

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

February 29, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 397-31 (COR) "AN ACT TO AMEND §3346, AND TO ADD A NEW §3346.1, ALL OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE DRIVING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS", which I signed into law on February 28, 2012 as **Public Law 31-194**.

Senseramento,

RAY TENORIO

I Maga'láhen Guåhan para pa'go
Acting Governor of Guam

79
31-11-1388

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 2/29/12
Time 3:18
Received by

Attachment: copy of Bill

1379

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

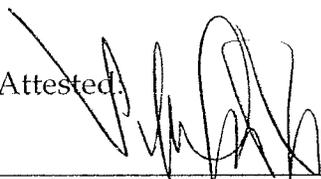
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 397-31 (COR), "AN ACT TO AMEND §3346, AND TO ADD A NEW §3346.1, ALL OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE DRIVING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS", was on the 17th day of February, 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



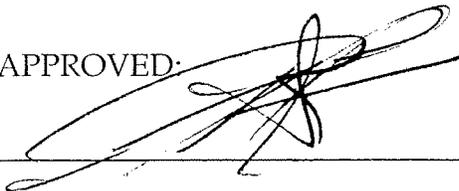
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 17 day of FEB, 2012, at
1:22 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date:

Febr 28, 2012

Public Law No. 31-194

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 397-31 (COR)

As substituted by the Committee on Public Safety,
Law Enforcement and Judiciary; and further substituted
and amended on the Floor.

Introduced by:

T. C. Ada
Adolpho B. Palacios, Sr.
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §3346, AND TO *ADD* A NEW
§3346.1, ALL OF CHAPTER 3, TITLE 16, GUAM CODE
ANNOTATED, RELATIVE TO RESTRICTING THE USE
OF MOBILE PHONES WHILE DRIVING A VEHICLE,
AND PROVIDING FOR PUBLIC EDUCATION
REQUIREMENTS REGARDING SUCH
RESTRICTIONS.**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that there
3 are over one hundred ten thousand (110,000) vehicles currently registered on

1 Guam, of which approximately seventy-five percent (75%) are privately owned,
2 non-commercial vehicles. The remaining twenty-five percent (25%) are primarily
3 comprised of commercial vehicles, such as cargo trucks, buses and taxis.

4 *I Liheslaturan Guåhan* further finds that as traffic volumes and congestion
5 increase on Guam’s roadways, distracted driving increasingly presents a real and
6 significant danger to the public. As such, reducing driver distraction may be a
7 significant way of mitigating the increasing probabilities of traffic collisions on
8 Guam’s congested highways.

9 *I Liheslaturan Guåhan* further recognizes that studies have shown that
10 using a mobile phone while driving increases the risk of collision four (4)-fold,
11 and that driver impairment while using a mobile phone is equal to that of driving
12 with a blood alcohol content in *excess* of 0.08 percent. Evidence of such dangers
13 are substantial, and have prompted the National Highway Traffic Safety
14 Administration to state that using a mobile phone while driving can pose a
15 “serious ... distraction and degrade driver performance.”

16 *I Liheslaturan Guåhan* finds that a prohibition on the use of handheld cell
17 phones by commercial motor vehicle operators during interstate movements, as
18 defined by §1102(vv) of Chapter 1 of Title 16, GCA, is currently stipulated in 49
19 CFR Parts 177, 383-384, and 390-392. This prohibition is further applicable to all
20 transport (both inter- and intrastate) of hazardous materials by commercial
21 vehicles. *I Liheslaturan Guåhan* finds it prudent to adopt the same prohibitions
22 locally.

23 *I Liheslaturan Guåhan* further finds that current Guam law *only* prohibits
24 the reading, writing, or sending of text messages, but *does not* prohibit the use of
25 cell phones for voice communications while driving. In order to more completely
26 address the issue of distracted driving, *I Liheslaturan Guåhan* finds it necessary to

1 further regulate, with certain exemptions, the use of handheld mobile phones while
2 driving a vehicle on Guam's roads.

3 **Section 2.** §3346 of Chapter 3, Title 16, Guam Code Annotated, is hereby
4 *amended* to read:

5 **“§3346. Restrictions on the Use of Mobile Phones While**
6 **Driving.**

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

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

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

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

23 (2) **Voice Communications Required for the Conduct of**
24 **Commercial Transportation Operations.** During the course of
25 carrying out commercial transportation operations while in a vehicle
26 bearing the logo of the company of employment. Said

1 communications *shall* be voice-only and for the *sole* purpose of
2 coordinating movement while on Guam’s roadways.

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

7 (B) §3346(b)(2) *shall* be repealed thirty (30) days after
8 enactment of this Act; or

9 (3) **Hands-free.** The driver is using a mobile phone that is
10 specifically designed and configured to allow hands-free listening and
11 talking, through the use of Bluetooth, hard-wired, or similar
12 technology, and is used *only* in such hands-free manner while driving.
13 Should an earpiece be utilized as part of the hands-free talking
14 device, *only* one (1) such earpiece may be used by the person.
15 Medically prescribed hearing aids are *not* to be counted against the
16 one (1) earpiece limit; or

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

21 (5) **CB Radio and Similar.** The driver is using a “half-
22 duplex” *only* device. Such device *shall not* have the ability to also
23 conduct “full-duplex” communication.

24 (A) For the purposes of this Subsection, *half-duplex*
25 means the ability for two (2) or more electronic devices to
26 communicate with each other, but in *only* one (1) direction at a

1 time (*not* simultaneously), and inclusive of simplex technology;
2 provided, that such technology permits for *only* voice
3 communication in one (1) direction at a time.

4 (c) **Limits of Exemptions.** The exemptions outlined in
5 Subsections (b)(2) through (b)(5) of this Section *shall only* be
6 extended to an individual with a valid Driver's License. For the
7 purposes of this Section, a Class A (Operator) or Class F
8 (Motorcycle) Learner's Permit, *or* a Class A (Operator) or Class F
9 (Motorcycle) Intermediate License *shall not* constitute a Driver's
10 License.

11 (d) **Penalties.** Any driver who violates the provisions of
12 Subsections (a), (b) or (c) of this Section is guilty of a violation and
13 *shall* be punished by a fine *no less than* One Hundred Dollars
14 (\$100.00). Repeat violations of this Section *shall* be punished by a
15 fine *no less than* Five Hundred Dollars (\$500.00). However, should a
16 driver be found to have violated the provisions of this Section, and
17 that said violation may have contributed to a traffic collision, then he
18 or she is guilty of a violation punishable by a fine *no less than* One
19 Thousand Dollars (\$1,000), and may result in the suspension or
20 revocation of driving privileges on Guam's roadways.

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

25 **Section 3.** A new §3346.1 of Chapter 3, Title 16, Guam Code Annotated,
26 is hereby *added* to read:

1 **“§3346.1. Public Education Regarding Restrictions on the Use of**
2 **Mobile Phones While Driving.**

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

10 (b) Wireless carriers providing mobile phone services or
11 businesses providing vehicle insurance are required to provide
12 information summarizing the restrictions on the use of mobile phones
13 while driving, as outlined in §3346 of this Chapter, to all new Guam-
14 based wireless service subscribers or vehicle insurance policy
15 holders, respectively, and to also include such information
16 continuously on their websites.

17 (c) Any business entity registered with the Department of
18 Revenue and Taxation who sells or leases vehicles must provide
19 every customer purchasing or leasing a vehicle with information
20 summarizing the restrictions on the use of mobile phones while
21 driving, as outlined in §3346 of this Chapter.

22 (d) The Department of Revenue and Taxation, Motor
23 Vehicle Division *shall* provide all applicants for a Learner’s Permit,
24 Intermediate License, or Drivers License, whether new or renewing,
25 with information summarizing the restrictions on the use of mobile
26 phones while driving, as outlined in §3346 of this Chapter. Drivers

1 license exams *shall* also test on the subject matter of mobile phone
2 usage while driving.

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

8 **Section 4. Sunset Provision.** §§ 3346.1(b) and 3346.1(c) *shall* be
9 repealed one (1) year after the enactment of this Act.

10 **Section 5. Effective Date.** This Act *shall* be effective thirty (30) days
11 from the date of enactment.

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

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Date: 2/17/12

VOTING SHEET

SBill No. 397-31(COR)

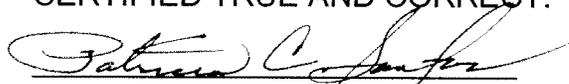
Resolution No. _____

Question: _____

| <u>NAME</u> | <u>YEAS</u> | <u>NAYS</u> | <u>NOT VOTING/ ABSTAINED</u> | <u>OUT DURING ROLL CALL</u> | <u>ABSENT</u> |
|-----------------------------------|-------------|-------------|----------------------------------|---------------------------------|---------------|
| ADA, Thomas C. | ✓ | | | | |
| ADA, V. Anthony | ✓ | | | | |
| BLAS, Frank F., Jr. | ✓ | | | | |
| CRUZ, Benjamin J. F. | ✓ | | | | |
| DUENAS, Christopher M. | ✓ | | | | |
| GUTHERTZ, Judith Paulette | ✓ | | | | |
| MABINI, Sam | ✓ | | | | |
| MUNA-BARNES, Tina Rose | ✓ | | | | |
| PALACIOS, Adolpho Borja, Sr. | ✓ | | | | |
| PANGELINAN, vicente (ben) cabrera | ✓ | | | | |
| RESPICIO, Rory J. | ✓ | | | | |
| RODRIGUEZ, Dennis G., Jr. | ✓ | | | | |
| SILVA TAIJERON, Mana | ✓ | | | | |
| WON PAT, Judith T. | ✓ | | | | |
| YAMASHITA, Aline A. | ✓ | | | | |

TOTAL 15 0 0 0 0

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Thirty-First
Guam Legislature

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

February 10, 2012

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairman, Committee on Rules

RE: Committee Report – Bill No. 397-31 (COR) as Substituted.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 397-31 (COR) – “AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS,”** hereby reports out with the recommendation **TO PASS**.

Committee Votes are as follows:

| | |
|----------|--------------------|
| <u>6</u> | TO PASS |
| <u>0</u> | NOT TO PASS |
| <u>3</u> | TO REPORT OUT ONLY |
| <u>0</u> | ABSTAIN |
| <u>0</u> | INACTIVE FILE |

Sincerely,


ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muna-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Tajerón
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs

Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform

Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources

Member, Committee on
Education and Public Libraries

Member, Committee on Guam
Military Buildup and Homeland
Security

Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

2012 FEB 13 AM 9:16



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE REPORT ON

Bill No. 397-31 (COR)

**Substituted by the Committee on
Public Safety, Law Enforcement & Judiciary**

**AN ACT AMEND §3346 OF CHAPTER
3, TITLE 16, GUAM CODE
ANNOTATED, AND TO ADD A NEW
§3346.1 OF CHAPTER 3, TITLE 16,
GUAM CODE ANNOTATED,
RELATIVE TO RESTRICTING THE
USE OF MOBILE PHONES WHILE
OPERATING A VEHICLE, AND
PROVIDING FOR PUBLIC
EDUCATION REQUIREMENTS
REGARDING SUCH RESTRICTION.**

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com



Thirty-First
Guam Legislature

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

February 8, 2012

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Judiciary

FROM: Senator Adolpho B. Palacios, Sr. *[Signature]*
Committee Chairman

SUBJECT: Committee Report on Bill No. 397-31 (COR) as Substituted.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 397-31 (COR) as Substituted – “AN ACT AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTION.”** – sponsored by Senator Thomas C. Ada

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of **Bill No. 397-31 (COR) as Substituted**
- Copy of **Bill No. 397-31 (COR) as Introduced**
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Fiscal Note request for **Bill No. 397-31 (COR)**
- Copy of COR Referral of **Bill No. 397-31 (COR)**
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muña-Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva-Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

- Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs
- Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform
- Member, Committee on
Education and Public Libraries
- Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
- Member, Committee on Guam
Military Buildup and Homeland
Security
- Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE VOTING SHEET:

Bill No. 397-31 (COR) as Substituted – “AN ACT AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTION.” — sponsored by Senator Thomas C. Ada

| SENATOR | SIGNATURE | TO PASS | NOT TO PASS | TO REPORT OUT ONLY | ABSTAIN | INACTIVE FILE |
|--------------------------------------|-----------|-------------|-------------|--------------------|---------|---------------|
| Adolpho B. Palacios, Sr. Chairman | | 2/8/12 ✓ | | | | |
| Thomas C. Ada Vice Chairman | | 2/9/12 ✓ | | | | |
| Tina R. Muña-Barnes Member | | ✓ | | | | |
| Judith P. Guthertz, DPA Member | | | | | | |
| Rory J. Respicio Member | | 2/9/12 ✓ | | | | |
| Dennis G. Rodriguez, Jr. Member | | | | 2/9/12 ✓ | | |
| Judith T. Won Pat, Ed.D. Member | | 2/9/12 ✓ | | | | |
| V. Anthony Ada Member | | 2/9/12 ✓ | | | | |
| Christopher M. Duenas Member | | | | 2/9/12 ✓ | | |
| Mana Silva Tajeron Member | | | | 2/9/12 ✓ | | |
| Aline A. Yamashita, Ph.D. Member | | | | | | |



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 397-31 (COR) – “An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction.” – Senator Thomas C. Ada

I. OVERVIEW

The Committee on Public Safety, Law Enforcement & Judiciary convened the public hearing on **December 30, 2011** at **10:05 a.m.** in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 397-31 (COR) - “An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction.” sponsored by Senator Thomas C. Ada.

Public Hearing Requirements:

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on **December 21, 2011 (5-day Notice)** and on **December 27, 2011 (48-Hour notice)**, pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Senators Present:

Senator Adolpho B. Palacios, Sr., Chairman
Senator Thomas C. Ada, Vice Chairman
Senator Aline A. Yamashita, Ph.D. Member
Senator V. Anthony Ada, Member
Senator Mana Silva Tajjeron, Member
Senator Christopher M. Duenas, Member
Senator Frank F. Blas, Jr.
Senator Sam Mabini, Ph.D.

Individual(s) Registered for oral or written testimony:

Martin Ada Manglona provided written and oral testimony in support of the Bill.

Andrew Quenga, Esq., GTA TeleGuam, provided oral testimony in support of the Bill. Lucy Perez for Daniel J. Tydingco, Executive Vice President, GTA TeleGuam provided oral and written testimony in support of the Bill.

Robert Michael, Guam Public Safety Educators, provided oral and written testimony in support of the Bill.

Paje Butler, GCC/DGX, provided oral and written testimony in support of the Bill.

Joanne Brown, Director, Department of Public Works, provided oral and written testimony in support of the Bill.

Michael Limtiaco, Vice President, Pacific Unlimited, provided oral testimony in support of the Bill.

Carlos Camacho, Public Relations and Special Projects Manager, IT&E, provided oral testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr., convened the public hearing at **10:05 a.m.**, read the agenda, recognized the Senators in attendance, explained the procedures of the public hearing, called Martin Manglona, Andrew Quenga, Robert Michael, Paje Butler and Director Joanne Brown to the panel, and deferred to its author, Vice Chairman Thomas C. Ada to provide an overview.

Vice Chairman Ada stated that current law prohibits sending an electronic message or texting via email while operating a motor vehicle. The Bill would prohibit making a call on a cellular phone and allows for a number of exceptions for work calls and hands-free devices. He said that it would eliminate two of the three issues with distracted driving, since it would allow a driver to have their hands on the wheel and eyes on the road, although they would still be communicating. He said that there would be a one-time mailing by mobile carriers and car insurance to their customers to inform them of the new law.

Martin Manglona read his prepared written testimony. Mr. Manglona stated that using a mobile phone while driving is common, but dangerous. He pointed out that some jurisdictions have made the use of a cellular phone while driving illegal. The National Safety Council estimated that at least twenty-three percent (23%) of all traffic crashes involve cell phone use. He cited a study from Hawaii that found cellular phone conversations were involved in twelve (12) times as many crashes as texting. A Washington Post story from January 2010 said that more than one hundred twenty

(120) studies have suggested that hands-free devices do not eliminate the distraction caused by a phone conversation. The National Highway Traffic Safety Administration indicated that drivers are four (4) times more likely to get in an accident when using a cellular phone, even when it is hands-free. He said that educational campaigns are less effective when they are not backed up by law enforcement. (*See attached written testimony.*)

Andrew Quenga, Esq., introduced himself and said that he would be prepared to answer any questions.

Lucy Perez read the prepared written testimony of Executive Vice President Dan Tydingco of GTA TeleGuam. GTA TeleGuam supports the Bill. Mr. Tydingco wrote that the language on commercial dispatch is ambiguous and does not make clear if field personnel are exempted. He suggested that the use of ear pieces should also be allowed. He recommended that one-time mailing should be replaced with a notice on the front page of regular billing statements. (*See attached written testimony.*)

Robert Michael read his prepared written testimony. Mr. Michael supports the intent of the Bill. He discussed the problems associated with distracted driving. He suggested the amendment of Section 3346 on the exemptions for commercial drivers. He said that they should be held to a higher standard. Mr. Michael pointed out that most major companies with commercial fleets in the United States have a zero tolerance on cellular phone use. He stated that Guam has one of the highest per capita collision rates in the United States, while having a low island-wide speed limit. (*See attached written testimony.*)

Mr. Paje Butler read his prepared written testimony. Mr. Butler said that he supports the Bill. He stated that he has worked in the transportation industry for over twenty-five (25) years. He said that the Chamber of Commerce Trucking and Transportation sub-committee opposes any cellular phone ban for the commercial trucking industry. He said that banning cellular phone or push to talk radio would cause the loss of thirty to forty percent (30-40%) of their productivity. He said that commercial drivers or runners should be exempted, defining commercial drivers as CDL or chauffeurs license holders and operators of company-owned vehicles. (*See attached written testimony.*)

Director Joanne Brown read her prepared written testimony. Director Brown stated that the Department of Public Works supports the Bill. Director Brown said that

“drivers are more accident prone and slower to reach while using mobile phones”. She cited experts who have testified that “talking on a cell phone while driving as is as dangerous as being under the ‘influence of alcohol’”. (*See attached written testimony.*)

Michael Limtiaco, Vice President of Pacific Unlimited, stated that he supports the Bill and its exemption from commercial drivers. Mr. Limtiaco said that he believes that a ban that restricts the use of cellular phones for commercial drivers would drive costs higher. Vice Chairman Ada said that the rationale is that personal phone calls should not be exempted. Mr. Limtiaco stated that he believes it is subjective. He further said that there should be an exemption for commercial learner’s permits or intermediate licenses. He said that the training or certification should not be specified in the bill. Vice Chairman Ada asked whether Mr. Limtiaco was speaking for his company or for the Chamber of Commerce. Mr. Limtiaco reiterated that he supports the Bill and its exemption for commercial drivers. He added that he is concerned that drivers will be pulled over because of suspicion of having violated the ban on cellular phones.

Carlos Camacho said that he supports the intent of the Bill. He said that in Section 3 of the Bill, page 4 line 12, the term carriers should be used instead of companies. Mr. Camacho said that the term “all current customers” includes a number of non-wireless customers and suggested that it say wireless customers. He stated that there is a problem because there are postpaid customers, some of which are using online billing, which could be posted on the online statement, but that pre-paid customers would be left out. Mr. Camacho suggested print ads, posting on the internet or providing point of sale information.

Chairman Palacios read the prepared written testimony of Jay Jones of the Guam Automobile Dealer’s Association (GADA). Mr. Jones said that the GADA supports the intent of the Bill. GADA requests that the requirement that automobile dealers provide customers with written notification of the law should be deleted. He said that the process of purchasing a vehicle is complicated by an abundance of paperwork and pointed out that there is no sunset for that provision. (*See attached written testimony.*) Chairman Palacios summarized the testimony of the Guam Taxi Company. Guam Taxi Company said that the fines are too steep and suggested that the fines be half the level of the Bill for the first three (3) years, then raised after that point. (*See attached written testimony.*)

Vice Chairman Ada asked whether the Office of Highway Safety would conduct an educational campaign without codifying it. Director Brown said that they will try to find the resources for providing information to the public. She said that the use of seatbelts has increased in recent years. Vice Chairman Ada asked about the CDL learner's license or the intermediate license. Mr. Limtiaco said that drivers who have a CDL learner's permit may drive with a CDL licensed driver in the vehicle. Vice Chairman Ada asked Mr. Michael about the time required for commercial defensive driving. Mr. Michael said that local standards are fairly low. He said that states usually mandate six (6) to eight (8) hours, but that requirements range from four (4) to twelve (12) hours.

Senator Frank F. Blas, Jr., said that this morning he swerved in his lane to avoid being hit by a commercial truck who was turning and was talking on a cellular phone. He said that he later encountered another commercial truck and had to practice defensive driving because this driver also was talking on their cell phone. He asked when they temper efficiency for safety. Senator Blas asked whether there is a need to tighten up the provision exempting commercial drivers.

Senator Aline A. Yamashita, Ph.D., asked whether someone has such data on distracted driving. She said that no cost can be put on a life.

Senator Mana Silva Taijeron asked Mr. Butler what his position would be if an intensified fine would apply if an accident occurs and the driver was operating a cellular phone.

Vice Chairman Ada said that it is one thing to provide that a collision was a result of a cellular phone and another to demonstrate that the phone has been used. Mr. Limtiaco said that the cellular phone may be a precursor to the violation. Vice Chairman Ada said that if the truck driver is involved in a collision, then the penalty should be applicable. He said that the cause may not be proved, but the fact of using a cellular phone could be proved. The Vice Chairman said that at this time he would not get involved in that, but that it may be worth addressing eventually. Vice Chairman Ada suggested that a compromise may be to remove the exemption and, instead, require that commercial drivers use a Bluetooth or hands-free device.

Senator Blas said that perhaps if it can be proven that the phone was in use when an accident occurs, an intensified fine may be levied upon the driver. He said that the

company may hold some sort of liability on that as well. Mr. Limtiaco asked whether the bill would replicate the purpose that insurance serves.

Chairman Palacios asked Mr. Quenga if there were a violation by a driver, whether the employer may be culpable to some degree. Mr. Andrew Quenga said that it would be difficult to separate the culpability from the company and that is what insurance coverage provides. He said that an injured party can sue both the company and the driver.

Mr. Michael said that insurance tariffs on Guam do not allow for any incentive for defensive driving. He said that employers are responsible when their drivers, through the use of cellular phones in their business duties, have to communicate via wireless device. He said that some companies are opening themselves to liability when they do not take action to mitigate risks. He said that when employees are required to be in communication by wireless device, there should be measures to reduce the potential for collisions.

Senator Sam Mabini, Ph.D., said that she understands that there is a trade-off between safety and efficiency. Senator Mabini stated that the idea of commercial drivers being on the phone on an average of once every seven minutes concerns her. She said that there can be a happy medium.

Mr. Butler said that the communications are very short and informing of transportation issues, like ETAs, current location and destination.

Chairman Palacios stated that the Committee will continue to receive testimony.

Chairman Palacios declared that Bill No. 397-31 (COR) has been duly heard. The Chairman concluded the hearing and requested that written testimony be submitted. He adjourned the hearing at **12:14 p.m.**

III. WRITTEN TESTIMONIES

Martin Ada Manglona. *(Summarized in Section II.)*

Daniel J. Tydingco, Executive Vice President, GTA TeleGuam. *(Summarized in Section II.)*

Robert Michael, Guam Public Safety Educators. *(Summarized in Section II.)*

Paje Butler, GCC/DGX. *(Summarized in Section II.)*

Joanne Brown, Director, Department of Public Works. *(Summarized in Section II.)*

Jay Jones, Guam Automobile Dealers Association. *(Summarized in Section II.)*

Guam Taxi Co. *(Summarized in Section II.)*

Tony Lamorena. *(Summary follows.)*

Chief of Police Fred E. Bordallo, Jr., Guam Police Department. *(Summary follows.)*

John Camacho, Director, Department of Revenue and Taxation. *(Summary follows.)*

Tony Lamorena. Mr. Tony Lamorena supports the Bill. Mr. Lamorena said that there are many other activities that distract drivers, including eating or drinking, smoking, conversation, taking care of a child in the backseat, reading, putting on make-up and combing their hair. He believes that the Bill should go further and include other activities that distract drivers. Mr. Lamorena reflected on the testimony on exemptions for commercial drivers, but believes there should be no exemptions. *(See attached written testimony.)*

Chief of Police Fred E. Bordallo, Jr., Guam Police Department. Chief Bordallo stated that the Guam Police Department supports the Bill. *(See attached written testimony.)*

John Camacho, Director, Department of Revenue and Taxation. Director Camacho supports the Bill. He says that the Bill complements the Department's safety mission and works hand-in-hand with the newly enacted federal regulation in Title 49 Section 392.82 of the United States Code. Director Camacho cited nationwide statistics of distracted driving-related collisions. *(See attached written testimony.)*

No further written testimony was received in the ten (10) days following the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

The Committee has proffered a substitute Bill, which includes the following changes to the bill:

- In addition to some minor grammatical improvements to the "Legislative Findings" portion of the legislation, the substitute version now also includes a paragraph explaining that recently enacted Federal regulations restrict the use of cell phones by interstate commercial vehicle transportation, as well as all transportation of hazardous materials (both inter- and intrastate).

- In Section §3346(a) of the introduced version of Bill 397, the ban on texting was struck out in favor of language that restricted all use of cell phones. To err on the side of caution (by making sure both texting and voice communication is restricted), that language (“read, write, or send electronic messages”) has been reinserted into the bill. Additionally in this section, the term “operating” was changed to “driving”, and a definition for the latter was included in Section §3346(a)(1) in order to clarify that vehicles pulled over to the side of the road are permitted to use cell phones in any manner.
- Section §3346(b) now makes it clear that only “voice communication” may be exempted under certain circumstances. Previously, the language in this section could be interpreted permitting texting as well.
- Previously in Section §3346(b)(1), only calls to 911 were exempted. Now, calls to “law enforcement officials or other public emergency response services” are included.
- In Section §3346(b)(2), the language was simplified to allow for an exemption for all vehicles with a company logo that are using a cell phone for the sole purpose of coordinating movement while on Guam’s roadways. However, this exemption is now only provided for Thirty (30) days, after which a newly added sunset clause in Section §3346(b)(2)(ii) removes the exemption completely. Of the listed changes, this removal of the exemption for commercial vehicles is the most substantial difference between the Bill as Introduced and as Substituted. This change was made following feedback supporting such a change from numerous stakeholders and members of the public and in light of recently-enacted Federal regulations prohibiting the use of handheld mobile phone by interstate commercial motor vehicles (with “interstate traffic” on Guam being defined as all movement between the Port or Airport and any other point on Guam).
- In Section §3346(b)(3), the term “hard-wired” was included alongside the term “Bluetooth”, to clarify that hands-free devices are inclusive of configurations that make use of a wired headset.
- In Section §3346(b)(4), the title of the section was simply expanded from “Ham Radio” to “Licensed Amateur Radio (Ham Radio)”.
- A new Section §3346(b)(5) was added to definitively exempt CB radios.
- Per the recommendation of the Chamber of Commerce, Section §3346(c) makes clear that only Learners Permits and Intermediate Licenses for Class A and F (regular and motorcycle drivers licenses, respectively) are not permitted to make use of the exemptions listed previously in the bill. Drivers with a Learners

Permits for a Class C license (heavy vehicles) will be permitted to make use of the CB radio and other exemptions listed in the bill.

- In Section §3346(d), the term “person” was changed to “driver” in order to make clear that the law only applies to drivers of a vehicle who are using a cell phone. The term “traffic accident” was also changed to “traffic collision.”
- Throughout Section §3346.1, the term “adequately summarizing” was changed to “summarizing,” as the former term was somewhat vague.
- In Section §3346.1(a), the deadline for coming into compliance with the education portion of the bill was reduced from Sixty (60) to Thirty (30) days. Additionally, the phrase “wireless carrier” is used in place of “business” to further clarify that only subscription service providers are required to send mailings to their customers (and not, for example, businesses that only sell the phone). Additionally, language was included to clarify that such businesses need only send mailings or electronic messages to “Guam-based wireless services subscribers”, thus clarifying that notices need not be sent to customers residing outside of Guam, or customers who have only non-phone services with the company (such as television or landline subscribers).
- The introduced version of Bill 397 included the requirement to continually inform new vehicle insurance and cell phone customers of the restrictions placed on the use of mobile phones while driving. This language was separated out of Section §3346.1(a), and into a new Section §3346.1(b), in order to incorporate a sunset provision that will eliminate this requirement after one (1) year.
- Section §3346.1(b) from the original bill was renumbered to Section §3346.1(d).
- In Section §3346.1(c) from the original bill was split into two (2) new subsections: Section §3346.1(c) and Section §3346.1(e). The first section now includes the language dealing with companies selling and leasing vehicles, and the latter section deals with companies renting vehicles. This split was done to provide for a sunset clause on the requirements for educational outreach to vehicle sales and lease companies, while not providing a similar sunset clause to vehicle rental companies (because the latter’s customer base will consist largely of off-island visitors, who may not be aware of Guam’s mobile phone restrictions).
- A new Section 4 of the bill was added regarding sunset clauses. This was a recommendation made by some of companies impacted by the legislation, with the argument being that, after a finite period of time, an educational component will no longer be needed as most citizens on Guam will be well aware of the restrictions. As such, a one-year sunset was provided by this section.

- In the newly renumbered Section 5 (previously Section 4), the effective date of this Act was moved up from 60 days to 30 days following date of enactment.

The Committee finds that there is a pressing need to address the risk posed by distracted driving on Guam's roadways. Following feedback from numerous sources, the above-listed changes were incorporated into the legislation in an effort to establish strong and practical restrictions on the dangerous use of mobile phones while driving.

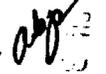
The Committee finds that Bill 397 is a prudent and effective step toward improving traffic safety for all of Guam's residents.

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out Bill No. 397-31 (COR), as Substituted, with the recommendation **TO PASS**.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 397-31 (COR)

Introduced by:

T. C. Ada 
A. B. Palacios, Sr. 

9/11/11 10:01 AM and filed


AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS.

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that there are over
3 110,000 vehicles currently registered on Guam, of which approximately 75% are
4 privately owned, non-commercial light vehicles. The remaining 25% are comprised of
5 commercial vehicles, such as cargo trucks, buses, and taxis.

6 *I Liheslaturan Guåhan* further finds that as traffic volumes increase on Guam's
7 roadways, distracted driving increasingly presents a real and significant danger to the
8 public. As such, it is imperative to promote driver attentiveness.

9 *I Liheslaturan Guåhan* further recognizes that studies have shown that using a
10 mobile phone while driving increases the risk of collision four-fold, and that driver
11 impairment while using a mobile phone is equal to that of driving with a blood alcohol
12 content in excess of 0.08 percent. Evidence of such dangers are substantial, and have
13 prompted the National Highway Traffic Safety Administration to state that using a

1 mobile phone while driving can pose a “serious cognitive distraction and degrade driver
2 performance.”

3 Current Guam law only prohibits “texting” while driving. In order to further
4 address the issue of distracted driving, *I Liheslaturan Guåhan* finds it necessary to further
5 regulate, with certain exemptions, the casual use of mobile phones while operating a
6 vehicle on Guam’s roads.

7 **Section 2.** §3346 of Chapter 3, Title 16, Guam Code Annotated, is hereby
8 *amended* to read as follows:

9 **“§3346. Restrictions on the Use of Electronic Communication Devices**
10 **While Driving.**

11 a. **Restriction.** It is unlawful for a person to ~~read, write, or send electronic~~
12 ~~messages use, or be holding, a mobile phone or similar electronic~~
13 ~~communications device~~ while operating a ~~motor~~ vehicle.

14 b. **Exemptions.** This restriction set forth in §3346(a) shall not apply to the
15 following:

16 i. **Emergency calls.** The person is making an emergency 911 call;
17 or,

18 ii. **Communications Related to Conducting Commercial**
19 **Transportation Operations.** During the course of carrying out
20 commercial transportation operations while in a company vehicle,
21 or privately owned vehicle, bearing the logo of the company of
22 employment. Said communications shall be restricted for the sole

1 purpose of business related real-time communications and
2 coordination; or,
3 iii. **Hands-free.** The person is using a mobile phone that is
4 specifically designed and configured to allow hands-free listening
5 and talking, through the use of Bluetooth or similar technology,
6 and is used only in that manner while driving. Should an earpiece
7 be utilized as part of the hands-free talking device, only one such
8 earpiece may be used by the person. Medically prescribed hearing
9 aids are not to be counted against the one earpiece limit; or,
10 iv. **Ham Radio.** The person is using only two-way mobile radio
11 transmitters or receivers and possesses a current, valid license from
12 the Federal Communications Commission in the Amateur Radio
13 Service.
14 c. **Limits of Exemptions.** The exemptions outlined in §3346.b.ii through
15 §3346.b.iv of this Chapter shall only be extended to an individual with a
16 valid Driver's License. For the purposes of this section, a Learner's
17 Permit or an Intermediate License shall not constitute a Driver's License.
18 d. **Penalties.** Any person who violates the provisions of subsection (a), (b),
19 or (c) of this Section is guilty of a violation and shall be punished by a fine
20 not to exceed *no less than* One Hundred Dollars (\$100). Repeat violations
21 of this section shall be punished by a fine *no less than* Five Hundred
22 Dollars (\$500). However, should a person be found to have violated the
23 provisions of this Section that may have contributed to a traffic accident,

1 then he or she is guilty of a violation punishable by a fine *no less than One*
2 Thousand Dollars (\$1,000) and may result in the suspension or revocation
3 of driving privileges on Guam’s roadways.

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

8 **Section 3.** A new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, is
9 hereby *added* to read as follows:

10 **“§3346.1. Public Education Regarding Restrictions on the Use of Mobile**
11 **Phones While Driving.**

12 a. Within Sixty (60) days following enactment of this Act, businesses
13 providing either mobile phone services or vehicle insurance shall send a
14 one-time mailing to all current customers with written information
15 adequately summarizing restrictions on the use of mobile phones while
16 driving, as outlined in §3346 of Chapter 3, Title 16, Guam Code
17 Annotated. Additionally, businesses providing either mobile phone
18 services or vehicle insurance are required to provide such adequately
19 summarized written information to all new customers following the
20 enactment of this Act, and to also include such information continuously
21 on their respective websites.

22 b. The Department of Revenue and Taxation, Motor Vehicle Division shall
23 provide all applicants for a Learner’s Permit, Intermediate License, or

1 Drivers License, whether new or renewing, with written information
2 adequately summarizing restrictions on the use of mobile phones while
3 driving, as outlined in §3346 of Chapter 3, Title 16, Guam Code
4 Annotated. Drivers License exams shall also test on the subject matter of
5 mobile phone usage while driving.

6 c. Any business entity registered with the Department of Revenue and
7 Taxation who sells, leases, or rents vehicles must provide every customer
8 with written information adequately summarizing restrictions on the use of
9 mobile phones while driving, as outlined in §3346 of Chapter 3, Title 16,
10 Guam Code Annotated.”

11 **Section 4. Effective Date.** This Act shall be effective 60 days from the date of
12 enactment.

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

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 397-31 (COR)

As Substituted by the Committee on Public Safety,
Law Enforcement and Judiciary.

Introduced by:

T. C. Ada
A. B. Palacios, Sr.

**AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE
16, GUAM CODE ANNOTATED, AND TO ADD A
NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM
CODE ANNOTATED, RELATIVE TO
RESTRICTING THE USE OF MOBILE PHONES
WHILE OPERATING A VEHICLE, AND
PROVIDING FOR PUBLIC EDUCATION
REQUIREMENTS REGARDING SUCH
RESTRICTIONS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that
2 there are over One Hundred Ten Thousand (110,000) vehicles currently
3 registered on Guam, of which approximately Seventy-Five percent (75%)
4 are privately owned, non-commercial light vehicles. The remaining Twenty-
5 Five percent (25%) are comprised of commercial vehicles, such as cargo
6 trucks, buses, and taxis.

7 *I Liheslaturan Guåhan* further finds that as traffic volumes increase
8 on Guam's roadways, distracted driving increasingly presents a real and
9 significant danger to the public. As such, it is imperative to promote driver
10 attentiveness.

1 *I Liheslaturan Guåhan* further recognizes that studies have shown that
2 using a mobile phone while driving increases the risk of collision four-fold,
3 and that driver impairment while using a mobile phone is equivalent ~~equal~~
4 ~~that of~~ driving with a blood alcohol content in excess of 0.08 percent.
5 Evidence of such dangers are substantial, and have prompted the National
6 Highway Traffic Safety Administration to state that using a mobile phone
7 while driving can pose a “serious cognitive distraction and degrade driver
8 performance.”

9 Current Guam law only prohibits “texting” while driving. In order to
10 further address the issue of distracted driving, *I Liheslaturan Guåhan* finds it
11 necessary to further regulate, with certain exemptions, the casual use of
12 mobile phones while operating a vehicle on Guam’s roads.

13 **Section 2.** §3346 of Chapter 3, Title 16, Guam Code Annotated, is
14 hereby *amended* to read as follows:

15 **“§3346. Restrictions on the Use of Electronic Communication**
16 **Devices While Driving.**

- 17 a. **Restriction.** It is unlawful for a person to ~~read, write, or send~~
18 ~~electronic messages~~ use, or be holding, a mobile phone or
19 similar electronic communications device while operating a
20 ~~motor~~ vehicle.
- 21 b. **Exemptions.** This restriction set forth in §3346(a) shall not
22 apply to the following:
- 23 i. **Emergency calls.** The person is making an emergency
24 911 call; or,
- 25 ii. **Communications Related to Conducting Commercial**
26 **Transportation Operations.** During the course of
27 carrying out commercial transportation operations while

1 in a company vehicle, or privately owned vehicle,
2 bearing the logo of the company of employment. Said
3 communications shall be restricted for the sole purpose
4 of business related real-time communications and
5 coordination; or,

6 iii. **Hands-free.** The person is using a mobile phone that is
7 specifically designed and configured to allow hands-free
8 listening and talking, through the use of Bluetooth or
9 similar technology, and is used only in that manner while
10 driving. Should an earpiece be utilized as part of the
11 hands-free talking device, only one such earpiece may be
12 used by the person. Medically prescribed hearing aids are
13 not to be counted against the one earpiece limit; or,

14 iv. **Ham Radio.** The person is using only two- (2-) way
15 mobile radio transmitters or receivers and possesses a
16 current, valid license from the Federal Communications
17 Commission in the Amateur Radio Service.

18 c. **Limits of Exemptions.** The exemptions outlined in §3346.b.ii
19 through §3346.b.iv of this Chapter shall only be extended to an
20 individual with a valid Driver's License. For the purposes of
21 this section, a Learner's Permit or an Intermediate License shall
22 not constitute a Driver's License.

23 d. **Penalties.** Any person who violates the provisions of
24 subsection (a), (b), or (c) of this Section is guilty of a violation
25 and shall be punished by a fine ~~not to exceed~~ not less than One
26 Hundred Dollars (\$100.00). Repeat violations of this section
27 shall be punished by a fine *no less than* Five Hundred Dollars

1 (\$500.00). However, should a person be found to have violated
2 the provisions of this Section that may have contributed to a
3 traffic accident, then he or she is guilty of a violation
4 punishable by a fine *no less than* One Thousand Dollars
5 (\$1,000.00) and may result in the suspension or revocation of
6 driving privileges on Guam’s roadways.

7 e. Notwithstanding the provisions of §9502 of Chapter 9.5 of Title
8 7, Guam Code Annotated, all fines collected under this Section
9 *shall* be deposited into the Police Services Fund and made
10 available by appropriation by *I Liheslaturan Guåhan.*”

11 **Section 3.** A new §3346.1 of Chapter 3, Title 16, Guam Code
12 Annotated, is hereby *added* to read as follows:

13 **“§3346.1. Public Education Regarding Restrictions on the Use**
14 **of Mobile Phones While Driving.**

15 a. Within Sixty (60) days following enactment of this Act,
16 businesses providing either mobile phone services or vehicle
17 insurance shall send a one-time mailing to all current customers
18 with written information adequately summarizing restrictions
19 on the use of mobile phones while driving, as outlined in §3346
20 of Chapter 3, Title 16, Guam Code Annotated. Additionally,
21 businesses providing either mobile phone services or vehicle
22 insurance are required to provide such adequately summarized
23 written information to all new customers following the
24 enactment of this Act, and to also include such information
25 continuously on their respective websites.

26 b. The Department of Revenue and Taxation, Motor Vehicle
27 Division shall provide all applicants for a Learner’s Permit,

1 Intermediate License, or Drivers License, whether new or
2 renewing, with written information adequately summarizing
3 restrictions on the use of mobile phones while driving, as
4 outlined in §3346 of Chapter 3, Title 16, Guam Code
5 Annotated. Drivers License exams shall also test on the subject
6 matter of mobile phone usage while driving.

7 c. Any business entity registered with the Department of Revenue
8 and Taxation who sells, leases, or rents vehicles must provide
9 every customer with written information adequately
10 summarizing restrictions on the use of mobile phones while
11 driving, as outlined in §3346 of Chapter 3, Title 16, Guam
12 Code Annotated.”

13 **Section 4. Effective Date.** This Act shall be effective sixty (60) days
14 from the date of enactment.

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



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina' Trentai Unu na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Friday, December 30, 2011

Bill No. 397-31 (COR) – AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS. – sponsored by Senator T. C. Ada

| NAME (Please Print) | AGENCY/ORGANIZATION | CONTACT NUMBER | ORAL TESTIMONY | WRITTEN TESTIMONY | IN FAVOR | NOT IN FAVOR |
|----------------------------|------------------------|----------------|----------------|-------------------|----------|--------------|
| ✓ MARTIN ADA Manglona | | 686-3040 | X | | X | |
| ✓ Christopher S. Aguon | | 685-7299 | | | X | |
| ✓ Andrew S. Quenga | GTA | 644-1609 | X | X | X | |
| ✓ Robert Michael | GPSE | 797-3030 | X | X | X | |
| Martin Manglona | | | | | | |
| ✓ Paje Butler | GCC/DGX | 699-3333 | ✓ | ✓ | | ✓ |
| ✓ Joanne Brown | Director/DPA | 646-3731 | ✓ | ✓ | ✓ | |
| ✓ Michael Limtineo | Pacific Unlimited Inc. | 473-4574, 107 | ✓ | | | |
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Unu na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Friday, December 30, 2011

Bill No. 397-31 (COR) – AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS. – sponsored by Senator T. C. Ada

| NAME (Please Print) | AGENCY/ORGANIZATION | CONTACT NUMBER | ORAL TESTIMONY | WRITTEN TESTIMONY | IN FAVOR | NOT IN FAVOR |
|--|---------------------|-----------------|-------------------------------------|-------------------|-------------------------------------|-------------------------------------|
| <i>CARLOS Camacho</i> <i>Carlos Camacho</i> | <i>ITE</i> | <i>772 0856</i> | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
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Date: December 30, 2011
MARTIN ADA MANGLONA, CSM (Ret)

Mr. Chairman and distinguished Senators,

I thank you for allowing me this opportunity to appear and testify before your committee.

Mr. Chairman, one of the most popular innovations in automotive travel in the past decade has nothing to do with the automobile itself, the people who drive them, or the roads over which they operate. Rather, it is the ability to carry on telephone conversations while driving.

The prospect of millions of drivers having the opportunity to place, receive, or handle a telephone call while driving is not something easily ignored. Mobile phone use while driving is common, but dangerous. Some jurisdictions have made the use of a cell phone while driving illegal owing to the number of accidents that result from this activity .

The National Safety Council updated its annual attributable risk estimate in 2011 using new data from The National Highway Traffic Safety Administration. The updated assessment estimates that at

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least 23 percent of all traffic crashes -- or at least 1.3 million crashes - involve cell phone use per year. An estimated 1.2 million crashes each year involve drivers using cell phones for conversations and at least 100,000 additional crashes can be related to drivers who are texting.

Because of the extent of the problem, federal transportation officials started an organization patterned after Mothers Against Drunk Driving, that will combat driver cell phone use. The group, **FocusDriven**, grew out of a meeting on distracted driving sponsored by the U.S. Department of Transportation .

Preliminary studies from Hawaii which reviewed cell phone use and motor vehicle collisions found that cell phone conversations were involved in 12 times as many crashes as texting.

A Washington Post story from January 2010 stated that more than 120 studies of cell phone use suggest that using HANDS FREE devices does not eliminate the distraction caused by a phone conversation.

According to the National Highway Traffic Safety Administration, drivers are 4 times more likely to get in an accident when using a

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cell phone, even if it's hands-free. Statistics from the Automobile Association of America's Foundation for Traffic Safety as well as other organizations, back this up.

With regard to the distracted driver, a study from the University of South Carolina found that "planning to speak and speaking" put far more demands on the brain's resources than listening.

Another study through the University of Utah concluded that a driver performs better when conversing with a passenger in the car, when compared to the driver holding conversations on cell phones, and found that the drivers on the cell phones were 4 times more likely to miss the highway exits than the drivers with passengers. This study also found a 6-FOLD increase in distraction related accidents when texting.

The ACCIDENT RESEARCH CENTER has provided compelling evidence that retrieving and sending text messages have a detrimental effect on a number of critical driving tasks, specifically negative effects were seen in detecting and responding correctly to road signs.

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In March of 2011, State Farm Insurance announced the results of a study that showed 19% of the drivers surveyed accessed the internet on a smart phone while driving.

Despite strong evidence showing that distracted driving is dangerous and may result in serious injury and death, the 2011 Distracted Driving Statistics revealed that over 1/3 of drivers have sent or received text messages while driving, and 18% said they continue to do this regularly.

So what are the options? What is the remedy?

An increasing number of states are enacting laws prohibiting the use of cell phones while driving, exposing drivers to penalties such as fines.

The Washington Post writer from the January 2010 story stated the following:

The challenge of legislating cell phone use by drivers is greater than similar auto safety initiatives such as those in favor of seat belts and child car seat use or against drunken driving. In each of

those instances, the public safety issue was more clearly understood and, ultimately, enforcement led drivers to comply. Chuck Hurley, executive director of MOTHERS AGAINST DRUNK DRIVING (MADD), who spent 21 years with the National Safety Council before joining MADD, has been involved with virtually all major traffic safety campaigns for more than three decades.

His experience suggests that new laws and educational campaigns, such as trumpeting the startling numbers the National Safety Council released Tuesday, don't provide sufficient incentive for most drivers to change their habits.

"A lot of goodwill is created, and people die just the same," he said. "Education alone is a proven failure.

Education and enforcement are a success."

He cites seat belt use as an example. The "Buckle Up for Safety" campaign was well received, but only 13 percent of drivers complied. The "Click It or Ticket" campaign has been much more effective, he said.

Public campaigns featuring mothers whose children died in crashes where drinking was a factor caught public attention, but

the Operation Strikeforce efforts that employed sobriety checkpoints hammered home the consequences of drunken driving.

Hurley said the best first step for FocusDriven will be to get employers to ban use of text messaging and cell phones when driving. President Obama last year imposed a texting ban on all federal employees while using government vehicles or using government-issued phones in their own vehicles.

Mr. Chairman and distinguished Senators, it is time to make a bold political decision and pass this important bill. We have an imputed duty to preserve and protect the safety of the members in our community and we have the authority to do this.

The distracted driver kills and maims, and although we are unable to legislate all of the distractions, we can make a difference with cell phone use while driving.

If other countries like Japan, Australia, Argentina, Italy, Israel, Belgium, Iran and many others legislate cell phone use while driving, then it is time for Guam to wake-up and make the smart and

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courageous decision and pass this bill. One death on our island from cell phone use while driving is one too many.

Today in the *Sacramento Bee* from Sacramento CA, it was noted that the California Highway patrol has orders to be enforced this weekend, that if someone is driving distracted using a cell phone or texting, they will be ticketed. Also on Friday, plainclothes officers and volunteers with clipboards will be stationed on foot at several major intersections around Sacramento, peering into passing car windows and noting the types of distracted driving they see.

Mr. Chairman, again, I thank you and your distinguished colleagues for your valuable time in allowing me to appear before you.



624 North Marine Corps Drive
Tamuning, Guam 96913

Testimony by
Daniel J. Tydingco
on
Bill 397-31

Before Committee on Public Safety, Law Enforcement and Judiciary
Friday, December 30, 2011

Legislative Public Hearing Room Hagatna, Guam

Hafa Adai and Good Morning Chairman Palacios, Senator Tom Ada, and members of the Committee on Public Safety, Law Enforcement and Judiciary. On behalf of GTA Teleguam, I am Dan Tydingco, Executive Vice-President of External, Legal and Regulatory Affairs, and I submit this testimony on the proposed legislation relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restrictions.

Having been an integral part of this community for over five decades, GTA Teleguam fully endorses and backs legislation which vigorously promotes public safety and compels a good, responsible corporate citizenry.

As a leading telecommunications provider for thousands of island residents, GTA would hope that all customers keep their eyes on the road and focus on their surroundings while driving on our increasingly busy roadways and highways. We believe that this legislation mandates that social and corporate responsibility. Motorists should keep their hands on the steering wheel and pay complete attention to what is before them, alongside them, and behind them, without the distraction of holding onto and using a cell phone. Wireless communications should endorse and promote that safety. We do not believe we should contribute to or perpetuate the practice of bad behavior. Driving while talking (using a cell phone in one's hands), driving while texting, and driving while e-mailing, is all bad behavior which we discourage.

We believe there are ample and sufficient provisions excepting hands-free utilization, as well as emergency and commercial dispatch usage. Nonetheless, I offer proposed amendments for consideration to provide clarity and perhaps strengthening for the bill.

On the commercial dispatch section, we, as many other companies on island, have scores of personnel out in the field en route to job sites or returning to home base. The language contained is ambiguous, and does not make clear if companies such as ours are covered under this exception. Are we enabled here as carrying out commercial transportation operations? To provide clarity, I respectfully request that all commercial personnel in company identified vehicles be exempted here.

Further, on use of hands' free technology such as Bluetooth or similar technology, we ask for consideration of using wired ear pieces which come with the instruments upon purchase.

Moreover, the requirement that mobile phone companies and insurance companies send a one-time mailing on mobile phone restrictions to all current customers would be at an enormous and unfair cost to these businesses. We believe that it would be far more cost-effective and efficient to provide this notice on the front page of regular billing statements. I respectfully request that 120 days be given for implementation, particularly since companies such as ours would have to program the billing system for written or published notices to thousands of customers for compliance.

I kindly ask that these suggestions be considered for incorporation. In closing, I note again that we believe this is commonsense legislation for the common good.

Thank you for the opportunity to submit testimony for the record.

December 30, 2011

Robert Michael
Guam Public Safety Educators
Public Hearing on Bill
Dec. 30th, 2011
10:00am

RE: Bill # 397-31, Regarding Restricting the Use of Cell Phones While Driving

Good Morning Honorable Senators,

Thank you for hearing my testimony. I come today in support of the intent of Bill 397-31. I do have several suggestions that I believe will strengthen the proposed legislation, but more importantly make our roads safer.

First, I would like to explain briefly my professional background regarding traffic safety. In 1972, my parents, Gwen and Robert Michael, pioneered the traffic safety standard movement in the western United States. Since the 1980's & 1990's, I had:

- Continued the development in traffic safety industry, resulting in the training over 6 million people in the United States.
- Written curriculum
- Trained and certified peace officers
- Administered safety-related organizations
- Instructed in defensive driving safety programs
- Instructed in advanced driving programs.

Today, I am a certified instructor as well and certified by the National Traffic Safety Institute (NTSI), which holds:

- a GSA schedule
- Contracts, to include the
 - Federal Department of Transportation
 - Army Combat Readiness for worldwide training
 - Fortune 500 companies
 - Local and State agencies
 - Universities
 - Private companies throughout the nation.

Regarding Bill 397-31, **distracted driving** is a major cause of collisions on Guam roads. Lifestyles and technology creates more distractions. People now use their vehicles as offices with all types of gadgets. We have technology such as touch-screen dash, ports for smart phones, MP3, stereos, video screens, etc. Many cannot deny the temptation to stray away from the responsibility of staying focused on the road. In essence, we need to reduce the potential for

collisions however we can, and promote defensive driving for all. This Bill is one important measure.

Defensive driving can be defined as "Driving to save lives, time, and money, in spite of the conditions around you and the actions of others." (source: adopted from National Safety Council). It requires training and experience that goes beyond mastery of the rules of the road and the basic mechanics of driving. Ultimately, a skilled defensive driver is able to reduce chances of collisions by anticipating dangerous situations, despite adverse conditions or the mistakes of others.

Following are the three skills needed to be a good defensive driver:

1. Manual: keeping hands on steering wheel
2. Visual: keeping eyes on the road and
3. Cognitive: keeping mind on the task of safe driving. (Note: even hands-free technology or one-way devices impairs the cognition when driving)

The opposite of a defensive driver is the *distracted driver*. Bill 397-31 helps address this issue that happens too often on our roads. Individuals in private vehicles and commercial vehicles, small and large, are guilty of this practice. More importantly, if the people of Guam allow the use of our roadways for businesses to make money, who often drive the largest, heaviest and most dangerous vehicles, then there should be stricter requirements in place to help mitigate the danger they pose to non-commercial drivers.

Thus, I strongly recommend that Section 3346 of Bill 397-31 on exemptions be modified as it relates to commercial drivers. If individuals of private vehicles are prohibited from using cellular phones, then it would only be fair that **exempted commercial drivers be held at a higher standard**. This can include the requirement for commercial drivers to take and complete a training program that will result in some standards-based and nationally recognized certification.

OSHA, Network for Employee Traffic Safety (NETS) and many others are examples of organizations that recommend companies with small or large fleets provide defensive driving training as part of their safety program. They and other national organizations have decades of independent studies showing the reduction of collisions and traffic citations resulting from behavioral and professional training (copies of sample reports provided). In fact, **most major companies with state-side fleets have a zero tolerance policy on cell phone use**. Many employees have lost their jobs because of these violations.

For almost a year now I have been working with responsible companies on Guam to train and certify their drivers. I have worked with insurance companies, tour bus companies, refuge pick up companies, maintenance companies and others that see the serious need for the safety of their drivers, protection of the company as well as all the other drivers on the road. We should all commend these pro-active companies that are already making a difference.

Unfortunately, I also have come across companies that simply downplay training, and even the quality of their in-house training. In July 2011, I met with a bus company that has over 100

drivers and their “safety manager” said he provides a 1-hour defensive driving course to all new hires. When I inquired, he informed me that they had 43 collisions in 2010, and 77 collisions from Jan. 1st, 2011 to mid July, 2011 (varying in degrees of severity). Buses are some of our largest commercial vehicles, with drivers who are constantly on the roads and at all hours of the day, making a living based on travelling on Guam’s roadways, and are responsible for passengers’ lives. Yet, they found no need for training. Allowing them an exemption to allow usage of cell phones, radio, push-to-talk or other devices will continue to exacerbate dangerous driving conditions.

Did you know that **Guam has one of the highest per capita collisions rates in the country**, while having only a 35-mph speed limit? GovGuam annual reports to the National Highway Transportation Safety Administration clearly reflects:

- an annual increase of collision rates since about 2007;
- a decrease in seat belt use and increase in citations for non-seatbelt use; and
- fatality rates again on the rise.

In my professional opinion, measures to promote more responsible driving habits will help reduce the rate of collisions, financial costs and loss of lives. By reducing collisions, the **government also saves in public costs**, such as:

- Reduction in need for police and/or fire and rescue response costs (including wear and tear on equipment, fuel etc.)
- Reduction in damage to government property
- Reduction in costs for medical supplies at the scene
- Reduction in GMH costs
- Police investigations
- Reduction in administrative tasks like report filing

To close, please understand that as a businessman myself I clearly understand the importance of staying in communication. But as a professional in the field of traffic safety, I also recognize the importance of holding individuals and companies accountable and responsible for actions while behind the wheel of a moving vehicle. Bill 397-31 is good legislation that protects individual drivers and pedestrians. However, with my suggested changes for higher standards expected of exempted groups, businesses will make our roads safer -- saving them and our government money.

Si Yu’os Ma’ase,

Bob Michael

NETS survey of leading employers' mobile phone policies shows common trend

Feb 25th, 2010

Vienna, VA— A survey by the Network of Employers for Traffic Safety (NETS) of 24 leading companies that operate fleets shows that 74 percent either have policies in place or are planning to implement policies that ban the use of all mobile devices while driving company vehicles. The rules apply to both hand-held and hands-free devices.

While all of the companies surveyed ban hand-held mobile devices, which would prohibit texting, most companies have specific language in their policies regarding text messaging. In many cases, the policies apply whether the driver is operating a company-owned vehicle or is using a personal vehicle for company business.

Many of the companies surveyed have been pioneers in the effort to counter distracted driving, with policies banning all use of mobile phones implemented as early as 2004.

"Companies that operate in multiple state jurisdictions or where drivers are likely to cross state lines to conduct business cannot rely on state legislation alone to keep employees safe and protect their bottom line," said Jack Hanley, Executive Director of NETS. "Employers are implementing these policies to protect their employees and because it is the responsible thing to do."

Research has shown that the best model to change behavior is education combined with legislation and enforcement. As a means of enforcement, some companies have a zero-tolerance policy resulting in termination for employees who use their mobile phones while driving company vehicles. Companies surveyed also reinforce the importance of attentive driving through workplace safety campaigns and continuous training.

This survey is a follow-up to an earlier NETS benchmarking study of leading companies with a combined 2008 US-based fleet of 185,000 passenger vehicles. That study found that a total ban on mobile phone use was a common attribute of the companies with the best fleet safety performance.

Participants in the survey included global leaders in the pharmaceutical, packaging, food and beverage, oil and gas, manufacturing, and insurance industries. A summary of the 24 policies submitted is available on the NETS Website.

NETS is a 501(c)3 organization, a partnership between the U.S. federal government and leading companies including Abbott, AmeriFleet Transportation, Anheuser-Busch Companies, Chubb Group of Insurance, Johnson & Johnson, Liberty Mutual Insurance Group, Nationwide Mutual Insurance, Monsanto Company and UPS. Established in 1989, NETS is dedicated to improving the safety and health of employees, their families, and members of the communities in which they live and work by preventing traffic crashes both on- and off-the-job. For more information about NETS, visit www.trafficsafety.org.

Work-related Car Accidents: Who Is Responsible?

If your employee has an accident while driving his or her own car to work, are you as the employer responsible? What about an employee who uses a personal car to take a prospective client to dinner and hits a pedestrian? What if a different employee has an accident while using a company car on personal business?

Whether you are responsible for a corporate fleet or simply have one or two employees who use their cars to run work-related errands, these are questions you should be able to answer. However, the answers can be a bit more complicated than you might think.

In general, employers have vicarious responsibility for the actions of their employees. Under the principle “*respondeat superior*,” an employer is legally responsible for any actions undertaken by employees during the course of employment. Determining what exactly the “course of employment” is can be a bit tricky.

Basically, if an action is undertaken to accommodate the needs of an employer and/or benefits the employer, then it is considered to be in the “course of employment.” For example, say an employer asks his employee to fetch work-related materials on his or her way home. The employer would then be liable for any accidents or damage incurred by the employee while driving home from work. This holds true whether or not the employee is driving a company car or a personal car and even if the driver only uses the vehicle for work-related purposes sporadically.

For example, in a recent case in California, *Lobo v. Tamco* (2010), the court ruled that an employer was responsible for the actions of an employee while travelling to and from work, as the employer required that the employee bring his car to work in order to use it for company errands. While the employee had only been required to use his car for work-related errands on 12 occasions during 16 years of employment, the employer was nonetheless held responsible.

Courts do often distinguish between “detours” and “frolics.” If an employee goes on a detour while carrying out his or her duties, then the employer will still be responsible. For example, if an employee stops for food while on the way to a sales call and an accident occurs at the drive-through, the employer will likely be held responsible. However, should an employee use a personal OR company vehicle for reasons of personal pleasure, this is defined as a “frolic,” and the employer is not held responsible. For example, if an employee has an accident with a company car while taking his family out to dinner, the employer won’t be held responsible. However, this may not necessarily be true. In some states, owner liability laws will ensure that the employer is responsible for any accidents that involve company cars, even if they occur while personal tasks are being carried out.

Employers can also be held responsible for negligent hiring. Employers need to conduct the necessary background checks to ensure that employees are suitable for the tasks that will be required of them. For example, an employer who hired a convicted child molester to drive an ice cream truck would be guilty of negligent hiring. This holds true for positions which require driving. If you are hiring an employee who will be required to carry out ANY kind of work-related driving, you, as an employer, will be responsible for checking that the prospective employee has a clear driving record, any necessary licensing, and the knowledge and skills necessary to drive safely. Employers can also be found guilty of negligent retention. If a driver accumulates repeated fines and offenses, his or her employer must take steps to prevent further problems, including suspension, firing, or the completion of a defensive driving course.

One area of employer liability that has recently come under intense scrutiny is the rise in distracted driving accidents. Employers can be held liable for cell-phone related accidents, particularly if the employer has created a work environment in which employees are pressured to be in constant communication, even while driving. If an employer issues cellphones to employees, the employer can also be held liable for phone related accidents.

As an employer, you can take several steps to minimize your liability for cell-phone related accidents, including:

- Creating a clear written policy on cell phone usage and safe driving that is signed by all employees.
- Provide printed information on state laws regarding driving and cell-phone usage.
- Have all employees sign an indemnity statement that absolves the employer of responsibility should they violate the company's cell-phone usage policy.

Communication of expectations and regular safe driving education can also help to reduce the number of accidents and promote safe driving habits within the work place. Enrolling your workforce in a defensive driving course is a great way to educate your employees and prevent accidents.

NETS 10-Step Program to Minimize Crash Risk

The 10-Step Program provides guidelines for what an employer can do to improve traffic safety performance and minimize the risk of motor vehicle crashes. Following these steps helps to ensure that you hire capable drivers, only allow eligible drivers to drive on company business, train them, supervise them, and maintain company vehicles properly. Adherence to these 10 steps can also help to keep your motor vehicle insurance costs as low as possible.

1. Senior Management Commitment & Employee Involvement
2. Written Policies and Procedures
3. Driver Agreements
4. Motor Vehicle Record (MVR) Checks
5. Crash Reporting and Investigation
6. Vehicle Selection, Maintenance and Inspection
7. Disciplinary Action System
8. Reward/Incentive Program
9. Driver Training/Communication
10. Regulatory Compliance

These steps are from the NETS Traffic Safety Primer: A Guidebook for Employers.

Distracted Driving

Longer commutes, an increase in heavy traffic, the availability of in-vehicle technology are all factors that result in driver distraction. More time in your vehicle results in less time at home or on the job, causing drivers to feel the pressure to multi-task to keep up with their responsibilities. Countless distractions tempt drivers to forget that their primary responsibility is to drive focused and stay safe.

Safety Facts for the Road

- Distracted driving is estimated to be a factor in between 25 to 30% of all traffic crashes—that's 4,000 or more crashes a day.
- Events inside and outside the vehicle can distract a driver. Adverse roadway and weather conditions require a driver's full attention.
- While taking one's eyes off the road presents obvious risks, activities that take a driver's mind away from driving are just as risky.
- A driver's ability to manage distractions varies widely and can change from day-to-day depending on their level of stress and fatigue.
- Distracted drivers fail to recognize potential hazards in the road and react more slowly to traffic conditions, decreasing their "margin of safety."
- Research suggests that distracted driving increases the risk of rear-end and single-vehicle crashes.

Do you know when you're driving distracted?

- Has a passenger in your car screamed or gasped because of something you did or did not do?
- Did you run a stop sign unintentionally?
- Have you slammed on your brakes because you didn't see the car in front of you stop?
- You do not remember driving from one place to another?

Drive Focused. Stay Safe. Avoid Distracted Driving.

- Safe driving practices require that you constantly search the roadway ahead for situations that could require you to take quick action.
- Recognize that driving requires your full attention.

Did you know that even the most routine activities are potentially distracting while driving?

A national survey revealed the activities that distract today's drivers.

NETS DISTRACTED DRIVING SURVEY Activities Drivers Engage In While Driving

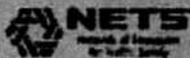
| | |
|-----|--|
| 96% | Talking to passengers |
| 89% | Adjusting vehicle climate/radio controls |
| 74% | Eating a meal/snack |
| 51% | Using a cell phone |
| 41% | Tending to children |
| 34% | Reading a map/publication |
| 19% | Grooming |
| 11% | Preparing for work |

Participation In Distracting Activities While Driving for Work or for Personal Purposes

| | |
|-----|----------------------|
| 57% | Personal purposes |
| 25% | Work purposes |
| 14% | Both equally |
| 2% | Don't drive for work |
| 3% | Don't know |

Network of Employers for Traffic Safety, 2001.

For more information on aggressive driving, contact NETS at 1-888-221-0045 or visit: www.trafficsafety.org.



Remember, the best defense against aggressive drivers is a seat belt! Buckling up is the single most effective action you can take to protect yourself from serious injury in a traffic crash.

Costs of Motor Vehicle Crashes to Employers Worksheet

Direct Costs to the Organization

| | |
|--|----------|
| Workers' compensation benefits | \$ _____ |
| Healthcare costs | \$ _____ |
| Increases in medical insurance premiums | \$ _____ |
| Auto insurance and liability claims and settlements | \$ _____ |
| Physical and vocational rehabilitation costs | \$ _____ |
| Life insurance and survivor benefits | \$ _____ |
| Group health insurance dependent coverage | \$ _____ |
| Property damage (equipment, products, etc.) | \$ _____ |
| Motor vehicle repair and replacement | \$ _____ |
| EMS costs (ambulance or medivac helicopter) | \$ _____ |
| Vehicle towing, impoundment and inspection fees | \$ _____ |
| Municipality or utility fees for damage to roads, signs or poles | \$ _____ |

Direct Total \$ _____

Indirect Costs

| | |
|--|----------|
| Supervisor's time (rescheduling, making special arrangements) | \$ _____ |
| Fleet manager's time to coordinate vehicle repair, replacement, etc. | \$ _____ |
| Reassignment of personnel to cover for missing employees (less efficient) | \$ _____ |
| Overtime pay (to cover work of missing employees) | \$ _____ |
| Employee replacement | \$ _____ |
| Re-entry and retraining of injured employees | \$ _____ |
| Administrative costs (documentation of injuries, treatment, absences, crash investigation) | \$ _____ |
| Inspection costs | \$ _____ |
| Failure to meet customer requirements resulting in loss of business | \$ _____ |
| Bad publicity, loss of business | \$ _____ |

Indirect Total \$ _____

TOTAL \$ _____

December 30, 2011

Cell Phone Ban Hearing Public hearing.

My name is Paje Butler representing The Guam Chamber of Commerce as the Chairman for the Trucking and Transportation Sub-committee of the Maritime Affairs Committee.

I have worked in the transportation industry for over 25 years. Two way communications with our drivers are an essential part of our industry.

First I would like to say we are opposed to any type of cell phone ban for the commercial trucking industry and any over the road type of commercial business. We do not equate talking on a cell phone to driving unsafely, particularly when the conversations are short and to the point.

In the business world, cell phones have helped us be more productive by giving us the ability to communicate while on the move. Think about how much you can accomplish today compared to 15 – 20 years ago when all we had was a pager and the need to hunt down a pay phone.

The real hazard on the roads these days with hand held communication devices is texting. This is very distracting to drivers and not the same as simply dialing a number. In most cases our drivers are only pressing a button to answer a phone. They call the office before leaving the customer, eliminating the need to dial the phone while driving in most instances. A ban on texting or dialing while driving would be keener to providing a safer driving environment.

Law Enforcement Officers (LEO) can tell the difference between an individual talking on a cell phone and texting. A person talking on a cell phone will have the phone at their ear, where as an individual texting will not be watching the road. If the activity was questioned at the time, the LEO could simply ask to see the device and note the time and date of the last message transmitted.

Cell phones as well as PTT radio/cell phones are an intricate part of our operations. This is technology that has allowed us to operate more efficiently and control additional cost that would normally be passed on to the consumers in Guam.

By banning the use of cell phones or PTT radios, we would lose 30 – 40% of our productivity. On average our drivers use these forms of communication devices 4 to 8 times per hour. Banning the use of cell phones or PTT radios would set us back 10 years in technology, as well as restrict us in moving forward with newer technology that will be introduced into the market in the near future.

I would like to point out that the use of Ham type radios are restricted to those that have an FCC license and are not suitable for commercial use. A CB radio is not suitable as well, as you are limited to channels and the ability to communicate with a driver while outside of the vehicle. The use of a Ham or CB radio would be no different than using a PTT type of device, as you still need to hold a device in your hand.

So far there has been no data or statistics presented that the use of any of these communication devices has caused any accidents, minor or major on Guam. Our drivers are professional and have undergone testing and training for their trade, unlike the general public driving on our streets.

Chamber of Commerce would like to offer the following suggestions.

*Exempt Commercial Drivers and Runners

*Define (in the bill) Commercial Drivers as CDL or chauffeurs license holders and operators of company-owned vehicles.

*Define (in the bill) Runners as drivers operating personal vehicles for the purposes of delivering and receiving company related material only during normal business hours.

Thank you for allowing us to present our testimony.

Paje Butler



The Honorable
Edward J.B. Calvo
Governor of Guam

The Honorable
Ray Tenorio
Lt. Governor of Guam



Joanne M.S. Brown
Director

Carl Dominguez
Deputy Director

December 30, 2011

The Honorable Adolpho B. Palacios, Sr., Chairperson
Committee on Public Safety, Law Enforcement & Judiciary
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Bill No. 397-31: An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated and to add a new §3346.1 of Chapter 3 Title 16, Guam Code Annotated relative to restricting the use of mobile phones while operating a vehicle and providing for public education requirements regarding such restrictions.

Good Morning Mr. Chairman and Members of the Committee:

As the Governor's Highway Safety Representative and the DPW Office of Highway Safety, we are here to submit our written testimony in support of Bill 397-31(COR) which restricts the use of mobile phones while in operation of a motor vehicle and providing for public education requirements on such restrictions.

The Department of Public Works Office of Highway Safety administers the 402 programs in coordination with the National Highway Traffic Safety Administration (NHTSA), and functions as a strong component and advocate for the design and implementation of highway safety programs to reduce traffic crashes, deaths, injuries and property damage.

Over the past 15 years, mobile phones have become readily available and are used by thousands of members in our island community. This situation has presented a new and serious problem when mobile phones are used by a driver in a motor vehicle. A driver's attention can be distracted while talking, dialing or texting and can increase the possibility of a collision on our roadways. The Governor's Highway Safety Association (GHSA) firmly believes the problem of distracted driving is significant and is only likely to increase in the future. Drivers are more accident prone and slower to react while using mobile phones due to "inattention blindness" that can slow their process to respond to activities on the roadway. Experts have testified that "talking on a cell phone while driving is as dangerous as being under the "influence of alcohol". Further

Senator Adolpho B. Palacios, Sr.
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Page 2

studies indicate that a driver's reaction and concentration time is seriously hampered by cell phone use.

The usage of cell phones while driving is considered distracted driving and is receiving unprecedented attention. A Press Release issued recently by the National Transportation Safety Board (dated December 13, 2011) has called for a nationwide ban on driver use of portable electronic devices (cell phones) while operating a motor vehicle. The safety recommendation urges the use of the NHTSA model of high-visibility enforcement to support these bans and implementation of targeted communication campaigns to inform motorists of the new law and heightened enforcement. According to the National Highway Traffic Safety Administration, more than 3,000 people lost their lives last year in distraction-related accidents. To support safe driving practices, it is important to turn off electronic devices when driving. No call, no text, no update, is worth a human life.

It is with the intent and as part of the DPW Office of Highway Safety's educational and public awareness campaign to reduce traffic crashes, deaths, injuries and property damage resulting on our public roads.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne M.S. Brown". The signature is fluid and cursive, with the first name "Joanne" being the most prominent part.

JOANNE M.S. BROWN
Director/Governor's Highway Safety Representative



Office of Senator Thomas C. Ada
Ada Plaza Center, Suite 207
173 Aspinall Avenue
Hagatna, Guam 96910

Dear Senator Ada,

I am writing to you on behalf of the Guam Automotive Dealers Association in regards to Bill 397-31. Although the association applauds the intent of the bill to make Guam's roads safer we must take exception with one provision of the bill. GADA respectfully requests that the requirement that we participate in the education of the public by providing every customer with written notification of the law be deleted. The Association feels that education is the role of Government and requiring vehicle retailers to participate further complicates a process that is already burdened with an abundance of paperwork. Furthermore, the law sets no sunset provision on this requirement which means that we would be forced to provide this information long after the public was fully aware of the law.

Your consideration of our concerns is greatly appreciated. If you have any further questions please feel free to contact me at your convenience.

Best regards,



Jay Jones
President

Comments on Bill No. 397-31 (COR) by Guam Taxi Co.:

The fines are too steep, try half the amounts listed in the bill for the first 3 years till everybody gets use to the law then implement the full amount, we are an island of asians and islanders we are all hard headed at first as an example the trash tipping fee our sides streets got covered in trash before everyone started going w/ the flow. other than that im all for it and just a suggestion can we please do something about military personel and mainlanders driving 75' 80 MPH on our roads that are only built for speeds of up to 45 MPH, im on the road everyday and i see near misses everyday because of the speeding and they probably caused somebody to get into an accident already. the excuse that back in the mainland thats how fast they go doesnt fly. maybe set up a permanent GPD speed monitor in yigo heading to andersen and another one in piti heading to big navy. Thank you.

January 3, 2012



Hafa Adai Senators of the 31st Guam Legislature,

My name is Tony Lamorena, a resident of Tamuning. I would like take this time to comment on Bill 397-31(COR) which is intended to make mobile phone use while driving illegal. I agree that any activity that distracts a driver should be prohibited. There are many other activities that distract drivers from keeping their eyes on the road, mobile phones is just one of them, I have seen drivers eating or drinking with one hand and the other on the steering wheel. I have seen drivers trying to take a cigarette out of the pack and then lighting and smoking it. I have seen drivers so engrossed in conversation that they actually take their eyes off the road to make eye contact with the individual or individuals they are conversing with. I have seen drivers reaching back to take care of their crying children in the backseat. I have seen drivers reading while driving. I have seen drivers putting make up or combing their hair.

I am not saying I have never done any of these activities, on several occasions I must admit I have. I commend the author, Senator Tom Ada for the bill but I think that he needs to go further and include other activities that distract drivers. The Guam Police Department must have data that documents the most common activities that have caused accidents in the past. If not National statistics should be available.

I also understand that several individuals testified at the public hearing that exemptions be made for commercial drivers. There should be NO exemptions. Commercial drivers travel on our roads more frequently and are prone to more accidents than the average driver. They also drive much larger vehicles such as delivery vans and 18 wheelers that are more dangerous in an accident. If the law is to work as intended, there should be no exemptions. Commercial drivers can pull over just like all the other drivers when they need to use their mobile phones. If the intent of the bill is to truly ensure the safety of all drivers who traverse our highways, then all drivers must be comply with no exemptions.

Thank you for allowing me to comment on this bill and if you have any questions please do not hesitate to contact me at tlamorena@gmail.com

Si Yu'us Ma'ase,

Tony Lamorena

Resident of Tamuning



GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN

Government of Guam



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Bldg. 13-16A Mariner Avenue, Tiyan
Barrigada, Guam 96913

P.O. Box 23909 Barrigada, Guam 96921

Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512

Fax: (671) 472-4036

FRED E. BORDALLO, JR.
Chief of Police

RICARDO M. LEON GUERRERO
Police Major
Acting Police Commander

December 30, 2011

The Honorable Adolpho B. Palacios
Chairperson, Committee on Public Safety,
Law Enforcement and Judiciary
31st Guam Legislature
Suite 104, 155 Hesler St.
Hagåtña, Guam 96910

Subject: Written Testimony
Re: Bill 397-31(COR)

Dear Senator Palacios:

Buenas Yan Hafa Adai, Senadot. The Guam Police Department is submitting this written testimony relative to Bill 397-31(COR), an act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction.

My command staff and I have reviewed and discussed the contents of the bill and are in support of the intent of the bill.

Senseramente,

FRED E. BORDALLO, JR.
Chief of Police



Dipattamenton Kontribusion yan Adu'ána

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guåhan

EDDIE BAZA CALVO, Governor Maga'láhi
RAY TENORIO, Lt. Governor Tifenté GubethadoraJOHN P. CAMACHO, Acting Director
Akto DirektotMARIE M. BENITO, Deputy Director
Sigundo Direktot

February 7, 2012

Honorable Adolpho B. Palacios
31st Guam Legislature
Senator and Chairman Committee
on Public Safety, Law Enforcement & Judiciary
Ste. 104, 155 Hesler Place
Hagatna, Guam 96910

Reference: Bill 397-31(COR)

Dear Senator Palacios & Committee Members:

I am in support of Bill 397-31(COR) relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restrictions.

As the Lead Agency for the Motor Carrier Safety Assistance Program, I believe that the intent of the Bill complements our overall safety mission and works hand-in-hand with the newly enacted federal regulation identified in Title 49 CFR Section 392.82 which went into effect on January 3rd of this year.

Incorporating this prohibition into our Vehicle Code further promotes roadway safety not only to our commercial drivers but to all drivers alike. Statistics from the National Highway Safety Transportation Administration in 2009 reported that 5,474 people were killed and an estimate of 448,000 was injured as a result of driver distraction related crashes.

These statistics is a clear indication that we need to take a proactive approach in promoting the deterrence of distracting driving through every means possible such as regulation, enforcement, and education and outreach program efforts.

As a regulatory agency, we look forward to the enactment of this Bill, because it is a positive approach in deterring distracted driving, a goal that is mutually shared by both local and federal jurisdictions.

Sincerely,

JOHN P. CAMACHO

Director

Department of Revenue & Taxation



Dipattamenton Kontribusion yan Adu'ana

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guahan

EDDIE BAZA CALVO, Governor
RAY TENORIO, Lt. Governor
Tifente Gubetnadora

JOHN P. CAMACHO, Director
Direktol
MARIE M. BENITO, Deputy Director
Segundo Direktol

Ufisinan I Direktot
Office of the Director

FAX TRANSMITTAL SHEET

Fechan pa'go na ha'ani:
TODAYS DATE: 2/7/12

Kinubre __ pahina este na faks:
Total pages of this fax: 2

Para:
FOR: Senator Adolpho Palacios

Lugát:
ADDRESS: Guam Legislature

Numiron Faks:
FAX NO: 472-5022

Ginen:
FROM: Marie Flores

Suheto:
SUBJECT: Testimony Bill 397-31(COR)

Más emfotmasion ADDITIONAL INFORMATION

Please call me at 635-1750 should you require additional information.

Marie

Nina'faloffan as:
TRANSMITTED BY: _____

=====
The information contained in this facsimile transmission may be privileged and confidential. It is intended only for the use of the addressee named in this transmittal sheet. If you are not the intended recipient, or an employee responsible for delivering it to the intended recipient, any disclosure, distribution or photo copying of this facsimile transmission is strictly prohibited. If you have received this communication in error, please call us immediately by telephone (collect) so that we can arrange to retrieve the transmission.
=====

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 397-31 (COR)**

AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS.

| Department/Agency Appropriation Information | |
|---|------------------------------------|
| Dept./Agency Affected: Department of Revenue & Taxation (DRT) | Dept./Agency Head: John P. Camacho |
| Department's General Fund (GF) appropriation(s) to date: | \$10,252,143 |
| Department's Other Fund (Specify) appropriation(s) to date: Tax Collection Enhancement Fund (TCEF) - \$696,831; Better Public Service Fund (BPSF) - \$1,422,747 | 2,119,578 |
| Total Department/Agency Appropriation(s) to date: | \$12,371,721 |

| Fund Source Information of Proposed Appropriation | | | |
|---|---------------|-------------------------|------------|
| | General Fund: | (Specify Special Fund): | Total: |
| FY 2012 Unreserved Fund Balance ¹ | | \$0 | \$0 |
| FY 2012 Adopted Revenues | \$0 | \$0 | \$0 |
| FY 2012 Appro. (P.L. 30-196) | \$0 | \$0 | \$0 |
| Sub-total: | \$0 | \$0 | \$0 |
| Less appropriation in Bill | \$0 | \$0 | \$0 |
| Total: | \$0 | \$0 | \$0 |

| Estimated Fiscal Impact of Bill | | | | | | |
|---------------------------------|----------------------|--|------------|------------|------------|------------|
| | One Full Fiscal Year | For Remainder of FY 2012 (if applicable) | FY 2013 | FY 2014 | FY 2015 | FY 2016 |
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| (Specify Special Fund) | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | 1/ | \$0 | \$0 | \$0 | \$0 | \$0 |

- Does the bill contain "revenue generating" provisions? Yes No
- Is amount appropriated adequate to fund the intent of the appropriation? N/A Yes No
If no, what is the additional amount required? \$ _____ N/A
- Does the Bill establish a new program/agency? Yes No
If yes, will the program duplicate existing programs/agencies? N/A Yes No
Is there a federal mandate to establish the program/agency? Yes No
- Will the enactment of this Bill require new physical facilities? Yes No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: Yes No
 Requested agency comments not received by due date Other: _____

Analyst: Michael M. Aflague, B&M Analyst Date: 1/3/12 Director: John A. Rios, Director Date: 1/12/12

Footnotes: 1/ The Bill has a potential for additional funding impact, in terms of providing for the public education requirements and potential for additional revenues in terms of penalties to violators. However, in its present form the impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

December 20, 2011

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

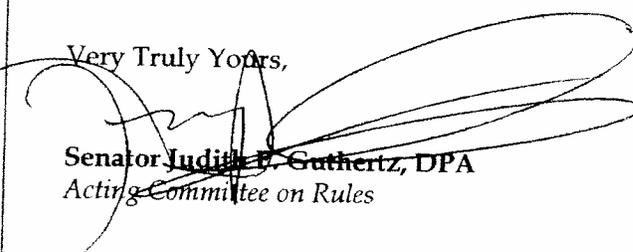
RE: Request for Fiscal Note -
Bill Nos. 396-31 (COR) to 397-31 (COR) & 398-31 (LS) to 399-31 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,


Senator Judith P. Guthertz, DPA
Acting Committee on Rules

Attachments

Cc: Clerk of the Legislature

2011 DEC 20 PM 4:53

MESSAGE CONFIRMATION

DEC-20-2011 02:47 PM TUE

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : DEC-20-2011 02:46PM TUE
ELAPSED TIME : 00' 20"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

I Mina'trentai Um na Libeslaturan Guåhan • The 31st Guam Legislature
155 Heslet Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

- Senator Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER
- Senator Judith P. Guthertz
VICE CHAIRPERSON
MAJORITY LEADER
- MAJORITY MEMBERS:
- Speaker Judith T. Won Pat
- Vice Speaker Benjamin J. F. Cruz
- Senator Rose Muñoz Barnes
CLERK
MAJORITY WHIP
- Senator G. Rodriguez, Jr.
CLERK
MAJORITY WHIP
- Senator Thomas C. Adz
- Senator Philip B. Palacios, Sr.
- Senator Vicente Pangasinan
- MINORITY MEMBERS:
- Senator Aline A. Yataobira
MINORITY LEADER
- Senator Christopher M. Duenas

December 20, 2011

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

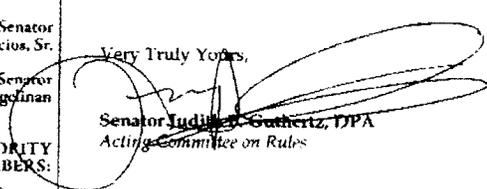
RE: Request for Fiscal Note -
Bill Nos. 396-31 (COR) to 397-31 (COR) & 398-31 (LS) to 399-31 (LS)

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Si Yu'os ma'ise' for your attention to this matter.

Very Truly Yours,


Senator Judith P. Guthertz, DPA
Acting Committee on Rules

Attachments

Cc: Clerk of the Legislature

Rec'd by. Analyn
date. 12/20/11
time. 4:02pm



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Senator
vicente c. pangelinan

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Senator
Aline A. Yamashita
ASST. MINORITY LEADER

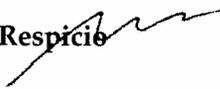
Senator
Christopher M. Duenas

December 15, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 

Subject: Referral of Bill Nos. 396-31(COR) and 397-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 396-31 (COR) and 397-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(2) Attachment

| BILL NOS. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | 120 DAY DEADLINE | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | Status |
|-----------------|-------------------------------|--|-----------------------|---------------|------------------|---|--------------------------|-----------------------------|--------|
| 397-31 (COR) | T.C. Ada, A. B. Palacios, Sr. | AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS | 12/14/11 3:46 p.m. | 12/15/2011 | 4/12/2012 | Committee on Public Safety, Law Enforcement and Judiciary | 12/30/2011 10:00 a.m. | FILED | |



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR. 
Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
FRIDAY, DECEMBER 30, 2011 – 10:00 A.M.**

FOR IMMEDIATE RELEASE
(Hagatna, Guam – December 21, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at **10:00 a.m., Friday, December 30, 2011** at *I Liheslaturan Guahan's Public Hearing Room* in *Hagatna*, based on the following schedule:

- **Bill No. 389-31 (COR)** – AN ACT TO REPEAL CHAPTER 75, TITLE 10 OF THE GUAM CODE ANNOTATED AND TO ADD A CHAPTER 17 TO TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATORY DRUG TESTING FOR ALL PROSPECTIVE AND CURRENT GOVERNMENT OF GUAM EMPLOYEES. – sponsored by Senator M. Silva Taijeron
- **Bill No. 397-31 (COR)** – AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS. – sponsored by Senator T. C. Ada

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

###

Office/Mailing Address: 155 Hesler Place, Hagatna, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com

Subject: First Notice of Public Hearing scheduled for Dec. 30, 2011
From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)
To: phnotice@guamlegislature.org; telo.taitague@guam.gov;
amier@mvguam.com; clynt@spbgum.com; dcrisost@guampdn.com; dmgeorge@guampdn.com;
editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbgum.com;
kstokish@gmail.com; kstone@ite.net; life@guampdn.com; mabuhaynews@yahoo.com;
Cc: mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbgum.com;
nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com;
rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com;
therese.hart.writer@gmail.com; zita@mvguam.com;
Date: Wednesday, December 21, 2011 8:46 AM

December 21, 2011

Please find attached the First Notice of Public Hearing scheduled for Friday, December 30, 2011 at 10:00 am. Thank you for your kind attention!

Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)

Listserv: phnotice@guamlegislature.org

As of Oct. 17, 2011

aguon4guam@gmail.com
alerta.jermaine@gmail.com
aline4families@gmail.com
ataylor.senatordrodriguez@gmail.com
audrey@judiwonpat.com
baza.matthew@gmail.com
berlene@senatorpalacios.com
bruce.lloyd.media@gmail.com
candasofrank@gmail.com
carlo@tinamunabarnes.com
chechsantos@gmail.com
chelsa@tinamunabarnes.com
cherbert.senatordrodriguez@gmail.com
cipo@guamlegislature.org
clerks@guamlegislature.org
colleen@judiwonpat.com
cor@guamlegislature.org
cyrus@senatorada.org
doc.wyttenbachsantos@gmail.com
duenasenator@gmail.com
edleonguerrero@gmail.com
edpocaigne@judiwonpat.com
edwardglee671@yahoo.com
elaine@tinamunabarnes.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
faith.r@senatormabini.com
faith.r@senatormabini.com
fbtorres@judiwonpat.com
floterlaje@gmail.com
frank.blasjr@gmail.com
gavin@tinamunabarnes.com
guamnativesun@yahoo.com
jamespcastro@gmail.com
jane@tinamunabarnes.com
jason@senatorpalacios.com
jcamacho@senatorada.com
jean@tinamunabarnes.com
jeff.m@senatormabini.com
jennifer@senatorpalacios.com
jmesngon.senatordrodriguez@gmail.com
john.calvo@noaa.gov
joshua.tenorio@senatorbjcruz.com
judiguthertz@gmail.com
julian@senatorpalacios.com
leonguerrero.angela@gmail.com
lou4families@gmail.com
louise_atalig@yahoo.com
markaflague@gmail.com
maryfejeran@gmail.com
mcarlson@guamlegislature.org
mis@guamlegislature.org
msuarez.senatordrodriguez@gmail.com
mtorres.senatordrodriguez@gmail.com
myracle.m@senatormabini.com
nsantos@senatorada.org
office@senatorada.org
oliviampalacios@gmail.com
peterlg@gmail.com
phillipsguam@gmail.com
pris@senatorpalacios.com
rfteehan@yahoo.com
richard@tinamunabarnes.com
rob.tupaz@gmail.com
roryforguam@gmail.com
Santos.duenas@gmail.com
sem@guamlegislature.org
senator@senatorbjcruz.com
senator@senatorpalacios.com
senator@tinamunabarnes.com
senatordrodriguez@gmail.com
senatormabini@senatormabini.com
senatorsam@senatormabini.com
senatortonyada@guamlegislature.org
senbenp@guam.net
sgrarmes@guamlegislature.org
speaker@judiwonpat.com
tanya4families@gmail.com
tcastro@guam.net
telo.taitague@guam.gov
tinaokada@gmail.com
tom@senatorada.org
tterlaje@guam.net
uriah@tinamunabarnes.com
val.g@senatormabini.com
victoria@senatorpalacios.com
vkomiyama.senatordrodriguez@gmail.com
wilcastro671@gmail.com

Subject: Fw: First Notice of Public Hearing scheduled for Dec. 30, 2011

From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

phnotice@guamlegislature.org; telo.taitague@guam.gov; amier@mvguam.com; clynt@spbgum.com; dcrisost@guampdn.com; dmgeorge@guampdn.com; editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbgum.com; kstokish@gmail.com; kstone@ite.net; life@guampdn.com; mabuhaynews@yahoo.com; mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbgum.com; nick.delgado@kuam.com; officemanager@hitradiio100.com; ricknauta@hitradiio100.com; rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com; therese.hart.writer@gmail.com; zita@mvguam.com;

Date: Wednesday, December 21, 2011 8:49 AM

My apologies, failed to attach the notice, please disregard previous email. Thank you.

Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)

----- Forwarded Message -----

From: "Adolpho B. Palacios, Sr." <senator@senatorpalacios.com>

To: "phnotice@guamlegislature.org" <phnotice@guamlegislature.org>; "telo.taitague@guam.gov" <telo.taitague@guam.gov>

Cc: "amier@mvguam.com" <amier@mvguam.com>; "clynt@spbgum.com" <clynt@spbgum.com>; "dcrisost@guampdn.com" <dcrisost@guampdn.com>; "dmgeorge@guampdn.com" <dmgeorge@guampdn.com>; "editor@mvguam.com" <editor@mvguam.com>; "egthompson@guampdn.com" <egthompson@guampdn.com>; "jason@kuam.com" <jason@kuam.com>; "jtyquiengco@spbgum.com" <jtyquiengco@spbgum.com>; "kstokish@gmail.com" <kstokish@gmail.com>; "kstone@ite.net" <kstone@ite.net>; "life@guampdn.com" <life@guampdn.com>; "mabuhaynews@yahoo.com" <mabuhaynews@yahoo.com>; "mindy@kuam.com" <mindy@kuam.com>; "mpieper@guampdn.com" <mpieper@guampdn.com>; "news@guampdn.com" <news@guampdn.com>; "news@spbgum.com" <news@spbgum.com>; "nick.delgado@kuam.com" <nick.delgado@kuam.com>; "officemanager@hitradiio100.com" <officemanager@hitradiio100.com>; "ricknauta@hitradiio100.com" <ricknauta@hitradiio100.com>; "rlimtiaco@guampdn.com" <rlimtiaco@guampdn.com>; "sabrina@kuam.com" <sabrina@kuam.com>; "slimtiaco@guampdn.com" <slimtiaco@guampdn.com>; "therese.hart.writer@gmail.com" <therese.hart.writer@gmail.com>; "zita@mvguam.com" <zita@mvguam.com>

Sent: Wednesday, December 21, 2011 8:46 AM

Subject: First Notice of Public Hearing scheduled for Dec. 30, 2011

December 21, 2011

Please find attached the First Notice of Public Hearing scheduled for Friday, December 30, 2011 at 10:00 am. Thank you for your kind

attention!

Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)

| Destination | Start Time | Time | Prints | Result | Note |
|------------------|-------------|----------|---------|--------|------|
| PDN | 12-21 08:23 | 00:00:37 | 001/001 | OK | |
| KUAM | 12-21 08:28 | 00:00:49 | 001/001 | OK | |
| PNC | 12-21 08:29 | 00:00:49 | 001/001 | OK | |
| K57 | 12-21 08:30 | 00:00:19 | 001/001 | OK | |
| HIT RADIO 100 | 12-21 08:31 | 00:00:20 | 001/001 | OK | |
| KSTO | 12-21 08:32 | 00:00:40 | 001/001 | OK | |
| GLIMPSES | 12-21 08:33 | 00:00:21 | 001/001 | OK | |
| MARIANAS VARIETY | 12-21 08:34 | 00:00:19 | 001/001 | OK | |
| KSTEREO/KISH | 12-21 08:35 | 00:00:44 | 001/001 | OK | |
| JOY 92 FM | 12-21 08:36 | 00:00:20 | 001/001 | OK | |
| KPRG | 12-21 08:36 | 00:00:20 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mins' Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR. *ADP*
 Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
 FRIDAY, DECEMBER 30, 2011 – 10:00 A.M.**

**FOR IMMEDIATE RELEASE
 (Hagåtña, Guam – December 21, 2011)**

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 10:00 a.m., Friday, December 30, 2011 at *I Liheslaturan Guåhan's* Public Hearing Room in *Hagåtña*, based on the following schedule:

- **Bill No. 389-31 (COR) – AN ACT TO REPEAL CHAPTER 75, TITLE 10 OF THE GUAM CODE ANNOTATED AND TO ADD A CHAPTER 17 TO TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATORY DRUG TESTING FOR ALL PROSPECTIVE AND CURRENT GOVERNMENT OF GUAM EMPLOYEES.** – sponsored by Senator M. Silva Taijeron
- **Bill No. 397-31 (COR) – AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS.** – sponsored by Senator T. C. Ada

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**SECOND NOTICE OF PUBLIC HEARING
FRIDAY, DECEMBER 30, 2011 – 10:00 A.M.**

FOR IMMEDIATE RELEASE
(Hagatna, Guam – December 27, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at **10:00 a.m., Friday, December 30, 2011** at *Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

- **Bill No. 389-31 (COR)** – AN ACT TO REPEAL CHAPTER 75, TITLE 10 OF THE GUAM CODE ANNOTATED AND TO ADD A CHAPTER 17 TO TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATORY DRUG TESTING FOR ALL PROSPECTIVE AND CURRENT GOVERNMENT OF GUAM EMPLOYEES. – sponsored by Senator M. Silva Taijeron
- **Bill No. 397-31 (COR)** – AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS. – sponsored by Senator T. C. Ada

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###

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com

Subject: Second Notice of Public Hearing scheduled for Dec. 30, 2011

From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

To: phnotice@guamlegislature.org; telo.taitague@guam.gov;

amier@mvguam.com; clynt@spbg Guam.com; dcrisost@guampdn.com; dmgeorge@guampdn.com;
editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbg Guam.com;
kstokish@gmail.com; kstone news@ite.net; life@guampdn.com; mabuhaynews@yahoo.com;
Cc: mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbg Guam.com;
nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com;
riimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com;
therese.hart.writer@gmail.com; zita@mvguam.com;

Date: Tuesday, December 27, 2011 8:48 AM

December 27, 2011

Please see attached Second Notice of Public Hearing scheduled for 10:00 am, Friday, December 30, 2011 in the Legislature's Public Hearing Room. Thank you for your kind attention!

Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)

| Destination | Start Time | Time | Prints | Result | Note |
|------------------|-------------|----------|---------|--------|------|
| PDN | 12-27 08:35 | 00:00:38 | 001/001 | OK | |
| KUAM | 12-27 08:36 | 00:00:26 | 001/001 | OK | |
| PNC | 12-27 08:37 | 00:00:23 | 001/001 | OK | |
| K57 | 12-27 08:38 | 00:00:19 | 001/001 | OK | |
| HIT RADIO 100 | 12-27 08:38 | 00:00:20 | 001/001 | OK | |
| KSTO | 12-27 08:39 | 00:00:43 | 001/001 | OK | |
| GLIMPSES | 12-27 08:40 | 00:02:01 | 001/001 | OK | |
| MARIANAS VARIETY | 12-27 08:43 | 00:00:19 | 001/001 | OK | |
| KSTEREO/KISH | 12-27 08:44 | 00:00:43 | 001/001 | OK | |
| JOY 92 FM | 12-27 08:45 | 00:00:21 | 001/001 | OK | |
| KPRG | 12-27 08:45 | 00:00:19 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
 BLV: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**SECOND NOTICE OF PUBLIC HEARING
 FRIDAY, DECEMBER 30, 2011 – 10:00 A.M.**

FOR IMMEDIATE RELEASE
(Hagåtña, Guam – December 27, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 10:00 a.m., Friday, December 30, 2011 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, based on the following schedule:

- **Bill No. 389-31 (COR) – AN ACT TO REPEAL CHAPTER 75, TITLE 10 OF THE GUAM CODE ANNOTATED AND TO ADD A CHAPTER 17 TO TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATORY DRUG TESTING FOR ALL PROSPECTIVE AND CURRENT GOVERNMENT OF GUAM EMPLOYEES.** – sponsored by Senator M. Silva Taijeron
- **Bill No. 397-31 (COR) – AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS.** – sponsored by Senator T. C. Ada

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senators@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janassen or Jennifer Dulla at (671) 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

December 21, 2011

MEMORANDUM

TO: Senator T. C. Ada

FROM: Chairman, Committee on Public Safety, Law Enforcement & Judiciary 

SUBJECT: Public Hearing scheduled for December 30, 2011.

The Committee on Public Safety, Law Enforcement and Judiciary will conduct a public hearing at 10:00 a.m. on Friday, December 30, 2011 at the Guam Legislature's Public Hearing Room, and among the items on the agenda is the following Bill of which you are the author:

Bill No. 397-31 (COR) – AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS. – sponsored by Senator T. C. Ada

You may notify the appropriate government agencies, organizations, and persons who may wish to provide written and/or oral testimony on these bills. Thank you for your kind attention.

| |
|---|
| GUAM LEGISLATURE REPRODUCTION/MAIL ROOM |
| DATE: <u>Dec. 21, 2011</u> |
| TIME: <u>8:45</u> <u>MAM</u> <u>1PM</u> |
| RECEIVED BY: <u>ATB</u>  |



Thirty-First
Guam Legislature

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muña-Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva-Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

- Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs
- Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform
- Member, Committee on
Education and Public Libraries
- Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
- Member, Committee on Guam
Military Buildup and Homeland
Security
- Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

December 21, 2011

Joey C. San Nicolas
Acting Fire Chief
Guam Fire Department
DNA Building, Suite 807
238 Archbishop Flores Street
Hagåtña, Guam 96910

RE: Public Hearing
Friday, December 30, 2011

Dear Acting Fire Chief San Nicolas,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Friday, December 30, 2011. Included on the agenda is the following bill which concerns the Guam Fire Department:

Beginning at 10:00 a.m.:

Bill No. 397-31 (COR) – “An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction.” – Senator Thomas C. Ada

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,

Senator Adolpho B. Palacios, Sr, MPA, BS/CJA

Notice of Public Hearing on December 30, 2011 at 10:00 a.m.

1

[Hide Details](#)

FROM: Julian Janssen

Thursday, December 22, 2011 9:35 AM

TO: joey.sannicolas@gfd.guam.gov

Attached, for your convenience is the notice of the public hearing on Bill No. 397-31 (COR) on December 30, 2011 at 10:00 a.m. Thank you for your kind attention to this matter.

Sincerely,

Julian Janssen

Policy Analyst

Office of Senator Adolpho B. Palacios, Sr.

Chairman, Committee on Public Safety, Law Enforcement and Judiciary

The Thirty-First Guam Legislature

I Mina' Trentai Unu Na Libeslaturan Guåhan

Phone: 472-5047/8 Fax: 472-5022

1 Attached files | 423KB

PH Notice ...

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| Destination | Start Time | Time | Prints | Result | Note |
|-------------|-------------|----------|---------|--------|------|
| GPD | 12-21 08:37 | 00:00:24 | 001/001 | OK | |
| Gov. | 12-21 08:38 | 00:00:20 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
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Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
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Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR. *ADP*
Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
FRIDAY, DECEMBER 30, 2011 – 10:00 A.M.**

**FOR IMMEDIATE RELEASE
(Hagåtña, Guam – December 21, 2011)**

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Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Healer Place, Hagåtña, Guam 96910, or via email to senator@senatorpalacios.com or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
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Senator Christopher M. Duenas
Member

Senator Mana Silva-Tajeron
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Senator Aline A. Yamashita, Ph.D.
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Memberships:*

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Works and Veterans Affairs

Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform

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Education and Public Libraries

Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources

Member, Committee on Guam
Military Buildup and Homeland
Security

Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

December 21, 2011

John Camacho

Director

Department of Revenue and Taxation

1240 Army Drive

Barrigada, Guam 96913

RE: Public Hearing
Friday, December 30, 2011

Dear Director Camacho,

Buenas yan Håfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Friday, December 30, 2011. Included on the agenda is the following bill which concerns the Department of Revenue and Taxation:

Beginning at 10:00 a.m.:

Bill No. 397-31 (COR) — "An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction." — Senator Thomas C. Ada

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,

Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

| Destination | Start Time | Time | Prints | Result | Note |
|-------------|-------------|----------|---------|--------|------|
| REV & TAX | 12-22 09:12 | 00:00:25 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
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 BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RFX: Re-TX,
 RLV: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
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Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
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Thirty-First
 Guam Legislature

Committee Members:

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 Vice Chairman
 Speaker Judith T. Won Pat, Ph.D.
 Member
 Senator Tina R. Muña-Barnes
 Member
 Senator Judith P. Guthertz, DPA
 Member
 Senator Rory J. Respicio
 Member
 Senator Dennis G. Rodriguez, Jr.
 Member
 Senator V. Anthony Ada
 Member
 Senator Christopher M. Duenas
 Member
 Senator Mana Silva-Taljon
 Member
 Senator Aline A. Yamashita, Ph.D.
 Member

**Other Committee
 Membership:**

Vice Chairman, Committee on
 Utilities, Transportation, Public
 Works and Veterans Affairs
 Vice Chairman, Committee on
 Health and Human Services,
 Senior Citizens, Economic
 Development and Election
 Reform
 Member, Committee on
 Education and Public Libraries
 Member, Committee on Rules,
 Federal, Foreign & Micronesian
 Affairs and Human & Natural
 Resources
 Member, Committee on Guam
 Military Buildup and Homeland
 Security
 Member, Committee on
 Municipal Affairs, Tourism,
 Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 21, 2011

John Camacho
 Director
 Department of Revenue and Taxation
 1240 Army Drive
 Barrigada, Guam 96913

RE: **Public Hearing**
 Friday, December 30, 2011

Dear Director Camacho,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and
 Judiciary has scheduled a public hearing on Friday, December 30, 2011.
 Included on the agenda is the following bill which concerns the Department of
 Revenue and Taxation:

Beginning at 10:00 a.m.:

Bill No. 397-31 (COR) — "An act to amend §3346 of Chapter 3, Title 16, Guam
 Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code
 Annotated, relative to restricting the use of mobile phones while operating a
 vehicle, and providing for public education requirements regarding such
 restriction." — Senator Thomas C. Ada

Your attendance in this public hearing would be very helpful. If you are unable to
 attend, a written comment would be appreciated. Please contact me or my office
 for further information or concerns.

Sincerely,

Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Tajeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Memberships:*

Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs

Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform

Member, Committee on
Education and Public Libraries

Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources

Member, Committee on Guam
Military Buildup and Homeland
Security

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 21, 2011

Fred E. Bordallo
Chief of Police
Guam Police Department
Building 233 Central Avenue
Tiyan, Guam 96912

RE: Public Hearing
Friday, December 30, 2011

Dear Chief Bordallo,

Buenas yan Häfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Friday, December 30, 2011. Included on the agenda are the following bills which concern the Guam Police Department:

Beginning at 10:00 a.m.:

Bill No. 389-31 (COR) – “An act to repeal Chapter 75, Title 10 of the Guam Code Annotated and to add a Chapter 17 to Title 4 of the Guam Code Annotated relative to mandatory drug testing for all prospective and current government of Guam employees.” – Senator Mana Silva Tajeron

Bill No. 397-31 (COR) – “An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction.” – Senator Thomas C. Ada

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,


Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

| Destination | Start Time | Time | Prints | Result | Note |
|-------------|-------------|----------|---------|--------|------|
| GPD | 12-22 09:11 | 00:00:19 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWO: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
RLV: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
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Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman
Speaker Judith T. Won Pat, Ph.D.
Member
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Uno Na Lheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 21, 2011

Fred E. Bordallo
Chief of Police
Guam Police Department
Building 233 Central Avenue
Tiyán, Guam 96912

RE: Public Hearing
Friday, December 30, 2011

Dear Chief Bordallo,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Friday, December 30, 2011. Included on the agenda are the following bills which concern the Guam Police Department:

Beginning at 10:00 a.m.:

Bill No. 389-31 (COR) -- "An act to repeal Chapter 75, Title 10 of the Guam Code Annotated and to add a Chapter 17 to Title 4 of the Guam Code Annotated relative to mandatory drug testing for all prospective and current government of Guam employees." -- Senator Mana Silva Tajeron

Bill No. 397-31 (COR) -- "An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction." -- Senator Thomas C. Ada

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,


Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



Thirty-First
Guam Legislature

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I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 21, 2011

Benita Manglona
Director
Department of Administration
P.O. Box 884
Hagåtña, Guam 96932

RE: Public Hearing
Friday, December 30, 2011

Dear Director Manglona,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Friday, December 30, 2011. Included on the agenda are the following bills which concern the Department of Administration:

Beginning at 10:00 a.m.:

Bill No. 389-31 (COR) – “An act to repeal Chapter 75, Title 10 of the Guam Code Annotated and to add a Chapter 17 to Title 4 of the Guam Code Annotated relative to mandatory drug testing for all prospective and current government of Guam employees.” – Senator Mana Silva Tajjeron

Bill No. 397-31 (COR) – “An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction.” – Senator Thomas C. Ada

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,


Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

TX Result Report

P 1
 12/22/2011 09:11
 Serial No. A02E011003085
 TC: 162808

| Destination | Start Time | Time | Prints | Result | Note |
|-------------|-------------|----------|---------|--------|------|
| DOA | 12-22 09:11 | 00:00:21 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CAP: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
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 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full,
 LOVR:Receiving length Over, POVER:Receiving page Over, FIL:File Error,
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Uno Na Libeslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 21, 2011

Benita Manglona
 Director
 Department of Administration
 P.O. Box 884
 Hagåtña, Guam 96932

RE: Public Hearing
 Friday, December 30, 2011

Dear Director Manglona,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and
 Judiciary has scheduled a public hearing on Friday, December 30, 2011.
 Included on the agenda are the following bills which concern the Department of
 Administration:

Beginning at 10:00 a.m.:

Bill No. 389-31 (COR) — "An act to repeal Chapter 75, Title 10 of the Guam Code
 Annotated and to add a Chapter 17 to Title 4 of the Guam Code Annotated
 relative to mandatory drug testing for all prospective and current government of
 Guam employees." — Senator Mana Silva Tajeron

Bill No. 397-31 (COR) — "An act to amend §3346 of Chapter 3, Title 16, Guam
 Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code
 Annotated, relative to restricting the use of mobile phones while operating a
 vehicle, and providing for public education requirements regarding such
 restriction." — Senator Thomas C. Ada

Your attendance in this public hearing would be very helpful. If you are unable to
 attend, a written comment would be appreciated. Please contact me or my office
 for further information or concerns.

Sincerely,

Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



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Guam Legislature

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Senator Rory J. Respicio
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Senator Christopher M. Duenas
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Senator Mana Silva-Tajeron
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

December 21, 2011

Perry C. Taitano
Administrator of the Courts
Unified Judiciary of Guam
120 West O'Brien Drive
Hagåtña, Guam 96910

RE: Public Hearing
Friday, December 30, 2011

Dear Perry Taitano,

Buenas yan Håfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Friday, December 30, 2011. Included on the agenda are the following bills which concern the Unified Judiciary of Guam:

Beginning at 10:00 a.m.:

Bill No. 389-31 (COR) – "An act to repeal Chapter 75, Title 10 of the Guam Code Annotated and to add a Chapter 17 to Title 4 of the Guam Code Annotated relative to mandatory drug testing for all prospective and current government of Guam employees." – Senator Mana Silva Tajeron

Bill No. 397-31 (COR) – "An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction." – Senator Thomas C. Ada

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,


Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

Office/Mailing Address: 155 Hesler Place, Hagåtña, Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

| Destination | Start Time | Time | Prints | Result | Note |
|-------------|-------------|----------|---------|--------|------|
| Court Admin | 12-22 09:10 | 00:00:23 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SB: Special original, FCODE: F-Code, RTX: Re-TX,
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Thirty-First
 Guam Legislature

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 21, 2011

Perry C. Taitano
 Administrator of the Courts
 Unified Judiciary of Guam
 120 West O'Brien Drive
 Hagåtña, Guam 96910

RE: Public Hearing
 Friday, December 30, 2011

Dear Perry Taitano,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and
 Judiciary has scheduled a public hearing on Friday, December 30, 2011.
 Included on the agenda are the following bills which concern the Unified
 Judiciary of Guam:

Beginning at 10:00 a.m.:

Bill No. 389-31 (COR) – "An act to repeal Chapter 75, Title 10 of the Guam Code
 Annotated and to add a Chapter 17 to Title 4 of the Guam Code Annotated
 relative to mandatory drug testing for all prospective and current government of
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Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



Thirty-First
Guam Legislature

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Senator Mana Silva-Tajeron
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

December 21, 2011

Honorable Leonardo Rapadas

Attorney General

Office of the Attorney General

287 West O'Brien Drive

Hagåtña, Guam 96910

RE: Public Hearing
Friday, December 30, 2011

Dear Attorney General Rapadas,

Buenas yan Håfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Friday, December 30, 2011. Included on the agenda are the following bills which concern the Office of the Attorney General:

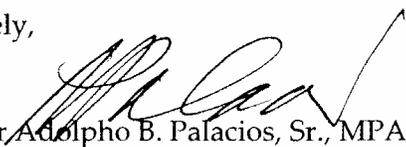
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Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,


Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

Office/Mailing Address: 155 Hesler Place, Hagåtña, Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

| Destination | Start Time | Time | Prints | Result | Note |
|-------------|-------------|----------|---------|--------|------|
| AGO | 12-22 09:08 | 00:00:22 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
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SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 21, 2011

Honorable Leonardo Rapadas
Attorney General
Office of the Attorney General
287 West O'Brien Drive
Hagåtña, Guam 96910

RE: Public Hearing
Friday, December 30, 2011

Dear Attorney General Rapadas,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and
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Attorney General:

Beginning at 10:00 a.m.:

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Annotated and to add a Chapter 17 to Title 4 of the Guam Code Annotated
relative to mandatory drug testing for all prospective and current government of
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Annotated, relative to restricting the use of mobile phones while operating a
vehicle, and providing for public education requirements regarding such
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attend, a written comment would be appreciated. Please contact me or my office
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I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

December 21, 2011

Joann M.S. Brown

Director
Department of Public Works
542 North Marine Corps Drive
Tamuning, Guam 96913

RE: Public Hearing
Friday, December 30, 2011

Dear Director Brown,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Friday, December 30, 2011. Included on the agenda is the following bill which concerns the Department of Public Works:

Beginning at 10:00 a.m.:

Bill No. 397-31 (COR) – “An act to amend §3346 of Chapter 3, Title 16, Guam Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, relative to restricting the use of mobile phones while operating a vehicle, and providing for public education requirements regarding such restriction.” – Senator Thomas C. Ada

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Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

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| Destination | Start Time | Time | Prints | Result | Note |
|--------------|-------------|----------|---------|--------|------|
| DPW Director | 12-22 09:03 | 00:00:20 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
RLV: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full,
LOVR:Receiving length Over, POVER:Receiving page Over, FIL:File Error,
DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman
Speaker Judith T. Won Pat, Ph.D.
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Member
Senator Judith P. Guthertz, DPA
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Utilities, Transportation, Public
Works and Veterans Affairs
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Senior Citizens, Economic
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Member, Committee on
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Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
Member, Committee on Guam
Military Buildup and Homeland
Security
Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trental Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 21, 2011

Joann M.S. Brown
Director
Department of Public Works
542 North Marine Corps Drive
Tamuning, Guam 96913

RE: Public Hearing
Friday, December 30, 2011

Dear Director Brown,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and
Judiciary has scheduled a public hearing on Friday, December 30, 2011.
Included on the agenda is the following bill which concerns the Department of
Public Works:

Beginning at 10:00 a.m.:

Bill No. 397-31 (COR) – "An act to amend §3346 of Chapter 3, Title 16, Guam
Code Annotated, and to add a new §3346.1 of Chapter 3, Title 16, Guam Code
Annotated, relative to restricting the use of mobile phones while operating a
vehicle, and providing for public education requirements regarding such
restriction." – Senator Thomas C. Ada

Your attendance in this public hearing would be very helpful. If you are unable to
attend, a written comment would be appreciated. Please contact me or my office
for further information or concerns.

Sincerely,


Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

FRIDAY, DECEMBER 30, 2011

I Liheslaturan Guåhan's Public Hearing Room, Hagatña

AGENDA

- I. **Call to Order**
- II. **Opening Remarks/Announcements**
- III. **Items for Discussion:**
 - **Bill No. 389-31 (COR)** – AN ACT TO REPEAL CHAPTER 75, TITLE 10 OF THE GUAM CODE ANNOTATED AND TO ADD A CHAPTER 17 TO TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATORY DRUG TESTING FOR ALL PROSPECTIVE AND CURRENT GOVERNMENT OF GUAM EMPLOYEES. – sponsored by **Senator M. Silva Taijeron**
 - **Bill No. 397-31 (COR)** – AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS. – sponsored by **Senator T. C. Ada**
- IV. **Closing Remarks**
- V. **Adjournment**

Cellphone ban debated

Pacific Daily News - Hagatna, Guam

Author: Brett Kelman

Date: Dec 31, 2011

Start Page: A.1

Section: LOCAL

Text Word Count: 706

Document Text

A bill that would ban the dangerous combination of cellphones and driving is filled with exemptions to allow hands-free headsets and let commercial drivers keep talking -- hands free or not.

If passed into law, Bill 397 could bar motorists from using cellphones to talk, text or browse the Internet as soon as March, said Sen. Tom Ada. Police could pull over a driver who was simply seen holding his cellphone while driving, Ada said.

However, according to the bill, some crucial exemptions exist:

*First, motorists who use wireless headsets would still be allowed to conduct phone conversations while driving;

*Second, commercial drivers -- such as truck drivers, taxis, bus drivers and pizza delivery drivers -- can still use their phones.

"Take for example your pizza delivery guy," Ada said at the Legislature yesterday. "He needs to be in touch with his base station. And so the bill allows him to make a cellphone call to figure out where he is going."

However, both of these exemptions came under fire during a public hearing yesterday, where businessmen and safety experts clashed over the balance between efficiency and risk.

Bob Michael, a driving safety educator with Guam Public Safety Educators, questioned the wisdom of allowing exemptions for commercial drivers -- who often drive the "largest, heaviest and most dangerous vehicles."

Michael recommended requiring all commercial drivers to take training and acquire a nationally recognized safe driving certification.

"If individuals of private vehicles are prohibited from using cellular phones, then it would only be fair that exempted commercial drivers be held at a higher standard," Michael said.

Commercial drivers

In contrast, Michael Limtiaco, vice president of trucking company Pacific Unlimited, said cell phones were "critical" to his business' efficiency, and a lack of communication would create a "ripple effect" that would pass costs to customers.

Limtiaco said he would support Bill 397 as long as the exemption for commercial drivers is maintained.

Limtiaco also questioned a section of the bill that said commercial drivers can use their cellphones only for business-related conversations. This would be "close to impossible" for police to enforce, Limtiaco said, although Ada insisted police could look for signs that truck drivers were not talking shop, such as laughing.

"Then what are the chances police pull (a driver) over for the wrong reasons?" Limtiaco asked.

After hearing testimony from both sides, several senators said they questioned the exemption for commercial drivers. Sen. Aline Yamashita said she opposed the exemption and Sen. Mana Silva Tajeron said she was on the fence.

Sen. Frank Blas Jr. said he was nearly struck by a trucker before the hearing. The trucker turned left while talking on a cellphone, Blas said.

"I understand the need for efficiency," Blas said. "But when do we temper efficiency for safety? If there is a happy medium there, I am willing to look at that."

Some also questioned if hands-free headsets really made cellphones any safer.

Martin Ada Manglona cited several studies that said the cognitive distraction of a conversation still increases the likelihood of an accident several times over. Michael also opposed an exemption for hands-free headsets.

Ada noted that if the commercial exemption were removed but the hands-free exemption was preserved, businesses such as Pacific Unlimited could just get headsets for their drivers.

Drug testing

Senators also took testimony on a bill that would create a government-wide drug-testing program.

Taijeron, who introduced the bill, said she was surprised to discover such a law didn't already exist. Instead, drug-testing policies were set by an executive order from a former governor and enforced through varying policies of different agencies.

The bill was supported by the Department of Administration, said Francis Flisco, who spoke with senators about tweaking the bill's testing procedures.

Senators also discussed who would pay for the drug tests, which cost about \$40 each.

"It's a small price to pay if we have to each cover the cost individually for job applications," said Sen. Sam Mabini.

"At lot of time it's a loss, especially when the employee isn't hired and we still have to pay for the drug test," Taijeron said.

TO THE POINT

*Residents and senators debate a bill that could ban cellphone use while driving for some motorists.

ID_Code: M0-112310301

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Abstract (Document Summary)

[...] according to the bill, some crucial exemptions exist: *First, motorists who use wireless headsets would still be allowed to conduct phone conversations while driving; *Second, commercial drivers -- such as truck drivers, taxis, bus drivers and pizza delivery drivers -- can still use their phones.

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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 397-31(COR)

Introduced by:

T. C. Ada
A. B. Palacios, Sr.

AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that there are over
3 110,000 vehicles currently registered on Guam, of which approximately 75% are
4 privately owned, non-commercial light vehicles. The remaining 25% are comprised of
5 commercial vehicles, such as cargo trucks, buses, and taxis.

6 *I Liheslaturan Guåhan* further finds that as traffic volumes increase on Guam's
7 roadways, distracted driving increasingly presents a real and significant danger to the
8 public. As such, it is imperative to promote driver attentiveness.

9 *I Liheslaturan Guåhan* further recognizes that studies have shown that using a
10 mobile phone while driving increases the risk of collision four-fold, and that driver
11 impairment while using a mobile phone is equal to that of driving with a blood alcohol
12 content in excess of 0.08 percent. Evidence of such dangers are substantial, and have
13 prompted the National Highway Traffic Safety Administration to state that using a

1 mobile phone while driving can pose a “serious cognitive distraction and degrade driver
2 performance.”

3 Current Guam law only prohibits “texting” while driving. In order to further
4 address the issue of distracted driving, *I Liheslaturan Guåhan* finds it necessary to further
5 regulate, with certain exemptions, the casual use of mobile phones while operating a
6 vehicle on Guam’s roads.

7 **Section 2.** §3346 of Chapter 3, Title 16, Guam Code Annotated, is hereby
8 *amended* to read as follows:

9 **“§3346. Restrictions on the Use of Electronic Communication Devices**
10 **While Driving.**

- 11 a. **Restriction.** It is unlawful for a person to ~~read, write, or send electronic~~
12 ~~messages use, or be holding, a mobile phone or similar electronic~~
13 ~~communications device~~ while operating a ~~motor~~ vehicle.
- 14 b. **Exemptions.** This restriction set forth in §3346(a) shall not apply to the
15 following:
- 16 i. **Emergency calls.** The person is making an emergency 911 call;
17 or,
- 18 ii. **Communications Related to Conducting Commercial**
19 **Transportation Operations.** During the course of carrying out
20 commercial transportation operations while in a company vehicle,
21 or privately owned vehicle, bearing the logo of the company of
22 employment. Said communications shall be restricted for the sole

1 purpose of business related real-time communications and
2 coordination; or,

3 iii. **Hands-free.** The person is using a mobile phone that is
4 specifically designed and configured to allow hands-free listening
5 and talking, through the use of Bluetooth or similar technology,
6 and is used only in that manner while driving. Should an earpiece
7 be utilized as part of the hands-free talking device, only one such
8 earpiece may be used by the person. Medically prescribed hearing
9 aids are not to be counted against the one earpiece limit; or,

10 iv. **Ham Radio.** The person is using only two-way mobile radio
11 transmitters or receivers and possesses a current, valid license from
12 the Federal Communications Commission in the Amateur Radio
13 Service.

14 c. **Limits of Exemptions.** The exemptions outlined in §3346.b.ii through
15 §3346.b.iv of this Chapter shall only be extended to an individual with a
16 valid Driver's License. For the purposes of this section, a Learner's
17 Permit or an Intermediate License shall not constitute a Driver's License.

18 d. **Penalties.** Any person who violates the provisions of subsection (a), (b),
19 or (c) of this Section is guilty of a violation and shall be punished by a fine
20 not to exceed *no less than* One Hundred Dollars (\$100). Repeat violations
21 of this section shall be punished by a fine *no less than* Five Hundred
22 Dollars (\$500). However, should a person be found to have violated the
23 provisions of this Section that may have contributed to a traffic accident,

1 then he or she is guilty of a violation punishable by a fine *no less than One*
2 Thousand Dollars (\$1,000) and may result in the suspension or revocation
3 of driving privileges on Guam’s roadways.

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

8 **Section 3.** A new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, is
9 hereby *added* to read as follows:

10 **“§3346.1. Public Education Regarding Restrictions on the Use of Mobile**
11 **Phones While Driving.**

12 a. Within Sixty (60) days following enactment of this Act, businesses
13 providing either mobile phone services or vehicle insurance shall send a
14 one-time mailing to all current customers with written information
15 adequately summarizing restrictions on the use of mobile phones while
16 driving, as outlined in §3346 of Chapter 3, Title 16, Guam Code
17 Annotated. Additionally, businesses providing either mobile phone
18 services or vehicle insurance are required to provide such adequately
19 summarized written information to all new customers following the
20 enactment of this Act, and to also include such information continuously
21 on their respective websites.

22 b. The Department of Revenue and Taxation, Motor Vehicle Division shall
23 provide all applicants for a Learner’s Permit, Intermediate License, or

1 Drivers License, whether new or renewing, with written information
2 adequately summarizing restrictions on the use of mobile phones while
3 driving, as outlined in §3346 of Chapter 3, Title 16, Guam Code
4 Annotated. Drivers License exams shall also test on the subject matter of
5 mobile phone usage while driving.

6 c. Any business entity registered with the Department of Revenue and
7 Taxation who sells, leases, or rents vehicles must provide every customer
8 with written information adequately summarizing restrictions on the use of
9 mobile phones while driving, as outlined in §3346 of Chapter 3, Title 16,
10 Guam Code Annotated.”

11 **Section 4. Effective Date.** This Act shall be effective 60 days from the date of
12 enactment.

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