



HOUSE OF REPRESENTATIVES
FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2006

PUBLIC LAW NO. 15-29

H. B. No. 15-17, HSI

AN ACT

To regulate the ownership and operation of motorcycles, motor scooters, and mopeds; and for other purposes.

BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Title.** This Act may be cited as the "Motor Scooter Act of 2006."

2 **Section 2. Findings.** The Legislature finds that motor scooters have become a
3 popular mode of transportation for residents and tourists in the Commonwealth. The
4 Legislature further finds that motor scooter businesses have flourished in the past few years
5 as well. However, the Legislature finds that traffic accidents involving motor scooters have
6 also increased due to the increased use of motor scooters on public highways. Furthermore,
7 there was at least one reported traffic fatality involving a motor scooter the past year.

8 Based on the foregoing reasons, the Legislature finds that motor scooters must be
9 better regulated to protect the health and welfare of CNMI residents as well as tourists
10 visiting the Commonwealth. The purpose of this legislation is to classify motor scooters in a
11 distinct category from mopeds and motorcycles, to make applicable to motor scooters certain
12 rights and duties applicable to other motor vehicles, and to require certain safety equipment
13 on motor scooters and mopeds operated in the Commonwealth.

14 **Section 3. Amendment.** 9 CMC § 1102 is amended by repealing and reenacting
15 subsection (r), amending subsection (u), and adding a new subsection (v) with the remaining
16 subsections redesignated accordingly, to read as follows:

1 “§ 1102. Definitions.

2 (r) "Moped" means a motor-driven vehicle designed to travel on not
3 more than three wheels in contact with the ground, with or without pedals to
4 permit propulsion by human power, and with a motor or engine size of less
5 than 50 cubic centimeters.

6 (u) "Motorcycle" means a motor vehicle, other than a bicycle, moped,
7 motor scooter, or tractor, designed to travel on not more than three wheels in
8 contact with the ground with an engine size greater than 250 cubic
9 centimeters.

10 (v) "Motor scooter" means a motor vehicle designed to travel on not
11 more than three wheels in contact with the ground, with an engine size greater
12 than 50 cubic centimeters but less than 250 cubic centimeters, and with a step-
13 through frame.

14 **Section 4. Amendment.** 9 CMC § 2104(2) is amended to read as follows:

15 “§ 2104. Registration: Fees.

16 (a) There shall be paid to the Director of Finance for the registration
17 of vehicles the following fees:

18 (1) [Unchanged].

19 (2) Mopeds, motor scooters, and motorcycles up to 100cc, \$5
20 \$10;

21 (3) Motorcycles and motor scooters over 100cc, \$15;

22 (4) [Unchanged].

23 (5) [Unchanged].

 (6) [Unchanged].

 (7) [Unchanged].

 (8) [Unchanged]."

1 **Section 5. Repealer.** 9 CMC § 2202(c) is repealed in its entirety with the remaining
2 subsections renumbered accordingly.

3 **Section 6. Amendment,** 9 CMC § 2204(a) is amended to read as follows:

4 "(a) The following classes of operator's licenses are established:

5 (1) All two- and three-wheeled motor vehicles. For the purposes of
6 this subsection (1), a foreign operator's license or license from any other
7 territory or state of the United States that would permit the holder to operate a
8 two or three-wheeled motor vehicle, including but not limited to a motorcycle,
9 motor scooter, and moped as defined by this chapter, shall be sufficient to
10 operate the same in the Commonwealth of the Northern Mariana Islands if that
11 operator is present for a period of less than thirty (30) days in the
12 Commonwealth.

13 (2) All two-axle motor vehicles. Vehicles in this class may pull a
14 trailer weighing less than 4,000 pounds. For the purposes of this subsection
15 (2), a foreign operator's license or license from any other territory or state of
16 the United States that would permit the holder to operate a two-axle vehicle
17 shall be sufficient to operate the same in the Commonwealth of the Northern
18 Mariana Islands if that operator is present for a period of less than thirty (30)
19 days in the Commonwealth.

20 (3) [Unchanged.]"

21 **Section 7. Amendment.** The heading of Title 9, Division 5, Chapter 7 of the
22 Commonwealth Code is amended to read as follows:

23 "CHAPTER 7. Motorcycles, Motor Scooters, Mopeds, Bicycles, and Other
24 Human-Powered Vehicles. § 5701"

25 **Section 8. Amendment.** Title 9, Division 5, Chapter 7, Article 1 of the
26 Commonwealth Code is amended to read as follows:

27 "Article 1. Motorcycles, Motor Scooters, and Mopeds.

1 § 5701. Traffic Laws Apply to Persons Operating Motorcycles, Motor
2 Scooters, and Mopeds.

3 Every person operating a motorcycle, motor scooter, or moped shall be
4 granted all of the rights and shall be subject to all of the duties applicable to
5 the operator of any other vehicle under this title, except as to special
6 regulations in this division and except as to those provisions of this title which
7 by their nature can have no application.

8 § 5702. Passengers on Motorcycles, Motor Scooters, and Mopeds.

9 It is unlawful for an operator of a motorcycle, motor scooter, or moped
10 on a highway to carry any other person on it, unless on a seat securely
11 fastened to the machine in the rear of the operator and provided with foot rests
12 and hand grips or in a side car attached to a motorcycle, motor scooter, or
13 moped and designed for the purpose of carrying a passenger.

14 § 5703. Safety Equipment.

