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**CHAPTER 3
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§ 3101. License: Requirement.

(a) Unless expressly exempted under this Title, a person shall not drive a motor vehicle upon a highway without having in his immediate possession a valid operator's or chauffeur's license issued under this Title. An operator's license authorizes the licensee to drive as an operator only. A chauffeur's license authorizes the licensee to drive as an operator or as a chauffeur.

(b) A person employed by or in the service of the United States while operating a vehicle owned or controlled by the United States need not obtain an operator's or chauffeur's license.

(c) (1) A person having in his immediate possession a valid operator's license or chauffeur's license issued by the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Japan, the Republic of China (Taiwan), countries of the European Union, Canada, New Zealand, the Republic of Korea, the Republic of the Philippines, or Australia may drive a motor vehicle upon the highways for a period not exceeding thirty (30) days from the date such person arrived on Guam. However, upon the expiration of such thirty (30) day period, such person must

(A) have been issued a Guam driver's license in order to continue driving on Guam, and

(B) be required to take a written test, and if that person passes the written test, then a driver's license shall be issued; provided however, if such person fails the written test twice, such person shall be required to

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complete a driver education seminar before being allowed to retake the test, which seminar must include at least eight (8) hours of classroom instruction and four (4) hours of in-car instruction, and must pass the required road test.

(2) An individual is entitled to take a written test only three (3) times pursuant to this Subsection, and to be issued a license under this Subsection, an individual must pass both the written and the road test.

(3) In addition, a person having in his immediate possession a temporary operator's or chauffeur's license issued under this Title may drive a motor vehicle upon the highways for a period not exceeding thirty (30) days, while the Guam Police Department is completing investigation and determination of all facts relative to the applicant's right to receive a license. Such temporary license is invalid when the applicant's license has been issued or refused.

(4) The thirty (30) days period herein may be extended for a period equal to the earlier of one (1) year from the date the licensee arrived on Guam or the expiration date of the out-of-Guam license, provided that the licensee

(A) registers his or her license with the Department of Revenue and Taxation, and

(B) pays a registration fee to the Treasurer of Guam not to exceed Twenty-five Dollars (\$25).

(C) Upon approval, the Director of Revenue and Taxation shall issue a Certificate of Registration that states

(i) the name and age of the licensee,

(ii) the expiration date of the Certificate, and

(iii) the licensee's number as an out-of-Guam licensee.

(5) The Department of Revenue and Taxation may withhold registration of a foreign license if

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(A) the Department of Revenue and Taxation cannot verify or has cause to doubt the validity of such foreign license,

(B) the licensee is unable to document the date of his entry into Guam, or

(C) the foreign license has been revoked or suspended by the jurisdiction issuing the license.

(6) The Department of Revenue and Taxation may require a prospective registrant to validate his license through passage of a written exam, road test or both.

(d) (1) A person having in his immediate possession a valid operator's, chauffeur's or motorcycle operator's license issued by any other territory, Commonwealth, or state of the United States, may drive a motor vehicle or a motorcycle upon the roads and highways for a period not exceeding thirty (30) days from the date such person arrived on Guam. However, upon the expiration of such thirty (30) day period, such person must have been issued a Guam driver's license in order to continue driving on Guam. Such person shall be exempted from taking the written driver's license examination or demonstration test.

(2) Upon issuance of the Guam driver's license, such person shall surrender the driver's license previously issued by the other United States jurisdiction to the Division of Motor Vehicles of the Department of Revenue and Taxation, unless the Director of Revenue and Taxation has adopted other procedures for the disposition of the previously issued license from the other United States jurisdiction.

(3) The thirty (30) days period herein may be extended for a period equal to the earlier of one (1) year from the date the licensee arrived on Guam or the expiration date of the out-of-Guam license, provided that the licensee,

(A) registers his or her license with the Department of Revenue and Taxation; and

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(B) pays a registration fee to the Treasurer of Guam not to exceed Twenty-five Dollars (\$25).

(4) Upon approval, the Department of Revenue and Taxation shall issue a Certificate of Registration that states,

(A) the name and age of the licensee;

(B) the expiration date of the Certificate; and

(C) the licensee's out-of-Guam driver's licensee number.

(5) The Department of Revenue and Taxation may withhold registration of an out-of-Guam license if,

(A) the Department of Revenue and Taxation cannot verify or has cause to doubt the validity of such out-of-Guam license;

(B) the licensee is unable to document the date of entry into Guam; or

(C) the out-of-Guam license has been revoked or suspended by the jurisdiction issuing the license.

(6) The Department of Revenue and Taxation may require a prospective registrant to validate his license through passage of a written exam, road test or both.

(e) (1) A person having in his immediate possession an instruction permit issued under this Title may drive a motor vehicle upon the high ways for a period not exceeding ninety (90) days when accompanied by, and under the immediate supervision of, a licensed operator or chauffeur.

(2) The Director of Revenue and Taxation may further restrict a permit to any applicant as he may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

(f) An applicant for a license or permit shall submit an application to the Department of Revenue and Taxation on a form prescribed by it, verified under oath and containing the following information:

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(1) the applicant's full name, age, sex and both mailing and residence addresses;

(2) the height, weight and color of eyes of the applicant;

(3) the kind of license applied for;

(4) whether the applicant has been licensed previously as an operator or chauffeur, and if so, when and in what jurisdiction and whether or not any such license has been suspended or revoked, and if so, the date of and reason for such suspension or revocation;

(5) whether the applicant previously has been refused an operator's or chauffeur's license in Guam, and if so, the date and the reason for such refusal;

(6) whether the applicant has previously operated a motor vehicle, and if so, for what length of time;

(7) whether the applicant has the normal use of both hands and feet;

(8) whether the applicant has ever been afflicted with heart condition, epilepsy, paralysis, insanity or other disability or disease affecting his ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway;

(9) whether the applicant understands traffic signs and signals;

(10) one (1) parent or guardian of an applicant under the age of eighteen (18) shall

(A) attest to his relationship with the minor;

(B) certify the correctness of information furnished on the application form;

(C) give his consent to the issuance of a license to the applicant and shall sign the application;

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(11) the applicant and licensing official shall sign all approved applications and date the application at the time signatures are made; and

(12) a valid Certificate of Completion of a drivers education course by the applicant, if the applicant is applying for a license for the first time or if the applicant is under eighteen (18) years of age, and any other information necessary to determine whether the applicant is entitled to a license under this Title.

(13) An applicant for a chauffeur's license shall state the type of vehicle or combination of vehicles he desires to operate.

(14) Defensive Driving/Driver Safety. A valid Certificate of Completion of a motorcycle safety/defensive driving education course by the applicant from an instructor approved and licensed for this purpose by the Department of Revenue and Taxation. This provision shall be effective for licenses issued to first-time licensees after January 1, 2015. The standards for such motorcycle safety/defensive driving education course shall be determined by the Department of Revenue and Taxation and approved and promulgated by the Department Director.

(g) The Department of Revenue and Taxation shall not issue any license or permit unless it determines that the applicant is lawfully qualified for a license or permit and approves the application.

(h) (1) The examination shall include

(A) a test of the applicant's knowledge and understanding of the provisions of this Title governing the operation of vehicles upon the highway,

(B) his understanding of traffic signs and signals,
and

(C) the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by

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driving the same under the supervision of an examining officer.

(2) The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license or permit under this Title.

(3) Every applicant for a chauffeur's license shall be required to submit to an examination appropriate to the type of vehicle or combination of vehicles he desires a license to drive.

(i) An applicant is not entitled to an operator's or chauffeur's license or instruction permit:

(1) who is not of legal age to receive such license or permit.

(A) An applicant for a new operator's license or instruction permit must

(i) have a valid Certificate of Completion of a drivers education course and in the case of a motorcycle operator's application, a valid Certificate of Completion of a motorcycle safety/defensive driving education course; and

(ii) be at least eighteen (18) years of age, whether applying for a new license or for renewal of an existing license, or if under eighteen (18) must be at least sixteen (16) years of age and have the consent in writing of his parents or guardians to drive a motor vehicle.

(B) An applicant for a chauffeur's license must be at least eighteen (18) years of age and if the application is for a new license and not a renewal, must have a valid Certificate of Completion.

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(2) Who is a habitual drunkard or addicted to the use of narcotic drugs or a habitual user of any other drug rendering such person incapable of safely operating a motor vehicle.

(3) Who is insane or feeble minded or an idiot, imbecile or epileptic.

(4) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this Title governing the operation of vehicles upon the highways.

(5) When it appears by examination or other evidence that such person is unable to safely operate a motor vehicle upon a highway because of physical or mental defect or except in the case of an applicant for an instruction permit, lack of skill. Any physical or mental defect of the applicant which in the opinion of the Director of Revenue and Taxation does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway shall not prevent the issuance of a license or permit to the application.

(6) Who has been certified by the Department of Law as being in non-compliance with a court order of support, unless a confirmation of compliance from the Department of Law or the Superior Court of Guam is received by the Director of Revenue and Taxation.

(j) The Director of Revenue and Taxation may disapprove the application:

(1) If he is satisfied that the applicant is not entitled thereto under the provisions of this Title.

(2) If the applicant has failed to furnish the Department of Revenue and Taxation the information required in the application or any reasonable additional information requested by the Department.

(3) If he determines that the applicant has made or permitted to be made, unlawful use of any operator's or chauffeur's license.

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(4) If he determines that the applicant has used a false or fictitious name in any application for a license, or knowingly made a false statement or knowingly concealed a material fact or otherwise committed any fraud in any such application.

(5) If he determines that the applicant is a negligent or incompetent operator of a motor vehicle. Any person who has been convicted on four (4) or more occasions in a consecutive period of twelve (12) months, or six (6) or more occasions within a consecutive period of twenty-four (24) months, or eight (8) or more occasions within a consecutive period of thirty-six (36) months of violations of the provisions of the Vehicle Code involving the safe operation of vehicles on the highway and which are by law required to be reported to the Department of Revenue and Taxation shall prima facie be presumed to be a “negligent operator of a motor vehicle.”

(k) (1) Every license and permit shall state whether it is an operator’s or chauffeur’s license or instruction permit and shall bear thereon the distinguishing number assigned to the application, the dates of issue and expiration, the name, date of birth, residence address, height, weight, color of eyes, a photograph of the licensee (except that the instruction permit shall not bear a photograph of the licensee), the maximum engine size of a motorcycle that the motorcycle operator is authorized to operate, and a space upon which the licensee shall write his usual signature.

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

(3) In the case of a chauffeur’s license, the license shall also state whether it is a general or restricted license, and if restricted, the type of vehicle or combination of vehicles the licensee is permitted to operate.

(4) Each license and permit shall also contain a space for common restrictive requirements, such as corrective lenses, hearing aid, hand control or pedal extension, left foot accelerator, no night driving, or other.

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(l) The licensee or permittee shall have his license or permit in his immediate possession at all times when driving a motor vehicle upon a highway and when so driving shall display such license or permit upon demand of a member of the Guam Police or any peace or traffic officer enforcing the provisions of this Title. Any charge under this Subsection shall be dismissed when the person so charged produces in court an operator's or chauffeur's license duly issued to such person and valid at the time of his arrest.

(m) (1) Every operator's or chauffeur's license hereafter issued shall expire three (3) years after the first anniversary of the date of birth of any applicant occurring after the date of issuance. The anniversary of the date of birth of any applicant born on February twenty-ninth (29th) shall, for the purposes of this Section, during the years in which there is no February twenty-ninth (29th), be considered as March first (1st).

(2) Every such license shall be renewable for a like period within ninety (90) days prior to its expiration.

(3) Any license that would otherwise expire on a Saturday or legal holiday shall be valid until the next business day.

(4) An applicant for renewal of license shall make application therefor in the same manner as in the case of an original application for a license upon such form as may be required.

(A) The Director of Revenue and Taxation at his discretion may require an examination of the applicant as upon an original application.

(B) To the extent its facilities permit, the Department of Revenue and Taxation shall, in the course of its investigation,

(i) check the record of the applicant for convictions for traffic violations and traffic accidents, and

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(ii) may withhold or refuse certification of eligibility for a license or renewal of a license unless satisfied upon reasonable proof that the applicant can and will operate a motor vehicle safely.

(C) The Department of Revenue and Taxation shall review prior to renewal, the applicant's driving record available through the Judiciary of Guam, detailing any conviction(s) for traffic violations and traffic accidents.

(i) The operator's, chauffeur's, or other class of driver's license of an applicant shall not be renewed if his or her driving record reveals that he or she has been convicted of three (3) separate instances involving moving violations in any twelve (12) month period, following issuance or renewal of a license, within the current license period.

(ii) The applicant's driver's license may be renewed following his or her attendance in a program in driver improvement, as approved by the Department of Revenue and Taxation, and who has further obtained a certificate evidencing successful completion of such program. This provision shall be applied in addition to any other conditions imposed by a court.

(n) (1) In the event a license or permit issued under this Title is lost, destroyed or mutilated, the licensee or permittee may obtain a duplicate from the Department of Revenue and Taxation upon making satisfactory proof of such fact.

(2) Any person who loses a license or permit and thereafter finds the original must immediately surrender such original to the Department of Revenue and Taxation.

(o) After passing an examination as required under Subsection (g) to include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a

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motorcycle and satisfying the Certificate of Completion requirements of Subsection (i), or upon qualifying under Subsection (d) of this Section an applicant may have his operator's, or chauffeur's or motorcycle permit endorsed by the Director of Revenue and Taxation, or his designee, authorizing the applicant to operate a motorcycle on the highways of Guam.

(1) The Director of Revenue and Taxation may, in his discretion, accept evidence of a military motorcycle permit in lieu of this examination and endorsement.

(2) No person shall operate a motorcycle on the highway without first complying with this Section, except that a person having in his immediate possession a valid motorcycle operator's license issued by any other territory or state of the United States, or by a foreign country, may operate a motorcycle upon the highways for a period not exceeding thirty days from the date such person arrived in Guam.

(3) The requirement that the person pass an examination and receive an endorsement for operation of a motorcycle shall not be applicable to the operation of a motorcycle or when a sidecar is attached to the motorcycle.

(4) Any person who operates a motorcycle in violation of this Title shall be guilty of a petty misdemeanor.

(p) (1) Motorcycle road/skills tests shall be administered by the Division of Motor Vehicles of the Department of Revenue and Taxation, or, by up to five examining entities, which have been approved by the Department of Revenue and Taxation through established rules and regulations, to certify the competence of prospective licenses to operate a vehicle on Guam's roads and highways.

(2) Examining entities/examiners that are qualified, approved and authorized to conduct road exams pursuant to § 31A05(a) of this Chapter are further authorized to conduct motorcycle road/skills tests; provided, that

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(A) the examiner conducting the test has had a valid motorcycle license for a period of not less than five years; and

(B) the road course used for the examination has been approved by the Director of the Department of Revenue and Taxation.

(q) Organizations engaged in the sale of motorcycles, scooters or mopeds, including a bicycle equipped with a motor, shall be ineligible to be designated as an examining entity for the purposes of this Section.

(r) A person in his or her immediate possession of a valid operator's license issued by the Commonwealth of the Northern Mariana Islands (CNMI) who shows proof of U.S. citizenship and proof of having held a valid CNMI driver's license for no less than one (1) year may exchange his or her license for a Guam driver's license in conformity with the provisions of the REAL ID Act as implemented on Guam. The individual *shall* pay for all fees associated with the issuance and/or renewal of a Guam driver's license.

SOURCE: GC § 23100, enacted by P.L. 01-088 (Nov. 29, 1952), as amended by P.L. 12-155:11 (July 10, 1974). Subsection (a) repealed by P.L. 22-020:5 (June 22, 1993); repealed and reenacted by P.L. 24-116:2 (Dec. 11, 1997). Subsection (c) amended by P.L. 14-072:5 (Oct. 31, 1977); amended by P.L. 22-146:21 (Dec. 29, 1994); amended by P.L. 27-048:3 (Dec. 17, 2003); amended by P.L. 28-162:1 (Jan. 4, 2007). Subsection (d) added by P.L. 27-048:2 (Dec. 17, 2003), existing subsections (d) through (n) renumbered as (e) through (o) pursuant to P.L. 27-048:2; amended by P.L. 28-162:2 (Jan. 4, 2007); P.L. 30-014:2 (Apr. 17, 2009). Subsection (e) repealed and reenacted by P.L. 14-092:1 (Dec. 31, 1977); Subsection (e)(12) amended by P.L. 22-020:9(d) (June 22, 1993). Subsection (h)(1) amended by P.L. 22-020:9(e) (June 22, 1993). Subsection (h)(6) added by P.L. 24-116:3 (Dec. 11, 1997), expired on Sept. 30, 1999 by operation of P.L. 24-116:13, and reenacted in its present form by P.L. 25-161:3 (Aug. 31, 2000), effective on July 10, 2000. Subsection (j) repealed and reenacted by P.L. 14-092:1 (Dec. 31, 1977). Subsection (n) amended by P.L. 13-187:143 (Sept. 2, 1976) and P.L. 16-114:15 (Oct. 19, 1982). Subsection (o) amended by P.L. 30-014:3 (Apr. 17, 2009); P.L. 32-052:6 (July 5, 2013). Subsection (m)(1) added by P.L. 31-216:2 (June 15, 2012), effective (180) days from date of enactment pursuant to P.L. 31-216:3. Subsection (f)(13) was originally codified as part of GC § 23100(f) by P.L. 12-155:11 (July 10, 1974) and renumbered by Compiler to harmoniously fit this section.

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Subsection (f)(14) added by P.L. 32-052:3 (July 5, 2013) as subsection (f)(13) and renumbered by Compiler to maintain numbering scheme of this section. Subsection (i) amended by P.L. 32-052:4 (July 5, 2013). Subsection (k) amended by P.L. 32-052:5 (July 5, 2013). Subsection (r) added by P.L. 34-043:2 (Oct. 6, 2017).

2015 NOTE: Subsection designations and subitems were added/alterd to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

NOTE: Although the language in subsection (f)(12) has been amended since first enacted, the legislature in its effort to clarify the meaning of "applying for a license for the first time," enacted Public Law 22-072:48(c) (Jan. 19, 1994) stating:

(c) The references in Section 9 of Public Law 22-20 to "individuals applying for a new Guam drivers license" or "applying for a license for the first time" shall mean any individual or applicant who does not possess a valid drivers license issued by any state or territory of the United States.

§ 3101.1. License: Selective Service.

(a) Applicants between the ages of eighteen (18) and twenty-five (25) may register with the United States Selective Service System in compliance with Title 50 U.S.C. App. 451, et. seq., as amended, when applying for a Guam motor vehicle driver's license pursuant to § 3101 of this Title.

(b) Every qualified applicant identified in this Section may authorize the Guam Motor Vehicle Administrator to:

(1) Collect the necessary personal information required for registering the applicant with the United States Selective Service System and electronically transmit the necessary personal information;

(2) Transmit said information to the United States Selective Service System pursuant to provisions in this Section for purposes of registering the applicant with the United States Selective Service System; and

(3) Collect, on a form determined by the Guam Motor Vehicle Administrator, from each applicant, his affirmation that he is consenting to registration with the United States Selective Service System, if so required by Title 50 U.S.C. App. 451, et. seq., as amended.

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(c) The Guam Motor Vehicle Administrator may establish a procedure to collect from the application of a consenting qualified applicant under twenty-six (26) years of age the necessary personal information required for registering the applicant with the United States Selective Service System and transmit the necessary personal information of the applicant to the United States Selective Service System for purposes of registering the applicant, if so required pursuant to Title 50 U.S.C. App. 451, et. seq., as amended.

(d) The provisions of this Title shall apply to all consenting qualified applicants under twenty-six (26) years of age applying for issuance, renewal, or duplicate of a Guam motor vehicle driver's license.

(e) Refusal by the applicant to register with the United States Selective Service System shall not be a basis for denial of a Guam motor vehicle driver's license.

SOURCE: Added by P.L. 27-082:2 (Apr. 20, 2004), effective 120 days thereafter.

§ 3101.2. License: Effect of Military Service.

(a) Unless suspended, canceled or revoked, a driver's license issued under this Title that is held by a person who is on active duty in the armed forces of the United States and is absent from Guam, notwithstanding the expiration date of the license, remains valid as provided herein. If the licensee is honorably discharged from active duty, the license remains valid until the earlier of

(1) the 91st day after the date of the discharge; or

(2) the 31st day from the date on which the person returns to Guam,

provided that the licensee has discharge or separation papers in his immediate possession.

(b) The Director of Revenue and Taxation shall renew the license, without examination, of a licensee whose license remains valid as defined in Subsection (a) hereof and who presents evidence of discharge or separation from service in the armed forces within the time limits in said Subsection.

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SOURCE: Added by P.L. 28-160:1 (Jan. 4, 2007).

§ 3101.3. Voter Registration Incident to Applications for Driver's Licenses and Identification Cards, and Renewals of Same.

(a) Every person applying at the Department of Revenue and Taxation for a Guam driver's license or the renewal of said license, or a Guam identification card or the renewal of said identification card, and who meets all the eligibility requirements to register to vote pursuant to Chapter 3, Title 3, Guam Code Annotated, *shall* be afforded the opportunity to register to vote, or if previously registered, to change their address for voting purposes, subject to the closing and opening of registration pursuant to § 3104 of Chapter 3, Title 3, Guam Code Annotated; and subject to the prohibition on the transfer of registration between the primary and general election pursuant to § 3107 of Chapter 3, Title 3, Guam Code Annotated.

(b) (1) The application to register to vote must be offered simultaneously with the application for the Guam driver's license, the Guam identification card, or renewal of either or both.

(2) Department of Revenue and Taxation employees must provide to applicants for Guam driver's licenses or Guam identification cards, or renewals of either or both, the same level of assistance and instruction with respect to the application to register to vote as is provided with respect to applications for Guam driver's licenses, Guam identification cards, or renewals of either or both; *provided*, that separate signatures *shall* be required on the application for a Guam driver's license or Guam identification card (or renewal of either or both), and the application to register to vote.

(3) The applicant may decline to register to vote by failing to sign the voter registration form. In order to protect the privacy of those who do not wish to register to vote for any reason, the failure of an applicant for a Guam driver's license or a Guam identification card, or the renewal of either or both, to sign the voter registration form may *not* be

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used for any purpose other than to determine the person's voter registration status.

(c) (1) The voter registration application *shall* contain the applicant's name, residence address, mailing address if different from residence address, date of birth, and the applicant's signature and the date of affixation of signature, and may include any other information, certifications, and declarations, including those made under the penalty of perjury, that may be required by the Guam Election Commission in order to administer a single and unified system of voter registration in accordance with applicable local and federal laws which *shall* enable duly registered voters to vote in all elections in their respective municipality, division or districts, including, elections for federal officers. The voter registration application must also include the statement that unlawful voter registration is a crime and any person who willfully causes, procures or allows himself or herself or any person to be registered as a voter, knowing himself or herself or other person not to be entitled to registration, is guilty of a felony of the third degree.

(2) It *shall* be the responsibility of the Department of Revenue and Taxation to print and to have available at all times a sufficient number of voter registration forms in order to carry out the provisions of this Section.

(d) (1) The completed voter registration application *shall* be transmitted by the Department of Revenue and Taxation to the Guam Election Commission *no later than* five (5) business days after the date of acceptance by the Department of Revenue and Taxation. Transmission may be made by electronic means as prescribed by the Guam Election Commission, and in an electronic form compatible with the voter registration system maintained by the Guam Election Commission.

(2) For each registration electronically transmitted, a hard copy will be provided to the Guam Election Commission.

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(e) Any person who has fully and correctly completed an application at the Department of Revenue and Taxation to register to vote is presumed to be registered as of the date of the acceptance of the registration by the Department of Revenue and Taxation, subject to verification of the registration by the Executive Director of the Guam Election Commission, as provided in § 3102 of Chapter 3, Title 3, Guam Code Annotated.

(f) Refusal by an applicant to register to vote *shall not* be a basis for the denial of a Guam driver's license or a Guam identification card, or the renewal thereof.

(g) The Guam Election Commission *shall* have the authority to adopt regulations to implement and administer the provisions of this Section, including all registrations taken at the Department of Revenue and Taxation.

SOURCE: Added by P.L. 33-034 (June 10, 2015).

§ 3101.4. Veterans Designation for Driver's Licenses, Identification Cards, and Renewals of the Same.

(a) Every applicant for a Guam driver's license or a Guam identification card who is a veteran, pursuant to § 7120.2(b) of Chapter 7 of this Title, shall, at the applicant's request, have the word "Veteran" affixed on a section of the Guam driver's license or the Guam identification card. The requirements of this Section *shall* also apply to the renewal of the same.

(b) The Driver's License and Identification Card Branch *shall*, with documented consent of the party of interest, submit a copy of the DD214 Form or other proof of Veteran status to the Office of Veterans Affairs of every applicant for the purposes of updating the Guam Veterans Registry no later than thirty (30) days after the date of acceptance by the Driver's License and Identification Card Branch. Transmission of forms may be made by electronic means over a secured network as prescribed by the Office of Technology and the Office of Veterans Affairs. The Office of Veterans Affairs *shall* have the authority to adopt regulations to implement and administer the provisions of this Section and ensure the confidentiality of Veteran information.

SOURCE: Added by P.L. 33-190:1 (Sept. 26, 2016). Amended by P.L. 34-093:3 (May 14, 2018).

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2018 NOTE: Subsection/subitem designations altered pursuant to the authority granted by 1 GCA § 1606.

§ 3102. Same: Fees.

The following fee schedule in subsections (a) through (h) is valid for a three (3) year period. The applicant may elect for a license, notwithstanding § 3101 (m), Chapter 3, Title 16 GCA, which shall be valid for a five (5) year period, provided that, the fee for such a license shall be Forty-five Dollars (\$45.00). The fee for the issuance of a motor vehicle driver's license is as follows:

(a) Operator's License	\$25.00
(b) Chauffeur's License Class B	\$25.00
(c) Chauffeur's License Class C	\$25.00
(d) Chauffeur's License Class D	\$25.00
(e) Motorcycle Class F	\$25.00
(f) Mini Bus Class G	\$25.00
(g) Modified Vehicle Class H	\$25.00
(h) All other classes	\$25.00
(i) Driver's License Renewal	
Fee - Three (3) years	\$25.00
Five (5) years)	\$45.00
(j) Instruction Permit for 120 days	\$10.00
(k) Driver's License Late Penalty every three (3) months after expiration not to exceed	\$ 5.00 \$40.00
(l) Temporary Driver's License valid for one (1) year	\$10.00
(m) Reinstatement Fee	\$20.00
(n) Out of Guam processing fee	\$10.00
(o) Certification Fee	\$10.00
(p) Written Test Fee (Operator, Chauffeur & Motorcycle)	\$15.00
(q) Foreign Language Operator Written Test Fee	\$35.00
(r) Cost of Mailing (The Department	

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of Revenue and Taxation may
adjust the mailing costs to provide
for additional fees the U.S. Postal
Service may charge) \$ 3.00

An instruction permit shall not be issued for a period to exceed ninety (90) days. A temporary permit shall not be issued for a period to exceed thirty (30) days.

SOURCE: P.L. 01-088 (Nov. 29, 1952), as amended by P.L. 02-100 (July 30, 1952). Amended by P.L. 29-002:V:I:35 (May 18, 2007).

2018 NOTE: Subsection designations were altered to correct the alpha scheme following subsection (k).

2012 NOTE: Pursuant to the authority granted by 1 GCA § 1606, subsection designations were altered from numbers to lowercase letters to adhere to the Compiler's alpha-numeric scheme.

§ 3102.1. Waiver of Motor Vehicle Driver's License Fees for Veterans and Extended Beneficiaries.

(a) The fee for the issuance of a motor vehicle driver's license, to include all classes and endorsements, is waived for:

(1) Veterans of the United States Armed Forces, as defined in § 7120.2(b) of Chapter 7 of this Title, to include persons who are serving or have served on active duty, reserve component members, and retirees of the United States Armed Forces; and

(2) the spouse, legal guardian, or surviving spouse, as defined in § 67101 of Chapter 67, Title 10, Guam Code Annotated, and as authorized by § 4B101 of Article 1B of Chapter 4, Title 4, Guam Code Annotated, and to Gold Star parents who are eligible pursuant to § 7120.3(b) of Chapter 7 of this Title.

(b) Any person listed above and whose character of military service was honorable as verified by the applicant's Report of Transfer or Discharge (DD Form 214), Military Identification Card DD Form 2, DD Form 1173, DD Form 2765, or Common Access Card (CAC), or other accepted forms used to verify eligibility status and certified by the government of Guam Office of Veterans Affairs (OVA) may apply to the License Division of the Department of Revenue and Taxation for a

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Driver's License. Certification by the OVA will be based only upon records they have available. When requested by the OVA, the Department of Revenue and Taxation *shall* provide a listing of persons granted fee waivers pursuant to this Section.

(c) Eligibility Period. The eligibility period for a spouse, surviving spouse, and legal guardian *shall* be consistent as applicable with §§ 4B103, 4B104, or 4B105 of Article 1B of Chapter 4, Title 4 Guam Code Annotated. The eligibility period for Gold Star parents *shall* be the same as the eligibility period for a surviving spouse.

SOURCE: Added by P.L. 28-079:2 (Dec. 5, 2005). Amended by P.L. 31-107:2 (Sept. 30, 2011), P.L. 31-177:2 (Feb. 3, 2012), P.L. 31-240:4 (Dec. 6, 2012), P.L. 32-077:1 (Nov. 27, 2013), and P.L. 33-096:2 (Nov. 9, 2015).

2015 NOTE: Subitem designations in subsection (b) were added to adhere to the Compiler's general codification and alpha-numeric scheme in accordance with the authority granted by 1 GCA § 1606.

§ 3102.2. Charges for Examiner Off-Duty Services.

(a) Charges for Services by Department of Revenue and Taxation Examiners. Any person that requires the Services of an Examiner(s) upon special request, subject to the approval of the Director, on Saturdays, Sundays, or holidays between the hours of 8:00 a.m. and 5:00 p.m. shall be charged for Services as are rendered by Examiners as follows:

(1) for the first hour or fraction thereof, a rate of three (3) times the Examiner's, or Examiners', hourly wage (3.0 x hourly wage rate) for each Examiner requested to perform Services;

(2) after the first hour, but only after fifteen (15) minutes have elapsed, a rate of one and a half (1½) times each Examiner's hourly wage rate during such hour, or each hour thereafter, but not to exceed a maximum charge of Two Hundred Seventy-five Dollars (\$275.00) per Examiner per examination;

(3) for road examinations for Operator's License Endorsement A, the charge shall not exceed Fifteen Dollars (\$15.00) per examination per person.

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(b) Non-Performance of Services. If Services have been requested and the Examiner(s) has reported to work, and the Services are not performed by reason of circumstances beyond the control of the Examiner(s) concerned, the requesting party shall be charged in accordance with § 3102.2(a) on the same basis as though the Services had actually been performed during the time the Examiner was ordered to report for duty and did so report, and the time the Examiner was notified that the Examiner's Services would not be required.

(c) Other Charges. In addition to charges authorized under § 3102.2 (a) and (b), all other commercial drivers license fees and operator's license fees and charges apply.

SOURCE: Added by P.L. 30-140:3 (May 17, 2010). Subsection (a)(3) added by P.L. 31-082:4 (Sept. 30, 2011). Subsection (c) amended by P.L. 31-082:4 (Sept. 30, 2011).

2014 NOTE: P.L. 31-082:5 (Sept. 30, 2011) required the Department of Revenue and Taxation to promulgate rules and regulations, if necessary, to ensure the compliance and implementation of the amendments to this section. The amendments to subsections (a) and (c) were to become effective "following the promulgation and formal adoption of the program rules and regulations as highlighted herein, or otherwise upon enactment."

§ 3102.3. Payment.

Payments Due. All person(s) requesting the Services of Department of Revenue and Taxation Examiner(s) under § 3102.2 shall make payments to the 'Treasurer of Guam' no later than the day prior to the delivery of Services and shall provide a copy of the payment receipt to the assigned Examiner prior to the examination.

SOURCE: Added by P.L. 30-140:3 (May 17, 2010).

2015 NOTE: Subsection designation deleted pursuant to authority granted by 1 GCA § 1606.

§ 3102.4. Examiner Off-Duty Services Fund.

(a) Fund Established. There is hereby established, within the Department of Revenue and Taxation, the 'Examiner Off-Duty Services Fund', which shall be separate and apart from the General Fund, and for which independent records shall be maintained.

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(b) Deposits. All monies received in accordance with this Act shall be deposited into the Fund.

(c) Authorized Expense(s). All authorized expenses for providing Examination Service(s) pursuant to this Act shall be paid by the Treasurer of Guam from the Examiner Off-Duty Services Fund upon the submittal of vouchers certified by the Director of Revenue and Taxation. The Director shall use overtime funds authorized under Public Law 30-55 to pay for Services pursuant to this Act, which shall be immediately reimbursed from funds deposited into the Examiner Off-Duty Services Fund. Each Examiner shall be responsible for employer retirement contributions which may be applicable on their behalf.

(d) Report. On the first January after the enactment of this Act, and every six (6) months thereafter, the Director of Revenue and Taxation shall prepare and transmit to the Speaker of *I Liheslaturan Guåhan*, via *I Maga'lahaen Guåhan*, a detailed report on the status of the Examiner Off-Duty Services Fund, to include an itemization of expenditures charged against the Fund.

SOURCE: Added by P.L. 30-140:3 (May 17, 2010).

§ 3102.5 Outsource Road Test Examinations.

(a) The DRT Division of Motor Vehicles may contract up to three (3) business entities to conduct and certify behind-the-wheel road tests for persons applying for a Chauffeurs License Class B, Chauffeurs License Class C, Class D and Class G.

(b) The DRT *shall*, within sixty (60) days from the effective date of this Act, develop and transmit to *I Liheslaturan Guåhan* rules and regulations that establish provisions to include, but *not* limited to, the qualification criteria of testing entities, the process for selection of a testing entity, the administrative requirements that must be maintained by the testing entity to ensure accountability, recertification requirements, quality assurance measures, key performance indices, and other parameters that may be required to ensure the integrity of the testing function.

SOURCE: Added by P.L. 32-124:2 (Feb. 10, 2014).

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§ 3103. Driver Education: Student Permits: Application.

(a) Any student over fifteen and one-half (15 1/2) years of age who is enrolled in an approved Driver Education Program offered by a school of secondary level may apply for a student permit.

(b) The application shall be signed by the applicant and shall be accompanied by a statement signed by the parents, guardian, or persons having legal custody of the student consenting to his participation in the Driver Education Program.

SOURCE: GC § 23100.1, enacted by P.L. 11-198 (Dec. 12, 1972).

§ 3104. Same: Issuance.

The Principal may issue or reissue a student permit without cost whenever the applicant has filed a proper application therefor. Said permit shall be signed by the Principal, the Driver Education Instructor, and the student.

SOURCE: GC § 23100.2, enacted by P.L. 11-198 (Dec. 12, 1972).

§ 3105. Same: Limitations.

(a) A student permit shall entitle the student to operate a motor vehicle only at such times as the student is taking driver training instruction in connection with a Driver Education Program, and then only in the direction and under the supervision of the instructor, and shall be valid only for the period covered by the course and for not more than one (1) year from the date of issuance.

(b) Any holder driving in violation of the limitations of a student permit shall be punished in the same manner as if he had no license or permit to drive whatsoever.

SOURCE: GC § 23100.3, enacted by P.L. 11-198 (Dec. 12, 1972).

2015 NOTE: Subsection designations were added to adhere to the Compiler's codification scheme pursuant to 1 GCA § 1606.

§ 3106. Same: Cancellation.

(a) A student permit may be canceled by the Principal whenever, in his opinion, the safety of the student or other persons requires the action and shall be cancelled upon the

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written request of the parent, or any other person who signed the consent to issue the permit.

(b) All student permits shall be surrendered and returned to the Principal whenever cancelled or upon completion of the course of instruction for which issued.

SOURCE: GC § 23100.4, enacted by P.L. 11-198 (Dec. 12, 1972).

2015 NOTE: Subsection designations were added to adhere to the Compiler's codification scheme pursuant to 1 GCA § 1606

§ 3107. Same: Instruction Permit.

Any student who successfully completes an approved Driver Education Program and who has the consent in writing of his parents, guardian, or persons having legal custody of him shall be eligible to apply for an instruction permit issued pursuant to § 3101 of this Code notwithstanding the fact that he is not at least sixteen (16) years of age.

SOURCE: GC § 23100.5, enacted by P.L. 11-198 (Dec. 12, 1972).

§ 3108. Instruction Permits: Alternative Provision.

The Director shall issue to any person who is in his sixteenth (16th) year and has successfully completed the written driver's license examination a permit which shall be valid until such person reaches his sixteenth (16th) birthday so long as he is accompanied by a licensed parent or guardian while operating a motor vehicle.

SOURCE: GC § 23100.6, enacted by P.L. 14-092:6 (Dec 31, 1977).

§ 3109. Prohibitions.

A person shall not:

(a) Knowingly permit or authorize the driving of a motor vehicle, owned by him or under his control, upon the highways by another person, whether as operator or chauffeur, unless such other person is duly licensed to drive.

(b) Display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious or fraudulently altered license or permit.

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(c) Lend his license or permit to any other person or knowingly permit the use thereof by another.

(d) Display or represent as one's own any license or permit not issued to him.

(e) Fail to refuse to surrender to the Department of Revenue and Taxation, upon lawful demand, any license or permit which has been suspended, revoked or cancelled.

(f) Use a false or fictitious name in any application for a license or permit or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application.

(g) Permit any unlawful use of a license or permit issued to him.

(h) Photograph, photostat, duplicate or in any way reproduce any license or permit or facsimile thereof in such a manner that it could be mistaken for such a license or permit, or display or have in his possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by the provisions of this Title.

(i) No person may use a moped, scooter, or a motorcycle/motorbike with an engine size of one hundred fifty cubic centimeters (150 cc) or smaller to take a qualifying road exam. A driver may operate a motorized two (2) or three (3) wheeled vehicle on public roads, with an engine size of one hundred forty-nine cubic centimeters (149 cc) or smaller; provided, that

(1) the vehicle meets or exceeds U.S. Department of Transportation safety specifications for street operation; and

(2) that the driver possesses a valid Class A operator's license or higher, or a valid motorcycle operator's license.

SOURCE: GC § 23101, enacted by P.L. 01-088 (Nov. 29, 1952), as amended by P.L. 12-155 (July 10, 1974). Subsection (i) added by P.L. 32-052:3 (July 5, 2013) as subsection (f)(14), and renumbered by Compiler. Subsection (i) amended by P.L. 32-213:1 (Dec. 29, 2014).

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2015 NOTE: Subsection designations in subsection (i) were altered to adhere to the Compiler's alpha-numeric scheme pursuant to the authority granted by 1 GCA § 1606.

§ 3109.1. Punishments.

Any person who violates the provisions of subsections (a) or (e) of § 3109 of this Title shall be guilty of a misdemeanor. Any person who violates the provisions of subsections (b), (c), (d), (f), (g) or (h) of said § 3109 shall be guilty of a felony of the third degree.

SOURCE: Added by P.L. 22-020:4 (June 22, 1993).

§ 3110. Same Penalty. [Repealed.]

SOURCE: GC § 23101.1, enacted by P.L. 3-63 as amended by P.L. 13-187:144 (Sept. 2, 1976). Amended by P.L. 22-020:3 (June 22, 1993). Repealed by P.L. 24-124:2 (Feb. 16, 1998).

§ 3111. Same: Suspension and Revocation.

(a) Whenever any person is convicted of a violation of any provision of this Title relating to the speed of vehicles or of reckless driving, the court may, unless this Title makes mandatory a revocation of such license by the Director of Revenue and Taxation, suspend the license of such person for a period of not to exceed thirty (30) days upon first conviction, for a period of not to exceed sixty (60) days upon a second conviction, for a period of not to exceed six (6) months upon a third or any subsequent conviction.

(b) A court may suspend the privilege of any person to operate a motor vehicle for a period not exceeding six (6) months, upon conviction of such person of any of the following offenses:

(1) Failure of the driver of the vehicle involved in an accident to stop at the scene of the accident or otherwise comply with the provision of this Title relating thereto.

(2) Reckless driving proximately causing bodily injury to any person.

(c) Whenever a court duly suspends a license, the court shall require such license to be surrendered to it. Unless required by the provisions of this Section to send the license to the

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Department of Revenue and Taxation, the court shall retain such license during the period of suspension and return it to the licensee at the end of such period after endorsing thereon a record of the suspension.

(d) Whenever any person is convicted of any offense for which this Title makes mandatory the revocation of the license or licenses of such person by the Director of Revenue and Taxation, the privilege of such person to operate a motor vehicle is suspended until the Director of Revenue and Taxation takes action required by this Title, and the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses issued to the person convicted, and the court shall, within ten (10) days after such conviction, forward the same with the required report of such conviction to the Department of Revenue and Taxation.

(e) The Director of Revenue and Taxation shall immediately revoke the privilege of any person to operate a motor vehicle upon a highway upon receipt of a duly certified abstract of the record of any court showing that such person has been convicted of any of the following crimes or offenses:

(1) Criminal homicide resulting from the operation of a motor vehicle.

(2) Driving when addicted to the use or under the influence of narcotic or other drugs.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death of any person to stop at the scene of the accident.

(4) Theft or unlawful taking of a vehicle.

(5) Any felony in the commission of which a motor vehicle is used.

The privilege revoked under this Subsection shall not be renewed until the expiration of one (1) year after the date of such revocation and until the person whose privilege was so revoked gives proof of ability to respond in damages in an amount determined by the Director of Revenue and Taxation.

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(f) The Director of Revenue and Taxation may revoke a license or permit upon any of the grounds which authorize the refusal to issue a license or permit and may also suspend or revoke a license or permit upon a conviction of a licensee or permittee of operating a vehicle upon a highway while under the influence of intoxicating liquor.

(g) The Director of Revenue and Taxation may suspend the privilege of any person to operate a motor vehicle upon a highway upon receipt of duly certified abstract of the record of any court showing that such person has been convicted of any of the following crimes or offenses:

(1) Failure to stop in the event of an accident resulting only in damage to property.

(2) A first conviction of reckless driving proximately causing bodily injury to any persons or a second or subsequent conviction of reckless driving not involving bodily injury to any person.

(3) Failure to stop upon striking an unattended vehicle. In any case under this Subsection the Director of Revenue and Taxation is authorized to require proof of ability to respond in damages in an amount determined by the Director of Revenue and Taxation.

(h) Whenever the Director of Revenue and Taxation revokes or suspends the privilege of a non-resident to operate vehicles in Guam the Department of Revenue and Taxation shall send a certified copy of such order to the proper authorities in the state wherein such person is a resident.

(i) Whenever the Director of Revenue and Taxation revokes or suspends the privilege of any person to operate a motor vehicle upon a highway or revokes or suspends an operator's or chauffeur's license issued to him evidencing such privilege, the revocation or suspension shall apply to all operator's or chauffeur's licenses held by him and all such licenses shall be surrendered to Department of Revenue and Taxation.

(j) Whenever the Director of Revenue and Taxation cancels an operator's or chauffeur's license, such license shall be

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surrendered to the Department of Revenue and Taxation. All suspended licenses shall be retained by the Department of Revenue and Taxation. Upon the expiration of the period of suspension by the Director of Revenue and Taxation of any license, the Department of Revenue and Taxation shall return the license to the licensee, or may authorize the granting of a new license.

(k) Upon receiving a duly certified abstract of the record of any court showing that a person has been charged with driving a motor vehicle upon a highway after his operator's or chauffeur's license or his driving privilege has been suspended or revoked, the Director of Revenue and Taxation, in the case of a suspension, shall extend the period of suspension of license for an additional like period and in the case of revocation, shall not authorize the issuance of a new license for an additional period of one (1) year from and after the date such person would otherwise have been entitled to apply for a new license.

(l) For the purpose of this Section, a plea of guilty or a judgment of guilty, whether probation is granted or not, or a forfeiture of bail, constitutes a conviction of any of the crimes herein mentioned.

(m) The Director of Revenue and Taxation shall suspend the privilege of any person to operate a motor vehicle upon a highway upon receipt of a certification from the Department of Law that the person is in non-compliance with a court order of support, such suspension to remain in effect until a confirmation of compliance from the Department of Law or the Superior Court of Guam is received.

(n) At the request of a non-custodial parent whose operator's license has been suspended for non-compliance with a court order of support under Subsection (m) of this Section, the Director of Revenue and Taxation may issue the non-custodial parent a temporary operator's license valid for a period not to exceed one hundred twenty (120) days.

SOURCE: GC § 23102, enacted by P.L. 01-088 (Nov. 29, 1952), as amended by P.L. 12-155 (July 10, 1974); Subsection (e)(1) of § 23102 amended by P.L. 13-187:145 (Sept. 2, 1976). Subsections (m) and (n) added by P.L. 24-116:4 (Dec. 11, 1997), expired by operation of P.L. 24-

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116:13 on Sept. 30, 1999 and reenacted by P.L. 25-161:4, 5 (Aug. 31, 2000), effective July 10, 2000.

§ 3112. Same: Same: Hearings.

(a) A person shall be entitled to demand in writing a hearing before the Director of Revenue and Taxation or his representative whenever the Director of Revenue and Taxation:

(1) Has refused to issue such person an operator's or chauffeur's license or to renew the same;

(2) Has given notice of the imposition of terms or conditions of probation; or

(3) Has given notice of the suspension or revocation of his privilege of operating a motor vehicle upon a highway or an operator's or chauffeur's license issued to such a person.

The applicant or licensee shall not be entitled to a hearing under this Subsection whenever such action by the Director of Revenue and Taxation is made mandatory by the provisions of this Title, or when such person has had an opportunity to be heard, nor to a formal hearing whenever the action was taken on grounds ascertainable on examination or re-examination pursuant to the provisions of this Title.

(b) As an additional and alternative procedure to that set forth in Subsection (a), the Director of Revenue and Taxation may give to any person whose license he proposes to revoke, suspend, or on whom he proposes to impose terms of probation, or whose application for license he proposes to review, notice and an opportunity to be heard before taking such action. In such case the Director of Revenue and Taxation shall give notice of his proposed action by a statement setting forth the proposed action and the grounds therefor, and notifying the person of his right to a hearing; or the Director, at the time he gives notice of his intention to act may set the hearings, giving ten (10) days notice thereof.

(c) In either of the cases stated in Subsection (a) or (b) above, the person receiving the notice shall have ten (10) days in which to respond to the notice. He may either (1) demand a

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formal hearing, or (2) demand an informal hearing in which he may controvert any point at issue or present any evidence, statement, or argument for the consideration of the Director of Revenue and Taxation, or may present orally to the Director of Revenue and Taxation any evidence or statement pertinent to the question and submit the question for determination by the Director of Revenue and Taxation.

(d) Whenever any question is submitted for determination by the Director of Revenue and Taxation without formal hearing as stated in Subsection (c), the Director of Revenue and Taxation shall have the right upon the request of the person whose privilege of driving is in question, or at his own option to, reopen the question, and to take further evidence, to change or to set aside any order heretofore made.

(e) Failure to respond to a notice given under Subsection (a) or (b) hereof within ten (10) days shall be deemed a waiver of the right to a hearing, and authorize the Director of Revenue and Taxation to take the action without hearing; but in such case the Director of Revenue and Taxation shall have the right upon the request of the person whose privilege of driving is in question, or at his own option, to set aside any order heretofore made, or to give a formal hearing or an informal hearing.

(f) If a formal hearing is demanded the Director of Revenue and Taxation shall fix a time and place for hearing as early as may be arranged, and give ten (10) days' notice of such hearing to the applicant or licensee.

(g) Hearings shall be conducted by the Director of Revenue and Taxation or by a referee or hearing board appointed by him from officers or employees of the Department of Revenue and Taxation.

(h) At any hearing, the Director of Revenue and Taxation shall consider the official records maintained or kept by the Department of Revenue and Taxation pursuant to law or filed with the Department under the requirements of law and shall likewise be entitled to receive as evidence, either at the hearing, or subsequent thereto with the consent of the applicant or licensee, and use as proof concerning any fact relating to the

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ability of the applicant or licensee to operate a motor vehicle safely, the following material in addition to sworn testimony presented in open hearing:

(1) Reports of attending or examining physicians.

(2) Reports of special investigators appointed by the Department of Revenue and Taxation to investigate and report upon any scientific or medical question.

(3) Properly authenticated reports of hospital records, excerpts from expert testimony received by the Director of Revenue and Taxation or a hearing board upon similar issues of scientific fact in other cases and the prior decisions of the Director of Revenue and Taxation upon such issues.

(i) Upon the conclusion of the hearing the referee or board shall make findings on the matters under consideration and recommendations may also be prepared and submitted to the Director of Revenue and Taxation.

(j) The Director of Revenue and Taxation, upon review of the records, evidence and of the findings, if any, shall render his decision concerning refusal of an operator's or chauffeur's license, the imposing of terms or conditions or probation, or concerning the suspension or revocation of the privilege of operating a motor vehicle or of any operator's or chauffeur's license, or in those cases in which an action has been previously taken by the Department of Revenue and Taxation, the Director of Revenue and Taxation shall render his decision sustaining, modifying or revising the order of suspension or revocation or the refusal to issue a license or the order imposing terms or conditions of probation or he may set aside the prior action of the Department and direct that probation be granted to such person and fix the terms and conditions of such probation. The decision of the Director of Revenue and Taxation following any formal hearing shall be final and not subject to modification for one (1) year except where the cause for which the action was taken has been removed.

(k) Nothing in this Title shall be deemed to prevent a review or other action as may be permitted by the laws of Guam by a court of competent jurisdiction with reference to any order of the

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Director of Revenue and Taxation refusing, canceling, suspending, or revoking a license.

(l) The Department of Revenue and Taxation shall file every application for license received by it and maintain:

(1) A suitable index containing, in alphabetical order, all applications denied and on each thereof, note the reasons for such denial.

(2) A suitable index containing, in alphabetical order, all applications granted.

(3) A suitable index containing, in alphabetical order, the name of every licensee whose license has been suspended or revoked by the Department or by a court and after each such name note the reasons for such action and the period of revocation or suspension.

(4) The Department shall also file all accident reports and abstracts of court records of convictions received under this Code and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic incidents in which he was involved shall be readily ascertainable.

SOURCE: GC § 23103, enacted by P.L. 01-088 (Nov. 29, 1952), as amended by P.L. 12-155 (July 10, 1974).

§ 3113. Public and Private Drivers Education Services.

(a) The Director of Revenue and Taxation shall develop Rules and Regulations under the provisions of the Administrative Adjudication Law, relative to licensing public and private drivers education services, which Rules shall require forty (40) hours of training, with thirty-two (32) classroom hours and eight (8) hours in-automobile or on-road, and that such training be applicable to all minors and to those adults who are applying for a “first time” driver’s license. Such Rules shall also require that a licensed service firm which issues Certificates of Completion must possess the following:

(1) a secondary teaching certificate issued by the Department of Education with an endorsement in drivers

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education; or a certificate to teach drivers education from a recognized educational institution or training agency in Guam or from another territory or state which has Drivers Education Training; or a safety education minor or major from a United States accredited Institute of Higher Education (IHE); and

(2) a current first aid/CPR certification card issued by a recognized training institution that provides emergency care training which meets the current revisions in the Occupational Safety and Health guidelines and risk reduction strategies posted by the Center for Disease Control or other recognized medical entities.

(b) The following are standards that will be evaluated by the Director of Revenue and Taxation before issuing any certificate for operation of a driving school business:

(1) Vehicles: All driving school businesses must own, or designate at least one (1) automobile to be used for driving school instruction. That automobile must be equipped with dual controls, preferably with both dual steering and dual brakes, but with a minimum of dual brakes. The automobile must be inspected by the Director of Revenue and Taxation before a certificate of authorization to operate a driving school is issued.

(2) The driving school also must have driving school insurance for vehicles.

(3) An undertaking to provide on-road instruction where no credit is provided to the student unless the student is actually driving a dual control automobile under the supervision of the instructor.

SOURCE: Added by P.L. 22-020:9(f) (June 22, 1993), amended by P.L. 22-072:48(d) (Jan. 19, 1994), P.L. 22-146:22 (Dec. 29, 1994), and P.L. 27-100:1 (June 25, 2004).

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education. References to Guam Public School System have been changed to Department of Education pursuant to P.L. 30-050:3.

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§ 3113.1. Written Test and Learner’s Permit.

All students must have passed the written test and received a Learner’s Permit before any school, including public schools, can provide on-road instruction.

SOURCE: Added by P.L. 27-100:2 (June 25, 2004).

§ 3114. Licenses Issued to Minors.

All licenses issued to persons under the age of eighteen (18) years of age shall prominently display the month and year in which such person will turn eighteen (18) years of age.

SOURCE: Added by P.L. 24-169:2 (Apr. 15, 1998).

§ 3115. Licenses Issued to Organ Donors.

All applicants to Guam Driver’s License shall indicate whether he or she wishes and consents to be an organ donor under the Uniform Anatomical Gift Act and shall be a part of the application form. For those under eighteen (18) years of age, a parental consent shall be required prior to organ donor procurement. For those licenses issued to persons agreeing to organ donor shall have the words affix “Organ Donor” on the lower segment of the picture portion of the license, or other section of the license that the Director of Revenue and Taxation deems appropriate. A driver’s license with the organ donor designation is only revocable by obtaining a new driver’s license without the organ donor designation.

SOURCE: Added by P.L. 24-249:2 (Aug. 14, 1998).

§ 3116. Publication.

The Department of Revenue and Taxation is authorized to publish various handbooks, covering the rules and regulations of each class of drivers, and to charge a fee therefore as follows:

- (a) Operator’s Handbook \$ 5.00
- (b) Chauffeur’s Handbook \$ 5.00
- (c) Motorcycle Handbook \$ 5.00

SOURCE: Added by P.L. 29-002:V:I:36 (May 18, 2007).

2012 NOTE: Pursuant to the authority granted by 1 GCA § 1606, subsection designations were altered from numbers to lowercase letters to

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adhere to the Compiler's alpha-numeric scheme.

§ 3117. Hearing/Speech Impaired, Driver's License Special Notation, Definitions.

(a) As used in this Section, the following terms mean:

(1) Deaf person means any person who, because of hearing loss, is not able to discriminate speech when spoken in a normal conversation tone regardless of the use of amplification devices;

(2) Hearing-impaired person means any person who, because of hearing loss, has a diminished capacity to discriminate speech when spoken in a normal conversational tone;

(3) Speech-impaired person means any person who, because of hearing loss, or physical or emotional disability, has a diminished capacity to speak;

(4) HSD is a notation on a driver's license, meaning "hearing or speech disability," that indicates the person is a deaf, hearing-impaired or speech-impaired person who uses alternative communication.

(b) Any resident of Guam who is a deaf, hearing-impaired or speech-impaired person may apply to the Department of Revenue and Taxation to have the notation "HSD" placed on the person's driver's license. The Department of Revenue and Taxation shall establish the criteria for placement of the "HSD" notation, such as requiring an applicant to submit certain medical proof of deafness, hearing or speech impairment. This service shall be provided at no additional costs to the licensee.

SOURCE: Added by P.L. 30-098:1 (Mar. 12, 2010), effective thirty (30) days after enactment.

**ARTICLE 1A
GRADUATED DRIVERS' LICENSES**

SOURCE: This Article was added by P.L. 25-096:1 (Dec. 29, 1999).

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- § 31A00. Legislative Findings and Intent.
- § 31A01. Effective Date.
- § 31A02. Definitions.
- § 31A03. Applicability and Exceptions.
- § 31A03.1. Verification Requirement.
- § 31A04. Stage 1: Learner's Permit.
- § 31A04.1. Administrative Provisions for Stage 1: Learner's Permit.
- § 31A05. Stage 2: Intermediate License.
- § 31A05.1. Administrative Provisions for Stage 2: Intermediate License.
- § 31A06. Stage 3: Full Licensure.
- § 31A07. Administrative Rules and Regulations.
- § 31A08. Fees.

§ 31A00. Legislative Findings and Intent.

I Liheslaturan Guåhan [The Legislature] finds momentum continues to build for the adoption of graduated driver licensing systems. Recent releases from the National Highway Traffic Safety Administration ('NHTSA') and the National Transportation Safety Board ('NTSB') clearly indicate that their programs will emphasize graduated licensing as a measure to improve traffic safety for new drivers and drivers who are under the age of twenty-one (21).

The NHTSA encourages states to implement a graduated driver licensing system to ease young drivers and new drivers into the driving environment through more controlled exposure to progressively more difficult driving experiences or driver licensing stages, prior to full licensure.

Authorities attribute the problems of new drivers, especially younger drivers, to inexperience and inadequate driving skills, excessive driving during high risk hours - especially nighttime, risk-taking, poor judgment and poor decision making. It also is believed that considerable experience is required, after initial licensing, before a new driver achieves dependable driving know-how, skill and judgment.

To address these problems, NHTSA and the American Association of Motor Vehicle Administrators ('AAMVA')

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developed an entry-level driver licensing system. It consists of three (3) distinct stages, named by the type of license possessed at each stage: learner's permit, intermediate (provisional) license, and full license. Young drivers are required to demonstrate responsible driving behavior in each stage of licensing before advancing to the next. This legislation is modeled after those recommendations.

In recent years graduated and provisional licensing laws have been enacted in several States and the trend is continuing. Several other States have introduced legislation to implement graduated licensing requirements. To be effective, graduated licensing must be coordinated with driver education. Graduated licensing, in combination with improved driver education, holds promise as a way to provide positive incentives for new drivers to drive safely.

It is the intent of *I Liheslaturan Guåhan* to implement Graduated Drivers Licensing for Guam for all new licensees obtaining a drivers license after June 30, 2000. In doing so *I Liheslaturan Guåhan* affirms that a driver's license is a privilege, not a right and such privilege, for the safety of all who use our roadways should only be extended through demonstrated driving experience.

§ 31A01. Effective Date.

The Graduated Licensing requirements of this Article shall be effective on June 30, 2000.

§ 31A02. Definitions.

Definitions as used in this Article include:

- (a) 'Zero Tolerance' for Alcohol means a Blood Alcohol Content ('BAC') of 0.02 percent or less while driving. Although an alcohol free driver is desirable, 0.02% BAC is the accepted level required by the National Highway Traffic Safety Administration to account for certain medical conditions, such as certain forms of diabetes mellitus in which the bodies of some individuals afflicted with this disease may naturally produce small quantities of alcohol during the metabolism of carbohydrates.

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(b) 'BAC' means Blood Alcohol Content.

(c) 'Drivers Education' means a course of instruction approved by the Director of the Department of Revenue and Taxation for the purpose of providing prospective licensed drivers with a general knowledge of traffic laws, motor vehicle safety and safe operation of a motor vehicle.

§ 31A03. Applicability and Exceptions.

(a) This Article shall apply to all new prospective driver's licensees. The Director of the Department of Revenue and Taxation shall exempt licensees who have received a valid driver's license from any state, territory or possession of the United States or from countries that have been determined to use prudent and acceptable drivers licensing standards provided one (1) of the following provisions apply:

(1) driver's license holders who have completed all steps of graduated driver's licensing who were issued a license in a state, territory or country that requires graduated driver's licensing; or

(2) holders of a driver's license issued by another state, territory or country who have at least five (5) years of driving experience as a licensed driver; or

(3) driver's license holders serving on active duty in any branch of the United States Armed Forces who possess a driver's license issued by another state or territory of the United States.

(b) This Section does not apply to any current reciprocity agreements in effect between other states and territories and Guam prior to the enactment of this Section.

(c) All individuals possessing a learner's permit on June 30, 2000, shall be required to complete the licensing requirements of this Article. All license holders under the age of eighteen (18) on June 30, 2000 shall retain their full licensure privileges.

SOURCE: Added by P.L. 25-096:1 (Dec. 29, 1999) and amended by P.L. 28-029:1 (Apr. 22, 2005).

§ 31A03.1. Verification Requirement.

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It shall be the responsibility of the licensing authority to establish and maintain a means of verifying the requirements of Subsections (1) and (2) of § 31A03(a).

SOURCE: Added by P.L. 28-029:2 (Apr. 22, 2005).

§ 31A04. Stage 1: Learner's Permit.

The following are the requirements to obtain and for the use of a Learner's Permit:

(a) the minimum age for a learner's permit is fifteen and one-half (15.5) years, candidates for a Learner's Permit are required to pass vision and written knowledge tests, including rules of the road and traffic signs and signals;

(b) permit holders under the age of eighteen (18) years must be accompanied by a parent or adult guardian who is a fully licensed driver at all times while driving; (In the event that the permit holder does not have a parent or guardian who is a fully licensed driver, that parent or guardian may designate, during the application process for a Learner's Permit, a responsible adult who is a fully licensed driver who either is twenty-one (21) years of age or older, or the permit holder's spouse to accompany the permit holder while driving.);

(c) permit holders over the age of eighteen (18) years must be accompanied by a licensed driver who is either twenty-one (21) years of age or older, or the permit holder's spouse at all times while driving, except for United States military personnel while on their work duty schedule or married persons;

(d) permit holders under the age of eighteen (18) years must have the permit holder's parent, guardian or designee certify that the permit holder has completed at least fifty (50) hours of supervised driving, ten (10) hours of which must be during night hours after 7:00 p.m.; and

(e) Zero Tolerance for Alcohol: permit holders must not have a blood alcohol content that exceeds 0.02 at any time while driving.

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(f) Permit holders must not be at fault in any collision and remain conviction free of all traffic and motor vehicle code violations for six (6) consecutive months to move to Stage 2.

§ 31A04.1. Administrative Provisions for Stage 1: Learner's Permit.

(a) The Department of Revenue and Taxation shall ensure that Stage 1 Learner's Permits are distinctive from other driver's licenses, and all vehicles driven by the permit holder must be adequately insured to cover the permit holder for liability consistent with the mandatory liability insurance provisions of Chapter 19 of Title 16 of the Guam Code Annotated.

(b) Law enforcement officers shall report all violations to the Department of Revenue and Taxation within ten (10) working days of the violation. Upon a receipt of a report of a violation by the Department, the permit holder who has violated any of the provisions of this Act shall not advance to the next stage of licensure for an additional period of six (6) months, subject to the Administrative Rules and Regulations required by this Act.

§ 31A05. Stage 2: Intermediate License.

The following are the requirements to obtain and for the use of an Intermediate License:

(a) the minimum age for an Intermediate License is sixteen (16) years; candidates for an Intermediate License are required to pass a behind-the-wheel, on-road test to obtain an Intermediate License.

(1) The behind-the-wheel, on-road tests shall be administered by the Division of Motor Vehicles of the Department of Revenue and Taxation, or, by up to five (5) examining entities, who have been approved by the Department of Revenue and Taxation through established rules and regulations, to certify the competency of prospective licensees to operate a vehicle on Guam's roads and highways.

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(2) Examiners administering road tests shall not be from the same driving school, or company, that administered driver's education courses/examinations to the Intermediate Licensee candidate;

(b) must have completed a Driver's Education course approved by the Department of Revenue and Taxation to obtain an Intermediate license; and

(c) Zero Tolerance for Alcohol: Intermediate Licensees must not have a blood alcohol content that exceeds 0.02 at any time while driving. Intermediate Licensees under the age of eighteen (18) years must be accompanied by a parent or adult guardian who is a fully licensed driver at all times while driving between the hours of 10:00 p.m. and 6:00 a.m. on weeknights, and 12:00 a.m. and 6:00 a.m. on weekend nights, except while driving to and from work. The driver must show proof of employment. In the event that the Intermediate Licensee does not have a parent or guardian who is a fully licensed driver, that parent or guardian may designate, during the application process for an Intermediate license, a responsible adult who is a fully licensed driver who is either twenty-one (21) years of age or older, or the permit holder's spouse, who must be a licensed driver, to accompany the Intermediate Licensee while driving;

(d) Intermediate Licensees over the age of eighteen (18) years must be accompanied by a licensed driver who is either twenty-one (21) years of age or older, or the permit holder's spouse, who must be a licensed driver, at all times while driving between 12:00 a.m. and 6:00 a.m. nightly, except while driving to and from work (The driver must show proof of employment.); and

(e) the Intermediate Licensee must not be at fault in any collision and remain conviction free of all traffic and motor vehicle code violations for twelve (12) consecutive months to move to Stage 3.

SOURCE: Subsections (a), (c) and (d) amended by P.L. 31-182:2 (Feb. 27, 2012).

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§ 31A05.1. Administrative Provisions for Stage 2: Intermediate License.

(a) The Department of Revenue and Taxation shall ensure that Stage 2 Intermediate Licenses are distinctive from other driver's licenses, and all vehicles driven by the Intermediate Licensee must be adequately insured to cover the Intermediate Licensee for liability consistent with the mandatory liability insurance provisions of Chapter 19 of Title 16, Guam Code Annotated.

(b) Law enforcement officers shall report all violations to the Department of Revenue and Taxation within ten (10) working days of the violation. Upon a receipt of a report of a violation by the Department, the permit holder who has violated any of the provisions of this Act shall not advance to the next stage of licensure for an additional period of six (6) months, subject to the Administrative Rules and Regulations required by this Act.

2015 NOTE: Subsection designations/items were added to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority by 1 GCA § 1606.

§ 31A06. Stage 3: Full Licensure.

(a) The following are the requirements to obtain full licensure:

(1) a full licensee must be at least Seventeen (17) years of age; and

(2) must have completed the intermediate licensing stage or be exempt under the provisions of § 31A03 as a result of possessing a valid drivers license from any state, territory or possession of the United States, or from countries that have been determined use prudent and acceptable drivers licensing standards, in which case the provisions of Chapter 3 shall apply.

(b) The Director may waive the requirements of §§ 31A04 and 31A05 if it can be determined that through prior driving experience, an applicant meets the safe driving experience

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requirements for full licensure, but may, however, require passage of a written examination on the traffic laws of Guam.

(c) The Director of Revenue and Taxation may, upon suspension of any full license by operation of law, require that such licensee upon completion of the suspension period, revert to Stage 2: Intermediate licensing, as a condition for reinstatement of full licensure privileges.

2015 NOTE: Subsection designations/items were added/alterd to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority by 1 GCA § 1606.

§ 31A07. Administrative Rules and Regulations.

The Department of Revenue and Taxation and government law enforcement agencies shall develop rules and regulations pursuant to the Administrative Adjudication Law, including provisions of fees charged to Permit Holders and Intermediate Licensees and enforcement of all the provisions of this Act. The Department shall submit such rules and regulations to *I Liheslaturan Guåhan* [the Legislature] by March 31, 2000.

§ 31A08. Fees.

The Director of Revenue and Taxation is authorized to charge the following non-refundable licensing fees for the respective graduated licensing stages:

Stage 1 - Learner's Permit	\$10.00, valid for two years
Stage 2 – Intermediate License	\$10.00, valid for three years
Stage 3 – Full Licensure	\$10.00, valid for three years

SOURCE: Added by P.L. 29-002:V:I:52 (May 18, 2007).

ARTICLE 2
VEHICLE EQUIPMENT

§ 3201. Vehicle Lights.

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- § 3202. Spot Lamps.
- § 3203. Safety Equipment on Bicycles Equipped With a Motor.
- § 3204. Alteration of Motor Bicycles.
- § 3205. Brakes.
- § 3206. Same.
- § 3207. Horns or Warning Devices.
- § 3208. Mirrors.
- § 3209. Windshields and Windows.
- § 3210. Safety Belts on Passenger Vehicles.
- § 3211. Obscene Markings.
- § 3212. Projecting Loads.
- § 3213. Projecting Loads on Passenger Vehicles.
- § 3214. Vehicle Integrity.
- § 3215. Mufflers: Prevention of Noise.
- § 3216. Fenders and Mudguards.
- § 3217. Vehicles Transporting Explosives.
- § 3218. Applicability of Article for Government of Guam Owned Vehicles.
- § 3219. Tire Safety.
- § 3220. Penalties.

§ 3201. Vehicle Lights.

(a) Every vehicle upon the public highways during the period from sunset to sunrise, and at any other time when there is not sufficient natural light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet (500'), shall be operated with lighted lamps and illuminating devices, as set forth in this Section, respectively, required for different classes.

(b) Every motor vehicle, other than a motorcycle or bicycle with motor attached, shall be equipped with not less than two (2) head lamps at the front of and on opposite sides of the motor vehicle, and such head lamps shall comply with the requirements and limitations set forth in this Chapter, and shall be of a type which at the time of their use are approved by the Chief of Police.

(c) Every motorcycle shall be equipped with at least one (1) head lamp, and not more than two (2), which shall comply with

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the requirements and limitations set forth in this Chapter, and shall be of a type which at the time of their use is approved by the Chief of Police.

(d) Every motor vehicle upon the public highway and every trailer or semi-trailer attached to a motor vehicle and every vehicle being drawn at the end of a combination of vehicles shall carry at the rear a lamp of a type which at the time of its use is approved by the Chief of Police, and which emits a red light plainly visible under normal atmospheric conditions for a distance of five hundred (500) feet from the rear of such vehicle. Such rear lamp, or a separate lamp, shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under normal atmospheric conditions, be so illuminated by a white light as to be clearly visible for a distance of fifty (50) feet from the rear of such vehicle. When the rear number plate is illuminated by an electric lamp other than the required rear lamp, the said two (2) lamps shall be turned on or off by the same control switch whenever head lamps are lighted.

(e) Every school bus upon the public highway shall, in addition to any other equipment and distinctive markings required by this Act, 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 (2) alternately flashing red lights located at the same level, and to the rear, two (2) alternately flashing red lights located at the same level, and which red signals shall emit a red light plainly visible under normal atmospheric conditions for a distance of five hundred (500) feet from the rear or the front of such vehicle.

SOURCE: GC § 23104, enacted by P.L. 1-088; Subsection (e) added by P.L. 6-031. Subsection (a) amended by P.L. 24-120:1.

§ 3202. Spot Lamps.

(a) A motor vehicle or motorcycle may be equipped with not more than one (1) spot lamp and such spot lamp shall be so aimed and used when lighted, upon approaching another vehicle, that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor for a distance greater than one hundred (100) feet ahead of the vehicle.

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(b) No person shall operate or move any vehicle upon the public highways bearing or displaying a lighted red or blue lamp or light, other than a rear lamp as described in this Chapter, unless such vehicle be an ambulance, a vehicle attached to the Department of Public Safety, or to a military law enforcing agency or such vehicles authorized to carry such red or blue lamp by the Chief of Police.

(c) All automobiles or motorcycles used or authorized to be used by the Department of Public Safety as police vehicles shall be equipped with blue revolving or flashing lights.

SOURCE: GC § 23105, enacted by P.L. 1-088; Subsection (b) as amended by P.L. 11-148; (c) added by P.L. 11-148.

§ 3203. Safety Equipment on Bicycles Equipped With a Motor.

Every bicycle equipped with a motor offered for sale or sold in Guam shall be in compliance with safety standards promulgated by the National Highway Traffic Safety Administration for motorized bicycles which fit the description of bicycle equipped with a motor as defined in § 1102(q) of Title 16, Chapter 1.

Any person violating this Section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

SOURCE: GC § 23105.1, enacted by P.L. 14-075:7.

NOTE: Pursuant to the authority granted by 1 GCA § 1606, the reference to the Government Code was altered to reflect the codification of this section in the GCA.

2019 NOTE: References in this section to “territory” removed pursuant to 1 GCA § 420.

§ 3204. Alteration of Motor Bicycles.

It shall be a violation for a person to alter a bicycle equipped with a motor to exceed the manufacturers specified maximum speed of the vehicle.

SOURCE: GC § 23101.4, enacted by P.L. 16-058:5.

§ 3205. Brakes.

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(a) Every motor vehicle operating upon the public highways shall be equipped with brakes adequate to control the movements of and to stop and hold such vehicle, including two (2) separate means of applying braking effort, each of which means shall be effective to apply braking effort to at least two (2) of the wheels of such vehicle. If these two (2) separate means are connected in any way, they shall be so constructed that failure of either part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels of such vehicle.

(b) Every motorcycle operating upon the public highways shall be equipped with at least one (1) brake, which may be operated by either hand or foot.

(c) The service brakes upon any motor vehicle or combination of vehicles, except as herein provided, shall be adequate to stop such vehicle or vehicles, when traveling at a speed of twenty (20) miles per hour, within a distance of thirty (30) feet or at a rate corresponding to such performance, on a dry, hard, approximately level stretch of highway, free from loose material, where the grade does not exceed one (1) per centum.

(d) Under the conditions set forth in Subsection (c) above, the emergency brake shall be adequate to stop such vehicle or vehicles within a distance of fifty-five (55) feet, and such emergency brake shall be adequate to hold such vehicle or vehicles stationary upon any grade upon which the vehicle is operated.

(e) Under the conditions described in Subsection (c) above, the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the vehicle within a distance of forty (40) feet, and the emergency brake shall be adequate to stop the vehicle within a distance of fifty-five (55) feet.

(f) All braking distances specified in this Section shall apply to all vehicles mentioned, whether such vehicles are loaded or unloaded.

(g) All brakes shall be maintained in good working order and shall be so adjusted that the braking effort is applied as

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equally as practicable with respect to the wheels on the opposite sides of the vehicle.

SOURCE: GC § 23106, enacted by P.L. 1-088.

§ 3206. Same.

(a) It shall be unlawful for any person to operate a motor vehicle or a combination of vehicles upon the highways of Guam with brakes not in good working condition.

(b) It shall be unlawful for any person to operate a motor vehicle without the required number of brakes in good working condition. The owner or operator of any motor vehicle, who is notified by a peace officer that such brake or brakes are improperly adjusted, or are unsafe or unfit, or in need of correction, adjustment, or repairs, shall be allowed forty-eight (48) hours within which to correct, adjust, or repair such brakes to conform with the requirements of this Chapter. To submit a certificate to the peace officer, giving the notification issued or executed by an official brake adjusting station, showing that within forty-eight (48) hours after such notification, the brakes have been corrected, adjusted, or repaired, to conform with the requirements of this Act, shall relieve the owner or operator from arrest. Unless such certificate is received by the peace officer within five (5) days from the date of notification, showing that the brakes have been corrected, adjusted, or repaired, as required in this Chapter, information for arrest will be made: Provided, that when service and emergency brakes applied together will not stop a motor vehicle or combination of vehicles within distances defined in this Chapter, or hold a motor vehicle or combination of vehicles stationary on any grade upon which operated, the owner or operator may be required to make temporary correction, adjustment, or repairs before being permitted to proceed with the motor vehicle or combination of vehicles.

SOURCE: GC § 23107, enacted by P.L. 1-088; Subsection (a) amended by P.L. 3-016.

§ 3207. Horns or Warning Devices.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable

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of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet but no horn shall emit an unreasonably loud or harsh sound.

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

(c) No vehicle shall be equipped with, nor shall any person use upon a vehicle operated on a highway, any siren except as authorized by the Chief of Police. Any authorized emergency vehicle may be equipped with a siren of a type approved by the Chief of Police but such siren shall not be used except when such vehicle is operated in response to an emergency call or when responding to a fire alarm or in the immediate pursuit of an actual or suspected violator of the law in which said latter events, the driver of such vehicle shall sound said siren when necessary to warn pedestrians and other drivers of the approach thereof.

SOURCE: GC § 23108, enacted by P.L. 1-088, repealed and reenacted by P.L. 3-016.

§ 3208. Mirrors.

(a) Any motor vehicle which is so constructed or loaded, or when towing any vehicle which is so constructed or loaded, as to obstruct the driver's view to the rear thereof from the driver's position, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such vehicle.

(b) Any motor vehicle registered after March 31, 1955, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such vehicle.

SOURCE: GC § 23109, enacted by P.L. 1-088, repealed and reenacted by P.L. 3-016.

COURT DECISIONS: D.C. Guam, 1953. U.S., under the Federal Tort Claims Act, was negligent where driver of armed forced truck violated Guam Vehicle Code by failing to have rear-view mirror when a collision was proximate cause of the violation. *Walters v. U.S.*, 110. F.Supp. 0631.

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§ 3209. Windshields and Windows.

(a) No person shall drive any motor vehicle upon a highway with any sign, poster, card, sticker, or other nontransparent material upon the front windshield, side wings, windwings, side or rear windows of the vehicle, except that such signs, posters, cards, stickers, or other materials may be placed on said windshield within a seven inch (7") square in the lower corner farthest removed from the driver's position or upon the side windows of the vehicle to the rear of the driver and so placed that said materials will not obstruct the driver's clear view of approaching traffic; except that this Subsection shall not apply to any current decalcomania issued by the Armed Forces of the United States, or the government of Guam.

(b) Every permanent windshield on a motor vehicle shall be equipped with a device for removing rain or other moisture or substance from such windshield, and such device shall be so constructed and installed as to be controlled or operated by the operator of the vehicle.

(c) *No person shall* install, mount, adhere, affix, or use any sun screening device or combination of devices in conjunction with the glazing material of a motor vehicle windshield, *except* as follows:

(1) transparent sun screening film materials which are installed, affixed or applied along the top edge of the windshield so long as such materials measure *no lower than* eight (8) inches below the top of the windshield, when measured from the bottom edge of the top windshield molding;

(2) privacy drapes, curtains or blinds, or any combination, installed on the interior of motor vehicles while parked and not being operated on a public highway or roadway of Guam; or

(3) full window film or glazing material may be applied to the entire windshield; *provided*, that such film or glazing is clear and filters ultraviolet light rays and still permits a visible light transmittance (VLT) of 60% (±5%).

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No tinting material that is not manufactured for use on automobiles, or other motor vehicles, may be used on vehicles. Any tinting film affixed to the glazing material of a motor vehicle windshield must conform to U.S. automotive tinting industry standards.

Any person who violates this Subsection shall be fined not less than Fifty Dollars (\$50), and no more than Two Hundred Fifty Dollars (\$250) for each separate offense. Said fines shall be deposited into the Judicial Building Fund.

(d) Unless wearing driving goggles or face shield, no person shall drive any motor vehicle, other than a motorcycle or motor scooter or other than an implement of husbandry, or road building and construction equipment exempted from annual registration, upon a highway without a front windshield.

SOURCE: GC § 23110, enacted by P.L. 1-088 (Nov. 29, 1952), amended by P.L. 03-016 (July 14, 1955) and P.L. 06-098 (June 5, 1962); Subsection (c) amended by P.L. 14-145:2 (Sept. 29, 1978), P.L. 15-001:3 (Jan. 16, 1979) and P.L. 32-097:1 (Nov. 27, 2013). Subsection (d) added by P.L. 09-134 (Feb. 8, 1968).

§ 3210. Safety Belts on Passenger Vehicles.

(a) On or after January 1, 1967, no person shall sell any new passenger vehicle, other than a motorcycle, manufactured after January 1, 1966, which is not equipped with anchors or other device meeting the specifications established by the Department of Public Safety, to which safety belts or safety harnesses may be attached and secured for at least two (2) passengers in the front seat.

Such anchors or other devices shall be capable of withstanding a belt assembly load of five thousand (5,000) pounds.

(b) On or after January 1, 1967, no person shall sell or offer for sale any new passenger vehicle, other than a motorcycle, which is not equipped with at least two (2) safety belts or safety belt-shoulder harness combinations of a type approved by the Department of Public Safety which are installed for the use of persons in the front seat of the vehicle.

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This Section applies only to a retail sale of, or an offer to sell at retail, a new passenger vehicle.

(c) Any safety belt or safety harness installed in a vehicle shall be large enough to accommodate an adult person and designed and installed in such a manner as to prevent or materially reduce movement of the person using the same in event of collision or upset of the vehicle.

(d) The Department of Public Safety shall establish specifications or requirements for approved-type safety belts. These requirements shall not be lower than those established by Federal Specifications used in the management of transportation equipment by the Bureau of Yards and Docks of the Department of the Navy.

(e) No person shall sell, offer, or keep for sale any safety belts, safety harness, or attachments thereto for use in vehicle unless of a type which has been approved by the Department of Public Safety.

SOURCE: GC § 23110.1, enacted by P.L. 8-177.

§ 3211. Obscene Markings.

No motor vehicle operated upon the public highways shall bear upon any part of such vehicle or its attachments any plate, card, tag, lettering, markings or pictures of an obscene or vulgar nature.

SOURCE: GC § 23111, enacted by P.L. 1-088.

§ 3212. Projecting Loads.

Whenever the load on any vehicle, except Fire Department and Fire Patrol apparatus, shall extend more than four (4) feet beyond the rear of the chassis bed or body of such vehicle, there shall be displayed at the extreme end of such load, in such position as to be clearly visible at all times from the rear, a red flag not less than twelve (12) inches in both length and width, except that between one (1) hour after sunset and one (1) hour before sunrise there shall be displayed at the extreme end of any such load a red light plainly visible, under normal atmospheric conditions, for a distance of at least two hundred (200) feet from the rear end of such load.

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SOURCE: GC § 23112, enacted by P.L. 1-088.

§ 3213. Projecting Loads on Passenger Vehicles.

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.

SOURCE: GC § 23112.1, enacted by P.L. 3-016.

§ 3214. Vehicle Integrity.

No vehicle shall be operated upon the public highways unless such vehicle is so constructed or so loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping from or falling from such vehicle.

SOURCE: GC § 23113, enacted by P.L. 1-088.

§ 3215. Mufflers: Prevention of Noise.

(a) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excess or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-out, by-pass, or similar device.

(b) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all of the requirements of this Section.

(c) A muffler is a device consisting of a series of chambers or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

SOURCE: GC § 23113.1, enacted by P.L. 3-016.

2015 NOTE: Subsection designations were added to adhere to the Compiler's codification scheme pursuant to authority by 1 GCA § 1606.

§ 3216. Fenders and Mudguards.

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No person shall operate any motor vehicle having three (3) or more wheels, any trailer, or semi-trailer unless equipped with fenders, covers, or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle and all such equipment or such body or attachments thereto shall be at least as wide as the tire tread. This Section does not apply to those vehicles exempt from registration, trailer and semi-trailers having an unladen weight of under one thousand five hundred (1,500) pounds, or any vehicles manufactured and first registered prior to January 1, 1974, having an unladen weight of under one thousand five hundred (1,500) pounds.

SOURCE: GC § 23113.2, enacted by P.L. 12-087 (Jan. 15, 1974).

§ 3217. Vehicles Transporting Explosives.

Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this Section.

(a) Said vehicle shall be marked or placarded on each side and the rear with word "Explosives" in letters not less than three (3) inches high.

(b) Every said vehicle shall be equipped with at least one (1) fire extinguisher, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

(c) The Chief of Police is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public.

SOURCE: GC § 23114, enacted by P.L. 1-088, repealed and reenacted by P.L. 6-111.

§ 3218. Applicability of Article for Government of Guam Owned Vehicles.

All provisions of this Article apply to vehicles owned by the government of Guam.

SOURCE: Added by P.L. 29-099:1 (July 22, 2008).

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§ 3219. Tire Safety.

(a) The sale of tires older than ten (10) years, for use on vehicles operated on the highways and roadways of Guam, is prohibited; *except* for Trucks & Buses Radial (TBR) tires, which *shall not* be older than six (6) years when for sale..

(b) All sellers, vendors, distributors of tires shall provide a written statement of the date of manufacture of the tires being sold.

(c) Each retailer, wholesaler and distributor of tires on Guam shall, at the place of sale, post in a conspicuous location, in letters at least two (2) inches tall, a statement that indicates the dangers of aged tires. The statement shall be printed as follows:

“WARNING – AGED TIRES CAN FAIL IN USE,
CAUSING LOSS OF VEHICLE CONTROL, AND
PERSONAL INJURY. TIRES DETERIORATE WITH
AGE, EVEN WITH LITTLE OR NO USE. TIRES
OLDER THAN TEN 10 YEARS MAY NOT BE
SOLD OR MOUNTED FOR USE ON VEHICLES
OPERATED ON THE HIGHWAYS AND
ROADWAYS OF GUAM.

SOURCE: Added as § 3218 by P.L. 29-120:2 (Dec. 2, 2008), and codified to this section by the Compiler pursuant to 1 GCA § 1606. Subsection (a) amended by P.L. 32-214:2 (Dec. 29, 2014). Subsection (c) amended by P.L. 33-158:2 (May 17, 2016).

§ 3220. Penalties.

Any person who knowingly sells a tire(s) or mounts a tire(s) on a vehicle in violation of § 3219 of this Chapter commits a third degree felony.

SOURCE: Added as § 3219 by P.L. 29-120:3 (Dec. 2, 2008), and codified to this section by the Compiler pursuant to 1 GCA § 1606.

ARTICLE 3
RULES OF THE ROAD

§ 3301. Speed Limits.

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- § 3301.2. Definitions.
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- § 3315. Intersection Crossing.
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- § 3317. When Overtaking on the Right is Permitted.
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- § 3319. Same.
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- § 3327. Private Road or Driveway.
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- § 3329. Pedestrian's Right of Way at Crosswalks.
- § 3329.1. Traffic Safety for the Visually Impaired.
- § 3330. Soliciting Rides.
- § 3331. Crossing at Other Than Crosswalks.
- § 3332. Jay Walking.

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- § 3335. Flashing Signals.
- § 3336. Passing Passenger Carriers.
- § 3337. Putting Glass, etc., on Highways Prohibited.
- § 3338. Downgrade Operation.
- § 3339. Traffic Signals.
- § 3340. Fire Hoses.
- § 3341. Peddling on Highway.
- § 3342. Lights.
- § 3343. Vehicles on Certain Property.
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- § 3345. Adopt-A-Traffic Signal.
- § 3346. Restrictions on the Use of Mobile Phones While Driving.
- § 3347. Penalty for Moving Violations Involving Large Vehicles.
- § 3348. The Use of Video Screens in a Motor Vehicle While in Motion or in a Lane of Traffic.
- § 3349. Driving While License Suspended.

§ 3301. Speed Limits.

(a) All motor vehicles traveling upon the public highway shall be driven at a careful, prudent rate of speed not greater than nor less than is reasonable and proper, having due regard to the surface of the highway, the width of the highway and the condition of traffic upon the highway and all other restrictions and conditions then and there existing.

(b) In no event shall any motor vehicle be operated at a speed greater than will permit it to be stopped within the assured clear distance ahead.

(c) Subject to the provisions of Subsections (a) and (b) of this Section, speeds in excess of forty-five (45) miles per hour/eighty (80) kilometers per hour shall be unlawful.

(d) All vehicles shall reduce their rate of speed to ten (10) miles per hour when passing a bus while such bus is taking or

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discharging passengers unless such bus is stopping off the surface of the highway.

(e) The speed limitations set forth in this Section shall not apply to vehicles under the direction of the police in the actual chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor shall they apply to the Fire Department or Fire Patrol vehicles when traveling in response to a fire alarm, nor shall they apply to ambulances when such are traveling in actual emergencies. The exemptions set forth in this Subsection shall not, however, protect the driver of any such vehicle from the consequences of a reckless or unnecessary disregard of the safety of others.

(f) The Chief of Police is hereby authorized to designate as may be reasonably necessary, and on a permanent, temporary or intermittent basis, certain areas as limited speed areas and to mark such areas with appropriate warning signs. No vehicle shall be operated in such areas in excess of the maximum speeds as may be indicated by such signs.

SOURCE: GC § 23115, enacted by P.L. 1-088, amended by P.L. 2-034, 2-114; subsection (d) repealed by P.L. 6-050. Subsection (c) amended by P.L. 22-146:23 (Dec. 29, 1994).

§ 3301.1. Eluding a Police Officer.

(a) A driver commits the offense of eluding a police officer if, knowing or having reason to know that a uniformed police officer is in pursuit in a marked police vehicle or is giving a visual or audible command to the driver to stop his vehicle, he eludes the officer.

(b) In determining whether or not the driver knew or had reason to know he was being pursued or commanded by the officer to stop his vehicle, the arresting officer and the trier of fact shall consider the totality of the circumstances as described in § 3301.3 of this Chapter.

(c) Eluding a police officer is a misdemeanor. In addition to any other penalty imposed for conviction of the offense, the sentencing judge may order that defendant's driver's license be suspended for a maximum of one (1) year.

SOURCE: Added by P.L. 24-123:1 (Feb. 16, 1998).

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§ 3301.2. Definitions.

As used in § 3301.1 of this Chapter:

(a) Audible command means a siren, horn or electronically magnified voice command.

(b) Driver means the operator of a motor vehicle.

(c) Eludes means that a driver fails or refuses to stop his vehicle and accelerates or takes other evasive action in attempting to avoid being apprehended by a police officer.

(d) Police Officer means an officer of the Guam Police Department acting within his statutory authority, or other peace officer as defined by 8 GCA § 5.55, while such other peace officer is acting within his statutory law enforcement authority or is performing official duty within the boundaries of property under the jurisdiction and control of the government agency by whom he is employed, or while such other peace officer is in authorized hot pursuit of a driver the officer reasonably believes has committed a crime within such boundaries.

(e) Visual command means activation of emergency flashing pursuit lights, flashing red or blue lights or visible hand signals by a police officer."

SOURCE: Added by P.L. 24-123:2 (Feb. 16, 1998).

§ 3301.3. Totality of the Circumstances Described.

As used in § 3301.1 of this Chapter, factors to be considered in determining whether or not a driver, at the time and place in question, had the requisite knowledge to support a charge of eluding a police officer include the following:

(a) Was the officer in a marked police car?

(b) Did the officer use audible or visual commands, or both, to signal the driver?

(c) Was the officer in uniform?

(d) The time of day or night.

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(e) Was the vehicle being operated on a public highway?

(f) Why was the officer trying to stop the driver?

(g) Time and distance involved in the pursuit.

(h) Maximum speed attained during the pursuit.

(i) Was the driver suspected of being under the influence of alcohol or drugs?

SOURCE: Added by P.L. 24-123:3 (Feb. 16, 1998).

§ 3302. Obstructing Driver's View or Interfering With Control of Mechanism.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons in excess of three (3) 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.

SOURCE: GC § 23116, enacted by P.L. 01-088 (Nov. 29, 1952), as repealed and reenacted by P.L. 6-099; Subsection (a) designation removed by Compiler as no longer applicable.

§ 3303. Passengers on Motorcycles.

It is unlawful for an operator of a motorcycle on a highway to carry any other person thereon, except on a seat securely fastened to the machine in the rear of the operator and provided with foot rests and hand grips or in a side car attached to a motorcycle and designed for the purpose of carrying a passenger. Not more than one (1) passenger shall be carried on a motorcycle.

SOURCE: GC § 23116.1, enacted by P.L. 3-016.

§ 3304. Operating Motorcycles on Beaches.

It is unlawful for any person to operate a motorcycle on any public beach posted with appropriate signs by the Chief of Police.

SOURCE: GC § 23116.3, enacted by P.L. 8-095.

§ 3305. Mandatory Safety Helmets.

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(a) Any driver under eighteen years of age and any passenger under eighteen years of age shall wear a safety helmet, of a type that meets or exceeds the safety standards established by the United States Department of Transportation, when riding on a motorcycle, scooter or moped, including a bicycle equipped with a motor.

(b) No passenger under the age of twelve shall be permitted as a passenger on a motorcycle, scooter or moped, or bicycle equipped with a motor.

(c) In addition, any driver who has not been licensed to operate a motorcycle for at least three years shall wear a safety helmet of a type that meets or exceeds the safety standards established by the United States Department of Transportation. Anyone who violates this Section shall be subject to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).

SOURCE: GC § 23116.5, enacted by P.L. 8-112. Repealed and reenacted by P.L. 24-2:2. Amended by P.L. 32-052:1 (July 5, 2013).

2015 NOTE: Subsection designations were added to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority by 1 GCA § 1606.

§ 3305.1. Sale of Safety Helmets.

No person shall sell or offer for sale for use by an operator or passenger of a motorcycle, scooter or moped, or bicycle equipped with a motor, a helmet which is not of a type meeting the requirements established by the United States Department of Transportation. Anyone who violates this Section shall be guilty of a petty misdemeanor.

SOURCE: Added by P.L. 24-002:2 (Mar. 15, 1997) as § 3306. Renumbered by the Compiler to harmoniously fit in this chapter and because § 3306 is already occupied. Amended by P.L. 32-052:2 (July 5, 2013).

§ 3306. Riding on Bicycles; Penalty.

(a) A person propelling a bicycle or bicycle equipped with a motor shall not ride other than upon or astride a permanent and regular seat attached thereon.

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(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, however, no more than one (1) person shall ride a bicycle equipped with a motor at a time.

(c) No person less than fifteen (15) years of age shall operate a bicycle equipped with a motor.

(d) Any person who violates the provisions of Subsections (a), (b) or (c) of this Section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

SOURCE: GC § 23101.2, enacted by P.L. 14-75:5.

§ 3307. Riding on Roadways and Bicycle Paths.

(a) Every person operating a bicycle or bicycle equipped with a motor upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles or bicycles equipped with motors upon a roadway shall ride in single file; provided that upon paths or parts of roadways set aside for the exclusive use of bicycles or bicycles equipped with motors riding two (2) abreast shall be permitted, unless otherwise prohibited by rule or regulation adopted by the Director of Public Works.

(c) Whenever a usable path for bicycles or bicycles equipped with motors has been provided adjacent to a roadway, riders shall use the path and shall not use the roadway; provided that certain paths may be posted to prevent persons riding a bicycle equipped with a motor from using them.

(d) No person shall ride a bicycle equipped with a motor on any sidewalk.

(e) No person shall ride a bicycle or bicycle equipped with a motor at a speed in excess of the posted speed limit or thirty (30) miles per hour, whichever is slower.

(f) Any person violating Subsections (a), (b), (c), (d) or (e) of this Section is guilty of a misdemeanor and upon conviction

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thereof shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

SOURCE: GC § 23101.3, enacted by P.L. 14-075:6.

§ 3307.1. Electric Personal Assistive Mobility Device: Riding on Sidewalks, Roadways and Bicycle Paths.

(a) Electric Personal Assistive Mobility Devices (EPAMD) shall be allowed to operate on and use safety zones, bicycle paths, and sidewalks. An Operator of an Electric Personal Assistive Mobility Device (EPAMD) shall exercise due care to avoid colliding with, and shall yield the right-of-way to, persons traveling on foot and those utilizing mobility aids.

(b) Only if safety zones, bicycle paths, and sidewalks are not available, or if available sidewalks are not Americans with Disabilities Act (ADA) compliant, shall EPAMDs be allowed to use Guam's roadways where the posted speed limit is twenty-five (25) miles per hour or less.

(c) Persons operating an EPAMD on a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one (1) proceeding in the same direction. They shall ride in single file; provided that upon paths or parts of roadways set aside for the exclusive use of bicycles, bicycles equipped with motors, or Electric Personal Assistive Mobility Devices, riding two (2) abreast shall be permitted, unless otherwise prohibited by rule or regulation adopted by the Director of Public Works.

(d) An operator of an EPAMD shall be no less than sixteen (16) years of age with one (1) exception: Operators may be twelve to fifteen (15) years old if accompanied and supervised by an adult who is at least eighteen (18) years old. Operators under sixteen (16) years of age are required to wear a Consumer Products Safety Commission-approved bicycle helmet.

(e) EPAMD tour operators shall limit tour customers to a maximum speed of eight (8) mph while operating within Tumon Bay, as defined in paragraph C, § 3701, Title 16, Guam Code Annotated.

(f) An EPAMD operator shall give an audible signal before

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overtaking and passing any pedestrian.

(g) An EPAMD shall be equipped with reflectors and a headlamp when operating between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise.

(h) Any person violating any part of this § 3307.1 is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

SOURCE: Added by P.L. 29-139:5 (Jan. 30, 2009).

§ 3308. Operation of Bicycle.

While operated on any highway, a bicycle shall be considered a vehicle for all purposes of highway traffic operation regulations and control as set forth in this Code.

SOURCE: GC § 23140, enacted by P.L. 1-088, as repealed and reenacted by P.L. 3-016.

§ 3308.1. Operation of EPAMD.

While operated on any highway, an EPAMD shall be considered a vehicle for all purposes of highway traffic operation regulations and control as set forth in this Code.

SOURCE: Added by P.L. 29-139:6 (Jan. 30, 2009).

§ 3309. Drive on Right Side of Roadway: Exceptions.

(a) Upon all roadways of sufficient width a motor vehicle shall be driven upon the right half of the roadway, except as follows:

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

(2) When placing a vehicle in a lawful position for and when such vehicle is lawfully making a left turn;

(3) When the right half of a roadway is closed to traffic; or

(4) Upon a roadway designated and signposted for one-way traffic.

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(b) (1) The Chief of Police shall by regulation establish a distinctive roadway marking which shall indicate no driving over such marking and is authorized either by such marking or by signs and markings to designate any portion of a highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings.

(2) When such marking or signs and markings are in place, the driver of a motor vehicle shall not drive along the highway to the left thereof, but this shall not prevent turning to the left across any such markings at any intersection or private driveway.

(c) It is unlawful to drive any motor vehicle upon any highway which has been divided into two (2) or more roadways by means of intermittent barriers or by means of a dividing section of not less than two (2) feet in width either unpaved or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section, or to drive any vehicle over, upon or across any such dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except through an opening in such barrier designed and intended by proper authorities for the use of vehicles or through a plainly marked opening in such dividing section.

SOURCE: GC § 23117, enacted by P.L. 1-088; repealed and reenacted by P.L. 3-016; as amended by P.L. 14-075:8.

§ 3310. Driving in Right-Hand Lane.

Upon all highways any vehicle or bicycle shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

SOURCE: GC § 23117.1, enacted by P.L. 3-016.

COURT DECISIONS: D.C. Guam, 1963. Evidence of operation of motor scooter which collided with oncoming car at top of hill authorized instruction on contributory negligence of scooter operator under statute under statute requiring driver to ordinarily drive vehicle as practicable to right had side of roadway. *Alquero v. Duenas*, 319 F.2d 40.

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§ 3311. Distinctive Roadway Markings.

Whenever the Chief of Police determines and designates a distinctive roadway marking which shall indicate no driving over such marking, he may place such markings upon highways under his jurisdiction.

SOURCE: GC § 23117.2, enacted by P.L. 3-016.

§ 3312. Certain Vehicles to be Driven in Right-Hand Lane.

When any truck, tractor, trailer, or any combination thereof with a gross weight of vehicle and load of ten thousand (10,000) pounds or more is being driven on any highway, it shall not be driven in the farthest left hand lane, except when overtaking and passing a vehicle proceeding in the same direction or driven on a single lane or when preparing for a left turn at an intersection or into a private road or driveway.

SOURCE: GC § 23117.3, enacted by P.L. 3-016. Amended by P.L. 29-027:2 (Oct. 24, 2007).

§ 3313. Off-center Lanes.

The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

SOURCE: GC § 23117.4, enacted by P.L. 3-016.

§ 3314. Driving on Roadways Laned for Traffic.

Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (3) lanes a vehicle shall not be driven in the center lane except

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when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

SOURCE: GC § 23117.5, enacted by P.L. 3-016.

§ 3315. Entering Traffic Intersections.

(a) A driver shall not enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or marked crosswalk to clear the intersection.

(b) In crossing an intersection of highways, the operator of a vehicle shall, at all times, cause such vehicle to travel on the right half of the highway, unless such right half is obstructed or impassable.

SOURCE: GC § 23118, enacted by P.L. 1-088. Amended by P.L. 23-083:3 (Mar. 12, 1996).

§ 3316. Passing Vehicles Proceeding in Opposite Directions.

(a) Drivers of vehicles proceeding in opposite direction shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway whenever possible.

(b) Whenever upon any grade the width of the roadway is insufficient to permit the passing of vehicles approaching from opposite directions at the point of meeting, the driver of the vehicle descending the grade shall, if necessary, back his vehicle to a place in the highway where it is possible for the vehicles to pass.

SOURCE: GC § 23119, enacted by P.L. 1-088, as repealed and

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reenacted by P.L. 3-016.

§ 3317. When Overtaking on the Right is Permitted.

(a) The operator of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

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

(2) Upon a highway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction.

(3) Upon a one-way highway.

(b) The operator of a motor vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

(c) The provisions of this Section shall not relieve the operator of a slow moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

SOURCE: GC § 23120, enacted by P.L. 1-088; as repealed and reenacted by P.L. 3-016.

§ 3318. Limitations on Overtaking on the Left.

(a) No vehicle shall be driven to the left side of the center line of a roadway 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 safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

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

(1) When approaching the crest of a grade or upon a curve in the highway 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.

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(2) On a three-lane highway.

(c) The foregoing limitations shall not apply upon a one-way roadway.

SOURCE: GC § 23121, enacted by P.L. 1-088; as repealed and reenacted by P.L. 3-16.

§ 3319. Same.

The operator of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle when the operator of the overtaking vehicle shall have given a suitable and audible signal, and shall not increase the speed of his vehicle until completely overtaken and passed by the overtaking vehicle.

SOURCE: GC § 23123, enacted by P.L. 1-088.

§ 3320. Interval Between Vehicles.

The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle, the condition of the highway surface and the nature of traffic upon such highway.

§ 3321. Required Position and Method of Turning at Intersections.

The operator of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns. 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.

(b) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

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(c) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one (1) or more of the roadways, the operator of a vehicle intending to turn left at any such intersection shall approach the intersection in the left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(d) The Chief of Police may cause markers, buttons or signs to be placed within or adjacent to intersections (from that specified in this Section) to be traveled by vehicles turning at an intersection or may allocate and indicate more than one (1) lane of traffic from which operators or vehicles may make right or left-hand turns and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required or permitted by such markers, buttons or signs.

SOURCE: GC § 23124, enacted by P.L. 1-088; repealed and reenacted by P.L. 3-016.

§ 3322. Turning on Curve or Crest of Grade Prohibited.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of, a grade where such vehicle cannot be seen by the operator of any other vehicle approaching from either direction within three hundred (300) feet.

SOURCE: GC § 23124.1, enacted by P.L. 3-016.

§ 3323. Starting Parked Vehicles or Backing.

No person shall start a vehicle stopped, standing, or parked on a highway, nor shall any person back a vehicle on a highway unless and until such movement can be made with reasonable safety.

SOURCE: GC § 23124.2, enacted by P.L. 3-016.

§ 3324. Signals.

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(a) The operator of any vehicle upon a highway shall, before starting, stopping or turning from a direct line, first see that such movement can be made in safety and, if any pedestrian may be affected by such movement, shall give a clearly audible warning signal, and whenever the operator of any other vehicle approaching or following may reasonably be affected by such movement, shall give a signal, as required in this Section, plainly visible to the operator of such other vehicle to indicate such intention to make such movement.

(b) Any stop or turn signal required by this Section shall be given either by means of the hand and arm, or by signal lights, or a mechanical signal device that clearly indicates to both approaching and following traffic intention to turn right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights or a mechanical signal device where the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body thereof exceeds fourteen (14) feet, whether a single vehicle or a combination of vehicles.

(c) Any stop or turn signal required by this Section shall be given either by means of the hand and arm, or by a signal light or mechanical signal device, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle, then the signals must be given by a light or signal device.

(d) All signals required by this Section when given by hand and arm shall be given from the driver side of the motor vehicle in the following manner, and such signals shall indicate as follows:

- (1) Left turn, hand and arm extended horizontally;
- (2) Right turn, hand and arm extended upward;
- (3) Stop or decrease speed, hand and arm extended down ward.

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SOURCE: GC § 23125, enacted by P.L. 1-088 as amended by P.L. 2-083.

§ 3325. Right of Way.

(a) When two (2) vehicles are approaching or entering an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right except as otherwise provided in this Title. The operator of any vehicle approaching or entering an intersection at an unlawful rate of speed shall forfeit any right of way which he might otherwise have hereunder.

(b) The operator of a vehicle approaching but not having entered an intersection shall yield the right of way to a vehicle already within such intersection or turning therein across the line of travel of such first-mentioned vehicle; provided, the operator of the vehicle turning across such line of travel shall have given a plainly visible signal of intention to turn.

(c) The operator of a vehicle within an intersection, intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute hazard at any time during the turning movement and shall continue to yield the right of way to such approaching vehicles until such time as the left turn can be made with reasonable safety.

(d) Said operator turning left, having so yielded and having given a signal when and as required by this Code, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the driver making the left turn.

(e) The operator of any vehicle, upon approaching any “yield right of way” sign shall yield the right of way to other vehicles which have entered the intersection from an intersecting street or which are approaching so closely on the intersecting street as to constitute an immediate hazard and shall continue to yield the right of way to such approaching vehicles until such time as he can proceed with reasonable safety. An operator, having so yielded, may then proceed and the operators of all

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other vehicles approaching the intersection on the intersecting roadway shall yield the right of way to him.

SOURCE: GC § 23126, enacted by P.L. 1-088 as amended by P.L. 3-016 and P.L. 7-108.

COURT DECISIONS: Pedestrian negligence: see *Jones v. Warmee* 225 F.2d. 258 (1955). D.C.Guam, App.Div., 1977. To find Defendant guilty of involuntary manslaughter, court had to find that Df. was driving while intoxicated and that he failed to yield right-of-way of approaching vehicle. *People v. Villarta*, 1 Guam R. 425.

§ 3326. Vehicle Entering Through Highway.

(a) The operator of any vehicle shall stop at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard and shall continue to yield the right of way to such approaching vehicles until such time as he can proceed with reasonable safety.

(b) Said operator having so yielded may proceed and the operators of all other vehicles approaching the intersection on the through highway shall yield the right of way to the vehicle so about to enter or cross the through highway.

SOURCE: GC § 23127, enacted by P.L. 1-088, as repealed and reenacted by P.L. 3-016, and amended by P.L. 7-108.

§ 3327. Private Road or Driveway.

(a) The operator of a vehicle about to enter or cross a highway from any private road or driveway or from an alley shall yield the right of way to all vehicles approaching on said highway.

(b) The operator of a vehicle intending to turn to the left into an alley, private road, driveway, or any private property shall yield the right of way to all vehicles which are approaching from the opposite direction and which are so close as to constitute a hazard at any time during the turning movement and shall continue to yield the right of way to such approaching vehicles until such time as the left turn can be made with reasonable safety.

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(c) An operator having yielded as required by Subsection (b), and having given a signal when and as required by this Code, may turn left and the drivers of all other vehicles approaching from said opposite direction shall yield the right of way.

SOURCE: GC § 23127.1, enacted by P.L. 3-016 as amended by P.L. 7-108.

COURT DECISIONS: Super.Ct., 1980. Subsection (b) of § 3327 applies only to vehicles on the highway, not to vehicles who have left the traveled portion of the highway and are traveling on a clearly marked construction area. *Pangelinan v. Wright*, 2 Guam R. 74.

§ 3328. Pedestrian's Right of Way of Sidewalk.

The operator of any motor vehicle, prior to driving over or upon any sidewalk or pedestrian path, shall yield the right of way to any pedestrian approaching thereon. Any person soliciting or handbilling on a sidewalk shall not interfere with the free right of passage of any pedestrian thereon.

SOURCE: GC § 23127.2, enacted by P.L. 3-016. Amended by P.L. 28-028:2 (Apr. 22, 2005).

§ 3329. Pedestrian's Right of Way at Crosswalks.

(a) The operator of a vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this Code.

(b) 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 operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SOURCE: GC § 23127.3, enacted by P.L. 3-016.

§ 3329.1. Traffic Safety for the Visually Impaired.

The driver of a vehicle approaching a pedestrian who is blind or visually impaired and is carrying a cane predominantly white or metallic in color (with or without a red tip) or using a guide dog shall take all necessary precautions to avoid injury to such pedestrian, and any driver who fails to take such

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precautions shall be liable in damages for any injury caused to such pedestrian; provided that a pedestrian who is blind or visually impaired and is not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed in §§ 2114-2116 of Chapter 2 of Title 19, Guam Code Annotated, shall have all of the rights and privileges conferred by law upon other persons, and the failure of such pedestrian to carry such a cane or to use a guide dog in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

SOURCE: Added by P.L. 31-143:2 (Nov. 17, 2011).

§ 3330. Soliciting Rides.

No person shall stand in or on the traveled portion of a roadway for the purpose of soliciting a ride from the operator of any vehicle.

SOURCE: GC § 23127.4, enacted by P.L. 3-016.

§ 3331. Crossing at Other Than Crosswalks.

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

(b) The provisions of this Section shall not relieve the operator of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

SOURCE: GC § 23127.5, enacted by P.L. 3-16.

§ 3332. Jay Walking.

It shall be unlawful for any pedestrian to cross any road at any point between adjacent intersections that are controlled by any traffic control signal device or police officer except in an officially designated crosswalk.

SOURCE: GC § 23127.6, enacted by P.L. 3-016, amended by P.L. 3-054.

§ 3333. Conduct of Operators and Pedestrians on Approach of Authorized Emergency Vehicles.

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Upon the immediate approach of an authorized emergency vehicle sounding a siren or having at least one (1) lighted lamp exhibiting red or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicles:

(a) The operators of all other vehicles shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible, to the right-hand edge or curb of the highway clear of any intersection and thereupon stop and remain in such position until such authorized emergency vehicle has passed, except when otherwise directed by a police officer or such other officer invested by law to direct and regulate traffic under the provisions of this Title.

(b) All pedestrians upon the highway shall remain in a place of safety or proceed to the nearest curb or place of safety until such authorized emergency vehicle has passed, except when otherwise directed by a police officer or such other officer invested by law to direct and regulate traffic under the provisions of this Title.

SOURCE: GC § 23128, enacted by P.L. 1-088, repealed and reenacted by P.L. 3-016, and amended by P.L. 4-003 and P.L. 11-148.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 3334. Stops.

(a) It shall be unlawful for the operator of any vehicle, except as is otherwise provided in this Section, before entering a through highway, to fail to come to a complete stop, within a reasonable distance, before entering such intersection on such through highway, when official "Thru Traffic Stop" sign or signs have been erected in accordance with the provisions of this Title.

(b) It shall be unlawful for the operator of any vehicle, except as is otherwise provided in this Section, before entering a stop section, to fail to come to a full stop, within a reasonable distance, before entering the intersection, when an official

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“Stop” sign or signs have been erected in accordance with the provisions of this Title.

(c) The operator of any vehicle shall not be subject to the provisions of this Section during the hours when a mechanical traffic signal is actually in operation or when a peace officer is actually on duty directing traffic at the scene.

(d) The provisions of this Section shall not apply to vehicles operating under the direction of the police in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation, nor to vehicles of the fire department while responding to a fire alarm, nor to ambulances while traveling in emergencies, but this Subsection shall not protect the operator of any such vehicles from an unnecessary disregard of the safety of other persons or vehicles upon the highways.

SOURCE: GC § 23129, as enacted by P.L. 1-088.

§ 3335. Flashing Signals.

Whenever a red or yellow flashing light is used as a traffic signal it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red flashing light is used as a traffic signal at an intersection, drivers of vehicles shall stop before entering the nearest cross walk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow flashing light is used as a traffic signal, drivers of vehicles may proceed through the intersection or past such signal only with caution.

SOURCE: GC § 23129.1, enacted by P.L. 9-078.

§ 3336. Passing Passenger Carriers.

(a) No operator of a vehicle which meets or overtakes any vehicle that has stopped for the purpose of taking on or discharging passengers shall pass such stopped vehicle on the

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side on which passengers are entering or leaving the vehicle until such stopped vehicle has started and until any passengers who may have alighted have reached the side of the highway; except, that where a safety zone has been established, or at an intersection where traffic is controlled by a peace officer or mechanical traffic signal, a vehicle need not be brought to a full stop before passing a stopped vehicle, but may proceed past such vehicle at a speed not greater than is reasonable and proper and in no event at a speed greater than ten (10) miles per hour, and shall exercise due caution for the safety of all pedestrians.

(b) Every school bus, when operated for the transportation of school pupils, shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus – Stop" in letters not less than eight (8) inches in height and of proportionate width. No vehicle, other than a school bus, shall display such sign.

Penalty: Not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

(c) The driver of any vehicle, whenever approaching upon any highway from either direction any school bus which is equipped with signs as herein required and which has stopped for the purpose of receiving or discharging any passengers, shall at once bring his vehicle to a complete stop and shall not proceed to pass such school bus from either direction until all passengers in the immediate area of the bus have been received into or discharged from the bus and have reached a position of safety from vehicular traffic.

Penalty: Not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

(d) Any person who is in violation of § 3336 (c), and as a result has caused bodily injury or damage to personal or public property, shall be charged with reckless driving and is punishable under the provisions of § 3111, Article 1 of this Chapter, and § 9107 of Chapter 9 of this Title 16, Guam Code Annotated, as applicable.

SOURCE: GC § 23130, enacted by P.L. 1-088. Subsection (d) added by P.L. 31-051:2 (May 23, 2011).

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COURT DECISIONS: Super. Ct., 1976. Violation of this section (former § 23130(b)) is an occurrence foreseeable by bus driver and, therefore, government and school bus driver can be held for failure to exercise due care when deaf student-bus rider was injured when third party passed bus which had its lights flashing and “stop sign” out. *Fejerang v. Tenorio, Gov't. of Guam, et al.*, 1 Guam R. 323.

§ 3337. Putting Glass, etc., on Highways Prohibited.

No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon such public highway.

SOURCE: GC § 23134.1, enacted by P.L. 3-016.

§ 3338. Downgrade Operation.

The operator of a motor vehicle shall not operate such vehicle with the gears in neutral position or with the clutch disengaged while traveling on a downgrade upon any public highway.

SOURCE: GC § 23135, enacted by P.L. 1-088.

§ 3339. Traffic Signals.

(a) It shall be unlawful for the operator of any vehicle to disobey the directions of any traffic signal placed in accordance with the provisions of this Title unless otherwise directed by a peace officer.

(b) Whenever traffic at an intersection is alternately directed to stop and go by the use of mechanical light signals, the color lights shall indicate as follows, except as otherwise provided in this Section:

(1) Green - Traffic facing the signal may proceed straight ahead, and make right or left turns except where no such turns are permitted, when so indicated by official signs, and vehicular traffic shall yield the right of way to pedestrians crossing on the crosswalk at the intersection who started across the roadways prior to the green signal for such vehicles.

(2) Yellow - Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such

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stop cannot be made in safety, the vehicle may be driven cautiously through the intersection.

(3) Red - Traffic facing the signal shall stop before entering the intersection and remain stopped until green is shown, and no movement or turns shall be lawful while the red color shows except as otherwise provided in this Section.

(4) No U-turns shall be made on a two-way street in a business or residential district, unless they shall be made at least one hundred (100) feet from an intersection and then only on such signal and at such times and places as may be indicated by official signs.

(c) Where official signs indicate permissible turns, as provided for in this Section, they shall be attached to the regular traffic signals, or immediately adjacent thereto, and shall be clearly illuminated at night.

(d) Traffic signal interpretation set forth in this Section shall not apply to vehicles operated under the direction of the police in the chase or apprehension of suspected violators of the law or of persons charged with such violations, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to ambulances when traveling in emergencies, but the above emergencies shall not protect the operator of any such vehicle from the consequences of a reckless disregard of the safety of others.

(e) It shall be unlawful for the operator of any vehicle to disobey the directions of any traffic signs approved by or erected by the Chief of Police to regulate the flow of traffic.

(f) Whenever any peace officer is present at any intersection or at any place upon the public highways, his verbal or visible signals and instructions shall take precedence over any traffic sign, symbol, signal or marking and it shall be unlawful for any person to fail or refuse to comply with his signals or instructions.

(g) The operator of a vehicle which is stopped at the entrance of an intersection in obedience to a red light signal may make a right turn but shall yield the right-of-way to pedestrians

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and other traffic proceeding as directed by the signal at said intersection, except that the Chief of Police may, by regulation, prohibit any such right turn against a red light signal at any intersection, which regulation shall be effective when a sign is erected at such intersection giving notice thereof.

(h) (1) The driver of any vehicle approaching an intersection which has official traffic control signals that are inoperative shall stop at the intersection, and may proceed with caution when it is safe to do so.

(2) When two or more vehicles approach an intersection from different highways at the same time, and the official traffic control signal is inoperative, the drivers shall stop before entering the nearest crosswalk at the intersection or before entering the intersection, and the right to proceed shall be subject to the same rules that are applicable after making a stop at a stop sign.

(3) The Department of Public Works shall install signs at each intersection that read: STOP when traffic signal light is not working. Yield to Right of Way.

SOURCE: GC § 23137, enacted by P.L. 1-088; subsection (g) added by P.L. 8-042; subsection (h) added by P.L. 23-083:2 (Mar. 12, 1996).

§ 3340. Fire Hoses.

No vehicle shall be driven over any unprotected fire hose when such hose is resting upon any public highway for use at any fire or in answer to any fire alarm, without the consent of the fire department officers at the scene or peace officers in command.

SOURCE: GC § 23138, enacted by P.L. 1-088.

§ 3341. Peddling on Highways and Sidewalks.

[Repealed.]

SOURCE: GC § 23139, enacted by P.L. 1-088. Repealed/reenacted by P.L. 26-102:2 (6/09/2002). Amended by P.L. 28-028:3 (Apr. 22, 2005). Repealed by P.L. 32-071:2 (Nov. 27, 2013).

§ 3342. Lights.

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(a) Whenever a motor vehicle is being operated on a highway or shoulder adjacent thereto during the period from one (1) hour after sunset to one (1) hour before sunrise, and at any other time when there is not sufficient light to render persons and vehicles clearly discernable on the highway at a distance of at least five hundred (500) feet ahead, the operator of such vehicle shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations hereinafter stated.

(b) Whenever the operator of a vehicle approaches an oncoming vehicle within a distance of five hundred (500) feet, such operator shall depress, dim or use a distribution of light or composite beam so aimed and directed that the glaring rays of such lights are not projected into the eyes of the operator of the oncoming vehicle, and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands, at a distance of seventy-five (75) feet ahead.

SOURCE: GC § 23141, enacted by P.L. 1-088.

§ 3343. Vehicles on Certain Property.

(a) Driving or leaving vehicle, bicycle or animal upon driveways, paths or grounds of public schools, etc: permission: condition and regulation. No person shall drive any vehicle, bicycle, or animal, nor shall any person stop, park or leave standing any vehicle, bicycle or animal, whether attended or unattended, upon the driveways or paths or any of the grounds of any public school, government of Guam building, or institution, or any educational institution exempted in whole or part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or officer of such public school, government of Guam building or institution, or educational institution.

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(b) Erection and placing of signs: statement of special conditions and regulations. Every governing board or officer herein referred to shall erect or place appropriate signs giving notice of any special conditions or regulations that may be imposed hereunder and every such board or officer shall also prepare and keep available at the principal administrative office of such board or officer, for examination by all interested persons, a written statement of any and all such special conditions and regulations adopted hereunder.

(c) Provisions applicable in absence of special conditions or regulations. When any governing board or officer herein referred to permits public traffic upon the driveways, paths or grounds under their control then, in the absence of any special conditions or regulations applicable to such traffic, all the provisions of this Code relating to traffic upon highways shall be applicable to such traffic upon said drive ways, paths or grounds.

(d) Any person violating any provisions of this Section shall be guilty of a violation punishable by a fine of not more than Fifty Dollars (\$50.00).

SOURCE: GC § 23145, enacted by P.L. 3-034; Subsection (d) as amended by P.L. 13-187:148 (Sept. 2, 1976).

§ 3344. School Buses: Overloading.

The Director of Public Works shall insure that no public vehicle transporting students to and from school shall be so loaded that more than one (1) student occupies a seat designed for one (1) person or so that any student is required to stand while the vehicle is in motion. Any violation of this Section shall be a misdemeanor.

SOURCE: GC § 23152, enacted by P.L. 12-157 (Aug. 20, 1974).

§ 3345. Adopt-A-Traffic Signal.

(a) The Department of Public Works, in coordination and with the concurrence of the Guam Power Authority, is authorized to solicit and approve the accommodation of a private business or corporation to provide an independent source of power generation to any traffic signal which becomes inoperative as a result of power outages. The cost for installation

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and connection shall be borne by the Department of Public Works from the agency's operational budget.

(b) The Guam Power Authority is authorized to grant, by rule and regulation, a customer billing credit to any business or corporation that offers to provide power generation to any traffic signal under this program.

(c) The Department of Public Works shall continue to be responsible for the maintenance and operation of the traffic signal, and all lines which connect the signal to the independent power generation source within the approved site. The business or corporation shall be responsible for all maintenance and operation of the power generation source at the approved site.

(d) Any business or corporation that is approved under this program shall not be liable in contract or tort for any claims or damages that may occur as a result of any injury to persons or property at or within a traffic intersection. The government of Guam, through its agencies and officers, shall be liable to the extent allowed under present law.

SOURCE: Added by P.L. 23-083:4 (Mar. 12, 1996).

§ 3346. Restrictions on the Use of Mobile Phones While Driving.

(a) Restriction. It is unlawful for a person to read, write, or send electronic messages, or use or be holding, a mobile phone or similar electronic communications device while driving a vehicle.

(1) Definition. For the purposes of this Section, driving means operating a vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a vehicle with or without the motor running when the driver moved the vehicle to the side of, or off, a highway, and halted in a location where the vehicle can safely remain stationary.

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(b) Exemptions. The restriction set forth in Subsection (a) shall not apply to voice communications being made under the following circumstances:

(1) Emergency Calls. The driver is making an emergency call to law enforcement officials or other public emergency response services; or

(2) [Repealed.]

(3) Hands-free. The driver is using a mobile phone that is specifically designed and configured to allow hands-free listening and talking, through the use of Bluetooth, hard-wired, or similar technology, and is used only in such hands-free manner while driving.

(A) Should an earpiece be utilized as part of the hands-free talking device, only one (1) such earpiece may be used by the person.

(B) Medically prescribed hearing aids are not to be counted against the one (1) earpiece limit; or

(4) Licensed Amateur Radio (Ham Radio). The driver is using only two (2)-way mobile radio transmitters or receivers and possesses a current and valid license from the Federal Communications Commission in the Amateur Radio Service; or

(5) CB Radio and Similar. The driver is using a “half-duplex” only device.

(A) Such device shall not have the ability to also conduct “full-duplex” communication.

(B) For the purposes of this Subsection, half-duplex means the ability for two (2) or more electronic devices to communicate with each other, but in only one (1) direction at a time (not simultaneously), and inclusive of simplex technology; provided, that such technology permits for only voice communication in one (1) direction at a time.

(c) Limits of Exemptions. The exemptions outlined in Subsections (b)(2) through (b)(5) of this Section shall only be

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extended to an individual with a valid Driver's License. For the purposes of this Section, a Class A (Operator) or Class F (Motorcycle) Learner's Permit, or a Class A (Operator) or Class F (Motorcycle) Intermediate License shall not constitute a Driver's License.

(d) Penalties. Any driver who violates the provisions of Subsections (a), (b) or (c) of this Section is guilty of a violation and shall be punished by a fine no less than One Hundred Dollars (\$100.00). Repeat violations of this Section shall be punished by a fine no less than Five Hundred Dollars (\$500.00). However, should a driver be found to have violated the provisions of this Section, and that said violation may have contributed to a traffic collision, then he or she is guilty of a violation punishable by a fine no less than One Thousand Dollars (\$1,000), and may result in the suspension or revocation of driving privileges on Guam's roadways.

(e) Notwithstanding the provisions of § 9502 of Chapter 9.5 of Title 7, Guam Code Annotated, all fines collected under this Section shall be deposited into the Police Services Fund, and made available by appropriation by *I Liheslaturan Guåhan*.

SOURCE: Added as § 3347 by P.L. 29-022:2 (Oct. 24, 2007), effective (6) months after enactment. Codified to this section by the Compiler pursuant to 1 GCA § 1606. Amended by P.L. 31-194:2 (Feb. 28, 2012), effective (30) days after enactment.

2015 NOTE: The amendment by P.L. 31-194:2 (Feb. 28, 2012) added a new subsection (b)(2) which stated:

(2) Voice Communications Required for the Conduct of Commercial Transportation Operations. During the course of carrying out commercial transportation operations while in a vehicle bearing the logo of the company of employment. Said communications shall be voice-only and for the sole purpose of coordinating movement while on Guam's roadways.

(A) Such exemption, however, shall not apply to interstate commercial motor vehicle movements, or during any transportation of hazardous materials, as stipulated in 49 CFR Parts 177, 383, 384, 390, 391, and 392.

(B) Section 3346 (b)(2) shall be repealed thirty (30) days after enactment of this Act; or[.]

This provision was never enforceable, because the new language was to

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become effective 30 days after enactment, but subitem (b)(2)(B) provided the the new language was to be repealed 30 days after enactment.

§ 3346.1. Public Education Regarding Restrictions on the Use of Mobile Phones While Driving.

(a) Within thirty (30) days following the effective date of this Act, wireless carriers providing mobile phone services or businesses providing vehicle insurance shall, respectively, send a one (1)-time mailing or electronic notification to their current Guam-based wireless service subscribers or vehicle insurance policy holders with information summarizing the restrictions on the use of mobile phones while driving, as outlined in § 3346 of this Chapter.

(b) [Repealed.]

(c) [Repealed.]

(d) The Department of Revenue and Taxation, Motor Vehicle Division shall provide all applicants for a Learner's Permit, Intermediate License, or Drivers License, whether new or renewing, with information summarizing the restrictions on the use of mobile phones while driving, as outlined in § 3346 of this Chapter. Drivers license exams shall also test on the subject matter of mobile phone usage while driving.

(e) Any business entity registered with the Department of Revenue and Taxation that rents vehicles must provide every vehicle rental customer with information summarizing the restrictions on the use of mobile phones while driving, as outlined in § 3346 of this Chapter.

SOURCE: Added by P.L. 31-194:3 (Feb. 28, 2012), effective (30) days after enactment. Subection (b) and (c) repealed on Feb. 28, 2013 pursuant P.L. 31-194:4 (sunset provision).

§ 3347. Penalty for Moving Violations Involving Large Vehicles.

(a) Any violation of this Article committed by an operator of a large vehicle involving excessive speed, improper turns, and lane changes, violations of traffic signs and signals, ignoring lane markers, or a violation of this Article committed while such

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vehicle is in motion shall be subject to the following penalty enhancements:

(1) The penalty for a violation of this Article is One Hundred Dollars (\$100.00);

(2) The penalty for a second violation of this Article in a calendar year is Two Hundred Dollars (\$200.00);

(3) The penalty for third and subsequent violations of this Article in a calendar year is Five Hundred Dollars (\$500.00) and misdemeanor;

(4) The penalty for a violation of this Article involving property damage of more than Five Thousand Dollars (\$5,000.00) or bodily injury is a third degree felony; and

(5) The penalty for a violation of this Article involving death or serious bodily injury is not less than a second degree felony.

(b) Large vehicles for purposes of Subsection (a) of this Section are defined as follows:

(1) Buses that seat more than nine (9) passengers;

(2) Any vehicle that is towing another vehicle or a trailer; and

(3) Any vehicle with a weight in excess of ten thousand (10,000) pounds, including, but not limited to, garbage trucks, dump trucks, cement trucks and bucket trucks.

(c) All penalties in this Section are in addition to penalties prescribed for the underlying moving violations.

SOURCE: Added by P.L. 31-030:1 (Apr. 18, 2011).

§ 3348. The Use of Video Screens in a Motor Vehicle While in Motion or in a Lane of Traffic.

It shall be a violation for a person to have a computer, television receiver, a video monitor, a television screen, a video screen, or any similar means of visually displaying a television broadcast or video signal that produces entertainment or business

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applications at a point forward of the back of the driver's seat turned on while the motor vehicle in which it is operated is in motion or in a lane of traffic.

(a) Any person violating this Section shall be guilty of a violation, and shall be punishable by a fine not to exceed One Hundred Dollars (\$100). Notwithstanding the provisions of § 9502 of Chapter 9.5 of Title 7, Guam Code Annotated, all fines collected under this Section shall be deposited into the Police Services Fund, and made available by appropriation by *I Liheslaturan Guåhan*.

(b) Government officials utilizing screens as identified in this Section in the performance of their official duties shall not be guilty of a violation of this Section.

(c) This Section shall not apply to the following equipment operated in a vehicle:

(1) a vehicle information display;

(2) a global positioning display;

(3) a mapping display;

(4) a visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle; or

(5) a mobile digital terminal, which is fitted with an opaque covering that does not allow the driver to view any part of the display while driving, even though the terminal may be operating.

SOURCE: Added by P.L. 31-089:2 (Sept. 30, 2011).

§ 3349. Driving While License Suspended.

(a) No person shall drive a motor vehicle on a highway in Guam while knowing or having reason to know that his or her driver's license is suspended.

(b) As used in this Section, suspended driver's license means an operator's license, chauffeur's license, or driving privilege that has been suspended or revoked by judicial or

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administrative action, or seized by a police officer pursuant to law.

(c) In any prosecution for driving while license suspended, competent evidence that defendant's license was surrendered to a police officer, or was suspended or revoked by order of a judge in open court, or that written notice of the suspension was mailed to defendant's last known address by the Department of Revenue and Taxation shall be prima facie evidence of defendant's knowledge of the suspension or revocation.

(d) Driving while license suspended is a misdemeanor, punishable by imprisonment for not more than one (1) year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or both. In addition to any other penalty imposed upon a conviction, the sentencing court may order the defendant's driver's license to be suspended for an additional consecutive period of up to five (5) years.

SOURCE: Originally added as 16 GCA § 18124.1 by P.L. 24-124:1 (Feb. 16, 1998). Transferred to Chapter 3, Article 3 by P.L. 34-107:4 (June 5, 2018) and codified to this section by the Compiler.

ARTICLE 4
PARKING

- § 3401. Parking.
- § 3401.1. Accessible Parking for Persons with Disabilities.
- § 3402. Same: Prohibitions.
- § 3403. Parking Regulations.
- § 3404. Registered Owner Responsible: Illegal Parking.
- § 3405. Parking Signs.
- § 3406. Parking for Religious Services.
- § 3407. Unattended Motor Vehicles.
- § 3408. Prohibitions.
- § 3409. Vehicles on Beaches.

§ 3401. Parking.

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(a) No person shall park or leave standing any vehicle, either attended or unattended, upon the main traveled portion of any highway outside of a business or residential district, when it is practicable or possible to leave such vehicle standing off the main traveled portion of such highway, and in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than fifteen (15) feet upon the main traveled portion of such highway opposite such standing vehicle shall be left for the free passage of other vehicles thereon or unless a clear view of such vehicle may be obtained from a distance of three hundred (300) feet in each direction upon such highway.

(b) Whenever any peace officer shall find a vehicle standing upon a highway in violation of the provision of this Section or of § 3402 or § 3403, he is authorized to move such vehicle, or require the person in charge of such vehicle to move such vehicle, to a position where it may be lawfully parked.

(c) The provisions of Subsection (a) shall not apply to the operation of any vehicle which is disabled while on the main traveled portion of a public highway in such manner and to such extent that it is impracticable or impossible to avoid stopping and temporarily leaving such vehicle in such position.

(d) No person shall park any vehicle(s) within a designated, accessible parking space for persons with disabilities on public or private property made available for public use; unless the vehicle displays a special license plate, a removable windshield placard, or a temporary-removal windshield placard issued pursuant to Title 16 GCA § 7120.1.

SOURCE: GC § 23131, enacted by P.L. 1-088 as amended by P.L. 6-056; Section (d) added by P.L. 12-057 (Nov. 26, 1973). Subsections (d) and (e) R/R by P.L. 18-028:2 (Jan. 10, 1986); subsections (f) and (g) added by P.L. 18-028:3 (Jan. 10, 1986). Subsection (d) repealed/reenacted by and subsections (e), (f) and (g) repealed by P.L. 23-011:2,3 (Apr. 26, 1995). Subsection (d) amended by P.L. 30-055:XII:32(a) (Sept. 4, 2009), repealed/reenacted by P.L. 30-229:2 (Dec. 30, 2010).

§ 3401.1. Accessible Parking For Persons With Disabilities.

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(a) Any person committing or attempting to commit an act of deception or fraud, by one (1) or more of the following methods, is guilty of a misdemeanor:

(1) The intentional providing of false information, including statements made on or within a physician's or optometrist's certification, submitted in order to obtain or assist another individual in acquiring a special license plate, removable windshield placard, or a temporary-removable windshield placard, issued pursuant to Title 16 GCA § 7120.1;

(2) the alteration, modification or sale of a special license plate, removable windshield placard, or a temporary-removable windshield placard, issued pursuant to Title 16 GCA § 7120.1; or

(3) the copying, forging, or use of a fraudulent special license plate, removable windshield placard, or a temporary-removable windshield placard, issued pursuant to Title 16 GCA § 7120.1;

(b) Any person:

(1) parking within a designated accessible parking space(s) without a special license plate, removable windshield placard, or a temporary-windshield placard on public or private property made available for public use; or

(2) blocking access to aisle(s) adjacent to accessible parking space(s) on public or private property made available for public use, is guilty of a violation.

(c) Any person who parks in a designated accessible parking space, or who blocks access to aisles adjacent to an accessible parking space on public property or private property available for public use, using a vehicle with a special license plate, removable windshield placard, or temporary removal windshield placard obtained pursuant to § 7120.1, Title 16, Guam Code Annotated, and who is not a qualified person with a disability as defined in § 7120.1(a)(2), Title 16, Guam Code Annotated, is guilty of a violation, unless such person is using the vehicle or placard in connection with the transportation of a

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qualified person with a disability. For the purpose of this Subsection (c), it shall not be a violation of this Subsection (c) that the qualified person with a disability, as defined in § 7120.1(a)(2), Title 16, Guam Code Annotated, remains in the vehicle so parked in an accessible parking space, while his or her companion leaves the vehicle for the purpose of conducting business in behalf and for the benefit of the qualified person with a disability. Furthermore, it shall not be a violation of Subsection (c) that the driver remains in the vehicle waiting for the qualified person to return.

(d) Penalty. Any person with a disability, who has applied for and received a special license plate, removable windshield placard, or a temporary-removable windshield placard, and who allows another individual usage of assigned special license plate or placard, is in violation of this Act and guilty of a violation.

