



RALPH DLG. TORRES
Governor

VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

26 JAN 2018

The Honorable Arnold I. Palacios
Senate President, The Senate
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

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



Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law House Bill No. 20-118, HD1 entitled, "To generate funding for the repair and maintenance of CNMI roads and highways by increasing fees for registration and licenses and establishing a Temporary Operator's License category; and for other purposes.", which was passed by the Senate and the House of Representatives of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-39**. Copies bearing my signature are forwarded for your reference.

Sincerely,

RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; Department of Finance, Department of Public Safety, Bureau of Motor Vehicles, Department of Public Works, Commonwealth Utilities Corporation, Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review





*Twentieth Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

Second Regular Session

August 30, 2017

REPRESENTATIVE FRANCISCO C. AGUON of Saipan, Precinct 5 (*for himself*, and Representatives Blas Jonathan "BJ" T. Attao and Donald C. Barcinas) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 20-118, HD1

AN ACT

TO GENERATE FUNDING FOR THE REPAIR AND MAINTENANCE OF CNMI ROADS AND HIGHWAYS BY INCREASING FEES FOR REGISTRATION AND LICENSES AND ESTABLISHING A TEMPORARY OPERATOR'S LICENSE CATEGORY; AND FOR OTHER PURPOSES.

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report No. 20-76; adopted 10/11/17.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, OCTOBER 11, 2017;**

with amendments in the form of H. B. No. 20-118, HD1, and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Judiciary, Government and Law.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 14, 2017;

without amendments and was returned to
THE HOUSE OF REPRESENTATIVES.

THE BILL WAS FINALLY PASSED ON OCTOBER 11, 2017.



Linda B. Muña, House Clerk



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

EIGHTH DAY, SECOND REGULAR SESSION

OCTOBER 11, 2017

H. B. NO. 20-118, HD1

AN ACT

TO GENERATE FUNDING FOR THE REPAIR AND MAINTENANCE OF CNMI ROADS AND HIGHWAYS BY INCREASING FEES FOR REGISTRATION AND LICENSES AND ESTABLISHING A TEMPORARY OPERATOR'S LICENSE CATEGORY; AND FOR OTHER PURPOSES.

Be it enacted by the Twentieth Northern Marianas Commonwealth Legislature:

1 **Section 1. Findings.** Road conditions on the islands of Saipan, Tinian, and Rota
2 have drastically deteriorated due to several factors including heavier traffic, an increase in
3 development, and major road construction. Accidents caused by slick driving surfaces and
4 unattended road cutting are common. And at night, bad roads and inadequate lighting lead to
5 even worse driving conditions. Lives have been lost due to poorly lit construction sites and
6 abrupt changes to the normal flow of traffic that place drivers, equipment, and workers in
7 harm's way. The safety of the roads and highways must be addressed now before more harm
8 comes to pass. Public Law 17-45 established the \$40 fee for vehicle operator licenses to fund
9 the maintenance of roads and provide for street lights in May of 2011. Unfortunately, since
10 then the amounts that have been collected have been relatively modest.

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1 The Legislature finds that the fee structure for obtaining licenses should be modestly
2 increased to fund road improvements. In addition, fines and penalties associated with driving
3 without a license should be directed towards road maintenance and proper lighting.

4 As set forth below, the fees for obtaining a driving license shall be increased from
5 \$40 to \$50 with the cost of obtaining a substitute license increasing by \$5 from \$10 to \$15.
6 The newly established section 2118 provides for the distribution of these fees in the
7 following manner: 45% for the operations and programs of the Bureau of Motor Vehicles,
8 45% for road maintenance and for the upkeep and maintenance of road shoulders by the
9 Department of Public Works and 10% to the upkeep and maintenance of street lights by the
10 Commonwealth Utilities Corporation.

11 In addition to raising the cost of acquiring a driver's license, the earmarking of both
12 1) the driver's license fees and 2) the penalties for violating 2202 (a) and (c)—which were
13 previously deposited into the general fund, will be significantly increased. To further create
14 funding for road repair, these earmarked penalties for violations were amended by adding
15 mandatory minimum fines. The new floor for not having a driver's license (2202 (a)) is
16 increased from \$0 to \$250. The new floor for driving without having a license in possession
17 goes from \$0 to \$25. These new floors, together with the earmarking in the newly enacted
18 section 2118 should help generate funding for road improvement and safety.

19 Due the increase in the fees themselves and the corresponding designation of the
20 penalties for violations of the license statute, the five percent decreases for BMV and CUC
21 respectively, are mitigated because the penalties for violations of 2202 (a) and (c) which
22 currently were not earmarked, are now designated to these entities as well.

23 Secondly, this measure shall also establish a temporary, 90-day driver's permit which
24 will allow BMV to issue short-term driver's licenses to visitors who do not plan to be driving
25 more than the 90 days of a maximum vacation stay. This provision will exempt holders of
26 valid driver's licenses from U.S. jurisdictions, Guam, or other licenses that are in the English
27 language.

28 Lastly, in order to raise even more revenue, this legislation shall increase the
29 registration for certain vehicles in amounts ranging from \$10 to \$20 dollars depending on the

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1 size or weight of the vehicle. Significantly, as set forth in the newly established section
2 2119, the registration funds shall now be directed to the Bureau of Motor Vehicles and to the
3 Department of Public Works to fund road repair and maintenance and split as follows: 45%
4 for the operations and programs of the Bureau of Motor Vehicles, 45% for road maintenance
5 and for the upkeep and maintenance of road shoulders by the Department of Public Works
6 and 10% for the maintenance of street lights by the Commonwealth Utilities Corporation.

7 **Section 2. Enactment.** Title 9 Section 2202 of the Commonwealth Code is hereby
8 amended to read as follows:

9 **“§ 2202. Operator’s License: Fees.**

10 (a) [No changes].

11 (b) A fee of \$50 shall be paid for each operator’s license issued, with the
12 exemption of an operator’s license issued to a Veteran as well for a Temporary
13 Operator’s License which shall cost \$100. A fee of \$15 shall be paid for each
14 duplicate or substitute license.

15 (1) The operator’s license fee for a Veteran shall be 25% less than the
16 fee charged for a similar operator’s license. A copy of the Certificate of
17 Release or Discharge from Active Duty from the Department of Defense
18 (DD 214) or certification from the Military and Veterans Affairs Office, which
19 signifies proof that he/she served in the U.S. military services, must be
20 furnished to the Department of Public Safety and the Department of Finance
21 in order to waive the operator’s license fees.

22 (2) The Commissioner of the Department of Public Safety in
23 consultation with the Director of the Bureau of Motor Vehicles shall
24 promulgate rules and regulations to enforce this Act provided further that said
25 rules and regulations shall permit the issuance of a Temporary Driver’s
26 License that shall be required for any and all drivers who wish to operate a
27 vehicle for a period not to exceed 90 days and provided that the operator can
28 produce a license in the English language as proof of driving competency.
29 Holders of valid driver’s licenses from U.S. jurisdictions, or other licenses that

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1 are in the English language shall be exempt from this provision and may
2 operate a vehicle consistent with other applicable CNMI law.

3 (c) [no changes]

4 (d) A violation of subsection (a) of this section shall be punishable by not
5 more than six months imprisonment, and a mandatory fine of not less than
6 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or both.

7 (e) A violation of subsection (c) of this section shall be a civil infraction
8 punishable by a fine of not less than twenty-five dollars but not more than fifty dollars
9 for the first offense and not less than fifty dollars but not more than one hundred
10 dollars for any second or subsequent offense. Any person assessed a civil fine under
11 this subsection may, in lieu of appearing in court, pay the fine to the Clerk of Court
12 prior to the court appearance date.

13 (f) [no changes]

14 **Section 3. Enactment.** Title 9, Division 2, Chapter 1 of the Commonwealth Code is
15 hereby amended by adding new Sections 2118 and 2119 that shall read as follows:

16 **“§2118. Disposition of Section 2202 Fees and Penalties.**

17 (a) Distribution of 2202 (b) license fees.

