



RALPH DLG. TORRES
Governor

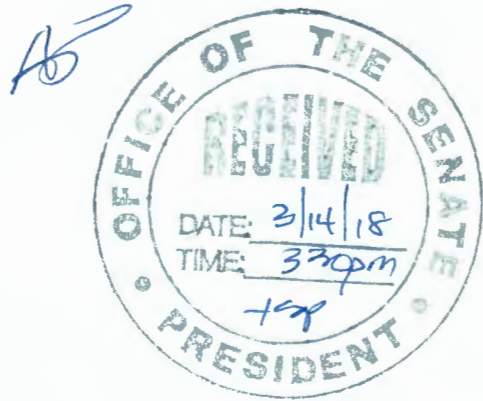
VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

14 MAR 2018

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

The Honorable Arnold I. Palacios
Senate President, The Senate
Twentieth 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. 20-3, SD1 entitled, "To amend and repeal provisions of the Vehicle Code to allow for e-citation implementation; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-45**. Copies bearing my signature are forwarded for your reference.

Sincerely,

RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; Department of Public Safety; Department of Public Works; CNMI Department of Fire Emergency and Medical; CNMI Judiciary; Department of Finance, Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

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

First Regular Session

January 31, 2017

REPRESENTATIVE BLAS JONATHAN "BJ" T. ATTAO of Saipan, Precinct 3 (*for*, Representatives Francisco C. Aguon, Francisco S. Dela Cruz, Joseph P. Deleon Guerrero, Jose I. Itibus, Janet U. Maratita, Edwin K. Propst, Gregorio M. Sablan Jr., Vinson F. Sablan, and Edmund S. Villagomez,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. NO. 20-3, SD1

AN ACT

TO AMEND AND REPEAL PROVISIONS OF THE VEHICLE CODE TO ALLOW FOR E-CITATION IMPLEMENTATION; AND FOR OTHER PURPOSES.

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report No. 20-15; adopted 5/5/17.

THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING, MAY 5, 2017;
without amendments and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Judiciary, Government & Law, which submitted Standing Committee Report No. 20-56; adopted 10/25/17.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, OCTOBER 25, 2017;
with amendments in the form of H. B. No. 20-3, SD1.

H. B. No. 20-3, SD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON OCTOBER 27, 2017.

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report No. 20-95; adopted 1/31/18.

The House of Representatives accepted the Senate amendments and passed H. B. No. 20-3, SD1, during its 2nd Day, Third Regular Session on January 31, 2018.

THE BILL WAS FINALLY PASSED ON JANUARY 31, 2018.



Linda B. Muña, House Clerk



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

SECOND DAY, THIRD REGULAR SESSION

JANUARY 31, 2018

H. B. NO. 20-3, SD1

AN ACT

**TO AMEND AND REPEAL PROVISIONS OF THE VEHICLE CODE TO
ALLOW FOR E-CITATION IMPLEMENTATION; AND FOR OTHER
PURPOSES.**

**Be it enacted by the Twentieth Northern Marianas Commonwealth
Legislature:**

1 **Section 1. Short Title.** This Act may be cited as the “E-Citation Implementation Act
2 of 2017.”

3 **Section 2. Findings and Purpose.** The Commonwealth Legislature finds that, for the
4 past nine years, since 2007, the CNMI Traffic Records Coordinating Committee (“TRCC”),
5 has been diligently working to implement electronic traffic citations (“e-citations”) for traffic
6 incidents occurring within the jurisdiction of the Commonwealth of the Northern Mariana
7 Islands. TRCC is comprised of members of the Department of Public Safety (DPS) the
8 CNMI Department of Fire Emergency and Medical Services (DFEMS), the Department of
9 Public Works (DPW), CNMI Office of the Attorney General, and CNMI Judiciary.

10 The Commonwealth Legislature finds that TRCC has had the technological aid and
11 guidance of Ledge Light Technologies, Inc. to equip a number of DPS patrol vehicles with e-
12 citation-capable devices. DPS has been conducting internal testing to comply with the
13 mandates for funding awarded by the National Highway Traffic Safety Administration
14 (“NHTSA”), pursuant to grant provided under the Safe, Accountable, Flexible, Efficient
15 Transportation Equity Act: A Legacy for Users (SAFETA-LU), 23 U.S.C. §405(c).

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1 The Commonwealth Legislature further finds that the current e-citation model
2 proposed by TRCC, where a citations receipt is issued to the alleged violator, does not
3 provide for a section where the alleged violator signs a written promise to appear in court, as
4 required under 9 CMC §1306. However, in consultation with TRCC, the Commonwealth
5 Legislature finds that to require one to sign a written promise to appear in court is
6 unnecessary for two reasons. First, as the Commonwealth Legislature found under Public
7 Law 13-6, the prosecutor may obtain a bench warrant from the court if the alleged violator
8 fails to appear at the appointed time. Second, requiring a police officer to acquire a written
9 promise to appear in court from the alleged violator would defeat the promise of an e-
10 citations model: to eliminate the administrative costs from the bureaucratic inefficiencies of a
11 carbon paper-based filing system.

12 Specifically, pursuant to 9 CMC §1403(a), a police officer must file a physical copy
13 of the signed promise with the Commonwealth Superior Court. The e-citations model
14 currently envisioned by TRCC would eliminate that requirement, as each e-citations capable
15 device will electronically upload the necessary information to appropriate CNMI
16 Government agencies' electronic servers and the Judiciary's electronic servers without the
17 cost or need for the filing of a physical copy of the issued traffic citation.

