

Citizen Potawatomi Nation



Ordinance #19-02-J&PS-OR-T47

**AN ORDINANCE AMENDING TITLE 47, TRANSPORTATION, CHAPTER 1 OF THE
CITIZEN POTAWATOMI NATION TRIBAL CODE.**

- WHEREAS,** the Citizen Potawatomi Nation is a federally recognized Tribe of American Indians with Constitutional authority under Act of June 18, 1934 and the Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967); and
- WHEREAS,** the Citizen Potawatomi Nation has sovereign powers that are inherent in Tribal tradition, derived from a history of organized self-government since time immemorial, and recognized by treaties with the United States and in the Constitution of the United States; and
- WHEREAS,** Article 4, Section 3 of the Citizen Potawatomi Nation Constitution provides for a separation of powers of the Tribal government by the reservation and delegation of specific powers to other entities of the Tribal government; and, except for these specific limitations, all other general powers of government are embodied in the Legislature's authority "to enact legislation, transact business, and otherwise speak and act on behalf of the Citizen Potawatomi Nation in all matters on which the Nation is empowered to act now or in the future;" and
- WHEREAS,** the Legislature of the Citizen Potawatomi Nation has an inherent interest in providing for the health, safety and welfare of the members of the Nation and
- WHEREAS,** the creation and amendment of the following regulations governing the registration of motor vehicles of members of the Citizen Potawatomi Nation will serve these aims;

NOW, THEREFORE BE IT ORDAINED BY THE LEGISLATURE OF THE CITIZEN POTAWATOMI NATION that Title 47, Chapter 1, Sections 102, 103, 106, 107, 108, 111 and 113 of the Tribal Code of the Citizen Potawatomi Nation be amended to read as follows:

CPN Code Section 47-1-102 is amended to read as follows:

Section 47-1-102 Definitions

(A) "Actual Retail Purchase Price" means the actual sale price before any discounts, credits for trade-ins, or imposition of sales taxes.

(B) "Administrative Fees" means any costs associated with handling the registration, title or other documents for individuals, businesses or other organizations.

(C) "All-Terrain Vehicle" means any motorized, off-highway vehicle designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control, but does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

~~(C)~~(D) "Farm Truck" means any pickup truck or truck tractor owned and operated by one or more farmers primarily for farm use, provided a farm tractor, farm combine, and similar self-propelled implements of husbandry (not including trucks) used exclusively for farm purposes will not be considered a farm truck or motor vehicle.

~~(D)~~(E) "Motor Vehicle" means any wheeled conveyance for carrying persons or property capable of being propelled under its own power through the use of an internal combustion engine of greater than fifty cubic centimeters displacement.

~~(E)~~(F) "Motorcycle" or "Motorized Bicycle" means any motor vehicle having either two or three wheels.

~~(F)~~(G) "Passenger Automobile" means any motor vehicle of the car, station wagon, van, pickup or similar type constructed and not having a payload capacity of more than one ton.

~~(G)~~(H) "Recreational Vehicle" means any self-propelled or towed 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 convenience.

~~(H)~~(I) "Trailer" means any vehicle that does not have the means of propelling itself and is designed to be towed behind a Motor Vehicle.

~~(I)~~(J) "Vehicle" means every motor vehicle, farm truck, motorcycle, motorized bicycle, manufactured home, recreational vehicle, trailer, and boat.

CPN Code Section 47-1-103 is amended to read as follows:

Section 47-1-103 Application

(A) Enrolled Citizen Potawatomi Tribal members residing in the State of Oklahoma shall have the option of maintaining the registration of their vehicles with the Citizen Potawatomi Nation or the State of Oklahoma.

(B) No tag will issue unless at least one (1) person on the title is a Citizen Potawatomi Tribal member. Effective as of May 30, 2019, any additional

person(s) on the title must be a family member of the Citizen Potawatomi Tribal member in one of the following relationships: spouse, parent/guardian, child, grandparent, or grandchild.

(C) Citizen Potawatomi Tribal members are limited to seven (7) motor vehicle tags under the ordinary registration process. In order to obtain eight (8) or more motor vehicle tags, the Tag Agency may require the Tribal member to make a more detailed showing of the necessity of the issuance of the additional tag(s) and the veracity of the asserted familial relationship between a Tribal member and any non-tribal member co-title holder.

(D) Upon the transfer of title or taking out of service of any motor vehicle registered with the Citizen Potawatomi Nation, the transferor(s)/title holder(s) are required to return the Citizen Potawatomi Nation tag to the Tag Agency. Should the transferee(s) be eligible for a Citizen Potawatomi Nation tag, the Tag Agency will issue a new tag to the transferee(s). No new tag will issue to a transferor/title holder until the tag is returned, according to this subsection.

