

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

Bill No. 57(LEC)

Introduced by:

Mike Cruz, M.D.



**AN ACT TO AMEND SECTION 1102, CHAPTER 1, TITLE 16 OF THE GUAM CODE ANNOTATED, ADD A NEW SECTION 3306.1, ARTICLE 4, CHAPTER 3, TITLE 16 OF THE GUAM CODE ANNOTATED, AND ADD A NEW SECTION 7176, CHAPTER 7, TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING SAFETY MEASURES FOR POCKET BIKES.**

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

**Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that the increased operation of 'pocket bikes,' of riders as young as five (5) years old, wearing no approved safety helmets, and going as fast as 70 miles per hour on Guam's streets and highways has drawn a lot of concern in our community. According to law enforcement officials' pocket bikes often go through residential neighborhoods making excessive noise, endangering pedestrians and other drivers, and are difficult for motorists to see.

These small-scale motorcycles are so small they can be carried under one arm. They can reach speeds of up to seventy miles per hour (70 mph) and can be purchased for as low as Five Hundred Dollars (\$500) on Guam. Pocket bikes are popular among all age groups. In the U.S., it gained popularity this past summer when foreign imports were being sold for as low as Two Hundred Dollars (\$200). The newer models from China, weighing 45 pounds,

1 are inferior quality. For the most part, they are powered by oil- and gas-  
2 burning engines similar to those used in chain saws, weed whackers or other  
3 small motorized tools. The pocket bikes weigh about 50 pounds, stand about  
4 a foot and a half high and can easily be put in the trunk of a car. They have  
5 tiny engines -- 47cc or 49cc displacement, less than 1/20th the size of a big  
6 motorcycle. Eye level of the rider will usually meet the bumper of oncoming  
7 cars, but more importantly, pocket bikes are so low that oncoming motorists  
8 do not see the rider at eye level. According to news reports, pocket bikes are  
9 usually sold without the approved Federal Motor Vehicle Safety Standards  
10 (FMVSS), including brake lights, red rear reflectors, mirrors, speedometer,  
11 turn signals, horn, or tires.

12 Two children from Southern California have already died while riding  
13 pocket bikes on streets, according to the American Automobile Club of  
14 Southern California. In New York, a 19 year old was killed riding a pocket  
15 bike at night, at a top speed of 40 miles per hour when it hit a pothole. These  
16 bikes have just started to grow in popularity, statistics are scant, but police  
17 officers have witnessed an increase in on-road use this year, and are  
18 concerned about the potential safety impacts. Although there is no estimate of  
19 the number of pocket bikes in Guam or how many accidents have involved  
20 pocket bikes, the proliferation of these miniature motorcycles may bloom into  
21 an island-wide threat to public safety, and has already become a public  
22 concern throughout the media. *I Liheslaturan Guåhan* finds that the motor  
23 vehicle code must include pocket bikes to address this issue.

24 **Section 2. Section 1102, Chapter 1, Title 16 Guam Code Annotated is**  
25 **hereby amended to read as follows:**

1           **§ 1102. Definitions.** Unless the context otherwise requires, the  
2 definitions set forth in this Section govern the construction of this Title:

3           (rr)    A pocket bike is a two-wheeled motorized recreational vehicle  
4                   having a motor less than 50 cc's, below 30 inches in height,  
5                   weighing about 50 pounds, designed to be driven on smooth  
6                   roadways, is capable of exceeding a speed in excess of thirty  
7                   miles per hour (mph), and/or having a power rating not in  
8                   excess of two (2) horsepower.

9           **Section 3.** A new Section 3306.1, Article 4, Chapter 3, Title 16 Guam  
10 **Code Annotated is hereby added to read as follows:**

11           **§ 3306.1. Pocket Bikes: Penalty.**

12           (a)    No person shall ride a pocket bike on highways, roadways,  
13                   residential districts, or sidewalks.

14           (b)    All riders under the age of sixteen (16) shall have adult  
15                   supervision.

16           (c)    A person who violates this provision is subject to a fine not to  
17                   exceed One Hundred Dollars (\$100.00) and/or impoundment.  
18                   All costs of impoundment shall be paid by the registered  
19                   owner.

20           **Section 4.** Section 7176, Chapter 7, Title 16 Guam Code Annotated  
21 **is hereby added to read as follows:**

22           **§ 7176. Pocket Bikes: Registration.** The Department of Revenue and  
23 Taxation shall register and issue to the owner of a pocket bike a registration  
24 card, which is used for proof of ownership purposes only. The issuance and

- 1 registration fee is Ten Dollars (\$10.00). Registered owner is responsible for the
- 2 operation of the pocket bike regardless of the age of the operator.



*Office of*  
**SENATOR RAY TENORIO**  
**MAJORITY LEADER**  
**CHAIRMAN**  
 COMMITTEE ON CRIMINAL JUSTICE,  
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

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May 23, 2005

The Honorable Mark Forbes  
 Speaker  
*I Mina' Bente Ocho na Liheslaturan Guåhan*  
 155 Hesler Street  
 Hagåtña, Guam 96910

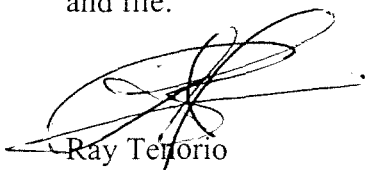
Dear Speaker Forbes:

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs, to which was referred, **Bill No. 57(EC): "An Act To Amend Section 1102, Chapter 1, Title 16 Of The Guam Code Annotated, Add A New Section 3306.1, Article 4, Chapter 3, Title 16 Of The Guam Code Annotated, And Add A New Section 7176, Chapter 7, Title 16 Of The Guam Code Annotated, Relative To Establishing Safety Measures For Pocket Bikes"** now wishes to report back the same with the recommendation **TO PASS**.

The voting record is as follows:

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

A copy of the Committee report and other pertinent documents are attached for your information and file.

