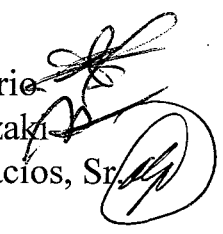


I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 123 (EC)

Introduced by:

Ray Tenorio
F. T. Ishizaki
A. B. Palacios, Sr.



**AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 18
OF 16GCA RELATIVE TO IGNITION INTERLOCK
DEVICES.**

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

2

3 **Section 1.** A new Article is hereby *added* to Chapter 18 of 16GCA to read:

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Article 4

6

Ignition Interlock Devices

7

§18401. Ignition interlock devices, requiring; unlawful acts.

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§18402. Ignition interlock devices, certification; warning label.

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§18401. Ignition interlock devices, requiring; unlawful acts.

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(1) In addition to any other authorized penalties, the court may require that any person who is convicted of driving under the influence in violation of this Chapter shall not operate a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in §18402 of this Article, and installed in such a manner that the vehicle will not start if the operator's blood alcohol level is in excess of five one-hundredths of one percent (0.05%) or as otherwise specified by the court. The court may require the use of an approved

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1 ignition interlock device for a period of not less than six (6) months, if the person is
2 permitted to operate a motor vehicle, whether or not the privilege to operate a motor
3 vehicle is restricted, as determined by the court. The court, however, shall order
4 placement of an ignition interlock device in those circumstances required by this
5 Chapter.

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7 (2) If the court imposes the use of an ignition interlock device, the court shall:

8 (a) Stipulate on the record the requirement for, and the period of, the use of a
9 certified ignition interlock device.

10 (b) Order that the records of the department reflect such requirement.

11 (c) Order that an ignition interlock device be installed, as the court may
12 determine necessary, on any vehicle owned or operated by the person.

13 (d) Determine the person's ability to pay for installation of the device if the
14 person claims inability to pay. If the court determines that the person is unable
15 to pay for installation of the device, the court may order that any portion of a
16 fine paid by the person for a violation of this Chapter shall be allocated to
17 defray the costs of installing the device.

18 (e) Require proof of installation of the device and periodic reporting to the
19 department for verification of the operation of the device in the person's
20 vehicle.

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22 (3) If the court imposes the use of an ignition interlock device on a person whose
23 driving privilege is not suspended or revoked, the court shall require the person to
24 provide proof of compliance to the department within thirty (30) days. If the person
25 fails to provide proof of installation within that period, absent a finding by the court

1 of good cause for that failure which is entered in the court record, the court shall
2 notify the Department of Revenue and Taxation.

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4 (4) If the court imposes the use of an ignition interlock device on a person whose
5 driving privilege is suspended or revoked for a period of less than three (3) years, the
6 department shall require proof of compliance before reinstatement of the person's
7 driving privilege.

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9 (5) (a) In addition to any other provision of law, upon conviction of a violation of
10 this section the department shall revoke the person's driving privilege for one
11 (1) year from the date of conviction. Upon conviction of a separate violation of
12 this section during the same period of required use of an ignition interlock
13 device, the department shall revoke the person's driving privilege for five (5)
14 years from the date of conviction.

15 (b) Any person convicted of a violation of subsection (6) who does not have a
16 driver's license shall, in addition to any other penalty provided by law, pay a
17 fine of not less than Two Hundred Fifty Dollars (\$250) or more than Five
18 Hundred Dollars (\$500) per each such violation. In the event that the person is
19 unable to pay any such fine, the fine shall become a lien against the motor
20 vehicle used in violation of subsection (6) and payment shall be made pursuant
21 to 16GCA: §7172.

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23 (6) (a) It is unlawful to tamper with, or to circumvent the operation of, a court-
24 ordered ignition interlock device.

25 (b) It is unlawful for any person whose driving privilege is restricted pursuant
26 to this section to request or solicit any other person to blow into an ignition

1 interlock device or to start a motor vehicle equipped with the device for the
2 purpose of providing the person so restricted with an operable motor vehicle.

3 (c) It is unlawful to blow into an ignition interlock device or to start a motor
4 vehicle equipped with the device for the purpose of providing an operable
5 motor vehicle to a person whose driving privilege is restricted pursuant to this
6 section.

7 (d) It is unlawful to knowingly lease or lend a motor vehicle to a person who
8 has had his or her driving privilege restricted as provided in this section,
9 unless the vehicle is equipped with a functioning, certified ignition interlock
10 device. Any person whose driving privilege is restricted under a condition of
11 probation requiring an ignition interlock device shall notify any other person
12 who leases or loans a motor vehicle to him or her of such driving restriction.

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14 (7) Notwithstanding the provisions of this section, if a person is required to operate a
15 motor vehicle in the course and scope of his or her employment and if the vehicle is
16 owned by the employer, the person may operate that vehicle without installation of
17 an approved ignition interlock device if the employer has been notified of such
18 driving privilege restriction and if proof of that notification is with the vehicle. This
19 employment exemption does not apply, however, if the business entity which owns
20 the vehicle is owned or controlled by the person whose driving privilege has been
21 restricted.

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23 (8) In addition to the penalties provided in this section, a violation of this section is a
24 traffic violation, punishable as a nonmoving violation as provided in Title 16:
25 Chapter 9.

1 **§18402. Ignition interlock devices, certification; warning label.**

2 (1) The Department of Revenue and Taxation shall certify or cause to be certified the
3 accuracy and precision of the breath-testing component of the ignition interlock
4 devices as required by §18401 of this Article, and shall publish a list of approved
5 devices, together with rules governing the accuracy and precision of the breath-
6 testing component of such devices as adopted by rule in compliance with §18401 of
7 this Article. The cost of certification shall be borne by the manufacturers of ignition
8 interlock devices.

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10 (2) No model of ignition interlock device shall be certified unless it meets the
11 accuracy requirements specified by rule of the department.

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13 (3) The Department of Revenue and Taxation shall design and adopt by rule, a
14 warning label which shall be affixed to each ignition interlock device upon
15 installation. The label shall contain a warning that any person tampering,
16 circumventing, or otherwise misusing the device is guilty of a violation of law and
17 may be subject to civil liability.