

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

Bill No. 131 (EC)

Introduced by:

L.A. Leon Guerrero *L.A.*

AN ACT TO STRENGTHEN THE ENFORCEMENT OF ACCESSIBLE PARKING FOR PERSONS WITH DISABILITIES ACT THROUGH THE AMENDMENT OF SECTIONS 3401.1 (h) AND (e) OF ARTICLE 4 OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED; BY ADDING A NEW ITEM (3)(d) TO SECTION 12108 OF CHAPTER 12 OF TITLE 16, GUAM CODE ANNOTATED; AND TO APPROPRIATE FIVE THOUSAND DOLLARS (\$5,000) TO THE DEPARTMENT OF INTEGRATED SERVICES FOR INDIVIDUALS WITH DISABILITIES (DISID) FOR TRAINING OF PERSONS DESIGNATED TO ISSUE CITATIONS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 finds that while there is an existing law that provides for accessible
4 parking for persons with disabilities and that this law also includes fines
5 and penalties for violators, lack of enforcement has resulted in physical
6 hardship and distress for those persons with disabilities wishing to park
7 in the accessible area but are unable to because of those who are illegally
8 parked. Current law stipulates that the Guam Police Department,
9 individuals designated by the Department of Integrated Services for
10 Individuals with Disabilities (DISID), Nonprofit Organizations (NPOs)
11 and private security personnel can issue citations for those violating the
12 law. However, because of the lack of funding, enforcement has been
13 problematic.

1 Additionally, *I Liheslatura* finds that persons who are authorized to
2 issue citations should be inclusive of the community.

3 Therefore, it is the intent of *I Liheslatura* to make the Accessible
4 Parking for Persons with Disabilities Act more enforceable, by
5 appropriating funds for the training of individuals to issue citations to
6 violators of this law and to include other stakeholders in the
7 community.

8 **Section 2.** Subsection (h) of Section 3401.1 of Article 4 of
9 Chapter 3 of Title 16, Guam Code Annotated, is hereby amended to
10 read:

11 “(h) ~~Private~~ Persons Authorized to Issue Citations.
12 Private and Government Security Personnel; Mayors; Vice
13 Mayors; Department of Integrated Services for Individuals with
14 Disabilities personnel; persons from the public designated by
15 the Director of the Department of Integrated Services for
16 Individuals with Disabilities; and persons who are ~~designated~~
17 ~~by the Department of Integrated Services for Individuals with~~
18 ~~Disabilities and employed~~ selected by Nonprofit Organizations
19 (NPOs) representing or serving people with disabilities and
20 who are designated by the Director of the Department of
21 Integrated Services for Individuals with Disabilities, are hereby
22 authorized to issue citations to enforce the provisions of this
23 ~~Act~~ Section provided they obtain proper training in law
24 enforcement, as evidenced by a certificate of completion from
25 an accredited law enforcement academy or institute. Citation
26 forms may be distributed by the Traffic Violations Bureau
27 ~~Guam Police Department~~ for use in the enforcement of this
28 Chapter.”

1 **Section 3.** Subsection (e) of Section 3401.1 of Article 4 of
2 Chapter 3 of Title 16, Guam Code Annotated, is hereby amended to
3 read:

4 “(e) A violation of subsections (b), (c) or (d), of this
5 Section shall be punished by a fine of not less than Three
6 Hundred Dollars (\$300.00) and not more than Five Hundred
7 Dollars (\$500.00). All fines are imposed by the court shall be
8 deposited into the Accessible Parking Fund maintained by the
9 Department of Integrated Services for Individuals with
10 Disabilities pursuant to 5 GCA §50111(c). Additionally, upon
11 issuance of a citation, a vehicle which is illegally parked
12 pursuant to this Subsection may be towed, and the owner of the
13 vehicle shall be liable for reasonable towing expenses, which
14 charges shall constitute a lien against the offending vehicle.”

15 **Section 4.** A new item (3)(d) is hereby added to Section 12108
16 of Chapter 12 of Title 16, Guam Code Annotated, to read as follows:

17 “(d) A tow truck owner or operator who has been
18 instructed by a law enforcement officer or any persons
19 authorized by 16 GCA §3401.1(h) to implement 16 GCA
20 §3401.1.”

21 **Section 5.** There is hereby appropriated from the General Fund
22 to the Department of Integrated Services for Individuals with
23 Disabilities the Sum of Five Thousand Dollars (\$5,000.00) for the
24 purpose of funding for the training of persons designated by the
25 Department of Integrated Services for Individuals with Disabilities,
26 pursuant to 16 GCA §3401.1(h), to issue citations to enforce the
27 provisions of the Accessible Parking for Persons with Disabilities Act
28 (16 GCA §3401.1).

1 **Section 6. Severability.** If any of the provisions of this Act or the
2 application thereof to any person or circumstance is held invalid, such
3 invalidity shall not affect any other provision or application of this Act
4 which can be given effect without the invalid provision or application,
5 and to this end the provisions of this Act are severable.