



Council of the Cherokee Nation

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

Legislation Text

File #: 20-083, Version: 1

AN ACT AMENDING TITLE 47 OF THE CHEROKEE NATION CODE ANNOTATED AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act amends Title 47 of the Cherokee Nation Code Annotated and shall be codified at Title 47, at the appropriate sections therein, of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to expand the current duty to give information during a motor vehicle accident to include information regarding drug and alcohol testing.

Section 3. Legislative History

L

Section 4. Amendments

Title 47 shall be amended as follows:

§ 10-103. Accidents involving damage to vehicle

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of 47 CNCA § 10-

104. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a crime misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. In addition to the criminal penalties imposed by this section, any person violating the provisions of this section shall be subject to liability for damages in an amount equal to three (3) times the value of the damage caused by the accident. Said damages shall be recoverable in a civil action. Nothing in this section shall prevent a Judge from ordering

restitution for any damage caused by a driver involved in an accident provided for in this section.

§ 10-104. Duty to give information and render aid--Drug and alcohol testing

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall upon request ~~and if available~~ exhibit his ~~operator's or chauffeur's driver~~ license and his security verification form, as defined in 47 O.S. § 7-600, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. Any driver who provides information required by this section which is intentionally inaccurate shall be subject to the provisions of Section 10-103 of this title.

B. Any driver of any vehicle involved in an accident who could be cited for any traffic offense where said accident resulted in the immediate death or great bodily injury, as defined in subsection B of Section 646 of Title 21 of the Cherokee Nation Code Annotated, of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of Section 752 of this title and the procedures found in Section 752)>of this title shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

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/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.

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.