

EDDIE BAZA CALVO
Governor



2011 APR 20
RAY TENORIO
Lieutenant Governor
MAY 8 18

Office of the Governor of Guam

April 19, 2011

31-11-442

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

4/19/11
6:04 pm
Ramon

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 67-31 (COR) "AN ACT TO ADD A NEW §3347 TO ARTICLE 3, CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES", which I signed into law on April 18, 2011 as **Public Law 31-30**.

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bill

442

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

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

This is to certify that **Substitute Bill No. 67-31 (COR), "AN ACT TO ADD A NEW §3347 TO ARTICLE 3, CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES"**, was on the 4th day of April, 2011, duly and regularly passed.



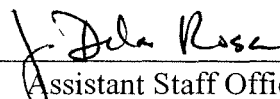
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 7th day of April, 2011, at
09:50 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: **APR 18 2011**

Public Law No. 31-30

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

Bill No. 67-31 (COR)

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

Introduced by:

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

**AN ACT TO *ADD* A NEW §3347 TO ARTICLE 3,
CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED,
RELATIVE TO PENALTIES FOR MOVING
VIOLATIONS INVOLVING LARGE VEHICLES.**

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

2 **Section 1.** A new §3347 is hereby *added* to Article 3 of Chapter 3 of Title 16,
3 Guam Code Annotated, to read:

4 **“§3347. Penalty for Moving Violations Involving Large**
5 **Vehicles.** (a) Any violation of this Article committed by an operator of a
6 *large vehicle* involving excessive speed, improper turns, and lane changes,

1 violations of traffic signs and signals, ignoring lane markers, or a violation
2 of this Article committed while such vehicle is in motion *shall* be subject to
3 the following penalty enhancements:

4 (1) The penalty for a violation of this Article is One
5 Hundred Dollars (\$100.00);

6 (2) The penalty for a second violation of this Article in a
7 calendar year is Two Hundred Dollars (\$200.00);

8 (3) The penalty for third and subsequent violations of this
9 Article in a calendar year is Five Hundred Dollars (\$500.00) and
10 misdemeanor;

11 (4) The penalty for a violation of this Article involving
12 property damage of *more than* Five Thousand Dollars (\$5,000.00) or
13 bodily injury is a third degree felony; and

14 (5) The penalty for a violation of this Article involving death
15 or serious bodily injury is *not less than* a second degree felony.

16 (b) Large vehicles for purposes of Subsection (a) of this Section
17 are defined as follows:

18 (1) Buses that seat *more than* nine (9) passengers;

19 (2) Any vehicle that is towing another vehicle or a trailer;

20 and

21 (3) Any vehicle with a weight *in excess* of ten thousand
22 (10,000) pounds, including, but *not limited to*, garbage trucks, dump
23 trucks, cement trucks and bucket trucks.

24 (c) All penalties in this Section are in addition to penalties
25 prescribed for the underlying moving violations.”

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I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 4/4/11

VOTING SHEET

SBill No. 67-31(COR)

Resolution No. _____

Question: _____

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

TOTAL

14

1

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Thirty-First
Guam Legislature

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. Gurbert, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Maria Silva-Tajerou
Member
- Senator Alme 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

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

2011 Mar 25 11:58
WUC

March 24, 2011

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

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

RE : Committee Report – Bill No. 67-31 (COR) as Substituted.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 67-31 (COR) – AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3 AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO ENHANCING THE PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES,** hereby reports out with the recommendation **TO PASS.**

Committee Votes are as follows:

| | |
|----------|--------------------|
| <u>6</u> | TO PASS |
| <u>0</u> | NOT TO PASS |
| <u>4</u> | TO REPORT OUT ONLY |
| <u>0</u> | ABSTAIN |
| <u>0</u> | INACTIVE FILE |

Sincerely,

ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments

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

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

**COMMITTEE REPORT
ON
BILL NO. 67-31 (COR)
As Substituted by the
Committee on Public Safety, Law Enforcement & Judiciary**

**AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF
ARTICLE 3 ~~AND A NEW §7177 TO CHAPTER 7 OF~~
~~17GCA~~ RELATIVE TO ENHANCING THE
PENALTIES FOR MOVING VIOLATIONS
INVOLVING LARGE VEHICLES.**

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

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Thirty-First
Guam Legislature


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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

March 23, 2011

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. 67-31 (COR) as Substituted.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 67-31 (COR) as Substituted – AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3 AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO ENHANCING THE PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES.** – sponsored by Senator V. Anthony Ada.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 67-31 (COR) as Substituted
- Copy of Bill No. 67-31 (COR) as Introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 67-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous related 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'äse!

Committee Members:

Senator Thomas C. Ada
Vice Chairman

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

Senator Tina R. Muna Barnes
Member

Senator Judith P. Garberz, MPA
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 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

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

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

VOTING SHEET ON:

Bill No. 67-31 (COR) as Substituted – AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3 AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO ENHANCING THE PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES.

| SENATOR | SIGNATURE | TO PASS | NOT TO PASS | TO REPORT OUT ONLY | ABSTAIN | INACTIVE FILE |
|--------------------------------------|-----------|-----------|-------------|--------------------|---------|---------------|
| Adolpho B. Palacios, Sr. Chairman | | 3/23/11 ✓ | | | | |
| Thomas C. Ada Vice Chairman | | | | ✓ | | |
| Tina R. Muña-Barnes Member | | ✓ | | | | |
| Judith P. Guthertz, DPA Member | | ✓ | | | | |
| Rory J. Respicio Member | | | | | | |
| Dennis G. Rodriguez, Jr. Member | | | | ✓ 3/27/11 | | |
| Judith T. Won Pat, Ed.D. Member | | 3/23/11 ✓ | | | | |
| V. Anthony Ada Member | | 3/23/11 ✓ | | | | |
| Christopher M. Duenas Member | | | | ✓ 3/23/11 | | |
| Mana Silva Taijeron Member | | | | | | |
| Aline A. Yamashita, Ph.D. Member | | 3/24/11 | | | | |



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 67-31 (COR) – “An act to add a new §3347 to Chapter 3 of Article 3 and a new §7177 to Chapter 7 of 17GCA relative to enhancing the penalties for moving violations involving large vehicles.”– sponsored by Senator V. Anthony “Tony” Ada.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Senior Citizens convened the public hearing on March 1, 2011 at 9:05 a.m. in *I Liheslatura’s* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 67-31 (COR) - “An act to add a new §3347 to Chapter 3 of Article 3 and a new §7177 to Chapter 7 of 17GCA relative to enhancing the penalties for moving violations involving large vehicles sponsored by Senator V. Anthony “Tony” Ada.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on February 21, 2011 (5-day Notice) and on February 25, 2011 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

Senators Present

Senator Adolpho B. Palacios, Sr., Chairman
Senator Thomas C. Ada, Vice Chairman
Senator vicente “ben” c. pangelinan
Senator Anthony V. Ada, Member
Senator Mana Silva Taijeron, Member
Senator Christopher Duenas, Member
Senator Samantha “Sam” Mabini

Individual(s) Registered for oral or written testimony:

Paje Butler, DGX and Chairman of Trucking and Maritime Affairs Committee for the Chamber of Commerce, oral testimony, not in favor of the Bill
Phil Tydingco, Deputy Attorney General, Office of the Attorney General, oral testimony
John Camacho, Director, Department of Revenue and Taxation, oral and written testimony, in favor of the Bill

Marie Benito, Department of Revenue and Taxation, oral testimony, in favor of the Bill

Marie Flores, Department of Revenue and Taxation, oral testimony, in favor of the Bill

Ben Guerrero, Department of Revenue and Taxation, did not provide testimony and did not state in favor or not in favor of the Bill

Paul Suba, Captain, Guam Police Department, oral testimony, in favor of the Bill

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened the public hearing for the Committee on Public Safety, Law Enforcement, and Judiciary at 9:03 a.m., read the title of the bill and allowed Senator V. Anthony “Tony” Ada to give a brief description of the bill and summarize its context. Chairman Palacios then called those signed up to testify.

Paje Butler, Chairman for Trucking and Maritime Affairs Committee for the Chamber of Commerce, provided oral testimony and stated that he is not in favor of the way the bill has been drafted. Mr. Butler’s concern is that vehicles do not speed on their own, and questioned why the registration should be affected. As an operator, Mr. Butler stated that he does not endorse drivers to speed or drive recklessly and stated that he is always promoting safety with the drivers. Mr. Butler said that the citations for moving violations would be given by the Guam Police Department (GPD) and if there is an interest to double the fines assessed for a moving violation, that is acceptable, but again, he emphasized to not penalize the registration because they are not in control of that vehicle when its another operator operating the vehicle. He said that you would not be able to always control the people operating the vehicles on the road. He stated that he is constantly promoting safety with the drivers but if they get caught speeding, it will come out of their personal funds to pay the fine because they are the ones responsible for the violation.

Phil Tydingco, Deputy Attorney General, Attorney General’s Office, provided oral testimony on the bill. Mr. Tydingco stated that any legislation that will enable our territory to enjoy safer streets is very important and he understands that the general intent of trying to make our roads safe. Mr. Tydingco wanted to raise caution of some technical aspects such as penalty enhancements. He stated that when you do penalty enhancements in criminal law, we are required to give notice and general notice to the promulgation of the statutes. He went on to say that if we are going to formally charge one, especially with misdemeanors and above, it is becomes technical. As the case

develops, Mr. Tydingco would have to give notice in the form of charging documents and there has been issues of laws being struck down because generally speaking, enhancements in the misdemeanor ranges has to go to the jury, and they have to make the decision, which are all federal case laws. Mr. Tydingco raised concern of the proposed enhancements are consistent with the general penalty scheme of 16 GCA. He stated that if you want to penalize certain portions, there is a need to specify it or keep it as violations because clearly giving a citation is probably not going to be acceptable or problematic. Mr. Tydingco suggested we may want to enhance the penalties in a separate statute. He noted that enhancements means in addition to and does not mean that is the penalty. Mr. Tydingco stated he would like to know which Attorney General they are working with on this bill and asked for more time to see if this will pass some legal and constitutional muster.

John Camacho, Director of Department of Revenue and Taxation, provided written and oral testimony in support of this bill. Mr. Camacho stated that as far as giving citations and basically defining the large vehicles, earlier, he had defined what commercial vehicles are. Mr. Camacho stated that the fact that stiffer penalties are given to the operator, at the same time, a surcharge is gained. He said when looking at tax, they can give you a surcharge of additional charges. Mr. Camacho noted that he and group at Revenue and Tax have been in discussion and would like to provide input on this bill and work on the definition of a large vehicle and motor vehicle. Mr. Camacho said that the intent within the bill applies to all vehicles. (*See attached written testimony*).

Marie Benito, Deputy Director for Revenue and Taxation, provided oral testimony in support of the bill. Ms. Benito stated that she and Revenue and Taxation would like to work with Senator Ada, the Senators, the Attorney General's Office, and the Guam Police Department to create a more viable bill. Ms. Benito thanked Senator Ada for his concern in public safety on the roads and revenue enhancement programs.

Marie Perez, Department of Revenue and Taxation, provided oral testimony in support of the bill and yielded to her boss who had provided testimony earlier.

Captain Paul Suba, Guam Police Department, Division of Highway Safety and Patrol, provided an oral testimony in support of the bill. Captain Suba noted that the intent is great. In the aspect of a registered owner, Capt. Suba noted that it looks heavy on the registered owner. Capt. Suba said there are more people getting killed on the islands roadways and around the world by vehicular accidents than guns. He said that the registered owner is truly responsible for who drives and operates that vehicle. Capt. Suba shared that in other cases when GPD stops a violator, if they do not have a

driver's license, and if the vehicle is not insured, they go back to the registered owner and hold them accountable. Capt. Suba said that this would be a step in the right direction for public safety.

Senator V. Anthony "Tony" Ada stated that business owners are always responsible for the conduct of their employees. He said that employers can be unaware of violations committed by his driver and stated that the bill would keep employers informed and get bad drivers off their payrolls. Senator Ada would like to work with those testifying to improve the bill.

Paje Butler suggested that the operators have their licenses suspended after a number of violations. Mr. Butler stated that there are GPS tracking capabilities and that companies have safe driving educational programs.

Captain Paul Suba stated that there are many accidents and many involve heavy vehicles. He implied that impounding cars is strange because vehicles do not cause accidents.

Senator vicente "ben" c. pangelinan asked Capt. Suba how many tickets are issued to trucks versus regular vehicles and Capt. Suba stated that he would provide statistics on that.

Senator Mana Silva Taijeron supports Bill 61 and 67 and thanked the panel for their testimony.

Chairman Palacios suggested that the sections could be moved into the speeding statute.

Phil Tydingco stated that the enhancements would go to regular court, not traffic court because the higher penalties require additional review. Mr. Tydingco stated that large vehicles can have greater damage than a regular vehicle.

Captain Paul Suba stated that the police do issue tickets and that the bill would contribute to safer streets.

Phil Tydingco stated that Chairman Palacios' suggestion has been well taken. Mr. Tydingco stated the enhancement starts out "Any operator of a large vehicle who speeds or turns improperly or makes improper lane changes does not obey the street lights, they face up to 1st and 2nd degree." Mr. Tydingco explained that the way the statutes are written, these are mostly citations are petty misdemeanors and below. He

stated that would want to clog up our courts to be out of the traffic court and this would be into the adult court which can barely do the bad crimes. To Mr. Tydingco, this is another clogging up the system, but if this is the policy and intent, to put these kind of penalties, then this is not the full time employers act as far as he is concerned. Mr. Tydingco said if this is the will of the people, then it is the will of the people. Mr. Tydingco stated that if we specify who operates large vehicles, violates certain kinds of recommendations, and then we would want to make it more clear as opposed to an enhancement which means in addition to.

Chairman Palacios suggested amending the reckless driving statute, and including the definition of what reckless driving is.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 61-31(COR) is duly heard. The Chairman concluded the hearing and requests that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 11:05 a.m.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement, and Judiciary has substituted Bill No. 67-31 (COR) which includes the following changes:

- (1) Section 1 of the Bill, §3347 (1), (2), (3), (4), and (5) were edited from removing the statements "fines," "misdemeanors," "second and third degree felonies," and replaced with descriptive penalties now listed in the bill.
- (2) Section 2 of the Bill was deleted in its entirety, therefore in the title of the Bill, on page 1, the words "AND A NEW §7177 TO CHAPTER 7 OF 17GCA" was deleted.

The Committee on Public Safety, Law Enforcement, & Judiciary hereby reports out **Bill No. 67-31 (COR), as Substituted**, with the recommendation **TO PASS**.

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

Bill No. 67-31 (COR)

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

Introduced by:

V. Anthony Ada
A. B. Palacios, Sr.

**AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3 AND A
NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO PENALTIES FOR
MOVING VIOLATIONS INVOLVING LARGE VEHICLES.**

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

2 **Section 1.** A new §3347 is *added* to Chapter 3, Article 3 of 16GCA to read:

3 “**§3347. Penalty for Moving Violations Involving Large Vehicles.** (a) any violation of
4 this Article committed by an operator of a *large vehicle* involving excessive speed, improper turns,
5 and lane changes, violations of traffic signs and signals, ignorance of lane markers or a violation of
6 this Chapter committed while such vehicle is in motion shall be subject to the following penalty
7 enhancements:

8 (1) ~~Fines for such violations are doubled~~ The penalty for a violation of this section is One
9 Hundred Dollars (\$100.00);

10 (2) ~~Petty misdemeanors are upgraded to misdemeanors~~ The penalty for a second violation
11 of this section in a calendar year is Two Hundred Dollars (\$200.00);

12 (3) ~~Misdemeanors are upgraded to third degree felonies~~ The penalty for a third and
13 subsequent violations of this section in a calendar year is Five Hundred Dollars (\$500.00) and
14 misdemeanor;

1 ~~(4) Third degree felonies are upgraded to second degree felonies~~ The penalty for a
2 violation of this section involving property damage of more than Five Thousand Dollars
3 (\$5,000.00) or bodily injury is a third degree felony; and

4 ~~(5) Second degree felonies are upgraded to first degree felonies~~ The penalty for a
5 violation of this section involving death or serious bodily injury is not less than a second
6 degree felony;

7 (b) Large vehicles for purposes of paragraph (a) of this section are defined as follows:

8 (1) Buses that seat more than nine (9) passengers;

9 (2) Any vehicle that is towing another vehicle or a trailer; and

10 (3) Any vehicle with a weight in excess of ten thousand pounds (10,000 lbs.), including,
11 but not limited to, garbage trucks, dump trucks, cement trucks and bucket trucks.

12 ~~(c) All penalties in this section are in addition to penalties prescribed for the underlying~~
13 moving violations.

14 **Section 2.** A new §7177 is *added* to Chapter 7, of 16GCA to read:

15 **~~§7177. Same: Large Vehicle Moving Violation Registration Surcharge.~~**

16 ~~A surcharge shall be assessed on the registration of a large vehicle for each violation of~~
17 ~~§3347 of Chapter 3 of this Title that occurred during the period since the last registration of the~~
18 ~~vehicle as follows:~~

19 ~~(a) One Hundred Dollars (\$100.00) for the first offense~~

20 ~~(b) Two Hundred Dollars (\$200.00) for the second offense, and~~



21 ~~(c) Three Hundred Dollars (\$300.00) for the third and any further offense(s)~~

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

2011 FEB 3 AM 10:26

Bill No. 67-31(eov)

Introduced by:

V. A. Ada 
A. B. Palacios, Sr. 

**AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3
AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO
ENHANCING THE PENALTIES FOR MOVING VIOLATIONS
INVOLVING LARGE VEHICLES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new §3347 is *added* to Chapter 3, Article 3 of 16GCA to read:

§3347. Penalty Enhancements for Moving Violations Involving Large Vehicles. (a)
any violation of this Article committed by an operator of a *large vehicle* involving
excessive speed, improper turns, and lane changes, violations of traffic signs and signals,
ignorance of lane markers or a violation of this Chapter committed while such vehicle is
in motion shall be subject to the following penalty enhancements:

- (1) Fines for such violations are doubled;
- (2) Petty misdemeanors are upgraded to misdemeanors;
- (3) Misdemeanors are upgraded to third-degree felonies;
- (4) Third-degree felonies are upgraded to second-degree felonies; and
- (5) Second-degree felonies are upgraded to first-degree felonies,

1 (b) Large vehicles for purposes of paragraph (a) of this section are defined as follows:

2 (1) Buses that seat more than nine (9) passengers;

3 (2) Any vehicle that is towing another vehicle or a trailer; and

4 (3) Any vehicle with a weight in excess of ten thousand pounds (10,000 lbs.),
5 including, but not limited to, garbage trucks, dump trucks, cement trucks and bucket
6 trucks.

7

8 **Section 2.** A new §7177 is *added* to Chapter 7, of 16GCA to read:

9

10 **§7177. Same: Large Vehicle Moving Violation Registration Surcharge.**

11 A surcharge shall be assessed on the registration of a large vehicle for *each* violation of
12 §3347 of Chapter 3 of this Title that occurred during the period since the last registration
13 of the vehicle as follows:

14 (a) One Hundred Dollars (\$100.00) for the first offense

15 (b) Two Hundred Dollars (\$200.00) for the second offense, and

16 (c) Three Hundred Dollars (\$300.00) for the third and any further offense(s)



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Tuesday, March 1, 2011

Bill No. 67-31 (COR) – AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3 AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO ENHANCING THE PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES. – by Senator V. Anthony Ada

| NAME (Please Print) | AGENCY/ORGANIZATION | CONTACT NUMBER | ORAL TESTIMONY | WRITTEN TESTIMONY | IN FAVOR | NOT IN FAVOR |
|------------------------|---------------------|-------------------|-------------------|----------------------|-------------|-----------------|
| ✓ Paje Butler | DGX | 649-3333 | ✓ | | | ✓ |
| ✓ Phil Tydingco | AGO | | ✓ | | | |
| ✓ John Camacho | new 1/2 TAX | | ✓ | ✓ | | ✓ |
| ✓ Marie Benito | DRT | 635-1816 | ✓ | ✓ | | |
| ✓ Marie Flores | DRT | | | | | |
| ✓ Ben Guerrero | " | | | | | |
| ✓ PAUL SUBIA | CPD | 797-1480 | ✓ | | ✓ | |
| | | | | | | |
| | | | | | | |
| | | | | | | |



Dipattamenton Kontribusion yan Adu'ána

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guáhan

EDDIE BAZA CALVO, Governor Maga'íhñ
RAY TENORIO, Lt. Governor Tifente Gubetnadora

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

February 22, 2010

The Honorable Senator Adolpho B. Palacios Sr.
Chairman of the Committee on Public Safety, Law Enforcement, and Senior Citizens
Suite 104, 155 Hesler St., Hagatna, Guam 96910

Re: Bill No. 67-31 entitled "An Act to Add a New §3347 to Chapter 3 of Article 3 and a New §7177 to Chapter 7 of 16GCA Relative to Enhancing the Penalties for Moving Violations Involving Large Vehicles."

