



Council of the Cherokee Nation

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

Legislation Text

File #: LA-17-06, Version: 1

Committee: Rules

Date: 7-17-06 Committee Date: 7-27-06

Author: Sharon Swepston

Sponsor: Meredith Frailey

An Act

Legislative Act 17-06

A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; ADDING AND AMENDING DEFINITIONS; AND ADDING NEW SECTION 204(N) FOR POSSESSORY/LABORERS' LIENS
BE IT ENACTED BY THE CHEROKEE NATION: Section 1. Title and Codification

Example: This act shall be known as the "Cherokee Nation Motor Vehicle Code Amendment Act of 2006" 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 assembled and abandoned motor vehicles, respectively.

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 and 12-06.

Section 4. Definitions

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

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

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

X. "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 anent court proceedings to protest legal change of ownership.

Y. "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.

Section 5: Amendment

Section 204 is hereby amended to include the following new provisions:

J. Registration Tax on Assembled Vehicles

There is hereby levied a registration tax of one and one-half percent (1 1/2 %) of the actual purchase price of Assembled Vehicles not previously registered with the Cherokee Nation or any other tribe or with any territory or state, provided that the actual purchase price is no more than twenty percent (20%) less than the average retail value. This registration tax shall also be levied upon any Vehicle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen. "Average retail value" is determined as used in Subsection B of this section.

Assembled Vehicles shall require:

(1). Affidavit of Assembly and Ownership. Affidavit shall be approved by the Cherokee Nation Tax Commission Motor Vehicle Division.

(2). Upon approval of the Affidavit of Assembly and Ownership the Cherokee Nation Marshal Service shall conduct an inspection and permanently affix a Cherokee Nation assigned Number to the vehicle.

K. Registration Tax on Abandoned Vehicles

There is hereby levied a registration tax of one and one-half percent (1 1/2 %) of the actual purchase price of Assembled Abandoned Vehicles not previously registered with the Cherokee Nation or any other tribe or with any territory or state, provided that the actual purchase price is no more than twenty percent (20%) less than the average retail value. This registration tax shall also be levied upon any Vehicle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen. "Average retail value" is determined as used in Subsection B and D of this section.

The Cherokee Nation Tax Commission shall adopt rules and regulations to set forth the procedures and requirements for the ownership transfer of Abandoned Vehicles.

N. Possessory/Laborers' Lien

Laborers who perform work and labor on or storage of a vehicle for any person under a written or verbal contract, if unpaid for the same, shall have a lien on the production of their labor, for such work, labor or storage; Provided that such lien shall attach only while the title to the property remains in the original owner.

The Cherokee Nation Tax Commission shall adopt rules and regulations to set forth the procedures and requirements for Possessory/Laborers' Lien.

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 14th day of August, 2006.

Meredith A. Frailey, Speaker Council of the Cherokee Nation
ATTEST: Don Garvin, Secretary Council of the Cherokee Nation
Approved this 21st day of August, 2006.
Chadwick Smith, Principal Chief Cherokee Nation
ATTEST: Melanie Knight, Secretary of State, Cherokee Nation

YEAS AND NAYS AS RECORDED:

Audra Smoke-Conner	YEA	Meredith A. Frailey	YEA	
Bill John Baker	YEA	John F. Keener	YEA	
Joe Crittenden	YEA	Cara Cowan Watts	YEA	
Jackie Bob Martin	YEA	Buel Anglen		YEA
Phyllis Yargee	YEA	William G. Johnson	YEA	
David W. Thornton, Sr.	YEA	Charles "Chuck" Hoskin	YEA	
Don Garvin		YEA Taylor Keen		YEA
Linda Hughes-O'Leary	YEA	Jack D. Baker	YEA	
Melvina Shotpouch		YEA		

Act
Resolution
Date
Cherokee Nation
Act/Resolution Proposal Form
TITLE: A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; ADDING AND AMENDING DEFINITIONS; AND ADDING NEW SECTION 204(N) FOR POSSESSORY/LABORERS' LIENS
Department Contact: Sharon Swepston
Tax Administrator
Resolution Presenter: Sharon Swepston
Sponsor: Meredith Frailey
NARRATIVE:
(See Attached Outline for Information Needed)
The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to add new and amend existing definitions and add new provisions for possessory/laborer's liens.
X
LEGISLATIVE CLEARANCE
Legislative Aide:
/
Signature/Initial Date
Standing Committee:
7-0.6
Next Meeting Date Chairperson:
Returned to Presenter:
Date