



HOUSE OF REPRESENTATIVES

TWENTY-SECOND LEGISLATURE

COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

P.O. BOX 500586 SAIPAN, MP 96950

CELINA R. BABAUTA

CHAIRPERSON

JUDICIARY AND GOVERNMENTAL OPERATIONS COMMITTEE

STANDING COMMITTEE REPORT NO. 22-54

DATE: JULY 27, 2022

RE: H.B. 22-40

The Honorable Edmund S. Villagomez
Speaker of the House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations to which was referred:

H. B. NO. 22-40:

“To establish provisions for jaywalking; and for other purposes.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. NO. 22-40 be passed by the House in its current form.

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 22-40 is to establish provisions for jaywalking and for other purposes.

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8/26/2022
DATE TIME 9:00a

B. Amendments:

Technical amendments were made to the proposed legislation.

C. Committee Findings:

Your Committee finds that according Merriam-Webster, “jaywalking” is defined as the act of crossing a street in an illegal, careless, or unsafe manner.¹ Further, jaywalking is the act of pedestrians walking in or crossing a roadway that has traffic in any place other than a suitable crossing point. When this act is committed, individuals who display such act, commonly known as “jaywalkers”, display complete and utter disregard for the traffic rules which results in them potentially putting their lives at unnecessary risks. Your Committee finds that it is imperative to implement certain measures to avoid such catastrophes and protect all pedestrians even if they do not exercise necessary caution while crossing a road. The CNMI must not condone such negligent acts.

Your Committee also finds that CNMI Public Law 3-61 was enacted to establish the Vehicle Code (Title 9 in the Commonwealth Code) which governs all matters regarding pedestrians, vehicles, highways, traffic, and so forth. Such rules were created to promote safety precautions, especially for pedestrians and operators of vehicles. Despite the existence of such regulations, your Committee finds that the CNMI does not possess any “jaywalking” provisions. Your Committee deems it appropriate to enact a “jaywalking” provision to better enhance our current laws regarding pedestrians. Your Committee further finds that several states, such as Hawaii, California, Idaho, Texas, and so forth, currently possess laws regarding “jaywalking”.² As a fellow jurisdiction of the United States, it is imperative to follow such states for they have experienced tragic and gruesome events that have led to such enactments.

It is the intent of the Committee to amend the proposed legislation to insert a letter (c) on Page 3, line 19 to prevent any confusion with the mathematical make-up of the proposed §5419(b). Your Committee finds that such insertion does not change the original intent of the proposed legislation and finds that it shall be considered a technical amendment. Therefore, your Committee agrees with the intent and purpose of House Bill No. 22-40 and recommends its passage in its current form.

D. Public Comments/Public Hearing:

The Committee received comments from the following:

- Robert A. Guerrero, Commissioner, Department of Public Safety

The Commissioner of the Department of Public Safety fully supports the legislation.

¹ <https://www.merriam-webster.com/dictionary/jaywalking>

² <https://www.mwl-law.com/wp-content/uploads/2018/10/PEDESTRIAN-AND-CROSSWALKS-50-STATE-CHART-00214802x9EBBF.pdf>

E. Legislative History:

House Bill No. 22-40 was introduced by Representative Joseph A. Flores on March 16, 2021 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition.

A similar legislation, namely House Bill No. 19-191, was introduced on August 11, 2016 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition. The Committee passed the proposed legislation on September 14, 2016 in the form of House Bill No. 19-191, House Draft 1 as reflected in House Standing Committee Report 19-142. In a House Session held on October 21, 2016, the Full membership of the House adopted the specified Standing Committee Report and subsequently passed House Bill No. 19-191, HD1 in the same session. On the same date, the proposed legislation was transmitted to the Senate. No further action was taken.

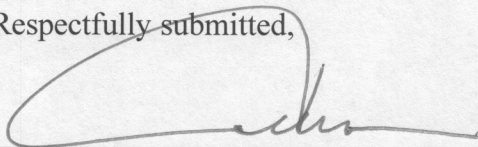
F. Cost Benefit:

The enactment of House Bill No. 22-40 will result in additional cost to the CNMI government in the form of costs associated with additional staffing, training, record-keeping, and so forth. However, the proposed legislation also aims to provide fines for jaywalking penalties. The probable funds realized will offset any costs that may arise. Additionally, the safety of our possible pedestrians further heavily outweighs the costs.