Dear Senator Palacios,

The Department realizes Guam is experiencing an increase in the number of large vehicles on Guam's roads due primarily to the military buildup. Therefore, this proposed legislation that addresses larger penalties for moving violations committed by operators of these large vehicles is much needed. These operators are licensed because of the skills they've acquired to operate these types of vehicles and need to be more responsible when sharing the roads with the more common smaller vehicles. The owners of these vehicles need to understand these stiffer penalties are due to, not only for operating heavier vehicles, but it is also because of the passengers or hazardous materials they may be transporting.

The only concern is for §7177 regarding the "Large Vehicle Moving Violation Registration Surcharge". When an operator is cited for a violation, a surcharge will be assessed on the vehicle's registration. How will this information be forwarded to the Vehicle Registration Branch? Presently, all citations issued by the Guam Police Department Highway Patrol are reported to the Traffic Court of the Judiciary of Guam. This Bill will require more information to be forwarded to the Vehicle Registration Branch. The Vehicle Registration Branch will also maintain the vehicle record to reflect whether the vehicle has been assessed a surcharge based on a first, second, third or more offense.

One option to consider is since the Traffic Court currently flags a Guam Driver's License holder's record and his vehicles when a holder has any outstanding traffic fines, the computer system will show "Send to Court for Clearance". Rather than just this message, a modification can be made to indicate whether this is a first, second, third or more offense to assess the correct registration surcharge.

Thank you again for this opportunity to provide input on Bill No. 67-31.

Sincerely,

John P. Camacho
Director

cc: Office of the Deputy Director



COMMITTEE ON RULES

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

2011 FEB 25 AM 9:29
epm

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 24, 2011

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

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

MAJORITY
MEMBERS:

From: **Senator Rory J. Respicio**
Chairperson, Committee on Rules

Speaker
Judith T. Won Pat

Subject: **Fiscal Notes**

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below.
Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

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

| | | |
|------------|-------------|-------------|
| Bill Nos.: | 28-31 (COR) | 63-31 (COR) |
| | 54-31 (COR) | 67-31 (COR) |
| | 56-31 (COR) | 75-31 (COR) |
| | 59-31 (COR) | |
| | 60-31 (COR) | |
| | 61-31 (COR) | |
| | 62-31 (COR) | |

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Christopher M. Duenas

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

BENITA A. MANGLONA
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR


FEB 24 2011

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hester Place
Hagåtña, Guam 96910

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: **28-31(COR), 54-31(COR), 60-31(COR), 61-31(COR), 62-31(COR), 63-31(COR), 67-31(COR) and 75-31(COR),**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


BENITA A. MANGLONA
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 67-31 (COR)**

AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3 AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO ENHANCING THE PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES

| Department/Agency Appropriation Information | |
|---|---|
| Dept./Agency Affected: Guam Police Department | Dept./Agency Head: Fred Bordallo, Acting |
| Department's General Fund (GF) appropriation(s) to date: | 25,676,124 |
| Department's Other Fund (Specify) appropriation(s) to date: | 570,110 |
| Total Department/Agency Appropriation(s) to date: | 526,246,234 |

| Fund Source Information of Proposed Appropriation | | | |
|---|---------------|-------------------------|------------|
| | General Fund: | (Specify Special Fund): | Total: |
| FY 2010 Unreserved Fund Balance ¹ | | \$0 | \$0 |
| FY 2011 Adopted Revenues | \$0 | \$0 | \$0 |
| FY 2011 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 2011 (if applicable) | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| 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? /x/ Yes // No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ // N/A
- Does the Bill establish a new program/agency? // Yes /x/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ 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: // Yes /x/ No
// Requested agency comments not received by due date // Other: _____

2/2/11

Analyst: M Quinana Date: _____ Director: Benita A. Manglona, Acting Date: 2/2/11

Footnotes:
The Bill, with proposed increases in penalties and moving violation registration surcharges, will provide for potential additional revenues. However, in its present form, that impact can not be determined at this time.



COMMITTEE ON RULES

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

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

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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

February 7, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 67-31 (COR) through 69-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 67-31 (COR) through 69-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators 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!

(3) Attachments

2011 FEB - 7 PM 3:16

Edm

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

February 3, 2011

Page 1 of 1

| Bill No. | Sponsor(s) | Title | Date Introduced | Date Referred | 120 Day Deadline | Committee Referred | Public Hearing Date | Date Committee Report Filed | Status (Date) Passed? Failed? Vetoed? Overridden? Public Law? |
|-----------------|-----------------------------------|---|------------------------|----------------------|-------------------------|--|----------------------------|------------------------------------|--|
| 67-31 (COR) | V. A. Ada, A. B. Palacios, Sr. | AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3 AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO ENHANCING THE PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES. | 2/03/11 10:26 a.m. | 2/7/11 | | Committee on Public Safety, Law Enforcement and Judiciary. | | | |



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

February 21, 2011

(Pursuant to §8107, Title 5 GCA – 5 day notice prior to hearing date)

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Tuesday, March 1, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 75-31 (COR) – AN ACT RELATIVE TO PROVIDING THE GUAM COMMUNITY POLICE REVIEW COMMISSION WITH ADMINISTRATIVE AND CLERICAL SUPPORT NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES, AND ALLOWING FOR THE APPOINTMENT OF AN INTERIM CHAIRPERSON; THROUGH ADDING A NEW SECTION “§78103.1” AND NEW SUBSECTIONS “(A.1)” AND “(D.1)” TO SECTION §78103 ALL TO CHAPTER 78 OF TITLE 10, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.**
- **Bill No. 61-31 (COR) – AN ACT TO ADD §1102(c)(1), §1102(vv), §1102(ww), TO ADD NEW DEFINITIONS TO §5101, TO AMEND §5109(a), §5109(c), §5112(b) AND TO ADD §5112(d), §5116(d), §5117 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE SAFETY ON GUAM'S ROADS BY GRANTING DIVISION OF MOTOR VEHICLES/MOTOR CARRIER SAFETY ASSISTANCE PROGRAM OFFICIALS WITH CITATION AUTHORITY. – by Senator Thomas C. Ada**
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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

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

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

1st Notice of Public Hearing scheduled for March 1, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Mon, Feb 21, 2011 at 8:53 AM

To: speaker@judiwonpat.com, senator@senatorbjcruz.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, duenasenator@gmail.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline4families@gmail.com, "Atty. Therese Terlaje" <tterlaje@guam.net>

February 21, 2011

(Pursuant to §8107, Title 5 GCA – 5-day notice prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Tuesday, March 1, 2011**, at *Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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Adolpho Palacios <senabpalacios@gmail.com>

1st Notice of Public Hearing scheduled for March 1, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Mon, Feb 21, 2011 at 8:59 AM

To: clerks@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, rtaitague@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, sgtarms@guamlegislature.org, yong@guamlegislature.org, mark@judiwonpat.com, garrett.duenas@senatorbjcruz.com, cmunabrecht@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, nsantos@senatorada.org, cyrus@senatorada.org, louise_atalig@yahoo.com, Mary Fejeran <maryfejeran@gmail.com>, leslie.g@senatormabini.com, cipo@guamlegislature.org, alerta.jermaine@gmail.com, evelyn4families@gmail.com

February 21,
March 1, 2011

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PUBLIC HEARING NOTICE

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Adolpho Palacios <senabpalacios@gmail.com>

1st Notice of Public Hearing scheduled for March 1, 2011

2 messages

Adolpho Palacios <senabpalacios@gmail.com>

Mon, Feb 21, 2011 at 8:56 AM

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, news@kuam.com, news@spbguam.com, news@guampdn.com, kstone@ite.net, parroyo@spbguam.com, rgibson@k57.com, dmgeorge@guampdn.com, dmgeorge@guam.gannett.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, ads@mvguam.com, zytaitano@gmail.com, jtyquiengco@spbguam.com, clynt@spbguam.com

February 21,
~~March 1~~, 2011

(Pursuant to §8107, Title 5 GCA – 5-day notice prior to hearing date)

PUBLIC HEARING NOTICE

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special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Mon, Feb 21, 2011 at 8:56 AM

To: senabpalacios@gmail.com

Delivery to the following recipient failed permanently:

news@kuam.com

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 550 550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 <http://mail.google.com/support/bin/answer.py?answer=6596> g7si13115733bkg.32 (state 17).

----- Original message -----

MIME-Version: 1.0

Received: by 10.223.86.196 with SMTP id t4mr985783fal.34.1298242592067; Sun, 20 Feb 2011 14:56:32 -0800 (PST)

Received: by 10.223.164.11 with HTTP; Sun, 20 Feb 2011 14:56:32 -0800 (PST)

Date: Mon, 21 Feb 2011 08:56:32 +1000

Message-ID: <AANLkTinhZq9axSDHGYn0QesL9K3iXK5TWHYmYrTAqdf+@mail.gmail.com>

Subject: 1st Notice of Public Hearing scheduled for March 1, 2011

From: Adolpho Palacios <senabpalacios@gmail.com>

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, news@kuam.com, news@spbguam.com, news@guampdn.com, kstonews@ite.net, parroyo@spbguam.com, rgibson@k57.com, dmgeorge@guampdn.com, dmgeorge@guam.gannett.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, ads@mvguam.com,

zytaitano@gmail.com, ityquiengco@spbguam.com, clynt@spbguam.com

Content-Type: multipart/alternative; boundary=20cf30433f7a885257049cbea82c

March 1, 2011

[Quoted text hidden]



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

FACSIMILE TRANSMITTAL SHEET

DATE: February 21, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)
Marianas Variety 648-2007 (Attention: Community Page)
KUAM/Isla 630 637-9865/9870
Pacific News Center 477-0793
Marianas Media 477-2240
K-57/Power 98 477-3982
Hit Radio 100 472-7663
KStereo/KISH 477-6411
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *FIRST* Notice of Public Hearing scheduled for March 1, 2011

PAGES: 1 (including this sheet)

