



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**

Governor

**Eloy S. Inos**

Lt. Governor

DEC 20 2011

Honorable Eliceo "Eli" D. Cabrera  
Speaker, House of Representatives  
Seventeenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Honorable Paul A. Manglona  
President, The Senate  
Seventeenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that it is my privilege to affix my signature to House Bill No. 17-36, HS1, "An Act to amend certain section of 9 CMC Section 5651 *et seq* to increase penalties for parking in a space reserved for persons with disabilities and to be consistent with the American Disabilities Act," which was passed by the Seventeenth Northern Marianas Commonwealth Legislature.

Members of the community having physical disabilities face significant challenges. The Legislature has wisely addressed an avoidable challenge – persons taking a parking space reserved for persons with disabilities who have an appropriate, approved approval to use reserved parking space. Further, increasing fines<sup>1</sup> is both a revenue enhancement and a statement of sound public policy affirming the protection afforded these community members.

This bill becomes **Public Law No. 17-65**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Benigno R. Fitial".

BENIGNO R. FITIAL

cc: Lt. Governor, Attorney General, Lt. Governor's Legal Counsel, Developmental Disabilities Council, Department of Public Safety, Department of Finance, NMPASI, Commonwealth Law Revision Commission, Special Assistant for Programs and Legislative Review

<sup>1</sup> This bill is being signed notwithstanding certain language at Page 6, Lines 5 – 9 concerning the Legislative direction that the Office of the Attorney General "shall" bring legal action. A narrow reading could imply that prosecution of all parking cases is mandatory. Such direction would be inconsistent with the principle of separation of powers. However, the language of HB 17-36, HS1 is read in its full context which includes the longstanding recognition that prosecutors have discretion in case charging and cases that are appropriate are "necessary" and those deemed inappropriate for prosecution, in the sole, discretion judgment of the prosecutor, will not proceed.



*The House of Representatives*

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 500586

Saipan, MP 96950

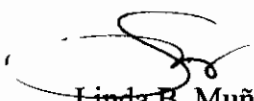
November 28, 2011

The Honorable Benigno R. Fitial  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith for your action **H. B. 17-36, HS1**, entitled: "An Act to amend certain sections of 9 CMC § 5651 *et seq* to increase penalties for parking in a space reserved for the use of persons with disabilities and to be consistent with the Americans with Disabilities Act and guidelines; and for other purposes.", which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

  
Linda B. Muña  
House Clerk

Attachment



*Seventeenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**First Regular Session**

**March 11, 2010**

Representative Joseph M. Palacios, of Saipan, Precinct 1 (*for himself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. 17-36**

**AN ACT**

**TO AMEND CERTAIN SECTIONS OF 9 CMC § 5651 *ET SEQ* TO INCREASE PENALTIES FOR PARKING IN A SPACE RESERVED FOR THE USE OF PERSONS WITH DISABILITIES AND TO BE CONSISTENT WITH THE AMERICANS WITH DISABILITIES ACT AND GUIDELINES; AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Health and Welfare, which submitted Standing Committee Report 17-75, which was adopted on May 12, 2011.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING, MAY 12, 2011;**  
*with amendments* in the form of H. B. 17-36, HS1 and transmitted to the  
**THE SENATE.**

The Bill was not referred to a Senate Committee.  
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, NOVEMBER 16, 2011;**  
*without amendments.*

**THE BILL WAS FINALLY PASSED ON MAY 12, 2011**

  
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Linda B. Muña, House Clerk



*Seventeenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

SECOND DAY, THIRD SPECIAL SESSION

MAY 12, 2011

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**H. B. 17-36, HS1**

AN ACT

**TO AMEND CERTAIN SECTIONS OF 9 CMC § 5651 *ET SEQ* TO INCREASE PENALTIES FOR PARKING IN A SPACE RESERVED FOR THE USE OF PERSONS WITH DISABILITIES AND TO BE CONSISTENT WITH THE AMERICANS WITH DISABILITIES ACT AND GUIDELINES; AND FOR OTHER PURPOSES.**

**Be it enacted by the Seventeenth Northern Marianas  
Commonwealth Legislature:**

1           Section 1. Findings. The Legislature finds that the penalty for a person  
2 who parks a vehicle in a space reserved for the use of persons with disabilities is  
3 too lenient. Individuals with disabilities have run out of parking places to park, as  
4 their designated parking spaces for persons with disabilities are being taken by  
5 fraudulent individuals. Subsequently, a person who uses a special identification  
6 placard in violation of the provisions of 9 CMC §5654(c) shall be fined with the  
7 same penalty set forth in 9 CMC §5660(d). The increase of fines will help deter

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**HOUSE BILL 17-36, HSI**

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1 violators from parking in designated handicapped parking spaces. Therefore, the  
2 Legislature recommends increasing the penalty for persons who violate these  
3 provisions. The Commonwealth Legislature further finds it necessary to amend  
4 certain sections of 9 CMC § 5651 *et seq* to be consistent with the Americans with  
5 Disabilities Act and guidelines and to incorporate recommendations based on the  
6 *Special Report: Study on the Impact and Effectiveness of Public Law No. 8-35,*  
7 *"Persons with Disabilities Parking Access Act of 1993* published by the Office of  
8 the Disability Policy & Program, Office of the Governor in collaboration with the  
9 Northern Marianas College, as well as recommendation by the Northern Marianas  
10 Protection & Advocacy Systems, Inc., (NMPASI).

11 **Section 2. Amendments.**

12 a. 9 CMC § 5652 is hereby amended by amending subsections (a) and (b)  
13 and by adding a new subsection (c) to read as follows:

14 "5652. Parking Privileges for Persons With Disabilities; Special  
15 Identification From Other Jurisdictions.

16 (a) (1) Notwithstanding any other statutory provision, any person  
17 with a disability shall be allowed to park a vehicle displaying a special  
18 identification parking placard issued under 9 CMC 5653 for unlimited  
19 periods in any parking zone, including metered parking, that is restricted as  
20 to the length of time parking is permitted, without charge or fee.

HOUSE BILL 17-36, HSI

1 (b) Any person with a disability shall be allowed to park a vehicle  
2 displaying a special identification placard or special identification license  
3 plate issued by a foreign jurisdiction with the same parking privileges  
4 authorized in this code for any vehicle displaying a special identification  
5 placard issued by the Bureau of Motor Vehicles.

6 (c) Any vehicle displaying special license plates, a removable  
7 windshield placard, or a temporary removable windshield placard issued  
8 under this Article shall be permitted to park without payment of metered  
9 parking fees, in any metered parking space for a maximum of two and a half  
10 (or eight considering regular work hours) hours or the maximum amount of  
11 time the meter allows, whichever is longer. All parking fees not  
12 specifically exempted under this Article shall remain in effect.”

13 b. 9 CMC § 5653 is hereby amended by amending subsection (b) and by  
14 adding a new subsection (e) to read as follows:

15 “5653. Application for Special Identification Placard; Expiration  
16 and Renewal of Placards; Temporary Special Identification Placards.

17 (b) Prior to issuing any qualified person with a disability a special  
18 identification placard, the Bureau of Motor Vehicles shall require the  
19 applicant to submit a certificate signed by a physician, surgeon or other  
20 qualified medical practitioner substantiating the disability. The disability of  
21 any person who has lost, or has lost use of, one or more lower extremities or

HOUSE BILL 17-36, HSI

1 both hands, or who has significant limitation in the use of one or both lower  
2 extremities, may also be certified by a licensed chiropractor. The blindness  
3 of any applicant shall be certified by a licensed physician or surgeon who  
4 specializes in diseases of the eye, or by a licensed optometrist.

5 (e) Upon application by a person with a disability, each municipality  
6 shall issue special license plates for the vehicle registered in the applicant's  
7 name if the vehicle is primarily used to transport that person. The fee for  
8 the issuance of special license plates shall not exceed the fee charged for  
9 similar license plates for the same class vehicle."

10 c. 9 CMC § 5657 is hereby repealed and re-enacted to read as follows:

11 "5657. Removal of Unauthorized Vehicles From Parking Areas  
12 Designated for Persons With Disabilities; Designation of Parking Areas.

13 (a) Businesses or privately owned facilities that provide goods or  
14 services to the public and government agencies shall provide accessible  
15 parking spaces as required by the Americans with Disabilities Act (ADA)  
16 Standards for Accessible Design (28 CFR Part 36).

17 (b) Businesses or privately owned facilities that provide goods or  
18 services to the public and government agencies shall provide and designate  
19 accessible parking spaces for the exclusive use of any vehicle that displays  
20 a special identification placard issued pursuant to 9 CMC §5653.

HOUSE BILL 17-36, HS1

1 (c) Accessible parking spaces for cars shall be identified by a sign  
2 with the international symbol of accessibility mounted high enough so it can  
3 be seen while a vehicle is parked in the space.

4 (d) Van-accessible parking spaces shall be identified by a sign with  
5 “van accessible” and the international symbol of accessibility mounted high  
6 enough so the sign can be seen when a vehicle is parked in the space.

7 (e) In addition to posting the required signs with the international  
8 symbol of accessibility, businesses or privately owned facilities that provide  
9 goods or services to the public and government agencies shall post a sign  
10 not less than 17 by 22 inches in size with lettering not less than one inch in  
11 height which clearly and conspicuously states the following:

12 “ACCESSIBLE PARKING

13 Unauthorized vehicles not displaying a special  
14 identification placard issued for use of disabled persons  
15 pursuant to 9 CMC §5653 will be towed away at owner’s  
16 expense. Towed vehicles may be claimed by contacting the  
17 Department of Public Safety at [telephone number(s) of the  
18 Department of Public Safety].”

19 The sign shall be mounted immediately adjacent to and shall be  
20 visible from the accessible parking space so the sign can be seen when a  
21 vehicle is parked in the space.



