A BILL FOR AN ACT

To further amend title 38 of the Code of the Federated States of Micronesia, as amended, by creating a new chapter 5 to regulate the importation of skiffs, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. Title 38 of the Code of the Federated States of Micronesia, as amended, is hereby amended by creating a new chapter 5 entitled: “Importation of Skiffs”.

Section 2. Title 38 of the Code of the Federated States of Micronesia, as amended, is hereby amended by adding a new section 501 to chapter 5 to read as follows:

“Section 501. Short title.

This chapter is known and may be cited as the “Skiff Import Safety Act.”

Section 3. Title 38 of the Code of the Federated States of Micronesia, as amended, is hereby amended by adding a new section 502 in chapter 5 to read as follows:

“Section 502. Definition.

As used in this chapter:

(1) “Law enforcement agency” means any governmental agency of the Federated States of Micronesia or the States responsible for the enforcement of the laws.

(2) “Marine safety fluorescent green” paint means any fluorescent green paint suitable for use in the marine environment.
(3) “Marine safety orange” paint means any orange paint suitable for use in a marine environment.

(4) “Person” means any individual, corporation, partnership, organization, association, foreign government, State or National governmental agency or entity, or other entity.

(5) “Secretary” means and is synonymous with the Secretary of the Department of Justice of the Federated States of Micronesia, or with the chief law enforcement officer of the Federated States of Micronesia, whatever the title of such position is or in the future becomes.

(6) “Skiff” means any multi-purpose boat with single deck or double deck, less than 30 feet in length, propelled by an outboard/inboard motor or oars/paddles.”

Section 4. Title 38 of the Code of the Federated States of Micronesia, as amended, is hereby amended by adding a new section 503 to chapter 5 to read as follows:

“Section 503. Requirements and Prohibition.

(1) It is unlawful for any person to import into the Federated States of Micronesia for sale, trade, donation, gift, or for personal or governmental usage of any kind, any skiffs of any sort which open deck is not pre-painted in marine safety fluorescent green or marine safety orange.

(2) It shall be unlawful to intentionally conceal any
part of the marine safety fluorescent green paint or marine safety orange paint.

(3) It shall be unlawful to intentionally conceal any part of the fluorescent green paint."

Section 5. Title 38 of the Code of the Federated States of Micronesia, as amended, is hereby amended by adding a new section 504 to chapter 5 to read as follows:

“Section 504. Law Enforcement Exception. The prohibition of this section does not apply to skiffs owned and operated by a law enforcement agency of the Government of the Federated States of Micronesia or of the States provide such skiffs have minimum safety equipment on board when in operation."

Section 6. Title 38 of the Code of the Federated States of Micronesia, as amended, is hereby amended by adding a new section 505 to chapter 5 to read as follows:

“Section 505. Violation – Enjoinment. The Attorney General of the Federated States of Micronesia may bring legal action to enjoin violations of this chapter, and for civil penalties."

Section 7. Title 38 of the Code of the Federated States of Micronesia, as amended, is hereby amended by adding a new section 506 to chapter 5 to read as follows:

“Section 506. Violation – Civil Penalty. Any person who violates any provision of this chapter is subject to a civil penalty of not more than $5,000

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for each violation, forfeiture of this skiff to the
Government of the Federated States of Micronesia, or
both, and shall be responsible for all costs of
prosecution if found in violation of this chapter."

Section 8. This act shall become law upon approval by the
President of the Federated States of Micronesia or upon its
becoming law without such approval.

Date: 9/23/14
Introduced by: /s/ Florencio S. Harper
Florencio S. Harper
(by request)