

**FILED**

**AUG 16 2013**

OKLAHOMA SECRETARY  
OF STATE



**MOTOR VEHICLE LICENSING COMPACT BETWEEN  
THE CHEROKEE NATION AND THE STATE OF OKLAHOMA FOR LANDS  
LOCATED OUTSIDE THE COMPACT JURISDICTIONAL AREA OF THE  
CHEROKEE NATION**

This Motor Vehicle Licensing Compact (hereinafter, "Compact") is entered into by and between the Cherokee Nation, a federally recognized Indian tribe (hereinafter, "Nation"), and the State of Oklahoma (hereinafter, "State"), to be effective upon the date described herein below.

**Section 1: Recitals.**

- a) The Nation is a federally recognized Indian tribe with its capitol located in the City of Tahlequah, Cherokee County, Oklahoma.
- b) On the 30<sup>th</sup> day of September, 2002, the Nation and the State entered into a Motor Vehicle Licensing Compact allowing the Nation to exercise its authority to issue motor vehicle tags to its citizens within the boundaries of its jurisdictional area as further described in "Exhibit A" attached hereto.
- c) The Nation and the State have agreed that it would be in their respective best interests to enter into an additional Compact that would allow the Cherokee Nation to issue motor vehicle tags to Cherokee Nation citizens who live outside Cherokee Nation's jurisdictional area.

**Section 2: Purpose and Scope.**

The purpose of this Compact is to set forth the agreement between the Nation and the State with respect to the Nation's licensing of motor vehicles and other vehicles owned by the Nation's enrolled citizens who live outside the Compact Jurisdictional Area of the Nation.

**Section 3: Definitions.**

Wherever used in this Compact, the words and phrases set forth below shall have the following meanings:

- a) **Citizen** shall mean a person who is an enrolled member of the Cherokee Nation as provided in section 103S of the CN Motor Vehicle Code.
- b) **CN Motor Vehicle Code** shall mean L.A. 01-01 and the amendments thereto which are attached to this Compact as "Exhibit B".

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- c) **Indian Country** shall mean “Indian country” as that term is defined in 18 USC §1151 and has been interpreted by the Supreme Court of the United States in *Oklahoma Tax Commission vs. Sac and Fox Nation*, 508 U.S. 114 (1993), and other decisions of said court.
- d) **Compact Jurisdictional Area of the Cherokee Nation**, for purposes of this Compact and this Compact only, shall mean the area that lies within the boundaries of the Cherokee Nation Compact Jurisdiction, as more particularly depicted in “Exhibit C”.
- e) **Motor Vehicle or Vehicle** shall have the same meaning given to the term “Eligible Vehicle” in section 103T of the CN Motor Vehicle Code and any other vehicle eligible for registration thereunder.
- f) **Nation** shall mean Cherokee Nation.
- g) **Oklahoma Law Enforcement Telecommunication System (OLETS)** – The Oklahoma Law Enforcement Telecommunications System is a statewide telecommunications network which serves city, county, state, federal, and military law enforcement and criminal justice agencies. OLETS provides direct computer interfaces to the computer systems of the Department of Public Safety, the Oklahoma Tax Commission, the Oklahoma State Bureau of Investigation, the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), and the National Weather Service Computer System and Network in Oklahoma City, Oklahoma.
- h) **Principal Residence** – a domicile, a person’s permanent legal residence, the place where a person has their permanent principal home. A business is considered to have its’ principal residence in the state or tribal nation where its headquarters is located.
- i) **State** shall mean the State of Oklahoma.
- j) **Tribal Motor Vehicle License** shall mean a license plate or tag issued by the Cherokee Nation for a particular Motor Vehicle or other Vehicle in accordance with provisions of the CN Motor Vehicle Code and of section 3 of this Compact.

#### **Section 4: Tribal Motor Vehicle License.**

The parties stipulate and agree that the Nation, as a federally recognized Indian tribe, has the sovereign authority to issue motor vehicle licenses in accordance with the United States Supreme Court’s decision in *Oklahoma Tax Commission v. Sac and Fox Nation*, 508 U.S. 114 (1993). In order to avoid the uncertainties and costs associated with complex jurisdictional enforcement issues, to recognize the significant contributions of the Nation to economic development of the State, and to promote a cooperative relationship between the Nation and the State of Oklahoma, the parties agree as follows:

- a) The State agrees not to challenge the registration of Motor Vehicles provided that they are registered to citizens of the Nation in accordance with this Compact or other Compacts between the Nation and the State.
- b) The Nation agrees that it will issue Tribal Motor Vehicle Licenses only to persons who are citizens of the Nation in accordance with this Compact or other Compacts between the Nation and the State.
- c) This Compact shall not be construed, and is not intended, to enlarge, diminish or

otherwise affect the civil or criminal law enforcement jurisdiction or obligations of either party.

### **Section 5: Tribal Motor Vehicle Information and General Procedures.**

- a) The Nation and the State agree that each has a significant interest in sharing information relating to the registration of motor vehicles and other vehicles by the Nation and by the State so that (i) the Nation can verify registration information furnished by its citizens when applying for tribal motor vehicle licenses for vehicles previously registered with the State of Oklahoma, and (ii) law enforcement officers and agencies of the State, other states and other Indian tribes can promptly verify the ownership and the current registration status of automobiles and other vehicles bearing motor vehicle or other vehicle license tags issued by the Nation. Accordingly, the Nation and the State agree to share such registration information through the Nation's participation in the Oklahoma Law Enforcement Telecommunication System (OLETS), and as further provided herein.
- b) The Nation shall transmit to the Oklahoma Tax Commission (OTC) motor vehicle ownership and registration information for each vehicle it registers, which information shall be included in the OTC's motor vehicle information database so that state, local, federal and tribal law enforcement and other governmental agencies may access such information to the same extent and in the same manner that such agencies have access to such information with regard to motor vehicles registered with the OTC, in order to confirm the ownership and currency of registration of each such vehicle with the Nation's Tax Commission. The Nation shall transmit the motor vehicle ownership and registration information to the OTC no later than 15 days after the date on which the motor vehicle is registered with the Nation. The Nation shall bear any and all costs in providing the information to the OTC.
- c) The parties acknowledge, stipulate and agree that the State shall have no responsibility for issuing certificates of title and registration under the Cherokee Nation Motor Vehicle Code. The content, accuracy and maintenance of all records relating to motor vehicle titles and registration issued by the Nation shall be the sole and exclusive responsibility of the Nation.
- d) The Nation shall submit reports in the form and on a schedule to be designated by the OTC to properly account for all funds, regardless of source, received by the Nation pursuant to this Compact. Reports shall cover a period from the first day of the month to the fifteenth day of the month and from the sixteenth day of the month to the last day of the month. It shall be the responsibility of the Nation to mail or deliver such reports and copies of all documents of all transactions to the OTC within a time period to be established by the State.
- e) The Cherokee Nation agrees not to sell tags pursuant to this Compact at any location outside the Compact Jurisdictional Area.

**Section 6: Charges and Distribution of Receipts of Cherokee Citizens whose principal residence is located outside the Jurisdictional Area of the Cherokee Nation.**

- a) The Nation agrees to implement such legislation, as may be required during the pendency of this Compact, amending and/or modifying the Cherokee Nation Motor Vehicle Code to require that the motor vehicle tag fee under the Cherokee Nation Motor Vehicle Code is, at a minimum, the same amount as provided in Oklahoma law for those motor vehicle tags sold to Cherokee Nation citizens whose principal residence is located outside the Compact Jurisdictional Area .
- b) The Nation agrees to implement legislation, as may be required during the pendency of this Compact, amending and/or modifying the Cherokee Nation Motor Vehicle Code to increase the registration tax on Motor Vehicles registered by Cherokee citizens whose principal residence is located outside the Compact Jurisdictional Area of the Cherokee Nation from 1 ½% of the actual purchase price of a Motor Vehicle to, at a minimum, the same amount as provided in Oklahoma law.
- c) The State agrees that upon collection of any basic fee, tax, penalty, and/or fine associated with vehicle license receipts of Cherokee Citizens whose principal residence is located outside the Compact Jurisdictional Area of the Cherokee Nation, that Nation shall retain amounts equal to motor license agent fees as set out in 47 Okl.St. § 1141.
- d) The Nation shall deposit all remaining funds collected for basic fees, taxes, penalties and fines associated with vehicle licensing transactions by Cherokee citizens whose principle residence is located outside the Compact Jurisdictional Area of the Cherokee Nation in an Oklahoma Tax Commission Motor License Agent Account as jointly designated by the State and the Nation, within a period of two (2) banking business day after the close of business.
- e) Upon receipt of funds collected by the Nation for basic fees, taxes, penalties and fines as outlined in Section 6 (c) above, the OTC will distribute such funds as outlined in 47 Okl. St. § 1104 and 68 Okl.St. § 2102. Provided, however, that thirty-five percent (35%) of the funds to be distributed to the General Revenue Fund shall be remitted back to the Nation within thirty (30 days). The State shall provide such reports as may be necessary to allow the Nation to properly reconcile.
- f) It is agreed and stipulated by the parties that this Compact contains no prohibition for rebate of fees, taxes, penalties and/or fines by the Nation, provided that rebated funds are expended solely from Nation resources and not deducted from amounts due and owing to the State.

**Section 7: Sovereign Powers and Jurisdiction Unaffected; No Partnership or Agency Created.**

- a) Nothing in this Compact is intended or shall be construed to enlarge, diminish or otherwise affect the sovereign powers or jurisdiction of either party over any persons or territory.
- b) Nothing in this Compact shall prohibit the State from requiring motor vehicle registration and the payment of fees and taxes by any resident of this State who is

- not a citizen of the Cherokee Nation.
- c) No provision in this Compact shall be construed as an admission, concession or acknowledgement by the State that (1) the Nation has civil or criminal jurisdiction over territory that is not “Indian country” or (2) any particular lands and/or territory constitute Indian country, either as a formal or informal reservation or otherwise.
  - d) Nor shall any provision herein be construed as an admission, concession or acknowledgement by the Nation that (1) it does not have such jurisdiction over territory that is not Indian country or (2) any particular lands and/or territory do not constitute Indian country either as formal or informal reservation or otherwise.
  - e) Further, this Compact is not intended, and shall not be construed, to create a partnership, joint venture or agency relationship between the Nation and the State.

### **Section 8: Term and Modification.**

- a) This Compact shall remain in effect for a period of 10 years, commencing on the effective date described in Section 9 hereof, and shall automatically renew for a like period unless prior to the end of the initial term either of the parties gives written notice to the other that the Compact shall not be renewed.
- b) The goal of the parties shall be to resolve all disputes amicably and voluntarily whenever possible. A party asserting noncompliance or seeking an interpretation of this Compact first shall serve written notice on the other party. The notice shall identify the specific Compact provision alleged to have been violated or in dispute and shall specify in detail the asserting party’s contention and any factual basis for the claim. Representatives of the Nation and State shall meet within thirty (30) days of receipt of notice in an effort to resolve the dispute. Any and all disputes arising, whether directly or indirectly, out of the interpretation, performance or enforcement of this Compact, which are not resolved by good faith negotiations with thirty (30) days, shall be determined by the US District Court for the Northern District of Oklahoma, which shall have the sole and exclusive jurisdiction of any and all such disputes. The parties hereto mutually waive any claim of sovereign immunity they might have, including but not limited to, exhaustion of tribal remedies or 11<sup>th</sup> Amendment immunity, to the extent, and only to the extent, necessary for a determination of rights and liabilities, if any, by the US District Court for the Northern District of Oklahoma and the enforcement of that determination upon its becoming a final, non-appealable judgment. This waiver shall not be construed to allow any consequential, punitive, or exemplary damages against either party; neither does this waiver include the allowance of any attorney’s fees or costs not specifically articulated elsewhere within this Compact. The parties agree that nothing herein is intended to create a direct right of action against the or the Nation by any person or entity not a party hereto through court action, arbitration or otherwise for any matter related to this Compact, its interpretation or performance or nonperformance of the parties hereto, except as otherwise set forth herein, and the limited waiver of sovereign immunity set forth herein shall not extend to any person or entity or party other than the State and the Nation.
- c) Notwithstanding Section 8(b) above, either party may unilaterally terminate this Compact without cause by giving the other party one hundred and eighty (180) days’

written notice in accordance with Section 10 hereof. Both parties agree that should either invoke unilateral termination that the terminating party will meet at least twice within the sixty days of providing notice if the non-terminating party so requests.

- d) Nothing in this Compact shall prevent the parties by mutual agreement from establishing an earlier or later termination date or otherwise modifying this agreement. However, this Compact may not be amended or modified except by written agreement, approved and executed by the parties hereto.

**Section 9: Effective Date.**

This Compact shall go into effect when it has been executed and/or approved by all of the following: the Governor of the State of Oklahoma, the Principal Chief of the Cherokee Nation, and the Tribal Council of the Cherokee Nation.

**Section 10: Notices.**

All notices authorized or required under this Compact shall be in writing and sent by way of certified U. S. mail to the following officials or their successors in office:

To the State of Oklahoma: Governor Mary Fallin  
212 State Capitol Building  
2300 North Lincoln Blvd.  
Oklahoma City, OK 73105

To the Cherokee Nation: Bill John Baker, Principal Chief Cherokee Nation  
P.O. Box 948  
Tahlequah, OK 74465

IN WITNESS WHEREOF, the parties have executed this Motor Vehicle Licensing Compact effective September 1, 2013.

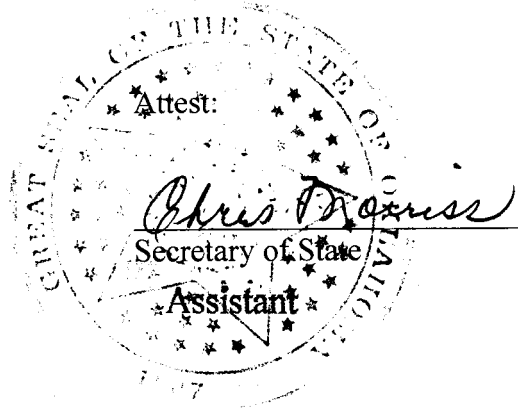
**STATE OF OKLAHOMA**

*Mary Fallin*

*8-16-13*

MARY FALLIN, GOVERNOR

DATE



**CHEROKEE NATION**

*Bill John Baker*

*8-16-2013*

BILL JOHN BAKER, PRINCIPAL CHIEF

DATE



# COUNCIL OF THE CHEROKEE NATION

P.O. Box 948

Tahlequah, Oklahoma 74465

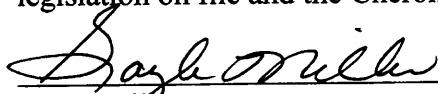
1-800-995-9465 or (918) 207-3900

Fax: (918) 458-6217

Attached herewith is a copy of Legislative Act 18-13, "A Legislative Act Relating to and Approving a Compact with the State of Oklahoma to be Known as the "Cherokee Nation/State of Oklahoma in Jurisdiction Motor Vehicle Licensing Act", enacted by the Council of the Cherokee Nation on the 12<sup>th</sup> day of August, 2013.

Attached herewith is a copy of Legislative Act 19-13, "A Legislative Act Relating to and Approving a Compact with the State of Oklahoma to be Known as the "Cherokee Nation/State of Oklahoma At-Large Motor Vehicle Licensing Act", enacted by the Council of the Cherokee Nation on the 12<sup>th</sup> day of August, 2013.

I hereby certify that the attached Legislative Act is a true and correct copy of the original legislation on file and the Cherokee Nation Tribal Council House.



Gayle Miller

Legislative Special Assistant  
Tribal Council Office  
Cherokee Nation

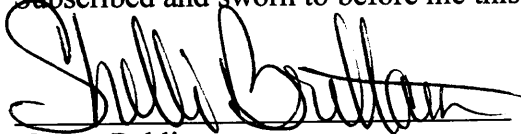
08-15-13

Date

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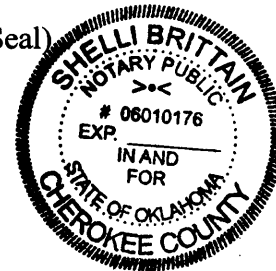
Cherokee Nation  
County of Cherokee

Subscribed and sworn to before me this 15<sup>th</sup> day of August, 2013.



Notary Public

(Seal)



My Commission Expires: 10/17/2014

My Commission Number: 06010176



# An Act

## **Legislative Act 18-13**

A LEGISLATIVE ACT RELATING TO AND APPROVING A COMPACT WITH THE STATE OF OKLAHOMA TO BE KNOWN AS THE "CHEROKEE NATION/STATE OF OKLAHOMA IN JURISDICTION MOTOR VEHICLE LICENSING ACT"

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

#### **Section 1. Title and Codification**

This Act shall be known as the "Cherokee Nation In Jurisdiction Motor Vehicle Licensing Compact Act" and codified as \_\_\_\_\_, Title \_\_\_\_\_, Section \_\_\_\_\_ of the Cherokee Nation Code Annotated (CNCA).

#### **Section 2. Purpose**

Legislative Act 01-01 authorized the Principal Chief to negotiate a motor vehicle licensing compact with the State of Oklahoma but stated that any such compact so negotiated would not be effective until approved by the Tribal Council. The Cherokee Nation, by and through the Principal Chief, and the State of Oklahoma, by and through the Governor, negotiated the terms of such a compact for the mutual benefit of both sovereign governments, subject to the approval by the Council of the Cherokee Nation and the Joint Committee of the Oklahoma Legislature on State-Tribal Relations. Said Compact was approved by the Cherokee Nation Tribal Council in LA-36-01. The term of the previous compact has expired and the Principal Chief and the State of Oklahoma have negotiated a new compact for the mutual benefit of both sovereign governments. The purpose of this Act is to approve and authorize the Principal Chief to execute the Tribal-State Motor Vehicle Licensing Compact Between the Cherokee Nation and The State of Oklahoma, hereafter referred to as the "Compact" that has been negotiated with the Governor of the State of Oklahoma.

#### **Section 3. Approval of Compact; Authority to Execute**

The Compact has been negotiated by the Principal Chief and the Governor of the State of Oklahoma, a copy of which is attached hereto and incorporated herein by reference, is hereby approved. The Principal Chief is hereby authorized to execute said Compact on behalf of the Cherokee Nation and to take any and all actions necessary and appropriate to carry out the provisions thereof. Provided, said Compact shall not become effective until executed by the Governor of the State of Oklahoma.

**Section 4. Legislative History**

LA-01-01  
LA-36-01  
LA-09-02

**Section 5. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**Section 6. Act shall supersede Legislative Act(s): 36-01 and 09-02**

This Act shall supersede Legislative Acts 36-01 and 09-02.

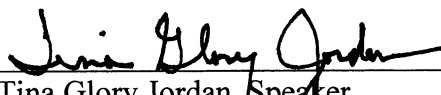
**Section 7. Severability**

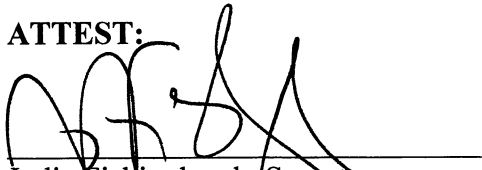
The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

**Section 8. Effective Date**

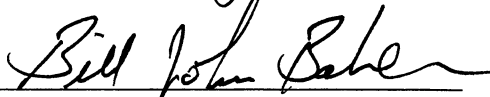
It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect and be in full force after its passage and approval.

Enacted by the Council of the Cherokee Nation on the 12<sup>th</sup> day of August, 2013.

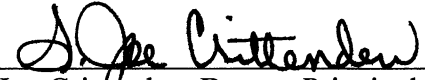
  
\_\_\_\_\_  
Tina Glory Jordan, Speaker  
Council of the Cherokee Nation

**ATTEST:**  
  
\_\_\_\_\_  
Jodie Fishlinghawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15<sup>th</sup> day of Aug., 2013.

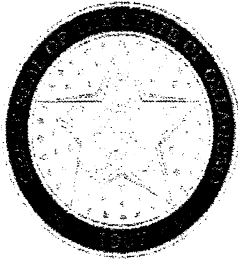
  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**

  
S. Joe Crittenden, Deputy Principal Chief  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |               |                     |               |
|------------------------------|---------------|---------------------|---------------|
| Tina Glory Jordan            | <u>Yea</u>    | Meredith A. Frailey | <u>Absent</u> |
| Joe Byrd                     | <u>Yea</u>    | Dick Lay            | <u>Yea</u>    |
| David Walkingstick           | <u>Yea</u>    | Cara Cowan Watts    | <u>Yea</u>    |
| Jodie Fishinghawk            | <u>Yea</u>    | Buel Anglen         | <u>Yea</u>    |
| Janelle Lattimore Fullbright | <u>Yea</u>    | Curtis G. Snell     | <u>Yea</u>    |
| David W. Thornton, Sr.       | <u>Yea</u>    | Charles Hoskin, Jr. | <u>Yea</u>    |
| Don Garvin                   | <u>Yea</u>    | Julia Coates        | <u>Yea</u>    |
| Lee Keener                   | <u>Yea</u>    | Jack D. Baker       | <u>Yea</u>    |
| Frankie Hargis               | <u>Absent</u> |                     |               |



## **MOTOR VEHICLE LICENSING COMPACT BETWEEN THE CHEROKEE NATION AND THE STATE OF OKLAHOMA FOR LANDS LOCATED WITHIN THE COMPACT JURISDICTIONAL AREA OF THE CHEROKEE NATION**

This Motor Vehicle Licensing Compact (hereinafter, "Compact") is entered into by and between Cherokee Nation, a federally recognized Indian tribe (hereinafter, the "Nation"), and the State of Oklahoma (hereinafter, "State"), to be effective upon the date described herein below.

### **Section 1: Recitals.**

- a) The Nation is a federally recognized Indian tribe with its capitol located in the City of Tahlequah, Cherokee County, Oklahoma.
- b) On the 15<sup>th</sup> day of January, 2001, the Nation's Tribal Council enacted Legislative Act No. 01-01, a motor vehicle licensing code. In 2002, the Cherokee Nation entered into a motor vehicle compact with the State (attached to this Compact as "Exhibit A") and has exercised its authority to issue motor vehicle licenses in accordance with the terms of that compact since that time.
- c) The Nation and the State have agreed that it would be in their respective best interests to enter into another Compact that will coordinate the Nation's motor vehicle licensing system with that of the State in the manner and to the extent set forth herein.

### **Section 2: Purpose and Scope.**

The purpose of this Compact is a) to set forth the agreement between the Nation and the State with respect to the Nation's licensing of motor vehicles and other vehicles owned by the Nation's enrolled citizens in accordance with the provisions of the Cherokee Nation's code, as amended; b) to coordinate the use of and/or access to motor vehicle titling and registration information with the State for law enforcement and other purposes; c) to develop agreed-to procedures for communicating and transmitting such information; and d) to allocate a portion of revenues collected by the Nation from the licensing of vehicles for the benefit of schools and certain counties and municipalities within the Nation's jurisdictional area.

### **Section 3: Definitions.**

Wherever used in this Compact, the words and phrases set forth below shall have the following meanings:

- a) *Citizen* shall mean a person who is an enrolled member of the Cherokee Nation as

- provided in section 103S of the CN Motor Vehicle Code.
- b) **CN Motor Vehicle Code** shall mean L.A. 01-01 and the amendments thereto which are attached to this Compact as “Exhibit B”.
  - c) **Indian Country** shall mean “Indian country” as that term is defined in 18 USC §1151 and has been interpreted by the Supreme Court of the United States in *Oklahoma Tax Commission vs. Sac and Fox Nation*, 508 U.S. 114 (1993), and other decisions of said court.
  - d) **Compact Jurisdictional Area of the Cherokee Nation**, for purposes of this Compact and this Compact only, shall mean the area that lies within the boundaries of the Cherokee Nation Compact Jurisdiction, as more particularly depicted in “Exhibit C”.
  - e) **Motor Vehicle or Vehicle** shall have the same meaning given to the term “Eligible Vehicle” in section 103T of the CN Motor Vehicle Code and any other vehicle eligible for registration thereunder.
  - f) **Nation** shall mean Cherokee Nation.
  - g) **Oklahoma Law Enforcement Telecommunication System (OLETS)** – The Oklahoma Law Enforcement Telecommunications System is a statewide telecommunications network which serves city, county, state, federal, and military law enforcement and criminal justice agencies. OLETS provides direct computer interfaces to the computer systems of the Department of Public Safety, the Oklahoma Tax Commission, the Oklahoma State Bureau of Investigation, the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), and the National Weather Service Computer System and Network in Oklahoma City, Oklahoma.
  - h) **Principal Residence** – a domicile, a person’s permanent legal residence, the place where a person has their permanent principal home. A business is considered to have its’ principal residence in the state or tribal nation where its headquarters is located.
  - i) **State** shall mean the State of Oklahoma.
  - j) **Tribal Motor Vehicle License** shall mean a license plate or tag issued by the Cherokee Nation for a particular Motor Vehicle or other Vehicle in accordance with provisions of the CN Motor Vehicle Code and this Compact.

#### **Section 4: Tribal Motor Vehicle License.**

The parties stipulate and agree that the Nation, as a federally recognized Indian tribe, has the sovereign authority to issue Tribal Motor Vehicle Licenses in accordance with the United States Supreme Court’s decision in *Oklahoma Tax Commission v. Sac and Fox Nation*, 508 U.S. 114 (1993). In order to avoid the uncertainties and costs associated with complex jurisdictional enforcement issues, to recognize the significant contributions of the Nation to economic development of the State, and to promote a cooperative relationship between the Nation and the State, the parties agree as follows:

- a) The State agrees not to challenge the registration of Motor Vehicles provided that they are registered to citizens of the Nation in accordance with this Compact or other Compacts between the Nation and the State.
- b) The Nation agrees that it will issue Tribal Motor Vehicle Licenses only to persons who are citizens of the Nation in accordance with this Compact or other Compacts

between the Nation and the State.

- c) This Compact shall not be construed, and is not intended, to enlarge, diminish or otherwise affect the civil or criminal law enforcement jurisdiction or obligations of either party.

#### **Section 5: Tribal Motor Vehicle Information and General Procedures.**

- a) The Nation and the State agree that each has a significant interest in sharing information relating to the registration of Motor Vehicles and other Vehicles by the Nation and by the State so that (i) the Nation can verify registration information furnished by its citizens when applying for tribal motor vehicle licenses for vehicles previously registered with the State, and (ii) law enforcement officers and agencies of the State, other states and other Indian tribes can promptly verify the ownership and the current registration status of Motor Vehicles or other Vehicle license tags issued by the Nation. Accordingly, the Nation and the State agree to share such registration information through the Nation's participation in the Oklahoma Law Enforcement Telecommunication System (OLETS), and as further provided herein.
- b) The Nation shall transmit to the Oklahoma Tax Commission (OTC) Motor Vehicle ownership and registration information for each vehicle it registers, which information shall be included in the OTC's motor vehicle information database so that state, local, federal and tribal law enforcement and other governmental agencies may access such information to the same extent and in the same manner that such agencies have access to such information with regard to motor vehicles registered with the OTC, in order to confirm the ownership and currency of registration of each such vehicle with the Nation's Tax Commission. The Nation shall transmit the motor vehicle ownership and registration information to the OTC no later than 15 days after the date on which the motor vehicle is registered with the Nation. The Nation shall bear any and all costs in providing the information to the OTC.
- c) The parties acknowledge, stipulate and agree that the State shall have no responsibility for issuing certificates of title and registration under the Cherokee Nation Motor Vehicle Code. The content, accuracy and maintenance of all records relating to motor vehicle titles and registration issued by the Nation shall be the sole and exclusive responsibility of the Nation.
- d) The Nation shall submit reports in the form and on a schedule to be designated by the OTC to properly account for all funds, regardless of source, received by the Nation pursuant to this Compact. Reports shall cover a period from the first day of the month to the fifteenth day of the month and from the sixteenth day of the month to the last day of the month. It shall be the responsibility of the Nation to mail or deliver such reports and copies of all documents of all transactions to the OTC within a time period to be established by the State.
- e) The Cherokee Nation agrees not to sell tags pursuant to this Compact at any location outside the Compact Jurisdictional Area.

#### **Section 6: Payments to Oklahoma Public Schools, Sequoyah High School, Certain Highway Projects, Counties and Municipalities.**

The Nation has adopted the CN Motor Vehicle Code, as amended, providing for annual

payments by the Nation of a portion of Tribal Motor Vehicle Licensing revenues to Oklahoma public schools, counties, municipalities, and highway construction or maintenance projects located within the Jurisdictional Area of the Cherokee Nation, as well as to Sequoyah Schools, Cherokee Nation Immersion Program, Cherokee Nation Headstart and the Cherokee Nation Marshal Service in accordance with the CN Motor Vehicle Code, as in effect on the date on which this Compact is effective, and the annual appropriations thereunder. Provided, as a condition of this Compact, the Nation agrees to appropriate and distribute each year during which this Compact remains in effect:

- a) an amount equal to 38% of all fees and taxes collected annually by the Cherokee Nation Tax Commission under the CN Motor Vehicle Code to said public schools and Sequoyah Schools in accordance with the allocation formula set forth in Section 105C(2) of said Code;
- b) an amount equal to 20% of all such fees and taxes collected for expenditure on the construction or maintenance of federal highways, section line roads and other roads within the Jurisdictional Area of the Cherokee Nation; and
- c) an amount equal to 5% of the amount of such fees and taxes remaining after payment of the Nation's costs incurred in administering the CN Motor Vehicle Code to counties and municipalities with the Jurisdictional Area of the Cherokee Nation and/or to the Cherokee Nation Marshal Service, as provided in Section 105C(4) of said Code.

