

I MINA 'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (First) REGULAR SESSION

Bill No. ^(LS) 17 ~~(ES)~~

Introduced by:

A.R. Unpingco

AN ACT TO ADD A NEW §3346 TO ARTICLE 3 OF CHAPTER
3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE
USE OF A WIRELESS COMMUNICATIONS DEVICE WHILE
OPERATING A MOVING MOTOR VEHICLE; PRESCRIBING
PENALTIES; AND, PROVIDING AN EFFECTIVE DATE.

2007 JUN 27 PM 2:1

25

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement. The use of wireless communications devices has increased on Guam's roads in recent years. While wireless communications devices have assisted with quick reporting of road emergencies, their use has also contributed to accidents and other mishaps on Guam's roadways. When vehicle operators hold a wireless communications device in one hand and drive with the other, their chances of becoming involved in a traffic mishap increase. It is the intent of *I Liheslaturan Guåhan* to phase out the use of hand-held wireless communications devices by motorists while operating a vehicle.

Section 2. New Section. A new §3346 is added to Article 3 of Chapter 3, Title 16, Guam Code Annotated to read as follows:

“§ 3346. Use of Hand-held Wireless Communications Devices Limited. (a) Except as provided in subsection (b) of this Section, a person operating a motor vehicle while holding a wireless communications device to his or her ear or mouth is guilty of a traffic infraction.

(b) Exceptions. Subsection (a) does not apply to a person operating:

- (1) An authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
- (2) A moving motor vehicle using a wireless communications device in hands-free mode;
- (3) A moving vehicle using a hand-held wireless communications device to:
 - (i) Report illegal activity;
 - (ii) Summon medical or other emergency help;
 - (iii) Prevent injury to a person or property

1 (c) Subsection (a) of this Section does not restrict the operation of an amateur radio
2 station by a person who holds a valid amateur radio operator license issued by the Federal
3 Communications Commission.

4 (d) For purposes of this Section, "hands-free mode" means the use of a wireless
5 communications device with a speaker phone, headset, or earpiece.

6 (e) Any person who violates the provisions of Subsection (a) of this Section is guilty of a
7 misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Hundred
8 Dollars (\$100.00).

9 (f) Notwithstanding the provisions of §9502 of Chapter 9.5 of Title 7, Guam Code
10 Annotated, all fines collected under this Section shall be deposited into the Police Services Fund and
11 made available by appropriation.

12 **Section 3. Effective Date.** This Act shall become effective six (6) months after
13 enactment into law.

14