18 Notwithstanding any CNMI law or regulation to the contrary, all fees
19 collected for obtaining a license pursuant to 9 CMC section 2202 (b), including the
20 learner’s permit fee and the Temporary Driver’s License Fee, shall be distributed as
21 follows: 45% for the operations and programs of the Bureau of Motor Vehicles, 45%
22 for road maintenance and for the upkeep and maintenance of road shoulders by the
23 Department of Public Works and 10% to the upkeep and maintenance of street lights
24 by the Commonwealth Utilities Corporation.

25 (b) Distribution of 2202 (d) and (e) Penalties.

26 Notwithstanding any CNMI law or regulation to the contrary, the penalties
27 paid pursuant to 9 CMC section 2202 (d) and (e) for violations of 9 CMC Sections (a)
28 and (c) respectively, shall be distributed as follows: the Secretary of the Department
29 of Public Works shall be the expenditure authority of 45% for road maintenance and

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1 the upkeep and maintenance of road shoulders by the Department of Public Works.
2 The remaining 55% shall be distributed as follows, 45% for the operations and
3 programs of the Bureau of Motor Vehicles, and 10% to the upkeep and maintenance
4 of street lights by the Commonwealth Utilities Corporation.

5 (c) Notwithstanding any CNMI law or regulation to the contrary, the fees
6 collected shall be deposited into a revolving fund account as provided for herein for
7 the respective agencies' accounts, and any unused funds at the end of a fiscal year
8 shall not lapse and shall be available without fiscal year limitation. Said funds shall
9 not be reprogrammed or transferred back into the general fund, or any other account.

10 **§2119. Disposition of Section 2104 Fees and Penalties.**

11 Notwithstanding any CNMI law or regulation to the contrary, all registration
12 fees collected pursuant to 9 CMC section 2104 shall be distributed as follows:
13 45% for the operations and programs of the Bureau of Motor Vehicles, 45% for road
14 maintenance and for the upkeep and maintenance of road shoulders by the
15 Department of Public Works and 10% to the upkeep and maintenance of street lights
16 by the Commonwealth Utilities Corporation.”

17 **Section 4. Amendment.** Title 9, Division 2, Chapter 1, of the Commonwealth Code
18 is hereby amended by amending Section 2104 to read as follows:

19 **“§ 2104. Registration: Fees.**

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

22 (1) Bicycles, \$3;

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

24 (3) Motorcycles and motor scooters over 100cc, \$30;

25 (4) Pickups, jeeps, sedans, automobiles, and other motor vehicles not
26 exceeding six passengers or one-half ton capacity and weighing less than
27 2,000 pounds, \$60;

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1 (5) Trucks, buses and self-propelled equipment and machinery by
2 gross vehicle weight in pounds as specified by the manufacturer at the time of
3 the original sale or entry into the Commonwealth; whichever is greater:

4 (A) Under 2,999 pounds or fraction thereof, \$60;

5 (B) 3,000 to 4,999 pounds or fraction thereof, \$110;

6 (C) 5,000 to 7,499 pounds or fraction thereof, \$220;

7 (D) 7,500 pounds and over \$420;

8 (6) Low boys, \$60;

9 (7) All other self-propelled vehicles, \$110;

10 (8) For duplicate or substitute registration cards and plates: subsections
11 (a)(2) and (a)(3) of this section, \$5; subsections (a)(4), (a)(5), and (a)(6) of this
12 section, \$10; and subsection (a)(7) of this section, \$20.

13 (b) All persons who have paid more than \$25 in 1983 for registration fees for
14 pickups shall receive reimbursement for the amount paid in excess of \$25.”

15 **Section 5. Reporting Requirement.** The expenditure authorities listed herein for
16 the funds received pursuant to 9 CMC Section 2118 and 2119 shall submit to the presiding
17 officers of the Legislature, thirty (30) days from the end of each quarter, a quarterly fund
18 status report.

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

23 **Section 7. Savings Clause.** This Act and any repealer contained herein shall not be
24 construed as affecting any existing right acquired under contract or acquired under statutes
25 repealed or under any rule, regulation or order adopted under the statutes. Repealers
26 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
27 The enactment of this Act shall not have the effect of terminating, or in any way modifying,
28 any liability civil or criminal, which shall already be in existence at the date this Act becomes
29 effective.