

**MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
**2008 (SECOND) Regular Session**

Bill No. 234 (LS)

Introduced by:

J.P. Guthertz  
R.J. Respicio  
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AN ACT TO AMEND TITLE 16 GUAM CODE ANNOTATED CHAPTER 1 §§ 1102, 1103 AND 1104, AND TO ADD A NEW TITLE 16 GUAM CODE ANNOTATED ARTICLE 4 CHAPTER 3 § 3307.1, AND TO ADD A NEW TITLE 16 GUAM CODE ANNOTATED ARTICLE 4 CHAPTER 3 § 3308.1 TO §3308 RELATIVE TO THE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (EPAMD).

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

3 finds that personal travel device options are available in the marketplace  
4 for the citizens of Guam, and to benefit of Guam's visitors. One such device  
5 is the "Electric Personal Assistive Mobility Device" (EPAMD). The EPAMD  
6 is a self-balancing, two-wheeled device designed to transport only one  
7 person, solely powered by an electric propulsion system, with a maximum  
8 speed of twelve and a half miles per hour.

9 The (EPAMD) employs advances in technology and energy efficiency  
10 to fully and safely integrate the user with pedestrian transportation, while  
11 enabling individuals to travel farther and carry more without the use of

1 traditional vehicles. This can result in gains in productivity, minimize  
2 environmental impact, and facilitate better use of public spaces.

3 *I Liheslaturan Guåhan* finds that Guam’s motor vehicle code must  
4 include the Electric Personal Assistive Mobility Device to address the use  
5 of this new technology for the community of Guam.

6 **Section 2. In order to distinguish the Electric Personal Assistive**  
7 **Mobility Device (EPAMD) from a bicycle, and a bicycle with a motor,**  
8 **paragraphs (a), (s) and (oo) contained in Title 16 Guam Code Annotated**  
9 **Chapter 1 § 1102, “Definitions,” are hereby amended to read:**

10 “(a) *A bicycle equipped with a motor* is a two (2) tandem wheeled  
11 vehicle or a three-wheeled vehicle equipped with a motor having a  
12 power rating not in excess of two (2) horsepower and is designed to  
13 travel on not more than three (3) wheels in contact with the ground.”

14 “(s) *A motor vehicle* is a vehicle which is self-propelled  
15 excluding bicycle, [~~and~~] bicycle equipped with a motor, and electric  
16 personal assistive mobility device (EPAMD).”

17 “(oo) *A vehicle* is a device in, upon or by which any person or  
18 property is or may be propelled, moved or drawn upon a highway,  
19 except a device moved by human power or used exclusively upon  
20 stationary rails or tracks or an electric personal assistive mobility  
21 device.”

1           **Section 3. Title 16 Guam Code Annotated Chapter 1 § 1103 is**  
2 *amended to read:*

3           **“§1103. Definition: Bicycle.** *A bicycle is a motorless contrivance*  
4 *operated with two tandem wheels but not more than three (3) wheels*  
5 *in contact with the ground and propelled by human power. “*

6           **Section 4. A new Subitem (a.1) is added to Title 16 Guam Code**  
7 **Annotated Chapter 1 § 1104 to read:**

8           **“(a.1) An Electric Personal Assistive Mobility Device (EPAMD) is a**  
9 **self-balancing two non-tandem-wheeled device with an electric**  
10 **propulsion system with an average of 750 watts (1 horsepower)**  
11 **that limits the maximum speed of the device to 12.5 miles per**  
12 **hour or less and that is designed to transport only one person at**  
13 **a maximum speed of 12.5 miles per hour. An Electric Personal**  
14 **Assistive Mobility Device (EPAMD) shall have a maximum**  
15 **footprint of 33 inches in width by 26.5 inches in length by 50**  
16 **inches high and shall weigh no greater than 150 pounds.”**

17           **Section 5. A new § 3307.1, is hereby added to Title 16 Guam Code**  
18 **Annotated Article 4 Chapter 3 to read:**

19           **“§ 3307.1 Electric Personal Assistive Mobility Device:**  
20 **Riding on Sidewalks, Roadways and Bicycle Paths.**

1                   (a) Electric Personal Assistive Mobility Devices (EPAMD)  
2                   shall be allowed to operate on and use safety zones, bicycle  
3                   paths, and sidewalks. An Operator of an Electric Personal  
4                   Assistive Mobility Device (EPAMD) shall exercise due care to  
5                   avoid colliding with, and shall yield the right-of-way to,  
6                   persons traveling on foot and those utilizing mobility aids.

7                   (b) Only if safety zones, bicycle paths, and sidewalks are  
8                   not available, or if available sidewalks are not Americans with  
9                   Disabilities Act (ADA) compliant, shall EPAMDs be allowed to  
10                  use Guam's roadways where the posted speed limit is 25 miles  
11                  per hour or less.

12                  (c) Persons operating an EPAMD on a roadway shall ride  
13                  as near to the right side of the roadway as practicable,  
14                  exercising due care when passing a standing vehicle or one  
15                  proceeding in the same direction. They shall ride in single file;  
16                  provided that upon paths or parts of roadways set aside for the  
17                  exclusive use of bicycles, bicycles equipped with motors, or  
18                  Electric Personal Assistive Mobility Devices, riding two (2)  
19                  abreast shall be permitted, unless otherwise prohibited by rule  
20                  or regulation adopted by the Director of Public Works.

1                   (d) An operator of an EPAMD shall be no less than 16  
2                   years of age with one exception: Operators may be twelve to  
3                   fifteen years old if accompanied and supervised by an adult  
4                   who is at least eighteen years old. Operators under sixteen  
5                   years of age are required to wear a Consumer Products Safety  
6                   Commission approved bicycle helmet.

7                   (e) EPAMD tour operators shall limit tour customers to a  
8                   maximum speed of 8 mph while operating within Tumon Bay  
9                   as defined in paragraph C, Section 3701, Title 16, Guam Code  
10                  Annotated.

11                  (f) An EPAMD operator shall give an audible signal  
12                  before overtaking and passing any pedestrian.

13                  (g) An EPAMD shall be equipped with reflectors and a  
14                  headlamp when operating between one-half hour after sunset  
15                  and one-half hour before sunrise.

16                  (h) Any person violating any part of this Section 3307.1 is  
17                  guilty of a misdemeanor and upon conviction thereof shall be  
18                  punished by a fine not to exceed One Hundred Dollars  
19                  (\$100.00)."

20                  **Section 6. A new § 3308.1 is added to Title 16 Guam Code**  
21                  **Annotated Article 4, Chapter 3 to read:**

1           **“§ 3308.1 Operation of EPAMD.**

2           While operated on any highway, an EPAMD shall be  
3           considered a vehicle for all purposes of highway traffic operation  
4           regulations and control as set forth in this Code.”

5           **Section 7. Severability.** *If any provision of this Act or its application*  
6           *to any person or circumstances is held invalid, the invalidity shall not affect*  
7           *other provisions or applications of this Act which can be given effect*  
8           *without the invalid provision or application, and to this end the provisions*  
9           *of this Act are severable.*