

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

May 16, 2012

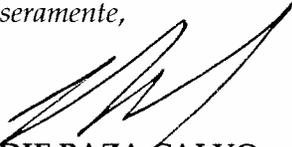
Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-12-1566
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 05/15/12
Time 4:04 PM
Received by [Signature]

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 407-31 (COR) entitled, "AN ACT TO ADD A NEW SUBSECTION (xx) TO §1102 OF CHAPTER 1, AND A NEW §9107.1 TO CHAPTER 9; AND TO AMEND SUBSECTION (c) OF §9107, CHAPTER 9, ALL OF TITLE 16, GUAM CODE ANNOTATED; RELATIVE TO PROVIDING FOR A COURT IMPOSED PENALTY REQUIRING THE TAKING OF A DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING", which I signed into law on May 9, 2012 as **Public Law 31-208**.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

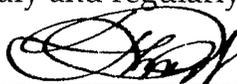
2012 MAY 16 PM 8:47

1566

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

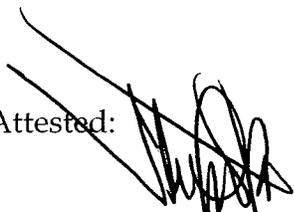
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 407-31 (COR), "AN ACT TO ADD A NEW SUBSECTION (xx) TO §1102 OF CHAPTER 1, AND A NEW §9107.1 TO CHAPTER 9; AND TO AMEND SUBSECTION (c) OF §9107, CHAPTER 9, ALL OF TITLE 16, GUAM CODE ANNOTATED; RELATIVE TO PROVIDING FOR A COURT IMPOSED PENALTY REQUIRING THE TAKING OF A DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING", was on the 27th day of April, 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'lahaen Guåhan* this 27th day of Apr., 2012, at 2:00 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J. B. CALVO
I Maga'lahaen Guåhan

MAY 09 2012

Date: _____

Public Law No. 31-208

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

Bill No. 407-31 (COR)

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

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
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
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW SUBSECTION (xx) TO §1102
OF CHAPTER 1, AND A *NEW* §9107.1 TO CHAPTER 9;
AND TO *AMEND* SUBSECTION (c) OF §9107, CHAPTER
9, ALL OF TITLE 16, GUAM CODE ANNOTATED;
RELATIVE TO PROVIDING FOR A COURT IMPOSED
PENALTY REQUIRING THE TAKING OF A
DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE
OF RECKLESS DRIVING.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that defensive driving is a method of driving that minimizes the number of driving

1 risks, using more advanced skills than just your basic driver's training. When you
2 employ defensive driving techniques, you become a better, safer and smarter
3 driver; one who is better prepared for the hazards ahead on Guam's roads.

4 Because more than forty-one thousand (41,000) people die in motor vehicle
5 crashes each year, many states require defensive driving programs for people who
6 have accumulated two (2) violations on their driving records or had their driving
7 privileges suspended. Defensive driving programs teach drivers to be cautious and
8 maintain an awareness of their surroundings, the current rules of the road, and the
9 latest techniques in vehicle handling. These skills may help reduce traffic accidents
10 across the board.

11 Defensive driver programs are used worldwide by several branches of the
12 Armed Forces, police forces, and ambulance and fire departments. Defensive
13 driving classes have been court-approved by at least twenty-eight (28) states to
14 reduce deaths and injuries caused by inexperienced drivers, aggressive drivers, and
15 alcohol and drug related motor vehicle crashes.

16 Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Idaho,
17 Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Missouri, Nevada, New
18 Jersey, New Mexico, North Carolina, North Dakota, New York, Ohio, Oklahoma,
19 South Carolina, Tennessee, Texas, Virginia and Washington are the states that
20 require a defensive driving program upon conviction of multiple offenses of
21 reckless driving.

22 *I Liheslaturan Guåhan* takes due note that defensive driving programs are
23 also an opportunity for drivers to learn more about safe driving, while possibly
24 lowering their auto insurance rates, and ultimately making streets safer. A
25 qualified defensive driving program utilizes lesson plans that are proven with
26 studies to be effective, to include operating a vehicle in adverse weather conditions

1 such as heavy rains, and dealing with driving around larger vehicles, pedestrians,
2 cyclists, and aggressive, distracted and impaired drivers.

3 An average of over six thousand (6,000) motor vehicle crashes are reported
4 every year on Guam, with a crash rate of about forty (40) accidents for every one
5 thousand (1,000) people on the island, compared to a national average of nineteen
6 (19) accidents for every one thousand (1,000) motorists. This is twice the national
7 average. Over the past eight (8) years, there has been an annual average of
8 seventeen (17) fatalities caused by motor vehicle crashes on Guam.

9 It is the intent of *I Liheslaturan Guåhan* to improve the safety of Guam's
10 roads by increasing the penalty for a conviction or filing, without contest, of an
11 official investigation report that the person committed the offense of reckless
12 driving. A program in defensive driving *may* be required at the discretion of the
13 judge for a first offense. Education as a prevention measure helps ensure that
14 convicted reckless drivers are better educated and more aware of the severity of
15 their offense. A second offense within eighteen (18) months of the first or last
16 offense *shall* require the mandatory taking of *both* a driver education course *and* a
17 defensive driving program.

18 **Section 2. Definition.** A new Subsection (xx) is hereby *added* to §1102 of
19 Chapter 1, Title 16, Guam Code Annotated, to read:

20 “(xx) *Defensive driving*: Defensive driving is “driving to save lives,
21 time, and money, in spite of the conditions around you and the actions of
22 others.” Defensive driving is a form of training for motor vehicle drivers
23 that goes beyond mastery of the rules of the road and the basic mechanics of
24 driving. Its aim is to reduce the risks associated with driving by anticipating
25 dangerous situations, despite adverse conditions or the mistakes of others.
26 Defensive driving is also known as driver improvement, as well as traffic

1 school. For the purposes of this Title and §9107 and §9107.1, the terms are
2 interchangeable.”

3 **Section 3. Same: Reckless Driving.** Subsection (c) of §9107, Chapter 9,
4 Title 16, Guam Code Annotated, is hereby *amended* to read:

5 “(c) Where a person drives in wanton disregard of persons or
6 property, or whenever such reckless driving of a vehicle proximately causes
7 a collision in which bodily injury or property damage result, the person so
8 driving such vehicle *shall*, upon conviction or filing, without contest, of an
9 official investigation report that the person committed the offense of reckless
10 driving, and in addition to the penalties provided in Subsections (a) and (b),
11 be required to attend a course in driver education *not less than* six (6) weeks
12 in length, and to obtain a certificate of attendance at the satisfactory
13 completion of such course, and/or a defensive driving program at the
14 discretion of the court, for a first offense. Such course or program *shall* be
15 provided by a company/provider certified by the Department of Revenue
16 and Taxation, and *shall* be attended by the convicted reckless driver after
17 serving his sentence or paying his fine, or both. Failure of such convicted
18 reckless driver to attend such course or program *shall* constitute a separate
19 offense and *shall* be punishable as a petty misdemeanor.

20 (1) In addition to the penalties provided in Subsections (a)
21 and (b) of this Section, when the person driving the
22 vehicle has one (1) or more prior convictions for the
23 offense of reckless driving, which may or may not have
24 resulted in bodily injury or property damage, *shall* upon
25 conviction or filing, without contest, of an official
26 investigation report that the person committed the offense

1 of an additional violation of reckless driving, within
2 eighteen (18) months of the first violation, require the
3 driver to take and complete a defensive driving program,
4 in addition to taking, or retaking, a driver education
5 course.

6 (2) All costs for the taking of a defensive driving course, as
7 ordered by the court, *shall* be paid by the person convicted of the
8 offense of reckless driving.”

9 **Section 4. Defensive Driving Program Guidelines.** A new §9107.1 is
10 hereby *added* to Chapter 9, Title 16, Guam Code Annotated, to read:

11 “§ 9107.1. **Defensive Driving Program Guidelines.** The defensive
12 driving training and certification *shall* be offered in a traditional classroom
13 setting and virtual/online learning. A student verification mechanism *shall*
14 be used throughout the program if online training is elected. Classroom
15 instruction must be offered, but either a classroom or virtual/online program
16 satisfies the training and certification requirement. The defensive driving
17 program *shall* be a minimum of four hundred (400) minutes, and a final test
18 *shall* be administered and passed for a student to get certification. The
19 defensive driving program must have an on-island administrator who has a
20 minimum of two (2) years experience in the administration of a nationally-
21 recognized defensive driving program that is certified to train by any
22 authorizing recognized organization that meets the criteria provided herein.
23 And further provided, that the defensive driving program has a demonstrated
24 performance record of reducing reckless driving directly attributable to the
25 program, within any of the states, counties, municipalities, cities, and/or in
26 providing like services for federal agency programs.

1 (a) Defensive driving schools and programs *shall* be
2 regulated by the Motor Vehicle Division, Guam Department of
3 Revenue and Taxation;

4 (b) Defensive driving schools and programs established on
5 Guam *shall* meet the standards to become certified and licensed by the
6 Guam Department of Revenue and Taxation, Motor Vehicle Division;

7 (c) Defensive driving programs *shall* be completed in *no less*
8 *than* four hundred (400) minutes;

9 (d) The organizations authorized to provide this training
10 *shall* retain student records for *at least* five (5) years. For purposes of
11 clarification, defensive driving training is *not* drivers education, as
12 defined by §3103 of Chapter 3, Title 16, Guam Code Annotated; and

13 (e) Defensive driving programs on Guam *shall* cover such
14 areas as Guam specific needs and general defensive driving training in
15 traffic law, methods of accident avoidance and force reduction, human
16 limitations, the effects of alcohol and drugs on the driver and driving,
17 the serious dangers of driving distractions, and a translation of traffic
18 violations into their resultant damages, including property, injury,
19 death, and societal impact.”

20 **Section 5. Promulgation of Rules and Regulations.**

21 (a) The Department of Revenue and Taxation *shall*, within a reasonable
22 time period of the enactment of this Act, promulgate the necessary rules and
23 regulations, to include administrative fees for the issuance of a certification of
24 program completion, required to implement the provisions of §9107 and §9107.1,
25 of Chapter 9, Title 16, Guam Code Annotated, as provided pursuant to Article 3
26 [Rule-Making Procedures], Chapter 9 [Administrative Adjudication Law],
27 Division 1, Title 5, Guam Code Annotated [Government Operations].

1 (b) The Unified Courts of Guam *shall*, within a reasonable time period of
2 the enactment of this Act, promulgate the necessary rules and regulations, to
3 include administrative fees and court costs, required to implement the provisions of
4 §9107 and §9107.1 of Chapter 9, Title 16, Guam Code Annotated, as provided
5 pursuant to applicable law, rules and regulations, and Judicial procedures.

6 **Section 6. Prospective Applicability.** The amendments to Subsection (c)
7 of §9107, as provided pursuant to Section 3 of this Act, and the new §9107.1, as
8 provided pursuant to Section 4 of this Act, *shall not* be effective as to any charge
9 that has been brought against any person prior to the effective date of this Act. No
10 person shall be subject to a more stringent penalty than would have been the case
11 under the law as it existed at the time that such person had been charged with the
12 offense of reckless driving.

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

18 **Section 8. Effective Date.** This Act *shall* become effective upon its
19 enactment.

I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN

2011 (SECOND) Regular Session

Date: 04/27/12

VOTING SHEET

ABill No. 407-31 (COR)

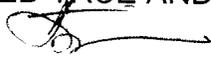
Resolution No. _____

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 III		*			
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T. II	✓				
YAMASHITA, Aline A.	✓				

TOTAL 13 1 0 0 1

CERTIFIED TRUE AND CORRECT:



 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence

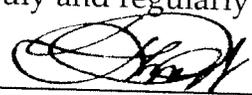
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FILE 357

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

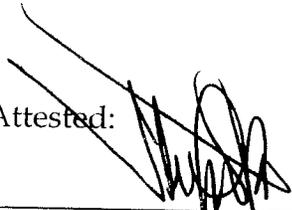
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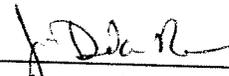
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahren Guåhan* this 27th day of Apr., 2012, at 7:00 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahren Guåhan

Date: _____

Public Law No. _____

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

Bill No. 407-31 (COR)

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

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
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2 employ defensive driving techniques, you become a better, safer and smarter
3 driver; one who is better prepared for the hazards ahead on Guam's roads.

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5 crashes each year, many states require defensive driving programs for people who
6 have accumulated two (2) violations on their driving records or had their driving
7 privileges suspended. Defensive driving programs teach drivers to be cautious and
8 maintain an awareness of their surroundings, the current rules of the road, and the
9 latest techniques in vehicle handling. These skills may help reduce traffic accidents
10 across the board.

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12 Armed Forces, police forces, and ambulance and fire departments. Defensive
13 driving classes have been court-approved by at least twenty-eight (28) states to
14 reduce deaths and injuries caused by inexperienced drivers, aggressive drivers, and
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16 Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Idaho,
17 Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Missouri, Nevada, New
18 Jersey, New Mexico, North Carolina, North Dakota, New York, Ohio, Oklahoma,
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24 lowering their auto insurance rates, and ultimately making streets safer. A
25 qualified defensive driving program utilizes lesson plans that are proven with
26 studies to be effective, to include operating a vehicle in adverse weather conditions

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2 cyclists, and aggressive, distracted and impaired drivers.

3 An average of over six thousand (6,000) motor vehicle crashes are reported
4 every year on Guam, with a crash rate of about forty (40) accidents for every one
5 thousand (1,000) people on the island, compared to a national average of nineteen
6 (19) accidents for every one thousand (1,000) motorists. This is twice the national
7 average. Over the past eight (8) years, there has been an annual average of
8 seventeen (17) fatalities caused by motor vehicle crashes on Guam.

9 It is the intent of *I Liheslaturan Guåhan* to improve the safety of Guam’s
10 roads by increasing the penalty for a conviction or filing, without contest, of an
11 official investigation report that the person committed the offense of reckless
12 driving. A program in defensive driving *may* be required at the discretion of the
13 judge for a first offense. Education as a prevention measure helps ensure that
14 convicted reckless drivers are better educated and more aware of the severity of
15 their offense. A second offense within eighteen (18) months of the first or last
16 offense *shall* require the mandatory taking of *both* a driver education course *and* a
17 defensive driving program.

18 **Section 2. Definition.** A new Subsection (xx) is hereby *added* to §1102 of
19 Chapter 1, Title 16, Guam Code Annotated, to read:

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21 time, and money, in spite of the conditions around you and the actions of
22 others.” Defensive driving is a form of training for motor vehicle drivers
23 that goes beyond mastery of the rules of the road and the basic mechanics of
24 driving. Its aim is to reduce the risks associated with driving by anticipating
25 dangerous situations, despite adverse conditions or the mistakes of others.
26 Defensive driving is also known as driver improvement, as well as traffic

1 school. For the purposes of this Title and §9107 and §9107.1, the terms are
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5 “(c) Where a person drives in wanton disregard of persons or
6 property, or whenever such reckless driving of a vehicle proximately causes
7 a collision in which bodily injury or property damage result, the person so
8 driving such vehicle *shall*, upon conviction or filing, without contest, of an
9 official investigation report that the person committed the offense of reckless
10 driving, and in addition to the penalties provided in Subsections (a) and (b),
11 be required to attend a course in driver education *not less than* six (6) weeks
12 in length, and to obtain a certificate of attendance at the satisfactory
13 completion of such course, and/or a defensive driving program at the
14 discretion of the court, for a first offense. Such course or program *shall* be
15 provided by a company/provider certified by the Department of Revenue
16 and Taxation, and *shall* be attended by the convicted reckless driver after
17 serving his sentence or paying his fine, or both. Failure of such convicted
18 reckless driver to attend such course or program *shall* constitute a separate
19 offense and *shall* be punishable as a petty misdemeanor.

20 (1) In addition to the penalties provided in Subsections (a)
21 and (b) of this Section, when the person driving the
22 vehicle has one (1) or more prior convictions for the
23 offense of reckless driving, which may or may not have
24 resulted in bodily injury or property damage, *shall* upon
25 conviction or filing, without contest, of an official
26 investigation report that the person committed the offense

1 of an additional violation of reckless driving, within
2 eighteen (18) months of the first violation, require the
3 driver to take and complete a defensive driving program,
4 in addition to taking, or retaking, a driver education
5 course.

6 (2) All costs for the taking of a defensive driving course, as
7 ordered by the court, *shall* be paid by the person convicted of the
8 offense of reckless driving.”

9 **Section 4. Defensive Driving Program Guidelines.** A new §9107.1 is
10 hereby *added* to Chapter 9, Title 16, Guam Code Annotated, to read:

11 “§ 9107.1. **Defensive Driving Program Guidelines.** The defensive
12 driving training and certification *shall* be offered in a traditional classroom
13 setting and virtual/online learning. A student verification mechanism *shall*
14 be used throughout the program if online training is elected. Classroom
15 instruction must be offered, but either a classroom or virtual/online program
16 satisfies the training and certification requirement. The defensive driving
17 program *shall* be a minimum of four hundred (400) minutes, and a final test
18 *shall* be administered and passed for a student to get certification. The
19 defensive driving program must have an on-island administrator who has a
20 minimum of two (2) years experience in the administration of a nationally-
21 recognized defensive driving program that is certified to train by any
22 authorizing recognized organization that meets the criteria provided herein.
23 And further provided, that the defensive driving program has a demonstrated
24 performance record of reducing reckless driving directly attributable to the
25 program, within any of the states, counties, municipalities, cities, and/or in
26 providing like services for federal agency programs.

1 (a) Defensive driving schools and programs *shall* be
2 regulated by the Motor Vehicle Division, Guam Department of
3 Revenue and Taxation;

4 (b) Defensive driving schools and programs established on
5 Guam *shall* meet the standards to become certified and licensed by the
6 Guam Department of Revenue and Taxation, Motor Vehicle Division;

7 (c) Defensive driving programs *shall* be completed in *no less*
8 *than* four hundred (400) minutes;

9 (d) The organizations authorized to provide this training
10 *shall* retain student records for *at least* five (5) years. For purposes of
11 clarification, defensive driving training is *not* drivers education, as
12 defined by §3103 of Chapter 3, Title 16, Guam Code Annotated; and

13 (e) Defensive driving programs on Guam *shall* cover such
14 areas as Guam specific needs and general defensive driving training in
15 traffic law, methods of accident avoidance and force reduction, human
16 limitations, the effects of alcohol and drugs on the driver and driving,
17 the serious dangers of driving distractions, and a translation of traffic
18 violations into their resultant damages, including property, injury,
19 death, and societal impact.”

20 **Section 5. Promulgation of Rules and Regulations.**

21 (a) The Department of Revenue and Taxation *shall*, within a reasonable
22 time period of the enactment of this Act, promulgate the necessary rules and
23 regulations, to include administrative fees for the issuance of a certification of
24 program completion, required to implement the provisions of §9107 and §9107.1,
25 of Chapter 9, Title 16, Guam Code Annotated, as provided pursuant to Article 3
26 [Rule-Making Procedures], Chapter 9 [Administrative Adjudication Law],
27 Division 1, Title 5, Guam Code Annotated [Government Operations].

1 (b) The Unified Courts of Guam *shall*, within a reasonable time period of
2 the enactment of this Act, promulgate the necessary rules and regulations, to
3 include administrative fees and court costs, required to implement the provisions of
4 §9107 and §9107.1 of Chapter 9, Title 16, Guam Code Annotated, as provided
5 pursuant to applicable law, rules and regulations, and Judicial procedures.

6 **Section 6. Prospective Applicability.** The amendments to Subsection (c)
7 of §9107, as provided pursuant to Section 3 of this Act, and the new §9107.1, as
8 provided pursuant to Section 4 of this Act, *shall not* be effective as to any charge
9 that has been brought against any person prior to the effective date of this Act. No
10 person shall be subject to a more stringent penalty than would have been the case
11 under the law as it existed at the time that such person had been charged with the
12 offense of reckless driving.

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

18 **Section 8. Effective Date.** This Act *shall* become effective upon its
19 enactment.



Thirty-First
Guam Legislature

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

April 17, 2012

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'Trentai Uno na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

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

RE: Committee Report on Bill No. 407-31 (COR) as Amended.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 407-31 (LS) – "AN ACT TO PROVIDE FOR THE COURT IMPOSED PENALTY REQUIRING THE TAKING OF A DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING, BY ADDING A NEW SUBSECTION (RR) TO §1102 OF CHAPTER 1, 16 GCA; AND AMENDING SUBSECTION (C) OF §9107, CHAPTER 9, 16 GCA; AND ADDING A NEW §9107.1 TO CHAPTER 9, 16 GCA,"** hereby reports out with the recommendation **TO PASS**.

Committee Votes are as follows:

<u>11</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,

THOMAS C. ADA

Acting Chairman

Attachments

2012 APR 20 AM 8:29

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

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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. 407-31 (COR)
As Amended by the Committee on
Public Safety, Law Enforcement & Judiciary

AN ACT TO PROVIDE FOR THE COURT IMPOSED PENALTY REQUIRING THE TAKING OF AN DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING, BY *ADDING* A NEW SUBSECTION (xx)~~(ff)~~ TO §1102 OF CHAPTER 1, 16 GCA; AND *AMENDING* SUBSECTION (c) OF §9107, CHAPTER 9, 16 GCA; AND *ADDING A NEW* §9107.1 TO CHAPTER 9, 16 GCA.



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

Thirty-First
Guam Legislature

April 10, 2012

MEMORANDUM

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

FROM: Senator Adolpho B. Palacios, Sr. 
Committee Chairman

SUBJECT: Committee Report on Bill No. 407-31 (COR) as Amended.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 407-31 (COR) — "AN ACT TO PROVIDE FOR THE COURT IMPOSED PENALTY REQUIRING THE TAKING OF AN DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING, BY ADDING A NEW SUBSECTION (xx)(***)) TO §1102 OF CHAPTER 1, 16 GCA; AND AMENDING SUBSECTION (c) OF §9107, CHAPTER 9, 16 GCA; AND ADDING A NEW §9107.1 TO CHAPTER 9, 16 GCA."** — sponsored by Senator Dennis G. Rodriguez, Jr..

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of **Bill No. 407-31 (COR) as Amended**
- Copy of **Bill No. 407-31 (COR) as Introduced**
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Request for Fiscal Note for **Bill No. 407-31 (COR)**
- Copy of COR Referral of **Bill No. 407-31 (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. 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-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 Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE VOTING SHEET:

Bill No. 407-31 (COR) as Amended – “AN ACT TO PROVIDE FOR THE COURT IMPOSED PENALTY REQUIRING THE TAKING OF AN DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING, BY *ADDING* A NEW SUBSECTION ~~(xx)(rr)~~ TO §1102 OF CHAPTER 1, 16 GCA; AND *AMENDING* SUBSECTION (c) OF §9107, CHAPTER 9, 16 GCA; AND *ADDING A NEW* §9107.1 TO CHAPTER 9, 16 GCA.” – sponsored by Senator Dennis G. Rodriguez, Jr.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		4/10/12 ✓				
Thomas C. Ada Vice Chairman		4/11/12				
Tina R. Muña-Barnes Member		✓				
Judith P. Guthertz, DPA Member		u				
Rory J. Respicio Member		4/10/12 m				
Dennis G. Rodriguez, Jr. Member		4/10/12				
Judith T. Won Pat, Ed.D. Member		4/11/12				
V. Anthony Ada Member		4/11/12				
Christopher M. Duenas Member		4/11/12				
Mana Silva Taijeron Member		4/16/12 ✓				
Aline A. Yamashita, Ph.D. Member		4/13/12				



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 407-31 (COR) – “An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA.” – sponsored by Senator Dennis G. Rodriguez, Jr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement & Judiciary convened the public hearing on February 27, 2012 at 8:37 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **Bill No. 407-31 (COR)** – “An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA,” sponsored by Senator Dennis G. Rodriguez, Jr.

Public Hearing Requirements:

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on February 15 and 20, 2012 (5-day Notice) and on February 24, 2012 (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
Speaker Judith T. Won Pat, Member
Senator Dennis G. Rodriguez, Jr., Member
Senator Aline A. Yamashita, Ph.D., Member
Senator V. Anthony Ada, Member
Senator Mana Silva Taijeron, Member
Vice Speaker Benjamin J.F. Cruz
Senator Frank F. Blas, Jr.

Individual(s) Registered for oral or written testimony:

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

Phil Tydingco, Chief Deputy Attorney General, Office of the Attorney General, provided oral testimony on the Bill.

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Deputy Director Carl Dominguez for Joanne M.S. Brown, Director, Department of Public Works, provided oral and written testimony in support of the Bill.

Raymond A. Schnabel, Chairman, Insurance Association of Guam, provided oral and written testimony

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr., convened the public hearing at 8:37 a.m., read the agenda, explained the procedures of the public hearing, called the panel of Robert Michael, Chief Deputy Attorney General Phil Tydingco, Deputy Director Carl Dominguez and Chairman Raymond Schnabel to the panel, and deferred to the author, Senator Dennis G. Rodriguez, Jr., to provide an overview.

Senator Dennis Rodriguez said that there are about 6,000 accidents per year. He described the chief causes of automobile accidents. The Bill would require “reckless drivers” to take a course in driver safety upon multiple convictions of reckless driving.

Mr. Robert Michael read his prepared written testimony. Mr. Michael supports the Bill. He described his qualifications as a public safety educator. Mr. Michael pointed out that Guam has twice the collision rate than the United States. He discussed the costs to society for each collision. Mr. Michael expressed his concern that poorly-crafted laws could undermine defensive driving instruction if it allows fly-by-night organizations to capitalize on Guam’s traffic safety problems. He mentioned a number of criteria to which would distinguish a legitimate defensive driving school on Guam. (*See attached written testimony.*)

Deputy Director Carl Dominguez read the written testimony of Director Joanne Brown. Director Brown supports the Bill. She explained the role of the Department of Public Works in street safety. Director Brown cited statistics regarding unsafe driving. She said that a Defensive Driver Program will help offenders learn to be more responsible drivers. (*See attached written testimony.*)

Chief Deputy Attorney General Phil Tydingco said that the Office of the Attorney General supports the intent to protect drivers and pedestrians. He said that in plea agreements, the driver school portion is usually not enforced because it implicates money and there is no mechanism to assure payment of the driver school. He pointed out that there is no program for driver safety through GPD or DPW. He suggested a model like the DUI program, which is paid by the offender. He said that there is ambiguity between defensive driver programs and driver’s education courses. He pointed the rules and regulations, if they are not promulgated, could be used by the defense to avoid the requirement.

Chairman Raymond Schnabel said that the insurance industry is in favor of the Bill, but that the Bill falls short by waiting until a driver becomes a “reckless driver” by the definition of the law. He said that it is too late, as driver’s behavior is shaped over time. Mr. Schnabel discussed the automobile assigned risk plan. He suggested that the point system replace “reckless driving” as the trigger for requiring safe driver instruction. (*See attached written testimony.*) Mr. Schnabel included a copy of the Guam Automobile Assigned Risk Insurance Plan, which had lapsed into law pursuant to the Administrative Adjudication Law.

Chairman Palacios mentioned a Bill that he had introduced which might address that idea.

Senator Rodriguez said that it is about identifying unsafe drivers. He believes that they should not necessarily wait until a driver is a convicted “reckless driver”. Senator Rodriguez asked Mr. Michael what the trend is for people to use a driver safety course to improve their driving skills. Mr. Michael said that he has been approached by individuals who have relatives who have taken a safe driving course and want to take it or have their children take the course. Senator Rodriguez asked if there is an incentive in insurance to encourage people to take drivers safety courses. Mr. Schnabel said that the point system is used to establish insurance surcharges and taking such a course reduces the number of points.

Speaker Won Pat asked if it is possible that the traffic court have the discretion to require the course before the rules are promulgated. Mr. Tydingco said that there is a practicality issue to ensure that the driver safety program is formulated and certified to be enforceable. Mr. Tydingco said that the courts would have the discretion and he said that what is discretionary in the Bill is whether drivers education or drivers school is to be mandated, depending on the circumstances of the offense. Speaker Won Pat asked whether the individual should have to pay for the driving school and Mr. Tydingco said that could be done. Speaker Won Pat asked how much a course would cost. Mr. Michael said that it could start at \$25 in some jurisdictions, but could be several hundred dollars. He said that the usual practice in other jurisdictions is to have it paid by the violator. Mr. Michael said that it would be about \$45 for the classes. Speaker Won Pat clarified that the point system for insurance allows for a lower cost for insurance for taking such courses. Mr. Tydingco said that his experience in Hawaii is that the driving school is run by the state and it is self-funding. He said that the point system affects premiums for automobile insurance. Mr. Tydingco said that there are public and private models for drivers’ education.

Senator Mabini asked Mr. Tydingco and Mr. Schnabel about whether local driving schools are effective. Mr. Schnabel said that the driving schools are not created to address bad behavior, but to provide basic education for getting the first drivers license. Mr. Tydingco said that there are other cumulative violations that might be considered. Senator Mabini asked what a typical person would experience in a program. Mr. Robert Michael said that there would be about 400 minutes. He said that the course is most effective for those who are still developing their driving behaviors. Mr. Michael pointed to the process for such a program ordered through the court.

Senator Mabini asked about Section 5 of the Bill and asked whether they should be established through legislation or established by the Department. Mr. Phil Tydingco said that it should go through the Administrative Adjudication Law process. He stated that there should be a notwithstanding provision. Mr. Tydingco suggested that looking at the profile of offenders which would be affected by the course.

Mr. Schnabel asked whether the court has the authority to revoke a license for a given number of offenses and Chairman Palacios said that it does. Mr. Tydingco said that it can, but if the offender does not have a license, there is no license to take. Mr. Michael said that a large number of drivers drive without a license, but he teaches licensed drivers, not unlicensed drivers.

Senator Mabini asked if it is difficult to provide discounts for safe driving programs. Mr. Schnabel said that it can be difficult, but the insurance companies get their information from the courts and if there is a point system, then the points will be available in the records. Senator Mabini asked what the process is to get any discount. Mr. Schnabel said he is unaware of any defensive driving program. Mr. Michael said that he conducts defensive driving and that there is a discount for some insurance companies on an individual basis, but through their employers, the process is more complicated and involves insurance and banking. He said that the insurance has to authorize it and it occurs now on Guam.

Chairman Palacios said that the Bill would strengthen effectiveness of the reckless driving provision. He said that reckless driving could be one of several ways to flag individuals for additional training in safe driving and that another has been produced in Bill No. 420-31 (COR). The Chairman discussed the standards which are established by Bill No. 407-31 (COR). Chairman Palacios asked how many hours the driving program would take. Mr. Michael said that it would be 400 minutes, which is 8 classroom hours with breaks. Mr. Michael said that there are qualified persons who can meet the standards established in the Bill. The Chairman said that perhaps a requirement of a driving course could be mandated as a condition for regaining

licensure. Chairman Palacios indicated his interest in having a mark-up meeting with interested parties.

Senator Rodriguez asked whether this Bill would help get increased federal funding. Deputy Director Dominguez said that any positive news in regard to traffic safety will be seen as progress by federal counterparts.

Chairman Palacios asked whether grants would be available to trainers, which might reduce the costs to individuals who take such courses. Deputy Director Dominguez said that he would provide an answer later.

Chairman Adolpho B. Palacios declared that Bill No. 407-31 (COR) had been duly heard. The Chairman concluded the hearing and requested that written testimony be submitted. Chairman Palacios adjourned the hearing at 10:20 a.m.

III. WRITTEN TESTIMONIES

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

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

Ray Schnabel, Insurance Association of Guam. *(Summarized in Part II.)*

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

Fred E. Bordallo, Chief of Police, Guam Police Department. Chief Bordallo said that he and the GPD command staff are in support of the intent of the Bill. They believe that a required defensive driving program would be a proactive approach toward educating drivers. *(See attached written testimony.)*

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

IV. FINDINGS AND RECOMMENDATIONS

Mark-up Meeting on Bill No. 407-31 (COR), Thursday, March 8, 2012 at 2:00 p.m.

Participants:

Jason S. Tedtaotao, Committee Director, Committee on Public Safety, Law Enforcement and Judiciary, Office of Senator Adolpho B. Palacios, Sr.

Julian C. Janssen, Policy Researcher/Analyst, Committee on Public Safety, Law Enforcement and Judiciary, Office of Senator Adolpho B. Palacios, Sr.

Ronald E. Teehan, Committee Director, Office of Senator Dennis G. Rodriguez, Jr.

Nicole Cruz, Policy Analyst, Office of Senator Dennis G. Rodriguez, Jr.

Joshua Tenorio, Director of Planning and Community Relations, Unified Judiciary of Guam.

Ann Keith, Staff Attorney, Unified Judiciary of Guam.

Phillip Tydingco, Chief Deputy Attorney General, Office of the Attorney General.

Cecilia D. Javier, Management Analyst IV, Office of Highway Safety, Department of Public Works.

Jane M. Almandres, Program Coordinator IV, Office of Highway Safety, Department of Public Works.

Therese C.D. Matanane, Program Coordinator IV, Office of Highway Safety, Department of Public Works.

Pacita Uncangco, Program Coordinator III, Office of Highway Safety, Department of Public Works.

Ana Marie Senato, Program Coordinator II, Office Highway Safety, Department of Public Works.

Manuel A. Babauta, Captain, Guam Police Department.

Robert Michael, Guam Public Safety Educators.

Committee Director Ronald E. Teehan began the meeting at 2:00 p.m. and suggested a section-by-section review of the Bill. He pointed out a typo on the first page.

Chief Deputy Attorney General Phillip Tydingco suggested including language requiring the mandatory completion of driver's education on page 3 of the Bill. He brought up an issue with the underlying statute, which identifies the Department of Public Safety (DPS) and suggested substituting either the Department of Revenue and Taxation (DRT) or DRT and the Guam Police Department (GPD). He said that the language "under the auspices of" is unclear. Attorney Ann Keith said that it could mean that it is regulated by the agency.

Mr. Teehan said that the intent is that the education program be certified by DRT. Mr. Joshua Tenorio stated that there is no established standard for certification for such a program. Mr. Tydingco pointed out that when the underlying statute was enacted, DPS encompassed the Motor Vehicle Division and GPD. He suggested that the language require a DRT-certified provider. Mr. Tenorio asked how long it would take to establish a certification policy. Mr. Tydingco suggested further clarifying language on certification with a definition for such certification elsewhere in the Bill.

Mr. Tenorio asked about what kind of discretion is intended to be provided to the courts. Mr. Teehan said that they want to allow the court discretion for more egregious offenses. Mr. Robert Michael asked whether the intention is to catch a person when they are early in the formation of poor driving habits or truly reckless driving. Mr. Tydingco said that the language of the intent outlines persons with multiple offenses or egregious first offenses. He said that Mr. Ray Schnabel suggested a point system to

help catch drivers earlier. Mr. Tydingco pointed out that the Bill would clearly not cover a speeder going 80 miles per hour with no damage to person or property and no prior reckless driving offense. He said that anyone who gets a ticket for reckless driving could be required to take a defensive driving course.

Mr. Tydingco said that reckless driving is fairly subjective. Mr. Michael said that his understanding of the Bill was that it was to add a tool to the court to address unsafe drivers. Mr. Tydingco said that imprudent driving also invokes subjective standards. Mr. Michael stated that he understood the Bill as trying to catch drivers as they are developing bad driving habits. Mr. Tydingco pointed out that the intent does not address that.

Committee Director Jason Tedtaotao stated that Senator Palacios' Bill No. 420-31 (COR) is intended to address repeat offenders of moving violations, which may address that issue.

Mr. Tydingco said that first offenders of reckless driving are probably still "reachable" by such a program. He said that the adoption of a point system would help reach drivers who may benefit from a course. Mr. Tedtaotao suggested that the defensive driving program could be better defined.

Captain Manuel Babauta and Mr. Tydingco discussed offenses as they relate to the Bill. Mr. Michael explained elements of a point system and questioned what would occur in the Bill for repeat offenses after 18 months.

Mr. Tydingco suggested that driver safety program could have an optional in-class component. Mr. Michael said that the provision is designed to prevent "fly-by-night" programs from establishing themselves on Guam without having a real presence on Guam and stated the peculiarities of driving conditions on Guam. Mr. Tenorio questioned why there would need to be both. Mr. Tydingco asked why the language "both must be offered" is necessary. There was further discussion about the company drivers provision and Mr. Tydingco suggested that the provision be struck, as it does not seem germane. He suggested that permissive language be used for the rules and regulations so that the law can be enforced prior to the promulgation of rules and regulations.

Mr. Michael said that by the Bill, the court could charge the offender for classes.

Ms. Keith and Mr. Tydingco agreed that the provision on establishing rules of the court should read "may" instead of "shall" to allow enforcement. Mr. Tydingco suggested

that Section 6 be struck, entirely. Further discussion on online and traditional school settings continued.

Ms. Keith pointed out that 137 reckless driving offenses were processed in 2010. Mr. Michael reiterated his concern that the Bill will not address the population that would most benefit from a defensive driving course. Mr. Tydingco gave the citation of the imprudent driving statute, which would apply in more cases, but stated that it could not be reached by the provisions of the Bill.

The meeting concluded at 3:22 p.m.

Recommendations:

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 407-31 (COR), as Amended**, with the recommendation **TO PASS**.

2012 JAN 23 11:30 AM
EOM

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

Bill No. 407-31(COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO PROVIDE FOR THE COURT IMPOSED PENALTY REQUIRING THE TAKING OF AN DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING, BY ADDING A NEW SUBSECTION (rr) TO §1102 OF CHAPTER 1, 16 GCA; AND AMENDING SUBSECTION (c) OF §9107, CHAPTER 9, 16 GCA; AND ADDING A NEW §9107.1 TO CHAPTER 9, 16 GCA.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent: *I Liheslaturan Guåhan* finds that defensive driving is a method of driving that minimizes the number of driving risks, using more advanced skills than just your basic training. When you employ defensive driving techniques, you become a better, safer, and smarter driver; one who is better prepared for the hazards ahead on Guam's roads.

Because more than 41,000 people die in motor vehicle crashes each year, many states require defensive driving programs for people who've accumulated too violations on their driving records or had their driving privileges suspended. Defensive driving programs teach drivers to be cautious and maintain an awareness of their surroundings, the current rules of the road, and the latest techniques in vehicle handling. These skills may help reduce traffic accidents across the board.

Defensive driver programs are used worldwide by several branches of the Armed Forces, police forces, and ambulance and fire departments. Defensive driving class has been court-approved by at least 28 states to reduce deaths and

1 injuries caused by inexperienced drivers, aggressive drivers, and alcohol and drug
2 related motor vehicle crashes.

3 Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Idaho,
4 Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Missouri, Nevada, New
5 Jersey, New Mexico, North Carolina, North Dakota, New York, Ohio, Oklahoma,
6 South Carolina, Tennessee, Texas, Virginia, Washington are the states that requires
7 defensive driving program upon conviction of multiple offense of reckless driving.

8 *I Liheslaturan Guåhan* takes due note that defensive driving programs are
9 also an opportunity for drivers to learn more about safe driving while possibly
10 lowering their auto insurance rates, and ultimately making streets safer. A
11 qualified defensive driving program utilizes lesson plans that are proven with
12 studies to be effective, to include operating a vehicle in adverse weather conditions
13 such as heavy rains, and dealing with driving around larger vehicles, pedestrians,
14 cyclists, and, aggressive, distracted and impaired drivers.

15 An average of over six thousand (6,000) motor vehicle crashes are reported
16 every year on Guam, with a crash rate of about forty (40) accidents for every one
17 thousand (1,000) people on the island, as compared to a national average of 19
18 accidents for every one thousand motorists. This is twice the national average.
19 Over the past eight (8) years there has been an annual average of seventeen (17)
20 fatalities caused by motor vehicle crashes on Guam. It is the intent of *I*
21 *Liheslaturan* to improve the safety of Guam's roads by adding a new penalty for
22 the conviction of reckless driving. A program in defensive driving may be
23 required at the discretion of the judge for a first offense. Education as a prevention
24 measure helps ensure that convicted reckless drivers are better educated and more
25 aware of the severity of their offense. A second offense within eighteen months of

1 the first or last offense *shall* require the mandatory taking of *both* a driver
2 education course *and* a defensive driving program.

3 **Section 2.** A new Subsection (rr) is hereby added to §1102 of Chapter 1,
4 Title 16, Guam Code Annotated, to read:

5 “(rr) *Defensive driving*: Defensive driving is "driving to save lives, time,
6 and money, in spite of the conditions around you and the actions of others.
7 Defensive driving is a form of training for motor vehicle drivers that goes
8 beyond mastery of the rules of the road and the basic mechanics of driving.
9 Its aim is to reduce the risks associated with driving by anticipating
10 dangerous situations, despite adverse conditions or the mistakes of others.
11 Defensive driving is also known as driver improvement as well as traffic
12 school. For the purposes of this Title and §9107 and §9107.1, the terms are
13 interchangeable.”

14 **Section 3.** Subsection (c) of §9107, Chapter 9, Title 16, Guam Code
15 Annotated, is hereby amended, to read:

16 “(c) Whenever such reckless driving of a vehicle proximately causes a
17 collision in which bodily injury or property damage result, the person so driving
18 such vehicle shall, upon conviction, and in addition to the penalties provided in
19 Subsections (a) and (b), be required to attend a course in driver education not less
20 than six (6) weeks in length and to obtain a certificate of attendance at the
21 satisfactory completion of such course, and/or a defensive driving program at the
22 discretion of the court, for a first offense. Such course or program shall be
23 conducted under the auspices of the Department of Public Safety and shall be
24 attended by the convicted reckless driver after serving his sentence or paying his

1 fine, or both. Failure of such convicted reckless driver to attend such course or
2 program shall constitute a separate offense and shall be punishable as a petty
3 misdemeanor.

4 (i) In addition to the penalties provided in Subsections (a) and (b) of this
5 Section, where the person driving the vehicle has one or more prior
6 convictions for the offense of reckless driving which have resulted in
7 bodily injury or property damage, shall upon conviction of an
8 additional violation of reckless driving, within eighteen (18) months
9 of the first violation, require the driver to take and complete an
10 defensive driving program, in addition to taking, or retaking, a driver
11 education course.”

12 **Section 4.** A new §9107.1 is hereby added to Chapter 9, Title 16, Guam
13 Code Annotated, to read:

14 **“§9107.1 Defensive Driving Program Guidelines.** The defensive driving
15 training and certification shall be offered in a traditional classroom setting and
16 virtual/online learning (student verification mechanism shall be verified throughout
17 the program if online training is elected). Both must be offered but either satisfies
18 the training and certification requirement. The defensive driving program shall be
19 a minimum of 400 minutes and a final test shall be administered and passed to get
20 certification. The defensive driving program must have an on island administrator
21 who has a minimum of 2 years experience in the administration of a nationally
22 recognized defensive driving program that is certified to train by any authorizing
23 recognized organization that meets the criteria herein. And further provided, that
24 the defensive driving program has a demonstrated performance record of reducing
25 reckless driving directly attributable to the program, within the any of the 50 U.S.

1 states, counties, municipalities, cities, and/or in providing like services for federal
2 agency programs.

3 (a) Defensive Driving Schools and Programs shall be regulated by the
4 Motor Vehicle Division, Guam Department of Revenue and Taxation;

5 (b) Defensive Driving Schools and Programs established on Guam shall
6 meet the standards to become certified and licensed by the Guam Department of
7 Revenue and Taxation, Motor Vehicle Division;

8 (c) Defensive Driving programs shall be completed in no less than four
9 hundred (400) minutes;

10 (d) The organizations authorized to provide this training shall retain
11 student records for 5 years. Company drivers must take a refresher program every
12 2 years that is a minimum of four hours to maintain the certification status. Any
13 defensive driving organization that is recognized as being authorized by any local,
14 federal or state body can offer these program as long as the meet the standards set
15 forth herein. Any person that drives for a company, either in a company vehicle or
16 private vehicle for company business, must have this training, as well as have
17 certification of current training in their personnel file as well as on their person
18 when driving for company purposes. For purposes of clarification, *defensive*
19 *driving training* is not drivers education or drivers education as defined by §3103
20 of Chapter 3, Title 16, Guam Code Annotated; and

21 (e) Defensive driving programs on Guam *shall* have a verifiable success
22 rate (statistical studies by any U.S. government agency, state government agency
23 or private recognized contracted agency) and shall cover such areas as Guam
24 specific needs and general defensive driving training in traffic law, methods of
25 accident avoidance and force reduction, human limitations, the effects of alcohol
26 and drugs on the driver and driving, the serious dangers of driving distractions, and

1 a translation of traffic violations into their resultant damages including property,
2 injury, death, and societal impact.”

3 **Section 5. Promulgation of Rules and Regulations.**

4 (a) The Department of Revenue and Taxation *shall*, within 120 days of the
5 enactment of this Act, promulgate the necessary rules and regulations, to include
6 administrative fees for the issuance of a certification of program completion,
7 required to implement the provisions of §9107 and §9107.1, of Chapter 9, Title 16,
8 Guam Code Annotated, as provided pursuant to Article 3 [Rule-Making
9 Procedures], Chapter 9 [Administrative Adjudication Law], Division 1, Title 5,
10 Guam Code Annotated [Government Operations].

11 (b) The Unified Courts of Guam *shall*, within 120 days of the enactment of
12 this Act, promulgate the necessary rules and regulations, to include administrative
13 fees and court costs, required to implement the provisions of §9107 and §9107.1 of
14 Chapter 9, Title 16, Guam Code Annotated, as provided pursuant to applicable
15 law, rules and regulations, and Judicial procedures.

16 **Section 6. Prospective Applicability.** The amendments to Subsection (c)
17 of §9107, as provided pursuant to Section 3 of this Act, and the new §9107.1, as
18 provided pursuant to Section 4 of this Act, shall not be effective as to any charge
19 that has been brought against any person prior to the effective date of this Act. The
20 intent of this paragraph is that no person shall be subject to a more stringent
21 penalty than would have been the case under the law as it existed at the time that
22 such person has been charged with the offense of reckless driving.

23 **Section 7. Severability.** *If* any provision of this Act or its application to
24 any person or circumstance is found to be invalid or contrary to law, such
25 invalidity shall *not* affect other provisions or applications of this Act which can be

1 given effect without the invalid provisions or application, and to this end the
2 provisions of this Act are severable.

3 **Section 8. Effective Date.** This Act shall become immediately effective
4 upon enactment.

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

Bill No. 407-31 (COR)

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

Introduced by:

D.G. RODRIGUEZ, JR.

AN ACT TO PROVIDE FOR THE COURT IMPOSED PENALTY REQUIRING THE TAKING OF AN DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING, BY *ADDING* A NEW SUBSECTION ~~(xx)(ff)~~ TO §1102 OF CHAPTER 1, 16 GCA; AND *AMENDING* SUBSECTION (c) OF §9107, CHAPTER 9, 16 GCA; AND *ADDING A NEW* §9107.1 TO CHAPTER 9, 16 GCA.

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that defensive driving is a method of driving that minimizes the number of driving
4 risks, using more advanced skills than just your basic driver's training. When you
5 employ defensive driving techniques, you become a better, safer, and smarter
6 driver; one who is better prepared for the hazards ahead on Guam's roads.

7 Because more than forty-one thousand (41,000) people die in motor vehicle
8 crashes each year, many states require defensive driving programs for people who
9 have accumulated two (2) ~~to~~ violations on their driving records or had their
10 driving privileges suspended. Defensive driving programs teach drivers to be
11 cautious and maintain an awareness of their surroundings, the current rules of the
12 road, and the latest techniques in vehicle handling. These skills may help reduce
13 traffic accidents across the board.

14 Defensive driver programs are used worldwide by several branches of the
15 Armed Forces, police forces, and ambulance and fire departments. Defensive

1 driving classes ~~have~~ been court-approved by at least twenty-eight (28) states to
2 reduce deaths and injuries caused by inexperienced drivers, aggressive drivers, and
3 alcohol and drug related motor vehicle crashes.

4 Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Idaho,
5 Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Missouri, Nevada, New
6 Jersey, New Mexico, North Carolina, North Dakota, New York, Ohio, Oklahoma,
7 South Carolina, Tennessee, Texas, Virginia, and Washington are the states that
8 requires a defensive driving program upon conviction of multiple offenses of
9 reckless driving.

10 *I Liheslaturan Guåhan* takes due note that defensive driving programs are
11 also an opportunity for drivers to learn more about safe driving, while possibly
12 lowering their auto insurance rates, and ultimately making streets safer. A
13 qualified defensive driving program utilizes lesson plans that are proven with
14 studies to be effective, to include operating a vehicle in adverse weather conditions
15 such as heavy rains, and dealing with driving around larger vehicles, pedestrians,
16 cyclists, and, aggressive, distracted and impaired drivers.

17 An average of over six thousand (6,000) motor vehicle crashes are reported
18 every year on Guam, with a crash rate of about forty (40) accidents for every one
19 thousand (1,000) people on the island, ~~as~~ compared to a national average of
20 nineteen (19) accidents for every one thousand (1,000) motorists. This is twice the
21 national average. Over the past eight (8) years there has been an annual average of
22 seventeen (17) fatalities caused by motor vehicle crashes on Guam.

23 It is the intent of *I Liheslaturan* to improve the safety of Guam's roads by
24 increasing the ~~adding a new~~ penalty for a ~~the~~ conviction or filing, without contest,
25 of an official investigation report that the person committed the offense of reckless
26 driving. A program in defensive driving *may* be required at the discretion of the
27 judge for a first offense. Education as a prevention measure helps ensure that

1 convicted reckless drivers are better educated and more aware of the severity of
2 their offense. A second offense within eighteen (18) months of the first or last
3 offense *shall* require the mandatory taking of *both* a driver education course *and* a
4 defensive driving program.

5 **Section 2. Definition.** A new Subsection (xx)(ff) is hereby *added* to §1102
6 of Chapter 1, Title 16, Guam Code Annotated, to read:

7 “(xx)(ff) *Defensive driving:* Defensive driving is “driving to save lives,
8 time, and money, in spite of the conditions around you and the actions of
9 others.” Defensive driving is a form of training for motor vehicle drivers
10 that goes beyond mastery of the rules of the road and the basic mechanics of
11 driving. Its aim is to reduce the risks associated with driving by anticipating
12 dangerous situations, despite adverse conditions or the mistakes of others.
13 Defensive driving is also known as driver improvement as well as traffic
14 school. For the purposes of this Title and §9107 and §9107.1, the terms are
15 interchangeable.”

16 **Section 3. Same: Reckless Driving.** Subsection (c) of §9107, Chapter 9,
17 Title 16, Guam Code Annotated, is hereby *amended*, to read:

18 “(c) *Where a person drives in wanton disregard of persons or property or*
19 *whenever such reckless driving of a vehicle proximately causes a collision in*
20 *which bodily injury or property damage result, the person so driving such vehicle*
21 *shall, upon conviction or filing, without contest, of an official investigation report*
22 *that the person committed the offense of reckless driving, and in addition to the*
23 *penalties provided in Subsections (a) and (b), be required to attend a course in*
24 *driver education not less than six (6) weeks in length and to obtain a certificate of*
25 *attendance at the satisfactory completion of such course, and/or a defensive driving*
26 *program at the discretion of the court, for a first offense. Such course or program*

1 *shall be provided by a company/provider certified by* ~~conducted under the auspices~~
2 ~~of the Department of Revenue and Taxation Public Safety~~ *and shall be attended by*
3 *the convicted reckless driver after serving his sentence or paying his fine, or both.*
4 *Failure of such convicted reckless driver to attend such course or program shall*
5 *constitute a separate offense and shall be punishable as a petty misdemeanor.*

6 (i) *In addition to the penalties provided in Subsections (a) and (b) of this*
7 *Section, when ~~where~~ the person driving the vehicle has one (1) or*
8 *more prior convictions for the offense of reckless driving, which *may**
9 *or may not have resulted in bodily injury or property damage, shall*
10 *upon conviction or filing, without contest, of an official investigation*
11 *report that the person committed the offense of an additional violation*
12 *of reckless driving, within eighteen (18) months of the first violation,*
13 *require the driver to take and complete a defensive driving program,*
14 *in addition to taking, or retaking, a driver education course.”*

15 **Section 4. Defensive Driving Program Guidelines.** A new §9107.1 is
16 hereby *added* to Chapter 9, Title 16, Guam Code Annotated, to read:

17 “**§9107.1 Defensive Driving Program Guidelines.** The defensive driving
18 training and certification *shall* be offered in a traditional classroom setting and
19 virtual/online learning, ~~(A student verification mechanism shall be used verified~~
20 ~~throughout the program if online training is elected).~~ Classroom instruction ~~Both~~
21 ~~must be offered but either a classroom or virtual/online program satisfies the~~
22 training and certification requirement. The defensive driving program *shall* be a
23 *minimum* of four hundred (400) minutes and a final test *shall* be administered and
24 *passed* for a student to get certification. The defensive driving program *must* have
25 an on-island administrator who has a *minimum* of two (2) years experience in the
26 administration of a nationally-recognized defensive driving program that is

1 certified to train by any authorizing recognized organization that meets the criteria
2 provided herein. And further provided, that the defensive driving program has a
3 demonstrated performance record of reducing reckless driving directly attributable
4 to the program, within ~~the~~ any of the ~~50 U.S.~~ states, counties, municipalities, cities,
5 and/or in providing like services for federal agency programs.

6 (a) Defensive Driving Schools and Programs *shall* be regulated by the
7 Motor Vehicle Division, Guam Department of Revenue and Taxation;

8 (b) Defensive Driving Schools and Programs established on Guam *shall*
9 meet the standards to become certified and licensed by the Guam Department of
10 Revenue and Taxation, Motor Vehicle Division;

11 (c) Defensive Driving programs *shall* be completed in *no less than* four
12 hundred (400) minutes;

13 (d) The organizations authorized to provide this training *shall* retain
14 student records for at least five (5) years. ~~Company drivers must take a refresher~~
15 ~~program every 2 years that is a minimum of four hours to maintain the certification~~
16 ~~status. Any defensive driving organization that is recognized as being authorized~~
17 ~~by any local, federal or state body can offer these program as long as the meet the~~
18 ~~standards set forth herein. Any person that drives for a company, either in a~~
19 ~~company vehicle or private vehicle for company business, must have this training,~~
20 ~~as well as have certification of current training in their personnel file as well as on~~
21 ~~their person when driving for company purposes.~~ For purposes of clarification,
22 defensive driving training is *not* drivers education, ~~or drivers education~~ as defined
23 by §3103 of Chapter 3, Title 16, Guam Code Annotated; and

24 (e) Defensive driving programs on Guam *shall* ~~have a verifiable success~~
25 ~~rate (statistical studies by any U.S. government agency, state government agency~~
26 ~~or private recognized contracted agency) and shall~~ cover such areas as Guam
27 specific needs and general defensive driving training in traffic law, methods of

1 accident avoidance and force reduction, human limitations, the effects of alcohol
2 and drugs on the driver and driving, the serious dangers of driving distractions, and
3 a translation of traffic violations into their resultant damages including property,
4 injury, death, and societal impact.”

5 **Section 5. Promulgation of Rules and Regulations.**

6 (a) The Department of Revenue and Taxation *shall*, within a reasonable
7 time period ~~120 days~~ of the enactment of this Act, promulgate the necessary rules
8 and regulations, to include administrative fees for the issuance of a certification of
9 program completion, required to implement the provisions of §9107 and §9107.1,
10 of Chapter 9, Title 16, Guam Code Annotated, as provided pursuant to Article 3
11 [Rule-Making Procedures], Chapter 9 [Administrative Adjudication Law],
12 Division 1, Title 5, Guam Code Annotated [Government Operations].

13 (b) The Unified Courts of Guam *shall*, within a reasonable time period ~~120~~
14 ~~days~~ of the enactment of this Act, promulgate the necessary rules and regulations,
15 to include administrative fees and court costs, required to implement the provisions
16 of §9107 and §9107.1 of Chapter 9, Title 16, Guam Code Annotated, as provided
17 pursuant to applicable law, rules and regulations, and Judicial procedures.

18 **Section 6. Prospective Applicability.** The amendments to Subsection (c)
19 of §9107, as provided pursuant to Section 3 of this Act, and the new §9107.1, as
20 provided pursuant to Section 4 of this Act, *shall not* be effective as to any charge
21 that has been brought against any person prior to the effective date of this Act. ~~The~~
22 ~~intent of this paragraph is that~~ *No person shall* be subject to a more stringent
23 penalty than would have been the case under the law as it existed at the time that
24 such person has been charged with the offense of reckless driving.

25 **Section 7. Severability.** *If* any provision of this Act or its application to
26 any person or circumstance is found to be invalid or contrary to law, such
27 invalidity *shall not* affect other provisions or applications of this Act which can be

1 given effect without the invalid provisions or application, and to this end the
2 provisions of this Act are severable.

3 **Section 8. Effective Date.** This Act shall become immediately effective
4 upon enactment.

February 27, 2011

Robert Michael
Guam Public Safety Educators
Public Hearing on Bill
Feb. 27th, 2012
8:30am

RE: Bill # 407-31, Defensive Driving Program for Reckless Driving

Hafa Adai Honorable Senators,

Thank you for hearing my testimony. I come today in support of the intent of Bill 407-31. In my testimony, I will explain some background information, as well as the relevance and importance of the adoption of defensive driving practices on Guam. I will also point out the importance of certain measures in this bill (similar to other jurisdictions) that help protect consumers from unscrupulous activities.

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. In the 1980's & 1990's, I had:

- Continued the development in the traffic safety industry, resulting in the training over 6 million people.
- 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 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 on Guam and throughout the nation.

We are currently working with some of Guam's largest and most successful companies. We train and certify company fleets as they recognize the need to protect their company's human and financial resources.

With Bill 407-31, defensive driving methods and training represents an island-wide proactive measure, mirroring what local private companies are actively adopting. In essence, Guam, too, can protect its human and financial resources. Consider the following:

- Guam has twice the national average for collisions.
- Guam has about 40 collisions per 1,000 people (compared to an overall state average of 19 collisions per 1,000 people)
- Every reported collision is costly, to include:
 - Police attention, as well as ancillary support (ex: rescue units, emergency units and fire engines)
 - Fuel, increased maintenance, medical supplies, investigation, medical services, damage to government property and much more
- Traffic citation processing drains the Judiciary
 - 14,875 traffic citations written for 2010 (40% of the courts case load!)
 - High costs (averaging \$425.00 an hour to run one court room)
 - Detracts courts from other judicial responsibilities

(source: Chief Justice address, 4/26/11)

Quality defensive driving programs, also known as Traffic Violator School and Basic Driver Improvement, have been proven to reduce collisions by up to 21% and citations by up to 64%. These studies have been made by many government and private agencies, including the Arizona Supreme Court, The New York Legislature, The Florida Legislature, the California Department of Motor Vehicles and others.

Please let me emphasize that defensive driving programs provide a valuable service to our people, but service quality must be monitored. For instance, there are many “fly-by-night” organizations that will try and capitalize on Guam’s effort to reduce collisions. I know this because of my extensive experience in the business of defensive driving.

Below are a few examples of companies who exploit consumers and erode the serious intent of defensive driving instruction. In various states, companies would “throw together” classes and attract students (especially online only providers) with names like:

- Pizza 4U – Great Comedians Traffic School
- Lettuce Amuse U, Laff and Learn Traffic School
- Out of Work Comedians Defensive Driving Schools
- Funny Bones Defensive Driving
- Kiss My Ticket
- ... and many more.

Guam must avert these practices from impacting local citizens. I believe Bill 407-31 provides the steps needed to avoid “carpet-baggers” from exploiting a serious public effort on Guam, including requiring:

- Organizations provide studies of effectiveness and impact (as what many states have enacted to protect consumers)
- Organizations provide evidence of physical presence on Guam
- An administrator with two years experience
- Offering both classroom and online courses
- Course curriculum to be “Guam-centered” (to meet unique driving conditions on island)
 - Pounding on Marine Corps Drive
 - Coral aggregate in some of our roads
 - Paseo Loop
 - Local laws
 -(in addition to the universal principals, such as the 3-second rule, reaction time, etc.)
- 400 minutes of training (a standard in many states)

These requirements benefit Guam greatly, to include:

- A company’s commitment to Guam
- Classes designed for local needs (ex: language options to include Chamorro, Tagalog, Chuukese and other languages in classroom setting)
- Online courses allowing for flexibility, especially for working professionals, students, etc.
- Creating local jobs
- Creating local revenue

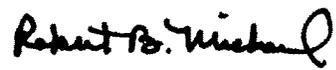
Without such measures, these “fly-by-night” businesses will:

- Not offer any local presence
- Not provide adequate consumer protection (no recourse)
- Not reflect local needs, laws and conditions
- Not employ local instructors
- Not train our drivers with Guam in mind
- Not pay local taxes (all online transactions will go off island)

As you are listening or reading to my testimony, there are already companies popping up online claiming to be authorized on Guam for citations. One such organization that appeared in the last week is claiming that the Guam courts require people with citations to take their program. This clearly is misleading, since there is currently no existing law. However, with Bill 407-31, you have the power to prevent these types of growing abuses from unscrupulous businesses who have no vested interest in Guam.

In summary, I have shared related background information, the relevance and importance of the adoption of defensive driving practices on Guam, and the importance of protecting local consumers by ensuring measures are in place to provide quality defensive driving programs. I appreciate this opportunity to present my testimony, and happy to answer any questions you may have.

Si Yu'os Ma'ase,

A handwritten signature in black ink that reads "Robert B. Michael". The signature is written in a cursive style with a large, looping initial "R".

Bob Michael



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



JOANNE M.S. BROWN
Director
CARL V. DOMINGUEZ
Deputy Director

February 27, 2012

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

Hafa Adai & Good Morning, Senator Palacios and Members of the Committee:

As the Governor's Highway Safety Representative and together with the staff of the Department of Public Works' Office of Highway Safety, we are here to submit our written testimony in support and passage of Bill 407-31 (COR), which provides for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving.

The Office of Highway Safety administers 402 programs in coordination with the National Highway Traffic Safety Administration (NHTSA), and functions as a strong component and advocate towards the design and implementation of highway safety programs to reduce traffic crashes, deaths, injuries and property damage on Guam's roadways.