The Nation further agrees that it will continue making said annual payment to said schools, counties, municipalities, the Cherokee Nation Marshal Service and highway construction or maintenance projects in accordance with the provisions of the CN Motor Vehicle Code, as modified by agreement herein, so long as this the Compact remains in effect.

**Section 7: Sovereign Powers and Jurisdiction Unaffected; No Partnership or Agency Created.**

- a) Nothing in this Compact is intended or shall be construed to enlarge, diminish or otherwise affect the sovereign powers or jurisdiction of either party over any persons or territory.
- b) Nothing in this Compact shall prohibit the State from requiring motor vehicle registration and the payment of fees and taxes by any resident of this State who is not a citizen of the Cherokee Nation.
- c) No provision in this Compact shall be construed as an admission, concession or acknowledgement by the State that (1) the Nation has civil or criminal jurisdiction over territory that is not "Indian country" or (2) any particular lands and/or territory constitute Indian country, either as a formal or informal reservation or otherwise.
- d) Nor shall any provision herein be construed as an admission, concession or acknowledgement by the Nation that (1) it does not have such jurisdiction over territory that is not Indian country or (2) any particular lands and/or territory do not constitute Indian country either as formal or informal reservation or otherwise.
- e) Further, this Compact is not intended, and shall not be construed, to create a partnership, joint venture or agency relationship between the Nation and the State.

### **Section 8: Term and Modification.**

- a) This Compact shall remain in effect for a period of 10 years, commencing on the effective date described in Section 9 hereof, and shall automatically renew for a like period unless prior to the end of the initial term either of the parties gives written notice to the other that the Compact shall not be renewed.
- b) The goal of the parties shall be to resolve all disputes amicably and voluntarily whenever possible. A party asserting noncompliance or seeking an interpretation of this Compact first shall serve written notice on the other party. The notice shall identify the specific Compact provision alleged to have been violated or in dispute and shall specify in detail the asserting party's contention and any factual basis for the claim. Representatives of the Nation and State shall meet within thirty (30) days of receipt of notice in an effort to resolve the dispute. Any and all disputes arising, whether directly or indirectly, out of the interpretation, performance or enforcement of this Compact, which are not resolved by good faith negotiations with thirty (30) days, shall be determined by the US District Court for the Northern District of Oklahoma, which shall have the sole and exclusive jurisdiction of any and all such disputes. The parties hereto mutually waive any claim of sovereign immunity they might have, including but not limited to, exhaustion of tribal remedies or 11<sup>th</sup> Amendment immunity, to the extent, and only to the extent, necessary for a determination of rights and liabilities, if any, by the US District Court for the Northern District of Oklahoma and the enforcement of that determination upon its becoming a final, non-appealable judgment. This waiver shall not be construed to allow any consequential, punitive, or exemplary damages against either party; neither does this waiver include the allowance of any attorney's fees or costs not specifically articulated elsewhere within this Compact. The parties agree that nothing herein is intended to create a direct right of action against the or the Nation by any person or entity not a party hereto through court action, arbitration or otherwise for any matter related to this Compact, its interpretation or performance or nonperformance of the parties hereto, except as otherwise set forth herein, and the limited waiver of sovereign immunity set forth herein shall not extend to any person or entity or party other than the State and the Nation.
- c) Notwithstanding Section 8(b) above, either party may unilaterally terminate this Compact without cause by giving the other party one hundred and eighty (180) days' written notice in accordance with Section 10 hereof. Both parties agree that should either invoke unilateral termination that the terminating party will meet at least twice within the first sixty days of providing notice if the non-terminating party so requests.
- d) Nothing in this Compact shall prevent the parties by mutual agreement from establishing an earlier or later termination date or otherwise modifying this agreement. However, this Compact may not be amended or modified except by written agreement, approved and executed by the parties hereto.

### **Section 9: Effective Date.**

This Compact shall go into effect when it has been executed and/or approved by all of the



following: the Governor of the State of Oklahoma, the Principal Chief of the Cherokee Nation, and the Tribal Council of the Cherokee Nation.

**Section 10: Notices.**

All notices authorized or required under this Compact shall be in writing and sent by way of certified U. S. mail to the following officials or their successors in office:

To the State of Oklahoma: Governor Mary Fallin  
212 State Capitol Building  
2300 North Lincoln Blvd.  
Oklahoma City, OK 73105

To the Cherokee Nation: Bill John Baker, Principal Chief Cherokee Nation  
P.O. Box 948  
Tahlequah, OK 74465

IN WITNESS WHEREOF, the parties have executed this Motor Vehicle Licensing Compact effective September 1, 2013.

**STATE OF OKLAHOMA**

---

MARY FALLIN, GOVERNOR

DATE

Attest:

---

Secretary of State

**CHEROKEE NATION**

---

BILL JOHN BAKER, PRINCIPAL CHIEF

DATE

**EXHIBIT "A"**

**TRIBAL-STATE MOTOR VEHICLE LICENSING COMPACT  
BETWEEN THE CHEROKEE NATION  
AND THE STATE OF OKLAHOMA**

This Tribal-State Motor Vehicle Licensing Compact (hereinafter, "Compact") is entered into by and between Cherokee Nation, a federally recognized Indian tribe (hereinafter, the "Nation"), and the State of Oklahoma (hereinafter, "State"), to be effective upon the date described hereinbelow.

**Section 1: Recitals.**

- a) The Nation is a federally recognized Indian tribe with its capital located in the City of Tahlequah, State of Oklahoma.
- b) On the 15th day of January, 2001, the Nation's Tribal Council enacted a new motor vehicle code, L.A. 01-01, a copy of which is attached hereto as Exhibit A, pursuant to which the Nation intends to exercise its authority to issue motor vehicle licenses to its citizens within the boundaries of its jurisdictional area to the extent authorized under applicable decisions of the United States Supreme Court. Said boundaries encompass a portion of the lands within the Indian Territory that were ceded by the United States to the Nation pursuant to the Indian Removal Act of 1830, 4 Stat. 411, the 1835 Treaty of New Echota, 7 Stat. 478, and a fee patent executed by the President of the United States pursuant to Article 3 of said treaty. These ceded lands included what is now all of present-day Sequoyah, Adair, Cherokee, Mayes, Delaware, Rogers, Washington, Nowata and Craig Counties, and portions of present-day McIntosh, Muskogee, Wagoner, Tulsa and Ottawa Counties, in northeastern Oklahoma.
- c) The Nation and the State have agreed that it would be in their respective best interests to enter into this Compact that would coordinate the Nation's motor vehicle licensing system with that of the State in the manner and to the extent set forth hereinbelow.

**Section 2: Purpose and Scope.** The purpose of this Compact is to set forth the agreement between the Nation and the State with respect to the Nation's licensing of Motor Vehicles and other Vehicles owned by the Nation's enrolled Citizens in accordance with the provisions of the Cherokee Nation's motor vehicle licensing code, LA 01-01, as in effect on the date this Compact is effective (hereinafter, the "CN Motor Vehicle Code"); coordinating the use of and/or access to motor vehicle titling and registration information with the State for law enforcement and other purposes; developing agreed-to procedures for communicating and transmitting such information; and allocating a portion of revenues collected by the Nation from the licensing of

vehicles for the benefit of schools and certain counties and municipalities within the Nation's jurisdictional area .

**Section 3: Definitions.** Wherever used in this Compact, the words and phrases set forth below shall have the following meanings:

- a) *Citizen* shall mean a person who is an enrolled member of the Cherokee Nation.
- b) *Jurisdictional Area of the Cherokee Nation* shall mean the area in the State of Oklahoma that lies within the boundaries of the Cherokee Nation as more particularly described in Exhibit B attached to this Compact.
- c) *Motor Vehicle* or *Vehicle* shall mean any vehicle (including trailers) required to be registered under the provisions of the Oklahoma Vehicle License and Registration Act, 47 O.S. §§1101 *et seq.*, or any other laws of the State of Oklahoma.
- d) *Tribal Motor Vehicle License* shall mean a license plate or tag issued by the Cherokee Nation for a particular Motor Vehicle or other Vehicle in accordance with provisions of the CN Motor Vehicle Code and of section 3 of this Compact.
- e) *Nation* shall mean Cherokee Nation.
- f) *State* shall mean the State of Oklahoma.

**Section 4: Tribal Motor Vehicle License.** The parties stipulate and agree that the Nation, as a federally recognized Indian tribe, has the sovereign authority to issue motor vehicle licenses in accordance with the United States Supreme Court's decision in *Sac & Fox Nation vs. Oklahoma Tax Commission*, 508 U.S. 114 (1993). However, certain issues remain unresolved after the Court's decision in *Sac & Fox Nation*. To avoid the uncertainties and costs associated with litigation, and to promote a cooperative relationship between the Nation and the State of Oklahoma, the Nation and the State agree as follows:

- a) The Nation agrees that it will issue Tribal Motor Vehicle Licenses only to persons who are Citizens residing within the Jurisdictional Area of the Cherokee Nation and in accordance with the provisions of the CN Motor Vehicle Code. The Nation agrees that it will not issue Motor Vehicle Licenses to persons who reside outside the Jurisdictional Area of the Cherokee Nation or to any person living within the Jurisdictional Area of the Cherokee Nation who is not an enrolled citizen of the Cherokee Nation. The State agrees to recognize the validity of tribal motor vehicle tags issued to persons residing within the Jurisdictional Area of the Cherokee Nation provided that said tags are issued to a Citizen in

accordance with the provisions of the CN Motor Vehicle Code and this Compact.

- b) Notwithstanding any other provision of this Compact, the Nation and State agree that enforcement and administration of the CN Motor Vehicle Code shall be the sole and exclusive responsibility of the Nation. This Compact shall not be construed, and is not intended, to enlarge, diminish or otherwise affect the civil or criminal law enforcement jurisdiction or obligations of either party.

**Section 5: Tribal Motor Vehicle Information; Use of Oklahoma Tag Agents.**

- a) The Nation and the State agree that each has a significant interest in sharing information relating to the registration of Motor Vehicles and other Vehicles by the Nation and by the State so that (i) the Nation can verify registration information furnished by its Citizens when applying for tribal motor vehicle licenses for vehicles previously registered with the State of Oklahoma, and (ii) law enforcement officers and agencies of the State of Oklahoma, other states and other Indian tribes can promptly verify the ownership and the current registration status of automobile and other vehicles bearing Motor Vehicle or other Vehicle license tags issued by the Nation. Accordingly, the Nation and the State agree to cooperate in developing a system and protocol for sharing such registration information and, to the extent feasible, including the Nation's Motor Vehicle and other Vehicle registration information in the State's database or making other arrangements so that such information is readily accessible to law enforcement officers and agencies in and outside of Oklahoma.
- b) The parties acknowledge that, if technologically feasible, the Nation intends to work and consult with the Oklahoma Tax Commission (OTC) so that Motor Vehicle ownership and registration information may be transmitted to the OTC and included in its motor vehicle information database to the OTC so that state, local, federal and tribal law enforcement and other governmental agencies may have access to such information to the same extent, and in the same manner, that such agencies have access to such information with regard to motor vehicles registered with the OTC.
- c) The parties further agree that the Nation may negotiate appropriate agreements with Oklahoma Tag Agents to process the Nation's Motor Vehicle registration and licensing documents and transmit information relating to Motor Vehicles registered by the Nation to the OTC as stated in paragraph (b), above. The fees and charges for services performed by any such Agents on behalf of the Nation shall be as negotiated by the Nation and the Agents and neither the State nor any political subdivision of the

State, including the Oklahoma Tax Commission, will bear any responsibility for such fees and charges.

- d) Regardless of whether the Nation engages the services of Oklahoma Tag Agents in transmitting Motor Vehicle registration and ownership information to the State pursuant to this Compact, the parties acknowledge, stipulate and agree that the Nation shall have the sole and exclusive responsibility for issuing certificates of title and registration with documents for Motor Vehicles and Other Vehicles titled and registered by the Nation under the CN Motor Vehicle Code and this Compact. The accuracy and maintenance of all records relating to said Motor Vehicle titles and registration information shall be the sole and exclusive responsibility of the Nation.

**Section 6: Payments to Oklahoma Public Schools, Sequoyah High School, Certain Highway Projects, Counties and Municipalities.** The Nation has adopted the CN Motor Vehicle Code providing for annual payments by the Nation of a portion of Tribal Motor Vehicle Licensing revenues to Oklahoma public schools, counties, municipalities, and federally- and/or State-funded highway construction or maintenance projects located within the Jurisdictional Area of the Cherokee Nation, as well as to Sequoyah High School and the Cherokee Nation Marshal Service. Said payments shall be made by the Nation directly to the schools, agencies conducting such highway projects, counties, municipalities and Marshal Service in accordance with the CN Motor Vehicle Code, as in effect on the date on which this Compact is effective, and the annual appropriations thereunder. Provided, as a condition of this Compact, the Nation agrees to appropriate and distribute each year during which this Compact remains in effect: (1) an amount equal to 38% of all fees and taxes collected annually by the Cherokee Nation Tax Commission under the CN Motor Vehicle Code to said public schools and Sequoyah High School in accordance with the allocation formula set forth in Section 105C(2) of said Code; (2) an amount equal to 20% of all such fees and taxes so collected for expenditure on the construction or maintenance of the following highways within the Jurisdictional Area of the Cherokee Nation: federal highways, state highways or highways constructed or maintained with funds apportioned pursuant to 47 OS section 1104(A) that are part of the counties' collector system, all in accordance with section 105(C)(3) of said Code; and (3) an amount equal to 5% of the amount of such fees and taxes remaining after payment of the Nation's costs incurred in administering the CN Motor Vehicle Code to counties and municipalities within the Jurisdictional Area of the Cherokee Nation and/or to the Cherokee Nation Marshal Service, as provided in Section 105C(4) of said Code. The Nation further agrees that it will continue making said annual payments to said schools, counties, municipalities, Marshal Service and highway construction or maintenance projects so long as this Compact remains in effect.

**Section 7: Sovereign Powers Unaffected; No Partnership or Agency Created.** Nothing in this Compact is intended or shall be construed to enlarge, diminish or otherwise affect the sovereign powers or jurisdiction of either party over any persons or territory. Further, this Compact is not intended, and shall not be construed, to create a partnership, joint venture or agency relationship between the Nation and the State.

**Section 8: Term.** This Compact shall remain in effect for a period of 10 years, commencing on the effective date described in Section 9 hereof, and shall automatically renew for a like period unless prior to the end of the initial term either of the parties gives written notice to the other that the Compact shall not be renewed. Provided, however, the parties agree that either party may terminate this Compact without cause by giving the other party 90 days' written notice in accordance with Section 9 hereof, and provided further that either party may terminate the Compact for cause by giving the other party 20 days' written notice in accordance with said Section, which notice shall state the conduct, occurrence or condition giving rise to cause for termination. Provided, the parties agree that if either is terminating for cause, the party proposing to terminate the Compact should—but is not required to—give the other party opportunity and reasonable time to cure or otherwise correct the conditions described in the notice as grounds for termination.

**Section 9: Effective Date.** This Compact shall go into effect when it has been executed and/or approved by all of the following: the Governor of the State of Oklahoma, the Joint Committee of the Oklahoma Legislature on State-Tribal Relations, the Principal Chief of the Cherokee Nation, and the Tribal Council of the Cherokee Nation.

**Section 10: Notices.** All notices authorized or required under this Compact shall be in writing and sent by way of certified U.S. mail to the following officials or their successors in office:

**To the State of Oklahoma:**

**Governor Frank Keating  
212 State Capitol Building  
2300 North Lincoln Blvd.  
Oklahoma City, OK 73105**

**To the Cherokee Nation:**

**Chad Smith, Principal Chief  
Cherokee Nation  
P.O. Box 948  
Tahlequah, OK 74465**



EXECUTED by the parties on the dates set forth below.

STATE OF OKLAHOMA

By: [Signature] Date: May 15, 2002  
Frank Keating, Governor

CHEROKEE NATION

By: [Signature] Date: 5/11/2002  
Chad Smith, Principal Chief

Approved:

Joint Committee on State-Tribal Relations

By: [Signature] Date: 9/30/02  
Chairman

Cherokee Nation Tribal Council  
[Copy of Resolution No. \_\_ attached as Exhibit C]

# **EXHIBIT "B"**

Cherokee Nation Motor Vehicle Code – **Legislative Act 01-01** and all amendments listed below:

LA-27-01

LA-34-01

LA-34-02

LA-19-03

LA-25-04

LA-29-04

LA-03-05

LA-07-06

LA-12-06

LA-17-06

LA-08-07

LA-05-08

LA-23-08

LA-24-08

LA-04-09

LA-02-10

LA-07-10

LA-23-10

LA-33-10

LA-52-12

LA-09-13

An Act Amended See

LA # 27-01, 34-01,  
34-02, 25-04, 29-04,  
7-06,  
12-06, 17-06,  
8-07

LA 01-01

A LEGISLATIVE ACT ENTITLED "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"

TITLE ONE: FINDINGS, PURPOSE, DEFINITIONS

Section 100: Findings.

- A. As a sovereign, federally recognized Indian tribe, the Cherokee Nation has the power and authority to issue motor vehicle license tags to its enrolled citizens living within its territorial boundaries, in accordance with the United States Supreme Court's decision in *Sac & Fox Nation vs. Oklahoma Tax Commission*, 508 U.S. 114 (1993).
- 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 territorial area of the Cherokee Nation.
- C. The State public school system within Oklahoma relies in part on revenue generated by the sale of automobile license tags by the State of Oklahoma. Thousands of minor children enrolled as citizens of the Cherokee Nation attend public schools in eastern Oklahoma. Therefore, to minimize the impact of the sale of automobile license tags by the Cherokee Nation Tax Commission on the public schools within the Cherokee Nation, a portion of the revenues generated by the sale of such tags should be allocated to the public schools within the Nation's territorial boundaries.
- D. As a federally funded Indian school, Sequoyah High School receives no monies from the State of Oklahoma's automobile licensing revenues. Therefore, a portion of the revenue received from the issuance of Vehicle license tags by the Cherokee Nation should be allocated to Sequoyah High School.
- E. If possible, the Cherokee Nation should endeavor to enter into a compact with the State of Oklahoma to coordinate its motor vehicle licensing activities with those of the Oklahoma Tax Commission, to make appropriate motor vehicle licensing information available to federal, state and local law enforcement agencies, and to engage in revenue sharing for the benefit of public schools within the territorial boundaries of the Cherokee Nation.

Section 101: Purposes.

The purpose of this Act is to establish a Vehicle and Trailer licensing system within 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 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 102: Citation and Codification.

This Act may be cited as "The Cherokee Nation Motor Vehicle Licensing and Tax Code" and shall be codified at Chapter 9 of Title 68 of the Cherokee Code Annotated.

Section 103: Definitions.

For the purposes of this Code, and notwithstanding any other definitions set forth elsewhere in this Title, the words and terms set forth below shall be defined as follows:

- A. "Act" shall mean this act, LA 01-01.
- B. "Administrator" shall mean the Administrator of the Commission.
- C. "Commercial Trailer" shall mean any Trailer used primarily for the transportation of goods in the ordinary course of any trade or business.
- D. "Commercial Vehicle" shall mean any Vehicle used primarily for the transportation of persons or goods in the ordinary course of any trade or business.
- E. "Commission" shall mean the Cherokee Nation Tax Commission.
- F. "Eligible Vehicle" shall mean any Personal Vehicle, Commercial Vehicle, Motorcycle, Recreational Vehicle, Farm Truck, Farm Tractor, Farm Trailer or other Trailer, which is owned by a Tribal Citizen who resides within the Reservation Boundaries of the Cherokee Nation and 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.
- G. "Farm Tractor" shall mean any Vehicle owned by a farmer and used primarily for pulling or towing farming equipment, tilling the soil or in other agricultural activities. Provided, that no Vehicle shall be registered as a Farm Tractor unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four tractors as "Farm Tractors".
- H. "Farm Trailer" shall mean any Trailer owned by a farmer and used primarily for the purpose of transporting farm animals or products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes. Provided, that no Vehicle shall be registered as a Farm Trailer unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four Trailers as "Farm Trailers".
- I. "Farm Truck" shall mean any Vehicle equipped with four or more wheels and a cargo area for the conveyance of property that is used primarily for agricultural purposes, but not for commercial or industrial purposes. Vans and sport utility vehicles shall not be eligible to carry a "Farm Truck" tag. Provided, that no Vehicle shall be registered as a Farm Truck unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section

Section 102: Citation and Codification.

This Act may be cited as "The Cherokee Nation Motor Vehicle Licensing and Tax Code" and shall be codified at Chapter 9 of Title 68 of the Cherokee Code Annotated.

Section 103: Definitions.

For the purposes of this Code, and notwithstanding any other definitions set forth elsewhere in this Title, the words and terms set forth below shall be defined as follows:

- A. "Act" shall mean this act, LA 01-01.
- B. "Administrator" shall mean the Administrator of the Commission.
- C. "Commercial Trailer" shall mean any Trailer used primarily for the transportation of goods in the ordinary course of any trade or business.
- D. "Commercial Vehicle" shall mean any Vehicle used primarily for the transportation of persons or goods in the ordinary course of any trade or business.
- E. "Commission" shall mean the Cherokee Nation Tax Commission.
- F. "Eligible Vehicle" shall mean any Personal Vehicle, Commercial Vehicle, Motorcycle, Recreational Vehicle, Farm Truck, Farm Tractor, Farm Trailer or other Trailer, which is owned by a Tribal Citizen who resides within the Reservation Boundaries of the Cherokee Nation and 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.
- G. "Farm Tractor" shall mean any Vehicle owned by a farmer and used primarily for pulling or towing farming equipment, tilling the soil or in other agricultural activities. Provided, that no Vehicle shall be registered as a Farm Tractor unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four tractors as "Farm Tractors".
- H. "Farm Trailer" shall mean any Trailer owned by a farmer and used primarily for the purpose of transporting farm animals or products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes. Provided, that no Vehicle shall be registered as a Farm Trailer unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four Trailers as "Farm Trailers".
- I. "Farm Truck" shall mean any Vehicle equipped with four or more wheels and a cargo area for the conveyance of property that is used primarily for agricultural purposes, but not for commercial or industrial purposes. Vans and sport utility vehicles shall not be eligible to carry a "Farm Truck" tag. Provided, that no Vehicle shall be registered as a Farm Truck unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section

1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four trucks as "Farm Trucks".

- J. "Motorcycle" shall mean any two or three-wheeled Personal Vehicle.
- K. "Nation" shall mean Cherokee Nation.
- L. "Person" shall mean any natural person or legal entity legally competent to hold title to a Vehicle.
- M. "Reservation Boundaries of the Cherokee Nation" shall mean the territorial boundaries of the Nation as they existed as of January 1, 1900.
- N. "Personal Vehicle" shall mean any Vehicle having four or more wheels, including but not limited to cars, trucks, vans and sport utility vehicles, and any Motorcycle; provided however, the definition of Personal Vehicle shall not include a Commercial Vehicle as defined in Subsection D of this section, a Farm Truck as defined in subsection I of this section, a Farm Trailer as used in Subsection H, a Farm Tractor as used in Subsection G of this section, or a Recreational Vehicle as defined in Subsection P of this section.
- O. "Rebuilt Vehicle" shall mean any Salvage Vehicle which has been rebuilt and inspected for the purpose of registration and title with the Cherokee Nation, another tribe or state.
- P. "Recreational Vehicle" shall mean any Vehicle that is equipped to serve as temporary living quarters for recreational, camping or travel purposes and is used solely as a family or personal conveyance.
- Q. "Salvage Vehicle" shall mean any Vehicle which is within the last ten (10) model years and has been damaged by collision or other occurrence to the extent that the cost of repairing the Vehicle for safe operation on the highway exceeds sixty percent (60%) of its fair market value, immediately prior to the damage.
- R. "Trailer" shall mean any portable structure having two or more wheels that is built on a chassis and is designed to be towed by a Vehicle and not propelled by its own power, with a width not exceeding eight (8) feet in travel mode and overall length not exceeding forty (40) feet, including the hitch or coupling, whether used for towing property or livestock or as a temporary dwelling for travel or recreational use. "Trailer" shall include in its meaning any mobile home until such time as it becomes affixed to the land.
- S. "Tribal Citizen" shall mean any person who is registered as a citizen of the Cherokee Nation.
- T. "Vehicle" shall mean any wheeled conveyance for carrying persons or property capable of being propelled under its own power through the use of an electric engine or internal combustion engine greater than 50 cubic centimeters, designed primarily for use on roads and/or highways and equipped with brakes, headlights, taillights, brake lights, a horn, turn signals and a rear-view mirror, the ownership of which is reflected on a Certificate of Title.

Section 104. Negotiation of Compact; Effective Date.

- A. The Principal Chief is hereby authorized to negotiate with appropriate officials of the State of Oklahoma for a compact between the Cherokee Nation and the State of Oklahoma, the provisions of which would (i) allocate a

portion of the revenue generated by motor vehicle license fees to and the public schools within the Nation's jurisdictional area; (ii) coordinate motor vehicle title information with the appropriate state agencies; and (iii) address any other issues which may arise and may be resolved through a tribal-state compact. Provided, no such compact shall take effect until approved by way of Tribal Resolution enacted in accordance with 25 CNCA § 26 and all other parties have executed or approved the compact as required by applicable law.

- B. The provisions of this Act shall not take effect until the Commission adopts its rules and regulations pursuant to § 202 of this Act.

Section 105. Revenue Sharing.

- A. A portion of the revenue generated from fees, taxes, penalties and fines generated in connection with the issuance of motor vehicle licenses hereunder shall be allocated to Sequoyah High School and the public schools within the Reservation Boundaries of the Cherokee Nation, to the Marshal Service and to certain counties and municipalities in accordance with the provisions of Section 105B of this Act; provided, however, in the event that a compact is approved in accordance with Section 104A of this Act, such revenues shall be allocated in accordance with the provisions of the compact.

B. Allocation of Revenues.

The fees, taxes, penalties and fines collected by the Commission pursuant to the provisions of this Act shall be allocated and expended for the purposes set forth in the following paragraphs:

- (1) The fees, taxes, penalties and fines collected by the Commission shall be first applied to the costs and expenses of the Commission in carrying out the provisions of this Act, as authorized and appropriated in the Nation's comprehensive annual budget.
- (2) 38% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be allocated and made available to Oklahoma public schools located within the Reservation Boundaries of the Cherokee Nation that have students on current Johnson O'Malley rosters and to Sequoyah High School in accordance with the apportionment provisions of subsection C of this section. Any public school located outside the Reservation Boundaries shall be eligible to receive a share of the allocation pursuant to subsection C of this section provided all three of the following conditions are met with respect to such school: (a) any portion of the district of which said school is a part is within the Reservation Boundaries; *and* (b) any portion of the premises of said school is located within two miles of the Reservation Boundary; *and* (c) the school has one or more enrolled students included in current Johnson O'Malley rosters.
- (3) 20% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be made available for apportionment to the Nation's Marshal Service and to counties and municipalities within the Nation's Reservation Boundaries for apportionment in accordance with Subsection C of this section.
- (4) Any funds not appropriated or expended pursuant to paragraphs (1), (2) or (3) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to future Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.



portion of the revenue generated by motor vehicle license fees to and the public schools within the Nation's jurisdictional area; (ii) coordinate motor vehicle title information with the appropriate state agencies; and (iii) address any other issues which may arise and may be resolved through a tribal-state compact. Provided, no such compact shall take effect until approved by way of Tribal Resolution enacted in accordance with 25 CNCA § 26 and all other parties have executed or approved the compact as required by applicable law.

- B. The provisions of this Act shall not take effect until the Commission adopts its rules and regulations pursuant to § 202 of this Act.

Section 105. Revenue Sharing.

- A. A portion of the revenue generated from fees, taxes, penalties and fines generated in connection with the issuance of motor vehicle licenses hereunder shall be allocated to Sequoyah High School and the public schools within the Reservation Boundaries of the Cherokee Nation, to the Marshal Service and to certain counties and municipalities in accordance with the provisions of Section 105B of this Act; provided, however, in the event that a compact is approved in accordance with Section 104A of this Act, such revenues shall be allocated in accordance with the provisions of the compact.

- B. Allocation of Revenues.

