

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 14: Size, Weight and Load

§ 14-114. Liability for damage to highway or structure

Cite as: 47 CNCA § 14-114

(a) The owner and operator of any motor vehicle who shall drive the same into any overpass or underpass and shall damage such overpass or underpass shall be absolutely liable to the owner or owners of such overpass or underpass thereby damaged for the amount of such damage, regardless of the height of such vehicle and regardless of the clearance in such overpass or underpass, and failure of such overpass or underpass to be sufficient in height to clear the vehicles hereby authorized shall not be a defense to any action for such damages. The provisions of this section shall be enforceable only in the event the overpass or underpass so damaged has a sign on each side thereof clearly legible and correctly stating the clearance thereof in feet and inches.

(b) The driver, owner, and any other person, firm or corporation responsible for a vehicle being on the highways or county roads of this state shall be responsible for all damages which said highways, including the bridges, pavement and all other public property thereon, may sustain as a result of a violation of the provisions of this or any other chapter regulating the usage of the highways, or as a result of the negligent or improper operation of said vehicle, and the county or state agency having charge of said highway may recover the amount of such damages in an action for damages.

The owner, driver, and any other person, firm or corporation responsible for any vehicle operating under an overweight or oversize permit shall be responsible for any damages to highway bridges or roads caused by the operation of such vehicle, whether caused by negligence or not, and no further permits shall be issued to such owner or operator until payment has been made for such damages. The amount of such damages may be recovered in an action for damages brought by the county or state agency having charge of said highway. The issuance of any special permit shall not be considered a warranty of any bridge or highway to support the permitted load.

Historical Data

LA 02-21, eff. January 11, 2021.