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I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

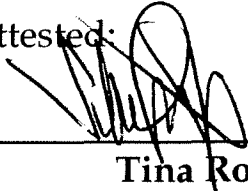
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 46 (COR), "AN ACT TO AMEND SUBSECTIONS 3101 (d) AND 3101 (o), CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, TO PERMIT THE USE OF MOTORCYCLE LICENSES ISSUED BY ANY OTHER TERRITORY, COMMONWEALTH, OR STATE OF THE UNITED STATES PURSUANT TO §3101(d),(o),"** was on the 3rd day of April, 2009, 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 6 day of April, 2009, at
4:45 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'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 46 (COR)
As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.
T. R. Muña Barnes
T. C. Ada

F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith Paulette Guthertz, DPA
v. c. pangelinan
M. J. Rector
R. J. Respicio
Ray Tenorio
Telo Taitague
Judith T. Won Pat, Ed. D.

**AN ACT TO *AMEND* SUBSECTIONS 3101 (d) AND 3101 (o),
CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, TO
PERMIT THE USE OF MOTORCYCLE LICENSES ISSUED
BY ANY OTHER TERRITORY, COMMONWEALTH, *OR*
STATE OF THE UNITED STATES PURSUANT TO
§3101(d),(o).**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that many residents that possess a valid motorcycle operator's license issued in
4 another territory, Commonwealth *or* state of the United States are finding it
5 difficult to obtain a motorcycle operator's license in the territory of Guam.

1 *I Liheslaturan Guåhan* further finds that §3101 (d), Chapter 3, Title 16, Guam
2 Code Annotated, provides reciprocity for persons who possess a valid operator’s
3 and chauffeur’s license issued in another territory, Commonwealth *or* state of the
4 United States, by waiving the requirement for a written *or* demonstration exam in
5 order to get a Guam license, but, makes no mention of motorcycle licenses.

6 *I Liheslaturan Guåhan* further finds that the latest Cycle Safety Information
7 Sheet released by the Motorcycle Safety Foundation indicates that forty-nine (49)
8 of fifty (50) states in the nation already require some form of primary skills test
9 and *or* written examination prior to issuing a motorcycle operator’s license. In
10 addition, the information sheet also indicates that all fifty (50) states have a
11 reciprocal license waiver program that recognizes licenses issued by other states *or*
12 territories.

13 It is, therefore, the intent of *I Liheslaturan Guahan* to permit the use of
14 motorcycle licenses issued by any other territory, Commonwealth, *or* state of the
15 United States by amending Subsections 3101 (d) and (o), Chapter 3, Title 16,
16 Guam Code Annotated.

17 **Section 2.** §3101 (d) of Chapter 3, Title 16, Guam Code Annotated, is
18 hereby *amended* to read as follows:

19 “(d) A person having in his immediate possession a valid operator’s,
20 chauffeur’s *or* motorcycle operator’s license issued by any other territory,
21 Commonwealth, *or* state of the United States, may drive a motor vehicle *or* a
22 motorcycle upon the roads and highways for a period *not exceeding* thirty
23 (30) days from the date such person arrived on Guam. However, upon the
24 expiration of such thirty (30) day period, such person must have been issued
25 a Guam driver’s license in order to continue driving on Guam. Such person
26 *shall* be exempted from taking the written driver’s license examination *or*
27 demonstration test. Upon issuance of the Guam driver’s license, such person

1 *shall* surrender the driver's license previously issued by the other United
2 States jurisdiction to the Division of Motor Vehicles of the Department of
3 Revenue and Taxation, unless the Director of Revenue and Taxation has
4 adopted other procedures for the disposition of the previously issued license
5 from the other United States jurisdiction.

6 The thirty (30) days period herein may be extended for a period equal
7 to the earlier of one (1) year from the date the licensee arrived on Guam *or*
8 the expiration date of the out-of-Guam license, provided that the licensee, (i)
9 registers his *or* her license with the Department of Revenue and Taxation;
10 and (ii) pays a registration fee to the Treasurer of Guam *not to exceed*
11 Twenty-five Dollars (\$25). Upon approval, the Department of Revenue and
12 Taxation *shall* issue a Certificate of Registration that states, (i) the name and
13 age of the licensee; (ii) the expiration date of the Certificate; and (iii) the
14 licensee's out-of-Guam driver's licensee number.

15 The Department of Revenue and Taxation may withhold registration
16 of an out-of-Guam license *if*, (i) the Department of Revenue and Taxation
17 cannot verify *or* has cause to doubt the validity of such out-of-Guam license;
18 (ii) the licensee is unable to document the date of entry into Guam; *or* (iii)
19 the out-of-Guam license has been revoked *or* suspended by the jurisdiction
20 issuing the license. The Department of Revenue and Taxation may require a
21 prospective registrant to validate his license through passage of a written
22 exam, road test *or* both.”

23 **Section 3.** §3101 (o) of Chapter 3, Title 16, Guam Code Annotated, is
24 hereby *amended* to read as follows:

25 “(o) After passing an examination as required under Subsection (g) to
26 include an actual demonstration of ability to exercise ordinary and
27 reasonable control in the operation of a motorcycle, *or* upon qualifying

1 under subsection (d) of this Section an applicant may have his operator's, or
2 chauffeur's *or* motorcycle permit endorsed by the Director of Revenue and
3 Taxation, *or* his designee, authorizing the applicant to operate a motorcycle
4 on the highways of Guam. The Director of Revenue and Taxation may, in
5 his discretion, accept evidence of a military motorcycle permit in lieu of this
6 examination and endorsement. *No person shall* operate a motorcycle on the
7 highway without first complying with this Section *except* that a person
8 having in his immediate possession a valid motorcycle operator's license
9 issued by any other territory *or* state of the United States, *or* by a foreign
10 country, may operate a motorcycle upon the highways for a period *not*
11 exceeding thirty (30) days from the date such person arrived in Guam. The
12 requirement that the person pass an examination and receive an endorsement
13 for operation of a motorcycle *shall not* be applicable to the operation of a
14 motorcycle *or* when a sidecar is attached to the motorcycle. Any person
15 who operates a motorcycle in violation of this Title *shall* be guilty of a petty
16 misdemeanor."