The fees, taxes, penalties and fines collected by the Commission pursuant to the provisions of this Act shall be allocated and expended for the purposes set forth in the following paragraphs:

- (1) The fees, taxes, penalties and fines collected by the Commission shall be first applied to the costs and expenses of the Commission in carrying out the provisions of this Act, as authorized and appropriated in the Nation's comprehensive annual budget.
- (2) 38% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be allocated and made available to Oklahoma public schools located within the Reservation Boundaries of the Cherokee Nation that have students on current Johnson O'Malley rosters and to Sequoyah High School in accordance with the apportionment provisions of subsection C of this section. Any public school located outside the Reservation Boundaries shall be eligible to receive a share of the allocation pursuant to subsection C of this section provided all three of the following conditions are met with respect to such school: (a) any portion of the district of which said school is a part is within the Reservation Boundaries; *and* (b) any portion of the premises of said school is located within two miles of the Reservation Boundary; *and* (c) the school has one or more enrolled students included in current Johnson O'Malley rosters.
- (3) 20% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be made available for apportionment to the Nation's Marshal Service and to counties and municipalities within the Nation's Reservation Boundaries for apportionment in accordance with Subsection C of this section.
- (4) Any funds not appropriated or expended pursuant to paragraphs (1), (2) or (3) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to future Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

C. Apportionment and Expenditure of Revenues.

All revenues set aside pursuant to Subsection B of this section shall be apportioned and expended as follows:

- (1) Within 30 days after the end of each fiscal year during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing annual report, the Commission shall prepare and submit to the Controller any monthly or quarterly reports as may be requested by the Controller. The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.
- (2) Revenues set aside under Subsection B(2) of this section shall be apportioned pro rata each year among the eligible public schools and Sequoyah High School based on each school's qualified student enrollment determined as follows: for the purposes of this allocation formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from the most recent official Johnson O'Malley roster prepared by the Cherokee Nation or any other bordering Indian Nation; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count. The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and Sequoyah High School. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School shall be weighted as two Indian students for the purposes of the apportionment formula in this paragraph.
- (3) The funds set aside under Section 105B(3) may be apportioned each year among the counties and municipalities within the Nation's Reservation Boundaries and to the Marshal Service in accordance with and as appropriated in the comprehensive annual budget of the Cherokee Nation. The funds apportioned under this subsection shall not be transferred to the schools, counties, municipalities or Marshal Service until appropriated as part of the comprehensive annual budget for the applicable fiscal year. The Controller shall be responsible for calculating and making all expenditures authorized by Section 105C(2).

TITLE TWO: DUTIES OF TAX COMMISSION; REGISTRATION OF VEHICLES; FEES AND TAXES; CERTIFICATES OF TITLE; LICENSE PLATES; PENALTIES.

Section 201: General Powers and Duties of Tax Commission.

The Commission is hereby vested with the power, authority and duty to administer and enforce this Cherokee Nation Motor Vehicle Licensing and Tax Code. This power, authority and duty includes, but is not limited to, the calculation of all taxes, fees, penalties and fines assessed in accordance with the provisions of this Act, as well as contracting with Oklahoma Tag Agents to distribute Motor Vehicle tags and process Motor Vehicle registration documents,

if the Commission determines that utilizing Oklahoma Tag Agents for such purposes is in the best interests of the Nation. The Administrator shall be responsible for carrying out the rules, regulations and directives of the Commission, and the Commission may delegate to the Administrator such authority as it deems proper for said purpose, provided that the authority to adopt rules and regulations pursuant to Section 202 of this Act shall not be delegable to the Administrator or any other person.

**Section 202: Rules and Regulations.**

The Commission shall adopt such rules and regulations, and amendments thereto, as it deems necessary to administer and enforce this Code, which rules and regulations need not be approved by the Tribal Council, provided that said rules and regulations and any amendments thereto shall not be inconsistent with this Code and shall be made available to the Council immediately after adoption. The Commission shall adopt such rules and regulations no later than 90 days after the earlier of (i) the approval of a compact pursuant to Subsection A of § 105 of this Act, or (ii) May 31, 2001. The rules and regulations shall provide for a process to appeal decisions of the Administrator assessing any fees, taxes, fines or penalties authorized by this Act. Any decision by the Commission on a question so presented on appeal shall be final. The rules and regulations shall also set forth the procedures and requirements for perfecting the lien of a secured party against any Vehicle registered pursuant to this Act.

**Section 203: Registration of Vehicles Required.**

It shall be unlawful for any person, including without limitation any Tribal Citizen, to operate any Vehicle on the public streets, alleys, roadways or highways within the Reservation Boundaries of the Cherokee Nation unless such Vehicle is properly registered and tagged under the provisions of this Act or under the laws of the United States, a territory, a state or a federally-recognized Indian tribe with jurisdiction over the lands where such Vehicle is principally garaged. Except as expressly authorized by tribal compact between the Cherokee Nation and another federally recognized Indian tribe, it shall be unlawful for the purposes of this section for any Indian to operate a Motor Vehicle on any tribal fee or trust or individual Indian trust or restricted land within the Reservation Boundaries of the Cherokee Nation if (i) said Motor Vehicle is tagged by another federally recognized Indian tribe and (ii) the owner of said Motor Vehicle resides within the Reservation Boundaries of the Cherokee Nation and the Motor Vehicle is principally garaged within the Reservation Boundaries of the Cherokee Nation.

**Section 204: Registration Fees and Taxes.**

Eligible Vehicles and Trailers may be registered with the Cherokee Nation, subject to the following fees and taxes:

**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.

if the Commission determines that utilizing Oklahoma Tag Agents for such purposes is in the best interests of the Nation. The Administrator shall be responsible for carrying out the rules, regulations and directives of the Commission, and the Commission may delegate to the Administrator such authority as it deems proper for said purpose, provided that the authority to adopt rules and regulations pursuant to Section 202 of this Act shall not be delegable to the Administrator or any other person.

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The Commission shall adopt such rules and regulations, and amendments thereto, as it deems necessary to administer and enforce this Code, which rules and regulations need not be approved by the Tribal Council, provided that said rules and regulations and any amendments thereto shall not be inconsistent with this Code and shall be made available to the Council immediately after adoption. The Commission shall adopt such rules and regulations no later than 90 days after the earlier of (i) the approval of a compact pursuant to Subsection A of § 105 of this Act, or (ii) May 31, 2001. The rules and regulations shall provide for a process to appeal decisions of the Administrator assessing any fees, taxes, fines or penalties authorized by this Act. Any decision by the Commission on a question so presented on appeal shall be final. The rules and regulations shall also set forth the procedures and requirements for perfecting the lien of a secured party against any Vehicle registered pursuant to this Act.

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It shall be unlawful for any person, including without limitation any Tribal Citizen, to operate any Vehicle on the public streets, alleys, roadways or highways within the Reservation Boundaries of the Cherokee Nation unless such Vehicle is properly registered and tagged under the provisions of this Act or under the laws of the United States, a territory, a state or a federally-recognized Indian tribe with jurisdiction over the lands where such Vehicle is principally garaged. Except as expressly authorized by tribal compact between the Cherokee Nation and another federally recognized Indian tribe, it shall be unlawful for the purposes of this section for any Indian to operate a Motor Vehicle on any tribal fee or trust or individual Indian trust or restricted land within the Reservation Boundaries of the Cherokee Nation if (i) said Motor Vehicle is tagged by another federally recognized Indian tribe and (ii) the owner of said Motor Vehicle resides within the Reservation Boundaries of the Cherokee Nation and the Motor Vehicle is principally garaged within the Reservation Boundaries of the Cherokee Nation.

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**A. Registration Fees.**

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|                                 |         |
|---------------------------------|---------|
| 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.

**B. Registration Tax on Personal Vehicles.**

There is hereby levied a registration tax of one and one-half percent (1 1/2 %) of the actual purchase price of Personal Vehicles not previously registered with the Cherokee Nation or any other tribe or with any 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. The "average retail value" as used in this subsection shall be determined from a published index of automobile values to be specified by the Commission in its rules and regulations adopted pursuant to this Act.

**C. Registration Tax on Commercial Vehicles.**

There is hereby levied on every Commercial Vehicle registered with the Cherokee Nation a registration tax equal to one-half (1/2) of the amount of the tax which would otherwise be imposed by Subsection B of this section if the Vehicle were a Personal Vehicle. Provided, however, the owner of said Vehicle shall be required to sign an affidavit, under oath, in such form as shall be prescribed by the Commission, stating that the Vehicle will be used primarily for trade or business purposes, and shall either:

- (1) Affix the federal employer identification number of said business to the affidavit, or
- (2) Cause the name of the business to be permanently affixed to each side of said Vehicle in letters or numerals of at least one (1) inch in height and in a color contrasting with the color of said Vehicle.

Proof of trade or business purposes shall be required each year for subsequent registrations. This registration tax shall also be levied on any Commercial Vehicle registered pursuant to this Act upon its sale by one Tribal Citizen to another Tribal Citizen.

D. Registration Tax on Motorcycles.

There is hereby levied a registration tax on every Motorcycle not previously registered with the Cherokee Nation or any other tribe or with any territory or state at the same rate as described in Subsection B of this section. This registration tax shall also be levied on any Motorcycle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen.

E. Registration Tax on Recreational Vehicles.

There is hereby levied a registration tax on every Recreational Vehicle not previously registered with the Cherokee Nation or any other tribe or with any territory or state equal to one-half (1/2) of the amount of tax which would otherwise be imposed by Subsection B. This registration tax shall also be levied on any Recreational Vehicle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen.

F. Registration Tax on Farm Trucks and Farm Tractors.

There shall be no registration tax levied on Farm Trucks or Farm Tractors.

G. Registration Tax on Farm Trailers and Commercial Trailers.

There shall be no registration tax levied on Farm Trailers or Commercial Trailers.

H. Lien for Delinquent Fees, Etc.

Any delinquent fees, taxes, penalties or interest due under the provisions of this Act with respect to any Vehicle shall constitute a lien of first priority against said Vehicle. The Commission shall not register, title or renew the registration for any such Vehicle until the delinquent fees, taxes, penalties or interest are paid.

Section 205. Certificates of Title.

A. Application for Certificate of Title.

Prior to the initial registration of any Vehicle with the Cherokee Nation, the owner shall apply to the Commission, on a form that the Commission shall by regulation direct, for a certificate of title for said Vehicle. Prior to issuance of a certificate of title for a Vehicle, the Commission shall require the applicant to furnish proof of purchase from a licensed new or used car dealer, or a properly endorsed Vehicle Certificate of Title issued by the Commission or some other tribal, state or territorial licensing authority. Notice of liens against said Vehicle shall be placed upon said title upon request of the lending institution in accordance with regulations adopted by the Commission pursuant to this Act. The procedures for placing and releasing liens on Vehicles and reflecting same on the certificate of title shall be provided by regulations adopted by the Commission pursuant to this Act.

B. Title Fees.

The Commission shall charge a fee of six dollars (\$6.00) for issuing an original or transfer certificate of title and a fee of six dollars (\$6.00) for issuing a duplicate certificate of title. A receipt shall be given for said fees. If

Proof of trade or business purposes shall be required each year for subsequent registrations. This registration tax shall also be levied on any Commercial Vehicle registered pursuant to this Act upon its sale by one Tribal Citizen to another Tribal Citizen.

D. Registration Tax on Motorcycles.

There is hereby levied a registration tax on every Motorcycle not previously registered with the Cherokee Nation or any other tribe or with any territory or state at the same rate as described in Subsection B of this section. This registration tax shall also be levied on any Motorcycle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen.

E. Registration Tax on Recreational Vehicles.

There is hereby levied a registration tax on every Recreational Vehicle not previously registered with the Cherokee Nation or any other tribe or with any territory or state equal to one-half (1/2) of the amount of tax which would otherwise be imposed by Subsection B. This registration tax shall also be levied on any Recreational Vehicle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen.

F. Registration Tax on Farm Trucks and Farm Tractors.

There shall be no registration tax levied on Farm Trucks or Farm Tractors.

G. Registration Tax on Farm Trailers and Commercial Trailers.

There shall be no registration tax levied on Farm Trailers or Commercial Trailers.

H. Lien for Delinquent Fees, Etc.

Any delinquent fees, taxes, penalties or interest due under the provisions of this Act with respect to any Vehicle shall constitute a lien of first priority against said Vehicle. The Commission shall not register, title or renew the registration for any such Vehicle until the delinquent fees, taxes, penalties or interest are paid.

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Prior to the initial registration of any Vehicle with the Cherokee Nation, the owner shall apply to the Commission, on a form that the Commission shall by regulation direct, for a certificate of title for said Vehicle. Prior to issuance of a certificate of title for a Vehicle, the Commission shall require the applicant to furnish proof of purchase from a licensed new or used car dealer, or a properly endorsed Vehicle Certificate of Title issued by the Commission or some other tribal, state or territorial licensing authority. Notice of liens against said Vehicle shall be placed upon said title upon request of the lending institution in accordance with regulations adopted by the Commission pursuant to this Act. The procedures for placing and releasing liens on Vehicles and reflecting same on the certificate of title shall be provided by regulations adopted by the Commission pursuant to this Act.

B. Title Fees.

The Commission shall charge a fee of six dollars (\$6.00) for issuing an original or transfer certificate of title and a fee of six dollars (\$6.00) for issuing a duplicate certificate of title. A receipt shall be given for said fees. If

an Oklahoma tag agency issues the certificate of title, the agency shall charge the same fees as are provided in this subsection.

C. Original, Transfer and Duplicate Titles.

- (1) An "original title" shall be issued to the first purchaser of a Vehicle from a new Vehicle dealer.
- (2) A "transfer title" shall be the title issued to a second or subsequent owner of an Eligible Vehicle whether purchased from an individual or dealer.
- (3) A "duplicate title" shall be the title issued to the owner of record of an Eligible Vehicle to replace a lost, stolen or mutilated original or transfer title.

D. Salvage and Rebuilt Title.

No certificate of title shall be issued on for a salvage or rebuilt title issued by another tribe or state. The Cherokee Nation shall not issue any titles on Salvage or Rebuilt Vehicles.

E. Sale of Vehicle to Non-Indian.

In the event a Tribal Citizen sells a Vehicle registered under this Act to a person who is not a Tribal Citizen, the seller shall at the time of sale provide copies of his or her current CDIB and Tribal membership cards to the purchaser. If the Tribal Citizen seller fails to provide the purchaser with copies of such documents at the time of sale of the Vehicle, the Nation's Registrar is authorized upon request of the purchaser to provide said purchaser the documentation confirming the enrollment of the seller as a citizen of Cherokee Nation.

Section 206: License Plates.

A. Standard License Plate.

Each Vehicle registered with the Cherokee Nation shall be issued a license plate to be properly displayed on the rear of said vehicle. The Commission shall be responsible for the design of all license plates issued hereunder which plates shall conform to the following requirements:

- (1) Each license plate shall be made of metal with a background and lettering of sufficient contrast so as to be easily read from a distance of not less than fifty (50) feet;
- (2) Each license plate shall bear the name of Cherokee Nation along the upper portion of the plate;
- (3) Each license plate shall bear the Cherokee Nation seal;
- (4) Each license plate shall bear the word Oklahoma;
- (5) Each license plate number shall contain no more than seven (7) characters, made up of numbers, letters or a unique combination of both, unless otherwise provided herein;
- (6) The identifying symbols on the license plate shall be large and clear enough to be read by the unaided eye at a distance of not less than fifty (50) feet;
- (7) Each license plate shall provide a space for the placement of month and year decals in two corners of the license plate;



- (8) The license plates for each class of Vehicles shall bear some mark or decal as determined by the Commission so as to make it different from those assigned to other classes of Vehicles; and
- (9) The Commission may in its discretion provide by regulation for special identifying symbols or legends to be placed upon Personal Vehicles license plates issued for:
  - (a) The physically handicapped;
  - (b) Veterans of the armed forces;
  - (c) Winners of selected medals for heroism in combat;
  - (d) Past or present prisoners of war;
  - (e) Parents whose child has been killed as a result of service in the armed forces; and
  - (f) Past and present elected tribal officials.

The Commission shall require such documentation as it deems appropriate that the owner of the Vehicle is eligible for the special symbol or legend.

**B. Cherokee Nation Government Vehicles.**

The Commission shall issue without charge appropriate titles, certificates of registration, license plates and decals for any Vehicle owned by the Cherokee Nation or its agencies. Title to any such Vehicles shall be in the name of the Cherokee Nation and such Vehicles shall not be sold or transferred except in accordance with applicable law.

**C. Lost, Mutilated or Destroyed License Plate or Decal.**

- (1) In the event of loss, mutilation or destruction of a license plate or decal issued to an Eligible Vehicle the owner of the Vehicle shall file an affidavit showing such fact and obtain a replacement plate or decal. The charge shall be \$10.00 for each such plate or decal.
- (2) In the event a license plate becomes so mutilated as to make its numbers, letters or decals illegible, the owner/operator of the Vehicle to which the plate was issued shall be subject to a fine of \$50.00. Law enforcement shall have the authority to detain and cite any owner or operator of Vehicles bearing such mutilated license plates.

**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 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

- (8) The license plates for each class of Vehicles shall bear some mark or decal as determined by the Commission so as to make it different from those assigned to other classes of Vehicles; and
- (9) The Commission may in its discretion provide by regulation for special identifying symbols or legends to be placed upon Personal Vehicles license plates issued for:
  - (a) The physically handicapped;
  - (b) Veterans of the armed forces;
  - (c) Winners of selected medals for heroism in combat;
  - (d) Past or present prisoners of war;
  - (e) Parents whose child has been killed as a result of service in the armed forces; and
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- (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 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 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 of the Cherokee Nation, or owning and garaging a Vehicle within said Boundaries, who is eligible to apply for a certificate of title, certificate of registration, tag and decal for said Vehicle shall have twenty (20) days after purchasing or obtaining possession of said Vehicle, or twenty (20) 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 20-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 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 lienholder 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 lienholder 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 lienholders in accordance with their respective priorities, and the balance, if any, into the General Fund for appropriation and allocation pursuant to this Act.
- (2) The Administrator shall have the authority to waive penalties in whole or in part for failure to register a Vehicle in accordance with this Act in cases where such Vehicle is proven to have been inoperable during the registration period. Proof of inoperability

may be by, but is not limited to, submission of parts or repair receipts or such other evidence deemed appropriate by the Administrator.

(3) The Administrator shall have the authority to deny registration or renewal registration to any applicant when the application information submitted by the applicant is determined by the Administrator to be fraudulent or incorrect. If a Vehicle is registered hereunder and thereafter the Administrator determines that the registration was made on the basis of false or fraudulent information, the Administrator shall notify the applicant-owner that the registration has been revoked. Notification shall be done by certified mail and shall be complete upon acceptance of, or refusal to accept, delivery of the notice.

(4) Penalties under this section shall not apply if the Vehicle has been properly registered with any other tribe, state, territory or the United States.

C. Application Form.

The Vehicle registration application form shall be as prescribed by the Commission pursuant to regulations promulgated by it hereunder and shall include provisions whereby the applicant expressly submits himself or herself to the jurisdiction of the Cherokee Nation and its courts for purposes of enforcement of this Act, including without limitation the assessment and collection of any penalties, fines or interest provided for hereunder.

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 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 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.
- C. Every owner of a Vehicle registered with the Nation pursuant to the provisions of this Act shall carry in such Vehicle at all times a current owner's security verification form identifying the Vehicle, which form must be issued by an insurance company or surety company and shall produce such form upon request for inspection by any law enforcement officer or representative of the Commission and, in case of a collision or accident, the form shall be shown upon request to any person injured by said collision or whose Vehicle or property has been damaged by said collision. Said form shall not be valid or sufficient unless issued by an insurance carrier authorized to transact business in the State of Oklahoma. Provided, however, that residents of other states operating a Vehicle

may be by, but is not limited to, submission of parts or repair receipts or such other evidence deemed appropriate by the Administrator.

(3) The Administrator shall have the authority to deny registration or renewal registration to any applicant when the application information submitted by the applicant is determined by the Administrator to be fraudulent or incorrect. If a Vehicle is registered hereunder and thereafter the Administrator determines that the registration was made on the basis of false or fraudulent information, the Administrator shall notify the applicant-owner that the registration has been revoked. Notification shall be done by certified mail and shall be complete upon acceptance of, or refusal to accept, delivery of the notice.

(4) Penalties under this section shall not apply if the Vehicle has been properly registered with any other tribe, state, territory or the United States.

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The Vehicle registration application form shall be as prescribed by the Commission pursuant to regulations promulgated by it hereunder and shall include provisions whereby the applicant expressly submits himself or herself to the jurisdiction of the Cherokee Nation and its courts for purposes of enforcement of this Act, including without limitation the assessment and collection of any penalties, fines or interest provided for hereunder.

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 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 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.
- C. Every owner of a Vehicle registered with the Nation pursuant to the provisions of this Act shall carry in such Vehicle at all times a current owner's security verification form identifying the Vehicle, which form must be issued by an insurance company or surety company and shall produce such form upon request for inspection by any law enforcement officer or representative of the Commission and, in case of a collision or accident, the form shall be shown upon request to any person injured by said collision or whose Vehicle or property has been damaged by said collision. Said form shall not be valid or sufficient unless issued by an insurance carrier authorized to transact business in the State of Oklahoma. Provided, however, that residents of other states operating a Vehicle

registered in another state, territory or an Indian tribe from another state must have in effect liability insurance or other coverage, together with proof of same, as is required under the financial responsibility laws of the state, territory or Indian tribe where the Vehicle is registered, or liability insurance coverage or other forms of financial security, and proof thereof, that meet the requirements of Oklahoma financial responsibility laws applicable to non-residents.

D. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form during operation of a Vehicle and shall not be required to surrender such form for Vehicle registration purposes:

- (1) Any Vehicle owned or leased by the federal, state, territory or tribal government, or any agency or political subdivision thereof;
- (2) Any Vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior whose business, corporation or utility has a deposit, bond, self-insurance or fleet policy on file with the Commission in an amount that meets the minimum limits of Subsection B of this section, or the financial responsibility laws of the State of Oklahoma, whichever amount is greater; or
- (3) Any Vehicle not required to carry such security verification form under the provisions of Section 7-602 of Title 47 of the Oklahoma Statutes, as amended, replaced or recodified from time to time.

#### Section 209. Penalties.

- A. Any Indian operating a Vehicle registered pursuant to this Act within the jurisdiction of the Cherokee Nation, including without limitation any Tribal Citizen, who knowingly issues or promulgates false or fraudulent information in connection with either the financial security verification form or an equivalent form of an owner or operator shall be guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not more than six (6) months or by both such fine or imprisonment.
- B. Any Indian who operates a Vehicle, or allows to be operated a Vehicle owned by him or her, on the streets, alleys, roads and highways in the Reservation Boundaries of the Cherokee Nation in violation of this Act shall be guilty of a misdemeanor punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than thirty (30) days, or both such fine and imprisonment.
- C. Any Vehicle operated in violation of any provision in Sections 203 through 208, inclusive, of this Act, shall be considered a public nuisance. The Commission shall have the authority to seize any Cherokee Nation license plate placed upon such Vehicle and prohibit the return or re-registration of the Vehicle until a security verification form is filed with the Commission or other appropriate action as ordered by the Commission is taken to assure that such Vehicle shall not be used in violation of this Act. If such Vehicle has been in a collision or accident, any law enforcement officer shall impound such Vehicle until a security verification form is filed with the Commission or other appropriate action as ordered by the Commission is taken.

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 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.

Section 211. Amendment to 68 CNCA §5.

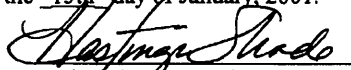
Section 5 of Title 68 of the Cherokee Code Annotated is hereby amended to read as follows:

At least seventy-five percent (75%) of all future tax appropriations, from revenues other than those collected pursuant to Chapter 9 of this Title, shall be dedicated for the purposes of education, health and human services, housing programs/projects and economic development.


Section 212. Severability.

If any provision of this Act is determined to be invalid for any reason by a court of competent jurisdiction, said provision shall be severable from all other provisions of the Act not held invalid, and such other provisions shall continue in full force and effect as if the invalidated provision had not been a part of this Act.

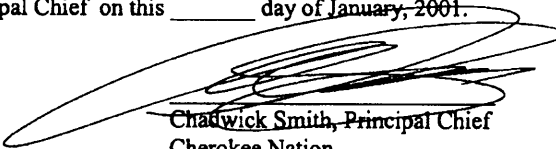
Passed by the Cherokee Nation Tribal Council on the 15th day of January, 2001.

  
Hastings Shade, President  
Cherokee Nation Tribal Council

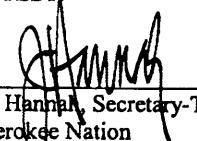
ATTEST:

  
Stephanie Wickliffe-Shepherd, Secretary  
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief on this \_\_\_\_\_ day of January, 2001.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Jay Hannah, Secretary-Treasurer  
Cherokee Nation

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 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.

Section 211. Amendment to 68 CNCA §5.

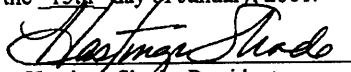
Section 5 of Title 68 of the Cherokee Code Annotated is hereby amended to read as follows:

At least seventy-five percent (75%) of all future tax appropriations, from revenues other than those collected pursuant to Chapter 9 of this Title, shall be dedicated for the purposes of education, health and human services, housing programs/projects and economic development.

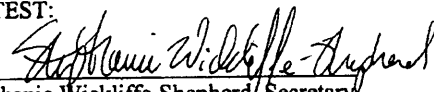
Section 212. Severability.

If any provision of this Act is determined to be invalid for any reason by a court of competent jurisdiction, said provision shall be severable from all other provisions of the Act not held invalid, and such other provisions shall continue in full force and effect as if the invalidated provision had not been a part of this Act.

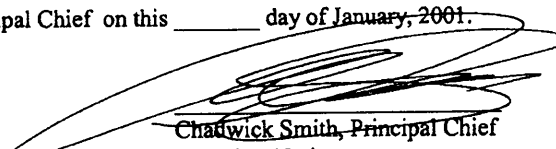
Passed by the Cherokee Nation Tribal Council on the 15th day of January, 2001.

  
Hastings Shade, President  
Cherokee Nation Tribal Council

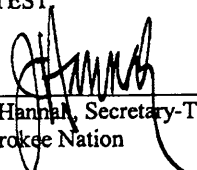
ATTEST:

  
Stephanie Wickliffe-Shepherd, Secretary  
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief on this \_\_\_\_\_ day of January, 2001.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Jay Hannal, Secretary-Treasurer  
Cherokee Nation



Yeas and Nays as recorded:

|                         |            |                              |            |
|-------------------------|------------|------------------------------|------------|
| John A. Ketcher         | <u>Yea</u> | Melvina Shotpouch            | <u>Yea</u> |
| Don Crittenden          | <u>Yea</u> | Stephanie Wickliffe-Shepherd | <u>Yea</u> |
| Harold "Jiggs" Phillips | <u>Yea</u> | John F. Keener               | <u>Yea</u> |
| Jackie Bob Martin       | <u>Yea</u> | Harold DeMoss                | <u>Yea</u> |
| Mary-Flute Cooksey      | <u>Yea</u> | Dorothy J. McIntosh          | <u>Yea</u> |
| David Thornton, Sr.     | <u>Yea</u> | Nick Lay                     | <u>Yea</u> |
| Don Garvin              | <u>Yea</u> | Charles "Chuck" Hoskin       | <u>Yea</u> |
| Barbara Starr-Scott     | <u>Yea</u> |                              |            |

# An Act

## Legislative Act 27-01

### 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. The purpose of this Act is to amend LA# 01-01, sections 103,105, and 202 to include and hereby amend to read as follows:

#### Section 103 (S). Definitions.

S. "Tribal Citizen" shall mean any person who is duly enrolled as a member registered as a citizen of the Cherokee Nation pursuant to the Cherokee Nation Membership Act, L.A. 6-92, as amended.  
CNCA 11 § 1-35.

#### Section 105. Revenue Sharing

A. A portion of the revenue generated from fees, taxes penalties and fines generated in connection with the issuance of motor vehicle licenses hereunder shall be allocated to Sequoyah High School and the public schools within the Reservation Boundaries of the Cherokee Nation, to the Marshal Service and to certain counties and municipalities in accordance with the provisions of Section 105B of this Act; provided, however, in the event that a compact is approved in accordance with Section 104A of this Act, such revenues shall be allocated in accordance with the provisions of the compact.

#### B. Allocation of Revenues.

The fees, taxes, penalties and fines collected by the Commission pursuant to the provisions of this Act shall be allocated and expended for the purposes set forth in the following paragraphs:

- (1) The fees, taxes, penalties and fines collected by the Commission shall be first applied to the costs and expenses of the Commission in carrying out the provisions of this Act, as authorized and appropriated in the Nation's comprehensive annual budget. Provided, however, that said costs and expenses shall be paid out of revenues remaining after the prior allocation of funds to schools pursuant to paragraph (2) of this subsection.
- (2) 38% of all fees and taxes collected by the Commission ~~remaining after the amounts appropriated pursuant to paragraph (1) of this subsection~~ shall be first allocated and made available to Oklahoma public schools located within the Reservation Boundaries of the Cherokee Nation that have students on current Johnson O'Malley rosters and to Sequoyah High School in accordance with the apportionment provisions of subsection C of this section. Any public school located outside the Reservation Boundaries shall be eligible to receive a share of the allocation pursuant to subsection C of this section provided all three of the following conditions are met with respect to such school: (a) any portion of the district of which said school is a part is within the Reservation Boundaries; *and* (b) any portion of the premises of said school is located within two miles of the Reservation Boundary; *and* (c) the school has one or more enrolled students included in current Johnson O'Malley rosters.

- (3) 20% of all fees collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) (2) of this subsection shall be made available for apportionment to the Nation's Marshal Service and to counties and municipalities within the Nation's Reservation Boundaries for apportionment in accordance with Subsection C of this section.
- (4) Any funds not appropriated or expended pursuant to paragraphs (1), (2) or (3) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to future Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

C. Apportionment and Expenditure of Revenues.

All revenues set aside pursuant to Subsection B of this section shall be apportioned and expended as follows:

- (1) Within 30 days after the end of each fiscal year during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing annual report, the Commission shall prepare and submit to the Controller any monthly or quarterly reports as may be requested by the Controller.

The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.

- (2) Revenues set aside under Subsection B(2) of this section shall be apportioned pro rata each year among eligible public schools and Sequoyah High School based on each school's qualified student enrollment determined as follows: for the purposes of this allocation formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from the most recent official Johnson O'Malley roster prepared by the Cherokee Nation or any other bordering Indian Nation; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count. The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and Sequoyah High School. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School shall be weighted as two Indian Students for the purposes of the apportionment formula in this paragraph.
- (3) The funds set aside under Section 105B(3) may be apportioned each year among the counties and municipalities within the Nation's Reservation Boundaries and to the Marshal Service in accordance with and as appropriated in the comprehensive annual budget of the Cherokee Nation. The funds apportioned under this subsection shall not be transferred to the schools, counties, municipalities or Marshal Service until appropriated as part of the comprehensive annual budget for the applicable fiscal year. The Controller shall be responsible for calculating and making all expenditures authorized by Section 105C(2).

- (3) 20% of all fees collected by the Commission remaining after the amounts appropriated pursuant to paragraph ~~(1)~~ (2) of this subsection shall be made available for apportionment to the Nation's Marshal Service and to counties and municipalities within the Nation's Reservation Boundaries for apportionment in accordance with Subsection C of this section.
- (4) Any funds not appropriated or expended pursuant to paragraphs (1), (2) or (3) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to future Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

C. Apportionment and Expenditure of Revenues.

All revenues set aside pursuant to Subsection B of this section shall be apportioned and expended as follows:

- (1) Within 30 days after the end of each fiscal year during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing annual report, the Commission shall prepare and submit to the Controller any monthly or quarterly reports as may be requested by the Controller.

The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.

- (2) Revenues set aside under Subsection B(2) of this section shall be apportioned pro rata each year among eligible public schools and Sequoyah High School based on each school's qualified student enrollment determined as follows: for the purposes of this allocation formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from the most recent official Johnson O'Malley roster prepared by the Cherokee Nation or any other bordering Indian Nation; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count. The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and Sequoyah High School. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School shall be weighted as two Indian Students for the purposes of the apportionment formula in this paragraph.
- (3) The funds set aside under Section 105B(3) may be apportioned each year among the counties and municipalities within the Nation's Reservation Boundaries and to the Marshal Service in accordance with and as appropriated in the comprehensive annual budget of the Cherokee Nation. The funds apportioned under this subsection shall not be transferred to the schools, counties, municipalities or Marshal Service until appropriated as part of the comprehensive annual budget for the applicable fiscal year. The Controller shall be responsible for calculating and making all expenditures authorized by Section 105C(2).

Section 202. Rules and Regulations.

The Commission shall adopt such rules and regulations, and amendments thereto, as it deems necessary to administer and enforce this Code, which rules and regulations need not be approved by the Tribal Council, provided that said rules and regulations and any amendments thereto shall not be inconsistent with this Code and shall be made available to the Council immediately after adoption. The Commission shall adopt such rules and regulations no later than 90 150 days after the earlier of (i) the approval of a compact pursuant to Subsection A of § 105 of this Act, or (ii) May 31, 2001. The rules and regulations shall provide for a process to appeal decisions of the Administrator assessing any fees, taxes, fines or penalties authorized by this Act. Any decision by the Commission on a question so presented on appeal shall be final. The rules and regulations shall also set forth the procedures and requirements for perfecting the lien of a secured party against any Vehicle registered pursuant to this Act.

Section 2. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.


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. 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.

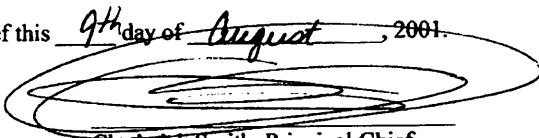
Enacted by the Council of the Cherokee Nation on the 1ST day of AUGUST, 2001.

  
Hastings Shade, President  
Council of the Cherokee Nation

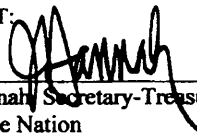
ATTEST:

  
Stephanie Wickliffe-Shepherd, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 9th day of August, 2001.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Jay Hannah, Secretary-Treasurer  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

|                         |               |                              |               |
|-------------------------|---------------|------------------------------|---------------|
| John A. Ketcher         | <u>YEA</u>    | Melvina Shotpouch            | <u>ABSENT</u> |
| Don Crittenden          | <u>ABSENT</u> | Stephanie Wickliffe Shepherd | <u>YEA</u>    |
| Harold "Jiggs" Phillips | <u>ABSENT</u> | John F. Keener               | <u>YEA</u>    |
| Jackie Bob Martin       | <u>YEA</u>    | Harold DeMoss                | <u>YEA</u>    |
| Mary Flute-Cooksey      | <u>YEA</u>    | Dorothy Jean McIntosh        | <u>YEA</u>    |
| David W. Thornton, Sr.  | <u>YEA</u>    | Nick Lay                     | <u>YEA</u>    |
| Don Garvin              | <u>YEA</u>    | Charles "Chuck" Hoskin       | <u>YEA</u>    |
| Barbara Starr-Scott     | <u>YEA</u>    |                              |               |

YEAS AND NAYS AS RECORDED:

|                         |               |                              |               |
|-------------------------|---------------|------------------------------|---------------|
| John A. Ketcher         | <u>YEA</u>    | Melvina Shotpouch            | <u>ABSENT</u> |
| Don Crittenden          | <u>ABSENT</u> | Stephanie Wickliffe Shepherd | <u>YEA</u>    |
| Harold "Jiggs" Phillips | <u>ABSENT</u> | John F. Keener               | <u>YEA</u>    |
| Jackie Bob Martin       | <u>YEA</u>    | Harold DeMoss                | <u>YEA</u>    |
| Mary Flute-Cooksey      | <u>YEA</u>    | Dorothy Jean McIntosh        | <u>YEA</u>    |
| David W. Thornton, Sr.  | <u>YEA</u>    | Nick Lay                     | <u>YEA</u>    |
| Don Garvin              | <u>YEA</u>    | Charles "Chuck" Hoskin       | <u>YEA</u>    |
| Barbara Starr-Scott     | <u>YEA</u>    |                              |               |

# An Act

Legislative Act 34-01

## 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, sections 103, 105, 204, 205 and 207.

**Section 2. Amendments.**

Section 103 of LA# 01-01 is hereby amended by adding a new subsection "U" to read in full as follows:

U. "Manufactured Home" shall mean structures, transportable in one or more sections, which, in the traveling mode, are eight feet or more in width or forty feet or more in length, or, when erected on site, are more than 320 square feet, and which are built on a permanent chassis and designed to be used as dwellings with or without permanent foundations when connected to the required utilities, and include the plumbing, heating, air conditioning and electrical systems contained thereon.

Section 105 of LA# 01-01 is hereby amended to read in full as follows:

**Section 105. Revenue Sharing.**

A. A portion of the revenue generated from fees, taxes penalties and fines generated in connection with the issuance of motor vehicle licenses hereunder shall be allocated to Sequoyah High School and the public schools within the Reservation Boundaries of the Cherokee Nation, to the Marshal Service and to certain counties and municipalities in accordance with the provisions of Section 105B of this Act; provided, however, in the event that a compact is approved in accordance with Section 104A of this Act, such revenues shall be allocated in accordance with the provisions of the compact.

B. Allocation of Revenues.

The fees, taxes, penalties and fines collected by the Commission pursuant to the provisions of this Act shall be allocated and expended for the purposes set forth in the following paragraphs:

(1) The fees, taxes, penalties and fines collected by the Commission shall be applied to the costs and expenses of the Commission in carrying out the provisions of this Act, as authorized and appropriated in the Nation's comprehensive annual budget. Provided, however, that said costs and expenses shall be paid out of revenues remaining after the prior allocations of funds pursuant to paragraphs (2) and (3) of this subsection.

(2) An amount equal to 38% of all fees and taxes collected by the Commission shall be allocated and made available to Oklahoma public schools located within the Reservation Boundaries of the Cherokee Nation that have students on current Johnson O'Malley rosters and to Sequoyah High School in accordance with the apportionment provisions of subsection C(2) of this section. Any public school located outside the Reservation Boundaries shall be eligible to receive a share of the allocation pursuant to subsection C(2) of this section provided all three of the following conditions are met with respect to such school: (a) any portion of the district of which said school is a part is within the



Reservation Boundaries; *and* (b) any portion of the premises of said school is located within two miles of the Reservation Boundary; *and* (c) the school has one or more enrolled students included in current Johnson O'Malley rosters.

- (3) **An amount equal to 20%** of all fees and taxes collected by the Commission shall be made available for contribution to the cost of constructing or maintaining federally- and/or state-funded highways within the Nation's Reservation Boundaries, to be allocated among such highway projects in accordance with subsection C(3) of this section.
- (4) ~~Up to~~ **An amount not to exceed 20%** but not less than 5% of the amount of such fees and taxes remaining after the amounts appropriated pursuant to paragraphs (1), (2) and (3) of this subsection shall be available to and allocated among counties and municipalities within the Nation's Reservation Boundaries and/or the Cherokee Nation Marshal Service in accordance with subsection C(4) of this section.
- (5) Any funds not appropriated or expended pursuant to paragraphs (1), (2), (3) or (4) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to future Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

C. Apportionment and Expenditure of Revenues.

All revenues set aside pursuant to Subsection B of this section shall be apportioned and expended as follows:

- (1) Within 30 days after the end of each fiscal year during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing annual report, the Commission shall prepare and submit to the Controller any monthly or quarterly reports as may be requested by the Controller.

The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.

- (2) Revenues set aside under Subsection B(2) of this section shall be apportioned pro rata each year among eligible public schools and Sequoyah High School based on each school's qualified student enrollment determined as follows: for the purposes of this allocation formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from the most recent official Johnson O'Malley roster prepared by the Cherokee Nation or any other bordering Indian Nation; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count. The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and Sequoyah High School. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School shall be weighted as two Indian Students for the purposes of the apportionment formula in this paragraph.

Reservation Boundaries; *and* (b) any portion of the premises of said school is located within two miles of the Reservation Boundary; *and* (c) the school has one or more enrolled students included in current Johnson O'Malley rosters.

- (3) An amount equal to 20% of all fees and taxes collected by the Commission shall be made available for contribution to the cost of constructing or maintaining federally- and/or state-funded highways within the Nation's Reservation Boundaries, to be allocated among such highway projects in accordance with subsection C(3) of this section.
- (4) ~~Up to~~ An amount not to exceed 20% but not less than 5% of the amount of such fees and taxes remaining after the amounts appropriated pursuant to paragraphs (1), (2) and (3) of this subsection shall be available to and allocated among counties and municipalities within the Nation's Reservation Boundaries and/or the Cherokee Nation Marshal Service in accordance with subsection C(4) of this section.
- (5) Any funds not appropriated or expended pursuant to paragraphs (1), (2), (3) or (4) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to future Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

C. Apportionment and Expenditure of Revenues.

All revenues set aside pursuant to Subsection B of this section shall be apportioned and expended as follows:

- (1) Within 30 days after the end of each fiscal year during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing annual report, the Commission shall prepare and submit to the Controller any monthly or quarterly reports as may be requested by the Controller.

The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.

- (2) Revenues set aside under Subsection B(2) of this section shall be apportioned pro rata each year among eligible public schools and Sequoyah High School based on each school's qualified student enrollment determined as follows: for the purposes of this allocation formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from the most recent official Johnson O'Malley roster prepared by the Cherokee Nation or any other bordering Indian Nation; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count. The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and Sequoyah High School. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School shall be weighted as two Indian Students for the purposes of the apportionment formula in this paragraph.

- (3) The funds set aside under Section 105B(3) shall be allocated each year to governmental agencies or political subdivisions for expenditure on federally- and/or state-funded highway construction or maintenance projects within the Nation's Reservation Boundaries. The projects and their respective allocations hereunder shall be identified in the comprehensive annual budget approved by the Tribal Council.
- (4) The funds set aside under Section 105B(4) shall be allocated among the counties and municipalities within the Nation's Reservation Boundaries and/or to the Marshal Service in accordance with and as appropriated in the comprehensive annual budget of the Cherokee Nation.
- (5) No funds allocated and apportioned under this subsection shall be made available to the schools, highway projects, counties, municipalities or Marshal Service until appropriated as part of the comprehensive annual budget for the applicable fiscal year. The Controller, with the assistance of any officer designated by the Principal Chief, shall be responsible for calculating and making all expenditures authorized by Section 105C(2).

**Section 204 of LA# 01-01 is hereby amended by adding a new subsection "I" which subsection shall read in full as follows:**

**I. Registration Tax on Manufactured Homes.**

- (1) There is hereby levied a registration tax on every new Manufactured Home not previously registered with the Cherokee Nation or any other tribe or with any territory or state at the rate of one and one-half percent (1 ½%) of the actual purchase price.
- (2) There is hereby levied a registration tax on every used Manufactured Home not previously registered with the Cherokee Nation or any other tribe or with any territory or state at the rate equal to one-half (1/2) of the amount of the tax which would otherwise be imposed on a new Manufactured Home of subsection one (1) of this Subsection I. The three quarter percent (¾ %) registration tax on a used manufactured home shall be applied to sixty five percent (65%) of one half (1/2) of the actual purchase price/value.

**Section 205(D) of LA# 01-01 is hereby amended to read in full as follows:**

**D. Salvage and Rebuilt Title.**

~~No certificate of title shall be issued on for a salvage or rebuilt title issued by another tribe or state. The Cherokee Nation shall not issue any titles on Salvage or Rebuilt Vehicles.~~

- (1) A "Salvage Title" shall be issued to any Vehicle ten (10) model years and newer which has been damage by collision or other occurrence to the extent that the cost of repairing the Vehicle for safe operation on the highway exceeds sixty percent (60%) of its fair market value, immediately prior to the damage.
- (2) A "Rebuilt Title" shall be issued on any Salvage Vehicle, which has been rebuilt and inspected for the purpose of registration and title with the Cherokee Nation, another tribe or state.

**Section 205 of LA# 01-01 is further amended by adding a new subsection "F" which subsection shall read in full as follows:**

**F. Manufactured Home Title.**

- (1) A "Manufactured Home Title" shall be issued and subtitled as follows:

- (a) "Manufactured Home - original title" shall be issued to the first purchaser of a new manufactured home from a manufactured home dealer.
- (b) "Manufactured Home - transfer title shall be the title issued to a second or subsequent owner of an Eligible manufactured home whether purchased from an individual or dealer.
- (c) "Manufactured Home - duplicate title shall be the title issued to the owner of record of an Eligible manufactured home to replace a lost, stolen or mutilated original or transfer title.

Section 207(B) of LA# 01-01 is hereby amended to read in full as follows:

B. Penalties For Late Registration.

- (1) Any Tribal Citizen residing within the Reservation Boundaries of the Cherokee Nation, or owning and garaging a Vehicle within said Boundaries, who is eligible to apply for a certificate of title, certificate of registration, tag and decal for said Vehicle shall have ~~twenty (20)~~ days thirty (30) days after purchasing or obtaining possession of said Vehicle, or ~~(20) days~~ (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 ~~20-day~~ 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 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.

- (a) "Manufactured Home - original title" shall be issued to the first purchaser of a new manufactured home from a manufactured home dealer.
- (b) "Manufactured Home - transfer title shall be the title issued to a second or subsequent owner of an Eligible manufactured home whether purchased from an individual or dealer.
- (c) "Manufactured Home - duplicate title shall be the title issued to the owner of record of an Eligible manufactured home to replace a lost, stolen or mutilated original or transfer title.

Section 207(B) of LA# 01-01 is hereby amended to read in full as follows:

B. Penalties For Late Registration.

- (1) Any Tribal Citizen residing within the Reservation Boundaries of the Cherokee Nation, or owning and garaging a Vehicle within said Boundaries, who is eligible to apply for a certificate of title, certificate of registration, tag and decal for said Vehicle shall have ~~twenty (20) days~~ thirty (30) days after purchasing or obtaining possession of said Vehicle, or ~~(20) days~~ (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 ~~20-day~~ 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 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.

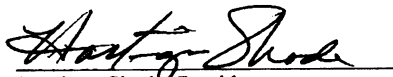
**Section 3. Severability**

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.

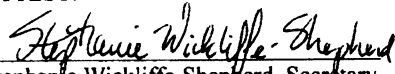
**Section 4. Emergency declared**

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.


Enacted by the Council of the Cherokee Nation on the 10th day of SEPTEMBER, 2001.

  
Hastings Shade, President  
Council of the Cherokee Nation


ATTEST:

  
Stephanie Wickliffe-Shepherd, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 12<sup>th</sup> day of September, 2001.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
D. Jay Hannah, Secretary-Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                         |            |                              |               |
|-------------------------|------------|------------------------------|---------------|
| John A. Ketcher         | <u>YEA</u> | Melvina Shotpouch            | <u>YEA</u>    |
| Don Crittenden          | <u>YEA</u> | Stephanie Wickliffe Shepherd | <u>YEA</u>    |
| Harold "Jiggs" Phillips | <u>YEA</u> | John F. Keener               | <u>YEA</u>    |
| Jackie Bob Martin       | <u>YEA</u> | Harold DeMoss                | <u>YEA</u>    |
| Mary Flute-Cooksey      | <u>YEA</u> | Dorothy Jean McIntosh        | <u>YEA</u>    |
| David W. Thornton, Sr.  | <u>YEA</u> | Nick Lay                     | <u>ABSENT</u> |
| Don Garvin              | <u>YEA</u> | Charles "Chuck" Hoskin       | <u>YEA</u>    |
| Barbara Starr-Scott     | <u>YEA</u> |                              |               |

Amended See LA 04-0:  
19-03

## An Act

Legislative Act 34-02

### 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, section 105.

Section 105 of LA# 01-01 is hereby amended to read in full as follows:

#### Section 105. Revenue Sharing.

A. A portion of the revenue generated from fees, taxes penalties and fines generated in connection with the issuance of motor vehicle licenses hereunder shall be allocated to Sequoyah High School, the Cherokee Nation Head Start program and the public schools within the Reservation Boundaries of the Cherokee Nation and as described in subsection B below, to the Marshal Service and to certain counties and municipalities in accordance with the provisions of Section 105B of this Act.

#### B. Allocation of Revenues.

The fees, taxes, penalties and fines collected by the Commission pursuant to the provisions of this Act shall be allocated and expended for the purposes set forth in the following paragraphs:

- (1) The fees, taxes, penalties and fines collected by the Commission shall be applied to the costs and expenses of the Commission in carrying out the provisions of this Act, as authorized and appropriated in the Nation's comprehensive annual budget. Provided, however, that said costs and expenses shall be paid out of revenues remaining after the prior allocations of funds pursuant to paragraphs (2) and (3) of this subsection.
- (2) An amount equal to 38% of all fees and taxes collected by the Commission shall be allocated and made available to Oklahoma public schools located within the Reservation Boundaries of the Cherokee Nation that have students who are tribal citizens; to Sequoyah High School; and to the Cherokee Nation Head Start program in accordance with the provisions of subsection C(2) of this section. Such students shall be included in a certified Cherokee student count by an eligible school under this subsection in order to participate in the allocation of revenues. Any public school located outside the Reservation Boundaries shall be eligible to receive a share of the allocation pursuant to subsection C(2) of this section provided all three of the following conditions are met with respect to such school: (a) any portion of the district of which said school is a part is within the Reservation Boundaries; *and* (b) any portion of the premises of said school is located within two miles of the Reservation Boundary; *and* (c) the school has one or more enrolled Cherokee students as referenced herein.
- (3) An amount equal to 20% of all fees and taxes collected by the Commission shall be made available for contribution to the cost of constructing or maintaining federally- and/or state-funded highways within the Nation's Reservation Boundaries, to be allocated among such highway projects in accordance with subsection C(3) of this section.
- (4) An amount not to exceed 20% but not less than 5% of the amount of such fees and taxes remaining after the amounts appropriated pursuant to paragraphs (1), (2) and (3) of this subsection shall be available to and allocated among counties and municipalities within the Nation's Reservation Boundaries and/or the Cherokee Nation Marshal Service in accordance with subsection C(4) of this section.

- (5) Any funds not appropriated or expended pursuant to paragraphs (1), (2), (3) or (4) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

C. Distribution and Expenditure of Revenues.

All revenues set aside pursuant to Subsection B of this section shall be distributed and expended as follows:

- (1) Within 10 days after the end of each month during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing report, the Commission shall prepare and submit to the Controller any other reports as may be requested by the Controller.

The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.

- (2) Revenues set aside under Subsection B(2) of this section shall be distributed pro rata each year among eligible public schools, Sequoyah High School and Cherokee Nation Head Start program based on each school's qualified student enrollment determined as follows: for the purposes of this distribution formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from a certified Cherokee student count as described in section 105(B)(2), submitted and documented by the Superintendent of each eligible public school district as of October 1 of each year, and subject to review by the Cherokee Nation Education Department; (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count; and (c) the qualified student enrollment for Cherokee Nation Head Start shall be equal to the total amount of its enrolled Indian students, who are at least four years old as of October 1 of each year, submitted and documented by the Director of the program.

The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and as described in section 105(B)(2); Sequoyah High School; and the Cherokee Nation Head Start program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School shall be weighted as two Indian Students for the purposes of the distribution formula in this paragraph.

The Cherokee Nation Education Department is hereby authorized to develop and implement policies and procedures necessary for review and proper documentation of the student counts for purposes of this Act. Such policies and procedures shall, at a minimum contain procedures by which appropriate parties will be notified about the requirements herein; requirements for documentation and substantiation of student count submissions; and procedures for appeal of determinations affecting an entity's student count.

- (3) The funds set aside under Section 105B(3) shall be allocated each year to governmental agencies or political subdivisions for expenditure on federally- and/or state-funded highway construction or maintenance projects within the Nation's Reservation Boundaries. The projects and their respective allocations



- (5) Any funds not appropriated or expended pursuant to paragraphs (1), (2), (3) or (4) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

C. Distribution and Expenditure of Revenues.

All revenues set aside pursuant to Subsection B of this section shall be distributed and expended as follows:

- (1) Within 10 days after the end of each month during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing report, the Commission shall prepare and submit to the Controller any other reports as may be requested by the Controller.

The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.

- (2) Revenues set aside under Subsection B(2) of this section shall be distributed pro rata each year among eligible public schools, Sequoyah High School and Cherokee Nation Head Start program based on each school's qualified student enrollment determined as follows: for the purposes of this distribution formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from a certified Cherokee student count as described in section 105(B)(2), submitted and documented by the Superintendent of each eligible public school district as of October 1 of each year, and subject to review by the Cherokee Nation Education Department; (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count; and (c) the qualified student enrollment for Cherokee Nation Head Start shall be equal to the total amount of its enrolled Indian students, who are at least four years old as of October 1 of each year, submitted and documented by the Director of the program.

The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and as described in section 105(B)(2); Sequoyah High School; and the Cherokee Nation Head Start program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School shall be weighted as two Indian Students for the purposes of the distribution formula in this paragraph.

The Cherokee Nation Education Department is hereby authorized to develop and implement policies and procedures necessary for review and proper documentation of the student counts for purposes of this Act. Such policies and procedures shall, at a minimum contain procedures by which appropriate parties will be notified about the requirements herein; requirements for documentation and substantiation of student count submissions; and procedures for appeal of determinations affecting an entity's student count.

- (3) The funds set aside under Section 105B(3) shall be allocated each year to governmental agencies or political subdivisions for expenditure on federally-and/or state-funded highway construction or maintenance projects within the Nation's Reservation Boundaries. The projects and their respective allocations

hereunder shall be identified in the comprehensive annual budget approved by the Tribal Council.

- (4) The funds set aside under Section 105B(4) shall be allocated among the counties and municipalities within the Nation's Reservation Boundaries and/or to the Marshal Service in accordance with and as appropriated in the comprehensive annual budget of the Cherokee Nation.
- (5) No funds allocated and distributed under this subsection shall be made available to the schools, highway projects, counties, municipalities or Marshal Service until appropriated as part of the comprehensive annual budget for the applicable fiscal year. Any revenue distributions to Sequoyah High School or the Cherokee Nation Head Start program pursuant to this Act shall first be used to meet any matching requirements for federal funds, if applicable. The Controller, with the assistance of any officer designated by the Principal Chief, shall be responsible for calculating and making all expenditures authorized by this subsection.

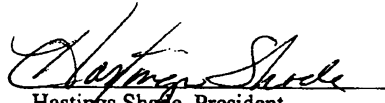
**Section 2. Severability**

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.

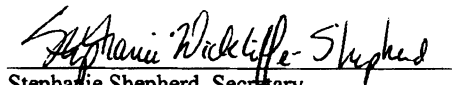
**Section 3. Emergency declared**

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.


Enacted by the Council of the Cherokee Nation on the 14th day of OCTOBER, 2002.

  
Hastings Shade, President  
Council of the Cherokee Nation

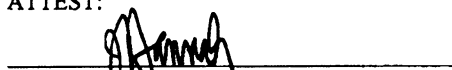
ATTEST:

  
Stephanie Shepherd, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of OCTOBER, 2002.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Jay Hanna, Secretary-Treasurer  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

|                         |               |                              |            |
|-------------------------|---------------|------------------------------|------------|
| John A. Ketcher         | <u>ABSENT</u> | Melvina Shotpouch            | <u>YEA</u> |
| Don Crittenden          | <u>ABSENT</u> | Stephanie Wickliffe-Shepherd | <u>YEA</u> |
| Harold "Jiggs" Phillips | <u>ABSENT</u> | John F. Keener               | <u>YEA</u> |
| Jackie Bob Martin       | <u>YEA</u>    | Harold DeMoss                | <u>YEA</u> |
| Mary Flute-Cooksey      | <u>YEA</u>    | Buel Anglen                  | <u>YEA</u> |
| David W. Thornton, Sr.  | <u>YEA</u>    | Nick Lay                     | <u>YEA</u> |
| Don Garvin              | <u>YEA</u>    | Charles "Chuck" Hoskin       | <u>YEA</u> |
| Barbara Starr-Scott     | <u>YEA</u>    |                              |            |

YEAS AND NAYS AS RECORDED:

|                         |               |                              |            |
|-------------------------|---------------|------------------------------|------------|
| John A. Ketcher         | <u>ABSENT</u> | Melvina Shotpouch            | <u>YEA</u> |
| Don Crittenden          | <u>ABSENT</u> | Stephanie Wickliffe-Shepherd | <u>YEA</u> |
| Harold "Jiggs" Phillips | <u>ABSENT</u> | John F. Keener               | <u>YEA</u> |
| Jackie Bob Martin       | <u>YEA</u>    | Harold DeMoss                | <u>YEA</u> |
| Mary Flute-Cooksey      | <u>YEA</u>    | Buel Anglen                  | <u>YEA</u> |
| David W. Thornton, Sr.  | <u>YEA</u>    | Nick Lay                     | <u>YEA</u> |
| Don Garvin              | <u>YEA</u>    | Charles "Chuck" Hoskin       | <u>YEA</u> |
| Barbara Starr-Scott     | <u>YEA</u>    |                              |            |

## Cherokee Nation Act /Resolution Proposal Form

Act
  Resolution

**TITLE:** A Legislative Act Amending LA #01-01, "The Cherokee Nation Motor Vehicle Licensing and Tax Code"

**DEPARTMENT CONTACT:** Pat Ragsdale

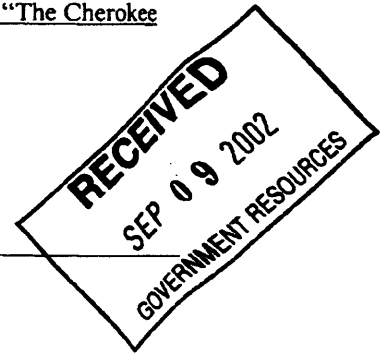
**RESOLUTION PRESENTER:** Pat Ragsdale

**SPONSOR:** \_\_\_\_\_

**NARRATIVE:**  
*(See Attached Outline for Information Needed)*

This act amends LA# 01-01, "The Cherokee Nation Motor Vehicle Licensing and Tax Code" act to accomplish the following:

- to remove the requirement that allocations made under a compact entered into under Section 104(a) supercede the allocations prescribed under this Act.
- to revise the reporting mechanism from the Tax Commission to the Controller in Section 105(C)(1) to be monthly, rather than annually, providing for more frequent payment of revenue to schools under this Act.
- to include all public schools in the jurisdictional boundaries, not only the schools participating in the Johnson O'Malley program.
- to add Cherokee Nation Head Start Program as an eligible recipient of revenue allocations by including 5-year old Head Start students.
- to establish October 1 as the cut-off date for all schools' certification of student count.
- to authorize the Cherokee Nation Education Department to develop and implement policies and procedures for documenting student count.
- to require any revenue allocations to Cherokee Nation programs be first used to meet any matching requirements for federal funds (if applicable).



**Administrative Clearance**

Program/Project Manager  
\_\_\_\_\_  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Department Director:  
\_\_\_\_\_  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Executive Director:  
Pat Ragsdale 9/9/02  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Controller: (if Needed)  
\_\_\_\_\_  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Government Resources Dept:  
Pat Ragsdale 9/9/02  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Administration Approval:  
Pat Ragsdale 5/9/02  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Legislative Clearance**

Legislative Aide: 4.46 PM  
9.10.02 gb  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Standing Committee:  
Rules  
\_\_\_\_\_  
9/19/02  
Next Meeting Date

Chairperson:  
\_\_\_\_\_  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Returned to Presenter: \_\_\_\_\_  
Date \_\_\_\_\_

# An Act

LEGISLATIVE ACT 19 - 2003

A LEGISLATIVE ACT AMENDING LA#34-02, THE "CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE" AS AMENDED BY LA# 4-03

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. TITLE AND CODIFICATION

This act shall be known as the "2003 Technical Amendment to the Cherokee Nation Motor Vehicle Licensing and Tax Code," and codified as \_\_\_\_\_ (Title) \_\_\_\_\_ (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

SECTION 2. PURPOSE

The purpose of this Act is to amend LA# 34-02, as amended by LA#4-03, section 105 B. (3) and section 105 C. (3). This Amendment will make the list of roads eligible to receive funds from the sale of Motor Vehicle Tags more clearly equivalent to the list of roads eligible under the Tribal-State Motor Vehicle Licensing Compact.

SECTION 3. LEGISLATIVE HISTORY

LA #01-01, LA #27-01, LA #34-01, Cherokee Nation and State of Oklahoma Tribal-State Motor Vehicle Licensing Compact 2001-2011, LA #34-02

SECTION 4. DEFINITIONS

For purposes of this Title: O.S. means Oklahoma Statute, as amended from time to time by the State of Oklahoma legislature.

SECTION 5. SUBSTATIVE PROVISIONS

- a. Section 105 B. (3) of LA#34-02, as amended by LA #4-03, is hereby amended to read in full as follows:

(3) 20% of all fees and taxes collected by the Commission shall be made available for contribution to the cost of constructing or maintaining ~~federally- highways, and/or state funded-highways, or highways constructed or maintained with funds apportioned pursuant to 47 O.S. § 1104(A) that are part of the counties' collector system,~~ within the Nation's Reservation Boundaries, to be allocated such highway projects in accordance with subsection C. (3) of this section.

or:

(3) 20% of all fees and taxes collected by the Commission shall be made available for contribution to the cost of constructing or maintaining federal highways, state highways, or highways constructed or maintained with funds apportioned pursuant to 47 O.S. § 1104(A) that are part of the counties' collector system, within the Nation's Reservation Boundaries, to be allocated such highway projects in accordance with subsection C. (3) of this section.

- b. Section 105 C. (3) of LA#34-02, as amended by LA #4-03, is hereby amended to read in full as follows:

(3) The funds set aside under Section 105 B. (3) shall be allocated each year to governmental agencies or political subdivisions for expenditure on construction or maintenance projects on federally highways, and/or state funded highways construction or maintenance projects, or highways constructed or maintained with funds apportioned pursuant to 47 O.S. § 1104(A) that are part of the counties' collector system, within the Nation's Reservation Boundaries. The projects and their respective allocations hereunder shall be identified in the comprehensive annual budget approved by the Tribal Council. These funds are to be distributed equally between Councilors for appropriation.

or:

(3) The funds set aside under Section 105 B. (3) shall be allocated each year to governmental agencies or political subdivisions for expenditure on construction or maintenance projects on federal highways, state highways, or highways constructed or maintained with funds apportioned pursuant to 47 O.S. § 1104(A) that are part of the counties' collector system, within the Nation's Reservation Boundaries. The projects and their respective allocations hereunder shall be identified in the comprehensive annual budget approved by the Tribal Council. These funds are to be distributed equally between Councilors for appropriation.

**SECTION 6. PROVISIONS AS CUMULATIVE**

The provisions of this act shall be cumulative to existing law.

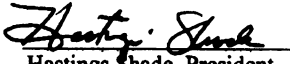
**SECTION 7. SEVERABILITY**

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: 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.

Enacted by the Council of the Cherokee Nation on the 14th day of July, 2003.

  
Hastings Shade, President  
Council of Cherokee Nation

ATTEST:

\_\_\_\_\_  
Stephanie Wickliffe Shepherd, Secretary  
Council of Cherokee Nation

Approved and signed by the Principal Chief this 18th day of JULY, 2003.

  
Chad Smith, Principal Chief  
Cherokee Nation

ATTEST:

\_\_\_\_\_  
Jay Hannah, Secretary/Treasurer  
Cherokee Nation

(3) The funds set aside under Section 105 B. (3) shall be allocated each year to governmental agencies or political subdivisions for expenditure on construction or maintenance projects on federally- highways, and/or state funded- highways construction or maintenance projects, or highways constructed or maintained with funds apportioned pursuant to 47 O.S. § 1104(A) that are part of the counties' collector system, within the Nation's Reservation Boundaries. The projects and their respective allocations hereunder shall be identified in the comprehensive annual budget approved by the Tribal Council. These funds are to be distributed equally between Councilors for appropriation.

or:

(3) The funds set aside under Section 105 B. (3) shall be allocated each year to governmental agencies or political subdivisions for expenditure on construction or maintenance projects on federal highways, state highways, or highways constructed or maintained with funds apportioned pursuant to 47 O.S. § 1104(A) that are part of the counties' collector system, within the Nation's Reservation Boundaries. The projects and their respective allocations hereunder shall be identified in the comprehensive annual budget approved by the Tribal Council. These funds are to be distributed equally between Councilors for appropriation.

#### **SECTION 6. PROVISIONS AS CUMULATIVE**

The provisions of this act shall be cumulative to existing law.

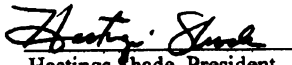
#### **SECTION 7. SEVERABILITY**

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: 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.

Enacted by the Council of the Cherokee Nation on the 14th day of July, 2003.

  
Hastings Shade, President  
Council of Cherokee Nation

ATTEST:

\_\_\_\_\_  
Stephanie Wickliffe Shepherd, Secretary  
Council of Cherokee Nation

Approved and signed by the Principal Chief this 18th day of JULY, 2003.

  
Chad Smith, Principal Chief  
Cherokee Nation

ATTEST:

\_\_\_\_\_  
Jay Hannah, Secretary/Treasurer  
Cherokee Nation



**YEAS AND NAYS AS RECORDED:**

|                        |            |                              |            |
|------------------------|------------|------------------------------|------------|
| John A. Ketcher        | <u>YEA</u> | Melvina Shotpouch            | <u>YEA</u> |
| Don Crittenden         | <u>YEA</u> | Stephanie Wickliffe-Shepherd | <u>YEA</u> |
| Ralph Keen Jr.         | <u>YEA</u> | John F. Keener               | <u>YEA</u> |
| Jackie Bob Martin      | <u>YEA</u> | Harold DeMoss                | <u>YEA</u> |
| Mary Flute-Cooksey     | <u>YEA</u> | Buel Anglen                  | <u>YEA</u> |
| David W. Thornton, Sr. | <u>YEA</u> | Nick Lay                     | <u>YEA</u> |
| Don Garvin             | <u>YEA</u> | Charles "Chuck" Hoskin       | <u>YEA</u> |
| Barbara Starr-Scott    | <u>YEA</u> |                              |            |

Committee: Rules

Sponsor: Meredith Frailey

Date: \_\_\_\_\_ Committee Date: \_\_\_\_\_

Author: Todd Hembree

## An Act

Legislative Act 25-04

### 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, section 205-E.

#### Section 2. Amendments.

Section 205-E of LA# 01-01 is hereby rescinded and repealed in full as follows:

##### ~~E. Sale Of Vehicle To Non-Indian.~~

~~In the event a Tribal Citizen sells a Vehicle registered under this Act to a person who is not a Tribal Citizen, the seller shall at the time of sale provide copies of his or her current CDIB and Tribal membership cards to the purchaser. If the Tribal Citizen seller fails to provide the purchaser with copies of such documents at the time of sale of the Vehicle, the Nation's Registrar is authorized upon request of the purchaser to provide said purchaser the documentation confirming the enrollment of the seller as a citizen of Cherokee Nation.~~

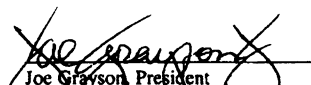
#### Section 3. Severability

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. 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.

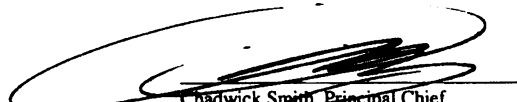
Enacted by the Council of the Cherokee Nation on the 14th day of June, 2004.

  
Joe Grayson, President  
Council of the Cherokee Nation

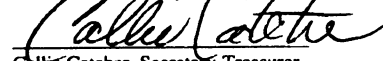
ATTEST:

  
Bill John Baker, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 17th day of JUNE, 2004.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Cherie Catcher, Secretary-Treasurer  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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

YEAS AND NAYS AS RECORDED:

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

## Cherokee Nation Act /Resolution Proposal Form



Act



Resolution

**TITLE: A Legislative Act Amending LA # 01-01, "The Cherokee Nation Motor Vehicle Licensing And Tax Code"**

**DEPARTMENT CONTACT: Paula Holder, Tax Administrator**

**RESOLUTION PRESENTER: Paula Holder, Tax Administrator**

**Sponsor: Meredith A. Frailey, Council Member, District 6, Mayes.**

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this Act is to amend Legislative Act number 01-01 § 205E: **Sale of Vehicle To Non-Indian**

The proposal is to rescind and repeal § 205E eliminating the inequitable requirement that copies of personal information be provided to transfer a Cherokee Nation Certificate of Title to the State Of Oklahoma jurisdiction. In cooperation with the Oklahoma Tax Commission (OTC) and the Cherokee Nation Tax Commission (CNTC) an agreed upon process/procedure to place a statement on the face of the Title certifying the person named on the title is a citizen of this Nation would eliminate the need for citizens to provide proof of citizenship. Language added to provide certification by the Nation of citizenship shall be placed on the face of a Cherokee Nation Certificate Of Title: **It is hereby certified that according to the records of the Cherokee Nation, the person named hereon is a Citizen of this Nation.** This proposal benefits our citizens and maintains notable Tribal/State governmental relations in this period of cooperation and expansion.

**Administrative Clearance**

Program/Project Manager

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Department Director:

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Executive Director:

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Controller: (If Needed)

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Government Resource:

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Administration Approval:

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Legislative Clearance**

Legislative Aide:

Signature/Initial dp Date 4.29.04

Standing Committee:

Next Meeting Date

Chairperson:

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Returned to Presenter: \_\_\_\_\_

Date \_\_\_\_\_

04-28-04 P04:44 RCVD

**RECEIVED**

APR 27 2004  
9:04 am *CK*

GOVERNMENT RESOURCES

*Amended See  
LA# 03-05*

## 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:

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

- 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) mm/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.

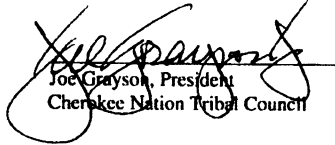
**Section 3. Severability**

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**

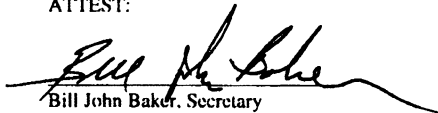
This act shall take effect and be in full force upon 60 days of its passage and approval.

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



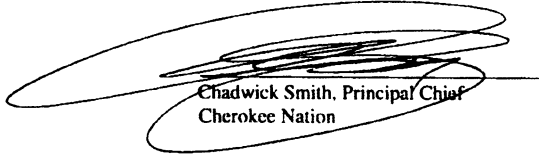
Joe Grayson, President  
Cherokee Nation Tribal Council

ATTEST:



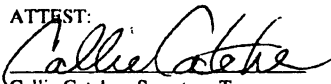
Bill John Baker, Secretary  
Cherokee Nation Tribal Council

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

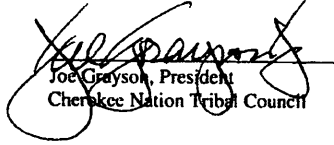
**YEAS AND NAYS AS RECORDED:**

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

**Section 4. Effective Date**

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

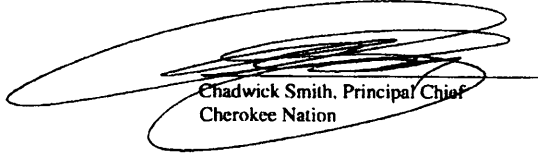
Enacted by the Council of the Cherokee Nation on the 12th day of July, 2004.

  
Joe Grayson, President  
Cherokee Nation Tribal Council

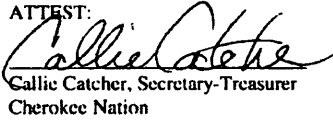
ATTEST:

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



Committee: Rules/Full Council

Date: 1-04-05 Committee Date: 1-10-05

Author: P. Holder

Sponsor: M. Frailey

## An Act

Legislative Act 03-05

### A LEGISLATIVE ACT AMENDING LA# 29-04, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"

BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title and Codification.

This act shall be known as the "The Cherokee Nation Motor Vehicle Licensing And Tax Code" 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 as amended by LA # 29-04 section 204 (e).

#### Section 3. Amendments.

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 persons 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~~ or 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 4. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

#### Section 5. 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 6. 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.

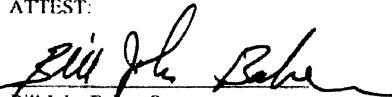
#### Section 7. Effective Date

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

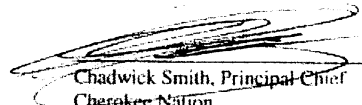
Enacted by the Council of the Cherokee Nation on the 10<sup>th</sup> day of January, 2005.

  
Joe Grayson, Jr., President  
Council of the Cherokee Nation

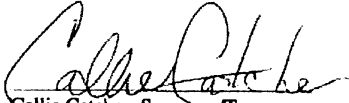
ATTEST:

  
Bill John Baker, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 17th day of JANUARY, 2005.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

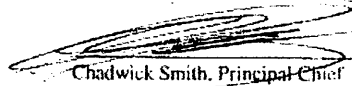
ATTEST:

  
Callie Catcher, Secretary/Treasurer  
Cherokee Nation


**YEAS AND NAYS AS RECORDED:**

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

Approved and signed by the Principal Chief this 17th day of JANUARY, 2005.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Callie Catcher, Secretary/Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

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

Committee: Rules  
Date: 3-20-06 Committee Date: 3-20-06

Author: Paula Rensdale  
Sponsor: Bill John Baker/Cara Cowan Watts

## An Act

### Legislative Act 7-06

#### A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; ADDING DEFINITIONS; AND ADDING NEW SECTIONS 204(J) AND 204(K)

#### 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, and 03-05.

##### Section 4. Definitions

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

##### 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 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.

**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.

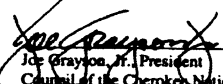
**Section 8. Effective Date**

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 10th day of April, 2006.

  
Joe Grayson, Jr., President  
Council of the Cherokee Nation

ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

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 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.

**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.

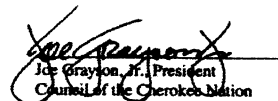
**Section 8. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

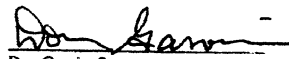
**Section 9. Self-Help Contributions**

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 10th day of April, 2006.

  
Joe Grayson, Jr., President  
Council of the Cherokee Nation

ATTEST:

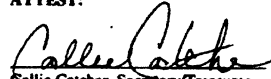
  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 17th day of April, 2006.



Chad Smith, Principal Chief  
Cherokee Nation

ATTEST:



Callie Catcher, Secretary/Treasurer  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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

Cherokee Nation  
Act/Resolution Proposal Form

Act       Resolution

**ADMINISTRATIVE CLEARANCE:**  
Program/Project Manager:  
  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Department Director:  
Karen S. Wall 3/16/06  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Group Leader:  
Paula Ragsdale 3/16/06  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Government Resources Group:  
Kita May 3/20/06  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Administration Approval:  
M. King 3/20/06  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**TITLE:** A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE": ADDING DEFINITIONS; AND ADDING NEW SECTIONS 204(A) and 204(B)

Department Contact: Paula Ragsdale  
Resolution Presenter: Paula Ragsdale  
Council Sponsor: Bill John Baker & Cara Cowan Watts

**NARRATIVE:**  
(See Attached Outline for Information Needed)

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Act of 2001, to add new definitions and provisions for registration of assembled and abandoned motor vehicles.

03-20-06P12:59

**RECEIVED**  
MAR 17 2006  
GOVERNMENT RESOURCES

**LEGISLATIVE CLEARANCE**  
Legislative Aide:  
dh 3.20.06  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_  
Standing Committee:  
Rules  
3.30.06  
Next Meeting Date  
Chairperson:  
F. Bailey  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_  
Returned to Presenter: \_\_\_\_\_  
Date \_\_\_\_\_



**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Director:

*Karen S. Wall* 3/16/06  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Group Leader:

*Paula Ragsdale* 3/16/06  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Government Resources Group:

*Mike May* 3/16/06  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Administration Approval:

*Maria Lopez* 3/16/06  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Cherokee Nation  
Act/Resolution Proposal Form

Act       Resolution

**TITLE:** A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE": ADDING DEFINITIONS; AND ADDING NEW SECTIONS 204(A) and 204(B)

Department Contact: Paula Ragsdale

Resolution Presenter: Paula Ragsdale

Council Sponsor: Bill John Baker & Cara Cowan Watts

**NARRATIVE:**  
(See Attached Outline for Information Needed)

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Act of 2001, to add new definitions and provisions for registration of assembled and abandoned motor vehicles.

03-20-06P12:59

**LEGISLATIVE CLEARANCE**

Legislative Aide:

*ds* 3.20.06  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Standing Committee:

*Ruler*

3.30.06  
Next Meeting Date

Chairperson:

*F. Wiley*  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Returned to Presenter: \_\_\_\_\_  
Date

**RECEIVED**  
MAR 17 2006  
GOVERNMENT RESOURCES

# An Act

Legislative Act 12-06

**A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; ADDING DEFINITIONS; AMENDING SECTION 204(A); AND ADDING NEW SECTIONS 204(L) AND 204(M); ADDING PROVISIONS FOR ATV AND 100 PERCENT DISABLED VETERANS.**

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

## **Section 1. Title and Codification**

Example: This act shall be known as the "The Second 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 all-terrain vehicles, and waiving registration fees for 100 percent disabled veterans.

## **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 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 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 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 and motorcycles used exclusively off roads and highways. The registration tax for new and used all-terrain vehicles and motorcycles used exclusively off roads and highways shall be levied at one and one-half percent (1 1/2%) 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.

M. Registration Tax for 100 Percent Disabled Veterans

Any vehicle which is purchased by an individual who has been honorably discharged from active service in any branch of the Armed Forces of the United States or the Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service shall be exempt from registration tax. Provided, this exemption may not be claimed by an individual for more than one vehicle in a consecutive three-year period.

(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 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 and motorcycles used exclusively off roads and highways. The registration tax for new and used all-terrain 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.

M. Registration Tax for 100 Percent Disabled Veterans

Any vehicle which is purchased by an individual who has been honorably discharged from active service in any branch of the Armed Forces of the United States or the Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service shall be exempt from registration tax. Provided, this exemption may not be claimed by an individual for more than one vehicle in a consecutive three-year period.

**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.

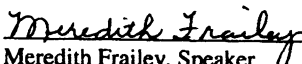
**Section 8. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

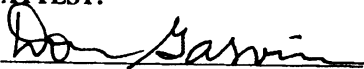
**Section 9. Self-Help Contributions**

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 12<sup>th</sup> day of June, 2006.

  
Meredith Frailey, Speaker  
Council of the Cherokee Nation


ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19<sup>th</sup> day of June, 2006.

  
Chad Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Callie Catcher, Secretary/Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

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

**Cherokee Nation  
Act/Resolution Proposal Form**

Act

Resolution

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Director:

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

Group Leader:

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

Controller (if needed):

*Paula Ragsdale*

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

Government Resources Group:

*Lila M. May 5/12/06*

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

Administration Approval:

*Mella Hylton 5/15/06*

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

**TITLE:** A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; ADDING DEFINITIONS; AMENDING SECTION 204(A); AND ADDING NEW SECTIONS 204(L) AND 204(M); ADDING PROVISIONS FOR ATV AND 100 PERCENT DISABLED VETERANS.

Department Contact: Paula Ragsdale Acting Tax Administrator

Resolution Presenter: Paula Ragsdale

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 definitions and provisions for registration of all-terrain vehicles, and waiving registration fees for 100 percent disabled veterans.

**LEGISLATIVE CLEARANCE**

Legislative Aide:

*gb 5.15.06*

---

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Standing Committee:

*Rules*

---

**5-25-06**

Next Meeting Date

Chairperson:

*Frailey*

---

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Returned to Presenter: \_\_\_\_\_

Date \_\_\_\_\_

05-15-06P03:11 RCVD

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Director:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Group Leader:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Controller (if needed):

*Paula Ragsdale*

Signature \_\_\_\_\_ Date \_\_\_\_\_

Government Resources Group:

*Lita M. Argen 5/12/06*

Signature \_\_\_\_\_ Date \_\_\_\_\_

Administration Approval:

*Melinda Hays 5/15/06*

Signature \_\_\_\_\_ Date \_\_\_\_\_

**LEGISLATIVE CLEARANCE**

Legislative Aide:

*gb 5-15-06*

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Standing Committee:

*Rules*

*5-25-06*

Next Meeting Date

Chairperson:

*Frailley*

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

Returned to Presenter: \_\_\_\_\_

Date \_\_\_\_\_

**Cherokee Nation  
Act/Resolution Proposal Form**

Act       Resolution

**TITLE:** A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; ADDING DEFINITIONS; AMENDING SECTION 204(A); AND ADDING NEW SECTIONS 204(L) AND 204(M); ADDING PROVISIONS FOR ATV AND 100 PERCENT DISABLED VETERANS.

Department Contact: Paula Ragsdale Acting Tax Administrator

Resolution Presenter: Paula Ragsdale

Sponsor: Meredith Frailley

**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 definitions and provisions for registration of all-terrain vehicles, and waiving registration fees for 100 percent disabled veterans.

05-15-06P03:11 RCVD

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 to an unknown owner or interest holders may attend 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 ½ %) 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 ½ %) 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.

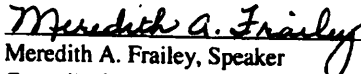
**Section 8. Effective Date**

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.

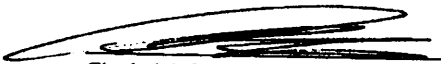
Enacted by the Council of the Cherokee Nation on the 14<sup>th</sup> day of August, 2006.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

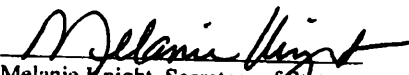
ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved this 21<sup>st</sup> 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     | <u>YEA</u> | Meredith A. Frailey    | <u>YEA</u> |
| Bill John Baker        | <u>YEA</u> | John F. Keener         | <u>YEA</u> |
| Joe Crittenden         | <u>YEA</u> | Cara Cowan Watts       | <u>YEA</u> |
| Jackie Bob Martin      | <u>YEA</u> | Buel Anglen            | <u>YEA</u> |
| Phyllis Yargee         | <u>YEA</u> | William G. Johnson     | <u>YEA</u> |
| David W. Thornton, Sr. | <u>YEA</u> | Charles "Chuck" Hoskin | <u>YEA</u> |
| Don Garvin             | <u>YEA</u> | Taylor Keen            | <u>YEA</u> |
| Linda Hughes-O'Leary   | <u>YEA</u> | Jack D. Baker          | <u>YEA</u> |
| Melvina Shotpouch      | <u>YEA</u> |                        |            |

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:  
 Signature: Sharon Swepton Date: 7/5/06

Department Director:  
 Signature: Sharon Swepton Date: 7/5/06

Executive Director:  
 Signature: Sharon Swepton Date: 7/5/06

Controller (if needed):  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Government Resources Group:  
 Signature: Rita Murphy Date: 7/17/06

Administration Approval:  
 Signature: M. Williams Date: 7/17/06

**Cherokee Nation  
Act/Resolution Proposal Form**

Act

Resolution

**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 Swepton  
Tax Administrator

Resolution Presenter: Sharon Swepton

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.

**LEGISLATIVE CLEARANCE**

Legislative Aide:  
 Signature/Initial: sb Date: 7.17.06

Standing Committee:  
Ruler

7.27.06  
 Next Meeting Date

Chairperson:  
 Signature/Initial: Frailey Date: \_\_\_\_\_

Returned to Presenter: \_\_\_\_\_  
 Date

07-05-06A10:11 RCVD  
 GR  
 Ym

# An Act

## Legislative Act 8-07

**A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING DEFINITIONS TO PROVIDE FOR REGISTRATION OF ACTIVE MILITARY PERSONNEL AND COLLEGE STUDENTS.**

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

#### **Section 1. Title and Codification**

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 amend a definition to provide for registration for active military personnel and college students.

#### **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, 12-06 and 17-06.

#### **Section 4. Definitions**

Section 103 of LA#01-01 is hereby amended as follows:

F. "Eligible Vehicle" shall mean any personal vehicle, commercial vehicle, motorcycle, recreational vehicle, farm truck, farm tractor, farm trailer or other trailer, which is owned by a tribal citizen who resides within the Reservation Boundaries of the Cherokee Nation and 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 whom maintain permanent residency in the 14-county jurisdiction but temporarily domicile in another location. The Commission shall determine the appropriate documentation for active military personnel or college student residency.

#### **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.

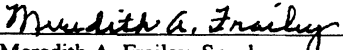
#### **Section 7. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of 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.

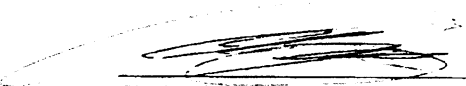
Enacted by the Council of the Cherokee Nation on the 12<sup>th</sup> day of February, 2007.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

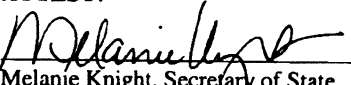
**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved this 19<sup>th</sup> day of February, 2007.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

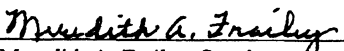
**YEAS AND NAYS AS RECORDED:**

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


**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.

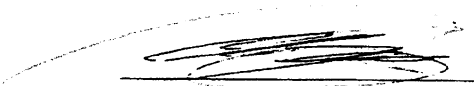
Enacted by the Council of the Cherokee Nation on the 12<sup>th</sup> day of February, 2007.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

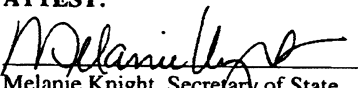
**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved this 19th day of February, 2007.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

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

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:  
 Signature: Sharon Swepton Date: 1/11/07

Department Director:  
 Signature: [Signature] Date: 1/11/07

Executive Director:  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Controller (if needed):  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Government Resources Group:  
 Signature: Gita Mayz Date: 1/14/07

Administration Approval:  
 Signature: Melanie [Signature] Date: 1/12/07

**LEGISLATIVE CLEARANCE**

Legislative Aide:  
 Signature/Initial: Brittain Date: 1/12/07

Standing Committee:  
Hules  
1/23/07  
 Next Meeting Date

Chairperson:  
 Signature/Initial: Fraily Date: \_\_\_\_\_

Returned to Presenter: \_\_\_\_\_  
 Date

**Cherokee Nation  
Act/Resolution Proposal Form**

Act       Resolution

**TITLE: A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING DEFINITIONS TO PROVIDE FOR REGISTRATION OF ACTIVE MILITARY PERSONNEL AND COLLEGE STUDENTS**

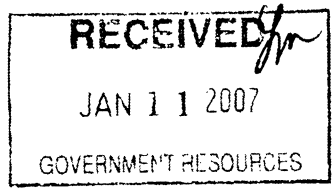
Department Contact: Sharon Swepton  
Tax Administrator

Resolution Presenter: Sharon Swepton

Sponsor: Meredith A. 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 amend a definition to provide for registration for active military personnel and college students.



Committee: Full Council  
Date: 4-1-08 Committee Date: 4-14-08

Author: Todd Hembree  
Sponsor: Tina Glory-Jordan

# An Act

## Legislative Act 05-08

### **AN ACT AMENDING LA#01-01 "A LEGISLATIVE ACT ENTITLED THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AS AMENDED BY LA#27-01, 34-01, 34-02, 25-04, 29-04, 7-06, 12-06, 17-06, AND 8-07**

#### TITLE ONE: FINDINGS, PURPOSE, DEFINITIONS

##### Section 100: Findings.

- A. As a sovereign, federally recognized Indian tribe, the Cherokee Nation has the power and authority to issue motor vehicle license tags to its enrolled citizens living within its territorial boundaries, in accordance with the United States Supreme Court's decision in *Sac & Fox Nation vs. Oklahoma Tax Commission*, 508 U.S. 114 (1993).
- 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 territorial area of the Cherokee Nation.
- C. The State public school system within Oklahoma relies in part on revenue generated by the sale of automobile license tags by the State of Oklahoma. Thousands of minor children enrolled as citizens of the Cherokee Nation attend public schools in eastern Oklahoma. Therefore, to minimize the impact of the sale of automobile license tags by the Cherokee Nation Tax Commission on the public schools within the Cherokee Nation, a portion of the revenues generated by the sale of such tags should be allocated to the public schools within the Nation's territorial boundaries.
- D. As a federally funded Indian school, Sequoyah High School receives no monies from the State of Oklahoma's automobile licensing revenues. Therefore, a portion of the revenue received from the issuance of Vehicle license tags by the Cherokee Nation should be allocated to Sequoyah High School.
- E. The Cherokee Nation Immersion Program receives no monies from the State of Oklahoma automobile licensing revenues. Therefore, a portion of the revenue received from the issuance of vehicle license tags by the Cherokee nation should be allocated to the Cherokee Nation Immersion Program.
- F. The Cherokee Nation Headstart Program receives no monies from the State of Oklahoma automobile licensing revenues. Therefore, a portion of the revenue received from the issuance of vehicle license tags by the Cherokee Nation should be allocated to the Cherokee Nation Headstart Program.
- G. If possible, the Cherokee Nation should endeavor to enter into a compact with the State of Oklahoma to coordinate its motor vehicle licensing activities with those of the Oklahoma Tax Commission, to make appropriate motor vehicle licensing information available to federal, state and local law enforcement agencies, and to engage in revenue sharing for the benefit of public schools within the territorial boundaries of the Cherokee Nation.

##### Section 101: Purposes.

The purpose of this Act is to establish a Vehicle and Trailer licensing system within 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 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 102: Citation and Codification.

This Act may be cited as "The Cherokee Nation Motor Vehicle Licensing and Tax Code" and shall be codified at Chapter 9 of Title 68 of the Cherokee Code Annotated.

Section 103: Definitions.

For the purposes of this Code, and notwithstanding any other definitions set forth elsewhere in this Title, the words and terms set forth below shall be defined as follows:

- A. "Act" shall mean this act, LA 01-01.
- 13. "Administrator" shall mean the Administrator of the Commission.
- C. "Commercial Trailer" shall mean any Trailer used primarily for the transportation of goods in the ordinary course of any trade or business.
- D. "Commercial Vehicle" shall mean any Vehicle used primarily for the transportation of persons or goods in the ordinary course of any trade or business.
- E. "Commission" shall mean the Cherokee Nation Tax Commission.
- F. "Eligible Vehicle" shall mean any Personal Vehicle, Commercial Vehicle, Motorcycle, Recreational Vehicle, Farm Truck, Farm Tractor, Farm Trailer or other Trailer, which is owned by a Tribal Citizen who resides within the Reservation Boundaries of the Cherokee Nation and 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.
- G. "Farm Tractor" shall mean any Vehicle owned by a farmer and used primarily for pulling or towing farming equipment, tilling the soil or in other agricultural activities. Provided, that no Vehicle shall be registered as a Farm Tractor unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four tractors as "Farm Tractors".
- H. "Farm Trailer" shall mean any Trailer owned by a farmer and used primarily for the purpose of transporting farm animals or products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes. Provided, that no Vehicle shall be registered as a Farm Trailer unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four Trailers as "Farm Trailers".
- I. "Farm Truck" shall mean any Vehicle equipped with four or more wheels and a cargo area for the conveyance of property that is used primarily for agricultural purposes, but not for commercial or industrial purposes. Vans and sport utility vehicles shall not be eligible to carry a "Farm Truck" tag. Provided, that no Vehicle shall be registered as a Farm Truck unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four trucks as "Farm Trucks".

public schools within the territorial boundaries of the Cherokee Nation and to Sequoyah High School; 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 102: Citation and Codification.**

This Act may be cited as "The Cherokee Nation Motor Vehicle Licensing and Tax Code" and shall be codified at Chapter 9 of Title 68 of the Cherokee Code Annotated.

**Section 103: Definitions.**

For the purposes of this Code, and notwithstanding any other definitions set forth elsewhere in this Title, the words and terms set forth below shall be defined as follows:

- A. "Act" shall mean this act, LA 01-01.
- 13. "Administrator" shall mean the Administrator of the Commission.
- C. "Commercial Trailer" shall mean any Trailer used primarily for the transportation of goods in the ordinary course of any trade or business.
- D. "Commercial Vehicle" shall mean any Vehicle used primarily for the transportation of persons or goods in the ordinary course of any trade or business.
- E. "Commission" shall mean the Cherokee Nation Tax Commission.
- F. "Eligible Vehicle" shall mean any Personal Vehicle, Commercial Vehicle, Motorcycle, Recreational Vehicle, Farm Truck, Farm Tractor, Farm Trailer or other Trailer, which is owned by a Tribal Citizen who resides within the Reservation Boundaries of the Cherokee Nation and 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.
- G. "Farm Tractor" shall mean any Vehicle owned by a farmer and used primarily for pulling or towing farming equipment, tilling the soil or in other agricultural activities. Provided, that no Vehicle shall be registered as a Farm Tractor unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four tractors as "Farm Tractors".
- H. "Farm Trailer" shall mean any Trailer owned by a farmer and used primarily for the purpose of transporting farm animals or products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes. Provided, that no Vehicle shall be registered as a Farm Trailer unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four Trailers as "Farm Trailers".
- I. "Farm Truck" shall mean any Vehicle equipped with four or more wheels and a cargo area for the conveyance of property that is used primarily for agricultural purposes, but not for commercial or industrial purposes. Vans and sport utility vehicles shall not be eligible to carry a "Farm Truck" tag. Provided, that no Vehicle shall be registered as a Farm Truck unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant shall not be eligible to register more than four trucks as "Farm Trucks".

- J. "Motorcycle" shall mean any two or three-wheeled Personal Vehicle.
- K. "Nation" shall mean Cherokee Nation.
- L. "Person" shall mean any natural person or legal entity legally competent to hold title to a Vehicle.
- M. "Reservation Boundaries of the Cherokee Nation" shall mean the territorial boundaries of the Nation as they existed as of January 1, 1900.
- N. "Personal Vehicle" shall mean any Vehicle having four or more wheels, including but not limited to cars, trucks, vans and sport utility vehicles, and any Motorcycle; provided however, the definition of Personal Vehicle shall not include a Commercial Vehicle as defined in Subsection D of this section, a Farm Truck as defined in subsection I of this section, a Farm Trailer as used in Subsection H, a Farm Tractor as used in Subsection G of this section, or a Recreational Vehicle as defined in Subsection P of this section.
- O. "Rebuilt Vehicle" shall mean any Salvage Vehicle which has been rebuilt and inspected for the purpose of registration and title with the Cherokee Nation, another tribe or state.
- P. "Recreational Vehicle" shall mean any Vehicle that is equipped to serve as temporary living quarters for recreational, camping or travel purposes and is used solely as a family or personal conveyance.
- Q. "Salvage Vehicle" shall mean any Vehicle which is within the last ten (10) model years and has been damaged by collision or other occurrence to the extent that the cost of repairing the Vehicle for safe operation on the highway exceeds sixty percent (60%) of its fair market value, immediately prior to the damage.
- R. "Trailer" shall mean any portable structure having two or more wheels that is built on a chassis and is designed to be towed by a Vehicle and not propelled by its own power, with a width not exceeding eight (8) feet in travel mode and overall length not exceeding forty (40) feet, including the hitch or coupling, whether used for towing property or livestock or as a temporary dwelling for travel or recreational use. "Trailer" shall include in its meaning any mobile home until such time as it becomes affixed to the land.
- S. "Tribal Citizen" shall mean any person who is registered as a citizen of the Cherokee Nation.
- T. "Vehicle" shall mean any wheeled conveyance for carrying persons or property capable of being propelled under its own power through the use of an electric engine or internal combustion engine greater than 50 cubic centimeters, designed primarily for use on roads and/or highways and equipped with brakes, headlights, taillights, brake lights, a horn, turn signals and a rear-view mirror, the ownership of which is reflected on a Certificate of Title.

**Section 104. Negotiation of Compact: Effective Date.**

- A. The Principal Chief is hereby authorized to negotiate with appropriate officials of the State of Oklahoma for a compact between the Cherokee Nation and the State of Oklahoma, the provisions of which would (i) allocate a portion of the revenue generated by motor vehicle license fees to and the public schools within the Nation's jurisdictional area; (ii) coordinate motor vehicle title information with the appropriate state agencies; and (iii) address any other issues which may arise and may be resolved through a tribal -state compact. Provided, no such compact shall take effect until approved by way of Tribal Resolution enacted in accordance with 25 CNCA § 26 and all other parties have executed or approved the compact as required by applicable law.
- B. The provisions of this Act shall not take effect until the Commission adopts its rules and regulations pursuant to § 202 of this Act.

**Section 105. Revenue Sharing.**

- A. A portion of the revenue generated from fees, taxes, penalties and fines generated in connection with the issuance of motor vehicle licenses hereunder shall be allocated to Sequoyah High School and the public schools within the Reservation Boundaries of the Cherokee Nation, to the Marshal Service and to certain counties and municipalities in accordance with the provisions of Section 105B of this Act; provided, however, in the event that a compact is approved in accordance with Section 104A of this Act, such revenues shall be allocated in accordance with the provisions of the compact.

## **B. Allocation of Revenues.**

The fees, taxes, penalties and fines collected by the Commission pursuant to the provisions of this Act shall be allocated and expended for the purposes set forth in the following paragraphs:

- (1) The fees, taxes, penalties and fines collected by the Commission shall be first applied to the costs and expenses of the Commission in carrying out the provisions of this Act, as authorized and appropriated in the Nation's comprehensive annual budget.
- (2) 38% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be allocated and made available to Oklahoma public schools located within the Reservation Boundaries of the Cherokee Nation that have students on current Johnson O'Malley rosters and to Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program in accordance with the apportionment provisions of subsection C of this section. Any public school located outside the Reservation Boundaries shall be eligible to receive a share of the allocation pursuant to subsection C of this section provided all three of the following conditions are met with respect to such school: (a) any portion of the district of which said school is a part is within the Reservation Boundaries; *and* (b) any portion of the premises of said school is located within two miles of the Reservation Boundary; *and* (c) the school has one or more enrolled students included in current Johnson O'Malley rosters.
- (3) 20% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be made available for apportionment to the Nation's Marshal Service and to counties and municipalities within the Nation's Reservation Boundaries for apportionment in accordance with Subsection C of this section.
- (4) Any funds not appropriated or expended pursuant to paragraphs (1), (2) or (3) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to future Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

## **C. Apportionment and Expenditure of Revenues.**

All revenues set aside pursuant to Subsection B of this section shall be apportioned and expended as follows:

- (1) Within 30 days after the end of each fiscal year during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing annual report, the Commission shall prepare and submit to the Controller any monthly or quarterly reports as may be requested by the Controller. The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.
- (2) Revenues set aside under Subsection B(2) of this section shall be apportioned pro rata each year among the eligible public schools and Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program, based on each school's qualified student enrollment determined as follows: for the purposes of this allocation formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from the most recent official Johnson O'Malley roster prepared by the Cherokee Nation or any other bordering Indian Nation; and (b) the qualified student enrollment for Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count. The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program shall be weighted as two Indian students for the purposes of the apportionment formula in this paragraph.

## **B. Allocation of Revenues.**

The fees, taxes, penalties and fines collected by the Commission pursuant to the provisions of this Act shall be allocated and expended for the purposes set forth in the following paragraphs:

- (1) The fees, taxes, penalties and fines collected by the Commission shall be first applied to the costs and expenses of the Commission in carrying out the provisions of this Act, as authorized and appropriated in the Nation's comprehensive annual budget.
- (2) 38% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be allocated and made available to Oklahoma public schools located within the Reservation Boundaries of the Cherokee Nation that have students on current Johnson O'Malley rosters and to Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program in accordance with the apportionment provisions of subsection C of this section. Any public school located outside the Reservation Boundaries shall be eligible to receive a share of the allocation pursuant to subsection C of this section provided all three of the following conditions are met with respect to such school: (a) any portion of the district of which said school is a part is within the Reservation Boundaries; and (b) any portion of the premises of said school is located within two miles of the Reservation Boundary; and (c) the school has one or more enrolled students included in current Johnson O'Malley rosters.
- (3) 20% of all fees and taxes collected by the Commission remaining after the amounts appropriated pursuant to paragraph (1) of this subsection shall be made available for apportionment to the Nation's Marshal Service and to counties and municipalities within the Nation's Reservation Boundaries for apportionment in accordance with Subsection C of this section.
- (4) Any funds not appropriated or expended pursuant to paragraphs (1), (2) or (3) of this subsection shall remain available in the General Fund for appropriation and expenditure pursuant to future Legislative Act. All amounts apportioned under Subsection C of this section shall be appropriated as part of the Nation's comprehensive annual budget.

## **C. Apportionment and Expenditure of Revenues.**

All revenues set aside pursuant to Subsection B of this section shall be apportioned and expended as follows:

- (1) Within 30 days after the end of each fiscal year during which this Act is in effect, the Commission shall prepare and submit to the Controller a report setting forth separately the amounts collected by the Commission as fees, taxes, penalties and fines. The Commission shall make available any documents or records requested by the Controller to verify the accuracy of the report. In addition to the foregoing annual report, the Commission shall prepare and submit to the Controller any monthly or quarterly reports as may be requested by the Controller. The Principal Chief shall cause a copy of any report prepared pursuant to this paragraph to be delivered to the Tribal Council upon receipt of same by the Controller.
- (2) Revenues set aside under Subsection B(2) of this section shall be apportioned pro rata each year among the eligible public schools and Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program, based on each school's qualified student enrollment determined as follows: for the purposes of this allocation formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from the most recent official Johnson O'Malley roster prepared by the Cherokee Nation or any other bordering Indian Nation; and (b) the qualified student enrollment for Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count. The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian Student enrolled at Sequoyah High School, Cherokee Nation Immersion Program and Cherokee Nation Headstart Program shall be weighted as two Indian students for the purposes of the apportionment formula in this paragraph.

- (3) The funds set aside under Section 105B(3) may be apportioned each year among the counties and municipalities within the Nation's Reservation Boundaries and to the Marshal Service in accordance with and as appropriated in the comprehensive annual budget of the Cherokee Nation. The funds apportioned under this subsection shall not be transferred to the schools, counties, municipalities or Marshal Service until appropriated as part of the comprehensive annual budget for the applicable fiscal year. The Controller shall be responsible for calculating and making all expenditures authorized by Section 105 C(2).

**TITLE TWO: DUTIES OF TAX COMMISSION; REGISTRATION OF VEHICLES; FEES AND TAXES; CERTIFICATES OF TITLE; LICENSE PLATES; PENALTIES.**

**Section 201: General Powers and Duties of Tax Commission.**

The Commission is hereby vested with the power, authority and duty to administer and enforce this Cherokee Nation Motor Vehicle Licensing and Tax Code. This power, authority and duty includes, but is not limited to, the calculation of all taxes, fees, penalties and fines assessed in accordance with the provisions of this Act, as well as contracting with Oklahoma Tag Agents to distribute Motor Vehicle tags and process Motor Vehicle registration documents, if the Commission determines that utilizing Oklahoma Tag Agents for such purposes is in the best interests of the Nation. The Administrator shall be responsible for carrying out the rules, regulations and directives of the Commission, and the Commission may delegate to the Administrator such authority as it deems proper for said purpose, provided that the authority to adopt rules and regulations pursuant to Section 202 of this Act shall not be delegable to the Administrator or any other person.

**Section 202: Rules and Regulations.**

The Commission shall adopt such rules and regulations, and amendments thereto, as it deems necessary to administer and enforce this Code, which rules and regulations need not be approved by the Tribal Council, provided that said rules and regulations and any amendments thereto shall not be inconsistent with this Code and shall be made available to the Council immediately after adoption. The Commission shall adopt such rules and regulations no later than 90 days after the earlier of (i) the approval of a compact pursuant to Subsection A of § 105 of this Act, or (ii) May 31, 2001. The rules and regulations shall provide for a process to appeal decisions of the Administrator assessing any fees, taxes, fines or penalties authorized by this Act. Any decision by the Commission on a question so presented on appeal shall be final. The rules and regulations shall also set forth the procedures and requirements for perfecting the lien of a secured party against any Vehicle registered pursuant to this Act.

**Section 203: Registration of Vehicles Required.**

It shall be unlawful for any person, including without limitation any Tribal Citizen, to operate any Vehicle on the public streets, alleys, roadways or highways within the Reservation Boundaries of the Cherokee Nation unless such Vehicle is properly registered and tagged under the provisions of this Act or under the laws of the United States, a territory, a state or a federally-recognized Indian tribe with jurisdiction over the lands where such Vehicle is principally garaged. Except as expressly authorized by tribal compact between the Cherokee Nation and another federally recognized Indian tribe, it shall be unlawful for the purposes of this section for any Indian to operate a Motor Vehicle on any tribal fee or trust or individual Indian trust or restricted land within the Reservation Boundaries of the Cherokee Nation if (i) said Motor Vehicle is tagged by another federally recognized Indian tribe and (ii) the owner of said Motor Vehicle resides within the Reservation Boundaries of the Cherokee Nation and the Motor Vehicle is principally garaged within the Reservation Boundaries of the Cherokee Nation.

**Section 204: Registration Fees and Taxes.**

Eligible Vehicles and Trailers may be registered with the Cherokee Nation, subject to the following fees and taxes:

**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:

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.

**B. Registration Tax on Personal Vehicles.**

There is hereby levied a registration tax of one and one-half percent (1 1/2 %) of the actual purchase price of Personal Vehicles not previously registered with the Cherokee Nation or any other tribe or with any 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. The "average retail value" as used in this subsection shall be determined from a published index of automobile values to be specified by the Commission in its rules and regulations adopted pursuant to this Act.

**C. Registration Tax on Commercial Vehicles.**

There is hereby levied on every Commercial Vehicle registered with the Cherokee Nation a registration tax equal to one-half (1/2) of the amount of the tax which would otherwise be imposed by Subsection B of this section if the Vehicle were a Personal Vehicle. Provided, however, the owner of said Vehicle shall be required to sign an affidavit, under oath, in such form as shall be prescribed by the Commission, stating that the Vehicle will be used primarily for trade or business purposes, and shall either:

- (1) Affix the federal employer identification number of said business to the affidavit, or
- (2) Cause the name of the business to be permanently affixed to each side of said Vehicle in letters or numerals of at least one (1) inch in height and in a color contrasting with the color of said Vehicle.

Proof of trade or business purposes shall be required each year for subsequent registrations. This registration tax shall also be levied on any Commercial Vehicle registered pursuant to this Act upon its sale by one Tribal Citizen to another Tribal Citizen.

**D. Registration Tax on Motorcycles.**

There is hereby levied a registration tax on every Motorcycle not previously registered with the Cherokee Nation or any other tribe or with any territory or state at the same rate as described in Subsection B of this section. This registration tax shall also be levied on any Motorcycle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen.

**E. Registration Tax on Recreational Vehicles.**

There is hereby levied a registration tax on every Recreational Vehicle not previously registered with the Cherokee

- (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:

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.

**B. Registration Tax on Personal Vehicles.**

There is hereby levied a registration tax of one and one-half percent (1 1/2 %) of the actual purchase price of Personal Vehicles not previously registered with the Cherokee Nation or any other tribe or with any 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. The "average retail value" as used in this subsection shall be determined from a published index of automobile values to be specified by the Commission in its rules and regulations adopted pursuant to this Act.

**C. Registration Tax on Commercial Vehicles.**

There is hereby levied on every Commercial Vehicle registered with the Cherokee Nation a registration tax equal to one-half (1/2) of the amount of the tax which would otherwise be imposed by Subsection B of this section if the Vehicle were a Personal Vehicle. Provided, however, the owner of said Vehicle shall be required to sign an affidavit, under oath, in such form as shall be prescribed by the Commission, stating that the Vehicle will be used primarily for trade or business purposes, and shall either:

- (1) Affix the federal employer identification number of said business to the affidavit, or
- (2) Cause the name of the business to be permanently affixed to each side of said Vehicle in letters or numerals of at least one (1) inch in height and in a color contrasting with the color of said Vehicle.

Proof of trade or business purposes shall be required each year for subsequent registrations. This registration tax shall also be levied on any Commercial Vehicle registered pursuant to this Act upon its sale by one Tribal Citizen to another Tribal Citizen.

**D. Registration Tax on Motorcycles.**

There is hereby levied a registration tax on every Motorcycle not previously registered with the Cherokee Nation or any other tribe or with any territory or state at the same rate as described in Subsection B of this section. This registration tax shall also be levied on any Motorcycle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen.

**E. Registration Tax on Recreational Vehicles.**

There is hereby levied a registration tax on every Recreational Vehicle not previously registered with the Cherokee



Nation or any other tribe or with any territory or state equal to one-half (1/2) of the amount of tax which would otherwise be imposed by Subsection B. This registration tax shall also be levied on any Recreational Vehicle registered pursuant to this Act upon its sale by a Tribal Citizen to another Tribal Citizen.

**F. Registration Tax on Farm Trucks and Farm Tractors.**

There shall be no registration tax levied on Farm Trucks or Farm Tractors.

**G. Registration Tax on Farm Trailers and Commercial Trailers.**

There shall be no registration tax levied on Farm Trailers or Commercial Trailers.

**H. Lien for Delinquent Fees, Etc.**

Any delinquent fees, taxes, penalties or interest due under the provisions of this Act with respect to any Vehicle shall constitute a lien of first priority against said Vehicle. The Commission shall not register, title or renew the registration for any such Vehicle until the delinquent fees, taxes, penalties or interest are paid.

**Section 205. Certificates of Title.**

**A. Application for Certificate of Title.**

Prior to the initial registration of any Vehicle with the Cherokee Nation, the owner shall apply to the Commission, on a form that the Commission shall by regulation direct, for a certificate of title for said Vehicle. Prior to issuance of a certificate of title for a Vehicle, the Commission shall require the applicant to furnish proof of purchase from a licensed new or used car dealer, or a properly endorsed Vehicle Certificate of Title issued by the Commission or some other tribal, state or territorial licensing authority. Notice of liens against said Vehicle shall be placed upon said title upon request of the lending institution in accordance with regulations adopted by the Commission pursuant to this Act. The procedures for placing and releasing liens on Vehicles and reflecting same on the certificate of title shall be provided by regulations adopted by the Commission pursuant to this Act.

**B. Title Fees.**

The Commission shall charge a fee of six dollars (\$6.00) for issuing an original or transfer certificate of title and a fee of six dollars (\$6.00) for issuing a duplicate certificate of title. A receipt shall be given for said fees. If an Oklahoma tag agency issues the certificate of title, the agency shall charge the same fees as are provided in this subsection.

**C. Original, Transfer and Duplicate Titles.**

- (1) An "original title" shall be issued to the first purchaser of a Vehicle from a new Vehicle dealer.
- (2) A "transfer title" shall be the title issued to a second or subsequent owner of an Eligible Vehicle whether purchased from an individual or dealer.
- (3) A "duplicate title" shall be the title issued to the owner of record of an Eligible Vehicle to replace a lost, stolen or mutilated original or transfer title.

**D. Salvage and Rebuilt Title.**

No certificate of title shall be issued on for a salvage or rebuilt title issued by another tribe or state. The Cherokee Nation shall not issue any titles on Salvage or Rebuilt Vehicles.

**E. Sale of Vehicle to Non-Indian.**

In the event a Tribal Citizen sells a Vehicle registered under this Act to a person who is not a Tribal Citizen, the seller shall at the time of sale provide copies of his or her current CUB and Tribal membership cards to the purchaser. If the Tribal Citizen seller fails to provide the purchaser with copies of such documents at the time of sale of the Vehicle, the Nation's Registrar is authorized upon request of the purchaser to provide said purchaser the documentation confirming the enrollment of the seller as a citizen of Cherokee Nation.

**Section 206: License Plates.**

**A. Standard License Plate.**

Each Vehicle registered with the Cherokee Nation shall be issued a license plate to be properly displayed on the rear of said vehicle. The Commission shall be responsible for the design of all license plates issued hereunder which plates shall conform to the following requirements:

- (1) Each license plate shall be made of metal with a background and lettering of sufficient contrast so as to be easily read from a distance of not less than fifty (50) feet;
- (2) Each license plate shall bear the name of Cherokee Nation along the upper portion of the plate;
- (3) Each license plate shall bear the Cherokee Nation seal;
- (4) Each license plate shall bear the word Oklahoma;
- (5) Each license plate number shall contain no more than seven (7) characters, made up of numbers, letters or a unique combination of both, unless otherwise provided herein;
- (6) The identifying symbols on the license plate shall be large and clear enough to be read by the unaided eye at a distance of not less than fifty (50) feet;
- (7) Each license plate shall provide a space for the placement of month and year decals in two corners of the license plate; The license plates for each class of Vehicles shall bear some mark or decal as determined by the Commission so as to make it different from those assigned to other classes of Vehicles; and
- (8) The Commission may in its discretion provide by regulation for special identifying symbols or legends to be placed upon Personal Vehicles license plates issued for:
  - (a) The physically handicapped;
  - (b) Veterans of the armed forces;
  - (c) Winners of selected medals for heroism in combat;
  - (d) Past or present prisoners of war;
  - (e) Parents whose child has been killed as a result of service in the armed forces; and
  - (f) Past and present elected tribal officials.
- (9) The Commission may in its discretion provide by regulation for special identifying symbols or legends to be placed upon Personal Vehicles license plates issued for:
  - (g) The physically handicapped;
  - (h) Veterans of the armed forces;
  - (i) Winners of selected medals for heroism in combat;
  - (j) Past or present prisoners of war;
  - (k) Parents whose child has been killed as a result of service in the armed forces; and
  - (l) Past and present elected tribal officials.

The Commission shall require such documentation as it deems appropriate that the owner of the Vehicle is eligible for the special symbol or legend.

**B. Cherokee Nation Government Vehicles.**

The Commission shall issue without charge appropriate titles, certificates of registration, license plates and decals for any Vehicle owned by the Cherokee Nation or its agencies. Title to any such Vehicles shall be in the name of the Cherokee Nation and such Vehicles shall not be sold or transferred except in accordance with applicable law.

**C. Lost, Mutilated or Destroyed License Plate or Decal.**

- (1) In the event of loss, mutilation or destruction of a license plate or decal issued to an Eligible Vehicle the owner of the Vehicle shall file an affidavit showing such fact and obtain a replacement plate or decal. The charge shall be \$10.00 for each such plate or decal.
- (2) In the event a license plate becomes so mutilated as to make its numbers, letters or decals illegible, the owner/operator of the Vehicle to which the plate was issued shall be subject to a fine of \$50.00. Law enforcement shall have the authority to detain and cite any owner or operator of Vehicles bearing such

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- (2) In the event a license plate becomes so mutilated as to make its numbers, letters or decals illegible, the owner/operator of the Vehicle to which the plate was issued shall be subject to a fine of \$50.00. Law enforcement shall have the authority to detain and cite any owner or operator of Vehicles bearing such

mutilated license plates.

