

AN ACT

Establishing a Chuuk State Motor Vehicle Code, amending Section 516 of T.S.L. No. 6-66, repealing T.S.L. No. 5-124 and 5-125, Title 83 of the Trust Territory Code, Title 31 of the Truk District Code, repealing Sections (f) and (n) of C.S.L. No. 2-94-22, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

Section 1. The Chuuk State Motor Vehicle Code is enacted, to read as follows:

Chapters:

- 1: General Provisions.
- 2: Registration of Vehicles.
- 3: Licensing of Operators.
- 4: Traffic Regulations.
- 5: Equipment.
- 6: Accident Reports.
- 7: Violations and Penalties.
- 8: Commercial Vehicles.
- 9: State Government Vehicles.

CHAPTER 1: GENERAL PROVISIONS

Sections:

101. Title.
102. Definitions.

Section 101. Title. This act shall be known and may be cited as the "Chuuk State Motor Vehicle Code of 1995."

Section 102. Definitions. The following words and phrases when used in this code shall have the meanings:

(a) "Bicycle" means any motorless contrivance operated with no more than three wheels in contact with the ground and propelled by human power.

(b) "Commercial vehicle" means a motor vehicle used or maintained for the transportation or carriage of persons or property for hire, compensation or profit.

(c) "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of curb lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

1 (d) "Director" means the Director of Public Safety.

2 (e) "Foreign vehicle" means every motor vehicle or
3 trailer which shall be brought into the State and which
4 has not been registered therein.

5 (f) "Highway" means every way or place of whatever
6 nature open to the use of the public, as a matter of
7 right, for purposes of vehicular travel.

8 (g) "Intersection" means the area embraced within
9 the prolongation or connection of the lateral curb lines
10 or, if none, then of the lateral boundary lines of two or
11 more highways which join one another at an angle, whether
12 or not one highway crosses the other.

13 (h) "Metal tires" means all tires the surface of
14 which, in contact with the highway, are wholly or partly
15 of metal or other hard, non-resilient material.

16 (i) "Moped" means a motor-driven vehicle both with
17 or without pedals to permit propulsion by human power and
18 with a motor which produces not more than 3.0 horse power
19 and which is not capable of propelling the vehicle at a
20 speed in excess of 40 mph on level ground. If an
21 internal combustion engine is used, the displacement
22 shall not exceed 3.0 horse power and the moped shall have
23 a power drive system that functions directly or
24 automatically without clutching or shifting by the
25 operator after the drive system is engaged.

26 (j) "Motorcycle" means a motor vehicle, other than
27 a moped or tractor, designed to travel on not more than
28 three wheels in contact with the ground.

29 (k) "Motor Vehicle" means every vehicle, as defined
30 in this section, which is self-propelled.

31 (l) "Official traffic signs" mean all signs and
32 markings not inconsistent with this Code placed or
erected by authority of a public body or official having

1 jurisdiction, for the purpose of guiding, directing,
2 warning and regulating traffic.

3 (m) "Operator" means every person who is in actual
4 physical control of a motor vehicle upon a highway.

5 (n) "Owner" means a person or a government agency
6 who holds the legal title to a vehicle. If a vehicle is
7 the subject of an agreement for the conditional sale or
8 lease thereof with the right of purchase upon performance
9 of the conditions stated in the agreement and with an
10 immediate right of possession vested in the conditional
11 vendee or lessee, or if a mortgagor of a vehicle is
12 entitled to possession, then such conditional vendee or
13 lessee or mortgagor shall be deemed the owner for the
14 purpose of this code.

15 (o) "Pedestrian" means a human being walking,
16 standing, sitting or existing on or within three (3) feet
17 of the outside edge of a street or highway.

18 (p) "Person" means any natural person, firm,
19 copartnership, association or corporation.

20 (q) "Policeman" means any member of the Chuuk State
21 Police.

22 (r) "Road" means that definition specified above at
23 "Highway".

24 (s) "Right-of-way" means the privilege of the
25 immediate use of the highway.

26 (t) "School bus" means a motor vehicle used to
27 transport children to or from school or in connection
28 with school activities.

29 (u) "State" means the State of Chuuk, Federated
30 States of Micronesia.

31 (v) "Street" means that definition specified above
32 at "Highway".

33 (w) "Taxicab" or "Taxi" means a commercial vehicle

1 used or maintained for the transportation or carriage of
2 persons for hire, compensation or profit.

3 (x) "Trailer" means every vehicle without motor
4 power designed to carry property or passengers wholly on
5 its own structure and to be drawn by a motor vehicle.

6 (y) "Vehicle" means every device in, upon or by
7 which any person or property is or may be transported or
8 drawn upon a public highway, except devices moved by
9 human power or used exclusively upon stationary rails or
10 tracks.

11 CHAPTER 2: REGISTRATION OF VEHICLES

12 Sections:

- 13 201. Application for Registration.
14 202. Registration and License Records.
15 203. Transfer of Registration.
16 204. Transferability of Plates.
17 205. Registration Fees.
18 206. Registration Cards.
19 207. Display of Plates.
20 208. Expiration and Renewal of Registration.
21 209. Failure to display plate or possess registration
22 card; lending plate or card; fraud in application.
23 210. Government Vehicles.

