


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

Bill No. 32 (EC)

Introduced by:

Adolpho B. Palacios 

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2 **AN ACT TO ADD A NEW ARTICLE 7 OF CHAPTER 3 OF TITLE 16**  
3 **OF THE GUAM CODE ANNOTATED IMPLEMENTING THE**  
4 **"HANDBILLING ACT" RELATIVE TO THE IMPLEMENTATION**  
5 **OF REGULATIONS FOR THE CONTROL OF HANDBILLING**  
6 **WITHIN TUMON AND OTHER ECONOMIC TOURISM ZONES**  
7 **ON GUAM.**

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

12 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahån* finds that  
13 reasonable regulation of handbilling activities upon certain public streets, sidewalks, alleys  
14 and other public places within Tumon Bay and various economic tourism zones on Guam  
15 are necessary. *I Liheslaturan Guahån* finds a compelling need to ensure the safety and  
16 welfare of both motorists and pedestrians on the roadways of these economic tourism  
17 zones.

18 Tumon Bay is the heart of the island's tourist industry and a major business,  
19 entertainment and recreation area for visitors and residents alike. Similarly there are other  
20 localities on Guam that are frequented by tourists and regular pedestrian foot traffic. The  
21 island's interest in open and attractive sidewalks extends throughout Tumon and along

1 these economic tourism zones.

2 Handbilling activities conducted at or close to intersections, crosswalks, bus  
3 stops and driveways impede the flow of pedestrian and vehicular traffic, leading to erratic  
4 evasive maneuvers, posing a hazard through diverting the attentions of and endangering  
5 drivers, pedestrians and those alighting from buses. Further, handbillers who obstruct the  
6 paths of pedestrians or who, without the consent of the pedestrian, thrust handbills in their  
7 faces or touch their persons or property, create reprehensible and hazardous situations,  
8 such as pedestrians stepping into busy streets or colliding with other pedestrians to avoid  
9 unwanted contacts with handbillers. This danger is minimized when handbillers are  
10 prohibited from engaging in handbilling along or in close proximity to such safety sensitive  
11 areas as driveways, crosswalks, bus stops and intersections. Accordingly, this Article is  
12 designed to protect the safety of the public and to restrict handbilling activities in only  
13 those areas presenting the greatest hazards to pedestrian and motorist safety.

14 The provisions of this article are declared to be necessary for the  
15 accomplishment of the following purposes:

16 (1) To ensure that persons desiring to engage in handbilling activities within  
17 economic tourism zones are given a reasonable opportunity to do so;

18 (2) To ensure the safe, unrestricted, free and orderly flow of vehicular and  
19 pedestrian traffic on the most hazardous portions of sidewalks along economic  
20 tourism zones; and

1 (3) To protect the island's visitor industry, the heart of which includes Tumon Bay  
2 by protecting the safety of our visitors.

3 The provisions of this article are not intended to prohibit the right of free expression  
4 or free speech but to prevent the hazards associated with aggressive handbilling activities  
5 for the safety and welfare of tourist and the people of Guam.

6 **Section 2.** Article 7 is hereby *added* to Chapter 3 of Title 16 of the Guam Code  
7 Annotated to read as follows:

8 **"ARTICLE 7**  
9 **HANDBILLING ACT**

10 **Section 3601. Definitions.** As used in this Article:

11 (A) "*Department*" means the Guam Police Department.

12 (B) "*Handbilling*" means the distribution by an individual of any written or  
13 printed material containing informative matter. The term "handbilling" shall  
14 not include: (a) The distribution of any printed or written matter by means of a  
15 "dispensing rack"; (b) any other structure or enclosure constructed by or under  
16 the direction of the government of Guam or the Guam Visitor's Bureau for  
17 purposes of dispensing printed, written or informative materials; (c)  
18 newsstands; and any foot vendors of any printed material accepted and  
19 deemed as a daily publication of general circulation.

20 (C) "*Informative material*" means any photograph, map, diagram, rendering,  
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1 drawing, painting, graph, photocopy, print, relief, engraving, embossed  
2 material, punch card, audio, video, and/or computer tape, record compact or  
3 laser disc, computer diskette or any other material intended to convey  
4 information audibly, visually, or by touch, in any language, code or pictorial  
5 representation, which has no purpose but for the conveyance of information  
6 not requiring the exchange of money or other forms of consideration.

