

JOAQUIN M. PALACIOS, Appellant  
v.  
TRUST TERRITORY OF THE PACIFIC ISLANDS, Appellee  
Criminal Case No. 219  
Trial Division of the High Court  
Mariana Islands District  
April 5, 1968

Appeal from conviction on charge of failing to have a motor vehicle registration card in vehicle while it was being operated on highway. The Trial Division of the High Court, Robert K. Shoecraft, Chief Justice, held that owner of vehicle could not be charged with such a violation when he was not in or operating the vehicle at the time of the alleged violation.  
:Reversed.

**1. Motor Vehicles-Registration Card**

Section 811(c) of the Trust Territory Code, relating to motor vehicle registration cards, is a penal statute and must be strictly construed. (T.T.C., Sec. 811(c)»

**2. Motor Vehicles-Registration Card**

Section 811(c) of the Trust Territory Code, relating to motor vehicle registration cards places the responsibility upon an operator of a motor vehicle to ensure that the registration card is in the vehicle and not to operate any vehicle upon the highways of the Trust Territory unless the vehicle registration card is at that time being carried in the vehicle. (T.T.C., Sec. 811(c)»

**3. Motor Vehicles-Registration Card**

The owner of a vehicle who was not in or operating said vehicle at the time it was being operated without carrying a registration card cannot be convicted of a violation of Section 811(c) of the Trust Territory Code which requires that such a card be carried in the vehicle while it is being operated on the highways. (T.T.C., Sec. 811(c)»

*Assessor:*

JUDGE GREGORIO CAMACHO

*Interpreter:*

FELIPE A. SALAS

*Counsel for Appellant:*

WILLIAM B. NABORS, ESQ.

*Counsel for Appellee:*

JOSE MAFNAS, ESQ.

**SHOECRAFT, Chief Justice**

This matter came before the Trial Division of the High Court on an appeal from a decision of the District Court

rendered in Criminal Case No. 39-68 on February 2, 1968, the court finding the defendant (appellant) guilty of the charge of failing to have a motor vehicle registration card in the vehicle at all times while said vehicle was being operated on the highway. On February 8, 1968, appellant filed in the District Court a motion for a new trial, which was denied on February 9, 1968. The appellant has appealed the decision of the District Court denying his motion for a new trial.

The appellant was charged with violation of Section 811 (c) of the Trust Territory Code which reads as follows: -

"(c) Registration cards. The District Sheriff shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number, the name and address of the owner, also a description of the registered vehicle, including the engine number. The registration card shall at all times, while the vehicle is being operated upon a highway, be carried in the vehicle. Such registration card issued in any district shall be good in all districts of the Trust Territory."

We believe that the most pertinent portion of that section is the sentence which requires that the registration card must be carried in the vehicle at all times while the vehicle is being operated upon the highways. The statute does not specifically require that the owner must display the card in the vehicle at such time but merely states that the card must be carried in the vehicle, thus leaving it to the Court to decide whether or not the obligation to be sure that the registration card is being carried in the vehicle while the vehicle is being operated is on the owner of the vehicle, or on the operator of such vehicle.

In this case, the defendant (appellant), the owner of the vehicle, was convicted of a violation of Section 811 (c) even though the evidence offered at the trial conclusively shows that the defendant (appellant) was not in or operating said vehicle at the time of the alleged violation.

**[1,2]** Since Section 811 (c) is a penal statute, it must be construed strictly and it is our opinion that justice would not be served if we were to interpret that section to mean that an owner of a motor vehicle is required to be sure that the card is in the vehicle at all times when the vehicle is being operated, even though under some circumstances the owner might not be operating or have any control over the operation of the vehicle. We thus construe that section to place the responsibility upon an operator of a motor vehicle to ensure that the registration card is in the vehicle and not to operate any vehicle upon the highways of the Trust Territory unless the vehicle registration card is at that time being carried in the vehicle.

**[3]** Since it would serve no purpose for this case to be remanded to the District Court for further proceedings, the appellant's motion for a new trial is denied. The decision of the District Court is hereby reversed and the appellant is hereby released from any obligations imposed under that decision.