



CHEROKEE NATION TAX COMMISSION
MOTOR VEHICLE DIVISION
RULES AND REGULATIONS

CHAPTER	1	GENERAL PROVISIONS	SUBSECTION	A	GENERAL PROVISIONS
REGULATION #	MV:01-1-102		DEFINITIONS		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	APRIL 10, 2017 TBD		SUPERCEDES MATERIAL DATED	July 03, 2015 APRIL 10, 2017	
AUTHORITY:	Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 103				

The following definitions shall apply to the enumerated terms throughout these regulations.

- A. Act – shall mean Legislative Act entitled "The Cherokee Nation Motor Vehicle Licensing and Tax Code" # 01-01 as amended.
- B. Administrator – shall mean the Administrator of the Commission.
- C. Cherokee Nation Compact Jurisdiction – Shall include all areas located within those boundaries described by the patents of 1838 and 1846 diminished only by the Treaty of July 19, 1866 and the act of March 3, 1893, and shall further encompass the entirety of the areas delineated by the State of Oklahoma as Mayes County, Rogers County, Wagoner County, Tulsa County and Muskogee County.
- D. Commercial Trailer – shall mean any trailer used primarily for the transportation of goods in the ordinary course of any trade or business.
- E. Commercial Vehicle – shall mean any vehicle used primarily for the transportation of persons or goods in the ordinary course of any trade or business.
- F. Commission – shall mean the Cherokee Nation Tax Commission.
- G. Eligible Vehicle – shall mean any Vehicle which is owned by a Tribal Citizen who resides within the Reservation Boundaries of the Cherokee Nation.
- H. Farm Tractor – shall mean any Vehicle owned by a farmer.
- I. Farm Trailer – shall mean any Trailer owned by a farmer for the purpose of transporting farm animals or products to market and not for commercial or industrial purposes.
- J. Farm Truck – shall mean pickup, truck, or truck tractor used primarily for agricultural purposes. For purposes of farm truck registration eligibility. "pickup" means a small, light truck with an open back or box used for hauling and designed primarily for the carrying of property, rather than people and "truck" mean a motor vehicle designed or converted primarily for carrying or hauling farm commodities, property, livestock, or equipment, rather than people. MSO/Titles/Registrations must be classified under body;model as pickup or truck. Vans, wagons, and sport utility vehicles shall not be eligible to carry a Farm Truck tag.
- K. Motorcycles – shall mean any two or three-wheeled personal vehicle.
- L. Nation – shall mean Cherokee Nation.
- M. Person – shall mean natural person or legal entity legally competent to hold title to a vehicle.
- N. Purchase Price – shall mean price of vehicle, excluding credit for any trade-in, rebate or discount.
- ~~N.O.~~ Purchase Price (At Large) – shall mean price of vehicle; may include a deduction for any dealer rebates or discounts; may not include deduction for any traded in vehicle.



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- ~~Q~~.P. Reservation Boundaries of the Cherokee Nation – shall mean the territorial boundaries the Nation as they existed as of January 1, 1900.
- ~~P~~.Q. Personal Vehicle – shall mean any vehicle. Personal Vehicle shall not include a Commercial, Farm Truck, Farm Trailer, or a Recreational Vehicle.
- ~~Q~~.R. 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.
- ~~R~~.S. 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.
- ~~S~~.T. Salvage Vehicle – shall mean any vehicle which is within the last (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.
- ~~T~~.U. Trailer – shall mean any portable structure having two or more wheels.
- ~~U~~.V. Tribal Citizen – shall mean any person who is duly enrolled as a member of the Cherokee Nation pursuant to the Cherokee Nation Membership Act, L.A. 6-92, as amended.
- ~~V~~.W. Vehicle – shall mean any wheeled conveyance for carrying persons or property capable of being propelled under its own power.
- ~~W~~.X. Manufactured Home – shall mean any structures transportable in one or more sections built on a permanent chassis and designed to be used as dwellings with or without permanent foundations.
- ~~X~~.Y. Physical Disability – shall mean an illness, disease, injury, or condition by reason of which a person;
1. Cannot walk two hundred (200) feet without stopping to rest.
 2. Cannot walk without the use of assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistance device.
 3. 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.
 4. Must use portable oxygen.
 5. Has physical limitations which are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
 6. Is severely limited in the person's ability to walk due to an arthritic, neurological or orthopedic condition.
 7. Is certified legally blind.
 8. Is missing one or more limbs.
- ~~Y~~.Z. Assembled Vehicle – shall mean a vehicle from which major components from two or more vehicles are being incorporated into a single unit.
- ~~Z~~.AA. Major Component – shall mean a body or cab, frame, and front end or rear end clip, if the public VIN is changed.
- ~~AA~~.BB. Abandoned Vehicle - shall mean 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.



