

RALPH DLG. TORRES
Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

January 6, 2023

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Jude U. Hofschneider
President of the Senate
Twenty-Second 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. 22-79, HS1, SS1** entitled, "To Comply with federal law regarding motor vehicle safety and other standards, including allowing for right-hand drive vehicles that are 25 years or older to be imported and registered in the CNMI; to allow the continued registration of motor vehicles already in the CNMI but otherwise not in compliance with federal law; and for other purposes; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 22-26**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Governor

cc: Lt. Governor; Attorney General's Office; Commonwealth Law Revision Commission; Public Auditor; Department of Finance, Department of Public Safety; Bureau of Motor Vehicle; Programs and Legislative Review Office



House of Representatives

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

January 6, 2023

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. 22-79, HS1, SS1**, entitled: "To comply with federal law regarding motor vehicle safety and other standards, including allowing for right-hand drive vehicles that are 25 years or older to be imported and registered in the CNMI; to allow the continued registration of motor vehicles already in the CNMI but otherwise not in compliance with federal law; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muña
House Clerk

Attachment



*Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

SECOND REGULAR SESSION

SEPTEMBER 23, 2021

REPRESENTATIVE RICHARD T. LIZAMA OF SAIPAN, PRECINCT 5 (*for himself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 22-79, HS1, SS1

AN ACT

TO COMPLY WITH FEDERAL LAW REGARDING MOTOR VEHICLE SAFETY AND OTHER STANDARDS, INCLUDING ALLOWING FOR RIGHT-HAND DRIVE VEHICLES THAT ARE 25 YEARS OR OLDER TO BE IMPORTED AND REGISTERED IN THE CNMI; TO ALLOW THE CONTINUED REGISTRATION OF MOTOR VEHICLES ALREADY IN THE CNMI BUT OTHERWISE NOT IN COMPLIANCE WITH FEDERAL LAW; AND FOR OTHER PURPOSES.

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 22-57; adopted 11/30/2022.

THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING, NOVEMBER 30, 2022;
with amendments in the form of H. B. No. 22-79, HS1 and transmitted to **THE SENATE.**

IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 28, 2022;
with amendments in the form of H. B. No. 22-79, HS1, SS1 and returned to
THE HOUSE OF REPRESENTATIVES.

The House of Representatives accepted the Senate amendments and passed H. B. No. 22-79, HS1, SS1 during its 9th Day, Fourth Regular Session on January 5, 2023.

H. B. No. 22-79, HS1, SS1 IS DULY PASSED BY THE TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE.


Linda B. Muña, House Clerk



*Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

NINTH DAY, FOURTH REGULAR SESSION

JANUARY 5, 2023

H. B. No. 22-79, HS1, SS1

AN ACT

TO COMPLY WITH FEDERAL LAW REGARDING MOTOR VEHICLE SAFETY AND OTHER STANDARDS, INCLUDING ALLOWING FOR RIGHT-HAND DRIVE VEHICLES THAT ARE 25 YEARS OR OLDER TO BE IMPORTED AND REGISTERED IN THE CNMI; TO ALLOW THE CONTINUED REGISTRATION OF MOTOR VEHICLES ALREADY IN THE CNMI BUT OTHERWISE NOT IN COMPLIANCE WITH FEDERAL LAW; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

SECTION 1. FINDINGS AND PURPOSE.

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The Legislature finds that registration of Right-Hand Drive (RHD) vehicles in the CNMI is prohibited under 9 CMC § 2101 unless the Right-Hand Drive vehicle legally entered the CNMI prior to December 30, 1991, or if the vehicle(s) primary use is for agricultural or construction purposes. Currently many residents of the CNMI have made their concerns known

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1 when it comes to registering and/or importing Right Hand Drive vehicles for their personal
2 use. This legislation is presented to bring attention to the public interest in importing Right
3 Hand Drive vehicles that are permitted under current US Vehicle Importation Regulations,
4 namely, the 25 year “Classic” exemption.

5 Currently, Right Hand Drive vehicles (RHD vehicles) are not able to be registered in
6 the CNMI except in the case of “Construction” or “Agriculture” vehicles. To register a Right-
7 Hand Drive vehicle, the vehicle would have to be registered under commercial guidelines and
8 meet the requirements for a construction or agriculture vehicle.

9 The majority of United States jurisdictions allow for importation and registration of
10 Right-Hand Drive vehicles, some with stipulations regarding use, but largely recognizing the
11 Federal allowances for such vehicles.

12 Guam for example, has many RHD vehicles and is enjoying the benefit and practicality
13 of such RHD vehicles for island use. The CNMI falls under the same federal stipulation for
14 federal funding regarding its traffic programs and grants as Guam, American Samoa, and
15 Puerto Rico. If these territories have experienced no losses to their funding for recognizing the
16 Federal Regulations on these vehicles, it stands to reason that the CNMI would be under the
17 same allowances. Therefore, one of the purposes of this legislation is to allow for right hand
18 drive vehicles that are twenty-five (25) years or older to be imported and registered in the
19 CNMI.

20 This legislation also recognizes the other federal law exceptions to the requirement that
21 all motor vehicles have certification of compliance pursuant to 49 U.S.C. § 30115
22 (*e.g.*, 49 U.S.C. § § 30113 and 30114 and 49 C.F.R. § 591.5), “grandfathers” in non-
23 compliant motor vehicles already in the CNMI, allows the movement of farm and heavy
24 equipment (which are not considered “motor vehicles” under the law) on the CNMI’s roads

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1 under limited circumstances, and deletes any reference to bicycles requiring registration as no
2 such program is necessary in the CNMI.

3 Furthermore while federal law allows the Commonwealth and other territories and
4 states to prescribe motor vehicle safety standards different than federal standards, the state and
5 territorial standards may only be more, not less, stringent than federal law.¹ Current CNMI law
6 purports to impose standards that are lower than federal law, thereby allowing motor vehicles
7 on our roadways that are not compliant with federal motor vehicle safety standards.

8 The primary purpose of this legislation is to clarify and simplify Commonwealth law
9 regarding the importation and registration of motor vehicles by: (1) making the Commonwealth
10 better able to ensure the safety of Commonwealth drivers and roadways by clearly requiring
11 that newly imported vehicle must comply with United States motor vehicle safety standards;
12 (2) allowing for the importation of motor vehicles that are allowed to be imported elsewhere
13 in the United States (*e.g.* non-DOT certified vehicles more than 25 years old);
14 (3) making enforcement of motor vehicle safety law in the Commonwealth simpler and more
15 straightforward for our dedicated customs officials and employees by recognizing only federal
16 motor vehicle safety standards, and requiring that they follow the more straightforward motor
17 vehicle importation processes that federal officials follow, and (4) including a clear prohibition
18 of the importation of reconstructed and salvage motor vehicles, as required by federal law.

19 **SECTION 2. AMENDMENT.**

20 Title 9, Division 2, Chapter 1, § 2101 of the Commonwealth Code is amended as
21 follows:

22 “§ 2101. Registration: Application.

23 (a) Every owner of a motor vehicle shall, before operating any such motor
24 vehicle on any highway of the Commonwealth, register it with the bureau. The

¹ 49 U.S.C. § 301013(b).

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1 application for registration shall be made on the prescribed form, signed by the owner
2 and contain the applicant's residence address as well as a brief description of the vehicle
3 or bicycle to be registered, including the name of the manufacturer, the engine and
4 serial number when applicable, and whether the vehicle or bicycle is new or used.

5 (b) The owner of any motor vehicle shall exhibit such evidence that will satisfy
6 the bureau that the applicant is the lawful owner of the motor vehicle; and that the motor
7 vehicle is covered by a Certification of Compliance issued under 49 U.S.C. §30115, or
8 is otherwise exempted and eligible for sale, introduction, delivery for introduction in
9 interstate commerce, or importation into the United States under United States Motor
10 Vehicle Safety Code Standards (49 U.S.C.A Subt. Vi, Pt. A, Ch. 301. §30101 *et seq.*)

11 The Secretary of Finance and the Commissioner of the Department of Public
12 Safety are authorized and encouraged to adopt regulations in order to implement this
13 legislation that will allow owners of motor vehicles to file a single declaration with
14 supporting documents and that will satisfy the 49 CFR §§ 591.5 and 591.6 certification
15 requirements for all CNMI governmental entities, including an anticipated CNMI
16 Customs declaration.

17 (c) Notwithstanding the provisions of Section (a) and (b) above, any owner of
18 a motor vehicle that has legally entered the Commonwealth prior to the effective date
19 of this legislation may register and re-register the motor vehicle in the Commonwealth,
20 provided the motor vehicle and owner otherwise comply with applicable law, including,
21 but not limited to, providing proof of the motor vehicle annual safety inspections.

