business to be permanently affixed to each side of said vehicle in letters or numerals of at least one inch (1") 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.

4. Registration tax on motorcycles. There is hereby levied a registration tax on every motorcycle not previously registered with Cherokee Nation or any other tribe or with any territory or state at the same rate as described in subdivision 2 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.
5. Registration tax on recreational vehicles. There is hereby levied a registration tax on every recreational vehicle not previously registered with 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 subdivision 2. 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.
6. Registration tax on farm trucks and farm tractors. There shall be no registration tax levied on farm trucks or farm tractors.
7. Registration tax on farm trailers and commercial trailers. There shall be no registration tax levied on farm trailers or commercial trailers.

8. 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.

9. Registration tax on manufactured homes.

a. There is hereby levied a registration tax on every new manufactured home not previously registered with Cherokee Nation or any other tribe or with any territory or state at the rate of one and one-half percent (1 1/2%) of the actual purchase price.

b. There is hereby levied a registration tax on every used manufactured home not previously registered with Cherokee Nation or any other tribe or with any territory or state at the rate equal to one-half (1/2) of the amount of the tax which would otherwise be imposed on a new manufactured home under paragraph a of this subdivision. The three quarter percent (3/4%) registration tax on a used manufactured home shall be applied to sixty-five percent (65%) of one half (1/2) of the actual purchase price/value.

10. Registration tax on assembled vehicles. There is hereby levied a registration tax of one and one-half percent (1 1/2%) of the actual purchase price of assembled vehicles not previously registered with 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 subdivision 2 of this section.

Assembled vehicles shall require:

a. Affidavit of assembly and ownership. Affidavit shall be approved by the Cherokee Nation Tax Commission Motor Vehicle Division.

b. 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.

11. Registration tax on abandoned vehicles. There is hereby levied a registration tax of one and one-half percent (1 1/2%) of the actual purchase price of abandoned vehicles not previously registered with 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 subdivisions 2 and 4 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.

12. Registration tax for all-terrain and utility vehicles. Except for persons that possess an agricultural exemption pursuant to this section, the registration tax shall be levied upon transfers of legal ownership of all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways. The registration tax for new and used all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways shall be levied at one and one-half percent (1 1/2%) of the actual sales price of each new and used all-terrain vehicle and motorcycle used exclusively off roads and highways before any discounts or credits are given for a trade-in. The Cherokee Nation Tax Commission shall promulgate regulations as to effective date taxes on utility vehicles.

13. Registration tax for 100-percent disabled veterans. Any vehicle which is purchased by an individual who has been honorably discharged from active service in any branch of the Armed Forces of the United States or the Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service shall be exempt from registration tax. Provided, this exemption may not be claimed by an individual for more than one vehicle in a consecutive three- (3) year period.

14. Possessory/laborers' lien. Laborers who perform work and labor on or storage of a vehicle for any person under a written or verbal contract, if unpaid for the same, shall have a lien on the production of their labor, for such work, labor or storage; provided that such lien shall attach only while the title to the property remains in the original owner.

The Cherokee Nation Tax Commission shall adopt rules and regulations to set forth the procedures and requirements for possessory/laborers' liens.

15. 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.

B. Applicants owning eligible vehicles principally garaged outside of the Cherokee Reservation, which were lawfully registered with the Cherokee Nation on or before December 31, 2024



shall, on or before January 1, 2029, re-register a motor vehicle with and/or obtain a new License plate from either a State or Nation licensed tag agency. Provided that, any applicant re-registering a vehicle in accordance with this subsection shall be subject to fees, taxes, penalties, and fines identical to those charged to any non-citizen applying for a State-issued license, registration, or registration renewal.

### § 1355. Certificates of title

A. Application for certificate of title. Prior to the initial registration of any vehicle with 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 the 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 licensed 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.

1. A salvage title shall be issued to any vehicle ten (10) model years and newer which 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.
2. A rebuilt title shall be issued on any salvage vehicle which has been rebuilt and inspected for the purpose of registration and title with Cherokee Nation, another tribe or state.

E. Repealed by LA 24-04, eff. June 17, 2004.

F. Manufactured home title.

1. A manufactured home title shall be issued and subtitled as follows:
  - a. "Manufactured home—original title" shall be issued to the first purchaser of a new manufactured home from a manufactured home dealer.
  - b. "Manufactured home—transfer title" shall be the title issued to a second or subsequent owner of an eligible manufactured home whether purchased from an individual or dealer.
  - c. "Manufactured home—duplicate title" shall be the title issued to the owner of record of an eligible manufactured home to replace a lost, stolen or mutilated original or transfer title.

### § 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, provided that the same may be subject to review pursuant to the terms and conditions of an applicable tribal-state compact. which All license 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;

8. 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
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:
  - 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;
  - j. Nation Vehicle.

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 Cherokee Nation or its agencies. Title to any such vehicles shall be in the name of Cherokee Nation and such vehicles shall not be sold or transferred except in accordance with applicable law.

C. Delaware Tribe of Indians government vehicles. The Commission shall issue without charge appropriate titles, certificates of registration, license plates and decals for any eligible vehicle owned by the federally-recognized Delaware Tribe of Indians, its agencies. Title to any such vehicles shall be in the name of the Delaware Tribe of Indians and such eligible vehicles shall not be sold or transferred except in accordance with applicable law.