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- ~~BB~~.CC. All Terrain Vehicle – shall mean a motorized vehicle manufactured and used exclusively for off highway use which is sixty (60) inches or less in width, with an un-laden dry weight of one thousand five hundred (1,500) pounds or less, traveling on two or more low-pressure tires.
- ~~GG~~.DD. Utility Vehicle – shall mean a vehicle powered by an internal combustion engine, electric engine.
- ~~DD~~.EE. Off Road Motorcycles – ORM's shall mean motorcycles 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.
- ~~EE~~.FF. Mini-truck – shall mean 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 un-laden 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.
- ~~FF~~.GG. Low Speed Electrical Vehicle – shall mean 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.
- ~~GG~~.HH. Medium Speed Electrical Vehicle – shall mean any self propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body, 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.



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CHAPTER	1	GENERAL PROVISION	SUBSECTION	A	GENERAL PROVISIONS
REGULATION #	MV:01-1-103		CONFIDENTIALITY OF MOTOR VEHICLE INFORMATION		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	October 1, 2013 TBD		SUPERCEDES MATERIAL DATED:	October 1, 2013	
AUTHORITY:	Legislative Act # 25-01§ 75-1-6 (A-2). Matters exempt from disclosure. "Freedom of Information and Privacy Act of 2001"				

Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy shall be withheld from disclosure except in accordance with the rules enacted by the Cherokee Nation Tax Commission (hereinafter "CNTC") or as otherwise allowed by Cherokee Nation law. Information of a personal nature shall include, but is not limited to, information as to gross receipts contained in applications for business licenses and any other sources of information or records, except information specifically designated by law as a public record, which would include the name, address, and telephone number of any person. This provision must not be interpreted to restrict access by the public and press to information contained in public records.

All information contained in certificates of title, applications therefore, vehicle registration records and computer data files is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than an employee of the CNTC in the performance of his or her duty, except as provided herein or pursuant to an order from the courts of the Cherokee Nation.

- A. Procedure for release of vehicle and lien information. – Vehicle and lien information may be released only to qualified requestors upon completion of [CNTC Form 38-01] and remittance of the processing fee of One Dollar (\$1.00) per vehicle. Upon approval, the requested data may be provided at the appropriate processing fee established by the Commission.
- B. Who may obtain vehicle and lien information. – Vehicle and lien information may be released for permissible uses, which is defined as:
 1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, Tribal, or State agency in carrying out its functions.
 2. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
 3. For use in the normal course of business by a legitimate business or its agents, or contractors, but only;
 - a) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and



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- b) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
4. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, Tribal, or State court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, Tribal, or State Court.
5. For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, re-disclosed, or used to contact individuals.
6. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
7. For use in providing notice to the owners of towed or impounded vehicles.
8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
9. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. § 313.
10. For use in connection with the operation of private toll transportation facilities.
11. For any other use in response to requests for individual motor vehicle records if the CNTC has obtained the express consent of the person to whom such personal information pertains.
12. For bulk distribution for surveys, marketing or solicitations if the CNTC has the express consent of the person to whom such personal information pertains.
13. For use by any requestor, if the requestor demonstrates it has obtained the written consent of the individual to whom the information pertains.
14. For any other use specifically authorized under the law of the Cherokee Nation, if such use is related to the operation of a motor vehicle or public safety.
 - a) The current owner;
 - b) An individual, on behalf of the current owner, with written authorization;
 - c) A licensed wrecker or towing service, for notification to owners;
 - d) A legitimate business, for purpose of:
 - i. Verifying the accuracy of personal information submitted to the business by the individual to whom the requested information pertains; or
 - ii. Obtaining correct information for purposes of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against the individual to whom the requested information pertains.



