

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 74: Uniform Certificate of Title Act

§ 1111.4. Law governing vehicles covered by certificate of title or certificate of origin

Cite as: 47 CNCA § 1111.4

A. In this section, "certificate of title" includes a certificate of title created or authorized by a government agency of any jurisdiction which is permitted to create or authorize the certificate of title.

B. The local law of the jurisdiction under whose certificate of title a vehicle is covered governs all issues relating to the certificate of title, from the time the vehicle becomes covered by the certificate of title until the vehicle ceases to be covered by the certificate of title, even if there is no other relationship between the jurisdiction and the vehicle or its owner.

C. For purposes of this section, a vehicle becomes covered by a certificate of title when an application for a certificate of title and the fee are received by the CNTC in accordance with this act, or when an application for a certificate of title and the fee are received in another jurisdiction pursuant to the certificate of title law of that jurisdiction.

D. For purposes of this section and Uniform Commercial Code Article 9, a security interest statement that is effective under 47 CNCA § 1111.24 constitutes an application for a certificate of title if:

1. the debtor is located or has a place of business in this jurisdiction; and
2. an existing certificate of title covering the vehicle has not been created in another jurisdiction.

E. For purposes of this section, a vehicle ceases to be covered by a certificate of title at the earlier of the time the certificate of title ceases to be effective under the law pursuant to which it was created, or the time the vehicle subsequently becomes covered by another certificate of title, other than a certificate of title initiated only by a security interest statement, created in any jurisdiction.

F. If a vehicle is not covered by a certificate of title, but a certificate of origin has been created for the vehicle:

1. if the parties to the certificate have chosen the law of a jurisdiction, the law of that jurisdiction applies to the certificate of origin, even if this jurisdiction bears no other relation to the certificate of origin; and

2. in the absence of an agreement effective under paragraph 1 of this subsection, and except as provided in subsection (G) of this section, the rights and obligations of the parties are determined by the law that would be selected by application of this jurisdiction's conflict of laws principles.

G. An agreement otherwise effective under paragraph 1 of subsection (F) of this section is not effective to the extent that application of the law of the jurisdiction designated would be contrary to a fundamental policy of the jurisdiction whose law would govern in the absence of agreement under paragraph 1 of subsection (F). of this section

H. In the absence of an agreement as to choice of law, if a vehicle is not covered by a certificate of title or a certificate of origin, the rights and obligations of the parties to the certificate are determined by the choice of law principles of this jurisdiction.

Historical Data

LA 43-04, eff. December 15, 2004.