

TITLE 71

**TRAFFIC AND MOTOR
VEHICLE LAW**

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CHAPTER 1 GENERAL PROVISIONS

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§1-101. Definitions for title. — The following words and phrases shall, for the purposes of this title, have the following meanings, unless the context otherwise requires:

(1) “Alley” means a street or road intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

(2) “Bicycle” means a device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter.

(3) “Chief” means the Chief of the Division of Police and Security.

(4) “Commercial carrier” means any person operating any commercial vehicle upon any highway in the state of Pohnpei.

(5) “Commercial vehicle” means any automobile, truck, motor bus or other self-propelled vehicle, including any trailer, semi-trailer or other device used in connection therewith, not operated upon fixed rails or tracks and used for the transportation of freight or the transportation of passengers for compensation.

(6) “Court” means the highest trial court of the Pohnpei Supreme Court.

(7) “Crosswalk” means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the

absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection distinctly indicated for pedestrian crossing by lines or other surface marking.

(8) “Dealer” means every person engaged in the business of buying, selling or exchanging vehicles, who has an established place of business for such purpose in this state.

(9) “Director” means the Director of the Department of Public Safety.

(10) “Driver” means every person who drives or is in actual physical control of a vehicle.

(11) “Finance officer” means the Chief of the Division of Finance and Property Accountability.

(12) “Governor” means the Governor of Pohnpei.

(13) “Highway” as used in this title is synonymous with “road.”

(14) “Intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(15) “License plate” means that visible material required by the Director to be affixed to a motor vehicle for purposes of evidencing that such vehicle is validly licensed in accordance with the laws of the state of Pohnpei.

(16) “Motor vehicle” means every vehicle that is self-propelled, including motorcycles, except where specific exception is made.

(17) “Motorcycle” means every motor vehicle having one or more seats for the use of one or more riders and designed to travel on not more than three wheels in contact with the ground. No distinction shall be made between motorcycles and motor-driven cycles or motorbikes.

(18) “Moving traffic offense” means any manner of operating a moving motor vehicle which is prohibited by this title, excluding serious traffic offenses.

(19) “Official traffic-control devices” means all signs, signals, markings, and devices not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic; PROVIDED that “speed bumps” and “speed depressions” shall not be considered as official traffic-control devices within the meaning of this subsection.

(20) “Owner” means a person, other than a lienholder, having the property in or title to a vehicle. This term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes the lessee under a lease not intended as security.

(21) “Park or parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in, loading or unloading merchandise or passengers.

(22) “Pedestrian” means any natural person on foot.

(23) “Person” means every natural person, firm, co-partnership, association or corporation.

(24) “Police officer” means every officer authorized to direct or regulate traffic or to make an arrest for violation of traffic regulations.

(25) “Registration” means the registration certificates issued under the laws of this state and pertaining to the registration of vehicles.

(26) “Right-of-way” means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(27) “Road” means any portion of a publicly maintained way which is open to the public for the purpose of vehicular travel regardless of length and size.

(28) “Roadway” means the entire width between the boundary lines of every publicly maintained way.

(29) “School bus” means every motor vehicle which complies with this title and is used to transport children to or from school or in connection with school activities.

(30) “Serious traffic offense” means any offense enumerated in Chapter 12.

(31) "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

(32) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in receiving or discharging passengers.

(33) "State" means the state of Pohnpei.

(34) "Stop or stopping," when prohibited, means any halting, even momentarily, of a motor vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic-control sign or signal.

(35) "Stop," when required, means complete cessation of movement.

(36) "Vehicle," where not referring to motor vehicle, shall mean any conveyance or device in, upon or by which any person or property is or may be transported upon a highway.

Source: S.L. No. 2L-132-82 §101, 7/9/82; S.L. No. 5L-14-00 §3-22, 10/1/00

§1-102. General misdemeanor provisions; punishment. —

(1) It shall be a misdemeanor for any person to violate any provision of this title, unless such violation is by this title or other law of this state declared to be a felony.

(2) Unless another penalty is provided by this title or other law of this state, every person convicted of a misdemeanor for the violation of any provision of this title shall be punished by a fine of not more than \$500, or imprisonment for not more than six months, or both such fine and imprisonment.

Source: S.L. No. 2L-132-82 §102, 7/9/82

§1-103. General felony provisions; punishment. — If any person is convicted of a violation of any provision of this title, and this title or other law of this state declares such violation to constitute a felony, such person shall, unless another penalty is provided by this title or other law of this state, be punished by imprisonment of not less than one year, but less than three years, or by a fine of not less than \$500, but less than \$3,000, or by both such fine and imprisonment.

Source: S.L. No. 2L-132-82 §103, 7/9/82

CHAPTER 2 MOTOR VEHICLE REGISTRATION AND LICENSES

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§2-101. Application for registration. — Every owner of a motor vehicle intended to be operated on any road of the state shall, before the same is so operated, apply to the Director for and obtain registration thereof. Application for registration of a vehicle shall be made on a form to be prescribed by the Director and shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, name of the importer, the engine and serial number, whether new or used. The owner of any vehicle purchased outside the state shall exhibit such evidence as will satisfy the Director that the applicant is the lawful owner of the vehicle.

Source: S.L. No. 2L-132-82 §201, 7/9/82

§2-102. Register of applicants. —

(1) The Director shall file each application received, and shall register the vehicle therein described and the owner thereof on index cards as follows:

- (a) Numerically, under a distinctive registration number assigned to the vehicle and the owner thereof; and
- (b) Alphabetically, under the name of the owner.

(2) All registration and license records in the office of the Director shall be public records and shall be open for inspection by the public during business hours.

Source: S.L. No. 2L-132-82 §202, 7/9/82

§2-103. Transfer of registration. — An owner upon transferring a registered vehicle shall endorse the name and address of the transferee and the date of transfer upon the reverse side of the registration card issued for such vehicle and shall immediately forward such card to the Director. The transferee, before operating or permitting the operation of such vehicle upon a road, shall apply and obtain the registration thereof as upon an original registration. In the event of the transfer by inheritance, devise, or bequest, execution, sale or repossession upon default of performance of an agreement of sale of a registered vehicle, the registration thereof shall expire and said vehicle shall not be operated upon the roads until and unless the person entitled thereto shall apply for and obtain the registration thereof.

Source: S.L. No. 2L-132-82 §203, 7/9/82

§2-104. Registration fees. —

(1) There shall be paid to the Director for the registration of motor vehicles the following fees:

- (a) Motorcycle – \$6.50;
- (b) Jeep, sedan, and other vehicles not specified in Paragraph (c) of this subsection – \$8.50; and
- (c) Pickups, trucks, buses, and other vehicles not specified in the foregoing paragraphs, weight in pounds at the time of original sale in the state of Pohnpei:
 - (i) Under 2,000 pounds or fraction thereof – \$11.50;

- (ii) 2,000 – 2,999 pounds or fraction thereof – \$13.50;
- (iii) 3,000 – 5,999 pounds or fraction thereof – \$16.50;
- (iv) 6,000 – 7,499 or fraction thereof – \$21.50; and
- (v) 7,500 pounds and over – \$26.50.

(2) All such fees shall be collected by the Director or his duly authorized representative. One dollar and fifty cents of each such fee collected shall be deposited in the general fund and the remainder of such fees shall be deposited in the treasury of the local government within which the respective vehicles as registered are regularly parked or stored.

Source: S.L. No. 2L-132-82 §204, 7/9/82; S.L. No. 2L-146-82 §1, 11/16/82

§2-105. Registration cards. — The Director shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number, the name and address of the owner, and a description of the registered vehicle, including the engine number. The registration card shall at all times, while the vehicle is being operated upon a road, be carried in the vehicle.

Source: S.L. No. 2L-132-82 §205, 7/9/82

§2-106. Expiration and renewal of registration. — Every vehicle registration under this chapter shall expire each year, and shall be renewed annually upon application by the owner and by payment of the fees required by §2-104, in accordance with a monthly schedule established by the Director of the Department of Public Safety as set forth in rules and regulations promulgated by the Director. Such rules and regulations shall provide for an alphabetical identification numbering system which shall be applied on the basis of the first letter of the last name of the owner of the motor vehicle if he be a natural person or the first letter of the first noun of the name of a business or other organization if the motor vehicle be registered in the name of a business or organization.

Source: S.L. No. 2L-132-82 §206, 7/9/82; S.L. No. 6L-22-04 §1, 1/1/05

§2-107. Display of vehicle number plate. — Every owner whose vehicle shall be registered shall display a number plate issued by the Director showing the registration number, year, and the words “state of Pohnpei.” Such plate shall be attached to the rear of said vehicle at all times, which shall at all times be kept clean and plainly visible for a distance of 50 feet.

Source: S.L. No. 2L-132-82 §207, 7/9/82

§2-108. Issuance of registration card and vehicle number plate. — No registration card and number plate shall be issued for any vehicle until the owner of such vehicle has presented to the Director a valid inspection certificate issued pursuant to Chapter 4 and has paid the required fee thereof.

Source: S.L. No. 2L-132-82 §208, 7/19/82; S.L. No. 2L-146-82 §2, 11/16/82

§2-109. License and registration violations. — It shall be unlawful and constitute a misdemeanor for any person to:

- (1) Operate upon a road any motor vehicle which is not registered or which does not have attached thereto the number plate;
- (2) Display or to have in possession any registration card or number plate knowing the same to be fictitious or to have been canceled, revoked, suspended or altered;
- (3) Transfer to one not entitled thereto any registration card or number plate; or
- (4) Use a false or fictitious name or address or other required information in any application for any vehicle or otherwise commit a fraud in any such application.

Source: S.L. No. 2L-132-82 §209, 7/9/82

CHAPTER 3 MOTOR VEHICLE EQUIPMENT

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| 3-103 Lamp or flag on projecting load or part of a vehicle | 3-111 Muffler and exhaust systems |
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§3-101. Head lamps and tail lamps. — Every vehicle driven upon a road at any time from a half hour after sunset to a half hour before sunrise, during heavy rainstorms, or at any other times when there is not sufficient light to render clearly discernible any person or vehicle on the roadway at a distance of 200 feet, shall be equipped with lighted lamps and lighting devices as follows:

(1) Each side of the front of every motor vehicle, except motorcycles, shall be equipped with at least one, but not more than two, head lamps. All head lamps shall be located at a height of not more than 54 inches nor less than 24 inches, measured above the level surface upon which the vehicle stands;

(2) Every motorcycle or bicycle shall be equipped with a lamp on the front exhibiting a white light visible at least 500 feet to the front;

(3) All vehicles utilizing single beam head lamps shall have lights positioned to illuminate persons and vehicles at a distance of not more than 200 feet and not less than 150 feet;

(4) All vehicles utilizing multiple beam head lamps shall use the lower beam when an oncoming vehicle approaches within 500 feet from the front and whenever the driver of the vehicle approaches another vehicle within 300 feet from the rear;

(5) Every motor vehicle or vehicle being drawn at the end of a motor vehicle shall be equipped with one or more lighted rear lamps exhibiting red light plainly visible from a distance of 500 feet to the rear. One of such rear lamps or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear license tag and render it clearly legible from a distance of 50 feet to the rear; and

(6) Every bicycle shall be equipped with a red reflector on the rear visible from a distance of 300 feet to the rear.

Source: S.L. No. 2L-132-82 §501, 7/9/82

§3-102. Stop lamps. — Every motor vehicle shall be equipped with at least one or more stop lamps on the rear of the vehicle, which shall display a red or amber light, or any color between red and amber, visible from a distance of not less than 200 feet to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake and which may, but need not, be incorporated with one or more other rear lamps.

Source: S.L. No. 2L-132-82 §502, 7/9/82

§3-103. Lamp or flag on projecting load or part of a vehicle. —

(1) Whenever the load upon any vehicle extends, or any integral part of any vehicle projects, to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme

end of the load or projecting part of the vehicle, at the times specified in §3-101, in addition to the required rear light, a light plainly visible under normal atmospheric conditions from a distance of at least 500 feet to the sides and rear. At any other time, there shall be displayed at the extreme end of such load or projecting part of the vehicle a red flag or red cloth not less than 16 inches square.

(2) Whenever the load upon any vehicle extends from the left side of such vehicle one foot or more to the left of the front hubcap on the left side, there shall be displayed at the extreme left side of such load at the times specified in §3-101, a lighted lantern or other light plainly visible under normal atmospheric conditions from a distance of at least 300 feet to the left and to the front and rear of such vehicle.

Source: S.L. No. 2L-132-82 §503, 7/9/82

§3-104. Dimming of head lamps on parked vehicles. — Any lighted head lamps on a parked vehicle shall be depressed or dimmed.

Source: S.L. No. 2L-132-82 §504, 7/9/82

§3-105. Lamps on vehicles not specifically covered by this chapter. — Every motor or other vehicle, including bicycles and all other conveyances used on a roadway, not specifically required by this chapter to be equipped with lamps or other lighting devices, shall at all times specified in §3-101 be equipped with a lamp emitting a light visible under normal atmospheric conditions from a distance of 300 feet in front of such vehicle and with a red reflector on the rear so designed as to be visible at least 300 feet directly in front of a motor vehicle displaying lawful dimmed head lamps or with a rear lamp exhibiting a red light visible from a distance of 300 feet to the rear.

Source: S.L. No. 2L-132-82 §505, 7/9/82

§3-106. Backup lamps. — Any motor vehicle, except motorbikes, scooters or motor vehicles which have no mechanical backup gear, shall be equipped with one or more backup lamps either separately or in combination with other lamps, but any such backup lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

Source: S.L. No. 2L-132-82 §506, 7/9/82

§3-107. School bus lamps, signals, and signs. — Every school bus, in addition to any other equipment and distinctive markings required by this chapter, shall:

(1) Be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front, two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, which shall have sufficient intensity to be visible at 500 feet in normal sunlight, which shall be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the roadway for the purpose of receiving or discharging schoolchildren; and

(2) Bear upon the front and rear thereof plainly visible signs containing the words “SCHOOL BUS” in letters not less than eight inches in height and of proportionate width. No vehicle, other than a school bus, shall display such signs.

Source: S.L. No. 2L-132-82 §507, 7/9/82

§3-108. Brakes. —

(1) Every motor vehicle other than a motorcycle, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2) Any combination of motor vehicle, trailer, semitrailer or other vehicle shall be equipped with brakes upon one or more of such vehicles.

(3) Every motorcycle and bicycle with motor attached, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

(4) All brakes shall be maintained in good working order and shall conform to §3-109.

Source: S.L. No. 2L-132-82 §508, 7/9/82

§3-109. Standards for brakes. —

(1) The brakes of a motor vehicle or combination of vehicles shall be deemed adequate if, on a dry, hard, approximately level stretch of highway free from loose material, such brakes are capable of stopping the motor vehicle or combination of vehicles, when operating at speeds set forth in the following table, within the distance set opposite such speeds:

| Miles per hour | Stopping distance |
|----------------|-------------------|
| 10 | 9.3 feet |
| 15 | 20.8 feet |
| 20 | 37.0 feet |
| 25 | 58.0 feet |
| 30 | 83.3 feet |

(2) The test to be used in determining whether vehicles meet the performance requirements set forth in Subsection (1) of this section shall be conducted as prescribed by the Director. The test may be conducted by the use of instruments suitable for the purpose approved by the United States of America Bureau of Standards. No vehicle may be tested for brake efficiency at a speed higher than that permitted by law for such vehicle.

Source: S.L. No. 2L-132-82 §509, 7/9/82

§3-110. Horns. —

(1) Every motor vehicle, when operated upon a roadway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions for a distance of not less than 200 feet, but no horn shall emit an unreasonably loud or harsh sound.

(2) The driver of a motor vehicle, when reasonably necessary to insure its safe operation, shall give audible warning with his horn. Such horn shall not otherwise be used.

Source: S.L. No. 2L-132-82 §510, 7/9/82

§3-111. Muffler and exhaust systems. —

(1) Any motor vehicle on a roadway shall at all times be equipped with a muffler to prevent any excessive or unusual noise.

(2) No muffler or exhaust system shall be equipped with a cutout bypass or similar device, and no person shall modify the exhaust system of a motor vehicle in a manner which will substantially amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle.

(3) All exhaust pipes shall be parallel to the ground and the vehicle, or vertical, and the exhaust from such pipes shall not be directed to the side of the vehicle.

Source: S.L. No. 2L-132-82 §511, 7/9/82

§3-112. Mirrors. — Every motor vehicle shall be equipped with a mirror located so as to reflect to the driver a view of the roadway for a distance of at least 200 feet to the rear.

Source: S.L. No. 2L-132-82 §512, 7/9/82

§3-113. Windshields, windows, and wipers. —

(1) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows which materially obstructs, obscures or impairs the driver's clear view of the roadway or any intersecting roadway.

(2) The windshield on every motor vehicle shall be equipped with a device for clearing rain or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(3) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Source: S.L. No. 2L-132-82 §513, 7/9/82

§3-114. Tire alignment. — Every motor vehicle shall be equipped with tires in proper alignment so as to allow for safe steering and handling of the vehicle on the roadway.

Source: S.L. No. 2L-132-82 §514, 7/9/82

§3-115. Mandatory spare parts list. —

(1) The Governor or his designated representative shall promulgate a list and the quantity of spare parts, inclusive of all components of the exhaust system, per motor vehicle which are necessary to keep the motor vehicle in safe repair and proper working condition in the state of Pohnpei. This list shall be known as the "Mandatory spare parts list" and shall be made available to the importers of motor vehicles for resale and to the general public.

(2) Any person who imports motor vehicles into the state of Pohnpei for the purpose of resale shall stock and make available to customers all spare parts listed on the "Mandatory spare parts list" for each make and model of motor vehicle so imported. Each motor vehicle imported into the state of Pohnpei for which spare parts are not kept in stock in violation of this subsection shall constitute a separate offense.

Source: S.L. No. 2L-132-82 §515, 7/9/82

§3-116. Exceptions to operation of this chapter. — This chapter relating to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers, and farm tractors, except as made applicable by this chapter.

Source: S.L. No. 2L-132-82 §516, 7/9/82

§3-117. General misdemeanor provision. — It is a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway, any vehicle or combination of vehicles in such unsafe condition as to endanger any person, or which does not contain those parts, or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as is required by this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

Source: S.L. No. 2L-132-82 §517, 7/9/82

CHAPTER 4 INSPECTION OF VEHICLES

Section

4-101 Duty to keep vehicles in safe and properly equipped condition
 4-102 Initial and annual inspections; inspection upon request of Chief
 4-103 Inspection upon request of police officer
 4-104 Deficiencies; notice to driver; repairs; operation with minor deficiency

4-105 Confiscation of registration cards and plates
 4-106 Re-inspection of vehicles converted to commercial use
 4-107 Inspection certificate
 4-108 Inspection fees

§4-101. Duty to keep vehicles in safe and properly equipped condition. — No person shall drive or move on any roadway any motor vehicle, trailer, semi-trailer, pole trailer or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required by this title and unless the vehicle is in such safe mechanical condition as not to endanger the driver or other occupants or any person or property.

Source: S.L. No. 2L-132-82 §601, 7/9/82

§4-102. Initial and annual inspections; inspection upon request of Chief. —

(1) All motor vehicles shall be inspected by the Chief or a privately-owned facility as authorized by the Chief, and an official certificate of safety inspection and approval obtained for each vehicle as follows:

- (a) Upon an original application for registration and annually thereafter upon renewal of said registration;
- (b) In the interest of public safety, upon request of the Chief.

(2) Such inspections shall determine whether the vehicle inspected meets all requirements as to equipment under this title and is in such safe mechanical condition as not to endanger the driver or any other person or property when driven or moved on any roadway.

Source: S.L. No. 2L-132-82 §602, 7/9/82; S.L. No. 6L-47-05 §1, 8/8/05

§4-103. Inspection upon request of police officer. — Notwithstanding §4-102, uniformed police officers may at any time, upon reasonable cause to believe that a vehicle is unsafe, is not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such tests with reference thereto as may be appropriate.

Source: S.L. No. 2L-132-82 §603, 7/9/82

§4-104. Deficiencies; notice to driver; repairs; operation with minor deficiency. —

(1) In the event any vehicle is found on any inspection not to meet all requirements as to equipment under this title, or to be in an unsafe condition, a notice of such deficiencies shall be given to the driver, and no person shall thereafter operate such vehicle, except as may be necessary to return such vehicle to the residence or place of business of the owner or driver or to a garage, until such deficiencies have been remedied; PROVIDED, HOWEVER, that the driver may be required to make temporary repairs before being permitted to proceed with such vehicle.

(2) Every owner or driver, upon receiving a notice of deficiencies, shall remedy such deficiencies and within 20 days shall submit the vehicle for further inspection by the Division or a privately-owned facility authorized by the Director to make inspections.

(3) If the deficiency cited is minor, that is, the vehicle can be operated on the highways of the state without substantially endangering public safety and repair of the deficiency is unobtainable in the state, then the registered owner of the deficient vehicle may apply to the Director for a temporary permit to operate the vehicle with such deficiency.

(4) The Director is hereby directed to determine which deficiencies shall be considered minor within the meaning of this section; PROVIDED that permission to operate a vehicle shall not be granted by virtue of this section if the Director determines that the operation of such vehicle will substantially endanger public safety.

Source: S.L. No. 2L-132-82 §604, 7/9/82

§4-105. Confiscation of registration cards and plates. —

(1) The Director shall confiscate the registration card and number plate of any motor vehicle:

- (a) Which does not have a current certificate of safety inspection and approval;
- (b) Which is not submitted for further inspection within 20 days after a notice of deficiencies is given pursuant to an inspection; or
- (c) For which a temporary deficiency permit has been issued, such permit having expired and the deficiency not having been corrected.

(2) The Director shall not release the confiscated registration card and plate until the owner of the vehicle procures a valid inspection certificate showing that the deficiencies for which the registration was confiscated have been remedied.

Source: S.L. No. 2L-132-82 §605, 7/9/82

§4-106. Re-inspection of vehicles converted to commercial use. — Before any private vehicle may be used for commercial transportation it must be inspected as provided in §4-102 and the inspection fee must be paid.

Source: S.L. No. 2L-132-82 §606, 7/9/82

§4-107. Inspection certificate. — An inspection certificate shall be issued for each vehicle found to be in compliance with this title. Such certificate shall be displayed at all times during the period of its validity, on the front window of each vehicle, situated so as not to materially obstruct the view of the driver.

Source: S.L. No. 2L-132-82 §607, 7/9/82

§4-108. Inspection fees. — Fees for the inspection of motor vehicles by the Director or by a privately-owned facility shall be set by the Director of the Department of Treasury and Administration, but shall not exceed \$2.

Source: S.L. No. 2L-132-82 §608, 7/9/82

CHAPTER 5 EMERGENCY VEHICLES

Section

5-101 Definition of “emergency vehicle”

5-104 Duties owed emergency vehicles

5-102 Exemption from traffic laws; maximum speed; driver’s duty

5-105 Prohibition of emergency warning equipment on unauthorized vehicles

5-103 Use of emergency warning devices

§5-101. Definition of “emergency vehicle.” — An authorized emergency vehicle is a police, fire or ambulance vehicle, an emergency repair vehicle of the Office of Transportation and Infrastructure, or any other vehicle specified by the Director equipped with emergency flashing lights and other equipment required by the Director.

Source: S.L. No. 2L-132-82 §701, 7/9/82

§5-102. Exemption from traffic laws; maximum speed; driver’s duty. —

(1) The driver of an authorized emergency vehicle shall be exempt from the requirements of Chapter 8 whenever such vehicle is driven in response to an emergency call, used in immediate pursuit of a suspected violator of the law or is on other errands of great urgency; PROVIDED, HOWEVER, that the driver of such vehicle shall not exceed the maximum speed limit in the area in which he is traveling by more than ten miles per hour; PROVIDED FURTHER that there shall be no maximum speed limit for police officers in the immediate pursuit of suspected violators of the law.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

Source: S.L. No. 2L-132-82 §702, 7/9/82

§5-103. Use of emergency warning devices. — Authorized emergency vehicles shall not utilize any emergency warning equipment except when responding to an emergency. The pursuit of actual or suspected violators of the law by police shall be considered an emergency. When responding to an emergency, the driver of an emergency vehicle shall utilize emergency warning devices when necessary to warn pedestrians and other drivers of his approach.

Source: S.L. No. 2L-132-82 §703, 7/9/82

§5-104. Duties owed emergency vehicles. —

(1) When an emergency vehicle using warning equipment is proceeding on an emergency call, all traffic shall immediately pull to the right side of the road if possible, clear intersections, and stop until all emergency vehicles have passed.

(2) No motor vehicle, except an authorized emergency vehicle or a vehicle of duly authorized members of the police or fire department, shall follow within 300 feet of any emergency vehicle that is responding to an emergency call.

Source: S.L. No. 2L-132-82 §704, 7/9/82

§5-105. Prohibition of emergency warning equipment on unauthorized vehicles. — Only authorized emergency vehicles may be equipped with the following:

- (1) Sirens or siren-like devices other than horns;
- (2) Any red or blue light visible from the front center portion of any vehicle;
- (3) Flashing lights other than turn signals or headlights and taillights used to warn others of a particular hazard; and

(4) Any other special warning device which the Director has designated for use on emergency vehicles.

Source: S.L. No. 2L-132-82 §705, 7/9/82

CHAPTER 6 COMMERCIAL CARRIERS AND VEHICLES

Section

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§6-101. Regulations of and inspections by the Department of Public Safety. — The Department of Public Safety may prescribe and enforce safety regulations for the operation of commercial vehicles and require a periodic inspection of the equipment of every commercial vehicle from the standpoint of enforcement of safety regulations. Such equipment shall be at all times subject to inspection by properly authorized representatives of the Department of Public Safety.

Source: S.L. No. 2L-132-82 §901, 7/9/82

§6-102. Rate requirements. — All charges made by any commercial carrier for any service rendered or to be rendered in the public transportation of passengers or property, or in connection therewith, shall be just, reasonable, and nondiscriminatory, and every unjust, unreasonable or discriminatory charge for such service, or any part thereof, is prohibited and unlawful.

Source: S.L. No. 2L-132-82 §902, 7/9/82

§6-103. Condition of commercial vehicles. — Every commercial vehicle shall be maintained in a safe and sanitary condition at all times and shall be at all times subject to inspection.

Source: S.L. No. 2L-132-82 §903, 7/9/82

§6-104. Commercial vehicle; driver's license. —

(1) No person shall operate a commercial vehicle upon a roadway for rent or hire without having in his immediate possession a valid commercial vehicle driver's license.

(2) In addition to the necessary qualifications set forth in §7-103, an applicant for a commercial vehicle driver's license must be a physical resident of the state of Pohnpei. No person under the age of 21 shall operate any commercial vehicle on the public roads of the state of Pohnpei. No person shall be licensed as a commercial vehicle driver who shall have ever been convicted of murder, manslaughter, mayhem, kidnapping, robbery, burglary, rape, grand theft or assault. For the purposes of this section, a plea of guilty shall be deemed a conviction.

(3) All applications for a commercial vehicle driver's license shall be filed with the Director who, under such reasonable and uniform regulations as he may prescribe, may require fingerprinting and such oral or written examinations and driving tests as may be proper to determine the fitness of each applicant. Thereafter, the Director shall approve or disapprove each such application in accordance with this title.

(4) Upon the approval of an application for a commercial vehicle driver's license, the applicant shall be required to pay the license fee of \$8.50 to the Director or his duly authorized representative prior to receiving the license. One dollar and fifty cents of each such fee collected shall be deposited in the general fund and the remainder of such fee shall be deposited in the treasury of the local government within which the commercial establishment that employs the licensee is located.