22 (d) No motor vehicle shall be registered or re-registered under this chapter
23 unless the application for registration or renewal of registration contains satisfactory
24 evidence of minimum motor vehicle liability insurance for the vehicle, as required

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1 under the provisions of 9 CMC §§ 8101 *et seq.*, and the bureau shall maintain a copy
2 of such satisfactory evidence in connection with each motor vehicle so registered.”

3 **SECTION 3. AMENDMENT.**

4 Title 9, Division 1, Chapter 1, § 1102(x) of the Commonwealth Code is amended as
5 follows:

6 “(x) “Motor vehicle” means a vehicle driven or drawn by mechanical power and
7 manufactured primarily for use on public streets, roads, and highways, but does not
8 include a vehicle operated only on a rail line.²”

9 **SECTION 4. AMENDMENT.**

10 Title 9, Division 2, Chapter 1, § 2108 of the Commonwealth Code is amended to add a
11 new subsection (g) to read:

12 “(g) Moving farm or heavy construction equipment directly from one farm or
13 construction site to another, or to a commercial enterprise that is licensed for the repair
14 or maintenance of such equipment for the purpose of repair or maintenance.”

15 **SECTION 5. REPEALER.**

16 Title 9, Division 2, Chapter 1, §§ 2112 and 2113 of the Commonwealth Code are
17 repealed in their entirety.

18 **SECTION 6. AMENDMENT.**

19 Title 9, Division 2, Chapter 1 §§ 2114 and 2115 are amended as follows:

20 “§2114. Penalties.

21 Any person, business entity, or governmental authority found to be importing
22 motor vehicles in violation of this Chapter (Title 9, Division 2, Chapter 1) shall pay a
23 civil penalty of \$500 per motor vehicle to the Commonwealth General Fund.”

² 49 U.S.C. § 30102(a)(7).

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1 §2115. Transporter's Liability.

2 Any shipping or transporting company that transports motor vehicles in
3 violation of this Chapter (Title 9, Division 2, Chapter 1) or Title 6, Division 2, Chapter
4 3, to the Commonwealth shall be strictly liable for immediate return shipment of such
5 motor vehicles to the point of embarkation. Any shipping or transporting company
6 failing to immediately remove such motor vehicles from the Commonwealth shall be
7 fined \$500 per car per day until departure from the Commonwealth.”

8 **SECTION 7. AMENDMENT.**

9 Title 6, Division 2, Chapter 3, § 2301(a) of the Commonwealth Code is hereby amended
10 as follows:

11 “§ 2301. Importation of Contraband.

12 (a) It shall be unlawful for any person to knowingly enter the Commonwealth,
13 with the intent to import, or to cause another to bring or import into the Commonwealth,
14 or conceal for the purposes of importation, any of the following items:

15 [subsections (1) through 7 are unchanged]

16 (8) Motor vehicles that are not covered by a Certification of Compliance issued
17 under 49 U.S.C. §30115, and are not otherwise exempted and eligible for importation
18 into the United States under United States Motor Vehicle Safety Code Standards (49
19 U.S.C.A Subt. Vi, Pt. A, Ch. 301. §30101 *et seq.*) as amended, and regulations
20 promulgated thereunder.

21 Persons or entities importing a motor vehicle into the Commonwealth or
22 registering a motor vehicle in the Commonwealth for the first time, that is not covered
23 by a Certification of Compliance issued under 49 U.S.C. §30115, shall file a declaration
24 and required documentation, in a paper or electronic format acceptable to, and
25 established by regulation adopted by, the Commonwealth Department of Finance,

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1 Customs Division, which declares and substantiates that one or more of the exemptions
2 allowable under Federal Motor Vehicle Safety law is applicable, including but not
3 limited to, a declaration in substantially the same format and content as that set forth in
4 the “Declarations required for importation” found at 49 CFR §§ 591.5 and 591.6.

5 [subsections 9 and 10 are unchanged]

6 (11) Reconstructed or salvage motor vehicles, as defined in 49 CFR § 591.4.”

7 **SECTION 4. SEVERABILITY.**

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

12 **SECTION 5. SAVINGS CLAUSE.**

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

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SECTION 6. 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 EDMUND S. VILLAGOMEZ
House of Representatives
22nd Northern Marianas Commonwealth Legislature

Approved this 6th day of January, 2023



RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands