

An Act

Legislative Act 23-10

A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING DEFINITION NUMBERING SEQUENCE AND ADDING DEFINITIONS; AMENDING SECTION 103

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 2010" 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 amend the numbering sequence of definitions in Section 4 and add new definitions and provisions for registration of Low-speed electrical vehicles, Medium-speed electrical 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, 07-06, 12-06, 16-06, 17-06, 08-07, 05-08, 23-08, 24-08, 04-09, 02-10, and 07-10.

Section 4. Definitions

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

~~U~~V "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 of assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistance 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.

~~V~~-W "Assembled Vehicle" means a vehicle from which major components from two or more vehicles are being incorporated into a single unit.

~~W~~-X "Major Component" means a body or cab, frame, and front end or rear end clip, if the public VIN is changed.

~~X~~-Y "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 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.

~~Y~~-Z "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.

~~Z~~-AA "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.

~~AA~~-BB "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.

~~BB~~-CC "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 (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds 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;

DD. "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.

EE. "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.

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

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

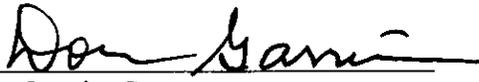
Section 8. Self-Help Contributions

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.

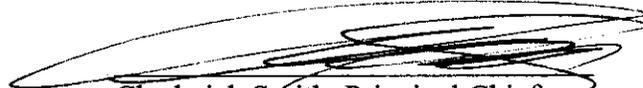
Enacted by the Council of the Cherokee Nation on the 16th day of August, 2010.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

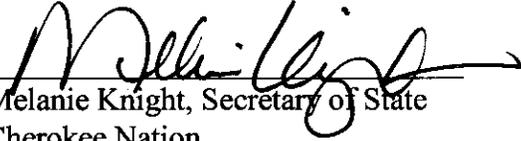
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23rd day of August, 2010.


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>Absent</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>Absent</u>
Curtis G. Snell	<u>Yea</u>		

Cherokee Nation Act/Resolution Proposal Form

ADMINISTRATIVE CLEARANCE:

Program/Project Manager:
Sharon Swept 7/9/10
 Signature Date

Department Director:
Sharon Swept 7/9/10
 Signature Date

Group Leader:

 Signature Date

Finance Approval (if needed):

 Signature Date

Government Resources Group:
Rita May 7/9/10
 Signature Date

Administration Approval:
W.P. Rydell 7/9/10
 Signature Date



Act



Resolution

TITLE: (A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMMENDING DEFINITION NUMBERING SEQUENCE; AMENDING SECTION 103)

Department Contact: Sharon Swepton

Resolution Presenter: Sharon Swepton

Council Sponsor: Buel Anglen

NARRATIVE:

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to add amend the numbering sequence of definitions in Section 4.

LEGISLATIVE CLEARANCE

Legislative Aide:
Brittain 7/13/10
 Signature/Initial Date

Standing Committee:
Hules

 7/29/10
 Next Meeting Date

Chairperson:
Frailey
 Signature/Initial Date

Returned to Presenter: _____
 Date

07-13-10P05:12 RCVD