

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN

2008 (SECOND) Regular Session

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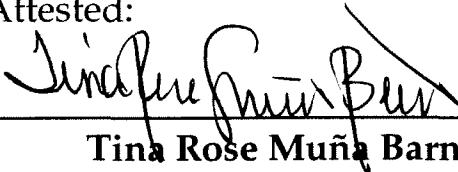
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 163(LS), "AN ACT TO REPEAL AND REENACT §3601(e) OF ARTICLE 6 OF CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED AND §3209(c) OF ARTICLE 2 OF CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE USE OF SUN SCREENING DEVICES ON MOTOR VEHICLE WINDSHIELDS"**, was on the 3rd day of July, 2008, duly and regularly passed.



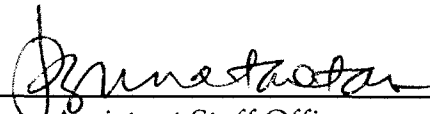
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 7 day of July 2008, at 3:25 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
2007 (FIRST) Regular Session

Bill No. 163 (LS)

As substituted by the author,
further substituted by the Committee on
Criminal Justice, Public Safety and Youth,
and amended on the Floor.

Introduced by:

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

AN ACT TO REPEAL AND REENACT §3601(e) OF ARTICLE 6 OF CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED AND §3209(c) OF ARTICLE 2 OF CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE USE OF SUN SCREENING DEVICES ON MOTOR VEHICLE WINDSHIELDS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that it is in the public interest to regulate the use of, and determine provisions for
4 sun screening devices used on motor vehicles parked *or* driven on the public

1 highways *or* roadways of Guam. On a daily basis, law enforcement personnel
2 encounter motor vehicles using various types and shades of tint which endanger
3 safe operations of vehicles on our roadways. Dangerous occurrences could be
4 mitigated *or* avoided with adequate visibility inside motor vehicles by the use of
5 lighter, regulated shades of tint. The ability to view into motor vehicles through
6 the windows enhances the effectiveness of the Amber Alert Program, a national
7 child safety program which activates law enforcement agencies, the media, and the
8 public to locate abducted children. During the course of traffic accident
9 investigations, law enforcement officials have found that the lack of visual
10 communication between drivers of motor vehicles has been known to be a
11 contributing factor to numerous accidents. Dark *or* mirror-like tinting prevents eye
12 contact and visual communication between drivers. It is also in the interest of law
13 enforcement agencies to be able to see into motor vehicles operated on our
14 roadways in order to effectively enforce traffic laws, such as the use of passenger
15 *or* child restraint devices required by Title 16, Guam Code Annotated, Chapter 26.
16 Also, mirror-like *or* chrome-like tint, not intended for use on motor vehicles, have
17 been known to cause distractions *or* temporary blindness to other motor vehicle
18 operators while driving. These distractions could lead to disastrous results. In the
19 interest of protecting law enforcement officers from assault *or* injury during legal
20 and necessary vehicular stops, adequate visual inspection must be afforded to our
21 officers. Military installations on Guam concur with many of the concerns
22 associated with window tinting and have adopted a standard which is acceptable to
23 the military community and *I Liheslaturan Guåhan*.

24 It is the intent of *I Liheslaturan Guåhan* to amend provisions of the law
25 which allow for the use of sun screening devices, provide for the inspection and
26 testing of sun screening devices, and establish penalties for non-compliance of law
27 while used on a motor vehicle on the public highways *or* roadways of Guam.

1 **Section 2. Inspection and Testing.** Subsection (e) of §3601 of Article 6 of
2 Chapter 3 of Title 16, Guam Code Annotated, is hereby *repealed and reenacted* to
3 read:

4 " (e) No motor vehicle using any sun screening device *or* combination
5 of devices in conjunction with the glazing material of a motor vehicle windshield,
6 except those in compliance with § 3209(c) of Article 2 of Chapter 3 of Title 16 of
7 the Guam Code Annotated, *shall* be issued an official certificate indicating the
8 motor vehicle passed a safety inspection."

9 **Section 3. Windshields.** Subsection (c) of §3209 of Article 2 of Chapter 3
10 of Title 16, Guam Code Annotated, is hereby *repealed and reenacted* to read:

11 “(c) No person *shall* install, mount, adhere, affix, *or* use any sun
12 screening device *or* combination of devices in conjunction with the glazing
13 material of a motor vehicle windshield which would make the glazing material that
14 is *not* manufactured for use on automobiles *or* other motor vehicles. Any tinting
15 film affixed to the glazing material of a motor vehicle windshield must conform to
16 U.S. automotive tinting industry standards.

17 This Subsection (c) *shall not* apply to:

18 (i) Transparent sun screening film materials
19 which are installed, affixed *or* applied along the top edge
20 of the windshield so long as such materials measure no
21 lower than eight (8) inches below the top of the
22 windshield, when measured from the bottom edge of the
23 top windshield molding.

24 (ii) Privacy drapes, curtains *or* blinds, *or* any
25 combination, installed on the interior of motor vehicles
26 while parked and not being operated on a public highway
27 *or* roadway of Guam.

1 Any person who violates this Subsection *shall* be fined *not less than*
2 Fifty Dollars (\$50) and *no more than* Two Hundred Fifty Dollars
3 (\$250) for each separate offense.”

4 **Section 4. Severability.** *If* any provision of this Law or its application to
5 any person or circumstance is found to be invalid or contrary to law, such
6 invalidity shall *not* affect other provisions or applications of this Law which can be
7 given effect without the invalid provisions or application, and to this end the
8 provisions of this Law are severable.

9 **Section 5. Effective Date.** This Act shall be effective one hundred eighty
10 (180) days from the date of enactment.