

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 41
NUMBER 08
AUGUST 28, 2019**

COMMONWEALTH REGISTER

VOLUME 41
NUMBER 08
AUGUST 28, 2019

TABLE OF CONTENTS

ADOPTED REGULATIONS

Public Notice of Certification and Adoption of Regulations of Commonwealth Healthcare Corporation	042761
---	---------------

PROPOSED REGULATIONS

Public Notice of Proposed Rules and Regulations Which are Amendments to the Section 8 Administrative Plan for Rental Assistance Programs Northern Marianas Housing Corporation	042764
--	---------------

Public Notice of Proposed Rules and Regulations on Tour Company Vehicle Permit Registration Enforcement and Compliance Division Department of Commerce	042773
---	---------------

ORDERS

Labor Case No. 19-025 Subject: Order Granting Respondent's Motion to Dismiss In the Matter of: Zaji O. Zajradhara v. Nippon General Trading Corporation <i>dba</i> Country House Restaurant Department of Labor	042784
---	---------------



Department of Commerce
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
P.O. Box 5795 CHR, Saipan, MP 96950
Tel: (670) 664-3077 • Fax: (670) 664-3067
email: secretary@commerce.gov.mp
Web: www.commerce.gov.mp

Ralph DLG. Torres, Governor ∞ Arnold I. Palacios, Lt. Governor ∞ Mark O. Rabauliman, Secretary

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS
TOUR COMPANY VEHICLE PERMIT REGISTRATION
RULES AND REGULATIONS
OF THE DEPARTMENT OF COMMERCE,
ENFORCEMENT AND COMPLIANCE DIVISION

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Commerce, Enforcement and Compliance Division, intends to adopt as permanent regulations the attached proposed regulations, pursuant to requirements of the Administrative Procedure Act (1 CMC § 9104(a)). The regulations would become effective 10 days after adoption and publication in the Commonwealth Register (1 CMC § 9105(b)).

AUTHORITY: The Secretary of Commerce (“Secretary”) has authority to adopt rules and regulations regarding matters that fall within the jurisdiction of the Department of Commerce, in accordance with 1 CMC § 2454 (Department of Commerce general authority to adopt rules and regulations); 4 CMC § 51420(b) (authority to adopt rules and regulations for Tour Company Vehicle Permit Registration); 1 CMC §§ 9101–9115 (procedures for adoption of regulations under the Commonwealth Administrative Procedure Act).

THE TERMS AND SUBSTANCE: These proposed regulations establishes new regulatory guidelines and implementing reasonable registration fees associated to permitting tour company vehicles consistent with Public Law No. 19-28 (Dec. 18, 2015).

THE SUBJECTS AND ISSUES INVOLVED: These proposed regulations include the following subject areas:

1. General Provisions
2. Permitting
3. Signage
4. Fines
5. Inspection
6. Permit and Decal Non-Transferrable
7. Revocation or Suspension of Tour Company Vehicle Registration Permit

DIRECTIONS FOR FILING AND PUBLICATION: These proposed regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a) (1)) and notice of the intended action to adopt this proposed regulation shall be posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)).

OFFICE OF THE
ATTORNEY GENERAL
CIVIL DIVISION


2019 AUG 22 PM 2: 42

TO PROVIDE COMMENTS: Send or deliver your comments to Mark O. Rabauliman, Secretary of Commerce, at the above address, with the subject line "Tour Company Vehicle Permit Registration – Proposed Rules and Regulations" Comments are due within 30 days from the date of publication of this notice. (1 CMC § 9104(a)(2)).


These proposed regulations were approved by the Secretary on August 06, 2019.

Submitted by: 
MARK O. RABAULIMAN
Secretary of Commerce

Date: 8/21/19

Received by: 
MATHILDA A. ROSARIO
Governor's Special Assistant for
Administration

Date: 08/22/19

Filed and
Recorded by: 
ESTHER SN NESBITT
Commonwealth Register

Date: 08.27.2019

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 27 day of Aug 2019.


EDWARD MANIBUSAN
Attorney General



Department Bwulasiyol

COMMONWEALTH TÉÉL FALÚW KKA EFÁNG LLÓL MARIANAS

Mark O. Rabauliman, Sekkretóoriyo
P.O. Box 5795 CHRB, Saipan, MP 96950
Tel: (670) 664-3077 • Fax: (670) 664-3067
email: secretary@commerce.gov.mp
Web: www.commerce.gov.mp

Ralph DLG. Torres, Governor ∞ Arnold I. Palacios, Lt. Governor ∞ Mark O. Rabauliman, Secretary

**ARONGORONGOL TOULAP REEL POMMWOL ALLÉGH ME MWÓGHUTUGHUTÚL
ANGÚÚNGÚL GHAREETAL TOUR COMPANY
ALLÉGH ME MWÓGHUTUGHUTÚL
BWULASIYOL COMMERCE,
ENFORCEMENT ME COMPLIANCE DIVISION**

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUTUGHUT KKA: Commonwealth Téél Falúw kk Efáng llól Marianas, Bwulasiyol Commerce, Enforcement me Compliance Division, re mángemángil rebwe adótááli pommwol mwóghutughut ikka e appasch bwe ebwe lléghló, sángi mwóghutughutúl Administration Procedure Act (1 CMC § 9104(a)). Ebwe bwunguló mwóghutughut kkal llól seigh ráál mwiril aal adóptááli me akkatééwowul me llól Commonwealth Register (1 CMC § 9105(b)).

BWÁNGIL: Eyoor bwángil Sekkretóoriyol Commerce (“Sekkretóoriyo”) reel ebwe adóptááli allégh me mwóghutughut ikka e ssul ngáli milikka e lo faal llól bwángil me lugóótul Bwulasiyol Commerce, llól abwungubwung fengál me 1 CMC § 2454 (eyoor bwángil llól alongal reel rebwe adóptááli allégh me mwóghutughut); 4 CMC § 51420(b) (bwángil reel rebwe adóptááli allégh me mwóghutughut ngáli Tour Company Vehicle Permit Registration); 1 CMC §§ 9101 – 9115 (mwóghutughutúl ngáli adóptaal mwóghutughut ikka faal Commonwealth Administrative Procedure Act).

KKAPASAL ME AWEEWEL: E ititiw sángi pommwol mwóghutughut kkal ffél afal me óbwóssul registration ikka e ffil ngáli angúúngúl ghareetal tour company iye e weewe ngáli Alléghúl Toulap No. 19-28 (Tumwur 18, 2015).

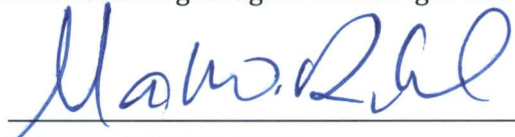
KKAPASAL ME ÓUTOL: Pommwol mwóghutughut kkal milikka e amwirimwiritiw:

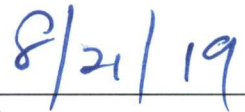
1. General Provisions
2. Angúúngúl
3. Ghikkill
4. Óbwóss
5. Piippiy
6. Angúúngú me Decal Non-Transferrable
7. Revocation ngáre Suspension reel Angúúngúl Tour Company Registration

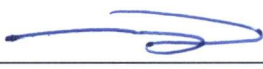
AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow pommwol mwóghutughut kkal me llól Commonwealth Register llól tálil pommwol me ffél mwóghutughut ikka ra adóptááil)1 CMC § 9102(a) (1)) me ebwe arongowow bwe mángemángil mwóghut ebwe adóptááli pommwol mwóghutughut yeel me ebwe appaschetá me llól civic center me llól bwulasyiol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch. (1 CMC § 9104(a)(1)).

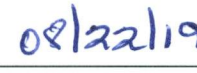
REEL ISHISILONGOL KKAPAS: Afanga ngáre bwughiló yóómw ischil kkapas ngáli Mark O, Rabauliman, Sekkretóoriyol Commerce, reel féféfé iye e lo weiláng, ebwe lo wóól subject line bwe “Tour Company Vehicle Permit Registration – Proposed Rules and Regulation” Ebwe toolong ischil kkapas llól eliigh ráál mwiril aal akkatééwow arongorong yeel. (1 CMC § 9104(a)(2)).

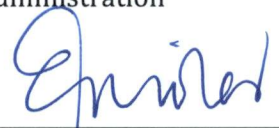
Aa átirow pommwol mwóghutughut kkal sáangi Sekkretóoriyo wóól Elúwel 06, 2019.


Isáliyalong: 
MARK O. RABAULIMAN
Sekkretóoriyol Commerce


Ráál

Bwughiyal: 
MATHILDA A. ROSARIO
Layúl Special Assistant Gobenno ngáli
Administration


Ráál

Ammwelil: 
ESTHER SN NESBITT
Commonwealth Register


Ráál

Sáangi 1 CMC § 2153 (e) (sáangi átirowal AG reel mwóghutughut bwe aa lléghló reel fféerul me ebwe arongowow) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) reel pommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiy bwe aa lléghló reel fféerul me legal sufficiency sáangi Soulemelemil Allégh Lapalalap CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).

Aghikillátiw wóól 27 rááil Aug 2019.


EDWARD MANIBUSAN
Soulemelemil Allégh Lapalalap



DIPATTAMENTUN KOMETSIU

COMMONWEALTH GI SANGKATTAN NA ISLAS MARIÑANAS

P.O. Box 5795 CHRB, Saipan, MP 96950

Tel: (670) 664-3077 • Fax: (670) 664-3067

email: secretary@commerce.gov.mp

Web: www.commerce.gov.mp

Ralph DLG. Torres, Governor • Arnold I. Palacios, Lt. Governor • Mark O. Rabauliman, Secretary

NUTISIAN PUBLIKU PUT I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA PARA I DIPATTAMENTUN KOMETSIU

MA'INTENSIONA NA AKSION PARA U MA'ADAPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Mariñanas, i Dipattamentun Kometsiu, Dibision Enforcement yan Compliance, ha intensiona para u ma'adapta kumu petmanienti i regulasion siha ni mañechettun na manmaproponi na regulasion siha, sigun gi madimanda siha gi Aktun Administrative Procedure 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi hálum dies (10) dihas dispues di adaptasion yan publikasion gi hálum i Rehistran Commonwealth (1 CMC § 9105(b)).

ÁTURIDÁT: I Sekretariun Kometsiu (“Sekritariu”) gai aturidát para u adapta i areklamentu yan regulasion put i suhetu siha ni poddong gi hálum i aturidát i Dipattamentun Kometsiu, hálum sigun yan i 1 CMC § 2454 (i Dipattamentun Kometsiu hinerát na aturidát para u adapta i areklamentu yan regulasion siha); 4 CMC § 51420(b) (aturidát para u adapta i areklamentu yan regulasion siha para Rehistrasion Lisensian Karetan Kompanian i Pasehu); 1 CMC §§ 9101-9115 (i manera para adaptasion nu i regulasion siha pápa' i Aktun Administrative Procedure).

I TEMA YAN SUSTANSIAN PALÁBRA SIHA: Esti i manmaproponi na regulasion siha ha estaplesi i nuebu na regulatory guidelines yan ha implimententi rasonáppli na fees i rehistrasion ni manasosiát para i malisesensia na karetan kompania i pasehu ni pumarehu yan i Lain Publiku No. 19-28 (Dec. 18, 2015).

I MASUHETU YAN ASUNTU NI MANTINEKKA: Esti i manmaproponi na regulasion siha ingklusu i tinattiyi na lugát suhetu siha:

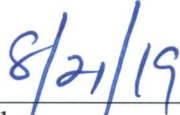
1. Henerát na Probension
2. Lisensia
3. Signage
4. Mutta siha
5. Inspeksion
6. Lisensia yan Decal Non-Transferrable
7. Revocation pat suspendi nu i Rehistrasion Lisensian Karetan Kompanian i Pasehu

DIREKSION PARA U MAPO'LU YAN MAPUBLIKA: Esti i manmaproponi na Regulasion siha debi na u mapupblika gi hálum i Rehistran Commonwealth gi hálum i seksiona ni maproponi yan nuebu na ma'adapta na regulasion siha (1 CMC § 9102(a)(1)) yan i ma'intensiona na aksion i nutisia ni para u adapta esti i manmaproponi na regulasion debi na u mapega gi hálum i mangkumbinienti na lugát siha gi hálum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, i nutisia debi na parehu i Inglis yan i prinsipát na lingguâhin natibu. (1 CMC § 9104(a)(1)).


PARA U MAPRIBENIYI UPIÑON SIHA: Na'hanáo pat intrega i upiñon-mu guatu as Mark O. Rabauliman, i Sekretáriun Kometsiu, gi sanhilu' na address, yan i ráyan suhetu "Manmaproponi na Areklamentu yan Regulasion siha – Rehistrasion Lisensian Karetan Kompanian i Pasehu". I upiñon siha debi na u fanhálum gi hálum 30 dihas ginin i fetchan pupublikasion esti na nutisia. (1 CMC § 9104(a)(2)).


Esti i manmaproponi na regulasion siha manma'aprueba ni i Sekretáriu gi Agustu 06, 2019.


Nina'hálum as: 
MARK O. RABULIMAN
Sekretáriun Kometsiu


Fetcha

Rinisibi as: 
MATHILDA A. ROSARIO
Ispisiát Na Ayudánti Para I Atministrasion


Fetcha

Pine'lu yan
Ninota as: 
ESTHER SN. NESBITT
Rehistran Commonwealth


Fetcha

Sigun i 1 CMC § 2153(e) (I Abugádu Henerát ha aprueba i regulasion siha na para u macho' gui kumu fotma) yan 1 CMC § 9104(a)(3) (hentan inaprueban Abugádu Henerát) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapublika, 1 CMC § 2153(f) (pupublikasion i areklamentu yan regulasion siha).

Mafetcha gi diha 27 gi Aug, 2019.


EDWARD MANIBUSAN
Henerát Abugádu

NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE
TITLE 20
DEPARTMENT OF COMMERCE

Regulation Title: Northern Mariana Islands Administrative Code
Title 20 (Department of Commerce)
Chapter 20-105 (Tour Company Vehicle Permit Registration Rules
and Regulations)

Part 001 General Provisions

§ 20-105-001 Title and Authority
§ 20-105-005 Definitions

Part 100 Permit

§ 20-105-101 Permit Application
§ 20-105-105 Type of Permit
§ 20-105-110 Modified Vehicles Permit
§ 20-105-115 Duration
§ 20-105-120 Renewal

Part 200 Signage

§ 20-105-201 Required Features

Part 300 Fines

§ 20-105-301 Fines Structure

Part 400 Inspection

§ 20-105-401 Tour Vehicle Inspection Requirement
§ 20-105-405 General Inspection
§ 20-105-410 Random Inspection
§ 20-105-415 Damaged Vehicles
§ 20-105-420 Inspection Approval Decal Requirement

Part 500 Permit and Decal Non-Transferrable

§ 20-105-501 Non-Transferrable Permit and Decal

Part 600 Revocation or Suspension of Tour Vehicle Registration Permit

§ 20-105-601 Revocation or Suspension of Permit: Temporary
§ 20-105-605 Revocation or Suspension of Permit: Hearing

Part 001 - General Provisions.

§ 20-105-001 Title and Authority.

The rules and regulations in this chapter shall be called the “Tour Company Vehicle Permit Registration Rules and Regulations.” This chapter is promulgated by the Secretary of Commerce under authority granted pursuant to 4 CMC §51420.

§ 20-105-005 Definitions.

“Tour Company” means a company who is engaged in the business of extending to individuals or groups, such services pertaining to arrangements and bookings for transportation of tourist to scenic, historic landmarks and attractions on land and in sea of the Commonwealth of the Northern Mariana Islands.

“Tour Vehicle” means any vehicle used for the purpose of tourist transport to scenic, historic landmarks and attractions on land and in sea of the Commonwealth of the Northern Mariana Islands, for a fee, commission or any other lawful remuneration.

“Modified Vehicles” means any vehicle altered from its original design for tour purposes.

“Vehicle Category” means vehicles categorized by passenger capacity.

“Permit” means a document issued by the Department of Commerce to individual registered tour vehicles in compliance with the regulations.

“Signage” means markings on each tour vehicle in English representing their respective company and unit number.

“Secretary” means Secretary of Commerce.

“Director” means Director of Enforcement & Compliance.

“Ground Transportation” means a Tour Vehicle that is utilized for transportation of tourists to a scenic, historic landmarks and attractions on land of the Commonwealth of the Northern Mariana Islands.

Part 100 - Permit.

§ 20-105-101 Permit Application.

- a) The contents of the said permit shall include permit number, company information, vehicle information, expiration date, business form, Secretary’s or Designee’s signature, serial number, unit number, and license plate number.
- b) Before an inspection is performed by the Division of Enforcement and Compliance, a Tour Company Vehicle Permit Registration Application must be completed and submitted to the Department of Commerce and permit shall be approved by the Secretary or Designee.

- c) No Company shall cause a vehicle to be hired for tour without first being inspected, registered and issued a registration permit from the Department of Commerce.
- d) The Tour Company Vehicle Registration Permit expiration date shall coincide with the expiration date of vehicle registration.

§ 20-105-105 Type of Permit and Fees.

a) Category	b) Passenger Capacity	c) Fees
Category A	1 to 8 Passengers	\$35.00
Category B	9 to 18 Passengers	\$25.00
Category C	19-Up Passengers	\$15.00
Category D	Temporary Vehicle Permit (All Capacity)	\$200.00

§ 20-105-110 Modified Vehicles Permit.

Any tour vehicle modified to increase seating capacity from the original design specification and reaches the next another vehicle category prescribed shall be assessed a permit fee of the modified seating.

§ 20-105-115 Duration.

