

TITLE 150: DEPARTMENT OF PUBLIC SAFETY

SUBCHAPTER 150-50.2 MOTOR CARRIER SAFETY REGULATIONS

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Appendix A Department of Public Safety Uniform Out-of-service Criteria Reference to Uniform Fine Schedule

Subchapter Authority: 1 CMC § 2507; 9 CMC § 3114.

Subchapter History: Amdts Proposed 21 Com. Reg. 16432 (Jan. 18, 1999);* Adopted 19 Com. Reg. 15399 (June 15, 1997); Proposed 19 Com. Reg. 15094 (Feb. 15, 1997).

*A notice of adoption for the 1999 proposed amendments has not been published.

Commission Comment: PL 1-8, tit. 1, ch. 10, codified as amended at 1 CMC §§ 2501-2507, creates the Department of Public Safety (DPS) within the Commonwealth government, composed of a police force. See 1 CMC § 2501; see also PL 14-25 § 3 (effective Aug. 20, 2004) (amending 1 CMC § 2501). 1 CMC § 2504(f) authorizes the Department to inspect motor vehicles and enforce motor vehicle registration laws. 1 CMC § 2507 directs the Department to adopt rules and regulations regarding activities over which it has jurisdiction.

Title 9 of the Commonwealth Code sets forth the vehicle code for the CNMI. 9 CMC § 1201 creates a Bureau of Motor Vehicles (BMV) within the Department of Public Safety. The BMV is authorized to administer the vehicle code and to develop rules and regulations necessary to carry out the administration of the laws vested in the Bureau for adoption by the Director of DPS. 9 CMC § 1204.

PL 10-11 (effective June 6, 1996), the "Motor Carrier Safety Act of 1996," codified at 9 CMC §§ 1102 and 3114, directs DPS to adopt rules and regulations that prescribe the permissible requirements for motor carriers, motor carrier drivers, equipment, the transportation of hazardous materials and sanctions for their violations which are consistent with comparable regulations of the United States Department of Transportation contained in title 49 of the United States Code of Federal Regulations. See 9 CMC § 3114.

Part 001 - General Provisions

§ 150-50.2-001 Purpose

The regulations in this subchapter are being adopted pursuant to PL 10-11 [9 CMC §§ 1102 and 3114] and 1 CMC §§ 2501, et seq. They are designed to provide minimum safety requirements for motor carriers and to establish a mechanism of inspection to ensure compliance with the law and these regulations. These regulations have been established by the U.S. Department of Transportation.

Modified, 1 CMC § 3806(d), (f).

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History: Adopted 19 Com. Reg. 15399 (June 15, 1997); Proposed 19 Com. Reg. 15094 (Feb. 15, 1997).

Part 100 - Adoption of Federal Motor Carrier Safety Regulations; Amendments

§ 150-50.2-101 Adoption of Federal Motor Carrier Safety Regulations

(a) The Department of Public Safety (DPS) hereby adopts by reference the following regulations contained in 49 Code of Federal Regulations (CFR) parts 107, 171-173 inclusive, 178 and 180 (as revised on October 1, 1995). DPS also adopts by reference parts 382, 383, 387, 390-393, 395-397 and part 40 inclusive and appendices D, E and G (as revised on February 1, 1996).

(b) A copy of these federal regulations may be purchased through the Superintendent of Public Documents, U.S. Government Printing Office, Washington, D. C. 20402.

Modified, 1 CMC § 3806(f).

History: Adopted 19 Com. Reg. 15399 (June 15, 1997); Proposed 19 Com. Reg. 15094 (Feb. 15, 1997).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). The 1997 notice of adoption changed the proposed language of subsection (a).

§ 150-50.2-105 Amendments

The regulations referenced in § 150-50.2-101 are adopted in their entirety with the following amendments:

(a) The term “state” is amended to read: Commonwealth of the Northern Mariana Islands (CNMI).

(b) References to the Department of Transportation, the Federal Highway Administration and the Office of Motor Carrier Safety are amended to refer to the Department of Public Safety (DPS) and the Bureau of Motor Carriers (BMC).

(c) References to the Federal Highway Administrator and to the Director are amended to refer to the Commissioner of DPS and to the officer in charge (OIC) of BMC.

(d) References to special agents are amended to include sworn police officers of DPS.

(e) Interstate also means inter island and intrastate also means intra island where applicable.

(f) The definition of “motor carrier” in 49 CFR is amended to read: “Motor carrier” includes interstate, intrastate and inter island, intra island, common, contract and private carriers of property and passengers, including their agents, officers and representatives.

(g) The definition of “commercial motor vehicle” in 49 CFR includes the term “motor carrier” as defined in 9 CMC § 1102 and is amended to read: “Commercial motor vehicle”

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means any self-propelled or towed vehicle used on public roads or highways in:

- (1) Interstate or inter island commerce to transport passengers or property if the vehicle:
 - (i) Is designated to transport more than 8 passengers including the driver; or
 - (ii) Is used in the transportation of hazardous materials of any quantity; or
 - (iii) Has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds.
- (2) Intrastate or intra island commerce to transport passengers or property in the vehicle as described in subsection (g)(1) above or:
 - (i) Is owned or operated by a motor carrier subject to the jurisdiction of the CNMI; or
 - (ii) If the vehicle is not one described in subsections (g)(1)(i) or (ii) above, the vehicle is subject only to those provisions of 49 CFR 390, 391.51, 392.2, 393.4, 392.5, 392.9, 396.3(b)(2), 2393 and 397.

(h) The minimum levels of financial responsibility established in 387.7 schedule of limits is amended to read:

- (1) Type of Carriage: For-hire interstate or foreign commerce, with a gross weight rating of 10,001 or more pounds.
 - (i) Commodity transported: property (nonhazardous)
 - (ii) Amendment: The minimum level of financial responsibility required is amended from \$750,000 to \$375,000;
 - (2) Type of Carriage: For-hire and private (in interstate, foreign, or intrastate commerce, with a gross vehicle rating of 10,001 or more pounds).
 - (i) Commodity transported: Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk division 1.1 etc.
 - (ii) Amendment: The minimum level of financial responsibility required is amended from \$5,000,000 to \$2,500,000.
 - (3) Type of carriage: For-hire and private (in interstate or foreign commerce; in any quantity; or in intrastate commerce, in bulk only with a gross vehicle weight rating of 10,000 or more pounds).
 - (i) Commodity transported: Oil listed in 49 CFR; hazardous waste; hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in subsection (h)(2) above or (h)(4) below.
 - (ii) Amendment: The minimum level of financial responsibility required is amended from \$1,000,000 to \$500,000.
 - (4) Type of carriage: For-hire and private (in interstate or foreign commerce with a gross vehicle weight rating of less than 10,000 pounds).
 - (i) Commodity transported: Any quantity of division 1.1, 1.2, or 1.3 material; any quantity of division 2.3, Hazard Zone A, or division 6.1, Packing Group 1, Hazard Zone A material; or highway route controlled quantities of a class 7 material as defined in 49 CFR 173.403.
 - (ii) Amendment: The minimum level of financial responsibility required is amended from \$5,000,000 to \$2,500,000.
- (i) The minimum levels of financial responsibility established in 49 CFR 387.33 schedule of limits is amended as follows:
- (1) Vehicle seating capacity is amended from a seating capacity of 16 passengers or more. The minimum level of financial responsibility required is amended from \$5,000,000 to

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\$2,500,000.

(2) Vehicle seating capacity is amended from a seating capacity of 15 passengers or less. The minimum level of financial responsibility required is amended from \$1,500,000 to \$750,000.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Proposed 21 Com. Reg. 16432 (Jan. 18, 1999); Adopted 19 Com. Reg. 15399 (June 15, 1997); Proposed 19 Com. Reg. 15094 (Feb. 15, 1997).

Commission Comment: The 1997 notice of adoption changed the proposed language of subsections (g), (g)(1)(i), (g)(1)(iii), (h)(1), and (h)(2).

The 1999 amendments proposed to amend subsections (b), (c), (e), (g)(1)(i), and (g)(1)(iii) and to add new subsections (g)(1)(iv), (j), and (k). A notice of adoption has not been published and, therefore, the Commission has not incorporated the proposed changes.

The references to the Bureau of Motor Carriers in this section are unclear. 9 CMC § 1201 creates a Bureau of Motor Vehicles (BMV) within the Department of Public Safety.

§ 150-50.2-110 Description of Federal Regulations Adopted

(a) 49 CFR 107. Hazardous Materials Program Procedures: Prescribes procedures and duties of the regulating agencies pertaining to the transportation of hazardous materials.

(b) 49 CFR 171. Hazardous Materials Regulations: Prescribes the requirements of the Department of Transportation in the transportation of hazardous materials including hazardous waste, hazardous substances, flammable cryogenic liquids in portable tanks and cargo tanks and marine pollutants.

(c) 49 CFR 172. Hazardous Materials Table, Special Provisions for Communications, Emergency Response and Training Requirements concerning Hazardous Materials: also contains label specifications.

(d) 49 CFR 173. General requirements for packaging and shipping hazardous materials.

(e) 49 CFR 177. Regulations concerning the shipment of hazardous materials: Includes provisions for inspections, loading and unloading of materials and regulations for hazardous materials on motor vehicles carrying passengers for hire.

(f) 49 CFR 178. Specifications for packaging hazardous materials.