According to NHTSA, "Aggressive Driving", or "Reckless Driving" or "Imprudent Driving" as referenced in Guam, has become a "serious problem" on our roadways. And while "the nation's rate of fatalities due to motor vehicle crashes have declined steadily and is now the safest on record, crashes continue to kill tens of thousands of Americans and injure millions more every year. These motor vehicle crashes and their related deaths and injuries are preventable."

The "Aggressive Driver", that is, "an individual who has committed a combination of moving traffic offenses so as to endanger other persons or property", should not be tolerated on our roadways. With the mandated Defensive Driver Program in place, offenders will be given the learning tools to become more responsible, being made aware and cautious of their roadway environment, to be defensive rather than offensive when operating their motor vehicles.

The effectiveness of a Defensive Driving Program is in realizing that “changed behavior and attitude” is necessary in effectuating the roadway safety of drivers, passengers and our community in general. The National Safety Council’s Defensive Driving Course defines defensive driving as “an awareness put into action to drive to save lives, time and money, in spite of surrounding conditions and actions of others.”

The DPW Office of Highway Safety supports this intent to improve one’s own driving skills through a Defensive Driving Program that will decrease crashes that are preventable.

Sincerely,

A handwritten signature in black ink, appearing to read 'JOANNE M.S. BROWN', with a long horizontal line extending to the right.

JOANNE M.S. BROWN

Director/Governor’s Highway Safety Representative

INSURANCE
I
A
G
of
GUAM
ASSOCIATION
FIRE • CASUALTY • MARINE

February 24, 2012

Senator Adolpho B. Palacios, Sr.
Chairman: Committee on Public Safety, Law Enforcement, and Judiciary
I Mina'trentai Unu Na
Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Re: Bill No. 407-31 (COR)

Dear Mr. Chairman:

My name is Raymond Schnabel. I am currently the Chairman of the Insurance Association of Guam. I thank you for the opportunity to provide testimony on the above bill. I am here to provide testimony in favor of Bill 407-31.

The insurance industry would like to submit a few comments and suggestions. Most will agree that unsafe driving is a behavioral problem and the above bill and existing laws attempt to change such bad behavior with driving education and awareness. We applaud and support your efforts in improving the safety of our roads.

However, we feel that the true issue lies in indentifying the proper individuals. We feel that the current draft of the bill and the existing law falls short by only addressing the offense of "Reckless Driving". Although a singular offense of "Reckless Driving" without any other moving violation may be a sufficient indicator that an individual may benefit from a defensive driving program, we feel that tracking ALL moving violations over time will provide a better mechanism for identifying such individuals. A driver with multiple violations of Speeding, Disobeying traffic signals and Failing to yield over a short period of time may be in greater need of a defensive driving program than a driver with one incidence of Reckless Driving with an otherwise spotless record. We feel that dangerous drivers develop their bad behavior over time and that it is more practical to address such behavior earlier in its development and hopefully, prior to any serious damage or injury. We hope you will consider not limiting the requirements of the law and this bill merely to the charge of "Reckless Driving".

February 24, 2012

Senator Adolpho B. Palacios, Sr.

Page 2

As you may be aware, the Guam Automobile Assigned Risk Plan (GAARP, copy attached) which was promulgated and implemented in November 1992, contains a driving conviction point system monitored over a running 36 month period. The automobile insurers use this system for establishing moving violation surcharges. Although the driving conviction descriptions contained in the GAARP may need to be more defined, we feel this system or something like it would be a better mechanism for indentifying drivers in need of defensive driving programs. It will also provide a way to identify unsafe drivers earlier in their development prior to them being Reckless Driver or true dangers on the roads.

We request your consideration of a redrafted bill which would replace §9107 with a point system similar to that contained in the GAARP which will include all moving violations and not only "Reckless Driving". We feel that Violation Points can easily be assigned to every traffic offense and individual driver traffic offense point totals can easily be incorporated and managed in the existing system of the Unified Courts.

Sincerely,



Raymond A. Schnabel
Chairman
Insurance Association of Guam
(671) 479-7979
RSchnabel@calvos.com



DEPARTMENT OF

REVENUE & TAXATION

GOVERNMENT OF GUAM

JOSEPH F. ADA
Governor

FRANK F. BLAS
Lieutenant Governor

JOAQUIN G. BLAZ, Director • V.M. CONCEPCION, Deputy Director

September 7, 1992

Honorable Pilar C. Lujan
Legislative Secretary
Twenty-First Guam Legislature
Pacific Arcade Building
Agana, Guam 96910

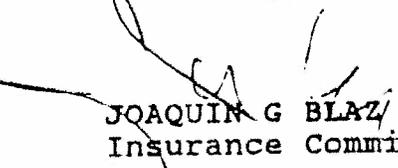
Re; Proposed Regulations for Guam Automobile Assigned Risk Insurance Plan

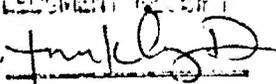
Dear Senator Lujan:

Pursuant to the Administrative Adjudication Law, I am herewith transmitting to your office for filing the proposed regulations for the Guam Automobile Assigned Risk Insurance Plan.

Please find enclosed a memorandum that these proposed regulations have been reviewed and approved by the Office of the Attorney General.

Sincerely,


JOAQUIN G. BLAZ
Insurance Commissioner

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	
Time	2:35 PM
Date	9/8/92

Guam Automobile Assigned Risk Plan

Rules and Regulations Of The Insurance Commissioner For The Administration Of An Automobile Assigned Risk Plan For The Territory Of Guam

Section 10031. Legal Authority. Section 43540 Government Code. The Guam Automobile Assigned Risk Plan consists of the rules and regulations contained in this article and is approved and issued by the Insurance Commissioner for the following purposes:

- (a) To provide a means by which risks of applicants for automobile bodily injury and property damage liability insurance who are in good faith entitled to but are unable to procure such insurance through ordinary methods may obtain such coverage.
- (b) To establish a reasonable plan for the assignment of eligible risks and for the equitable apportionment of these risks among insurers admitted to transact automobile liability insurance in Guam.

Section 10032. Terms defined. Section 43540 Government Code. Unless the context otherwise requires, as used herein:

- (a) "Applicant" means a person who is (1) the owner of a vehicle or (2) a licensed operator duly authorized to act for and in behalf of the owner or (3) a lessee of a leased vehicle registered in the Territory or lessee of a leased vehicle registered in another state.
- (b) "Automobile", "Vehicle" or "Motor Vehicle" means a self propelled vehicle as defined in the Vehicle Code.
- (c) "Commissioner" means the Insurance Commissioner.
- (d) "Conviction" means being adjudged as having violated any laws, rules and regulations of Guam or of any state or country relative to the registration, use and operation of a motor vehicle.

- (e) "Direct Premiums Written" for the purposes of this Plan shall mean the automobile bodily injury and property damage liability premiums written during the previous calendar year ending December 31 less any premium from assignments under the Plan for the same period as shown in the Insurer's annual statement filed pursuant to Sections 43165, 43178 and 43203 of the Government Code. Such premiums shall include gross direct premiums less return premiums without including reinsurance assumed and without deducting reinsurance ceded.
- (f) "Eligible Risk" means an Applicant who is unable to procure automobile insurance coverage in the Voluntary Market but is entitled to procure mandatory automobile liability insurance coverage.
- (g) "Fleet", "Heavy Trucks", "Taxicabs", "U-Drive", "Private Passenger Vehicles" and "Light Trucks" have the same meaning as they are defined in the current Motor Vehicle Tariff.
- (h) "Insurer" means an insurer admitted to transact motor vehicle insurance and is required to participate in the plan.
- (i) "Insured" means an Eligible Risk to whom an Insurer has issued a policy of insurance under the Plan.
- (j) "Manager" means the person appointed by the Commissioner to administer the Plan.
- (k) "Modified Vehicle" means any motor vehicle whose suspension system, including but not limited to springs, shock absorbers and steering linkage has been materially modified from the design specifications of the manufacturer.
- (l) "Notice of Denial" means a written notice in the form approved by the Commissioner to be issued by an Insurer in informing an Applicant that an Insurer declines to offer insurance to the Applicant under the Voluntary Market or under the Plan.

- (m) "Registered", "Registration", "Operator's License" and "Chauffeur's License" have the same meanings as they have in the Vehicle Code.
- (n) "Risk" means one or more vehicles for which an applicant is requesting any of the insurance coverages listed under Section 43526 of the Government Code.
- (o) "Territory" means the Territory of Guam.
- (p) "Vehicle Code" means Section 23000 to 23550 of the Government Code.
- (q) "Voluntary Market" means coverage for motor vehicle insurance provided by insurers in accordance with the current Motor Vehicle Tariff excluding policies written under the plan.

Section 10033. Admitted Liability Insurers Shall Participate. Legal Authority. Section 43540 Government Code. All insurers admitted to transact automobile liability insurance in Guam shall participate in the Plan subject to the provisions of Section 43541 of the Government Code

Section 10034. Amount of coverage. Legal Authority. Public Law 20-216, Section 19104. Government Code Annotated.

(a) Every policy of automobile liability insurance issued pursuant to an assignment under the Plan shall provide the following minimum amount of coverage:

- (1) \$20,000 liability insurance for damage to property of others as a result of any one accident, and
- (2) \$25,000.00 third party liability insurance for bodily injury to or death of each person as a result of any one accident and \$50,000.00 in the aggregate for bodily injury to or death of all persons as a result of any one accident.

(b) Nothing contained herein shall prohibit an Insurer who accepts an assignment under this Plan from offering to any insured any additional coverage which the Applicant may be willing to purchase, such as collision, comprehensive, medical payments and uninsured motorist coverage.

Section 10035. Administration. Legal Authority. Section 43543. Government Code. The Commissioner shall appoint and supervise a Manager who shall administer the Plan. The Manager shall serve at the pleasure of the Commissioner. In the event the Commissioner cannot hire the services of any Manager to administer the Plan for any given period, the Commissioner may at his discretion designate a classified employee to serve as acting Manager for the Plan.

Section 10036. Manager's Duties and Responsibilities. Legal Authority. Section 43543. Government Code. The Manager shall make all assignments under the Plan and shall faithfully and impartially perform the functions and duties set forth in this Plan. He shall keep complete records and statistics and submit reports to the Commissioner as may be necessary for the efficient operation of the Plan. The Manager shall compile the quarterly reports filed by the Insurers for assigned risks written under the Plan as required under Section 10046 hereof. On or before September 1st following the calendar year the Manager shall submit a compilation of the Insurers' annual reports for risks covered under the Plan together with any recommendations for the efficient administration of the Plan, including but not limited to the adjustments of rates, penalty points, recordkeeping and compilation of statistics. Further, the Manager shall keep a summary of the quarterly reports submitted by the Insurers.

Section 10037. Applicant's Eligibility. Legal Authority 43544 Government Code. An Applicant is not eligible for insurance under the Plan:

- (a) During the time the Applicant does not have a valid operator's license.
- (b) During the time the Applicant does not have a valid registration certificate for every motor vehicle covered under the Plan.
- (c) If the Risk presented by an Applicant contains:
 - (1) Five or more vehicles, or.
 - (2). Any vehicle other than a Private Passenger Vehicle or a Light Truck as defined in the current Motor Vehicle Tariff.

Applicants deemed ineligible by the operation of this section may be afforded coverage under the provisions set forth under Section 10052 hereof.

Any Applicant who is determined to be an Eligible Risk shall be afforded coverage under the Plan as required by Mandatory Automobile Liability Insurance Law.

Section 10038 Rate Modifications. Accumulation of Penalty Points For Assignment under the Plan. Legal Authority Section 43544 Government Code. All Risks shall be subject to the rules, rates and classifications specified in the current Motor Vehicle Tariff as supplemented by the premium modifications in this Section and under Sections 10052 and 10053 hereof. The driving record of any Applicant and any person who during the 36 previous months, normally and usually drove or drives the motor vehicle, shall be the determining factor in the applicability of the additional premium charges set forth in this section as they apply to any Risks. These amounts are modifications to the basis of premiums set forth in the current Motor Vehicle Tariff. These modifications shall be determined by the total number of penalty points accumulated by any owner or operator and any other person authorized by the Applicant to operate the motor vehicle. In accordance with the following rules, penalty points shall be assigned to a maximum of eighteen points per vehicle on the basis of motor vehicle convictions which occurred during the 36 months immediately preceeding the effective date of coverage in connection with the original application for motor vehicle insurance coverage and for renewal, during the 36 months ending prior to the effective date of renewal.

- (a). Six points shall be assigned for each of the following convictions, in addition to any points assignable for any one accident.
 - (1) Driving a motor vehicle under the influence of intoxicating liquor or narcotic drugs.
 - (2) Failing to stop and report when involved in an accident where injury to any person results therefrom.
 - (3) Homicide or assault arising out of the operation of a motor vehicle.

- (b). Five points shall be assigned for each of the following convictions, in addition to any points assignable for any accident:

- (1) Operating a motor vehicle without current automobile liability insurance, certificate of registration, and a valid driver's including during a period of revocation or suspension of motor vehicle registration or driver's license.
 - (2) Operating a motor vehicle without the permission of owner of the vehicle.
 - (3) Loaning a driver's license to an unlicensed operator.
 - (4) Making false statement in the application for motor vehicle registration or driver's license.
 - (5) Impersonating an applicant for motor vehicle registration or driver's license or procuring a motor vehicle registration or driver's license through impersonation whether for himself or another person.
- (c). Four points shall be assigned for each of the following convictions in addition to any points assignable for any accident:

- (1) Driving a motor vehicle in a reckless manner.
- (2) Engaging in a speed contest.
- (3) Permitting an unlicensed person to drive.
- (4) Failing to stop and report when involved in an accident where injury to person does not result therefrom.

- (d). One point shall be assigned for one conviction and two points shall be assigned for each additional conviction, in the case of convictions for moving traffic violations other than those set forth above, unless the conviction resulted from an accident for which points are assignable, in which case only the points for the accident shall be assigned

Exception: Convictions for which the Motor Vehicle Code assigns zero points against the driver's record, such as the following shall not be considered as moving traffic violations:

- (1) Any motor vehicle equipment requirement of motor vehicle and traffic laws except brake and failure to use seatbelts and child restraint devices.
- (2) Failure to display proper motor vehicle license plates provided such plates are in existence.

- (3) Failure to have in possession a driver's license provided there is a valid driver's license in existence.
 - (4) Failure to have a valid driver's license or valid vehicle registration certificate, provided there is such license or registration in existence which has not been renewed for a period not to exceed of ninety days. ✓
- (e). Two points shall be assigned for each automobile accident resulting in a bodily injury or death to any person or in damage to property in excess of \$250.00.

Exception: Points shall not be assigned under this subsection if the accident occurred under the following circumstances:

- (1) The motor vehicle, owned or operated by the applicant or other person who usually drives the applicant's motor vehicle, was legally stopped at a traffic control or was lawfully parked (an automobile rolling from a parked position shall not be construed as lawfully parked, but shall be considered as the operation of the last operator).
- (2) The motor vehicle, owned or operated by the applicant or other person who usually drives the applicant's motor vehicle, was struck in the rear by another vehicle, and the applicant or other person who usually drives the applicant's motor vehicle, was not convicted of a moving traffic violation in connection with the accident.
- (3) The motor vehicle, owned or operated by the applicant or other person who usually drives the applicant's motor vehicle, was damaged as a result of contact with a "hit-and-run" driver, and the applicant or other person reported the accident to the proper authorities within 24 hours.
- (4) The Applicant (owner or operator) or other person who usually drives the applicant's motor vehicle was not convicted of a moving traffic violation, and the owner or operator of another motor vehicle was so convicted in connection with that accident.

- (5) The Applicant (owner or operator) or another person who usually drives the applicant's motor vehicle has obtained a judgment against, or a settlement from or on behalf of, the owner or operator of another vehicle involved in the accident (provided the judgment or settlement was obtained prior to the date of application to the Plan, or, in the case of renewal, prior to the effective date of the renewal policy; and provided that as a result of such accident, no judgement was obtained against, nor was any amount paid in settlement by or on behalf of, the applicant or other person who usually drives the applicant's motor vehicle).
- (6) Injury or damage was caused by the contact with animals, fowl, flying gravel or falling objects.
- (7) The accident occurred as a result of operating a motor vehicle in response to an emergency and, at the time of the accident, the applicant, or other person who usually drives the applicant's motor vehicle, was responding to a call of duty as a paid or volunteer member of any police or fire department, first aid squad, or any law enforcement agency.

(r). Penalty Point Values and Additional Premium Charges

Zero Penalty Point	\$0
1 Penalty Point	\$30
2 Penalty Points	\$50
3 Penalty Points	\$80
4 Penalty Points	\$130
5 Penalty Points	\$200
6 Penalty Points	\$300
7 Penalty Points	\$400
8 Penalty Points	\$500
9 Penalty Points	\$525
10 Penalty Points	\$550
11 Penalty Points	\$575
12 Penalty Points	\$600
Over 12 Points	\$600 plus \$50 for every point in excess of 12 points

Note: Where any automobile policy insures more than one motor vehicle, the applicable accumulated points shall be applied first to the highest rated motor vehicle up to a maximum of eighteen points per vehicle. Any accumulated points in excess of eighteen shall be applied to the next highest rated motor vehicle or vehicle in succession, up to a maximum of eighteen points per vehicle.

Section 10039. Application for Coverage. Legal Authority Sections 43544 Government Code. An Application for automobile insurance coverage shall be filed by the Applicant or any anyone designated by him to act on his behalf.

In the event an insurer shall deny automobile liability insurance coverage to an Applicant, the Insurer, or the general agent or any duly authorized agent of the Insurer shall provide an Applicant in triplicate copies of the following documents:

- (a). Application for automobile insurance signed by Applicant or his agent.
- (b). Notice of Denial of insurance coverage stating the reasons for the refusal to issue or renew the coverage.
- (c). Request For Review Form which states the procedure by which an applicant may appeal the denial of automobile liability insurance coverage to the Commissioner.

Upon receipt of an application properly completed and executed and a determination that the Applicant is an Eligible Risk for assignment, the Manager shall designate an Insurer in accordance with Section 10043 hereof and assign the Eligible Risk to such Insurer.

In the assignment of an Eligible Risk to an Insurer, the Manager shall issue to the Applicant for submission and filing with the assigned Insurer or its resident general agent:

- (a) An Assignment of Risk Form,
- (b) The original application,

- (c) The driving record and the accident record of the Applicant and any person who, during the 36 previous months, normally and usually drove or drives the motor vehicle(s) included in a Risk if this information is not readily available to the insurer or its resident general agent. The Manager shall require the Applicant to submit the above stated documents in the event the same are not readily available to the Manager.

Section 10040. Insurer's Duty to Accept or Reject. Legal Authority Section 43544 Government Code. Within five (5) days from receipt of the required documentation stated in Section 10039 hereof, the designated insurer shall either:

- (a). Accept the assignment by the Manager in which event it shall,
1. Issue a policy required by this Plan or a Temporary Binder of Coverage which shall be effective not later than 12:01 A.M. of the fifth (5th) day following the receipt of such required documentation specified under Section 10039 hereof. In the event there is in force a policy terminating at a date later than the date which would be fixed pursuant to this section and the Applicant indicates such date in his Application then the Insurer shall fix the date when the policy or binder becomes effective as of 12:01 A.M. on the stated termination date of such policy. In case a Temporary Binder of Coverage was issued, the policy to replace such binder shall be issued no later than thirty (30) days from the date of inception; and
 2. Collect from the Insured, the Full Annual Premium or Deposit Premium as required in Section 10041 hereof. If a partial deposit has been paid to the Insurer, the Insurer shall notify the Insured of the payment cancellation terms as stated in Section 10041 hereof; and
 3. File with the proper public agencies such required certificates or forms as are applicable to this Insured; and
 4. Notify the Manager that it has completed the assignment, and of the policy number, effective date and the gross premium.

- (b) Notify the Manager and the Applicant that it believes that the Applicant is not an Eligible Risk under the Plan and the reasons underlying such belief. Such notice shall serve to notify the Manager that no policy of Insurance or Temporary Binder of Coverage shall issue to the Applicant.

Section 10041. Installment Premium Payment Option. Legal Authority. Section 43544. Government Code.

- (a) Any and all premiums of \$300.00 or less must be paid in advance of the issuance of a policy or a Temporary Binder of Coverage under this Plan. In the event that an annual premium exceeds \$300.00, an Applicant may procure Insurance by paying a Deposit Premium of 30% of the entire annual premium or \$300.00, whichever is greater. The remainder must be paid within 60 days of the issuance of the premium in two equal monthly installments. An insurer may require the payment of full annual premium if an applicant has within the twelve months prior to the date of application to the Plan, has had insurance coverage cancelled due the non-payment of premium.
- (b) During any one assignment period (up to three years,) if payment is not received within the time required under this section, an Insurer shall have the right to cancel the policy by mailing or delivering to the Insured, a Notice of Cancellation for non-payment of premium. Such notice shall state:
- (1) The date, not less than fifteen days from the date of mailing or delivery when a policy is to be cancelled unless payment is made, and
 - (2) The amount required in order for coverage to continue under the Plan. If the insured fails to meet the payment required by the date stated on such notice, the Insurer may cancel the policy; in all such cases the Insurer shall have filed with the Manager, in writing, a notice of such cancellation.
- (c) During any one assignment period (up to three years), if payment is not received within the time required under this section and an Insurer mails or delivers a Notice of Cancellation for non-payment of premium, and the Insured tenders payment before the effective date of cancellation of the policy, the Insurer may require from the Insured, the full payment of the balance of the premium for the current annual policy and may require the payment of the full annual premium on any subsequent renewals for such assignment under the Plan.

(d) The obligation of a designated Insurer with regards to an assignment under the Plan ends and the Insurer is not obligated to reinstate the policy or issue a new policy under the Plan if:

- (1) An insurer has canceled a policy due to the non-payment of premium; or
- (2) If the Insured has failed to tender the required renewal or deposit premium in the time stated under Section 10047 hereof.

In the event of a cancellation or non-renewal, the Insured may file an application with the office of the Manager as a new Applicant.

Section 10042. Procedure For Cancellations. Legal Authority Sections 43544, 43530 Government Code. If after the issuance of a policy the Insurer finds that the Applicant is not eligible for insurance the Insurer shall have the right to cancel the policy by mailing or delivering to the Insured, a Notice of Cancellation. Such notice shall state the date, not less than thirty days from the date of mailing or delivery when a policy is to be cancelled and the reasons underlying such cancellation. In all such cases the Insurer shall have filed with the Manager, in writing, prior to the effective date of cancellation, a notice of such cancellation and the reasons underlying such cancellation.

Section 10043. Use of Premiums To Decide Appointment of Assignments. Legal Authority. Section 43540 Government Code. Assignments of Eligible Risks shall be equitably apportioned. The proportion of Eligible Risks assigned to an Insurer will be equal to the proportion of each Insurer's Direct Premiums Written to the total of all Insurers' Direct Premiums Written in the Territory. The Manager shall calculate the equitable apportionment of assignments to Insurers under the Plan and shall implement such calculation for assignments under the Plan upon the completion and release of the Commissioner's Annual Report as required under Section 43035 of the Government Code.

- (a). In the year that an Insurer transacts automobile liability insurance for the first time, the Insurer shall participate in the equitable apportionment of Eligible Risks and be assigned the same proportion of Eligible Risks assigned to the Insurer with the least direct premiums written but in no case less than one assignment.

- (b). In the event of a merger or consolidation of Insurers, the total direct premiums written by all Insurers merged or consolidated shall be used to calculate the proportion of Eligible Risks assigned to the Insurer formed by the merger or consolidation.
- (c). If after the proportion of Eligible Risks has been calculated and assignments made, a new Insurer commences transacting Insurance, the Manager shall equitably adjust the proportion for the assignment of Eligible Risks to the other Insurers.

Section 10044. Request For Voluntary Reassignment. Legal Authority Section 43544 Government Code. An Eligible Risk who is dissatisfied with the designated Insurer or a designated insurer which is dissatisfied with an Applicant insured by it may file with the Manager, not less than 30 days prior to the expiration of policy, written request for assignment of such Eligible Risk upon expiration to another Insurer. Assignment to another Insurer shall be at the discretion of the Manager.

Section 10045. Assumption of Coverage by Another Carrier. Legal Authority Section 43544 Government Code. The Insurer to which a risk is assigned shall, subject to the terms of this Plan, at all times be responsible for providing the Insurance required by the Plan and for the fulfillment of all contractual obligations in connection therewith to the Insured. An Insurer may discharge the responsibility through the instrumentality of another subscribing Insurer provided the written agreement with respect thereto is filed with and approved by the Commissioner. Under such agreement the policy form, coverage provided and rules, rates, minimum premiums, rating plans and classifications of the Insurer which will assume the risk shall not be less favorable to the Insured than those of the assigned Insurer and the Insured shall in all respects receive the rights and privileges extended to the Insured pursuant to the Plan.

Section 10046. Quarterly Reports and Annual Statements. Legal Authority. Section 43165, 43178, and 43203 Government Code. Any and all Insurers shall file annual statements as required by law and shall file quarterly reports of Direct Premiums Written, Direct Premiums Earned, Direct Losses Incurred, Direct Losses Paid, Underwriting and Investment Exhibits and Expenses under the Plan. The quarterly report shall be filed on or before the 20th day of the month following the end of the quarter.

In the event an Insurer shall fail to submit any quarterly report or annual statement in the time required herein the Commissioner shall have the discretion to assess a late filing fee of \$500.00 per report to such Insurer. In the event an Insurer shall fail to submit any required quarterly report or annual statement in excess of ninety days past the time stipulated, the Commissioner shall have the discretion to revoke the Certificate of Authority of such Insurer pursuant to Section 43105 of the Government Code.

Should any Insurer shall fail to submit any annual statement for any given year, the Manager shall have the option of using the highest Direct Premiums Written by the such insurer for the last three previous years for the computation of the proportionate share of the Insurer in the Plan.

Section 10047. Renewal and Refusal to Renew. Legal Authority.
Section 43544 Government Code. Every Insurer insuring a risk which has been insured for a period not exceeding 24 months by assignment under the Plan shall upon the expiration of the current policy:

- (a). Issue a renewal policy under the Voluntary Market and not as an assignment under the Plan at the applicable rates set forth in the current Motor Vehicle Tariff; or
- (b). Issue a renewal policy as an assignment under the Plan, unless relief is granted in accordance with Section 10044 hereof, if the required renewal premium or deposit as determined by the insurer is received or tendered to the Insurer or its general agent at least one working day before the inception dated of the renewal policy, it being understood that payment or tender of payment to any branch office of the general agent shall be considered a valid payment. Payment by mail shall be considered a valid payment only if the payment is received by the main or branch office of the general agent at least one working day before the expiration of the policy. Any Insured failing to tender such payment in the time specified herein shall be subject to non-renewal of policy; or
- (c). Refuse to issue a renewal policy as an assignment under the Plan solely on the basis that the Insured is not eligible for insurance under the Plan. Any Insurer who refuses to issue a renewal policy under the Plan must mail or deliver a notice of non-renewal to the Insured and to the Manager at least thirty days before the expiration of the current policy.

Section 10048. Renewal Notices. Legal Authority. Section 43544 Government Code. An Insurer may request current policy rating information from the insured by means of a renewal questionnaire filed with and approved by the Commissioner. The questionnaire shall be mailed to the Insured at the address shown on the policy, at least sixty days before the expiration date of the policy. Should the insured fail to respond or return the questionnaire, the Insurer may use the most recent application submitted by the Insured in the calculation of the annual premium.

In any case, the Insurer must send to the Insured at the address shown on the policy, a notice for the renewal of the policy, together with the required renewal premium or down payment in accordance with Section 10041 hereof. This notice to the Insured shall be mailed by the Insurer no less than thirty days before the expiration date of the current policy.

Section 10049. Maximum Term of Coverage Under The Plan. Legal Authority. Section 43544 Government Code. An Insurer shall not be required to insure a Risk as an assignment under the Plan for a period in excess of three consecutive years.

Section 10050. Options After Three Years Of Participation Under Plan. Legal Authority. Section 43544 Government Code. Every Insurer insuring an Eligible Risk which has been insured by such insurer for a period of three consecutive years by an assignment under the Plan, shall upon expiration of the current policy, either:

- (a). Issue a policy under the Voluntary Market; or
- (b). Refuse to renew the policy under the Plan.

At least thirty days before the expiration date of such policy, such Insurer shall notify the Manager and the Insurer of its intended action under this section.

Section 10051. Reapplication. Legal Authority Section 43544 Government Code. If an Insurer serves notice to the Applicant and discloses an intent to refuse to issue a renewal policy as an assignment under the Plan pursuant to Section 10050 hereof and the Applicant is unable to insurance in the Voluntary Market, reapplication may be made to the Plan. Such application and subsequent assignment shall be considered a new application and a new assignment to the designated insurer.

Section 10052. Coverage For Risks Not Mandated by Law. Legal Authority Section 43544 Government Code. Application for automobile insurance coverage on Risks other than those mandated by the Mandatory Automobile Liability Insurance Law shall be afforded coverage at the voluntary will of an Insurer.

Should any Insurer be unwilling to provide automobile insurance coverage to any Applicant for Risks other than those mandated by Mandatory Automobile Liability Insurance Law at the rates set forth in the current Motor Vehicle Tariff such Insurer must furnish an Applicant a written quotation for automobile insurance rates which must contain the following information:

- (1). Name of Applicant
- (2). Number of vehicles in the application, model, year and make or a listing of Kelly Blue Book Auto used car values.
- (3). For non-fleet vehicles, the number of penalty points accumulated by each motor vehicle listed in the policy.
- (4). Loss Experience Rate computed on the Direct Losses Incurred by any and all vehicles listed in the policy over the Direct Premiums Earned during the 36 months preceeding the date of application for coverage.
- (5). Any other factor that increases the risks.

An Applicant shall have the option to accept or to secure another quotation from another Insurer. Should any Applicant agree to the quotation for insurance rates the Applicant shall sign the quotation. The Insurer shall file this accepted quotation with the Commissioner for approval. The Commissioner shall approve or disapprove this filed quotation for insurance rates within twenty days from date of filing.

The Commissioner shall approve or disapprove the filed quotation for automobile insurance rates on the basis that the information stated in the quotation does not support the rates quoted therein taking into consideration the standards set forth in Section 43386 Government Code.

In the event the Commissioner approves the filed quotation for insurance rates the Insurer may issue an automobile insurance policy using the rates stated in the quotation which was approved by the Commissioner.

Should the Commissioner disapprove the filed quotation for insurance rates, the Insurer and the Applicant shall have the option to submit a revised quotation and file the same for approval.

Section 10053. Relief Under Tariff. Legal Authority Sections 43385, 43386 Government Code. In the calculation of the applicable insurance premium on any Risk under the Plan or under the Voluntary Market an Insurer shall.

- (a). Have the option to rate and charge an Applicant who has accumulated one up to six penalty points by using the corresponding amounts of penalty set forth in the Rate Modifications Section 10038 hereof in addition to the applicable rates set forth in the current Motor Vehicle Tariff.
- (b). Rate and charge an Applicant who has accumulated seven or more penalty points by applying the corresponding amounts of penalty set forth in the Rate Modifications Section 10038 hereof in addition to the applicable rates set forth in the current Motor Vehicle Tariff.
- (c). Have the option to apply a surcharge up to 30% in addition to the applicable rates set forth in the current Motor Vehicle Tariff whenever an Applicant applies for an automobile insurance coverage for any Modified Vehicle.

Section 10054. Appeal. Legal Authority Section 43532, 43533, 43534 and 43544 Government Code. The following persons may file an appeal with the Commissioner under the following circumstances:

- (a). Any Applicant who is denied motor vehicle insurance coverage in the Voluntary Market or automobile liability insurance under the Plan in violation of any law, rule or regulation.
- (b). Any Insured whose motor vehicle insurance coverage in the Voluntary Market or automobile liability insurance under the Plan has been canceled or has been refused renewal in violation of any law, rule or regulation.
- (c). Any Applicant, Insured or Insurer who is affected by any ruling, order or decision rendered by the Manager in violation of any law, rule or regulation.

Section 10055. Procedure For Appeal. Legal Authority. Section 43532, 43533 and 43534. The Administrative Adjudication Law shall not apply to any appeal taken by an Applicant or an Insured or an Insurer but instead shall be governed by the following procedural rules:

(a) Any Applicant or Insured who appeals any action or decision of an Insurer shall:

- (1). Submit a copy of application for automobile liability insurance in triplicate.
- (2). File two copies of Request For Review within ten (10) days from receipt of Notice of Denial or Notice of Cancellation. In the event the driving record of any Applicant is not readily available to the Manager, the Applicant shall be required to submit documents of driving experience from the Superior Court of Guam or Guam Police Department or both or from any state or jurisdiction where the Applicant had resided for the 36 months preceeding the date of application.
- (3). Furnish the Insurer a copy of the Request For Review that is filed with the Commissioner together with all documents attached thereto.
- (4). Pay a filing fee of \$15.00.

(b). Any Applicant, Insured or Insurer under the Plan who appeals any ruling, order or decision rendered by the Manager shall:

- (1). File an appeal within ten (10) days from receipt of the questioned ruling or order or decision together with a statement of facts and a citation of the law, rule or regulation in support of the appeal.
- (2). Attach a copy of the questioned ruling, order or decision rendered by the Manager.
- (3). Pay a filing fee of \$15.00.

Section 10056. Summary Decision. Legal Authority Section 43533, 43534 Government Code. The Commissioner or his designee shall render a summary decision on the appeal filed by an Applicant or an Insured or by an Insurer pursuant to the provisions of Section 10054 hereof. The summary decision shall be rendered within forty (40) days from receipt of the appeal.

The Commissioner or his designee shall make a determination of the appeal and shall issue an appropriate order sustaining or reversing or modifying the appealed denial or cancellation or non-renewal of automobile insurance coverage or an assignment of risk under the Plan; and further, shall direct compliance with his order.

Section 10057. Examination. Legal Authority. Sections 43165, 43177 and 43204 Government Code. At such times as the Commissioner shall deem necessary and proper he may cause an examination of any Insurer required to participate in the Plan.

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 407-31 (COR)**

AN ACT TO PROVIDE FOR THE COURT IMPOSED PENALTY REQUIRING THE TAKING OF AN DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING, BY ADDING A NEW SUBSECTION (rr) TO §1102 OF CHAPTER 1, 16 GCA; AND AMENDING SUBSECTION (c) OF §9107, CHAPTER 9, 16 GCA; AND ADDING A NEW §9107.1 TO CHAPTER 9, 16 GCA.

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	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? 1/ / x / Yes / / No
- Is amount appropriated adequate to fund the intent of the appropriation? / x / N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ / x / N/A
- Does the Bill establish a new program/agency? / / Yes / x / No
If yes, will the program duplicate existing programs/agencies? / x / N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / x / No
- Will the enactment of this Bill require new physical facilities? / / Yes / x / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x / Yes / / No
/ x / Requested agency comments not received by due date / / Other: _____

Analyst: <u>Michael M. Aflague, B&M Analyst</u>	Date: <u>1/13/12</u>	Director: <u>John A. Rios, Director</u>	Date: <u>1/24/12</u>
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Footnotes: 1/ The Bill has a potential for additional funding impact, however in its present form that impact cannot be determined at this time.



COMMITTEE ON RULES

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Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

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

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

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Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Ducnas

January 9, 2012

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. 405-31 (COR) through 407-31 (COR)

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,

Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2012 JAN 11 PM 4:11



COMMITTEE ON RULES

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

Senator
Roy 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

January 9, 2012

VIA FACSIMILE
(671) 472-2825

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

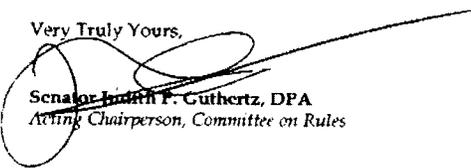
RE: Request for Fiscal Note -
Bill Nos. 405-31 (COR) through 407-31 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *1 Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9105, I respectfully request the preparation of fiscal notes for the referenced bill.

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

Very Truly Yours,


Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Attachments
Cc: Clerk of the Legislature

Received by: Annalyn
Date: 1/9/12
Time: 4:15pm

RESULTS : [O.K]
MODE : STD BCM
ELAPSED TIME : 00'28"
START TIME : JAN-09-2012 03:51PM MON
PAGE : 3
NAME/NUMBER : 4722825

NAME : GNF
FAX NUMBER : 4772240

JAN-09-2012 03:51 PM MON

MESSAGE CONFIRMATION



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: rorryforguam@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

January 5, 2012

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Judith P. Guthertz, DPA**
Acting Chairperson, Committee on Rules

Subject: **Referral of Bill No. 407-31(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 407-31 (COR).

Please ensure that the subject bill is 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!

(1) Attachment

I Mina Trentai Unu Na Lihestaturan Guahan

Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	Status
407-31 (COR)	D. G. Rodriguez, Jr.	AN ACT TO PROVIDE FOR THE COURT IMPOSED PENALTY REQUIRING THE TAKING OF AN DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING, BY ADDING A NEW SUBSECTION (rr) TO §1102 OF CHAPTER 1, 16 GCA; AND AMENDING SUBSECTION (c) OF §9107, CHAPTER 9, 16 GCA; AND ADDING A NEW §9107.1 TO CHAPTER 9, 16 GCA.	1/4/2012 3:30 p.m.	1/5/2012		Committee on Public Safety, Law Enforcement and Judiciary			01/09/12- Request for Fiscal Note



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

SENATOR ADOLPHO B. PALACIOS, SR. 
Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
MONDAY, FEBRUARY 27, 2012**

FOR IMMEDIATE RELEASE
(Hagatna, Guam – February 15, 2012)

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 and Status Briefing starting at **8:30 a.m., Monday, February 27, 2012** at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 am:

- 1. Bill No. 407-31 (COR)** - An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA. – **sponsored by Senator Dennis G. Rodriguez, Jr.**
- 2. Bill No. 412-31 (COR)** - An act to add new §77302 to Title 10 Guam Code Annotated, relative to volunteers patrolling school campuses of the Guam Public School System during non-school hours. – **sponsored by Speaker Judith T. Won Pat and Senators Adolpho B. Palacios, Sr. and Tina Rose Muna Barnes**
- 3. Bill No. 409-31 (COR)** - An act to *add* Chapter 16 of Title 19 of the Guam Code Annotated relative to Acts of Violence against an unborn child. – **sponsored by Senator Frank F. Blas, Jr.**

2:00 pm:

Status Briefing by the Guam Fire Department on the following:

- Status of Ambulance Services:
 - Leased ambulances,
 - Procurement of additional ambulances using DOI funds, and

- c. Status of billing services for GFD.
2. Status of GFD office relocation; and
3. Status of thirty (30) unappointed Firefighter Recruits.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.guamlegislature.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.

###

cc: All Senators
Executive Director
Clerk of the Legislature
Sergent-at-Arms
MIS

Subject: First Notice of Public Hearing scheduled for February 27, 2012.

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;
rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com;
therese.hart.writer@gmail.com; zita@mvguam.com;

Date: Wednesday, February 15, 2012 4:36 PM

Please see attached First Notice of Public Hearing scheduled for Monday, February 27, 2012 starting at 8:30 am, and a Status Briefing by the Guam Fire Department starting at 2:00pm, 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)

Listserv: phnotice@guamlegislature.org

As of Jan. 30, 2012

aguon4guam@gmail.com
alerta.jermaine@gmail.com
aline4families@gmail.com
ataylor.senatorrodriguez@gmail.com
audrey@judiwonpat.com
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clerks@guamlegislature.org
colleén@judiwonpat.com
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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
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floterlaje@gmail.com
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jane@tinamunabarnes.com
jason@senatorpalacios.com
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roryforguam@gmail.com
Santos.duenas@gmail.com
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senatorTonyada@guamlegislature.org
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tcastro@guam.net
telo.taitague@guam.gov
tinaokada@gmail.com
tom@senatorada.org
tterlaje@guam.net
uriah@tinamunabarnes.com
val.g@senatormabini.com
vkomiyama.senatorrodriguez@gmail.com
wilcastro671@gmail.com

Destination	Start Time	Time	Prints	Result	Note
PDN	02-15 16:15	00:00:47	002/002	OK	
KUAM	02-15 16:17	00:00:32	002/002	OK	
PNC	02-15 16:17	00:00:28	002/002	OK	
K57	02-15 16:18	00:00:23	002/002	OK	
HIT RADIO 100	02-15 16:19	00:00:24	002/002	OK	
KSTO	02-15 16:20	00:00:55	002/002	OK	
GLIMPSES	02-15 16:21	00:00:25	002/002	OK	
MARIANAS VARIETY	02-15 16:22	00:00:24	002/002	OK	
KSTEREO/KISH	02-15 16:23	00:00:55	002/002	OK	
JOY 92 FM	02-15 16:24	00:00:23	002/002	OK	
KPRG	02-15 16:25	00:00:25	002/002	OK	
Gov.	02-15 16:26	00:00:25	002/002	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, 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 Mina Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
MONDAY, FEBRUARY 27, 2012**

FOR IMMEDIATE RELEASE
(Hagåtña, Guam – February 15, 2012)

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 and Status Briefing starting at 8:30 a.m., Monday, February 27, 2012 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, based on the following schedule:

8:30 am:

- Bill No. 407-31 (COR)** - An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA. – sponsored by Senator Dennis G. Rodriguez, Jr.
- Bill No. 412-31 (COR)** - An act to add new §77302 to Title 10 Guam Code Annotated, relative to volunteers patrolling school campuses of the Guam Public School System during non-school hours. – sponsored by Speaker Judith T. Won Pat and Senators Adolpho B. Palacios, Sr. and Tina Rose Muna Barnes
- Bill No. 409-31 (COR)** - An act to add Chapter 16 of Title 19 of the Guam Code Annotated relative to Acts of Violence against an unborn child. – sponsored by Senator Frank F. Blas, Jr.

2:00 pm:

Status Briefing by the Guam Fire Department on the following:

- Status of Ambulance Services:
 - Leased ambulances,
 - Procurement of additional ambulances using DOI funds, and



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PRESS RELEASE

**NOTICE OF PUBLIC HEARING
MONDAY, FEBRUARY 27, 2012**

FOR IMMEDIATE RELEASE

(Hagatna, Guam – February 20, 2012)

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 and Status Briefing starting at **8:30 a.m., Monday, February 27, 2012** at *I Liheslaturan Guahan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 am:

1. **Bill No. 407-31 (COR)** - An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA. – **sponsored by Senator Dennis G. Rodriguez, Jr.**
2. **Bill No. 412-31 (COR)** - An act to add new §77302 to Title 10 Guam Code Annotated, relative to volunteers patrolling school campuses of the Guam Public School System during non-school hours. – **sponsored by Speaker Judith T. Won Pat and Senators Adolpho B. Palacios, Sr. and Tina Rose Muna Barnes**
3. **Bill No. 409-31 (COR)** - An act to *add* Chapter 16 of Title 19 of the Guam Code Annotated relative to Acts of Violence against an unborn child. – **sponsored by Senator Frank F. Blas, Jr.**

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

-
- c. Status of billing services for GFD.
 2. Status of GFD office relocation; and
 3. Status of thirty (30) unappointed Firefighter Recruits.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.guamlegislature.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.

###

Subject: First Notice of Public Hearing scheduled for Feb. 27, 2012.

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;
rliimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com;
therese.hart.writer@gmail.com; zita@mvguam.com;

Date: Monday, February 20, 2012 8:30 AM

Please see attached First Notice of Public Hearing scheduled for February 27, 2012 starting at 8:30am. 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)



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

MONDAY, FEBRUARY 27, 2012

FOR IMMEDIATE RELEASE

(Hagåtña, Guam – February 24, 2012)

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 and Status Briefing starting at **8:30 a.m., Monday, February 27, 2012** at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 am:

1. **Bill No. 407-31 (COR)** - An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA. – **sponsored by Senator Dennis G. Rodriguez, Jr.**
2. **Bill No. 412-31 (COR)** - An act to add new §77302 to Title 10 Guam Code Annotated, relative to volunteers patrolling school campuses of the Guam Public School System during non-school hours. – **sponsored by Speaker Judith T. Won Pat and Senators Adolpho B. Palacios, Sr. and Tina Rose Muna Barnes**
3. **Bill No. 409-31 (COR)** - An act to *add* Chapter 16 of Title 19 of the Guam Code Annotated relative to Acts of Violence against an unborn child. – **sponsored by Senator Frank F. Blas, Jr.**

2:00 pm:

Status Briefing by the **Guam Fire Department** on the following:

1. Status of Ambulance Services:
 - a. Leased ambulances,
 - b. Procurement of additional ambulances using DOI funds, and



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

-
- c. Status of billing services for GFD.
 2. Status of GFD office relocation; and
 3. Status of thirty (30) unappointed Firefighter Recruits.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.guamlegislature.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.

###

Subject: Second Notice of Public Hearing scheduled for Feb. 27, 2012.

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

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

Cc: amier@mvguam.com; clynt@spbgum.com; dcrisost@guampdn.com; dmgeorge@guampdn.com;
editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbgum.com;
kstkish@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@hitradio100.com; ricknauta@hitradio100.com;
rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com;
therese.hart.writer@gmail.com; zita@mvguam.com;

Date: Friday, February 24, 2012 9:24 AM

Please see attached Second Notice of Public Hearing scheduled for Monday, February 27, 2012 starting at 8:30 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	02-24 08:59	00:00:50	002/002	OK	
KUAM	02-24 09:01	00:00:36	002/002	OK	
PNC	02-24 09:02	00:00:29	002/002	OK	
K57	02-24 09:02	00:00:26	002/002	OK	
HIT RADIO 100	02-24 09:03	00:00:26	002/002	OK	
KSTO	02-24 09:04	00:00:58	002/002	OK	
GLIMPSES	02-24 09:05	00:00:23	002/002	OK	
MARIANAS VARIETY	02-24 09:06	00:00:25	002/002	OK	
KSTEREO/KISH	02-24 09:07	00:00:59	002/002	OK	
JOY 92 FM	02-24 09:08	00:00:29	002/002	OK	
KPRG	02-24 09:09	00:00:26	002/002	OK	
Gov.	02-24 09:10	00:00:26	002/002	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, 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 Mina'Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**SECOND NOTICE OF PUBLIC HEARING
MONDAY, FEBRUARY 27, 2012**

FOR IMMEDIATE RELEASE
(Hagåtña, Guam – February 24, 2012)

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 and Status Briefing starting at 8:30 a.m., Monday, February 27, 2012 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, based on the following schedule:

8:30 am:

- Bill No. 407-31 (COR)** - An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA. – sponsored by Senator Dennis G. Rodriguez, Jr.
- Bill No. 412-31 (COR)** - An act to add new §77302 to Title 10 Guam Code Annotated, relative to volunteers patrolling school campuses of the Guam Public School System during non-school hours. – sponsored by Speaker Judith T. Won Pat and Senators Adolpho B. Palacios, Sr. and Tina Rose Muna Barnes
- Bill No. 409-31 (COR)** - An act to add Chapter 16 of Title 19 of the Guam Code Annotated relative to Acts of Violence against an unborn child. – sponsored by Senator Frank F. Blas, Jr.

