



**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
TWENTY-NINTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

**FILE COPY**

October 11, 2007

The Honorable Felix P. Camacho  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 34(EC), 59(EC), 133(EC), 165(EC) and Substitute Bill Nos. 110(EC) & 146(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on October 10, 2007.

Sincerely,

RAY TENORIO

Senator and Secretary of the Legislature

Enclosures (6)

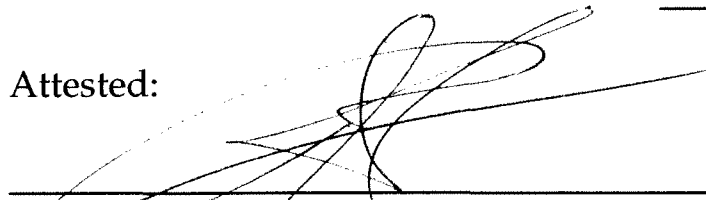
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2007 (FIRST) Regular Session


FILE COPY

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

This is to certify that Bill No. 34 (EC), "AN ACT TO AMEND §§3312, 5101, 5104, 5109 AND 5112 OF TITLE 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 DIVISION OF MOTOR VEHICLES/MOTOR CARRIER SAFETY ASSISTANCE PROGRAM OFFICIALS WITH CITATION AUTHORITY; AND INCREASING PENALTIES FOR VIOLATIONS OF THE MOTOR VEHICLE CODE," was on the 10<sup>th</sup> day of October 2007, duly and regularly passed.

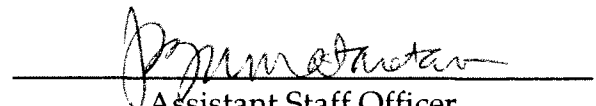
Attested:

  
\_\_\_\_\_  
**Ray Tenorio**  
Senator and Secretary of the Legislature

  
\_\_\_\_\_  
**Edward J.B. Calvo**  
Acting Speaker

.....

This Act was received by *I Maga'lahaen Guåhan* this 12 day of Oct., 2007, at 4:11 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 GUÁHAN***  
**2007 (FIRST) Regular Session**

**Bill No. 34 (EC)**

As amended on the Floor.

Introduced by:

Ray Tenorio  
Edward J.B. Calvo  
R. J. Respicio  
Frank F. Blas, Jr.  
James V. Espaldon  
Mark Forbes  
Judith Paulette Guthertz  
Frank T. Ishizaki  
J. A. Lujan  
Tina Rose Muña Barnes  
A. B. Palacios, Sr.  
v. c. pangelinan  
David L.G. Shimizu  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO *AMEND* §§3312, 5101, 5104, 5109 AND 5112 OF TITLE 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 DIVISION OF MOTOR VEHICLES/MOTOR CARRIER SAFETY ASSISTANCE PROGRAM OFFICIALS WITH CITATION AUTHORITY; AND INCREASING PENALTIES FOR VIOLATIONS OF THE MOTOR VEHICLE CODE.**

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

2       **Section 1. Statement of Legislative Findings and Purpose.** The  
3 standards established by Guam's current Motor Vehicle Code need to be updated

1 to support the development of Guam's transportation and other industries, and to  
2 enhance the safety of Guam's roads. For example, current law designates the far  
3 right lane to be the safest for large vehicles. However, the law was written for two  
4 (2) lane roads and Guam now has three (3) lane roads. With three (3) lane roads,  
5 such as Route 1, the middle lane tends to be the safest as truck drivers have better  
6 visibility of all the lanes from that position. This law prohibits vehicles in excess  
7 of ten thousand (10,000) pounds from driving in the farthest left hand lane, with  
8 certain exceptions.

9 Furthermore, although the Guam Police Department has the authority to  
10 issue citations for violations of the Motor Vehicle Code, it lacks training and  
11 funding to enforce vehicle weight and load restrictions. Division Of Motor  
12 Vehicles/Motor Carrier Safety Assistance Program (DMV/MCSAP) inspectors,  
13 currently under the purview of the Department of Revenue & Taxation, have the  
14 ability to inspect, set up weight stations and to weigh vehicles, and thus have the  
15 greatest familiarity with this aspect of the Motor Vehicle Code. However,  
16 DMV/MCSAP inspectors do not have authority to issue citations. This law  
17 provides the DMV/MCSAP inspectors with the authority to issue citations for  
18 certain violations.

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

22 **Section 2.** §3312 of Title 16 GCA is *amended* to read:

23 **“§3312. Certain Vehicles to be Driven in Right-Hand Lane.** When any  
24 truck, tractor, trailer, *or* any combination thereof with a gross weight of vehicle  
25 and load of ten thousand (10,000) pounds *or* more is being driven on any highway,

1 it *shall* not be driven in the farthest left hand lane, except when overtaking and  
2 passing a vehicle proceeding in the same direction *or* driven on a single lane *or*  
3 when preparing for a left turn at an intersection *or* into a private road *or*  
4 driveway.”

