

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

Bill No. 34 (EC)

Introduced by:

Ray Tenorio
E. B. Calvo

AN ACT TO AMEND SECTIONS 3312, 5101, 5104, 5109
AND 5112 OF 16 GCA RELATIVE TO INCREASING THE
SAFETY OF GUAM'S ROADS BY PROHIBITING
CERTAIN VEHICLES FROM DRIVING IN THE
FARTHEST LEFT HAND LANE IN CERTAIN
CIRCUMSTANCES; INCREASING THE HEIGHTS OF
VEHICLES AND LOADS; GRANTING DEPARTMENT
OF MOTOR CARRIER OFFICIALS WITH CITATION
AUTHORITY; AND INCREASING PENALTIES FOR
VIOLATIONS OF THE MOTOR VEHICLE CODE.

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BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Statement of Legislative Findings and Purpose. The standards

established by Guam's current Motor Vehicle Code no longer support the development of Guam's transportation and other industries, nor do they enhance the safety of Guam's roads. For example, current law designates the far right lane to be the safest for large vehicles. However, the law was written for two lane roads and Guam now has three lane roads. With three lane roads, such as Route 1, the middle lane tends to be the safest as truck drivers have better visibility of all the lanes from that position. This law prohibits vehicles in excess of ten thousand pounds from driving in the farthest left hand lane, with certain exceptions.

Furthermore, although the Guam Police Department has the authority to issue citations for violations of the Motor Vehicle Code, it lacks training and funding for enforcement. Department of Motor Carrier (DMC) inspectors, currently under the purview of the Department of Revenue & Taxation have the

1 ability to inspect, set up weight stations and to weigh vehicles, and thus have the
2 greatest familiarity with the requirements of the Motor Vehicle Code. However,
3 DMC inspectors do not have authority to issue citations. This law provides the
4 DMC inspectors with the authority to issue citations for certain violations.

5 Finally, this law addresses those deficiencies by increasing the height of
6 vehicles and loads and increasing the penalties for violations of Guam's Motor
7 Vehicle Code.

8

9 **Section 2.** Section 3312 of 16 GCA is *amended* to read:

10 **“§ 3312. Certain Vehicles to be Driven in Right-Hand Lane.** When any
11 truck, tractor, trailer, or any combination thereof with a gross weight of vehicle and
12 load of ten thousand (10,000) pounds or more is being driven on any highway, it
13 shall ~~be driven in the right hand lane for traffic or as close as practicable to the~~
14 ~~right edge or curb, except when overtaking and passing another vehicle proceeding~~
15 ~~in the same direction or~~ not drive in the farthest left hand lane, except when
16 overtaking and passing a vehicle proceeding in the same direction or when
17 preparing for a left turn at an intersection or into a private road or driveway,
18 applicable to two and three lane roads when permissible or reasonable.”

19

20 **Section 3.** Section 5101 of 16 GCA is *amended* to read:

21 “As used in this Chapter, the following definitions will hold true:

22 *Axle:* The common axis of rotation of one or more wheels, whether in one or
23 more segments and regardless of the number of
24 wheels carried thereon.

25 *Axle Group:* An assemblage of two or more consecutive axles considered
26 together in determining their combined load effect on a bridge or pavement
27 structure.

1 *Axle Load:* The total load transmitted to the road by all wheels whose centers
2 are included between the two parallel transverse vertical planes forty (40) inches
3 apart, extending across the full width of the vehicle.

4 *Connecting Mechanism:* An arrangement of parts interconnecting two or
5 more consecutive axles to the frame of a vehicle in such a manner as to equalize
6 the load between the axles.

7 *Gross Weight:* The weight of a vehicle and/or vehicle
8 combination without load, plus the weight of any load thereon.

9 *Height:* The total vertical dimension of any vehicle above the ground surface
10 including any load and load holding device thereon.

11 *Highway:* The entire width between the boundary lines of every publicly
12 maintained surface, when any part thereof is open to the use of the public for
13 purposes of vehicular travel; synonymous and interchangeable in usage with
14 "street."

15 *Length:* The total longitudinal dimension of any vehicle or
16 combination of vehicles, including any load or load holding devices thereon.

17 *Load:* A weight or quantity of anything resting upon a support.

18 *Motor Vehicle:* A vehicle which is self- propelled or propelled by electric
19 power obtained from overhead trolley wires, but not operating upon rails.