D. Physically-disabled license plate. For those eligible individuals a specially-designed plate will be available which shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. Upon the death of the physically-disabled person, the special license plate shall be returned to the Tax Commission. There shall be no fee for such plate in addition to the rate provided by this act for the registration fee of the vehicle.

E. 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 Ten Dollars (\$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 Fifty Dollars (\$50.00). Law enforcement shall have the authority to detain and cite any owner or operator of vehicles bearing such mutilated license plates.

### § 1357. 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 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~~driver's license showing applicant's residence within or outside of the Compact Jurisdictional Area Reservation of the Cherokee Nation; and

4. Proof of current valid Oklahoma 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 (\$10,000.00) because of bodily injury to or death to any one (1) person in any one (1) collision or accident and, subject to said limit for one (1) person, not less than Twenty Thousand Dollars (\$20,000.00) because of bodily injury to or death of two or more persons in any one (1) collision or accident, and not less than Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) collision or accident; and

5. Evidence that the owner of the vehicle is a Cherokee Nation tribal citizen~~Citizen, and lives within the Compact Jurisdictional Area 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 68 CNCA § 1304(A).~~

B. Penalties for late registration.

1. Any tribal citizen residing within the reservation boundaries of 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 thirty (30) days after purchasing or obtaining possession of said vehicle, or thirty (30) days after the expiration of the previous tag issued by 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 Twenty-Five Cents (\$0.25) 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 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 paragraph 2 of subsection (B) of this section. Any vehicle last registered with Cherokee Nation pursuant to this act whose tag has been expired for twelve (12) months or longer and being operated upon any tribal trust or fee land within the reservation boundaries of Cherokee Nation is hereby declared contraband and shall be subject to seizure and sale by the Commission; provided, that not less than thirty (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 68 CNCA § 1305(B), 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.

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 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.

### **§ 1358. 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-an~~ Oklahoma 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 (\$10,000.00) because of bodily injury to or death of one (1) person in any one (1) collision or accident and, subject to said limit for one (1) person, not less than Twenty Thousand Dollars (\$20,000.00) because of bodily injury to or death of two or more persons in any one (1) collision or accident, and not less than Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) 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 47 O.S. § 7-602, as amended, replaced or recodified from time to time.



## **§ 1359. Penalties**

A. Any Indian operating a vehicle registered pursuant to this act within the jurisdiction of 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 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 by both such fine and imprisonment.

C. Any vehicle operated in violation of any provision in 68 CNCA §§ 1353 to 1358, inclusive, 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.

## **§ 1360. 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.

## **§ 1361. Applicability of Fees, Taxes, Penalties, and Fines**

Any fee, tax, penalty, and/or fine not explicitly contemplated in this Title shall be determined and charged in accordance with the terms and conditions of the applicable tribal-state compact. In the absence of a specific provision herein, the compact shall govern the assessment, collection, and allocation of such fees.

## **Section 5. Provisions as cumulative**

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

## **Section 6. 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.

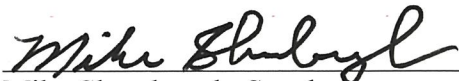
**Section 7. Effective Date**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect and be in full force immediately upon its passage and approval.


**Section 8. 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.

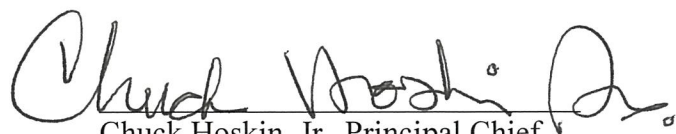
Enacted by the Council of the Cherokee Nation on the 16<sup>th</sup> day of December, 2024.

  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation

ATTEST:

  
Johnny Jack Kidwell, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 20<sup>th</sup> day of December, 2024.

  
Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation

ATTEST:




Shella Bowlin, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Sasha Blackfox-Qualls	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Teehee	<u>Yea</u>	Kendra McGeady	<u>Yea</u>
Lisa Hall	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E.O. "Jr." Smith	<u>Yea</u>	Kevin Easley, Jr.	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Codey Poindexter	<u>Yea</u>	Johnny Jack Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
<b>Dept/Program:</b>	
Signature/Initial	Date
<b>Executive Director:</b>	
Signature/Initial	Date
<b>Treasurer (Required: Grants/Contracts/Budgets):</b>	
Signature/Initial	Date
<b>Government Relations:</b>	
Signature/Initial	Date
<b>Administration Approval:</b>	
	12/3/24
Signature/Initial	Date

**TITLE:**

**AN ACT AMENDING TITLE 68  
OF THE CHEROKEE NATION CODE ANNOTATED**

**DEPARTMENT CONTACT:** Chuck Hoskin Jr.

**RESOLUTION PRESENTER:** Canaan Duncan

**COUNCIL SPONSOR:** Mike Shambaugh, Josh Sam, E.O. Smith,  
Darryl Legg

**NARRATIVE:**

The purpose of this Act is to update and modernize certain provisions of the Nation's Motor Vehicle Licensing and Tax Code in accordance with applicable law.

<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
	12/4/24
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
	12/16/24
<b>Chairperson:</b>	
	
Signature/Initial	Date

DEC 4 '24 AM 8:43