

TITLE 40: COMMONWEALTH PORTS AUTHORITY

**SUBCHAPTER 40-20.2
TERMINAL TARIFF RULES AND REGULATIONS**

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Subchapter Authority: 2 CMC § 2122(j).

Subchapter History: Amdts Adopted 41 Com. Reg. 041328 (Jan. 28, 2019); Admts Proposed 40 Com. Reg. 040980 (Oct. 28, 2018); Amdts Adopted 31 Com. Reg. 29768 (August 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29511 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 28, 2009); Amdts Adopted 28 Com. Reg. 25913 (June 19, 2006) (technical correction); Amdts Adopted 28 Com. Reg. 25620 (Apr. 17, 2006); Amdts Proposed 28 Com. Reg. 25550 (Jan. 30, 2006); Amdts Adopted 24 Com. Reg. 19009 (Jan. 29, 2002); Amdts Emergency and Proposed 23 Com. Reg. 18421 (Oct. 19, 2001) (effective for 120 days from October 9, 2001); Amdts Adopted 23 Com. Reg. 17838 (Apr. 23, 2001); Amdts Proposed 23 Com. Reg. 17609 (Jan. 19, 2001); Amdts Adopted 21 Com. Reg. 17001 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16831 (July 23, 1999); 21 Com. Reg. 16953 (Oct. 15, 1999) (correcting typographical errors); Amdts Adopted 21 Com.

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Reg. 16814 (Jun. 23, 1999); Amdts Proposed 21 Com. Reg. 16673 (Apr. 19, 1999); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Amdts Adopted 8 Com. Reg. 4392 (Jun. 3, 1986); Amdts Proposed 8 Com. Reg. 4328 (Apr. 18, 1986); Amdts Proposed 8 Com. Reg. 4167 (Jan. 17, 1986);* Amdts Adopted 7 Com. Reg. 3971 (Sept. 16, 1985); Amdts Proposed 7 Com. Reg. 3950 (Aug. 15, 1985); Amdts Adopted 7 Com. Reg. 3368 (Jan. 15, 1985); Amdts Proposed 6 Com. Reg. 3182 (Oct. 15, 1984); Amdts Adopted 6 Com. Reg. 2785 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2613 (Mar. 15, 1984); Amdts Adopted 6 Com. Reg. 2549 (Jan. 15, 1984); Amdts Proposed 5 Com. Reg. 2490 (Nov. 15, 1983); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

*A notice of adoption for the January 1986 proposed amendments was never published

Commission Comment: For the history of the regulatory authority of the Commonwealth Ports Authority, see the general Commission comment to subchapter 40-10.1.

PL 2-48, the “Commonwealth Ports Authority Act,” codified as amended at 2 CMC §§ 2101-2190, took effect October 8, 1981. It was based on the “Mariana Islands Airport Authority Act” enacted by the Congress of Micronesia as PL 6-58. See the commission comment to 2 CMC § 2101. PL 2-48 created the Commonwealth Ports Authority to implement its provisions and operate the ports of the Commonwealth. See 2 CMC §§ 2121-22.

Executive Order 94-3 (effective August 23, 1994), reprinted in the commission comment to 1 CMC § 2001, reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. Executive Order 94-3 § 304(a) allocated the Commonwealth Ports Authority to the Department of Public Works for purposes of administration and coordination. PL 11-109 (effective December 21, 1999) vacated section 304(a) in its entirety and reenacted and reinstated all provisions of 2 CMC, division 2, chapter 1, 2 CMC §§ 2101-2190, in effect immediately prior to the effective date of Executive Order 94-3. PL 11-109 §§ 2(b) and 4.

The Commonwealth Ports Authority Act contains special provisions related to rules and regulations. See 2 CMC §§ 2141-2146.

Part 001 - General Provisions

§ 40-20.2-001 Definitions

As used herein, the term “the port” means any and every commercial port or harbor in the Commonwealth of the Northern Mariana Islands, and all those geographical areas in the territorial waters of the Commonwealth over which CPA exercises the various powers conferred upon it by law; the term “CPA” means the Commonwealth Ports Authority, established by PL 2-48 [2 CMC §§ 2101-2190]; and the term “Executive Director” means the Executive Director of the Commonwealth Ports Authority or his designee.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The 1992 Terminal Tariff Rules and Regulations readopted and republished all of the then existing Terminal Tariff Rules and Regulations. The Commission, therefore, cites the 1992 regulations in the history sections throughout this subchapter.

