

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 27 (EC)

Introduced by:

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Mark Forbes *EC*
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**AN ACT TO AMEND SECTIONS 18121 AND 18122
OF CHAPTER 18 OF TITLE 16 OF THE GUAM
CODE ANNOTATED AND SECTION 3423 OF
ARTICLE 4, DIVISION 1, CHAPTER 3, TITLE 11
OF THE GUAM CODE ANNOTATED RELATIVE
TO ASSISTING OUR TOURISM INDUSTRY BY
ALLOWING THE CONSUMPTION OF ALCOHOL
RESTRICTIVELY WITHIN LIMOUSINES AND
CHARTERED VEHICLES TRAVELING ON
PUBLIC HIGHWAYS AND ROADS.**

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

2 **Section 1.** Section 18121 of Chapter 18 of Title 16 of the Guam Code

3 Annotated is amended to read:

4 **"§ 18121. Possession of Opened Container in a Motor**

5 **Vehicle.** ~~Any person who has in his or her possession on his or~~

6 ~~her person, while in a motor vehicle upon a highway, any~~

7 ~~bottle, can, or other receptacle, containing any alcoholic~~

8 ~~beverage which has been opened, or a seal broken, or the~~

9 ~~contents of which have been partially removed shall be guilty~~

1 ~~of a misdemeanor.~~ A. It shall be unlawful for any person to
2 knowingly transport in any moving vehicle upon a public
3 highway, street or alley any alcoholic beverage as defined
4 within 11GCA §3104, or any intoxicating beverage, except in
5 the original container which shall not have been opened and
6 from which the original cap or seal shall not have been
7 removed, unless the opened container be in the rear trunk or
8 rear compartment, which shall include the spare tire
9 compartment in a station wagon or panel truck, or any outside
10 compartment which is not accessible to the driver or any other
11 person in the vehicle while it is in motion. Any person
12 violating the provisions of this section shall be deemed guilty
13 of a misdemeanor.

14 B. The provisions of subsection A of this section shall not
15 apply to the passenger area of buses and limousines; however,
16 it shall be unlawful for the driver of the bus or limousine to
17 consume or have in the driver's immediate possession any
18 intoxicating beverage or alcoholic beverage.

1 C. The operator of said vehicle shall have available a copy
2 of a valid business license and a Alcoholic Beverage Control
3 general license specifying that the business is permitted to offer
4 alcohol for leisure purposes on such vehicle.

5 D. No passenger less than eighteen (18) years of age is
6 permitted to purchase, handle or consume alcoholic beverages
7 or intoxicating beverages of said vehicle.

8 E. As used in this section:

9 1. "Bus" means a vehicle chartered for transportation of
10 persons for hire. It shall not mean a school bus transporting
11 children or a vehicle operated pursuant to a franchise with a
12 city or town operating over a regularly scheduled route; and

13 2. "Limousine" means a chauffeur-driven motor vehicle,
14 other than a bus or taxicab designed and used for
15 transportation of persons for compensation.

1 **Section 2.** Section 18122 of Chapter 18 of Title 16 of the Guam Code

2 Annotated is amended to read:

3 “**§ 18122. Storage of Opened Container.** A person shall
4 be guilty of a misdemeanor if he or she is the registered owner
5 of any motor vehicle or the driver if the registered owner is not
6 then present in the vehicle, keeps in a motor vehicle, when the
7 vehicle is upon any highway, any bottle, can, or other
8 receptacle containing any alcoholic beverage which has been
9 opened, or a seal broken, or the contents of which have been
10 partially removed, unless the container is kept in the trunk of
11 the vehicle, or kept in some other area of the vehicle not
12 normally occupied by the driver or passengers, if the vehicle is
13 not equipped with a trunk. A utility compartment or glove
14 compartment shall be deemed to be within the area occupied
15 by the driver and passengers. This section shall not apply to the
16 living quarters of a house car or camper. This section shall not
17 apply to persons and vehicles excepted by §18121 supra.”

1 **Section 3.** Section 3423, Article 4, Division 1, Chapter 3 of Title 11 of the
2 Guam Code Annotated is hereby *amended* to read:

3 “**§3423. Consumption on Public Way Forbidden.** A
4 person shall not consume any alcoholic beverage on any public
5 highway or road while operating, or traveling in a motor
6 vehicle unless excepted by 16GCA §18121.”

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