



# Council of the Cherokee Nation

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

## Legislation Text

File #: LA-29-04, Version: 1

Committee: Rules/Full Council

Sponsor:

Date: Committee Date: 7-12-04

Author: P. Holder

### An Act Legislative Act 29-04

#### A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"

#### BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Purpose. The purpose of this Act is to amend LA# 01-01 adding provisions for the implementations for special license plates and fees for Cherokee citizens who qualify as physically disabled. Added sections to LA#01-01 are ♦103(U) ♦204(A)(2)(e) and ♦206(D).

#### Section 2. Amendments.

Section 103 of LA# 01-01 is hereby amended to read in full as follows adding section (U):

#### Physically Disability:

which a person:

U. "Physical disability" means an illness, disease, injury or condition by reason of

a. cannot walk two hundred (200) feet without stopping to rest.

b. cannot walk without the use or 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) min/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.

To qualify for a "physically disabled" plate an individual must meet one or more of the above requirements. and present sufficient documentation that they are persons qualified through the Oklahoma Department of Public Safety (DPS) as being physically disabled and having a 5 year expiration parking permit from DPS attesting to such disability.

Section 204-A (2) of LA# 01-01 is hereby amended to read in full as follows adding section (e):

#### Physically Disabled Registration Rate:

(e). The annual registration fee for Tribal Citizens who present documentation that they are personally qualified through the Oklahoma Department of Public Safety (DPS) as being physically disabled and having a 5 year expiration parking permit from DPS shall be free of charge. Any Cherokee Citizen who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical disability of the owner or of an individual related to the owner within the second degree of consanguinity (parent, grandparent, child, grandchild or sibling by blood) may register the vehicle for the fee proscribed above. This fee shall be in lieu of all other registration fees provided by this act.

Section 206 of LA# 01-01 is hereby amended to read in full as follows adding section (D):

Physically Disabled Licensed Plate:

For those eligible individuals a specially designed plate will be available which shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. Upon the death of the physically disabled person, the special license plate shall be returned to the Tax Commission. There shall be no fee for such plate in addition to the rate provided by this act for the registration fee of the vehicle.

Section 3. 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 4. Effective Date

This act shall take effect and be in full force upon 60 days of its passage and approval.

Enacted by the Council of the Cherokee Nation on the 12th day of July, 2004.

Joe Grayson, President, Cherokee Nation Tribal Council

ATTEST: Bill John Baker, Secretary Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 16th day of JULY, 2004.

Chadwick Smith, Principal Chief Cherokee Nation

ATTEST: Callie Catcher, Secretary-Treasurer Cherokee Nation

YEAS AND NAYS AS RECORDED:

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