24 Section 201. Application for Registration. Every owner
25 of a motor vehicle operated on any highway of the State shall,
26 before the same is so operated, apply to the office of the
27 Director of Public Safety for registration and obtain
28 registration of the motor vehicle. Application for
29 registration of a vehicle shall be made on a form prescribed
30 by the Department of Public Safety; be signed by the owner;
31 contain his residence address; and contain a brief description
32 of the vehicle to be registered, including the name of the
33 manufacturer, the engine and serial number, and whether the
34 vehicle is new or used. The owner of any foreign vehicle
35 shall exhibit such evidence as will satisfy the Director that
36 the applicant is the lawful owner of the vehicle.

37 Section 202. Registration and License Records.

38 (a) The Director shall register each vehicle for

1 which a proper application for registration is received,
2 and shall file the registration of the vehicle therein
3 described and the owner thereof as follows:

4 (1) Numerically, under a distinctive
5 registration number assigned to the vehicle and the
6 owner thereof; and

7 (2) Alphabetically, under the name of the
8 owner.

9 (b) All registration and license records in the
10 office of the Director shall be public records and shall
11 be open for inspection by the public during business
12 hours.

13 Section 203. Transfer of Registration. An owner, upon
14 transferring ownership of a vehicle to another person, shall
15 endorse the name and address of the transferee and the date of
16 transfer upon the reverse side of the registration card issued
17 for such vehicle and shall immediately forward such card to
18 the Director. The transferee, before operating or permitting
19 the operation of such vehicle upon a highway, shall apply for
20 the transfer of the registration thereof as upon an original
21 registration. In the event of a transfer by inheritance,
22 devise, bequest, execution, sale or repossession upon default
23 of performance of an agreement of sale of a registered
24 vehicle, the registration thereof shall expire and said
25 vehicle shall not be operated upon the highways until and
26 unless the person entitled thereto shall apply for and obtain
27 the registration therefor. The fee for a transfer of
28 registration shall be \$25.00.

29 Section 204. Transferability of Plates. Upon a change
30 in ownership of a vehicle pursuant to Section 203 of this
31 Code, the numbered license plate assigned to the transferred
32 vehicle shall remain with the vehicle and the transferee shall
33 indicate this fact to the Director upon the transfer of

1 registration.

2 Section 205. Registration Fees.

3 (a) There shall be paid to the office of the
4 Director for the registration of motor vehicles the
5 following fees:

6 (1) Moped, \$7.00;

7 (2) Motorcycle, \$12.00;

8 (3) Jeep, sedan, and other vehicles not
9 specified in paragraph (4) of this subsection,
10 \$25.00;

11 (4) Pickups, trucks, buses, and others not
12 specified in the foregoing subsections according to
13 weight in pounds at the time of original sale in
14 the State:

15 (A) Under 2,000 pounds or fraction
16 thereof, \$30.00;

17 (B) From 2,000 to 2,999 pounds or
18 fraction thereof, \$35.00;

19 (C) From 3,000 to 5,999 pounds or
20 fraction thereof, \$50.00;

21 (D) From 6,000 to 7,499 pounds or
22 fraction thereof, \$75.00;

23 (E) From 7,500 pounds and over, \$100.00.

24 (b) In addition to the registration fee, all
25 applicants for a motor vehicle registration, who are not
26 renewing a previously obtained registration or
27 transferring a numbered license plate pursuant to Section
28 204, shall tender to the office of the Director a fee of
29 \$45.00 for issuance of a numbered license plate, pursuant
30 to Section 207 of this Code.

31 (c) All such fees collected under this Chapter
32 herein shall be collected by the Director or his duly
33 authorized representative and shall be deposited into the

1 General Fund of the State of Chuuk.

2 (d) All said registration fees collected under this
3 section shall be dedicated within the General Fund
4 exclusively for the purposes of street or highway
5 maintenance, including, but not limited to, road
6 surfacing, repair, grading, drainage, official traffic
7 sign installation, repair and replacement, and street and
8 traffic light installation, repair and replacement; said
9 monies to be appropriated according to law.

10 Section 206. Registration Cards. The Director shall
11 issue to the owner a registration card which shall contain
12 upon the face thereof the date issued, the registration
13 number, the name and address of the owner, and a description
14 of the registered vehicle, including the engine number. The
15 registration card shall at all times, while the vehicle is
16 being operated upon a highway, be carried in the vehicle. Any
17 change in the description of a registered vehicle or engine
18 number thereof shall be reported to the chief by the owner of
19 the vehicle upon such change taking place, and a new
20 registration card shall be issued to the owner containing said
21 change upon payment of a fee of \$10.00.

22 Section 207. Display of Plates. Every owner whose
23 vehicle shall be registered shall display a numbered license
24 plate assigned by the Director showing the registration
25 number, year and State. Such plate shall be attached to the
26 rear of said vehicle. Until permanent plates can be issued to
27 the owner, the Director shall issue the owner, upon receipt of
28 the license plate fee as provided in Section 205(b), a
29 temporary numbered license certificate containing the same
30 information specified in this section, to be affixed to the
31 inside rear or side window until permanent plates are issued.

32 Section 208. Expiration and Renewal of Registration.
33 Every vehicle registration shall expire on the last day of the

1 month on that month one year from the date of issuance, and
2 shall be renewed annually upon application by the owner and by
3 payment of the fees required.

4 Section 209. Failure to display plate or possess
5 registration card; lending plate or card; fraud in
6 application. Except for motorized farm vehicles, which for
7 purposes of this section shall mean a tractor, combine
8 harvester, or similar vehicle which is being used for
9 agricultural rather than for road purposes, it shall be
10 unlawful and constitute a misdemeanor for any person to:

11 (a) Operate upon a highway any motor vehicle which
12 is not registered in the State or which does not have
13 attached thereto the State numbered license plate;

14 (b) Display or to have in possession any
15 registration card, number plate or operator's license,
16 knowing the same to be fictitious or to have been
17 canceled, revoked, suspended or altered;

18 (c) Lend to one not entitled thereto any
19 registration card or number plate or operator's license;

20 (d) Knowingly use any false or fictitious
21 information in any application for an operator's license,
22 learner's permit, or vehicle registration.

23 Section 210. Government Vehicles. The registration
24 requirements of this Chapter apply to every vehicle owned by
25 the Chuuk State Government, except in the following
26 particulars:

27 (a) A License plate issued for any vehicle while
28 publicly owned need not display the year number for which
29 it is issued, but shall display a distinguishing symbol,
30 word or letter.

31 (b) The registration and registration card issued
32 for any such vehicle need not be renewed annually but
33 remains valid until the certificate of ownership for the

1 building or church is clearly marked by a traffic
2 sign; and when passing public processions or
3 assemblages on or near any highway.

4 (2) Twenty miles per hours: In any business
5 or residential district.

6 (3) Twenty-five miles per hour: Outside of a
7 business or residential district.

8 (b) he Director is hereby authorized in his
9 discretion to establish by regulation higher speed limits
10 than those indicated herein upon highways or between
11 widely spaced intersections, or lower speed limits than
12 those indicated herein in particularly hazardous areas,
13 if signs are erected giving notice of the speed limit so
14 established.

15 (c) The speed limits set forth herein shall not
16 apply to emergency vehicles when operated in emergencies
17 and when the driver thereof sounds an audible signal by
18 horn, bell, siren or exhaust whistle. This provision,
19 however, shall not relieve the driver of an emergency
20 vehicle from the duty to exercise due care and the
21 responsibility to drive with due regard for the safety of
22 all persons using the street, road or highway.

23 Section 412. Meeting or overtaking school bus. The
24 driver of a vehicle, upon meeting or overtaking any school bus
25 which has stopped on the highway for the purpose of receiving
26 or discharging schoolchildren, shall stop the vehicle before
27 reaching such school bus, and said driver shall not proceed
28 until such school bus resumes motion or he or she is signaled
29 by the school bus driver to proceed. Every school bus shall
30 have a sign posted on its front and rear which shall read:
31 "Care - School Children On Bus - Stop When Bus Stops"; which
32 sign shall be readable at a distance of one hundred feet.

33 Section 413. Stopping, standing and parking. Any person

1 parking any vehicle, whether attended or unattended, upon any
2 highway shall park such vehicle as far to the right thereof as
3 is practicable. It shall be unlawful for the driver of a
4 vehicle to stop, stand or park such vehicle, whether attended
5 or unattended, in any of the following places:

6 (a) within an intersection;

7 (b) on a crosswalk;

8 (c) within thirty feet upon the approach to any
9 official stop sign located at the side of the roadway;

10 (d) within fifteen feet of the driveway entrance to
11 any fire station;

12 (e) within fifteen feet of a fire hydrant;

13 (f) in front of a private driveway;

14 (g) on a sidewalk;

15 (h) alongside or opposite any street or highway
16 excavation or obstruction when such stopping, standing or
17 parking would obstruct traffic;

18 (i) on the roadway side of any vehicle stopped or
19 parked at the edge of a highway;

20 (j) at any place where official traffic signs have
21 been erected prohibiting standing or parking.

22 (k) at any place where it is likely to obstruct
23 traffic or constitute a dangerous condition to traffic on
24 the road.

25 Section 414. Moving; stopped or parked vehicle. No
26 person shall move a vehicle which is stopped, standing or
27 parked unless and until such movement can be made with
28 reasonable safety.

29 Section 415. Opening and closing vehicle doors. No
30 person shall open the door of a motor vehicle on the side
31 towards moving traffic unless and until it is reasonably safe
32 to do so, and can be done without interfering with the
33 movement of other traffic; nor shall any person leave a door

1 open on the side of a motor vehicle towards moving traffic for
2 a period of time longer than necessary to load or unload
3 passengers.

4 Section 416. Backing a vehicle. The driver of a vehicle
5 shall not back the same unless such movement can be made with
6 safety and without interfering with other traffic.

7 Section 417. Conditions for leaving vehicle unattended
8 on highway. No person having control or charge of a motor
9 vehicle shall allow such vehicle to stand on any highway
10 unattended without first effectively setting the brakes
11 thereon, placing a motor vehicle equipped with a manual
12 transmission in gear, placing a motor vehicle equipped with an
13 automatic transmission in park, stopping the motor and
14 removing the ignition key.

15 Section 418. Obstruction of driver's view or driving
16 mechanism. It shall be unlawful for the driver of any vehicle
17 to drive the same when such vehicle is so loaded as to
18 obstruct the view of the driver to the front or sides or to
19 interfere with the driver's control over the driving mechanism
20 of the vehicle. To this end no more than two persons
21 (including the driver) shall be seated in the front seat of
22 any jeep or vehicle with two passenger seats, and no more than
23 three persons (including the driver) shall be seated in the
24 front of any other type of vehicle.

25 Section 419. Vehicle loads. No vehicle shall be driven
26 or moved on any highway:

27 (a) unless such vehicle is so constructed or loaded
28 as to prevent any of its load from dropping, shifting,
29 leaking or otherwise escaping therefrom;

30 (b) when any load thereon is not entirely within
31 the body of the vehicle; provided, however, that this
32 prohibition shall not apply if the load is securely
33 fastened by means of clamps, ropes, straps, cargo nets or

1 other suitable mechanical devices to prevent such load
2 from dropping on the highway or from shifting in any
3 manner; provided further that when any such secured load
4 extends beyond the front or rear of the vehicle
5 (excepting fire fighting apparatus) by a length greater
6 than four feet from the chassis bed or body of the
7 vehicle, the terminal end of said load shall be flagged
8 with a brightly colored, visible material; except that
9 between one hour after sunset and one hour before
10 sunrise, a red light shall be displayed which is plainly
11 visible for a distance of at least 200 feet from the end
12 of the load; and

13 (c) with any load consisting partially or entirely
14 of loose paper, empty cartons, crates or any other
15 material susceptible to being blown or carried by wind,
16 unless such load is entirely covered by a tarpaulin, net,
17 canopy or other suitable material, effectively preventing
18 any part of such load from being blown or carried by the
19 wind; provided, however, this subsection shall not apply
20 to any vehicle carrying a load consisting entirely of
21 soil, sand, coral or gravel.

22 Section 420. Motorcycle protective devices. It is
23 unlawful for a person to operate a motorcycle on a highway
24 unless he and any passenger on the vehicle wears a safety
25 helmet securely fastened with a chin strap and safety glasses,
26 goggles or a face shield in the case of a motorcycle that is
27 not equipped with a windscreen or windshield.

28 Section 421. Passenger on Motorcycle. An operator of a
29 motorcycle shall not carry more than one passenger at any time
30 on a highway.

31 Section 422. Bicyclists, etc., subject to rules of road.
32 Every person riding a bicycle, moped or an animal upon a
33 highway, and every person driving an animal, shall be subject

1 to all the duties applicable to the driver of a vehicle under
2 this Code, except those provisions which by their very nature
3 are inapplicable.

4 Section 423. Putting objects on roadway.

5 (a) No person shall throw or deposit upon or
6 directly next to a highway any glass bottle, glass,
7 nails, tacks, wire or any other object likely to injure
8 any person or vehicle.

9 (b) Any person who drops, or permits to be dropped
10 or thrown upon any highway, any destructive or injurious
11 material shall immediately remove the same or cause it to
12 be removed.

13 (c) Any person removing a wrecked or damaged
14 vehicle from a highway shall remove any glass or other
15 injurious substance dropped upon the highway from such
16 vehicle.

17 Section 424. Driving vehicle without owner's consent or
18 proper authorization. It shall be a violation of this Code
19 for any person to drive a vehicle, not his own, without the
20 consent of the owner thereof, or a vehicle belonging to the
21 State without proper authorization, and without, in either
22 case, intent to steal the same.

23 Section 425. Injuring, Tampering with, etc., a vehicle.
24 It shall be a violation of this Code for any person to
25 wilfully break, injure, tamper with or remove any part or
26 parts of any vehicle, other than an abandoned vehicle with no
27 numbered license plate displayed on it.

28 CHAPTER 5: EQUIPMENT

29 Sections:

- 30 501. Lamps and lighting equipment; when required to be
31 used.
32 502. Same; head lamps on motor vehicles.
33 503. Same; tail lamps.
34 504. Same; lamps on other vehicles and equipment.
35 505. Brakes; equipment required.
36 506. Metal tires.
37 507. Muffler and exhaust systems.
38 508. Periodic inspection of vehicles.

1 509. Misdemeanor Violations of Chapter.

2 Section 501. Lamps and lighting equipment; when required
3 to be used. Every vehicle upon a highway within the State
4 during the period from one half hour after sunset to one half
5 hour before sunrise, and at any other time when there is not
6 sufficient light to render clearly discernible any persons on
7 the highway at a distance of two hundred feet, shall be
8 equipped with, and shall use, the required lighting equipment.

9 Section 502. Same; head lamps on motor vehicles. Every
10 motor vehicle, other than a motorcycle or farm tractor, shall
11 be equipped with two headlights at the front of and on
12 opposite sides of the motor vehicle. Every motorcycle shall
13 be equipped with at least one and not more than two
14 headlights. All headlights shall produce a driving light
15 sufficiently clear to render clearly discernible a person two
16 hundred feet ahead, but shall not project a glaring or
17 dazzling light to persons in front of such headlights. Every
18 vehicle utilizing multiple beam head lamps shall use the lower
19 beam when an oncoming vehicle approaches within three hundred
20 feet from the front and whenever the driver of the vehicle
21 approaches another within three hundred feet from the rear.

22 Section 503. Same; tail lamps. Every motor vehicle and
23 trailer shall be equipped with a light at the rear which
24 exhibits a red light plainly visible at a distance of two
25 hundred feet. A separate light shall be placed so as to
26 illuminate with a white light the rear license plate and
27 render it clearly legible from a distance of fifty feet to the
28 rear.

29 Section 504. Same; lamps on other vehicles and
30 equipment.

31 (a) Every bicycle used on the paved portion of a
32 highway during hours of darkness shall be equipped with
33 a light in the front thereof and shall also be equipped

1 with a reflector on the rear.

2 (b) Every cart or wagon on a paved highway shall be
3 equipped with a light in such a position as to be plainly
4 visible at a distance of two hundred feet from both the
5 front and rear thereof.

6 Section 505. Brakes; equipment required. Every motor
7 vehicle when operated on a highway shall be equipped with
8 brakes adequate to control the movement of, to stop and to
9 hold such vehicle. Every motorcycle and bicycle when operated
10 upon a highway shall be provided with at least one brake,
11 which may be operated by hand or foot. All brakes shall be
12 adequate to stop the vehicle within a safe distance and shall
13 be maintained in good working order.

14 Section 506. Metal tires. No motor vehicle with metal
15 tires shall operate on a paved highway without permission of
16 the Department of Transportation.

17 Section 507. Muffler and exhaust systems.

18 (a) Any motor vehicle on a highway shall at all
19 times be equipped with a muffler to prevent any excessive
20 or unusual noise.

21 (b) No muffler or exhaust system shall be equipped
22 with a cut-out, bypass or similar device, and no person
23 shall modify the exhaust system of a motor vehicle in a
24 manner which will amplify or increase the noise emitted
25 by the motor of such vehicle above that emitted by the
26 muffler originally installed on the vehicle.

27 (c) No person shall drive a vehicle with a
28 defective muffler on a highway.

29 Section 508. Periodic inspection of vehicles. The
30 Director and his duly authorized officers are hereby empowered
31 at all reasonable times to inspect any motor vehicle to
32 determine its compliance with the equipment provisions of this
33 Code. The Director may cancel the registration of any vehicle

1 if he determines it is unsafe or unfit to be operated or is
2 not equipped as required by this Code.

3 Section 509. Misdemeanor Violations of Chapter. It
4 shall be unlawful to operate a vehicle the equipment of which
5 is in a condition not up to the standards specified under
6 Chapter 5 of this Code. Violation of the prescriptions of
7 this Chapter constitutes a misdemeanor offense the conviction
8 of which is punishable by the penalties set forth at Section
9 701 of Chapter 7 of this Code.

10 CHAPTER 6: ACCIDENT REPORTS

11 Sections:

- 12 601. Duties of driver in accidents involving injury,
13 death or damage.
- 14 602. Written report of accident.
- 15 603. Accident reports by garages.
- 16 604. Accident report forms.

17 Section 601. Duties of driver in accidents involving
18 injury, death or damage. The driver of any vehicle involved
19 in an accident resulting in injury or death to any person or
20 damage to property shall immediately stop such vehicle and
21 shall give his name, address, and the registration number of
22 his vehicle, and exhibit his operator's license to the person
23 struck or the driver or occupants of any vehicle collided
24 with, and shall render reasonable assistance to any person in
25 such accident who is in need of assistance.

26 Section 602. Written report of accident. The driver of
27 any vehicle involved in an accident resulting in injury or
28 death to any person or property damage to an apparent extent
29 of \$500.00 or more, shall, within twenty-four hours (or as
30 soon thereafter as normal means of transportation and
31 communication will permit), forward a written report of such
32 accident to the Director of Public Safety. All accident
33 reports shall be without prejudice.

34 Section 603. Accident reports by garages. The person in
35 charge of any garage or repair shop to which is brought any

1 motor vehicle which shows evidence of having been involved in
2 a serious accident or struck by any bullet shall report to the
3 nearest police station within twenty-four hours (or as soon
4 thereafter as normal means of transportation and communication
5 will permit) after such motor vehicle is received, giving the
6 engine number, registration number, and the name and address
7 of the owner or operator of such vehicle.

8 Section 604. Accident report forms. The Director shall
9 prepare forms for accident reports calling for sufficiently
10 detailed information to disclose with reference to a highway
11 accident the cause, conditions then existing, and the person
12 and vehicles involved.

13 CHAPTER 7: VIOLATIONS AND PENALTIES

14 Sections:

- 15 701. Penalties for violations.
- 16 702. Moving Violations.
- 17 703. Homicide by vehicle.
- 18 704. Negligent or reckless driving.
- 19 705. Persons under the influence of drugs or
20 intoxicating liquor
- 21 706. Repeat Offenders.
- 22 707. Criminal Prosecution.

23 Section 701. Penalties for violations.

24 (a) Excepting Section 703 of this Code, it shall be
25 unlawful and constitute a misdemeanor for any person to
26 violate any of the provisions of this Code, and, unless
27 otherwise specifically provided in this Code, upon
28 conviction thereof, the violator shall be punished by a
29 fine of not less than \$25.00 nor more than \$500.00, or
30 imprisonment for not less than five (5) days nor more
31 than thirty (30) days, or both. In determining the
32 amount of such fine, the court shall deem each violation
33 as a separate offense.

34 (b) All fines and penalties collected by any court
35 of Chuuk State established by the Chuuk State Judiciary
36 Act, as amended, for violations of any provision of this

1 Code shall be collected by the Administrative Director of
2 the courts or his or her duly authorized representative
3 and deposited into the General Fund of Chuuk State.

4 Section 702. Moving Violations. The Sections of this
5 Code encompassing the moving violation provisions of this Code
6 are: Sections 402, 404, 406, 407, 408, 409, 410, 411, 412,
7 414, 416, 418, 419, 421, 424, 501, 502, 503, 505, 507, 601,
8 703, 704 and 705.

9 Section 703. Homicide by vehicle.

10 (a) Whoever shall unlawfully and unintentionally
11 cause the death of another person while engaged in a
12 violation of the moving violation provisions of this Code
13 shall be guilty of homicide by vehicle when such
14 violation is the proximate cause of said death. Any
15 person convicted of homicide by vehicle shall:

16 (i) be punished by a fine of not less than
17 \$1,000.00 nor more than \$10,000.00, or imprisoned
18 for not less than ninety (90) days nor more than
19 five (5) years, or both; and

20 (ii) excepting violations occurring under
21 Sections 704 and 705 of this Code, have his or her
22 operating privilege revoked for a period of one (1)
23 year.

24 (b) A conviction of homicide by vehicle caused by
25 negligent or reckless driving, pursuant to Section 704 of
26 this Code, shall result in the revocation of operating
27 privileges for a period of three (3) years.

28 (c) The court in which the case is prosecuted shall
29 permanently revoke the license and operating privileges
30 of any person convicted of a criminal offense of driving
31 under the influence of drugs or intoxicating liquor,
32 pursuant to Section 705 of this Code, when the criminal
33 offense has caused the death of another person.

1. Section 704. Negligent or reckless driving.

2. (a) It shall be unlawful and constitute a
3. misdemeanor for any person to drive a vehicle upon a
4. highway in such a manner as to constitute a substantial
5. deviation from the standard of care which a reasonable
6. person would exercise in the situation.

7. (b) It shall be unlawful and constitute a
8. misdemeanor for any person to drive a vehicle upon a
9. highway recklessly or with gross, wilful or wanton
10. disregard of the lives or safety of the public.

11. Section 705. Persons under the influence of drugs or
12. intoxicating liquor. It shall be unlawful for any person who
13. is a habitual user of narcotic drugs or any person who is
14. under the influence of intoxicating liquor or any narcotic
15. drugs, or any other drug which impairs his ability to operate
16. a vehicle safely, to drive any vehicle upon any highway within
17. the State.

18. (a) Any person violating this provision shall be
19. guilty of a misdemeanor and, upon conviction thereof,
20. shall be punished by a fine of not less than \$100.00 nor
21. more than \$500.00, or imprisonment for not less than 30
22. days nor more than one year, or both.

23. (i) Unless revocation occurs pursuant to
24. Section 703(c) of this Code, if the number of
25. convictions under this Section 704 in a five (5) -
26. year period equals two (2), the court in which a
27. case is prosecuted shall revoke the person's
28. operating privilege for two (2) years; and

29. (ii) if the number of convictions under this
30. Section 704 in a five (5) - year period equals
31. three (3) or more, the court in which a case is

1 prosecuted shall revoke the person's operating
 2 privilege for three (3) years.

3 (b) Any person who refuses to participate in a test
 4 to determine his or her blood alcohol level shall have
 5 his or her operator's license suspended for a period of
 6 six (6) months.

7 Section 706. Repeat Offenders. Excepting Sections
 8 703(a) and 705 of this Code, and unless revocation occurs
 9 pursuant to Sections 703(b) or (c) of this Code, if the number
 10 of convictions under the moving violation provisions of this
 11 Code in a three (3) - year period equals three (3) or more,
 12 the court in which a case is prosecuted shall revoke the
 13 person's operating privilege for six (6) years.

14 Section 707. Criminal Prosecution. No provision of or
 15 penalty provided for in this Code shall be construed to
 16 prevent prosecution and conviction of a person under any
 17 separately classifiable criminal provision of the Chuuk State
 18 Criminal Code, as amended.

19 CHAPTER 8: COMMERCIAL VEHICLES

20 Sections:

- 21 801. Regulations of, and inspections by, Department of
- 22 Public Safety.
- 23 802. Rates.
- 24 803. Condition of Commercial Vehicles.
- 25 804. Commercial vehicle; Operator's license.
- 26 805. Same: display: license, rates, driver
- 27 identification.
- 28 806. Distinctive markings and tags on commercial
- 29 vehicles.
- 30 807. Taxi signs.
- 31 808. Passengers on vehicles.
- 32 809. Safety rules and regulations by the Director.
- 33 810. Misdemeanors.
- 34 811. Effective Date of this Chapter.

35 Section 801. Regulations of, and inspections by,
 36 Department of Public Safety. The Department of Public Safety
 37 may prescribe and enforce safety regulations for the operation
 38 of commercial vehicles and require a periodic inspection of
 39 the equipment of every commercial vehicle from the standpoint

1 of enforcement of safety regulations. Such equipment shall be
2 at all times subject to inspection by properly authorized
3 representatives of the Department of Public Safety.

4 Section 802. Rates. All charges made by any commercial
5 carrier for any service rendered or to be rendered in the
6 public transportation of passengers or property, or in
7 connection therewith, shall be just, reasonable and
8 nondiscriminatory, and every unjust, unreasonable or
9 discriminatory charge for such service, or any part thereof,
10 is prohibited and unlawful.

11 Section 803. Condition of Commercial Vehicles. Every
12 commercial vehicle shall be maintained in a safe and sanitary
13 condition at all times and shall be at all times subject to
14 inspection.

15 Section 804. Commercial vehicle; Operator's license.

16 (a) No person shall operate a commercial vehicle
17 upon a roadway for rent, compensation, hire or otherwise
18 without having in his immediate possession a valid
19 operator's license issued under subsection 305(a)(6).

20 (b) No person under the age of 21 shall operate any
21 commercial vehicle on the public road of the State of
22 Chuuk.

23 Section 805. Same: display: license, rates, driver
24 identification.

25 (a) Every person operating a commercial vehicle
26 used primarily for the transport of passengers shall
27 permanently display in the interior of such vehicle, so
28 as to be plainly visible from wherever a passenger rides
29 therein, the following information:

- 30 (1) A photograph of the operator;
31 (2) The full name of the operator;
32 (3) The commercial vehicle driver's license

33 number; and

1 (4) A schedule of legal commercial vehicle
2 rates.

3 (b) The Director shall, before the granting of a
4 commercial vehicle operator's license, assign a license
5 number to each applicant granted a license, starting with
6 the figure "1" and continuing sequentially by order of
7 each license granted. Such commercial vehicle operator's
8 license shall remain in full force and effect as the
9 identification number for the commercial vehicle driver
10 throughout the license term. The numbering shall begin
11 anew at the beginning of each and every licensing year
12 following.

13 Section 806. Distinctive markings and tags on commercial
14 vehicles. There shall be attached to each commercial vehicle
15 such distinctive markings or tags as shall be prescribed by
16 the Director.

17 Section 807. Taxi signs. Every individual, partnership,
18 company, or other business association operating a commercial
19 vehicle used primarily for the transport of passengers shall
20 prominently display, facing out from the inside of the front
21 windshield, the word "Taxi".

22 Section 808. Passengers on vehicles. Passengers shall
23 not be permitted to ride on the running boards, bumpers,
24 fenders, or on any other outside part of passenger-carrying
25 commercial vehicles; PROVIDED that the bed of any truck or
26 pickup shall not be considered an outside part. The Director
27 shall promulgate necessary rules and regulations to govern the
28 maximum number of passengers allowable on each type of
29 passenger-carrying commercial vehicle. The said rules and
30 regulations shall be promulgated and take effect not later
31 than sixty (60) days following the effective date of this Act.

32 Section 809. Safety rules and regulations by the
33 Director. The Director shall promulgate such other safety

1 rules and regulations as he may deem necessary to govern and
2 control the operation of commercial vehicles upon the roadways
3 and the maintenance and inspection thereof.

4 Section 810. Misdemeanors. Any owner, officer, agent or
5 employee of any commercial carrier, and every other person who
6 does any of the following, shall be guilty of a misdemeanor
7 and punished as provided in Chapter 7 of this Code:

8 (a) Violates or fails to comply with, or who
9 procures, aids or abets in the violation of, any
10 provision of this Chapter;

11 (b) Fails to obey, observe or comply with any
12 lawful order or decision of the Director;

13 (c) Procures, aids or abets any corporation or
14 person in his failure to obey, observe or comply with any
15 such order, decision, rule, direction, demand or
16 regulation promulgated pursuant to any part or provision
17 of this Chapter.

18 Section 811. Effective Date of this Chapter. This
19 Chapter shall take effect 120 days after the effective date of
20 this Act; PROVIDED that the Director may receive applications
21 for and issue commercial driver's licenses prior thereto.

22 CHAPTER 9: STATE GOVERNMENT VEHICLES

23 Sections:

- 24 901. Purchase of State Motor Vehicles.
25 902. Inventory of State Motor Vehicles.
26 903. Responsibility for Vehicles.
27 904. Use of State Motor Vehicles; Administrative
28 Penalties.
29 905. Disposal of State Motor Vehicles.
30 906. State Seal on Motor Vehicles.
31 907. Municipal Vehicles Purchased with State Funds.

32 Section 901. Purchase of State Motor Vehicles. The
33 State shall not purchase any motor vehicle unless funds are
34 first specifically appropriated for such purpose. Violation
35 of this section shall be a violation of Section 8 of the Chuuk
36 State Financial Management Act, as amended.

1 Section 902. Inventory of State Motor Vehicles. Each
2 branch of the State government, and each board, commission and
3 independent agency thereof, shall maintain an inventory of
4 each State vehicle issued to that branch, board, commission or
5 agency, which shall include at least the following
6 information:

- 7 (a) the vehicle identification number;
8 (b) the date of purchase; and
9 (c) the name of the department, office, board,
10 commission or agency to which the vehicle is assigned.

11 Section 903. Responsibility for Vehicles. The
12 supervisor or head of the governmental unit to which a motor
13 vehicle is assigned is required to use due care in preserving
14 that vehicle, subject, however, to the following:

15 (a) When a vehicle is under the supervision or care
16 of a security guard or other temporary custodian, or in
17 the control of a State employee with a valid driver's
18 license, that person is then required to use due care for
19 the preservation of the vehicle.

20 (b) The State may purchase insurance on State owned
21 motor vehicles if funds are appropriated for insurance.

22 Section 904. Use of State Motor Vehicles; Administrative
23 Penalties.

24 (a) No State motor vehicle shall be used for
25 personal purposes except those assigned to the Governor,
26 the Lieutenant Governor, the President of the Senate, the
27 Speaker of the House, the Chief Justice and those
28 assigned pursuant to the terms of a contract of
29 employment lawfully entered into between the State
30 government or one of its departments and the contracted
31 employee. To that end, all State motor vehicles (other
32 than those assigned to the Governor, the Lieutenant
33 Governor, the President of the Senate, the Speaker of the

1 House, the Chief Justice and pursuant to a State
2 employment contract) shall be stored, under the care of
3 security guards or other temporary custodians, in areas
4 designated by the Governor, the Presiding Officers of the
5 Legislature, the Chief Justice, or the directors or other
6 chief officers of boards, commissions and independent
7 agencies to which vehicles are assigned, or by the mayor
8 of a municipality to which Section 907 of this Code
9 applies, whichever is appropriate, except when in use on
10 official State business.