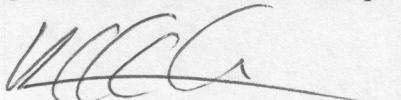
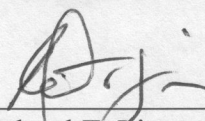
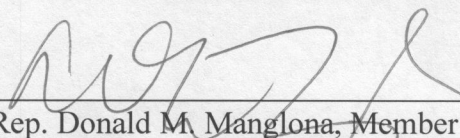
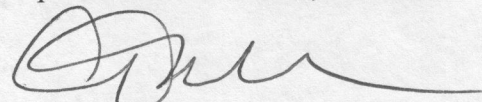
III. CONCLUSION:

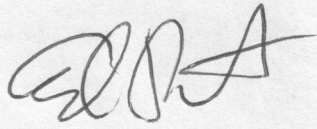
The Committee is in accord with the intent and purpose of H. B. NO. 22-40, and recommends its passage in its current form.

Respectfully submitted,



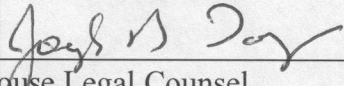
Rep. Celina R. Babauta, Chairperson


Rep. Blas Jonathan "BJ" T. Attao, Vice Chair
Rep. Vicente C. Camacho, Member
Rep. Richard T. Lizama, Member
Rep. Donald M. Manglona, Member
Rep. Christina M.E. Sablan, Member



Rep. Edwin K. Propst, Member

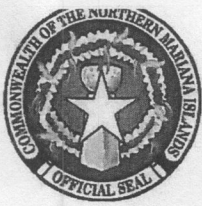
Reviewed by:



House Legal Counsel

Attachment:

- Letter dated July 23, 2021 from the Commissioner of the Department of Public Safety.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC SAFETY



Ralph DLG. Torres
Governor

Arnold I. Palacios
Lieutenant Governor

Robert A. Guerrero
Commissioner

July 23, 2021

The Honorable Celina Babauta
Chairwoman, House Standing Committee on Judiciary &
Government Operations
The House of Representatives
22nd Northern Mariana Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

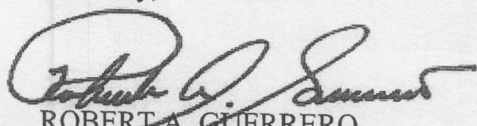
Ref. Comment on H.B. 22-3, H.B. 22-4, H.B. 22-40 & H.B. 22-41

Dear Representative Babauta:

Thank you for the opportunity to comment on H.B. H.B. 22-3 "To amend 9 CMC §2101 (d) by requiring the motor vehicle liability insurance expiration to be consistent with the vehicle registration expiration; and for other purposes", H.B. 22-4 "To amend the Department of Public Safety's time period to produce police traffic and criminal investigation reports from 10 days to 3 days.", H.B. 22-40 "To establish provisions for jaywalking; and for other purposes." and H.B. 22-41 "To amend 9 CMC §8209 by removing the seven-day grace period for motorist who violate 9CMC §§8203 and 8204; and for other purposes.". The department fully supports the purpose and intent of H.B. 22-4, H.B. 22-40 and H.B. 22-41. The department however, does not have a position on H.B. 22-3.

Should you have any questions, please do not hesitate to let us know. Again, thank you for this opportunity to comment on this important legislation.

Sincerely,


ROBERT A. GUERRERO
Commissioner of Public Safety

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2021

First Regular Session, 2021

H. B. 22-40

A BILL FOR AN ACT

To establish provisions for jaywalking; and for other purposes.

**BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** Walking is one of the most
2 environmentally-friendly means of transportation between destinations and that it
3 also enhances both the personal and social well-being of our public. Investing in
4 automotive transportation can be considered a financial burden to many and at
5 times can be difficult to acquire one. Regardless of how you choose to get around,
6 there are rules and regulations governing safety upon public highways. Rules and
7 regulations governing pedestrian road use are created for the safety of both the
8 operator of a vehicle and the pedestrian.

