

**11 GCA FINANCE & TAXATION
CH. 76 SERVICE LICENSES**

**CHAPTER 76
SERVICE LICENSES**

- Article 1. General Class.
- Article 2. Special Service Classes.
- Article 3. Tourist Licenses.
- Article 4. Professional Licenses.
- Article 5. [Foreign] Traders.

**ARTICLE 1
GENERAL CLASS**

- § 76101. License Required.
- § 76102. Temporary Service Licenses.
- § 76103. Exemption.
- § 76104. Application
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§ 76101. License Required.

Every person engaged in or carrying on any service business or calling, which shall include all non-professional activities engaged in for other persons for consideration, involving the rendering of a service as distinguished from the production or sale of tangible property, but not including the services rendered by an employee to his employer, shall be required annually to obtain a service license. The annual fee for a service license shall be Fifty Dollars (\$50.00) except that the fee shall be Ten Dollars (\$10.00) for any person who rents or leases not more than one family-residential unit.

(a) Any person who rents or leases unimproved real property to another party shall be required to obtain a service license annually. The fee for this license shall be One Hundred Dollars (\$100.00).

(b) Any person who rents or leases multiple residential rental units shall be required to obtain an annual service license. The fee for this license shall be Twenty-five Dollars (\$25.00), or Five Dollars (\$5.00) per rental unit, whichever is greater.

(c) Any person who rents or leases commercial office units shall be required to obtain an annual service license. The fee for this license is Five Dollars (\$5.00) for each commercial office unit.

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(d) Any person who rents or leases hotel or motel rooms shall be required to obtain an annual service license. The fee for this license is Five Dollars (\$5.00) for each unit or room rented in a hotel or motel.

(e) Any person who rents or leases warehouse storage space shall be required to obtain an annual service license. The fee for this license shall be Two Hundred Dollars (\$200.00).

For the purposes of this Section, person means any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust or organization of any kind, or any branch or division thereof.

SOURCE: GC § 16200 as amended by P.L. 13-55:1, P.L. 14-42:1, P.L. 29-002:V:1:29 (May 18, 2007).

§ 76102. Temporary Service Licenses.

Licenses required by this Chapter may, upon application, be issued on a temporary basis for a period of not more than seven days. At the end of such period they shall expire and not be renewable, notwithstanding any other provision of this Division. The fee for licenses issued under this section shall be \$1.25 regardless of the quarter in which issued.

SOURCE: GC § 16300.1 added by P.L. 5-67 (3/14/60).

§ 76103. Exemption.

Any person engaging in or conducting a service business for which a license is required by provisions other than those contained in this Division, shall be exempt from the provisions of this Chapter.

SOURCE: GC § 16201.

§ 76104. Application.

Any person required herein to obtain a service license must make application therefor with the License Division, in the forma and manner required by the License Board.

SOURCE: GC § 16202.

§ 76105. Content of Application.

Each application must contain evidence of compliance with all of the conditions and prerequisites required by law, rule and regulation. Failure to show compliance with anyone or more of the required

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prerequisites is sufficient grounds on which to deny the issuance of the license or upon which to pass an order revoking a license.

SOURCE: GC § 16203.

**ARTICLE 2
SPECIAL SERVICE CLASSES**

- § 76201. Endorsements Required.
- § 76202. Application.
- § 76203. Barber's Endorsements.
- § 76204. Amusement Endorsements.
- § 76205. Tattoo artist endorsements.
- § 76206. Contractor's Endorsements. [Repealed]
- § 76207. Agent's and itinerant salesmen's endorsements.
- § 76208. Electrician's Endorsement. [Repealed]
- § 76209. Plumber's Endorsement. [Repealed]
- § 76210. Engineer Endorsement. [Repealed]
- § 76211. Architect's Endorsement. [Repealed]
- § 76212. Accountant's Endorsement. [Repealed]
- § 76213. Private School Endorsements.
- § 76214. Taxicab license.
- § 76215. Notaries Public.
- § 76216. Cockfighting Licenses
- § 76217. Boxing Licenses.
- § 76218. Exception for Franchise Holders.
- § 76219. Insurance Law Exemption.
- § 76220. Recycling Redemption Center Endorsements.
- § 76221. Tour Operators and Tour Guides.
- § 76222. Requirement of Publication of Rate Schedule.
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§ 76201. Endorsements Required.

All applicants for service licenses to conduct the business of special classes provided in this Article are required to comply with all applicable laws, rules and regulations relative to general service licenses, and in addition thereto must obtain appropriate endorsements of cognizant government officials as provided herein for such special classes. Service

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Licenses for any of the special classes of businesses of this Article shall on the face thereof indicate the class for which the license was issued.

SOURCE: GC § 16205.

§ 76202. Application.

Every person who applies for a service license of a specific class must so state in his application to the License Division, and file an application in the form required by the License Board.

SOURCE: GC § 16206.

§ 76203. Barber's Endorsements.

Endorsements for barber shops must be obtained by any person who operates a business, or holds himself out, for the purpose of shaving, trimming or cutting the hair or beard of any person. Such required endorsements are:

(a) Health Certificate issued by the Department of Public Health & Social Services pertaining to the cleanliness and sanitation of the place of business;

(b) Health Certificate from the Department of Public Health & Social Services for each person employed and working in the place of business.

SOURCE: GC § 16207; amended by P.L. 7-101 (7/11/64), P.L. 9-147 (2/16/68).

§ 76204. Amusement Endorsements.

Endorsements for conducting a place of amusement must be obtained by any person who engages or operates any business which offers to the public any amusement in whatever form, except boxing and cockfighting, whether an admission fee is charged or not. Such endorsements are:

(a) Safety certificate issued by the Guam Fire Department pertaining to the overall safety of the premises whereat the amusement is offered.

(b) Health Certificate issued by the Department of Public Health & Social Services pertaining to the health and sanitary conditions of the place in which the amusement is offered.

SOURCE: GC § 16208 amended by P.L. 7-101 (7/11/64), P.L. 9-239 (2/16/68).

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NOTE: Following the split of the Department of Public Safety into separate Fire and Police Departments, the Fire Department has taken over the safety inspections required by this section.

§ 76205. Tattoo Artist Endorsements.

Endorsements for tattoo artists must be obtained by any person who engages in the business of practicing any of the forms of tattoo artistry, or tattooing, or holds himself out as a tattoo artist in any way whatsoever. Such required endorsements are:

(a) Health Certificate from the Department of Public Health & Social Services pertaining to the health of each person employed in the business.

(b) Health Certificate from the Department of Public Health & Social Services pertaining to the health and sanitary conditions of the premises wherein the trade is practiced and of the method of keeping the instruments of the trade in a sanitary condition.

SOURCE: GC § 16209 amended by P.L. 7-101 (7/11/64), P.L. 9-239 (2/16/68).

§ 76206. Contractor's Endorsements.

[Repealed.]

SOURCE: GC § 16210. Repealed by P.L. 14-51:2. Replaced by 21 GCA Chapter 70, *Contractors*.

§ 76207. Agent's and Itinerant Salesmen's Endorsements.

Endorsements for agents and itinerant salesmen must be obtained by any person who holds himself out as an agent for others for the sale of tangible property, whether it be retain or wholesale, or by person who sell by sample or description for delivery at a later date from a place outside of Guam, the sale being conditioned on the acceptance of the order by the supplier. Such required endorsements are:

(a) Certificate from the Department of Revenue & Taxation showing that such person has legally provided for service of process to be made upon him by filing with the Director of Revenue & Taxation in the event such person may not personally be served within Guam;

(b) Certificate from the Department of Law showing that such agent or salesman can produce evidence that he is the duly recognized representative of the supplier of each of his products.

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SOURCE: GC § 16211 as renumbered by P.L. 3-65.

§ 76208. Electrician's Endorsement.

[Repealed.]

SOURCE: GC § 16212; repealed by P.L. 14-51:2. Replaced by 21 GCA Chapter 70, *Contractors*.

§ 76209. Plumber's Endorsement.

[Repealed.]

SOURCE: GC § 16213; repealed by P.L. 14-51:3. Replaced by 21 GCA Chapter 70, *Contractors*.

§ 76210. Engineer Endorsement.

[Repealed.]

§ 76211. Architect's Endorsement.

[Repealed.]

SOURCE: GC § 16213 and §16214; both repealed by P.L. 5-131. See 22 GCA for replacement Chapter dealing with Architects, Engineers and Land Surveyors.

§ 76212. Accountant's Endorsement.

[Repealed.]

SOURCE: GC § 16215.1 added by P.L. 4-44. Repealed by P.L. 9-114. Replaced by Public Accountancy Law, reenacted by P.L. 20-173 -- to be found in Title 22 GCA.

§ 76213. Private School Endorsements.

Endorsements for private schools must be obtained by any person who engages in the business of conducting a private school for profit for the education or training of other persons in any field or course of whatever nature; provided, however, that all public schools are specially exempt therefrom. Such required endorsements are:

(a) For elementary and secondary institutions: certification by the Department of Education that each person teaching, instructing or aiding in the teaching and instructing of such private school has the necessary training, experience and knowledge to qualify him to teach the particular subjects or courses which he desires to teach, as may be prescribed by the rules and regulations pertaining thereto.

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(b) Health certificate from the Department of Public Health and Social Services pertaining to the health and sanitary conditions of the premises wherein the private school is to be conducted.

(c) For post secondary private institutions and their agents corresponding with Guam State Education policies, endorsement from the DOE Superintendent must be obtained in the verification of each person teaching or instructing having possessed a terminal degree from an accredited institution recognized by the United States Department of Education (USDOE) directly or through an affiliated institution, or is properly credentialed with the necessary experience and knowledge to teach a particular subject or course.

(d) For post-secondary institutions which seek to offer *or* confer any degree *or* diploma, that the degrees *or* diplomas offered are accredited by an accrediting institution of the United States, directly *or* through an affiliated institution, recognized by the United States Department of Education (USDOE). Post-secondary institutions which seek to offer *or* confer any degree *or* diploma and are in the process of obtaining accreditation through a recognized USDOE accrediting body *or* is in the process of, *or* has received accreditation from a non-sanctioned USDOE accrediting body *shall* disclose its accreditation status to each student upon the start of classes. The Department of Revenue and Taxation *shall not* issue any endorsements, business licenses, *or* certificates of incorporation to such post-secondary institutions without proper certification to operate on Guam issued by the Council of Post-secondary Institution Certification.

(e) Excluded from obtaining endorsements under this section are:

(1) Education solely avocational or recreational in nature;

(2) A nonprofit institution owned, controlled and operated and maintained by a bona fide church or religious denomination or religious organization if such education is limited to instruction in the principles of that church or denomination or organization or to courses offered for the purposes of training the adherents of such church or denomination in the care of the sick in accordance with its religious tenets and the diploma or degree is limited to

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evidence of completion of that education, and the meritorious recognition upon which any honorary degree is conferred is limited to the principles of that church or denomination;

(3) Postsecondary educational institutions established, operated and governed by the government of Guam;

(4) Education sponsored by a bona fide trade, business, professional or fraternal organization which is recognized by the regulatory body of that trade, business or profession and is solely for that organization's membership; and

(5) Institutions exclusively offering instruction at any or all levels from preschool through twelfth (12th) grade.

SOURCE: GC § 16216 amended by P.L. 15-44 (enacted in 1979, effective 1980). Subsection (a) amended by P.L. 28-068:IV:94(a) (Sept. 30, 2005). Subsections (c)(d) and (e) added by P. L. 28-068:IV:94(b) (Sept. 30, 2005). Subsection (d) amended by P.L. 29-155:2 (Jan. 30, 2009) as § 762113 (d). Renumbered by Compiler to harmoniously fit this chapter.

NOTE: P.L. 15-44:6 provided:

The provisions of Sections 4 and 5 of this Act shall take effect July 1, 1980 with respect to licensure of institutions but the Accreditation Board shall meet and prepare regulations so that the licensure provisions may be fully effective as of July 1, 1980.

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.

§ 76214. Taxicab License.

The licensing and control of taxicabs shall be under the provisions of 16 GCA Chapter 11, *Taxicabs*.

SOURCE: GC § 16217, renumbered by P.L. 3-65.

§ 76215. Notaries Public.

The licensing and control of Notaries Public shall be within the provisions of 5 GCA Chapter 33, *Notaries Public*.

SOURCE: GC § 16218; renumbered by P.L. 3-65.

§ 76216. Cockfighting Licenses.

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The licensing and control of cockfighting shall be under the provisions of 22 GCA Chapter 39, *Cockfighting*.

SOURCE: GC § 16219; renumbered by P.L. 3-65.

§ 76217. Boxing Licenses.

The licensing and control of boxing shall be under the provisions of 22 GCA Chapter 41, *Boxing & Wrestling*.

SOURCE: GC § 16220; renumbered by P.L. 3-65.

§ 76218. Exception for Franchise Holders.

This title shall not apply to the holder of any franchise granted pursuant to [the law governing Public Transportation Franchises] [Government Code Title XXII, Chapter IV].

SOURCE: GC § 16221, added by P.L. 4-59. Effectively repealed. See Note at the beginning of 5 GCA Division 5, Public Works.

§ 76219. Insurance Law Exemption.

Persons subject to licensure under the Insurance Law (22 GCA Chapter 15) are exempt from this Division.

SOURCE: GC § 16222 added by P.L. 4-102 (7/1/59) as §16221.

§ 76220. Recycling Redemption Center Endorsements.

An endorsement for a Recycling Redemption Center must be obtained by any person who engages in the business of receiving recyclable products and remitting a portion of deposit fees to redeemers. Such required endorsement is subject to approval by the Guam Environmental Protection Agency, pursuant to Chapter 44 of Title 10 Guam Code Annotated.

SOURCE: GC § 16223 added by P.L. 6-101; amended by P.L. 7-101; P.L. 9-147. Repealed by P.L. 16-123:25. Replaced by 10 GCA Chapter 12, Medical Practices, where the practice of veterinary medicine is defined as an *healing art*. Added by P.L. 30-221:3 (Dec. 30, 2010), effective, 180 calendar days, following effective date of the voluntary agreement provided in 10 GCA § 44119, pursuant to P.L. 30-221:4.

§ 76221. Tour Operators and Tour Guides.

The listing and control of tour operators and tour guides shall be under the provisions of Title 11, Guam Code Annotated, (Chapter 76, Article 3,) Tour Operators and Tour Guides.

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SOURCE: Added by P.L. 23-136:3.

§ 76222. Requirement of Publication of Rate Schedule.

It is unlawful for any Tour Operators, and other tourist-related businesses engaged in the sale of tour accommodations, lodging, amusements and services to:

(1) fail to publish and post the highest rack/tourist rate schedule of tour attractions, lodging, amusements and services in the place where the attraction, lodging, amusement or service is conducted;

(2) make any untrue statement of material fact or to omit to state a material fact necessary in order to make the tourist aware of the cost of such accommodations, lodging, amusements or services; and

(3) engage in any act, practice or course of business which operates, or would operate, as a fraud or deceit upon any person.

SOURCE: Added by P.L. 25-109:2.

§ 76223. Department of Revenue and Taxation to Administer.

The Department of Revenue and Taxation is authorized to administer the implementation of the highest rack/tourist rate schedule required to be published pursuant to this Act.

SOURCE: Added by P.L. 25-109:3.

§ 76224. Violations.

(a) The Department of Revenue and Taxation may, after proceeding in accordance with the Administrative Adjudication Act, order the suspension of the license of any tour operator and other tourist-related businesses of any such license for a period not to exceed six (6) months, for violation by the tour operator, and other tourist-related businesses of this Act.

(b) In addition to the penalty which may be imposed pursuant to Subsection (a) of this Section, the Department of Revenue and Taxation shall impose a fine of no less than Five Hundred Dollars (\$500.00) for the first offense, and the fines for subsequent offenses shall not exceed One Thousand Dollars (\$1,000.00).

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(c) The revenues derived from fines collected under this Section shall be transferred to Guam Visitors Bureau for to tourist/community-related programs.

SOURCE: Added by P.L. 25-109:4.

ARTICLE 3
TOUR OPERATORS AND TOUR GUIDES

NOTE: Article 3 was repealed and reenacted by P.L. 23-136:4.

- § 76301. Definitions.
- § 76302. Additional Requirements for Tour Operators.
- § 76303. Requirements for Tour Guides.
- § 76304. Guam Visitors Bureau to Administer.
- § 76305. Violations.

§ 76301. Definitions.

As used in this Chapter:

(a) *Tour Operator* means any person who, for compensation of any kind, engages in a business as a tour guide as defined in this Section or who employs one or more tour guides.

(b) *Tour Guide* means any person who, for compensation of any kind, undertakes to guide, direct, lead or conduct tours and who, while undertaking such duties, explains to or informs the tourists of the history and culture of Guam, or directs the tourists to scenic, cultural or historic sites on Guam or leads tour groups while the same are on conducted shopping tours of Guam. This definition shall not include a person whose sole occupation is to drive a tour bus or other tour vehicle, but who does not actually engage in any of the activities described above. However, this definition shall include a person driving a tour vehicle on a conducted tour if the person is the only non-tourist on the vehicle.

SOURCE: GC § 16204 added by P.L. 13-55:2. Unless otherwise noted, all source references will be to P.L. 13-55:2. Repealed and reenacted by P.L. 23-136:4.

§ 76302. Additional Requirements for Tour Operators.

In addition to paying the fee required by § 76101, all persons engaging in business as tour operators must, at the time of application or

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renewal of licensing, submit certification of eligibility issued by the Guam Visitors Bureau that all tour guides under his or her employ have undergone training and passed the necessary examinations covering history, culture, and historic landmarks of Guam administered by the Guam Visitors Bureau.

SOURCE: GC § 16204.1. Repealed and Reenacted by P.L. 23-136:4.

§ 76303. Requirements for Tour Guides.

(a) Any person performing services as a tour guide must produce evidence of having been certified by the Guam Visitors Bureau, as having passed the training program and examination provided for herein covering the history, culture, historic landmarks and other related information of Guam. Any person applying for a tour guide certification for the first time within sixty (60) days after the effective date of this Act may be issued one (1) temporary identification badge which shall be valid for a period not to exceed one hundred eighty (180) days, or as determined by the Guam Visitors Bureau.

(b) No tour guide certification of eligibility shall be issued to any person who has been convicted of: (1) a crime involving moral turpitude; (2) a crime involving the use of controlled substances, as defined in Chapter 67 of Title 9, Guam Code Annotated; (3) the illegal use or possession of a firearm, as defined in §80.37 of Title 9, Guam Code Annotated and Chapter 60 of Title 10, Guam Code Annotated; or (4) a crime of violence, as defined in Chapters 16, 19, 22, 25, and 40 of Title 9, Guam Code Annotated.

(c) No new examination upon the subjects referred to in this Section may be required of a certified tour guide until three (3) years have elapsed from the date of taking the previous examination.

SOURCE: GC § 16204.2.

§ 76304. Guam Visitors Bureau to Administer.

(a) The Guam Visitors Bureau is authorized to develop, write and administer the examination for tour guides required by § 76303 of this Article. Upon passing the examination to its satisfaction, the Guam Visitors Bureau shall certify the examinee as having completed the training program by the issuance of a certification of eligibility and identification badge. The Guam Visitors Bureau shall promulgate such

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rules and regulations as may be necessary to carry out the purposes of this Act within six (6) months after the enactment of this act.

(b) The Guam Visitors Bureau, subject to the Administrative Adjudication Act, shall promulgate rules and regulations to govern the standard of conduct of all tour guides. The standards of conduct shall be designed with the intent of insuring that certified tour guides do not act in such a manner as to bring discredit upon Guam, its people and its businesses.

SOURCE: GC 16204.3 added by P.L. 13-55:2; as amended by P.L.13-187:123. Repealed and reenacted by P.L. 23-136:4.

§ 76305. Violations.

(a) The Department of Revenue and Taxation may, after proceeding in accordance with the Administrative Adjudication Act, order the revocation of the license of any tour operator or the suspension of any such license for a period not to exceed one (1) year, for violation by the tour operator of this Chapter or any of the rules and regulations or standards of conduct promulgated by the Guam Visitors Bureau. Any person whose license has been revoked by the Department of Revenue and Taxation shall not be eligible to reapply for the same class of license until a year has elapsed from the date of revocation as determined by the Department of Revenue and Taxation. Upon such reapplication the applicant shall be treated as a new applicant except that he shall not be eligible for a temporary license.

(b) The Department of Revenue and Taxation may, after proceeding in accordance with the Administrative Adjudication Act, order the revocation of the certification of eligibility and identification badge of any tour guide or the suspension of any such certification of eligibility and identification badge for a period not to exceed one (1) year, for violation by the tour guide of this Chapter or any of the rules and regulations or standards of conduct promulgated by the Guam Visitors Bureau. Any person whose certification of eligibility and identification badge has been revoked by the Department of Revenue and Taxation shall not be eligible to reapply for the same certification of eligibility and identification badge until a year has elapsed from the date of revocation as determined by the Department of Revenue and Taxation. Upon such reapplication the applicant shall be treated as a new applicant except that

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he or she shall not be eligible for a temporary certification of eligibility or identification badge.

(c) Any person who uses, attempts to use or has in his or her possession with intent to use, any tour guide certification of eligibility or identification badge not issued to him or, if such certification of eligibility or identification badge issued to him was issued on account of misrepresentation to the Guam Visitors Bureau or to the Department of Revenue and Taxation, shall be punishable by a fine no less than One Thousand Dollars (\$1,000.00) nor greater than Five Thousand Dollars (\$5,000.00) for the first offense, and the fines for subsequent offenses shall not exceed Ten Thousand Dollars (\$10,000.00).

(d) Any person who photographs, photostats, duplicates or in any way reproduces any certification of eligibility or identification badge or facsimile thereof in such a manner that it could be mistaken for such a certification of eligibility or identification badge, or displays or has in his or her possession any such photograph, duplicate, reproduction or facsimile unless authorized by the provisions of this Title, shall be punishable by a fine no less than One Thousand Dollars (\$1,000.00) nor greater than Five Thousand Dollars (\$5,000.00) for the first offense, and the fines for subsequent offenses shall not exceed Ten Thousand Dollars (\$10,000.00).

(e) The certified tour guide shall have his or her identification badge issued by the Guam Visitors Bureau in his or her immediate possession at all times when undertaking any activities listed under the definition of a tour guide pursuant to § 76301 of this Article and display such identification badge upon demand of a member of the Guam Police or any peace officer or other authorized personnel enforcing the provisions of this Title. Any charge under this Subsection shall be dismissed when the person so charged produces in court a certification of eligibility duly issued to such person and valid at the time of his or her arrest.

(f) In addition to the penalties set forth in this Section, a tour operator or any other person who knowingly employs a tour guide who is not properly certified and licensed in accordance with this Chapter shall be punishable by a fine of no less than One Thousand Dollars (\$1,000.00) nor greater than Five Thousand Dollars (\$5,000.00) for the first offense, and the fines for subsequent offenses shall not exceed Ten Thousand Dollars (\$10,000.00).

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SOURCE: GC 16204.4.

**ARTICLE 4
PROFESSIONAL LICENSES**

- § 76401. Medical Licenses.
- § 76402. Attorney's Licenses.
- § 76403. Accountant's Licenses. [Repealed]
- § 76404. Engineer's, Architect's and Land Surveyor's licenses.

§ 76401. Medical Licenses.

The licensing and control and control of all phases of the practice of medicine or its related pursuits shall be within the provisions of 10 GCA Chapter 12, *Medical Practice*.

SOURCE: GC § 16300.

§ 76402. Attorney's Licenses.

The licensing and control of the legal profession shall be within the provisions of 7 GCA Chapters 9 and 9A.

SOURCE: GC § 16301.

COMMENT: 7 GCA § 9101 (P.L. 21-147:2 (Jan. 14, 1993) transferred authority over attorney admission to the Supreme Court. This authority is now contained in the Organic Act at 48 U.S.C. § 1424-1(a)(7) (U.S.P.L. 108-378 (Oct. 30, 2004)). See the Supreme Court of Guam Rules Governing Admission to the Practice of Law, Supreme Court of Guam Rules for the Discipline of Attorneys and the Guam Rules of Professional Conduct.

§ 76403. Accountant's Licenses.

[Repealed.]

SOURCE: GC 16302 repealed by P.L. 5-55 (1/27/60). Replaced by 22 GCA Chapter 35, *Public Accountancy*.

§ 76404. Engineer's, Architect's and Land Surveyor's Licenses.

The licensing and control of all phases of professional engineering, architecture and land surveying shall be within the provisions of 22 GCA Chapter 32, *Architects, Engineers & Land Surveyors*.

SOURCE: GC § 16505 added by P.L. 5-131 (8/29/60).

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ARTICLE 5
[FOREIGN] TRADERS

- § 76501. Definitions.
- § 76502. [Foreign] Traders exempted from Division.
- § 76503. Trader's Certificate Requirements; Issuance.
- § 76504. Parts of Foreign Corporation Law Not Applicable.
- § 76505. Service License Required.

§ 76501. Definitions.

The terms used in this Article shall have the same meaning as set forth in 5 GCA §70401 [GC §47410], as it may from time to time be amended.

SOURCE: GC § 16350 added by P.L. 15-40:4. Amended by P.L. 15-55:5.

§ 76502. [Foreign] Traders Exempted from Division.

Any *Trader* engaged solely in the *Trade* shall be exempt from the provisions of this Division so long as the provisions of § 76503 of this Division are complied with.

SOURCE: GC § 16351 added by P.L. 15-40:4. Amended by P.L. 15-55:5.

§ 76503. Trader's Certificate Requirements; Issuance.

A corporation engaged solely in *Trade*, upon providing satisfactory evidence to the Director of Revenue & Taxation that:

- (a) it is properly incorporated either in Guam or some other jurisdiction of the United States;
- (b) it has appointed a resident agent for service of process; and
- (c) as far as its activities in Guam are concerned, it intends to engage solely in *Trade*;

shall be issued a certificate by the Director indicating that it is authorized to carry on *Trade* and that all other provisions of the Business License Law are inapplicable to it. Said certificate shall be known as the *Trader's Certificate*.

SOURCE: GC § 16352 added by P.L. 15-40. Amended by P.L. 15-55:5.

§ 76504. Parts of Foreign Corporation Law Not Applicable.

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Chapter 7 of Title 18 of the Guam Code Annotated shall not apply to any corporation holding a *Trader's Certificate*.

SOURCE: GC § 16353 added by P.L. 15-40. Amended by P.L. 15-55:5. Amended by P.L. 27-57:9.

§ 76505. Service License Required.

Export Trading Companies are required to obtain a Service License from the Department of revenue & Taxation in order to conduct business on Guam. The license will specify that it is a license for Export Services. Holders of these licenses are prohibited from selling the goods and services designated for export and exempted in 11 GCA §26203(k)(18), to local residents or businesses. This prohibition shall not apply to export trade services or corporate assets used in the performance of these services. The Director shall promulgate rules and regulations for the implementation of this section pursuant to the Administrative Adjudication Act.

SOURCE: GC § 16354 added by P.L. 15-40:4. Amended by P.L. 17-67:3 and P.L. 17-70:11:40.