7 (D) *Economic Tourism Zone* embraces the following locations:

- 8 1. Entire area located below the fifty (50) foot topographical  
9 elevation contour line located between Oka Point and Gogna Point,  
10 known as Tumon within the Municipality of Tamuning.
- 11 2. The public utility and access easement of Route 14, known as  
12 Chalan San Antonio.
- 13 3. The public utility and access easement of Route 14b, known as  
14 Ypao Road.
- 15 4. The public utility and access easement of Route 30, known as  
16 Governor Carlos G. Camacho Road.
- 17 5. The public utility and access easement of Route 30a, known as  
18 Farenholt Avenue.
- 19 6. The entire area known as New Agana as delineated within  
20 Chapter 61 of Title 21 of the Guam Code Annotated.

1                   7.       Portion of Route 1, known as Marine Corps Drive located  
2                   between Adelup Point and the intersection of Route 16.

3                   (E)    "*Sidewalk*" means the area located along the outermost, distal or leading  
4                   edge vicinity along either side of the centerline of a primary or secondary  
5                   public utility and access easement, structurally paved by an impermeable  
6                   surface for the purpose of pedestrian foot traffic. In the absence of any curb or  
7                   gutter, then the entire structural width of the pedestrian walk shall constitute a  
8                   sidewalk.

9                   **Section 3702. Short Title.** This Act shall be known as the "*Handbilling Act.*"

10                  **Section 3703. Application.** The provisions of this article shall apply to all  
11                  primary and secondary public utility and access easements inclusive to all  
12                  improvements thereon within areas designated as Economic Tourism Zones pursuant  
13                  to this Article.

14                  **Section 3704. Handbilling Restrictions.** Handbilling is permitted on all public  
15                  sidewalks to which this article applies, except:

16                  (A)    In any area where pedestrian passage on a public sidewalk is less than  
17                  forty-six (46) inches;

18                  (B)    On the portion of a public sidewalk adjacent to any area designated as a  
19                  bus stop or within ten (10) feet of either end of the bus stop. In areas where the  
20                  length of the bus stop is not clearly identified, the bus stop shall extend twenty-

1 five (25) feet at either direction from the bus stop sign;

2 (C) Within a mid block crosswalk area, defined as the area which falls  
3 between the two (2) lines fifteen (15) feet beyond each side of a marked mid  
4 block crosswalk (as defined by the crosswalk lines delineated on the street  
5 pavement) and perpendicular to the curb.

6 (D) On the portion of a public sidewalk crossed by a public or private  
7 driveway or within ten (10) feet of either side of the driveway; or

8 (E) Within any street corner area; defined as that area at street corners other  
9 than those subject to paragraph (B) or (C) and at the intersection of two streets,  
10 circumscribed by the curbs, the property lines abutting the sidewalk area, and  
11 the following lines:

12 (1) The line including the point along the curb of one street  
13 either: ten (10) feet beyond the far side of a marked corner crosswalk and  
14 perpendicular to the curb; or, where there is no marked corner  
15 crosswalk, twenty-five (25) feet from the curb line of the intersecting  
16 street and parallel to the curb line; and

17 (2) The line including the point along the curb of the  
18 intersecting street either: ten (10) feet beyond the far side of a marked  
19 corner crosswalk and perpendicular to the curb; or, where there is no  
20 marked crosswalk, twenty-five (25) feet from the curb line of the first

1 street and parallel to the curb line.

2 (F) No dispensing racks, newsstands or any other structures or enclosures  
3 whatsoever, excluded by Section 3601(B) shall be offered for sale, rent or lease.

4 **Section 3705. Penalty, Summons, and Citation.**

5 (A) **Penalty.** Any person conducting handbilling in violation of any  
6 provision of this article shall be subject to a fine of twenty-five dollars (\$25.00)  
7 for each offense.

8 (B) **Summons or Citation.** There shall be provided for use by police  
9 officers, or authorized deputized peace officers, a form of summons or citation  
10 for use citing any violation of this article which does not mandate the physical  
11 arrest of the violator. The form and content of such summons or citation shall  
12 be as adopted or prescribed by the administrative judge of the Superior Court  
13 of Guam and shall be printed on a form commensurate with the form of other  
14 summonses or citations used in modern methods of arrest, so designed as to  
15 include all necessary information to make the same valid within the laws and  
16 regulations of the island.

17 **Section 3706. Rules and Regulations.** The Guam Police Department in  
18 consultation with the Department of Public Works, the Guam Hotel and Restaurant  
19 Association, Guam Visitor's Bureau and the Superior Court of Guam shall adopt and  
20 submit appropriate rules and regulations to implement this Chapter pursuant to the

1       Administrative Adjudication Law.”

2       **Section 3. Severability.** If any provision of this Law or its application to any  
3 person or circumstance is found to be invalid or contrary to law, such invalidity shall not  
4 affect other provisions or applications of this Law which can be given effect without the  
5 invalid provisions or application, and to this end the provisions of this Law are severable.