9 The Legislature finds that the Commonwealth community, in most cases
10 tourist(s) and residents alike, fail to comply with safety traffic rules most especially
11 in heavy traffic areas. Currently, there are no jaywalking penalties that would deter
12 such action. The Legislature is mindful of how important it is to support the tourism
13 industry, however, lawmakers are also mindful of their promise to provide the

1 highest quality of public safety which includes enhancing community traffic safety.
2 The Legislature further finds that when the actions of individuals who fail to
3 comply with traffic rules continue to increase, further jeopardizing the safety of the
4 community, amendments to the law must be adjusted to augment such safety within
5 the Commonwealth.

6 Therefore, the intent of this Act is to ensure that tourists and our residents
7 comply with traffic safety rules. This proposed legislation will ensure
8 pedestrians(s) to be mindful that they will be held accountable for their actions in
9 the event of incidences arising from non-compliance.

10 **Section 2. Amendment.** Title 9, Division 5, Chapter 4, of the
11 Commonwealth Code are hereby amended to add a new subsection 5409 and
12 subsection 5410 to read as follows:

13 **“§ 5409. Jaywalking.**

14 It shall be unlawful for any pedestrian to cross any road at any point
15 between adjacent intersections that are controlled by any traffic control
16 signal device or police officer except in an officially designated crosswalk.

17 **§ 5410. Jaywalking Penalties.**

18 (a) A pedestrian who violates and crosses a street outside a marked
19 crosswalk, when one is located within two hundred (200) feet is in violation
20 of § 5409, and shall be guilty of a traffic infraction pursuant to 9 CMC
21 §7112 and fined the following:

- 1 (1) \$75 for first offense;
- 2 (2) \$100 for second offense;
- 3 (3) \$150 for third or subsequent offense.

4 (b) Consistent with this Act, there is hereby established within the
5 Commonwealth Treasury a Jaywalking special account. Sixty percent
6 (60%) of all fines collected pursuant to this Act shall be deposited into the
7 Jaywalking special account to be used as follows:

8 (1) Fifty percent (50%) of the fines in the special account
9 shall be available for use, without further appropriation, by the
10 Department of Public Works to be used for the sole purpose of the
11 repair and maintenance of crosswalks to include signage and
12 markings. The expenditure authority shall be the Secretary of Public
13 Works; and

14 (2) Fifty percent (50%) of the fines in the special account
15 shall be available for use, without further appropriation, by the
16 Department of Public Safety for the sole purpose of enforcing the
17 provisions of this Act. The expenditure authority shall be the
18 Commissioner of Public Safety.

19 (c) The remaining forty percent (40%) of all fines collected pursuant
20 to this Act shall be deposited into the General Fund.”

1 **Section 3. Severability.** If any provisions of this Act or the application of
2 any such provision to any person or circumstance should be held invalid by a court
3 of competent jurisdiction, the remainder of this Act or the application of its
4 provisions to persons or circumstances other than those to which it is held invalid
5 shall not be affected thereby.

6 **Section 4. Savings Clause.** This Act and any repealer contained herein
7 shall not be construed as affecting any existing right acquired under contract or
8 acquired under statutes repealed or under any rule, regulation, or order adopted
9 under the statutes. Repealers contained in this Act shall not affect any proceeding
10 instituted under or pursuant to prior law. The enactment of the Act shall not have
11 the effect of terminating, or in any way modifying, any liability, civil or criminal,
12 which shall already be in existence on the date this Act becomes effective.

13 **Section 5. Effective Date.** This Act shall take effect upon its approval by
14 the Governor, or its becoming law without such approval.

Prefiled: 3/12/2021

Date: 3/12/2021

Introduced by: /s/ Rep. Joseph A. Flores
/s/ Rep. Blas Jonathan "BJ" T. Attao
/s/ Rep. Angel A. Demapan
/s/ Rep. Joseph Leepan T. Guerrero
/s/ Rep. John Paul P. Sablan
/s/ Rep. Ralph N. Yumul

Reviewed for Legal Sufficiency by:

/s/ Joseph L.G. Taijeron, Jr.
House Legal Counsel