

# I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

## 2024 (SECOND) Regular Session

### VOTING RECORD

<b>Bill No. 104-37 (LS)</b> As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and substituted further amended on the Floor.	<b>Speaker Antonio R. Unpingco</b> Legislative Session Hall Guam Congress Building January 26, 2024
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T.D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

**TOTAL**

**15**

**0**

**Not  
Voting/  
Abstained**

**Out  
During  
Roll Call**

**0**

**Absent**


**0**

**Excused**

**Aye**

**Nay**

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE  
Clerk of the Legislature

I = Pass

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 104 37 (LS)**

As amended by the Committee on Environment,  
Revenue and Taxation, Labor, Procurement, and  
Statistics, Research, and Planning; and substituted  
and further amended on the Floor.

\*

Introduced by:

Sabina Flores Perez  
Christopher M. Dueñas  
Chris Barnett  
Telo T. Taitague  
Dwayne T.D. San Nicolas  
Joanne Brown  
Frank Blas, Jr.  
Thomas J. Fisher  
Jesse A. Lujan  
Tina Rose Muña Barnes  
William A. Parkinson  
Roy A. B. Quinata  
Joe S. San Agustin  
Amanda L. Shelton  
Therese M. Terlaje

**AN ACT TO *AMEND* § 3606 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED; TO *AMEND* § 51202(c) OF ARTICLE 2, AND §§ 51301(p), 51305, AND 51306(b) OF ARTICLE 3, AND *ADD* A NEW ARTICLE 6, ALL OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 46.85 TO CHAPTER 46 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE DISPOSAL OF ABANDONED AND JUNK VEHICLES.**

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

1           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
2 that Guam’s current abandoned vehicle law is structured to provide a means of due  
3 process to all owners whose vehicles were impounded or towed for unlawful parking  
4 to claim their cars. Additionally, the abandoned vehicle law has been proven to be  
5 difficult to implement and, thus, ineffective in removing abandoned vehicles. On  
6 Guam, the term abandoned vehicles has been used colloquially by public officials  
7 and the news media to mostly describe junk cars that are apparently inoperable, in  
8 addition to being abandoned on public property or private property without the  
9 expressed consent of the landowner.

10           Most junk cars are discarded on public property to avoid paying scrap yard  
11 charges. A significantly smaller number were dumped following a theft. Junk  
12 vehicles are discovered mostly on public property and fewer on private property. By  
13 the time they are discovered, they have been completely stripped of any usable or  
14 recyclable parts.

15           The laws and ordinances of U.S. states and cities differentiate between  
16 abandoned vehicles and junk vehicles. In other jurisdictions, owners of abandoned  
17 vehicles are usually given a specified period of time to claim their vehicles or they  
18 will be auctioned to the highest bidder. If the legal owner claims the abandoned  
19 vehicle, the cost to claim it includes the towing and storage cost and the amount of  
20 any parking fines. In contrast, junk vehicles left off roadsides, in forests, on deserts  
21 or in lakes and ponds are treated as litter. Litter laws for junk vehicles usually have  
22 affirmative defenses in cases where the vehicle was stolen or where the registered  
23 owner of record is able to establish proof that the vehicle was sold.

24           *I Liheslaturan Guåhan* further finds that Guam appears to have a more serious  
25 junk vehicle littering problem than the rest of the nation. This is likely because there  
26 is no junk vehicle littering law. Using the abandoned vehicle disposal process for

1 junk vehicles could take from a few weeks to several decades to remove the vehicle  
2 from Guam.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to update vehicle laws to  
4 differentiate and streamline the removal process of unclaimed abandoned vehicles  
5 and junk vehicles that are dumped on public property or on private property without  
6 the expressed consent of the landowner that may pose safety and environmental  
7 issues and mar Guam’s natural beauty. *I Liheslatura* further intends to make  
8 dumping junk vehicles on government of Guam land or on private property without  
9 the consent of the landowner littering violations, and violators will be held  
10 accountable for fines and restitution for the cost of disposal.

11 **Section 2.** § 3606 of Article 6, Chapter 3, Title 16, Guam Code Annotated,  
12 is hereby *amended* to read as follows:

13 **“§ 3606. Abandoned Vehicles: Removal: Sale.**

14 (a) No person shall abandon a vehicle in a public right-of-  
15 way, or upon public property or upon private property without the  
16 expressed or implied consent of the owner or person in lawful  
17 possession or control of such private property.

18 (b) Any peace officer, or employee authorized in writing by  
19 the Director of the Department of Public Works, who finds that a  
20 vehicle has been parked for more than twenty-four (24) hours on public  
21 property or private property without the expressed or implied consent  
22 of the owner or person in lawful possession or control of such private  
23 property, shall remove or order a licensed garage man or a tow truck  
24 company to remove the vehicle from such property. Upon ordering the  
25 removal of the abandoned vehicle after the twenty-four (24) hour  
26 period, the peace officer or DPW employee shall collect the following

1 information of the abandoned vehicle and report such information to  
2 the Department of Revenue and Taxation (DRT):

3 (1) photograph of the vehicle;

4 (2) the location of where the vehicle was picked up;

5 (3) the time and day the vehicle was picked up;

6 (4) the vehicle identification number (VIN) and license  
7 plate number, if available;

8 (5) the make, model, and color of the vehicle, if  
9 identifiable; and

10 (6) the name of the licensed garage man or tow truck  
11 company that picked up the vehicle.

12 (c) The Department of Revenue and Taxation shall:

13 (1) post the information required by Subsection (b) and  
14 the name and address of the owner, which includes the lien  
15 holder of the abandoned vehicle, on its website; and

16 (2) within five (5) days after an abandoned vehicle has  
17 been removed and stored, send a notice by certified mail of the  
18 removal and storage to the owner or legal owner, if any, as shown  
19 in the records of the Department of Revenue and Taxation.

20 (3) If the abandoned vehicle is not claimed after thirty  
21 (30) days, it may be auctioned by DRT or sold pursuant to  
22 Subsection (f) of this Section.

23 (d) A violation of this Section shall be additionally punished  
24 by a fine of One Thousand Dollars (\$1000.00), payable by the owner  
25 of the vehicle to the Public Rights-Of-Way Account of the Territorial  
26 Highway Fund.

1 (e) It shall be a new violation for each thirty (30) day period  
2 the owner fails to lawfully dispose of the vehicle.

3 (f) A licensed garage man or tow truck company may charge  
4 the owner of an abandoned vehicle a flat rate fee, promulgated by the  
5 Department of Revenue and Taxation through the Administrative  
6 Adjudication Law found in Chapter 9, Title 5, Guam Code Annotated,  
7 for towing, holding or storing the vehicle for thirty (30) days. If the  
8 abandoned vehicle is not claimed after thirty (30) days, the licensed  
9 garage man or tow truck company may sell the vehicle.

10 (g) Abandoned vehicle, for purposes of this Section, means a  
11 motor vehicle that is left on private property, without the expressed  
12 consent of the landowner, or on public streets, roads, or highways for  
13 more than twenty-four (24) hours within the right-of-way, including  
14 parking strips and sidewalks, of any public street or highway.”

15 **Section 3.** § 51202(c) of Article 2, Chapter 51, Title 10, Guam Code  
16 Annotated, is *amended* to read as follows:

17 “(c) Litter shall mean discarded, used or leftover solid materials,  
18 including, but not limited to, garbage, trash, rubbish, refuse, paper, containers,  
19 bulky metallic waste, packing or construction materials, carcasses of dead  
20 animals, or junk vehicles as defined in § 51301(p) of Article 3 of this  
21 Chapter.”

22 **Section 4.** § 51301(p) of Article 3, Chapter 51, Title 10, Guam Code  
23 Annotated, is *amended* to read as follows:

24 “(p) “*Junk Vehicle*” means a motor vehicle that is abandoned by being  
25 placed, dumped, discarded, or disposed of on public or private property  
26 without approval by the owners of said property, and that is incapable of being  
27 operated on public streets, roads, and highways.”



1 **JUNK VEHICLES**

2 § 51601. Definitions.

3 § 51602. Conditions Applicable to Scrap Dealers.

4 § 51603. Enforcement by the Attorney General.

