

TITLE 3: HUMAN RESOURCES
DIVISION 5: PUBLIC SAFETY

§ 5439. Penalties.

(a) Violation of 3 CMC § 5434(a) or (c) is a misdemeanor punishable by a fine of up to \$1,000, or imprisonment for up to one year, or both.

(b) Violation of 3 CMC § 5434(b) or (d) is a misdemeanor punishable by a fine of up to \$500, or imprisonment for up to six months, or both.

(c) A person who operates a vessel on the waters of the Commonwealth under the influence of intoxicating liquor or a controlled substance, or both, or with a Blood Alcohol Concentration (BAC) of 0.08 percent or more as measured by a breath or blood test, and by the operation of that vessel causes the death of another person is guilty of a felony, punishable by imprisonment for not more than 15 years, or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.

(d) A person who operates a vessel on the waters of the Commonwealth under the influence of intoxicating liquor or a controlled substance, or both, or with a Blood Alcohol Concentration (BAC) of 0.08 percent or more as measured by a breath or blood test, and by the operation of that vessel causes a serious impairment of a body function of another person is guilty of a felony, punishable by imprisonment for not more than 10 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. As used in this subsection, “serious impairment of a body function” includes, but is not limited to, one or more of the following:

(1) Loss of a limb.

(2) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.

(3) Loss of an eye or ear or use of an eye or ear.

(4) Loss or substantial impairment of a bodily function.

(5) Serious visible disfigurement.

(6) A comatose state that lasts for more than three days.

(7) Measurable brain damage or mental impairment.

(8) A skull fracture or other serious bone fracture.

(9) Subdural hemorrhage or subdural hematoma.

(e) Upon conviction for violation of any provision of 3 CMC §§ 5433–40:

(1) A person’s license to operate a vessel in the Commonwealth may be revoked by the court for up to one year. Further, the person may also be prohibited from operating any vessel upon the waters of the Commonwealth for up to one year; and

(2) A person’s license to operate a motor vehicle within the Commonwealth may be revoked by the court for up to one year.

Source: PL 19-05, § 4, modified.

Commission Comment: The Commission substituted “3 CMC §§ 5434” for the phrase “Section 102 . . . of this Act” in subsections (a) and (b) pursuant to 1 CMC § 3806(d). The Commission substituted “3 CMC §§ 5433–40” for the phrase “the Commonwealth Boating Under the Influence Act” in subsection (e) pursuant to 1 CMC § 3806(d).