

NINTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE

SENATE BILL
NO. 9-20, H.D.1

FIRST REGULAR SESSION, 1994

AN ACT

To amend 9 CMC Section 7105(a)(1), 7108(c), and 7109(a), (b) and (d); and to amend 9 CMC Section 7108 by adding a new subsection (e).

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Amendment. 9 CMC Section 7105(a)(1) and (4) are amended as follows and a new subsection (5) is added as follows:

"(a) A person shall not drive, operate or be in actual physical control of any vehicle while:

(1) having a Blood Alcohol Concentration (BAC) of .08% or more as measured by a breath or blood test; or

(4) Under the combined influence of alcohol and any drug or drugs to a degree which renders the person incapable of safely driving; or

(5) Having a blood alcohol content (BAC) of 0.01% or more for person under the age of 21."

Section 2. Amendment. 9 CMC Section 7108(c) is amended as follows:

"(c) At the hearing, the Court may not rescind its order of revocation or suspension but if good cause appears, the Court may modify its order to permit a person convicted of a first offense under this Division the limited privilege to operate a motor vehicle if driving is required for that person to maintain his or her livelihood. No limited driving privilege shall be available to any person on a second or subsequent conviction under this division within a period of five years."

Section 3. Amendment. 9 CMC Section 7108 is amended by adding a new subsection (e) as follows:

"(e) The standard of proof required in a hearing on a suspension or revocation of a license under Section 7106 shall be by a preponderance of the evidence."

Section 4. Amendment. 9 CMC Section 7109(a), (b), and (d) is amended as follows:

"(a) Every person who is convicted of a violation of Section 7105 shall be punished by imprisonment of not less than 72 hours nor more than one year, and by a fine of not less than \$500 nor more than \$1000, and the privilege of that person to operate a motor vehicle shall be suspended by the court for not less than 30 days nor more than six months.

"(b) On a second or subsequent conviction within a period of five years, the person shall be punished by imprisonment for not less than 30 days nor more than one year, and a fine of \$1000. In addition, the privilege of that person to operate a motor vehicle shall be suspended by the court for not less than six months nor more than one year.

"(d) Every person who, while under the influence of alcohol or drugs operates a vehicle, and when so operating does any act forbidden by law or neglects any duty imposed by law in the driving of the vehicle, which act or neglect proximately causes grievous bodily injury to any person other than himself or herself is guilty of a felony punishable by a fine of not less than \$1000 nor more than five years, or by both such fine and imprisonment."

Section 5. Severability. If any Section of this Act should be declared invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

Section 6. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

/s/ Juan S. Demapan
JUAN S. DEMAPAN
PRESIDENT OF THE SENATE

ATTESTED TO BY:

/s/ David M. Cing
DAVID M. CING
SENATE LEGISLATIVE SECRETARY

Approved this 6th day of July, 1995.

/s/ Jesus C. Borja
JESUS C. BORJA
ACTING GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS