

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H.B. NO. 9-195, H.D.1

FIRST SPECIAL SESSION, 1994

AN ACT

To regulate the use of government vehicles; and for other purposes.

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Title. This bill shall be known as the Government Vehicle Act of 1994.

Section 2. Findings. The Legislature finds that the present law dealing with government vehicles (1 CMC §7406) is not effectively regulating the use of government vehicles. The present law does not distinguish between different kinds of government vehicles, such as unmarked police cars; does not require government license plates; does not provide for meaningful penalties; and, in general, does not adequately deter or punish persons who misuse or abuse the privilege of driving a government vehicle.

Section 3. Repeal and re-enactment. 1 CMC §7406 is hereby repealed in its entirety. A new 1 CMC §7406 is hereby enacted, to read as follows:

"§7406. Restriction Upon Use of Government Vehicles.

(a) Definitions.

(1) "Government Vehicle" means any vehicle owned or leased by the Commonwealth Government or any of its branches or political subdivisions, including autonomous agencies, government corporations, boards, and commissions.

(2) "Law enforcement vehicle" means police cars and other such government vehicles operated by the Department of Public Safety or Division of Customs and used primarily for the enforcement of CNMI or federal laws and regulations.

(3) "Unmarked law enforcement vehicle" means a law enforcement vehicle which is not marked as such in order that it may more effectively apprehend criminals and otherwise enforce the laws.

(4) For purposes of this section, "vehicle" means any automobile, motorcycle, truck, tractor, or water craft, but not aircraft, and not specialized equipment used largely or entirely for construction purposes, such as bulldozers, backhoes, and cranes.

(b) Vehicles to be used only during normal working hours.

(1) No government vehicle shall be operated or otherwise used during any

time other than normal working hours unless the driver has in his possession written authorization from an official with expenditure authority which certifies that the use of the vehicle outside normal working hours is for official business purposes.

(2) No such written authorization shall be considered effective unless it clearly states the reason that the vehicle may be used, the hours and conditions under which it may be used after working hours, and the person or persons who may be authorized to so use it.

(3) This subsection shall not apply to law enforcement vehicles, nor to vehicles used by elected officials. Violation of this subsection shall be an infraction, punishable by a fine of up to \$500, and/or 3 days imprisonment.

(c) Government employees only. No person who is not a government employee shall operate or drive a government vehicle, regardless of whether an immediate member of his family is a government employee. This subsection shall not apply to official guests and visitors to the commonwealth. Violation of this subsection shall be an infraction, punishable by a fine of up to \$500, and/or 3 days imprisonment.

(d) Official Government business only. Government vehicles are only to be used for official government business, and no person may operate or use any government vehicle for any purpose other than official government business. This subsection shall not apply to elected officials. Violation of this subsection shall be an infraction, punishable by a fine of up to \$500, and/or 3 days imprisonment.

(e) Tinting prohibited. No person shall operate or use a government vehicle that has any tinting materials on its windows. This subsection shall not apply to law enforcement vehicles, but shall apply to vehicles assigned to the Governor, Lieutenant Governor, and other elected officials. Violation of this subsection shall be an infraction, punishable by a fine of up to \$500, and/or 3 days imprisonment.

(f) Marking of government vehicles. All government vehicles, excepting only unmarked law enforcement vehicles and cars driven by elected officials, shall be clearly and legibly marked as such on both front doors, or, in the case of water craft, on both sides of the hull well above the waterline. The Chief of Procurement and Supply shall provide for such marking, and may also assign registration numbers.

No person shall operate or use a government vehicle that is not marked in accord with this subsection. Violation of this subsection shall be an infraction, punishable by a fine of up to \$500, and/or 3 days imprisonment.

(g) Government license plates.

(1) Only government license plates may be issued to government vehicles, and within one year of the effective date of this Act, all government cars must bear government license plates, excepting only government cars that are leased for less than 60 days. A government license plate is one that clearly says "Government" or "Gov't", and that can easily be distinguished from an ordinary license plate.

(2) The Bureau of Motor Vehicles shall be responsible for obtaining a sufficient number of government license plates and requiring that they be placed on all government cars not already bearing such plates when this Act goes into effect. After one year from the effective date of this Act, any person driving, operating or using a government vehicle that does not bear government license plates shall be guilty of an infraction punishable by a fine of up to \$500, and/or 3 days imprisonment.

Any person driving, operating or using a vehicle that is a government vehicle that does not bear government license plates shall be guilty of an infraction punishable by a fine of up to \$500, and/or 3 days imprisonment. Any person driving, operating or using a vehicle that is not a government vehicle, but that does carry government plates, shall be guilty of an infraction punishable by a fine of up to \$500, and/or 3 days imprisonment; except, if the vehicle was transferred away from the government with the past 60 days.

(3) This subsection shall not apply to unmarked law enforcement vehicles.

(h) Inspection. When conducting a government vehicle's annual inspection, the inspector shall, in addition to the standard inspection, examine the vehicle for compliance with subsections (e), (f), and (g) of this section (marking, license plates, and no tinted windows). No government vehicle shall be approved as having passed inspection without having first complied with these subsections.

(i) Disciplinary actions.

(1) Any violation of subsection (b),(c), (d), (e), (f), (g) or (j) of this section by any government employee, shall also be grounds for disciplinary action, which may include suspension or termination.

(2) Any person who, having supervisory or administrative authority over a government employee, instructs that employee to use or operate a government vehicle or to allow a government vehicle to be used or operated in violation of subsections (b), (c), (d), (e), (f), (g) or (j) of this section shall also be subject to disciplinary action in the same manner as the person actually using or operating the vehicle.

(j) Other penalties; multiple violations.

(1) Any person having custody of or authority over, a government vehicle, who allows the vehicle to be used in violation of subsection (b), (c), (d) (e), (f) or (i) of this section, and who knows or reasonably should know that such a violation would take place, shall be guilty of an infraction punishable by a fine of up to \$500, and/or 3 days imprisonment.

(2) A person who, having been convicted of a violation of subsections (b) (c), (d), (e), (f), (g), or (j) of this section, within one year subsequently violates any of those subsections, shall be guilty of a misdemeanor punishable by a fine of not less than \$100 and not more than \$1,000, and/or up to 30 days imprisonment.

(k) Sale and transfer of government vehicles.

(1) No government vehicle may be sold, leased, or otherwise transferred without the written consent of the Chief of Procurement and Supply; and the Bureau of Motor Vehicles shall not register any such transferred vehicle without first obtaining a copy of such consent.

(2) A non-government purchaser of a government vehicle must immediately remove all markings identifying the vehicle as a government vehicle, and must obtain and install non-government license plates within 60 days of the vehicle being transferred out of government service."

Section 4. Amendment. 3 CMC §5121, setting forth the powers of the Governor in an emergency, is amended by the addition of the following language to subsection (f)(6) thereof, to read as follows:

"(6) Prescribe routes, modes of transportation, and destination in connection with evacuation; and requisition and take possession and control of any government vehicle for any reasonable period of time in order to assist with evacuation or with other necessary emergency functions or duties."

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

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

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

CERTIFIED BY:

ATTESTED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker of the House

/s/ Joan P. Kaipat
JOAN P. KAIPAT
Acting House Clerk

Approved this 22nd day of April, 1995

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
Governor
Commonwealth of the Northern Mariana Islands