Title 83.

Vehicles.

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CHAPTER 1.

GENERAL PROVISIONS.

§ 1. Definitions. — The following words and phrases when used in this title shall have the meanings respectively ascribed to them in this section:

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

(2) "Motor vehicle" means every vehicle, as defined in this section, which is self-propelled.

(3) "Person" means every natural person, firm, co-partnership, association or corporation.

(4) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.

(5) "Street or highway" means every way or place of whatever nature open to the use of the public, as matter of right, for purposes of vehicular travel.

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

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

(8) "Right of way" means the privilege of the immediate use of the highway.

(9) "Official traffic signs" means all signs and markings not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

(10) "Operator" means every person who is in actual physical control of a motor vehicle upon a highway.
(11) "Foreign vehicle" means every motor vehicle or trailer which shall be brought into the Trust Territory and which has not been registered therein.

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

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

(14) "Policeman" means any member of the Micronesia police or any person authorized by the High Commissioner or any district administrator to act as a police officer.

(15) "Superintendent" means the superintendent of public safety or his authorized agents and employees.

(16) "Chief" means the chief of police of the appropriate district. (Code 1966, § 810; Code 1970, tit. 83, § 1.)

§ 2. Penalties for violation of title. — It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this title, and, unless otherwise specifically provided herein, upon conviction thereof the violator shall be punished by a fine of not more than one hundred dollars, or imprisonment for not more than thirty days, or both. (Code 1966, § 816; Code 1970, tit. 83, § 2.)
§ 51. Application. — Every owner of a motor vehicle intended to be operated on any highway of the Trust Territory shall, before the same is so operated, apply to the chief of police for registration and obtain registration of the motor vehicle. Application for registration of a vehicle shall be made on the prescribed form 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, the engine and serial number, and whether the vehicle is new or used. The owner of any foreign vehicle shall exhibit such evidence as will satisfy the chief of police that the applicant is the lawful owner of the vehicle. (Code 1966, § 811(a); Code 1970, tit. 83, § 51.)

§ 52. Records. — (1) The chief of police 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 chief of police shall be public records and shall be open for inspection by the public during business hours. (Code 1966, § 811(b); Code 1970, tit. 83, § 52.)

§ 53. Transfer. — 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 chief. The transferee, before operating or permitting the operation of such vehicle upon a highway, shall apply and obtain the registration thereof as upon an original registration. In the event of a transfer by inheritance, devise, 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 highways until and unless the person entitled thereto shall apply for and obtain the registration thereof. (Code 1966, § 811(f); Code 1970, tit. 83, § 53.)

§ 54. Fees. — (1) There shall be paid to the chief for the registration of motor vehicles the following fees:
   (a) Motorcycle, two dollars and fifty cents;
   (b) Jeep, sedan, and other vehicles not specified in paragraph (c) of this subsection, five dollars;
   (c) Pickups, trucks, buses, and others not specified in the foregoing subsections according to weight in pounds at the time of original sale in the Trust Territory:
      (i) Under two thousand pounds or fraction thereof, seven dollars and fifty cents;
      (ii) Two thousand to two thousand nine-hundred ninety-nine pounds or fraction thereof, ten dollars;
      (iii) Three thousand to five thousand nine-hundred ninety-nine pounds or fraction thereof, fifteen dollars;
(iv) Six thousand to seven thousand four-hundred ninety-nine pounds or fraction thereof, twenty dollars;
(v) Seven thousand five-hundred pounds and over, twenty-five dollars.

(2) All such fees shall be collected by the chief or his duly authorized representative and shall be deposited in the treasury of the municipality within which the respective vehicles as registered are regularly used and stored. (Code 1966, § 811(g); Code 1970, tit. 83, § 54.)

§ 55. Cards. — The chief 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 highway, be carried in the vehicle. Such registration card issued in any district shall be good in all districts of the Trust Territory. (Code 1966, § 811(c); Code 1970, tit. 83, § 55.)

Section is penal and thus to be strictly construed. — This section of this Code, relating to motor vehicle registration cards, is a penal statute and must be strictly construed. Palacios v. Trust Territory, 3 TTR 483 (1968).

Operator responsible for presence of registration card in vehicle. — This section places the responsibility upon an operator of a motor vehicle to ensure that the registration card is in the vehicle and not to operate any vehicle upon the highways of the Trust Territory unless the vehicle registration card is at that time being carried in the vehicle. Palacios v. Trust Territory, 3 TTR 483 (1968).

Owner who was not in or operating vehicle not liable for lack of registration card. — The owner of a vehicle who was not in or operating said vehicle at the time it was being operated without carrying a registration card cannot be convicted of a violation of this section which requires that such a card be carried in the vehicle while it is being operated on the highways. Palacios v. Trust Territory, 3 TTR 483 (1968).

§ 56. Display of plates. — Every owner whose vehicle shall be registered shall display a number plate issued by the chief showing the registration number, year and district. Such plate shall be attached to the rear of said vehicle. (Code 1966, § 811(d); Code 1970, tit. 83, § 56.)

§ 57. Expiration and renewal. — Every vehicle registration under this chapter shall expire on December 31 each year and shall be renewed annually upon application by the owner and by payment of the fees required. (Code 1966, § 811(e); Code 1970, tit. 83, § 57.)
§ 101. Failure to display plate or possess card; lending plate or card; fraud in application. — It shall be unlawful and constitute a misdemeanor for any person to:

1. Operate upon a highway any motor vehicle which is not registered in the Trust Territory or which does not have attached thereto the Trust Territory number plate;
2. Display or to have in possession any registration card or number plate or operator's license knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered;
3. Lend to one not entitled thereto any registration card or number plate or operator's license;
4. Use a false or fictitious name or address in any application for an operator's license or for the registration of any vehicle or otherwise commit a fraud in any such application. (Code 1966, § 815(g); Code 1970, tit. 83, § 101; P.L. No. 7-73, § 1.)

Cross reference. — Federated States of Micronesia, Part III, Title 83, ch. 3.
§ 151. Required; fees; breadth of privilege granted by license. — No person except those expressly exempted in this chapter shall drive any motor vehicle upon a highway in the Trust Territory unless such person has been licensed as an operator under this chapter. A fee of one dollar and fifty cents shall be paid to the chief for each such license issued. All such fees shall be deposited in the treasury of the municipality within which the respective operator resides, or, if he is not a resident of the Trust Territory, is staying. A license issued in any district shall be good in all districts of the Trust Territory. (Code 1966, § 812(a); Code 1970, tit. 83, § 151.)

Limitations in licenses. — This section neither classifies nor authorizes the classification of vehicle operators' licenses. Thus, any license issued under this section is sufficient for its purposes, regardless of any attempted limitation contained in the license. Ngirabiluk v. Trust Territory, 1 TTR 185 (1954).

If the issuing authority has power to classify licenses and a driver does not hold a valid license for operating the type of vehicle he is driving, such person has violated the statute relating to licensure requirement, and not section 159 of title 83, which requires operator to have license in his possession while driving a motor vehicle. Ngirabiluk v. Trust Territory, 1 TTR 185 (1954).

§ 152. Exemptions; period before new arrivals required to have license. — Every person in the service of the army, navy, or marine corps of the United States, when furnished with an official driver's permit and when operating an official motor vehicle, shall be exempt from license under this chapter. A nonresident over the age of sixteen years who has been duly licensed as an operator in his home state, territory or country and who has in his immediate possession a valid operator's license shall for thirty days from the time of his entry into the Trust Territory be permitted without examination under this chapter to drive a motor vehicle upon the highways of the Trust Territory, after which time such nonresident must have a valid operator's license in accordance with section 151 of this chapter except that no examinations shall be required. (Code 1966, § 812(b); Code 1970, tit. 83, § 152.)

American employee is "non-resident". — American employee of Trust Territory is "non-resident" within meaning of statute permitting such persons to drive motor vehicles upon highways of the Trust Territory under authority of license from home state when it is in his immediate possession. Day v. Trust Territory, 2 TTR 421 (1963).

"Residence" construed. — In construction of legislation using term "residence," courts look primarily to legislative purpose as well as context. "Residence" may mean something from mere temporary presence to most permanent abode. When "residence" is used to denote something more than mere physical presence, intent is material. Day v. Trust Territory, 2 TTR 421 (1963).

Whether "residence" and "domicile" are synonymous depends on purpose and intent with which word is used, including context in which it is employed. Day v. Trust Territory, 2 TTR 421 (1963).
§ 153. Ineligible persons. — An operator's license shall not be issued to any person:
   (1) Under the age of sixteen years;
   (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. (Code 1966, § 812(c); Code 1970, tit. 83, § 153.)

§ 154. Classes; age requirements. — (1) The following classes of operators' licenses are established:
   (a) All motorcycles, motor scooters, or motor bikes.
   (b) All vehicles not specified elsewhere in this subsection having a gross weight of three thousand pounds or less.
   (c) All vehicles not specified elsewhere in this subsection having a gross weight of more than three thousand pounds.
   (d) All vehicles of a nature intended primarily for off-road agricultural, industrial, or construction use.
   (e) All vehicles of a capacity of ten or more passengers while in use in conveying school children to and from school.
   (f) All vehicles in use as passenger-carrying conveyances for hire.
   (2) No operator's license or learner's permit shall be issued for any class of license specified in subsection (1) of this section unless the applicant therefor shall have complied with all applicable provisions of this chapter, and
   (a) Shall have attained the age of
      (i) Sixteen years, in the case of an operator's license or learner's permit issued under paragraphs (a), (b), (c), or (d) of subsection (1) of this section; or
      (ii) Twenty-one years, in the case of an operator's license or learner's permit issued under paragraphs (e) or (f) of subsection (1) of this section; and
   (b) In the case of operator's licenses or learner's permits issued under paragraphs (d), (e), or (f), of subsection (1) of this section, shall also be the holder of an operator's license issued under paragraph (c) of subsection (1) of this section.
   (3) An operator's license or learner's permit issued for any class enumerated in subsection (1) of this section shall be valid only for the operation of vehicles included in that class except that operator's licenses or learner's permits issued under paragraphs (b) or (c) thereof shall also be valid as licenses or permits to operate vehicles in any of the preceding paragraphs of that subsection. (Code 1966, § 812(d); Code 1970, tit. 83, § 154; P.L. No. 4C-79, § 1.)

§ 155. Learner's permits and fees. — (1) Upon receiving from any person qualified under the provisions of this chapter an application for a temporary learner's permit in any class, the chief shall issue such permit after examining such person as to his physical and mental qualifications to operate a motor vehicle in the class applied for.
   (2) Learner's permits shall be valid for sixty days from the date of their issue, or until sooner cancelled by law or suspended or revoked, or until the holder thereof has successfully qualified for an operator's license of the same class as the learner's permit.
(3) The holder of a learner's permit shall be permitted to operate a motor vehicle of the class for which the permit is issued when accompanied by a driver licensed to operate motor vehicles of the same class.

(4) A fee of one dollar and fifty cents shall be paid to the chief for each permit issued. All such fees shall be deposited in the treasury of the municipality where the learner's permit was issued. (Code 1966, § 812(e); Code 1970, tit. 83, § 155; P.L. No. 4C-79, § 2.)

§ 156. Contents of application. — Every application for an operator's license shall state the name, age, sex and residence of the applicant and whether or not the applicant has heretofore been licensed and when and by what state, and whether or not such license has ever been suspended or revoked and the date of and reason for suspension or revocation. (Code 1966, § 812(f); Code 1970, tit. 83, § 156.)

§ 157. Examination of applicants. — (1) The chief or his duly authorized representative, before issuing an operator's license, shall examine each applicant for an operator's license of any class as to his physical and mental qualifications to operate a motor vehicle in the class applied for.

(2) The chief shall issue or cause to be issued, in the manner which is or may be provided by law, regulations consistent with the provisions of this chapter pertaining to the nature of qualifications required under this section. (Code 1966, § 812(g); Code 1970, tit. 83, § 157; P.L. No. 4C-79, § 3.)

§ 158. Register of operator: notation of class to be included on license. — (1) The chief shall file every application for an operator's license or learner's permit and shall index the same by name, number, and class of license or permit. He shall maintain suitable records of all licenses issued, all applications for licenses denied, all violations of this title, and all suspensions or revocations of licenses or permits under the provisions of this title.

(2) The chief shall note or cause to be noted on each operator's license or learner's permit the class of the said license or permit, and the type of vehicles which may and may not lawfully be operated under the said license or permit. (Code 1966, § 812(h); P.L. No. 4C-79, § 4.)

§ 159. Possession of license. — Every person licensed as an operator shall have such license in his immediate possession at all times when driving a motor vehicle. (Code 1966, § 812(i); Code 1970, tit. 83, § 159.)

Violation of section classifying licenses. — If the issuing authority has power to classify licenses and a driver does not hold a valid license for operating the type of vehicle he is driving, such person has violated section 151 of title 83 requiring drivers to be licensed, not this section requiring operator to have license in his possession while driving a motor vehicle. Ngirabiluk v. Trust Territory, 1 TTR 185 (1954).

Requirement that license be in driver's possession. — The requirement of this Code that a license be in the driver's possession means that it shall be knowingly in possession and that the driver be able to produce it at police request or other appropriate times. Otis v. Trust Territory, 5 TTR 309 (1971).

§ 160. Term. — Every operator's license issued shall be valid for three years from the date of issue unless suspended or revoked as provided in this chapter. (Code 1966, § 812(e); Code 1970, tit. 83, § 160.)

§ 161. Suspension or revocation. — The court in which the case is prosecuted may, in its discretion, suspend or revoke the license of any person convicted of any criminal offense involving the operation of a motor vehicle by such person. The district administrator may, in his discretion, suspend the
license for a period not exceeding one year, or revoke the license of any person for good cause. Any person whose license is revoked under this chapter shall not be entitled to apply for or receive any new license until the expiration of one year from the date such former license was revoked. (Code 1966, § 812(k); Code 1970, tit. 83, § 161.)

§ 162. Driving while license suspended or revoked. — Any person whose operator's license has been suspended or revoked and who drives any motor vehicles upon the highways of the Trust Territory while such license is suspended or revoked shall be guilty of a misdemeanor. (Code 1966, § 812(l); Code 1970, tit. 83, § 162.)
§ 201. Applicability of chapter. — The provisions of this chapter shall apply to the drivers of all vehicles owned or operated by the United States or the Trust Territory except as provided in section 152 of this title. Every person riding a bicycle or an animal upon a roadway, and every person driving an animal, shall be subject to the provisions of this chapter. (Code 1966, § 815G; Code 1970, tit. 83, § 201.)

§ 202. Obedience to police officers. — It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any policeman with authority to direct, control or regulate traffic. (Code 1966, § 815(h); Code 1970, tit. 83, § 202.)

Encompasses lawful orders or directions immediately given. — The language of this section contemplates lawful orders, signals or directions immediately given in the direction, control or regulation of traffic, and not general or specific instructions given an operator an hour, a day, or a month previously. Chisato v. Trust Territory, 1 TTR 195 (1954).

§ 203. Erection and maintenance of signs and markers. — District administrators in their respective districts may cause appropriate signs to be erected and maintained designating business, school and residential districts, and such other signs and markings, consistent with the provisions of this title, as may be necessary to direct and regulate traffic, including signs notifying drivers of vehicles to stop before entering or crossing highways designated as through highways, and such additional signs as may be appropriate under the provisions of this title. (Code 1966, § 814(f); Code 1970, tit. 83, § 251.)

§ 204. Obedience to traffic signs. — It shall be unlawful for the driver of any vehicle to disobey the instructions of any official traffic sign placed in accordance with these provisions unless otherwise directed by a policeman. (Code 1966, § 814(f); Code 1970, tit. 83, § 252.)

§ 205. Interference with official traffic signs. — It shall be unlawful for any person to deface, injure, knock down or remove any official traffic sign placed or erected as provided in this chapter. (Code 1966, § 815(c); Code 1970, tit. 83, § 253.)

§ 206. Driving on right side of roadway; overtaking and passing. — Upon all highways of sufficient width, other than one-way highways, the
§ 207. Following too closely. — The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway. (Code 1966, § 814; Code 1970, tit. 83, § 302.)

§ 208. Right-of-way; approaching or entering intersection; turns at intersections; entering highway. — The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection. When two vehicles enter an intersection at the same time the driver of the vehicle on the left shall yield to the driver on the right. The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle entering a public highway from a private road or driveway or from any unpaved road to a paved road shall yield the right-of-way to all vehicles approaching on such public highway or paved road. The driver of a vehicle upon a highway shall yield the right-of-way to emergency vehicles. (Code 1966, § 814(c); Code 1970, tit. 83, § 351.)

Inconsistencies of prosecution witness not contradicted by defendant. — Where inconsistencies in testimony of prosecution's witness are not contradicted by defendant in criminal proceedings, trial court is fully justified in finding, on basis of all the evidence, that accused failed to yield right of way. Itelbong v. Trust Territory, 2 TTR 595 (1964).

Left turn made at intersection without signaling. — Where defendant on entering an intersection makes a left turn without signaling and passes into the lane then being used by plaintiff, then defendant has failed to comply with section. Sonper v. Trust Territory (Tr. Div., September, 1976).

§ 209. Same; pedestrians' right-of-way. — The driver of any vehicle shall yield the right-of-way to a pedestrian on any portion of an unpaved road or crossing within any marked or unmarked crosswalk of a paved road. This provision, however, shall not relieve the driver of a vehicle or the pedestrian from the duty to exercise due care. (Code 1966, § 814(d); Code 1970, tit. 83, § 401.)

§ 210. Signals on stopping or turning. — The driver of any vehicle upon a highway intending to stop or turn from a direct line shall give signals thereof either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device. When a motor vehicle is equipped with illuminated directional signal devices front and rear, and stop signal lamp or lamps on rear, such devices, when in proper working order, may be used in lieu of such hand
and arm signals. Otherwise the following hand and arm signals shall be used:

(1) Stopping. Extend the left hand and arm downward from and beyond the left side of the vehicle at an angle of forty-five degrees from the horizontal.

(2) Left turn. Extend the left hand and arm horizontally from and beyond the left side of the vehicle.

(3) Right turn. Extend the left hand and arm horizontally from and beyond the left side of the vehicle with forearm extending upward at an angle of ninety degrees from the horizontal.

§ 211. Speed limits. — (1) No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway and the hazard at intersections and any other conditions then existing. Any person who drives a vehicle upon a highway at a speed in excess of that indicated in this section for the particular location shall be guilty of a misdemeanor. Except where otherwise designated by the High Commissioner, said indicated speeds are as follows:

(a) Fifteen miles per hour: when passing a school building or the grounds thereof, during the school recess or while children are going to or leaving school during opening or closing hours; when passing a church on Sunday mornings; when passing public processions or assemblages on or near any highway.

(b) Twenty miles per hour: in any business or residential district.

(c) Twenty-five miles per hour: outside of a business or residential district.

(2) (a) District administrators in their respective districts are hereby authorized in their discretion to establish by regulation higher speed limits than those indicated herein upon highways or between widely spaced intersections or lower speed limits than those indicated herein in particularly hazardous areas, if signs are erected giving notice of the speed limit so established.

(b) Regulations authorized under the provisions of this section shall be issued in accordance with the provisions of the administrative procedure act, title 17 of this Code, as the same may be amended from time to time.

(3) The speed limits set forth herein shall not apply to emergency vehicles when operated in emergencies and when the drivers thereof sound audible signal by horn, bell, siren or exhaust whistle. This provision, however, shall not relieve the driver of an emergency vehicle from the responsibility to drive with due regard for the safety of all persons using the street, road or highway.

§ 212. Negligent or reckless driving. — (1) It shall be unlawful and constitute a misdemeanor for any person to drive a vehicle upon a highway in such a manner as to constitute a substantial deviation from the standard of care which a reasonable person would exercise in the situation.

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

NOTES

I. In General.
II. Negligent and Reckless Driving.
III. Procedure.

I. IN GENERAL

Elements of offense. — One may not drive vehicle on Trust Territory highway carelessly and heedlessly in wilful or wanton disregard of rights and safety of others, or without due caution at speed or in manner so as to endanger or be likely to endanger person or property. Senip v. Trust Territory, 2 TTR 227 (1961).
a motor vehicle, but in the manner and circumstances of its operation. Buikespis v. Trust Territory, 5 TTR 135 (1968).

Accident caused by mechanical defect. — Where an accident was caused by a mechanical defect in the vehicle, which defect was not known by the defendant, there was no violation of this section without evidence of negligence on the defendant's part. Lenge v. Trust Territory, 1 TTR 197 (1954).

Offense of driving with faulty brakes. — Neither intent to violate law nor knowledge of defective brakes is essential element of offense of driving with faulty brakes, and court must only determine whether or not defendant operated vehicle with defective brakes. Day v. Trust Territory, 2 TTR 421 (1963).

One not absolutely liable for injuries resulting from accidents in which one is involved. — One is not to be held absolutely liable for any injuries caused by accidents in which he may become involved, but only for injuries caused by accidents for which he is to blame in some manner because of wilful wrong or negligence. Haruo v. Trust Territory, 3 TTR 39 (1965).

Fact that accused was driver raises no inference of guilt. — Mere fact accused in criminal prosecution was driver of vehicle involved in accident does not raise inference he is guilty of reckless driving nor of simple negligence as basis of civil liability. Haruo v. Trust Territory, 3 TTR 39 (1965).

Where there is no evidence of negligence, section is not violated. — Where evidence showed that driver was traveling within the speed limit and that person injured had dashed out into the road there was no evidence of negligence on the part of the driver and no violation of Code section relating to negligent driving. Nedlec v. Trust Territory, 4 TTR 222 (1969).

II. NEGLIGENT AND RECKLESS DRIVING.

Negligence per se not applicable in criminal prosecution. — Rule in civil actions that violation of statute is negligence per se is not applicable in criminal prosecution for reckless driving. Senip v. Trust Territory, 2 TTR 227 (1961).

Rule in some jurisdictions that violation of statute is negligence per se is not applicable in criminal prosecution for reckless driving, since issue of contributory negligence is not involved. Day v. Trust Territory, 2 TTR 421 (1963).

Construction of legislation regarding crime of reckless driving. — In construing legislation regarding crime of reckless driving, American precedents and theories must be considered and applied in Trust Territory. Haruo v. Trust Territory, 3 TTR 39 (1965).

What reckless driving denotes. — Under the terms of statute or ordinance, reckless driving generally denotes operation of automobile under such circumstances as to show wilful or reckless disregard of consequences. Day v. Trust Territory, 2 TTR 421 (1963).

Reckless driving ordinarily requires more than mere negligence. — Ordinarily something more than mere negligence in operation of automobile is necessary to constitute offense of reckless driving. Day v. Trust Territory, 2 TTR 421 (1963).

Construction of words "likely to endanger". — Words "likely to endanger" as used in Trust Territory law defining reckless driving do not cover all conduct which may possibly result in danger, particularly if result is because of some circumstance one would not ordinarily anticipate. Haruo v. Trust Territory, 3 TTR 39 (1965).

Words "likely to endanger" as used in the Trust Territory law defining reckless driving refer to conduct which it is naturally to be expected will cause danger. Haruo v. Trust Territory, 3 TTR 39 (1965).

Language indicates intent to require showing of substantial fault. — Elimination of words "so as to endanger" and retention of words "in such a manner as to be likely to endanger" in the Trust Territory law defining reckless driving import legislative intention to require showing of substantial blame or fault. Haruo v. Trust Territory, 3 TTR 39 (1965).

Intent of amendment to reckless driving law. — Amendment to the Trust Territory law defining reckless driving was not intended to make one criminally liable for crime simply for being involved in accident regardless entirely of question of blame. Haruo v. Trust Territory, 3 TTR 39 (1965).

In amending the Trust Territory law defining reckless driving, authorities intended to make clear that some more serious fault than simple negligence must be shown, and that violation is substantial misdemeanor warranting substantial sentence if guilt is shown. Haruo v. Trust Territory, 3 TTR 39 (1965).

Requirements for finding of reckless driving. — In order to find person guilty of reckless driving under the Trust Territory law, trial court must be satisfied beyond reasonable doubt that accused has either wilfully or negligently driven so badly that there was good reason to expect he would injury persons or property which he knows or should have known were in a position where they might be injured, or which he should have expected might properly be in such a position. Haruo v. Trust Territory, 3 TTR 39 (1965).

Coverage of reckless driving law. — Trust Territory law defining reckless driving is intended to cover situations where driver
causes undue risk of injury to persons who either actually are or who it should reasonably be expected may properly be in position where they are likely to be injured, or where property similarly situated is likely to be injured. Mesechol v. Trust Territory, 3 TTR 136 (1966).

**Actual injury to persons or property not required for offense.** — No actual injury to persons or property is necessary in order to constitute offense of reckless driving within meaning of this Code. Mesechol v. Trust Territory, 3 TTR 136 (1966).

No negligence where there has been no deviation from standard of care of reasonable man. — In criminal prosecution for reckless driving, where charge cannot be sustained and accused’s driving does not constitute substantial deviation from standard of care of reasonable man, there can be no finding of guilt of lesser included offense of negligent driving. Borja v. Trust Territory, 3 TTR 254 (1967).

**Demonstration of reckless disregard for safety of other highway users.** — Appellant’s speeding on a road utterly inadequate to permit fast driving, his application of his brakes resulting in an uncontrolled skid and failure to avoid accident by driving to the center or other side of the road demonstrated his own reckless and wanton disregard of the safety of any other user of the highway. Joseph v. Trust Territory, 4 TTR 412 (1969).

Accused not driving recklessly or with disregard for lives or safety of public. — Where accused in criminal prosecution was not driving vehicle recklessly or with gross, wilful or wanton disregard of lives or safety of public, charge of reckless driving cannot be sustained. Borja v. Trust Territory, 3 TTR 254 (1967).

**Manner and circumstances of operation of motor vehicle critical.** — As the core of the offense of reckless driving lies not in the act of operating a motor vehicle, but the manner and circumstances of its operation, then the mere circumstance that a car went into a ditch is not sufficient to establish negligent driving. Otis v. Trust Territory, 5 TTR 309 (1971).

**Mechanical brake failure.** — Mechanical failure of brakes where driver was not aware of defect is insufficient to sustain conviction for reckless driving. Senip v. Trust Territory, 2 TTR 227 (1961).

**Apology to victim’s mother does not constitute admission of blame.** — Apology to mother of victim of motorcycle accident does not indicate admission of blame or fault on part of one accused of reckless driving. Haruo v. Trust Territory, 3 TTR 39 (1965).

**Actual injury not required.** — Trial court may find accused was driving in such a manner as to be likely to endanger pedestrian, within meaning of Trust Territory law defining reckless driving, even though pedestrian was not actually injured. Ngirasmou v. Trust Territory, 3 TTR 140 (1966).

**When excessive speed may constitute reckless driving.** — Driving slightly in excess of speed limit does not necessarily, taken all alone, constitute reckless driving. Driving at excessive speed under circumstances showing danger to persons or property may constitute reckless driving even though speed is within fixed limit for particular place. Mesechol v. Trust Territory, 3 TTR 136 (1966).

**Reckless driving of a bus.** — The fact that a bus driver blindly backed out to a highway and there hit a vehicle was reckless driving in the manner and circumstances of the operation of the bus. Buikespis v. Trust Territory, 5 TTR 135 (1968).

**Sentencing for reckless driving within discretion of court.** — In criminal prosecution for reckless driving, relatively light sentence which was within limits specified by law is matter resting in discretion of court and to which accused cannot fairly object. Mesechol v. Trust Territory, 3 TTR 136 (1966).

**Criminal negligence will sustain manslaughter conviction.** — While criminal negligence is not an element of the Trust Territory statute on manslaughter, culpable or so-called criminal negligence, when it is defined as either a substantial deviation from the standards of due care or gross, wilful or wanton disregard of the lives or safety of the public constitutes unlawful driving under this section and either or both of those unlawful acts will sustain a manslaughter conviction. Trust Territory v. Rasa, 5 TTR 276 (1970).

**III. PROCEDURE.**

Reasonable doubt standard for evidence. — Facts assumed by prosecution in criminal case which, if true, may show accused guilty of reckless driving, must be established by evidence beyond reasonable doubt. Haruo v. Trust Territory, 3 TTR 39 (1965).

**Prosecution must prove how accident occurred.** — Under the reckless driving statute it is the obligation of the prosecution to prove how the accident occurred in order to sustain proof beyond a reasonable doubt. Markungaev v. Trust Territory, 4 TTR 432 (1969).

**What prosecution must show as to accused’s conduct.** — Prosecution in criminal case involving reckless driving has duty to show beyond reasonable doubt that accused either did something he definitely should not have done, or failed to do something which he definitely should have done. Haruo v. Trust Territory, 3 TTR 39 (1965).

**Sentence for reckless driving.** — If accused in criminal prosecution is found guilty of offense of reckless driving in new trial after remand, sentence should be substantial and matter not treated lightly or as minor traffic
Two drivers may be guilty. — In accident between two automobiles, both drivers may be guilty of reckless driving. Ngirasmau v. Trust Territory, 3 TTR 140 (1966).

Propriety of conviction not related to negligence of complaining witness. — The propriety of a conviction of reckless driving does not depend upon the negligence or wrongful parking of the complaining witness. Buikespis v. Trust Territory, 5 TTR 135 (1968).

Court not concerned with negligence of complaining witness. — On appeal from conviction of reckless driving court is not concerned with any ill-advised maneuver of the complaining witness as such a prosecution is not a civil action for damages in which defendant raises the question of contributory negligence of the plaintiff. Joseph v. Trust Territory, 4 TTR 412 (1969).

Test on appeal for evaluating propriety of conviction. — On appeal from a criminal conviction of reckless driving the appeal must turn on whether there is sufficient evidence to support the charge of driving "recklessly or with gross, wilful or wanton disregard of the lives or safety of the public". Joseph v. Trust Territory, 4 TTR 412 (1969).

Negligence of accused is question of fact. — Whether accused was negligent, as defined by negligent driving criminal statute, was a question of fact for the trial court, which will not be redetermined by appellate court. Potocki v. Trust Territory, 6 TTR 38 (1972).

Circumstantial evidence can sustain verdict of trial court. — The circumstantial evidence of the case created inferences of fact, excessive speed on a dangerously rough road, sufficient to warrant a conclusion the vehicle was operated in wanton disregard of the lives and safety of the public, and the mere fact that the evidence in support of the trial court's verdict was circumstantial did not warrant a finding there was insufficient evidence to sustain the verdict. Markungael v. Trust Territory, 4 TTR 432 (1969).

Proof drawn from circumstances in absence of eye-witnesses. — Proof as to the cause of the accident, i.e., that it was due to recklessness, must be drawn from the circumstances surrounding the event, in the absence of any eye-witness willing to testify as to the facts leading up to the accident. Markungael v. Trust Territory, 4 TTR 432 (1969).

Degree of negligence immaterial. — When a statute penalizes negligence as a criminal offense, the degree of negligence that is slight, ordinary or gross does not enter into the elements of the offense. Potocki v. Trust Territory, 6 TTR 38 (1972).

Presumption of sobriety. — The presumption, until evidence to the contrary is produced, is that a person is in a state of sobriety. Ridep v. Trust Territory, 5 TTR 61 (1970).

Consumption of liquor does not establish intoxication. — Intoxication is not presumed from the mere consumption of liquor. Ridep v. Trust Territory, 5 TTR 61 (1970).

§ 213. Persons under the influence of drugs or intoxicating liquor. — It shall be unlawful for any person who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle upon any highway within the Trust Territory. Any person violating this provision shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or both. (Code 1966, § 815(a); Code 1970, tit. 83, § 552.)

§ 214. Stopping, standing and parking. — Any person parking any vehicle, whether attended or unattended, upon any highway shall park such vehicle as far to the right thereof as is practicable. It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle, whether attended or unattended, in any of the following places:

(1) Within an intersection.
(2) On a crosswalk.
(3) Within thirty feet upon the approach to any official stop sign located at the side of the roadway.
(4) Within fifteen feet of the driveway entrance to any fire station.
(5) Within fifteen feet of a fire hydrant.
(6) In front of a private driveway.
(7) On a sidewalk.
§ 215. Conditions for leaving vehicle unattended on highway. — No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the brakes thereon, stopping the motor and placing it in gear. (Code 1966, § 814(i); Code 1970, tit. 83, § 651.)

§ 216. Obstruction of driver's view or driving mechanism. — It shall be unlawful for the driver of any vehicle to drive the same when such vehicle is so loaded as to obstruct the view of the driver to the front or sides or to interfere with the driver's control over the driving mechanism of the vehicle. To this end no more than two persons (including the driver) shall be seated in the front seat of any jeep and no more than three persons (including the driver) shall be seated in the front seat of any other type of vehicle, except that one child under seven years of age may be seated in addition to the above. (Code 1966, § 814(j); Code 1970, tit. 83, § 652.)

§ 217. Driving vehicle without owner's consent or proper authorization. — Any person who shall drive a vehicle, not his own, without the consent of the owner thereof, or a vehicle belonging to the United States or the Trust Territory without proper authorization, and without, in either case, intent to steal the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or both. (Code 1966, § 815(e); Code 1970, tit. 83, § 653.)

Ownership of vehicle, lack of consent are essential elements. — Ownership of the vehicle and lack of consent of the owner are essential elements which must be proved in order to support a conviction for violation of the statute relating to driving a vehicle without the owner's consent or proper authorization. Tudela v. Trust Territory, 4 TTR 271 (1969).

Sufficient showing for joyriding. — Title of specific ownership of a wrongfully taken automobile was not made an essential factor in the prima facie establishment of the joyriding offense, and it is sufficient to show that the automobile taken did not belong to the appropriator but was intentionally taken from and without the permission of the person entitled to possession. Tudela v. Trust Territory, 4 TTR 271 (1969).

Court may infer knowledge on part of appellant. — Although the testimony showed that appellant was not the original taker of the vehicle, under the circumstances surrounding the event, it was permissible for the trial court to draw the inference that the appellant knew he was operating a motor vehicle not his own and without the owner's consent. Tudela v. Trust Territory, 4 TTR 271 (1969).

§ 218. Injuring, tampering with, etc., vehicle. — Any person who shall willfully break, injure, tamper with or remove any part or parts of any vehicle shall be guilty of a misdemeanor. (Code 1966, § 815(f); Code 1970, tit. 83, § 654.)
Limitation; requirement of wilfulness. — Crime of injuring vehicle is limited to situation in which person wilfully breaks, injures, tampers with, or removes any part or parts of vehicle. Itelbong v. Trust Territory, 2 TTR 595 (1964).

Injury caused carelessly does not warrant conviction. — Where accused is charged with crime of injuring vehicle, and implication is he caused injury carelessly and without any conscious purpose to inflict it, court will set aside verdict and new trial on charge will not be required. Itelbong v. Trust Territory, 2 TTR 595 (1964).
§ 251. 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 the 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 and shall render to any person injured in such accident reasonable assistance. (Code 1966, § 814(h); Code 1970, tit. 83, § 701.)

§ 252. Written 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 fifty dollars or more, shall, within twenty-four hours (or as soon thereafter as normal means of transportation and communication will permit), forward a written report of such accident to the chief of police of the district in which such accident occurs. All accident reports shall be without prejudice and shall not be open to public inspection. (Code 1966, § 814(h); Code 1970, tit. 83, § 702.)

§ 253. Reports by garages. — The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station within twenty-four hours (or as soon thereafter as normal means of transportation and communication will permit) after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle. (Code 1966, § 814(h); Code 1970, tit. 83, § 703.)

§ 254. Report forms. — The district administrator shall supply the Micronesia police and other suitable agencies with forms for accident reports calling for sufficiently detailed information to disclose with reference to a highway accident the cause, conditions then existing and the persons and vehicles involved. (Code 1966, § 814(h); Code 1970, tit. 83, § 704.)
§ 301. Lamps and lighting equipment; when required. — Every vehicle upon a highway within the Trust Territory during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet shall be equipped with the required lighting equipment. (Code 1966, § 813(a); Code 1970, tit. 83, § 751.)

§ 302. Same; head lamps on motor vehicles. — Every motor vehicle, other than a motorcycle or farm tractor, shall be equipped with two headlights at the front of and on opposite sides of the motor vehicle. Every motorcycle shall be equipped with at least one and not more than two headlights. All headlights shall produce a driving light sufficiently clear to render clearly discernible a person two hundred feet ahead, but shall not project a glaring or dazzling light to persons in front of such headlights. (Code 1966, § 813(a)(1); Code 1970, tit. 83, § 752.)

§ 303. Same; tail lamps. — Every motor vehicle and trailer shall carry at the rear a light which exhibits a red light plainly visible at a distance of two hundred feet. (Code 1966, § 813(a)(2); Code 1970, tit. 83, § 753.)

§ 304. Same; lamps on other vehicles and equipment. — (1) Every bicycle used on the paved portion of a highway shall be equipped with a light in the front thereof and shall also be equipped with a reflex mirror on the rear.  

(2) Every cart or wagon on a paved highway shall be equipped with a light placed in such a position as to be plainly visible at a distance of two hundred feet from both the front and rear thereof. (Code 1966, § 813(a)(3), (4); Code 1970, tit. 83, § 754.)

§ 305. Brakes; equipment required. — Every motor vehicle when operated on a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle. Every motorcycle when operated on a highway shall be provided with at least one brake, which may be operated by hand or foot. All brakes shall be adequate to stop the motor vehicle within a safe distance and shall be maintained in good working order. (Code 1966, § 813(b); Code 1970, tit. 83, § 801.)

Safe brakes required. — Every motor vehicle when operating on highways of Trust Territory must be equipped with safe brakes in good working order. Senip v. Trust Territory, 2 TTR 227 (1961).

Intent or knowledge is not an element of offense. — Under many statutes making non-compliance with motor vehicle regulations an offense, neither intent to violate nor knowledge of violation constitutes element of offense. Senip v. Trust Territory, 2 TTR 227 (1961).

Operation of vehicle while brakes were inadequate to control movement. — Where accused operated vehicle while brakes were inadequate to control movement, finding of
§ 306. Metal tires. — No motor vehicle with metal tires shall operate on a paved highway without permission of the district administrator. (Code 1966, § 815(d); Code 1970, tit. 83, § 851.)

§ 307. District administrator to require periodic inspection. — The district administrator and his duly authorized officers are hereby empowered at all reasonable times to inspect any motor vehicle to determine its compliance with the equipment provisions of this title. The district administrator may cancel the registration of any vehicle he shall determine is unsafe or unfit to be operated or is not equipped as required under this title. (Code 1966, § 813(c); Code 1970, tit. 83, § 901.)