(5) A commercial vehicle driver's license entitles the licensee to all rights and privileges of a chauffeur, in addition to all the rights and privileges of a commercial vehicle driver and shall be valid for one year from the date of issuance.

(6) In addition to any other provisions for suspension or revocation of drivers' licenses contained in this title, the Director shall revoke permanently the license of any commercial vehicle driver upon his conviction of any of the offenses heretofore specified in this section.

Source: S.L. No. 2L-132-82 §904, 7/9/82; S.L. No. 2L-146-82 §5, 11/16/82

§6-105. Commercial vehicle display requirements; license number. —

(1) Every person operating a vehicle registered as a commercial vehicle shall permanently display in the interior of such vehicle so as to be plainly visible from wherever a passenger rides therein the following information:

- (a) A photograph of the operator;
- (b) The full name of the operator;
- (c) The commercial vehicle driver's license number; and
- (d) A schedule of legal commercial vehicle rates.

(2) The Director shall, before the granting of a commercial vehicle driver's license, assign a license number to each applicant granted a license, starting with the figure one (1) by order of their being granted a license. Such commercial vehicle driver's license shall remain in full force and effect as the identification number for the commercial vehicle driver throughout the license year. The numbering shall begin anew at the beginning of each and every license year following.

Source: S.L. No. 2L-132-82 §905, 7/9/82

§6-106. Distinctive markings and tags on commercial vehicles. — There shall be attached to each commercial vehicle such distinctive markings or tags as shall be prescribed by the Director.

Source: S.L. No. 2L-132-82 §906, 7/9/82

§6-107. Taxi signs. — Every individual, partnership, company or other business association in whose name a taxicab is registered shall prominently display on both sides of the exterior of such taxicab the word "taxi" and the name under which it is registered. In the event that more than one taxicab is registered in the name of any one individual, partnership, corporation, company or other business association, such taxicabs shall be serially numbered and the applicable serial number similarly displayed on both sides of the exterior of each such taxicab in such size and manner as the Director by uniform regulations shall prescribe.

Source: S.L. No. 2L-132-82 §907, 7/9/82

§6-108. Passengers on vehicles. — Passengers shall not be permitted to ride on the running boards, bumpers, fenders, tailgates, sides or on any other outside part of passenger-carrying vehicles; PROVIDED that the bed of any truck or pickup shall not be considered an outside part. The Director shall promulgate necessary rules and regulations to govern the maximum number of passengers allowable on each type of passenger-carrying commercial vehicle. The said rules and regulations shall be promulgated and take effect not later than 60 days following the effective date of this title [*effective date of title is July 9, 1982*].

Source: S.L. No. 2L-132-82 §908, 7/9/82; S.L. No. 3L-5-92 §3, 4/28/93

§6-109. Safety rules and regulations by the Director. — The Director shall promulgate such other safety rules and regulations as he may deem necessary to govern and control the operation of commercial vehicles upon the roadways and the maintenance and inspection thereof.

Source: S.L. No. 2L-132-82 §909, 7/9/82

§6-110. Insurance. — All owners of commercial vehicles shall obtain public liability insurance on their vehicles.

Source: S.L. No. 2L-132-82 §910, 7/9/82

§6-111. Misdemeanors. — Any owner, officer, agent or employee of any commercial carrier, and every other person who does any of the following shall be guilty of a misdemeanor and punished as provided in §1-102:

(1) Violates or fails to comply with, or who procures, aids or abets in the violation of any provision of this chapter;

(2) Fails to obey, observe or comply with any order, decision or provision thereof of the Director;
or

(3) Procures, aids or abets any corporation or person in his failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation promulgated pursuant to any part or provision of this chapter.

Source: S.L. No. 2L-132-82 §911, 7/9/82

CHAPTER 7 OPERATOR'S LICENSES

Section

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§7-101. Driver's license required; exceptions. —

(1) No person shall operate any motor vehicle in the state without a valid driver's license issued by the Director, except as otherwise provided in this chapter. A fee of \$6.50 shall be paid for each such license issued. Such fee shall be collected by the Director or his duly authorized representative. One dollar and fifty cents of each such fee collected shall be deposited in the general fund and the remainder of such fee shall be deposited in the treasury of the local government within which the operator actually resides, or if he is not a resident of the state, then where he is staying within the state.

(2) The following persons, if over the age of 18 years, are exempt from the licensing requirements of this section:

(a) A nonresident who has in his possession a valid driver's license issued to him by another jurisdiction may operate a vehicle in the state for a period not to exceed 30 days.

Source: S.L. No. 2L-132-82 §301, 7/9/82; S.L. No. 2L-146-82 §3, 11/16/82

§7-102. Classes of licenses. The following classes of driver's licenses are established:

(1) All motorcycles, motor scooters or motorbikes;

(2) All vehicles not specified elsewhere in this subsection having a gross weight of three thousand pound or less; **PROVIDED** that this class of licensing shall be categorized as Class B1 and B2 to distinguish drivers who can operate manual or automatic power transmission automobiles; Class B1 for manual operators and Class B2 for automatic operators; **PROVIDED FURTHER** that a holder of Class B1 license shall also be qualified to operate Class B2; **PROVIDED FURTHER** that this requirement shall not affect the exception provided in §7-101 (2) (a) of this Chapter. The current holders of Class B licensing prior to the date of this act (*the effective date is July 24, 2010*) shall not be affected by the new statutory requirement;

(3) All vehicles not specified elsewhere in this subsection having a gross weight of more than three thousand pounds;

(4) All vehicles of a nature intended primarily for off-road agricultural, industrial or construction use; and

(5) All vehicles of a capacity of ten or more passengers while in use in conveying school children to and from school.

Source: S.L. No. 2L-132-82 §302, 7/9/82; S.L. No. 7L-73-10 §1, 7/24/10

§7-103. Establishment of license qualifications. — The Director shall establish such qualifications as he believes reasonably necessary for the safe operation of the various types, sizes, and combinations of vehicles and shall appropriately examine each applicant to determine his qualifications according to the type or class of license applied for.

Source: S.L. No. 2L-132-82 §303, 7/9/82

§7-104. Qualifications for school bus driver's permit. —

(1) No person under the age of 21 years shall drive any school bus transporting school children.

(2) The Director shall not issue a permit for the driving of a school bus carrying children unless the applicant has had at least two years of driving experience prior thereto and the Director is fully satisfied as to the applicant's good character, competency, and fitness to be so employed.

Source: S.L. No. 2L-132-82 §304, 7/9/82

§7-105. Qualifications for learner's permit; operation of motor vehicles; consent and responsibility of parents. —

(1) No person shall learn to operate a motor vehicle upon a public road before reaching the age of 16 years, nor without first obtaining a learner's permit from the Director, upon the payment of a fee of \$1 for a two-month period. Such a learner's permit may be renewed with the payment of the required fee for an additional two-month period upon expiration thereof and prior to acquisition of a private driver's license.

(2) While learning to operate a motor vehicle, the learner shall be in possession of his valid learner's permit and shall be accompanied by a licensed driver.

(3) The parents or guardian of all learners under the age of 18 shall submit written consent to the Director before issuance of a learner's permit.

Source: S.L. No. 2L-132-82 §305, 7/9/82; S.L. No. 2L-146-82 §4, 11/16/82; S.L. No. 2L-205-83 §1, 10/17/83

§7-106. Private driver's license application; issuance and contents of license. —

(1) Application for a private driver's license shall be made to the Director on such forms as are prescribed by the Director.

(2) The Director shall issue to every applicant qualifying therefor, a driver's license indicating the type or general class of vehicles the licensee may drive, which license shall bear thereon a distinguishing number assigned to the licensee, date of expiration, the full name, date of birth, residence address and a brief description and a photograph of the licensee, and either a facsimile of the signature with pen and ink immediately upon receipt of the license, and such other information as is determined necessary by the Director.

(3) No license shall be valid until it has been signed by the licensee.

(4) A license shall be issued to a person only under the name of that person as shown on his social security card, birth certificate, passport or court decree for change of name.

Source: S.L. No. 2L-132-82 §306, 7/9/82

§7-107. Qualifications for private driver's license. — Any person shall be eligible for a private driver's license if he:

(1) Has successfully completed his learner's permit period as prescribed in §7-105 and physical examinations or road tests as required by the Director; or

(2) Offers proof to the Director that he has a currently valid driver's license from another jurisdiction. Proof may be made by producing such license for inspection by the Director or, if such

license is not available, then a letter from the department of motor vehicles in such jurisdiction stating that his driver's license has not been canceled and is not currently suspended shall suffice. For purposes of this subsection, "jurisdiction" shall mean any place other than the state of Pohnpei.

Source: S.L. No. 2L-132-82 §307, 7/9/82

§7-108. Persons unqualified for license. — A driver's license shall not be issued to any person:

- (1) Under the age of 16 years and 2 months;
- (2) Determined to be an habitual drunkard or addicted to the use of narcotic drugs;
- (3) Previously adjudged insane or an idiot, imbecile, epileptic or feebleminded; or
- (4) Afflicted with or suffering from such physical or mental disability or disease as to prevent such person from exercising ordinary control over a motor vehicle while operating the same.

Source: S.L. No. 2L-132-82 §308, 7/9/82; S.L. No. 2L-205-83 §2, 10/17/83

§7-109. Expiration and renewal of driver's license. — All private driver's licenses shall expire three years from the date of issue. They shall be renewable on or before their expiration upon application, payment of the required fee, and satisfactory completion of such examinations as may be required by the Director.

Source: S.L. No. 2L-132-82 §309, 7/9/82

§7-110. Possession and display of license or permit. — Every person shall have a driver's license or learner's permit in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a police officer.

Source: S.L. No. 2L-132-82 §310, 7/9/82

§7-111. Suspension or revocation for driving under the influence. —

(1) A court may, upon conviction of driving under the influence under §12-105, suspend or revoke a license as follows:

- (a) Upon first conviction, for a period of six months;
- (b) Upon second conviction, for a period of two years; and
- (c) Upon third conviction, permanently.
- (d) Notwithstanding Paragraphs (a) and (b) of this subsection, if the court finds after hearing that a person has demonstrated a drinking pattern that indicates he cannot safely drive a motor vehicle, the court may permanently revoke his license.

(2) If bodily injury or death of a person is caused by reason of such intoxication, the period of suspension may be doubled by the court.

Source: S.L. No. 2L-132-82 §311, 7/9/82

§7-112. Suspension or revocation for careless driving, or fleeing from or attempting to elude a police officer. — The court may, upon conviction of careless driving, or fleeing from or attempting to elude a police officer under §§12-101 and 12-103, suspend or revoke a license as follows:

- (1) Upon first conviction, for a period of 60 days;
- (2) Upon second conviction, for a period of 180 days;
- (3) Upon third and subsequent convictions, for a period of one year; and
- (4) Notwithstanding Subsection (3) of this section, if the person has four or more convictions of serious traffic offenses under this section within a ten-year period, his license may be revoked for ten years.

Source: S.L. No. 2L-132-82 §312, 7/9/82

§7-113. Suspension or revocation for reckless driving or homicide by vehicle. —

(1) The court may, upon conviction of reckless driving or homicide by vehicle under §§12-102 and 12-104, suspend or revoke a license as follows:

- (a) Upon first conviction, for a period of 180 days;
- (b) Upon second and subsequent convictions, for a period of two years.
- (c) Notwithstanding Paragraph (b) of this subsection, if the person has three convictions of serious traffic offenses under this section within a ten-year period, his license may be revoked for ten years.

(2) For conviction of homicide by vehicle, periods of suspension may be double those set out in Subsection (1) of this section.

Source: S.L. No. 2L-132-82 §313, 7/9/82

Note: Reference in §313(2) of S.L. No. 2L-132-82, to "Subsection (a)" has been corrected to read "Subsection (1)".

§7-114. Suspension or revocation for offenses not specifically provided for. — For all offenses contained in this title for which a suspension or revocation period is not otherwise specified, the court, upon conviction and in addition to other specified penalties, may suspend or revoke a license as follows:

- (1) Upon the first conviction, for a period not to exceed 14 days;
- (2) Upon the second conviction, for a period not to exceed 90 days; and
- (3) Upon a third or subsequent conviction, for a period not to exceed 180 days.

(4) Notwithstanding Subsection (3) of this section, if the person has four or more convictions within a period of two years for offenses under this title, his license may be suspended for a period of one year.

Source: S.L. No. 2L-132-82 §314, 7/9/82

§7-115. Suspension or revocation by discretion of court. — Notwithstanding §§7-111 through 7-114, a court may, in its discretion, suspend or revoke the license of any driver who has been convicted of any offense under this title and who is shown to the court's satisfaction to be incapable of safely driving a motor vehicle because of physical or psychological infirmity or impairment, ignorance of safe motor vehicle operation or traffic laws, or gross disregard for the safety of himself and others.

Source: S.L. No. 2L-132-82 §315, 7/9/82

§7-116. Meaning of "conviction" for purposes of §§7-111 through 7-115. — As used in §§7-111 through 7-115, "conviction" shall include those offenses to which a person pleads guilty by utilizing the procedures set forth in this title for payment of fines in lieu of court appearances.

Source: S.L. No. 2L-132-82 §316, 7/9/82

§7-117. Surrender of suspended or revoked license; notation on reissued or new license. — A license suspended or revoked pursuant to §§7-111 through 7-115 shall be surrendered to the Director for the period of the suspension and may not be reissued, nor may any new license be issued without recording thereon the offense for which the license was suspended or revoked.

Source: S.L. No. 2L-132-82 §317, 7/9/82

§7-118. Driving while license is suspended. — The Clerk of the Court having suspended a license, upon receiving a record of the conviction of any person upon a charge of driving a vehicle while his private license is suspended, shall extend the period of such suspension for an additional like period, unless otherwise directed by the court.

Source: S.L. No. 2L-132-82 §318, 7/9/82

§7-119. Cancellation of license. — The Director may cancel any private driver's license upon determining that the licensee was not entitled to the issuance thereof or that said licensee failed to give the required or correct information in his application.

Source: S.L. No. 2L-132-82 §319, 7/9/82

§7-120. Reexamination of licensee. — The Director, having good cause to believe that a licensed driver is incompetent or is otherwise not qualified to be licensed, may, upon written notice of at least five days to the licensee, require him to submit to an examination. Upon the conclusion of such examination, the Director shall take such action as may be appropriate and may suspend or revoke the license of such person, permit him to retain such license, or issue a license subject to physical operational restrictions or restrictions as to the type or class of vehicles that may be driven. Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension or revocation of his license.

Source: S.L. No. 2L-132-82 §320, 7/9/82

§7-121. Misdemeanors. — It is a misdemeanor for any person:

(1) To display, or cause or permit to be displayed, or have in his possession, any canceled, revoked, suspended, fictitious or fraudulently altered driver's license;

(2) To lend his driver's license to any other person for use or knowingly permit the use thereof by another;

(3) To display or represent as one's own any driver's license not issued to him;

(4) To fail or refuse to surrender to the Director upon lawful demand, any driver's license that has been suspended, revoked or canceled;

(5) To use a false or fictitious name in any application for a driver's license or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

(6) To permit any unlawful use of a driver's license issued to him;

(7) To cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any road when such minor is not authorized to drive under this chapter or is in violation of this chapter;

(8) To authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any road by any person who is not licensed for the type or class of vehicle to be driven, or in violation of this chapter; or

(9) To do any act forbidden, or fail to perform any act required by this chapter.

Source: S.L. No. 2L-132-82 §321, 7/9/82

CHAPTER 8 RULES OF THE ROAD

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§8-101. Refusal to obey law officer. — It is unlawful to willfully fail or refuse to comply with any lawful order, signal or direction of any member of the Department of Public Safety when such member is engaged in enforcing this title or directing traffic.

Source: S.L. No. 2L-132-82 §401, 7/9/82

§8-102. Traffic-control devices. —

(1) The Director shall place and maintain, or cause to be placed and maintained, such appropriate official traffic-control devices as may be necessary to carry out this title or direct or warn traffic upon the roads. In addition to all other traffic-control devices, the Director shall place and maintain, or cause to be placed and maintained, clear markings of the center and the right and left sides of the roadway reserved exclusively for moving traffic.

(2) The driver of any vehicle shall obey the instructions of any applicable official traffic-control device placed in accordance with this title, unless otherwise directed by a police officer, subject to the exceptions granted under this title to the driver of an authorized emergency vehicle.

(3) No provision of this title relating to official traffic-control devices shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device was not in reasonably proper position and sufficiently legible to be seen by an ordinarily observant person.

Source: S.L. No. 2L-132-82 §402, 7/9/82; S.L. No. 3L-5-92 §1, 4/28/93

§8-103. Unauthorized signs, signals, and markings. —

(1) No person shall place, maintain or display upon or in view of any roadway, any unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles an official traffic-control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device.

(2) No person shall place or maintain, nor shall any public authority permit upon any roadway, any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection, upon private property adjacent to a roadway, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the roadway is hereby empowered to remove the same or cause it to be removed without notice.

Source: S.L. No. 2L-132-82 §403, 7/9/82

§8-104. Defacement or destruction of road signs. — No person shall deface, obliterate, bend, break or otherwise injure or destroy any road sign or marker, lettering thereon, or the post or other framework supporting said sign or marker.

Source: S.L. No. 2L-132-82 §404, 7/9/82

§8-105. Driving on right-hand side of highway. — Upon all roads of sufficient width, a vehicle shall be driven upon the right half of the road, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway; PROVIDED that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard; or

(3) Upon a road restricted to one-way traffic.

Source: S.L. No. 2L-132-82 §405, 7/9/82

§8-106. Passing approaching vehicle. — Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

Source: S.L. No. 2L-132-82 §406, 7/9/82

§8-107. Passing vehicle proceeding in same direction. —

(1) The following rules shall govern when a vehicle overtakes and passes, on the left, a vehicle proceeding in the same direction:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall not pass the overtaken vehicle on the right;

(b) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the road until safely clear of the overtaken vehicle;

(c) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle;

(d) No vehicle shall be driven to the left side of the center line of a road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and

passing to be completely made without interfering with the normal operation of any vehicle approaching from the opposite direction, or any vehicle overtaken. In any event, the overtaking vehicle must return to the right-hand side of the road before coming within 100 feet of any vehicle approaching from the opposite direction; and

(e) No vehicle shall at any time be driven to the left side of the road under the following conditions:

(i) When approaching the crest of a grade or upon a curve in the roadway, where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(ii) When the view is obstructed upon approaching any bridge, building, tree or natural obstruction;

(iii) When within 100 feet of or traversing any intersection; or

(iv) When prohibited by any official traffic-control device.

(2) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or is about to make a left turn;

(b) Upon a road with unobstructed pavement not occupied by parked vehicles;

(c) Upon a one-way road, or upon any roadway on which traffic is one way, where the road is free from obstructions and of sufficient width for two or more lines of moving vehicles; and

(d) When conditions permit such movement with safety;

(e) In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(3) The Director is hereby directed to determine those portions of the road where overtaking and passing on, or driving to the left would be especially hazardous and to prohibit the same through the use of official traffic-control devices.

Source: S.L. No. 2L-132-82 §407, 7/9/82

§8-108. Following; prima facie evidence of violation. —

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and condition of the roadway.

(2) The fact that a vehicle driven by a person has struck the rear portion of a vehicle preceding it on the roadway shall constitute prima facie evidence that such person has violated this section.

Source: S.L. No. 2L-132-82 §408, 7/9/82

§8-109. Right-of-way – approaching or entering unregulated intersection. —

(1) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle that has entered the intersection from a different roadway.

(2) When two vehicles enter an intersection from different roadways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This section shall not apply to vehicles approaching each other from opposite directions, when the driver of one of such vehicles is intending to or is making a left turn. Such movements shall be governed by §8-111.

Source: S.L. No. 2L-132-82 §409, 7/9/82

§8-110. Approaching or entering regulated intersection. —

(1) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.

(2) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the

point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on said roadway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

Source: S.L. No. 2L-132-82 §410, 7/9/82

§8-111. Left-hand turns. — A driver intending to turn left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction and within the intersection or so close thereto as to constitute an immediate hazard.

Source: S.L. No. 2L-132-82 §411, 7/9/82

§8-112. Entering a through roadway. — The driver of any vehicle shall slow down at the entrance to a through roadway and shall yield the right-of-way to other vehicles which have entered the intersection from the through roadway or which are approaching so closely on the through roadway as to constitute an immediate hazard. A driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on the through roadway shall yield the right-of-way to the vehicle about to enter or cross the through roadway.

Source: S.L. No. 2L-132-82 §412, 7/9/82

§8-113. Pedestrians: crossing roadway. —

(1) The driver of a vehicle shall yield the right-of-way, slowing down or stopping if necessary in order to so yield to a pedestrian crossing the roadway within any marked crosswalk or unmarked crosswalk at an intersection when the pedestrian is on the half of the roadway upon which the vehicle is traveling, or is approaching so closely from the opposite half of the roadway as to be in danger.

(2) Whenever any vehicle has stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(3) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(4) Every pedestrian crossing a roadway at any point other than within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles.

Source: S.L. No. 2L-132-82 §413, 7/9/82

§8-114. Roller skates and skateboards prohibited. — Use of skateboards or roller skates is prohibited on any paved public highway, roadway or street in the state.

Source: S.L. No. 2L-132-82 §414, 7/9/82

§8-115. Pedestrian under the influence. — It shall be unlawful for any pedestrian who is intoxicated to such an extent as to create a hazard to himself or others to walk on or be on any public roadway.

Source: S.L. No. 2L-132-82 §415, 7/9/82

§8-116. Walking on roadway. —

(1) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along or upon an adjacent roadway.

(2) Where sidewalks are not provided, any pedestrian walking along or upon a roadway shall, when practicable, walk only on the left side of the roadway or its shoulder, facing traffic that may approach from the opposite direction.

Source: S.L. No. 2L-132-82 §416, 7/9/82

§8-117. Right-of-way on sidewalks. — The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across such alley, building entrance, roadway or driveway.

Source: S.L. No. 2L-132-82 §417, 7/9/82

§8-118. Soliciting rides. — No person shall stand in or on the traveled portion of a roadway for the purpose of soliciting a ride from the driver of any vehicle.

Source: S.L. No. 2L-132-82 §418, 7/9/82

§8-119. General duty of drivers. — Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

Source: S.L. No. 2L-132-82 §419, 7/9/82

§8-120. Turns. — The driver of a vehicle intending to turn at an intersection shall proceed as follows:

(1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway; and

(2) A driver turning left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered.

Source: S.L. No. 2L-132-82 §420, 7/9/82

§8-121. Signaling turns and stops. —

(1) No person shall turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in this section in the event any other vehicle may be affected by such movement.

(2) Any signal of intention to turn right or left shall be given continuously during the last 100 feet traveled by a vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle on a road without first giving an appropriate signal in the manner provided in this section to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) Signals shall be given either by means of the hand and arm or by signal lamp or mechanical signal device, except that when the body of a vehicle, or a load on any vehicle projects 32 inches or more to the left of the center of the steering wheel, or under any other condition when a hand and arm signal would not be visible both to the front and rear of such vehicle, then such vehicle must be equipped with a signal lamp or device and signals must be given by such lamp or device.

(5) All signals herein required to be given by hand and arm shall be given from the left side of a vehicle in the following manner:

(a) For a left turn, hand and arm extended horizontally beyond the side of the vehicle;

(b) For a right turn, hand and arm extended upward beyond the side of the vehicle; and

(c) For a stop or sudden decrease of speed, hand and arm extended downward beyond the side of the vehicle.

Source: S.L. No. 2L-132-82 §421, 7/9/82

§8-122. Moving a stopped, standing or parked vehicle. — No person shall move a vehicle that is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Source: S.L. No. 2L-132-82 §422, 7/9/82

§8-123. Emerging from alley, building, private roadway or driveway. — The driver of a vehicle emerging from an alley, building, private roadway or driveway within a business or residential district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, roadway or driveway, or, in the event there is no sidewalk area, shall stop at the point nearest the roadway to be entered, where he has a view of approaching traffic thereon.

Source: S.L. No. 2L-132-82 §423, 7/9/82

§8-124. Meeting or overtaking school bus. — The driver of a vehicle, upon meeting or overtaking from either direction, any school bus that has stopped on the roadway for the purpose of receiving or discharging schoolchildren, shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in §3-107, and said driver shall not proceed until such school bus resumes motion or he is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

Source: S.L. No. 2L-132-82 §424, 7/9/82

§8-125. Obstructing traffic. — No motor vehicle shall be stopped in the area of the roadway marked for exclusive use for moving traffic as prescribed in §8-102 nor may it be stopped at any place where it is likely to obstruct traffic or create or constitute a dangerous condition to traffic on the road. Parking, standing or loading or discharging of passengers or freight between such markings, or in such areas, or in “No Parking” zones, is expressly prohibited except where the vehicle is driven completely off the roadway. In addition, no taxi or other commercial vehicle may discharge passengers or freight if such discharge results or is likely to result in persons or objects entering a zone reserved for moving vehicles or will otherwise obstruct traffic. For purposes of this section:

- (1) The word “stop” means prohibited “stop” or “stopping” as defined by §1-101(34); and
- (2) A violation of this section occurs when any portion of the vehicle is in violation hereof.

Source: S.L. No. 2L-132-82 §425, 7/9/82; S.L. No. 3L-5-92 §2, 4/28/93

§8-126. Obstruction of roadways. — It shall be unlawful for any person to leave an obstacle on a roadway in such a manner as to prevent free and easy passage thereon, unless otherwise authorized by statute.

Source: S.L. No. 2L-132-82 §426, 7/9/82

Note: S.L. No. 5L-07-00 §9, 7/14/00 repealed §426 and inserted a new §426.

§8-127. Stopping or parking near fire station or hydrant. — No person shall stop or park any vehicle, or leave it standing, in front of a fire station or within 15 feet of a fire hydrant except when such vehicle is attended by a licensed driver or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of necessity.

Source: S.L. No. 2L-132-82 §427, 7/9/82

§8-128. Removal of vehicles. —

(1) Whenever any police officer finds a vehicle standing upon a roadway in violation of any provision of this chapter, such officer may move such vehicle, or require the driver or other person in charge of the vehicle to move it, to a position off the paved or main-traveled part of such roadway.

(2) Any police officer may remove or cause to be removed to a place of safety, any unattended vehicle illegally left standing upon any roadway or bridge in such position or under such circumstances as to obstruct the normal movement of traffic.

(3) Any police officer may remove or cause to be removed to the nearest garage or other place of safety, any vehicle found upon a roadway when:

- (a) A report has been made that such vehicle has been stolen or taken without the consent of its owner; or
- (b) The person or persons in charge of such vehicle are unable to provide for its custody or removal.

Source: S.L. No. 2L-132-82 §428, 7/9/82

§8-129. Speed limits. —

(1) No person shall operate a motor vehicle on any roadway in the state at a rate of speed in excess of 25 miles an hour except as otherwise provided in this title.

(2) The Director shall determine, upon the basis of an engineering and traffic investigation, such other maximum speeds as shall be reasonable and safe under the conditions found to exist at any intersection or any other place on the roadways of the state. Such maximum speeds shall be effective when appropriate signs or markings giving notice thereof are erected, and may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when notice thereof is given by official traffic-control devices.

Source: S.L. No. 2L-132-82 §429, 7/9/82

§8-130. Backing. — The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

Source: S.L. No. 2L-132-82 §430, 7/9/82

§8-131. Driving on sidewalks. — No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

Source: S.L. No. 2L-132-82 §431, 7/9/82

§8-132. Obstruction of driver's view or operation of vehicle. —

(1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or with his control over the driving mechanism of the vehicle.

Source: S.L. No. 2L-132-82 §432, 7/9/82

§8-133. Opening and closing vehicle doors. — No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Source: S.L. No. 2L-132-82 §433, 7/9/82

§8-134. Coasting. —

(1) The driver of any motor vehicle, when traveling on a downgrade, shall not coast with the gears or transmission of such vehicle in neutral.

(2) The driver of a truck or bus, when traveling on a downgrade, shall not coast with the clutch disengaged.

Source: S.L. No. 2L-132-82 §434, 7/9/82

§8-135. Crossing fire hose. — No vehicle shall be driven over an unprotected fire hose laid down on any street, private roadway or driveway to be used at any fire or alarm of fire, without the consent of the fire official in command.

Source: S.L. No. 2L-132-82 §435, 7/9/82

§8-136. Putting glass and other sharp objects on roadway. —

(1) No person shall throw or deposit upon any roadway any glass bottle, glass, nails, tacks, wire, cans or any other object likely to injure any person, animal or vehicle upon such roadway.

(2) Any person who drops or permits to be dropped or thrown upon any roadway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a roadway shall remove any glass or other injurious substance dropped upon the roadway from such vehicle.

Source: S.L. No. 2L-132-82 §436, 7/9/82

§8-137. Metal tires or treads. — No motor vehicle with metal tires or treads shall be driven on a paved roadway without the permission of the Director.

Source: S.L. No. 2L-132-82 §437, 7/9/82

§8-138. Vehicle loads. — No vehicle shall be driven or moved on any roadway:

(1) Unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom;

(2) When any load thereon is not entirely within the body of the vehicle; PROVIDED, HOWEVER, that this prohibition shall not apply if the load is securely fastened by means of clamps, ropes, straps, cargo nets or other suitable mechanical devices to prevent such load from dropping onto the roadway or from shifting in any manner;

(3) With any load consisting partially or entirely of loose paper, empty cartons, crates, trash or any other material susceptible to being blown or carried by the wind, unless such load is entirely covered by a tarpaulin, net canopy or other suitable material, effectively preventing any part of such load from being blown or carried by the wind; PROVIDED, HOWEVER, that this subsection shall not apply to any vehicle carrying a load consisting entirely of soil, sand, coral or gravel if such load is wetted down to prevent particles thereof from being blown or carried by the wind; or

(4) While any occupant thereof is riding on a load which exceeds the height of the body of the vehicle.

Source: S.L. No. 2L-132-82 §438, 7/9/82; S.L. No. 6L-22-04 §2, 1/1/05

§8-139. Bicyclists subject to rules of the road. — Every person riding a bicycle upon a roadway shall be subject to all of the duties applicable to the driver of a vehicle under this title except those provisions that by their very nature are inapplicable.

Source: S.L. No. 2L-132-82 §439, 7/9/82

§8-140. Safety helmets required. —

(1) Every operator and passenger of a motorcycle shall wear on his head a safety helmet with straps fastened under his chin while the vehicle is being operated on any public road of Pohnpei. Commencing September 1, 1982, "safety helmet," as used in this subsection, shall mean a safety helmet that is certified by the Department of Public Safety as provided in Subsection (2) of this section. Any person who violates this subsection shall, upon conviction thereof, be imprisoned not longer than six months, or fined not more than \$100, or both such fine and imprisonment. Any violation of this subsection by a passenger shall be considered a violation by the operator also.

(2) The Department of Public Safety shall establish and make public minimum safety standards requiring that safety helmets with straps protect the entire head from injury during a reasonably

foreseeable traffic collision. Thereafter, the Director or his authorized representative shall certify only those safety helmets examined by him which meet the prescribed standards, and shall indicate such certification by a sticker to be clearly displayed on the exterior of the safety helmet while in use. The Director or his authorized representative is hereby authorized to collect a fee that shall not exceed fifty cents for each safety helmet with straps presented to him for certification. The fee shall be deposited in a separate account by the Director and shall be expended by the Director solely for purposes related to the certification of safety helmets. Any funds remaining in the account unexpended or unobligated for expenditure on September 30 each year shall be transferred to the general fund of Pohnpei. Every safety helmet certification issued under this section shall expire on March 31 each year and shall be renewed annually upon application by the owner and payment of the fee required.

Source: S.L. No. 2L-132-82 §440, 7/9/82

§8-141. General misdemeanor provision. — It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, a misdemeanor for any person to do any act forbidden by, or fail to perform any act required by this chapter.

Source: S.L. No. 2L-132-82 §441, 7/9/82

CHAPTER 9 ACCIDENT REPORTS

Section

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| 9-102 Written accident report | 9-104 Report forms |

§9-101. Duties of driver in accidents involving injury, death or damage. — The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle and shall give his name, address, and registration number of his vehicle and exhibit his operator's license to the person struck or the driver or occupants of any vehicle collided with, or the owner of any property damaged, and shall render to any person injured in such accident reasonable assistance.

Source: S.L. No. 2L-132-82 §1001, 7/9/82

§9-102. Written accident report. — The driver of any vehicle involved in an accident resulting in injury or death to any person or property damage to an apparent extent of \$50 or more, shall, within 24 hours (or as soon thereafter as normal means of transportation and communications will permit) forward a written report of such accident to the Director of the Department of Public Safety. All accident reports shall be without prejudice and shall not be open to public inspection.

Source: S.L. No. 2L-132-82 §1002, 7/9/82

§9-103. Reports by garages. — The person in charge of any garage or repair shop to which is brought any motor vehicle that shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station within 24 hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the person who brought in the vehicle.

Source: S.L. No. 2L-132-82 §1003, 7/9/82

§9-104. Report forms. — The Department of Public Safety shall supply the forms for accident reports calling for sufficiently detailed information to disclose, with reference to a highway accident, the cause, the conditions then existing, and the persons and vehicles involved.

Source: S.L. No. 2L-132-82 §1004, 7/9/82

CHAPTER 10 TRAFFIC OFFENSES PROCEDURE

Section

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| 10-102 Authority of police to issue citation at scene of accident | 10-111 Failure to answer a misdemeanor |
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§10-101. Procedure in lieu of other procedures. — The procedure set forth in this chapter may be employed in lieu of all others for violations of this title not amounting to felonies.

Source: S.L. No. 2L-132-82 §1101, 7/9/82

§10-102. Authority of police to issue citation at scene of accident. — Except for felonies, a police officer at the scene of a traffic accident may issue a written traffic citation to any driver of a vehicle involved in the accident when, based upon his personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under a provision of this title in connection with the accident.

Source: S.L. No. 2L-132-82 §1102, 7/9/82

§10-103. When person must be taken before court. — Whenever any person is halted by a police officer for any violation of this title not amounting to a felony, he shall be taken without unnecessary delay before the next sitting of the court of appropriate jurisdiction in the state in either of the following cases:

- (1) When the person demands an immediate appearance before the court; or
- (2) In any other event when the person is issued a traffic citation by an authorized person and refuses to give his written promise to appear in court as hereinafter provided.

Source: S.L. No. 2L-132-82 §1103, 7/9/82

§10-104. When person may be taken before court. — Whenever any person is halted by a police officer for any violation of this title and is not required to be taken before the court, the person shall, in the discretion of the officer, either be given a traffic citation or be taken without unnecessary delay before the next sitting of the court of appropriate jurisdiction in any of the following cases:

- (1) When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court; or
- (2) When a driver of a vehicle refuses to allow inspection of the vehicle by a police officer as provided for in §4-103.

Source: S.L. No. 2L-132-82 §1104, 7/9/82

§10-105. Violation of written promise to appear. —

(1) It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which such citation was originally issued.

(2) A written promise to appear in court may be complied with by an appearance by counsel.

Source: S.L. No. 2L-132-82 §1105, 7/9/82

§10-106. Uniform traffic ticket citation. —

(1) In the event of any violation of a provision of this title resulting in a misdemeanor, proceedings may be instituted by the serving of a citation upon the violator.

(2) The citation shall be signed by a police officer of the state and shall be substantially in the form known as the “Uniform Traffic Ticket Citation.”

(3) No code section need be specified in the citation in any case in which the charged violation is specifically designated through the use of indicated boxes provided on the uniform ticket.

(4) The citation may contain other information pertinent to the charged offense and such forms for appearance, plea, and waiver as are necessary under this chapter.

Source: S.L. No. 2L-132-82 §1106, 7/9/82; S.L. No. 1L-118-87 §5, 2/10/87

§10-107. Service. —

(1) The citation may be served by the delivery of a copy thereof to the defendant, or by affixing a copy thereof to the steering wheel or windshield of the vehicle, if unoccupied.

(2) The citation may be served by any member of the Division of Police and Security, a police officer or any deputy.

Source: S.L. No. 2L-132-82 §1107, 7/9/82; S.L. No. 1L-118-87 §5, 2/10/87; S.L. No. 5L-14-00 §3-22, 10/1/00

§10-108. Answer before Clerk of Court. — A citation lawfully issued under this chapter may be answered in the manner provided for in the state general law providing for issuance and answering of citations.

Source: S.L. No. 2L-132-82 §1108, 7/9/82; S.L. No. 1L-118-87 §5, 2/10/87

§10-109. Failure to appear; penalty. — The penalty for failure to answer to a citation issued pursuant to this chapter shall be instituted in the same manner provided for in the state general law providing for issuance and answering of citations.