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The notice of adoption for the 1983 Terminal Tariff Rules and Regulations changed the proposed language of this section. See 5 Com. Reg. at 2482 (Oct. 20, 1983).

Sections 40-20.2-001 and 40-20.2-005 were originally sections (A) and (B) of former part I, entitled "General Rules and Regulations." See 5 Com. Reg. at 1974 (Apr. 29, 1983); 14 Com. Reg. at 9234 (May 26, 1992). The Commission created part 001 and separated these sections from the rest of former part I (now part 100) of this subchapter.

§ 40-20.2-005 Applicability

The tariff set forth in this subchapter, and the rates, charges, rules and regulations herein, apply to all traffic at the port, without specific notice, quotation to (except as hereinafter may be specified), or arrangements with shippers or carriers.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-010 Terms and Definitions

(a) "Bunkering." The loading of fuel into a vessel's bunker for its own use. The meaning of the term usually pertains to the conveyance of the fuel over the ship's sides.

(b) "Cargo." Goods, wares, materials, merchandise or any other object of commerce brought into the port docks by transportation.

(c) "Containers."

(1) Shall mean rigid, re-usable, dry cargo, insulated, refrigerated, flat rack, liquid tank or open top cargo containers capable of being readily mounted onto or dismounted from wheels, chassis or flat bed trailer.

(2) The container shall be 8 feet wide, 20 feet, 24 feet, 27 feet, 35 feet, 40 feet, or 45 feet long and 4 feet to 13 feet high. Except for dimensions, which are given above, it shall be constructed in conformity with the specifications for freight containers adopted by the International Organization for Standardization (ISO) and the American Organization for Standardization (ASO). The container will have top and bottom corner castings conforming to ISO/ASO specifications.

(d) "Dock." Any bulkhead structure, pier, or quay landing to which a vessel may make fast for discharging or loading cargo or passengers for any reason.

(e) "Dockage." The charge assessed against a vessel for berthing at a wharf, pier, or any structure owned or utilized by CPA or for mooring to a vessel so berthed.

(f) "Metered ton" shall mean two hundred forty U.S. gallons.

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(g) “Revenue Ton.” As used in this tariff will be either measurement ton or weight ton as used in the vessel’s manifest to assess the carrier’s freight charges, based on the following as appropriate:

- (1) “MBM” (thousand board measurement) — 1,000 board feet.
- (2) “Long ton” — Two thousand two hundred forty pounds.
- (3) “Measurement ton” — A ton of forty cubic feet.
- (4) “Metered ton” — Two hundred forty gallons.
- (5) “Metric ton” — Two thousand two hundred four and six tenths pounds weight or 35.314 cubic feet.
- (6) “Short ton” — Two thousand pounds weight.

When the basis of the freight charge is not shown on the manifest, port charges shall be assessed on the basis of weight or measurement, whichever will yield the greater revenue.

(h) “Vessels” shall mean steamboats, motorboats, sailing vessels, motor vessels, barges, liners, pleasure crafts or any structure(s) made to float on the water for navigation.

(i) “Wharfage.” A charge assessed against all cargo passing or conveyed over, onto or under any dock or wharf when such cargo is to be discharged or loaded on a vessel berthed at a piling, wharf, bulkhead, pier or when moored in any slip, channel, basin, or canal or made fast to another vessel which is made fast to a wharf or dock or moored in any slip, channel, basin, or canal. Unless otherwise provided, wharfage shall be considered earned and will be assessed whether or not cargo received on the dock or dock premises is eventually loaded on any vessel. Payment of wharfage shall be guaranteed by the vessel, her owners, charterers, and agents, and use of such wharf or dock shall be deemed an acceptance and acknowledgment of this guarantee.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 28 Com. Reg. 25620 (Apr. 17, 2006); Amdts Proposed 28 Com. Reg. 25550 (Jan. 30, 2006); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: Section 40-20.2-010 was originally part II of the Terminal Tariff Rules and Regulations, entitled “Terms and Definitions.” See 5 Com. Reg. at 1975-76 (Apr. 29, 1983); 14 Com. Reg. at 9235-36 (May 26, 1992). The Commission created part 001 and moved former part II to § 40-20.2-010. The Commission inserted quotation marks around terms defined. The Commission inserted a comma after the word “basin” in subsection (i) pursuant to 1 CMC § 3806(g).

