

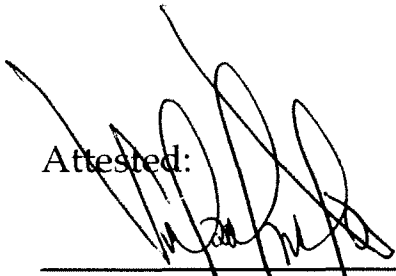
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**I MINA'TRENTA NA LIHESLATURAN GUÅHAN**  
**2009 (FIRST) Regular Session**

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

This is to certify that Substitute Bill No. 97 (COR), "AN ACT TO AMEND §§ 26101, 26102, 26103, 26104 AND 26105, AND TO ADD NEW §§ 26106 AND 26107, ALL OF CHAPTER 26 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE USE OF A SEAT BELT ASSEMBLY AND CHILD RESTRAINT SYSTEM, AND CLARIFYING STANDARDS FOR RIDING IN THE BED OF A PICKUP TRUCK," was on the 29<sup>th</sup> day of May 2009, duly and regularly passed.

Attested:

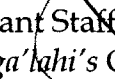


**Tina Rose Muña Barnes**  
**Legislative Secretary**



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

This Act was received by *I Maga'lahaen Guåhan* this 4 day of June, 2009, at  
9:55 o'clock A.M.



Assistant Staff Officer  
*Maga'lahi'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. 97 (COR)**

As substituted by the Author,  
and amended on the Floor.

Introduced by:

T. C. Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
v. c. pangelinan  
Adolpho B. Palacios, Sr.  
M. J. Rector  
R. J. Respicio  
Telo Taitague  
Ray Tenorio  
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§ 26101, 26102, 26103, 26104 AND 26105, AND TO *ADD NEW* §§ 26106 AND 26107, ALL OF CHAPTER 26 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE USE OF A SEAT BELT ASSEMBLY AND CHILD RESTRAINT SYSTEM, AND CLARIFYING STANDARDS FOR RIDING IN THE BED OF A PICKUP TRUCK.**

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

2        **Section 1. Legislative Findings and Intent.** On December 10, 1986,  
3 Public Law 18-45 mandated the use of passenger restraint devices. National  
4 studies have shown that lives have been saved and numerous injuries rendered less

1 life-threatening by simply buckling up. P.L. 18-45, however, only mandated the  
2 use of seat belt assemblies for the driver and front seat passenger. Additionally,  
3 P.L. 18-45 no longer meets current federal standards for child restraint systems,  
4 particularly in regards to child booster seat requirements. It is the intent of *I Mina'*  
5 *Trenta Na Liheslaturan Guåhan* to require the use of appropriate passenger  
6 restraining devices for all occupants within a car, van or pickup truck, and to  
7 clarify and establish certain restrictions for passengers in the bed of a pickup truck.

8 **Section 2.** §26101 of Chapter 26 of Title 16, Guam Code  
9 Annotated, is hereby *amended* to read as follows:

10 **“§26101. Child Restraint: Requirement for Child Restraint**  
11 **System, Non-Booster Seat.** The driver of a motor vehicle, as defined in  
12 Title 16, Guam Code Annotated, §1102(s), excluding a motorcycle, as  
13 defined in Title 16, Guam Code Annotated, §1102(q), in which a child under  
14 four (4) years of age is being transported, shall secure such child during  
15 transit in a child passenger restraint system which meets federal motor  
16 vehicle safety standards and is used in accordance with the manufacturer’s  
17 operating instructions.”

18 **Section 3.** §26102 of Chapter 26 of Title 16, Guam Code Annotated, is  
19 hereby *amended* to read as follows:

20 **“§26102. Child Restraint: Requirement for Child Restraint**  
21 **System, Booster Seat.** The driver of a motor vehicle, as defined in Title 16,  
22 Guam Code Annotated, §1102(s), excluding a motorcycle, as defined in  
23 Title 16, Guam Code Annotated, §1102(q), in which a passenger less than  
24 four feet nine inches (4’9”) tall and between four (4) and eleven (11) years  
25 of age is being transported, shall secure such passenger during transit in a  
26 booster seat or appropriately fitting child restraint system that meets federal

1 motor vehicle safety standards and is used in accordance with the  
2 manufacturer's operating instructions."

3 **Section 4.** §26103 of Chapter 26 of Title 16, Guam Code Annotated, is  
4 hereby *amended* to read as follows:

5 **"§26103. Driver and Passenger(s). Seat Belts Required.** Each  
6 driver and all passengers of a motor vehicle, as defined in Title 16, Guam  
7 Code Annotated, §1102(s), excluding a motorcycle, as defined in Title 16,  
8 Guam Code Annotated, §1102(q), and excluding passengers covered under  
9 §§ 26101 and 26102 of this Chapter, shall be restrained by a seat belt  
10 assembly that meets federal motor vehicle safety standards and is used in  
11 accordance with the assembly manufacturer's operating instructions.

12 (a) Passengers riding in the bed of a pickup truck are exempted  
13 from the requirement to utilize a seat belt assembly, as stated in  
14 this Section, provided, that the following criteria are met:

15 (1) The bed of the pickup truck is surrounded on all four (4)  
16 sides by a secure vertical body extension, inclusive of a tailgate,  
17 that is at least fourteen (14)-inches high;

18 (2) All seats in the cab of the pickup truck are occupied by a  
19 passenger;

20 (3) Passengers in the bed of the truck are twelve (12) years of  
21 age or older;

22 (4) Passengers in the bed of a pickup truck remain seated on  
23 the floor of the truck bed at all times;

24 (5) Passengers are *not* leaning against the tailgate of the pickup  
25 truck; and

26 (6) There are *no more than* five (5) passengers riding in the bed  
27 of the pickup truck."

1           **Section 5.** §26104 of Chapter 26 of Title 16, Guam Code Annotated, is  
2 hereby *amended* to read as follows:

3           “**§26104. Exemptions.** *No driver of a motor vehicle, as defined in*  
4 *Title 16, Guam Code Annotated, §1102(s), shall be in violation of §§ 26101,*  
5 *26102 or 26103 of this Chapter if:*

6           (a) The motor vehicle being driven is participating in the  
7 annual Liberation Day parade, with said motor vehicle *not* exceeding  
8 a speed of ten miles per hour (10 mph);

9           (b) The inadequately restrained individual has a condition  
10 that prevents appropriate restraint by the seat belt assembly or child  
11 restraint system. Such a condition must be duly certified by a  
12 physician who shall state the nature of the condition, as well as the  
13 reason such restraint is inappropriate. For a physician’s statement to  
14 qualify under this Section, the physician giving the statement must  
15 state why use of a child restraint system or seat belt assembly by the  
16 person would be impractical or harmful to the person by reason of  
17 physical condition and medical issue. Such physician statement shall  
18 be in the possession of the individual;

19           (c) The inadequately restrained individual is a passenger of  
20 an emergency or passenger transport vehicle. As used in this Section,  
21 unless the context otherwise requires:

22           (1) *Emergency vehicle* means an on-duty official ambulance,  
23 official firefighting vehicle, official rescue vehicle, or  
24 official law enforcement vehicle;

25           (2) *Passenger transport vehicle* means any vehicle operated  
26 to carry passengers en masse with a gross vehicle rate  
27 rating over ten thousand (10,000) pounds; *or*

1 (d) The vehicle being operated was manufactured before  
2 January 1, 1967.”

3 **Section 6.** §26105 of Chapter 26 of Title 16, Guam Code Annotated, is  
4 hereby *amended* to read as follows:

5 **“§26105. Conviction of First Violation of §§ 26101, 26102, or**  
6 **26103; Penalties.**

7 (a) Any driver convicted of violating §§ 26101, 26102, or 26103 of  
8 Title 16, Guam Code Annotated, shall be fined a sum *no greater than*  
9 One Hundred Dollars (\$100) per violation.”

10 **Section 7.** A new §26106 of Chapter 26 of Title 16, Guam Code  
11 Annotated, is hereby *added* to read as follows:

12 **“§26106. Conviction of Violation of §§ 26101, 26102, or 26103**  
13 **Within One Year after Prior Violation; Penalties.**

14 (a) Any driver convicted of violating §§ 26101, 26102, or 26103 of  
15 Title 16, Guam Code Annotated, and the offense occurred within one  
16 (1) year of a separate conviction for violations of either §26101,  
17 §26102, or §26103, *shall* be fined a *sum no greater than* Two  
18 Hundred Dollars (\$200) per violation.”

19 **Section 8.** A new §26107 of Chapter 26 of Title 16, Guam Code  
20 Annotated, is hereby *added* to read as follows:

21 **“§26107. Conviction Involving Passengers Riding in the Truck**  
22 **Bed.**

23 (a) Notwithstanding any other provision of law, a person convicted of  
24 violating §3301 of Title 16, Guam Code Annotated, shall be fined One  
25 Hundred Dollars (\$100) for each passenger riding in the truck bed. This fine  
26 is in addition to, and *not in lieu* of, the fines or penalties incurred for driving  
27 in excess of the speed limit.”

1           **Section 9. Effective Date.** This Act shall be effective on January 1, 2010.