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- e) A requestor who is to use the information in conjunction with a civil, criminal, administrative, or arbitral proceeding in a Federal, Tribal, State, or local court or agency, or before any self-regulatory body. Use may include service of process, investigation in anticipation of litigation, and the execution or enforcement of a judgment or order;
 - f) A requestor, pursuant to an order of any court;
 - g) An insurer or insurance support organization;
 - h) A licensed private investigative agency or licensed security service, for purposes permitted by 25-01 §75-1-6.;
 - i) A governmental or law enforcement agency, or a court, for use in an official function;
 - j) Any person compiling and publishing motor vehicle statistics, provided that names and addresses of individuals shall not be disclosed;
 - k) Any motor vehicle manufacturer or an authorized representative thereof, in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers; or
 - l) For use in connection with the operation of private toll transportation facilities.
- C. Insurance information release – Insurance information, including insurer and policy number, may be released to a law enforcement officer investigating an accident, or to a licensed ~~Oklahoma~~ wrecker service, when that information is needed to establish responsibility for wrecker fees.
- D. Penalties for the release of prohibited information – The release of any information not specifically authorized by statute, as described in subsections (b) and (c) of this Section, is strictly prohibited, and may be subjected to penalties enumerated in Legislative Act 25-01§ 75-1-13.
- E. Types of information released and fees - The [CNTC form 38-01], and sources of information provided under this Section may be available at the appropriate processing fee established by the Commission.
- 1. Current ownership or lienholder information may be provided for permissible uses as listed in subsection (b) of this Section by motor vehicle revenue agents or the Tax Commission upon approval and remittance of the processing fee of One Dollar (\$1.00).
 - 2. Computer generated title history information may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Five Dollars (\$5.00).
 - ~~3. Title history information may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Seven Dollars and fifty cents (\$7.50)~~
 - 4-3. Copy of lien release may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Seven Dollars and fifty cents (\$7.50)



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- ~~6.4.~~ Certified copy of lien release may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Ten Dollars (\$10.00).
- ~~6.5.~~ Certified title history may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Ten Dollars (\$10.00).
- F. Certain information release to motor vehicle revenue agents – When required in the performance of their duties, motor vehicle revenue agents may request and receive from the Motor Vehicle Audit Department copies of submitted documentation relating to a transaction performed at their tag office.



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CHAPTER	3	<i>MOTOR VEHICLE TITLES</i>	SUBSECTION	A	<i>GENERAL PROVISIONS</i>
REGULATION #	<i>MV:01-3-305.1</i>		<i>VEHICLE TITLE RECORDS RESEARCH</i>		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	TBD		SUPERCEDES MATERIAL DATED:	NA	
AUTHORITY:	<i>Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 202</i>				

Vehicle title records research will be conducted upon receipt of a qualified request with the following exceptions:

1. When researching an error on the most recent title transaction completed at the request of the title holder or a Motor Vehicle Agent, the research will be conducted at no charge and the requestor advised of the source of the error. If the error is attributed to a Motor Vehicle Agent, a corrected title will be issued at no charge to the title holder. If the error resulted from information or documentation submitted by, or on behalf of, the owner, the requestor will be so advised. Should the owner take the necessary corrective actions and apply for a new title, applicable fees will apply. If any requesting party wishes to receive copies of some or all of the researched documentation, normal research fees will apply.
2. Title research will be conducted for, and document copies provided to Motor Vehicle Agents requesting research directly related to errors or omissions, or both.



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CHAPTER	3	<i>MOTOR VEHICLE TITLES</i>	SUBSECTION	A	<i>GENERAL PROVISIONS</i>
REGULATION #	<i>MV:01-3-305.2</i>		<i>MULTIPLE OWNERS</i>		
APPROVED BY:			DATE:		
EFFECTIVE DATE:	<i>TBD</i>		SUPERCEDES MATERIAL DATED:	<i>NA</i>	
AUTHORITY:	<i>Legislative Act "The Cherokee Nation Motor Vehicle Licensing and Tax Code" § 202</i>				

- a. When multiple owners are listed on vehicle ownership documentation, whether a title document or ownership assignment document, and there is no distinction as to whether ownership is to be joined by "and", "and/or", or "or", the resulting Cherokee Nation title is to be issued reflecting ownership joined by "and".
- b. When transferring ownership from a title document which lists multiple (former) owners, the following assignment guidelines apply:
 1. When ownership is joined by "or" or "and/or", any one of the owners may assign ownership.
 2. When ownership is joined by "and", all owners are required to assign ownership.
- c. When multiple owners are listed, followed by "WROS" (With Rights of Survivorship), the rules under (a) and (b) above apply.
- d. When ownership is listed as two names, followed by "TOD" (Transfer On Death), the first name is listed will be considered the primary (unconditional) owner and the second name listed as the secondary (conditional) owner. The secondary owner may obtain ownership only in the event of the primary person's death (upon presentation of the death certificate). The secondary owner has no other ownership claim to the vehicle. As long as the primary owner remains alive, he/she can assign ownership of the vehicle at any time, with no signature or documentary approval of the secondary owner required.