


I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN  
2015 (FIRST) Regular Session

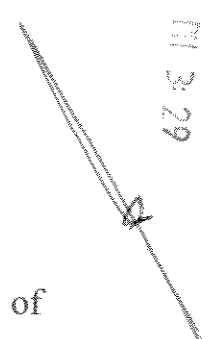
Bill No. 188-33 (COR)

Introduced by:

T.A. Morrison 

AN ACT TO *AMEND* § 70108 AND § 70109.1 OF CHAPTER 70, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PROMOTING CONSUMER PROTECTION BY REQUIRING THE PUBLICATION OF A CONTRACTORS LIST, AND BY STRENGTHENING PENALTIES FOR UNLICENSED CONTRACTORS.

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

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3 **Section 1. Publication of Contractors List Required.** § 70108 of  
4 Chapter 70, Division 2, Title 21, Guam Code Annotated, is hereby *amended*, to  
5 read:

6 “§ 70108. **Licenses; Publication of Contractors List Required.** No  
7 person within the purview of this Chapter shall act, or assume to act, or  
8 advertise, as general engineering contractor, general building contractor or  
9 specialty contractor without a license previously obtained under and in  
10 compliance with this Chapter and the rules and regulations of the  
11 Contractors License Board (CLB).

12 The CLB shall publish, in print and electronically, in a newspaper of  
13 general circulation, as defined in 5GCA, § 8104(a)(5), a list of contractors  
14 authorized to conduct business on Guam. The list of contractors shall

1 include, but not be limited to, the Contractor's Name and Phone Number(s),  
2 CLB License Number, Identification of Responsible Managing Employee,  
3 and Authorized Classification(s). The list of contractors shall be published,  
4 annually, no later than on the first Monday of August, and shall also be  
5 made available to the general public via the CLB's website."  
6

7 **Section 2. Citations Involving Unlicensed Contractors.** § 70109.1 of  
8 Chapter 70, Division 2, Title 21, Guam Code Annotated, is hereby *amended*, to  
9 read:

10 **“§ 70109.1. Investigation Citation Authority.**

11 (a) In addition to any other remedy available, the investigator of the  
12 Contractors License Board may issue citations to acting contractors, licensed  
13 or unlicensed, in violation of the provisions of this Chapter and rules  
14 promulgated pursuant to the requirements of the Administrative  
15 Adjudication Law.

16 (b) Each citation shall be in writing and shall describe the basis of the  
17 citation, including the statutory provisions alleged to have been violated.  
18 The citation shall also contain an order to cease and desist from the  
19 violation, and an assessment of civil penalties no less than Two Hundred  
20 Dollars (\$200) but not to exceed fifty percent (50%) of the value of the  
21 project.

22 (c) Citations for unlicensed contractors shall each contain an order to  
23 cease and desist from the violation, an assessment of civil penalties of fifty  
24 percent (50%) of the value of the project – of which no less than fifty  
25 percent (50%) shall be designated as a source for restitution. Payments to  
26 affected individuals shall be made in accordance with rules promulgated by

1        the CLB in accordance with the requirements of the Administrative  
2        Adjudication Law.

3            (d) Recipients of contractual work shall be notified of each violation  
4        in a timely manner.”

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6        **Section 3. Effective Date.** The provisions of this Act shall take effect upon  
7        enactment, and shall be applied prospectively.

8  
9        **Section 4. Severability.** *If* any provision of this Act or the application to  
10       any person or circumstance is found to be invalid or contrary to law, such  
11       invalidity *shall not* affect other provisions or applications of this Act which can be  
12       given effect without the invalid provision or application, and to this end the  
13       provisions of this Act are severable.