

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2023

H. B. 23- 38

A BILL FOR AN ACT

To establish provisions for jaywalking; and for other purposes.

**BE IT ENACTED BY THE 23RD 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, §5404 of the
11 Commonwealth Code is hereby amended to read as follows:

12 **~~“§ 5404. Crossing at Other Than Crosswalks~~ Jaywalking.**

13 (a) ~~Every pedestrian crossing a highway at any point other than within a~~
14 ~~marked crosswalk or within an unmarked crosswalk at an intersection shall yield~~
15 ~~the right of way to all vehicles upon the highway. It shall be unlawful for any~~
16 ~~pedestrian to cross any road at any point between adjacent intersections that are~~
17 ~~controlled by any traffic control signal device or police officer except in an~~
18 ~~officially designated crosswalk.~~

19 (b) ~~The provisions of this section do not relieve the operator of a vehicle~~
20 ~~from the duty to exercise due care for the safety of any pedestrian upon a highway.~~
21 A pedestrian who violates and crosses a street outside a marked crosswalk, when

1 one is located within two hundred (200) feet is in violation of § 5404, and shall be
2 guilty of a traffic infraction pursuant to 9 CMC §7112 and fined the following:

3 (1) \$75 for first offense;

4 (2) \$100 for second offense;

5 (3) \$150 for third or subsequent offense.

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

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

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

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

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

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

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

Prefiled: 3/28/2023

Date: _____

Introduced by: _____

Rep. Joseph A. Flores

Reviewed for Legal Sufficiency by:

Joseph J. Day
House Legal Counsel

Thomson