Cherokee Nation Code Annotated
Title 47: Motor Vehicles
Chapter 74: Uniform Certificate of Title Act
§ 1111.3. Definitions
Cite as: 47 CNCA § 1111.3

A. In this act:

1. **"Buyer"** means a person that buys or contracts to buy an ownership interest in a vehicle.

2. **"Buyer in ordinary course of business"** means a person that buys a vehicle in good faith, without knowledge that the sale violates the rights of another person in the vehicle, and in ordinary course from a person, other than a pawnbroker, in the business of selling vehicles of that kind. A person buys a vehicle in ordinary course if the sale comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire a vehicle under a pre-existing contract for sale. Only a buyer that takes possession of the vehicle or has a right to recover the vehicle from the seller under Uniform Commercial Code Article 2 may be a buyer in ordinary course of business. The term does not include a person that acquires a vehicle in a transfer in bulk or as security for or in total or partial satisfaction of a money debt. A buyer in ordinary course of business does not lose that status solely because the certificate of title was not executed to the buyer.

3. **"Cancel,"** with respect to a certificate of title or a certificate of origin, means to make the certificate ineffective.

4. **"Certificate of origin"** means a record, created or authorized by a manufacturer or importer as the manufacturer's or importer's proof of identity of a vehicle.

5. **"Certificate of title"** means the record, created or authorized by the CNTC, that is evidence of ownership of a vehicle and designated a certificate of title by the CNTC.

6. **"Create,"** with respect to a certificate of title, means to bring the certificate of title into existence by making or authorizing the record that constitutes the certificate of title.

7. **"Deliver"** means to voluntarily give possession of a record to the recipient or to transmit it, by any reasonable means, properly addressed to the recipient and with the cost of delivery provided.

8. **"Electronic"** means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

9. **"Electronic certificate of origin"** means a certificate of origin consisting of information that is stored solely in an electronic medium and retrievable in perceivable form.

10. **"Electronic certificate of title"** means a certificate of title consisting of information that is stored solely in an electronic medium and retrievable in perceivable form.

11. **"Execute"** means to sign and deliver a record on, attached to, accompanying, or logically associated with a certificate of title or certificate of origin for the purpose of transferring ownership of the vehicle covered by the certificate.

12. **"Importer"** means a person authorized by a manufacturer to bring into and distribute in the United States new vehicles manufactured outside the United States.

13. **"Jurisdiction"** means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally-recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

14. **"Lessee in ordinary course of business"** means a person that leases a vehicle in good faith, without knowledge that the lease violates the rights of another person, and in ordinary course of business from a person, other than a pawnbroker, in the business of selling or leasing vehicles of that kind. A person leases in ordinary course if the lease to the person comports with the usual or customary practices in the kind of business in which the lessor is engaged or with the lessor's own usual and customary practices. A lessee in ordinary course of business may lease for cash, by exchange of other property, or on secured or unsecured credit, and may acquire a vehicle or certificate of title covering a vehicle under a preexisting lease contract. Only a lessee that takes possession of the vehicle or has a right to recover the vehicle from the lessor under Uniform Commercial Code Article 2A may be a lessee in ordinary course of business. A person that acquires a vehicle in bulk or as security for or in total or partial satisfaction of a money debt is not a lessee in ordinary course of business.

15. **"Lien creditor"** means:

a. a creditor that has acquired a lien on the property involved by attachment, levy, or the like;

b. an assignee for the benefit of creditors from the time of assignment;

c. a trustee in bankruptcy from the date of the filing of the petition; or

d. a receiver in equity from the time of appointment.

16. **"Manufacturer"** means a person that manufactures, fabricates, assembles, or completes new vehicles.

17. **"Office"** means Cherokee Nation Tax Commission (CNTC).

18. **"Owner"** means a person having legal title to a vehicle.

19. **"Owner of record"** means the owner of a vehicle as indicated in the files of the CNTC.

