

An Act

Legislative Act 12-06

A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; ADDING DEFINITIONS; AMENDING SECTION 204(A); AND ADDING NEW SECTIONS 204(L) AND 204(M); ADDING PROVISIONS FOR ATV AND 100 PERCENT DISABLED VETERANS.

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

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

Section 2. Purpose

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to add new definitions and provisions for registration of all-terrain vehicles, and waiving registration fees for 100 percent disabled veterans.

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, and 07-06.

Section 4. Definitions

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

- Y. "All-Terrain Vehicle" means a motorized vehicle manufactured and used exclusively for off-highway use which is sixty (60) inches or less in width, with an unladen dry weight of one thousand five hundred (1,500) pounds or less, traveling on two or more low-pressure tires.

Section 5: Amendment

Section 204 of LA #01-01 is hereby amended to include the following new provisions:

A. Registration Fees.

There is hereby levied on every Eligible Vehicle registered with the Cherokee Nation, an annual registration fee of the following:

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

- (1) 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 the Cherokee Nation for the same number of years it had been so previously registered.

(2) Exceptions:

- (a) The annual registration fee for Tribal Citizens who present documentation that they are entitled to the 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 Subsection A 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 Subsection A for other Eligible Vehicles;
 - (iii) Disabled Veterans. Special Fee: \$7.00 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.
- (b) The annual registration fee on Farm Trucks and Farm Tractors shall be \$25.00.
- (c) The annual registration fee on a Commercial Trailer shall be \$45.00.
- (d) The annual registration fee on a Farm Trailer shall be \$20.00.
- (e) The one-time permit fee for All-Terrain Vehicles is \$6.00.

L. Registration Tax for All-Terrain Vehicles

Except for persons that possess an agricultural exemption pursuant to Section 204 of this title, the registration tax shall be levied upon transfers of legal ownership of all-terrain vehicles and motorcycles used exclusively off roads and highways. The registration tax for new and used all-terrain vehicles and motorcycles used exclusively off roads and highways shall be levied at one and one-half percent (1 ½%) 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.

M. 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-year period.

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.

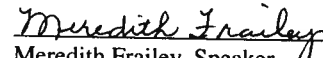
Section 8. Effective Date

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 12th day of June, 2006.


Meredith Frailey, Speaker
Council of the Cherokee Nation


ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19th day of June, 2006.


Chad Smith, Principal Chief
Cherokee Nation

ATTEST:


Callie Catcher, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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

ADMINISTRATIVE CLEARANCE:

Program/Project Manager:

Signature _____ Date _____

Department Director:

Signature _____ Date _____

Group Leader:

Signature _____ Date _____

Controller (if needed):

Paula Ragsdale
Signature _____ Date _____

Government Resources Group:

Lida Manzi 5/12/06
Signature _____ Date _____

Administration Approval:

Melanie Hylton 5/15/06
Signature _____ Date _____

LEGISLATIVE CLEARANCE

Legislative Aide:

gb 5.15.06
Signature/Initial _____ Date _____

Standing Committee:

Rules

5-25-06

Next Meeting Date

Chairperson:

Frailley
Signature/Initial _____ Date _____

Returned to Presenter:

_____ Date _____

**Cherokee Nation
Act/Resolution Proposal Form**

Act

Resolution

TITLE: A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; ADDING DEFINITIONS; AMENDING SECTION 204(A); AND ADDING NEW SECTIONS 204(L) AND 204(M); ADDING PROVISIONS FOR ATV AND 100 PERCENT DISABLED VETERANS.

Department Contact: Paula Ragsdale Acting Tax Administrator

Resolution Presenter: Paula Ragsdale

Sponsor: Meredith Frailley

NARRATIVE:

(See Attached Outline for Information Needed)

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 all-terrain vehicles, and waiving registration fees for 100 percent disabled veterans.

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