(E) The title and tag eligibility provisions of this Title are cumulative.

(F) Any person who disagrees with the Tag Agency's determination to decline to issue a tag or to add a person to a title, and if such person can demonstrate actual, personal, direct and redressable injury or harm by the determination of the Tag Agency, such person may challenge the determination in the Citizen Potawatomi Nation District Court according to the procedures of Title 9 of the Citizen Potawatomi Nation Code. Such an action may be for declaratory relief only and the complainant may not be awarded damages, sanctions, attorney fees, expenses, costs, or any other form of monetary relief against the Citizen Potawatomi Nation.

CPN Code Section 47-1-106 is amended to read as follows:

Section 47-1-106 Fee Imposed on Recreational Vehicles and All-Terrain Vehicles.

For those persons who exercise the option of registration of a recreational vehicle or an all-terrain vehicle with the Citizen Potawatomi Nation, there is hereby levied an annual registration fee as set forth in the fee schedule in the Tag Agency.

CPN Code Section 47-1-107 is amended to read as follows:

Section 47-1-107 Fee Imposed on Trailers.

For those persons who exercise the option of registration of a trailer with the Citizen Potawatomi Nation, there is hereby levied an annual registration fee as set forth in the fee schedule in the Tag Agency.

CPN Code Section 47-1-108 is amended to read as follows:

Section 47-1-108 Fee Imposed on Commercial Vehicles.

For those persons who exercise the option of registration of a commercial vehicle with the Citizen Potawatomi Nation, there is hereby levied an annual registration fee as set forth in the fee schedule in the Tag Agency.

CPN Code Section 47-1-111 is amended to read as follows:

Section 47-1-111 Certificates of Title

(A) Prior to the initial registration of the vehicle, the owner shall apply to the Tag Agency, on such form as the Agency shall by rule direct, for a Certificate of Title for said vehicle. Prior to issuance of a Certificate of Title for said vehicle, the Tag Agency shall require the applicant to furnish proof of purchase from a bona fide new or used dealer, or a bona fide document (Bill of Sale) from a previous owner, and a properly endorsed vehicle Certificate of Title issued by this or some other jurisdiction. A notice of lien against said vehicle shall be placed upon said Certificate of Title upon request of the lending institution.

(B) In order to add person(s) to the title of any motor vehicle which is subject to lien, the requestor must provide written authorization from the lienholder for the addition of any person(s) to the title.

CPN Code Section 47-1-113 is amended to read as follows:

Section 47-1-113 Original Transfer and Duplicate Certificate of Title

(A) A Certificate of Title shall be labeled or otherwise identified as follows:

(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 a subsequent owner of a vehicle, whether purchased from an individual or a dealer.

(3) A "Duplicate Title" shall be the title issued to the owner of record to replace a lost, stolen or mutilated original or transfer title. Duplicate titles shall be issued by the Tag Agency according to such rules concerning proof of ownership as the Tag Agency shall prescribe. A single requestor is limited to the issuance of two (2) duplicate titles to a single motor vehicle.

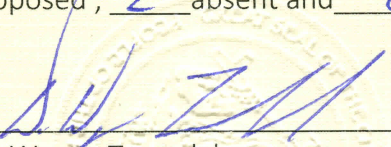
(B) Each Certificate of Title shall bear a number composed of numbers, letters, or a combination thereof, and no two Certificates of Titles shall be the same.

NOW, THEREFORE BE IT ENACTED BY THE LEGISLATURE OF THE CITIZEN POTAWATOMI NATION that an Ordinance amending Title 47, Chapter 1, Sections 102, 103, 106, 107, 108, 111 and 113 of the Citizen Potawatomi Nation Tribal Code **IS HEREBY APPROVED.**

EFFECTIVE DATE: This ordinance shall become effective upon adoption by the Legislature of the Citizen Potawatomi Nation.

CERTIFICATION

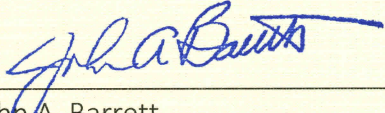
In his capacity as Secretary-Treasurer of the Citizen Potawatomi Nation, the undersigned hereby certifies that the above and foregoing ordinance is a true and correct copy of Ordinance #19-02-J&PS-OR-T47, as approved on the 30th day of May, 2019, with 14 voting for, 0 opposed, 2 absent and 0 abstaining.



D. Wayne Trousdale
Secretary-Treasurer

Executive Approval:

X Approved
____ Disapproved



John A. Barrett
Tribal Chairman