  
 Ray Tenorio





*Office of*  
**SENATOR RAY TENORIO**  
**MAJORITY LEADER**  
**CHAIRMAN**  
COMMITTEE ON CRIMINAL JUSTICE,  
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

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May 06, 2005

**MEMORANDUM**

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report – BILL NO. 57(EC): An Act To *Amend* Section 1102, Chapter 1, Title 16 Of The Guam Code Annotated, *Add* A New Section 3306.1, Article 4, Chapter 3, Title 16 Of The Guam Code Annotated, And *Add* A New Section 7176, Chapter 7, Title 16 Of The Guam Code Annotated, Relative To Establishing Safety Measures For Pocket Bikes.

Transmitted, herewith, for your information and action is the report on Bill No. 57(EC) from the Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 57(EC), as substituted
4. Written Testimony
5. Public Hearing Sign-in Sheet
6. Fiscal Note Waiver
7. Notice of Public Hearing
8. Bill No. 57(EC)

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions regarding this report or accompanying documents, please do not hesitate to contact me at 479-4825/26.

  
RAY TENORIO





*Office of*  
**SENATOR RAY TENORIO**  
**MAJORITY LEADER**  
**CHAIRMAN**  
 COMMITTEE ON CRIMINAL JUSTICE,  
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

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VOTING RECORD

**BILL NO. 57(EC): An Act To Amend Section 1102, Chapter 1, Title 16 Of The Guam Code Annotated, Add A New Section 3306.1, Article 4, Chapter 3, Title 16 Of The Guam Code Annotated, And Add A New Section 7176, Chapter 7, Title 16 Of The Guam Code Annotated, Relative To Establishing Safety Measures For Pocket Bikes.**

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 RAY TENORIO, Chairman	✓				
 LAWRENCE F. KASPERBAUER Vice Chair	X				
 JOANNE BROWN, Member	✓				
 ROBERT KLITZKIE, Member	✓				
 JESSE A. LUJAN, Member	✓				
 ANTONIO R. UNPINGCO, Member	✓				
 FRANK B. AGUON, Member					
 BENJAMIN J. CRUZ, Member	✓				
 ADOLPHO PALACIOS, Member	✓				
 JUDI WON PAT, Member	✓				
 RORY J. RESPICIO, Member	✓				
 Mark Forbes, Ex-Officio	✓				



## I. OVERVIEW

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs conducted a public hearing on April 12, 2005 in the Legislative Public Hearing Room, *Liheslaturan Guåhan*. Included in the public hearing was Bill No. 57(EC). Public notice was printed in the Pacific Daily News on April 6 and 7, 2005.

Senators present:

1. Senator Ray Tenorio, Chairman
2. Vice Speaker Joanne Brown, Member
3. Senator Robert Klitzkie, Member
4. Senator B.J. Cruz, Member
5. Senator Adolpho Palacios, Member
6. Senator Mike Cruz

## II. SUMMARY OF TESTIMONY

**Paul Suba, Captain, Guam Police Department**, presented oral in opposition to Bill No. 57(EC). Capt. Suba stated that further legislation is not needed but that more teeth should be placed on existing laws.

**Frank Perez, Police Officer III, Guam Police Department**, gave oral testimony in support of Bill No. 57(EC). Officer Perez stated that the regulation of pocket bikes need to be addressed as it is becoming a nuisance and, more importantly, a traffic hazard.

**Bryan Bautista, Proprietor, 671 Imports**, presented oral and written (see attached) testimony in support of Bill No. 57(EC). Mr. Bautista further stated that there is a need for safety rules and guidelines to follow regarding pocket bikes.

**Frankie Tenorio, Proprietor, Island Wheelz**, presented oral testimony in opposition to Bill No. 57(EC). Mr. Tenorio disagrees with the registration requirement as many of the pocket bikes he brings in do not have serial numbers. Mr. Tenorio, however, feels that safety helmets should be required when operating a pocket bike.

**Stanley Yasuhiro, D.D.S.**, submitted written testimony (see attached) stating no position on Bill No. 57(EC). Dr. Yasuhiro, however, did state two major factors that present a dangerous situation when Pocket Bikes are ridden on Guam's roadways. One, pocket bikes are small in height which does not provide clearance to be seen by automobile drivers. Second, majority of the riders are kids that do not know the rules of the road.



**Robert P. Ryan, M.D., Staff Physician, Guam Memorial Hospital**, submitted written testimony (see attached) stating no position on Bill No. 57(EC). Dr. Ryan, however, strongly recommended that the operation of the pocket bikes be restricted to age, speed limits and locations of use and that helmets be required for those riders under the age of 16.

**Cely Mangrobang, private citizen**, submitted written testimony (see attached) stating no position on Bill No. 57(EC). Ms. Mangrobang, however, stated that parents are putting their children on a high risk of danger and unnecessary death when they allow them to operate the pocket bikes. Ms. Mangrobang further stated that, if children are allowed to operate pocket bikes, it should be done with parental supervision at a designated area with proper protective gear.

**Frankie T. Ishizaki, Chief of Police, Guam Police Department**, submitted written testimony (see attached) supporting the intent of Bill No. 57(EC). Chief Ishizaki noted that the penalty issue is what needs to be addressed when the law is violated. Chief Ishizaki suggested that stiffer fines in combination with impoundment be applied.

**Dennis Zermeno, Chairman, Parks and Recreation Commission**, submitted written testimony (see attached) in support of Bill No. 57(EC). Mr. Zermeno requested that the bill be amended to include territorial park boundaries as a prohibited area to ride pocket bikes. Mr. Zermeno strongly believes that park areas should remain as serene as possible and vehicle free.

### III. FINDINGS

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs finds that the use of pocket bikes as a recreational vehicle is a fast growing trend. The bikes are small and light enough to carry under the arm, but big enough for an adult to ride. They accelerate quickly to speeds of 35 mph and faster. Price is, also, a key part of the attraction with some models being sold as low as \$200.00

Just as the trend of pocket bikes as a recreational vehicle is fast growing, there is, also, a growing concern by residents and the police on the use of pocket bikes. The Committee also finds that pocket bikes are not street legal because they do not meet the safety standards required by the National Highway Traffic Safety Administration (NHTSA). They pose a major safety hazard to riders, motorists and pedestrians. Standing barely 20 inches tall, they place riders at eye level with the bumper of most oncoming vehicles making pocket bike riders all but invisible to the average motorist. Often pocket bikes don't come equipped with standard safety features such as brake lights, mirrors and turn signals.

