

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session
VOTING RECORD

Bill No. 83-36 (COR) As substituted on the Floor; and amended in the Committee of the Whole.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building January 28, 2022					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown		✓				
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator Telen Cruz Nelson					✓	✓
Senator Sabina Flores Perez		✓				
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres	✓					

TOTAL

11

2

2

2

Aye

Nay

Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 83-36 (COR)

As substituted on the Floor;
and amended in the Committee of the Whole.

*

Introduced by:

Tina Rose Muña Barnes
James C. Moylan

**AN ACT TO AMEND §§ 5101, 5104, 5107, 5109(b)(1)(F),
5109(b)(2), 5109(c), 5112, 5114(c), 5114(e), 5114(f), AND
5118; TO REPEAL AND REENACT § 5114(h); TO
REPEAL §§ 5103 AND 5105; AND TO ADD NEW §§ 5119
AND 5120, ALL OF CHAPTER 5, TITLE 16, GUAM
CODE ANNOTATED, RELATIVE TO THE SIZE,
WEIGHT, AND LOAD LIMITATIONS, AND
RESTRICTIONS OF CERTAIN VEHICLES.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the designation of haul roads on Guam is necessary to transport products from
4 the Commercial Port of Guam to warehouses in Harmon and other areas where
5 products can be unloaded, sorted, stored, and transported on delivery trucks that
6 meet the requirements of the bridge formula and more weight restrictive regulations.
7 This legislation does not eliminate the bridge formula needed to protect island
8 bridges, especially south of the Commercial Port of Guam. It classifies specific haul
9 roads in order to efficiently and affordably assist commerce. This legislation also
10 updates and modernizes specific sections of the law concerning the size of the trucks
11 traveling on Guam's roads.

1 **Section 2.** § 5101 of Chapter 5, Title 16, Guam Code Annotated, is hereby
2 *amended* to read as follows:

3 **“§ 5101. Definitions.**

4 As used in this Chapter, the following definitions will hold true:

5 (a) Axle: The common axis of rotation of one (1) or more wheels,
6 whether in one (1) or more segments and regardless of the number of wheels
7 carried thereon.

8 (b) Axle Group: An assemblage of two (2) or more consecutive axles
9 considered together in determining their combined load effect on a bridge or
10 pavement structure.

11 (c) Axle Load: The total weight transmitted to the road by a single
12 axle.

13 (d) Connecting Mechanism: An arrangement of parts
14 interconnecting two (2) or more consecutive axles to the frame of a vehicle in
15 such a manner as to equalize the load between the axles.

16 (e) Designated Haul Road Highway: Designated haul road highways
17 with a reconstructed lane in each direction and a higher standard design
18 recognized by the U.S. Department of Transportation Federal Highway
19 Administration and approved by the Director allowing for the movement of
20 heavier vehicles shall include the following:

21 Route 1;

22 Route 8;

23 Route 11;

24 Route 16; and

25 other highways designated by the Director of Public Works as they are
26 reconstructed for heavier use.

1 (f) Gross Combination Weight (GCW): The total weight of the
2 power unit and the total weight of the towed unit and any load thereon.

3 (g) Gross Combination Weight Rating (GCWR): The value
4 specified by the manufacturer as the loaded weight of a combination
5 (articulated) motor vehicle. In the absence of a value specified by the
6 manufacturer, GCWR will be determined by adding the GVWR of the power
7 unit and the total weight of the towed unit and any load thereon.

8 (h) Gross Vehicle Weight (GVW): The total weight of the loaded
9 vehicle. This includes the vehicle itself and the cargo that is loaded within that
10 vehicle.

11 (i) Gross Vehicle Weight Rating (GVWR): The value specified by
12 the manufacturer as the loaded weight of a single motor vehicle.

13 (j) Gross Weight: The weight of a vehicle and/or vehicle
14 combination without load, plus the weight of any load thereon.

15 (k) Height: The total vertical dimension of any vehicle above the
16 ground surface, including any load and load holding device thereon.

17 (l) Highway: The entire width between the boundary lines of every
18 publicly maintained surface, when any part thereof is open to the use of the
19 public for purposes of vehicular travel; synonymous and interchangeable in
20 usage with “street.”

21 (m) Length: The total longitudinal dimension of any vehicle or
22 combination of vehicles, including any load or load holding devices thereon.

23 (n) Lift Axle: An axle designed to be raised when not in use and
24 lowered to help reduce the weight imposed on an axle group.

25 (o) Load: A weight or quantity of anything resting upon a support.

26 (p) Motor Vehicle: A vehicle which is self-propelled.

1 (q) Owner: A person, other than a lien holder, having the property in
2 or title to a vehicle, including a person entitled to use and possession of a
3 vehicle subject to a security interest in another person, but excluding a lessee
4 under a lease not intended as security.

5 (r) Portable Scales: A movable weighing device.

6 (s) Primary Road: A primary road is a road with two (2) or more
7 lanes each way, or any road with at least two (2) contiguous miles with a speed
8 limit of thirty-five (35) miles per hour or greater.

9 (t) Scale Tolerance: An allowable variation in the static weight of
10 an axle load in accordance with, but not exceeding, the precision of the scale
11 involved.

12 (u) Secondary Road: A secondary road is any road, paved or
13 unpaved, that does not meet the definition of “primary road” as herein stated.

14 (v) Semi-Trailer: A vehicle designed for carrying persons or
15 property and drawn by a truck-tractor on which parts of its weight and load
16 rests.

17 (w) Single Axle: An assembly of two (2) or more wheels, whose
18 centers are on one (1) transverse vertical plane or may be included between
19 two (2) parallel transverse vertical planes forty (40) inches or less apart
20 extending the full width of the vehicle.

21 (x) Single Axle Weight: The total weight transmitted to the road by
22 a single axle.

23 (y) Special Permit: A written authorization to move or operate on a
24 highway, a vehicle or vehicles with indivisible load of a size and/or weight
25 exceeding the limits prescribed for vehicles in regular operation.

26 (z) Static Scales: An immovable measuring scale, similar to a ruler,
27 that is attached to the edge of an optical comparator screen.

1 (aa) Tandem Axle: Any two (2) or more consecutive axles whose
2 centers are more than forty (40) inches and not more than ninety-six (96)
3 inches apart, and are individually attached and/or articulated from a common
4 attachment to the vehicle, including a connecting mechanism designed to
5 equalize the load between the axles.

6 (bb) Tandem Axle Weight: The total weight transmitted to the road
7 by a tandem axle.

8 (cc) Trailer: A vehicle designed for carrying persons or property and
9 drawn by a motor vehicle which carries no part of the weight and load of the
10 trailer on its own wheels.

11 (dd) Tridem Axle: Any three (3) or more consecutive axles whose
12 centers are more than eighty (80) inches but not more than one hundred forty-
13 four (144) inches apart, and are individually attached, or articulated from a
14 common attachment to the vehicle, including a connecting mechanism
15 designed to equalize the load between the axles.

16 (ee) Tridem Axle Weight: The total weight transmitted to the road by
17 a tridem axle.

18 (ff) Truck: A motor vehicle designed, used or maintained primarily
19 for the transportation of property.

20 (gg) Truck-Tractor: A motor vehicle designed for drawing other
21 vehicles, but not for a load other than a part of the weight of the vehicle and
22 load drawn.

23 (hh) Vehicle: A device in, upon or by which any person or property
24 may be transported or drawn upon a highway.

25 (ii) Vehicle Combination: A truck-tractor and semi-trailer,
26 either with or without a full trailer, or a truck with one (1) or more full trailers.

1 (jj) Weigh-in-Motion Scales: Weighing-in-Motion (WIM) is,
2 as the name implies, the process of weighing a vehicle as it is moving along
3 the highway in an effort to estimate the equivalent static weight of the vehicle.

4 (kk) Wheel Load: The total load transmitted to the road by a
5 wheel. Dual wheels that share an axle mounting are considered a single wheel
6 for load requirements.

7 (ll) Width: The total outside transverse dimension of a vehicle,
8 including any load or load holding devices thereon, but excluding approved
9 safety devices and tire bulge due to load.”

10 **Section 3.** § 5103 of Chapter 5, Title 16, Guam Code Annotated, is hereby
11 *repealed*.

12 **Section 4.** § 5104 of Chapter 5, Title 16, Guam Code Annotated, is hereby
13 *amended* to read as follows:

14 **“§ 5104. Height, Length, and Width of Vehicles and Loads.**

15 A vehicle, including any load and load holding devices thereon, shall
16 not exceed a total height of fifteen (15) feet, or a width of eight and a half
17 (8.5) feet, or a length of sixty-five (65) feet, for public roads, streets or
18 highways, and shall not exceed a length of eighty-five (85) feet on designated
19 haul road highways. Any vehicle or loads exceeding the dimensions in height,
20 length, or width shall obtain a Special Permit from the Director of the
21 Department of Public Works as specified in this Chapter.”

22 **Section 5.** § 5105 of Chapter 5, Title 16, Guam Code Annotated, is hereby
23 *repealed*.

24 **Section 6.** § 5107 of Chapter 5, Title 16, Guam Code Annotated, is hereby
25 *amended* to read as follows:

26 **“§ 5107. Gross Weight, Axle, and Wheel Loads.**

1 No motor vehicle or combination of vehicles equipped wholly with
2 pneumatic tires, which has a gross weight, an axle load, or a wheel load in
3 excess of the limits set forth in this Section shall be operated or moved upon
4 any public road, street, or highway; and no vehicle or combination of vehicles
5 shall be operated on or moved over any bridge or other highway structure if
6 the gross weight, including vehicle and load, exceeds the posted maximum
7 gross weight limitation for the bridge or other highway structure.

8 (a) Except for designated haul road highways, the total gross weight,
9 in pounds, imposed on any public road, street, or highway, by any axle group
10 on a vehicle or combination of vehicles shall not exceed the following when
11 the distance between the first and last axles of the group under consideration
12 is:

13 (1) forty (40) inches or less; the axle load shall not exceed
14 twenty thousand (20,000) pounds, or the axle manufacturer's rating,
15 whichever is less;

16 (2) more than forty (40) inches, but not more than eight (8)
17 feet; the tandem axle weight imposed shall not exceed thirty-six
18 thousand (36,000) pounds;

19 (3) more than eighty-six (86) inches, but not more than one
20 hundred forty-four (144) inches; the tridem axle weight imposed shall
21 not exceed fifty thousand (50,000) pounds; and

22 (4) any additional lift axle designed to help distribute weight
23 shall not exceed twenty thousand (20,000) pounds, or the axle
24 manufacturer's rating, whichever is less.

25 (b) The total gross weight, in pounds, imposed on any public road,
26 street, or highway, except on designated haul road highways, by any axle

1 group on a vehicle or combination of vehicles shall not exceed that resulting
2 from application of the Bridge Formula:

3 $W = 500 (LN/(N-1) + 12N + 36)$ when the distance between the
4 first and last axles of the axle group under consideration is over eight
5 (8) feet and where

6 W = maximum gross weight in pounds carried on any axle group,

7 L = distance in feet between the outer axles of any axle group, to
8 the nearest foot, and

9 N = number of axles in group under consideration; provided that
10 two (2) consecutive sets of tandem axles may carry a gross load of
11 thirty-six thousand (36,000) pounds each providing the overall distance
12 between the first and last axles of such consecutive sets of tandem axles
13 is thirty-six (36) feet or more; and provided also that the overall gross
14 weight does not exceed eighty thousand (80,000) pounds.

15 (c) The total gross weight, in pounds, imposed on any designated
16 haul road highway, by any axle group on a vehicle or combination of vehicles
17 shall not exceed the following when the distance between the first and last
18 axles of the group under consideration is:

19 (1) forty (40) inches or less; the axle load shall not exceed
20 twenty thousand (20,000) pounds, or the axle manufacturer's rating,
21 whichever is less;

22 (2) more than forty (40) inches, but not more than eight (8)
23 feet; the tandem axle weight imposed shall not exceed:

24 (A) thirty-six thousand (36,000) pounds upon
25 completion of construction of the haul road highway to a higher
26 design standard;

1 (B) forty thousand (40,000) pounds upon completion of
2 construction of the haul road highway to a higher design
3 standard; and

4 (C) forty-eight thousand (48,000) pounds upon
5 completion of construction of the haul road highway to a higher
6 design standard;

7 (3) more than eighty-six (86) inches, but not more than one
8 hundred forty-four (144) inches; the tridem axle weight imposed shall
9 not exceed:

10 (A) forty-six thousand (46,000) pounds upon
11 completion of construction of the haul road highway to a higher
12 design standard; and

13 (B) fifty-two thousand (52,000) pounds upon
14 completion of construction of the haul road highway to a higher
15 design standard;

16 (4) any additional lift axle designed to help distribute weight
17 shall not exceed twenty thousand (20,000) pounds, or the axle
18 manufacturer's rating, whichever is less.

19 (d) No vehicle or combination of vehicles shall be used or operated
20 on any public road, street, or highway with:

21 (1) a load upon any single or tandem or tridem axle or
22 combination of axles which exceeds the carrying capacity of the axles
23 specified by the manufacturer; or

24 (2) with a total weight in excess of its designed capacity as
25 indicated by its designed gross vehicle weights or gross combination
26 weights.

1 (e) The single axle weight shall not exceed twenty thousand (20,000)
2 pounds.

3 (f) Maximum weight shall be eighty thousand (80,000) pounds,
4 gross vehicle weight, for a combination of truck tractor and semi-trailer
5 combinations but not more than ninety-five thousand (95,000) pounds on
6 designated haul roads.

7 (g) The maximum wheel load imposed upon any public road, street,
8 or highway shall not exceed eight hundred (800) pounds per inch of tire tread
9 width or the tire manufacturer's rating listed on the tire, whichever is less.

10 (h) The Director of the Department of Public Works (DPW Director)
11 may place and maintain signs to limit the gross weight of a vehicle or
12 combination of vehicles traveling over a bridge or other highway structure in
13 the interest of public safety when it is determined that the theoretical load
14 carrying capacity of the bridge or structure is less than the maximum gross
15 vehicular weight allowed by this Chapter.

16 (i) The DPW Director may issue a special permit for a vehicle that
17 meets the axle group load requirements of the formula in Subsection (a) of
18 this Section, but with a gross vehicle weight in excess of the allowable weight
19 provided under this Section. Such special permit shall be issued in accordance
20 with § 5114 of this Chapter.”

21 **Section 7.** § 5109(b)(1)(F) of Chapter 5, Title 16, Guam Code Annotated,
22 is hereby *amended* to read as follows:

23 “(F) every peace officer, or DMV/MCSAP inspector may assist in the
24 enforcement of this Chapter and of all rules adopted pursuant to this Chapter
25 and may issue citations for violations as appropriate; and”

26 **Section 8.** § 5109(b)(2) of Chapter 5, Title 16, Guam Code Annotated, is
27 hereby *amended* to read as follows:

1 “(2) Department of Public Works (DPW):

2 (A) operate the Truck Enforcement Screening Station (TESS)
3 Facility located on Route 11 to weigh vehicles and/or combinations of
4 vehicles operating on Guam’s roads, streets, or highways;

5 (B) every peace officer or DPW inspector having reason to
6 believe that the weight or dimension of a vehicle operating on a public
7 road, street or highway, including designated haul road highways,
8 either with or without load, is in violation of the provisions of this
9 Chapter, shall be authorized to require the driver to stop and submit to
10 an inspection of same by means of portable scales, static scales, or
11 weigh-in-motion scales, or as otherwise appropriate, except that any
12 motor carrier with military cargo shall be permitted to proceed, unless
13 safety to the general public dictates otherwise, to the vehicle’s
14 destination for appropriate review therein and such action shall not be
15 a violation of this Chapter. Violations for any dimensions or GVW in
16 excess of permissible limits, as established by the provisions of this
17 Chapter, shall be subject to the penalties provided in the DPW rules and
18 regulations promulgated pursuant to § 5112(a) of this Chapter;

19 (C) whenever a peace officer or DPW inspector, upon
20 weighing a vehicle and load, as provided above, determines that the
21 GVW exceeds allowable limits, such peace officer or DPW inspector
22 may require the driver to stop the vehicle in a suitable area where
23 corrective action can be determined by the peace officer or DPW
24 inspector. Corrective action may include removal of the non-
25 conforming portion of the load and distribution to another vehicle, or
26 allowance of the vehicle to proceed to another location for unloading.
27 Nothing herein is intended to waive any applicable fines;

1 (D) any DMV/MCSAP trained and certified peace officer or
2 DPW inspector may assist in the enforcement of this Chapter and of all
3 rules and regulations adopted pursuant to this Chapter and issue
4 citations for violations as appropriate;

5 (E) fines collected from citations issued by DPW inspectors
6 for violations of this Subsection shall be deposited in the TESS Facility
7 Fund and shall be expended in accordance with § 5118 of this Chapter.”

8 **Section 9.** § 5109(c) of Chapter 5, Title 16, Guam Code Annotated, is
9 hereby *amended* to read as follows:

10 “(c) Any driver of a vehicle who fails or refuses to stop and submit
11 the vehicle, either with or without load, to an inspection and/or weighing, or
12 who fails or refuses when directed by a peace officer, DMV inspector, or
13 DPW inspector upon inspection and/or weighing of the vehicle to discontinue
14 the operation of the vehicle and otherwise comply with the provisions of this
15 Section shall be guilty of a civil violation, and subject to fines and penalties
16 as provided in the DPW rules and regulations.”

17 **Section 10.** § 5112 of Chapter 5, Title 16, Guam Code Annotated, is hereby
18 *amended* to read as follows:

19 **“§ 5112. Penalties.**

20 (a) Every person, entity or organization convicted of a violation of
21 any of the provisions of this Chapter for which another penalty is not provided
22 shall be guilty of a civil violation and subject to a fine as provided in the DPW
23 rules and regulations.

24 (b) Should a person, entity or organization be found guilty of a third
25 violation of the weight limitations established by this Chapter within six (6)
26 months after a second violation, such person, entity or organization shall be
27 guilty of a civil violation and subject to a fine as provided in the DPW rules

1 and regulations, and the responsible party, as defined in Subsection (d) of this
2 Section, may have their Guam business license revoked in accordance with
3 the following:

4 (1) The Director of the Department of Public Works (DPW
5 Director) shall notify the responsible party (respondent), in writing, of
6 the finding of a third violation of this Section.

7 (2) The respondent may request, in writing, an administrative
8 hearing to dispute the findings of the Director. Said request for a
9 hearing must be delivered, in writing, to the Office of the DPW Director
10 within fifteen (15) calendar days from the date of receipt of the DPW
11 Director's findings.

12 (3) Notwithstanding § 9220 of Chapter 9, Title 5, Guam Code
13 Annotated, the hearing shall be conducted by the DPW Director who
14 shall be the hearing officer. The Office of the Attorney General or a
15 Special Assistant Attorney General, appointed by the Attorney General,
16 shall assist in providing advice to the DPW Director when matters of
17 law arise. The hearing process shall be subject to the procedures of
18 Chapter 9 of Title 5, Guam Code Annotated, with the exception noted
19 above, to § 9220 of the same. The findings of the Director, upon the
20 delivery to the respondent, shall fulfill the requirements of § 9201 of
21 Chapter 9, Title 5, Guam Code Annotated.

22 (4) In the event that the DPW Director affirms the finding of
23 a third violation is valid, or if no hearing is requested in writing within
24 fifteen (15) calendar days from the date of receipt of the findings by the
25 respondent, the DPW Director may request, in writing, that the
26 appropriate licensing entity revoke the respondent's license to do
27 business on Guam immediately, for a period of up to three (3) years, as

1 determined by the Director. Upon receipt of the DPW Director’s written
2 recommendation, the appropriate licensing entity may suspend such
3 license to do business on Guam in accordance with the recommendation
4 of the DPW Director. The hearing required of this Subsection shall
5 fulfill the requirements to suspend a business license found in Chapter
6 9 of Title 5 GCA.

7 (c) Any person found to be in violation of the dimensional
8 limitations established by this Chapter shall be guilty of a civil violation and
9 subject to fines and penalties as provided in the DPW rules and regulations.

