

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

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

§ 1506. Institution of civil proceedings

Cite as: 47 CNCA § 1506

A. The Attorney General, or any aggrieved person, may institute civil proceedings against any person in the Cherokee Nation District Court seeking relief from conduct constituting a violation of any provision of the Motor Vehicle Chop Shop, Stolen and Altered Property Act. If the plaintiff in such a proceeding proves the alleged violation, or its threat, by a preponderance of the evidence, the court, after due provision for the rights of innocent persons, shall grant relief by entering any appropriate order or judgment, including, but not limited to:

1. ordering any defendant to be divested of any interest in any property;
2. imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously;
3. ordering the suspension or revocation of a license, permit, or prior approval granted by any public agency or any other public authority; or
4. ordering the surrender of the charter of a corporation organized under the laws of the Nation or of any state or the revocation of a certificate authorizing a foreign corporation to conduct business within the Nation or the state upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct made unlawful by the Motor Vehicle Chop Shop, Stolen and Altered Property Act and that, for the prevention of future criminal conduct, the public interest requires the charter of the corporation be surrendered and the corporation dissolved or the certificate revoked.

B. In a proceeding under this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury shall have to be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted.

C. Any person injured, directly or indirectly, by conduct constituting a violation by any person of 47 CNCA § 1503 shall, in addition to any other relief, have a cause of action for threefold the actual damages sustained by the person.

D. A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding.

E. Notwithstanding any other provision of law providing a shorter period of limitations, a civil action under this section may be commenced at any time within five (5) years after the conduct made unlawful under 47 CNCA § 1503 terminates or the cause of action accrues or within any longer statutory period that may be applicable. If any action is brought by a prosecutor to punish, prevent or restrain any activity made unlawful under 47 CNCA § 1503, the running of the period of limitations shall be suspended during the pendency of such action and for two (2) years following its termination.

F. Personal service of any process in an action under this section may be made upon any person outside the state if the person has engaged in any conduct constituting a violation of 47 CNCA § 1503 in this Nation. The person shall be deemed to have thereby submitted to the jurisdiction of the courts of the Nation for the purposes of this provision.

G. Obtaining any civil remedy under this section shall not preclude obtaining any other civil or criminal remedy under either this act or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive.

Historical Data

LA 31-21, eff. June 18, 2021.