

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.

History

Source. LA 2-91, eff. February 9, 1991.

Library References

Automobiles <KEY>339, 340.

Indians <KEY>626.

Westlaw Topic Nos. 48A, 209.

C.J.S. Indians §§ 151 to 179.

C.J.S. Motor Vehicles §§ 1715 to 1727, 1745 to 1746.

APPENDIX A

CHEROKEE NATION BOND SCHEDULE

Appendix A.

Cherokee Nation Bond Schedule

OFFENSE COST	MIN	BOND	Plus	\$60.00	COURT
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Speeding

One to Ten miles per hour Over Limit § 11-801	\$210.90	47	CNCA
Eleven to Fifteen miles per hour Over Limit 801	\$248.90	47	CNCA § 11-
Sixteen to Twenty miles per hour Over Limit § 11-801	\$263.90	47	CNCA
Twenty-one to Twenty-five miles per hour Over Limit 801	\$303.90	47	CNCA § 11-
Twenty-six to Thirty miles per hour Over Limit 801	\$363.90	47	CNCA § 11-
Thirty-one to Thirty-five miles per hour Over Limit	\$383.90	47	CNCA § 11-801
Thirty-six miles per hour or more Over Limit § 11-801	\$433.90	47	CNCA

Speeding in a Construction or Maintenance Zone

One to Ten miles per hour Over Limit 806;	\$248.90	47	CNCA § 11-
Eleven to Fifteen miles per hour Over Limit	\$268.90	47	CNCA § 11-806;
Sixteen to Twenty miles per hour Over Limit	\$298.90	47	CNCA § 11-806;
Twenty-one to Twenty-five miles per hour Over Limit	\$378.90	47	CNCA § 11-806;
Twenty-six to thirty miles per hour Over Limit	\$498.90	47	CNCA § 11-806;
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 when being passed	\$233.90	47	CNCA § 11-303.a
2. Improper Passing on the Right 304.b	\$233.90	47	CNCA § 11-
3. Passing Without Sufficient Clearance	\$233.90	47	CNCA § 11-305

Driving Left of Center

1. Unauthorized Driving Left of Center on 306.a-1 (Grades) (Curves) (View Obstructed)	\$233.90	47	CNCA § 11-
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2. Unauthorized Driving Left of Center 306.a-2 within 100 of (Intersection) (Railroad Crossing)	\$233.90	47 CNCA	§ 11-
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 Center on Divided Four-Lane Roadway	\$233.90	47 CNCA	§ 11-301.c
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 403.b	\$233.90	47 CNCA	§ 11-
Changing Lanes Unsafely	\$233.90	47 CNCA	§ 11-309
Failure to Stop for a School Bus (Loading) (Unloading) Children	\$328.90	47 CNCA	§ 11-705.a
Failure to Wear Safety Belt 12-417	\$80.00	47 CNCA	§
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 Lighted Substances) on Highway, Roadway or Public Property	\$228.40	21 CNCA	§ 1753
Allowing a Passenger to Ride Outside the Passenger Compartment of the vehicle	\$85.00	47 CNCA	§ 11-1114
Operating a Motor Vehicle with an Improper Brake System	\$233.90	68 CNCA	§ 11-1114
Operating a Motor Vehicle Without a Valid (Operator's) (Chauffeur's) License	\$278.90	68 CNCA	§ 1263
Violation of License Restriction	\$233.90	68 CNCA	§ 1263
Transporting Open Container in violation of 21 CNCA § 1220	\$338.90	21 CNCA	§ 1220
Unlawfully Transporting Open Container of Alcoholic Beverage in a Vehicle (M)	\$268.90	21 CNCA	§ 1220
Drunk in a Public Place (Name Place)	\$228.40	37 CNCA	§ 8
Failure to Carry Security Verification Form	\$223.90	68 CNCA	§ 1263

Failure to Pay All Taxes Due State or Nation	\$223.90	68 CNCA	§ 1258
Operating a Vehicle Without Current License Plates (Decal)	\$223.90	47 CNCA	§ 1261
Operating a Motorcycle (Without) (Improper) (Windshield) (Goggles) (Face Shields)	\$223.90	47 CNCA	§ 40-105

Overload, Any Axle or Gross Weight

From 700 up to and including 2,000 Pounds	\$268.90	47 O.S.	§ 14-109.A
From 2,001 up to and including 3,000 Pounds	\$318.90	47 O.S.	§ 14-109.A
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).

History

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