The original paragraphs of subsection (c) were not designated. The Commission designated subsections (c)(1) and (c)(2).

In subsection (c), the Commission changed “35 fee” to “35 feet” to correct a manifest error.

The April 2006 amendments added subparts (1)-(6) to subsection (g) and amended subsection (i).

In subsection (f), the Commission created one sentence by removing the period after ton and changing the capital “S” in “shall”.

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In subsection (h), the Commission created one sentence by removing the period after vessels and changing the capital “S” in “shall” and made “craft” plural.

In subsection (g), the Commission deleted the quotation marks surrounding the entire subsection and added apostrophes to “vessels” and “carriers” to correct manifest errors.

In subsection (i), the Commission deleted the quotation marks surrounding the entire subsection.

Part 100 - General Rules and Regulations

§ 40-20.2-101 Tariff Effective

The rates, charges, rules and regulations, additions, revisions, or supplements named in the tariff set forth in this subchapter, apply on all freight received at the terminal or wharves of the port on and after the effective date of this tariff, or effective dates of additions, revisions of supplements thereto.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: See the comment to § 40-20.2-001.

§ 40-20.2-105 Application of Tariff

Use of the terminal facilities or wharves of the port, or entering upon or within the territorial waters of the Commonwealth for the purpose of refueling or bunkering, shall be deemed as acceptance of this tariff and the terms and conditions stated herein.

History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The notice of adoption for the 1983 Terminal Tariff Rules and Regulations changed the proposed language of this section. See 5 Com. Reg. at 2482 (Oct. 20, 1983).

§ 40-20.2-110 Responsibility for Wharfage

The Commonwealth Ports Authority will be responsible for the collection of all charges in connection with the wharfage of all inbound and outbound cargo and all other charges levied by this subchapter. No cargo will be received or issued until it is properly pre-checked and accounted for in accordance with the procedures of accountability of CPA.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-115 Minimum Billing Charge

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No single invoice shall be issued by CPA for any charge provided in this tariff, for less than ten dollars. Such minimum billing charge shall take precedence over any other provision in this tariff.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-120 Payment of Charges

All charges for services shall become due and payable upon presentation of invoice for such services. Any unpaid invoice thirty days after receipt of same shall accrue interest at the rate of one percent per month.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-125 Availability of Stevedoring and Handling Personnel

Stevedoring and handling service is not provided by CPA. It is provided, subject to availability of personnel and equipment, by a private concern or concerns authorized to do business at the port.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-130 Interpretation of Tariff

The provisions of the tariff in this subchapter and its application shall be interpreted and enforced by the Executive Director.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Part 200 - Wharfage*

§ 40-20.2-201 Wharfage Rates

- (a) Wharfage Rates. Wharfage rates shall be charged on the basis of a revenue ton.
- (1) Wharfage for all cargo other than liquid petroleum products off-loaded or on-loaded by pipeline and prefabricated modular units shall be:
 - Per Revenue Ton \$11.40

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(2) Wharfage for liquid petroleum products, which includes gasoline, diesel, bunkers and other liquid petroleum products off-loaded or on-loaded by pipeline shall be:

Per Revenue Ton \$8.55

(3) “Prefabricated modular units” are modules that contain finished interiors of completely assembled structures, that do not contain other materials that could otherwise be categorized as cargo, and that could not otherwise be classified as doublewides or mobile homes. Wharfage for prefabricated modular units shall be:

