



CHEROKEE NATION TAX COMMISSION  
MOTOR VEHICLE DIVISION  
RULES AND REGULATIONS

CHAPTER	<b>1</b>	<b><u>GENERAL PROVISIONS</u></b>	SUBSECTION	<b>A</b>	<b><u>GENERAL PROVISIONS</u></b>
REGULATION #	<b><u>MV:01-1-105</u></b>		<b><u>NOTARY PUBLIC</u></b>		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	<b><u>TBD</u></b>		SUPERCEDED MATERIAL DATED:	<b><u>NA</u></b>	
AUTHORITY:	<b><u>Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 202. Legislative Act 04-13, CNCA-49</u></b>				

The duties of every notary public so appointed and commissioned shall be filed in the office of the court clerk and the commission issued to the notary and the notaries oath of office, official signature, and impression of the notary's official seal, and a good sufficient bond to the Cherokee Nation, in the sum of One Thousand Dollars (\$1,000), with one or more sureties to be approved by the court clerk, conditioned for the faithful performance of the duties of the office.



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CHAPTER	3	MOTOR VEHICLE TITLES	SUBSECTION	C	CERTIFICATES OF TITLE
REGULATION #	MV:01-3-307		ORIGINAL CERTIFICATES OF TITLE		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	October 1, 2013 TBD		SUPERCEDED MATERIAL DATED:	October 1, 2013	
AUTHORITY:	Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 101, 201, 202, 205, 207				

- A. Completed application required. An application for Cherokee Nation Certificate of Title (form 01-01) must be completed and forwarded to the Commission with each original title receipt. LA #01-01 Section 207-C states that each person acknowledges they submit themselves 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.
- B. Manufacturer's statement of origin. A Manufacturer's Statement of Origin (MSO) must accompany the title to a vehicle, which has never been titled or registered.
- C. Any tribe, state or territory titles; negotiable titles. When issuing an original title from any tribe, state or territory title to the individual whose name appears on the face, all information must be correctly transcribed from the tribe, state or territory title. Many tribes, states or territories issue non-negotiable titles. When presented with such a title, it will be necessary to hold the Cherokee Nation Title until the negotiable tribe; state or territory title is surrendered. When a vehicle is titled in another tribe, state or territory and the title contains the name of a secured party on the face of the other tribe, state or territory certificate of title, or the tribe, state or territory certificate is being held by the secured party in that tribe, state or territory, the owner of the vehicle shall file an affidavit with the Commission stating that title to the vehicle is being held by a secured party and has not been issued pursuant to the laws of the tribe, state or territory where titled, and that there is an existing lien or encumbrance on the vehicle. The current name and address of the secured party or lien-holder shall also be stated in the affidavit. The form of the affidavit shall be prescribed by the Cherokee Nation Tax Commission. Lack of assignments ordinarily indicates the title is non- negotiable.
- D. Assigned or reassigned other tribe, state or territory titles. Any other tribe, state, or territory title which has been assigned or reassigned on the reverse with an authorized tribe, state, or territory notary is acceptable and an original title will be issued.
- E. Title issued only to assignee. Under no circumstances shall a Cherokee Nation Title be issued to an individual other than to whom the assignment is made.
- F. When applicant does not complete required VIN Inspection or a Document required to complete transaction is not turned in; the Cherokee Nation title will be placed on hold.



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CHAPTER	3	MOTOR VEHICLE TITLES	SUBSECTION	C	CERTIFICATES OF TITLE
REGULATION #	MV:01-3-308		INSURANCE LOSS		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	October 1, 2013 TBD		SUPERCEDEDS MATERIAL DATED: OCTOBER 1, 2013		
AUTHORITY:	Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 101, 201, 202, 205, 207				

An insurance company, obtaining a title in its name to a vehicle on which it has paid a loss and which was currently registered at the time of loss, is not required to pay any registration fees or registration taxes upon the submission of a police report or insurance adjuster's report and a declaration by the insurer that the vehicle is held for sale to a dealer.

Branding of any other tribe, state or territory titles, title will be branded as follows;

1. Salvage
2. Rebuilt
- ~~3. Salvage~~
- ~~4.3.~~ Junk
4. Recovered Theft
5. Flood Damage



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CHAPTER	<b>3</b>	<b>MOTOR VEHICLE TITLES</b>	SUBSECTION	<b>C</b>	<b>CERTIFICATES OF TITLE</b>
REGULATION #	<b><u>MV:01-3-309.1</u></b>		<b><u>JUNK TITLES</u></b>		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	<b><u>TBD</u></b>		SUPERCEDES MATERIAL DATED:	<b><u>NA</u></b>	
AUTHORITY:	<b><u>Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 201, 202.</u></b>				

A junked vehicle is any vehicle which is incapable of operation or use on the highway, has no resale value except as a source of parts or scrap and has an eighty percent (80%) loss in fair market value.

