



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

JUL 08 2013

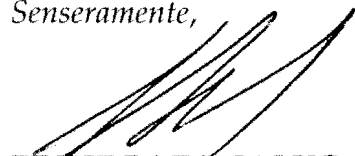
Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910


32-13-572  
Office of the Speaker  
Judith T. Won Pat, Ed.D.  
7/8/13  
4:29  
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No.87-32 (COR) "AN ACT TO AMEND §§3305 AND 3305.1, AND SUBSECTIONS (i), (k) AND (o) OF §3101; AND TO ADD NEW SUBSECTIONS (13) AND (14) TO §3101(f), AND A NEW §3101(p), ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE PROVISIONS OF THE MOTORCYCLE OPERATORS LICENSE AND PERMIT, AND IMPLEMENTING A LIMITED HELMET LAW" which I signed into law on July 5, 2013 as Public Law 32-052.

*Senseramente,*

  
EDDIE BAZA CALVO  
*I Maga'lahaen Guåhan*  
Governor of Guam

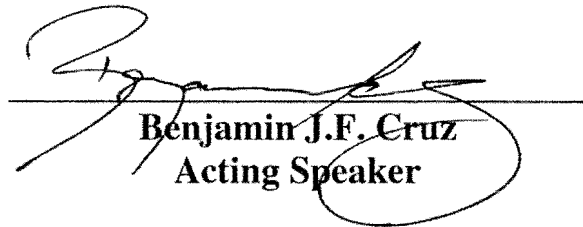
2013 JUL - 8 PM 4: 59  


Attachment: copy of Bill


*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

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


This is to certify that **Substitute Bill No. 87-32 (COR), "AN ACT TO AMEND §§3305 AND 3305.1, AND SUBSECTIONS (i), (k) AND (o) OF §3101; AND TO ADD NEW SUBSECTIONS (13) AND (14) TO §3101(f), AND A NEW §3101(p), ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE PROVISIONS OF THE MOTORCYCLE OPERATORS LICENSE AND PERMIT, AND IMPLEMENTING A LIMITED HELMET LAW"**, was on the 24<sup>th</sup> day of June, 2013, duly and regularly passed.

  
Benjamin J.F. Cruz  
Acting Speaker

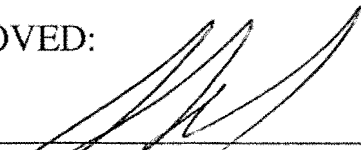
Attested:

  
Thomas C. Ada  
Acting Legislative Secretary

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This Act was received by *I Maga'lahen Guåhan* this 26<sup>th</sup> day of June,  
2013, at 3:00 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahen Guåhan*

Date: JUL 05 2013

Public Law No. 32-052

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

**Bill No. 87-32 (COR)**

As substituted by the Committee on  
Aviation, Ground Transportation, Regulatory  
Concerns, and Future Generations; and  
amended on the Floor.

Introduced by:

Tommy Morrison  
Michael F. Q. San Nicolas  
Chris M. Dueñas  
B. J.F. Cruz  
T. R. Muña Barnes  
Brant T. McCreadie  
Michael T. Limtiaco  
T. C. Ada  
Frank B. Aguon, Jr.  
V. Anthony Ada  
Vicente (ben) C. Pangelinan  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §§3305 AND 3305.1, AND  
SUBSECTIONS (i), (k) AND (o) OF §3101; AND TO *ADD*  
NEW SUBSECTIONS (13) AND (14) TO §3101(f), AND A  
NEW §3101(p), ALL OF CHAPTER 3 OF TITLE 16,  
GUAM CODE ANNOTATED, RELATIVE TO  
AMENDING THE PROVISIONS OF THE  
MOTORCYCLE OPERATORS LICENSE AND PERMIT,  
AND IMPLEMENTING A LIMITED HELMET LAW.

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

2           **Section 1.** §3305 of Chapter 3 of Title 16, Guam Code Annotated, is  
3 *amended* to read as follows:

1           **“§ 3305.     Mandatory Safety Helmets.**

2           Any driver under eighteen years of age and any passenger under eighteen  
3           years of age *shall* wear a safety helmet, of a type that meets or exceeds the  
4           safety standards established by the United States Department of  
5           Transportation, when riding on a motorcycle, scooter or moped, including a  
6           bicycle equipped with a motor. No passenger under the age of twelve shall  
7           be permitted as a passenger on a motorcycle, scooter or moped, or bicycle  
8           equipped with a motor. In addition, any driver who has not been licensed to  
9           operate a motorcycle for *at least* three years shall wear a safety helmet of a  
10          type that meets or exceeds the safety standards established by the United  
11          States Department of Transportation. Anyone who violates this Section *shall*  
12          be subject to a fine of not less than Fifty Dollars (\$50.00) and not more than  
13          Five Hundred Dollars (\$500.00).”

14          **Section 2.** §3305.1 of Chapter 3 of Title 16, Guam Code Annotated, is  
15          *amended* to read as follows:

16               **"§ 3305.1.     Sale of Safety Helmets.**

17               No person shall sell or offer for sale for use by an operator or passenger of a  
18               motorcycle, or bicycle equipped with a motor, a helmet which is not of a  
19               type meeting the requirements established by the United States Department  
20               of Transportation. Anyone who violates this Section *shall* be guilty of a  
21               petty misdemeanor. "

22          **Section 3.** New Subsections (13) and (14) are hereby *added* to §3101(f) of  
23          Chapter 3 of Title 16 of the Guam Code Annotated to read:

24               “(13) (defensive driving/driver safety) a valid Certificate of  
25               Completion of a motorcycle safety/defensive driving education course by the  
26               applicant from an instructor approved and licensed for this purpose by the  
27               Department of Revenue and Taxation. This provision *shall* be effective for

1 licenses issued to first-time licensees after January 1, 2015. The standards  
2 for such motorcycle safety/defensive driving education course *shall* be  
3 determined by the Department of Revenue and Taxation and approved and  
4 promulgated by the Department Director.

5 (14) License Limitation on Engine Size. A licensee is prohibited  
6 from operating a motorcycle/motorbike on public roads with an engine  
7 larger than the engine in the motorcycle/motorbike for which he/she used to  
8 take the road exam. Licensees may qualify to operate larger  
9 motorcycles/motorbikes by passing a qualifying road exam. This provision  
10 *shall* be effective for licenses issued to first-time licensees after January 1,  
11 2015.”

12 **Section 4.** Subsection (i) of § 3101 of Chapter 3 of Title 16 of the Guam  
13 Code Annotated is *amended* to read:

14 “(i) An applicant is *not* entitled to an operator’s or chauffeur’s  
15 license or instruction permit:

16 (1) who is not of legal age to receive such license or permit.

17 An applicant for a new operator’s license or instruction permit must

18 (A) have a valid Certificate of Completion of a drivers  
19 education course and in the case of a motorcycle operator’s  
20 application, a valid Certificate of Completion of a motorcycle  
21 safety/defensive driving education course; and”

22 **Section 5.** Subsection (k) of § 3101 of Chapter 3 of Title 16 of the Guam  
23 Code Annotated is hereby *amended* to read:

24 “(k) Every license and permit *shall* state whether it is an operator’s  
25 or chauffeur’s license or instruction permit and *shall* bear thereon the  
26 distinguishing number assigned to the application, the dates of issue and  
27 expiration, the name, date of birth, residence address, height, weight, color

1 of eyes, a photograph of the licensee (except that the instruction permit *shall*  
2 *not* bear a photograph of the licensee), the maximum engine size of a  
3 motorcycle that the motorcycle operator is authorized to operate, and a space  
4 upon which the licensee *shall* write his usual signature. No license shall be  
5 valid until it has been signed by the licensee. In the case of a chauffeur's  
6 license, the license *shall* also state whether it is a general or restricted  
7 license, and if restricted, the type of vehicle or combination of vehicles the  
8 licensee is permitted to operate. Each license and permit *shall* also contain a  
9 space for common restrictive requirements, such as corrective lenses,  
10 hearing aid, hand control or pedal extension, left foot accelerator, no night  
11 driving, or other."

12 **Section 6.** Subsection (o) of § 3101 of Chapter 3 of Title 16 of the Guam  
13 Code Annotated is *amended* to read:

14 "(o) After passing an examination as required under Subsection (g)  
15 to include an actual demonstration of ability to exercise ordinary and  
16 reasonable control in the operation of a motorcycle and satisfying the  
17 Certificate of Completion requirements of Subsection (i), or upon qualifying  
18 under Subsection (d) of this Section an applicant may have his operator's, or  
19 chauffeur's or motorcycle permit endorsed by the Director of Revenue and  
20 Taxation, or his designee, authorizing the applicant to operate a motorcycle  
21 on the highways of Guam. The Director of Revenue and Taxation may, in  
22 his discretion, accept evidence of a military motorcycle permit in lieu of this  
23 examination and endorsement. No person shall operate a motorcycle on the  
24 highway without first complying with this Section, *except* that a person  
25 having in his immediate possession a valid motorcycle operator's license  
26 issued by any other territory or state of the United States, or by a foreign  
27 country, may operate a motorcycle upon the highways for a period *not*

1        *exceeding* thirty days from the date such person arrived in Guam. The  
2        requirement that the person pass an examination and receive an endorsement  
3        for operation of a motorcycle *shall not* be applicable to the operation of a  
4        motorcycle or when a sidecar is attached to the motorcycle. Any person who  
5        operates a motorcycle in violation of this Title *shall* be guilty of a petty  
6        misdemeanor.”

7        **Section 7.** A new Subsection (p) is *added* to § 3101 of Title 16, Guam Code  
8        Annotated, to read as follows:

9                “(p) Motorcycle road/skills tests *shall* be administered by the  
10        Division of Motor Vehicles of the Department of Revenue and Taxation, or,  
11        by up to five examining entities, which have been approved by the  
12        Department of Revenue and Taxation through established rules and  
13        regulations, to certify the competence of prospective licenses to operate a  
14        vehicle on Guam’s roads and highways. Examining entities/examiners that  
15        are qualified, approved and authorized to conduct road exams pursuant to  
16        §31A05(a) of this Chapter are further authorized to conduct motorcycle  
17        road/skills tests; provided, that (1) the examiner conducting the test has had  
18        a valid motorcycle license for a period of *not less than* five years; and (2) the  
19        road course used for the examination has been approved by the Director of  
20        the Department of Revenue and Taxation. Organizations engaged in the sale  
21        of motorcycles, scooters or mopeds, including a bicycle equipped with a  
22        motor, shall be ineligible to be designated as an examining entity for the  
23        purposes of this Section.”