**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 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 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 of the Cherokee Nation, or owning and garaging a Vehicle within said Boundaries, who is eligible to apply for a certificate of title, certificate of registration, tag and decal for said Vehicle shall have twenty (20) days after purchasing or obtaining possession of said Vehicle, or twenty (20) 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 20-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 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 lienholder 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 lienholder 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 lienholders in accordance with their respective priorities, and the balance, if any, into the General Fund for appropriation and allocation pursuant to this Act.
- (2) The Administrator shall have the authority to waive penalties in whole or in part for failure to register a Vehicle in accordance with this Act in cases where such Vehicle is proven to have been inoperable during the registration period. Proof of inoperability may be by, but is not limited to, submission of parts or repair receipts or such other evidence deemed appropriate by the Administrator.

- (3) The Administrator shall have the authority to deny registration or renewal registration to any applicant when the application information submitted by the applicant is determined by the Administrator to be fraudulent or incorrect. If a Vehicle is registered hereunder and thereafter the Administrator determines that the registration was made on the basis of false or fraudulent information, the Administrator shall notify the applicant-owner that the registration has been revoked. Notification shall be done by certified mail and shall be complete upon acceptance of, or refusal to accept, delivery of the notice.
- (4) Penalties under this section shall not apply if the Vehicle has been properly registered with any other tribe, state, territory or the United States.

**C. Application Form.**

The Vehicle registration application form shall be as prescribed by the Commission pursuant to regulations promulgated by it hereunder and shall include provisions whereby the applicant expressly submits himself or herself to the jurisdiction of the Cherokee Nation and its courts for purposes of enforcement of this Act, including without limitation the assessment and collection of any penalties, fines or interest provided for hereunder.

**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 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 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.
- C. Every owner of a Vehicle registered with the Nation pursuant to the provisions of this Act shall carry in such Vehicle at all times a current owner's security verification form identifying the Vehicle, which form must be issued by an insurance company or surety company and shall produce such form upon request for inspection by any law enforcement officer or representative of the Commission and, in case of a collision or accident, the form shall be shown upon request to any person injured by said collision or whose Vehicle or property has been damaged by said collision. Said form shall not be valid or sufficient unless issued by an insurance carrier authorized to transact business in the State of Oklahoma. Provided, however, that residents of other states operating a Vehicle registered in another state, territory or an Indian tribe from another state must have in effect liability insurance or other coverage, together with proof of same, as is required under the financial responsibility laws of the state, territory or Indian tribe where the Vehicle is registered, or liability insurance coverage or other forms of financial security, and proof thereof, that meet the requirements of Oklahoma financial responsibility laws applicable to non-residents.
- D. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form during operation of a Vehicle and shall not be required to surrender such form for Vehicle registration purposes:
  - (1) Any Vehicle owned or leased by the federal, state, territory or tribal government, or any agency or political subdivision thereof;
  - (2) Any Vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior whose business, corporation or utility has a deposit, bond, self-insurance or fleet policy on file with the Commission in an amount that meets the minimum limits of Subsection B of this section, or the financial responsibility laws of the State of Oklahoma, whichever amount is greater; or
  - (3) Any Vehicle not required to carry such security verification form under the provisions of Section 7-602 of Title 47 of the Oklahoma Statutes, as amended, replaced or recodified from time to time.

- (3) The Administrator shall have the authority to deny registration or renewal registration to any applicant when the application information submitted by the applicant is determined by the Administrator to be fraudulent or incorrect. If a Vehicle is registered hereunder and thereafter the Administrator determines that the registration was made on the basis of false or fraudulent information, the Administrator shall notify the applicant-owner that the registration has been revoked. Notification shall be done by certified mail and shall be complete upon acceptance of, or refusal to accept, delivery of the notice.
- (4) Penalties under this section shall not apply if the Vehicle has been properly registered with any other tribe, state, territory or the United States.

**C. Application Form.**

The Vehicle registration application form shall be as prescribed by the Commission pursuant to regulations promulgated by it hereunder and shall include provisions whereby the applicant expressly submits himself or herself to the jurisdiction of the Cherokee Nation and its courts for purposes of enforcement of this Act, including without limitation the assessment and collection of any penalties, fines or interest provided for hereunder.

**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 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 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.
- C. Every owner of a Vehicle registered with the Nation pursuant to the provisions of this Act shall carry in such Vehicle at all times a current owner's security verification form identifying the Vehicle, which form must be issued by an insurance company or surety company and shall produce such form upon request for inspection by any law enforcement officer or representative of the Commission and, in case of a collision or accident, the form shall be shown upon request to any person injured by said collision or whose Vehicle or property has been damaged by said collision. Said form shall not be valid or sufficient unless issued by an insurance carrier authorized to transact business in the State of Oklahoma. Provided, however, that residents of other states operating a Vehicle registered in another state, territory or an Indian tribe from another state must have in effect liability insurance or other coverage, together with proof of same, as is required under the financial responsibility laws of the state, territory or Indian tribe where the Vehicle is registered, or liability insurance coverage or other forms of financial security, and proof thereof, that meet the requirements of Oklahoma financial responsibility laws applicable to non-residents.
- D. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form during operation of a Vehicle and shall not be required to surrender such form for Vehicle registration purposes:
  - (1) Any Vehicle owned or leased by the federal, state, territory or tribal government, or any agency or political subdivision thereof;
  - (2) Any Vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior whose business, corporation or utility has a deposit, bond, self-insurance or fleet policy on file with the Commission in an amount that meets the minimum limits of Subsection B of this section, or the financial responsibility laws of the State of Oklahoma, whichever amount is greater; or
  - (3) Any Vehicle not required to carry such security verification form under the provisions of Section 7-602 of Title 47 of the Oklahoma Statutes, as amended, replaced or recodified from time to time.

Section 209. Penalties.

- A. Any Indian operating a Vehicle registered pursuant to this Act within the jurisdiction of the Cherokee Nation, including without limitation any Tribal Citizen, who knowingly issues or promulgates false or fraudulent information in connection with either the financial security verification form or an equivalent form of an owner or operator shall be guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not more than six (6) months or by both such fine or imprisonment.
- B. Any Indian who operates a Vehicle, or allows to be operated a Vehicle owned by him or her, on the streets, alleys, roads and highways in the Reservation Boundaries of the Cherokee Nation in violation of this Act shall be guilty of a misdemeanor punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than thirty (30) days, or both such fine and imprisonment.
- C. Any Vehicle operated in violation of any provision in Sections 203 through 208, inclusive, of this Act, shall be considered a public nuisance. The Commission shall have the authority to seize any Cherokee Nation license plate placed upon such Vehicle and prohibit the return or re-registration of the Vehicle until a security verification form is filed with the Commission or other appropriate action as ordered by the Commission is taken to assure that such Vehicle shall not be used in violation of this Act. If such Vehicle has been in a collision or accident, any law enforcement officer shall impound such Vehicle until a security verification form is filed with the Commission or other appropriate action as ordered by the Commission is taken.

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 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.

Section 211. Amendment to 68 CNCA §5.

Section 5 of Title 68 of the Cherokee Code Annotated is hereby amended to read as follows:

At least seventy-five percent (75%) of all future tax appropriations, from revenues other than those collected pursuant to Chapter 9 of this Title, shall be dedicated for the purposes of education, health and human services, housing programs/projects and economic development.


Section 212. Severability.

If any provision of this Act is determined to be invalid for any reason by a court of competent jurisdiction, said provision shall be severable from all other provisions of the Act not held invalid, and such other provisions shall continue in full force and effect as if the invalidated provision had not been a part of this Act.


Enacted by the Council of the Cherokee Nation on the 14<sup>th</sup> day of April, 2008.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18<sup>th</sup> day of APRIL, 2008.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Melanie Knight, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

|                              |            |                     |            |
|------------------------------|------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u> |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u> |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u> |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |            |



ATTEST:

  
Melanie Knight, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

|                              |            |                     |            |
|------------------------------|------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u> |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u> |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u> |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |            |

Committee: Rules

Date: 9-15-08

Committee Date: 9-25-08

Author: Sharon Swepton

Sponsor: Councilors Meredith A. Frailey  
& Chuck Hoskin Jr.

# An Act

## **Legislative Act 23-08**

### **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, electric engine or combination thereof, 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.

**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.


Enacted by the Council of the Cherokee Nation on the 13<sup>th</sup> day of October, 2008.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15<sup>th</sup> day of October, 2008.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |            |                     |            |
|------------------------------|------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u> |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u> |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u> |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |            |


**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 13<sup>th</sup> day of October, 2008.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15<sup>th</sup> day of October, 2008.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |            |                     |            |
|------------------------------|------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u> |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u> |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u> |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |            |

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Sharon Swepton 9/15/08  
Signature Date

Department Director:

Sharon Swepton 9/15/08  
Signature Date

Executive Director:

Sharon Swepton 9/15/08  
Signature Date

Controller (if needed):

Signature Date

Government Resources Group:

Gita Mayo 9/15/08  
Signature Date

Administration Approval:

Melinda 9/15/08  
Signature Date

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Shelli Britton 9-15-08  
Signature/Initial Date

Standing Committee:

Rules

9-25-08

Next Meeting Date

Chairperson:

Fraily  
Signature/Initial Date

Returned to Presenter:

Date

**Cherokee Nation  
Act/Resolution Proposal Form**

Act

Resolution

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

Department Contact: Sharon Swepton  
Tax Administrator

Resolution Presenter: Sharon Swepton

Sponsor: Meredith A. Frailey

**NARRATIVE:**

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

09-15-08 P05:50 RCVD



# An Act

## **Legislative Act 24-08**

### **A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING DEFINITIONS FOR FARM TRACTORS, FARM TRAILERS AND FARM TRUCKS**

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

#### **Section 1. Title and Codification**

Example: This act shall be known as the "The Second 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 amend definitions for farm tractors, farm trailers and farm trucks.

#### **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:

G. "Farm Tractor" shall mean any vehicle owned by a farmer and used primarily for pulling or towing farming equipment, tilling the soil or in other agricultural activities. Provided that no vehicle shall be registered as a farm tractor unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant or applicant's spouse shall not be eligible to register more than four tractors as "Farm Tractors". Businesses shall not be included in said limitation.

H. "Farm Trailer" shall mean any trailer owned by a farmer and used primarily for the purpose of transporting farm animals or products to market or for the purpose of transporting

to the farm material or things to be used thereon, and not for commercial or industrial purposes. Provided that no vehicle shall be registered as a farm trailer unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant or applicant's spouse shall not be eligible to register more than four trailers as "Farm Trailers". Businesses shall not be included in said limitation.

I. "Farm Truck" shall mean any vehicle equipped with four or more wheels and a cargo area for the conveyance of property that is used primarily for agricultural purposes, but not for commercial or industrial purposes. Vans and sport utility vehicles shall not be eligible to carry a "Farm Truck" tag. Provided that no vehicle shall be registered as a farm truck unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant or applicant's spouse shall not be eligible to register more than four trucks as "Farm Trucks". Businesses shall not be included in said limitation.

**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 13<sup>th</sup> day of October, 2008.

to the farm material or things to be used thereon, and not for commercial or industrial purposes. Provided that no vehicle shall be registered as a farm trailer unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant or applicant's spouse shall not be eligible to register more than four trailers as "Farm Trailers". Businesses shall not be included in said limitation.

I. "Farm Truck" shall mean any vehicle equipped with four or more wheels and a cargo area for the conveyance of property that is used primarily for agricultural purposes, but not for commercial or industrial purposes. Vans and sport utility vehicles shall not be eligible to carry a "Farm Truck" tag. Provided that no vehicle shall be registered as a farm truck unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant or applicant's spouse shall not be eligible to register more than four trucks as "Farm Trucks". Businesses shall not be included in said limitation.

**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.

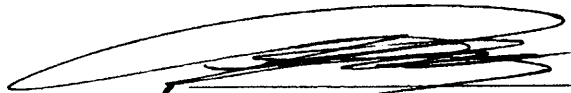
Enacted by the Council of the Cherokee Nation on the 13<sup>th</sup> day of October, 2008.

Meredith A. Frailey  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

**ATTEST:**

Don Garvin  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15th day of October, 2008.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

Melanie Knight  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |            |                     |            |
|------------------------------|------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u> |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u> |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u> |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |            |

# Cherokee Nation Act/Resolution Proposal Form

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:  
Sharon Swepton 9/15/08  
 Signature Date

Department Director:  
Sharon Swepton 9/15/08  
 Signature Date

Executive Director:  
Sharon Swepton 9/15/08  
 Signature Date

Controller (if needed):  
 \_\_\_\_\_  
 Signature Date

Government Resources Group:  
Gita May 9/18/08  
 Signature Date

Administration Approval:  
Melinda A 9/15/08  
 Signature Date

Act

Resolution

**TITLE: A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMMENDING AND DEFINITIONS FOR FARM TRACTORS, FARM TRAILERS AND FARM TRUCKS**

Department Contact: Sharon Swepton  
 Tax Administrator

Resolution Presenter: Sharon Swepton

Sponsor: Meredith A. Frailey

**NARRATIVE:**

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to amend definitions for farm tractors, farm trailers and farm trucks.

**LEGISLATIVE CLEARANCE**

Legislative Aide:  
Shelli Britton 9-15-08  
 Signature/Initial Date

Standing Committee:  
Rules  
 \_\_\_\_\_  
 9-25-08  
 Next Meeting Date

Chairperson:  
Frailey  
 Signature/Initial Date

Returned to Presenter: \_\_\_\_\_  
 Date

09-15-08FUD:DU

# Cherokee Nation Act/Resolution Proposal Form

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:  
*Sharon Swebst* 9/13/08  
 Signature Date

Department Director:  
*Sharon Swebst* 9/15/08  
 Signature Date

Executive Director:  
*Sharon Swebst* 9/15/08  
 Signature Date

Controller (if needed):  
 \_\_\_\_\_  
 Signature Date

Government Resources Group:  
*Gita May* 9/18/08  
 Signature Date

Administration Approval:  
*Melinda A* 9/15/08  
 Signature Date

Act

Resolution

**TITLE: A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING AND DEFINITIONS FOR FARM TRACTORS, FARM TRAILERS AND FARM TRUCKS**

Department Contact: Sharon Swebst  
Tax Administrator

Resolution Presenter: Sharon Swebst

Sponsor: Meredith A. Frailey

**NARRATIVE:**  
 The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to amend definitions for farm tractors, farm trailers and farm trucks.

**LEGISLATIVE CLEARANCE**

Legislative Aide:  
*Shelli Brittain* 9-15-08  
 Signature/Initial Date

Standing Committee:  
*Rules*  
 \_\_\_\_\_  
 9-23-08  
 Next Meeting Date

Chairperson:  
*Frailey*  
 Signature/Initial Date

Returned to Presenter: \_\_\_\_\_  
 Date

09-15-08 P05:30 PM

Committee: Rules  
Date: 1-19-09 Committee Date: 1-29-09

Author: Sharon Swegston  
Sponsor: Chuck Hoskin Jr.

# An Act

Legislative Act 04-09

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

### **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 Mini-trucks and Off-Road Motorcycles.

#### **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, 12-06, 17-06, and 8-06.

#### **Section 4. Definitions**

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

- AA. Off-Road motorcycles (ORM's) means a motorcycle manufactured for and used exclusively off roads, highways, and any other paved surfaces. Small street or sidewalk mini-motorcycles or scooters are not included in this category.
- BB. "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

**Section 5: Amendment**

Section 204 and 205 of LA #01-01 is hereby amended to include the following;  
M. Registration Tax for "Mini-Trucks";

Mini-trucks shall be registered pursuant to the provisions of the Cherokee Nation Motor Vehicle Licensing and Tax Code. The Cherokee Nation Tax Commission shall promulgate rules for the titling and registration of mini-trucks.

Mini-trucks which have been titled and registered pursuant to the provisions of the Cherokee Nation Motor Vehicle Licensing and Tax Code may be operated on the roadways of the state of Oklahoma; provided, however, mini-trucks shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. Operators of mini-trucks shall comply with all traffic regulations and rules of conduct for the operation of motor vehicles on the roadways of the state of Oklahoma provided by law.

**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 17<sup>th</sup> day of February, 2009.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation



**Section 5: Amendment**

Section 204 and 205 of LA #01-01 is hereby amended to include the following;

M. Registration Tax for "Mini-Trucks";

Mini-trucks shall be registered pursuant to the provisions of the Cherokee Nation Motor Vehicle Licensing and Tax Code. The Cherokee Nation Tax Commission shall promulgate rules for the titling and registration of mini-trucks.

Mini-trucks which have been titled and registered pursuant to the provisions of the Cherokee Nation Motor Vehicle Licensing and Tax Code may be operated on the roadways of the state of Oklahoma; provided, however, mini-trucks shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. Operators of mini-trucks shall comply with all traffic regulations and rules of conduct for the operation of motor vehicles on the roadways of the state of Oklahoma provided by law.

**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 17<sup>th</sup> day of February, 2009.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

ATTEST:


  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief on this 23rd day of February, 2009.



Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:



Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |            |                     |               |
|------------------------------|------------|---------------------|---------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u>    |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u>    |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Yea</u>    |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u>    |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u>    |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u>    |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Absent</u> |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Yea</u>    |
| Curtis G. Snell              | <u>Yea</u> |                     |               |

01-19-09P03:16 RCVD

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Sharon Swepston 4/15/09  
Signature Date

Department Director:

Sharon Swepston 4/15/09  
Signature Date

Group Leader:

Sharon Swepston 4/15/09  
Signature Date

Finance Approval (if needed):

Signature Date

Government Resources Group:

[Signature] \_\_\_\_\_  
Signature Date

Administration Approval:

[Signature] 4/15/09  
Signature Date

**Cherokee Nation  
Act/Resolution Proposal Form**

Act

Resolution

**TITLE:** (Motor Vehicle Licensing and Tax Code)

Department Contact: Sharon Swepston

Resolution Presenter: Sharon Swepston

Council Sponsor: Chuck Hoskins Jr.

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this Act/Resolution is to add definitions and registration capabilities for Off-Road Motorcycles and Mini Trucks.

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Shelli Butler 1/19/09  
Signature/initial Date

Standing Committee:

Rules

1/29/09

Next Meeting Date

Chairperson:

[Signature] \_\_\_\_\_  
Signature/initial Date

Returned to Presenter: \_\_\_\_\_  
Date

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Sharon Swepton 4/15/09  
Signature Date

Department Director:

Sharon Swepton 4/15/09  
Signature Date

Group Leader:

Sharon Swepton 4/15/09  
Signature Date

Finance Approval (if needed):

Signature Date

Government Resources Group:

Mita May  
Signature Date

Administration Approval:

Melanie Light 4/15/09  
Signature Date

**Cherokee Nation  
Act/Resolution Proposal Form**

Act

Resolution

**TITLE:** (Motor Vehicle Licensing and Tax Code)

**Department Contact:** Sharon Swepton

**Resolution Presenter:** Sharon Swepton

**Council Sponsor:** Chuck Hoskins Jr.

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this Act/Resolution is to add definitions and registration capabilities for Off-Road Motorcycles and Mini Trucks.

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Shelli Butler 1/19/09  
Signature/Initial Date

Standing Committee:

Rules

1/29/09

Next Meeting Date

Chairperson:

Trailer  
Signature/Initial Date

Returned to Presenter: \_\_\_\_\_  
Date

01-19-09P03:16 RCVD

# An Act

Legislative Act 02 – 10

## A LEGISLATIVE ACT AMENDING TITLE 68 CHAPTER 9 OF THE CHEROKEE NATION CODE ANNOTATED – CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE §1259 – REGISTRATION FEES AND TAXES

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

### **Section 1. Title and Codification**

This act shall be known as the “Cherokee Nation Motor Vehicle Registration Fees and Taxes Amendment Act of 2009” and codified as Title 68 §1259 of the Cherokee Nation Code Annotated (CNCA).

### **Section 2. Purpose**

The purpose of this Act is to amend the registration fees and taxes for Disabled Veterans.

### **Section 3. Substantive provisions**

**The following section of CNCA Title 68 shall be amended as follows:**

#### **§ 1259. Registration Fees and Taxes**

##### **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: \$5.00 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 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 or 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 4. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**Section 5. Severability**

The provisions of this act are severable and if any part of a 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 6. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

**Section 7. 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

- (iii) Disabled Veterans, Special Fee: \$5.00 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 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 or 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 4. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**Section 5. Severability**

The provisions of this act are severable and if any part of a 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.

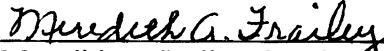
**Section 6. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

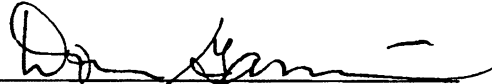
**Section 7. Self-Help Contributions**

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 11<sup>th</sup> day of January, 2010.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

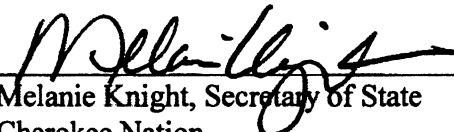
**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15<sup>th</sup> day of JANUARY, 2010.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |            |                     |            |
|------------------------------|------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u> |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u> |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u> |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |            |



**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Sharon Swepton 11/29/09  
Signature Date

Department Director:

Sharon Swepton 11/29/09  
Signature Date

Group Leader:

Sharon Swepton 11/29/09  
Signature Date

Finance Approval (if needed):

Signature Date

Government Resources Group:

Signature Date

Administration Approval:

M. Fraily 12/1/09  
Signature Date

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Brittani 12/1/09  
Signature/Initial Date

Standing Committee:

Rules

12/15/09

Next Meeting Date

Chairperson:

Fraily  
Signature/Initial Date

Returned to Presenter: \_\_\_\_\_  
Date

**Cherokee Nation  
Act/Resolution Proposal Form**



Act



Resolution

**TITLE:** (Registration Fees and Taxes)

Department Contact: Sharon Swepton

Resolution Presenter: Sharon Swepton

Council Sponsor: Meredith Frailey

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this Act is to amend the registration fees and taxes for Disabled Veterans.

12-01-09P04:35 RCVD

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Sharon Swepston 1/29/09  
Signature Date

Department Director:

Sharon Swepston 1/29/09  
Signature Date

Group Leader:

Sharon Swepston 1/29/09  
Signature Date

Finance Approval (if needed):

Signature Date

Government Resources Group:

Signature Date

Administration Approval:

M. Frailey 12/1/09  
Signature Date

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Brittani 12/1/09  
Signature/Initial Date

Standing Committee:

Rules

12/15/09

Next Meeting Date

Chairperson:

Frailey  
Signature/Initial Date

Returned to Presenter:

Date

**Cherokee Nation  
Act/Resolution Proposal Form**



Act



Resolution

**TITLE:** (Registration Fees and Taxes)

Department Contact: Sharon Swepston

Resolution Presenter: Sharon Swepston

Council Sponsor: Meredith Frailey

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this Act is to amend the registration fees and taxes for Disabled Veterans.

12-01-09P04:35 RCVD

# An Act

## Legislative Act 07-10

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

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

#### Section 1. Title and Codification

This act shall be known as the "The Cherokee Nation Motor Vehicle Code Revenue Allocation Amendment Act of 2009" 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 encourage public schools to include Cherokee programming or projects in either instruction or co-curricular activities.

#### 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, 12-06, 17-06, 08-07, 05-08, 23-08, 24-08, 04-09 and 02-10.

#### Section 4. Amendment

Section 105 (C) (2); Subsection C; 2 of LA 01-01 shall be amended as follows:

§ 105 (C) (2)

2. Each year, five percent (5%) of the revenues set aside under Subsection B(2) of this section shall be distributed on a competitive basis to eligible public schools for Cherokee-specific programming or projects. This amount shall be matched with an equal amount to be paid from revenues described in Subsection B(4). Education services shall develop policies and procedures for the competitive fund and awards up to \$25,000 per school per year may be made. A school may be eligible for award for two consecutive years upon which a waiting period of (1) one year shall be required to reapply. The remaining ninety five percent (95%) of the revenues set aside under Subsection B(2) of this section shall be distributed pro rata each year among eligible public

schools, Sequoyah High School and Cherokee Nation Head Start program based on each school's qualified student enrollment determined as follows: for the purposes of this distribution formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from a certified Cherokee student count as described in section 1255(B)(2), submitted and documented by the Superintendent of each eligible public school district as of October 1 of each year, and subject to review by the Cherokee Nation Education Department; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count; and (c) the qualified student enrollment for Cherokee Nation Head Start shall be equal to the total amount of its enrolled Indian students, who are at least four years old as of October 1 of each year, submitted and documented by the director of the program.

The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and as described in section 1255(B)(2); Sequoyah High School; and the Cherokee Nation Head Start program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian student enrolled at Sequoyah High School shall be weighted as two Indian students for the purposes of the distribution formula in this paragraph.

The Cherokee Nation Education Department is hereby authorized to develop and implement policies and procedures necessary for review and proper documentation of the student counts for purposes of this Act. Such policies and procedures shall, at a minimum contain procedures by which appropriate parties will be notified about the requirements herein; requirements for documentation and substantiation of student count submissions; and procedures for appeal of determinations affecting an entity's student count.

**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**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

schools, Sequoyah High School and Cherokee Nation Head Start program based on each school's qualified student enrollment determined as follows: for the purposes of this distribution formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from a certified Cherokee student count as described in section 1255(B)(2), submitted and documented by the Superintendent of each eligible public school district as of October 1 of each year, and subject to review by the Cherokee Nation Education Department; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count; and (c) the qualified student enrollment for Cherokee Nation Head Start shall be equal to the total amount of its enrolled Indian students, who are at least four years old as of October 1 of each year, submitted and documented by the director of the program.

The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and as described in section 1255(B)(2); Sequoyah High School; and the Cherokee Nation Head Start program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian student enrolled at Sequoyah High School shall be weighted as two Indian students for the purposes of the distribution formula in this paragraph.

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**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.

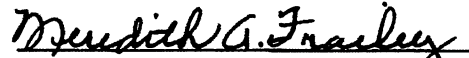
**Section 7. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of 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.


Enacted by the Council of the Cherokee Nation on the 16th day of February, 2010.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23<sup>rd</sup> day of FEBRUARY, 2010.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |            |                     |            |
|------------------------------|------------|---------------------|------------|
| Tina Glory Jordan            | <u>Nay</u> | Meredith A. Frailey | <u>Nay</u> |
| Bill John Baker              | <u>Nay</u> | Chris Soap          | <u>Yea</u> |
| Joe Crittenden               | <u>Nay</u> | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Nay</u> | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Nay</u> | Bradley Cobb        | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Nay</u> | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u> |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |            |

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

A LEGISLATIVE ACT AMENDING LA# 01-01, "THE  
CHEROKEE NATION MOTOR VEHICLE LICENSING  
AND TAX CODE"; AMMENDING ALLOCATION OF  
**TITLE: REVENUES**

DEPARTMENT CONTACT: Melanie Knight

RESOLUTION PRESENTER: Melanie Knight

COUNCIL SPONSOR: Harley Buzzard, Chris Soap, Cara  
Cowan-Watts, Janelle Fullbright,  
and Don Garvin

**NARRATIVE:**

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to encourage public schools to include Cherokee programming or projects in either instruction or co-curricular activities.

| <b><u>ADMINISTRATIVE CLEARANCE</u></b>     |                  |
|--|------------------|
| <b>Dept/Program:</b>                       |                  |
| Signature/Initial                          | Date             |
| <b>Group Leader:</b>                       |                  |
| Signature/Initial                          | Date             |
| <b>Finance (if needed):</b>                |                  |
| Signature/Initial                          | Date             |
| <b>Government Resources:</b>               |                  |
| Signature/Initial                          | Date             |
| <b>Administration Approval:</b>            |                  |
| <i>Melanie Knight</i><br>Signature/Initial | 10/13/09<br>Date |

| <b><u>LEGISLATIVE CLEARANCE:</u></b>                       |                  |
|--|------------------|
| <b>Legal &amp; Legislative Coordinator:</b>                |                  |
| <i>Shelli Brittain</i><br>Signature/Initial                | 10/13/09<br>Date |
| <b>Standing Committee &amp; Date:</b>                      |                  |
| <i>Rules</i>   |                  |
| <b>Chairperson:</b><br><i>Frazier</i><br>Signature/Initial | 10/29/09<br>Date |
| <b>Returned to Presenter:</b>                              |                  |
| Date   |                  |

10-13-09P04:49 RCVD

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

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

**TITLE:** REVENUES


**DEPARTMENT CONTACT:** Melanie Knight

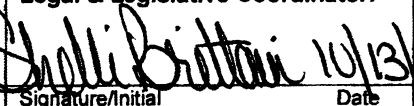
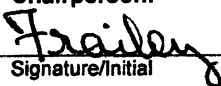
**RESOLUTION PRESENTER:** Melanie Knight

**COUNCIL SPONSOR:** Harley Buzzard, Chris Soap, Cara  
Cowan-Watts, Janelle Fullbright,  
and Don Garvin

**NARRATIVE:**

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to encourage public schools to include Cherokee programming or projects in either instruction or co-curricular activities.

| <b><u>ADMINISTRATIVE<br/>CLEARANCE</u></b>   |                  |
|--|------------------|
| <b>Dept/Program:</b>   |                  |
| Signature/Initial  | Date             |
| <b>Group Leader:</b>   |                  |
| Signature/Initial  | Date             |
| <b>Finance (if needed):</b>  |                  |
| Signature/Initial  | Date             |
| <b>Government Resources:</b>   |                  |
| Signature/Initial  | Date             |
| <b>Administration Approval:</b>  |                  |
| <br>Signature/Initial | 10/13/09<br>Date |

| <b><u>LEGISLATIVE CLEARANCE:</u></b>   |                  |
|--|------------------|
| <b>Legal &amp; Legislative Coordinator:</b>  |                  |
| <br>Signature/Initial | 10/13/09<br>Date |
| <b>Standing Committee &amp; Date:</b>  |                  |
| <i>Rules</i>   |                  |
| <b>Chairperson:</b>  |                  |
| <br>Signature/Initial | 10/29/09<br>Date |
| <b>Returned to Presenter:</b>  |                  |
| Date   |                  |

10-13-09P04:49 RCVD



# An Act

## Legislative Act 23-10

### A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING DEFINITION NUMBERING SEQUENCE AND ADDING DEFINITIONS; AMENDING SECTION 103

#### 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 2010" 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 amend the numbering sequence of definitions in Section 4 and add new definitions and provisions for registration of Low-speed electrical vehicles, Medium-speed electrical 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, 07-06, 12-06, 16-06, 17-06, 08-07, 05-08, 23-08, 24-08, 04-09, 02-10, and 07-10.

