



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Text

File #: 13-122, Version: 2

**A LEGISLATIVE ACT ENTITLED "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE MODIFICATION OF 2013"
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 Code Amendments of 2013" Title 68 Cherokee Nation Code Annotated at Chapter 9 of the Cherokee Nation Code Annotated.

Section 2: Purpose.

The purpose of this Act is to amend LA#01-01, sections 100, 101, 102, 103, 207, 208, 210.

Section 3: Amendments.

Section 100(B) of Legislative Act #01-01 is hereby amended as follows:

Section 100. Findings

- 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 ~~territorial area~~ of the Cherokee Nation.

Section 101 of Legislative Act #01-01 is hereby amended as follows:

Section 101. Purpose

The purpose of this Act is to establish a Vehicle and Trailer licensing system within the Compact Jurisdictional Area of the Cherokee Nation; to raise revenues through the issuance and renewal of Vehicle and Trailer license tags and titles to enrolled citizens of the 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 the Cherokee Nation and to Sequoyah High School and the Cherokee Nation Headstart Program; 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.

Section 103(F) of Legislative Act #01-01 is hereby amended, and a new subsection 103(FF) is hereby added to read in full as follows:

Section 103. Definitions

F. "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) which is located principally garaged within the Historical Boundaries of the Compact Jurisdictional Area of the Cherokee Nation and 3) is principally garaged within said boundaries on lands owned, leased or occupied by the Cherokee Nation or any tribal citizen in trust, restricted or fee status. Also included are vehicles belonging to active military personnel and college students who maintain permanent residency in the Compact Jurisdictional Area of the Cherokee Nation ~~14-county jurisdiction~~ 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.

FF. "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.

Section 207(A)(3),(5) and Section 207(B)(1) of Legislative Act #01-01 are hereby amended as follows:

Section 207. 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 the 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 license showing applicant's residence within the ~~Reservation Boundaries~~Compact Jurisdictional Area of the Cherokee Nation; and
4. Proof of current 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) because of bodily injury to or death to any one person in any one collision or accident and, subject to said limit for one person, not less than twenty thousand dollars (\$20,000) because of bodily injury to or death of two or more persons in any one collision or accident, and not less than ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one collision or accident; and
5. Evidence that the owner of the Vehicle is a Tribal Citizen and lives within the ~~Reservation Boundaries~~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 Section 104A of this Act.

B. Penalties For Late Registration

1. Any Tribal Citizen residing within the ~~Reservation Boundaries~~ Compact Jurisdictional Area of the Cherokee Nation, or owning and garaging a Vehicle within said ~~Jurisdictional Area~~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 the 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 \$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 Subsection B (2) of this section. Any Vehicle last registered with the Cherokee Nation pursuant to this Act whose tag has been expired for 12 months or longer and being operated upon any tribal trust or fee land within the ~~Reservation Boundaries~~ Compact Jurisdictional Area of the Cherokee Nation is hereby declared contraband and shall be subject to seizure and sale by the Commission; provided, that not less than 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 lien holder 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 Section 105B of this Act, unless there is a lien holder 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 lien holders in accordance with their respective priorities, and the balance, if any, into the General Fund for appropriation and allocation pursuant to this Act.

Section 208(A) and (B) of Legislative Act #01-01 are hereby amended as follows:

Section 208. 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~~ Compact Jurisdictional Area of the Cherokee Nation 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~~ Compact Jurisdictional Area of the Cherokee Nation shall maintain with some 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) because of bodily injury to or death of one person in any one collision or accident and, subject to said limit for one person, not less than twenty thousand dollars (\$20,000) because of bodily injury to or death of two or more persons in any one collision or accident, and not less than ten thousand dollars (\$10,000) because of injury to or destruction

of property of others in any one 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.

Section 210 of Legislative Act #01-01 is hereby amended as follows:

Section 210. 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~~Compact Jurisdictional Area 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.

Emergency declared.

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 after its passage and approval.