18 Accordingly, the Commonwealth Legislature finds it necessary to amend and to
19 repeal sections of the existing traffic enforcement statutes to allow for a legal implementation
20 of e-citations for the public enforcement of vehicle code violations that take place within the
21 CNMI.

22 It is therefore the purpose of this Act, to amend and to repeal sections of the Vehicle
23 Code (9 CMC §§1101 – 1502).

24 **Section 3. Amendments and Repealers.**

25 a. 9 CMC §1302 is hereby amended to read as follows:

26 **§1302. When Person Must Be Taken Immediately Before a Judge.**

27 When any person is halted by a police officer for any violation of this title not
28 amounting to a felony, the person shall be taken without unnecessary delay before the
29 proper judge when the person demands an immediate appearance before a judge.”

30 b. 9 CMC §1303 is hereby amended to read as follows:

31 **“§1303. When Officer Has Option to Take Person Before a Judge.**

32 Whenever any person is halted by a police officer for any violation of this title
33 and elects not to be taken before a judge pursuant to 9 CMC §1302, the person shall,
34 in the discretion of the officer, either be given a traffic citation as provided in

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1 9 CMC §1304, or be taken without unnecessary delay before the proper judge, as
2 specified in 9 CMC §1305, in any of the following cases:

3 (a) When the person does not furnish satisfactory evidence of identity or when
4 the officer has reasonable and probable grounds to believe the person will refuse or
5 disregard a legal obligation to appear in court;

6 (b) When the person is charged with a violation of 9 CMC §4113, relating to
7 vehicles transporting hazardous materials;

8 (c) When the person is charged with a violation of 9 CMC §3104, relating to
9 the refusal of an operator of a vehicle to submit the vehicle to an inspection and test.”

10 c. 9 CMC §1304 is hereby amended to read as follows:

11 **“§1304. Written Traffic Citation; Discretion of Officer to Give Warning.**

12 (a) Whenever a person is halted by a police officer for any violation of this
13 title and is not taken before a judge, the driver of the vehicle shall surrender his or her
14 operator’s license for inspection by the police officer and the officer shall prepare a
15 traffic citation. The police officer, after inspecting the information on the operator’s
16 license, shall return the operator’s license to the driver of the vehicle.

17 (b) The citation shall include on its face a notice to appear.

18 (c) Notwithstanding subsection (a) of this section, the officer may give a
19 warning to a person violating this title, in lieu of preparing a traffic citation.”

20 d. 9 CMC §1306 is hereby repealed.

21 e. 9 CMC §1308 is hereby amended to read as follows:

22 **“§1308. Release of Defendant When Judge Not Available.**

23 If a person is taken into custody by an officer to be taken before a judge or
24 court pursuant to this division and no judge is available at the time of arrest, and there
25 is no bail schedule established by the judge or court or no lawfully designated court
26 clerk or other public officer who is available and authorized to accept bail upon behalf
27 of the judge or court, the person shall be released from custody upon the issuance to
28 the person of a traffic citation, as provided in 9 CMC §1304.”

29 f. 9 CMC §1309 is hereby repealed.

30 g. 9 CMC §1403 is hereby amended to read as follows:

31 **“§1403. Disposition and Records of Traffic Citations.**

32 (a) The traffic citation may be disposed of only by trial in court, or by other
33 official action by a judge of the court, including forfeiture of the bail, or by the
34 deposit of sufficient bail with or by payment of the fine by the person to whom the

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1 traffic citation has been issued prior to arraignment or the scheduled first appearance
2 in court.

3 (b) It is unlawful, a misdemeanor, and official misconduct for any traffic
4 enforcement officer, or other officer, or public employee to dispose of a traffic
5 citation or of the record of the issuance of the same in a manner other than as required
6 in this chapter.

7 (c) The Director of the Bureau of Motor Vehicles shall require the return of a
8 copy of every traffic citation issued by an officer to an alleged violator and of all
9 copies of every traffic citation which has been spoiled or upon which any entry has
10 been made and not issued to an alleged violator.

11 (d) The Director of the Bureau of Motor Vehicles shall also maintain or cause
12 to be maintained in connection with every traffic citation an electronic and non-
13 electronic record of the traffic citation and disposition of the charge by the court.”

14 **Section 4. Statutory Construction.** The provisions of this Act shall be construed to
15 effectuate its remedial purposes.

16 **Section 5. Severability.** If any provisions of this Act or the application of any such
17 provision to any person or circumstance should be held invalid by a court of competent
18 jurisdiction, the remainder of this Act or the application of its provisions to persons or
19 circumstances other than those to which it is held invalid shall not be affected thereby.

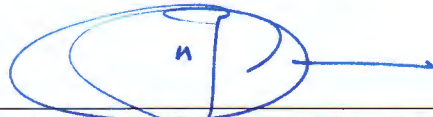
20 **Section 6. Savings Clause.** This Act and any repealer contained herein shall not be
21 construed as affecting any existing right acquired under contract or acquired under statutes
22 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
23 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
24 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
25 any liability, civil or criminal, which shall already be in existence on the date this Act
26 becomes effective.

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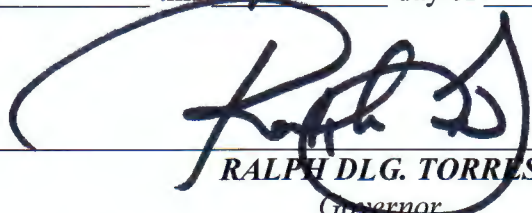
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Section 7. Effective Date. This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER RAFAEL S. DEMAPAN
House of Representatives
20th Northern Marianas Commonwealth Legislature

Approved this 14th day of MARCH, 2018


RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands