

An Act

Legislative Act 26-26

AN ACT AMENDING TITLE 41 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 “Recreational and Hospitality Lodging Rights Act” and codified at Title 41, Chapter 5, Section 2000 *et seq.* of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to establish a framework to regulate recreational and hospitality lodging within the Cherokee Nation Reservation, to promote economic development through tourism, including short-term rentals, recreational cabins, and campgrounds, while ensuring the protection of public health, safety and welfare.

Section 3. Legislative History

LA-17-91

LA-22-17

Section 4. Substantive Provisions

Title 41 of the Cherokee Nation Code Annotated, shall be amended to establish a new Chapter, as follows:

CHAPTER 5

RECREATIONAL AND HOSPITALITY LODGING RIGHTS ACT

§ 2000. Definitions

- A. “**Owner**” and/or “**Operator**” shall mean the Cherokee Nation or any of its wholly owned, tribally-chartered subsidiaries, including but not limited to Cherokee Nation Businesses, LLC; Cherokee Nation Entertainment, LLC; Cherokee Nation Cultural and Economic Development, LLC; and their employees, contractors, and assigns. Owner and/or Operator shall not mean any tribally owned, state-charted businesses.

B. **“Lodging Establishment”** shall mean the following and its adjacent real property and temporary or permanent structures and fixtures, including but not limited to parking lots, golf facilities, trails, and boat launch areas, used for recreational or hospitality purposes:

1. Hotel;
2. Motel;
3. Resort;
4. Cabin;
5. Recreational vehicle space;
6. Tent space; or
7. Other real property, without or without temporary or permanent structures, that is kept, used, or advertised as held out to the public where sleeping, gathering, or camping accommodations are supplied in exchange for money for temporary and transient occupancy.

C. **“Guest”** shall mean the individual making the reservation or paying for the rental space, and any other individual present in the rental space. Guests shall not mean employees of the Owner/Operator.

D. **“Posting”** or **“Posted”** means displaying or making available a notice, policy, rule, procedure, term, or provision required under this Act in a manner reasonably calculated to inform Guests, including by either physically displaying the information in a conspicuous location at or near the registration, check-in, or reception area of the Lodging Establishment; or providing or making the information reasonably accessible electronically through a website, reservation platform, mobile application, email communication, digital agreement, or other electronic means available to the Guest before or at the time of reservation, check-in, or occupancy.

§ 2002. Right to Refuse or Deny Any Accommodation—Right to Financial Guarantees—Limitation on Number of Occupants—Immunity

A. The Owner or Operator shall have the right to refuse or deny any accommodations, facilities or privileges of a Lodging Establishment to any person who is unwilling or unable to pay for accommodations and services of the Lodging Establishment. The Owner or Operator shall have the right to require the prospective Guest to demonstrate their ability to pay by cash, valid credit or debit card, or a valid check.

B. The Owner or Operator shall have the right to deny any accommodations, facilities or privileges of a Lodging Establishment to any person for reasons included but not limited to:

1. Intoxication;

2. Unlawful conduct or activity;
 3. Conduct or activity that threatens other guests or property;
 4. Disorderly conduct;
 5. Property destruction;
 6. Public disturbance; or
 7. Violation of posted rules.
- C. The Owner or Operator of a Lodging Establishment shall have the right to limit the number of persons who shall occupy any particular area of the Lodging Establishment.
- D. The Owner or Operator of a Lodging Establishment refusing or denying accommodations, facilities or privileges of a Lodging Establishment for any of the reasons specified in this section shall not be liable in any civil or criminal action or for any fine or penalty based upon the refusal or denial, except that accommodations, facilities or privileges of a Lodging Establishment shall not be refused or denied based upon the race, creed, color, national origin, sex, disability, or marital status of a person.

§ 2003. Damages to Lodging Establishment, Furnishings or Fixtures—Liability

- A. In an action involving damage to a Lodging Establishment or its furnishings or fixtures, the court may order the Guest to do the following:
1. Pay restitution for any damages suffered by the Owner or Operator, which may include any loss of revenue suffered by the Lodging Establishment resulting from the inability of the Owner or Operator to rent or lease the room during the period of time the Lodging Establishment is being repaired; and
 2. Pay damages or restitution to any other person who is injured or whose property is damaged.

§ 2004. Right of Owner or Operator to Eject Guests

- A. An Owner or Operator may eject a person from the Lodging Establishment premises for any of the following:
1. Nonpayment of the Lodging Establishment charges for accommodations or services;
 2. Intoxication;
 3. Unlawful conduct or activity;
 4. Conduct or activity that threatens other guests or property;
 5. Disorderly conduct;
 6. Property destruction;
 7. Public disturbance;
 8. Reasonable belief that the individual is using the premises for unlawful purposes including, but not limited to, the unlawful use or possession of

controlled substances or for the consumption of alcohol by any person under the age of twenty-one (21) years in violation of any statute, ordinance or regulation;

9. Violations of any tribal, federal, state or local laws or regulations relating to the Lodging Establishment; or
 10. Violations of any rule of the Lodging Establishment which is Posted as defined herein in the Lodging Establishment, however, no such rule may authorize the Owner or Operator to eject or to refuse or deny service or accommodations to a person because of race, creed, color, national origin, sex, disability, or marital status.
- B. After an Owner or Operator informs a person that he or she is being ejected for a reason stated in subsection A of this section, the person is considered a trespasser and not a Guest of the Lodging Establishment. If the person fails to vacate the Lodging Establishment after being told of his or her ejection by the Owner or Operator, the person shall be removed from the Lodging Establishment by law enforcement for trespass pursuant to applicable tribal or state law, including 21 C.N.C.A. § 1835.2 or 21 O.S. § 1835.
- C. Ejection under this section is specifically excluded from eviction proceedings requirements under tribal or state law, regardless of length of previous stay or lease or contract with the Owner or Operator. If a valid lease or valid contract conflicts with this provision, the valid lease or valid contract shall prevail.

§ 2005. Stolen, Lost, Abandoned Property

- A. The Owner or Operator of a Lodging Establishment shall not be responsible for lost or stolen property.
- B. If a Guest fails to claim and remove lost or abandoned property after the Owner or Operator has made reasonable efforts to return the property, the Owner or Operator may take any reasonable action to remove, store, or dispose of the property. The Guest shall be responsible for any and all costs associated with the removal, storage, or disposal of the property and shall reimburse the Owner or Operator for any such costs or related damages. The Owner or Operator may require full payment of all amounts owed before releasing the property to the Guest.
- C. Owner or Operator of Lodging Establishment shall not be civilly liable for the theft, loss, damage or destruction of a Guest's motor vehicle brought onto or left upon the premises, because of theft, burglary, fire or any other cause.

§ 2006. Cancellations and Repayment

- A. If an Owner or Operator cancels a reservation or terminate' s a Guest's stay, the Guest shall be entitled only to reimbursement for any unused portion of the reservation or stay. The Owner or Operator shall not be liable for any additional compensation, damages, costs, or expenses arising from the cancellation or termination, regardless of the reason.
- B. If a Guest cancels a reservation or terminates a stay, any reimbursement shall be governed by the terms of the agreement between the parties and any applicable written policies or procedures of the Owner or Operator.

§ 2007. Posting Required

- A. Every Owner or Operator of a Lodging Establishment shall conspicuously post a copy of this Act, or a summary of the rights, duties, policies, and procedures authorized under this Act, in a location reasonably accessible to Guests, including at or near the registration, check-in, or reception area.
- B. An Owner or Operator may also satisfy the posting requirement by making the Act, or applicable policies and procedures adopted pursuant to this Act, available electronically through a website, reservation platform, mobile application, or other digital means reasonably accessible to Guests.
- C. Any written policies, procedures, rules, cancellation terms, occupancy requirements, or fees adopted by the Owner or Operator pursuant to this Act shall be enforceable against a Guest if such policies are posted, published, or otherwise made reasonably available to the Guest prior to or at the time of reservation, check-in, or occupancy.

§ 2008. Exclusion from other Requirements of the Landlord Tenant Act

Any rental, license, occupancy, or use relationship governed by Chapter 5 of this Title shall be exempt from all other provisions of Title 41 of the Cherokee Nation Code and from any state landlord-tenant laws.

Section 5. Provisions as cumulative

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

Section 6. Supersession Provision

The provisions of this Act shall supersede Legislative Act 45-24.

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

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.

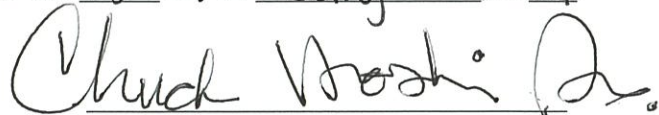
Enacted by the Council of the Cherokee Nation on the 13th day of July, 2026.


Johnny Jack Kidwell, Speaker
Council of the Cherokee Nation

ATTEST:


Joshua Sam, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15th day of July, 2026.


Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:


Shella Bowlin, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Sasha Blackfox-Qualls
Candessa Teehee
Lisa Hall
Uriah Grass
Ashley Grant
Daryl Legg
Joshua Sam
Codey Poindexter
Clifton Hughes

Yea
Yea
Yea
Yea
Yea
Yea
Yea
Yea
Yea

Melvina Shotpouch
Kendra McGeady
Dora Smith Patzkowski
Joe Deere
Kevin Easley, Jr.
Danny Callison
Johnny Jack Kidwell
Julia Coates

Yea
Yea
Yea
Yea
Yea
Yea
Yea
Absent

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

Signature/Initial Date

Executive Director:

Signature/Initial Date

**Treasurer (Required:
Grants/Contracts/Budgets):**

Signature/Initial Date

Government Relations:

Signature/Initial Date

Administration Approval:

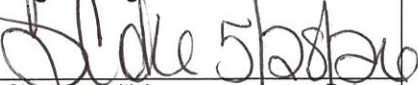


05/28/26

Signature/Initial Date

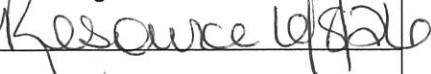
LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:



Signature/Initial Date

Standing Committee & Date:



Chairperson:



Signature/Initial Date

**Cherokee Nation
Act/Resolution Proposal Form**

☐ Act

☒ Resolution

TITLE:

**AN ACT AMENDING TITLE 41 OF THE CHEROKEE
NATION CODE ANNOTATED**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Canaan Duncan

COUNCIL SPONSOR: Lisa Hall

NARRATIVE:

The purpose of this Act is to establish a framework to regulate recreational and hospitality lodging within the Cherokee Nation Reservation, to promote economic development through tourism, including short-term rentals, recreational cabins, and campgrounds, while ensuring the protection of public health, safety and welfare.