February 21,
~~March 1,~~ 2011

(Pursuant to §8107, Title 5 GCA – 5-day notice prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:00 am, Tuesday, March 1, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- Bill No. 75-31 (COR) – AN ACT RELATIVE TO PROVIDING THE GUAM COMMUNITY POLICE REVIEW COMMISSION WITH ADMINISTRATIVE AND CLERICAL SUPPORT NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES, AND ALLOWING FOR THE APPOINTMENT OF AN INTERIM CHAIRPERSON; THROUGH ADDING A NEW SECTION “§78103.1” AND NEW SUBSECTIONS “(A.1)” AND “(D.1)” TO SECTION §78103 ALL TO CHAPTER 78 OF TITLE 10, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.
- Bill No. 61-31 (COR) – AN ACT TO ADD §1102(c)(1), §1102(vv), §1102(ww), TO ADD NEW DEFINITIONS TO §5101, TO AMEND §5109(a), §5109(c), §5112(b) AND TO ADD §5112(d), §5116(d), §5117 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE SAFETY ON GUAM’S ROADS BY GRANTING DIVISION OF MOTOR VEHICLES/MOTOR CARRIER SAFETY ASSISTANCE PROGRAM OFFICIALS WITH CITATION AUTHORITY. – by Senator Thomas C. Ada
- Bill No. 67-31 (COR) – AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3 AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO ENHANCING THE PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES. – by Senator V. Anthony Ada

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

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

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

| Destination | Start Time | Time | Prints | Result | Note |
|------------------|-------------|----------|---------|--------|------|
| PDN | 02-21 09:02 | 00:00:37 | 001/001 | OK | |
| KUAM | 02-21 09:03 | 00:00:23 | 001/001 | OK | |
| PNC | 02-21 09:04 | 00:00:21 | 001/001 | OK | |
| K57 | 02-21 09:04 | 00:00:19 | 001/001 | OK | |
| HIT RADIO 100 | 02-21 09:05 | 00:00:20 | 001/001 | OK | |
| GLIMPSES | 02-21 09:06 | 00:00:21 | 001/001 | OK | |
| KSTEREO/KISH | 02-21 09:08 | 00:00:41 | 001/001 | OK | |
| 637987D | 02-21 09:09 | 00:00:19 | 001/001 | OK | |
| 477224D | 02-21 09:09 | 00:05:48 | 001/001 | OK | |
| MARIANAS VARIETY | 02-21 09:18 | 00:00:26 | 001/001 | 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 Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

FACSIMILE TRANSMITTAL SHEET

DATE: February 21, 2011
 TO: Pacific Daily News 477-3079 (Attention: Government Meetings)
 Marianas Variety 648-2007 (Attention: Community Page)
 KUAM/Isle 630 637-9865/9870
 Pacific News Center 477-0793
 Marianas Media 477-2240
 K-57/Power 98 477-3982
 Hit Radio 100 472-7663
 KStereo/KISH 477-6411
 Glimpess 649-8883
 FROM: Office of Senator Adolpho B. Palacios, Sr.
 SUBJECT: FIRST Notice of Public Hearing scheduled for March 1, 2011
 PAGES: 1 (including this sheet)

March 1, 2011
(Pursuant to §8107, Title 5 GCA – 5-day notice prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:00 am, Tuesday, March 1, 2011, at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

- Bill No. 78-31 (COR) – AN ACT RELATIVE TO PROVIDING THE GUAM COMMUNITY POLICE REVIEW COMMISSION WITH ADMINISTRATIVE AND CLERICAL SUPPORT NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES, AND ALLOWING FOR THE APPOINTMENT OF AN INTERIM CHAIRPERSON; THROUGH ADDING A NEW SECTION “§78103.1” AND NEW SUBSECTIONS “(A.1)” AND “(D.1)” TO SECTION §78103 ALL TO CHAPTER 78 OF TITLE 10, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.
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- Bill No. 67-31 (COR) – AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3 AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO ENHANCING THE PENALTIES FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES. – by Senator V. Anthony Ada

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at I Liheslaturan Guåhan's website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulle at 472-5047/5048.



Adolpho Palacios <senabpalacios@gmail.com>

SECOND NOTICE OF PUBLIC HEARING

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Feb 25, 2011 at 10:59 AM

To: speaker@judiwonpat.com, senator@senatorbjcruz.com, senator@tinamunabarnes.com, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, duenasenator@gmail.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>
 Cc: clerks@guamlegislature.org, sgtarms@guamlegislature.org, yong@guamlegislature.org, "Atty. Therese Terlaje" <tterlaje@guam.net>, garrett.duenas@senatorbjcruz.com, chris.carillo@senatorbjcruz.com, chelsea@tinamunabarnes.com, cyrus@senatorada.org, louise_atalig@yahoo.com, Mary Fejeran <maryfejeran@gmail.com>, leslie.g@senatormabini.com, cipo@guamlegislature.org, alerta.jermaine@gmail.com, evelyn4families@gmail.com

February 25, 2011

(Pursuant to §8107, Title 5 GCA – 48-hour notice prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:00 am, Tuesday, March 1, 2011, at 1 Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

