

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 74: Uniform Certificate of Title Act

§ 1111.10. Creation of and cancellation of certificate of title

Cite as: 47 CNCA § 1111.10

A. Unless an application for a certificate of title is rejected under subsection (C) of this section, the CNTC shall create a certificate of title upon submission of an application that complies with 47 CNCA § 1111.9 and payment of all taxes and fees.

B. The CNTC may create a written certificate of title or, if the CNTC authorizes or creates electronic certificates of title, an electronic certificate of title, at the option of the secured party of record or, if no security interest is indicated in the files of the CNTC, at the option of any owner of record. If no request is made by an owner of record or secured party, the CNTC may create a written certificate of title or an electronic certificate of title.

C. The CNTC may reject an application for a certificate of title only if:

1. the application does not comply with 47 CNCA § 1111.9;
2. there is a reasonable basis for concluding that the application is fraudulent or would facilitate a fraudulent or illegal act; or
3. the application otherwise does not comply with law other than this act.

D. Rejection of an application affects only the applicant's ownership and does not alter the receipt or effect of a security interest statement under 47 CNCA § 1111.4, 1111.24, or 1111.25.

E. If the CNTC has created a certificate of title, it may cancel the certificate of title only if the CNTC could have rejected the application under subsection (C) and after providing an opportunity for a hearing. At this hearing the applicant and any other interested party may present evidence in support of the application. The CNTC shall provide at least thirty (30) days' notice of the opportunity for a hearing, served in person or sent by regular mail to the applicant, the owner of record, and all secured parties indicated in the files of the CNTC.

F. Cancellation of a certificate of title, or rejection of an application for a certificate of title, does not alter the receipt or effect of a security interest statement under 47 CNCA § 1111.4, 1111.24, or 1111.25 or Uniform Commercial Code Article 9.

Historical Data

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