



CHEROKEE NATION TAX COMMISSION
MOTOR VEHICLE DIVISION
RULES AND REGULATIONS

CHAPTER	3	MOTOR VEHICLE TITLES	SUBSECTION	A	GENERAL PROVISIONS
REGULATION #	MV:01-3-305.3		ASSIGNED IDENTIFICATION NUMBER		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	TBD		SUPERCEDES MATERIAL DATED:	NA	
AUTHORITY:	Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 202				

A Cherokee Nation assigned identification number, when required for an assembled or re-bodied vehicle, or upon written request from an authorized state or federal court or law enforcement agency, or when otherwise deemed necessary by the Commission, shall be assigned by the Motor Vehicle Division of the Commission. Once assigned the Cherokee Nation Tax Commission assigned number is considered the valid vehicle identification number (VIN) for that vehicle and is to be affixed to the vehicle in a manner and location that has been determined by the Commission.



CHEROKEE NATION TAX COMMISSION
 MOTOR VEHICLE DIVISION
 RULES AND REGULATIONS

CHAPTER	3	MOTOR VEHICLE TITLES	SUBSECTION	B	APPLICATIONS FOR CERTIFICATE OF TITLE
REGULATION #	MV:01-3-306.1		VIN INSPECTIONS		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	TBD		SUPERCEDES MATERIAL DATED:	NA	
AUTHORITY:	Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 202				

Inspection Required. All previously registered vehicles entering Cherokee Nation from Oklahoma or another state or tribe, must be physically inspected before an original Cherokee Nation certificate of title may be issued. The vehicle identification number (VIN) and odometer reading from the vehicle will be entered on the VIN inspection form. The VIN found on the vehicle will be compared to the number listed on the out of state documentation to ensure they match.

If the vehicle is unavailable for inspection, a hold is to be placed on the Cherokee Nation title; the applicant will be informed that the title will not be released until the VIN inspection has been completed.

Cherokee Nation Tax Commission has two (2) options for inspections; inspections may be done on-site by a motor license agent or self-inspection may be done by registered owner.



CHEROKEE NATION TAX COMMISSION
MOTOR VEHICLE DIVISION
RULES AND REGULATIONS

CHAPTER	3	MOTOR VEHICLE TITLES	SUBSECTION	D	TRANSFER OF TITLE
REGULATION #	MV:01-3-315		ODOMETER DISCLOSURE		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	October 1, 2013 TBD		SUPERCEDES MATERIAL DATED:	October 1, 2013	
AUTHORITY:	Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 101, 201, 202, 205"				

A. Federal Truth in Mileage Act. Effective on all transfers of ownership of motor vehicles (see exceptions below) dated on or after April 29, 1989, specific odometer disclosure information is required. All transfers must contain the following.

1. Odometer reading at time of transfer (no tenths of mile).
2. The date of transfer.
3. The seller's printed name (must be individual - no company name), signature and address.
4. The buyer's printed name (must be individual - no company name), signature and address.
5. Vehicle information including make, model year, body type and VIN.
6. The seller shall also certify to the best of his knowledge the odometer reading.
 - a. Reflects the actual.
 - b. Does not reflect the actual mileage.
 - c. Seller shows the odometer is in excess of the mechanical limits.

B. Exemptions. Vehicles which are exempt from the odometer disclosure requirements are;

1. Vehicles which are not self-propelled, such as trailers.
2. Transfers of new vehicles from dealer to dealer on the MSO.
3. Vehicles which are ten (10) years old or older. To make this determination, subtract ten (10) from the current calendar year. For example, 1998 - 10 = 1988. Vehicles which are 1988 models or older are exempt during 1998.
4. Vehicles with a gross vehicle weight rating over 16,000 lbs. Any truck over 2 tons would be exempt.
5. Vehicles purchased in another country.
6. Transfers resulting from involuntary divestitures, such as court orders and repossessions.
7. Transfers to record a name change (same individual), only.
8. Transfers between a revocable trust and a trustee of that trust.
9. All-terrain vehicles and off-road motorcycles.
10. Low-speed electrical vehicles.
11. Medium speed electric vehicles.



CHEROKEE NATION TAX COMMISSION
MOTOR VEHICLE DIVISION
RULES AND REGULATIONS

CHAPTER	3	MOTOR VEHICLE TITLES	SUBSECTION	D	TRANSFER OF TITLE
REGULATION #	MV:01-3-319		TRANSFER OF TITLE UPON DEATH		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	October 1, 2013 TBD		SUPERCEDES MATERIAL DATED:	October 1, 2013	
AUTHORITY:	Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 101, 201, 202, 205"				

A. **Intestacy; transfer to surviving spouse.** ~~If~~ When a person dies intestate leaving ~~an~~ a ~~automobile~~ vehicle, that ~~auto-vehicle~~ shall become the property of the surviving spouse, if any. ~~If the decedent held title was held by the deceased~~ to more than one (1) vehicle, the surviving spouse may choose one (1) automobile vehicle. If there are additional vehicles, or there is not a surviving spouse, the vehicle may be distributed by the law of decent, upon submission of a properly completed No Administrator Affidavit [Form 33-01 No Administrator Appointed] and the death certificate of the deceased vehicle owner. ~~The others are to be distributed by the law of descent.~~

B. **Transfer by third party; required authorization.** An assigned title which has been assigned by some person other than the person shown on the face of the title must be accompanied by some form of authorization for assignment. This may be a Power of Attorney, Court Order or authorization by an Executor or an Administrator of an estate.