(g) 49 CFR 180. Qualification and maintenance of bulk containers, cargo tanks and tank cars.

(h) 49 CFR 382. Controlled Substances and Alcohol Use and Testing: Prohibits operators of commercial vehicles from using controlled substances or operating a commercial vehicle with an alcohol concentration of 0.04 or greater. Provides for drug and alcohol testing of commercial drivers.

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- (i) 49 CFR 383. Commercial Driver's License Standards Requirements and Penalties: Requires commercial drivers to pass certain requirements of knowledge and skills for a commercial operator's license. Provides for disqualification of commercial driver's licenses as a result of certain prohibited acts.
 - (j) 49 CFR 387. Minimum Levels of Financial Responsibility for Motor Carriers. Specified portions of this part are amended in the CNMI. See above.
 - (k) 49 CFR 390. Establishes general requirements and information for motor carriers including compliance with driver regulations, prohibition against driving while under the influence of alcohol.
 - (l) 49 CFR 391. Establishes minimum qualifications for commercial motor vehicle drivers.
 - (m) 49 CFR 392. Establishes certain rules for operation of commercial vehicles.
 - (n) 49 CFR 393. Requires safety equipment for commercial vehicles.
 - (o) 49 CFR 385. Establishes maximum hours of service for commercial operators.
 - (p) 49 CFR 396. Provides for inspection, repair and maintenance of commercial vehicles.
 - (q) 49 CFR 397. Establishes rules concerning the transportation, driving and parking of vehicles carrying hazardous materials.
 - (r) 49 CFR 40.* Establishes procedures drug and alcohol testing programs in the workplace. Requires employers of commercial operators follow certain procedures for the testing of alcohol or drugs.
- *So in original.
- (s) 49 CFR Appendix D. Table of disqualifying drugs and other substances, schedule I.
 - (t) 49 CFR Appendix E. Tables of disqualifying drugs and other substances, schedules II through V.
 - (u) 49 CFR Appendix G. Minimum periodic inspection standards.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Proposed 21 Com. Reg. 16432 (Jan. 18, 1999); Adopted 19 Com. Reg. 15399 (June 15, 1997); Proposed 19 Com. Reg. 15094 (Feb. 15, 1997).

Commission Comment: In subsection (s), the Commission inserted the final period to ensure consistent punctuation in this section. The 1999 amendments proposed to amend subsection (r). A notice of adoption has not been published and, therefore, the Commission has not incorporated the proposed changes.

Part 200 - Enforcement

§ 150-50.2-201 Power of Sworn DPS Officers

Sworn officers of DPS have the power to enforce the regulations in this subchapter and may:

- (a) Enter the property of a shipper or carrier during regular business hours to inspect records, facilities, cargo and cargo areas and vehicles, and
- (b) Conduct random or scheduled inspections of any commercial vehicle operating on a public road or highway.
- (c) Conduct random or scheduled inspections on any other motor vehicle which is transporting, or suspected of transporting, hazardous materials of any quantity on public roads and highways.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 19 Com. Reg. 15399 (June 15, 1997); Proposed 19 Com. Reg. 15094 (Feb. 15, 1997).

Commission Comment: The Commission created the section titles in part 200.

§ 150-50.2-205 Carrier Fine Schedule

Carrier fine schedule is attached in appendix A. This schedule will be maintained by DPS Bureau of Motor Carriers and may be revised without the necessity of passing specific regulations adopting a new schedule.

Modified, 1 CMC § 3806(f).

History: Adopted 19 Com. Reg. 15399 (June 15, 1997); Proposed 19 Com. Reg. 15094 (Feb. 15, 1997).

Commission Comment: The 1999 amendments proposed to add a new section to this part. A notice of adoption has not been published and, therefore, the Commission has not incorporated the proposed changes. See 21 Com. Reg. at 16443 (Jan. 18, 1999).

The reference to the Bureau of Motor Carriers in this section is unclear. 9 CMC § 1201 creates a Bureau of Motor Vehicles (BMV) within the Department of Public Safety.

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**Appendix A
Department of Public Safety Uniform Out-of-service Criteria Reference to Uniform Fine Schedule**

