

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 10-11
H. B. NO. 10-155, H.D.1

FIRST REGULAR SESSION, 1996

AN ACT

To amend 9 CMC, The Vehicle Code, to enable the Department of Public Safety to regulate motor carriers; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Title. This act shall be known as the "Motor Carrier Safety Act of 1996."

Section 2. Findings and Purpose. The Legislature finds that as our Commonwealth grows and more motor carriers are on our highways, there is an increased need to regulate their use. Motor carriers pose potentially large safety issues, necessitating a different inspection process from other motor vehicles. Currently, there are no statutes that specifically address the use or inspection of these vehicles. The purpose of the Act is to provide for essential standardized inspections.

Section 3. Amendment. 9 CMC Section 1102 is hereby amended to add a new subsection, to read as follows:

"Motor Carrier' means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle -

(a) has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or

(b) The vehicle is designed to transport more than 8 passengers, including the driver; or

(c) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act which require motor vehicles to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F)."

The new subsections, and all other subsections, shall be numbered accordingly.

Section 4. Amendment. 9 CMC Division 3 shall be amended to add a new Section to read as follows:

"The Department of Public Safety shall adopt rules and regulations prescribing the permissible requirements for motor carriers, motor carrier drivers, equipment and the transportation of hazardous materials and sanctions for their violation which are consistent with comparable regulations of the United States Department of Transportation relating to

these subjects as contained in Title 49 of the United States Code of Federal Regulations.

(a) Unless exception is made by the Department of Public Safety after public hearings held pursuant to the Commonwealth of the Northern Marianas Administrative Procedure Act, the rules of the Department shall be current with the rules adopted by the United States Department of Transportation in Title 49 of the United States Code of Federal Regulations, as now or hereafter amended relating to requirements for motor carriers, motor carrier drivers, equipment and the transportation of hazardous materials.

(b) The Department of Public Safety is authorized to conduct inspections pursuant the rules and regulations adopted and to impose fines and sanctions for violations thereof."

Section 5. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 6. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

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

CERTIFIED BY:

ATTESTED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 6th day of June, 1996

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
Governor
Commonwealth of the Northern Mariana Islands