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7/28/2023

Floor Amendment

To: House Bill No. 23-51

Offered By: Representative Marissa R. Flores

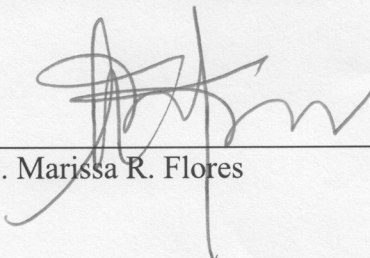
AMENDMENT:

House Bill No. 23-51 is hereby substituted ^{in its entirety} with House Bill No. 23-51, House Substitute

1. [pg - 8 line 18]

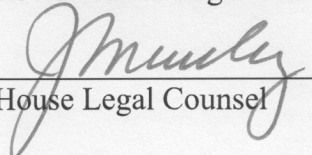
Consistent with the intent of the forgoing amendment, I hereby also move to allow the Legal Counsel together with the House Clerk to make further non-substantive technical amendments that are strictly necessary to effectuate the intent of this amendment.

Date: 7/28/2023



Rep. Marissa R. Flores

Reviewed for Legal Sufficiency by:

 7-28-23

House Legal Counsel

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2023

Second Special Session, 2023

H. B. 23-51, HS1

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 continues 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.

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

3 **“§ 3114. Rules and Regulations.**

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

11 (a) ~~Unless exception is made by the Department of Public Safety~~
12 ~~after public hearings held pursuant to the Administrative Procedure Act [1~~
13 ~~CMC § 9101 et seq.],~~ The rules of the Department shall be current with
14 the rules adopted by the United States Department of Transportation’s
15 Federal Motor Carrier Safety Administration in under Title 49 of the United
16 States Code of Federal Regulations. Amendments to the Federal Motor
17 Carrier Safety Regulations and the Federal Hazardous Materials
18 Regulations after the effective date of this section shall automatically be
19 adopted by the Department of Public Safety’s rules and regulations, as now
20 ~~or hereafter amended,~~ relating to requirements for motor carriers, motor
21 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
12 definitions apply:

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

16 (b) “Bureau” means the Bureau of Motor Vehicles established by
17 this title.

18 (c) “Chauffeur” means a person who is employed for the principal
19 purpose of operating a motor vehicle on the highways for compensation.

20 (d) “Chief” means the Chief of the Bureau of Motor Vehicles
21 established by this title.

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1 (e) “Commercial motor vehicle” means a ~~vehicle of a type required~~
2 ~~to be registered by this title, used or maintained for the transportation of~~
3 ~~persons for hire, compensation or profit, or designed, used or maintained~~
4 ~~primarily for the transportation of property.~~ means a motor vehicle or
5 combination of motor vehicles used in commerce to transport passengers or
6 property of the motor vehicle:

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

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

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

16 (f) A “Crosswalk” means:

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

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

3 (g) "Dealer" means a person engaged in the business of buying,
4 selling or
5 exchanging vehicles of a type required to be registered by this title who has an
6 established place of business for that purpose in the Commonwealth.

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

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

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

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

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

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

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

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

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

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

1 (r) “Interstate motor carrier” means an individual or company that is
2 in trade, traffic, or transportation of between the CNMI and another
3 jurisdiction; including movements made within the CNMI that originated
4 in, terminated in, or went through another jurisdiction. Intrastate motor
5 carrier means a carrier that performs trade, traffic, or transportation
6 exclusively within the CNMI.

7 (†) (s) “Moped” means a motor-driven vehicle designed to travel on
8 not more than three wheels in contact with the ground, with or without
9 pedals to permit propulsion by human power, and with a motor or engine
10 size of less than 50 cubic centimeters.

11 (†) (t) “Motor bus” means a motor vehicle operated for the carriage
12 of passengers for hire or a school bus which is designed to carry more than
13 eight passengers.

14 (†) (u) “Motor carrier” means an individual or company that is
15 contracted or private carriers of property and passengers, including their
16 agents, officers and representatives who engage in inter-state and/or intra-
17 state commerce. motor vehicle or combination of motor vehicles used in
18 commerce to transport passengers or property if the motor vehicle:

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

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

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

8 (v) “Motorcycle” means a motor vehicle, other than a bicycle,
9 moped, motor scooter, or tractor, designed to travel on not more than three
10 wheels in contact with the ground with an engine size greater than 250 cubic
11 centimeters.

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

16 (x) “Motor truck” means a motor vehicle designed, used or
17 maintained primarily for the transportation of property.

18 (y) “Motor vehicle” means a device in, upon or by which any
19 person or property is or may be propelled, moved or drawn upon a highway
20 motor vehicle driven or drawn by mechanical power and manufactured

1 primarily for use of public streets, road, and highways, but does not include
2 a vehicle operated only on a rail line.

3 (†) (z) “Pickup truck” means any motor vehicle weighing under a
4 gross weight of 2.5 tons and manufactured with an open area separate from
5 the driver’s compartment and designed primarily for the transportation of
6 property.”

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

12 **Section 5. Savings Clause.** This Act and any repealer contained herein
13 shall not be construed as affecting any existing right acquired under contract or
14 acquired under statutes repealed or under any rule, regulation, or order adopted
15 under the statutes. Repealers contained in this Act shall not affect any proceeding
16 instituted under or pursuant to prior law. The enactment of the Act shall not have
17 the effect of terminating, or in any way modifying, any liability, civil or criminal,
18 which shall already be in existence on the date this Act becomes effective.

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

Prefiled: 5/5/2023

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Date: _____ Introduced by: /s/ Rep. Blas Jonathan "BJ" T. Attao
/s/ Rep. Joel C. Camacho
/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