

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

Bill No. 332(LS)

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2008 JUL -9 PM 3:17

AN ACT TO ADD A NEW §1102(rr), AND A NEW §3347 TO TITLE 16 GUAM CODE ANNOTATED, TO AMEND §9502(a) OF TITLE 7 GUAM CODE ANNOTATED, AND TO AUTHORIZE THE GUAM POLICE DEPARTMENT TO INSTALL AND OPERATE AN AUTOMATED TRAFFIC SIGNAL MONITORING SYSTEM TO MONITOR, RECORD AND CITE DRIVERS NOT IN COMPLIANCE WITH TRAFFIC SIGNAL LIGHTS AT INTERSECTIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds
3 that a study conducted by the National Highway Traffic Safety
4 Administration (NHTSA), reports that in 2005 alone, nearly 9,200 people died,
5 and approximately one million people were injured in intersection related
6 vehicular crashes nationwide. In addition, nearly 40-45 percent of all
7 vehicular crashes occur at intersections or are intersection-related. According

1 to 2005 data from NHTSA's Fatality Analysis Reporting System, crashes
2 caused by red light running resulted in an estimated 805 fatalities nationwide.
3 On Guam alone in 2007, four out of 25 vehicular crash fatalities occurred at
4 intersections or were intersection-related. *I Liheslaturan Guahan* also finds that
5 the use of conventional police enforcement of monitoring intersections to
6 deter the running of red traffic lights is not feasible due to the lack of
7 resources that would allow police to constantly patrol and monitor
8 intersections to cite those who run red lights.

9 *I Liheslaturan Guahan* further finds that nationwide, States have begun
10 developing legislation that will enforce such violations to decrease vehicular
11 crashes on the highways and roadways. One increasingly popular method
12 has been the use of automated traffic cameras to take pictures of any vehicles
13 that run red traffic lights. The photograph documents the vehicle and driver,
14 the license plate, the red light and the vehicle location within the intersection
15 at the time the violation occurred. Studies have shown that photographic
16 monitoring of intersections have been successful in reducing the incidence of
17 traffic law violations at those intersections, resulting in safer travel for the
18 general public.

19 It is the intent of *I Liheslaturan Guahan* to increase driver awareness as to
20 the safety of obeying red traffic lights, to enforce red light violations without
21 discrimination, reduce vehicular crashes at intersections, and to improve the
22 overall safety of the roadways by authorizing the Guam Police Department to

1 request for proposals to outsource an automated traffic signal monitoring
2 system at intersections on the highways of Guam.

3 **Section 2.** A new subsection (rr) is added to §1102 of 16 GCA to read:

4 “(rr) An *automated traffic signal monitoring system* is a system that
5 consists of a photographic, video, or electronic camera and vehicle sensor
6 installed to work in conjunction with an electrically operated traffic signal to
7 automatically produce photographs, video, or digital images of each vehicle
8 violating the directions of any traffic signal.”

9 **Section 3.** A new §3347 is hereby added to Title 16 GCA to read as
10 follows:

11 **“§3347 Automated Traffic Signal Monitoring System.**

12 **(a) Authorization.** The Guam Police Department is authorized to
13 install and operate, or contract, in accordance with the Guam
14 Procurement Law, for the installation or operation of an
15 automated traffic signal monitoring system, to photograph
16 vehicles and drivers who violate provisions of §3339 of Title 16
17 GCA, by failing to obey a traffic signal. The automated traffic
18 signal monitoring system may be situated at intersections with
19 traffic lights or other suitable areas as determined by the
20 Guam Police Department, whom may consult with the
21 Department of Public Works. The Guam Police Department
22 shall not install, operate, or contract an automated traffic

1 signal monitoring system that does not clearly depict on a
2 photograph or an image made by the system, the vehicle, and
3 the license plate attached to the vehicle. In accordance with
4 this section, the Guam Police Department shall:

5 (1) Conduct a public information campaign to inform the
6 general public about the use of an automated traffic
7 signal monitoring system sixty (60) days before actual
8 implementation.

9 (2) Conduct annual evaluations of the citations issued to
10 violators of §3339 Title 16 GCA, and determine the
11 impact on traffic safety. The results of the annual
12 evaluation shall be published on the Guam Police
13 Department's official website, as well as be made
14 publicly accessible by the office of the Chief of Police.

15 **(b) Citation Permitted.** Notwithstanding any other provision of
16 law, a citation may be issued on the basis of photographs or
17 images generated by an automated traffic signal monitoring
18 system if the following conditions are met:

19 (1) Signs are posted as conspicuously as practicable near
20 each intersection at which an automated traffic signal
21 monitoring system is installed, indicating that
22 obedience with traffic signals may be enforced by the

1 use of an automated traffic signal monitoring system
2 with cameras;

3 (2) At least one of the photographs or images generated by
4 the automated traffic signal monitoring system clearly
5 depicts the license plate number attached to the vehicle;

6 (3) The citation is mailed to the last known mailing address
7 on file at the Department of Motor Vehicles of the
8 registered owner of the vehicle within thirty (30)
9 calendar days of the alleged violation;

10 (4) A Police Officer has reviewed the photographs or
11 images generated by the automated traffic signal
12 monitoring system and signed a statement affirming
13 that a violation(s) has occurred, and signed the citation.

14 **(c) Criteria for Issuance of Citation.** A citation issued under this
15 section must consist of the following information:

16 (1) The date and time of the alleged violation(s);

17 (2) The location where the alleged violation(s) occurred;

18 (3) Citing of the appropriate violation or violations alleged;

19 (4) The description and the license plate number of the
20 vehicle involved in the alleged violation(s);

21 (5) The name and address of the registered owner of the
22 vehicle involved in the alleged violation;

1 (6) A copy of a photograph or image generated by an
2 automated traffic signal monitoring system that depicts
3 the vehicle and the license plate number of the vehicle
4 involved in the alleged violation(s);

5 (7) A statement by a Police Officer affirming that

6 (a) the vehicle depicted in the photograph or
7 image generated by an automated traffic
8 signal monitoring system was operated in
9 violation of §3339 Title 16 GCA, and;

10 (b) the photograph or image generated by an
11 automated traffic signal monitoring system
12 is *prima facie* evidence in a proceeding for the
13 imposition of a fine for a violation of §3339
14 Title 16 GCA, and;

15 (c) the registered owner has the option of
16 transferring liability for the violation to
17 another person if another person was
18 operating the vehicle at the time and place
19 that the violation occurred, in accordance
20 with subsection (e) of this section.

21 (8) The amount of the fine assessed;

22 (9) The date by which the fine must be paid.

1 **(d) Delivery of Citation by Mail.** A citation for violations issued
2 on the basis of photographs or images generated by an
3 automated traffic signal monitoring system may be delivered
4 by mail or other means to the registered owner of the vehicle.
5 A citation is presumed to have been received by the registered
6 owner on the fifth day after the date the citation is mailed.

7 **(e) Transfer of Liability of Registered Owner.**

8 (1) The registered owner of a vehicle may request to
9 transfer liability for the violation(s) to another person
10 by submitting to the Traffic Court within thirty (30)
11 days from the mailing of the citation, on a declaration
12 form to be provided by the Traffic Court, if;

13 (i) At the date and time of the alleged violation(s),
14 another person was operating the vehicle, and the
15 registered owner provides the name and current
16 mailing or physical address of the person;

17 (ii) The registered owner was a person in the
18 business of renting or leasing vehicles at that
19 time, and provides a statement that the vehicle
20 was in the custody and control of a renter or
21 lessee under the terms of a vehicle rental or lessee
22 agreement, and provides the drivers license

1 number, and name and current mailing or
2 physical address of the renter or lessee;

3 (iii) The registered owner was any business or
4 government entity at that time, and provides a
5 statement that the vehicle was in the custody and
6 control of an employee, and provides the drivers
7 license number, and name and current mailing or
8 physical address of the employee;

9 (iv) The registered owner transferred ownership of
10 the vehicle to another person before the date and
11 time of the violation(s), and provides the name
12 and current mailing or physical address of the
13 subsequent owner of the vehicle;

14 (v) The vehicle was stolen or being driven without
15 the effective consent of the registered owner, and
16 provides a copy of a police report showing that
17 the vehicle was stolen;

18 (vi) The license plate depicted in the photographs or
19 images generated by an automated traffic signal
20 monitoring system was stolen, and provide a
21 copy of a police report showing that the license
22 plate was stolen;

1 (2) The citation shall be dismissed with respect to the
2 registered owner upon the verification of the
3 information provided as determined by subsection
4 (e)(1) of this section. Within forty-eight (48) hours of
5 dismissing of the citation, Traffic Court shall deliver the
6 dismissal and the information contained in the
7 declaration form to the Guam Police Department. The
8 Guam Police Department shall within forty-eight (48)
9 hours, if applicable, cause a citation to be mailed or
10 delivered to the person identified in the declaration
11 statement.

12 **(f) Failure to Respond.** If the registered owner of a vehicle
13 identified in the current records of the Department of Revenue
14 and Taxation fails to respond to a citation issued under this
15 section, a judgment may be entered for failure to appear after
16 notice has been given that the judgment will be entered.

17 **(g) Rebuttable Presumption.** A rebuttable presumption exists
18 that the registered owner of the vehicle was the driver of the
19 vehicle at the date and time the violation occurred, resulting in
20 a citation being issued under this section.

21 **(h) Admissibility in Proceedings.** The photographs or images
22 generated by an automated traffic signal monitoring system

1 shall be admissible in any hearing or court proceedings and is
2 evidence sufficient to support a finding that the vehicle
3 identified by the photograph or image was driven in violation
4 of §3339 Title 16 GCA.

5 **(i) Property of Evidence.** Photographs or images generated by
6 an automated traffic signal monitoring system shall be
7 property of the Guam Police Department. The registered
8 owner, or any person identified by the registered owner as the
9 driver of the vehicle at the time of the alleged violation, shall
10 be permitted to review or possess the photographs or images
11 of the alleged violation.

12 **(j) Penalties.** The penalties for and all consequences of failing to
13 stop at a red traffic light as detected by an automated traffic
14 signal monitoring system authorized in this section shall be
15 the same as for failing to stop at a red traffic light detected by
16 any other means.

17 **(k) Use of Fines.** Notwithstanding any other provision of law, all
18 fines collected pursuant to this section shall be used
19 exclusively for the following purposes:

- 20 (1) Fifty (50) percent shall be used by the Guam Police
21 Department for the operation and maintenance of an
22 automated traffic signal monitoring system, provided

1 that no contract or payment shall be based upon the
2 number of traffic citations issued, potentially issued, or
3 the revenue generated by the automated traffic signal
4 monitoring system. Any funds remaining of the fifty
5 (50) percent, may be used to augment the Guam Police
6 Department's annual budget.

7 (2) Twenty-five (25) percent shall be deposited into the
8 Judicial Building Fund in accordance with provisions of
9 §9502(a) Title 7 GCA.

10 (3) Twenty-five (25) percent shall be deposited into the
11 General Fund of the Government of Guam.

12 **Section 4. Implementation.** The Guam Police Department shall submit
13 to *I Liheslaturan Guahan*, within ninety (90) days of enactment, a plan to
14 implement the initial automated traffic signal monitoring system and
15 associated estimated cost. A proposed budget for the system shall also
16 be included.

17 **Section 5. Severability.** If any of the provisions of this Act or the
18 application thereof to any person or circumstance is held invalid, such
19 invalidity shall not affect any other provision or application of this Act
20 which can be given effect without the invalid provision or application,
21 and to this end the provisions of this Act are severable.