The Committee further finds that pocket bikes are becoming a noise and safety nuisance at parks and on streets and sidewalks in neighborhoods. Pocket bikes have a noise level equal to that of a lawnmower. Picnickers are made to feel uncomfortable with the noise and distraction. Park users have had to dodge them while walking, jogging or riding their bicycles. Many riders drive the pocket bikes irresponsibly, especially young riders who don't know the rules of the road or disregard traffic laws.

#### IV. RECOMMENDATION

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs hereby reports out Bill No. 57(EC), as substituted: "An act to amend section 1102, Chapter 1, Title 16 of the Guam Code Annotated, add a new section 3306.1, Article 4, Chapter 3, Title 16 of the Guam Code Annotated, and add a new section 7176, Chapter 7, Title 16 of the Guam Code Annotated, relative to establishing safety measures for pocket bikes" to *I Mina Bente Ocho Na Liheslaturan Guåhan* with the recommendation **TO PASS**.

#### Attachments

1. Bill No. 57(EC), as substituted
2. Written Testimony
  - a. Bryan Bautista
  - b. Stanley Yasuhiro
  - c. Robert P. Ryan
  - d. Cely Mangrobang
  - e. Frankie T. Ishizaki
  - f. Dennis Zermeno
3. Witness Sign-in Sheet
4. Fiscal Note Waiver
5. Public Hearing Notice
6. Bill No. 57(EC)

*Jmf*  
11/28/05

*POF-1*  
11/23/05

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

Bill No. 57(EC)

Introduced by:  
As substituted by the Committee on Criminal  
Justice, Public Safety, Youth & Foreign Affairs

Mike Cruz, M.D.

AN ACT TO AMEND SECTION 1102, CHAPTER 1,  
TITLE 16 OF THE GUAM CODE ANNOTATED, ADD  
A NEW SECTION 3306.1, ARTICLE 4, CHAPTER 3,  
TITLE 16 OF THE GUAM CODE ANNOTATED, AND  
ADD A NEW SECTION 7176, CHAPTER 7, TITLE 16 OF  
THE GUAM CODE ANNOTATED, RELATIVE TO  
ESTABLISHING SAFETY MEASURES FOR POCKET  
BIKES.

1  
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3  
4  
5  
6  
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8

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Subsection 1102(rr) is hereby added to  
Chapter 1, Title 16 Guam Code Annotated to read as follows:

§1102. Definitions. Unless the context otherwise requires, the  
definitions set forth in this Section govern the construction of this Title:

(rr) A "pocket bike", "mini-chopper" or "mini-motorcycle" shall  
mean a two-wheeled motorized, self-propelled vehicle  
equipped with an electric or internal combustion engine

1           having a piston displacement of less than 50 cubic  
2           centimeters (50cc's).

3           **Section 2. A new Section 3306.1, Article 4, Chapter 3, Title 16**  
4 **Guam Code Annotated is hereby added to read as follows:**

5           **§3306.1. Pocket Bikes: Penalty.**

- 6           (a) A person may ride a *pocket bike, mini-chopper, or mini-*  
7           *motorcycle* as defined in §1102 (rr) of Chapter 1, Title 16  
8           except on highways, roadways or sidewalks as defined in  
9           §1102 of Chapter 1, Title 16 and within territorial and  
10          community parks.
- 11          (b) All riders under the age of eighteen (18) shall have adult  
12          supervision.
- 13          (c) Any person who operates, or as the parent or ward of a child  
14          younger than 18 years of age permits the child to operate, a  
15          *pocket bike, mini-chopper, or mini-motorcycle* in violation of this  
16          Section commits an offense.
- 17          (d) An offense under this Section is a misdemeanor punishable  
18          by a fine not to exceed One Hundred Dollars (\$100.00)  
19          and/or impoundment. All costs of impoundment shall be  
20          paid by the owner.

## Alex Gagaring

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**From:** bryan@671imports.com  
**Sent:** Wednesday, April 20, 2005 1:35 PM  
**To:** Alex Gagaring  
**Subject:** RE: 671 Imports bill 57 testimony

Bryan Bautista  
dba: 671 Imports  
115 Boque Ct.  
Barrigada Hts, GU 96913  
Tel: 482-6714  
Fax: 637-3266  
bryan@671imports.com

April 20, 2005

To: Office of Ray Tenorio  
Majority Leader  
Twenty-eighth Guam Legislature

Dear Sen. Tenorio

I would like to thank you for the opportunity to speak at the legislative hearing on bill no. 57. I am writing this testimony to support some of the attributes of bill no. 57. Coming from the sellers and also the parents point of view. I have a 12 year old son who is a great kid and deserves everything in the world that I can give him. Of course he as well as many of his friends own one or two pocket bikes. It was considered the gift of the year as I was told by one of my customers. The latest craze to hit Guam to go along with break dancing that's come back again just like the kind we used to do. Paintball guns have become a big sport for old and young boys and girls. Go-ped scooters, go carts, atv's, dirt bikes, surfing, jet skiing, jiu jitsu and the list goes on and on.

I support bill 57 because we do need some kind of safety rules and guidelines to follow regarding these motor bikes. A helmet as a bare minimum safety precaution. There are bicycle helmets that are designed to withstand impacts for stunt riding. Parents must always supervise their children, teach them about safety. As Vice Speaker Brown stated that "the reality is that some parents let their child ride in a vehicle without a care seat or in the back of a truck." I take it upon myself to educate and recommend to parents about wearing helmets and other protective gear, and where the good places are to ride. It seems that most pocket bike owners prefer to ride together so that they can have races and cruise down the street.

These bikes are not only limited to young children. One good reason that mostly children are riding these bikes are the fact that they are "just their size". Wow! A motorcycle that looks like the Kawasaki, Suzuki, Yamaha, Honda, "Ninja" type bikes that Dads' got or cool uncle Junior and "it's just my size". Time and time again when I'm at shows I see kids tugging on their parent saying "Cool! buy me that". Every time I talk to the parents it's "the bike that my son has been bugging me to get him". Teenagers as well take to the bikes because they are somewhat of a hobby like having a car. Something to paint, polish, soup up and ride around the village during the fiesta to show off. My father is 63 years old. I got him a mini chopper for his birthday. He just loves to take that thing around on Sundays after church. It's just enjoyment for everyone.

For the simple fact of putting a smile on a persons face of any age.

I think that the Guam police Dept. can absolutely accept these recreation vehicles on DESIGNATED areas and allow lots of pocket bike owners and riders to enjoy their investment with out the fear of disobeying any laws or regulations. I think that Bill 57 may turn out to be a good law, but not in it's present form. There are places that we can go to ride. There are ways to educate these riders about safety and laws. We have already established a safety class for riders prior to purchasing and our race course at the Guam Race Way Park. I think that it is absolutely possible to educate Guam's pocket bike riders about safety and rules and regulations. So that not only cars are defensive on the road, but the pocket bike riders too.

Sincerely,  
Bryan Bautista  
671 Imports,  
Father,  
Citizen of Guam U.S.A.



STANLEY Y. YASUHIRO, D.D.S.  
TUMON DENTAL OFFICE

Suite 204, Pacific Plaza  
667 North Marine Drive  
Tamuning, Guam 96913  
Tel: (671) 646-3679/2823  
Fax: (671) 646-2824

March 31, 2005

Senator Dr. Michael Cruz, MD  
I Mina' Bente Ocho Na Liheslatiran Guahan

RE: Bill No. 57; Definition on Pocket Bike Utilization.

Dear Senator Dr. Cruz:

I would like to submit my written testimony for Bill 57 regarding the utilization of "Pocket Bikes" on Guam. I, Stanley Y. Yasuhiro, DDS, am a 33 year veteran of motorcycle riding and racing on Guam. My motorcycle license has been active for the past 10 years. I served as Vice-President for Guam Motorcycle and ATV Corporation for the past 2 terms, helped organize and was the Clerk of the Course for Guam's first 2 FIM sanctioned Asian Supercross Championships. Currently, I am active as a GMAC member, Board Member and participate in International Supercross racing for GMAC.

Pocket Bikes have been increasing in popularity on Guam as they are inexpensive, portable in size and both adults and children are able to operate the vehicle. However, the safety of using these bikes is of significant concern, not only on Guam, but also in the mainland. There are two major factors that, in my opinion, present a dangerous situation when these Pocket Bikes are ridden on Guam's roadways.

1. These bikes are very small. So small that normal vehicles are not able to see the riders on the same road. There is no way for the automobile driver to avoid these Pocket Bike riders if they are not seen. Also, these Pocket Bikes are not DOT approved vehicles. Current Guam law requires all vehicles on Guam's roads be DOT or DMV approved vehicles.
2. Majority of the riders are kids, who do not know the rules of the road. These kids are racing on the streets on the Pocket Bikes. They become moving obstacles for properly licensed vehicles on the road, except they cannot be seen due to the low height profile.

Case in point, I was in a residential area driving a 4x4 truck. when the car ahead of me slowed and stopped in an intersection. As I started to slow down to stop, two Pocket Bikes, both kids, were speeding behind my truck and did not see that I was stopping. These kids almost ended underneath my truck, but avoided my truck by swerving into the oncoming lane. If there was an oncoming vehicle, these kids would have been in serious trouble. They would have been under the oncoming vehicle. These kids did not have helmets, either.

RECD.	45900 3/2/05
BY:	
CCS	
SENATOR	
FORG.	Josska - Bill 57

If the current laws on vehicles are followed, this would not be a problem. However, by having this Bill, the ambiguity of laws pertaining to Pocket Bikes would be cleared.

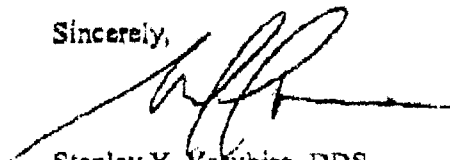
I would like to suggest the following:

1. 1102. Definitions. Size (height, wheel base), motor displacement, horsepower rating, speed should be "and/or" and not cumulative in definition. Size is most to be concerned about, but all other specifications in the Bill need to be mentioned. Current DOT specifications could be applied for vehicles to be used on public roadways.
2. 3306.1 Pocket Bike Penalty. As most riders are kids under 16 (minimum driving age), the under-aged riders' parents/guardians need to be accountable as they are responsible for the actions of their children. The Pocket Bikes were most likely bought by their parents/guardians. All penalties pertaining to Pocket Bike riders must also apply to the parents/guardians of under-aged riders who were found to break the law. i.e. traffic citations and other penalties would be given to the parents/guardians of under-aged riders.

As a long time recreational and street motorcycle rider, safety of the Pocket Bike riders is paramount. Some riders and parent/guardians of the riders may not understand the consequences of a Pocket Bike accident on Guam's roads. Pocket Bikes were made to ride, race and enjoy in a closed course environment, such as a private lot converted into a safe riding course, or on designated riding areas and do not deal with public vehicle traffic. This is why this Bill is important to make aware of the dangers on utilizing Pocket Bikes on Guam's public roads.

Thank you for the opportunity to submit my testimony.

Sincerely,



Stanley Y. Yasuhiro, DDS



My name is Robert P. Ryan. I am a physician, board certified as a specialist in emergency medicine, licensed here on Guam, and one of the emergency room staff physicians at Guam Memorial Hospital. I am offering this testimony regarding Bill number 57, "relative to establishing safety measures for pocket bikes."


First, I have personally witnessed these pocket bikes in use on several occasions being ridden at Asan Beach Park. Each time the bikes were being ridden on a weekend, in the late afternoon, in the area closed off by a gate that is locked after 3pm. Each time I observed children no more than 8 to 10 years old and some much younger, 5 or 6 I would guess, riding the bikes at a high rate of speed, estimated to easily be more than 40 mph in an area marked "5 mph". The children, without exception, did not wear helmets. Adults, presumably parents, presumably present to supervise these children did nothing to control the rate of speed of these children, and appeared to encourage this behavior. They were obviously aware of the rate of speed at which the children were driving and obviously aware of the absence of helmets. In addition, when I pointed out to one parent that there were signs stating "Off Road Vehicle Use Prohibited," he stated that pocket bikes were not off road vehicles and that there was nothing that stated pocket bikes were prohibited.

My concerns regarding this bill are as follows:

1. Aside from the danger of riding these bikes on highways, roadways, in residential districts, or sidewalks, government of Guam parks or national park areas are not appropriate areas for operation of these bikes. These bikes should be defined as Off Road Vehicles such that signs like the ones at Asan Beach Park, which state "Off road vehicle use prohibited" are clearly understood to apply to these bikes.
2. From my personal observation, adult supervision has not prevented unsafe acts, and has in fact encouraged them. No person under the age of 10 should be riding these bikes. Period.
3. A maximum speed limit for operation of these bikes and a provision to prevent bypassing the speed controls of these bikes should be part of this bill. All speed limits must be observed if such signs are posted.
4. The lack of a helmet provision to this law makes it far more likely that these children will show up in the ER of GMH with severe head injuries. Non helmeted riders are 2 1/2 to 5 times more likely to suffer a fatal head injury. Of the costs related to motorcycle type vehicular injuries, 75% of those cost are from non helmeted injured persons as opposed to 25% from helmeted individuals.
5. Injuries resulting from operation of these pocket bikes affect not only the patient, but each and every person on Guam, who pays the cost of EMS, GMH, and the costs of permanent disability.
6. Unfortunately, those most affected, the children themselves, are for the most part incapable of making the decisions to required protect themselves from harm. The fact that their parents are also unwilling or unable to make these decisions is even more troubling.

I strongly recommend that the operation of these bikes be restricted with regards to age, speed limits, and locations of use and that helmets be required for those riders under the age of 16.

cc: 8:45 AM 4/11/05



SENATOR \_\_\_\_\_

As this bill is fax to me at GnuH 11am 3/29/05  
another victim 8 yrs. old boy motorcross like accident with  
diagnosis of Intra cranial bleed in a competition  
is admitted to the Pediatric Intensive care.

I am for sports, but my point is, our  
driving laws say 16-18 yrs old takes driving  
lessons for 6 months, get tested on actual driving  
have concepts and understands road + traffic rules  
gets acquainted with signs and regulations.

Children do not have any concept of fear  
they just want to try and drive these mini  
pocket bikes, experience and enjoy. If so,  
with parents supervision at an identified  
designated park not on busy streets with  
proper protective gear.

Not because we can afford to buy these  
luxury pocket bikes; for our children, we  
are indeed putting them on a very high risk  
of danger and unnecessary deaths.

I remember far back a fad of mini wheel  
cars came about Christmas time a very  
tragic accident happened which resulted to  
death of a 5 yrs. old.

I hope we all wake up, brainstorm  
for better laws, solutions, implement it and follow  
them.

**RECEIVED**

DATE: 4/11/05

041105

Thank you

Uly Margotberg



# GUAM POLICE DEPARTMENT



FELIX P. CAMACHO  
Governor of Guam

KALEO S. MOYLAN  
Lieutenant Governor

*Government of Guam*  
Bldg No. 233, Central Avenue, Tiyan, Guam 96913  
Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512  
Fax: (671) 472-4036

FRANKIE T. ISHIZAKI  
Chief of Police

MAJOR JOAQUIN G. REYES  
Acting Deputy Chief of Police

April 12, 2005

The Honorable Mike Cruz, M.D.  
Senator, 28<sup>th</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

**Subject: Introduction of Bill No. 57 [EC]**

Dear Senator Cruz:

Hafa Adai! I am writing to support the intent of Bill No. 57 [EC] introduced by yourself, which is:

AN ACT TO AMEND SECTION 1102, CHAPTER 1, TITLE 16 OF THE GUAM CODE ANNOTATED, ADD A NEW SECTION 3306.1, ARTICLE 4, CHAPTER 3, TITLE 16 OF THE GUAM CODE ANNOTATED, AND ADD A NEW SECTION 7176, CHAPTER 7, TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING SAFETY MEASURES FOR POCKET BIKES.

Due to the growing trend of a recreational vehicle called the "Pocket Bike," the Guam Police Department was, and on occasion receiving numerous calls regarding these bikes. The Regulation of the use of "Pocket Bikes" is something that we need to address being that it is becoming more of a nuisance and more importantly a traffic hazard when they are operated on our highways and secondary streets.

This bill needs to be revisited because the current laws already have a definition for this kind of vehicle. In addition, **§3203. Safety Equipment on Bicycles Equipped With a Motor** requires the safety equipment to be compliant with the safety standards promulgated by the National Highway Traffic Safety Administration (NHTSA) for motorized bicycles which fit the description of bicycle


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DATE: 4/18/05  
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equipped with a motor as defined in § 1102(q) of the Government Code. Pocket bikes are imported for the sole purpose of a recreational vehicle and the safety equipment does not meet the safety standards required by NHTSA, therefore they are strictly prohibited from being on our highways or roadways.

What needs to be addressed is the penalty when the law is violated. Stiffer fines in combination with the impoundment of these type of vehicles at the expense of the owner(s). Also, the clarity of the location of where these bikes can be used. They should not be used in any government facility or parks.

In reference to the registration of these pocket bikes, it should not have to be registered. If the intent of this bill to have the pocket bikes registered for the purpose of recording and maintaining the ownership information, then it should be made clear that just because the vehicle is registered does not mean that it can be driven on our highways or roadways.

