

AN ACT

To revise certain provisions of Public Law 6-20 by amending 9 CMC Sections 1102(r) and 1103, and repealing and reenacting 9 CMC Sections 4108 and 5809; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Findings. The Legislature finds that Public
2 Law 6-20 is very important for the health and welfare of the
3 people of the Commonwealth, but certain statutes established
4 by that Law need revision to accommodate public needs and
5 provide for more efficient enforcement.

6 Section 2. Amendment. 9 CMC Section 1102 (r) is hereby
7 amended to read:

8 "(r) 'Motor Bus' means a motor vehicle operated for
9 the carriage of persons for hire or a school bus which
10 is designed to carry more than 8 passengers."

11 Section 3. Amendment. 9 CMC, Section 1103 is hereby
12 amended to add a new subsection (f) to read as follows:

13 "(f) "Passenger restraint system" means the seat
14 belt assembly required to be in the motor vehicle under
15 the federal motor vehicle safety standards issued
16 pursuant to the federal National Traffic and Motor
17 Vehicle Safety Act of 1966, as amended, unless original
18 replacement seat belt assemblies are not readily
19 available, in which case seat belts of federally
20 approved materials with similar protective
21 characteristics may be used. Such replacement seat belt

1 assemblies shall be permanently marked by the belts
2 manufacturer indicating compliance with all applicable
3 federal standards."

4 Existing subsections are renumbered accordingly.

5 Section 4. Repealer and Reenactment. 9 CMC, Divisior
6 4, Section 4108 (as amended by PL 6-20) is hereby repealed
7 and reenacted to read as follows:

8 "Section 4108. Safety Belts on passenger vehicles.

9 (a) No dealer or person shall sell or offer
10 for sale any new or used passenger motor vehicle
11 manufactured on or after January 1, 1978 other than
12 a motorcycle or moped unless it is equipped with
13 passenger restraint systems as defined in Section
14 1103 (f) of this Title for all intended passengers
15 of the vehicle.

16 (b) No person may sell, offer, or keep for
17 sale any safety belts, safety harness, or
18 attachments thereto for use in vehicles unless of a
19 type as defined in Section 1103 (f) of this Title.

20 (c) All other vehicles not classified as motor
21 buses, passenger sedans, vans, and pickup trucks
22 utilizing passenger restraint systems, shall be
23 otherwise classified as heavy equipment vehicles
24 with multiple purposes of transporting materials,
25 raw products, equipment, and other goods related to
26 heavy industry purposes. However, heavy equipment
27 vehicles shall be permitted the transportation of

1 persons over the age of eighteen provided that they
2 comply with subsection "(f)" of this section.

3 (d) Every person, during transit, in a
4 passenger motor vehicle, except a motorcycle,
5 moped, or motor bus, shall wear a passenger
6 restraint system as defined in Section 1103(f) of
7 this Title.

8 (e) (1) The driver of a car, van or
9 pickup truck in which a child under five
10 years of age is being transported shall
11 secure such child during transit by a child
12 passenger restraint system which conforms to
13 the federal motor vehicle safety standards
14 issued pursuant to the federal National
15 Traffic and Motor Vehicle Safety Act of 1966,
16 as amended. However, if a child under five
17 years of age has outgrown the standard size
18 child passenger restraint system, the driver
19 shall secure the child by a passenger
20 restraint system as defined in Section
21 1103(f) of this Title.

22 (2) A driver shall be exempt from the
23 penalty pursuant to this subsection in the
24 case of a child who, for medical or physical
25 reasons, is unable to utilize a child
26 passenger restraint system.

1 (f) All persons riding in the cab of a heavy
2 equipment vehicle shall wear a passenger
3 restraint system as defined in Section 1103(f) of
4 this Title.

5 (1) All persons riding in the bed or
6 other area of a heavy equipment vehicle shall
7 sit at all times when the vehicle is in
8 operation upon a public roadway. Standing in
9 and on a heavy equipment vehicle when the
10 vehicle is in operation is prohibited.
11 Sitting on or against the tailgate or on top
12 of the side of a heavy equipment vehicle when
13 the vehicle is in operation is prohibited.

14 (2) No operator of any pickup heavy
15 equipment vehicle shall operate the vehicle
16 with a passenger seated in the bed or load
17 carrying area of the vehicle unless:

18 (i) There is no seating available
19 in the cab of the vehicle;

20 (ii) The sides of the vehicle are
21 securely attached and the tailboard or
22 tailgate is securely closed;

23 (iii) Every passenger in the bed or
24 load carrying area of the vehicle is
25 seated on the floor and does not attempt
26 to control unlash cargo.

1 (g) The driver of any vehicle shall be
2 responsible for compliance with the provisions of
3 this Section. Any violation of this Section shall
4 be punishable by a minimum fine of \$25.00.
5 However, any violation of Subsection (e) of this
6 section shall be punishable by a minimum fine of
7 \$50.00. The driver of any heavy equipment vehicle
8 shall be responsible for compliance with the
9 provisions of subsection (f) of this section.
10 However, the owner of any heavy equipment vehicle
11 shall be responsible for maintaining that vehicle
12 in such condition as to easily allow for the
13 compliance with this section if that heavy
14 equipment vehicle is to be used for the
15 transportation of persons as provided in subsection
16 (f) of this section. Any violation of subsection
17 (f) shall be punishable by a minimum fine of
18 \$50.00."

19 (h) The provisions of this Section shall not
20 apply to those persons in an ambulance,
21 firefighting, rescue or police vehicle, or a
22 commercial vehicle used or maintained primarily for
23 the transportation of persons for hire, or in the
24 bed of a pickup truck as defined in Section 1102(v)
25 of this Title and in accordance with the provisions
26 of Section 5809 of this Title."

1 Section 5. Repealer and Reenactment. 9 CMC, Section
2 5809 (as amended by PL 6-20) is hereby repealed and reenacted
3 to read as follows:

4 "Section 5809. Sitting in Bed of Truck.

5 (a) Any child under the age of twelve shall be
6 attended by an adult when sitting in the bed of a
7 moving open or enclosed pickup truck. All persons
8 riding in the bed of a pickup truck shall sit at
9 all times when the pickup truck is in operation
10 upon a public roadway. Standing in the bed of a
11 pickup truck when the truck is in operation is
12 prohibited. Sitting on or against the tailgate or
13 on top of the side of a pickup truck bed when the
14 truck is in operation is prohibited.

15 (b) No operator of any pickup truck shall
16 operate the vehicle with a passenger seated in the
17 bed or load carrying area of the vehicle unless:

18 (1) There is no seating available in the
19 cab of the vehicle;

20 (2) The sides of the vehicle are securely
21 attached and the tailboard or tailgate is
22 securely closed;

23 (3) Every passenger in the bed or load
24 carrying area of the vehicle is seated on the
25 floor and does not attempt to control unlashed
26 cargo.

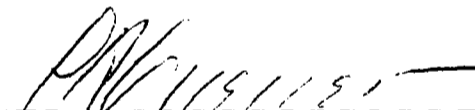
1 (c) The driver of any vehicle shall be
2 responsible for compliance with the provisions on
3 this Section. Any violation of this Section shall
4 be punishable by a minimum fine of \$25.00."

5 Section 6. Rules and Regulations. The Director of the
6 Department of Public Safety may promulgate rules and
7 regulations to implement the provisions of this Act.

8 Section 7. Severability. If any section of this Act or
9 any regulation issued under the authority of this Act should
10 be declared invalid or unenforceable by a court of competent
11 jurisdiction, the judicial determination shall not affect the
12 validity of the Act or regulations as a whole, or any part
13 thereof, other than the particular part declared invalid or
14 unenforceable.


15 Section 8. Effective Date. This Act shall take effect
16 upon its approval by the Governor or upon its becoming law
17 without such approval.

CERTIFIED AND ATTESTED TO BY:


PEDRO R. DELEON GUERRERO
Speaker of the House


JOAN P. KAIPAT
Acting House Clerk

APPROVED this 12th day of APRIL, 1991


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands