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AN ACT

To amend the Motor Traffic Act 1986, 13 MIRC Chapter 1, to de-criminalize registration offenses, driving without a license offenses, ordinary traffic offenses, reporting offenses, equipment offenses, and the like.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:

Section 1. Short Title.

This Act may be cited as the Motor Traffic (De-criminalize Traffic Offenses Amendment) Act, 2013.

Section 2. Amendment

(1) Amendment of Section 110 of the Motor Traffic Act 1986.

Section 110 of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to read as follows:

§110. Offenses and penalties.

(1) It is a violation for you to drive any vehicle, even if it is not your own, on a street if it is not registered or you do not have the registration card with you or if there is no license plate on the vehicle. If convicted you shall be liable to pay a fine of not less than \$50 but not exceeding \$100.

(2) It is a violation for your vehicle to be parked on a street if it is not registered. If convicted you shall be liable to pay a fine of not less than \$50 but not exceeding \$100. In addition, your vehicle is subject to being towed and stored at your expense until you show proof that you have registered it.

(3) It is violation if you:

(a) display or have with you a registration card, license plate, or driver's

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1 license that you know is false or that you know has been taken away either
2 temporarily or permanently by the police department or the court (suspended,
3 revoked, canceled), or changed by anyone (altered);

4 (b) lend your registration card, license plate, or driver's license to anyone
5 who is not entitled to it;

6 (c) use a false name or address or use any other false information in an
7 application for a registration card or a driver's license.

8 (4) If convicted of (3)(a), (b), or (c) you shall be liable to pay a fine of not less
9 than \$50 but not exceeding \$100. The Court may however give you community service
10 duty instead of a fine.

11
12 **(2) Amendment of Subsection 115(4) of the Motor Traffic Act 1986.**

13 Subsection 115(4) of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to
14 read as follows:

15 (4) Any learner who, without a learner's permit duly obtained and in his
16 immediate possession, operates any motor vehicle for which such a permit is required
17 under this Section, or operates such motor vehicle unaccompanied by a driver or without
18 displaying the sign "L" as required under the last preceding Subsection, shall be guilty of
19 violation and shall upon conviction be liable to a fine of \$50. The Court may however
20 sentence the learner to community service duty instead of a fine.

21
22 **(3) Amendment of Subsection 122(1) of the Motor Traffic Act 1986.**

1 Subsection 122(1) of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to
2 read as follows:

3 **§122. Operating without having been licensed.**

4 (1) Any person who operates a motor vehicle of any class without having been
5 duly licensed in that behalf shall be guilty of a violation and shall upon conviction be
6 liable to a fine not exceeding \$100. The Court may however sentence the person to
7 community service duty instead of a fine.

8 (2) When any such person as is referred to in Subsection (1) of this Section causes
9 injury or death to any other person while so driving he shall be guilty of a felony and
10 shall upon conviction be liable to a fine not exceeding \$2,000 or to a term of
11 imprisonment not exceeding five (5) years, or both. The Court may however sentence the
12 person to community service duty instead of a fine.

13
14 **(4) Amendment of Section 123 of the Motor Traffic Act 1986.**

15 Section 123 of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to read as
16 follows:

17 **§123. Operating without license in immediate possession.**

18 Any person who operates a motor vehicle of any class without a license therefor
19 in his immediate possession as is required under the provisions of this Chapter for that
20 class of motor vehicle shall be guilty of a violation and shall upon conviction be liable to
21 a fine not exceeding \$50. The Court may however sentence the person to community
22 service duty instead of a fine.

1 **(5) Amendment of Section 124 of the Motor Traffic Act 1986.**

2 Section 124 of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to read as
3 follows:

4 **§124. Operating while license is suspended or revoked.**

5 Any person whose operator's license has been suspended or revoked and who
6 operates any motor vehicle upon a highway while such license is suspended or revoked
7 shall be guilty of a violation and shall upon conviction be liable to a fine not exceeding
8 \$150. The Court may however sentence the person to community service duty instead of a
9 fine.

10
11 **(6) Amendment of Section 127 of the Motor Traffic Act 1986.**

12 Section 127 of the Motor Traffic Act 1986, 13 MIRC Chapter. 1, is amended to read as
13 follows:

14 **§127. Applicability of general provisions of chauffeur's license.**

15 The provisions of Sections 116, 117, 118, 119, 121, 122, 123 and 124 of this
16 Chapter, with the necessary changes having been made, shall apply to chauffeur's
17 licenses.

18
19 **(7) Amendment of Subsection 132(2) of the Motor Traffic Act 1986.**

20 Subsection 132(2) of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to
21 read as follows:

22 (2) Any person who intentionally commits any of the acts mentioned in

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1 Subsection (1) of this Section shall be guilty of a misdemeanor and shall upon conviction
2 be liable to a fine of \$100, or where the act complained of is intentional, to a term of
3 imprisonment not exceeding two (2) weeks, or both. Such person shall also be liable to
4 pay the cost of restoring, repairing or replacing the official traffic sign so affected. The
5 Court may however sentence the person to community service duty instead of a fine.

6
7 **(8) Amendment of Section 140 of the Motor Traffic Act 1986.**

8 Section 140 of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to read as
9 follows:

10 **§140. Penalties.**

11 (1) Any person who does or omits to do any act in contravention of the provisions
12 of Section 129, 131, 132(1), 133, 134, 135, 136, 137, or 138 of this Chapter shall be
13 guilty of violation and shall upon conviction be liable to a fine not less than \$50 and not
14 exceeding \$200. The Court may however sentence the person to community service duty
15 instead of a fine.

16 (2) Any person who does or omits to do any act in contravention of the provisions
17 of Section 139(1) of this Chapter shall be guilty of a misdemeanor and shall upon
18 conviction be liable to a fine not less than \$50 and not exceeding \$200 or to a term of
19 imprisonment not exceeding six (6) months, or both. The Court may however sentence
20 the person to community service duty instead of a fine.

21 (3) Any person who operates a motor vehicle upon a highway in the manner
22 stated in Section 139(2) of this Chapter shall be guilty of a misdemeanor and shall upon

1 conviction be liable to a fine not less than \$50 and not exceeding \$200 or to a term of
2 imprisonment not exceeding twelve (12) months, or both; provided, however, if the
3 person operating a motor vehicle in such a manner causes injury to any other person shall
4 be guilty of a felony and shall, upon conviction thereof, be punished as for aggravated
5 assault.

6
7 **(9) Amendment of Section 145 of the Motor Traffic Act 1986.**

8 Section 145 of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to read as
9 follows:

10 **§145. Penalty.**

11 Any person who acts in contravention of the provisions of Section 142, 143 or
12 144 of this Chapter shall be guilty of a violation and shall upon conviction be liable to a
13 fine not exceeding \$50. The Court may however sentence the person to community
14 service duty instead of a fine.

15
16 **(10) Amendment of Section 146 of the Motor Traffic Act 1986.**

17 Section 146 of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to read as
18 follows:

19 **§146. Operating vehicle without owner's consent or proper authorization.**

20 Any person who operates a vehicle, not his own, without the consent of the owner
21 thereof, or a vehicle belonging to the Government of the Marshall Islands or any entity
22 thereof without proper authorization, and without, in either case, intent to steal the same,

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1 shall be guilty of a violation and shall upon conviction be liable to a fine not less than \$50
2 and not exceeding \$500. The Court may however sentence the person to community
3 service duty instead of a fine.

4
5 **(11) Amendment of Section 151 of the Motor Traffic Act 1986.**

6 Section 151 of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to read as
7 follows:

8 **§151. Penalty.**

9 Any person who acts in contravention of the provisions of Section 148, 149 or
10 150 of this Chapter shall be guilty of a violation and shall upon conviction be liable to a
11 fine not less than \$100 and not exceeding \$500. The Court may however sentence the
12 person to community service duty instead of a fine.

13
14 **(12) Amendment of Section 162 of the Motor Traffic Act 1986.**

15 Section 162 of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to read as
16 follows:

17 **§162. Penalty.**

18 The owner or operator of any vehicle who fails or neglects to comply with any of
19 the provisions of this Part shall be guilty of a violation and shall upon conviction be liable
20 to a fine of \$50. The Court may however sentence the owner or operator to community
21 service duty instead of a fine.

1 **(13) Amendment of Subsection 170(3) of the Motor Traffic Act 1986.**

2 Subsection 170(3) of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to
3 read as follows:

4 (3) Any person who:

5 (a) operates or allows another person to operate a vehicle that does not
6 comply with the insurance requirements specified under this Section; or

7 (b) makes, issues, displays or knowingly uses any fictitious or fraudulently
8 altered certificate of insurance, is guilty of a violation and, upon conviction, shall
9 be liable to a fine of not less than one hundred dollars (US \$100) and not
10 exceeding five hundred dollars (US \$500). The Court may however sentence the
11 owner or operator to community service duty instead of a fine.
12

13 **(14) Amendment of the title of Part X of the Motor Traffic Act 1986.**

14 The title of Part X of the Motor Traffic Act 1986, 13 MIRC Chapter 1, is amended to
15 read as follows: "PART X – CITATIONS FOR MISDEMEANOR AND VIOLATION
16 OFFENCES."
17

18 **(15) Amendment of Subsection 184(2) of the Motor Traffic Act 1986.**

19 Subsection 184(2) is amended to read as follows:

20 (2) Notwithstanding the penalties prescribed for misdemeanor or violation
21 offences in this Act, the Cabinet may approve a Schedule of Fines for offences
22 committed under this Act. A fine set by the Cabinet shall not be less than the minimum

amount or exceed the maximum amount prescribed for an offence under this Act.

Section 3. Effective Date.

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

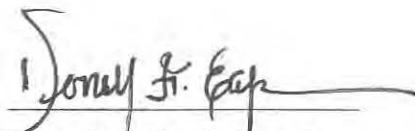
CERTIFICATE


I hereby certify:

1. That Nitijela Bill No.49 was passed by the Nitijela of the Republic of the Marshall Islands on the 6th day of November, 2013; and
2. That I am satisfied that Nitijela Bill No.49 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 25th day of November 2013.

Attest:


Hon. Donald F. Capelle
 Speaker
 Nitijela of the Marshall Island


Tarjo Arelong
 Clerk
 Nitijela of the Marshall Islands