5 § 51604. Removal of Junk Vehicles from Public Property or at the Request  
6 of Private Landowners.

7 **§ 51601. Definitions.**

8 For purposes of this Article:

9 (a) *Automotive scrap metal* means the parts of an automobile  
10 made of iron or alloys of iron and *non-ferrous metals* as defined in 11  
11 GCA, Chapter 74, § 74101(d).

12 (b) *Depollution* means the first step in vehicle recycling, and  
13 it focuses on the removal of batteries, glass, plastics, rubber, upholstery,  
14 and all the fluids that are used in the operation of a motor vehicle,  
15 including, but not limited to: gasoline, diesel fuel, oil, coolant, brake  
16 fluid, transmission fluid, air conditioning refrigerant, gear oil, and  
17 windshield washer fluid. These materials, once removed from the  
18 vehicle, can be reused, reprocessed, recycled, or disposed of, in an  
19 environmentally responsible way that will not contaminate the water  
20 table or the food supply in the ground. All those fluids are then stored  
21 in tanks and safely contained until they can also be reused or recycled.

22 (c) *Vehicle certificate of title* means a document issued by the  
23 Department of Revenue and Taxation that is utilized to prove  
24 ownership of a vehicle.

25 (d) *Junk vehicle* means the same as § 51301(p) of Article 3,  
26 Chapter 51, 10 Guam Code Annotated.



1 (e) *Owner* means the holder of a certificate of title or  
2 ownership, or an individual who possesses a receipt or other form of  
3 evidence indicating the junk vehicle was purchased from the holder of  
4 the certificate of title or ownership.

5 (f) *Scrap dealer* means a scrap metal business as defined in  
6 11 GCA, Chapter 74, § 74101(g).

7 (g) *Transportation and disposal cost* means the cost to tow a  
8 junk vehicle to a scrap dealer, salvage yard, or a recycling center for  
9 depollution and proper disposal and the cost to ship the junk vehicle  
10 away from Guam.

11 **§ 51602. Conditions Applicable to Scrap Dealers.**

12 All the provisions of Guam law and the Guam Administrative Rules  
13 and Regulations shall continue to apply to scrap dealers and no additional  
14 rules and regulations are required for scrap dealer businesses as a result of the  
15 enactment of this Article.

16 **§ 51603. Enforcement by the Attorney General.**

17 Nothing herein in this Article shall be construed as to prevent the  
18 Attorney General of Guam from enforcing this Article.

19 **§ 51604. Removal of Junk Vehicles from Public Property or at the**  
20 **Request of Private Landowners.**

21 (a) The Guam Environmental Protection Agency (GEPA) and the  
22 Department of Public Works (DPW) shall continue to utilize existing rules,  
23 regulations, policies, procedures and practices that have been in place prior to  
24 the enactment of this Article for the removal, depollution, transportation and  
25 disposal of junk vehicles. The GEPA and DPW shall enter into a  
26 Memorandum of Understanding (MOU) with the Mayors Council of Guam

1 (MCOG) that will permit village Mayors to remove junk vehicles in their  
2 respective villages.

3 (b) Nothing herein is to be construed as to prevent the GEPA, the  
4 DPW or the MCOG from removing junk vehicles that have been dumped on  
5 private property without the permission of the landowner.”

6 **Section 8.** A new § 46.85 is *added* to Chapter 46, Title 9, Guam Code  
7 Annotated, to read as follows:

8 **“§ 46.85. Tampering With Vehicle Identification Number or Other**  
9 **Vehicle Identifiers.**

10 A person commits a felony if he or she knowingly destroys, removes or  
11 conceals, or attempts to destroy, remove or conceal, any Vehicle Identification  
12 Number (VIN) or other vehicle identifiers with intent to deceive or injure  
13 anyone or to conceal any wrongdoing including littering violations.”

14 **Section 9. Severability.** If any provision of this Act or its application to any  
15 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
16 affect other provisions or applications of this Act that can be given effect without  
17 the invalid provision or application, and to this end the provisions of this Act are  
18 severable.

19 **Section 10. Effective Date.** This Act shall be effective ninety (90) days from  
20 enactment.