15 (a) Operators and passengers of a motorcycle, motor scooter, or
16 moped, while being operated on any highway within the Commonwealth, shall
17 wear securely fastened on their heads safety helmets of a type approved by the
18 director. Motorcycles, motor scooters, or mopeds while being operated on any
19 highway within the Commonwealth shall have foot pegs and hand holds for
20 passengers of a type approved by the Commissioner.

21 (b) Motor scooters or mopeds, offered for lease or rental to the public
22 shall be required to display a red or orange flag or pennant of not less than
23 one-hundred (100) square inches affixed to a pole or other mast, such pole or
24 mast being not less than four (4) feet nor greater than five (5) feet tall, and
25 affixed to the frame of the motor scooter. No writing or other mark shall be
26 permitted on the flag except that the owner or lessor of the motor scooter may
place the name of the leasing company on the flag.

1 § 5704. Operating Motorcycles, Motor Scooters, and Mopeds on Beaches.

2 It is unlawful for any person to operate a motorcycle, motor scooter, or
3 moped on any public beach.

4 § 5705. Operating Motorcycles, Motor Scooters, and Mopeds on Highways
5 Laned for Traffic.

6 (a) All motorcycles and motor scooters, other than mopeds, are
7 entitled to full use of a lane and no motor vehicle may be driven in such a
8 manner as to deprive any motorcycle or motor scooter of the full use of a lane.
9 This subsection does not apply to motorcycles or motor scooters operated two
10 abreast in a single lane.

11 (b) The operator of a motorcycle or motor scooter may not overtake
12 and pass in the same lane occupied by the vehicle being overtaken. This
13 subsection does not apply to a motorcyclist passing a bicycle, to the operator
14 of a moped, nor to a police officer in the performance of his duties.

15 (c) No person may operate a motorcycle, motor scooter, or moped
16 between lanes of traffic or between adjacent lines or rows of vehicles. This
17 subsection does not apply to police officers in the performance of their duties.

18 (d) Motorcycles, motor scooters, and mopeds may not be operated
19 more than two abreast in a single lane.

20 (e) Motor scooters and mopeds shall be operated on the right lane of a
21 two or more land highway at all times except when making a turn.

22 § 5706. Clinging to Other Vehicles.

23 No person riding upon a motorcycle, motor scooter, or moped may
24 attach himself or herself or the motorcycle, motor scooter, or moped to any
25 other vehicle on the highway.

26 § 5707. Motorcycles, Motor Scooters or Mopeds for Lease or Rental.

27 (a) All persons leasing or renting motorcycles, motor scooters, and
28 mopeds shall provide their customers with a brief summary of the
29 Commonwealth traffic laws.

1 (b) No person may offer a motorcycle, motor scooter, or moped for
2 lease or rental to public between the hours of 6:00 p.m. to 6:00 a.m.

3 (c) No person may operate a motorcycle, motor scooter or moped
4 offered for lease or rental to the public between the hours of 6:00 p.m. to 6:00
5 a.m. except for privately owned motor scooters or mopeds used as a primary
6 mode of transportation.

7 § 5708. Penalties: General.

8 (a) Every person who fails or refuses to comply with or violates any
9 provision of this article is guilty of an **infraction** punishable by a fine of not
10 more than \$100 for the first conviction and for a second or any subsequent
11 conviction within a period of one year by a fine of not more than \$250.

12 (b) Every person who fails or refuses to comply with or violates
13 9 CMC § 5707(b) shall be guilty of a misdemeanor punishable by
14 imprisonment of not more than 30 days and a fine of not more than \$1000, or
15 both. In addition, any person who violates the provisions of 9 CMC
16 § 5707(b) shall be subject to revocation of any relevant existing license to do
17 business within the Commonwealth."

18 **Section 9. Global Amendment.** "The term "motor vehicle" shall be amended and
19 construed to include "motor scooter" throughout Title 9 of the Commonwealth Code."

20 **Section 10. Severability.** If **any** provision of this Act or the application of any such
21 provision to any person or circumstance should be held invalid by a court of competent
22 jurisdiction, the remainder of this Act or the application of its provisions to persons or
23 **circumstances** other than those to which it is held invalid shall not be affected thereby.

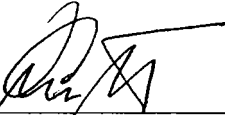
24 **Section 11. Savings Clause.** This Act and any repealer contained herein shall not be
25 construed as affecting any existing right acquired under contract or acquired under statutes
26 repealed or under any rule, regulation or order adopted under the statutes. Repealers
27 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
28 The enactment of the Act shall not have the effect of terminating, or in any way modifying,

HOUSE BILL NO. 15-17, HS1

1 any liability, civil or criminal, which shall already be in existence on the date this Act
2 becomes effective.

3 **Section 12. Effective Date.** This Act shall take effect upon its approval by the
4 Governor or becoming law without such approval.

CERTIFIED BY:



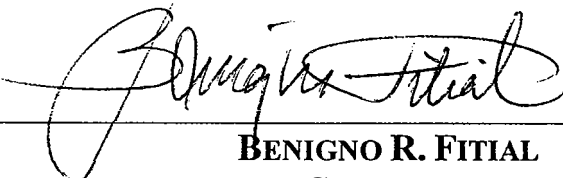
OSCAR M. BABAUTA
SPEAKER OF THE HOUSE

ATTESTED TO BY:



EVELYN C. FLEMING
HOUSE CLERK

APPROVED, on this 26th day of SEPTEMBER, 2006



BENIGNO R. FITIAL
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS