



Thirty-First
Guam Legislature

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

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May 4, 2011

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairman, Committee on Rules

RE : Committee Report – Bill No. 60-31 (COR) as Substituted.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 60-31 (COR) – "AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK,"** hereby reports out with the recommendation **TO REPORT OUT ONLY.**

Committee Votes are as follows:

<u>1</u>	TO PASS
<u>4</u>	NOT TO PASS
<u>6</u>	TO REPORT OUT ONLY
—	ABSTAIN
—	INACTIVE FILE


Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muna Barnes
Member
- Senator Judith P. Gurbertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

Other Committee Membership:

- Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs
- Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform
- Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources
- Member, Committee on Education and Public Libraries
- Member, Committee on Guam Military Buildup and Homeland Security
- Member, Committee on Municipal Affairs, Tourism, Housing and Recreation

Sincerely,


ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT
ON
BILL NO. 60-31 (COR)
As Substituted by the
Committee on Public Safety, Law Enforcement & Judiciary

AN ACT TO ADD A NEW SUBSECTION (vv) TO §1102 OF; TO AMEND §26103 OF; AND TO ADD A NEW CHAPTER 27; ALL TO TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO DEFINING PICKUP TRUCK AND PROHIBITING VEHICLE PASSENGERS FROM RIDING IN THE BED OF A PICKUP TRUCK.

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Thirty-First
Guam Legislature

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

May 3, 2011

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Judiciary

FROM: Senator Adolpho B. Palacios, Sr.
Committee Chairman

SUBJECT: Committee Report on Bill No. 60-31 (COR) as Substituted.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 60-31 (COR) as Substituted - "AN ACT TO ADD A NEW SUBSECTION (vv) TO §1102 OF; TO AMEND §26103 OF; AND TO ADD A NEW CHAPTER 27; ALL TO TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO DEFINING PICKUP TRUCK AND PROHIBITING VEHICLE PASSENGERS FROM RIDING IN THE BED OF A PICKUP TRUCK,"** – sponsored by Senator Mana Silva Tajeron.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 60-31 (COR) as Substituted
- Copy of Bill No. 60-31 (COR) as introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 60-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'äse!

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muna Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
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- Senator V. Anthony Ada
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

VOTING SHEET ON:

Bill No. 60-31 (COR) as Substituted – AN ACT TO ADD A NEW SUBSECTION (vv) TO §1102 OF; TO AMEND §26103 OF; AND TO ADD A NEW CHAPTER 27; ALL TO TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO DEFINING PICKUP TRUCK AND PROHIBITING VEHICLE PASSENGERS FROM RIDING IN THE BED OF A PICKUP TRUCK. – sponsored by Senator Mana Silva Tajeron

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman			5/3/11 	5/3/11 		
Thomas C. Ada Vice Chairman			3/3/11 	5/3/11 		
Tina R. Muña-Barnes Member				✓		
Judith P. Guthertz, DPA Member			5/3/11			
Rory J. Respicio Member			 5/3/11			
Dennis G. Rodriguez, Jr. Member				5/3/11		
Judith T. Won Pat, Ed.D. Member				5/3/11		
V. Anthony Ada Member				5/3/11 ✓		
Christopher M. Duenas Member				5/3/11 ✓		
Mana Silva Tajeron Member		5/4/11 ✓				
Aline A. Yamashita, Ph.D. Member				5/3/11 ✓		



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 60-31 (COR) – “An act to amend §26103 and to add a new Chapter 27 to Title 16 of the Guam Code Annotated relative to prohibiting vehicle passengers riding in the bed of a pickup truck.” – sponsored Senator Mana Silva Taijeron

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on March 25, 2011 at 2:31 p.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill 60-31 (COR) - “An act to amend §26103 and to add a new Chapter 27 to Title 16 of the Guam Code Annotated relative to prohibiting vehicle passengers riding in the bed of a pickup truck,” sponsored by Senator Mana Silva Taijeron.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on March 18, 2011 (5-day Notice) and on March 22, 2011 (48-Hour notice), pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

Senators Present

Senator Adolpho B. Palacios, Sr.	Chairman
Senator Thomas C. “Tom” Ada	Vice Chairman
Senator Tina Rose Muña Barnes	Member
Senator V. Anthony “Tony” Ada	Member
Senator Mana Silva Taijeron	Member
Senator Christopher M. Duenas	Member

Individual(s) Registered for oral or written testimony:

Dwayne San Nicolas provided written testimony not in favor of the Bill.

Evelyn Mendiola provided written testimony in support of the Bill.

Dave Uson provided written testimony not in favor of the Bill.

Gary Adams provided written testimony in support of the Bill.

L.D. Lacy provided written testimony in support of the Bill.

Kenneth Boardman provided written testimony in support of the Bill.

Joseph Carbullido, Lieutenant, Guam Police Department, provided written testimony in support of the Bill.

Nita Perez Landucci provided written testimony in support of the Bill.

Allan San Nicolas provided written testimony in support of the Bill.

Deputy Director Carl Dominguez for Joanne Brown, Director, Department of Public Works, provided oral and written testimony in support of the Bill.

Phil Tydingco, Chief Deputy Attorney General, Office of the Attorney General, provided oral testimony in support of the Bill.

Bobing Wolford provided oral testimony in support of the Bill.

Ivan Carbullido provided oral testimony in support of the Bill.

Rueben Olivas, Captain, Guam Fire Department, provided oral testimony in support of the Bill.

Elaine Damian provided oral testimony in support of the Bill.

Pacita Florig, Division of Highway Safety, Department of Public Works, provided oral testimony.

Maria Dela Cruz Muna provided written testimony in not in favor of the Bill.

Leonardo Rapadas, Attorney General of Guam, provided written testimony in support of the Bill.

John Tomac provided written testimony in support of the Bill.

Angel Sablan, Executive Director, Mayors' Council of Guam, provided written testimony.

Arnold F. Perez provided written testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened the public hearing for the Committee on Public Safety, Law Enforcement and Judiciary at 2:31 p.m., read the agenda and announced that the hearing would reconvene on Monday, March 28, 2011 at 9:00 a.m. The Chairman recessed the public hearing at 2:35 p.m.

Chairman Adolpho B. Palacios, Sr., reconvened the public hearing on March 28, 2011, at 9:05 a.m. The Chairman read the title of the bill on the agenda, recognized the Senators in attendance and explained the procedure for the public hearing.

Senator Mana Silva Taijeron stated that the Bill would make it illegal for any passengers to ride in the bed of a pick-up truck. She stated that she received testimony from the Guam Police Department and others. She requested that the timeline for receiving public testimony should be extended and the Chairman agreed to defer to Senator Taijeron on that decision.

Chairman Palacios called the panel of Carl Dominguez, Phil Tydingco, Bobing Wolford, Ivan Carbullido, Rueben Olivas and Elaine Damian to testify.

Carl Dominguez read the prepared written testimony of Director Joanne Brown. The Division of Highway Safety at the Department of Public Works supports Bill 60. He noted the passage of Public Law 30-33, which addressed safety of passengers riding in the bed of a pick-up truck. (*See attached written testimony.*)

Phillip Tydingco said that the Attorney General's Office supports anything that makes the streets safer. He stated that there are exemptions for many states for persons riding in the back of pick-up trucks. He believes the policy call is that if cargo is regulated in the back of pick-up trucks, then regulation of passengers is a logical extension. He stated that there may be economic issues, which might require balancing the needs of the low income and their desire to use the back of a pick-up to transport their family.

Bobing Wolford provided testimony in Chamorro, stating that he supports the Bill.

Ivan Carbullido stated that people often break the law. He said that Bill 60 will save lives. Mr. Carbullido said that a small truck is roughly equivalent to a car and that unrestrained cargo will fly. He explained that the truck bed is designed to carry cargo, not people. He believes that although many people will be inconvenienced, it will benefit the people.

Captain Rueben Olivas supports Bill 60. He said that a pick-up truck is more expensive than a four- (4-) door sedan. He believes it is more responsible to transport workers through buses or other conveyance. He stated that it will save lives. Captain Olivas stated that all states have restrictions, but none have banned riding in the back of pick-up trucks. He said that people in the bed are three (3) times more likely to be injured in an accident. He stated that laws are made to protect people and that is exactly what this Bill would do.

Elaine Damian supports Bill 60. Her godson rode in the back of a truck when the driver lost control and all the passengers went to the hospital. Her godson was severely injured. After a five- (5-) hour surgery, he was put into the ICU for weeks. The hospital bill was over one hundred fifty thousand (\$150,000). He is still receiving care. She asks that the Senators support the Bill.

Vice Chairman Thomas C. Ada stated that he hopes that Ms. Damian's godson will recover. He asked whether the Department of Public Works supports the Bill because of grant money. Pacita Florig stated that there will be additional funding available, but

she is unsure of the amount. The Vice Chairman asked whether the key issue is the lack of restraints or lack of a camper shell that makes riding in the back unsafe.

Phil Tydingco stated that most of the deaths are caused by being thrown from the bed. Studies show that ejections and falls are the main problem. Camper shells do not necessarily make passengers much safer. He said that the primary restrictions in other states are minimum age standards. He reiterated his question about whether passengers should be regulated, much like cargo is already.

Senator Tina Rose Muña-Barnes asked if the pick-up truck bed is retrofitted, it would be made more safe. Mr. Tydingco explained his feeling, that if retrofitting will make the vehicle much safer, it may be a sound exemption.

Senator V. Anthony Ada asked whether DPW employees may ride in the back of trash trucks and whether they would be affected. Carl Dominguez responded with an anecdote.

Senator V.A. Ada asked Captain Olivas whether the firefighters can still ride along the outside of a truck and Captain Olivas stated that they do not. Senator Ada asked whether this bill would ban people from riding on floats in a parade. Phil Tydingco stated that there are models which address specific exemptions, such as parades. He said that without exemptions, police officers would have to exercise discretion. Senator Ada questioned whether truck beds with installed seats with seatbelts would be exempted.

Chairman T.C. Ada summarized the changing restrictions on driving. He stated that the current law was because of blatant violations of basic safety precautions. He questioned whether there needs to be a complete ban or whether there should be a gradual change to curb the most blatant and reckless violations that are occurring in the community. He feels it is important to realize what motivated the existing law.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 60-31(COR) is duly heard. He stated his intention to conduct further meetings on the Bill. Senator Taijeron thanked the panel for their testimony and thanked the Chairman for extending the comment period. She encourages members of the community to submit testimony. The Chairman concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 10:55 a.m.

III. WRITTEN TESTIMONIES

Dwayne San Nicolas (*Summary follows.*)

Evelyn Mendiola (*Summary follows.*)

Dave Uson (*Summary follows.*)

Gary Adams (*Summary follows.*)

Lisa Baza (*Summary follows.*)

L.D. Lacy (*Summary follows.*)

Kenneth Boardman (*Summary follows.*)

Rueben Olivas (*Summary follows.*)

Joseph Carbullido, Lieutenant, Guam Police Department (*Summary follows.*)

Nita Perez Landucci (*Summary follows.*)

Elaine Damian (*Summary follows.*)

Allan San Nicolas (*Summary follows.*)

Joanne Brown, Director, Department of Public Works (*Summarized in Section II.*)

Maria Dela Cruz Muna (*Summary follows.*)

Leonardo M. Rapadas, Attorney General of Guam (*Summary follows.*)

John Tomac (*Summary follows.*)

Angel Sablan, Executive Director, Mayors' Council of Guam (*Summary follows.*)

Arnold Perez (*Summary follows.*)

Dwayne San Nicolas. Mr. San Nicolas opposes the Bill. He stated that he believes it is a case of over-regulation of the personal use of a vehicle. He believes it is part of the culture and convenient for beach picnics. He stated that it punishes many people who are otherwise driving responsibly. He said that there are already laws that regulate this area and there is no need of additional regulation. (*See attached written testimony.*)

Evelyn Mendiola. Ms. Mendiola supports the Bill. (*See attached written testimony.*)

Dave Uson. Mr. Uson opposes the Bill. He stated that although tragic accidents have occurred, the knee-jerk ban would be a mistake. (*See attached written testimony.*)

Gary Adams. Mr. Adams supports the Bill. He suggested that it may be necessary to make allowances for construction workers. He added that he hopes there will be legislation about scooter or motorcycle drivers who do not wear adequate protection. (*See attached written testimony.*)

Lisa Basa. Ms. Basa opposes the Bill as written. Notwithstanding, her opposition to an outright ban on bed riders will negatively affect compliant drivers and those from rural

agriculture areas. She recommends several amendments to the bill as follows: (1) Minors under the age of 18 years may not ride in a truck bed without an installed and approved safety belt; (2) Persons 18 years and older may ride unrestrained in the bed of a truck; (3) A child may ride in the bed of a truck with an adult only in a medical emergency; (4) Pick up trucks operated in an agricultural enterprise, organized parade, procession or ceremonial event, or in an emergency are exempt; and (5) Pick up trucks carrying passengers below the age of 18 years, regardless of agricultural enterprise, organized parade, procession or ceremonial event, must travel 20 miles per hour or less.

L.D. Lacy. Lacy supports the Bill and suggested that an exemption might be added for the addition of seats and seatbelts in the bed of a truck. (*See attached written testimony.*)

Kenneth Boardman. Mr. Boardman supports the Bill. He says it will save lives. (*See attached written testimony.*)

Rueben Olivas. Mr. Olivas supports the Bill. He stated that passengers in the bed of a pick up are subject to a ticket. He believes that H-2 workers can ride in busses to their work sites. He explains his 38 years in public safety, and has seen his share of mangled bodies off the roadways that have been thrown from the beds of pick up trucks.

Joseph Carbullido, Lieutenant, Guam Police Department. Lieutenant Carbullido stated that the command staff have reviewed the bill and are in support of it. There is concern that the definitions in the Bill are insufficient and may have unintended consequences, as written. (*See attached written testimony.*)

Nita Perez Landucci. Ms. Landucci supports the Bill. She states that riding in the bed of a pick-up is dangerous, especially when roads are wet. She said that the bed is intended for cargo and using it for transporting passengers expose people to unnecessary risks. (*See attached written testimony.*)

Elaine Damian. Ms. Damian supports the Bill, she states that support of the bill continues to grow, "one person at a time".

Allan San Nicolas. Mr. San Nicolas supports the Bill. He said that pick-up trucks are for carrying cargo, not people. He stated that there are no safety features. (*See attached written testimony.*)

Maria Dela Cruz Muna. Ms. Muna opposes the Bill. She stated that it is not fair to local residents. She said that the bill will have negative effects on the well-being of many families which rely on a pick-up truck for family transportation. She suggested

that allowing seating with safety belts in the back of a pick-up would make people safer. *(See attached written testimony.)*

Leonardo M. Rapadas, Attorney General of Guam. Attorney General Leonardo Rapadas supports the Bill. He stated there may be need for reasonable exemptions, for the installation of seat restraints or camper shells, operating or towing a vehicle for a parade or emergency or the use of a military transport vehicle. He said that transporting people in the bed of pick-up trucks without a restraint system cannot be done without serious risk to the passengers. *(See attached written testimony.)*

John Tomac. Mr. Tomac supports the Bill. He implied that the bill would save lives. *(See attached written testimony.)*

Angel Sablan, Executive Director, Mayors' Council of Guam. Mr. Sablan stated that seventeen (17) out of eighteen (18) Mayors and Vice Mayors at the regular meeting on April 6, 2011 voted "no" to support the Bill. A number of concerns were raised about the Bill. The number of fatalities was not deemed significant compared to those of regular passenger vehicles. Lack of enforcement was cited as the main problem. Mayoral offices are not properly equipped with vans to accommodate groups of community service workers. Many village roads have only a twenty-five (25) mile per hour speed limit. The expense of buying passenger vehicles that can transport six (6) or more passengers was cited as a problem. Accessibility of ranches or beach property sometimes require four-(4-) wheel drive vehicles. *(See attached written testimony.)*

Arnold Perez. Mr. Perez supports the Bill. He stated that passenger safety should be of foremost concern. Mr. Perez said, "It is unsafe to transport passengers in the bed of a pickup truck." *(See attached written testimony.)*

No further written testimony received within the ten (10) day period after the public hearing.

III. FINDINGS AND RECOMMENDATIONS

Findings

Mark-up Meeting, Tuesday, April 12, 2011

Participants:

Senator Adolpho B. Palacios, Sr., Chairman

Senator Mana Silva Taijeron

Nicole Santos, Office of Senator Thomas C. Ada

Director Joanne Brown, Department of Public Works
Carl Dominguez, Department of Public Works
Therese C.D. Matanane, Division of Highway Safety, Department of Public Works
Cecilia Javier, Division of Highway Safety, Department of Public Works
Rueben Olivas, Captain, Guam Fire Department
Michael Aguon, Sergeant, Guam Police Department

Chairman Adolpho B. Palacios, Sr., convened the mark-up meeting at 2:01 p.m., explained the purpose of the meeting and gave background on the existing law.

Senator Mana Silva Taijeron said that she understands that there are concerns about the Bill. She is willing to change it, but believes it would be easier to enforce by a total ban.

Therese Matanane said that modifications including seats and restraint devices that are installed into the back of a pick-up do not meet Department of Transportation Standards and would need to be tested.

Cecilia Javier said that the full capacity requirement in the existing law is fairly standard across the country.

Senator Taijeron cited a suggestion that the ban apply exclusively to federally funded highways.

Director Joanne Brown stated that the odds of injury are very high for those who are seated in the back of a pick-up.

Carl Dominguez gave a brief overview of the history of safety restraints and regulation of motor vehicles.

Director Brown talked about the balance between safety and peoples' freedom to use their own truck to transport people.

Chairman Palacios cited the popularity of trucks on Guam and the perception among the public about the dual use of pick-ups. Although the beds are designed primarily to carry cargo, they are often used to transport friends and family.

Director Brown said that riding in the back of a pick-up is not safe.

Chairman Palacios asked if federal funding is a factor in the consideration of the proposal. He wanted to know if there would be a financial benefit to the government of Guam to adopt a higher standard for vehicle safety. Both Carl Dominguez and Director

Brown stated that there is none. Director Brown reiterated that there is no funding penalty from the federal government for non-implementation of a higher standard.

Sergeant Michael Aguon stated that these are personal choices, not a necessity that people ride in the back of a pick-up. He stated that the government pays for the costs in some cases because of uninsured care at Guam Memorial Hospital.

Chairman Palacios cited the perception of people who choose to purchase a pick-up that they have a right to utilize their property as they see fit. It may be perceived as a violation when the government comes between people and their choice to use their truck to transport people in the back.

Captain Rueben Olivas said that the Guam Fire Department is generally supportive of a ban, but open to responsible amendment. He suggested the need to establish a definition of pick-up truck and a weight standard. His suggested standard was 13,500 pounds. He said that there is very little protection from a camper in the case of a rollover. He also pointed out that children are susceptible to carbon monoxide poisoning when riding in a camper. He suggested optional amendments to allow the use of pick-up trucks to transport people for off-road travel or at parades.

Chairman Palacios cited the use of trucks by mayors for cutting grass and transporting workers in the back.

Brown said that they could find another option.

Captain Olivas implied that the risk is too high and that Guam could go ahead of the states in promoting safety by adopting the ban.

Senator Taijeron cited the restrictions used by various states.

Ms. Matanane stated that people are not allowed to ride in the back of a pick-up on the military bases.

Director Brown stated that it is a policy call and that military leadership does not have to worry about getting elected. She pointed that using pick-ups to transport people is economical and convenient to individuals.

Sergeant Aguon stated that parades are governed by special rules and that the restrictions are nearly completely overturned for the purpose of parades. The Guam Police Department Highway Patrol Division supports a complete ban.

Chairman Palacios cited his intention to forward copies of a draft substitute bill to the participants and concluded the meeting at 2:40 p.m.

Notes on Substitute Bill 60-31 (COR)

The Committee has made amendments to Bill 60-31 (COR) for the substitute Bill. The title required amendment to reflect changes in the body of the Bill.

A new first section was added to the Bill to add a definition of pickup truck in the vehicle code at 16GCA §1102 (vv). The other sections were correspondingly renumbered.

The third section of the Bill, as amended, adds exemptions to the violations defined in that section. It creates a new 16GCA §27102 and subsections (a) and (b), which exempts trucks participating in the Liberation Day parade, providing that speeds are limited to ten (10) miles per hour, and exempts passengers who have a documented physical or medical limitation certified by a physician that requires them to be transported in the bed of a pickup truck. The former §27102 is renumbered §27103.

Recommendations

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 60-31 (COR), as substituted**, with the recommendation **TO REPORT OUT ONLY**.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) Regular Session

2011 JAN 31 PM 12:23
610m

Bill No. 60-31 (COR)

Introduced by:

M. Silva 

**AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER
27 TO TITLE 16 OF THE GUAM CODE ANNOTATED
RELATIVE TO PROHIBITING VEHICLE PASSENGERS
RIDING IN THE BED OF A PICKUP TRUCK.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §26103, Title 16 of the Guam Code Annotated is hereby *amended* to read:

“§26103. Driver and Passenger(s). Seat Belts Required.

Each driver and all passengers of a motor vehicle, as defined in Title 16, Guam Code Annotated, §1102 (s), excluding a motorcycle, as defined in Title 16, Guam Code Annotated, §1102 (q), and excluding passengers covered under §§ 26101 and 26102 of this Chapter, shall be restrained by a seat belt assembly that meets federal motor vehicle safety standards and is used in accordance with the assembly manufacturer’s operating instructions.

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

~~(1) The bed of the pickup truck is surrounded on all four (4) sides by a secure vertical body extension, inclusive of a tailgate, that is~~

1 at least fourteen (14) inches high;

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

4 ~~(3) Passengers in the bed of the truck are twelve (12) years of age~~
5 ~~or older;~~

6 ~~(4) Passengers in the bed of a pickup truck remain seated on the~~
7 ~~floor of the truck bed at all times;~~

8 ~~(5) Passengers are not leaning against the tailgate of the pickup~~
9 ~~truck; and~~

10 ~~(6) There are no more than five (5) passengers riding in the bed of~~
11 ~~the pickup truck.”~~

12 **Section 2.** A new Chapter 27 is hereby *added* to Title 16 of the Guam Code
13 Annotated to read:

14 **“CHAPTER 27**

15 **PASSENGERS IN BED OF PICKUP TRUCK**

16
17 **§27101. Passengers Prohibited From Riding in Pickup Bed.**

18 Passengers of a motor vehicle are prohibited from riding in the bed of a pickup
19 truck, as the bed is designed for the transportation of cargo.

20 **§27102. Penalty.**

21 Notwithstanding any other provision of law, the driver of a vehicle which
22 violates §27101, Title 16 of the Guam Code Annotated shall be fined one
23 hundred dollars (\$100.00) for each passenger riding in a pickup bed.”

24 **Section 3. Enactment.** The provisions of this Act shall become effective thirty
25 (30) days upon enactment.

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

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 60-31 (COR)

As Substituted by the Committee on Public Safety,
Law Enforcement and Judiciary.

Introduced by:

M. Silva Taijeron

AN ACT TO ADD A NEW SUBSECTION (vv) TO 16 GCA §1102, AMEND 16 GCA §26103 OF, AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO DEFINING PICKUP TRUCK AND PROHIBITING VEHICLE PASSENGERS FROM RIDING IN THE BED OF A PICKUP TRUCK.

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

2 **Section 1. Definitions.** A new subsection (vv) is hereby added to §1102, Title
3 16 of the Guam Code Annotated, to read:

4 “(vv) A pickup truck is a motor truck with a manufacturer’s gross vehicle
5 weight rating of less than eleven thousand five hundred (11,500) pounds, an
6 unladen weight of less than eight thousand one (8,001) pounds, and which is
7 equipped with an open box-type bed not exceeding nine (9) feet in length.”

8 **Section 2. Section 1.** §26103, Title 16 of the Guam Code Annotated is hereby
9 *amended* to read:

10 **“§26103. Driver and Passenger(s). Seat Belts Required.**

11 Each driver and all passengers of a motor vehicle, as defined in Title 16,
12 Guam Code Annotated, §1102 (s), excluding a motorcycle, as defined in Title
13 16, Guam Code Annotated, §1102 (q), and excluding passengers covered under

1 §§ 26101 and 26102 of this Chapter, shall be restrained by a seat belt assembly
2 that meets federal motor vehicle safety standards and is used in accordance with
3 the assembly manufacturer's operating instructions.

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

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

10 ~~(2) All seats in the cab of the pickup truck are occupied by a~~
11 ~~passenger;~~

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

14 ~~(4) Passengers in the bed of a pickup truck remain seated on~~
15 ~~the floor of the truck bed at all times;~~

16 ~~(5) Passengers are *not* leaning against the tailgate of the~~
17 ~~pickup truck; and~~

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

20 **Section 3.** ~~Section 2.~~ A new Chapter 27 is hereby *added* to Title 16 of the
21 Guam Code Annotated, to read:

22 **"CHAPTER 27**

23 **PASSENGERS IN BED OF PICKUP TRUCK**

24 **§27101. Passengers Prohibited From Riding in Pickup Bed.**

25 Passengers of a motor vehicle are prohibited from riding in the bed of a
26 pickup truck, as the bed is designed for the transportation of cargo.

27

1 **§27102. Exemptions.**

2 No driver of a pickup truck, as defined in Title 16 of the Guam Code
3 Annotated, shall be in violation of this Chapter if:

4 (a) The pickup truck being driven is participating in the annual
5 Liberation Day parade, with said pickup truck *not* exceeding a speed of
6 ten miles per hour (10 mph); or

7 (b) The passenger has a physical limitation or medical condition
8 that is properly documented by a licensed physician. For a physician's
9 statement to qualify under this Section, the physician issuing such
10 statement must certify why the individual must be transported in the bed
11 of a pickup truck is necessary due to a physical limitation or medical
12 condition.

13 **§27103. ~~27102.~~ Penalty.**

14 Notwithstanding any other provision of law, the driver of a vehicle which
15 violates §27101, Title 16 of the Guam Code Annotated *shall* be fined one
16 hundred dollars (\$100.00) for each passenger riding in a pickup bed.”

17 **Section 4. ~~Section 3.~~ Enactment.** The provisions of this Act shall become
18 effective thirty (30) days upon enactment.

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



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

CHAIRMAN

1702 28
Friday, March 25, 2011

Bill No. 60-31 (COR) – AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO **PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK.** – sponsored by Senator Mana Silva Taijeron

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ CARL DOMINGUEZ	DPW	646-3232	✓	✓	✓	
✓ Pina Lyndano	AGO	475-3406	✓			✓
✓ Bobbie Wolford			✓		✓	
✓ Ivan Carbullido			✓		✓	



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

CHAIRMAN

MS
~~Friday, March 25, 2011~~
 28

Bill No. 60-31 (COR) – AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO **PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK.** – sponsored by Senator Mana Silva Taijeron

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ RUBEN OLIVERA	SELF	898-7496	X			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

CHAIRMAN

MSJ 28
Friday, March 25, 2011

Bill No. 60-31 (COR) – AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO **PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK.** – sponsored by Senator Mana Silva Taijeron

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
<i>✓ Elaine Panico</i>		<i>797-0700</i>	<i>✓</i>		<i>✓</i>	

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Morning Senator Mana....

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Between You and Dwayne San Nicolas



Dwayne San Nicolas January 31 at 9:43pm Report

I hope I find you in good spirits....We had a long discussing with my children regarding your law. I had several arguments why I do not support your law and thought maybe I should share them with you. 1. I hate it when government wants to regulate everything. In this case you are regulating how I should use my vehicle. 2. We live on an island where the culture is what it is. On occasion I go the beach, and on occasion children and others get wet, not to mention we also have to haul other things. but i would love the opportunity to use my common sense and good judgement in the transport of my children to and from the beach using my vehicle. 3. I grew up in an time where my auntie would transport us to the ranch with her pick up and brought safely there....she was a great extraordinary person. for every 1 bad incident you have 99 good instances where transporting people in the back of a pickup truck was safe. you should not punish the entire populace for the misgivings and idiocy of 1. 4. There are already laws in place for this type of infractions....Leave it alone!!! We dont need more laws! Anyways...I love your spirit and intentions, for that....semper tuus ero!!!

dwayne



Mana Silva Taijeron February 1 at 12:15am

Thank you for your input. I appreciate your point of view, and I am glad you think enough about the island to contribute to the dialogue. Your comment will be taken and submitted as testimony. It's important for me to get ALL sides on the matter and I welcome remarks-even if its against my bill. Trust me, I hear your concerns and your comments will be weighed as this bill progresses. Again, thank you... And please always feel free to get a hold of me with your comments, questions, and concerns. God bless! Mans

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Between You and Evelyn Mendiola

 **Evelyn Mendiola** January 31 at 8:32pm Report
 bless you Mana! i called you back in 2009 about my sons' school and the D.I. program at Marcial Sablan and you were so sympathetic. His school is no longer usin DI !!!! i heard about your new bill re: the pickup bed'si would love it if it becomes a law. what can i do?!!!!

 **Mana Silva Taijeron** January 31 at 8:35pm
 Testify. The bill will be up for a public hearing, so I encourage you to come and testify, or you can submit your written testimony. You can email it to senatormana@gmail.com thank you for your support on this. I look forward to hearing from you. God bless!
 Mana

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3/28/2011

Gmail - Truck Bill



Adolpho Palacios <senabpalacios@gmail.com>

Truck Bill

Dave C. Uson <duson@mail.justice.gov.gu>
To: senabpalacios@gmail.com

Mon, Mar 28, 2011 at 7:53 AM

28 March 2011

Good morning Senator Palacios:

A handwritten signature in black ink, appearing to be "DU" or similar initials.

I am writing reference to the bill being heard today and introduce by Senator Taijeron. I come from a very large family and grew up riding in the back of the truck. My parents were able to afford having two cars, a station wagon and a truck. Its just something cool about growing up and riding in the truck to go to the ranch or beach. The recent accidents that occurred earlier this year shouldn't be the litigating factor. It was tragic, but careless on both the drivers. So, if a culprit uses a butter knife to commit a murder do we introduce a law to ban the butter knife? The state of Hawaii alots the locals to ride in the back of the truck with the exception of the freeway. Not everyone can afford an SUV or even two or more cars. This is just knee-jerk reaction to the earlier events.

Thank you for your time!

duson

Bill 60-31 Testimony Received by Senator Mana Silva Taijeron via email, facebook or hand delivery

From: Dave C. Uson <duson@mail.justice.gov.gu>

Date: Mon, Mar 28, 2011 at 10:41 AM

Subject: Truck Bill

To: senatormana@gmail.com

Good morning Senator:

I am only writing to express that I am against your bill regarding having passengers riding in the back of the truck. I grew up riding in the back of the truck and I had 6 brothers and 4 sisters. My mom and dad were able to afford to have a station wagon and a truck, but not everyone can afford to purchase two cars let alone a SUV like you and I can.

The recent accidents that occurred in the beginning of the New Year was tragic, but reckless in the part of the drivers. I believe the first incident the driver fled the scene of the accident that occurred in Route 1 in Tamuning. He was probably was driving while under the influence and more than likely did not have a driver's license. That's why he ran. The second incident involving minors at Route 3A was pure reckless and irresponsible on the driver's side. The State of Hawaii still allows the locals to ride behind the truck with the exception of the freeway. What is the statistics of accidents involving trucks with passengers in the back of the truck? It will probably show a very short percentage.

So if an individual uses a butter knife to stab someone due we introduce a bill to ban the usage of butter knife. Shouldn't we punish the individual and not whole for his actions. In short, this sounds like a knee-jerk reaction to the recent incidents. Its tragic but look at the overall picture. I live in a tropical island and this is Guam. I always thought it was cool going to the beach or the ranch riding in the back of the truck.

My dad or older brother always made sure we were always seated and not sitting on the top of the bed of the truck. They never consume any alcohol and drove us around. Why not include having restraints for the 5 people now allowed by law to ride in the back instead of banning. We live in a tropical island and this is Guam. So lets look at the whole picture and not punish whole for the reckless and tragic conducts of those individuals.

Thank you and good luck!

duson

From: Gary Adams <boomer@guam.net>

Date: Sun, Mar 27, 2011 at 6:19 PM

Subject: Taijeron Bill 60 (Pickup passengers)

To: Senator Mana <senatormana@gmail.com>

Cc: Bob C <bobcamacho@hotmail.com>, Ray G <breakfastshowk57@gmail.com>, Sgamby <olyman@gmail.com>

Mana,

No doubt you are going to be on the receiving end of some criticism by unhappy pickup owners. PLEASE stick to your guns and don't yield to the criticism. I'm one of the many who are behind your bill to ban riders in the back of pickup trucks. Especially those young kids. It makes zero sense to require them to be seat belted inside the vehicle and allowed to be loose in the back. ALSO, riders in the back with their backs against the tailgate, and this is a common occurrence, are especially at risk. Even a slight rear ender would result in back injuries and back injuries just don't go away.

With the military buildup construction coming up it might be necessary to make some allowances for workers to be transported on and around the construction sites. That wouldn't seem to be too much to allow as a matter of convenience. But, for transportation on Guam's roads it should be by bus. Certainly the contractors can afford busses. My point in writing is to add my compliments to your attempt to do what is right. Those that are injured or killed incur a serious liability on the taxpaying public for the treatment required. At least I would guess it would be like that.

ALSO, to be considered is something about scooter/motorcycle drivers who don't wear a helmet, gloves and footwear. To see a scantily clothed person, no helmet, and in shower clogs is a bit scary. A fall to the pavement would result in serious injuries, if not death. I realize that is another issue, but one that should be addressed. Ray, you going to have a show with this issue as a topic of interest? If so, please e-mail me and give me a heads-up. AND...stay on your sister to be TUFF and not back down.

Favorite Wife Kay just stopped by to check my pulse and said to mention to do something about those who love to chat and text on their phones in traffic. I've seen several serious cases of it myself and right in the middle of heavy traffic. One guy in a pickup was leaving about five or six car lengths between him and the vehicle in front of him near the ITC intersection. Imagine all the drivers on the road leaving those kinds of gaps in heavy traffic. We wouldn't be able to get anywhere in short order. Just sayin'...

The important thing, which is probably not going to happen, is ENFORCEMENT once it becomes law. But that's another issue. I'm betting the Airport Police will show no mercy. ALSO, with a strict COP, like we used to have, it would be enforced. Just thinkin'...

Boomer

TESTIMONY IN OBJECTION TO BILL 60 AS WRITTEN AND INTRODUCED BY SENATOR TAIJERON

Submitted by: Lisa Baza, 777-3764

The introduction of Bill 60 with all intents and purposes will align Guam with the efforts of our stateside counterparts in criminalizing pick up bed riders. In light of the severe injuries of the bed rider in the high school joy ride case and other fatal cases over the last decade, the intention of Bill 60 is worthwhile.

Notwithstanding, my opposition to an outright ban on bed riders will negatively affect compliant drivers and those from rural agriculture areas.

Recommended amendments to the bill and consideration on the floor are as follows:

1. Minors under the age of 18 years may not ride unrestrained in a truck bed without an installed and approved safety belt;
2. Persons 18 years and above may ride unrestrained in the bed of a truck;
3. A child may ride in the bed of a truck with an adult only in a medical emergency;
4. Pick up trucks operated in an agricultural enterprise, organized parade, procession or ceremonial event, or in an emergency are exempt from the above;
5. Pick up trucks carrying passengers below the age of 18 years regardless of the setting (agricultural enterprise, organized parade, etc.) must travel 20 miles per hour or less.

From: L. D. Lacy <ldlacyguam@gmail.com>

Date: Mon, Jan 31, 2011 at 6:19 PM

Subject: Riding in the bed of pickups

To: "senatormana@gmail.com" <senatormana@gmail.com>

Senator:

I support you efforts to keep passengers out of the bed of pickups. The only compromise you might consider is seats and seatbelts installed in the bed and covered pickups with same installed. Good Job!

From: Ken Boardman <kenb@guam.net>

Date: Mon, Jan 31, 2011 at 6:48 PM

Subject: Great Bill

To: senatormana@gmail.com

Cc: office@senatorada.org

Push HARD for bill 60 - it's a great, great life saving, straight foreword, bill!! Finally a law maker with a bit of real compassion for people.

For Senator Tom Ada.....If you don't come to support this bill, I will not support you in the future. And what do you mean it would be "hard" on families - would a funeral be easier for the families to handle. Geeeees –

From: Rueben Olivas <rdo1043@yahoo.com>

Date: Tue, Feb 1, 2011 at 8:47 AM

Subject: Pick up bed legislation

To: Senator Mana Silva Tajeron <senatormana@gmail.com>

Senator,

No riding in the back of pickups is a great bill. It is about time someone went all the way with this issue. And it will be easy to enforce now. If you are in the back of a moving pickup you are subject to a ticket. No more guessing or lying about age. H-2s can be bussed to their work sites like I have seen Core Tech do. Safety is the priority. With 38 years in public safety and having been a police officer in Cali and a firefighter here, I have picked up and cleaned up my share of mangled bodies off the roadways many passengers from the backs of pickup trucks. It only takes once to see an infant or young child with serious injuries to change most people's minds. For those against this bill, if it was their child all banged up with serious injuries or death, it would not take long for them to change their minds.

Senator, keep these types of common sense approaches to your legislation and don't worry about reelection like so many Senators do. If you work hard reelection will come on its own and as a result of your hard work. We don't always have to agree with everything. Like I told a number of Senators in the past, "We don't always agree with our spouses, what more elected officials and administrators."

Keep on charging Senator.



GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN



EDDIE BAZA CALVO
Governor of Guam

RAY S. TENORIO,
Lieutenant Governor

Government of Guam
Bldg No. 233, Central Avenue, Tiyan, Guam 96913
Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512
Fax: (671) 472-4036

FRED E. BORDALLO, JR.,
Chief of Police

RICARDO M. LEON GUERRERO
Major
Acting Police Commander

March 24, 2011

Senator Mana Silva Taijeron
31th Guam Legislature
Ste. 501, DNA Bldg.
238 Archbishop Flores St.
Hagåtña, Guam 96910
Ph.: (671) 989-6878 / 989-7678
Fax: (671) 989-8678

Subject:: **Written Testimony**
Re: **Bill 60-31**


Buenas Yan Hafa Adai Senator,

I am submitting this written testimony relative to Bill 60-31, an act to amend §26103 and to add a new Chapter 27 to Title 16 of the Guam Code Annotated relative to prohibiting vehicle passengers from riding in the bed of a pickup truck.

GPD command staff have reviewed and discussed the contents of the bill and are in support of the bill generally, mainly because we are a public safety agency and acknowledge the intent of the bill, to safeguard life.

The proposed bill mentions all vehicles defined under the T-16 GCA excluding designated vehicles such as motorcycles and the like, to be equipped with seat belt systems for usage. By looking at the given verbiage, it's surmised that school buses and tourist buses to include heavy equipment are included and if so, the bill if passed into law would severely impact our island community if the law is to be enforced 30 days after its passage into law. We respectfully request for this to be clarified.

Sincerely,


Joseph S. Carbullido
Lieutenant
By Direction

From: **Nita Landucci** <nita.landucci@yahoo.com>
Date: Tue, Mar 29, 2011 at 9:23 AM
Subject: Law 60 - Banning of pick-up bed riders
To: senatormana@gmail.com

Dear Senator,

I was browsing thru Guam News websites and I ran across an article regarding banning of passengers on pick-up beds. Riding in the bed of a pick-up can be dangerous business especially for the island of Guam where the roads are very treacherous when it's wet. Cargo bed is mainly for just that "CARGO," not human passengers. People have been maimed or killed in accidents involving pick-up bed riding. Even at your lowest speed, children as well as adults, can be easily ejected from cargo areas as a result of a sharp turn to avoid an obstacle or crash. A fall from the pick-up bed can be deadly.

I totally approved of your Bill 60, I hope the Legislature will take it into consideration and pass such Bill. Guam don't need anymore un-necessary deaths...something that can be avoided by passing this Bill 60. I wish you all the luck and hope that my next Guam News viewing that I will see this Bill 60 pass into Law.

By the way, I am from Guam, the village of Talofofu and currently residing in Pittsburgh, Pennsylvania. You might know me by the "PEREZ's from Talofofu.

Thank You,
Nita Perez Landucci

From: Elaine Damian <elaine.damian@hotmail.com>
Date: Thu, 31 Mar 2011 06:56:06 +1000
To: <senatormana@gmail.com>
Subject: FW: Bill 60

Good morning,
And the support continues to grow....One person at a time!

Elaine Damian

> Subject: Bill 60
> From: allansannicolas@yahoo.com
> Date: Mon, 28 Mar 2011 16:33:20 +1000
> To: elaine.damian@hotmail.com
>
> I'm in favor of Bill 60, I've been waiting for something like this to happen. The pick up truck is for carrying cargo, not people. If it was designed to carry people, the manufacture will have designed it with safety features. Hope that the people and the other senators will agree with this Bill 60. Let's not wait for another tragedy to happen, then act on the bill.
> Thank you.
>
> Sent from my iPhone 4 Powered by GTA.
>
> Allan R.A. San Nicolas
> Department of Education
> Transition Services, SPED
> Phone# (W) 300-2279
> (C) 482-1726
>



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



JOANNE M.S. BROWN
Director
CARL V. DOMINGUEZ
Deputy Director

March 25, 2011

The Honorable Adolpho B. Palacios, Sr.
Chairman
Committee on Public Safety, Law Enforcement & Judiciary
Senator, 31st Guam Legislature
Mina'trentai Unun na Liheslaturan Guahan
155 Hessler
Hagatna, Guam 96910

Dear Chairman Palacios:

Good afternoon Mr. Chairman and Members of the Committee. We appreciate the opportunity to provide testimony on Bill No. 60-31, "An Act to *Amend* Subsection 26103 and to *Add* Chapter 27 to Title 16 of the Guam Code Annotated Relative to Prohibiting Vehicle Passengers Riding in the Bed of a Pickup Truck."

As the Director of Public Works and the Governor's Highway Safety Representative, the DPW-Office of Highway Safety are advocates for passenger and highway safety and support of Bill No. 60-31 to prohibit vehicle passengers from riding in the bed of a pickup truck.

In 2006, Bill No. 392 was introduced: "An Act to Amend 16 G.C.A., Chapter 26, §26103 to require passengers riding outside the passenger compartment of a vehicle to wear a seat belt." The 28th Guam Legislature passed the bill; unfortunately, the bill was not signed into law by the former Governor.

In 2009, Bill No. 30-97 was introduced by Senator Tom Ada and passed into law (P.L. 30-33). This legislation was a step forward in providing additional safety requirements and taking into consideration concerns raised by the public. We commend Senator Ada for his hard work initiating P.L. 30-33 in addressing the concerns of those who own pickup trucks for family and economic reasons.

The Honorable A.B. Palacios

Testimony: Bill 60-31

Page 2

DPW wants to reiterate the importance of highway safety and the purpose of our highway safety programs to reduce the incidence and severity of traffic crashes, injuries, and fatalities from accidents occurring on Guam's roadways. We will continue to advocate our highway safety efforts and educational outreach in the community for protective occupant restraint systems for children and adults and the implementation of remedial safety measures at high-crash sites.

Again, thank you for the opportunity to testify on Bill 60-31.

Sincerely,



JOANNE M.S. BROWN



Adolpho Palacios <senabpalacios@gmail.com>

MORE BILL 60-31

Charles Ecret <cdecret@gmail.com>

Fri, Apr 1, 2011 at 8:15 PM

To: senabpalacios@gmail.com

Hafa Adai

Below is another file containing comments and testimony on Bill No. 60-31(COR) received by the office of Senator Mana Silva Taijeron that we wish to be included in the committee report file for the aforementioned bill. Thank you

Maria Dela Cruz Muna posted in Dear Chelu'.**Maria Dela Cruz Muna**

11:46pm Mar 27

Dear Chelu', I am having a very difficult time understanding the leaders of today. For instance, there is a bill being introduced on Guam for tickets being issued for passengers being on the back of a pickup truck. Now, I understand the concern behind this issue, however, it isn't being fair to many local residence. The previous law that indicates an age limit to be a passenger on the back of a pickup is quite considerate. I just think that there are more serious issues that need the attention rather than to make life more difficult to the citizens. If a pickup truck was the only form of transportation for a household, what will this bill do to these families. If a preventive way is being sought for accidents involving passengers behind a pickup truck, maybe bolted bed seats with seatbelts should be implemented (sort of like the car seat for children law). This could be possible and safety inspected with the vehicle upon renewal. Just a thought.

Charles D. Ecret

Office of Senator Mana Silva Taijeron
I Mina' Trentai Unu na Liheslaturan Guahan
31st Guam Legislature
Tel: (671) 989-6878
Fax: (671) 989-8678

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Leonardo M. Rapadas
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

April 6, 2011

Honorable Adolpho B. Palacios, Sr. 
Chairperson, Committee on Public Safety,
Law Enforcement and Judiciary
Mina'trentai Unu Na Liheslaturan Guåhan
The Thirty-first Guam Legislature
Suite 104, 155 Hesler Place
Hagatna, Guam 96910

Subject: **Bill No. 60-31 re: Prohibiting Passengers in Pick-up Truck Cargo Bed**

Dear Chairman Palacios,

Buenas yan Háfa Adai! The Office of the Attorney General supports the intent of Bill No. 60-31 to make travel on our streets and highways safer for the people of Guam. Many families, young adults, and contractors continue to transport passengers in the open cargo beds of their pick-up trucks. Senator Mana Silva Taijeron bravely proposes to prohibit this long-standing unsafe custom or practice that periodically has tragic or fatal consequences. At the recent public hearing on this bill, issues were raised about the need to provide exemptions or exceptions to the bill's proposed law to allow for certain circumstances where riding in the open cargo bed or flat bed of pick-up trucks may be made safe or pose very little risk of harm to such passengers (i.e., installing of seat restraint systems and or camper shells; operating or towing a vehicle in a parade or emergency; military transport vehicle; etc.). These issues merit a fuller discussion or consideration for inclusion as part of this bill. Indeed, Senator Tom Ada and other colleagues pointed out that Guam law regarding passengers riding in the back of or on the cargo bed of pick-up trucks has been evolving in the positive direction of more safety (i.e., the law currently only allows passengers to ride without seat belts or restraint systems in the cargo beds of pick-up trucks by making certain it is of certain construction; requiring the truck cab to be filled first, prohibiting no more than 5 passengers in the truck bed; prohibits any child under 12 years of age from riding as a passenger in the cargo bed of a pick-up truck, etc.).

Nonetheless, even if the exemptions or exceptions are included in the bill, it seems to be an inescapable conclusion supported by ample evidence that transporting human beings of any age in the open cargo beds of pick-up trucks that have no seat belt or safety restraint system cannot be done without posing serious risk to life and limb.

Therefore, we respectfully urge the Guam Legislature to enact Bill No. 60-31 subject to reasonable exceptions or exemptions in order to make travel on our streets and highways safer. Should you have any questions do not hesitate to contact me or Chief Deputy Attorney General Phil Tydingco. *Dangkolo na Agradesimiento!*

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Rapadas', with a long horizontal flourish extending to the right.

LEONARDO M. RAPADAS
Attorney General of Guam



Adolpho Palacios <senabpalacios@gmail.com>

Bill 60

John Tomac <jstomac@gmail.com>

Wed, Apr 6, 2011 at 4:51 PM

To: speaker@judiwonpat.com, senadotbjcruz@gmail.com, tinamunabarnes@gmail.com, roryforguam@gmail.com, judiguthertz@pticom.com, senbenp@guam.net, office@senatorada.org, senabpalacios@gmail.com, senatorrodriguez@gmail.com, frank.blasjr@gmail.com, aline4families@teleguam.net, senatortonyada@guamlegislature.org, duenasenator@gmail.com, info@senatormabini.com, senatormana@gmail.com

Dear Senators,

I have taken it upon myself to show you the devastating affects, whether reckless or safe driving, the affects of individuals riding in the back of a pick-up. These videos are from youtube and as a teacher I find it very effective to prodcue visuals rather than just words.

<http://www.youtube.com/watch?v=eK5NtB-j8YU&feature=related>

I wonder if your attitudes would change if you had a family member killed riding in the bed of a pick-up truck. I'm guessing it hasn't happended yet, but if and when it does I'm certain it will be all over the news and then you can reflect and tell yourself, "I had a chance to save their life and I failed to do so". You have two choices: You can either save a friend or a family member of yours or you can risk their life by allowing them to ride in the back of a truck.

John S. Tomac

I do support Bill 60



Mayors' Council of Guam

Konsehelon Mahot Guahan

April 8, 2011

Honorable Mana Silva Taijeron
Senator
31st Guam Legislature

Dear Senator Taijeron:

Buenas yan Hafa Adai! The purpose of this letter is to express to you some of the concerns of the Mayors and Vice Mayors of Guam regarding your Bill. No. 60-31(COR). "An Act to amend Section 26103 and to add a new Chapter 27 to Title 16 of the Guam Code Annotated relative to prohibiting vehicle passengers riding in the bed of a pickup truck".

First and foremost, 17 out of 18 Mayors and Vice Mayors in attendance at their regular monthly Council meeting on April 6, 2011 voted "no" when asked if they supported Bill No. 60-31. All who opposed expressed their concerns that while you did come and make an appearance at an earlier MCoG meeting regarding Bill No. 60-31, none of the their input or suggestions have been brought to the forefront even when the bill was publicly heard.

Therefore, the following concerns are again brought to your attention and perhaps could be discussed and/or debated during the Markup meeting on Bill No. 60-31:

1. The number of fatalities of passengers being thrown from a pickup truck in the past 10 years is miniscule compared to the fatalities of regular passenger vehicles. (Report attached from GPD Statistics)
2. The problem is not necessarily passengers riding in the back of a pickup but the enforcement of existing laws regulating passengers in the back of a pickup truck.
3. All Mayoral offices are involved in the court mandated community service programs. At the present time, offices are not equipped with transport vans to accommodate the groups of community service workers that are sent to mayor's offices every week.
4. Many of the village roads are only at the 25MPH speed limit. The use of pickup trucks by many of our residents is obvious, not only because of price, but it is more economical and useful. Families who cannot afford passenger vehicles but have more than 6 in the family will now be hard pressed to do any transporting especially with the costs of fuel at the present time.
5. How will residents be able to reach their ranch or beach property that require 4WD with their families if they are not allowed to transport them in the beds of their trucks when cars cannot be driven on such terrain?

These are just some of the concerns brought up by Mayors and Vice Mayors. We wholeheartedly agree in providing safety to our residents. We do not agree that Bill No. 60-31 in its present form will accomplish any more than the lack of enforcement regarding pickup truck passengers has done to date.

The Mayors and Vice Mayors are always ready and open to discuss this proposed legislation further with you. Please call on us anytime.

Senseramente,

ANGEL R. SABLAN
Executive Director

Cc: All Senators



Ancient Latte Stones

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April 8, 2011

From: Arnold F. Perez
153 John Perez St.
Yigo, GU 96929
Tel: 653-3245



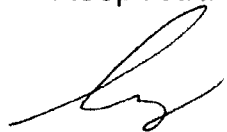
To: Senator Mana Silva Taijeron

Subj: SUPPORT OF BILL NO. 60-31

1. I support subject bill that prohibits passengers from riding in the bed of pickup trucks.
2. Passenger safety should be the primary concern when considering the benefits of this bill. All other concerns pale in comparison to the loss of human life or serious and permanent bodily injury.
3. There will be opponents that will point out that this proposal will further limit our freedom of choice, limit our transportation resources, or add additional costs to living on Guam. Some might say that a lack of enforcing current law is the problem.
 - If we choose to ride in a passenger vehicle without a seatbelt fastened, we might get cited and fined; If we choose to ride in the bed of a pickup truck, unrestrained, we may get killed.
 - If someone needs to haul a large family around in the bed of a pickup truck then they are exposing these family members to unnecessary danger. They need protect them by transporting them in a safe manner (inside a vehicle with seatbelts), or make several trips with the passengers riding in the cab of the truck.
 - The expense of purchasing the proper vehicle to transport a family on Guam is small compared to the cost of a funeral or a long hospital stay.

- Enforcing current law will not stop passengers in the bed of a pickup from being ejected.
4. The bottom line is it is unsafe to transport passengers in the bed of a pickup truck. We need to make it illegal to do so. We can save lives and reduce costs by passing this bill.

Respectfully,

A handwritten signature in black ink, appearing to read 'A. F. Perez', written in a cursive style.

A. F. Perez

Chapter IV
RESULTS

Ry 3/28/11

The 1989-1998 data were analyzed from three perspectives: crash, driver, and casualty. Analyses only included incidents that involved at least one pickup truck in which one of the injured passengers was riding in the cargo bed. Section I focuses on crash characteristics; Section II contains the demographic characteristics of the drivers; and Section III analyzes the demographic characteristics of the cargo bed passengers who were injured or killed. Section IV provides results from the Texas Department of Health concerning health outcomes for 1997-98 crash victims.

SECTION I: Analysis of 1989 –1998 Crashes

→ From 1989 to 1998, some 4,242 cargo bed incidents in which an individual was injured or killed occurred in the state of Texas. We refer to these incidents as “crashes” regardless of whether another object was involved for convenience sake, as well as to adhere to the terminology of the Texas DPS database.

Number of Vehicles Involved in Crash:

According to the literature, injurious incidents involving passengers in the cargo bed of a pickup truck are frequently a direct result of shifting objects and may not involve collisions with other vehicles or objects. Texas data indicate that there are a lot of single vehicle crashes, but it can not be determined if these crashes are resulting from shifting loads. For the 10 years of data studied, 45% of crashes (1,930) involved one vehicle. Two-vehicle crashes accounted for 48% (2,004) and three-

vehicle crashes accounted for 6% (249) of all crashes. The remaining multi-vehicle crashes involving four, five, six or seven vehicles compose approximately 1% (Figure 1).

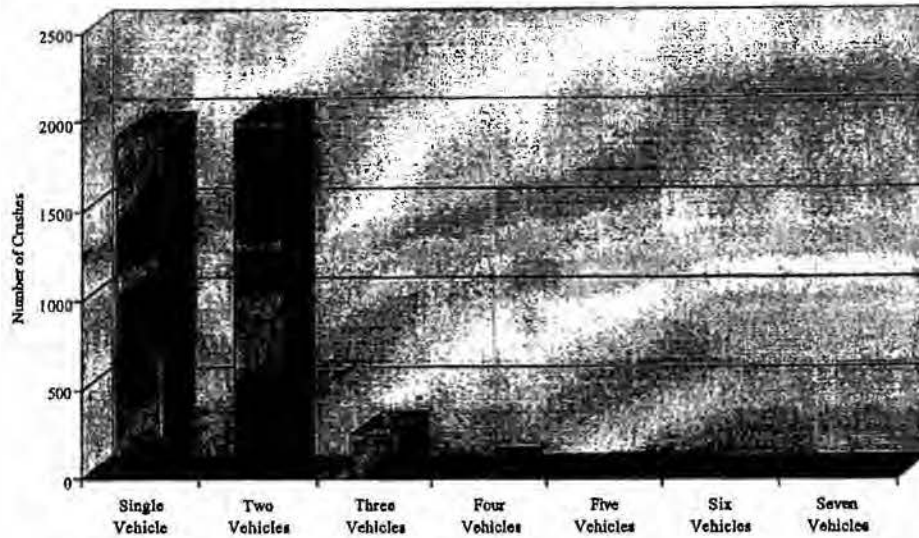


Figure 1. Frequency of crashes by total number of vehicles involved (n=4242) 1989 - 1998.

Object Struck:

Approximately 20% (855) of cargo bed incidents involved a person who fell or jumped from the vehicle. Sixty percent (253) were recorded as “no code applicable” in relation to object struck. Due to coding errors, a portion of these crashes could have been classified as “person fell or jumped,” thus the 20% due to falls and jumps is a conservative figure. The remaining 20% (857) involved crashes in which the pickup truck either struck one of the following objects or one of the following events occurred: vehicle overturned, hole in road, vehicle jack-knifed, train/road no X, train go forward, curb, culvert/headwall, guardrail, signal post, signal light/wires, luminaire pole, utility pole, mailbox, fence, house/building/fixture, commercial sign, other fixed object, work zone machine/material, median barrier,

end of bridge, side of bridge, pier at underpass, attenuation device, other object, concrete traffic barrier, delineator post, retaining wall, fire hydrant, ditch (earth), embankment (Figure 2).

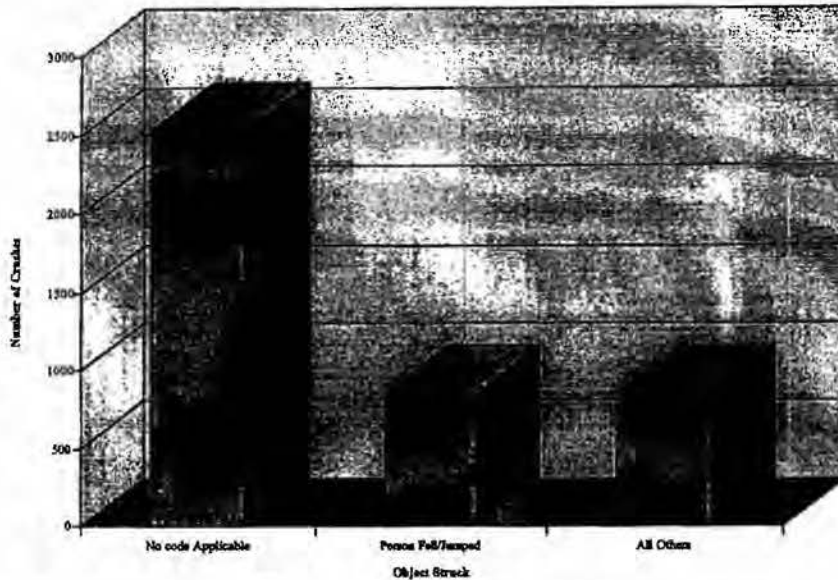


Figure 2. Frequency of crashes by object struck (n=4242) 1989 -1998.

First Harmful Event:

The “First Harmful Event” is a classification used by the Texas Department of Public Safety (DPS) to describe the nature of a crash and the location of the vehicle in relation to the road at the time of the first injury or damage. There are two broad categories of events: collisions and non-collisions and there are ten mutually exclusive sub-categories under these two categories. The non-collision category contains two sub-categories: overturning and other non-collision. The collision category contains eight sub-categories: collision of a motor vehicle in transport with any of the following: pedestrian, another motor vehicle in transport, a parked vehicle, a railway train, a pedal cyclist, an animal, a fixed object, or “other object.” Among the 4,242 incidents studied, 53% (2,235) reported the first harmful event as

“other motor vehicle in transit” (53%); an additional 24% were coded as “non-collision;” 10% (442) were “overtumed;” and 12% (522) hit a “fixed object.” The remaining one percent involved a pedestrian, train, parked car, animal or other object (Figure 3).

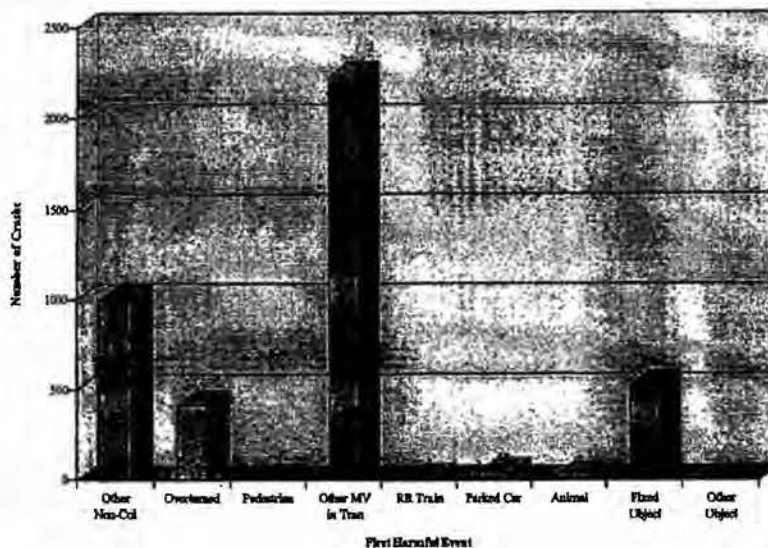


Figure 3. Frequency of crashes by first harmful event (n=4242) 1989 -1998.

Accident Severity:

Of the 4,242 cargo bed incidents, 262 (6%) resulted in at least one fatality. Another 1,154 crashes resulted in one or more incapacitating injuries; 1,597 crashes resulted in one or more non-incapacitating injuries; and 1,229 crashes resulted in one or more possible injuries (Figure 4). A list of crash severity by year can be found in Appendix B.

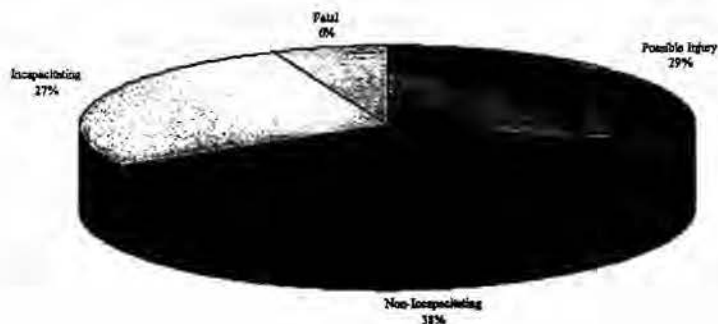


Figure 4. Frequency of crashes by accident severity (TSEV) (n=4242) 1989 - 1998.

Road Class:

The highest percentage of cargo bed incidents (37% or 1,556) occurred on a “city street.” Another 1,165 crashes occurred on U.S. and State Highways; 553 crashes occurred on country roads; 476 crashes occurred on Farm to Market roads; 463 crashes occurred on Interstates; the remaining 29 crashes occurred on Turnpike and Toll, Other (Alley), and Belt 8/Toll Bridge. (Figure 5).

Some 1,422 (91.4%) of these city-street crashes occurred in urban areas and 134 (8.6%) occurred in rural areas. (For the purpose of this report rural areas are defined as those with a population less than 5,000. Urban areas were all communities with a population of 5,000 or more.) Of 1,165 crashes that occurred on U.S. and State Highways some 629 (54%) were in urban areas and 536 (46%) occurred in rural areas. As expected, a greater percentage of the crashes that occurred on Farm to Market roads happened in a rural setting (8% vs. 3.2%). A majority of the crashes that

occurred on Interstates (7.1%) occurred in an urban setting compared to just 3.8% that occurred in a rural setting.

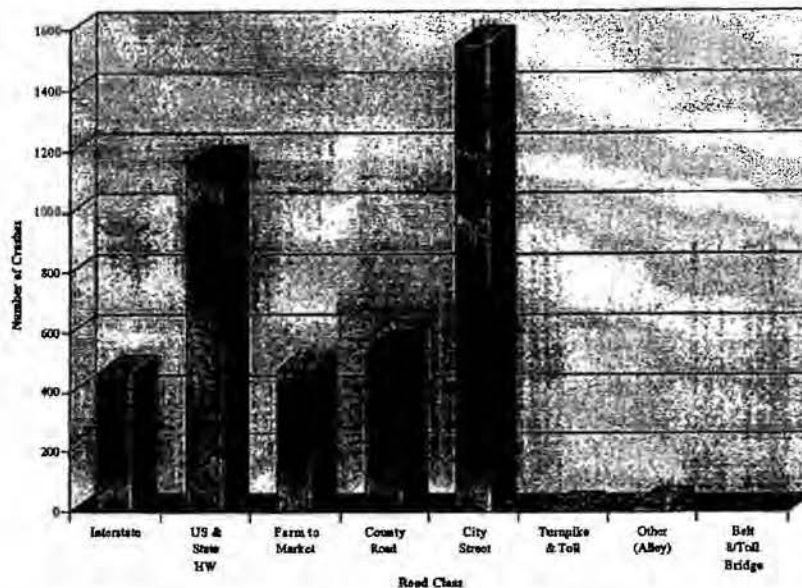


Figure 5. Frequency of crashes by road class (n=4242) 1989 -1998.

County:

Thirty-six percent of the reported 4,242 crashes occurred in five counties: Harris (11%), Dallas (9%), Bexar (7%), Tarrant (5%), and El Paso (4%). The five counties with the highest incidence of crashes occurring in rural areas included: Harris, Hidalgo, Cameron, Galveston, and Montgomery. A complete account of crashes occurring in each county can be found in Appendix A.

Time:

Seventy-four percent of the 4,242 crashes occurred between noon and midnight (23% occurred between noon and 3:59pm; 30% occurred between 4pm and 7:59pm; and 21% occurred between 8pm and 11:59). The remaining 26% occurred between midnight and 11:59am. The highest number of crashes (30%) occurred between 4pm and 7:59pm. Fewer crashes (6%) occurred between

4am and 7:59am than any other time (Figure 6). In addition, daylight vs. darkness hours were also compared. Sixty-one percent of the crashes occurred between 8am and 7:59pm. The remaining 39% (1,650) occurred between 8pm and 7:59am.

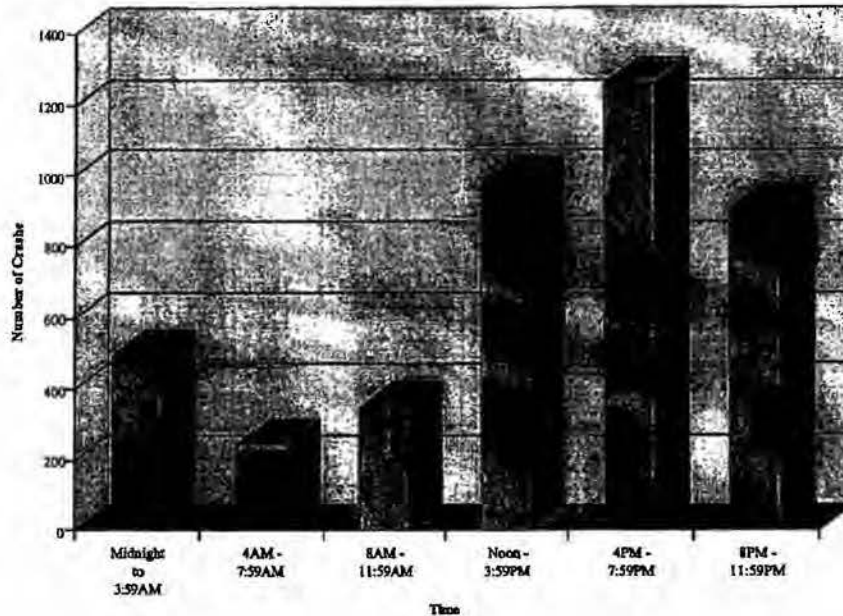


Figure 6. Frequency of crashes by accident time (n=4242) 1989 -1998.

Day of Week:

Most crashes (56%) occurred during the weekend –16% on Friday, 20% on Saturday, and 20% on Sunday. The remaining crashes were equally distributed among the weekdays Monday (11%), Tuesday (11%), Wednesday (11%), and Thursday (11%). This follows the trends in other studies suggesting that much of the transporting of passengers in cargo beds occurs during a recreational or non-work related event (Figure 7).

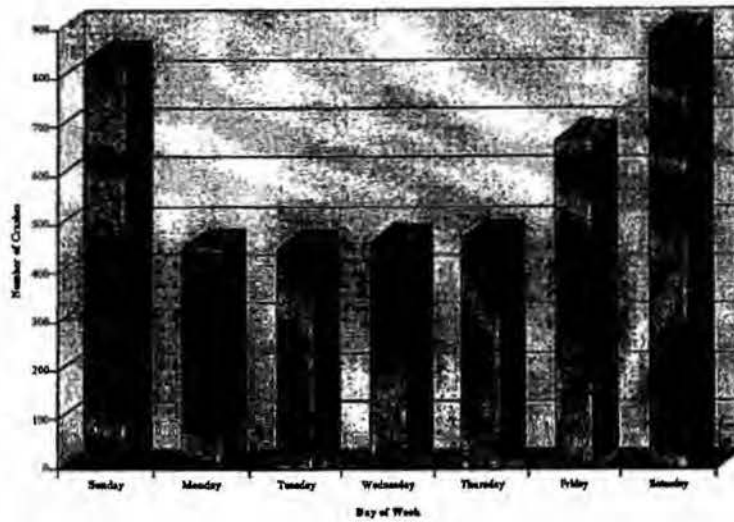


Figure 7. Frequency of crashes by day of week (n=4242) 1989 -1998.

Month of Year:

Eighty-two percent (3,487) of the crashes occurred between March and October. With crashes peaking during June, July and August (37%, 1,581). Again, these results are consistent with other studies suggesting that other means of transportation are being used during the winter months when the temperature is generally too cold for persons riding in the open cargo bed. November, December, January and February had the least number of crashes -18% (755).

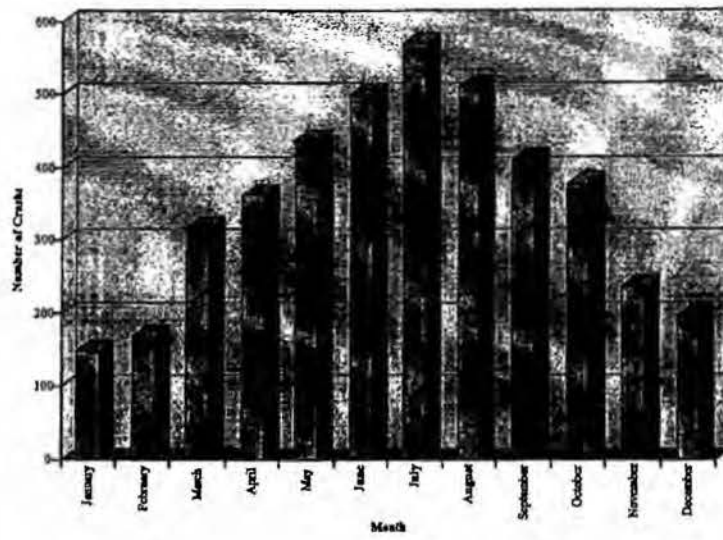


Figure 8. Frequency of crashes by month (n=4,242) 1989 -1998.

SECTION II: Analysis by Driver

Driver Age:

There were a total of 4,249 drivers involved in pickup truck crashes where at least one person was injured while riding in the cargo bed. The highest proportion of drivers fell in the 16-21 age group (32 percent), followed by those aged 21 – 27 (20 percent). The average age was 29.3 yrs. Ninety percent of the drivers were less than 50 years old (Figure 9).

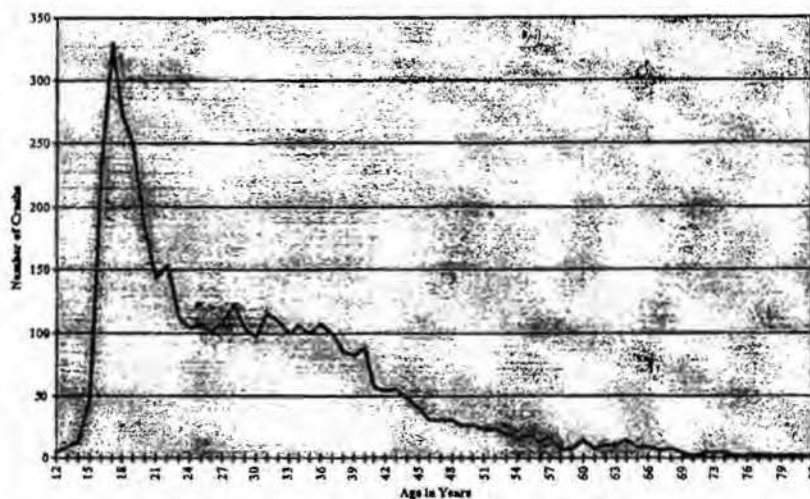


Figure 9. Distribution of drivers by age (n=4,249) 1989 -1998.

Driver Sex:

Not surprisingly, there were more male drivers (78 percent) than female drivers (21.5 percent).

For slightly less than 2 percent of the drivers, sex was unknown.

License status:

A statement of reaffirmation for this policy was published on October 1, 2004.

A statement of reaffirmation for this policy was published on May 1, 2007.

This policy is a revision of the policy posted on August 1, 1991.

POLICY STATEMENT

PEDIATRICS Vol. 106 No. 4 October 2000, pp. 857-859

AMERICAN ACADEMY OF PEDIATRICS: Children in Pickup Trucks

Committee on Injury and Poison Prevention

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▶ **ABSTRACT**

Pickup trucks have become increasingly popular in the United States. A recent study found that in crashes involving fatalities, cargo area passengers were 3 times more likely to die than were occupants in the cab. Compared with restrained cab occupants, the risk of death for those in the cargo area was 8 times higher. Furthermore, the increased use of extended-cab pickup trucks and air bag-equipped front passenger compartments creates concerns about the safe transport of children. The most effective preventive strategies are the legislative prohibition of travel in the cargo area and requirements for age-appropriate restraint use and seat selection in the cab. Parents should select that are appropriate for the safe transportation needs of the family. Physicians have an important role in counseling families and advocating measures to reduce the number of deaths and injuries to occupants of pickup trucks.

Motor vehicle trauma remains a leading cause of death of children. Occupants in pickup trucks should receive the same level of protection as other vehicles according to national policies that address protection of motor vehicle occupants. The safety issues relevant for pickup trucks following: 1) prohibition of cargo area travel; 2) age-appropriate restraint use; 3) appropriate seat location in the cab; 4) appropriate use of restraints in various models of extended cab vehicles; and 5) risk of air bag-related injuries.

Pickup trucks have become increasingly popular vehicles for passenger transportation. Pickup truck registrations numbered 36.2 million in 1998, representing 17% of registered motor vehicles in the United States.¹ Census data for 1992 indicated that 73% of pickup trucks were used for personal transportation.² Restraint use in the cab of pickup trucks has been reported to be lower than restraint use in other passenger vehicles.

▶ **TRAVEL IN THE CARGO AREA**

Travel in the cargo area of the pickup truck is a major occupant protection issue that disproportionately involves youth. Because the cargo area is not intended for passenger use, it is neither required nor designed to meet occupant safety standards applicable to passenger locations. Never the cargo area is used for transporting passengers. In 1997, 161 deaths of occupants riding in the cargo area were reported; 77 (48%) were children and adolescents younger than 20 years. Of these occupants, 7 (9%) were younger than 5 years; 15 (19%) were 5 through 9 years of age; 14 (18%) were 10 through 14 years of age; and 41 (53%) were 15 through 19 years of age.⁴

Persons who are injured when traveling in cargo areas of pickup trucks are more likely to sustain multiple injuries and injuries of greater severity. They also have a greater likelihood of death than do occupants in the cab. The most significant hazard of travel in the cargo area of a pickup truck is ejection of a passenger in a crash or noncrash event (eg, sudden stop, turn, swerve, or loss of balance, as well as intentional or unintentional jumps and falls). Studies have demonstrated that the proportion of occupants ejected from the cargo area markedly exceeds the proportion ejected from the cab.

In a recent study of fatalities in pickup trucks from 1987 through 1996, nearly one third of the deaths among occupants of the cargo area were from noncrash events. Of the deaths that occurred as a result of cargo area occupants being ejected, 40% were children and adolescents 17 years of age or younger. Cargo area passengers were 3 times more likely to die than were occupants in the cab. Compared with restrained cab occupants, the risk of death for those in the cargo area was 8 times higher.¹²

Enclosed cargo areas (camper shells) do not provide adequate protection against injury to occupants. In 1997, 14% of cargo area deaths of children and adolescents younger than 20 years were in enclosed cargo areas.⁴ Carbon monoxide poisoning, which may result in death, is an additional hazard for those traveling in the enclosed cargo area of a pickup truck.¹³

Fewer than 50% of the states restrict transport of passengers in the cargo area. No 2 states have identical laws, and only 1 state fully prohibits

cargo areas. Restrictions in other states vary according to the age groups to which they apply, conditions of travel (eg, if restrained), and presence of enclosed cargo area.¹⁴ The application of seat belt and child passenger safety laws to travel in pickup truck cargo areas may be an option in some states; however, in certain states, even occupant area seat belt laws do not apply to pickup trucks. Many Native American nations have adopted restraint laws that apply to pickup trucks as well as passenger cars; other nations use the laws of the state.¹⁵

▶ EXTENDED CABS

With increased sales and use of pickup trucks for personal and family transportation, manufacturers have produced vehicles that can accommodate an increased number of occupants. A variety of extended cab vehicles are available with additional seating capacity that may include a rear bench seat, facing back seats, a full back seat with lap/shoulder belts, and/or a middle front seat position with a lap belt (also available in standard pickup truck seating positions). Crash data for occupants in these seats are limited. Compatibility issues exist between vehicle seats and safety seats, including booster seats in pickup truck seating positions. Car safety seats can only fit and be properly secured in a full-size rear or front seat. Many rear-facing car safety seats do not fit in pickup seats with limited space in front of them, and this limited space may not provide adequate head excursion distance for child un tethered forward-facing car safety seats. For older children, booster seats must be used with lap/shoulder belts to provide adequate protection; however, lap/shoulder belts may not be available in pickup rear seats.

▶ AIR BAGS

Concerns about the safety of children in front passenger seats equipped with an air bag are the same as those for other passenger vehicles: children must always ride in rear-facing car safety seats in the back seat until they are at least 1 year old and weigh at least 20 pounds. Infants must not ride in the front passenger seat when it is equipped with an air bag. All children should be properly restrained in car safety seats, booster seats, or belts appropriate for their size and age. The safest place for children is in the back seat in vehicles with a full-size rear seat. However, if there is no back seat, the rear seat is not full-size, or the rear seat is incompatible with use of a car safety seat or booster seat, the front passenger air bag should be turned off. Air bags equipped with an on/off switch to accommodate the safe transport of children. The switch should be off when transporting children in the front passenger seat.

Hospital Record Keeping

A need for data exists about injuries in extended cabs, use and nonuse of occupant protection systems, and comparisons of injuries and injury mechanisms between enclosed and unenclosed cargo areas. Documentation of the circumstances of injuries that occur in pickup trucks is needed to contribute to epidemiologic data and to develop preventive counseling guidelines.

RECOMMENDATIONS

1. The most effective prevention strategies to reduce the number of deaths and injuries to children in pickup trucks are the prohibition of travel in the cargo area and age-appropriate restraint use in an appropriate seat location in the cab.
2. Parents should be counseled about the following considerations for selecting or using vehicles to meet the safe transportation needs of the family:
 - No passengers should be transported in the cargo area of a pickup truck or a nonpassenger section of any vehicle.
 - Trips should be planned in advance so that an appropriate seat position and restraint device are used for each passenger.
 - Compatibility should be checked between the vehicle seat (front and back seats) and the car safety seat before purchasing a vehicle or a child safety seat.
 - Infants in rear-facing car safety seats should not be placed in front passenger seats when an airbag is present and activated. If no appropriate seating position is available, only place the infant in the front passenger seat if an airbag on/off switch is installed and turned off.
 - Car safety seats should fit completely on the rear seat of the pickup truck and can be properly secured facing the rear for infants younger than 2 years of age weighing <20 pounds, and facing forward for older children. The addition of a tether may improve the security of a car safety seat.
 - All forward-facing car safety seats should be installed using a top tether in addition to the vehicle belt.
 - Teenagers should agree that they will not ride or transport others in the cargo area of a pickup truck.
3. The who, what, when, where, why, and how of the injury event should be recorded.¹⁶
4. Physicians should serve as educators and public policy advocates for measures that will decrease the number of deaths and injuries to children who travel in pickup trucks.
5. Physicians need to be effective advocates for more stringent and comprehensive state legislation that would prohibit any occupant from traveling in the cargo area of a pickup truck. If the state exempts pickup trucks from seat belt laws, efforts should be made to modify these laws to include all seat locations. The American Academy of Pediatrics has developed a model state legislation packet related to travel in pickup trucks.¹⁷
6. Law enforcement agencies should be strongly urged to enforce laws relating to occupant travel, including restraint and seat belt use laws, and laws prohibiting travel in cargo areas of pickup trucks.

COMMITTEE ON INJURY AND POISON PREVENTION, 1999-2000

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▶ FOOTNOTES

The recommendations in this statement do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, account individual circumstances, may be appropriate.

▶ REFERENCES

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Statements of reaffirmation:

AAP Publications Retired and Reaffirmed

American Academy of Pediatrics
 Pediatrics 2004 114: 1126. [Extract] [Full Text] [PDF]

AAP Publications Reaffirmed, January 2007






Pediatrics 2007 119: 1031. [Extract] [Full Text] [PDF]

The following policy statement has been revised:

Children in Pickup Trucks

Committee on Injury and Poison Prevention
 Pediatrics 1991 88: 393-394. [Abstract] [PDF]

This article has been cited by other articles:

	<p>H. G. Gardner and the Committee on Injury, Violence, and Poison Office-Based Counseling for Unintentional Injury Prevention Pediatrics, January 1, 2007; 119(1): 202 - 206. [Abstract] [Full Text] [PDF]</p>
	<p>JAMA ▶ HOME</p> <p>F. K. Winston, M. J. Kallan, M. R. Elliott, R. A. Menon, and D. R. Durbin Risk of Injury to Child Passengers in Compact Extended-Cab Pickup Trucks JAMA, March 6, 2002; 287(9): 1147 - 1152. [Abstract] [Full Text] [PDF]</p>
	<p>PEDIATRICS ▶ HOME</p> <p>Committee on Injury and Poison Prevention and Comm Prevention of Agricultural Injuries Among Children and Adolescents Pediatrics, October 1, 2001; 108(4): 1016 - 1019. [Abstract] [Full Text] [PDF]</p>
	<p>INJURY PREVENTION ▶ HOME</p> <p>News and notes Inj. Prev., March 1, 2001; 7(1): 18 - 21. [Full Text] [PDF]</p>
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Carbon Monoxide Poisoning in Children Riding in the Back of Pickup Trucks

Neil B. Hampson, MD, Diane M. Norkool, RN, MN

Objective.—To describe the case characteristics of a series of children poisoned with carbon monoxide while traveling in the back of pickup trucks.

Design.—Pediatric cases referred for treatment of carbon monoxide poisoning with hyperbaric oxygen between 1986 and 1991 were reviewed. Those cases that occurred during travel in the back of pickup trucks were selected. Clinical follow-up by telephone interview ranged from 2 to 55 months.

Setting.—A private, urban, tertiary care center in Seattle, Wash.

Patients.—Twenty children ranging from 4 to 16 years of age.

Intervention.—All patients were treated with hyperbaric oxygen.

Main Outcome Measures.—Characteristics of the poisoning incident and clinical patient outcome.

Results.—Of 68 pediatric patients treated for accidental carbon monoxide poisoning, 20 cases occurred as children rode in the back of pickup trucks. In 17 of these, the children were riding under a rigid closed canopy on the rear of the truck, while three episodes occurred as children rode beneath a tarpaulin. Average carboxyhemoglobin level on emergency department presentation was $18.2\% \pm 2.4\%$ (mean \pm SEM; range, 1.6% to 37.0%). Loss of consciousness occurred in 15 of the 20 children. One child died of cerebral edema, one had permanent neurologic deficits, and 18 had no recognizable sequelae related to the episode. In all cases, the truck exhaust system had a previously known leak or a tail pipe that exited at the rear rather than at the side of the pickup truck.

Conclusions.—Carbon monoxide poisoning is a significant hazard for children who ride in the back of pickup trucks. If possible, this practice should be avoided.

(*JAMA*. 1992;267:538-540)

INJURIES commonly occur while children ride in the back of pickup trucks, but published reports typically are limited to musculoskeletal trauma.^{1,2} Over the past few years, we have treated several children for carbon monoxide poisoning sustained while they were passengers in the back of pickup trucks.

Carbon monoxide intoxication is common in the United States, with an es-

timated 10 000 persons seeking medical attention or missing at least 1 day of normal activity because of the syndrome each year.³ Approximately 3800 individuals die annually from carbon monoxide poisoning,³ making it the most common cause of death from poisoning. Internal combustion engines account for 75% of the carbon monoxide generated by human activities,⁴ with automobile engines being the most prolific. Emission standards for automobiles vary by state, but carbon monoxide levels as high as 8% (80 000 ppm) are permitted.⁵ Compare this with the maximal safe level for instantaneous carbon monoxide expo-

sure in the workplace of 200 ppm.⁶ Exposure to motor vehicle exhaust, even when substantially diluted, thus has significant potential to cause human injury. Unfortunately, such exposure may occur accidentally because individuals are unaware of the risk posed by certain activities.

Methods

Records of patients treated for severe carbon monoxide poisoning in the Hyperbaric Department of Virginia Mason Medical Center, Seattle, Wash, from 1986 to 1991 were reviewed retrospectively. Pediatric patients were defined as individuals younger than 18 years of age at the time of treatment. When identified, charts of pediatric patients were reviewed for the cause of carbon monoxide exposure. All poisonings that occurred while the individuals were passengers in the back of pickup trucks were selected for this report. Information was collected from emergency department records and interviews at the time of hyperbaric treatment (department records). All patients and/or their parents were subsequently interviewed by telephone to obtain missing data and to determine long-term outcome.

Carboxyhemoglobin levels reported represent those values measured during initial emergency department evaluation. Initial evaluation was sometimes performed at an emergency facility outside our institution. Prior to obtaining blood samples for carboxyhemoglobin determination, all patients had been removed from the source of carbon monoxide exposure, and many were treated with supplemental oxygen during emergency transfer from the accident site.

Symptoms described in individual

From the Department of Medicine, Virginia Mason Clinic (Dr Hampson), and the Hyperbaric Department, Virginia Mason Medical Center (Dr Hampson and Ms Norkool), Seattle, Wash.

Reprint requests to Virginia Mason Clinic, 1100 Ninth Ave, Seattle, WA 98111 (Dr Hampson).

Table 1.—Case Characteristics in Group With Loss of Consciousness

Age, y	Sex	Duration of Exposure, min	COHb, %*	Other Symptoms or Signs	Outcome
5	M	10	19.6	Lethargy	Normal
7	F	10	21.1	Lethargy, headache, dizziness, nausea	Normal
10	M	45	15.9	Headache, ataxia, combativeness	Normal
4	M	60	11.2	None reported	Normal
8	M	60	13.1	Headache	Normal
13	M	45	36.8	Nausea, lethargy, headache	Normal
16	F	45	25.5	Headache, confusion	Normal
15	F	45	27.9	Headache, weakness, ataxia	Normal
13	F	45	31.5	Lethargy	Normal
5	M	15	22.0	Combativeness	Normal
11	F	120	15.9	Nausea	Normal
7	F	20	2.5	Nausea, headache	Normal
5	M	20	1.6	None reported	Normal
11	F	150	3.0	Lethargy, confusion, combativeness	Death due to cerebral edema
14	F	150	2.8	Lethargy, combativeness	Memory deficits

*COHb indicates carboxyhemoglobin.

Table 2.—Case Characteristics in Group Without Loss of Consciousness

Age, y	Sex	Duration of Exposure, min	COHb, %*	Other Symptoms or Signs	Outcome
8	F	10	15.1	Lethargy, dizziness, conjunctival irritation, blurred vision	Normal
6	F	10	15.6	Headache, lethargy, blurred vision	Normal
10	M	60	17.7	Lethargy, headache, disorientation	Normal
13	F	45	29.1	Headache, confusion, dizziness	Normal
8	M	15	37.0	Somnolence, nausea, dizziness	Normal

*COHb indicates carboxyhemoglobin.

cases are those recorded during initial evaluation and treatment, as well as those recalled by the patient during follow-up interviews. They typically were symptoms spontaneously volunteered by the patient and were not collected by use of a standard questionnaire.

Patients were treated with hyperbaric oxygen in a multiplace hyperbaric chamber. When more than one individual was poisoned in the same incident, the patients were treated simultaneously. Treatment consisted of hyperbaric oxygen administration at 2.8 atmospheres of absolute pressure for 46 to 92 minutes. In four cases, additional oxygen was also administered at 1.9 atmospheres of absolute pressure. Treatment duration was based on the severity of initial clinical presentation.

Results

Sixty-eight pediatric patients were treated for accidental carbon monoxide poisoning at our facility during the 6-year period examined. Of these, 20 cases occurred as children rode in the back of pickup trucks. In 17 episodes, children were riding under a rigid closed canopy on the rear of the pickup. In the remaining three episodes, children rode beneath a tarpaulin. Carbon monoxide exposures were frequently grouped, and

eight separate incidents were responsible for the 20 cases.

Loss of consciousness occurred at least transiently in 15 patients. Individual data for children with and without loss of consciousness are presented in Tables 1 and 2, respectively. Carboxyhemoglobin levels for all patients ranged from 1.6% to 37.0%, averaging $18.2\% \pm 2.4\%$ (mean \pm SEM). These levels did not differ significantly between the group with loss of consciousness (range, 1.6% to 36.8%; mean, $16.7\% \pm 2.9\%$) and the group without loss of consciousness (range, 15.1% to 37.0%; mean, $22.9\% \pm 4.3\%$). Patient ages in the two groups were also similar. In addition to loss of consciousness, symptoms included headache (10 patients), lethargy (nine), nausea (five), dizziness (four), combativeness (four), confusion (three), blurred vision (two), ataxia (two), conjunctival irritation (one), somnolence (one), disorientation (one), and weakness (one). These symptoms did not correlate with either carboxyhemoglobin level or history of loss of consciousness.

In one incident involving four children, two were dead when discovered. They were not referred for hyperbaric treatment and are not, therefore, included in this series. A third child in that incident died of cerebral edema

within 48 hours, despite hyperbaric oxygen treatment. The fourth sibling was also treated, but manifests residual neurologic injury, primarily in deficits in memory. Data regarding the latter two children are included in Table 1. The remaining 18 children in this series were described by their parents as normal at follow-up interviews ranging from 2 to 55 months after treatment. Parents noted no recognizable sequelae related to the episode, reporting that all were exhibiting normal social development and progressing normally in school. Neuropsychiatric testing was not performed on these children.

In the six cases for which information was available, the pickup trucks were typically older model vehicles, ranging from 8 to 18 years of age. Children were riding under canopies in seven of the eight incidents. Canopy windows and doors were closed in all seven instances. In every case, vehicle exhaust systems exited from the side of the pickup and had a known leak (three vehicles), exited from the rear of the pickup and had a known leak (three vehicles), or exited from the rear of the pickup without a recognized leak (two vehicles). No instances occurred in pickups with a tail pipe that exited from the side of the pickup and had no recognized exhaust leak.

Comment

The cases discussed demonstrate the potential risk of carbon monoxide poisoning in children who travel as passengers in the back of pickup trucks. Carbon monoxide poisoning in school buses with faulty exhaust or ventilation systems has been reported⁷; however, association of this hazard with travel in the rear of pickup trucks has not previously been described. The rate of occurrence of this problem is unknown, but it is likely that additional cases of both similar and lesser severity occurred in the Seattle region during the same period. These cases may not have been referred to our facility for treatment because of either the lack of need for hyperbaric oxygen treatment or failure to recognize the syndrome. Typical symptoms experienced by the children in this study (such as dizziness, nausea, and headache) may be attributed by parents to motion sickness, viral illness, or other causes. In fact, many of the parents of these patients initially believed their children to be sleeping in the back of the pickup truck when they in fact were unconscious due to carbon monoxide intoxication.

Misdiagnosis of carbon monoxide poisoning by physicians is well described. The syndrome may not be suspected in

patients arriving in emergency departments with flu-like illnesses.⁸ If universal screening of patients in emergency departments is performed, 3% to 5% of all patients are found to have elevated carbon monoxide levels.⁹ Among patients ultimately found to have significant carbon monoxide poisoning, up to 30% may carry an erroneous initial diagnosis.¹⁰ Such reports underscore the strong possibility that other children have experienced carbon monoxide poisoning in incidents similar to those described, yet the syndrome may have gone undiagnosed or unreported.

Carbon monoxide intoxication can cause injury to hypoxia-sensitive tissues such as in the brain and the heart, resulting in permanent damage or death.⁴ Delayed neurologic deterioration following significant carbon monoxide exposure may also occur after a lucid interval ranging from 2 days to 6 weeks,¹¹ emphasizing the importance of long-term follow-up when attempting to study the effects of carbon monoxide poisoning.

The 20 children in this study were all treated with hyperbaric oxygen. The use of hyperbaric oxygen is generally recommended in cases of carbon monoxide poisoning when patients have (1) a carboxyhemoglobin level of 25% or greater, (2) anginal pain or ischemic changes on an electrocardiogram, or (3) any degree of neurological impairment, regardless of the carboxyhemoglobin level, including transient loss of consciousness.⁴ These are the criteria that were applied in determining the need for hyperbaric treatment in our series.

It is possible that patients may meet none of these criteria and still have significant carbon monoxide intoxication. The absolute indications for hyperbaric oxygen treatment remain controversial.

Neuropsychiatric testing has been proposed as a method for detecting individuals with subtle neurologic impairment¹²; however, appropriate testing for use in children has yet to be developed. Benefit from hyperbaric oxygen is thought to result from an enhanced rate of clearance of carbon monoxide from hemoglobin and tissue, as well as rapid restoration of tissue oxygen sufficiency by improvement in peripheral oxygen delivery.⁴ Oxygen at atmospheric pressure is appropriate for milder cases of carbon monoxide intoxication.

In the present series, specific configurations of the vehicle exhaust systems were associated with the injury in every instance. A leaking exhaust system or a tail pipe exiting beneath the rear bumper of the pickup truck was always present. We hypothesize that exhaust emitted at the rear of the moving pickup truck is drawn upward via the Venturi effect. In the case of canopy-related incidents, fumes presumably enter the bed of the vehicle through the space between the bed and tailgate, or between the tailgate and canopy door. We have seen no cases involving passengers in campers on the rear of pickup trucks, or in pickups with intact exhaust systems exiting the side of the vehicle.

Most pickup trucks are currently manufactured with tail pipes that exit the side of the vehicle, typically at the rear wheel well. When exhaust systems are worn or damaged, however, they may be replaced with systems that exit the rear of the vehicle. This practice should be avoided. Prompt attention to exhaust system maintenance would likely have prevented some of the cases reported. Exhaust leaks were known to exist by many drivers in this series prior to the incident, but they had not been repaired

because the risk to passengers in the rear of the pickup truck was not recognized.

Patients in this study were traveling legally in the back of pickup trucks. Washington State law addresses the issues of child restraints and safety belts (Revised Code of Washington, Sections 46.61.687 and 46.61.688), but allows passengers to ride in the rear of pickup trucks if all safety belts within the cab are in use. Nine states regulate travel in the rear of open pickups, but only New Jersey prohibits such travel entirely.¹³ Most state laws recognize the hazard of travel in the rear of open pickup trucks without specific regulation of such activity. Few address the issue of travel in an enclosed pickup truck bed, the activity associated with carbon monoxide intoxication in our patients.

One study that examined traumatic injury to passengers in the back of pickup trucks suggests that state legislatures should act to strictly regulate or totally restrict such travel.¹ Prohibiting this type of travel would presumably eliminate the risk of carbon monoxide poisoning, as no individuals simultaneously traveling in the cab of the trucks became ill. Short of enacting such legislation, meticulous attention should first be given to the condition and configuration of the pickup's exhaust system if passengers must travel in the rear. Second, passengers in the cab should monitor the status of riders in the rear of the pickup truck. Finally, programs directed at improving community awareness of the hazards associated with riding in the back of pickup trucks may help improve public safety.

The authors wish to thank Kathy Dalrymple for her secretarial assistance.

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COMMITTEE ON RULES

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2011 FEB 25 AM 9:29 *ERM*

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 24, 2011

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: Pat C. Santos
Clerk of the Legislature

MAJORITY MEMBERS:

From: Senator Rory J. Respicio *[Signature]*
Chairperson, Committee on Rules

Speaker
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill Nos.:	28-31 (COR)	63-31 (COR)
	54-31 (COR)	67-31 (COR)
	56-31 (COR)	75-31 (COR)
	59-31 (COR)	
	60-31 (COR)	
	61-31 (COR)	
	62-31 (COR)	

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Christopher M. Duenas

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

BENITA A. MANGLONA
DIRECTOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

FEB 24 2011

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hester Place
Hagåtña, Guam 96910

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 28-31(COR), 54-31(COR), 60-31(COR), 61-31(COR), 62-31(COR), 63-31(COR), 67-31(COR) and 75-31(COR),

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

Handwritten signature of Benita A. Manglona in cursive script.
BENITA A. MANGLONA
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 60-31 (COR)**

AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Police Department	Dept./Agency Head: Fred Bordallo, Acting
Department's General Fund (GF) appropriation(s) to date:	25,676,124
Department's Other Fund (Specify) appropriation(s) to date:	570,110
Total Department/Agency Appropriation(s) to date:	526,246,234

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? // Yes /x/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ // N/A
3. Does the Bill establish a new program/agency? // Yes /x/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No
Is there a federal mandate to establish the program/agency? // Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? // Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /x/ No
// Requested agency comments not received by due date // Other: _____

2/2/11

Analyst: <u>NI</u> NI Quinata	Date: <u>2/1/11</u>	Director: <u>Benita Mangiona</u> Benita A. Mangiona, Acting Director	Date: <u>2/2/11</u>
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Footnotes:
The Bill may provide for potential additional revenues with new penalty fines to be imposed. However, in its present form, that impact cannot be determined at this time. A17



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Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

February 1, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 60-31 (COR) and 61-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 60-31 (COR) and 61-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(2) Attachments

2011 FEB - 1 PM 3:00
PML

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

January 31, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
60-31 (COR)	M.S. Taijeron	AN ACT TO <i>AMEND</i> §26103 AND TO <i>ADD</i> A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK	1/31/11 12:23 p.m.	2/1/11		Committee on Public Safety, Law Enforcement and Judiciary.			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

March 18, 2011

(§8107 Title 5 GCA – 5-day notice prior to hearing)

FIRST NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 2:30 pm, Friday, March 25, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

2:30 pm:

- **Bill No. 105-31 (COR) – AN ACT TO RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED. – sponsored by Senator Adolpho B. Palacios, Sr.**
- **Bill No. 60-31 (COR) – AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK. – sponsored by Senator Mana Silva Tajjeron**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagatha Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Mar 18, 2011 at 11:11 AM

To: speaker@judiwonpat.com, senator@senatorbjcruz.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, duenasenator@gmail.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>, Adolpho Palacios <senabpalacios@gmail.com>

Cc: clerks@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, rtaitague@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, sgtarms@guamlegislature.org, yong@guamlegislature.org, mark@judiwonpat.com, garrett.duenas@senatorbjcruz.com, chris.carillo@senatorbjcruz.com, chelsea@tinamunabarnes.com, Stephanie Mendiola <sem@guamlegislature.org>, cyrus@senatorada.org, cipo@guamlegislature.org, alerta.jermaine@gmail.com, evelyn4families@gmail.com

March 18, 2011

Please see attached First Notice of Public Hearing scheduled for Friday, March 25, 2011 starting at 2:30 pm for the Committee on Public Safety, Law Enforcement and Judiciary. Thank you for your kind attention.

1stNoticePH3-25-11.pdf
347K



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

March 18, 2011

(§8107 Title 5 GCA – 5-day notice prior to hearing)

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- **Bill No. 105-31 (COR)** – AN ACT TO RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED. – sponsored by **Senator Adolpho B. Palacios, Sr.**
- **Bill No. 60-31 (COR)** – AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO **PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK.** – sponsored by **Senator Mana Silva Taijeron**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Broadcast Report

P 1
 03/18/2011 11:13
 Serial No. A02E011003085
 TC: 128174

Destination	Start Time	Time	Prints	Result	Note
PDN	03-18 11:05	00:00:30	001/001	OK	
KUAM	03-18 11:06	00:00:21	001/001	OK	
PNC	03-18 11:07	00:00:33	001/001	OK	
K57	03-18 11:08	00:00:16	001/001	OK	
HIT RADIO 100	03-18 11:08	00:00:16	001/001	OK	
KSTO	03-18 11:09	00:00:33	001/001	OK	
GLIMPSES	03-18 11:10	00:00:13	001/001	OK	
MARIANAS VARIETY	03-18 11:10	00:00:22	001/001	OK	
KSTEREO/KISH	03-18 11:11	00:00:34	001/001	OK	
JOY 92 FM	03-18 11:12	00:00:16	001/001	OK	
KPRG	03-18 11:12	00:00:16	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
 RLY: Relay, MEX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
 LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
 DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
 Chairman

March 18, 2011

(§8107 Title 5 GCA - 5-day notice prior to hearing)

FIRST NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 2:30 pm, Friday, March 25, 2011, at 1 Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

2:30 pm:

- **Bill No. 105-31 (COR) - AN ACT TO RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED.** - sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 60-31 (COR) - AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK.** - sponsored by Senator Mana Silva Tajjeron

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3/18/2011

Gmail - First Notice of Public Hearing



Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Mar 18, 2011 at 11:24 AM

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, news@spbguam.com, news@guampdn.com, parroyo@spbguam.com, rgibson@k57.com, Catriona Melyan <cmelyan@guampdn.com>, dmgeorge@guampdn.com, mpieper@guampdn.com, amier@mvguam.com, marvic@mvguam.com, advertise@mvguam.com, zytaitano@gmail.com, jtyquiengco@spbguam.com, clynt@spbguam.com, kstone@ite.net, jontalk@k57.com

March 18, 2011

Please see the attached First Notice of Public Hearing from Senator Adolpho B. Palacios, Sr., regarding a public hearing scheduled for Friday, March 25, 2011. Thank you for your kind attention.

 **1stNoticePH3-25-11.pdf**
347K



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

March 22, 2011

(§8107 Title 5 GCA - 48-hour notice prior to hearing)

SECOND NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **2:30 pm, Friday, March 25, 2011**, at *I Liheslaturan Guahan's* Public Hearing Room in Hagatña, on the following:

2:30 pm:

- **Bill No. 105-31 (COR)** – AN ACT TO RELATIVE TO PROVIDING THE **PEACE OFFICER STANDARDS AND TRAINING COMMISSION** WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED. – sponsored by **Senator Adolpho B. Palacios, Sr.**
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Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for Friday, March 25, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Mar 22, 2011 at 10:33 AM

To: speaker@judiwonpat.com, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, senator@senatorbjcruz.com, duenasenator@gmail.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>
 Cc: "Steven A. Dierking" <steve@believeinguam.com>, cyrus@senatorada.org, louise_atalig@yahoo.com, chelsea@tinamunabarnes.com, Mary Fejeran <maryfejeran@gmail.com>, garrett.duenas@senatorbjcruz.com, chris.carillo@senatorbjcruz.com, leonguerrero.angela@gmail.com, leslie.g@senatormabini.com, cipo@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, elainevtll@gmail.com, cherbert.senatordrodriguez@gmail.com, chechsantos@gmail.com, alerta.jermaine@gmail.com, evelyn4families@gmail.com

March 22, 2011

(§8107 Title 5 GCA – 48-hour notice prior to hearing)

SECOND NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 2:30 pm, Friday, March 25, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

2:30 pm:

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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing

1 message

Adolpho Palacios <senabpalacios@gmail.com>**Tue, Mar 22, 2011 at 10:34 AM**

To: clerks@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, yong@guamlegislature.org, sgtarms@guamlegislature.org

March 22, 2011

(§8107 Title 5 GCA – 48-hour notice prior to hearing)

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The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **2:30 pm, Friday, March 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for March 25, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Mar 22, 2011 at 10:36 AM

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, dmgeorge@guampdn.com, mpieper@guampdn.com, amier@mvguam.com, advertise@mvguam.com, zytaitano@gmail.com, news@spbguam.com, clynt@spbguam.com, jtyquiengco@spbguam.com, jontalk@k57.com, breakfastshowk57@gmail.com, rgibson@k57.com, parroyo@spbguam.com, kstone@ite.net

March 22, 2011

(§8107 Title 5 GCA – 48-hour notice prior to hearing)

SECOND NOTICE OF PUBLIC HEARING

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Destination	Start Time	Time	Prints	Result	Note
PDN	03-22 10:56	00:00:31	001/001	OK	
KJAM	03-22 10:57	00:00:23	001/001	OK	
PNC	03-22 10:58	00:00:19	001/001	OK	
K57	03-22 10:59	00:00:16	001/001	OK	
HIT RADIO 100	03-22 10:59	00:00:17	001/001	OK	
KSTO	03-22 11:00	00:00:35	001/001	OK	
KSTEREO/KISH	03-22 11:02	00:00:35	001/001	OK	
JOY 92 FM	03-22 11:03	00:00:22	001/001	OK	
KPRG	03-22 11:03	00:00:17	001/001	OK	
MARIANAS VARIETY	03-22 11:07	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
 RLX: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
 LOVR: Receiving length Over, POWER: Receiving page Over, FIL: File Error,
 DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trental Uou Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

March 22, 2011

(§8107 Title 5 GCA – 48-hour notice prior to hearing)

SECOND NOTICE OF PUBLIC HEARING

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PUBLIC HEARING

9:00 am, Monday, March 28, 2011

(Reconvening of 2:30 pm, Friday, March 25, 2011)

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

- I. **Call to Order**
- II. **Opening Remarks/Announcements**
- III. **Items for Public Consideration**
 - **Bill No. 105-31 (COR) – AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED. – sponsored by Senator Adolpho B. Palacios, Sr.**
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- IV. **Closing Remarks**
- V. **Adjournment**

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