Per Revenue Ton \$5.70

History: Amdts Adopted 41 Com. Reg. 041328 (Jan. 28, 2019); Amdts Proposed 40 Com. Reg. 040980 (Oct. 28, 2018); Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 28 Com. Reg. 25913 (June 19, 2006) (technical correction); Amdts Adopted 28 Com. Reg. 25620 (Apr. 17, 2006); Amdts Proposed 28 Com. Reg. 25550 (Jan. 30, 2006); 21 Com. Reg. 16953 (Oct. 15, 1999) (correcting typographical errors); Amdts Adopted 21 Com. Reg. 16814 (Jun. 23, 1999); Amdts Proposed 21 Com. Reg. 16673 (Apr. 19, 1999); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: On May 20, 2009, the Commonwealth Ports Authority repealed and reenacted Parts 200 through 600. 31 Com. Reg. 29547 (May 20, 2009). The Commission designated subsection (a) and its subparts (a)(1) and (a)(2). The amendment removed subsection (b).

* PL 19-62 § 2 (Aug. 17, 2016), codified at 2 CMC § 2331, addresses wharfage rates.

§ 40-20.2-205 Limitations

Provided the ocean bill-of-lading reads transshipment, and the cargo does not leave the control of the inward or outward carriers at the port while awaiting transshipment, and the second carrier’s bill-of-lading provided by the agent involved indicates the first carrier’s vessel’s name, voyage number, and other pertinent information, and

- (a) If the final destination of the cargo is a port outside the Commonwealth, the wharfage rates specified in § 40-20.2-201 shall not apply. Instead, the wharfage rates for such cargo will be \$2.38 per revenue ton. The minimum charge per bill-of-lading will be \$2.38; or
- (b) If the final destination of the cargo is a port within the Commonwealth, the wharfage rates specified in § 40-20.2-201 shall apply provided that cargo upon which wharfage charges have been paid at the port of transshipment shall not be subject to a wharfage charge at the port of final destination. Alternatively, the Executive Director may provide for the collection of wharfage charges at the port of final destination.

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 17 Com. Reg. 13053

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(Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Amdts Proposed 8 Com. Reg. 4167 (Jan. 17, 1986); Amdts Adopted 7 Com. Reg. 3971 (Sept. 16, 1985); Amdts Proposed 7 Com. Reg. 3950 (Aug. 15, 1985); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission changed “in Paragraph A of this Part III” in subsection (b) to “in § 40-20.2-201” pursuant to 1 CMC § 3806(d).

§ 40-20.2-210 Containerized Tuna

All wharfage charges applicable to outbound containerized tuna cargo are for the account of the cargo, to be collected by the outbound carrier or the cargo owner’s agent.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Amdts Proposed 8 Com. Reg. 4167 (Jan. 17, 1986); Amdts Adopted 7 Com. Reg. 3971 (Sept. 16, 1985); Amdts Proposed 7 Com. Reg. 3950 (Aug. 15, 1985); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-215 Item Excluded

Wharfage will not be charged on:

- (a) Authorized carrier or consignees’ equipment taken on a wharf to move merchandise (but not for shipment).
- (b) Baggage when accompanying travelers, not including automobiles.
- (c) Cargo which a vessel discharges and reloads prior to departure, in order to load or discharge other cargo (overstowed cargo).
- (d) Empty vans.
- (e) Empty containers.
- (f) Ship’s stores, and/or repair materials and supplies, or dunnage lumber for use in ordinary stowage of freight, when all are intended for vessel’s use, consumption or repairs.
- (g) Fish transferred from the catch vessel to a mother ship.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Part 300 - Port Entry Fee

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§ 40-20.2-301 Port Entry Fee

All vessels (except military and government-owned vessels) shall pay a Port Entry Fee as indicated in the schedule below when entering a CNMI port, or refueling within the territorial waters of the Commonwealth of the Northern Mariana Islands.

Port Entry Fees

- | | | |
|-----|-----------------------------------------------------------|----------|
| (a) | For vessels of 1,000 registered gross tons or less | \$220.40 |
| (b) | For vessels between 1,001 and 2,000 registered gross tons | \$438.90 |
| (c) | For vessels over 2,000 registered gross tons | \$438.90 |

(plus an additional charge of \$220.40 for each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons)

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); 21 Com. Reg. 16953 (Oct. 15, 1999) (correcting typographical errors); Amdts Adopted 21 Com. Reg. 16814 (Jun. 23, 1999); Amdts Proposed 21 Com. Reg. 16673 (Apr. 19, 1999); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: Section 40-20.2-305 (Increases of Port Entry Fees) was repealed in the 2009 amendments.

Part 400 - Dockage

§ 40-20.2-401 Basis for Establishing the Vessel's Length

Dockage charges shall be based upon the vessel's length overall as published in "American Bureau of Shipping" or "Lloyd's Register of Ships" or any other recognized classification society. Length overall shall mean the linear distance, expressed in feet, from the most forward point of the stem of the vessel, measured parallel to the base line of the vessel. If the length overall of the vessel does not appear in "American Bureau of Shipping," "Lloyd's Register of Ships," or any other recognized society, the port may obtain the length overall from the vessel's register, or may measure the vessel. The following will govern the disposition of fractions: five inches or less disregard, over five inches, increase to the next whole figure.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-405 Dockage Period; How Calculated

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The period of time upon which dockage will be assessed shall commence when vessel is made fast to a wharf or dock; or when a vessel is made fast to a vessel so berthed; or when a vessel comes within, or moors within a slip; and shall continue until such vessel is completely free from and has vacated such berth or slip. No deduction will be allowed for Saturdays, Sundays, holidays or because of weather or other conditions.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-410 Charges for Vessel Shifting

When a vessel is shifted directly from one wharf or anchorage (berth) to another wharf or anchorage (berth) operated or utilized by the port, the total time at such berths will be considered together in computing the dockage charge.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-415 Dockage Rates

Overall Length of Vessel in Feet

Over	But Not Over	Charge per 24-Hours or Fraction Thereof
0	100	\$199.50
100	150	\$252.70
150	200	\$307.80
200	300	\$528.20
300	350	\$798.00
350	400	\$967.10
400	450	\$1,130.50
450	500	\$1,297.70
500	550	\$1,463.00
550 and Over	----	\$2,065.30

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); 21 Com. Reg. 16953 (Oct. 15, 1999) (correcting typographical errors); Amdts Adopted 21 Com. Reg. 16814 (Jun. 23, 1999); Amdts Proposed 21 Com. Reg. 16673 (Apr. 19, 1999); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-420 Abuse of Docking Privileges; Fishing Vessels

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The Commonwealth Ports Authority declares that the commercial docks and wharves of the Commonwealth are intended for active loading and unloading of vessels. It is therefore the policy of the Authority to discourage inefficient use of the limited space at the commercial docks and wharves of the Commonwealth, by providing a surcharge for vessels moored or docked there at which are not actively engaged in loading or unloading. The Authority further finds that the principal sources of abuse of dock privileges are fishing vessels.

(a) Catch vessels, including but not limited to purse seiners, pole and line vessels, and small fish carriers, may remain in port while waiting to unload their cargo, while actively unloading their cargo, and for a period of three days thereafter for the purpose of re-provisioning, without the payment of a surcharge. Any catch vessel which remains at a commercial dock or wharf of the Commonwealth for a period of time in excess of that permitted by this subsection, without an exemption of surcharges by the Port Superintendent, shall pay a surcharge of \$300 per 24-hour day or fraction thereof for each excess day that it remains in port, in addition to the dockage charges provided hereinabove. If such a vessel remains in port for longer than three continuous days, it shall provide reasons satisfactory to the Port Superintendent as to why a surcharge should not be levied under this subsection. In the event that the Port Superintendent does not accept such reasons and does not exempt the vessel from payment of the surcharge, the vessel and its owner shall be liable for the surcharge, and shall promptly pay the same.

(b) Motherships, including but not limited to refrigerated cargo vessels carrying or intending to carry fish, shall, promptly upon their arrival in port, advise the Port Superintendent of their proposed plan for loading and transshipment of cargo. The Port Superintendent may reject a plan if he determines that it is not reasonable. The Port Superintendent shall approve the plan if he determines that the plan is calculated to accomplish the business of the vessel within a reasonable time. A mother ship may not remain at a commercial dock or wharf of the Commonwealth for a period of time in excess of ten days, unless such a plan has been approved by the Port Superintendent. If the Port Superintendent determines that the vessel is not endeavoring in good faith to comply with such plan, the Port Superintendent may in his discretion either

- (1) Require the vessel to leave port, or
- (2) Require the vessel to pay a surcharge of \$300.00 per day for each day that the vessel remains in port without an approved plan.

(c) For the purpose of this section, a dockage period shall not be construed as ending unless and until a vessel shall have vacated its berth or slip for a period of not less than 24 consecutive hours.

(d) Any person aggrieved by a decision or order of the Port Superintendent made pursuant to this section may appeal such decision or order to the Board of Directors, within ten days thereof. The Board shall promptly afford such person notice of and the opportunity to be heard at a hearing within 30 days after filing the appeal and the Board of Directors' decision shall be released not more than twenty days after the final hearing.

Modified, 1 CMC § 3806(d), (e), (f).

TITLE 40: COMMONWEALTH PORTS AUTHORITY

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2549 (Jan. 15, 1984); Amdts Proposed 5 Com. Reg. 2490 (Nov. 15, 1983).

Commission Comment: On May 20, 2009, the Commonwealth Ports Authority promulgated emergency regulations and published proposed regulations amending parts 200-600 of the Terminal Tariff Rules and Regulations. 31 Com. Reg. 29547 (May 20, 2009); 31 Com. Reg. 29163 (Jan. 2009). Emergency regulations are effective for 120 days. 1 CMC § 9104(b). On August 27, 2009, a notice of adoption amending and adopting the proposed regulations promulgated by CPA was published. 31 Com. Reg. 29768 (Aug. 27, 2009). The amendments replaced “Dockage Rate Increases” with “Abuse of Docking Privileges; Fishing Vessels.” The Commission inserted “a” before “surcharge” and changed “source” to “sources” in the introductory provision. The Commission inserted an apostrophe in “Directors” in subsection(d) to indicate possession.

Part 500 - Miscellaneous Charges

§ 40-20.2-501 Fresh Water

- (a) Fresh water, if available, will be furnished to vessels at a rate of thirty cents per metered ton or fraction of a ton.
- (b) In addition a charge of \$35 will be levied to connect and disconnect hoses and couplings except on Saturdays, Sundays and holidays. On Saturdays, Sundays and holidays, a charge of \$80 will be levied for this service.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-505 Electric Service Charges

At the request of a carrier, or its agent, electric power shall be supplied to vessels at the same rates that the government of the Northern Mariana Islands would charge for the service if supplied directly, plus the following service charges:

- (a) For connecting light or power circuits to vessel when shore cables, plugs or motor connections are supplied by the vessel, the service charge shall be \$8. If the vessel temporarily leaves the terminal and returns during the same voyage, an additional charge will be made for again connecting the light or power circuits as herein provided.
- (b) For connecting light or power circuits to vessel when shore cables, plugs or motor connections are supplied by the port, or for the extension of light or power circuits, the service charge shall be \$11 plus time at the established man-hour rates.

Modified, 1 CMC § 3806(f).

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History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-510 Bunker Fee

A charge of \$0.86 per barrel for residual oil, and \$1.43 per barrel for diesel oil, will be assessed all suppliers of oil for bunkering at the port.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); 21 Com. Reg. 16953 (Oct. 15, 1999) (correcting typographical errors); Amdts Adopted 21 Com. Reg. 16814 (Jun. 23, 1999); Amdts Proposed 21 Com. Reg. 16673 (Apr. 19, 1999); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-515 Home Port Fee; Saipan and Tinian

Rates and fees for vessels operating in the territorial waters of the Commonwealth on a continuing and long-term basis may be established by agreement, exclusive of this Terminal Tariff, pursuant to the powers conferred upon CPA by law. In the absence of such an agreement, all of the rates and fees set forth in this Terminal Tariff and elsewhere in the Harbor Regulations [NMIAC, title 40, subchapter 20.1] shall apply, except that the dockage rates shall be as follows:

At the commercial ports of Saipan and Tinian:

Overall length of vessel in feet:

Over	But Not Over	Charge per month or fraction thereof
0	25	\$93.10
25	75	\$155.80
75	100	\$475.00
100	150	\$636.50
150	----	\$750.00

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); 21 Com. Reg. 16953 (Oct. 15, 1999) (correcting typographical errors); Amdts Adopted 21 Com. Reg. 16814 (Jun. 23, 1999); Amdts Proposed 21 Com. Reg. 16673 (Apr. 19, 1999); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Amdts Adopted 8 Com. Reg. 4392 (Jun. 3, 1986); Amdts Proposed 8 Com. Reg. 4328 (Apr. 18, 1986); Amdts Adopted 7 Com. Reg. 3368 (Jan. 15, 1985); Amdts Proposed 6 Com. Reg. 3182 (Oct. 15, 1984); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

§ 40-20.2-520 Home Port Fee; Rota

TITLE 40: COMMONWEALTH PORTS AUTHORITY

Rates and fees for vessels operating in the territorial waters of the Commonwealth on a continuing and long-term basis may be established by agreement, exclusive of this Terminal Tariff, pursuant to the powers conferred upon CPA by law. In the absence of such an agreement, all of the rates and fees set forth in this Terminal Tariff and elsewhere in the Harbor Regulations [NMIAC, title 40, subchapter 20.1] shall apply, except that the dockage rates shall be as follows:

At the commercial port of Rota

Overall length of vessel in feet:

Over	But Not Over	Charge per month or fraction thereof
0	10	\$22.80
10	12	\$30.40
12	14	\$38.00
14	16	\$45.60
16	18	\$62.70
18	20	\$76.00
20	22	\$83.60
22	24	\$91.20
24	26	\$100.70
26	75	\$210.90
75	100	\$319.20
100	150	\$425.60
150	----	\$525.00

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); 21 Com. Reg. 16953 (Oct. 15, 1999) (correcting typographical errors); Amdts Adopted 21 Com. Reg. 16814 (Jun. 23, 1999); Amdts Proposed 21 Com. Reg. 16673 (Apr. 19, 1999); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Amdts Adopted 8 Com. Reg. 4392 (Jun. 3, 1986); Amdts Proposed 8 Com. Reg. 4328 (Apr. 18, 1986).

Commission Comment: On May 20, 2009, the Commonwealth Ports Authority promulgated emergency regulations and published proposed regulations amending parts 200-600 of the Terminal Tariff Rules and Regulations. 31 Com. Reg. 29547 (May 20, 2009); 31 Com. Reg. 29163 (Jan. 2009). Emergency regulations are effective for 120 days. 1 CMC § 9104(b). On August 27, 2009, a notice of adoption amending and adopting the proposed regulations promulgated by CPA was published. 31 Com. Reg. 29768 (Aug. 27, 2009).

§ 40-20.2-525 Port Service/Vessel Traffic Control Fee

Vessels shall pay a special service fee of \$40.00 for services rendered after normal working hours during the week, weekends, and holidays.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg.

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9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Amdts Adopted 6 Com. Reg. 2785 (May 15, 1984); Amdts Proposed 6 Com. Reg. 2613 (Mar. 15, 1984).

§ 40-20.2-530 Passenger Fee

Unless otherwise agreed to by the Authority, there shall be a charge of \$16.76 for every person that boards a vessel through any port or harbor in the Commonwealth over which CPA exercises the various powers conferred upon it by law. Crew members of U.S. military vessels as well as crew members of vessels under contract by the U.S. military are exempt from paying the passenger fee.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); 21 Com. Reg. 16953 (Oct. 15, 1999) (correcting typographical errors); Amdts Adopted 21 Com. Reg. 16814 (Jun. 23, 1999); Amdts Proposed 21 Com. Reg. 16673 (Apr. 19, 1999); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992).

§ 40-20.2-540 Future Rate Increase

Nothing in the Terminal Tariff in this subchapter shall restrict or limit CPA's authority to increase its fees, rates, and charges beyond that imposed by this tariff, or to implement new fees and charges as necessary to maintain and operate the port and to pay CPA's expenses, including any debt obligation that CPA has with respect to the ports under its jurisdiction.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); 21 Com. Reg. 16953 (Oct. 15, 1999) (correcting typographical errors); Amdts Adopted 21 Com. Reg. 16814 (Jun. 23, 1999); Amdts Proposed 21 Com. Reg. 16673 (Apr. 19, 1999); Amdts Adopted 17 Com. Reg. 13053 (Mar. 15, 1995); Amdts Proposed 17 Com. Reg. 12953 (Feb. 15, 1995).

§ 40-20.2-545 Public Parking Fees

A Public Parking Fee Schedule is hereby instituted at the Port of Saipan in order to generate additional revenue to assist the Commonwealth Ports Authority meet its seaport operating expenses and revenue bond obligations that were issued in order to redevelop and make major improvements to the Port of Saipan. The following public parking fees and provisions are adopted:

(a) All vehicles owned by members of the general public shall park in designated-parking areas only and shall pay a public parking fee per vehicle as follows:

- | | |
|---------------------------------------------------------------------|---------|
| (1) Minimum fee (one hour or less) | \$1.00 |
| (2) Hourly rate | \$1.00 |
| (3) Each additional hour (or fraction thereof) | \$1.00 |
| (4) Maximum daily rate (more than 10 hours for each 24-hour period) | \$10.00 |
| (5) Fee for lost parking ticket per day | \$10.00 |

TITLE 40: COMMONWEALTH PORTS AUTHORITY

(b) Buses (i.e. vehicles with a passenger capacity of more than 15 passengers) that drop-off and pick-up tourists and other passengers at the Port of Saipan shall pay a monthly fee of \$125.00 per vehicle. Any vehicle with a seating capacity of 15 or less shall pay a monthly fee of \$100.00. Because of the limited parking space at the Port of Saipan for buses, such vehicles may only drop-off and pick-up passengers. If any bus decides to park at the limited bus-parking stalls, however, it shall pay an additional fee of \$10.00 per hour.

(c) Each taxicab shall pay a fee of \$15.00 per month beginning the effective date of the Terminal Tariff, as amended, and shall end on January 30, 2010. After January 30, 2010, each taxicab shall pay a fee of \$25.00. The taxicabs shall park at the taxicab-designated parking stalls.

(d) Seaport tenants who park at the Port of Saipan public parking stalls shall pay an annual fee of \$35.00 per vehicle.

(e) Exemptions. The following vehicles are exempted from paying the foregoing parking fees: CPA-owned vehicles and vehicles owned by CPA officials and employees; CNMI government vehicles; and U.S. government vehicles (including U.S. military).

(f) Vehicles parked in violation of the parking regulations will be towed away from the port premises, at the owner's expense.

(g) Color-coded decals may be issued to identify the various categories of vehicles covered by this section.

(h) Frequent Commuter Parking Permit Fee.

(1) Travelers who commute to and from Saipan on a frequent basis may obtain a frequent commuter public parking permit from the Commonwealth Ports Authority upon paying in advance the prescribed fee. Such permit shall be prominently displayed inside the vehicle dashboard while parked and shall be presented to the parking attendant when exiting. Such permit shall allow for unlimited parking during the specified period.

(2) Frequent Commuter Public Parking Fees:

- (i) Annual \$400.00
- (ii) Semi-annual \$250.00

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 23 Com. Reg. 17838 (Apr. 23, 2001); Amdts Proposed 23 Com. Reg. 17609 (Jan. 19, 2001); Amdts Adopted 21 Com. Reg. 17001 (Dec. 15, 1999); Amdts Proposed 21 Com. Reg. 16831 (July 23, 1999).

Commission Comment: The Commission corrected the capitalization of "government" in subsection (e) pursuant to 1 CMC § 3806(f).

Part 600 - Space Rentals and Leases

§ 40-20.2-601 Space Rentals and Leases

Rates for lease or rental of any port facility or portion thereof shall be established by the Executive Director.

History: Amdts Adopted 31 Com. Reg. 29768 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29547 (May 20, 2009); Amdts Emergency 31 Com. Reg. 29163 (Jan. 2009); Amdts Adopted 14 Com. Reg. 9522 (July 15, 1992); Amdts Proposed 14 Com. Reg. 9230 (May 26, 1992); Adopted 5 Com. Reg. 2479 (Oct. 20, 1983); Proposed 5 Com. Reg. 1971 (Apr. 29, 1983).

Commission Comment: The Commission deleted a closing quotation mark after "Director."