2:00 pm:

Status Briefing by the Guam Fire Department on the following:

- Status of Ambulance Services:
 - Leased ambulances,
 - Procurement of additional ambulances using DOI funds, and



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
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Senator Dennis G. Rodriguez, Jr.
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Senator V. Anthony Ada
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Senator Christopher M. Duenas
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Senator Mana Silva-Tajeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

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Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform

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Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

February 15, 2012

Honorable Leonardo Rapadas

Attorney General

Office of the Attorney General

287 West O'Brien Drive

Hagåtña, Guam 96910

RE: Public Hearing
Monday, February 27, 2012, at 8:30 a.m.

Dear Attorney General Rapadas,

Buenas yan Håfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Monday, February 27, 2012 in the Legislative Hearing Room of the Guam Legislature. Included on the agenda are the following bills which concern the Office of the Attorney General:

Beginning at 8:30 a.m.:

Bill No. 407-31 (COR) – "An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA." – Senator Dennis G. Rodriguez, Jr.

Bill No. 412-31 (COR) – "An act to add new §77302 to Title 10 Guam Code Annotated, relative to volunteers patrolling school campuses of the Guam Public School System during non-school hours." – Speaker Judith T. Won Pat

Bill No. 409-31 (COR) – "An act to add Chapter 16 of Title 19 of the Guam Code Annotated relative to Acts of Violence against an unborn child." – Senator Frank F. Blas, Jr.

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



Thirty-First
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Chairman

February 15, 2012

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

RE: Public Hearing
Monday, February 27, 2012, at 8:30 a.m.

Dear Chief Bordallo,

Buenas yan Håfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Monday, February 27, 2012 in the Legislative Hearing Room of the Guam Legislature. Included on the agenda are the following bills which concern the Guam Police Department:

Beginning at 8:30 a.m.:

Bill No. 407-31 (COR) – “An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA.” – Senator Dennis G. Rodriguez, Jr.

Bill No. 412-31 (COR) – “An act to add new §77302 to Title 10 Guam Code Annotated, relative to volunteers patrolling school campuses of the Guam Public School System during non-school hours.” – Speaker Judith T. Won Pat

Bill No. 409-31 (COR) – “An act to add Chapter 16 of Title 19 of the Guam Code Annotated relative to Acts of Violence against an unborn child.” – Senator Frank F. Blas, Jr.

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.

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

February 15, 2012

Perry C. Taitano

Administrator of the Courts

Unified Judiciary of Guam

120 West O'Brien Drive

Hagåtña, Guam 96910

RE: Public Hearing
Monday, February 27, 2012, at 8:30 a.m.

Dear Perry Taitano,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Monday, February 27, 2012 in the Legislative Hearing Room of the Guam Legislature. Included on the agenda are the following bills which concern the Unified Judiciary of Guam:

Beginning at 8:30 a.m.:

Bill No. 407-31 (COR) – “An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA.” – Senator Dennis G. Rodriguez, Jr.

Bill No. 412-31 (COR) – “An act to add new §77302 to Title 10 Guam Code Annotated, relative to volunteers patrolling school campuses of the Guam Public School System during non-school hours.” – Speaker Judith T. Won Pat

Bill No. 409-31 (COR) – “An act to add Chapter 16 of Title 19 of the Guam Code Annotated relative to Acts of Violence against an unborn child.” – Senator Frank F. Blas, Jr.

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.

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

Thirty-First
Guam Legislature

February 15, 2012

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

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
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- 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

RE: Public Hearing
Monday, February 27, 2012, at 8:30 a.m.

Dear Director Camacho,

Buenas yan Håfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Monday, February 27, 2012 in the Legislative Hearing Room of the Guam Legislature. Included on the agenda is the following bill which concerns the Department of Revenue and Taxation:

Beginning at 8:30 a.m.:

Bill No. 407-31 (COR) – “An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA.” – Senator Dennis G. Rodriguez, Jr.

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

*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



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

February 15, 2012

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

RE: Public Hearing
Monday, February 27, 2012, at 8:30 a.m.

Dear Director Brown,

Buenas yan Håfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Monday, February 27, 2012 in the Legislative Hearing Room of the Guam Legislature. Included on the agenda is the following bill which concerns the Department of Public Works:

Beginning at 8:30 a.m.:

Bill No. 407-31 (COR) – “An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA.” – Senator Dennis G. Rodriguez, Jr.

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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I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

February 15, 2012

MEMORANDUM

To: Senator Dennis G. Rodriguez, Jr.

From: Senator Adolpho B. Palacios, Sr. *ABP*
Chairman

SUBJECT: Public Hearing on Bill No. 407-31 (COR)
Monday, February 27, 2012, at 8:30 a.m.

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Bill No. 407-31 (COR), of which you are the author, on Monday, February 27, 2012 beginning at 8:30 a.m.:

Bill No. 407-31 (COR) – “An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA.”

You may notify the appropriate government agencies, organizations and person(s) who may wish to provide written and/or oral testimony on the Bill.

GUAM LEGISLATURE
REPRODUCTION/MAIL ROOM
DATE: 2/15/10
TIME: 3:10 | AM | PM
RECEIVED: *[Signature]*



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

MONDAY, FEBRUARY 27, 2012

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Discussion:

8:30 am:

- 1. **Bill No. 407-31 (COR)** - An act to provide for the court imposed penalty requiring the taking of a defensive driving program for the offense of reckless driving, by adding a new Subsection (rr) to §1102 of Chapter 1, 16 GCA; and amending Subsection (c) of §9107, Chapter 9, 16 GCA; and adding a new §9107.1 to Chapter 9, 16 GCA. – **sponsored by Senator Dennis G. Rodriguez, Jr.**
- 2. **Bill No. 412-31 (COR)** - An act to add new §77302 to Title 10 Guam Code Annotated, relative to volunteers patrolling school campuses of the Guam Public School System during non-school hours. – **sponsored by Speaker Judith T. Won Pat and Senators Adolpho B. Palacios, Sr. and Tina Rose Muna Barnes**
- 3. **Bill No. 409-31 (COR)** - An act to *add* Chapter 16 of Title 19 of the Guam Code Annotated relative to Acts of Violence against an unborn child. – **sponsored by Senator Frank F. Blas, Jr.**

- IV. Closing remarks.
- V. Adjournment.

2012 JUN 27 PM 3:30 EOM

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

Bill No. 407-31(COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO PROVIDE FOR THE COURT IMPOSED PENALTY REQUIRING THE TAKING OF AN DEFENSIVE DRIVING PROGRAM FOR THE OFFENSE OF RECKLESS DRIVING, BY ADDING A NEW SUBSECTION (rr) TO §1102 OF CHAPTER 1, 16 GCA; AND AMENDING SUBSECTION (c) OF §9107, CHAPTER 9, 16 GCA; AND ADDING A NEW §9107.1 TO CHAPTER 9, 16 GCA.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent: *I Liheslaturan Guåhan* finds that defensive driving is a method of driving that minimizes the number of driving risks, using more advanced skills than just your basic training. When you employ defensive driving techniques, you become a better, safer, and smarter driver; one who is better prepared for the hazards ahead on Guam's roads.

Because more than 41,000 people die in motor vehicle crashes each year, many states require defensive driving programs for people who've accumulated too violations on their driving records or had their driving privileges suspended. Defensive driving programs teach drivers to be cautious and maintain an awareness of their surroundings, the current rules of the road, and the latest techniques in vehicle handling. These skills may help reduce traffic accidents across the board.

Defensive driver programs are used worldwide by several branches of the Armed Forces, police forces, and ambulance and fire departments. Defensive driving class has been court-approved by at least 28 states to reduce deaths and

1 injuries caused by inexperienced drivers, aggressive drivers, and alcohol and drug
2 related motor vehicle crashes.

3 Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Idaho,
4 Indiana, Kansas, Kentucky, Louisiana , Maine, Michigan, Missouri, Nevada, New
5 Jersey, New Mexico, North Carolina , North Dakota, New York, Ohio , Oklahoma,
6 South Carolina, Tennessee, Texas, Virginia, Washington are the states that requires
7 defensive driving program upon conviction of multiple offense of reckless driving.

8 *I Liheslaturan Guåhan* takes due note that defensive driving programs are
9 also an opportunity for drivers to learn more about safe driving while possibly
10 lowering their auto insurance rates, and ultimately making streets safer. A
11 qualified defensive driving program utilizes lesson plans that are proven with
12 studies to be effective, to include operating a vehicle in adverse weather conditions
13 such as heavy rains, and dealing with driving around larger vehicles, pedestrians,
14 cyclists, and, aggressive, distracted and impaired drivers.

15 An average of over six thousand (6,000) motor vehicle crashes are reported
16 every year on Guam, with a crash rate of about forty (40) accidents for every one
17 thousand (1,000) people on the island, as compared to a national average of 19
18 accidents for every one thousand motorists. This is twice the national average.
19 Over the past eight (8) years there has been an annual average of seventeen (17)
20 fatalities caused by motor vehicle crashes on Guam. It is the intent of *I*
21 *Liheslaturan* to improve the safety of Guam's roads by adding a new penalty for
22 the conviction of reckless driving. A program in defensive driving may be
23 required at the discretion of the judge for a first offense. Education as a prevention
24 measure helps ensure that convicted reckless drivers are better educated and more
25 aware of the severity of their offense. A second offense within eighteen months of

1 the first or last offense *shall* require the mandatory taking of *both* a driver
2 education course *and* a defensive driving program.

3 **Section 2.** A new Subsection (rr) is hereby added to §1102 of Chapter 1,
4 Title 16, Guam Code Annotated, to read:

5 “(rr) *Defensive driving:* Defensive driving is "driving to save lives, time,
6 and money, in spite of the conditions around you and the actions of others.
7 Defensive driving is a form of training for motor vehicle drivers that goes
8 beyond mastery of the rules of the road and the basic mechanics of driving.
9 Its aim is to reduce the risks associated with driving by anticipating
10 dangerous situations, despite adverse conditions or the mistakes of others.
11 Defensive driving is also known as driver improvement as well as traffic
12 school. For the purposes of this Title and §9107 and §9107.1, the terms are
13 interchangeable.”

14 **Section 3.** Subsection (c) of §9107, Chapter 9, Title 16, Guam Code
15 Annotated, is hereby amended, to read:

16 “(c) Whenever such reckless driving of a vehicle proximately causes a
17 collision in which bodily injury or property damage result, the person so driving
18 such vehicle shall, upon conviction, and in addition to the penalties provided in
19 Subsections (a) and (b), be required to attend a course in driver education not less
20 than six (6) weeks in length and to obtain a certificate of attendance at the
21 satisfactory completion of such course, and/or a defensive driving program at the
22 discretion of the court, for a first offense. Such course or program shall be
23 conducted under the auspices of the Department of Public Safety and shall be
24 attended by the convicted reckless driver after serving his sentence or paying his

1 fine, or both. Failure of such convicted reckless driver to attend such course or
2 program shall constitute a separate offense and shall be punishable as a petty
3 misdemeanor.

4 (i) In addition to the penalties provided in Subsections (a) and (b) of this
5 Section, where the person driving the vehicle has one or more prior
6 convictions for the offense of reckless driving which have resulted in
7 bodily injury or property damage, shall upon conviction of an
8 additional violation of reckless driving, within eighteen (18) months
9 of the first violation, require the driver to take and complete an
10 defensive driving program, in addition to taking, or retaking, a driver
11 education course.”

12 **Section 4.** A new §9107.1 is hereby added to Chapter 9, Title 16, Guam
13 Code Annotated, to read:

14 **“§9107.1 Defensive Driving Program Guidelines.** The defensive driving
15 training and certification shall be offered in a traditional classroom setting and
16 virtual/online learning (student verification mechanism shall be verified throughout
17 the program if online training is elected). Both must be offered but either satisfies
18 the training and certification requirement. The defensive driving program shall be
19 a minimum of 400 minutes and a final test shall be administered and passed to get
20 certification. The defensive driving program must have an on island administrator
21 who has a minimum of 2 years experience in the administration of a nationally
22 recognized defensive driving program that is certified to train by any authorizing
23 recognized organization that meets the criteria herein. And further provided, that
24 the defensive driving program has a demonstrated performance record of reducing
25 reckless driving directly attributable to the program, within the any of the 50 U.S.

1 states, counties, municipalities, cities, and/or in providing like services for federal
2 agency programs.

3 (a) Defensive Driving Schools and Programs shall be regulated by the
4 Motor Vehicle Division, Guam Department of Revenue and Taxation;

5 (b) Defensive Driving Schools and Programs established on Guam shall
6 meet the standards to become certified and licensed by the Guam Department of
7 Revenue and Taxation, Motor Vehicle Division;

8 (c) Defensive Driving programs shall be completed in no less than four
9 hundred (400) minutes;

10 (d) The organizations authorized to provide this training shall retain
11 student records for 5 years. Company drivers must take a refresher program every
12 2 years that is a minimum of four hours to maintain the certification status. Any
13 defensive driving organization that is recognized as being authorized by any local,
14 federal or state body can offer these program as long as the meet the standards set
15 forth herein. Any person that drives for a company, either in a company vehicle or
16 private vehicle for company business, must have this training, as well as have
17 certification of current training in their personnel file as well as on their person
18 when driving for company purposes. For purposes of clarification, *defensive*
19 *driving training* is not drivers education or drivers education as defined by §3103
20 of Chapter 3, Title 16, Guam Code Annotated; and

21 (e) Defensive driving programs on Guam *shall* have a verifiable success
22 rate (statistical studies by any U.S. government agency, state government agency
23 or private recognized contracted agency) and shall cover such areas as Guam
24 specific needs and general defensive driving training in traffic law, methods of
25 accident avoidance and force reduction, human limitations, the effects of alcohol
26 and drugs on the driver and driving, the serious dangers of driving distractions, and

1 a translation of traffic violations into their resultant damages including property,
2 injury, death, and societal impact.”

3 **Section 5. Promulgation of Rules and Regulations.**

4 (a) The Department of Revenue and Taxation *shall*, within 120 days of the
5 enactment of this Act, promulgate the necessary rules and regulations, to include
6 administrative fees for the issuance of a certification of program completion,
7 required to implement the provisions of §9107 and §9107.1, of Chapter 9, Title 16,
8 Guam Code Annotated, as provided pursuant to Article 3 [Rule-Making
9 Procedures], Chapter 9 [Administrative Adjudication Law], Division 1, Title 5,
10 Guam Code Annotated [Government Operations].

11 (b) The Unified Courts of Guam *shall*, within 120 days of the enactment of
12 this Act, promulgate the necessary rules and regulations, to include administrative
13 fees and court costs, required to implement the provisions of §9107 and §9107.1 of
14 Chapter 9, Title 16, Guam Code Annotated, as provided pursuant to applicable
15 law, rules and regulations, and Judicial procedures.

16 **Section 6. Prospective Applicability.** The amendments to Subsection (c)
17 of §9107, as provided pursuant to Section 3 of this Act, and the new §9107.1, as
18 provided pursuant to Section 4 of this Act, shall not be effective as to any charge
19 that has been brought against any person prior to the effective date of this Act. The
20 intent of this paragraph is that no person shall be subject to a more stringent
21 penalty than would have been the case under the law as it existed at the time that
22 such person has been charged with the offense of reckless driving.

23 **Section 7. Severability.** *If* any provision of this Act or its application to
24 any person or circumstance is found to be invalid or contrary to law, such
25 invalidity shall *not* affect other provisions or applications of this Act which can be

1 given effect without the invalid provisions or application, and to this end the
2 provisions of this Act are severable.

3 **Section 8. Effective Date.** This Act shall become immediately effective
4 upon enactment.