

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

**MAR 16 2016**

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

Dear Madame Speaker:

Transmitted herewith is Bill No. 191-33 (LS) "AN ACT TO AMEND SUBSECTIONS (a) AND (b) OF § 12104, SUBITEM (3) OF § 12106(a), AND SUBSECTION (b) OF § 12107, AND TO ADD A NEW SUBSECTION (d) TO § 12104 AND A NEW § 12110, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED; AND TO AMEND SUBITEM (1) OF SUBSECTION (a) OF § 77135 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO TOWING NOTICE REQUIREMENTS, RATE REGULATION, LIENS, PENALTIES, AND DEPOSIT OF FINES," which I signed into law on March 4, 2016, as Public Law 33-127.

*Senseramente,*

  
EDDIE BAZA CALVO

33-10-1438  
Office of the Speaker  
Judith T. Won Pat, Ed.D

Date: 3/16/16  
Time: 10:50 A.M  
Received By: CARL CRK

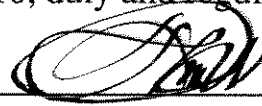
2016 MAR 16 PM 1:06

**1438**

**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

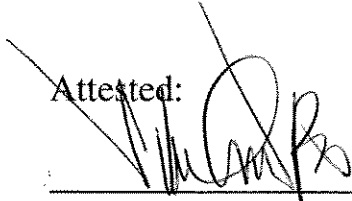
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN**

This is to certify that **Substitute Bill No. 191-33 (LS)**, "AN ACT TO AMEND SUBSECTIONS (a) AND (b) OF § 12104, SUBITEM (3) OF § 12106(a), AND SUBSECTION (b) OF § 12107, AND TO ADD A NEW SUBSECTION (d) TO § 12104 AND A NEW § 12110, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED; AND TO AMEND SUBITEM (1) OF SUBSECTION (a) OF § 77135 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO TOWING NOTICE REQUIREMENTS, RATE REGULATION, LIENS, PENALTIES, AND DEPOSIT OF FINES," was on the 18<sup>th</sup> day of February 2016, 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 22<sup>ND</sup> day of FEBRUARY,  
2016, at 2:59 o'clock P.M.



Assistant Staff Officer  
*Maga'låhi's Office*

APPROVED:



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

Date: MAR 04 2016

Public Law No. 33-127

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

**Bill No. 191-33 (LS)**

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

Introduced by:

Brant T. McCreddie  
T. C. Ada  
Michael F.Q. San Nicolas  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Tommy Morrison  
T. R. Muña Barnes  
R. J. Respicio  
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* SUBSECTIONS (a) AND (b) OF § 12104, SUBITEM (3) OF § 12106(a), AND SUBSECTION (b) OF § 12107, AND TO *ADD* A NEW SUBSECTION (d) TO § 12104 AND A NEW § 12110, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED; AND TO *AMEND* SUBITEM (1) OF SUBSECTION (a) OF § 77135 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO TOWING NOTICE REQUIREMENTS, RATE REGULATION, LIENS, PENALTIES, AND DEPOSIT OF FINES.**

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

2       **Section 1. Towing Notice Requirements.** § 12104(a) of Chapter 12, Title  
3       16, Guam Code Annotated, is *amended* to read:

1           “(a) Unless a vehicle is impounded under § 3606 of Article 6,  
2 Chapter 3 of this Title 16, after performing a tow truck service, the person  
3 operating the tow truck business *shall*:

4                   (1) complete a vehicle condition report, as defined in §  
5 12101(f) of this Chapter;

6                   (2) within one (1) hour of arriving at the place of storage or  
7 impound of the vehicle, contact the law enforcement agency having  
8 jurisdiction over the area from which the vehicle was towed and  
9 notify the agency of the:

10                           (A) location of the vehicle;

11                           (B) date, time, and location from which the vehicle  
12 was removed;

13                           (C) reasons for the removal of the vehicle;

14                           (D) person who requested the removal of the vehicle;  
15 and

16                           (E) vehicle’s description, including its identification  
17 number and license number; and

18                   (3) within seven (7) days of performing the tow truck  
19 service, make reasonable efforts via phone call to the last known  
20 phone number of the legal owner, registered owner, vehicle insurer  
21 and lienholder (obtained from the DRT Division of Motor Vehicles)  
22 and send a certified letter to the last known address of the legal owner,  
23 registered owner, vehicle insurer and lienholder, where applicable, of  
24 the vehicle (obtained from the DRT Division of Motor Vehicles),  
25 notifying them of the:

26                           (A) location of vehicle;

1 (B) date, time, and location from which the vehicle  
2 was removed;

3 (C) reasons for the removal of the vehicle;

4 (D) person who requested the removal of the vehicle;

5 (E) vehicle's description, including its identification  
6 number and license number;

7 (F) costs and procedures to retrieve the vehicle; and

8 (G) a copy of the vehicle condition report required by  
9 Subsection (a)(1) of this Section.

10 (4) For purposes of this Section, the Division of Motor  
11 Vehicles *shall*, upon the presentation of a declaration made under  
12 penalty of perjury that a vehicle has been towed and taken into the  
13 possession of a tow truck business, provide tow truck businesses with  
14 the last known address and telephone numbers of the legal owner,  
15 registered owner, vehicle insurer, and lienholder, where applicable, of  
16 the vehicle in question. The tow truck business *shall* furnish the  
17 Division of Motor Vehicles with a copy of the notice sent pursuant to  
18 Subsection (a)(3) of this Section within seven (7) days via certified  
19 mail after the release of the addresses of the legal owner, registered  
20 owner, vehicle insurer and lienholder, where applicable.”

21 **Section 2. Release of a Vehicle.** § 12104(b) of Chapter 12, Title 16,  
22 Guam Code Annotated, is *amended* to read:

23 “(b) The legal owner, registered owner, insurer or lienholder seeking  
24 the release of a vehicle that is lawfully towed is responsible for paying the  
25 towing, impound, and storage fees incurred by the tow truck business in  
26 towing, impounding, and storing such vehicle in order to obtain its release;  
27 provided, however, that if the tow truck business has failed to comply with

1 the requirements of Subsection (a)(3) and Subsection (d) of this Section, all  
2 such fees *shall* be forfeited, and the vehicle *shall* be delivered to said legal  
3 owner, registered owner, or lienholder immediately upon demand. Any tow  
4 truck business or other person responsible for or authorizing the towing,  
5 impounding or storage of a vehicle relative to this Section, but failing to  
6 comply with Subsection (a)(3) and Subsection (d) of this Section *shall* be  
7 guilty of a misdemeanor, and *shall* be liable to the legal owner, registered  
8 owner, insurer or lienholder, where applicable, of said vehicle for an amount  
9 equal to three (3) times the damages incurred by them as a consequence of  
10 said failure, together with their costs of the suit and reasonable attorneys'  
11 fees.”

12 **Section 3. Towing Notice Requirements for Company Vehicles.** A new  
13 § 12104(d) is *added* to Chapter 12, Title 16, Guam Code Annotated, to read:

14 “(d) After performing a tow truck service of a vehicle bearing the  
15 logo of the company of ownership, including, but not limited to, rental car  
16 businesses and car dealerships, the person operating the tow truck business  
17 *shall* within one (1) hour of arriving at the place of storage or impound of  
18 the vehicle, contact the company to which the vehicle belongs via phone call  
19 notifying it of the:

- 20 (1) location of vehicle;
- 21 (2) date, time, and location from which the vehicle was  
22 removed;
- 23 (3) reasons for the removal of the vehicle;
- 24 (4) person who requested the removal of the vehicle;
- 25 (5) vehicle’s description, including its identification number  
26 and license number;
- 27 (6) costs and procedures to retrieve the vehicle; and

1 (7) a copy of the vehicle condition report required by  
2 Subsection (a)(1) of this Section.”

3 **Section 4. Tow Truck and Impound Regulation; Rates.** § 12106(a)(3),  
4 Chapter 12, Title 16, Guam Code Annotated, is *amended* to read:

5 “(3) any other call.”

6 **Section 5. Lien on Towed Vehicles; Lien Holders’ Sale.** § 12107(b) of  
7 Chapter 12, Title 16, Guam Code Annotated, is *amended* to read:

8 “(b) Notwithstanding any other provision of law, § 39106 of Title  
9 18, Guam Code Annotated, concerning a lien in excess of Three Hundred  
10 Dollars (\$300.00), *shall not* apply to tow truck services rendered to vehicles  
11 towed and taken into possession for impound or storage by a tow truck  
12 business, including, without limitation, tow truck services provided in  
13 response to a peace officer dispatch call; a Motor Vehicle Division call; and  
14 any other call.”

15 **Section 6. Penalties.** A new § 12110 is *added* to Chapter 12, Title 16,  
16 Guam Code Annotated, to read:

17 “§ 12110. **Penalty.**

18 (a) A violation of any provision of this Chapter is a civil  
19 violation.

20 (b) Each violation *shall* be subject to the following penalties:

21 (1) First offense *shall* be subject to a penalty of up to  
22 One Hundred Dollars (\$100.00);

23 (2) Second offense of the same provision within a  
24 twelve (12)-month period *shall* be subject to a penalty of up to  
25 Four Hundred Dollars (\$400.00) but no less than One Hundred  
26 Dollars (\$100.00);

1                   (3) Third offense of the same provision within a  
2 twelve (12)-month period *shall* be subject to a penalty of no  
3 less than One Thousand Dollars (\$1,000.00);

4                   (4) Fourth offense of the same provision within a  
5 twelve (12)-month period *shall* be punishable as a misdemeanor  
6 and the business license *shall* be suspended for up to one (1)  
7 year or until the violation has been cured.

8                   (c) All fines imposed under this Section *shall* be deposited  
9 into the Police Patrol Vehicle and Equipment Revolving Fund  
10 pursuant to § 77135, Chapter 77, 10 GCA.”

11           **Section 7. Deposit of Fines.** § 77135(a)(1) of Chapter 77, Title 10, Guam  
12 Code Annotated, is *amended* to read:

13                   “(1) The Police Patrol Vehicle and Equipment Revolving Fund *shall*  
14 be funded by, but is not limited to, OVIS fees collected and allocated in  
15 accordance with § 3602(b) of Article 3, Chapter 3, and fines imposed under  
16 § 12110 of Chapter 12, both of Title 16, Guam Code Annotated.”

17           **Section 8. Severability.** If any provision of this law or its application to  
18 any person or circumstance is found to be invalid or contrary to law, such  
19 invalidity *shall not* affect other provisions or applications of this law that can be  
20 given effect without the invalid provisions or application, and to this end the  
21 provisions of this law are severable.