

**I MINA'TRENTA NA LIHESLATURAN GUÅHAN**  
**2010 (SECOND) Regular Session**

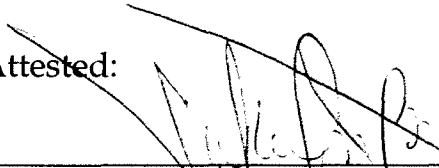
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that Substitute Bill No. 486-30 (COR), "AN ACT TO REPEAL AND REENACT §3401(d); TO REPEAL AND REENACT §3401.1(a),(b),(d) AND (e); AND TO ADD A NEW §3401.1(m), ALL OF ARTICLE 4 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ACCESSIBLE PARKING IN GUAM," was on the 22<sup>nd</sup> day of December, 2010, duly and regularly passed.



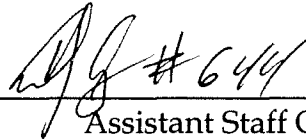
Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 23 day of Dec., 2010, at  
8:02 o'clock P.M.



Assistant Staff Officer  
Maga'laha's Office

APPROVED:

FELIX P. CAMACHO  
I Maga'lahaen Guåhan

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

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

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2010 (SECOND) Regular Session**

**Bill No. 486-30 (COR)**

As substituted by the Committee on Public Safety,  
Law Enforcement and Senior Citizens,  
and amended on the Floor.

Introduced by:

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

**AN ACT TO REPEAL AND REENACT §3401(d); TO REPEAL AND REENACT §3401.1(a),(b),(d) AND (e); AND TO ADD A NEW §3401.1(m), ALL OF ARTICLE 4 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ACCESSIBLE PARKING IN GUAM.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that parking for individuals with disabilities is quite often a challenge, especially  
4 when persons disembarking from vehicles utilize assistive devices such as

1 wheelchairs and other related aids, or individuals whose disability requires  
2 adequate clearance. There is a sentiment of inequity and disservice experienced by  
3 individuals with disabilities requiring the services of adequately identified and  
4 properly utilized assigned areas for parking and disembarking from vehicles.

5 There is also a challenge in the enforcement and adjudication processes  
6 relative to ensuring that accessible and van-accessible parking stalls are utilized by  
7 persons who require the additional parking considerations

8 It is the intent of *I Liheslaturan Guåhan* to address issues, such as the failure  
9 to properly display an accessible access placard; persons who possess a valid  
10 placard *not* disembarking from a vehicle; persons improperly parking in van-  
11 accessible aisles; and to facilitate a broader understanding by the island community  
12 regarding the rights and needs of individuals with disabilities to freely and without  
13 encumbrance utilize accessible and van-accessible parking stalls.

14 **Section 2.** §3401(d) of Article 4, Chapter 3, Title 16, Guam Code  
15 Annotated, is *repealed* and *reenacted* to read:

16 “(d) No person shall park any vehicle(s) within a designated,  
17 accessible parking space for persons with disabilities on public or private  
18 property made available for public use; *unless* the vehicle displays a special  
19 license plate, a removable windshield placard, or a temporary-removal  
20 windshield placard issued pursuant to Title 16 GCA § 7120.1.”

21 **Section 3.** §3401.1(a) and (b) of Article 4, Chapter 3, Title 16, Guam Code  
22 Annotated are hereby *repealed* and *reenacted* to read:

23 “(a) Any person committing or attempting to commit an act of  
24 deception or fraud, by one (1) or more of the following methods, is guilty of  
25 a misdemeanor:

26 (1) The intentional providing of false information, including  
27 statements made on or within a physician’s or optometrist’s

1 certification, submitted in order to obtain or assist another individual  
2 in acquiring a special license plate, removable windshield placard, or  
3 a temporary-removable windshield placard, issued pursuant to Title  
4 16 GCA §7120.1;

5 (2) the alteration, modification or sale of a special license  
6 plate, removable windshield placard, or a temporary-removable  
7 windshield placard, issued pursuant to Title 16 GCA § 7120.1; or

8 (3) the copying, forging, or use of a fraudulent special  
9 license plate, removable windshield placard, or a temporary-  
10 removable windshield placard, issued pursuant to Title 16 GCA §  
11 7120.1;

12 (b) Any person:

13 (1) parking within a designated accessible parking space(s)  
14 without a special license plate, removable windshield placard, or a  
15 temporary-windshield placard on public or private property made  
16 available for public use; or

17 (2) blocking access to aisle(s) adjacent to accessible parking  
18 space(s) on public or private property made available for public use, is  
19 guilty of a violation.”

20 **Section 4.** §3401.1(d) and (e) of Article 4, Chapter 3, Title 16, Guam Code  
21 Annotated, are hereby *repealed* and *reenacted* to read:

22 “(d) Penalty. Any person with a disability, who has applied for and  
23 received a special license plate, removable windshield placard, or a  
24 temporary-removable windshield placard, and who allows another individual  
25 usage of assigned special license plate or placard, is in violation of this Act  
26 and guilty of a violation.

1 (e) A violation of Subsections (b), (c), or (d) of this Section is  
2 punishable by a fine *no less than* Three Hundred Dollars (\$300.00) and *no*  
3 *more than* Five Hundred Dollars (\$500.00). A violation of Subsections  
4 (b)(1) or (c) of this Section, or of Title 16 GCA Chapter 3, or §3401(d) by  
5 any individual(s) qualifying as a disabled person, as defined within Title 16  
6 GCA §7120.1(a)(2), may have citation(s) dismissed upon the presentation of  
7 a special license plate or a removable windshield placard obtained pursuant  
8 to §7120.1 of Title 16, GCA before the Court. The Courts may, at its  
9 discretion and by direction, create a methodology and system that authorizes  
10 the administrative support services of the Courts to certify the presentation  
11 of a placard by a person with a disability for the purposes of dismissal in  
12 order to forgo the need of a personal court appearance, and that such  
13 methodology and system strongly consider the potential for abuse.

14 All fines imposed hereunder by the Court *shall* be deposited into the  
15 Accessible Parking Fund, maintained by the Guam Police Department  
16 pursuant to Title 5 GCA § 50111(c). Additionally, any vehicle(s) illegally  
17 parked pursuant to this Subsection, may be towed; and the owner of such  
18 vehicle(s) will be liable for reasonable towing expenses, which *shall*  
19 constitute a lien against the offending vehicle.”

20 **Section 5.** A new §3401.1(m) is hereby *added* to Article 4 of Chapter 3,  
21 Title 16, Guam Code Annotated, to read:

22 “(m) When issuing a special license plate, a removable windshield  
23 placard, a Guam drivers license, a Guam motorcycle license, or a vehicle  
24 registration, the Department of Revenue and Taxation *shall* distribute  
25 literature detailing the appropriate use of a special license plate, removable  
26 windshield placard, or a temporary-removable placard, covering Title 16  
27 GCA, Chapter 3, §3401.1(a), (b), (c), (d) and (e), and §3401(d). The

1           aforementioned informative literature *shall* be produced with funds from the  
2           Accessible Parking Fund, maintained by the Guam Police Department,  
3           within sixty (60) days upon the passage of this provision into law.”

4           **Section 6.   Effective Date.** This Act *shall* take effect upon enactment into  
5           law.