11 (b) Any State employee who uses a State motor
12 vehicle for personal purposes without proper
13 authorization, in violation of this Section 904, or who
14 allows any other person to so use a State motor vehicle,
15 may be punished administratively by the employee's
16 supervisor, by the issuance of a written reprimand to
17 such employee. Receipt of three (3) such letters of
18 reprimand during the employee's employment with the State
19 shall be grounds for dismissal under the State Public
20 Service System Act or the employee's employment contract,
21 pursuant to the procedures set forth in the Public
22 Service System Act, as amended, regulations issued
23 pursuant thereto, or the employee's contract.

24 Section 905. Disposal of State Motor Vehicles. The
25 chief officer of each branch, agency, board and commission of
26 the State government shall make an annual review of the
27 vehicular requirements of the branch, agency, board or
28 commission which is his or her responsibility, and make a
29 report of those needs to the Legislature for its consideration
30 in preparing the annual budget act. All excess vehicles shall
31 be disposed of by such chief officer, as follows:

32 (a) The chief officer shall first inform all other
33 State branches, agencies, boards and commissions of the

1 availability of the vehicle, for possible purchase by
2 such branches, agencies, boards and commissions.

3 (b) In the event that the vehicle is not sold
4 pursuant to paragraph (a) of this Section, the vehicle
5 shall be sold at fair market value.

6 (c) Upon the sale of any State vehicle, the
7 proceeds shall be deposited into the General Fund of the
8 State of Chuuk.

9 (d) Violation of this Section shall be a violation
10 of Section 9 of the Financial Management Act, as amended.
11 Section 906. State Seal on Motor Vehicles. The State
12 Seal shall be placed on the front doors of all State Motor
13 vehicles before delivery to the Branch, board, commission or
14 agency to which the vehicle has been assigned. Any person
15 convicted of removing or covering the State Seal on a State
16 motor vehicle shall, upon conviction thereof, be punished by
17 a fine of not less than \$100.00 nor more than \$2,000.00, or
18 imprisonment for not less than 30 days nor more than 1 year,
19 or both.

20 Section 907. Municipal Vehicles Purchased with State
21 Funds. The provisions of this Chapter shall apply to
22 municipal vehicles purchased with funds appropriated from the
23 State General Fund; provided, however, that municipalities
24 may, by ordinance duly enacted, establish policies and
25 regulations regarding such motor vehicles which shall
26 supersede Section 901 through 906 of this Code; provided
27 further, that in the event of disposal of a motor vehicle by
28 a municipality, the proceeds of the sale shall become part of
29 the municipality's funds, and shall not revert to the State
30 General Fund."

31 Section 2. Amending Clause. Section 516 of T.S.L. No.
32 6-66, the Truk State Criminal Code, as amended, is hereby
33 amended to read as follows:

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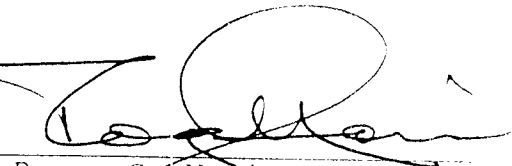
"Section 516. Unauthorized use of vehicle. Every person who knowingly operates another person's airplane or motorboat shall be guilty of unauthorized use of a vehicle, and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both."

Section 3. Severability. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

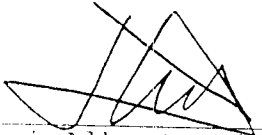
Section 4. Repealing Clause. T.S.L. Nos. 5-124 and 5-125, T.D.L. No. 27-1 and Title 31 of the Truk District Code, including Title 83 of the Trust Territory Code, are hereby repealed in their entirety; and Sections (f) and (n) of C.S.L. No. 2-94-22 are hereby repealed.

Section 5. Effective Date. This Act shall become effective upon approval by the Governor or upon its becoming law without such approval.

Signed by:


Roger S. Mori, President
Senate
Chuuk State Legislature

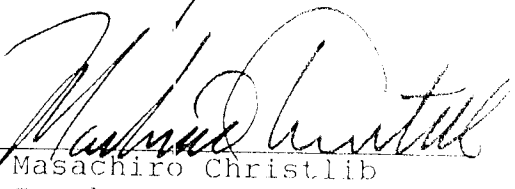
Attested:


Datsi Albert, Chief Clerk
Senate
Chuuk State Legislature

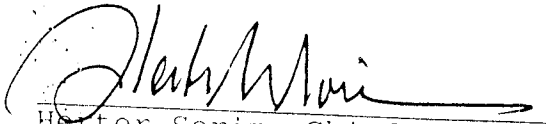
Date:

May 28, 1996

Signed by:


Masachiro Christlib
Speaker
House of Representatives
Chuuk State Legislature

Attested:


Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

Date: May 28, 1996

Approved by:

Marcellino Umwech
Acting Governor
Chuuk State Government

Date: _____

History : S.B.NO: 3-02;HD2