HOUSE BILL 17-36, HS1

1 (f) Any business or privately owned facility that provides goods or  
2 services to the public that fails to designate the required accessible parking  
3 spaces within 90 days of the effective date of this Act shall pay a civil fine  
4 of \$100 per day until the required accessible parking spaces are designated  
5 in accordance with this statute. The Office of the Attorney General shall  
6 bring such necessary actions in the name of the Commonwealth to enforce  
7 this section and collect these fines, and the Commonwealth Superior Court  
8 shall have jurisdiction over such civil actions.

9 (g) The Department of Public Safety shall regularly patrol parking  
10 areas in which parking spaces for persons with disabilities are designated or  
11 required to be designated for the purposes of enforcing the provisions of this  
12 article.

13 (h) The Department of Public Safety shall cause the removal of a  
14 vehicle from a designated accessible parking space unless a special  
15 identification placard issued pursuant to 9 CMC §5653, or its foreign  
16 equivalent, is displayed on the vehicle.

17 (i) This section shall not restrict the privilege granted to persons with  
18 disabilities by 9 CMC §5652.”

19 d. 9 CMC § 5659(b) is hereby amended to read as follows:

20 “§ 5659. Standards for Parking Reserved for Persons With  
21 Disabilities.

**HOUSE BILL 17-36, HS1**

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1 (b) The minimum dimensions for at least 50 percent of all parking  
2 spaces provided for use by persons with physical impairments shall be 13 by  
3 18 feet, provided that:"

4 [the remainder of subsection (b) remains unchanged]

5 e. 9 CMC § 5660(d) is hereby amended to read as follows:

6 "§ 5660. Citation; Penalties; Registered Owner and Driver Both  
7 Responsible.

8 (d) The penalty for parking in violation of this article shall be \$150  
9 for the first violation. For the second violation the penalty shall be a  
10 \$300.00 fine. For all subsequent violations, a fine of no less than \$300.00  
11 and no more than \$1,000.00."

12 f. 9 CMC § 5660 is amended by adding a new subsection (g) to read as  
13 follows:

14 "(g) Special Accounts: Funds realized under subsection (d) of this  
15 Section shall be distributed as follows:

16 (1) The Secretary of Finance shall establish a special account  
17 for the Department of Public Safety. Twenty-Five percent (25%) of  
18 the fines collected pursuant to 9 CMC § 5660(d) shall be deposited  
19 into this special account. The expenditure authority shall be the  
20 Commissioner of Public Safety. Funds deposited into this account  
21 shall be used for the Celebration of the Annual Police Week,  
22 honoring fallen police officers and firefighters.

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**HOUSE BILL 17-36, HS1**

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1                   (2) The Secretary of Finance shall establish a special account  
2                   for the Northern Marianas Protection & Advocacy Systems, Inc.,  
3                   (NMPASI). Twenty-Five percent (25%) of the fines collected  
4                   pursuant to 9 CMC § 5660(d) shall be deposited into this special  
5                   account. The expenditure authority shall be the Executive Director  
6                   of NMPASI. Funds deposited into this account shall be used solely  
7                   for public education and outreach.

8                   (3) Fifty percent (50%) shall be deposited into the  
9                   Commonwealth General Fund.”

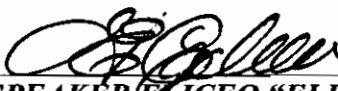
10                  **Section 3. Severability.** If any provisions of this Act or the application of  
11                  any such provision to any person or circumstance should be held invalid by a court  
12                  of competent jurisdiction, the remainder of this Act or the application of its  
13                  provisions to persons or circumstances other than those to which it is held invalid  
14                  shall not be affected thereby.

15                  **Section 4. Savings Clause.** This Act and any repealer contained herein  
16                  shall not be construed as affecting any existing right acquired under contract or  
17                  acquired under statutes repealed or under any rule, regulation or order adopted  
18                  under the statutes. Repealers contained in this Act shall not affect any proceeding  
19                  instituted under or pursuant to prior law. The enactment of the Act shall not have  
20                  the effect of terminating, or in any way modifying, any liability, civil or criminal,  
21                  which shall already be in existence on the date this Act becomes effective.

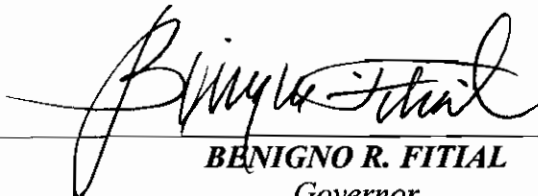
**HOUSE BILL 17-36, HS1**

1           **Section 5. Effective Date.** This Act shall take effect upon its approval by  
2 the Governor, or its becoming law without such approval.

Attested to by:   
**Linda B. Muña, House Clerk**

Certified by:   
**SPEAKER ELISEO "ELI" D. CABRERA**  
House of Representatives  
17<sup>th</sup> Northern Marianas Commonwealth Legislature

**APPROVED** this 28<sup>th</sup> day of DECEMBER, 2011

  
**BENIGNO R. FITIAL**  
Governor  
Commonwealth of the Northern Mariana Islands