


I MINA'TRENTAI UNU NA LIHESLATURÁN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 122-31 (LS)

Introduced by:

Adolpho B. Palacios, Sr. 

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BWA

AN ACT TO INCREASE THE PENALTIES FOR DRIVERS WHO DISREGARD THE SAFETY OF SCHOOL CHILDREN ENTERING OR EXITING SCHOOL BUSES BY ADDING A NEW (d) TO §3336 OF CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that current penalties may be inadequate for drivers who harm school children by passing a school bus when such passenger carrier is receiving or discharging passengers. *I Liheslaturan Guåhan* finds that §3336 of Title 16 Guam Code Annotated sanctions the issuance of a citation and collection of a nominal penalty fee, both of which may not help to effectively deter drivers who may engage in this form of imprudent driving.

I Liheslaturan Guåhan further finds that Guam law recognizes reckless driving as operating a vehicle on a highway in willful or wanton disregard for the safety of persons or property. *I Liheslaturan Guåhan* finds the act of driving past a school bus, which has stopped to receive or discharge children, to be a complete disregard for the safety of those children. This violation becomes more serious when drivers cause injury upon school children because of the failure of the drivers to stop and allow passengers to reach an area of safety.

1 It is therefore the intent of *I Liheslaturan Guåhan* to add a special penalty to
2 existing penalties by allowing for violators to be charged with reckless driving, and
3 provide a degree of justice to individuals who fall victim to this wanton disregard for
4 public safety. *I Liheslaturan Guåhan* further intends to use these penalties as a means to
5 help deter drivers from compromising the safety of Guam’s school children.

6 **Section 2. A new (d) is hereby added to §3336 of Chapter 3, Title 16 Guam**
7 **Code Annotated.**

8 **“§3336. Passing Passenger Carriers.**

9 (a) No operator of a vehicle which meets or overtakes any vehicle that has
10 stopped for the purpose of taking on or discharging passengers shall pass such
11 stopped vehicle on the side on which passengers are entering or leaving the
12 vehicle until such stopped vehicle has started and until any passengers who may
13 have alighted have reached the side of the highway; except, that where a safety
14 zone has been established, or at an intersection where traffic is controlled by a
15 peace officer or mechanical traffic signal, a vehicle need not be brought to a full
16 stop before passing a stopped vehicle, but may proceed past such vehicle at a
17 speed not greater than is reasonable and proper and in no event at a speed greater
18 than ten (10) miles per hour, and shall exercise due caution for the safety of all
19 pedestrians.

20 (b) Every school bus, when operated for the transportation of school
21 pupils, shall bear upon the front and rear thereof of a plainly visible sign
22 containing the words “School Bus - Stop” in letters not less than eight (8) inches

1 in height and of proportionate width. No vehicle, other than a school bus, shall
2 display such sign.

3 Penalty: Not less than Ten Dollars (\$10.00) nor more than Fifty Dollars
4 (\$50.00).

5
6 (c) The driver of any vehicle, whenever approaching upon any highway
7 from either direction any school bus which is equipped with signs as herein
8 required and which has stopped for the purpose of receiving or discharging any
9 passengers, shall at once bring his vehicle to a complete stop and shall not
10 proceed to pass such school bus from either direction until all passengers in the
11 immediate area of the bus have been received into or discharged from the bus and
12 have reached a position of safety from vehicular traffic.

13 Penalty: Not less than Ten Dollars (\$10.00) nor more than Fifty
14 Dollars (\$50.00).

15
16 (d) Any person who is in violation of §3336 (c), and as a result has caused
17 bodily injury or damage to personal or public property, shall be charged with
18 reckless driving under the provisions of §3111 and §9107 of Title 16 Guam Code
19 Annotated.”

20 **Section 3. Effective Date.**

21 The provisions contained herein shall be effective upon the enactment of this Act,
22 and shall apply prospectively.

23 **Section 4. Severability.**

24 If any provision of this Act or its application to any person or circumstance is
25 found to be invalid or contrary to law, such invalidity shall not affect other provisions or

1 applications of this Act which can be given effect without the invalid provisions or
2 application, and to this end the provisions of this Act are severable.