

TWENTY-THIRD LEGISLATURE
COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY AND GOVERNMENTAL
OPERATIONS

P.O. BOX 500586 SAIPAN, MP 96950

MARISSA R. FLORES
CHAIRWOMAN

Adopted - 7/28/2023
STANDING COMMITTEE REPORT NO. 23-34
DATE: JULY 24, 2023
RE: H.B. 23-51

The Honorable Edmund S. Villagomez
Speaker of the House of Representatives
Twenty-Third 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. 23-51:

“To amend 9 CMC §3114 by requiring the Department of Public Safety’s Rules and Regulations regarding Commercial vehicles be consistent with those of the United States Department of Transportation’s Federal Motor Carrier Safety Administration; and for other purposes.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. NO. 23-51 be passed by the House in its current form.

HOUSE CLERK'S OFFICE
RECEIVED BY *[Signature]*
DATE 7/24/2023 TIME 11:18a

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 23-51 is to amend 9 CMC §3114 by requiring the Department of Public Safety's Rules and Regulations regarding Commercial vehicles be consistent with those of the United States Department of Transportation's Federal Motor Carrier Safety Administration and for other purposes.

B. Committee Findings:

Your Committee finds that the Federal Motor Carrier Safety Administration (FMCSA) is a federal agency under United States Department of Transportation that regulates the trucking industry in the United States. Their primary mission is to reduce crashes, injuries, and fatalities involving commercial motor vehicles. Furthermore, activities of FMCSA contribute to ensuring safety in motor carrier operations through strong enforcement of safety regulations; targeting high-risk carriers and commercial motor vehicle drivers; improving safety information systems and commercial motor vehicle technologies; strengthening commercial motor vehicle equipment and operating standards; and increasing safety awareness. To accomplish these activities, FMCSA works closely with all federal, state, and local enforcement agencies, the motor carrier industry, labor and safety groups, and others to ensure safety in commercial motor vehicles. Your Committee finds that the CNMI can benefit from such agency.

Your Committee further finds that as the Commonwealth continues to grow from a commercial and economic perspective, there is an increase in need for commercial motor vehicles to operate on our roads and highways. Cognizant of such growth and need, your Committee finds that there is a crucial need to update our regulations regarding such matters. The Department of Public Safety (DPS) is the appropriate agency within the CNMI to adopt and enforce such regulations. Furthermore, your Committee finds that there is a need to ensure that our regulations are aligned with FMCSA in meeting the minimum safety requirements for commercial motor vehicles. If such requirements are not met, commercial motor vehicles will pose significant safety and hazardous threats not only to the motorists driving such vehicles but to the surrounding individuals. Your Committee finds that it would be appropriate to amend certain statutes to ensure compliance with FMCSA regulations.

Therefore, your Committee agrees with the intent and purpose of House Bill No. 23-51 and recommends its passage in its current form.

C. Public Comments/Public Hearing:

The Committee received comments from the following:

- Honorable Edward M. Manibusan, Attorney General, Office of the Attorney General (Written)

The Attorney General supports the proposed legislation.

In addition, the Committee sought comments from the following agencies:

- The Department of Public Safety.

To date, no comments were received from such agency.

D. Legislative History:

House Bill No. 23-51 was introduced by Representative Blas Jonathan “BJ” T. Attao on May 10, 2023 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition.

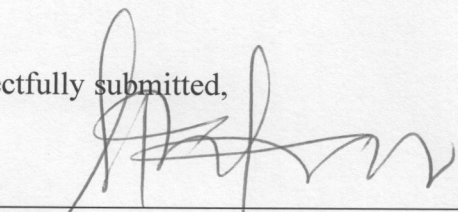
E. Cost Benefit:

The enactment of House Bill No. 23-51 will result in additional costs to the CNMI government in the form of additional staff, resources and trainings needed to implement the provisions of this Act. However, the benefits of ensuring that all commercial motor vehicles are in compliance with appropriate rules and regulations heavily outweigh the costs.

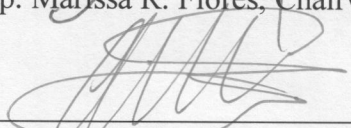
III. CONCLUSION:

The Committee is in accord with the intent and purpose of H. B. NO. 23-51, and recommends its passage in its current form.

