



## Legislation Text

File #: 08-118, Version: 1

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