

Cherokee Council House
Cherokee, North Carolina

Date

Resolution No. _____ (2019)

WHEREAS, as a requirement for local transportation companies they are required to follow NC §20-86 which is "Penalty for engaging in a "for-hire" business without proper license plates" which states, "any person, firm or corporation engaged in the business of transporting persons or property for compensation, except as otherwise provided in this Article, shall, before engaging in such business, pay the license fees prescribed by this Article and secure the license plates provided for vehicles operated for hire. Any person, firm or corporation operating vehicles for hire without having paid the tax prescribed for using private plates on such vehicles shall be liable for an additional tax of twenty-five dollars (\$25.00) for each vehicle in addition to the normal fees provided in this Article; provided, that when the vehicle subject to for-hire license has attached thereto a trailer or semi trailer, each unit in the combination, including the tractor, trailer, and/or semitrailer, shall be subject to the additional tax herein provided shall not apply to trailers having a gross weight of 3,000 pounds or less." and,

WHEREAS, outside companies such as UBER and LYFT are coming onto the Reservation and providing their services without being held to the same licensing requirements that local businesses offering transportation services are being held to such as business licenses, etc.; and,

WHEREAS, we are holding our enrolled members to these requirements but there are no provisions being followed through or enforced by our local Police Department that hold these outside companies to these standards and requirements and,

WHEREAS, on Saturday, May 25, 2019 I seen all of these UBER and LYFT drivers working on the Reservation so I made a call to the Cherokee Police Department at 10:03 p.m. requesting that an officer come to meet me, I called a second time around 12:20 a.m., an officer arrived at 12:43 a.m., and;

WHEREAS, when I addressed my concerns to the officer I was simply told "contact your Council Member," which is why I am here today, if we are bound by law to follow these laws, then the outside transportation businesses should be required to also

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled at which a quorum is present that Tribal Council requires that it shall be unlawful for any type of transportation provider to provide services of any type, especially the transporting of passengers on the Qualla Boundary that do not meet the requirements of the Eastern Band of Cherokee Indian, this includes a current EBCI Tribal Business License, "For Hire," transport tags as required by NCGS 20-86, as well as required Commercial Vehicle Insurance requirement pertaining to the motor vehicle tag issued by the NCDMV, and/or required by the EBCI. This includes both local and outside agencies,

including UBER/LYFT vehicles that wish to provide any type of transportation services on the Qualla Boundary

BE IT FURTHER RESOLVED that the Tribal Council instructs the Attorney General to develop an ordinance that specifically addresses the "for hire" transport tags as required by NCGS 20-86, as well as commercial vehicle insurance required by the NCDMV and/or requirements required by the EBCI, such as a Business License, to be submitted in the July 2019 Council Session

BE IT STILL FURTHER RESOLVED that until this section is updated in the Cherokee Code that all UBER/LYFT as well as any other company vehicles shall not be allowed to offer their services unless they have required a business license, and meet the requirements of NCGS 20-86

BE IT FINALLY RESOLVED that the Attorney General is required to carry out the intent of the BE IT FURTHER RESOLVED of this resolution, and that Cherokee PD shall carry out the intent of the NOW THEREFORE BE IT RESOLVED and the BE IT STILL FURTHER RESOLVED of this resolution, until a new law has been implemented and that this resolution shall become effective upon ratification of the Principal Chief

Submitted by: Will Roberts, Enrolled Member of the EBCI