Respectfully submitted,



Rep. Marissa R. Flores, Chairwoman



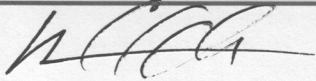
Rep. Vincent R.S. Aldan, Member



Rep. Joel C. Camacho, Vice Chair



Rep. Blas Jonathan “BJ” T. Attao, Member

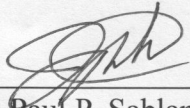


Rep. Vicente C. Camacho, Member

Rep. Manny G.T. Castro, Member

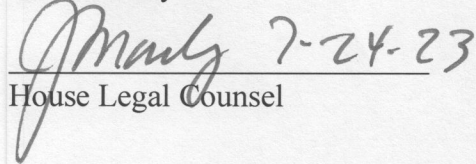
Rep. Malcolm J. Omar, Member

Rep. Edwin K. Propst, Member



Rep. John Paul P. Sablan, Member

Reviewed by:



7-24-23

House Legal Counsel

Attachment:

- Letter dated July 13, 2023 from the Attorney General.



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

EDWARD MANIBUSAN
Attorney General

LILLIAN A. TENORIO
Deputy Attorney General

VIA EMAIL: rep.floresm@cnmileg.net

July 13, 2023

OAGHOR: 2023-54
LSR No. 23-332

Hon. Marissa Flores
Chairperson, House Committee on Judicial
and Governmental Operations
House of Representatives
23rd Northern Mariana Islands Legislature
Saipan, MP 96950

Re: House Bill No. 23-51: "To amend 9 CMC § 3114 by requiring the Department of Public Safety's Rules and Regulations regarding Commercial vehicles be consistent with those of the United States Department of Transportation's Federal Motor Carrier Safety Administration; and for other purposes."

Dear Chairwoman Flores:

Thank you for requesting the comments of the Office of the Attorney General on House Bill 23-51. The bill proposes to amend the Rules and Regulations for the Department of Public Safety ("DPS") to automatically be updated to the regulations as imposed by the Department of Transportation ("DOT") Federal Motor Carrier Safety Administration ("FMCSA").

The bill as written is constitutionally sufficient. However, the current statute already sets out what this bill is seeking to accomplish while also providing more leeway for DPS to make exceptions to the FMCSA regulations when such would benefit the Commonwealth after a public hearing as required by the Administrative Procedure Act.

The current statute, 9 CMC § 3114 states in pertinent part:

Unless exception is made by the Department of Public Safety after public hearings held pursuant to the Administrative Procedure Act [1 CMC § 9101 et seq.], the rules of the department shall be current with the rules adopted by the United States Department of Transportation in title 49 of the United States Code of Federal Regulations, as now or hereafter amended, relating to requirements for motor carriers, motor carrier drivers, equipment and the transportation of hazardous materials.

Civil Division
Telephone: (670) 237-7500
Facsimile: (670) 664-2349

Criminal Division
Telephone: (670) 237-7600
Facsimile: (670) 234-7016

Attorney General's Investigation Division
Telephone: (670) 237-7628
Facsimile: (670) 234-7016

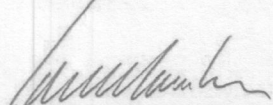
Victim Witness Advocacy Unit
Telephone: (670) 237-7602
Facsimile: (670) 664-2349

This provision already updates the Rules and Regulations of DPS to be current to the US DOT FMCSA as contained in Title 49 of the United States Code. However, the current statute also gives discretion to DPS to hold a public hearing and make exceptions to the FMCSA as may be necessary to benefit the people of the Commonwealth. Currently, no exceptions have been made by DPS and the entirety of the FMCSA applies in the Commonwealth. The updated language in the bill would remove this vital discretion of DPS to make exceptions as necessary for the people of the Commonwealth after a public hearing on the issue. As such, the Office of the Attorney General does not support this part of the bill.

The Office of the Attorney General does support updating the language to specify the FMCSA as being the relevant portion of Title 49. The Office of the Attorney General also supports the inclusion of subsection (c) to make it clear the FMCSA applies to both "inter" and "intra" state Motor Carriers. And finally, the update to the definition of "Commercial Motor Vehicle" is also supported by the Office of the Attorney General.

I am available to discuss further the issues raised in HB 23-51. Please feel free to contact me at (670) 237-7500 or email at attorney_general@cnmioag.org.

Sincerely,



EDWARD MANIBUSAN
Attorney General

cc: All Members, House of Representatives
Commissioner, Dept. of Public Safety

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Session, 2023

H. B. 23- **57**

A BILL FOR AN ACT

To amend 9 CMC §3114 by requiring the Department of Public Safety's Rules & Regulations regarding Commercial vehicles be consistent with those of the United States Department of Transportation's Federal Motor Carrier Safety Administration; and for other purposes.

**BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that as the
2 Commonwealth continuous to grow and more motor carriers operate on our
3 highways, there is an increased need to update the regulations adopted by the
4 Department of Public Safety in regards to Commercial Motor Vehicles. These
5 updates reflect the changes made by the United States Department of
6 Transportation's Federal Motor Carrier Safety Administration. These regulations
7 ensure that each motor carrier that operates on our highways met the minimum
8 safety requirements as determined by the Federal Motor Carrier Safety
9 Administration and the Commercial Vehicle Safety Alliance.