Source: S.L. No. 2L-132-82 §1109, 7/9/82; S.L. No. 1L-118-87 §5, 2/10/87

§10-110. Arrests. — Upon the failure of any person to answer a citation issued pursuant to this chapter, a warrant for his arrest may issue and shall be made pursuant to the state general law providing for failure to answer a citation.

Source: S.L. No. 2L-132-82 §1110, 7/9/82; S.L. No. 1L-118-87 §5, 2/10/87

§10-111. Failure to answer a misdemeanor. — Any person who willfully fails to answer a lawful citation issued pursuant to this chapter shall be guilty of a misdemeanor as prescribed by state general law providing for issuance and answering of citations, regardless of the disposition of the charge upon which the citation was originally issued, and upon conviction thereof shall be subject to the penalties prescribed in the state general law providing for issuance and answering of citations.

Source: S.L. No. 2L-132-82 §1111, 7/9/82; S.L. No. 1L-118-87 §5, 2/10/87

§10-112. Hearing. — Hearings on traffic matters shall be conducted in accordance with rules promulgated by the court.

Source: S.L. No. 2L-132-82 §1112, 7/9/82

§10-113. Evidence. — Evidence from radar or other electronic equipment used to check and record the speed of vehicles may be admitted as evidence in the prosecution of alleged motor vehicle violations.

Source: S.L. No. 2L-132-82 §1113, 7/9/82

§10-114. Costs. —

(1) The court may assess reasonable costs against any defendant who fails to appear and answer a lawful summons as provided in this chapter.

(2) Such costs, when assessed, shall be segregated into a fund that shall be administered by the court.

(3) Such fund shall be used to defray the expenses of the administration of this chapter and is hereby continuously authorized and appropriated therefor.

Source: S.L. No. 2L-132-82 §1114, 7/9/82

§10-115. Offenses within Clerk's authority; fines. —

(1) The court shall, by order, which may from time to time be amended, supplemented or repealed, designate the misdemeanor traffic offenses within the authority of the Clerk; PROVIDED that such offenses shall in no event include felonies, accidents resulting in property damage or personal injury, operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug, or permitting another person who is under such influence to operate a motor vehicle owned by the defendant or in his custody or control, reckless driving or leaving the scene of an accident.

(2) The court, by published order to be prominently posted in the place where the fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for first, second, and subsequent offenses, designating each offense specifically in the schedules, provided such fines are within the limits declared by statute or ordinance. Fines and costs shall be paid to, received by, and accounted for by the Clerk in accordance with these rules.

Source: S.L. No. 2L-132-82 §1115, 7/9/82

§10-116. Plea of guilty, waiver of trial, and payment of fine; advice. —

(1) Any person charged with any misdemeanor traffic offense within the authority of the Clerk may appear in person before the Clerk and, upon signing a plea of guilty and waiver of trial, pay the fine established for the offense charged, and costs.

(2) He shall, prior to such plea, waiver, and payment, be informed of his right to stand trial, that his signature to a plea of guilty will have the same force and effect as a judgment of court, and that the record of conviction will be sent to the Director.

Source: S.L. No. 2L-132-82 §1116, 7/9/82

§10-117. Procedure after three convictions. — No person who has been found guilty of or who has signed a plea of guilty to three previous traffic offenses in the current calendar year shall be permitted to appear before the Clerk unless the court shall by general order applying to certain specified offenses permit such appearance, conditioned upon the payment of a substantially increased fine, which increase shall be specified in such general order.

Source: S.L. No. 2L-132-82 §1117, 7/9/82

§10-118. Transition. — Rules and regulations pertaining to vehicles and traffic existing on the effective date of this title [*July 9, 1982*] shall remain in effect unless superseded by rules and regulations promulgated pursuant to this title. Provisions of such rules and regulations existing on the effective date of this title which are in contravention with this title shall be held invalid to the extent of such contravention.

Source: S.L. No. 2L-132-82 §1201, 7/9/82

Note: Transition language relative to validity of existing registrations and licenses has been omitted.

Extended legislative history: D.L. No. 3L-37-72 §1, 11/29/72 added PDC §5-6, 3/71; D.L. No. 3L-38-72 §1, 1/1/73 added PDC §5-5, 3/71; D.L. No. 3L-51-73 §1, 5/29/73 amended PDC §5-1(a), 3/71; D.L. No. 3L-90-74 §1, 6/29/74 and S.L. No. 2L-79-81 §1, 7/15/81 amended PDC §5-5, 3/71, as established by D.L. No. 3L-90-74; D.L. No. 3L-67-73, 10/30/73 provided for mandatory spare parts list; D.L. No. 4L-117-77 §2, 11/16/77 amended D.L. No. 3L-67-73 §§1, 2, and 3; D.L. No. 4L-117-77 §1, 11/16/77 amended PDC §5-2, 3/71; D.L. No. 4L-118-77 §4, 11/16/77 repealed PDC §5-4, 3/71; S.L. No. 2L-132-82 §1202, 7/9/82 repealed PDC §§5-1 – 5-6, 3/71; S.L. No. 2L-146-82 §1, 11/16/82 amended S.L. No. 2L-132-82 §204; S.L. No. 2L-146-82 §2, 11/16/82 amended S.L. No. 2L-132-82 §208; S.L. No. 2L-146-82 §3, 11/16/82 amended S.L. No. 2L-132-82 §301(1); S.L. No. 2L-146-82 §4, 11/16/82 amended S.L. No. 2L-132-82 §305(3); S.L. No. 2L-205-83 §1, 10/17/83 amended S.L. No. 2L-132-82 §305(3); S.L. No. 2L-205-83 §1, 10/17/83 amended S.L. No. 2L-136-82 §305; S.L. No. 2L-205-83 §2, 10/17/83 amended S.L. No. 2L-136-82 §308; S.L. No. 3L-5-92 §1, 4/28/93 amended S.L. No. 2L-132-82 §402; S.L. No. 3L-5-92 §2, 4/28/93 amended S.L. No. 2L-132-82 §425; S.L. No. 2L-146-82 §5, 11/16/82 amended S.L. No. 2L-132-82 §904(4); S.L. No. 3L-5-92 §3, 4/28/93 amended S.L. No. 2L-132-82 §908; S.L. No. 1L-118-87 §5, 2/10/87 amended S.L. No. 2L-132-82 §§1106 through 1111.

CHAPTER 11 [RESERVED]

CHAPTER 12 SERIOUS TRAFFIC OFFENSES

Section

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| 12-101 Careless driving | 12-105 Driving while under the influence of alcohol or other drugs |
| 12-102 Reckless driving | 12-106 Causing death or bodily injury while driving under the influence |
| 12-103 Fleeing from or attempting to elude a police officer | 12-107 Jurisdiction over serious offenses |
| 12-104 Homicide by vehicle | |

§12-101. Careless driving. — Any person who drives any vehicle upon a roadway or place accessible to the public in a careless and imprudent manner without due regard for the width, grade, curves, corners, traffic or other attending circumstances is guilty of careless driving and shall be punished by a fine of not more than \$50, or imprisonment for not more than 30 days, or both such fine and imprisonment. Whenever such careless driving of a vehicle proximately causes bodily injury to any person, the person so driving such vehicle shall be fined not more than \$250, or imprisoned for not more than six months, or both such fine and imprisonment.

Source: S.L. No. 2L-132-82 §801, 7/9/82

§12-102. Reckless driving. — Any person who drives any vehicle upon a roadway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving and shall be punished by a fine of not more than \$100, or imprisonment for not more than six months, or both such fine and imprisonment. Whenever such reckless driving of a vehicle proximately causes bodily injury to any person, the person so driving such vehicle shall be fined not more than \$500, or imprisoned for not more than one year, or both such fine and imprisonment.

Source: S.L. No. 2L-132-82 §802, 7/9/82

§12-103. Fleeing from or attempting to elude a police officer. —

(1) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal by a police officer to bring the vehicle to a stop, shall be guilty of a misdemeanor.

(2) The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office.

(3) Every person convicted of fleeing or attempting to elude a police officer shall be punished by imprisonment for not less than 30 days nor more than six months, or by a fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.

Source: S.L. No. 2L-132-82 §803, 7/9/82

§12-104. Homicide by vehicle. — Whoever shall unlawfully and unintentionally cause the death of another person while engaged in a violation of any law applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death. Any person convicted of homicide by vehicle shall be fined less than \$3,000, or imprisoned less than three years, or both such fine and imprisonment.

Source: S.L. No. 2L-132-82 §804, 7/9/82

§12-105. Driving while under the influence of alcohol or other drugs. — Any person who, while under the influence of intoxicating liquor, any narcotic drug or any other drug, to a degree which renders him incapable of safely driving, drives any motor vehicle upon any roadway within the state

shall be punished by imprisonment for not more than one year, or a fine of not more than \$500, or both such fine and imprisonment.

Source: S.L. No. 2L-132-82 §805, 7/9/82

§12-106. Causing death or bodily injury while driving under the influence. — Any person operating or driving a motor vehicle of any kind while under the influence of intoxicating liquor, and who, by reason of such condition, does any act or neglects any duty imposed by law, which act or neglect of duty causes the death of or bodily injury to any person, shall be punished by imprisonment for less than three years, or a fine of less than \$3,000, or both such fine and imprisonment.

Source: S.L. No. 2L-132-82 §806, 7/9/82

§12-107. Jurisdiction over serious offenses. — The Pohnpei Supreme Court shall have original jurisdiction in all cases arising under this chapter.

Source: S.L. No. 2L-132-82 §807, 7/9/82

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