

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
COMMONWEALTH SUPERIOR COURT**

**RULES GOVERNING PROCEDURE IN TRAFFIC CASES
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**RULES GOVERNING PROCEDURE IN TRAFFIC CASES
FOR THE
COMMONWEALTH SUPERIOR COURT**

**Rule 1
SCOPE, PURPOSE AND CONSTRUCTION**

These rules govern the procedure in the Commonwealth Superior Court to hear and determine cases involving traffic offenses. They are intended to provide for the just determination of these cases and to that effect shall be construed to secure simplicity and uniformity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

**Rule 2
DEFINITIONS**

As used in these rules, unless the context clearly requires otherwise:

(1) "Traffic Offense" means any violation of a statute, ordinance or regulation relating to the operation or use of motor vehicles and any violation of a statute, ordinance or regulation relating to the use of streets and highways by pedestrians or by the operation of any other vehicle.

(2) "Court" means the Commonwealth Superior Court.

(3) "Judge" includes any officer authorized by law to sit as a court to which these rules apply.

(4) "Oaths" include affirmations.

(5) "Non-Moving Traffic Offense" means any parking or standing of vehicles in violation of a statute, ordinance or regulation and any violation of a statute, ordinance or regulation while the vehicle is not in operation.

Other rules and laws which govern criminal procedure shall, insofar as they are applicable, implement the rules prescribed by these Rules.

**Rule 3
COMPLAINT - INFORMATION AND SUMMONS; FORM**

(a) Form. In traffic cases the complaint or information and summons shall be in the form known as the "Traffic Ticket, Complaint/Citation and Summons" substantially the same as set out in the appendix of forms here. The Traffic Ticket, Complaint/Citation and Summons shall consist of four parts [separated by carbon paper]:

(1) the complaint or information, printed on white paper;

(2) the abstract of court record for the state licensing authority which shall be a copy of the complaint or information, printed on yellow paper;

(3) the police record, which shall be a copy of the complaint or information, printed on pink paper; and

(4) the summons, printed on white stock.

Their reverse sides shall be as set out in the form, with such additions or deletions as are necessary to adapt the Traffic Ticket, Complaint/Citation and Summons to the court involved. The notice and appearance, plea of guilty and waiver shall be printed on the summons.

(b) When Used. The complaint or information form shall be used in traffic cases, whether the complaint is made by a peace officer or by any other person, or the information is made by the prosecutor.

(c) Records and Reports. The Chief of the Bureau of Motor Vehicles shall be responsible for all Traffic Ticket, Complaint/Citation and Summons issued to law enforcement officers or others in his jurisdiction and for their proper disposition, and shall prepare or cause to be prepared the records and reports relating to the Traffic Ticket, Complaint/Citation and Summons in the manner and at the time as shall be prescribed by the Bureau of Motor Vehicles.

Rule 4 IMPROPER DISPOSITION OF TRAFFIC TICKETS; CONTEMPT OF COURT

Any person who solicits or aids in the disposition, or attempted disposition, of a traffic ticket or summons in any unauthorized manner is in criminal contempt of the court.

Rule 5 PROCEDURE ON FAILURE TO APPEAR; WARRANT; NOTICE

(a) Residents. The court shall issue a warrant for the arrest of any defendant who is a resident of the Commonwealth of the Northern Mariana Islands and who fails to appear or answer a traffic ticket or summons served upon him and upon which a complaint has been filed. If the warrant is not executed within 30 days after issue, the court shall promptly report the name of the defendant, the date and nature of the traffic offense charged, the license number of the motor vehicle involved in the offense, and all other pertinent facts to the Bureau of Motor Vehicles. A copy of the report shall be filed with the complaint. The court shall then mark the case as closed on its records, subject to being reopened if the appearance of the defendant is thereafter obtained.

(b) Non-Residents. If a defendant not a resident of the Commonwealth of the Northern Mariana Islands fails to appear or answer a traffic ticket or summons served upon him and upon which a complaint has been filed within 30 days after the return date of the ticket or summons, the court shall mail a notice to the defendant at the address stated in the complaint sending a copy of the notice to the Bureau of Motor Vehicles and filing a copy with the complaint. The mailing of the notice in parking cases shall be discretionary with the court. If the defendant fails to appear or otherwise answer within 30 days after the mailing of the notice, or in parking cases if no notice is mailed within 60 days after the return date of the ticket or summons, the court shall mark the case as closed on its records, subject to being reopened if the defendant thereafter appears or otherwise answers.

Rule 6
SEPARATION OF TRAFFIC CASES

(a) Separate Trial. Insofar as practicable, traffic cases shall be tried separate and apart from other cases, and may be designated as the "Traffic" session or division.

(b) Other Cases; Designation of Particular Time. The court shall designate a particular day or days, or a particular hour daily on certain days, for the trial of traffic cases.

(c) Adjournment; Bond for Release. When a hearing is adjourned, the court may detain the defendant in safe custody until the defendant is admitted to bail.

(d) Objections Before Trial; Waiver. An objection to the validity or regularity of the complaint or process issued thereunder shall be made by the defendant before trial.

Rule 7
PRESENCE OF DEFENDANT

The defendant shall be present at the imposition of sentence in all traffic cases, except in cases involving parking, standing or non-moving traffic offenses and cases in which a plea of guilty may be accepted by the violations clerk.

Rule 8
PLEA OF GUILTY; PROCEDURE

(a) Rights of Defendant. Before accepting a plea of guilty to a traffic offense other than parking, standing, or non-moving, the court shall inform the defendant of his rights, which shall include, but not be limited to, the right:

- (1) to engage counsel;
- (2) to a reasonable continuance to engage counsel;
- (3) to have process issued by the court, without expense to him, to compel the attendance of witnesses in his behalf;
- (4) to testify or not to testify in his own behalf;
- (5) to a trial by jury, if such is available; and
- (6) to appeal.

The court shall inform the defendant that a record of the conviction will be sent to the Bureau of Motor Vehicles of the Commonwealth of the Northern Mariana Islands or of the state where defendant received his license to drive, to become a part of his driving record.

(b) Hearing Witnesses. In all cases, except those where a plea of guilty has been entered, the court shall hear all the witnesses prior to judgment and sentence.

Rule 9
TRAFFIC COURT VIOLATIONS BUREAU; VIOLATIONS CLERK

(a) Appointment and Functions. The Commonwealth Superior Court, when it determines that the efficient disposition of its business and the convenience of persons charged so requires, may establish a Traffic Court Violations Bureau and constitute the clerk or deputy clerk of the court or any other appropriate in traffic offense cases, subject to the limitations hereinafter prescribed. The violations clerk shall serve under the direction and control of the court.

(b) Offenses Within the Authority of Violations Clerk; Schedule of Fines. The court shall by order, which may from time to time be amended, supplemented or repealed, designate the traffic offenses within the authority of the violations clerk. Such offenses shall not include:

- (1) offenses resulting in an accident;
- (2) operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug, or permitting another person, which is under the influence of intoxicating liquor or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his custody or control;
- (3) reckless driving;
- (4) leaving the scene of an accident;
- (5) driving while under suspension or revocation of driver's license;
- (6) driving without being licensed to drive;
- (7) exceeding the speed limit by more than 15 miles per hour; or
- (8) a second moving traffic offense within a twelve (12) month period.

The court shall establish schedules, within the limits prescribed by law, of the amounts of fines to be imposed for offenses, designating each offense specifically. The order of the court establishing the schedules shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid to, received by, and accounted for by the violations clerk in accordance with these Rules.

(c) Plea and Payment of Fines and Costs.

(1) Parking and Non-Moving Offenses. Any person charged with a parking, standing or a non-moving offense may mail or deliver the amount of the fine and costs indicated on the ticket for the violation, together with a signed plea of guilty and a waiver of trial, to the violations clerk.

(2) Other Offenses. Any person charged with any traffic offense, other than a parking, non-moving, or standing offense, within the authority of the violations clerk, may appear before the violations clerk and, upon signing an appearance, plea of guilty and waiver of trial, pay the fine established for the offense charged, and costs. He shall, prior to the plea, waiver and payment, be informed of his right to stand trial, that his signature to a plea of guilty will have the same force and effect as a judgment of court, and that the record of conviction will be sent to the Bureau of Motor Vehicles of the

Commonwealth of the Northern Mariana Islands or the appropriate officers of the state where he received his license to drive.

(d) Procedure After One or More Convictions. Any person who has been found guilty of or who has signed a plea of guilty to one or more previous moving traffic offenses in the preceding twelve months within the jurisdiction of the court shall not be permitted to appear before the violations clerk unless the court shall, by general order applying to certain specified offenses permit such appearance.

Rule 10 GENERAL PROVISIONS

Canons of Judicial Ethics. Every judge shall conduct his court and his professional and personal relationships in accordance with the Canons of Judicial Ethics adopted by the American Bar Association.

Rule 11 LOCAL RULES

Any judge may make rules for the orderly conduct of the proceedings of his court, not inconsistent with these Rules.

Rule 12 AMENDMENT

The court may amend or permit to be amended any process or pleading for any omission or defect therein, or for any variance between the complaint and the evidence adduced at the trial. If the defendant is substantially prejudiced in the presentation of his case as a result of the amendment, the court shall adjourn the hearing to some future time, upon such terms as he shall think proper.

Rule 13 TITLE

These rules may be known and cited as the Commonwealth Rules of Traffic Procedure (Com. R. Traf. P.).