*Si Yu'us Ma'ase!*



**FRANKIE T. ISHIZAKI**

# Parks and Recreation Commission

April 20, 2005

Hon. Senator Ray Tenorio  
Chairman, Commission on Criminal Justice,  
Public Safety, Youth & Foreign Affairs  
167 E. Marine Corps Drive  
Suite 104  
Hagatna, Guam

Dear Senator,

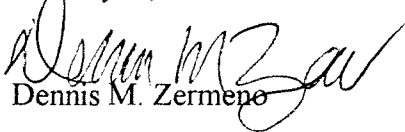
This letter is in support of Bill No. 57 as it pertains to the establishment of safety measures for pocket bikes in operation within the Territory of Guam.

As Chairman of the Parks and Recreation Commission, I am requesting that Section 3 (a) Be amended to read as follows:

- (a) No person shall ride a pocket bike on highways, roadways, residential districts, sidewalks *or within territorial park boundaries.*

It is the strong belief of the Department of Parks and Recreation and the Parks and Recreation Commission that territorial park areas remain as serene as possible and vehicle free. Park users should not be subject to the noise and safety concerns presented by pocket bike use.

Thank you,

  
Dennis M. Zermeno

APR 20 2:02pm 4/20/05
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Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs  
 Senator Ray Tenorio, Chairman

Public Hearing  
 Tuesday • April 12, 2005 • 9:00a.m.  
 Public Hearing Room, / Liheslaturan Guåhan

Bill No. 57(EC): An act to amend Section 1102, Chapter 1, Title 16 of the Guam Code Annotated, add a new Section 3306.1, Article 4, Chapter 3, Title 16 of the Guam Code Annotated, and add a new Section 7176, Chapter 7, Title 16 of the Guam Code Annotated, relative to establishing safety measures for pocket bikes.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Capt. Paul SUBIA	G.P.D.	✓			✓	482-7752
P.O. F.A. Perez	G.P.D.	✓				477-1169
Robert P. Ryan MD	GMH		✓	✓		472-3447
Charles Inoué	Self	✓		Modify		789-1159
BRYAN BASTIEN	SELF (671 imports)	✓		✓		482-6714
FRANKIE TENORIO	ISLAND WHEELER	✓			✓	

Bureau of Budget & Management Research  
Fiscal Note of Bill No. 57(EC)

Bill Title (Preamble): AN ACT TO AMEND SECTION 1102, CHAPTER 1, TITLE 16 OF THE GUAM CODE ANNOTATED, ADD A NEW SECTION 3306.1, ARTICLE 4, CHAPTER 3, TITLE 16 OF THE GUAM CODE ANNOTATED, AND ADD A NEW SECTION 7176, CHAPTER 7, TITLE 16 OF THE GUAME CODE ANNOTATED, RELATIVE TO ESTABLISHING SAFETY MEASURES FOR POCKET BIKES.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Revenue and Taxation	Dept./Agency Head: Art Ilagan
Department's General Fund (GF) appropriation(s) to date:	\$8,207,561
Department's Other Fund (specify): _____ appropriation(s) to date:	\$0
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$8,207,561</b>

Fund Source Information of Proposed Appropriation

	General Fund:	Other (specify):	Total:
FY 2005 Adopted Revenues	\$447,441,000	\$0	\$447,441,000
FY Appro. to P.L. _____	(\$447,821,707)	\$0	(\$447,821,707)
Sub-total:	(\$380,707)	\$0	(\$380,707)
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>(\$380,707)</b>	<b>\$0</b>	<b>(\$380,707)</b>

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- |   |     |              |     |                   |
|---|-----|--------------|-----|-------------------|
| 1. Does the bill contain "revenue generating" provisions?<br>If Yes, see attachment   | /x/ | Yes          | / / | No                |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?<br>If no, what is the additional amount required? \$ _____  | /x/ | N/A          | / / | Yes / / No        |
| 3. Does the Bill establish a new program/agency?<br>If yes, will the program duplicate existing programs/agencies?<br>Is there a federal mandate to establish the program/agency? | / / | Yes / / N/A  | / / | Yes /x/ No /x/ No |
| 4. Will the enactment of this Bill require new physical facilities?   | / / | Yes          | /x/ | No                |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:<br>/ / Requested agency comments not received by due date                                   | /x/ | Yes          | / / | No / /            |
|   | / / | Other: _____ |     |                   |

Analyst: Matt Quinata Date: 4/18/05 Director: Carlos P. Bordallo, Acting Date: \_\_\_\_\_

Footnotes: Please see attachment.

## Fiscal Note:

**Footnotes:** Bill 57 (EC) is to add new sections to Title 16, GCA (Vehicles).

The new sections include the definition of a pocket bike, penalties involved in the illegal use of a pocket bike; and registration with the Department of Revenue and Taxation (DRT).

The bill requires registration of the pocket bikes with DRT. The DRT expressed concerns that these bikes do not have any identifying information such as a vehicle information number (VIN) or serial number to facilitate proper registration.

The bill is requiring a registration fee for Revenue and Taxation to collect for a registration card to show proof of ownership. DRT received information from a vendor who sold more than 400 bikes during the 2004 Christmas season. DRT noted that their General Licensing Branch does not currently have a specific code to account for pocket bikes sold on Guam. This makes it difficult to provide the number of businesses and number of bikes sold. DRT also noted that pocket bikes can be purchased off-island and/or on the internet adding the difficulty to determine the number of bikes on the island. An estimate could not be provided. The Bureau estimates there could be as many as 2,000 pocket bikes on the island with its increasing popularity.

The bill calls for a \$10.00 registration fee but the bill does not indicate whether this is a one time registration fee or if renewal will be required each year. The potential revenue collection from registration fees is approximately \$20,000 each year if renewal is required annually.

The bill also calls for a penalty if pocket bikes are used on highways, roadways, residential districts or sidewalks and if a rider is under 16 without adult supervision. However, the bill does not give examples of legal areas for use. The penalty imposed will be \$100.00.

The bill does not indicate whether the penalties and registration will be deposited to the General Fund or a special fund. Most penalties assessed for penalties and regarding vehicles are directed to specific funds such as the Safe Street Fund or the Judicial Fund. The Bureau recommends that funds collected per Bill 57(EC) be deposited into the General Fund in order to recoup the expenditures of the departments such as DRT and Guam Police Department in its implementation.



