

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 10-54

H.B. NO. 10-329, HD3

THIRD REGULAR SESSION, 1997

AN ACT

To ban possession of open container(s) containing alcoholic beverages while occupying or operating a motor vehicle on the highways of the CNMI; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This act may be cited as “The Open Container Act.”

Section 2. Definition. The term “highway” as used in this Act shall have the same meaning as that term is defined in 9 CMC § 1102 (o).

Section 3. Prohibition.

(a) No person shall drink any alcoholic beverage while operating a motor vehicle upon any highway.

(b) No person shall drink any alcoholic beverage while in a motor vehicle upon a highway.

(c) No person shall have in his or her possession, on his or her person, while operating a motor vehicle upon a highway, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

(d) No person shall have in his or her possession, on his or her person, while in a motor vehicle upon a highway, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

(e) It is unlawful for the registered owner of any motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle, when the

vehicle is upon any highway, any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, unless the container is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers. The truck-bed of a pick-up truck shall be deemed an area normally occupied by passengers. Provided that open containers may be kept in the truck-bed if there are no passengers therein and such open containers are kept in closed storage within the truck-bed. This section shall not apply to the living quarters of a housecar or camper.

(f) It is unlawful for any person to keep in the passenger compartment of a motor vehicle, when the vehicle is upon any highway, any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed. This section shall not apply to the living quarters of a housecar or camper.

(g) No person shall have in his or her possession, on his or her person, as a pedestrian upon a highway, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed

(h) Provisions (b), (d) and (f) do not apply to passengers in any bus, or limousine for hire licensed to transport passengers pursuant to proper local authority, or the living quarters of a housecar or camper.

(i) Provision (e) does not apply to the driver or owners of a bus, or limousine for hire licensed to transport passengers pursuant to proper local authority.

(j) Provision (g) does not apply to parks, beaches, or fishing areas that are open to the public; and, the other provisions of this Act shall not apply in any manner to a vehicle that is parked with the engine shut off and keys out of the ignition, when so parked within a park, beach, or fishing area that is open to the public.

(k) Any person who violates this Act shall be guilty of a traffic infraction punishable by a fine only, of not more than \$500 per offense.

Section 4. 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 5. 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 6. 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/ Jesus T. Attao
JESUS T. ATTAO
Acting Speaker
House of Representatives

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

Approved this 10th day of April, 1997

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