- Bill No. 75-31 (COR) – AN ACT RELATIVE TO PROVIDING THE GUAM COMMUNITY POLICE REVIEW COMMISSION WITH ADMINISTRATIVE AND CLERICAL SUPPORT NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES, AND ALLOWING FOR THE APPOINTMENT OF AN INTERIM CHAIRPERSON; THROUGH ADDING A NEW SECTION "§78103.1" AND NEW SUBSECTIONS "(A.1)" AND "(D.1)" TO SECTION §78103 ALL TO CHAPTER 78 OF TITLE 10, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.
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FOR MOVING VIOLATIONS INVOLVING LARGE VEHICLES. – by Senator V. Anthony Ada

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Adolpho Palacios <senabpalacios@gmail.com>

SECOND NOTICE OF PUBLIC HEARING

1 message

Adolpho Palacios <senabpalacios@gmail.com>
Fri, Feb 25, 2011 at 10:50 AM

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, news@spbguam.com, news@guampdn.com, kstone@ite.net, parroyo@spbguam.com, rgibson@k57.com, dmgeorge@guampdn.com, dmgeorge@guam.gannett.com, Catriona Melyan <cmelyan@guampdn.com>, mpieper@guampdn.com, amier@mvguam.com, marvic@mvguam.com, ads@mvguam.com, zytaitano@gmail.com, jtyquiengco@spbguam.com, clynt@spbguam.com

February 25, 2011

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

For Immediate Release
February 25, 2011

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Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

| Destination | Start Time | Time | Prints | Result | Note |
|------------------|-------------|----------|---------|--------|------|
| PDN | 02-25 11:18 | 00:00:34 | 001/001 | OK | |
| KUAM | 02-25 11:19 | 00:00:31 | 001/001 | OK | |
| PNC | 02-25 11:20 | 00:00:20 | 001/001 | OK | |
| K57 | 02-25 11:21 | 00:00:18 | 001/001 | OK | |
| HIT RADIO 100 | 02-25 11:21 | 00:00:18 | 001/001 | OK | |
| KSTO | 02-25 11:22 | 00:00:38 | 001/001 | OK | |
| GLIMPSES | 02-25 11:23 | 00:00:19 | 001/001 | OK | |
| GPD | 02-25 11:23 | 00:00:19 | 001/001 | OK | |
| REV & TAX | 02-25 11:24 | 00:00:34 | 001/001 | OK | |
| MARIANAS VARIETY | 02-25 11:25 | 00:00:24 | 001/001 | OK | |

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CAL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax,
 SNO: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RFX: 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

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

9:00 am, Tuesday, March 1, 2011

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

- **Bill No. 75-31 (COR) – AN ACT RELATIVE TO PROVIDING THE GUAM COMMUNITY POLICE REVIEW COMMISSION WITH ADMINISTRATIVE AND CLERICAL SUPPORT NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES, AND ALLOWING FOR THE APPOINTMENT OF AN INTERIM CHAIRPERSON; THROUGH ADDING A NEW SECTION “§78103.1” AND NEW SUBSECTIONS “(A.1)” AND “(D.1)” TO SECTION §78103 ALL TO CHAPTER 78 OF TITLE 10, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.**
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Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910



Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

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

2011 FEB 23 AM 10:26

Bill No. 67-31(eov)

Introduced by:

V. A. Ada 
A. B. Palacios, Sr. 

**AN ACT TO ADD A NEW §3347 TO CHAPTER 3 OF ARTICLE 3
AND A NEW §7177 TO CHAPTER 7 OF 17GCA RELATIVE TO
ENHANCING THE PENALTIES FOR MOVING VIOLATIONS
INVOLVING LARGE VEHICLES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new §3347 is *added* to Chapter 3, Article 3 of 16GCA to read:

§3347. Penalty Enhancements for Moving Violations Involving Large Vehicles. (a)
any violation of this Article committed by an operator of a *large vehicle* involving
excessive speed, improper turns, and lane changes, violations of traffic signs and signals,
ignorance of lane markers or a violation of this Chapter committed while such vehicle is
in motion shall be subject to the following penalty enhancements:

- (1) Fines for such violations are doubled;
- (2) Petty misdemeanors are upgraded to misdemeanors;
- (3) Misdemeanors are upgraded to third-degree felonies;
- (4) Third-degree felonies are upgraded to second-degree felonies; and
- (5) Second-degree felonies are upgraded to first-degree felonies,

1 (b) Large vehicles for purposes of paragraph (a) of this section are defined as follows:

2 (1) Buses that seat more than nine (9) passengers;

3 (2) Any vehicle that is towing another vehicle or a trailer; and

4 (3) Any vehicle with a weight in excess of ten thousand pounds (10,000 lbs.),
5 including, but not limited to, garbage trucks, dump trucks, cement trucks and bucket
6 trucks.

7

8 **Section 2.** A new §7177 is *added* to Chapter 7, of 16GCA to read:

9

10 **§7177. Same: Large Vehicle Moving Violation Registration Surcharge.**

11 A surcharge shall be assessed on the registration of a large vehicle for *each* violation of
12 §3347 of Chapter 3 of this Title that occurred during the period since the last registration
13 of the vehicle as follows:

14 (a) One Hundred Dollars (\$100.00) for the first offense

15 (b) Two Hundred Dollars (\$200.00) for the second offense, and

16 (c) Three Hundred Dollars (\$300.00) for the third and any further offense(s)