

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 79: Motor Vehicle Chop Shop, Stolen and Altered Property Act

§ 1503. Ownership and operation of chop shop—Alteration of vehicle identification number—Purchase or sale of parts from altered vehicle—Exceptions—Attempt—Conspiracy—Solicitation—Aiding and abetting—Accessory after fact—Penalties—Sentence—Restitution

Cite as: 47 CNCA § 1503

A. Any person who knowingly and with intent that a violation of this section be committed:

1. owns, operates, or conducts a chop shop;
2. transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or
3. sells, transfers, purchases, or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop, upon conviction, is guilty of a crime.

B. Any person who knowingly alters, counterfeits defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a vehicle identification number with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part, upon conviction is guilty of a crime, punishable by imprisonment for not more than one (1) year, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or both such imprisonment and fine.

C. 1. Any person who buys, disposes, sells, transfers, or possesses a motor vehicle or motor vehicle part, with knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, upon conviction is guilty of a crime.

2. The provisions of paragraph 1 of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar methods, provided that any vehicle identification number is not removed from the motor vehicle or motor vehicle part prior to or during any such processing.

3. The provisions of paragraph 1 of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement

authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated, or removed, when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

D. A person commits an attempt when, with intent to commit a violation proscribed by subsection (A), (B), or (C) of this section the person does any act which constitutes a substantial step toward the commission of the violation proscribed by subsection (A), (B) or (C) of this section, and upon conviction is guilty of a crime.

E. A person commits conspiracy when, with an intent that a violation proscribed by subsection (A), (B) or (C) of this section be committed, the person agrees with another to the commission of the violation proscribed by subsections (A), (B) or (C) of this section, and upon conviction is guilty of a crime. No person may be convicted of conspiracy under this section unless an act in furtherance of such agreement is alleged and proved to have been committed by that person or a co-conspirator.

F. A person commits solicitation when, with intent that a violation proscribed by subsection (A), (B) or (C) of this section be committed, the person commands, encourages, or requests another to commit the violation proscribed by subsection (A), (B) or (C) of this section, and upon conviction is guilty of a crime.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by subsection (A), (B) or (C) of this section, with the intent to promote or facilitate such commission of the violation proscribed by subsection (A), (B) or (C) of this section, and upon conviction is guilty of a crime.

H. A person is an accessory after the fact who maintains, assists, or gives any other aid to an offender while knowing or having reasonable grounds to believe the offender to have committed a violation under subsection (A), (B), (C), D, E, F or G of this section, and upon conviction is guilty of a crime.

I. No prosecution shall be brought, and no person shall be convicted, of any violation under this section, where acts of the person, otherwise constituting a violation were done in good faith in order to comply with the laws or regulations of any state or territory of the United States, or of the federal government of the United States.

J. 1. In addition to any other punishment, a person who violates this section, shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that

the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. Lawful owner shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

2. The Court shall determine the extent and method of restitution. In an extraordinary case, the Court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the Court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

APPENDIX A

CHEROKEE NATION BOND SCHEDULE

Appendix A.

Cherokee Nation Bond Schedule

OFFENSE	MIN BOND Plus \$60.00 COURT COST		
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Speeding

One to Ten miles per hour Over Limit	\$210.90	47 CNCA	§ 11-801
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Eleven to Fifteen miles per hour Over Limit	\$248.90	47 CNCA	§ 11-801
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Sixteen to Twenty miles per hour Over Limit	\$263.90	47 CNCA	§ 11-801
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Twenty-one to Twenty-five	\$303.90	47 CNCA	§ 11-801
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miles per hour
Over Limit

Twenty-six to Thirty miles per hour Over Limit	\$363.90	47 CNCA	§ 11-801
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Thirty-one to Thirty-five miles per hour Over Limit	\$383.90	47 CNCA	§ 11-801
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Thirty-six miles per hour or more Over Limit	\$433.90	47 CNCA	§ 11-801
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Speeding in a Construction or Maintenance Zone

One to Ten miles per hour Over Limit	\$248.90	47 CNCA	§ 11-806
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Eleven to Fifteen miles per hour Over Limit	\$268.90	47 CNCA	§ 11-806
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Sixteen to Twenty miles per hour Over Limit	\$298.90	47 CNCA	§ 11-806
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Twenty-one to Twenty-five miles per hour Over Limit	\$378.90	47 CNCA	§ 11-806
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Twenty-six to thirty miles per hour Over Limit	\$498.90	47 CNCA	§ 11-806
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Thirty-one to thirty-five miles per hour Over Limit	\$536.90	47 CNCA	§ 11-806
Thirty-six miles or more miles per hour Over Limit	\$638.90	47 CNCA	§ 11-806
Operating a Motor Vehicle in a Manner Not Reasonable and Proper	\$278.90	47 CNCA	§ 11-801
Reckless Driving (First Offense Only.)	\$477.40	47 CNCA	§ 11-901
Reckless Driving (Second or Subsequent Offense)	\$527.40	47 CNCA	§ 11-901
Failure to Obey a Lawful Traffic Control (Sign) (Signal) (Device)	\$233.90	47 CNCA	§ 11-201
Impeding the Normal and Reasonable Flow of Traffic	\$233.90	47 CNCA	§ 11-804.A

Improper Passing

1.	Failure to Give Way to Right	\$233.90	47 CNCA	§ 11-303.a
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when being
passed

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| 2. | Improper
Passing on the
Right | \$233.90 | 47 CNCA | § 11–304.b |
| 3. | Passing
Without
Sufficient
Clearance | \$233.90 | 47 CNCA | § 11–305 |

Driving Left of Center

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|----|--|----------|---------|--------------|
| 1. | Unauthorized
Driving Left of
Center on
(Grades)
(Curves) (View
Obstructed) | \$233.90 | 47 CNCA | § 11–306.a–1 |
| 2. | Unauthorized
Driving Left of
Center within
100 of
(Intersection)
(Railroad
Crossing) | \$233.90 | 47 CNCA | § 11–306.a–2 |
| 3. | Unauthorized
Driving Left of
Center within
100' of any
(Tunnel)
(Bridge)
(Viaduct)
when view is
obstructed | \$233.90 | 47 CNCA | § 11–306.a–3 |
| 4. | On Left Side of
Road in a
Marked Zone | \$233.90 | 47 CNCA | § 11–307.b |
| 5. | Unauthorized
Driving Left of | \$233.90 | 47 CNCA | § 11–301.c |

	Center on Divided Four- Lane Roadway		
Driving Wrong Way on One- way Road	\$233.90	47 CNCA	§ 11-308.b
Improperly Crossing Center Dividing Section	\$233.90	47 CNCA	§ 11-311
Improperly Driving (Onto) (Off) Controlled- access Roadway	\$233.90	47 CNCA	§ 11-312
Improper Movement from a Direct Course (To enter private drive) (Driveway)	\$233.90	47 CNCA	§ 11-604.a
Failure to Signal Intention to Turn Right or Left	\$233.90	47 CNCA	§11-604.b
Failure to Stop for a Stop Sign	\$233.90	47 CNCA	§ 11-403.b
Changing Lanes Unsafely	\$233.90	47 CNCA	§ 11-309
Failure to Stop for a School	\$328.90	47 CNCA	§ 11-705.a

Bus (Loading)
(Unloading)
Children

Failure to Wear Safety Belt	\$80.00	47 CNCA	§ 12-417
Failure to Use Child Passenger Restraint System	\$256.90	47 CNCA	§ 11-1112
Depositing, Dumping or Throwing Destructive or Injurious Material on Public Property	\$418.40	21 CNCA	§ 1761.1
Improper Negotiation of a Railroad- Highway Grade Crossing by a Commercial Motor Vehicle	\$233.90	47 CNCA	§ 11-1115
Failure to Stop/Improper Stop at a Railroad Grade Crossing	\$233.90	47 CNCA	§ 11-701
Throwing, Dropping, Depositing or Placing Litter (Including	\$228.40	21 CNCA	§ 1753

Lighted
Substances)
on Highway,
Roadway or
Public
Property

Allowing a Passenger to Ride Outside the Passenger Compartment of the Vehicle	\$85.00	47 CNCA	§ 11-1114
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Operating a Motor Vehicle with an Improper Brake System	\$233.90	68 CNCA	§ 11-1114
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Operating a Motor Vehicle Without a Valid (Operator's) (Chauffeur's) License	\$278.90	68 CNCA	§ 1263
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Violation of License Restriction	\$233.90	68 CNCA	§ 1263
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Transporting Open Container in violation of 21 CNCA	\$338.90	21CNCA	§ 1220
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Unlawfully Transporting Open Container of Alcoholic	\$268.90	21 CNCA	§ 1220
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Beverage in a
Vehicle
(M)

Drunk in a Public Place (Name Place)	\$228.40	37 CNCA	§ 8
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Failure to Carry Security Verification Form	\$223.90	68 CNCA	§ 1263
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Failure to Pay All Taxes Due State or Nation	\$223.90	68 CNCA	§ 1258
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Operating a Vehicle Without Current License Plates (Decal)	\$223.90	47 CNCA	§ 1261
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Operating a Motorcycle (Without) (Improper) (Windshield) (Goggles) (Face Shields)	\$223.90	47 CNCA	§ 40–105
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Overload, Any Axle or Gross Weight

From 700 up to and including 2,000 Pounds	\$268.90	47 O.S.	§ 14–109.A
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From 2,001 up to and including 3,000 Pounds	\$318.90	47 O.S.	§ 14–109.A
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From 3,001 up to and including 4,000 Pounds	\$368.90	47 O.S.	§ 14–109.A
From 4,001 up to and including 5,000 Pounds	\$418.90	47 O.S.	§ 14–109.A
From 5,001 up to and including 6,000 Pounds	\$468.90	47 O.S.	§ 14–109.A
From 6,001 up to and including 7,000 Pounds	\$518.90	47 O.S.	§ 14–109.A
From 7,001 up to and including 8,000 Pounds	\$568.90	47 O.S.	§ 14–109.A
From 8,001 up to and including 9,000 Pounds	\$618.90	47 O.S.	§ 14–109.A
From 9,001 up to and including 10,000 Pounds	\$668.90	47 O.S.	§ 14–109.A
Over 10,000 Pounds	\$688.90	47 O.S.	§ 14–109.A

Violating Special Permit, Exceeding Authorized Permit Weight in Accordance with the Bond Schedule provided for in this section for Overload. Plus an Additional One Hundred Dollars (\$100.00).

Historical Data

LA 25-06, eff. October 19, 2006.