The owner of any vehicle which is incapable of operation or use on the public roads and has no resale value except as parts, scrap or junk, may deliver the certificate of title to the Cherokee Nation Tax Commission, accompanied by an Affidavit for Cancellation of Cherokee Nation Title; Upon verification that any perfected lien against the vehicle has been released and the registration is current, the certificate of title shall be cancelled. There is no charge to the vehicle owner for this cancellation. If unable to cancel the title, an explanation will be returned to the submitting owner.



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CHAPTER	<b>3</b>	<b><u>MOTOR VEHICLE TITLES</u></b>	SUBSECTION	<b>C</b>	<b><u>CERTIFICATES OF TITLE</u></b>
REGULATION #	<b><u>MV:01-3-309.2</u></b>		<b><u>RECOVERED THEFT</u></b>		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	<b><u>TBD</u></b>		SUPERCEDEDS MATERIAL DATED:	<b><u>NA</u></b>	
AUTHORITY:	<b><u>Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" §. 201, 202.</u></b>				

When/if an unrecovered-theft titled vehicle is subsequently recovered, the appropriate title type (i.e. standard, salvage or junk) is to be issued, based on the amount of damage, if any. A letterhead statement from the insurance company, declaring the percentage of damage, is required to support the type of new title issued. Regardless of type, the new title will be branded "recovered-theft".





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CHAPTER	<b>3</b>	<b><u>MOTOR VEHICLE TITLES</u></b>	SUBSECTION	<b>C</b>	<b><u>CERTIFICATES OF TITLE</u></b>
REGULATION #	<b><u>MV:01-3-309.3</u></b>		<b><u>FLOOD DAMAGE</u></b>		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	<b>TBD</b>		SUPERCEDEDS MATERIAL DATED:	<b>NA</b>	
AUTHORITY:	<b><u>Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 201, 202.</u></b>				

A salvage or rebuilt vehicle which is damaged by flooding, or a vehicle which was submerged at a level to or above the dashboard of the vehicle and on which an amount of loss was paid by the insurer, shall have the notation "Flood Damage" listed on the face of the Cherokee Nation title.



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CHAPTER	3	<b>MOTOR VEHICLE TITLES</b>	SUBSECTION	D	<b>TRANSFER OF TITLE</b>
REGULATION #	<b>MV:01-3-313</b>		<b>GENERAL PROVISIONS; ASSIGNMENTS; LIENS; REGISTRATIONS</b>		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	<b>October 1, 2013 TBD</b>		SUPERCEDES MATERIAL DATED:	<b>OCTOBER 01, 2013</b>	
AUTHORITY:	Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 101, 201, 202, 205"				

- A. Transfer of title. In most instances, a Cherokee Nation transfer title is issued upon receipt of a properly assigned and notarized Cherokee Nation title and proof of liability insurance. Assignments of title to, or by, out of state dealers located in non-notary state are not required to be notarized. No notarization is required on an assignment of ownership to an insurer resulting from the settlement of a total loss claim. Other instances where a transfer title may be issued are covered in the following sub-sections.
- B. Use of assignment space provided on title document. The first assignment space on the reverse side of a Cherokee Nation title is to be used by the owner on the face of the title to assign ownership. ~~The subsequent reassignment spaces may be used by Cherokee Nation Tax Commission Revenue Agents only.~~ The subsequent reassignment spaces is to be used by appropriately licensed dealers only.
- C. Liens transfer. Any active liens indicated on the face of an assigned Cherokee Nation title will be carried forward to the transfer title being issued unless a lien release is presented.
- D. Current registration required; exceptions. Registration must be current on a vehicle before a transfer title may be issued, unless the vehicle is in a salvage or junk status. Licensed used motor vehicle dealers are exempt from this requirement when transferring to other dealers, provided the vehicle was currently registered when it was assigned to the first dealer. Salvage dealers are exempt from registration requirements when obtaining salvage or junk titles.
- E. Actual sales prices documentation. The actual sales price is required for any vehicle on which a Cherokee Nation title is to be issued and excise tax collected. The actual sales price is commonly referred to the "purchase price". One of the following documents is required to establish the actual sales price:
  1. A purchase contract
  2. A bill of sale
  3. A Declaration of purchase price – Form 37-01 or
  4. Cherokee Nation certificate of title, with a purchase price entry listing where indicated.



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F. Notice of Transfer of Ownership of a Vehicle. The seller or buyer of a motor vehicle may file a Notice of Transfer of Ownership of a Vehicle – Form 25-01; to record the assignment of ownership in the Cherokee Nation Tax Commission Motor Vehicle Division computer system. The filing of Notices of Transfer is optional. The filing of the Notice of Transfer does not constitute a transfer of ownership and does not alleviate the buyer/new owner of the responsibility of properly and timely transferring and paying all taxes and fees.

D.