

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Session, 2024

H. B. 23- 113

A BILL FOR AN ACT

To provide greater authority to government transit buses owned and operated by the Commonwealth Office of Transit Authority (COTA); and for other purposes.

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

1 **Section 1. Findings and Purpose.** Currently public transportation,
2 including but not limited to buses, trains, subways, and taxis provides significant
3 benefits to society. These benefits include less traffic and congestion and travel
4 that is less stressful because there is no need to drive or worry about finding a
5 parking space.

6 Operating a public transportation that can provide these benefits and more,
7 was a priority for the Commonwealth legislature and consequently, Public Law 17-
8 43 was enacted to establish the Commonwealth Office of Transit Authority
9 (COTA) to develop a public transportation system.

10 The Legislature finds that COTA currently uses government transit buses
11 for their operations along a fixed route. Moreover, it is necessary and appropriate

1 to establish guidelines with respect to how vehicles should pass or over-take COTA
2 transit buses while they load and unload their passengers. Such guidelines shall
3 serve to better protect COTA's passengers as well as improve overall roadway
4 safety while promoting a safer public transportation system in the Commonwealth.

5 As of result of the recent successful implementation of the fixed routes,
6 COTA has generated a passenger fixed route data as follows: 5,337 passengers from
7 November 2023 to December 2023; 3,565 passengers in January 2024; 2,382
8 passengers in February 2024; 3,769 passengers in March 2024; 4,729 passengers in
9 April 2024; and 6,521 passengers in May 2024. Based on the present data, the use
10 of government transit buses owned by COTA has been increasing and it is only a
11 matter of time before COTA opens additional fixed routes. With the additional
12 routes, the Legislature finds that the number of passengers who avail of the COTA
13 services shall increase dramatically. Cognizant of such usage, the Legislature finds
14 that there is a need to implement protective measures to prevent future injuries and
15 fatalities.

16 **Section 2. Amendment.** Title 9 of the Commonwealth Code, Division 1,
17 General Provisions, Section 1103, "Further Definitions" is hereby amended by
18 adding a new subsection (u) to read as follows:

19 "(u) "Government transit bus" means a government commercial bus
20 operated by the Commonwealth Office of Transit Authority."

1 **Section 3. Amendment.** Title 9, Division 5, Rules of the Road, Chapter 6,
2 Stopping, Standing, and Parking, Article 1. "General" is hereby amended by adding
3 a new section 5607 to read as follows:

4 **"§5607. Passing a Government Transit Bus.**

5 (a) No operator of a vehicle which meets or overtakes any government
6 transit bus that has stopped for the purpose of taking on or
7 discharging passengers may pass the stopped government transit bus
8 on the side on which passengers are entering or leaving the
9 government transit bus until the stopped government transit bus has
10 started and any passengers who may have alighted have reached the
11 side of the highway. But where a safety zone has been established,
12 or at an intersection where traffic is controlled by a police officer or
13 mechanical traffic signal lights, a vehicle need not be brought to a
14 full stop before passing a stopped government transit bus, but may
15 proceed past the government transit bus at a speed not greater than
16 is reasonable and proper and in no event at a speed greater than 10
17 miles per hour, and shall exercise due caution for the safety of all
18 pedestrians.

19 (b) *Failure to Yield Right Of Way To Government Transit Bus.*

1 (1) A person commits the offense of failure to yield the right of way
2 to a government transit bus entering traffic if the person does not
3 yield the right of way to a government transit bus when:

4 (A) A yield sign as described in subsection (2) of this section
5 is displayed on the back of the government transit bus;

6 (B) The person is operating a vehicle that is overtaking the
7 government transit bus from the rear of the government transit
8 bus; and

9 (C) The government transit bus, after stopping to receive or
10 discharge passengers, is signaling an intention to enter the
11 traffic lane occupied by the person.

12 (2) The yield sign referred to in subsection (1)(A) of this section
13 shall warn a person operating a motor vehicle approaching the rear
14 of a government transit bus that the person must yield when the
15 government transit bus is entering traffic. The yield sign shall be
16 illuminated by a flashing light when the bus is signaling an intention
17 to enter a traffic lane after stopping to receive or discharge
18 passengers. The Commonwealth Office of Transit Authority
19 (COTA) shall adopt by rule the message on the yield sign,
20 specifications for the size, shape, color, lettering and illumination of

1 the sign and specifications for the placement of the sign on a
2 government transit bus.

3 (3) This section does not relieve a driver of a government transit bus
4 from the duty to drive with due regard for the safety of all persons
5 using the roadway.

6 (4) Any person who violates subsection (b) is guilty of an infraction
7 punishable by a fine of not less than \$50 but not more than \$250.

8 (c) *Establishment of Subaccounts for COTA and DPS.*

9 Notwithstanding any laws or statutes to the contrary, the CNMI
10 Department of Finance shall establish two subaccounts into which
11 all fines collected pursuant to 9 CMC section 5607 (b) (4) *Failure*
12 *to Yield Right Of Way To Government Transit Bus*, shall be evenly
13 divided and deposited. The expenditure authority for one subaccount
14 shall be the Secretary of the Commonwealth Office of Transit
15 Authority and the expenditure of the other subaccount shall be the
16 Commissioner of the Department of Public Safety. The funds in
17 these subaccounts shall be available to each expenditure authority
18 without any further legislative appropriation and said funds shall not
19 lapse.”

20 **Section 4. Severability.** If any provisions of this Act or the application of
21 any such provision to any person or circumstance should be held invalid by a court

1 of competent jurisdiction, the remainder of this Act or the application of its
2 provisions to persons or circumstances other than those to which it is held invalid
3 shall not be affected thereby.

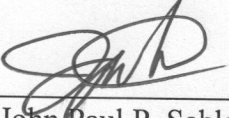
4 **Section 5. Savings Clause.** This Act and any repealer contained herein
5 shall not be construed as affecting any existing right acquired under contract or
6 acquired under statutes repealed or under any rule, regulation, or order adopted
7 under the statutes. Repealers contained in this Act shall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

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

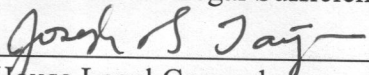
Prefiled: 6/21/2024

Date: _____

Introduced by: _____


Rep. John Paul P. Sablan

Reviewed for Legal Sufficiency by:


House Legal Counsel