

EIGHTH SPECIAL SESSION, 1986

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AN ACT

To amend 9 CMC Division 1 to: (a) require that a police officer confiscate the operator's license of a person who has been issued a traffic citation; (b) require a police officer to deposit the confiscated operator's license with the court; and to amend 9 CMC Division 2 requiring the driver to have an operator's license in his possession to operate a motor vehicle, and for other purposes.

BE IT ENACTED BY THE FIFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings. The Legislature hereby finds and declares that the incidents of drivers who receive traffic citations and who fail to appear to answer the charges is increasing to a point that a solution to the problem must be implemented. This increase in failure to appear results in the expenditures of revenues that could be avoided by establishing procedure which will better insure that a person who has received a traffic citation will appear before the court as they may have promised to do. It is also the intent of the Legislature to require the driver to have an operator's license in his possession to operate a motor vehicle.

Section 2. Amendment. 9 CMC Section 1304 (a) is amended to read as follows:

"(a) Whenever a person is halted by a police officer for any violation of this Title and is not taken before a judge, the officer shall prepare a written traffic citation and the driver of the vehicle shall surrender his or her operator's license. When the operator's license has been surrendered by the driver, the citation shall constitute a temporary operator's license until the court appearance date specified on the citation."

Section 3. Amendment. 9 CMC Section 1403(a) is amended to read as follows:

"(a) Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of the Commonwealth shall deposit the original or a copy of that traffic citation together with the confiscated operator's license with the Commonwealth Trial Court."

Section 4. Amendment. 9 CMC 1403(b) is amended to read as follows:

"(b) Upon the deposit of the original or a copy of a traffic citation together with the operator's license of the alleged violation with the Commonwealth Trial Court, the traffic citation may be disposed of only by trial in the court or other official action by a judge of the court, including forfeiture of the bail, or by the deposit of sufficient bail with or payment of a fine by the person to whom the traffic citation has been issued. Thereafter, upon disposition of the traffic citation, the operator's license shall be forthwith returned to the person from whom it was confiscated."

Section 5. Amendment. 9 CMC Section 2201 is amended by adding subsections (c) and (d) to read as follows:

"(c) No person may operate any motor vehicle upon a highway in the Commonwealth without having on his person or in his immediate possession a valid license issued by the

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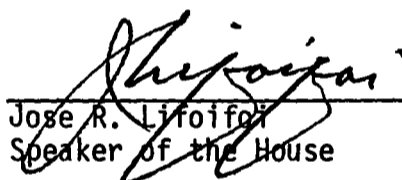
Bureau or a valid operator's license from outside the Commonwealth, provided, there is compliance with Public Law 5-16.

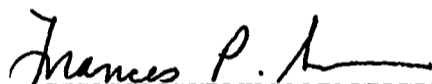
(d) Any violation of subsections (a) or (c) of this section shall be punishable as a misdemeanor."

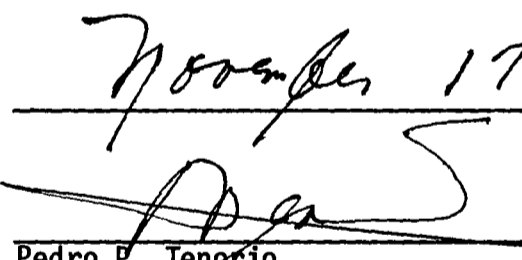
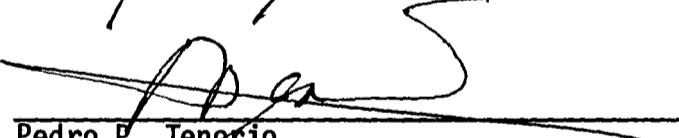
Section 6. Severability. If any provision of this act, or of any regulation or order issued under this Act, or the application of such provision, regulation, or order to any person or circumstance, shall be held invalid by a court of competent jurisdiction, the remainder of this Act, or of such regulation or order, or the application of such provision, regulation or order to persons or circumstances other than to which it is held invalid, shall not be affected thereby.

Section 7. Effective Date. This Act shall become effective upon its approval by the Governor, or upon its becoming law without such approval.

ATTEST:

  
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Jose R. Lifoifoh  
Speaker of the House

  
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Frances P. Sablan  
House Clerk

  
\_\_\_\_\_, 1986  
  
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Pedro P. Tenorio  
Governor  
Commonwealth of the Northern Mariana Islands