



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

EDWARD MANIBUSAN
Attorney General

LILLIAN A. TENORIO
Deputy Attorney General

February 16, 2018

OAGHB: 2018-08

Hon. Donald C. Barcinas
Chairperson, Committee on Transportation
House of Representatives
20th Northern Mariana Islands Legislature
Commonwealth Legislature
Saipan, MP 96950

Re: House Bill 20-148: "To prohibit the operation of vehicles with a gross vehicle weight in excess of 4,000 pounds between 6:00 AM to 9:00 PM from the Beach Road and Micro Beach Road Intersection to the Beach Road and Chalan Monsignor Guerrero Road Intersection."

Dear Chairperson Barcinas:

Thank you for requesting the comments of the Office of the Attorney General on House Bill 20-148: "To prohibit the operation of vehicles with a gross vehicle weight in excess of 4,000 pounds between 6:00 AM to 9:00 PM from the Beach Road and Micro Beach Road Intersection to the Beach Road and Chalan Monsignor Guerrero Road Intersection" (the Bill). I have reviewed the Bill, and have two comments.

First, the Bill has no enforcement or penalty provision. Without an enforcement or penalty provision, it would not be possible to take action against persons that violate the letter of the law. The Committee should recommend adding an enforcement or penalty provision to give effect to the law's requirements.

Second, the Bill is quite broad, and some exceptions are likely warranted. As written, the Bill would make it illegal for fire trucks, ambulances, school buses, garbage trucks, and charter buses (e.g., tour buses) to use the roadway. The weight limit is 4000 pounds or 2 tons. The average ambulance weighs 5 tons (10,000 pounds). The average school bus weighs 17 tons (34,000 pounds). The average tour bus weighs 20 tons (40,000 pounds). The average garbage truck weighs 25 tons (50,000 pounds). The average fire truck weighs between 19 and 30 tons (28,000 to 60,000 pounds). The Bill would also prevent the average delivery trucks that restaurants and store owners need for supplies from using the roadway during the stated times. The average delivery truck weighs 6 tons (12,000 pounds). It does not seem like the legislature's intent is to prevent the aforementioned vehicles from operating on beach road between 6:00 a.m. and 9:00 p.m. Therefore, the Committee should recommend adding exceptions to the prohibition. Alternatively, the Committee should recommend limiting the application of the prohibition to a specific kinds of vehicles (dump trucks, tractor trailers, construction equipment, etc.).

Civil Division
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Victim Witness Advocacy Unit
Telephone: (670) 237-7602
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Thank you for soliciting comments on the Bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Manibusan", with a long horizontal flourish extending to the right.

EDWARD MANIBUSAN
Attorney General

cc: Deputy Attorney General
All Members, The House