

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

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PUS

Bill No. 163(LS)

Introduced by:

F.T. Ishizaki

F.F. Blas, Jr.

RAY TENORIO

A. B. PALACIOS, SR.

AN ACT TO AMEND §3603(b) OF ARTICLE 6 OF CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED; AND TO REPEAL AND REENACT §3601(e) OF ARTICLE 6 OF CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED AND §3209(c) OF ARTICLE 2 OF CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE USE AND TESTING OF SUN SCREENING DEVICES ON MOTOR VEHICLES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds

3 that it is in the public interest to regulate the use of, and determine provisions

4 for sun screening devices used on motor vehicles parked or driven on the

5 public highways or roadways of Guam. On a daily basis, law enforcement

6 personnel encounter motor vehicles using various types and shades of tint

7 which endanger safe operations of vehicles on our roadways. Dangerous

8 occurrences could be mitigated or avoided with adequate visibility inside

9 motor vehicles by use of lighter, or no shades of tint. The ability to view into

10 motor vehicles through the windows enhances the effectiveness of the Amber

1 Alert Program, a national child safety program which activates law  
2 enforcement agencies, the media, and the public to locate abducted children.  
3 During the course of traffic accident investigations, law enforcement officials  
4 have encountered that the lack of visual communication between drivers of  
5 motor vehicles has been known to be a contributing factor to a very significant  
6 number of accidents. Dark or reflective tinting prevents eye contact and  
7 visual communication between drivers. It is also in the interest of law  
8 enforcement agencies to be able to see into motor vehicles operated on our  
9 roadways in order to effectively enforce traffic laws such as the use of  
10 passenger restraint devices required by 16 GCA Chapter 26. Also, reflective  
11 tint has been known to cause distractions or temporary blindness to other  
12 motor vehicle operators while driving. These distractions could lead to  
13 disastrous results. In the interest of protecting law enforcement officers from  
14 assault or injury during legal and necessary vehicular stops, adequate visual  
15 inspection must be afforded to our officers. Military installations on Guam  
16 concur with many of the concerns associated with window tinting, and have  
17 adopted a standard which is acceptable to the military community and *I*  
18 *Liheslaturan Guahan*.

19 It is the intent of *I Liheslaturan Guahan* to amend provisions of the law  
20 which allow for the use of sun screening devices, provide for the inspection  
21 and testing of sun screening devices, and establish penalties for non-  
22 compliance of law, while used on a motor vehicle on the public highways or

1 roadways of Guam.

2           **Section 2. Inspection Station Equipment.** §3603(b) of Article 6 of  
3 Chapter 3 of Title 16 of the Guam Code Annotated is hereby *amended* to read:

4                           **§ 3603. Inspection Stations.**

5           (b) The Director of Revenue and Taxation shall not issue  
6 authorization for an official vehicle inspection station unless the following  
7 equipment is present and operating on the inspection premises:

8                           (1) wheel alignment gauge or testing machine;

9                           (2) brake tester;

10                          (3) light transmittance meter;

11                          ~~(3)~~(4) headlight testing machine; and

12                          ~~(4)~~(5) any other equipment found necessary by the Director  
13 of Revenue and Taxation.

14           **Section 3. Inspection and Testing.** §3601(e) of Article 6 of Chapter 3 of  
15 Title 16 of the Guam Code Annotated is hereby *repealed and reenacted* to read:

16                           **§ 3601. Safety Inspection Required.**

17           (e) No motor vehicle using any sun screening device or  
18 combination of devices in conjunction with the glazing material of a motor  
19 vehicle, except those in compliance with § 3209(c) of Article 2 of Chapter 3 of  
20 Title 16 of the Guam Code Annotated, shall be issued an official certificate  
21 indicating the motor vehicle passed a safety inspection.

22           **Section 4. Windshields and Windows.** § 3209(c) of Article 2 of Chapter

1 3 of Title 16 of the Guam Code Annotated is hereby *repealed and reenacted* to  
2 read:

3 **§ 3209. Windshields and Windows.**

4 (c) No person shall operate, permit the operation of, cause to be  
5 operated, or park any motor vehicle on a public highway or roadway of  
6 Guam, if the glazing material of the motor vehicle is used in conjunction with  
7 sun screening devices is in violation of this section by subsection (1) hereof.

8 No person shall install, mount, adhere, affix, or use any sun screening  
9 device or combination of devices in conjunction with the glazing material of a  
10 motor vehicle which would make the glazing material mirror-like reflective or  
11 mirror-like reflective in any color. A safety inspection required under §  
12 3601(e) of Article 6, Chapter 3, Title 16, Guam Code Annotated, shall include a  
13 light transmittance test, with an approved light meter authorized by the  
14 Director of Revenue and Taxation, to ensure that the glazing material used in  
15 conjunction with sun screening devices meet the requirements specified in  
16 this section.

17 (1) This section shall not apply to:

18 (a) Rearview mirrors.

19 (b) Adjustable nontransparent sun visors, which are  
20 mounted forward of the side windows and are not attached to the glazing  
21 material.

22 (c) Signs, stickers, or other materials which are displayed in

1 a seven-inch square in the lower corner of the windshield farthest removed  
2 from the driver or signs, stickers, or other materials which are displayed upon  
3 the side windows of the vehicle to the rear of the driver and so placed that  
4 said materials will not obstruct the driver's clear view of approaching traffic,  
5 or any current decalcomania issued by the Armed Forces of the United States  
6 or the Government of Guam.

7 (d) Transparent sun screening film materials which are  
8 installed, affixed, or applied along the top edge of the windshield so long as  
9 such materials measure no lower than six (6) inches below the top of the  
10 windshield, when measured from the bottom edge of the top windshield  
11 molding.

12 (e) Sun screening devices for front side wing vents and  
13 windows which, when used in conjunction with the glazing material, have a  
14 light transmittance of at least eighty (80) percent, plus or minus two (2)  
15 percent.

16 (f) Sun screening devices for side windows, which are to the  
17 rear of the driver, and rear windows necessary for driving visibility.

18 (g) Privacy drapes, curtains, or blinds, or any combination,  
19 installed on the interior of motor homes.

20 (2) Any person who violates this section shall be fined not less  
21 than \$50 and no more than \$250 for each separate offense.

22 (3) This section shall become enforceable ninety (90) calendar

1 days after enactment into law.

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