10 **Section 2. Amendment.** 9 CMC § 3114 of the Commonwealth Code is
11 hereby amended to read as follows:

1 **“§ 3114. Rules and Regulations.**

2 The Department of Public Safety shall adopt rules and regulations
3 prescribing the permissible requirements for motor carriers, motor carrier drivers,
4 equipment and the transportation of hazardous materials and sanctions for their
5 violation which are consistent with comparable regulations of the United States
6 Department of Transportation’s Federal Motor Carrier Safety Administration
7 relating to these subjects as contained in Title 49 of the United States Code of
8 Federal Regulations.

9 (a) ~~Unless exception is made by the Department of Public Safety~~
10 ~~after public hearings held pursuant to the Administrative Procedure Act [1~~
11 ~~CMC § 9101 et seq.],~~ ~~†~~The rules of the ~~d~~Department shall be current with
12 the rules adopted by the United States Department of Transportation’s
13 Federal Motor Carrier Safety Administration ~~in~~ ~~under~~ ~~†~~Title 49 of the United
14 States Code of Federal Regulations. Amendments to the Federal Motor
15 Carrier Safety Regulations and the Federal Hazardous Materials
16 Regulations after the effective date of this section shall automatically be
17 adopted by the Department of Public Safety’s rules and regulations, as now
18 ~~or hereafter amended,~~ relating to requirements for motor carriers, motor
19 carrier drivers, equipment and the transportation of hazardous materials.

1 (b) The Department of Public Safety is authorized to conduct
2 inspections pursuant to the rules and regulations adopted and to impose
3 fines and sanctions for violations thereof.

4 (c) Applicability. Provisions in the Federal Motor Carrier Safety
5 Regulations, the Federal Hazardous Materials Regulations and the
6 Department of Public Safety's rules and regulations shall apply to Inter-
7 State and Intra-State Motor Carriers."

8 **Section 3. Amendment.** 9 CMC § 1102 of the Commonwealth Code is
9 hereby amended to read as follows:

10 **"§ 1102. Definitions.**

11 In this title, unless the context otherwise requires, the following definitions
12 apply:

13 (a) "Bicycle" means any motorless contrivance operated with not more than
14 three wheels in contact with the ground and propelled by human power.

15 (b) "Bureau" means the Bureau of Motor Vehicles established by this title.

16 (c) "Chauffeur" means a person who is employed for the principal purpose
17 of operating a motor vehicle on the highways for compensation.

18 (d) "Chief" means the Chief of the Bureau of Motor Vehicles established
19 by this title.

20 (e) "Commercial motor vehicle" ~~means a vehicle of a type required to be~~
21 ~~registered by this title, used or maintained for the transportation of persons for hire,~~

1 ~~compensation or profit, or designed, used or maintained primarily for the~~
2 ~~transportation of property.~~ means a motor vehicle or combination of motor vehicles
3 used in commerce to transport passengers or property if the motor vehicle:

4 (1) Has a gross vehicle weight rating or gross combination weight
5 rating of 10,001 or more pounds;

6 (2) The vehicle is designed to transport more than eight passengers,
7 including the driver; or

8 (3) Is of any size and is used in the transportation of materials found
9 to be hazardous for the purposes of the Hazardous Materials Transportation
10 Act [49 U.S.C. Appx. § 1801 et seq.] which require motor vehicles to be
11 placarded under the Hazardous Materials Regulations (49 C.F.R. Part 172,
12 Subpart F).

13 (f) A "Crosswalk" means:

14 (1) That portion of a highway ordinarily included within the
15 prolongation or connection of the boundary lines of sidewalks at
16 intersections where the intersecting highways meet at approximately right
17 angles, except the prolongation of any such lines from an alley; or

18 (2) Any portion of a highway distinctly indicated for use as a
19 pedestrian crossing by lines or other markings on the surface.

20 (g) "Dealer" means a person engaged in the business of buying, selling or

1 exchanging vehicles of a type required to be registered by this title who has an
2 established place of business for that purpose in the Commonwealth.

3 (h) "Department" means the Department of Public Safety.

4 (i) "Director" means the Commissioner of the Department of Public Safety,
5 except where otherwise delineated in the Title.

6 (j) "Emergency brake" means any braking gear or mechanism for applying
7 braking effort to at least two wheels of a vehicle, normally operated by the
8 operator's hand. If any vehicle has two brakes, both designed to be operated by the
9 foot, a brake with a ratchet or other device for holding the brake in the applied
10 position shall be construed as an emergency brake.

11 (k) "Established place of business" means a place actually occupied either
12 continuously or at regular periods by a dealer, or where the dealer's books and
13 records are kept, or where a substantial part of a business is transacted.

14 (l) "Explosive" means any chemical, compound or mechanical mixture that
15 is commonly used or intended for the purpose of producing an explosion sufficient
16 to produce destructive effects upon persons or property.

17 (m) "Garage" means a building or other place in which the business of
18 storing or safekeeping of vehicles belonging to members of the public is conducted.

19 (n) "Headlight" means a complete road illuminating device located upon
20 the front of a vehicle, the rays of which are projected forward, other than a sidelight,
21 auxiliary driving light, searching or spot light.

1 (o) "Heavy equipment vehicle" means any motor vehicle weighing over a
2 gross weight of 2.5 tons and manufactured with an open area separate from the
3 driver's compartment and designed primarily for the transportation of property.

4 (p) "Highway" means a way or place of whatever nature open to the use of
5 the public for purposes of vehicular traffic, including ways or places that are
6 privately owned or maintained.

7 (q) "Intersection" means the area embraced within the prolongation of the
8 lateral curb lines or, if none, then of the lateral boundary lines of two or more
9 highways which join one another at approximately right angles or the area within
10 which vehicles traveling upon different highways joining at any other angle may
11 intersect.

12 (r) "Interstate motor carrier" means an individual or company that is in
13 trade, traffic, or transportation of between the CNMI and another jurisdiction;
14 including movements made within the CNMI that originated in, terminated in, or
15 went through another jurisdiction. Intrastate motor carrier means a carrier that
16 performs trade, traffic, or transportation exclusively within the CNMI.

17 ~~(r)~~(s) "Moped" means a motor-driven vehicle designed to travel on not more
18 than three wheels in contact with the ground, with or without pedals to permit
19 propulsion by human power, and with a motor or engine size of less than 50 cubic
20 centimeters.

1 ~~(s)~~(t) "Motor bus" means a motor vehicle operated for the carriage of
2 passengers for hire or a ~~school~~ bus which is designed to carry more than eight
3 passengers.

4 ~~(t)~~(u) "Motor carrier" means an individual or company that is contracted or
5 private carriers of property and passengers, including their agents, officers and
6 representatives who engage in inter-state and/or intra-state commerce. ~~motor~~
7 ~~vehicle or combination of motor vehicles used in commerce to transport passengers~~
8 ~~or property if the motor vehicle:~~

9 ~~(1) Has a gross vehicle weight rating or gross combination weight~~
10 ~~rating of 10,001 or more pounds;~~

11 ~~(2) The vehicle is designed to transport more than eight passengers,~~
12 ~~including the driver; or~~

13 ~~(3) Is of any size and is used in the transportation of materials found~~
14 ~~to be hazardous for the purposes of the Hazardous Materials Transportation~~
15 ~~Act [49 U.S.C. Appx. § 1801 et seq.] which require motor vehicles to be~~
16 ~~placarded under the Hazardous Materials Regulations (49 C.F.R. Part 172,~~
17 ~~Subpart F).~~

18 ~~(u)~~(v) "Motorcycle" means a motor vehicle, other than a bicycle, moped,
19 motor scooter, or tractor, designed to travel on not more than three wheels in contact
20 with the ground with an engine size greater than 250 cubic centimeters.

1 ~~(v)~~(w) “Motor scooter” means a motor vehicle designed to travel on not
2 more than three wheels in contact with the ground, with an engine size greater than
3 50 cubic centimeters but less than 250 cubic centimeters, and with a step-through
4 frame.

5 ~~(w)~~(x) “Motor truck” means a motor vehicle designed, used or maintained
6 primarily for the transportation of property.

7 ~~(x)~~(y) “Motor vehicle” means a device in, upon or by which any person or
8 property is or may be propelled, moved or drawn upon a highway.

9 ~~(y)~~(z) “Pickup truck” means any motor vehicle weighing under a gross
10 weight of 2.5 tons and manufactured with an open area separate from the driver’s
11 compartment and designed primarily for the transportation of property.”

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

17 **Section 5. Savings Clause.** This Act and any repealer contained herein
18 shall not be construed as affecting any existing right acquired under contract or
19 acquired under statutes repealed or under any rule, regulation, or order adopted
20 under the statutes. Repealers contained in this Act shall not affect any proceeding
21 instituted under or pursuant to prior law. The enactment of the Act shall not have

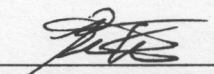
1 the effect of terminating, or in any way modifying, any liability, civil or criminal,
2 which shall already be in existence on the date this Act becomes effective.

3 **Section 6. Effective Date.** This Act shall take effect upon its approval by
4 the Governor, or its becoming law without such approval.

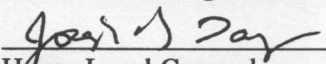
Prefiled: 5/5/2023

Date: _____

Introduced by: _____


Rep. Blas Jonathan "BJ" T. Attao

Reviewed for Legal Sufficiency by:


House Legal Counsel