5 **Section 3.** §5101 of Title 16 GCA is *amended* to read:

6 **“§5101. Definitions.** As used in this Chapter, the following definitions  
7 will hold true:

8 *Axle:* The common axis of rotation of one (1) *or* more wheels,  
9 whether in one (1) *or* more segments and regardless of the number of  
10 wheels carried thereon.

11 *Axle Group:* An assemblage of two (2) *or* more consecutive axles  
12 considered together in determining their combined load effect on a bridge *or*  
13 pavement structure.

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

17 *Connecting Mechanism:* An arrangement of parts interconnecting  
18 two (2) *or* more consecutive axles to the frame of a vehicle in such a manner  
19 as to equalize the load between the axles.

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

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

24 *Highway:* The entire width between the boundary lines of every  
25 publicly maintained surface, when any part thereof is open to the use of the

1 public for purposes of vehicular travel; synonymous and interchangeable in  
2 usage with "street".

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

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

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

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

14 *Primary Road:* A primary road is a road with two (2) *or more* lanes  
15 each way, *or* any road with at least two (2) contiguous miles with a speed  
16 limit of thirty-five (35) mph *or* greater.

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

20 *Secondary Road:* A secondary road is any road, paved *or* unpaved,  
21 that does not meet the definition of "primary road" as herein stated.

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

24 *Single Axle:* An assembly of two (2) *or more* wheels, whose centers  
25 are on one (1) transverse vertical plane *or* may be included between two (2)

1 parallel transverse vertical planes forty (40) inches apart extending the full  
2 width of the vehicle.

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

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

8 *Tandem Axle:* Any two (2) *or more* consecutive axles whose centers  
9 are more than forty (40) inches but *less than* ninety-six (96) inches apart,  
10 and are individually attached *and/or* articulated from a common attachment  
11 to the vehicle including a connecting mechanism designed to equalize the  
12 load between the axles.

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

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

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

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

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

3           *Vehicle Combination:* A truck-tractor and semi-trailer, either with *or*  
4 without a full trailer, *or* a truck with one (1) *or* more full trailers.

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

8           **Section 4.** §5104 of Title 16 GCA is *amended* to read:

9           “**§5104. Height of Vehicles and Loads.** No vehicle, including any load  
10 and load holding devices thereon, *shall* exceed a total height of fourteen (14) feet  
11 for secondary roads and fifteen (15) feet for primary roads.”

12           **Section 5.** §5109 of Title 16 GCA is *amended* to read:

13           “**§5109. Authority to Stop, Inspect and Weigh Vehicles; Removal of**  
14 **Excess Loads.** (a) Any police officer *or* Division of Motor Vehicles/Motor Carrier  
15 Safety Assistance Program (DMV/MCSAP) inspector observing conditions of  
16 vehicle appearance, operation *or* cargo storage, which might represent a potential  
17 *or* actual hazard, is authorized to stop the driver and submit the vehicle to an  
18 immediate inspection.

19           (b) Whenever an officer *or* DMV/MCSAP, upon inspection of a vehicle  
20 *and/or* load, determines the existence of a minor infraction, a citation will be  
21 issued and the vehicle allowed to proceed to its own shop for correction. When a  
22 vehicle is found to be hazardous to the driver or the public, the officer *or*  
23 DMV/MCSAP inspector has the authority to direct the discontinuance of the  
24 vehicle passage and require the vehicle to be moved to a storage area *or*  
25 government facility, and said vehicle *shall* remain there until such repairs *or*



1 corrections as stated can be effected either there, *or* its own shop. Such vehicle  
2 will not be allowed back into normal operation until corrections are made.

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

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

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

22 **Section 6.** §5112 of Title 16 GCA is *amended* to read:

23 “**§5112. Penalties.** (a) Every person, entity *or* organization convicted of a  
24 violation of any of the provisions of this Chapter for which another penalty is not  
25 provided *shall*, for a first conviction thereof, be guilty of a misdemeanor and

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

15 (b) All permit fees and fines *shall* be deposited into the Better Public  
16 Service Fund at the Department of Revenue and Taxation, to be used by the  
17 Division of Motor Vehicles/Motor Carrier Safety Assistance Program.

18 (c) Responsible Party.

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

25 (2) Export Shipping Containers Under Seal. Any exporter,

1 whether an individual *or* an entity, organization, *or* company, whose  
2 shipping container placed under seal has been determined to be in violation  
3 of §5107 of this part *shall* be responsible for any fine, penalty, handling,  
4 additional transportation *or* other associated cost (including storage).

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

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

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

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