

AN ACT

To amend 4 CMC Section 1503(d) and to add a new "Chapter 6" to 3 CMC Division 5 to provide for safe underwater diving; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Title. This Act may be cited as the "Safe
2 Diving Act of 1990".

3 Section 2. Findings. The legislature recognizes that a
4 prime attraction for visitors to the Commonwealth is its
5 beautiful waters. Recreational scuba diving occupies an
6 important role in the tourism industry. It is important that
7 the Northern Mariana Islands continue to be known and trusted
8 for safe diving.

9 The legislature finds that the business of tour diving
10 and diving instruction is comprehensively regulated by the
11 dive industry through various national and international
12 organizations. Instructors certified by these organizations
13 are required to follow the safety standards of their
14 organization in order to issue student certifications and to
15 obtain insurance coverage. Dive tour leaders certified by
16 these organizations are required to follow these standards in
17 order to obtain insurance coverage for their dive activities.

18 Section 3. Purpose. It is the intent of the this Act to
19 require dive instructors and tour leaders be certified and
20 obtain substantial liability insurance in order to ensure that
21 only skilled divers who adhere to the strict standards of safe

1 diving established by national and international diving
2 organizations will be permitted to provide, for profit,
3 recreational dive services to residents and tourists in the
4 Commonwealth. It is not the intent of this Act to affect in
5 any way recreational divers who charter a vessel for
6 transportation to a dive site but do not require or utilize
7 the services of a tour guide or dive instructor.

8 Section 4. Amendment. 4 CMC Section 1503(d) is hereby
9 amended to include a subsection (12) to read:

10 "(12) Scuba instruction and scuba diving tour
11 operations, **\$100.**"

12 Section 5. Amendment. Title 3, Division 5 of the
13 Commonwealth Code is hereby amended to include a new "Chapter
14 6" to read as follows:

15 "CHAPTER 6

16 Diving Safety

17 §5601. Short Title. This chapter may be cited as
18 the "Safe Diving Act of 1990".

19 §5602. Definitions. As used in this chapter:

20 (a) "Certified". means a person who has been
21 licensed by a national or international dive
22 organization.

23 (b) "Liability Insurance"¹ means a valid
24 insurance policy insuring against legal liability
25 for death, injury, or disability of any human
26 being.

27 (c) "Scuba Diving Tour" means to accompany
28 scuba divers underwater as a guide for gain.

1 (d) "Scuba Instruction" means to teach any
2 course of instruction in scuba diving for gain.

3 (e) "Tour Leader" means that person employed
4 by a business to dive with customers and guide them
5 underwater who is assigned by the business the duty
6 of overall supervision of a dive and the primary
7 responsibility for the safety of customers. The
8 tour leader may be assisted by one or more
9 employees in guiding customers on a dive; however,
10 none of these guides shall be considered a "tour
11 leader"^v.

12 §5603. Business License Required.

13 (a) It shall be unlawful for any business to
14 engage in scuba instruction without a business
15 license for "scuba instruction"^w.

16 (b) It shall be unlawful for any business to
17 engage in conducting scuba diving tours without a
18 business license for "scuba diving tour operation"ⁿ.

19 §5604. Penalty. Any person who violates Section
20 5603 shall be fined not more than \$500.00 or imprisoned
21 not more than 30 Days, or both.

22 §5605. Scuba Instruction License.

23 (a) In order to obtain a business license for
24 scuba instruction, a business must employ one or
25 more scuba diving instructors.

26 (b) Each scuba diving instructor must
27 possess:

1 (1) a certificate evidencing that he or
2 she is currently certified at the level of
3 "instructor", and

4 (2) a liability insurance policy
5 sufficient to insure the instructor and the
6 business against the accidental death or
7 accidental injury of any student which may
8 occur during the course of instruction in the
9 amount of \$500,000.00 per incident.

10 (c) No business license shall be issued or
11 renewed for scuba instruction unless the applicant
12 presents evidence of compliance with subsection (b)
13 for each instructor employed by the business.