##### Section 4. Definitions

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

U.V "Physical Disability means an illness, disease, injury or condition by reason of which a person:

- a. cannot walk two hundred (200) feet without stopping to rest,
- b. cannot walk without the use of 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) mm/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.

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

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

**X.Y** "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 attend court proceedings to protest legal change of ownership.

**Y.Z** "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.

**Z.AA** "Utility Vehicle" means a vehicle powered by an internal combustion engine, electric engine or combination thereof, 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.

**AA.BB** "Off-Road Motorcycles" (ORM's) means a motorcycle manufactured for and used exclusively off roads, highways, and any other paved surfaces. Small street or sidewalk mini-motorcycles or scooters are not included in this category.

**BB.CC** "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55)

- 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) mm/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.

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

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

~~X~~.Y "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 attend court proceedings to protest legal change of ownership.

~~Y~~.Z "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.

~~Z~~.AA "Utility Vehicle" means a vehicle powered by an internal combustion engine, electric engine or combination thereof, 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.

~~AA~~.BB "Off-Road Motorcycles" (ORM's) means a motorcycle manufactured for and used exclusively off roads, highways, and any other paved surfaces. Small street or sidewalk mini-motorcycles or scooters are not included in this category.

~~BB~~.CC "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55)

miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

DD. "Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R.571.500.

EE. "Medium-speed electrical vehicle" means any self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not greater than thirty-five (35) miles per hour.

**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**

The provisions of this act shall become effective thirty (30) days from and after the date of 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.


Enacted by the Council of the Cherokee Nation on the 16th day of August, 2010.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

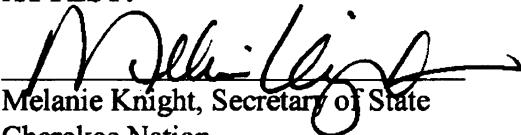
**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23rd day of August, 2010.

  
Chadwick Smith, Principal Chief  
Cherokee Nation


**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation


**YEAS AND NAYS AS RECORDED:**

|                              |            |                     |               |
|------------------------------|------------|---------------------|---------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u>    |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u>    |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Absent</u> |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u>    |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u>    |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u>    |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u>    |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Absent</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |               |

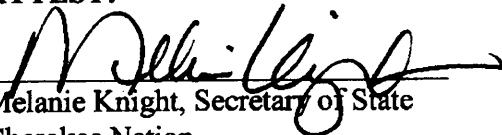
**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23rd day of August, 2010.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |            |                     |               |
|------------------------------|------------|---------------------|---------------|
| Tina Glory Jordan            | <u>Yea</u> | Meredith A. Frailey | <u>Yea</u>    |
| Bill John Baker              | <u>Yea</u> | Chris Soap          | <u>Yea</u>    |
| Joe Crittenden               | <u>Yea</u> | Cara Cowan Watts    | <u>Absent</u> |
| Jodie Fishinghawk            | <u>Yea</u> | Buel Anglen         | <u>Yea</u>    |
| Janelle Lattimore Fullbright | <u>Yea</u> | Bradley Cobb        | <u>Yea</u>    |
| David W. Thornton, Sr.       | <u>Yea</u> | Charles Hoskin, Jr. | <u>Yea</u>    |
| Don Garvin                   | <u>Yea</u> | Julia Coates        | <u>Yea</u>    |
| Harley L. Buzzard            | <u>Yea</u> | Jack D. Baker       | <u>Absent</u> |
| Curtis G. Snell              | <u>Yea</u> |                     |               |

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Sharon Swepston 7/9/10  
Signature Date

Department Director:

Sharon Swepston 7/9/10  
Signature Date

Group Leader:

Signature Date

Finance Approval (if needed):

Signature Date

Government Resources Group:

Rita May 7/9/10  
Signature Date

Administration Approval:

W. P. ... 7/9/10  
Signature Date

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Brittain 7/13/10  
Signature/Initial Date

Standing Committee:

Hules  
7/29/10  
Next Meeting Date

Chairperson:

Fraily  
Signature/Initial Date

Returned to Presenter:

Date

**Cherokee Nation  
Act/Resolution Proposal Form**



Act



Resolution

**TITLE:** (A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMMENDING DEFINITION NUMBERING SEQUENCE; AMENDING SECTION 103 )

Department Contact: Sharon Swepston

Resolution Presenter: Sharon Swepston

Council Sponsor: Buel Anglen

**NARRATIVE:**

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to add amend the numbering sequence of definitions in Section 4.

07-13-10P01:12 RCVD

# An Act

## Legislative Act 33-10

### AN ACT AMENDING LA 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING DEFINITIONS TO PROVIDE FOR REGISTRATION OF TRIBALLY OWNED MOTOR VEHICLES FOR THE DELAWARE TRIBE OF INDIANS

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

#### § 1. Title and Codification

This act shall be known as the "Cherokee Nation Motor Vehicle Code Amendment Act of 2010" and codified as \_\_\_\_\_ (Title) \_\_\_\_\_ (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

#### § 2. Purpose

The purpose of this act is to amend LA 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to amend a definition to provide for registration of vehicles that are owned by the Delaware Tribe of Indians and used for conducting official government business.

#### § 3. Legislative History

Legislative Act 01-01, "The Cherokee Nation Motor Vehicles 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, 12-06, 17-06, and 08-07.

#### § 4. Definitions

For purposes of this Title:

F. "Eligible Vehicle" shall mean any personal vehicle, commercial vehicle, motorcycle, recreational vehicle, farm truck, farm tractor, farm trailer or other trailer, which is owned by a tribal citizen or owned by the federally recognized Delaware Tribe of Indians for the use of conducting official government business, which is located ~~resides~~ within the Reservation Historical Boundaries of the Cherokee Nation and 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 14-country jurisdiction but temporarily domicile 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.

**§ 5 Amending § 206: License Plates.**

**Section 206: License Plates is amended to add the following subsection:**

D. Delaware Tribe of Indians Government Vehicles.:

The Commission shall issue without charge appropriate titles, certificates of registration, license plates and decals for any Eligible Vehicle owned by the federally recognized Delaware Tribe of Indians, its agencies. Title to any such Vehicles shall be in the name of the Delaware Tribe of Indians and such Eligible Vehicles shall not be sold or transferred except in accordance with applicable law.

**§ 5. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**§ 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.

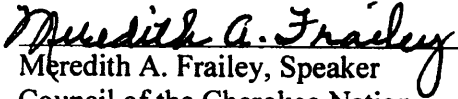
**§ 7. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

**§ 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.

Enacted by the Council of the Cherokee Nation on the 22nd day of November, 2010.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

**ATTEST:**

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.

**§ 5 Amending § 206: License Plates.**

Section 206: License Plates is amended to add the following subsection:

D. Delaware Tribe of Indians Government Vehicles:

The Commission shall issue without charge appropriate titles, certificates of registration, license plates and decals for any Eligible Vehicle owned by the federally recognized Delaware Tribe of Indians, its agencies. Title to any such Vehicles shall be in the name of the Delaware Tribe of Indians and such Eligible Vehicles shall not be sold or transferred except in accordance with applicable law.

**§ 5. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**§ 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.

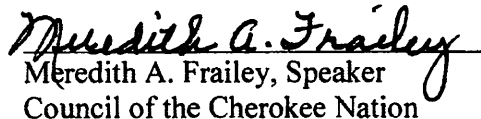
**§ 7. Effective Date**

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**§ 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.

Enacted by the Council of the Cherokee Nation on the 22nd day of November, 2010.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

**ATTEST:**



Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 24 day of November, 2010.



Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**



Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |               |                     |            |
|------------------------------|---------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u>    | Meredith A. Frailey | <u>Yea</u> |
| Bill John Baker              | <u>Yea</u>    | Chris Soap          | <u>Yea</u> |
| Joe Crittenden               | <u>Yea</u>    | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Yea</u>    | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u>    | Bradley Cobb        | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Yea</u>    | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u>    | Julia Coates        | <u>Yea</u> |
| Harley L. Buzzard            | <u>Yea</u>    | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Absent</u> |                     |            |

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

**TITLE:**

**DEPARTMENT CONTACT:** Pat Ragsdale

**RESOLUTION PRESENTER:** Pat Ragsdale

**COUNCIL SPONSOR:** Dr. Bradley Cobb

**NARRATIVE:**

The purpose of this act is to amend LA 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to amend a definition to provide for registration of vehicles that are owned by the Delaware Tribe of Indians and used for conducting official government business only.

**ADMINISTRATIVE  
CLEARANCE**

**Dept/Program:**

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Group Leader:**

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Finance (if needed):**

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Government Resources:**

*John May* 10/12/10  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Administration Approval:**

*Pat Ragsdale* 10-12-10  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**LEGISLATIVE CLEARANCE:**

**Legal & Legislative Coordinator:**

*Brittain* 10/12/10  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Standing Committee & Date:**

*Hules* 10/28/10

**Chairperson:**

*Frailer*  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Returned to Presenter:** \_\_\_\_\_

Date

10-12-10P04:45 RC

**ADMINISTRATIVE  
CLEARANCE**

**Dept/Program:**

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Group Leader:**

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Finance (if needed):**

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Government Resources:**

*John May* 10/12/10  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Administration Approval:**

*Pat Ragsdale* 10.12.10  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**LEGISLATIVE CLEARANCE:**

**Legal & Legislative Coordinator:**

*Brittain* 10/12/10  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Standing Committee & Date:**

*Hules* 10/28/10

**Chairperson:**

*Frailer*  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Returned to Presenter:** \_\_\_\_\_

Date

**Cherokee Nation  
Act/Resolution Proposal Form**

Act       Resolution

**TITLE:**

**DEPARTMENT CONTACT:** Pat Ragsdale

**RESOLUTION PRESENTER:** Pat Ragsdale

**COUNCIL SPONSOR:** Dr. Bradley Cobb

**NARRATIVE:**

The purpose of this act is to amend LA 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to amend a definition to provide for registration of vehicles that are owned by the Delaware Tribe of Indians and used for conducting official government business only.

10-12-10P04:45 RC

# An Act

## **Legislative Act 51-12**

### **ACT AMENDING LA#01-01 AND 07-10, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING ALLOCATION OF REVENUES**

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

#### **Section 1. Title and Codification**

This act shall be known as the "The Cherokee Nation Motor Vehicle Code Revenue Allocation Amendment Act of 2012".

#### **Section 2. Purpose**

The purpose of this act is to amend LA# 01-01 and 07-10, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to assist public schools with the A-F grading system, specifically assistance with teaching core subjects.

#### **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, 12-06, 17-06, 08-07, 05-08, 23-08, 24-08, 04-09, 02-10, and 07-10.

#### **Section 4. Amendments**

Section 105 (C) (2); Subsection C; 2 of LA 01-01 shall be amended as follows:

#### **§ 105 (C) (2)**

2. Each year, five percent (5%) of the revenues set aside under Subsection B(2) of this section shall be ~~distributed on a competitive basis to eligible public schools for Cherokee specific programming or projects.~~ allocated for programs to assist public schools within the Cherokee Nation with the A-F grading system, specifically to assist with teaching core subjects with emphasis placed on STEM classes/programs. This amount shall be matched with an equal amount to be paid from revenues described in Subsection B(4). Education services shall develop policies and procedures for the priority level of distribution for these funds. In particular, special consideration shall be granted to schools who receive a C-F and have a high enrollment of Cherokee students. ~~for the competitive fund and awards up to \$25,000 per school per year may be made. A school may be eligible for award for two consecutive years upon which a waiting period of (1) one year shall be required to reapply.~~ The remaining ninety five percent (95%) of the revenues set aside under Subsection B(2) of this section shall be distributed pro rata each year among eligible public schools, Sequoyah High School and Cherokee Nation Head Start program based on each school's qualified student enrollment determined as follows: for the purposes of this distribution formula, (a) the qualified student

enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from a certified Cherokee student count as described in section 1255(B)(2), submitted and documented by the Superintendent of each eligible public school district as of October 1 of each year, and subject to review by the Cherokee Nation Education Department; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count; and (c) the qualified student enrollment for Cherokee Nation Head Start shall be equal to the total amount of its enrolled Indian students, who are at least four years old as of October 1 of each year, submitted and documented by the director of the program.

The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and as described in section 1255(B)(2); Sequoyah High School; and the Cherokee Nation Head Start program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian student enrolled at Sequoyah High School shall be weighted as two Indian students for the purposes of the distribution formula in this paragraph.

The Cherokee Nation Education Department is hereby authorized to develop and implement policies and procedures necessary for review and proper documentation of the student counts for purposes of this Act. Such policies and procedures shall, at a minimum contain procedures by which appropriate parties will be notified about the requirements herein; requirements for documentation and substantiation of student count submissions; and procedures for appeal of determinations affecting an entity's student count.

**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. 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.

enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from a certified Cherokee student count as described in section 1255(B)(2), submitted and documented by the Superintendent of each eligible public school district as of October 1 of each year, and subject to review by the Cherokee Nation Education Department; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count; and (c) the qualified student enrollment for Cherokee Nation Head Start shall be equal to the total amount of its enrolled Indian students, who are at least four years old as of October 1 of each year, submitted and documented by the director of the program.

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The Cherokee Nation Education Department is hereby authorized to develop and implement policies and procedures necessary for review and proper documentation of the student counts for purposes of this Act. Such policies and procedures shall, at a minimum contain procedures by which appropriate parties will be notified about the requirements herein; requirements for documentation and substantiation of student count submissions; and procedures for appeal of determinations affecting an entity's student count.

#### **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. Emergency declared**

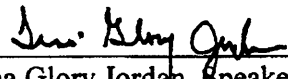
It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

#### **Section 8. Self-Help Contributions**

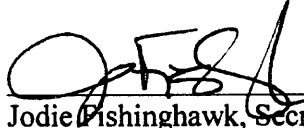
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.



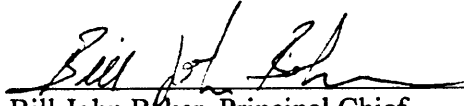
Enacted by the Council of the Cherokee Nation on the 10<sup>th</sup> day of December, 2012.

  
\_\_\_\_\_  
Tina Glory Jordan, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
\_\_\_\_\_  
Jodie Fishinghawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

  
\_\_\_\_\_  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**

  
\_\_\_\_\_  
Charles Head, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |               |                     |            |
|------------------------------|---------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u>    | Meredith A. Frailey | <u>Yea</u> |
| Joe Byrd                     | <u>Yea</u>    | Dick Lay            | <u>Yea</u> |
| David Walkingstick           | <u>Yea</u>    | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Yea</u>    | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u>    | Charles Hoskin, Jr. | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Absent</u> | Julia Coates        | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u>    | Jack D. Baker       | <u>Yea</u> |
| Lee Keener                   | <u>Yea</u>    | Curtis G. Snell     | <u>Yea</u> |
| Frankie Hargis               | <u>Yea</u>    |                     |            |

Committee: Rules

Date: 02-12-13 Committee Date: 02-28-13

Author: Todd Hembree

Sponsor: T. Glory-Jordan, J. Fishinghawk, J. Byrd, D. Garvin,  
F. Hargis, C. Hoskin Jr., L. Keener, D. Walkingstick,  
C. Cowan Watts, B. Anglen, D. Lay, M. Frailey,  
D. Thornton, C. Snell, J. Fullbright, J. D. Baker

## An Act

### Legislative Act 09-13

#### A LEGISLATIVE ACT AMENDING LA#01-01 SECTION 204A

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

##### Section 1. Title and Codification

Example: This act shall be known as the Cherokee Veteran's Tag Act of 2013 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 modify registration fees of Active or Former Military Veteran Registration and Veteran of Foreign Wars Registration and add Commercial Truck Fees.

##### Section 3. Legislative History

Legislative Act 01-01, "The Cherokee Nation Motor Vehicles and Licensing Tax Code" of 2001, as amended by Legislative Acts 27-01, 34-01, 34-02, 25-04, 29-04, 07-06, 12-06, 17-06, 08-07, 05-08, 24-08, 23-08, 04-09, 07-10, 23-10, 33-10.

##### Section 4.

Section 204A of LA#01-01 is hereby amended as follows:

Eligible Vehicles and Trailers may be registered with the Cherokee Nation, subject to the following fees and taxes:

##### 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 registrations years 13 and over, the same the same fees as provided above in this subsection A for other Eligible Vehicles:

|                                |         |
|--------------------------------|---------|
| Registration years 1-4         | \$65.00 |
| Registration years 5-8         | \$45.00 |
| Registration years 9-12        | \$35.00 |
| Registration years 13-16       | \$20.00 |
| Registration years 17 and over | \$5.00  |

(ii) Veterans of Foreign Wars Special Fee; \$60.00 for registration years 1-4; \$40.00 for registration years 5-12; and for registrations years 13 and over, the same fees as provided above in this subsection A for other Eligible Vehicles;

|                                   |         |
|-----------------------------------|---------|
| Registration years 1-4            | \$60.00 |
| Registration years 5-8            | \$40.00 |
| Registration years 9-12           | \$30.00 |
| Registration years 13-16          | \$20.00 |
| A: Registration years 17 and over | \$5.00  |

(iii) Disabled Veterans, Special Fee: \$5.00 for registration years 1-8; and 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) COMMERCIAL TRUCKS

|                                |         |
|--------------------------------|---------|
| Registration Years 1-8         | \$70.00 |
| Registration Years 9-16        | \$40.00 |
| Registration Years 17 and over | \$30.00 |

(c) The annual registration fee on Farm Trucks and Farm Tractors shall be \$25.00.

(d) The annual registration fee on Commercial Trailer shall be \$45.00.

(e) The annual registration fee on a Farm Trailer shall be \$20.00

(f) The one time permit fee for All Terrain Vehicles is \$6.00

## Section 5. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

- (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 registrations years 13 and over, the same the same fees as provided above in this subsection A for other Eligible Vehicles:

|                                |         |
|--------------------------------|---------|
| Registration years 1-4         | \$65.00 |
| Registration years 5-8         | \$45.00 |
| Registration years 9-12        | \$35.00 |
| Registration years 13-16       | \$20.00 |
| Registration years 17 and over | \$5.00  |

(ii) Veterans of Foreign Wars Special Fee; \$60.00 for registration years 1-4; \$40.00 for registration years 5-12; and for registrations years 13 and over, the same fees as provided above in this subsection A for other Eligible Vehicles;

|                                   |         |
|-----------------------------------|---------|
| Registration years 1-4            | \$60.00 |
| Registration years 5-8            | \$40.00 |
| Registration years 9-12           | \$30.00 |
| Registration years 13-16          | \$20.00 |
| A. Registration years 17 and over | \$5.00  |

(iii) Disabled Veterans, Special Fee: \$5.00 for registration years 1-8; and 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. COMMERCIAL TRUCKS**

|                                |         |
|--------------------------------|---------|
| Registration Years 1-8         | \$70.00 |
| Registration Years 9-16        | \$40.00 |
| Registration Years 17 and over | \$30.00 |

(c) The annual registration fee on Farm Trucks and Farm Tractors shall be \$25.00.

(d) The annual registration fee on Commercial Trailer shall be \$45.00.

(e) The annual registration fee on a Farm Trailer shall be \$20.00

(f) The one time permit fee for All Terrain Vehicles is \$6.00

**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.

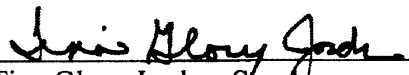
**Section 7. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

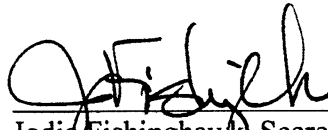
**Section 8. Self-Help Contributions**

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.

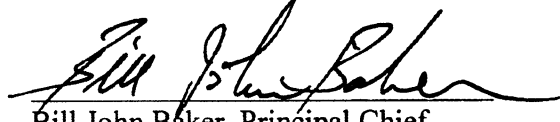
Enacted by the Council of the Cherokee Nation on the 11<sup>th</sup> day of March, 2013.

  
Tina Glory-Jordan, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
Jodie Fishinghawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14<sup>th</sup> day of March, 2013.

  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**

  
S. Joe Crittenden, Deputy Principal Chief  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

|                              |               |                     |            |
|------------------------------|---------------|---------------------|------------|
| Tina Glory Jordan            | <u>Yea</u>    | Meredith A. Frailey | <u>Yea</u> |
| Joe Byrd                     | <u>Yea</u>    | Dick Lay            | <u>Yea</u> |
| Frankie Hargis               | <u>Yea</u>    | Cara Cowan Watts    | <u>Yea</u> |
| Jodie Fishinghawk            | <u>Absent</u> | Buel Anglen         | <u>Yea</u> |
| Janelle Lattimore Fullbright | <u>Yea</u>    | Lee Keener          | <u>Yea</u> |
| David W. Thornton, Sr.       | <u>Yea</u>    | Charles Hoskin, Jr. | <u>Yea</u> |
| Don Garvin                   | <u>Yea</u>    | Julia Coates        | <u>Yea</u> |
| David Walkingstick           | <u>Yea</u>    | Jack D. Baker       | <u>Yea</u> |
| Curtis G. Snell              | <u>Yea</u>    |                     |            |

**ADMINISTRATIVE  
CLEARANCE**

Dept/Program: Tax Commission

Sharon Swepton 2-7-13

Signature/Initial Date

**Executive Director:**

Sharon Swepton 2-7-13

Signature/Initial Date

**Treasurer: (Required:  
Grants/Contracts/Budgets)**

James Horn 2-7-13

Signature/Initial Date

**Government Resources:**

Signature/Initial Date

**Administration Approval:**

C. H. Harkin 2-7-13

Signature/Initial Date

**LEGISLATIVE CLEARANCE:**

**Legal & Legislative Coordinator:**

Debra 2/12/13

Signature/Initial Date

**Standing Committee & Date:**

Rules 2/28/13

**Chairperson:**

Debra

Signature/Initial Date

**Returned to Presenter:**

Date

**Cherokee Nation  
Act/Resolution Proposal Form**

Act  Resolution

**TITLE:**

**DEPARTMENT CONTACT:** Sharon Swepton

**RESOLUTION PRESENTER:** Sharon Swepton

**COUNCIL SPONSOR:** Tina Glory Jordan

**NARRATIVE:**

The purpose of this act is to amend LA#01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to modify registration fees of Active or Former Military Veteran Registration and Veteran of Foreign Wars Registration and add Commercial Truck Fees.

**ADMINISTRATIVE  
CLEARANCE**

Dept/Program: Tax Commission

Sharon Swepston 2-7-13

Signature/Initial Date

**Executive Director:**

Sharon Swepston 2-7-13

Signature/Initial Date

**Treasurer: (Required:  
Grants/Contracts/Budgets)**

James Horn 2-7-13

Signature/Initial Date

**Government Resources:**

Signature/Initial Date

**Administration Approval:**

C. H. ... 2-7-13

Signature/Initial Date

**LEGISLATIVE CLEARANCE:**

**Legal & Legislative Coordinator:**

... 2/12/13

Signature/Initial Date

**Standing Committee & Date:**

Rules 2/28/13

**Chairperson:**

...  
Signature/Initial Date

**Returned to Presenter:**

Date

**Cherokee Nation  
Act/Resolution Proposal Form**

Act  Resolution

**TITLE:**

**DEPARTMENT CONTACT:** Sharon Swepston

**RESOLUTION PRESENTER:** Sharon Swepston

**COUNCIL SPONSOR:** Tina Glory Jordan

**NARRATIVE:**

The purpose of this act is to amend LA#01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to modify registration fees of Active or Former Military Veteran Registration and Veteran of Foreign Wars Registration and add Commercial Truck Fees.

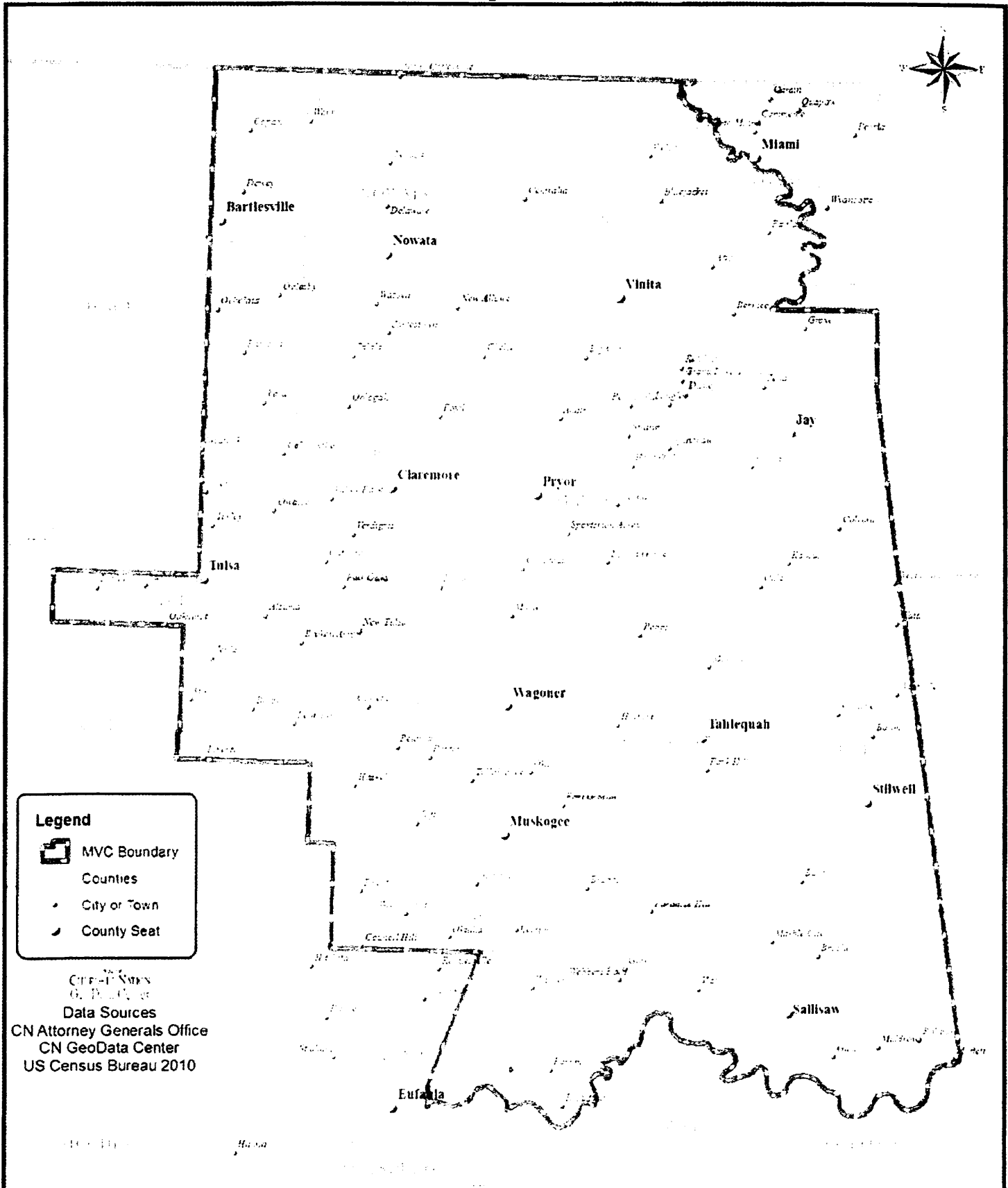
## **EXHIBIT "C"**





CHEROKEE NATION

# Motor Vehicle Compact Jurisdiction of the Cherokee Nation



**Legend**

- MVC Boundary
- Counties
- City or Town
- County Seat

CHEROKEE NATION  
 G. P. ...  
 Data Sources  
 CN Attorney Generals Office  
 CN GeoData Center  
 US Census Bureau 2010