

**MINA BENTE OCHO NA LIHESLATURAN GUAHAN
2006 (SECOND) Regular Session**

Introduced

DEC 01 2006

Bill No. ~~(LS)~~ 403 CEC

Introduced by:

R. J. Respicio

AN ACT TO AMEND §§3310, 3312 AND 5114 OF
CHAPTER 3 OF TITLE 16 GCA RELATIVE TO
ADDING ADDITIONAL REASONS OPERATORS OF
VEHICLES ON THE ROADWAYS OF GUAM MAY
NOT BE REQUIRED TO TRAVEL IN THE RIGHT-
HAND LANE FOR TRAFFIC OR AS CLOSE AS
PRACTICABLE TO THE ROAD'S RIGHT-HAND
EDGE OR CURB, AND TO REMOVE A
PROHIBITION ON OPERATION DURING CERTAIN
HOURS.

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

2 **Section 1. Statement of Legislative Findings and Purpose.** *I Mina*

3 *Bente Ocho Na Liheslaturan Guahan* finds that vehicles including trucks,
4 tractors, trailers, or any combination thereof are unable on occasion, to
5 operate on the right-hand lanes of Guam's roadways because of reasons
6 that are not enumerated in Guam law, including but not limited to the
7 following: (a) some lanes are narrower than the 12-foot width widely
8 considered to be the minimum for safety; (b) there is no shoulder or
9 sidewalk along some roadways on which pedestrians can travel and thus
10 they walk in the street; and (c) the edge of some narrower roadways are
11 rutted and unsafe.

12 *I Liheslatura* finds that safety on our highways must always be of
13 paramount concern in our island's canon of laws, however some operators
14 maintain that they have been cited for traffic violations when refusing to
15 travel in the right-hand lane, because of the unsafe road conditions that
16 they perceived to exist in such lanes.

1 *I Liheslatura* additionally finds that the operating hours prohibition
2 contained in §5114 is unduly restrictive and should be changed to the
3 discretion of the Director of Public Works.

4 Therefore *I Liheslatura* finds that §§3310 and 3312 of Chapter 3 of Title
5 16 GCA must be amended to provide for greater safety on our roadways
6 and that §5114 of Chapter 3 of Title 16 GCA should be amended to allow
7 operations at all hours unless restricted by the Director of Public Works.

8 **Section 2. §3310 of Chapter 3 of Title 16 GCA is amended to read:**

9 **“§3310. Driving in Right-Hand Lane.**

10 Upon all highways any vehicle or bicycle shall be driven in the
11 right-hand lane for traffic or as close as practicable to the right-hand
12 edge or curb, except when overtaking and passing another vehicle
13 proceeding in the same direction or when preparing for a left turn at
14 an intersection or into a private road or driveway or when driving in
15 the lane would be unsafe in the opinion of the operator due to
16 narrow lane width (less than 12 feet), lack of a shoulder or for other
17 reasons affecting highway safety.”

18 **Section 3. §3312 of Chapter 3 of Title 16 GCA is amended to read:**

19 **“§3312. Certain Vehicles to be Driven in Right-Hand Lane.**

20 When any truck, tractor, trailer, or any combination thereof
21 with a gross weight of vehicle and load of ten thousand (10,000)
22 pounds or more is being driven on any highway, it shall be driven in
23 the right-hand lane for traffic or as close as practicable to the right
24 edge or curb, except when overtaking and passing another vehicle
25 proceeding in the same direction or when preparing for a left turn at
26 an intersection or into a private road or driveway or when driving in
27 the lane would be unsafe in the opinion of the operator due to
28 narrow lane width (less than 12 feet), lack of shoulder or other

1 reasons affecting highway safety.”

2 **Section 4. Subitems (h) and (i) of §5114 of Chapter 3 of Title 16**
3 **GCA are amended to read:**

4 “(h) Any vehicle issued with a permanent special
5 equipment license or requiring a special permit, as required
6 under this Chapter, ~~shall~~ may be prohibited from operating on
7 the highways during the hours of 7:00 to 9:00 a.m., 12:00 to 1:00
8 p.m. and 4:00 to 6:00 p.m., Mondays through Fridays, ~~except in~~
9 ~~eases of emergencies or~~ at the ~~direction~~ discretion of the
10 Director of Public Works.

11 (i) In the event of disputes over Department of Public
12 Works policy an Appeal Board shall be convened upon written
13 request to the chairman of the Appeal Board. The Board shall
14 consist of three (3) members. One (1) member from the Guam
15 Contractors Association, one ~~or~~ a member from the community
16 at large, and the ~~Director of Public Safety~~ Chief of Police or his
17 authorized representative ~~and the Chairman of the Guam~~
18 ~~Transit Authority~~, who shall serve as chairman of this Appeal
19 Board. The decision of the Appeal Board shall be binding on all
20 parties.”