



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

17 JUN 2009

2009 JUN 13 AM 10:42 AM

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 97(COR) "AN ACT TO AMEND §§26101, 26102, 26103, 26104 AND 26105, AND TO ADD NEW §§ 26106 AND 26107, ALL OF CHAPTER 26 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE USE OF A SEAT BELT ASSEMBLY AND CHILD RESTRAINT SYSTEM, AND CLARIFYING STANDARDS FOR RIDING IN THE BED OF A PICKUP TRUCK" which I signed into law on June 16, 2009 as Public Law 30-33.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

Attachment: copy of Bill

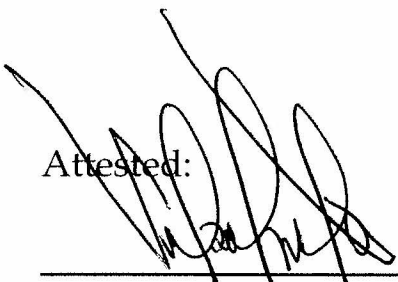
30-09-0728
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 6/17/09
Time: 4:30
Received by: [Signature]

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

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

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

Attested:




Tina Rose Muña Barnes
Legislative Secretary



Judith T. Won Pat, Ed. D.
Speaker

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



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: 16 JUN 2009

Public Law No. 30-33

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

Bill No. 97 (COR)

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

Introduced by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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