10 Up to 5 feet	\$ 50.00
11 Over 5 feet and up to 10 feet	\$100.00
12 Over 10 feet and up to 15 feet	\$150.00
13 Over 15 feet	\$200.00,
14 plus \$10.00 for each additional foot.	

15 (d) Promulgation of Rules. DPW shall promulgate rules and
16 regulations authorized by this Section, or which it may deem necessary or
17 appropriate to give effect to this Section, pursuant to the Administrative
18 Adjudication Law.

19 (e) All fines levied by a DMV/MCSAP inspector in accordance with
20 the applicable provisions of this Chapter shall be deposited in the Better Public
21 Service Fund of the Department of Revenue and Taxation, to be used by the
22 Division of Motor Vehicles in accordance with § 16101 of Chapter 16, Title
23 11, Guam Code Annotated.

24 (f) All fines levied by a DPW/TESS inspector and any permits and
25 administrative fees collected by the Department of Public Works in
26 accordance with this Chapter shall be deposited in the TESS Facility Fund and
27 shall be expended in accordance with § 5118 of this Chapter.

1 (g) Responsible Party.

2 (1) Import Shipping Containers Under Seal. Any importer or
3 consignee, whether an individual or an entity, organization, or
4 company, whose shipping container placed under seal has been
5 determined to be in violation of § 5107 of this Chapter shall be
6 responsible for any fine, penalty, handling, additional transportation or
7 other associated cost (including storage).

8 (2) Export Shipping Containers Under Seal. Any exporter,
9 whether an individual or an entity, organization, or company, whose
10 shipping container placed under seal has been determined to be in
11 violation of § 5107 of this Chapter shall be responsible for any fine,
12 penalty, handling, additional transportation or other associated cost
13 (including storage).

14 (3) Local Containers Under Seal. Any individual and any
15 organization, entity, or company loading a shipping container under
16 seal not designated for export that has been determined to be in
17 violation of § 5107 of this Chapter shall be responsible for any fine,
18 penalty, handling, additional transportation or other associated cost
19 (including storage).

20 (4) All Other Local Transport Not Under Seal. Any individual
21 or any cargo transporting entity, organization, or company determined
22 to be in violation of § 5107 of this Chapter shall be responsible for any
23 fine, penalty, handling, additional transportation or other associated
24 cost (including storage) prescribed in this Section.

25 (h) The fine schedules of the Superior Court of Guam and the
26 Commercial Vehicle Safety Alliance (CVSA) for violations cited during
27 roadside inspections, and the method for penalty assessment outlined in the

1 Federal Uniform Fine Assessment (UFA) Program, specifically for violations
2 identified as a result of a Compliance Review, are hereby adopted pursuant to
3 fines and fees as applicable to Guam.

4 (i) For the purposes of this Section, *person* means the driver of the
5 vehicle, unless the driver is an employee and is operating the vehicle in the
6 scope and course of employment, in which case *person* means the employer
7 of the driver. In the case of the transportation of a sealed container or
8 transportation by flatrack, *person* means:

9 (1) the individual or company the cargo is consigned to; or

10 (2) the individual or company located on Guam shipping the
11 cargo.

12 The owner of the vehicle or combination of vehicles may request
13 the operator be held harmless and the citation be transferred to that
14 owner of the vehicle or combination of vehicles. The consignee or the
15 shipper shall not be cited if the power units' (tractors') drive axle group
16 is overweight, and the weight is not more than that allowed for a tandem
17 axle with any applicable tolerances.

18 (j) All permit and administrative fees, fines, and reimbursements
19 generated under this Chapter (applicable to the Department of Public Works)
20 shall be deposited in the TESS Facility Fund, and shall not lapse at the end of
21 the fiscal year, but shall roll over into the next fiscal year or until expended in
22 accordance with § 5118 of this Chapter.”

23 **Section 11.** Subsections (c), (e), and (f) of § 5114, Chapter 5, Title 16, Guam
24 Code Annotated, are hereby *amended* to read as follows:

25 “(c) The application for any such permit shall specifically describe
26 the vehicle or combination of vehicles and load to be operated or moved, and
27 the particular highways for which the permit to operate is requested.”

1 “(e) At the discretion of the Director of Public Works or his
2 authorized representative, blanket permits may be issued for over-sized
3 vehicles already registered with the Department of Revenue and Taxation, and
4 said over-sized vehicles may be subject to time-of-operations restrictions.”

5 “(f) Every such permit shall be carried in the vehicle or combination
6 of vehicles to which it refers and shall be open to inspection by any peace
7 officer. It shall be unlawful for any person to violate any of the terms or
8 conditions of such permits.”

9 **Section 12.** § 5114(h) of Chapter 5, Title 16, Guam Code Annotated, is
10 hereby *repealed* and *reenacted* to read as follows:

11 “(h) Promulgation of Rules. DPW shall promulgate rules and
12 regulations authorized by this Section, or which it may deem necessary or
13 appropriate to give effect to this Section, pursuant to the Administrative
14 Adjudication Law.”

15 **Section 13.** § 5118 of Chapter 5, Title 16, Guam Code Annotated, is hereby
16 *amended* to read as follows:

17 “**§ 5118. Truck Enforcement Screening Station (TESS) Facility**
18 **Fund.**

19 Notwithstanding any law to the contrary, a revolving fund, designated
20 as the TESS Facility Fund (Fund), shall be established separate and apart from
21 other funds of the government of Guam, and separate records shall be kept
22 therefore. The Director of Public Works shall administer the Fund and shall
23 issue vouchers properly certifying the use of the Fund’s monies. The DPW
24 Director is authorized to use revenues in the Fund and any interest derived
25 therefrom for purposes provided under Article 1 of Chapter 54, Title 5, Guam
26 Code Annotated, for the operation and maintenance of the TESS Facility, or
27 to establish, operate and maintain similar compliance facilities or programs.

1 All monies in the Fund are hereby appropriated and are not subject to *I*
2 *Maga'håga's* transfer authority.”

3 **Section 14.** A new § 5119 is hereby *added* to Chapter 5 of Title 16, Guam
4 Code Annotated, to read as follows:

5 **“§ 5119. Exemptions.**

6 (a) Tow trucks shall be exempt from weight limitations under this
7 Chapter. Tow trucks may tow any disabled truck or other motor vehicle or
8 combination of vehicles to a place for repairs, parking, or storage from the
9 point that the vehicle was disabled; provided, that all axles on the tow vehicle
10 shall have an operational braking system.

11 (b) Non-Commercial Vehicles: Well-drilling rigs, concrete pumps,
12 cranes, boom trucks and bucket trucks, and other heavy equipment that do not
13 carry cargo may be registered and licensed as a Special Equipment (SE plate)
14 vehicle. If such vehicles do not meet the height, width, and weight restrictions,
15 they may travel on the highways subject to a special permit issued under this
16 Chapter.

17 (c) Fire Trucks, Ambulances and Other Emergency Vehicles: Fire
18 trucks, ambulances, and other emergency vehicles utilized by government of
19 Guam agencies are exempt from Guam laws governing size, weight, and
20 load.”

21 **Section 15.** A new § 5120 is hereby *added* to Chapter 5 of Title 16, Guam
22 Code Annotated, to read as follows:

23 **“§ 5120. Rules and Regulations.**

24 The Department of Public Works shall promulgate rules and
25 regulations as may be necessary to carry out the purposes of this Chapter
26 within one hundred eighty (180) days after the enactment of this Act. All
27 current fines and penalties will remain in effect until the rules and regulations

1 promulgated by the Department of Public Works are adopted. Such rules and
2 regulations shall be adopted in conformance with the Administrative
3 Adjudication Law.”

4 **Section 16. Severability.** If any provision of this Act or its application to any
5 person or circumstance is found to be invalid or contrary to law, such invalidity shall
6 not affect other provisions or applications of this Act that can be given effect without
7 the invalid provision or application, and to this end the provisions of this Act are
8 severable.

9 **Section 17. Effective Date.** Section 15 of this Act shall be effective upon
10 enactment. The remaining provisions of this Act shall be effective upon the
11 promulgation and adoption of the rules and regulations by the Department of Public
12 Works in conformance with the Administrative Adjudication Law, as provided in 16
13 GCA, Chapter 5, § 5120.