Upon payment of required permit fees, except temporary vehicle permit, each permit expiration date shall coincide with the expiration date of vehicle registration.

§ 20-105-120 Renewal.

Except for temporary vehicle permit which is authorized not to exceed three (3) days, each permit fees must be renewed no later than thirty (30) days after the expiration date and fines and fee must be disposed of prior to the renewal of any permit.

Part 200 - Signage.

§ 20-105-201 Required Features.

- a) No Company shall cause a vehicle to be hired without first having proper signage on the exterior of the tour vehicle specifically in English.
- b) All dark colored tour vehicles shall display exterior signage in light colored lettering. All light colored tour vehicles shall display exterior signage in dark colored lettering. All tour vehicles shall display signage representing their respective company and unit number.
- c) All tour vehicles shall display proper signage letter size as prescribed by the or Designee.

- d) Any violation of the signage required feature shall be resolved no later than two (2) weeks of the violation date notice.

Category	Passenger Capacity	Height Maximum
Category A	1 to 8 Passengers	2.5 inches
Category B	9 to 18 Passengers	3.5 inches
Category C	19-Up Passengers	6.0 inches
Category D	Temporary Vehicle Permit (All Capacity)	-

Part 300 - Fines.

§ 20-105-301 Fines Structure.

Offenses	Fines
Late Renewal of Permit	Five (5) times the amount of permit fee
Unpermitted Tour Vehicle	\$200.00 per offense
Unauthorized Seating Modification	\$200.00 per offense
No-Possession of functional certified fire extinguisher, first aid kit, trash receptacle	\$1,000.00 per offense
Non-compliant Signage	\$50.00 per offense

Part 400 - Inspection.

§ 20-105-401 Tour Company Vehicle Inspection Requirement.

No tour company shall cause a vehicle to be hired without first passing inspection by the Department of Commerce. Items required for inspection are as follows:

- a) Certified Portable Fire Extinguisher
- b) First Aid Kit
- c) Trash Receptacle
- d) Proper Signage

§ 20-105-405 General Inspection.

All Tour Company Vehicle registered at the Department of Commerce are required to be periodically inspected at six (6) months interval by the Department of Commerce commencing at date of registration permit date issuance.

§ 20-105-410 Random Inspection.

The Secretary or Designee may from time to time make random administrative inspections of tour vehicles and their equipment and pertinent records to assure compliance of all applicable rules and regulations. The verbal order or other orders of the Secretary or Designee to perform such inspections shall be adhered by all tour companies, owners, operators and drivers.

§ 20-105-415 Damaged Vehicles.

- a) All tour companies are required to submit a Police Report to the Director of Enforcement and Compliance Division at the soonest possible for any tour vehicle sustaining damages from being involved in an accident.
- b) No tour company shall cause such vehicle that has been repaired from damages to be hired without first acquiring a safety inspection report from any of the licensed establishments and inspection report at the Department of Commerce, Enforcement and Compliance Division.

§ 20-105-420 Inspection Approval Decal Requirement.

All tour vehicles approved for new and renewal inspection by the Department of Commerce, Enforcement and Compliance Division shall be marked with a decal as prescribed by the Secretary or Designee. The said decal shall bear the Department of Commerce Logo, inspection date and type of inspection. The Secretary or Designee shall order the removal of such decal from damaged tour vehicles.

Part 500 - Permit and Decal Non-Transferrable

§ 20-105-501 Non-transferrable Permit and Decal.

No permit or decal issued under the authority of this chapter shall be subject to transfer.

Part 600 - Revocation or Suspension of Tour Company Vehicle Registration Permit

§ 20-105-601 Revocation or Suspension of Permit: Temporary.

- a) The Secretary or Designee may revoke or suspend the right of the Tour Company to use their registration permit for violation of, causing or permitting of, or failure or refusal to comply with any provision of regulation adopted under this Chapter.
- b) Upon filing of a sworn written report with the Director or by an inspector setting forth to any ground pursuant to this Chapter for suspension or revocation of a permit, the Director or an inspector may temporarily suspend any permit no more than forty-eight (48) hours pending a regular hearing by the Department, The Director or inspector upon temporarily suspending a permit immediately notify the Secretary or Designee in writing of his/her action and transmit to the Secretary or Designee the report of the inspector, including the names of all witness.

§ 20-105-605 Revocation or Suspension of Permit: Hearing.

The Secretary or Designee upon receipt of the report required in §20-105-601 shall, as soon as practicable, hold a hearing on such report, and may suspend or revoke the permit if found non-compliant with any provisions of this chapter.

ORIGINAL