20 *Owner:* A person, other than a lienholder, having the property in or title to a
21 vehicle, including a person entitled to use and possession of a vehicle subject to a
22 security interest in another person, but excluding a lessee under a lease not
23 intended as security.

24 *Primary Road:* A primary road is an interstate highway, a U.S. highway, an
25 expressway, an intrastate highway, a State-divided highway with two or more lanes
26 each way, or any road with at least two contiguous miles with a speed limit of 35
27 mph or greater.

1 *Scale Tolerance:* An allowable variation in the static weight of an axle load
2 in accordance with, but not exceeding, the precision of the scale involved.

3 *Secondary Road:* A secondary road is any state or local road, paved
4 or unpaved, that does not meet the definition of “primary road” as herein stated.

5 *Semi-Trailer:* A vehicle designed for carrying persons or property and drawn
6 by a truck-tractor on which parts of its weight and load rests.

7 *Single Axle:* An assembly of two or more wheels, whose centers are on one
8 transverse vertical plane or may be included between two parallel transverse
9 vertical planes forty (40) inches apart extending the full width of the vehicle.

10 *Single Axle Weight:* The total weight transmitted to the road by a single axle.

11 *Special Permit:* A written authorization to move or operate on a highway, a
12 vehicle or vehicles with indivisible load of a size and/or weight exceeding the
13 limits prescribed for vehicles in regular operation.

14 *Tandem Axle:* Any two or more consecutive axles whose centers are
15 more than forty (40) inches but less than ninety-six (96) inches apart, and are
16 individually attached and/or articulated from a common attachment to the vehicle
17 including a connecting mechanism designed to equalize the load between the axles.

18 *Tandem Axle Weight:* The total weight transmitted to the road by two or
19 more consecutive axles whose centers may be included between parallel transverse
20 planes spaced forty (40) inches but less than ninety-six (96) inches apart, extending
21 the full width of the vehicle.

22 *Trailer:* A vehicle designed for carrying persons or property and drawn by a
23 motor vehicle which carries no part of the weight and load of the trailer on its own
24 wheels.

25 *Truck:* A motor vehicle designed, used or maintained primarily for the
26 transportation of property.

1 *Truck-Tractor:* A motor vehicle designed for drawing other vehicles, but not
2 for a load other than a part of the weight of the vehicle and load drawn.

3 *Vehicle:* A device in, upon or by which any person or property may be
4 transported or drawn upon a highway.

5 *Vehicle Combination:* A truck-tractor and semi-trailer, either with or without
6 a full trailer, or a truck with one or more full trailers.

7 *Width:* The total outside transverse dimension of a vehicle, including any
8 load or load holding devices thereon, but excluding approved safety devices and
9 tire bulge due to load.”

10
11 **Section 4.** Section 5104 of 16 GCA is *amended* to read:

12 “**§5104. Height of Vehicles and Loads.** No vehicle, including any
13 load and load holding devices thereon, shall exceed a total height of ~~thirteen (13)~~
14 ~~feet and six (6) inches~~ fourteen (14) feet for secondary roads and fifteen (15) feet
15 for primary roads.

16
17 **Section 5.** Section 5109 of 16 GCA is *amended* to read:

18 “**§5109. Authority to Stop, Inspect and Weigh Vehicles; Removal of**
19 **Excess Loads.** (a) Any police officer or Department of Motor Carrier (DMC)
20 inspector observing conditions of vehicle appearance, operation or cargo storage,
21 which might represent a potential or actual hazard, is authorized to stop the driver
22 and submit the vehicle to an immediate inspection.

23 (b) Whenever an officer or DMC inspector, upon inspection of a vehicle
24 and/or load, determines the existence of a minor infraction, a citation will be issued
25 and the vehicle allowed to proceed to its own shop for correction. When a vehicle
26 is found to be hazardous to the driver or the public, the officer or DMC inspector
27 has the authority to direct the discontinuance of the vehicle passage and require the

1 vehicle to be moved to a storage area or Government facility, and said vehicle shall
2 remain there until such repairs or corrections as stated can be effected either there,
3 or its own shop. Such vehicle will not be allowed back into normal operation until
4 corrections are made.

5 (c) Any police officer or DMC inspector having reason to believe that the
6 weight of a vehicle, either unladen or with load, is unlawful, is authorized to
7 require the driver to stop and submit to a weighing of same by means of portable
8 scales and should a question of weight arise, the officer or DMC inspector will
9 require that such vehicles be driven to the nearest official scales.

10 (d) Whenever an officer or DMC inspector, upon weighing a vehicle and
11 load, as provided above, determines that the weight is unlawful, such officer or
12 DMC inspector will require the driver to stop the vehicle in a suitable place and
13 remain standing until such portion of the load is removed as may be necessary to
14 reduce the weight of such vehicle such limit as permitted under this Chapter. A two
15 thousand (2000) pound tolerance over and above the maximum permissible weight
16 will be allowed before the removal of load will be required. All material so
17 unloaded shall be cared for by the owner or driver of such vehicle at the risk of
18 said owner or driver.

19 (e) Any driver of a vehicle who fails or refuses to stop and submit the
20 vehicle, either unladen or with load, to an inspection and/or weighing, or who fails
21 or refuses when directed by the officer or DMC inspector upon inspection and/or
22 weighing of the vehicle to stop the vehicle and otherwise comply with the
23 provisions of this Section shall be guilty of a misdemeanor.”

24
25 **Section 6.** Section 5112 of 16 GCA is *amended* to read:

26 “**§5112. Penalties.** (a) Every person or entity or organization convicted of a
27 violation of any of the provisions of this Chapter for which another penalty is not

1 provided shall, for a first conviction thereof, be guilty of a misdemeanor and be
2 punished by a fine of not more than ~~Twenty-Five Dollars (\$25.00)~~Five Hundred
3 Dollars (\$500.00) and ~~\$0.01~~\$0.25/pound over the maximum allowable load as
4 authorized in § 5107; for a second such conviction within ~~one (1) year~~ two (2)
5 years thereafter, such person, entity or organization shall be guilty of a
6 misdemeanor and punished by a fine of not less than ~~Twenty-Five Dollars~~
7 ~~(\$25.00)~~Five Hundred Dollars (\$500.00) and ~~\$0.01~~\$0.25/pound over the maximum
8 allowable load authorized in § 5107, but not more than ~~Fifty Dollars~~
9 ~~(\$50.00)~~Seven Hundred Fifty Dollars (\$750.00) and ~~\$0.02~~\$0.50/pound; upon a
10 third or subsequent conviction within ~~one (1) year~~ two (2) years after the first
11 conviction such person, entity or organization shall be guilty of a ~~petty~~
12 misdemeanor and subject to fine of not less than ~~Fifty Dollars (\$50.00)~~ Seven
13 Hundred Fifty Dollars (\$750.00) and ~~\$0.02~~\$0.50/pound over the maximum
14 allowable load authorized in § 5107 but not more than ~~One Hundred Dollars~~
15 ~~(\$100.00)~~One Thousand Dollars (\$1,000.00) and ~~0.05~~\$0.75/pound. In no event
16 shall any fine exceed One Thousand Dollars (\$1,000.00).

17 (b) All permit fees and fines shall be deposited in the Territorial Highway
18 Fund.

19 (c) Responsible Party.

20 (i) Imported Shipping Containers Under Seal. Any importer or consignee,
21 whether an individual or an entity, organization or company, whose shipping
22 container placed under seal has been determined to be in violation of section §
23 5107 of this part shall be responsible for any fine, penalty, handling, additional
24 transportation or other associated cost (including storage).

25 (ii) Export Shipping Containers Under Seal. Any exporter, whether an
26 individual or an entity, organization, or company, whose shipping container placed
27 under seal has been determined to be in violation of section § 5107 of this part

1 shall be responsible for any fine, penalty, handling, additional transportation or
2 other associated cost (including storage).

3 (iii) **Local Containers Under Seal.** Any individual and any organization, entity,
4 or company loading a shipping container under seal not designated for export that
5 has been determined to be in violation of section § 5107 of this part shall be
6 responsible for any fine, penalty, handling, additional transportation or other
7 associated cost (including storage).

8 (iv) **All Other Local Transport Not Under Seal.** Any individual or any cargo
9 transporting entity, organization, or company determined to be in violation of
10 section § 5107 of this part shall be responsible for any fine, penalty, handling,
11 additional transportation or other associated cost (including storage) prescribed in
12 this section.”

13
14 **Section 7. Severability.** If any provision of this Act or its application to
15 any person or circumstance is found to be invalid or contrary to law, such
16 invalidity shall not affect other provisions or applications of this Act which can be
17 given effect without the invalid provisions or applications, and to this end the
18 provisions of this Act are severable.

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20 **Section 8. Effective Date.** The amendments herein shall be effective upon
21 the date of enactment.