

**TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

**PUBLIC LAW NO. 10-55**

**H.B. NO. 10-351, HD1**

**THIRD REGULAR SESSION, 1997**

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**AN ACT**

To amend Section 4108, 9 CMC, Division 4, relating to passenger restraint systems as they relate to children; and to amend Subsection (g) to provide for an increase in the minimum fine from \$50 to \$250; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings and Purpose. The Legislature finds the current law providing that mandatory child restraint systems be utilized is inadequate in light of new information and studies endorsed by the National Transportation Safety Board. In order to insure that the very best safety measures are utilized for the protection of all children being transported in a motor vehicle, our Code must be revised to strengthen the requirements for child restraint safety devices and seatbelt use and include a provision prohibiting the transport of any child weighing less than 80 pounds and/or smaller than 54 inches (standing height) in the front passenger seat when the vehicle is equipped with an air bag for that position.

Section 2. Amendment. Subsection (e)(1) of Section 4108, 9 CMC, Division 4 is hereby amended to read as follows:

“(e)(1) The driver of a car, van or pickup truck in which a child under five years of age is being transported shall secure such child during transit by a child passenger restraint system which conforms to the federal motor vehicle safety standards issued pursuant to the federal National Traffic and Motor Vehicle Safety Act of 1966, as amended, and installed in the vehicle in accord with the manufacturer's specifications.

If a child under five years of age has outgrown the standard size child passenger restraint system, the driver shall secure the child by a passenger restraint system as defined in section 1103(f) of this title; provided, that if the child is under 80 pounds weight and 54 inches of height, the child shall be provided with a booster seat that conforms to the federal motor vehicle safety standards issued pursuant to the federal National Traffic and Motor Vehicle Safety Act of 1966, as amended.

Section 3. Amendment. Subsection (e)(2) of Section 4108, 9 CMC, Division 4 is hereby renumbered to be subsection (e)(3). A new subsection (e)(2) is enacted to read as follows:

“(e)(2) No child under 5 years of age, or weighing less than 80 pounds, or under 54 inches in height may ride in the front passenger seat of a vehicle equipped with passenger side airbags unless such vehicle does not have any other passenger seating areas other than the

front passenger seat.”

Section 4. Amendment. Subsection (g) of Section 4108, 9 CMC, Division 4 is hereby amended to read as follows:

“(g) The driver of any vehicle shall be responsible for compliance with the provisions of this section. Any violation of this section shall be punishable by a minimum fine of \$25. However, any violation of subsection (e) of this section shall be punishable by a minimum fine of \$250. The driver of any heavy equipment vehicle shall be responsible for compliance with the provisions of subsection (f) of this section. However, the owner of any heavy equipment vehicle shall be responsible for maintaining that vehicle in such condition as to easily allow for the compliance with this section if that heavy equipment vehicle is to be used for the transportation of persons as provided in subsection (f) of this section. Any violation of subsection (f) of this section shall be punishable by a minimum fine of \$50.”

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:**

/s/ Jesus T. Attao  
JESUS T. ATTAO  
Acting Speaker  
House of Representatives

**ATTESTED BY:**

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

Approved this 10<sup>th</sup> day of April, 1997

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