

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

DEC 04 2015

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

43-15-1145
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 12-4-2015
Time: 1:27 pm
Received By: JK

Dear Madame Speaker:

Transmitted herewith is Bill No. 188-33 (COR) "AN ACT TO AMEND §§ 70108 AND 70109.1 OF CHAPTER 70, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PROMOTING CONSUMER PROTECTION BY REQUIRING THE PUBLICATION OF A CONTRACTORS LIST AND STRENGTHENING THE PENALTIES FOR UNLICENSED CONTRACTORS" which was signed into law by Acting Governor, Ray Tenorio on December 1, 2015, as **Public Law 33-103**.

2015 DEC -4 PM 3:51

Senseramente,

EDDIE BAZA CALVO

1145

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

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

This is to certify that **Bill No. 188-33 (COR)**, "AN ACT TO *AMEND* §§ 70108 AND 70109.1 OF CHAPTER 70, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PROMOTING CONSUMER PROTECTION BY REQUIRING THE PUBLICATION OF A CONTRACTORS LIST AND STRENGTHENING THE PENALTIES FOR UNLICENSED CONTRACTORS," was on the 19th day of November 2015, duly and regularly passed.

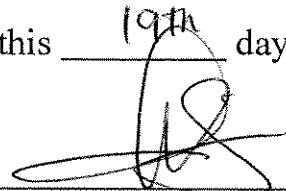


Judith T. Won Pat, Ed.D.
Speaker

Attested:

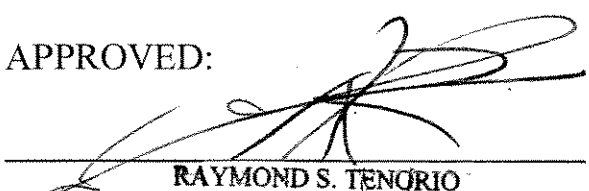

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 19th day of November,
2015, at 550 o'clock P.M.



Assistant Staff Officer
Maga'låhi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: DEC 01 2015

Public Law No. 33-103

I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN
2015 (FIRST) Regular Session

Bill No. 188-33 (COR)

As amended by the Sponsor;
and further amended on the Floor.

Introduced by:

Tommy Morrison
James V. Espaldon
R. J. Respicio
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
Brant T. McCreadie
T. R. Muña Barnes
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§ 70108 AND 70109.1 OF
CHAPTER 70, DIVISION 2, TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO PROMOTING
CONSUMER PROTECTION BY REQUIRING THE
PUBLICATION OF A CONTRACTORS LIST AND
STRENGTHENING THE PENALTIES FOR
UNLICENSED CONTRACTORS.**

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

2 **Section 1. Publication of Contractors List Required.** § 70108 of
3 Chapter 70, Division 2, Title 21, Guam Code Annotated, is hereby *amended* to
4 read:

1 **“§ 70108. Licenses; Publication of Contractors List Required.**

2 No person within the purview of this Chapter shall act, or assume to act, or
3 advertise, as a general engineering contractor, a general building contractor
4 or a specialty contractor without a license previously obtained under and in
5 compliance with this Chapter and the rules and regulations of the
6 Contractors License Board (CLB).

7 The CLB *shall* publish, in print and electronically, in a newspaper of
8 general circulation, as defined in Title 5 GCA, § 8104(a)(5)(B), a list of
9 contractors authorized to conduct business on Guam. The list of contractors
10 *shall* include, but *not* be limited to, the contractor’s name and phone
11 number(s), CLB license number, identification of responsible managing
12 employee, and authorized classification(s). The CLB *shall* also include
13 instructions on how the public may verify if certain contractors have been
14 added to, or removed from, the contractors list. The list of contractors *shall*
15 be published annually, *no later than* on the first Monday of August, *shall* be
16 made available to the general public via the CLB’s website, and *shall* be
17 updated on a monthly basis.”

18 **Section 2. Citations Involving Unlicensed Contractors.** § 70109.1 of
19 Chapter 70, Division 2, Title 21, Guam Code Annotated, is hereby *amended* to
20 read:

21 **“§ 70109.1. Investigation Citation Authority.**

22 (a) In addition to any other remedy available, the investigator of
23 the Contractors License Board may issue citations to acting contractors,
24 licensed or unlicensed, in violation of the provisions of this Chapter and
25 rules promulgated pursuant to the requirements of the Administrative
26 Adjudication Law.

1 (b) Each citation *shall* be in writing and *shall* describe the basis of
2 the citation, including the statutory provisions alleged to have been violated.
3 The citation *shall* also contain an order to cease and desist from the
4 violation, and an assessment of civil penalties of *no less than* Two Hundred
5 Dollars (\$200.00), but *not to exceed* fifty percent (50%) of the value of the
6 project.

7 (c) Citations for unlicensed contractors *shall* each contain an order
8 to cease and desist from the violation, and an assessment of civil penalties of
9 fifty percent (50%) of the value of the project – of which *no less than* fifty
10 percent (50%) *shall* be used to compensate affected consumers. Payments
11 *shall* be made in accordance with rules promulgated by the CLB in
12 accordance with the requirements of the Administrative Adjudication Law.

13 (d) Recipients of contractual work *shall* be notified of each
14 violation in a timely manner.”

15 **Section 3. Severability.** If any provision of this Act or the application to
16 any person or circumstance is found to be invalid or contrary to law, such
17 invalidity *shall not* affect other provisions or applications of this Act which can be
18 given effect without the invalid provision or application, and to this end the
19 provisions of this Act are severable.