(e) A violation of Subsections (b), (c), or (d) of this Section is punishable by a fine of no less than Three Hundred Dollars (\$300.00) and no more than Five Hundred Dollars (\$500.00). A violation of Subsections (b)(1) or (c) of this Section, or of Title 16 GCA Chapter 3, or § 3401(d) by any individual(s) qualifying as a disabled person, as defined within Title 16 GCA § 7120.1(a)(2), may have citation(s) dismissed upon the presentation of a special license plate or a removable windshield placard obtained pursuant to § 7120.1 of Title 16, GCA before the Court. The Courts may, at its discretion and by direction, create a methodology and system that authorizes the administrative support services of the Courts to certify the presentation of a placard by a person with a disability for the purposes of dismissal in order to forgo the need of a personal court appearance, and that such methodology and system strongly consider the potential for abuse. Fifty percent (50%) of all fines imposed hereunder by the Court shall be deposited into the Accessible Parking Fund, maintained by the Department of Integrated Services for Individuals with Disabilities or its successor agency, pursuant to Title 5 GCA § 50111(c), and the remaining fifty percent (50%) shall be deposited into the Police Services Fund, maintained by the Guam Police Department. Additionally, any vehicle(s) illegally parked pursuant to this Subsection, may be towed; and the owner of such vehicle(s) will

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be liable for reasonable towing expenses, which shall constitute a lien against the offending vehicle.

(f) Citations. Law enforcement “uniformed personnel,” as defined within 4 GCA § 8104(p), and volunteers appointed by the Chief of Police shall issue citations for vehicles parked in violation of this Section. The Chief shall issue identification cards to volunteers recruited under Subsection (h) hereof that shall be carried by the volunteer when he issues citations. The Chief shall distribute citation forms for use in the enforcement of this Section.

(g) Forfeiture. Upon conviction of an offense committed in violation of subsection (a) of this section or found guilty of a violation under subsections (b), (c), or (d) of this section, the Court may confiscate the special license plate, removable windshield placard, or temporary removable windshield placard and return it to the Motor Vehicle Division of the Department of Revenue & Taxation along with a certified copy of the judgment, and upon receipt thereof the Motor Vehicle Division shall cancel and destroy the license plate or placard. The person to whom the license plate or placard was originally issued shall not receive another special license plate or placard until he or she resubmits a completed application and presents a current certification of a physician attesting to his or her qualifying condition.

(h) Volunteers Authorized to Issue Citations. The Chief of Police shall recruit volunteers who desire to assist the Guam Police Department in the enforcement of this Section. The volunteer shall:

- (1) be at least eighteen (18) years of age;
- (2) be a citizen of the United States and a resident of Guam;
- (3) not have been convicted of a felony or crime of family violence;
- (4) obtain a certificate from the Chief of Police demonstrating the completion of a required course of instruction and training that includes training in measures to avoid dangerous confrontations with violators of this

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Section. In addition, training shall include the enforcement of litter control laws and the Natasha Protection Act pursuant to 10 GCA Chapter 90. The course of instruction and training shall be at no cost to the volunteer. Retired “uniformed personnel” are exempted from this Subsection; and

(5) satisfy any other qualifications and requirements established by the Chief of Police.

(i) Accessible Parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance and comply with the Americans with Disabilities Act Accessibility Guidelines for Building and Facilities (ADAAG) technical specification § 4.6.2.

(j) As to parking lots constructed or repaved after the effective date of this Act, accessible parking spaces shall be at least 96 inches wide and 228 inches long with a minimum 60 inches-wide adjacent access aisle. Access aisles shall be identified and painted with diagonal stripes and a part of an accessible route to the building or facility entrance. Vehicle standing spaces and adjacent access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. Access aisles and parking spaces shall comply with ADAAG technical specifications § 4.3 and § 4.6.3.

(k) Accessible parking spaces shall be designated as reserved by a sign showing

(1) the International Symbol of Accessibility commonly known as the wheelchair symbol and specified in § 4.30.7 of the ADAAG;

(2) below the symbol, a statement that violators will be fined not less than \$300 and not more than \$500, and the vehicle may be towed;

(3) a reference to 16 GCA § 3401.1; and

(4) a statement that access aisles must not be blocked.

Spaces complying with ADAAG technical specification § 4.1.2(5)(b) shall also have an additional sign Van Accessible

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mounted below the symbol of accessibility. All signs referred to in this subsection (k) should be a maximum of 12 inches wide with edges having rounded corners. All signs shall be mounted on a post centered at the head of the parking space with the center of the International Symbol of Accessibility seven (7) feet above the parking surface.

(1) The Chief of Police may, at any time, revoke the certificate issued to a volunteer who has been convicted of a felony or a crime of family violence or has conducted police affairs in a manner contrary to Department policy.

(m) When issuing a special license plate, a removable windshield placard, a Guam drivers license, a Guam motorcycle license, or a vehicle registration, the Department of Revenue and Taxation shall distribute literature detailing the appropriate use of a special license plate, removable windshield placard, or a temporary-removable placard, covering Title 16 GCA, Chapter 3, § 3401.1(a), (b), (c), (d) and (e), and § 3401(d). The aforementioned informative literature shall be produced with funds from the Accessible Parking Fund, maintained by the Guam Police Department, within sixty (60) days upon the passage of this provision into law.

SOURCE: Added by P.L. 23-011:4 (Apr. 26, 1995). Subsections (a),(b) repealed/reenacted by P.L. 30-229:3 (Dec. 30, 2010). Subsection (c) amended by P.L. 30-055:XII:32(b) (Sept. 4, 2009). Subsections (d),(e) repealed/reenacted by P.L. 30-229:4 (Dec. 30, 2010). Subsection (e) amended by P.L. 24-016:5 (Mar. 26, 1997), P.L. 28-150:V:62 (Sept. 30, 2006), P.L. 30-055:XII:32(c) (Sept. 4, 2009), and P.L. 31-152:4 (Nov. 21, 2011). Subsection (f) repealed and reenacted by P.L. 28-130:1 (July 11, 2006). Subsection (h) amended by P.L. 23-072:2 (Feb. 27, 1996), P.L. 24-016:5 (Mar. 26, 1997), repealed and reenacted by P.L. 28-130:2 (July 11, 2006), and P.L. 33-121:8 (Feb. 4, 2016). Subsection (h)(4) amended by P.L. 30-135:3 (May 17, 2010). Subsection (l) added by P.L. 28-130:3 (July 11, 2006). Subsection (m) added by P.L. 30-229:5 (Dec. 30, 2010).

2012 NOTE: Pursuant to 1 GCA § 1606, the subsections designations in subsection (k) were altered from lowercase Roman numerals to numbers to adhere to the Compiler's alpha-numeric scheme.

§ 3402. Same: Prohibitions.

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No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a public highway in any of the following places:

- (a) Within an intersection.
- (b) On a crosswalk.
- (c) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless official signs indicate a different length.
- (d) Within twenty-five (25) feet of the intersection or curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways.
- (e) Within thirty (30) feet upon the approach to any official flashing signal, stop sign or traffic signal located at the side of the highway.
- (f) Within fifteen (15) feet of the driveway entrance to any fire station.
- (g) Within fifteen (15) feet of any fire hydrant.
- (h) In front of a private driveway, except that the owner of such private driveway may so park.
- (i) On a sidewalk.
- (j) Immediately next to any street or highway excavation or obstruction, nor opposite the same, unless a clear and unobstructed width of not less than twenty (20) feet upon the main traveled portion of such street or highway shall be left free for the passage of other vehicles thereon.
- (k) On the roadway or highway side of any vehicle stopped or parked at the curb or edge of the highway.

SOURCE: GC § 23132, enacted by P.L. 1-088 as amended by P.L. 8-116.

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2012 NOTE: Pursuant to 1 GCA § 1606, the subsections designations were altered from numbers to lowercase letters to adhere to the Compiler's alpha-numeric scheme..

§ 3403. Parking Regulations.

(a) Except as otherwise provided in this Code, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within eighteen (18) inches of the right-hand curb. Where no curbs or barriers bound any roadway, parallel parking is required unless otherwise indicated. This Paragraph shall not apply to a commercial vehicle when loading or unloading merchandise or passengers.

(b) The Chief of Police may provide for the establishment of parallel or angle parking zones and cause highways to be marked with lines designating such parking spaces and requiring vehicles to park within such parking spaces.

SOURCE: GC § 23232.1, enacted by P.L. 3-016.

§ 3404. Registered Owner Responsible. Illegal Parking.

In any prosecution charging a violation of any regulation governing the standing or parking of a vehicle under this Title, proof by the Government that the particular vehicle described in the complaint was parked in violation of any provision of this Title, together with proof that the defendant named in the complaint was at the time of parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

SOURCE: GC § 23132.2, enacted by P.L. 6-052.

§ 3405. Parking Signs.

The Chief of Police may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway in Guam where in his opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking may unduly interfere with the free movement of traffic thereon or the access of the public to limited

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parking near office or commercial buildings. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

SOURCE: GC § 23132.3, enacted by P.L. 8-1106.

§ 3406. Parking for Religious Services.

No provision of this Code shall be enforced to prevent a person attending a place wherein a religious service is conducted from parking curbside upon a roadway within reasonable proximity of the place during the service.

SOURCE: GC § 23132.4, enacted by P.L. 17-061 (Aug. 1, 1984).

§ 3407. Unattended Motor Vehicles.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the ignition key and effectively setting the brake and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

SOURCE: GC § 23133, enacted by P.L. 1-088, as repealed and reenacted by P.L. 6-055.

§ 3408. Prohibitions.

(a) No unauthorized person shall sound the horn, handle the levers, set in motion, deface or in any way tamper with or damage any motor vehicle standing or parked upon any highway.

(b) No person shall hang onto, or ride on the outside of any moving vehicle, and no person on a bicycle, roller skates, or any similar device shall hold fast to or hitch onto any moving vehicle, and no operator of a vehicle shall knowingly permit any person to operate such vehicle in violation of this Subsection.

(c) No person shall throw missile, circular, pamphlet or other materials at the occupants of any vehicle or, throw or place any substance upon any public highway injurious or damaging to the public highway or to vehicles.

SOURCE: GC § 23134, enacted by P.L. 1-088.

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§ 3409. Vehicles on Beaches.

(a) No person shall drive any vehicle, motorcycle, or bicycle, nor shall any person stop, park, or leave standing any vehicle, motorcycle, or bicycle, whether attended or unattended, upon the beaches of Guam, except that a person may drive a vehicle across the beach to the water's edge for the sole purpose of launching or retrieving a boat or to pick up fish nets and fish, so long as said vehicle is not on the beach for any period longer than required to so launch or retrieve a boat or to pick up the fish net and fish.

(b) For purposes of this Section, the term beach shall mean all land on the shores of Guam below the high water mark.

(c) Any person violating any of the provisions of this Section shall be guilty of a violation punishable by a fine of not more than One Hundred Dollars (\$100.00).

2015 NOTE: Subsection designations added to adhere to the Compiler's codification scheme pursuant to authority granted by 1 GCA § 1606.

ARTICLE 5
ACCIDENTS

- § 3501. Accidents.
- § 3502. Accident Report.
- § 3503. Enforcement.
- § 3504. Delegation of Powers and Duties.

§ 3501. Accidents.

(a) The operator of any vehicle involved in an accident resulting in injury or death to any person or in damage to any real or personal property shall immediately stop such vehicle at the scene of such accident.

(b) The operator, or owner, if present, of any vehicle involved in an accident resulting in injury or death to any person or damage to any real or personal property, shall, immediately after such accident, give his full name, address, the registration

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number of his vehicle and exhibit his operator's license to the persons struck or the operator or occupant of any other vehicle involved in such accident, or the owner or custodian of any real or personal property damaged in such accident, unless the person struck or the operator of the other vehicle involved or the owner or custodian of the real or personal property involved shall signify that no injuries or damages have been sustained.

(c) The operator, or owner, if present, of any vehicle involved in an accident shall render to any person injured in such accident, reasonable assistance, including the transportation of such person to a physician or surgeon for medical or surgical treatment where it is apparent that such treatment is necessary or where such treatment is requested, but this Section shall not make it incumbent that more than transportation be furnished.

(d) Whenever the operator of a vehicle is physically unable to give the information or assistance required in this Section, and there are other occupants of his vehicle at the time of the accident who are physically able to give the information and assistance required in this Section, then each of such other occupants shall fully reveal the identity of himself and of the operator of the vehicle, and of the owner of the vehicle of which they are occupants, to the person struck or to the operator or occupants of any vehicle involved, or to the owner or custodian of any real or personal property involved, and shall render to any person injured in such accident reasonable assistance, including transportation of such persons to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by such injured person, but this Section shall not make it incumbent that more than transportation be furnished.

(e) The operator of any vehicle which is involved in an accident with any vehicle or real or personal property, which is unattended, shall immediately stop and shall then and there either locate and notify the operator or owner of such unattended vehicle or the owner or custodian of such unattended property giving the name and address of the operator and the owner of the vehicle involved in such accident with the unattended vehicle or property, and if such operator, owner or custodian cannot be

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found, then the said operator shall leave in a conspicuous place in or upon the damaged unattended vehicle or property, a written notice giving the name and address of the operator and owner of the vehicle involved in such accident and a brief statement of the circumstances thereof and in addition shall within twenty-four (24) hours, forward to the Department of Public Safety a similar notice, regardless of the amount of damage done to such unattended vehicle or property.

(f) Any person violating the provision of this Section by failing to stop after being involved in an accident resulting in injury to any person, other than himself, or death of any person shall be guilty of a felony.

(g) Any person violating a provision of this Section by failure to stop after being involved in an accident resulting in damage to property shall be guilty of a petty misdemeanor.

SOURCE: GC § 23136 enacted by P.L. 1-088. Subsections (f) and (g) as amended by P.L. 13-187:146 (Sept. 2, 1976).

§ 3502. Accident Report.

The operator of any motor vehicle involved in an accident resulting in injuries or death to any person or total property damage to an apparent extent of Fifty Dollars (\$50.00) or more shall, within twenty-four (24) hours, make a written report of such accident to the Department of Public Safety, and if the operator is physically incapable, as a result of the accident, of making such report, it shall be the duty of any other occupant of his vehicle or any other person involved in such accident, who is not also physically incapable as a result of the accident, of making such report, to make such a written report to the Department of Public Safety.

SOURCE: GC § 23143, enacted by P.L. 1-088.

§ 3503. Enforcement.

(a) The operator of any vehicle shall stop upon the request or signal of any peace officer in proper uniform who shall exhibit his badge or other sign of authority, and upon such request or signal the operator shall exhibit, in addition to his license or permit as required by this Title, his registration card,

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and if requested, shall sign his name in the presence of such peace officer for the purpose of establishing his identity.

(b) Any peace officer, who shall be in uniform and shall exhibit his badge or other sign of authority, shall have the right to stop any vehicle, upon request or signal, for the purpose of inspecting the said vehicle as to its equipment and operation, manufacturer's serial number, engine number or for securing of other lawful information, and it shall be unlawful for any operator of any vehicle to refuse such requests.

(c) Any peace officer, who shall be in uniform or shall exhibit his badge or other sign of authority, shall have the right to investigate any motor vehicle in any public garage or repair shop for the purpose of locating stolen motor vehicles and the owner or custodian of any such garage or repair shop shall permit such investigation.

(d) It shall be unlawful for the operator of any vehicle to refuse to comply with any lawful order, sign or direction of a peace officer who shall be in uniform and shall exhibit his badge or other sign of authority.

SOURCE: GC § 23144, enacted by P.L. 1-088.

§ 3504. Delegation of Powers and Duties.

Whenever, by the provisions of this Code, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or the duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer.

SOURCE: GC § 23144.1, enacted by P.L. 3-018.

ARTICLE 6
SAFETY INSPECTION

- § 3601. Safety Inspection Required.
- § 3602. Regulations: Fee.
- § 3603. Inspection Stations.
- § 3604. Prohibitions.

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- § 3605. False Certificates.
- § 3606. Abandoned Vehicles: Removal: Sale.
- § 3607. Applicability of Article for Government of Guam Owned Vehicles.

§ 3601. Safety Inspection Required.

(a) Every motor vehicle, trailer, semi-trailer and pole or pipe dolly shall be inspected by an official inspection station authorized or established by the Director of Revenue and Taxation and an official certificate of safety inspection and approval obtained for each such vehicle as follows:

(1) Upon an original application for registration;

(2) Annually, at such time as designated by the Director of Revenue and Taxation by rules and regulations; and

(3) Following a collision or other accident in which such vehicle is involved, if extensive repairs are necessitated by such accident. The officer investigating motor vehicle accidents is authorized to remove the safety decalomania from the vehicle or vehicles involved thereon if such officer believes the vehicle damage is extensive enough to require substantial repairs.

(4) (A) For each new vehicle purchased for non-commercial use, sold by a dealer licensed to do business on Guam, the safety inspection requirements, supra, shall be waived with respect to the initial registration of the new motor vehicle, and the next two (2) renewals of registration of said vehicle.

(B) A one (1)-time processing fee of Thirty Dollars (\$30.00) shall be paid to the Treasurer of Guam along with the initial registration fees.

(C) All fees collected pursuant to the provisions of this Subsection shall be deposited in the Better Public Service Fund.

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(D) The provisions of this Subsection shall be effective for said vehicles sold and initially registered after the date of enactment of this Subsection.

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

(c) (1) In the event any vehicle is found on inspection not to meet all requirements as to equipment under the Chapter, or to be in unsafe condition, a notice of such deficiencies shall be given to the driver and the vehicle shall be suitably identified by a decalcomania or other identification.

(2) 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.

(3) Every owner or driver upon receiving a notice of deficiencies shall remedy such deficiencies, and within five (5) days shall submit the vehicle for inspection by the Department of Revenue and Taxation.

(d) The Director of Revenue and Taxation is authorized to suspend the registration of any motor vehicle, trailer, semi-trailer, or pole or pipe dolly which does not have a current certificate of safety inspection and approval, or which does not display any required decalcomania or other identification with reference to inspection status, or which is not submitted for further inspection within five (5) days after the notice of deficiencies is given pursuant to an annual inspection.

(e) No motor vehicle using any sun screening device or combination of devices in conjunction with the glazing material of a motor vehicle windshield, except those in compliance with § 3209 (c) of Article 2 of Chapter 3 of Title 16 of the Guam Code

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Annotated, shall be issued an official certificate indicating the motor vehicle passed a safety inspection.

SOURCE: GC §§ 23146, enacted by P.L. 4-062. Amended by P.L. 10-022 and P.L. 12-155 (July 10, 1974). Subsection (a) repealed and reenacted by P.L. 14-128:1. Subsection (a)(4) repealed by P.L. 13-200:2. Subsection (e) added by P.L. 14-145:2. Amended by P.L. 15-1:4. Amended by P.L. 29-091:2 (July 18, 2008), effective (180) days from date of enactment pursuant to section to P.L. 29-091:5. Subsection (a)(4) amended by P.L. 31-242:1 (Dec. 6, 2012).

2015 NOTE: Subitem designations added to subsections (a) and (c) to adhere to the Compiler's codification scheme pursuant to authority granted by 1 GCA § 1606.

§ 3602. Regulations: Fee.

(a) (1) The Director of Revenue and Taxation is hereby authorized to make necessary rules and regulations, subject to the approval of I Maga'lahi, for the administration and enforcement of inspections required under § 3601, including designation of the period or periods of time within which said inspections shall be made and for the issuance and use of decalomania or other identification to be attached to vehicles with reference to inspection status.

(2) The Director shall, commencing on January 1, 2015, and every two (2) years thereafter, review the safety inspection fee, and may increase the fee by an amount not to exceed ten percent (10%) of the fee on December 31, 2014. This adjustment shall not require the concurrence of I Liheslaturan Guahan (the Legislature) nor require compliance with the AAL, but the Director shall cause a notice describing the original fee and the increase to be published on its website and in a newspaper of general circulation in Guam; and to be given to the media and to the Speaker of I Liheslaturan Guahan at least sixty (60) days prior to the implementation date. A proposed increase in excess of ten percent (10%) of the fee on December 31, 2014, shall require the Director to conduct the rate review and adoption process of the proposed increase pursuant to Article 3, Chapter 9 (Administrative Adjudication Law), Division 1, Title 5, Guam Code Annotated.

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(b)(1) The fee to be charged for each such inspection *shall* be Fifteen Dollars (\$15.00), inclusive of the administrative fee (also known as the Official Vehicle Inspection Safety (OVIS) Fee), which *shall* be calculated at twenty percent (20%) of the current fee; provided, that the existing OVIS Fee of Three Dollars (\$3.00) *shall not* be adjusted below this amount. OVIS fees shall not be considered as a component of gross income for safety inspection stations for the purposes of assessing and collecting business privilege taxes.

(2) The fee for reinspection done pursuant to § 3601(c) (3) shall be Two Dollars (\$2.00).

(3) Commercial and Armed Forces of the United States vehicle safety inspection stations shall retain all fees collected, as payment for inspection services rendered, however, such stations shall be required to purchase official inspection administrative forms from the Department of Revenue and Taxation.

(4) All OVIS Fees shall be deposited into the "Police Patrol Vehicle and Equipment Revolving Fund", a separate account established pursuant to § 77135 of Article 1, Chapter 77, Title 10, Guam Code annotated, for that purpose.

SOURCE: GC § 23147, enacted by P.L. 4-062 amended by P.L. 12-155 (July 10, 1974). Original Subsection (c) repealed/ reenacted by P.L. 13-128:1; (b) repealed by P.L. 14-128:2; (c) renumbered to (b) and amended by P.L. 14-128:3; further amended by P.L. 18-030:9 (Feb. 19, 1986). Amended by P.L. 29-015:2 (Sept. 7, 2007) and P.L. 32-205:2 (Oct. 18, 2014). Subsection (b)(1) Amended by P.L. 34-138:2 (Dec. 12, 218).

2015 NOTE: Subitem designations added/alterd in subsection (c) to adhere to the Compiler's codification scheme pursuant to authority granted by 1 GCA § 1606.

§ 3603. Inspection Stations.

(a) For the purpose of making inspections and issuing official certificates of safety inspection and approval, the Director of Revenue and Taxation shall establish or authorize such

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permanent or temporary official inspection stations, either commercial or operated by the Government, as he may find necessary and suitable for such purposes and shall publicize the location of all such official inspection stations and the times when inspections may be made, provided, however, that if there are at least three (3) commercially operated official vehicle inspection stations authorized by the Director of Revenue and Taxation and operating in a continuous and permanent manner, the Director of Revenue and Taxation may order the closure of all vehicle inspection stations operated by the government of Guam.

(b) The Director of Revenue and Taxation shall not issue authorization for an official vehicle inspection station unless the following equipment is present and operating on the inspection premises:

- (1) wheel alignment gauge or testing machine;
- (2) brake tester;
- (3) headlight testing machine; and

(4) any other equipment found necessary by the Director of Revenue and Taxation.

(c) The Director of Revenue and Taxation shall not issue authorization for an official vehicle inspection station to any business organization primarily involved in the selling of new or used vehicles, nor shall the Director issue such authorization to any business involved in renting vehicles.

(d) (1) The Director shall promulgate the necessary rules and regulations in accordance with Administrative Adjudication Act to carry out the provisions of this Act.

(2) By regulation, the Director shall require each government or commercial inspection station to post in a prominent place the minimum standards for passing each of the tests in the safety inspection; such standards shall be established by the Director.

(3) By regulation, the Director shall require written disclosure to the customer of the reasons for denial of a

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safety inspection by either a government or a commercial inspection station.

(e) The Director may suspend or revoke the authorization of any official inspection station for violation of any established rules and regulation or any provision of this Act.

SOURCE: GC § 23148, enacted by P.L. 4-062 as amended by P.L. 12-155 (July 10, 1974) and P.L. 14-128:4.

2015 NOTE: Subitem designations were added to adhere to the Compiler's alpha-numeric scheme pursuant to 1 GCA § 1606.

§ 3604. Prohibitions.

Except as may otherwise be authorized under this Title, no person shall operate any motor vehicle, trailer, semi-trailer, or pole or pipe dolly which does not have a current official certificate of safety inspection and approval or does not display any required decalomania or other identification with reference to inspection status. Any person violating this provision shall be subject to citation and a penalty of Ten (\$10.00) Dollars.

SOURCE: GC § 23149, enacted by P.L. 4-062 as amended by P.L. 11-150 and P.L. 12-155 (July 10, 1974). Subsection (b) repealed by implication by § 23149(a), as amended by P.L. 14-128:4 (June 10, 1978), and later codified as 16 GCA § 3603.

2015 NOTE: Subsection designation was removed to adhere to the Compiler's general codification scheme pursuant to the authority granted by 1 GCA § 1606.

2014 NOTE: Subsection (b) previously limited the authority to issue safety inspection certificates to government officials:

(b) No person other than a duly authorized officer or employee of the Department of Revenue and Taxation shall issue a certificate of safety inspection and approval or any required decalomania or other identification with reference to inspection status.

P.L. 14-128:4 (June 10, 1978) amended 16 GCA § 3603(a) to allow commercial inspection stations, impliedly repealing the prohibition found in subsection (b).

§ 3605. False Certificates.

(a) No person shall make, issue, or knowingly use any imitation or counterfeit of an official certificate of safety

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inspection and approval or any required decalcomania or other identification with reference to inspection status.

(b) No person shall display or cause or permit to be displayed upon any vehicle any required decalcomania or other identification with reference to inspection status, knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

SOURCE: GC § 23150, enacted by P.L. 4-062.

§ 3606. Abandoned Vehicles: Removal: Sale.

(a) No person shall abandon a vehicle in a public right-of-way, or upon public property or upon private property without the expressed or implied consent of the owner or person in lawful possession or control of such private property.

(b) Any peace officer, or employee authorized in writing by the Director of the Department of Public Works, who finds that a vehicle has been parked for more than twenty-four (24) hours during the period beginning at 12 o'clock midnight Sunday through 12 o'clock midnight Friday, or for more than forty-eight (48) hours from 12 o'clock midnight Friday through 12 o'clock midnight Sunday, shall remove or order a licensed garage man to remove the vehicle from the public or private property. Such vehicle shall be stored in either a police parking area, a garage, or a licensed public garage.

(c) (1) Within five (5) days after an abandoned vehicle has been removed and stored, the Director of Revenue and Taxation shall send a notice by certified mail of the removal and storage to the owner or legal owner, if any, as shown in the records of the Department of Revenue and Taxation.

(2) The owner or legal owner shall have ten (10) days after the mailing of the notice to reclaim such vehicle upon payment of all accrued towing and storage charges.

(d) If such vehicle is not reclaimed within the ten (10) day period provided in Subsection (c) of this Section, the Director of Revenue and Taxation or his authorized representative shall appraise the vehicle.

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(1) If the vehicle is appraised at a value of One Hundred Dollars (\$100) or less, the Director of Revenue and Taxation may sell such vehicle to any licensed junk dealer without the necessity of public sale.

(2) Any such sale shall be for junk or salvage purposes only, and not for further registration and operation as a vehicle.

(3) If the vehicle is appraised at a value exceeding One Hundred Dollars (\$100), the Director of Revenue and Taxation may sell such vehicle at public sale after giving ten (10) days notice of the sale in a newspaper of general circulation in Guam.

(4) The proceeds of each sale shall be deposited in the Abandoned Vehicle and Streetlight Fund.

(5) Any balance, after deduction for the cost of sale, towing and storage charges, shall be paid to the owner or legal owner of such vehicle, provided a claim is made therefor within six (6) months after the sale.

(e) A violation of this Section shall be additionally punished by a fine of One Hundred Dollars (\$100.00), payable to the Public Rights-Of-Way Account of the Territorial Highway Fund.

(f) It shall be a new violation for each thirty (30) day period the owner fails to lawfully dispose of the vehicle.

SOURCE: GC § 23151, enacted by P.L. 6-056 as amended by P.L. 12-155 (July 10, 1974) and P.L. 16-111:II:14 (Oct. 7, 1982). Subsection (b) amended by P.L. 32-028:3 (May 10, 2013). Subsection (e) added by P.L. 32-028:4 (May 10, 2013).

2015 NOTE: Subitem designations were added in subsections (c) and (d), and subsection (f) added to adhere to the Compiler's alpha-numeric scheme pursuant to authority granted by 1 GCA § 1606.

§ 3607. Applicability of Article for Government of Guam Owned Vehicles.

All provisions of this Article apply to vehicles owned by the government of Guam.

SOURCE: Added by P.L. 29-099:2 (July 22, 2008).

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**ARTICLE 7
HANDBILLING ACT**

SOURCE: This entire Article added by P.L. 28-028:1 (Apr. 22, 2005).

- § 3701. Definitions.
- § 3702. Short Title.
- § 3703. Application.
- § 3704. Handbilling Restrictions.
- § 3704.1. Posting and Markings of Restricted Areas.
- § 3704.2. Time Duration.
- § 3705. Penalty, Summons, and Citation, Prohibition.
- § 3706. Effective Date.
- § 3707. Creation of the Handbilling Enforcement Fund.

§ 3701. Definitions.

As used in this Article:

- (a) ‘Department’ means the Guam Police Department.
- (b) ‘Handbilling’ means the distribution, solicitation or providing by an individual of any written or printed material. The term ‘handbilling’ shall not include:
 - (1) the distribution of any matter by means of a ‘dispensing rack’;
 - (2) any other structure or enclosure constructed by or under the direction of the government of Guam or the Guam Visitors Bureau for purposes of dispensing printed, written materials;
 - (3) newsstands; and
 - (4) any foot vendors of any printed material accepted and deemed as a daily publication of general circulation.
- (c) ‘Tumon Bay’, for the purpose of this Act encompasses the following locations:
 - (1) The portion of Route 14, also known as Pale

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San Vitores Road, stretching from Archbishop Felixberto Flores Circle to the Marine Corps Drive intersection by the old Australian Cable Facility.

(2) The entire portion of Gun Beach Road starting from the intersection of Route 14, Pale San Vitores Road, traveling north to Gun Beach.

(d) ‘Sidewalk’ means the area located along the outermost, distal or leading edge vicinity along either side of the centerline of a primary or secondary public utility and access easement, structurally paved by an impermeable surface for the purpose of pedestrian foot traffic. In the absence of any curb or gutter, then the entire structural width of the pedestrian walk shall constitute a sidewalk.

2015 NOTE: Subsection designations were altered to adhere to the Compiler’s general codification scheme pursuant to the authority granted by 1 GCA § 1606.

§ 3702. Short Title.

This Act shall be known as the ‘Handbilling Act.’

§ 3703. Application.

The provisions of this Article shall apply to all primary and secondary public utility and access easements inclusive to all improvements thereon within areas designated as Tumon Bay pursuant to this Article and any area designated as an H (Resort-Hotel) Zone pursuant to Title 21 GCA Section 61311.

§ 3704. Handbilling Restrictions.

Handbilling is permitted on all public sidewalks to which this Article applies, except:

(a) in any area where pedestrian passage on a public sidewalk is less than forty-six (46) inches;

(b) on the portion of a public sidewalk adjacent to any area designated as a bus stop and within thirty (30) feet of either end of the bus stop. In areas where the length of the bus stop is not clearly identified, the bus stop shall extend thirty (30) feet at either direction from the bus stop sign;

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(c) within a mid-block crosswalk area and thirty (30) feet beyond each side of a marked mid-block crosswalk including the sidewalk and perpendicular to the curb;

(d) on the portion of a public sidewalk crossed by a public or private driveway and within thirty (30) feet of either side of the driveway; or

(e) within any street corner area defined as that area at street corners and at the intersection of two (2) streets, circumscribed by the curbs, the property lines abutting the sidewalk area, and the following lines:

(1) the line, including the point along the curb, of one street either thirty (30) feet beyond the far side of a marked corner crosswalk and perpendicular to the curb; or, where there is no marked corner crosswalk, thirty (30) feet from the curb line of the intersecting street and parallel to the curb line; and

(2) the line, including the point along the curb, of the intersecting street either: thirty (30) feet beyond the far side of a marked corner crosswalk and perpendicular to the curb; or, where there is no marked crosswalk, thirty (30) feet from the curb line of the first street and parallel to the curb line.

2015 NOTE: Subsection designations was altered to adhere to the Compiler's general codification scheme pursuant to the authority granted by 1 GCA § 1606.

§ 3704.1. Posting and Markings of Restricted Areas.

The Department of Public Works, with oversight by the Guam Visitors Bureau, shall post distinguishable signs and affix defined markings on all restricted public areas enumerated and identified in § 3704(a), (b), (c), (d), and (e) of this Act. The Department of Public Works may receive donations for the signs and markings required by this Section.

§ 3704.2. Time Duration.

The provisions indicated in § 3704 of this Act shall be effective every day between the hours of 10:00 a.m. to 2:00 a.m.

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§ 3705. Prohibited Activity; CAPE Volunteers; Penalty.

(a) Prohibited Activity. No person or business owner may engage in any handbilling activity between the hours of 10:00 a.m. to 2:00 a.m. within the marked restricted areas as described in § 3704.

(b) Summons or Citation. Peace officers, and others authorized by law to issue summons or citations pursuant to this Article, shall use the “Guam Uniform Complaint and Citation” form for citing any violation of this Article. Guam Police Department Community Assisted Policing Effort (CAPE) volunteers are hereby authorized to patrol the marked restricted areas in Tumon Bay, as described in § 3704, for unlawful handbilling activity between the hours of 10:00 a.m. to 2:00 a.m., and are further authorized to issue citations for any violation of this Section.

(c) Volunteers are required to obtain a certificate from the Chief of Police demonstrating the completion of a required course of instruction and training that includes training relative to avoiding dangerous confrontations with violators of this Section.

(d) Penalty. Any person conducting handbilling, or business owner who allows persons to conduct handbilling to promote its business activity, who is in violation of any provision of this Section shall be subject to a fine of Two Hundred Dollars (\$200) for the first offense and Five Hundred Dollars (\$500) for any subsequent offense.

SOURCE: Added by P.L. 28-028:1 (Apr. 22, 2005). Amended by P.L. 32-048:1 (July 5, 2013).

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, subsection designations (c) and (d) were added/alterd to adhere to the Compiler’s alpha-numeric scheme.

§ 3706. Effective Date.

The provisions outlined in this Act shall become effective sixty (60) days after enactment into public law.

§ 3707. Creation of the Handbilling Enforcement Fund.

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(a) There is hereby created the ‘Handbilling Enforcement Fund.’ This Fund shall be used exclusively for the support of enforcement, maintenance and education efforts relative to this Act. The Guam Visitors Bureau shall administer expenditures from the Fund and maintain said Fund separately and apart from all other accounts.

(b) Fines and Fees Collected. All fines collected by the Superior Court of Guam for any violation of this Act shall be placed in the ‘Handbilling Enforcement Fund’.

(c) Expenditure Report. No later than January 2nd of each year, the Guam Visitors Bureau shall submit an annual report to *I Maga’lahen Guåhan* and to the Speaker of *I Liheslaturan Guåhan*, detailing all expenditures from the Fund. The first report shall be due one hundred eighty (180) days after the enactment of this Act and annually thereafter.

SOURCE: Added by P.L. 28-028:1 (Apr. 22, 2005) and amended by P.L. 32-048:2 (July 5, 2013).

ARTICLE 8
AGGRESSIVE PANHANDLING ACT OF 2013

SOURCE: Article 8 added by P.L. 32-071 (Nov. 27, 2013) as §§ 3800 - 3804. Codified as §§ 3801 - 3805 to adhere to the chapter’s codification scheme, in accordance with the authority granted to the Compiler by 1 GCA § 1606.

- § 3801. Legislative Findings and Intent.
- § 3802. Definitions.
- § 3803. Aggressive Panhandling and Panhandling at Specified Locations, Prohibited.
- § 3804. Lawful Panhandling; Precautions.
- § 3805. Enforcement; Penalty.

§ 3801. Legislative Findings and Intent.

Recognizing the public safety hazards posed to both pedestrians and occupants and operators of motor vehicles alike by aggressive forms of panhandling, *I Liheslaturan Guåhan* by

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this Act intends to prohibit such panhandling in and along the public roadways of Guam. *I Liheslaturan Guåhan* finds that this Act is a reasonable time, place, and manner regulation designed to address a specific problem, namely, that individuals seeking handouts from occupants of motor vehicles on public roadways and other places are increasing the likelihood of accidents potentially injurious to both pedestrians and motor vehicle occupants, as well as creating traffic congestion and other similar public safety hazards. This Act properly balances constitutionally protected forms of speech and other communicative acts of individuals and groups on the one hand, and the legitimate content-neutral interests of the government of Guam on the other hand, particularly in view of public safety concerns and the availability of ample alternative methods of non-aggressive forms of panhandling in other more suitable public fora. There are substantial differences in nature between public streets, kept open to and pulsing with vehicular traffic, and other public fora, including, but not limited to, most areas of sidewalks and public parks. This Act does not affect other forms of non-aggressive solicitation of funds, such as door-to-door, telephone, and mail solicitations, and does not restrict other types of speech such as oral advocacy, distribution of literature, petitioning, picketing, and other similar communicative acts that do not pose public safety hazards in the same manner as panhandling in the form of active solicitation of funds from motor vehicle occupants by persons in and along public roadways.

I Liheslaturan Guåhan further finds that to the extent that panhandling may in certain circumstances constitute a form of constitutionally protected speech, this Act expressly prohibits only specific actions when they occur in the context of panhandling, and in no way the content of that speech.

§ 3802. Definitions.

For purposes of this Article, the following words and phrases have been defined to mean:

- (a) after dark means any time from 6:30 p.m. to 6:30 a.m.;

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(b) aggressive manner means any of the following:

(1) approaching or speaking to a person, or following a person before, during or after panhandling, if that conduct is intended or is likely to cause a reasonable person to

(A) fear bodily harm to oneself or to another, or damage to or loss of property, or

(B) otherwise be intimidated into giving money or other thing of value;

(2) intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of panhandling;

(3) intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

(4) using violent or threatening gestures toward a person solicited either before, during, or after panhandling;

(5) persisting in closely following or approaching a person after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or

(6) using profane, offensive or abusive language that is inherently likely to provoke an immediate reaction, either before or after solicitation.

(c) panhandling means using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate exchange of money.

(d) public place means a place to which the public or a substantial group of persons has access, and includes, but

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is not limited to, any street, highway, government easement, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby and other portion of any business establishment, an apartment house or hotel not constituting a room or apartment designed for actual residence.

§ 3803. Aggressive Panhandling and Panhandling at Specified Locations, Prohibited.

(a) No person shall engage in panhandling in an aggressive manner in any public place.

(b) Motor vehicles; medians.

(1) Motor Vehicles.

(A) No person shall approach an operator or occupant of a motor vehicle, at any time of day or night, for the purpose of panhandling, while such vehicle is in traffic on a public roadway;

(B) No person shall engage in panhandling in the medians of public roadways.

§ 3804. Lawful Panhandling; Precautions.

(a) No person shall engage in panhandling on any public roadway, sidewalk, or government easement, except that panhandling meeting all of the following requirements shall not be prohibited by this Section:

(1) are made only at intersections with traffic control signals or stop signs in place;

(2) are conducted by individuals no younger than eighteen (18) years of age;

(3) no device to alter or impede the traffic flow is used, except that traffic cones may be placed on a sidewalk or adjacent to a roadway to indicate or signal the presence of solicitors in the vicinity;

(4) individual solicitors wear an orange vest with reflective material on both front and back;

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(5) individual solicitors may not place on roadways or sidewalks any belongings or other items such that they would interfere with vehicular or pedestrian traffic;

(6) individual solicitors place warning signs within one hundred feet (100') of oncoming traffic warning drivers of the person's activity; and

(7) individual solicitors shall notify the Chief of the Guam Police Department in writing when and for how long the panhandling shall occur at least twenty-four (24) hours prior to its occurrence.

(8) In no event may panhandling occur after dark.

(b) For purposes of this Section, the government of Guam does not waive its sovereign immunity and shall not be liable for any monetary damages that may arise out of this Section.

(c) This Section does not apply to handbilling regulated by Title 16 GCA, Article 7, §§ 3701-3707.

§ 3805. Enforcement; Penalty.

(a) Any person engaging in panhandling in violation of any provision of this Article shall be subject to a fine of Two Hundred Dollars (\$200.00) for the first offense and Five Hundred Dollars (\$500.00) for any subsequent offense. Each and every such offense is a violation of the traffic code and in turn constitutes a civil violation punishable under the terms of Title 16 GCA, § 9108.

(b) The Guam Police Department has the authority to enforce this Act and may, in connection therewith and pursuant to § 3401.1(h) of Article 4, Chapter 3 of Title 16, Guam Code Annotated, the Chief of Police is authorized to enlist police reservists or CAPE volunteers to assist the Guam Police Department in the enforcement of this Act, upon the completion of training deemed necessary by the Chief of Police for the enforcement of this Act.

ARTICLE 9

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PLUG-IN ELECTRIC VEHICLE REBATE PROGRAM ACT

SOURCE: Article 9 added by P.L. 32-164 (May 24, 2014) as 10 GCA, Division 2, Chapter 45A, §§ 45A101 – 45A109. Codified as 16 GCA, Chapter 3, Article 9, §§ 3901 - 3909 to adhere to the chapter's codification scheme, in accordance with the authority granted to the Compiler by 1 GCA § 1606.

- § 3901. Establishment and Title.
- § 3902. Definitions.
- § 3903. Rebate Incentive Offered.
- § 3904. Eligible Vehicle, Determined.
- § 3905. Rebates, Funded.
- § 3906. Program, Phase-out.
- § 3907. Rules and Regulations.
- § 3908. Effective Date.
- § 3909. Severability.

§ 3901. Establishment and Title.

This Chapter shall be known as the Plug-In Vehicle Rebate Program Act (Act). The Guam Energy Office (GEO) shall develop, implement, and administer the Plug-In Vehicle Rebate Program (Program) to provide financial assistance toward the purchase of a plug-in electric vehicle.

§ 3902. Definitions.

For the purposes of this Chapter, except as otherwise specifically provided, the following words and phrases, together with all of the common derivatives thereof (i.e. verbs, plurals, gender, etc.), shall have the meaning ascribed to them in this Chapter.

(a) Natural person shall mean a human being.

(b) Purchaser shall mean the natural person who purchased a new qualified plug-in vehicle for which an application for the Program is made.

(c) Qualified plug-in electric drive motor vehicle shall mean a new vehicle with at least four wheels, that draws propulsion using a traction battery that has at least four kilowatt hours (kwh) of capacity, uses an external source of

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energy to recharge the battery, has a gross vehicle weight rating of not more than 14,000 pounds, and meets specified emission standards.

§ 3903. Rebate Incentive Offered.

(a) Each natural person that purchases a qualified plug-in electric drive motor vehicle shall be eligible for one (1) rebate that shall be calculated to consist of not more than ten percent (10%) of the total base price of the qualified plug-in electric drive motor vehicle not to exceed a total base price of Thirty Thousand Dollars (\$30,000).

(b) Each natural person shall only be eligible for one rebate for said natural person's lifetime.

(c) The terms the purchaser must meet include, but are not limited to, proof of purchase of the new qualified plug-in electric drive motor vehicle and proof of insurance for said vehicle.

(d) The purchaser shall agree to maintain ownership of the qualified plug-in electric drive motor vehicle for a period of not less than thirty-six (36) months, and shall complete and submit the necessary forms as prescribed by the GEO to claim a rebate pursuant to the Program.

(e) If the purchaser transfers ownership of the qualified plug-in electric drive motor vehicle for which a rebate was granted within the thirty-six (36) month period, the purchaser shall repay a prorated amount of the rebate granted to be determined by the GEO in the formulation of its promulgated rules and regulations.

(f) The rebate offered in this Section shall be in addition to any federal tax credit applicable to the purchase of a qualified plug-in electric drive motor vehicle.

2015 NOTE: Subsection designations added to adhere to the Compiler's codification scheme, in accordance with the authority granted by 1 GCA § 1606.

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§ 3904. Eligible Vehicle, Determined.

A rebate is available for the purchase of a new qualified plug-in electric drive motor vehicle pursuant to the definition in § 3902(c) of this Chapter.

§ 3905. Rebates, Funded.

Beginning with Fiscal Year 2015, the rebates shall be paid from sums set aside in the annual budget of the government of Guam enacted for each fiscal year. Beginning in Fiscal Year 2015, Three Hundred Thousand Dollars (\$300,000) shall be appropriated from the General Fund to the Guam Energy Office for the payment of rebates to eligible claimants. This appropriation shall continue to be available until fully expended.

§ 3906. Program, Phase-out.

The rebate authorized in this Chapter is subject to a phase-out (reduction) once one hundred (100) qualified plug-in electric drive motor vehicle rebates have been provided beginning after October 1, 2014. The phase-out shall begin in the second calendar quarter after the quarter in which the hundredth (100th) rebate has been granted. During this quarter, the GEO shall be authorized to only provide fifty percent (50%) of the full rebate for the following two (2) quarters, then twenty-five percent (25%) of the full rebate for an additional two (2) quarters, and no rebate thereafter.

§ 3907. Rules and Regulations.

Within one hundred eighty (180) days after the enactment of this Act, the GEO shall adopt such rules and regulations as may be necessary to implement the provisions of this Chapter in accordance with the Administrative Adjudication Act.

§ 3908. Effective Date.

With the exception of § 3906 and § 3907 of this Chapter being effective upon enactment of this Act, all other provisions of this Chapter shall be effective on October 1, 2014.

§ 3909. Severability.

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If any of the provisions of this Chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.