~~B.~~

1. Transfer by power of attorney. When transferring a title where assignment has been made by Power of Attorney, the Power of Attorney (POA) must be ~~stapled~~ surrendered with ~~to~~ the assigned title.

a. An original copy must be presented. Faxes or photocopies are unacceptable.

b. The POA must be notarized, if from a notary state.

c. If a general POA (not restricted to a specific vehicle or transaction), the original, or a certified copy of the original, must be presented to the agent. The agent may make a photocopy of the original for submission to Audit.

d. If a specific POA (restricted to a specific vehicle or transaction), the original, or a certified copy of the original, must be surrendered.

e. A POA may not be utilized if the grantor is deceased.

~~1.~~

2. Transfer by court order. When transferring a title when assignment is completed by the administrator or executrix of an estate, a Court Order must be presented authorizing the sale of the motor vehicle being transferred.

3. Estate valued at no more than \$20,000. When a decedent has left a will, but the value of the estate does not exceed Twenty Thousand Dollars (\$20,000), no probate is required before transferring ownership of any vehicle(s) bequeathed in the decedent's will. Ownership may be transferred to the successor of interest by completing a Small Estate Affidavit. In addition to the Affidavit, the following must be submitted.

a. A Copy of the decedent's death certificate



CHEROKEE NATION TAX COMMISSION
MOTOR VEHICLE DIVISION
RULES AND REGULATIONS

- b. A copy of the decedent's un-probated will, naming the applicant as beneficiary of the vehicle.
2. c. Either the title certificate in the decedent's name, or evidence from the Tax Commission vehicle title files such a title record exists.



CHEROKEE NATION TAX COMMISSION
MOTOR VEHICLE DIVISION
RULES AND REGULATIONS

CHAPTER	3	MOTOR VEHICLE TITLES	SUBSECTION	F	LIENS
REGULATION #	MV:01-3-325.1		RELEASING LIENS		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	October 1, 2013 TBD		SUPERCEDES MATERIAL DATED:	October 1, 2013	
AUTHORITY:	Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § , 202."				

One of the following may be accepted to release a perfected lien on a Cherokee Nation title:

1. Original #1 (white carbon copy), or "~~e~~Certified" copy of #1 (white carbon copy) release signed and dated of Cherokee Nation lien entry form ~~2-11~~.
- 4-2. Signed and Dated Original Cherokee Nation form 75-01 or BM-75 copy 1, 2, or 3; or "certified" copy of Cherokee Nation for 75-01 or BM-75 of lien release copies 1, 2, or 3 signed and dated.
- 2-3. Original copy or "~~C~~certified copy of #4 (blue) of Cherokee Nation lien entry form ~~2-11~~ (carbon copy) released signed and dated.
- 3-4. Should a standard lien release as outlined be unavailable, the lien may be released by submission of a typed, notarized release statement from the secured party. The statement must include the notarized signature of a representative of the secured party, the name of the secured party, name of the debtor, and vehicle identification number/serial number of the vehicle.
- 4-5. A faxed copy of the lien release statement may be accepted, provided the fax clearly originated from the lien holder.
- 5-6. A verified non-perfected or perfected lien carried forward from an Oklahoma title may be released with the lien print out from Oklahoma Tax Commission database ("release status"), or copy # 4 lien release.
- 6-7. Signed and Dated Lien holders release form 75-01; copy 1, 2, or 3.
- 7-8. If the lender is out of business and no longer available, their lien may be released by the following procedure;
 - a. A certified letter, restricted delivery, requesting a lien release and listing the year, make, and vehicle identification number is to be sent to the lender's address listed on the Motor Vehicle Division file.
 - b. The administering agency of the lienholder (i.e., Oklahoma Used Motor Vehicle and Parts Commission if an Oklahoma used dealer, State Banking Department if a bank, savings and loan or credit union; Department of Consumer Credit if a finance company) is to be contacted and written confirmation requested that the lienholder is no longer in business at the address requested. If an out-of-state lienholder, that state's equivalent agency is to be contacted. If the response from the administering agency is that the lender was taken over by another business entity, that entity will have to be contacted for a release.



CHEROKEE NATION TAX COMMISSION
MOTOR VEHICLE DIVISION
RULES AND REGULATIONS

- c. The returned certified letter and post office receipts, the written confirmation from the administering agency, the Cherokee Nation certificate of title and applicable titling fee is to be submitted the Cherokee Nation Tax Commission for review. If approved, a new Cherokee Nation certificate of title without a lien reflected will be issued.