Driver Out-of-Service Criteria		Driver Uniform Fine Schedule			
Paragraph	Violation	Group	One Driver Violation	Two Within Same Group	Three Within Same Group
	Driver Under 18	3	\$30	\$90	\$150
	No Operators License (non-CDL)	3	\$30	\$90	\$150
	CDL Violations	3	\$30	\$90	\$150
	Disqualified Driver	1	\$500	\$1,000	\$1,500
	Drug Possession	1	\$500	\$1,000	\$1,500
	Under the Influence (Drugs)	1	\$500	\$1,000	\$1,500
	Intoxicating Beverage (Detectable Presence/Under the Influence/Possession Open Container	1	\$500	\$1,000	\$1,500
	Intoxicating Beverage (Unopen container in cab)	3	\$30	\$90	\$150
Violation of Out-of-Service Notice (Each Notice, Not Each Offense)					\$1,000
Note: Maximum Accumulated Fine for each group is the highest fine indicated for each group. For example, three separate violations for any group 3 item would be \$150 for those three violations.					
Note: Group = The severity rating assigned to each violation with the #1 being the most severe.					
	Vacuum System Reserve	1	\$100	\$300	\$600
	Vacuum Hoses or Lines	2	\$50	\$150	\$250
Coupling Devices, All (When In Use)		1	\$100	\$300	\$600
Exhaust System (All)		3	\$30	\$90	\$150
Frame System					
	Cracked, Broken, Displaced	1	\$100	\$300	\$600
	Tire and Wheel Clearance	1	\$100	\$300	\$600
	Adjustable Axle (Pins and Locks)	2	\$50	\$150	\$250
Fuel System					
	Leaking, Missing Cap	3	\$30	\$90	\$150
	Fuel Tank Mounting	2	\$50	\$150	\$250
Lighting Devices (When Lights Are Required)					
	Head and Tail Lamps	2	\$50	\$150	\$250
	Turn and Stop Lamps	2	\$50	\$150	\$250
Safe Loading		1	\$100	\$300	\$600
Steering Mechanism		1	\$100	\$300	\$600
Suspension		2	\$50	\$100	\$150
Tires					

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Driver Out-of-Service Criteria		Driver Uniform Fine Schedule			
Paragraph	Violation	Group	One Driver Violation	Two Within Same Group	Three Within Same Group
	Steering Axle	1	\$100	\$300	\$600
	All Others	3	\$30	\$90	\$150
	Van/Open-Top Trailer Bodies	2	\$50	\$150	\$250
	Wheels and Rims	2	\$50	\$150	\$250
	Windshield Wipers	3	\$30	\$90	\$150
	Emergency Exits (Buses)	1	\$100	\$300	\$600
Note: Maximum accumulated fine for each group is the highest fine indicated for each group.					
Brake Systems					
	Defective Braking Action	1	\$100	\$300	\$600
	Missing Component	1	\$100	\$300	\$600
	Loose Component	2	\$50	\$150	\$250
	Audible Air Leak Brake Chamber	3	\$30	\$90	\$150
	Readjustment Limits	2	\$50	\$150	\$250
	Brake Linings or Pads	2	\$50	\$150	\$250
	Missing Brake	1	\$100	\$300	\$600
	Defective Braking Action (Steering)	1	\$100	\$300	\$600
	Brake Mismatch (Steering)	2	\$50	\$150	\$250
	Brake Lining or Pad (Steering)	2	\$50	\$150	\$250
	Parking Brakes (Inoperable Breakaway System)	2	\$50	\$150	\$250
	Parking Brake (Non-Manufactured Holes or Cracks in Spring Brake Housing)	2	\$50	\$150	\$250
	Cracked or Broken Brake Drum or Rotor	1	\$100	\$300	\$600
	Brake Hose	2	\$50	\$150	\$250
	Brake Tubing	2	\$50	\$150	\$250
	Low Pressure Warning Device	2	\$50	\$150	\$250
	Air Loss Rate	1	\$100	\$300	\$600
	Tractor-Protection Valve	1	\$100	\$300	\$600
	Air Reservoir Security	2	\$50	\$150	\$250
	Air Compressor Mounting Bolts	2	\$50	\$150	\$250
	Air Compressor Loose or Broken Pulley	1	\$100	\$300	\$600
	Air Compressor Broken Mounting	1	\$100	\$300	\$600
	Electric Brakes (including Breakaway Device)	1	\$100	\$300	\$600
	Hydraulic Brakes (No Pedal Reserve)	1	\$100	\$300	\$600

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Driver Out-of-Service Criteria		Driver Uniform Fine Schedule			
Paragraph	Violation	Group	One Driver Violation	Two Within Same Group	Three Within Same Group
	Master Cylinder (Less than ¼ Full)	3	\$30	\$90	\$150
	Power Assist Unit (Fails to Operate)	2	\$50	\$150	\$250
	Hydraulic Brake Hose Leaks (On Application)	2	\$50	\$150	\$250
	Breakaway Braking Device	1	\$100	\$300	\$600
	Hydraulic Lines or Hoses (Defective)	2	\$50	\$150	\$250
	Leaks (Visible on Application)	2	\$50	\$150	\$250
	Hydraulic System Failure Warning System	2	\$50	\$150	\$250

Modified, 1 CMC § 3806(f).

History: Adopted 19 Com. Reg. 15399 (June 15, 1997); Proposed 19 Com. Reg. 15094 (Feb. 15, 1997).