# LOCAL

## GOVERNMENT MEETINGS

**April 6**  
**GUAM COMMUNITY COLLEGE BOARD OF TRUSTEES:** 3 p.m. April 6, GCC library conference room, second floor, Foundation Building, Mangilao. Call 735-5697. For special accommodations, call 735-5597.

**MAYORS' COUNCIL OF GUAM:** 10 a.m. April 6 (each first Wednesday), council's conference room, Ada's Commercial and Professional Center, Suite 111F, Hagåtña. Call Elaine Loguana, 472-6940 or 477-8461.

**April 7**  
**APPLICATION REVIEW COMMITTEE:** 9:30 a.m. April 7, Department of Land Management conference room, first floor. Watabe Guam, zone variance and tentative development plan for proposed new Watabe Wedding Building.

**CIVIL SERVICE COMMISSION BOARD:** 5:30 p.m. second floor, April 7, Hakubotan Building, Tamuning. Hearings on P. Quincta v. Guam Waterworks Authority; P. Cruz v. GWA; M.J. Manglona v. GWA; Bills 62, 78 and 87; pay shift policy; **GUAM BOARD OF BARBERING AND**

**COSMETOLOGY:** Special session meeting 8:30 a.m. April 11, Health Professional Licensing Office, Suite 9, 651 Legacy Square Commercial Complex, Route 10, Mangilao. Call Jane Diego, 735-7406/11.

**April 12**  
**CIVIL SERVICE COMMISSION BOARD:** 5:30 p.m. April 12, second floor, Hakubotan Building, Tamuning. Pharmacist pay implementation, judgment: Constance Quintanilla v. Department of Revenue and Taxation; legislative bills affecting CSC; pay shift policy — department/agency heads and first assistant. Call Bianca, 647-1855/57 or TDD 647-1872.

**COMMITTEE ON CRIMINAL JUSTICE, PUBLIC SAFETY, YOUTH AND FOREIGN AFFAIRS:** Public hearing 9 a.m. April 12, Legislature's public hearing room, Hagåtña. Bill 57, establishing safety measures for pocket bikes; Bill 61, formal establishment of critical life-saving Advance Life Support Program within Guam Fire Department; Bill 68, authorizing the attorney general of Guam to convene special grand juries; Bill 86, requiring sex offenders already required to register in Guam to provide notice of each institution of higher education in Guam at which the person is employed, carries a vocation or is a student, to ensure registration information is promptly made available to law enforcement agency with jurisdiction where the institution is located and that it is entered into Guam's sex offender registry system. At 5:30 p.m., Bill 91, prohibiting partial abortions and criminalizing partial birth abortion procedures for reasons other than to save the life or protect health of the mother as a third degree felony.

**April 13**  
**ALCOHOL BEVERAGE**

## ONLINE

▲ For the complete, searchable database of upcoming government meetings, visit [www.guampdn.com](http://www.guampdn.com)



**BOARD:** 5 p.m. April 13, Compliance Branch Office, second floor, Pacific News Building, Archbishop Flores St., Hagåtña. Call 475-1802.

**CHAMORRO LAND TRUST COMMISSION:** 4 p.m. April 13, Department of Land Management conference room, first floor, Anigua. For special accommodations, call 475-4251.

**GUAM ELECTION COMMISSION BOARD:** 4 p.m. April 13, commission conference room, Suite 200, GCIC Building, Hagåtña. For special accommodations, call 477-9791/92.

**April 14**

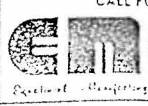
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February 2005 Carrier of the Month Jessica is a 10th grad involved in JROTC and time, she enjoys the interesting out and babysitting are sitcoms and MTV. active lifestyle and to money in the real world required has prepared employment. Jessica's collections are always service yields a complaint.

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- Leyang
- Liguan Terrace
- Machanao
- MaiMai
- Mangilaoj
- Mt. Santa Rosa
- Piti
- Radio Barrigada
- Santa Rita
- Swamp Rd.
- Tai
- Takano Sub.
- Ukudu
- West Brook
- Yona Village

Weekdays

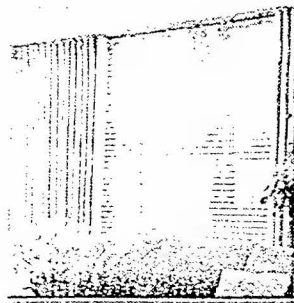
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## LOCAL

### GOVERNMENT MEETINGS

Continued from Page 8

Building, Tamuning; Hearings on P. Guinart vs. Guam Waterworks Authority; P. Cruz vs. GWA; M.J. Manglona vs. GWA; Bills 62, 78 and 87, pay shift policy; department/agency heads and first assistants. For special accommodations, call Bianca, 647-1855/7 or TDD 647-1872.

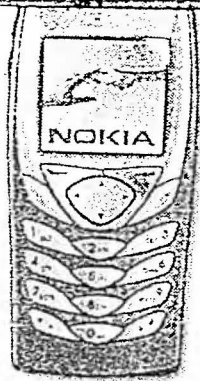
GUAM CONTRACTORS LICENSE BOARD: 10 a.m. April 7, board conference room, Tamuning. Call 649-2211/9676.

April 8  
GOV GUAM RETIREMENT FUND BOARD OF TRUSTEES: Noon April 8, Retirement Fund conference room, 424 Route 8, Maite. For special accommodations, call 475-8900/1.

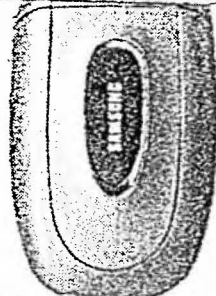
GUAM PAROLE BOARD: Special meeting 8:30 a.m. April 8, Parole Services Division, 404 East Sunset Blvd., Tiyan. For special accommodations, call 473-7001/7005.

Guam Waterworks Authority direct responsible in-charge operator related positions; Guam Memorial Hospital Authority ultrasound technologist job specification amendment. For special accommodations, call Bianca, 647-1855/7 or TDD 647-1872.

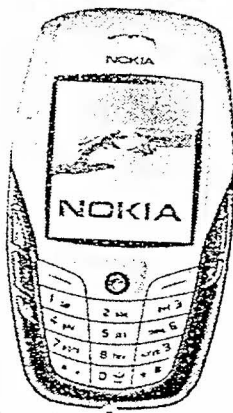
COMMITTEE ON CRIMINAL JUSTICE, PUBLIC SAFETY, YOUTH AND FOREIGN AFFAIRS: Public hearing 9 a.m. April 12, legislature's public hearing room, Hagåtña. Bill 57, establishing safety measures for pocket bikes; Bill 61, formal establishment of critical life-saving Advance Life Support Program within Guam Fire Department requiring promulgation of rules and regulations for operational requirements; Bill 68, authorizing the Attorney General of Guam to convene special grand juries; Bill 86, requiring sex offenders already required to register in Guam to provide notice of each institution of higher education in Guam at which the person is employed, carries a vocation or is a student, to ensure registration information is promptly made available to law enforcement agency with jurisdiction where the institution is located and that it is entered into Guam's sex offender registry system. At 5:30 p.m. Bill 91, prohibiting partial abortions and criminalizing partial-birth abortion procedures for reasons other than to save the life or protect health of the mother as a third-degree felony.



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### GOVERNMENT MEETINGS

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

Bill No. 57 (EC)

Introduced by:

Mike Cruz, M.D.

AN ACT TO AMEND SECTION 1102, CHAPTER 1, TITLE 16 OF THE GUAM CODE ANNOTATED, ADD A NEW SECTION 3306.1, ARTICLE 4, CHAPTER 3, TITLE 16 OF THE GUAM CODE ANNOTATED, AND ADD A NEW SECTION 7176, CHAPTER 7, TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING SAFETY MEASURES FOR POCKET BIKES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that the  
3 increased operation of 'pocket bikes,' of riders as young as five (5) years old,  
4 wearing no approved safety helmets, and going as fast as 70 miles per hour on  
5 Guam's streets and highways has drawn a lot of concern in our community.  
6 According to law enforcement officials' pocket bikes often go through  
7 residential neighborhoods making excessive noise, endangering pedestrians  
8 and other drivers, and are difficult for motorists to see.

9 These small-scale motorcycles are so small they can be carried under  
10 one arm. They can reach speeds of up to seventy miles per hour (70 mph) and  
11 can be purchased for as low as Five Hundred Dollars (\$500) on Guam. Pocket  
12 bikes are popular among all age groups. In the U.S., it gained popularity this  
13 past summer when foreign imports were being sold for as low as Two

1 Hundred Dollars (\$200). The newer models from China, weighing 45 pounds,  
2 are inferior quality. For the most part, they are powered by oil- and gas-  
3 burning engines similar to those used in chain saws, weed whackers or other  
4 small motorized tools. The pocket bikes weigh about 50 pounds, stand about  
5 a foot and a half high and can easily be put in the trunk of a car. They have  
6 tiny engines -- 47cc or 49cc displacement, less than 1/20th the size of a big  
7 motorcycle. Eye level of the rider will usually meet the bumper of oncoming  
8 cars, but more importantly, pocket bikes are so low that oncoming motorists  
9 do not see the rider at eye level. According to news reports, pocket bikes are  
10 usually sold without the approved Federal Motor Vehicle Safety Standards  
11 (FMVSS), including brake lights, red rear reflectors, mirrors, speedometer,  
12 turn signals, horn, or tires.

13 Two children from Southern California have already died while riding  
14 pocket bikes on streets, according to the American Automobile Club of  
15 Southern California. In New York, a 19 year old was killed riding a pocket  
16 bike at night, at a top speed of 40 miles per hour when it hit a pothole. These  
17 bikes have just started to grow in popularity, statistics are scant, but police  
18 officers have witnessed an increase in on-road use this year, and are  
19 concerned about the potential safety impacts. Although there is no estimate of  
20 the number of pocket bikes in Guam or how many accidents have involved  
21 pocket bikes, the proliferation of these miniature motorcycles may bloom into  
22 an island-wide threat to public safety, and has already become a public  
23 concern throughout the media. *I Liheslaturan Guåhan* finds that the motor  
24 vehicle code must include pocket bikes to address this issue.

1 Section 2. Section 1102, Chapter 1, Title 16 Guam Code Annotated is  
2 hereby amended to read as follows:

3 § 1102. Definitions. Unless the context otherwise requires, the  
4 definitions set forth in this Section govern the construction of this Title:

5 (rr) A pocket bike is a two-wheeled motorized recreational vehicle  
6 having a motor less than 50 cc's, below 30 inches in height,  
7 weighing about 50 pounds; designed to be driven on smooth  
8 roadways, is capable of exceeding a speed in excess of thirty  
9 miles per hour (mph), and/or having a power rating not in  
10 excess of two (2) horsepower.

11 Section 3. A new Section 3306.1, Article 4, Chapter 3, Title 16 Guam  
12 Code Annotated is hereby added to read as follows:

13 § 3306.1. Pocket Bikes: Penalty.

14 (a) No person shall ride a pocket bike on highways, roadways,  
15 residential districts, or sidewalks.

16 (b) All riders under the age of sixteen (16) shall have adult  
17 supervision.

18 (c) A person who violates this provision is subject to a fine not to  
19 exceed One Hundred Dollars (\$100.00) and/or impoundment.

20 All costs of impoundment shall be paid by the registered  
21 owner.

22 Section 4. Section 7176, Chapter 7, Title 16 Guam Code Annotated  
23 is hereby added to read as follows:

1           § 7176. Pocket Bikes: Registration. The Department of Revenue and  
2 Taxation shall register and issue to the owner of a *pocket bike* a registration  
3 card, which is used for proof of ownership purposes only. The issuance and  
4 registration fee is Ten Dollars (\$10.00). Registered owner is responsible for the  
5 operation of the pocket bike regardless of the age of the operator.