20. **"Person"** means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

21. **"Purchase"** means to take by sale, lease, mortgage, pledge. consensual lien, security interest, gift, or any other voluntary transaction that creates an interest in a vehicle.

22. **"Purchaser"** means a person that takes by purchase.

23. **"Record"** means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

24. **"Secured party"** means:

a. a person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

b. a person that is a consignor under Uniform Commercial Code Article 9;

c. a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

d. a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest is created or provided for; or

e. a person that holds a security interest arising under Uniform Commercial Code Section 2–401, 2–505, 2–711(3), or 2A–508(5).

25. **"Secured party of record"** means the secured party first indicated in the files of the CNTC.

26. **"Security interest"** means an interest in goods that secures payment or performance of an obligation. The term includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Uniform Commercial Code Article 9. The term does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under Uniform Commercial Code Section 2–401, but a buyer may also acquire a security interest by complying with Uniform Commercial Code Article 9. Except as otherwise provided in

Uniform Commercial Code Section 2–505, the right of a seller or lessor of goods under Uniform Commercial Code Article 2 or 2A to retain or acquire possession of the goods is not a security interest, but a seller or lessor may also acquire a security interest by complying with Uniform Commercial Code Article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under Uniform Commercial Code Section 2–401 is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined pursuant to Uniform Commercial Code Section 1–203.

27. **"Security interest statement"** means a record, created or authorized by a secured party, that indicates a security interest in a vehicle.

28. **"Sign"** means, with present intent to authenticate or adopt a record, to:

a. make or adopt a tangible symbol; or

b. attach to or logically associate with the record an electronic sound, symbol, or process.

29. **"Termination statement"** means a record, created or authorized by the secured party under 47 CNCA § 1111.24 or the debtor under 47 CNCA § 1111.22, that:

a. identifies the security interest statement to which it relates; and

b. indicates either that it is a termination statement or that the identified security interest statement is not effective.

30. **"Title brand"** means a designation of previous damage, use, or condition that this act or law other than this act requires to be indicated on a certificate of title or a certificate of origin.

31. **"Transfer"** means to convey, voluntarily or involuntarily, an interest in a vehicle.

32. **"Transferee"** means a person that takes by transfer.

33. **"Vehicle"** means any type of motorized, wheeled device in, upon, or by which an individual or property may be lawfully and customarily transported on a road or highway, or a commercial, recreational, travel, or other trailer, including manufactured homes. The term does not include:

a. specialized mobile equipment not designed primarily for transportation of individuals or property on a road or highway;

b. an implement of husbandry; or

c. a wheelchair or similar device designed for use by an individual having a physical impairment.

34. **"Written certificate of origin"** means a certificate of origin consisting of information that is inscribed on a tangible medium.

35. **"Written certificate of title"** means a certificate of title consisting of information that is inscribed on a tangible medium.

B. The following definitions in other laws apply to this act:

1. **"Account debtor,"** UCC Section 9–102(a)(3).

2. **"Agreement,"** UCC Section 1–201(b)(3).

3. **"Collateral,"** UCC Section 9–102(a)(12).

4. **"Debtor,"** UCC Section 9–102(a)(28).

5. **"Good faith,"** UCC Section 1–201(b)(20).

6. **"Lease,"** UCC Section 2A–103(a)(j).

7. **"Lessee,"** UCC Section 2A–103(1)(n).

8. **"Lessor,"** UCC Section 2A–103(a)(p).

9. **"Manufactured home"** UCC Section 9–102(a)(53).

10. **"Merchant,"** UCC Section 2–104(1).

11. **"Notice; Knowledge,"** UCC Section 1–202.

12. **"Representative,"** UCC Section 1–201(b)(33).

13. **"Sale,"** UCC Section 2–106(1).

14. **"Security agreement,"** UCC Section 9–102(a)(73).

15. **"Seller,"** UCC Section 2–103(1)(o).

16. **"Send,"** UCC Section 1–201(b)(36).

17. **"Value,"** UCC Section 1–204.

Historical Data

LA 43–04, eff. December 15, 2004.