

**TITLE 10: LOCAL LAWS**  
**DIVISION 3: THIRD SENATORIAL DISTRICT (SAIPAN, ETC.)**

**§ 3421. Definitions.**

As used in this article:

(a) “Diver” means any person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus.

(b) “Underwater breathing apparatus” means any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in other gas or gases for breathing\* without returning to the surface of the water.

(c) “Divers-down flag” means a flag that meets the following specifications:

(1) The flag must be square or rectangular. If rectangular, the length must not be less than the height, or more than 25 percent longer than the height. The flag must have a wire or other sufficient\* to hold it fully unfurled and extended in the absence of a wind or breeze.

(2) The flag must be red with a white diagonal stripe that begins at the top staff-side of the flag and extends diagonally to the lower opposite corner. The width of the stripe must be 25 percent of the height of the flag.

(3) The minimum size for any divers-down flag displayed on a buoy or float towed by the diver is 12 inches by 12 inches. The minimum size for any divers-down flag displayed from a vessel or structure is 20 inches by 24 inches.

(4) Any divers-down flag displayed from a vessel must be displayed from the highest point of the vessel or such other location which provides that the visibility of the divers-down flag is not obstructed in any direction.

\* As stated in original.

**Source:** Saipan LL 17-11, § 2(101) (July 12, 2011).

**Commission Comment:** The Commission substituted “this article” for “this Chapter” pursuant to 1 CMC § 3806(d). Saipan Local Law (effective July 12, 2011) included severability and savings provisions and the following:

Section 1. Findings and Purpose. The Saipan and Northern Islands Legislative Delegation finds that the coastal waters of Saipan are divers spot for diving activities, whether for recreational or fishing, which occur in the coastal waters of Saipan. Existing CNMI law and regulations on diving are not sufficient in terms of safety. The Safe Diving Act of 1990, as amended, was primarily intended to require dive instructors and tour leaders to be certified by a nationally recognized diving organization and obtain substantial liability insurance in order to provide recreational dive services for profit. Furthermore, NMIAC § 150-20-110, which provides for the regulations on diving, only suggests that “Skin divers and scuba divers who dive near any area of boating activity are advised to display a divers flag so that it can be seen by boat operators.” The regulation fur-

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ther states that “An operator of a motorboat or any type of watercraft with a motor shall stay away well clear of any dive flag.”

The Legislature finds it imperative for the safety of divers, fishermen and boat operators, especially those who frequent the coastal waters of Saipan, to require the use of a divers-down flag.