14 (d) No person shall act as a scuba diving
15 instructor until the business presents evidence of
16 that person's compliance with subsection (b) to the
17 Department of Commerce and Labor.

18 §5606. Scuba Diving Tour Operation License.

19 (a) In order to obtain a business license for
20 a scuba diving tour operation, a business must
21 employ one or more persons qualified to serve as
22 tour leaders.

23 (b) Each tour leader must possess:

24 (1) a certificate evidencing that he or
25 she is currently certified at the level of
26 "Instructor"Assistant Instructorⁿ, or
27 "Divemaster", except where the standards of
28 the certifying organization do not permit such

1 a level of certification to guide scuba divers
2 underwater; and

3 (2) a liability insurance policy
4 sufficient to insure that tour leader and the
5 business against the accidental death or
6 accidental injury of any customer which may
7 occur during a scuba diving tour in the amount
8 of \$500,000.00 per incident.

9 (c) No business license shall be issued or
10 renewed for scuba diving tour operation unless the
11 applicant presents evidence of compliance with
12 subsection (b) for each tour leader employed by the
13 business.

14 (d) No person shall act as a scuba diving
15 tour leader until the business presents evidence of
16 that person's compliance with subsection (b) to the
17 Department of Commerce and Labor.

18 (e) A person may qualify to serve a business
19 both as an instructor and as a tour leader.

20 §5607. Conduct of Scuba Diving Tours. Every scuba
21 diving tour must be supervised by a tour leader.

22 §5608. Activities Limited by Insurance. In the
23 event that a policy of liability insurance for a scuba
24 instructor or a tour leader limits its coverage to one or
25 more groups of customers, the insured shall not instruct
26 or lead a customer who is not covered under the insurance
27 policy.

28 §5609. Introductory Dive Experience.

1 (a) Any course of instruction which is
2 designed to introduce a non-certified diver to
3 scuba diving which combines both instruction and
4 one or more scuba dives, but does not result in the
5 issuance of a basic scuba diving certificate shall
6 be referred to as an "Introductory Dive
7 Experience". Any entry scuba experience, resort
8 course, or taiken diving shall be considered an
9 Introductory Dive Experience.

10 (b) An Introductory Dive Experience shall be
11 taught by, and the first scuba dive made by the
12 student shall be conducted by a person who has
13 qualified as a scuba diving instructor under
14 Section 5605(b). The second and subsequent scuba
15 dive within a ten day period may be conducted by a
16 person qualified as a tour leader under Section
17 5605(b), except where the standards of the tour
18 leader's certifying organization do not permit such
19 a level of certification to guide introductory dive
20 students underwater.

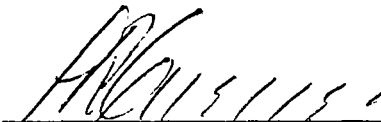
21 §5610. Conditions for Revocation of Suspension of
22 License. The Director may suspend or revoke a scuba
23 instruction or scuba diving tour operation license upon
24 a finding, after two weeks prior notice and a hearing
25 pursuant to Sections 9108-9113 of Title 1 of this Code,
26 that a licensee has violated either Section 5605, 5606,
27 5607, or 5608."

1 Section 6. Severability. If any section of this Act or
2 any regulation issued under the authority of this Act shall be
3 declared invalid or unenforceable by a court of competent
4 jurisdiction, the judicial determination shall not affect the
5 validity of the Act or regulations as whole, or any part
6 thereof, other than the particular part declared invalid or
7 unenforceable.


8 Section 7. Effective Date. This Act shall take effect
9 upon its approval by the Governor or upon its becoming law
10 without such approval.

CERTIFIED BY:

ATTESTED BY:




PEDRO R. DELEON GUERRERO
Speaker of the House



EVELYN C. FLEMING
House Clerk

Approved this 17th day of Dec., 1991



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