

An Act

Legislative Act 23-08

A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMMENDING AND ADDING DEFINITIONS; AMENDING SECTIONS 204(L) ADDING PROVISIONS FOR UTILITY VEHICHLES

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

Example: This act shall be known as the "The Cherokee Nation Motor Vehicle Code Amendment Act of 2008" and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to add new definitions and provisions for registration of utility vehicles

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 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;
- Z. "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;

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 and Utility 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, 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 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. The Cherokee Nation Tax Commission shall promulgate regulations as to effective date taxes on Utility Vehicles.

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 13th day of October, 2008.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15th day of October, 2008.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		

Cherokee Nation Act/Resolution Proposal Form

ADMINISTRATIVE CLEARANCE:

Program/Project Manager:
Sharon Swepston 9/15/08
 Signature Date

Department Director:
Sharon Swepston 9/15/08
 Signature Date

Executive Director:
Sharon Swepston 9/15/08
 Signature Date

Controller (if needed):

 Signature Date

Government Resources Group:
Yveta Mayo 9/15/08
 Signature Date

Administration Approval:
Melinda 9/15/08
 Signature Date

Act

Resolution

TITLE: A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMMENDING AND ADDING DEFINITIONS; AMENDING SECTIONS 204(L) ADDING PROVISIONS FOR UTILITY VEHICLES

Department Contact: Sharon Swepston
 Tax Administrator

Resolution Presenter: Sharon Swepston

Sponsor: Meredith A. Frailey

NARRATIVE:

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 utility vehicles

LEGISLATIVE CLEARANCE

Legislative Aide:
Shelli Britton 9-15-08
 Signature/Initial Date

Standing Committee:
Hyles

 9-25-08
 Next Meeting Date

Chairperson:
Frailey
 Signature/Initial Date

Returned to Presenter: _____
 Date

09-15-08P05:50 RCVD