Cherokee Nation Code Annotated
Title 47: Motor Vehicles
Chapter 74: Uniform Certificate of Title Act
§ 1111.18. Power to transfer
Cite as: 47 CNCA § 1111.18

A. A purchaser of a vehicle acquires all interests that the transferor had or had power to transfer, except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person having voidable title to a vehicle has power to transfer a good title to a good faith purchaser for value. If ownership of a vehicle has been transferred in a transaction of purchase, the purchaser has the power to transfer good title to a good faith purchaser for value even though:

1. the transferor was deceived as to the identity of the purchaser in the transaction of purchase;

2. the transfer in the transaction of purchase was in return for a check that was later dishonored;

3. it was agreed that the transaction of purchase was to be a "cash sale";

4. the transfer in the transaction of purchase was procured through fraud punishable as larcenous under the criminal law; or

5. a certificate of title was not executed.

B. Entrusting of a vehicle to a merchant that deals in vehicles or other goods of that kind gives the merchant the power to transfer all rights of the entruster to a buyer in ordinary course of business or, to the extent of the lessee's interest, to a lessee in ordinary course of business, even if the certificate of title is not executed to the buyer or lessee. In this subsection, "entrusting" includes any relinquishment of possession and any acquiescence in retention of possession of the vehicle regardless of any condition expressed between the parties to the relinquishment or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the vehicle was larcenous under the criminal law.

C. This section is subject to Uniform Commercial Code Section 2A–303.

Historical Data

LA 43–04, eff. December 15, 2004.