

**ELEVENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE**

PUBLIC LAW NO. 11-12
SENATE BILL
NO. 11-45

SECOND SPECIAL SESSION, 1998

AN ACT

To prohibit the importation, registration, and sale by a dealer of motor vehicles which do not comply with United States motor vehicle safety standards.

BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Statement of Purpose. The Legislature finds that the Federal Motor Vehicle Safety Standards, as set forth in 49 U.S.C. § 30101, et seq., as amended, and all regulations promulgated thereunder, apply to the CNMI. Nevertheless, there continues to be motor vehicles imported into, sold and registered in the CNMI in violation of such safety standards. Accordingly, in order to safeguard the health, welfare and safety of the people of the Commonwealth, it is the purpose of this Act to prohibit the importation, sale by a dealer and registration of noncomplying vehicles.

Section 2. Amendment; Customs Authorized to Prohibit Non-Complying Vehicles. Amend 6 CMC § 2301(a) by inserting after subsection (7) the following new subsection (8):

"(8) Motor vehicles which are not covered by a certification issued under 49 U.S.C. § 30115, as amended, and regulations promulgated thereunder."

Section 3. Prohibition of Sale by a Dealer; Criminal Penalties. Title 6, Division 3, Chapter 1, Article 1, of the Commonwealth Code is amended by adding thereto a new section 3111, to read:

"§ 3111. Sale by a Dealer of Motor Vehicle Not Conforming to Federal Safety Standards.

The sale or offer for sale by a dealer of a motor vehicle which is not covered by a certification issued under 49 U.S.C. § 30115, as amended, and regulations promulgated thereunder, is prohibited. For purposes of this section, "dealer" shall have the meaning as set forth in 9 CMC § 1102 (g). Any person convicted of knowingly violating this subsection shall be guilty of a misdemeanor and may be punished by imprisonment of not more than one year or a fine of not more than \$2,000 or both."

Section 4. Amendment: Bureau of Motor Vehicles: Authority to Reject Applications for Non-Complying Motor Vehicles. 9 CMC § 1208 is hereby amended by adding a new subsection (b) to read:

"(b) The Bureau shall reject any application for registration of a motor vehicle imported into the Commonwealth after the effective date of this Act which lacks certification as required under 49 U.S.C. § 30115, as amended, and any regulations promulgated thereunder. For purposes of this section, the date of importation is the date of arrival of the vehicle into the Commonwealth as indicated by any of the following documents accompanying the vehicle: the bill of sale, bill of lading, or invoice to the importer."

Section 5. Exemption for Right Hand Drive Heavy Equipment and Construction Vehicles Preserved. Nothing in this Act shall be construed to affect the exemption for importation and registration of right hand drive heavy equipment or construction vehicles granted pursuant to 9 CMC § 2101.

PUBLIC LAW NO. 11-12
SENATE BILL NO. 11-45

Section 6. 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 7. 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 8. 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/ Paul A. Manglona

PAUL A. MANGLONA

PRESIDENT OF THE SENATE

/s/ Edward U. Maratita

EDWARD U. MARATITA

SENATE LEGISLATIVE SECRETARY

Approved this 30th day of April, 1998.

/s/ Pedro P. Tenorio

PEDRO P. TENORIO

GOVERNOR

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS