

**TITLE 170: LOCAL RULES AND REGULATIONS; TINIAN AND AGUIGUAN
(SECOND SENATORIAL DISTRICT)**

**SUBCHAPTER 170-20.3
TINIAN MUNICIPAL IDENTIFICATION CARD PROGRAM**

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Subchapter Authority: 10 CMC §§ 20201-20207.

Subchapter History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: 1 CMC § 5101 creates offices of the mayors within the Commonwealth government, composed of the duly-elected mayors of Saipan, Rota, Tinian and Aguiguan and the Northern Islands. The mayors are authorized to promulgate regulations on local matters as provided by law. See 1 CMC § 5106(e).

Tinian Local Law 15-2 (effective Dec. 29, 2006), codified at 10 CMC §§ 20201-20207, the “Tinian Identification Card Program Act of 2006,” empowered the Office of the Mayor to issue resident identification cards for residents

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of Tinian, and to adopt rules and regulations to carry out the intent of the Act.

Part 001 - General Provisions

§ 170-20.3-001 Purpose

These regulations are promulgated to provide lawful instructions for the issuance of personal identification cards for the residents of Tinian and Aguiguan and to provide for compliance with Commonwealth and other state and federal laws, particularly as required by the federally mandated “REAL ID Act of 2005” in the event federal immigration control is extended to the CNMI.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the word “state” and “federal” pursuant to 1 CMC § 3806(f).

§ 170-20.3-005 Definitions

As used in these regulations, the following definitions apply:

(a) “Authentication feature” means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified.

(b) “Document-making implement” means any implement, impression, template, computer file, computer disc, electronic device, or computer hardware or software, that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement.

(c) “Identification document” means a document made or issued by or under the authority of the United States government, a state (including any territory of the United States), a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasigovernmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

(d) “False identification document” means a document of a type intended or commonly accepted for the purposes of identification of individuals that:

(1) Is not issued by or under the authority of a governmental entity but was subsequently altered for purposes of deceit; and

(2) Appears to be issued by or under the authority of the United States government, a state (or territory), a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental

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organization.

- (e) “False authentication feature” means an authentication feature that:
- (1) is genuine in origin, but, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;
 - (2) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which such authentication feature is intended to be affixed or embedded by the respective issuing authority; or
 - (3) Appears to be genuine, but is not.
- (f) “Issuing authority” means any governmental entity or agency that is authorized to issue identification documents, means of identification, or authentication features; and includes the United States government, a state, a political subdivision of a state, a territory of the United States or political subdivision thereof, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization.
- (g) “Mayor” means the Mayor of the chartered Municipality of Tinian and Aguiguan.
- (h) “Means of identification” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any:
- (1) name, Social Security number, date of birth, official state or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number;
 - (2) Unique biometric data, such as a fingerprint, voice print, retina of iris image, or other unique physical representation;
 - (3) Unique electronic identification number, address, or routing code; or
 - (4) Telecommunication identifying information or access device.
- (i) “Person” means any individual, estate, corporation, company, joint venture, association, partnership, trust, receiver, club, syndicate, cooperative association, or any other entity.
- (j) “Personal identification card” means an identification document issued by a state or local government solely for the purpose of identification.
- (k) “Produce” or “production” means to make and includes alter, authenticate, or assemble.
- (l) “TPIC” means “Tinian Personal Identification Card.”
- (m) “Transfer” includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others.
- (n) “Traffic” means to transport, transfer, or otherwise dispose of, to another, as

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consideration for anything of value; or, to make or obtain control of with intent to so transport transfer, or otherwise dispose of.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “state” in subsections (c), (d), (f), and (j), “territory” in subsection (d) and (f), “and “Social Security” in subsection (h)(1) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “association” in subsection (i) and periods at the ends of subsection (h)(4) and (l) pursuant to 1 CMC § 3806(g).

§ 170-20.3-010 Establishment

(a) It is hereby established within the Office of the Mayor an “Identification Card Division,” hereinafter referred to as the “division.” Such division may operate as a stand-alone division or incorporated as a separately functioning unit within the mayor’s office at the mayor’s sole discretion in order to utilize personnel and equipment in the most efficient and cost effective manner.

(b) Not less than two capable persons, as determined by the Mayor, may be assigned duties under the division and shall be assigned hours of duty in said division commensurate with the requirements of identification card demand for issuance.

(c) Each of the two assigned persons shall comply with the requirements as set forth in sections 170-20.3-215 and 170-20.3-220 and no other persons shall be allowed to issue or to have access to issuance of any authorized personal identification card, to the equipment or its’ use or to any supplies utilized in the production of said ID cards except as required for procurement of supplies or equipment or the maintenance thereof by a duly authorized technician or certified service person.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (c) pursuant to 1 CMC § 3806(a). The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission struck the figure “2” from subsection (b) pursuant to 1 CMC § 3806(e). The Commission corrected the capitalization of the words “identification card” in subsection (b) pursuant to 1 CMC § 3806(f). The Commission moved punctuation inside quotation marks in subsection (a) pursuant to 1 CMC § 3806(g).

§ 170-20.3-015 Applicability

(a) Any person so qualified under section 170-20.3-110 shall be entitled to receive a Tinian Personal Identification Card (TPIC). No other person, not so qualified, shall be issued said card under any circumstance.

(b) The Mayor, by public notice issued in conformance with the Administrative Procedures Act (1 CMC § 9101 et seq.), may designate and so require the use of a Tinian Personal Identification Card as authorization for a person to use municipal facilities, attend municipal

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events, participate in programs funded by the Municipality, such as, but not limited to, the Tinian Wellness program, scholarship program, Tinian Library, Tinian Gymnasium, any special events, or for any other purpose as required.

(c) The Municipality should be in full compliance with all provisions and requirements of these regulations no later than May 10, 2008 or as mandated by applicability of the federal “REAL ID Act of 2005” upon any federal extension of immigration requirements to the CNMI.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (c) pursuant to 1 CMC § 3806(a). The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the word “municipal” in subsection (b) and “federal” in subsection (c) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “events” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 170-20.3-020 Memorandum of Understanding (MOU); Homeland Security

Immediately upon any federal extension of immigration requirements to the CNMI, and prior to the issuance of any valid Tinian Personal Identification Card (TPIC) thereafter, the mayor shall apply to enter into a “memorandum of understanding” (MOU) with the Secretary of Homeland Security to routinely utilize the automated system known as “Systematic Alien Verification for Entitlements” (SAVE), as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence status of a person, other than a United States citizen, applying for a TPIC. The Mayor shall pay or cause to be paid from the Tinian I.D. Card Revolving Fund account or other municipal funds as necessary, any fees or dues necessary for membership or for service charges as required for the use of the system.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “federal,” “citizen,” “Fund,” and “municipal” pursuant to 1 CMC § 3806(f).

§ 170-20.3-025 Motor Vehicle/Identification Card Database

(a) Immediately upon any federal extension of immigration requirements to the CNMI, and prior to the issuance of any valid TPIC thereafter, the Mayor shall apply to “American Association of Motor Vehicle Administrators” (AAMVA) by submission of a “Notice of Joinder” thereto or a written declaration of intent to become a member thereto and shall pay, or cause to be paid from the Tinian I.D. Card Revolving Fund account or other municipal funds as necessary, any fees or dues thereto.

(b) Specifically, the Municipality shall comply with the requirements of the “Driver License Agreement” (DLA) as a program of the AAMVA that also provides for database, security and other requirements in the issuance of personal identification cards and, further, constitutes compliance with the federal mandate to participate in such inter-state information sharing within

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those parts of the United States under federal immigration control.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “federal” in subsections (a) and (b), “Revolving Fund” and “municipal” in subsection (a), and “immigration” in subsection (b) pursuant to 1 CMC § 3806(f).

Part 100 - Application

§ 170-20.3-101 Application for Original Tinian Personal Identification Card

Application for an original TPIC shall be made in person at the designated Office of the Mayor and during those hours of operation so posted by said office. Application shall be made in writing on the appropriate form as supplied by said office. The appropriate identification card fee, as set by regulation by the Mayor and as enumerated in section 170-20.3-501 hereto, shall be paid at the time of application and shall be refundable in the event the application is denied.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

§ 170-20.3-105 Minimum Issuance Standards

In general, the Municipality shall require at a minimum, presentation and verification of the following information before issuing a TPIC to a person:

- (a) A photo identity document as described in section 170-20.3-115.
- (b) Proof of the persons’ Social Security account number or verification that the person is not eligible for a Social Security account number as described in section 170-20.3-115(a).
- (c) Documentation of a persons’ date of birth as described in section 170-20.3-115(c).
- (d) Documentation of a persons’ citizenship as described in section 170-20.3-115(d).
- (e) Documentation showing the persons’ name and address of principal residence as described in section 170-20.3-310.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

§ 170-20.3-110 Minimum Document Requirements

All applicants shall provide the following supporting documents at the time of application. All of the documents shall be originals or certified copies where an original is not expressly required. A

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minimum of at least one document in each category required below shall bear an original color photograph of the applicant, except that a non-photo identity document is acceptable if it includes both the applicants' full legal name and date of bid.

(a) Social Security Number. Original Social Security card or a Social Security health insurance card with an "A" designation after the Social Security number, and;

(b) Legal Name. One of the items described in subparagraphs (b)(1) through (b)(8):

(1) Certified birth certificate issued by the state or territorial repository in the state or territory where the applicant was born.

(i) The applicant must provide a computer printout from the Social Security Office to verify the information on the Social Security card and the birth certificate under certain conditions. Some examples of these conditions are situations where the Social Security card does not have a title (Jr., II, III, etc.) and the birth certificate has a title, or where there is a typographical error in the first letter of the surname on the Social Security card, or where the name on the birth certificate has been amended with no indication of the previous name, and the person presents a Social Security card in a different name;

(ii) Foreign/English translation names: When there is a foreign first name on the birth certificate, the applicant may request to have the English equivalent appear on the TPIC by providing proof of the translated name from a dictionary or other recognized source;

(iii) Birth certificate in foreign name: when an applicant has adopted the use of an English name prior to 1980 but has not obtained a legal name change, the applicant may request to have the English name appear on the TPIC by presenting a marriage certificate or Social Security printout.

(2) Certificate of child born abroad to American parent(s).

(3) Certificate of citizenship or naturalization.

(4) Alien resident card. If the Alien resident card lists two surnames and the Social Security card lists only one surname, the applicant must provide a Social Security computer printout so that the name can be verified.

(5) Foreign passport, unexpired, issued by the applicant's country with a valid visa.

(6) CNMI issued immigration form 958 or equivalent with departure date.

(7) Certificate of identity for United States nationals.

(8) Unexpired United States passport, and;

(9) As many of the following items in subparagraphs (b)(9)(i) through (b)(9)(v), which apply to the applicant:

(i) Certified marriage certificate issued by the CNMI health department, any state health department, or other entity authorized to issue such certificates in the country where the event occurred.

(ii) Certified copy of divorce decree, especially if there is a resumption of surname clause.

(iii) Certified copy of decree of legal adoption.

(iv) Certified decree or order of legal name change.

(v) Certified marriage annulment, and;

(c) Proof of Birthdate. One of the following items in subparagraphs (c)(1) through (c)(7):

(1) Certified birth certificate issued by the state or territorial repository in the state or

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territory where the applicant was born.

- (2) Certified certificate of child born abroad to American parent(s).
 - (3) Original certificate of citizenship or naturalization.
 - (4) Original alien resident card.
 - (5) Original unexpired foreign passport, issued by the applicant's country, with a valid visa.
 - (6) Original CNMI form 958, 706K or other certified CNMI immigration status card with departure date.
 - (7) Original, unexpired United States passport, and;
- (d) Proof of Citizenship.
- (1) United States citizen: one of the following items described in (d)(1)(i) to (d)(1)(vi):
 - (i) Certified birth certificate.
 - (ii) Certificate of citizenship or naturalization.
 - (iii) Certificate of child born abroad to American parent(s).
 - (iv) United States embassy letter for persons born in a foreign country that indicates their petition for United States citizenship has been granted, along with a United States passport.
 - (v) Form G-342 issued by the Bureau of U. S. Citizenship and Immigration Services (USCIS).
 - (vi) Unexpired United States passport.
 - (2) United States National: Birth certificate with certificate of identity; or
 - (3) Non United States citizen: one of the following items described in (d)(3)(i) to (d)(3)(v) below:
 - (i) Alien resident card issued by the Bureau of U.S. Citizenship and Immigration Services (USCIS).
 - (ii) A passport or certificate of citizenship for the country for which the applicant claims citizenship, if the applicant presents an alien resident card but claims citizenship other than of the country of birth.
 - (iii) Foreign passport issued by the applicants' country, with valid visa and I-94 card, Form 1-20 or Form IAP or any such CNMI Department of Immigration issued entry permit or status form.
 - (iv) I-94 card for refugees or any authorized CNMI Department of Immigration card or form with employment authorization.
 - (v) Form G-342 issued by the Bureau of U.S. Citizenship and Immigration Services (USCIS).

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words "Social Security" in subsections (a) and (b)(4), "one" in subsection (b), "state", "territory," and "territorial" in subsection (b)(1) and (c)(1), "nationals" in subsection (b)(7), "department" and "state" in subsection (b)(9)(i), and "birth" in subsection (c)(1) pursuant to 1 CMC § 3806(f). The Commission inserted a period at the end of subsection (d)(3)(iii) pursuant to 1 CMC § 3806(g).

§ 170-20.3-115 Evidence of Lawful Status

- (a) United States citizen: any proof of United States citizenship, as indicated in any of the

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subparagraphs of section 170-20.3-110 above, shall be considered as proof of lawful status.

(b) Non-United States citizen: Any Bureau of U. S. Citizenship and Immigration Services (USCIS) valid entry document, and any CNMI Department of Immigration valid entry document as indicated in any subparagraph in section 170-20.3-110 above, upon verification with the source agency, shall be considered as proof of lawful status.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the word “citizen” in subsection (a) and (b) pursuant to 1 CMC § 3806(f).

Part 200 - Verification and Security

§ 170-20.3-201 Verification of Documents

(a) Before issuing a TPIC to a person, the Municipality shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under sections 170-20.3-105, 170-20.3-110, and 170-20.3-115 above, except that verification shall not be required for any valid unexpired passport.

(b) The Municipality shall not accept any foreign document, other than an official passport to satisfy any of the above requirements.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

§ 170-20.3-205 Other Requirements

The Municipality shall adopt the following practices in the issuance of TPIC:

(a) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

(b) Subject each person applying for an identification card to mandatory facial image capture.

(c) Establish an effective procedure to confirm or verify a renewing applicants’ information.

(d) Confirm with the Social Security Administration a Social Security account number presented by a person using the full Social Security account number. In the event that a Social Security account number is already registered to or associated with another person to which any state or other authorized entity has issued a driver’s license or identification card, the Municipality shall resolve the discrepancy and take appropriate action.

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- (e) Limit the period of validity of all identification cards that are not temporary to a period that does not exceed 3 years.
- (f) In any case in which the Municipality issues an identification card that does not satisfy all of the requirements of these regulations upon any federal extension of immigration requirements to the CNMI, ensure that such identification card:
 - (1) Clearly states on its face that it may not be accepted by any federal agency for federal identification or any other official purpose; and
 - (2) Uses a unique design or color indicator to alert federal agency and other law enforcement personnel that it may not be accepted for any such purpose. (Color to be established by federal authorities).
- (g) Upon federal extension of immigration requirements to the CNMI, provide electronic access to all other states or territories to information contained in the identification card database of the Municipality as soon as thereafter practical.
- (h) Maintain a municipal identification card database that contains, at a minimum:
 - (1) All data fields printed on identification cards issued by the Municipality; and
 - (2) A record of identification card revocation for cause, suspension or expirations.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “Social Security” in subsection (d), “state” in subsections (d) and (g), “federal” in subsections (f), (f)(1), (f)(2), and (g), “clearly” and “uses” in subsections (f)(1) and (f)(2), “state” and “territories” in subsection (g), “municipal” in subsection (h), and “all” in subsection (h)(1).

This section was section 12 of the original regulation, and the section that follows was section 15. Sections 13 and 14 were codified as sections 170-20.3-301 and 170-20.3-305.

§ 170-20.3-210 I.D. Card Security Authentication Features

At least one physical security authentication feature designed to prevent tampering, counterfeiting, or duplication of the TPIC for fraudulent purposes shall be incorporated in the production of the PIC.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

§ 170-20.3-215 Personnel Bonding Requirements

The Municipality shall subject all persons authorized to manufacture or produce identification cards to appropriate security clearance and/or police clearance requirements at the CNMI and, if required, at U.S. national levels.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

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Commission Comment: The Commission corrected the capitalization of the word “national” pursuant to 1 CMC § 3806(f).

§ 170-20.3-220 Personnel Training Requirements

The Municipality shall establish a fraudulent document recognition training program for appropriate employees engaged in the issuance of identification cards with an appropriate training institute or training service.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the word “training” pursuant to 1 CMC § 3806(f).

§ 170-20.3-225 Equipment and Equipment Security

(a)(1) All equipment used in the production of any TPIC shall conform to nationally recognized standards of identification cards. The equipment shall be computer driven and utilize a standard software program specifically designed for the production of identification cards and capable of entry for all data fields required, capture of digital images, imprinting of scannable reader codes, double sided card printing and incorporating security authentication features into the card. At a minimum, the equipment shall consist of the following basic parts:

- (i) Dual sided card printer able to accept ultracard III polycards;
 - (ii) Standard desktop computer and monitor;
 - (iii) Software program specific to the production of identification cards and able to maintain a secure, sequential database of all cards issued;
 - (iv) Video camera with stop image capability;
 - (v) A suitable signature capture pad.
- (2) Material supplies shall include, at a minimum:
- (i) Ultracard III polyvinyl base material of at least 30 mil thickness;
 - (ii) Color printing ribbon - 5 panel, YMCKK minimum;
 - (iii) Holographic overlay film with imprinted 3 level hologram of suitable design.

(b) All production equipment and material supplies shall be kept isolated from all other office equipment and supplies and shall be secured in such a manner that no unauthorized person(s) shall have access thereto or be able to operate said equipment or utilize any such supplies for any other purpose.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) and (b) pursuant to 1 CMC § 3806(a). The Commission inserted punctuation at the ends of subsections (a)(1)(i) through (a)(1)(v) and (a)(2)(i) through (a)(2)(iii) pursuant to 1 CMC § 3806(g).

Part 300 - Contents of Card

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§ 170-20.3-301 I.D. Card Data Entry Requirements

Any TPIC issued by the Municipality of Tinian and Aguiguan shall bear at least the following minimum information and/or data fields. Additional fields may be entered as required by the Mayor.

- (a) The persons' full legal name;
- (b) The persons' date of birth;
- (c) The persons' place of birth;
- (d) The persons' gender;
- (e) A unique identification card number;
- (f) A digital photograph of the person;
- (g) The persons' address of principal residence;
- (h) The Persons' signature;
- (i) The persons' citizenship
- (j) The signature of the Mayor or designee for the issuing authority, except that said signature may be an electronically reproduced digital representation or facsimile.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the word "persons" in subsections (d) and (h) pursuant to 1 CMC § 3806(f).

§ 170-20.3-305 I.D. Card Digital Image and Scanable Data Requirements

- (a) A digital full color photograph of the applicant on the TPIC at a position so specified by the Mayor. Such photograph shall be captured by digital stop-action photography methods incorporated into the card issuing equipment. Said photograph shall be rendered at the time it is imprinted on the TPIC. Such photographic image shall not be less than 1 inch by 1 inch in size.
- (b) A common machine-readable technology, with defined minimum data elements so as to comply with machine data readers commonly employed by United States or state government agencies shall be encoded onto the back surface of the TPIC and in such location as required by such data readers.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

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Commission Comment: The Commission corrected the capitalization of the word “state” in subsection (b) pursuant to 1 CMC § 3806(f).

§ 170-20.3-310 Permanent Address

The TPIC shall include the applicants’ permanent address. If there is a question about the applicants’ permanent address, an applicants’ permanent address will be determined by one or more of the following as required by the receiving clerk of the established ID Card Office to satisfactorily establish a permanent address:

- (a) CNMI Department of Revenue and Taxation form OS-3805, application for tax clearance, having been executed by the appropriate revenue officer, and indicating an address of the applicant.
- (b) Current house or apartment rental agreement valid for six months or more and the applicant must be physically residing in said unit.
- (c) Current CNMI utility bill with the applicants’ name and mailing address.
- (d) The preceding years’ CNMI 1040CM form with W-2 form, or
- (e) For an individual claiming that the individual had no income to file a tax return and is receiving CNMI welfare assistance benefits, a letter from the CNMI department or agency administering said benefits and dated not more than 90 days prior to the application for a TPIC certifying that the individual is receiving CNMI assistance and residing at the permanent address to which it was delivered.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission struck the figure “6” from subsection (b) pursuant to 1 CMC § 3806(e).

§ 170-20.3-315 Expiration Date

(a) Notwithstanding the provisions of sections 170-20.3-020, 170-20.3-025, 170-20.3-205, and 170-20.3-315, and any other section, any TPIC issued to a Tinian resident prior to fulfillment by the Municipality of all requirements of all sections of these regulations occurring after any federal extension of immigration requirements to the CNMI, must bear an expiration date no later than May 10, 2008. See also sections 170-20.3-205(f)(1) and 170-20.3-205(f)(2) for further requirements.

(1) If extension of federal immigration requirements to the CNMI occurs after May 10, 2008, all TPICs having been issued prior to this date and bearing any expiration date after May 10, 2008, shall expire on the holders next birthday of record that occurs after the imposition of federal immigration control regardless of the assigned expiration date.

(2) All holders of such expiring cards shall be notified no less than one month (30 days) prior to their next birthday that their TPIC must be renewed.

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(b) In general, except as noted below, TPICs shall expire two years from the year of issuance on the applicant's birthday.

(1) TPIC issued for any minor U. S. citizen (under the age of 18) shall expire one year from the year of issuance on the applicants' birthday. In the case where an applicant's next birthday of record occurs less than six months after the application is approved, the expiration date shall be the following birthday of record, but in no case longer than one year and six months.

(2) TPIC issued to any senior U. S. citizen (over the age of 65) shall expire three years from the year of issuance on the applicants' birthday.

(3) TPIC issued for individuals covered under the Compact of Free Association and lawfully residing on Tinian shall expire two years from the year of issuance on the applicants' birthday.

(4) TPIC issued for United States citizens temporarily residing on Tinian for a term of not less than six months shall expire on the date of termination of their reason for the temporary residence or contract, whichever is later, but in no case for longer than two years from the year of issuance on the applicants' birthday.

(5) TPIC issued for lawfully residing alien contract workers shall expire on the same expiration date as the expiration date of their authorized legal term of contract work as noted on any CNMI or US issued entry/departure document. Lawful residence on Tinian must be for a term of not less than six months.

(6) TPIC issued for aliens who enter the CNMI and lawfully reside on Tinian and entry has been made as fiancé/fiancée status or status other than as a "contract" worker shall expire on the date that said status expires as noted on appropriate CNMI immigration forms or a date on which the applicant changes their status (i.e.: to Immediate Relative) and at such time the applicant may apply for a new TPIC.

(i) TPIC issued under subsections (b)(5) and (b)(6) above shall be considered "temporary" and in no case shall the expiration date exceed one year.

(ii) A temporary TPIC shall clearly indicate that it is temporary and shall clearly state the date on which it expires.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) and (b) pursuant to 1 CMC § 3806 (a). The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words "federal" and "after" in subsections (a) and (a)(1) and "Compact of Free Association" in subsection (b)(3) pursuant to 1 CMC § 3806(f). The Commission struck the figures "1" and "6" from subsection (b)(1), "3" from subsection (b)(2), "2" from subsection (b)(3), "6" and "2" from subsection (b)(4), "6" from subsection (b)(5), and "1" from subsection (b)(6)(i) pursuant to 1 CMC § 3806(e).

This section was designated as section 22 of the original regulation, and the section that follows was designated as section 24. Section 23 is codified as section 170-20.3-701.

§ 170-20.3-320 Advance Health Care Directive

Any TPIC holder who has an advance health-care directive may choose to have the TPIC issued with a symbol or abbreviation indicating that the TPIC holder has an individual instruction in writing, a living will, or a durable power of attorney for health care decisions. Organ donor

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status, a health alert notice, and blood type may also be voluntarily included.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission inserted a comma after the word “notice” pursuant to 1 CMC § 3806(g).

Part 400 - Alterations and Renewals

§ 170-20.3-401 Application for Alternation or Correction of TPIC

All persons desiring to alter their TPIC shall follow the procedures as outlined in sections 170-20.3-101 through 170-20.3-201 for an original application.

(a) For those persons desiring alteration based on a change in citizenship status, proof of the new citizenship shall be presented. For a new United States citizen, a United States certificate of naturalization or certificate of citizenship shall be presented.

(b) For those persons desiring alteration of their TPIC based on a change of sex, a medical document certifying the completion of a sex change or other certified document indicating the same shall be presented.

(c) Persons applying for correction of an error on a TPIC shall produce the original TPIC and at least one document as required in section 170-20.3-110 to verify identity. In addition, documented evidence shall be presented by the applicant pertaining to that item of information on the TPIC to be corrected.

(d) No fee shall be assessed for a replacement card if the correction is requested within 30 days of the issuance of the original card. If the correction is requested more than 30 days after the original card was issued, the applicable fee will be assessed as provided in section 170-20.3-501.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

§ 170-20.3-405 Application for Duplicate or Renewal of TPIC

(a) Persons applying for a duplicate TPIC shall follow the procedures and present the documents as required in sections 170-20.3-101 through 170-20.3-201 for an original application.

(b) Persons applying for renewal of a TPIC with no change in name and citizenship may either present the current TPIC in lieu of presenting supporting documentation required by sections 170-20.3-101 through 170-20.3-201 or present all of the supporting documentation required by sections 170-20.3-101 through 170-20.3-201.

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History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

Part 500 - Fees

§ 170-20.3-501 Fees

- (a) The fee for a TPIC for any minor U.S. citizen shall be \$8.00.
- (b) The fee for a TPIC for any senior U.S. citizen shall be \$12.00.
- (c) The fee for a TPIC for any U.S. citizen with a legally authorized and documented disability shall be \$12.00.
- (d) The fee for a “temporary” TPIC for any non-United States citizen shall be \$10.00 per year or portion thereof.
- (e) The fee for all other TPICs shall be \$20.00.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “citizen” in subsection (b) and “fee” in subsection (c) pursuant to 1 CMC § 3806(f).

§ 170-20.3-505 Establishment of Revolving Fund

Tinian Local Law 15-02 established within the Municipal Treasury of the Municipality of Tinian and Aguiguan a revolving fund account for repository of all fees and penalties collected through the application of these regulations.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

§ 170-20.3-510 Disposition of Fees and Penalties

All monies collected for licensing and any other fees and penalties collected by the Municipality under provisions of this chapter shall be transmitted to the Tinian Municipal Treasurer who shall maintain such funds in a separate account and such funds shall be appropriated and used solely for expenses associated with these regulations. Such funds shall be available without further appropriation and without fiscal year limitation.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Part 600 - Enforcement

§ 170-20.3-601 Prohibition

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- (a) No person shall present any documentation required for the application for a TPIC when that person knows or has reason to believe such documentation is false or contains false or inaccurate information.
- (b) No person shall alter or falsify or attempt to falsify any TPIC.
- (c) No person shall traffic in the issuance, attempted issuance, or fabrication of any TPIC or the several or composite parts of any TPIC for purposes not authorized by provisions of this subchapter.
- (d) No person shall traffic or apply or affix any authentication security feature to any TPIC, whether actual or false, without specific authority granted through these regulations or without proper verification of documentation as required under the provisions of these regulations or in any other manner or condition whatsoever.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections. The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission inserted a comma after the word “issuance” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 170-20.3-605 Penalties

[Reserved.]

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

§ 170-20.3-610 Enforcement

The Office of the Mayor of Tinian and Aguiguan shall enforce these regulations and any violations thereto by causing such action as reasonably necessary to be brought by and through the Office of the Attorney General of the CNMI in the Superior Court of the CNMI.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Part 700 - Miscellaneous Provisions

§ 170-20.3-701 Record Keeping

- (a) All records, including digital images and scanned documents, generated by electronic means or any other means during the issuance of a TPIC shall be held for a period of not less than ten (10) years.
 - (a)(1) Such storage, if in electronic form, shall be transferred to a permanent CD format not less than once each year, or as required by the capacity tolerance of such media and such disc shall be placed in a permanent, secured location within the record keeping section of the Office of the

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Mayor of the Municipality of Tinian and Aguiguan. Each disc thusly stored shall be labeled as to contents and inclusive dates.

(a)(2) At the end of each days' operation, all electronic files generated or in process at that time for that day shall be "backed-up" on a temporary electronic disc storage medium to avoid loss of data in case of any malfunction in the primary equipment.

(b) Paper copies of source documents, including application forms and/or verification responses shall be maintained for a minimum of 7 years in a secured location within the record keeping section of the Office of the Mayor of the Municipality of Tinian and Aguiguan.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission struck the figure "10" from subsection (a) pursuant to 1 CMC § 3806(e).

§ 170-20.3-705 Disclaimer

Should any TPIC be fraudulently used, fabricated, or otherwise presented for or under false pretenses or for any false or fraudulent purpose outside the jurisdiction of the Municipality of Tinian and Aguiguan, the authority of the jurisdiction in which the violation occurs shall not be limited by anything contained in these regulations in their authority to bring appropriate charges against any person while within that jurisdiction whether it be federal, state, local, or international.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words "federal," "state," and "international" pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words "fabricated" and "local" pursuant to 1 CMC § 3806(g).

§ 170-20.3-710 Severability

If any provision of these regulations or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations or the application of their provisions to any persons or circumstances other than those to which it is held invalid shall not be affected thereby.

History: Adopted 29 Com. Reg. 27155 (Oct. 17, 2007); Proposed 29 Com. Reg. 26851 (Sept. 17, 2007).