

**I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN**

**2008 (SECOND) Regular Session**

**FILE COPY**


**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Bill No. 234 (LS), "AN ACT TO AMEND §§1102 AND 1103, AND TO ADD NEW §§3307.1, 3308.1, AND 3308, TO TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (EPAMD),"** was on the 23<sup>rd</sup> day of December, 2008, duly and regularly passed.



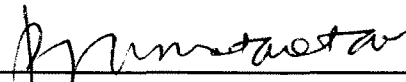
**Judith T. Won Pat, Ed. D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Senator and Secretary of the Legislature**

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This Act was received by *I Maga'lahaen Guåhan* this 31 day of Dec, 2008, at 3:10 o'clock P.M.



**Assistant Staff Officer**  
**Maga'lahaen's Office**

APPROVED:

\_\_\_\_\_  
**FELIX P. CAMACHO**  
***I Maga'lahaen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 234 (LS)**

As amended by the Committee on  
Public Safety, Criminal Justice & Youth,  
and further amended.

Introduced by:

Judith P. Guthertz, DPA

R. J. Respicio

Tina Rose Muña Barnes

B. J.F. Cruz

Frank F. Blas, Jr.

Edward J.B. Calvo

James V. Espaldon

Mark Forbes

Frank T. Ishizaki

J. A. Lujan

A. B. Palacios, Sr.

v. c. pangelinan

Dr. David L.G. Shimizu

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§1102 AND 1103, AND TO *ADD* NEW  
§§3307.1, 3308.1, AND 3308, TO TITLE 16, GUAM CODE  
ANNOTATED, RELATIVE TO THE ELECTRIC PERSONAL  
ASSISTIVE MOBILITY DEVICE (EPAMD).**

1        **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 personal travel device options are available in the marketplace for the citizens of  
4 Guam, and for the benefit of Guam’s visitors. One such device is the “Electric  
5 Personal Assistive Mobility Device” (EPAMD). The EPAMD is a self-balancing, two  
6 (2)–wheeled device designed to transport only one (1) person, *solely* powered by an

1 electric propulsion system, with a maximum speed of twelve and a half (12.5) miles  
2 per hour.

3 The EPAMD employs advances in technology and energy efficiency to fully  
4 and safely integrate the user with pedestrian transportation, while enabling individuals  
5 to travel farther and carry more without the use of traditional vehicles. This can result  
6 in gains in productivity, minimize environmental impact, and facilitate better use of  
7 public spaces.

8 *I Liheslaturan Guåhan* finds that Guam’s motor vehicle code must include the  
9 Electric Personal Assistive Mobility Device to address the use of this new technology  
10 for the community of Guam.

11 **Section 2.** In order to distinguish the Electric Personal Assistive Mobility  
12 Device (EPAMD) from a bicycle, and a bicycle with a motor, paragraphs (a), (s) and  
13 (oo) contained in Title 16, Guam Code Annotated, Chapter 1, §1102, “Definitions,”  
14 are hereby *amended* to read:

15 “(a) A *bicycle equipped with a motor* is a two (2) tandem wheeled  
16 vehicle or a three (3)-wheeled vehicle equipped with a motor having a power  
17 rating *not* in excess of two (2) horsepower and is designed to travel on *not* more  
18 than three (3) wheels in contact with the ground.”

19 “(s) A *motor vehicle* is a vehicle which is self-propelled excluding  
20 bicycle, bicycle equipped with a motor, and electric personal assistive mobility  
21 device (EPAMD).”

22 “(oo) A *vehicle* is a device in, upon *or* by which any person *or* property  
23 is *or* may be propelled, moved *or* drawn upon a highway, *except* a device  
24 moved by human power *or* used exclusively upon stationary rails *or* tracks *or*  
25 an electric personal assistive mobility device.”

1           **Section 3.** §1103 of Chapter 1, Title 16, Guam Code Annotated, is *amended*  
2 to read:

3           **“§1103. Definition: Bicycle.** A *bicycle* is a motorless contrivance  
4 operated with two (2) tandem wheels but *not more than* three (3) wheels in  
5 contact with the ground and propelled by human power.”

6           **Section 4.** A new Subitem (rr) is *added* to §1102 of Chapter 1, Title 16,  
7 Guam Code Annotated, to read:

8           “(rr) An Electric Personal Assistive Mobility Device (EPAMD) is a self-  
9 balancing two (2) non-tandem-wheeled device with an electric propulsion  
10 system with an average of seven hundred fifty (750) watts (1 horsepower) that  
11 limits the maximum speed of the device to twelve and a half (12.5) miles per  
12 hour *or* less and that is designed to transport only one (1) person at a maximum  
13 speed of twelve and a half (12.5) miles per hour. An Electric Personal Assistive  
14 Mobility Device (EPAMD) *shall* have a maximum footprint of thirty-nine and a  
15 half (39.5) inches in width by twenty-six and a half (26.5) inches in length by  
16 fifty (50) inches high and *shall* weigh *no* greater than one hundred fifty (150)  
17 pounds.”

18           **Section 5.** A new §3307.1, is hereby *added* to Title 16, Guam Code  
19 Annotated, Article 4, Chapter 3, to read:

20           **“§3307.1 Electric Personal Assistive Mobility Device: Riding on**  
21 **Sidewalks, Roadways and Bicycle Paths.**

22           (a) Electric Personal Assistive Mobility Devices (EPAMD) *shall*  
23 be allowed to operate on and use safety zones, bicycle paths, and  
24 sidewalks. An Operator of an Electric Personal Assistive Mobility  
25 Device (EPAMD) *shall* exercise due care to avoid colliding with, and

1           *shall* yield the right-of-way to, persons traveling on foot and those  
2 utilizing mobility aids.

3           (b) Only *if* safety zones, bicycle paths, and sidewalks are *not*  
4 available, *or if* available sidewalks are *not* Americans with Disabilities  
5 Act (ADA) compliant, *shall* EPAMDs be allowed to use Guam's  
6 roadways where the posted speed limit is twenty-five (25) miles per hour  
7 *or* less.

8           (c) Persons operating an EPAMD on a roadway *shall* ride as near  
9 to the right side of the roadway as practicable, exercising due care when  
10 passing a standing vehicle *or* one (1) proceeding in the same direction.  
11 They *shall* ride in single file; provided that upon paths *or* parts of  
12 roadways set aside for the exclusive use of bicycles, bicycles equipped  
13 with motors, *or* Electric Personal Assistive Mobility Devices, riding two  
14 (2) abreast *shall* be permitted, unless otherwise prohibited by rule or  
15 regulation adopted by the Director of Public Works.

16           (d) An operator of an EPAMD *shall* be *no less than* sixteen (16)  
17 years of age with one (1) exception: Operators may be twelve to fifteen  
18 (15) years old *if* accompanied and supervised by an adult who is at least  
19 eighteen (18) years old. Operators under sixteen (16) years of age are  
20 required to wear a Consumer Products Safety Commission-approved  
21 bicycle helmet.

22           (e) EPAMD tour operators *shall* limit tour customers to a  
23 maximum speed of eight (8) mph while operating within Tumon Bay, as  
24 defined in paragraph C, §3701, Title 16, Guam Code Annotated.

25           (f) An EPAMD operator *shall* give an audible signal before  
26 overtaking and passing any pedestrian.

1 (g) An EPAMD *shall* be equipped with reflectors and a headlamp  
2 when operating between one-half (1/2) hour after sunset and one-half  
3 (1/2) hour before sunrise.

4 (h) Any person violating any part of this §3307.1 is guilty of a  
5 misdemeanor and upon conviction thereof *shall* be punished by a fine *not*  
6 *to exceed* One Hundred Dollars (\$100.00).”

7 **Section 6.** A new §3308.1 is *added* to Title 16, Guam Code Annotated,  
8 Article 4, Chapter 3, to read:

9 “§3308.1 **Operation of EPAMD.** While operated on any highway, an  
10 EPAMD *shall* be considered a vehicle for all purposes of highway traffic  
11 operation regulations and control as set forth in this Code.”

12 **Section 7. Severability.** *If* any provision of this Act or its application to any  
13 person or circumstances is held invalid, the invalidity shall *not* affect other provisions  
14 or applications of this Act which can be given effect without the invalid provision or  
15 application, and to this end the provisions of this Act are severable.