



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor
MAY 17 2016

Honorable Rafael S. Demapan
Speaker, House of Representatives
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Francisco M. Borja
Senate President, The Senate
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 19-49, SD1, entitled, "To repeal and re-enact 3 CMC §5411, and to amend and add sections to 3 CMC §5454 to improve boating safety in the CNMI; and for other purposes.", which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 19-45**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph DLG. Torres".

RALPH DLG. TORRES

cc: Lt. Governor; Attorney General's Office; Department of Public Safety; Boating Safety; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

19th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

April 8, 2016

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 19-49, SD1**, entitled: "To repeal and re-enact 3 CMC §5411, and to amend and add sections to 3 CMC §5454 to improve boating safety in the CNMI; and for other purposes.", which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

Linda B. Muña
House Clerk

Attachment



*Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

First Special Session

April 9, 2015

Representative Joseph Lee Pan T. Guerrero, of Saipan, Precinct 1 (*for himself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 19-49, SD1

AN ACT

**TO REPEAL AND RE-ENACT 3 CMC §5411, AND TO AMEND
AND ADD SECTIONS TO 3 CMC §5454 TO IMPROVE BOATING
SAFETY IN THE CNMI; AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Ways and Means, which submitted Standing Committee Report 19-63; adopted on December 21, 2015.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, DECEMBER 21, 2015;**
without amendments and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Judiciary, Government, and Law, which submitted Standing Committee Report 19-77; adopted on March 11, 2016.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, MARCH 11, 2016;
with amendments in the form of H. B. 19-49, SD1.

H. B. 19-49, SD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON MARCH 15, 2016.

The House of Representatives accepted the Senate amendments and passed H. B. 19-49, SD1 during its Sixth Day, Third Regular Session on March 29, 2016.

THE BILL WAS FINALLY PASSED ON MARCH 29, 2016.



Linda B. Muña, House Clerk



*Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

Sixth Day, Third Regular Session

March 29, 2016

H. B. No. 19-49, SD1

AN ACT

TO REPEAL AND RE-ENACT 3 CMC §5411, AND TO AMEND AND ADD SECTIONS TO 3 CMC §5454 TO IMPROVE BOATING SAFETY IN THE CNMI; AND FOR OTHER PURPOSES.

Be it enacted by the Nineteenth Northern Marianas Commonwealth Legislature:

1 **Section 1. Short Title.** This Act may be cited as the “Commonwealth Boating Safety
2 Act of 2015.”

3 **Section 2. Findings.** The Legislature finds that safety of boaters in the
4 Commonwealth would be substantially improved if the Department of Public Safety were
5 authorized to conduct a comprehensive boater education programs designed to improve the
6 safety and competence of boaters in the Commonwealth.

7 The Legislature further finds that the safety of boaters, swimmers, and all who use
8 the waters of the Commonwealth can be improved by mandating no-wake zones in the
9 Commonwealth and by prohibiting the operation of a vessel in a careless and imprudent
10 manner which does not rise to the level of reckless operation of a motorboat.

HOUSE BILL 19-49, SD1

1 **Section 2. Repeal and Re-enact.** 3 CMC §5411 is hereby repealed and re-enacted as
2 follows:

3 **“§5411. Boating Safety: Declaration of Policy.**

4 (a) In order to protect the public interest in the prudent and equitable use of
5 the waters of the Commonwealth and to enhance the enjoyment of pleasure boating
6 and other recreational water sports on the waters of the Commonwealth, the
7 Department of Public Safety shall establish and pursue comprehensive educational
8 programs designed to advance boating and general water safety.

9 (b) The Department of Public Safety shall do all things necessary to conduct a
10 comprehensive boating safety program as provided in chapter 131 of part I of subtitle
11 II of title 46 of the United States code, 46 U.S.C. 13101 to 13110; to comply with
12 rules promulgated under that act by the secretary of the department in which the coast
13 guard is operating; and to accept federal financial assistance provided in that act.

14 (c) The Department of Public Safety is authorized to adopt regulations and
15 charge reasonable fees as necessary to conduct its comprehensive boating safety
16 program. Any fees collected shall be given over to the Department of Public Safety to
17 fund its education program and its boating safety activities.”

18 **Section 3. Amendment.** 2 CMC §5454 is amended to read as follows:

19 **“§5454. Unsafe Operation Prohibited.**

20 (a) No person shall operate any motorboat or vessel, or manipulate any
21 water skis, aquaplane, surfboard, or similar device while under the influence
22 of alcohol, any narcotic drug, barbiturate or marijuana.

23 (b) Subject to the expectations described in this section in this section,
24 a person shall not operate a motorboat at more than slow no wake speed if any
25 following circumstances exists:

26 (1) A person is located on or in the bow of the motorboat, and
27 that motorboat is not manufactured to provide bow seating.

28 (2) A person or a portion of a person’s body extends beyond
29 the exterior port or starboard walls of the hull of the motorboat.

HOUSE BILL 19-49, SD1

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(3) The motorboat is within 100 yards of any person swimming or operating any non-motorized watercraft.

(c) This section does not apply to either of the following:

(1) A person engaged in the operation of a sailboat that is not being powered by a motor.

(2) A person on board a vessel who is attempting to anchor, moor, dock, or otherwise secure the vessel.

(d) A person operating or propelling a vessel upon the waters of the Commonwealth shall operate it in a careful and prudent manner and at such a rate of speed so as not to endanger unreasonably the life or property of any person.

(e) A person shall not operate any vessel at a rate of speed greater than will permit him or her, in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead.

(f) A person shall not operate a vessel in a manner so as to interfere unreasonably with the lawful use by others of any waters.

(g) A person who violates §5454(a) - §5454(f) of this section will be subject to a civil infraction and will be ordered to pay a civil fine of not less than \$150 and not more than \$500.00. Subsequent violation of this subsection within a twenty-four month period will result in a civil fine of not less than \$500 and not more than \$1000.

(h) No person shall operate a vessel in, upon or through the waters of this Commonwealth in a reckless manner. For the purposes of this subsection, reckless operation means operating a watercraft in a manner that consciously, willfully and wantonly disregards a substantial and unjustifiable risk to the safety of persons or property in, upon or along the waters of this Commonwealth. Reckless operation of a watercraft involves a gross deviation from the standard of care that a reasonable operator of a watercraft should observe under the circumstances. A person who violates this subsection

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1 commits a misdemeanor, punishable by a fine of no more than \$1000, a year
2 of imprisonment, or both.

3 (i) Upon a person's conviction under §5454(h), the court may issue an
4 order prohibiting that person from operating a vessel on the waters of the
5 Commonwealth for a period of not more than 2 years. Upon a person's
6 subsequent conviction, the court shall order that person to participate in and
7 complete a marine safety educational program approved by the department, if
8 available. An order issued pursuant to this subsection is in addition to any
9 other penalty authorized under this part.”


10 **Section 6. Severability.** If any provisions of this Act or the application of any such
11 provision to any person or circumstance should be held invalid by a court of competent
12 jurisdiction, the remainder of this Act or the application of its provisions to persons or
13 circumstances other than those to which it is held invalid shall not be affected thereby.

14 **Section 7. Savings Clause.** This Act and any repealer contained herein shall not be
15 construed as affecting any existing right acquired under contract or acquired under statutes
16 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
17 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
18 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
19 any liability, civil or criminal, which shall already be in existence on the date this Act
20 becomes effective.

HOUSE BILL 19-49, SD1

1 **Section 8. Effective Date.** This Act shall take effect upon its approval by the
2 Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER RAFAEL S. DEMAPAN
House of Representatives
19th Northern Marianas Commonwealth Legislature

Approved this 17th day of May, 2016


RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands