

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

Bill No. 397-31(COR)

Introduced by:

T. C. Ada
A. B. Palacios, Sr.

AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES WHILE OPERATING A VEHICLE, AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that there are over
3 110,000 vehicles currently registered on Guam, of which approximately 75% are
4 privately owned, non-commercial light vehicles. The remaining 25% are comprised of
5 commercial vehicles, such as cargo trucks, buses, and taxis.

6 *I Liheslaturan Guåhan* further finds that as traffic volumes increase on Guam's
7 roadways, distracted driving increasingly presents a real and significant danger to the
8 public. As such, it is imperative to promote driver attentiveness.

9 *I Liheslaturan Guåhan* further recognizes that studies have shown that using a
10 mobile phone while driving increases the risk of collision four-fold, and that driver
11 impairment while using a mobile phone is equal to that of driving with a blood alcohol
12 content in excess of 0.08 percent. Evidence of such dangers are substantial, and have
13 prompted the National Highway Traffic Safety Administration to state that using a

1 mobile phone while driving can pose a “serious cognitive distraction and degrade driver
2 performance.”

3 Current Guam law only prohibits “texting” while driving. In order to further
4 address the issue of distracted driving, *I Liheslaturan Guåhan* finds it necessary to further
5 regulate, with certain exemptions, the casual use of mobile phones while operating a
6 vehicle on Guam’s roads.

7 **Section 2.** §3346 of Chapter 3, Title 16, Guam Code Annotated, is hereby
8 *amended* to read as follows:

9 **“§3346. Restrictions on the Use of Electronic Communication Devices**
10 **While Driving.**

11 a. **Restriction.** It is unlawful for a person to ~~read, write, or send electronic~~
12 ~~messages use, or be holding, a mobile phone or similar electronic~~
13 ~~communications device~~ while operating a ~~motor~~ vehicle.

14 b. **Exemptions.** This restriction set forth in §3346(a) shall not apply to the
15 following:

16 i. **Emergency calls.** The person is making an emergency 911 call;
17 or,

18 ii. **Communications Related to Conducting Commercial**
19 **Transportation Operations.** During the course of carrying out
20 commercial transportation operations while in a company vehicle,
21 or privately owned vehicle, bearing the logo of the company of
22 employment. Said communications shall be restricted for the sole

1 purpose of business related real-time communications and
2 coordination; or,

3 iii. **Hands-free.** The person is using a mobile phone that is
4 specifically designed and configured to allow hands-free listening
5 and talking, through the use of Bluetooth or similar technology,
6 and is used only in that manner while driving. Should an earpiece
7 be utilized as part of the hands-free talking device, only one such
8 earpiece may be used by the person. Medically prescribed hearing
9 aids are not to be counted against the one earpiece limit; or,

10 iv. **Ham Radio.** The person is using only two-way mobile radio
11 transmitters or receivers and possesses a current, valid license from
12 the Federal Communications Commission in the Amateur Radio
13 Service.

14 c. **Limits of Exemptions.** The exemptions outlined in §3346.b.ii through
15 §3346.b.iv of this Chapter shall only be extended to an individual with a
16 valid Driver’s License. For the purposes of this section, a Learner’s
17 Permit or an Intermediate License shall not constitute a Driver’s License.

18 d. **Penalties.** Any person who violates the provisions of subsection (a), (b),
19 or (c) of this Section is guilty of a violation and shall be punished by a fine
20 not to exceed *no less than* One Hundred Dollars (\$100). Repeat violations
21 of this section shall be punished by a fine *no less than* Five Hundred
22 Dollars (\$500). However, should a person be found to have violated the
23 provisions of this Section that may have contributed to a traffic accident,

1 then he or she is guilty of a violation punishable by a fine *no less than One*
2 Thousand Dollars (\$1,000) and may result in the suspension or revocation
3 of driving privileges on Guam’s roadways.

- 4 e. Notwithstanding the provisions of §9502 of Chapter 9.5 of Title 7, Guam
5 Code Annotated, all fines collected under this Section *shall* be deposited
6 into the Police Services Fund and made available by appropriation by *I*
7 *Liheslaturan Guåhan.*”

8 **Section 3.** A new §3346.1 of Chapter 3, Title 16, Guam Code Annotated, is
9 hereby *added* to read as follows:

10 **“§3346.1. Public Education Regarding Restrictions on the Use of Mobile**
11 **Phones While Driving.**

- 12 a. Within Sixty (60) days following enactment of this Act, businesses
13 providing either mobile phone services or vehicle insurance shall send a
14 one-time mailing to all current customers with written information
15 adequately summarizing restrictions on the use of mobile phones while
16 driving, as outlined in §3346 of Chapter 3, Title 16, Guam Code
17 Annotated. Additionally, businesses providing either mobile phone
18 services or vehicle insurance are required to provide such adequately
19 summarized written information to all new customers following the
20 enactment of this Act, and to also include such information continuously
21 on their respective websites.
- 22 b. The Department of Revenue and Taxation, Motor Vehicle Division shall
23 provide all applicants for a Learner’s Permit, Intermediate License, or

1 Drivers License, whether new or renewing, with written information
2 adequately summarizing restrictions on the use of mobile phones while
3 driving, as outlined in §3346 of Chapter 3, Title 16, Guam Code
4 Annotated. Drivers License exams shall also test on the subject matter of
5 mobile phone usage while driving.

6 c. Any business entity registered with the Department of Revenue and
7 Taxation who sells, leases, or rents vehicles must provide every customer
8 with written information adequately summarizing restrictions on the use of
9 mobile phones while driving, as outlined in §3346 of Chapter 3, Title 16,
10 Guam Code Annotated.”

11 **Section 4. Effective Date.** This Act shall be effective 60 days from the date of
12 enactment.

13 **Section 5. Severability.** If any provision of this Act or its application to any
14 person or circumstance is found to be invalid or contrary to law, such invalidity shall not
15 affect other provisions or applications of this Act which can be given effect without the
16 invalid provisions or applications, and to this end the provisions of this Act are severable.