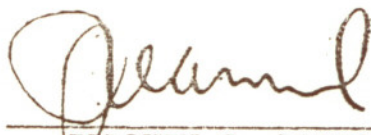


TENTH GUAM LEGISLATURE
1969 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This certifies that Bill No. 11, "An Act to add a new Chapter VI to Title XXXIX, Government Code of Guam, relative to assigned risk plans", was on the 24th day of January, 1969, duly and regularly passed.



JOAQUIN C. ARRIOLA
Speaker

ATTESTED:

/s/ James T. Sablan

JAMES T. SABLAN
Legislative Secretary

This Act was received by the Governor this 3rd day
of February, 1969 at 4:40 o'clock P.M.

/s/ DENVER DICKERSON

DENVER DICKERSON
Secretary of Guam

APPROVED:

/s/ MANUEL F. L. GUERRERO

MANUEL F. L. GUERRERO
Governor of Guam

DATED: Feb. 10, 1969

8:30 a.m.

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TENTH GUAM LEGISLATURE
1969 (FIRST) Regular Session

Bill No. 11

Introduced by

Committee on Rules, by
request of the Governor
in accordance with
Section 6(b) of the
Organic Act of Guam.

AN ACT TO ADD A NEW CHAPTER VI TO TITLE
XXXIX, GOVERNMENT CODE OF GUAM, RELATIVE
TO ASSIGNED RISK PLANS.

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

2 Section 1. A new Chapter VI is hereby added to Title XXXIX,
3 Government Code of Guam to read as follows:

4 "CHAPTER VI

5 Assigned Risk Plans

6 Section 43540. Approval or issue of plan for apportion-
7 ment of applicants: Amendments: Hearing: Subscription and
8 participation: Publication of notice of hearing. The Com-
9 missioner, after a public hearing, shall approve or issue a
10 reasonable plan for the equitable apportionment, among insurers
11 admitted to transact liability insurance, of those applicants
12 for automobile bodily injury and property damage liability
13 insurance who are in good faith entitled to but are unable to
14 procure such insurance through ordinary methods. The Com-
15 missioner may approve or issue reasonable amendments to such
16 plan if he first holds a public hearing to determine whether
17 the amendments are in keeping with the intent and purpose of
18 this section. All such insurers shall subscribe to the plan
19 and its amendments and, subject to Section 43541, participate
20 therein.

21 Notice of the public hearings required by this section
22 shall be published, not less than ten(10) days nor more than
23 thirty (30) days prior to such hearings, in a newspaper of

11 general circulation in Guam.

2 Section 43541. When assignments not to be required.

3 Such plan shall not require assignments to be made to an
4 insurer which (a) does not transact automobile bodily injury and
5 property damage liability insurance, (b) has withdrawn from Guam
6 pursuant to and in compliance with Section 43112, or (c) has
7 discontinued the execution of new or renewal contracts of automobile
8 bodily injury and property damage liability insurance, and has
9 notified the Commissioner of such discontinuance.

10 Section 43542. Amount of coverage required to be issued.

11 Such plan shall require the issuance of a policy affording
12 coverage in the amount of Five Thousand Dollars (\$5,000) for
13 bodily injury to or death of each person as the result of any
14 one accident and, subject to said limit as to one person, the
15 amount of Ten Thousand Dollars (\$10,000) for bodily injury to
16 or death of all persons as a result of any one accident, and the
17 amount of Five Thousand Dollars (\$5,000) for damage to property
18 of others as a result of any one accident, or in such minimum
19 amounts as are necessary to provide exemption from the security
20 requirements of Section 23527 of the Vehicle Code, or for which
21 proof of ability to respond in damages or adequate protection
22 against liability is otherwise required by law, but shall not
23 require the issuance of a policy affording coverage in excess
24 of said amounts.

25 Section 43543. Formation of organization to administer
26 and operate plan: Apportionment of cost of organization. To
27 carry out the purpose of this chapter, the subscribing insurers
28 may form their own organization which shall, subject to review
29 by the Commissioner, administer and operate the plan.

30 The cost of such organization shall be fairly proportioned

1 among the subscribing insurers to whom assignments may be made.

2 Section 43544. What plan to contain. Such plan shall
3 contain:

4 (a) Standards for determining eligibility of
5 applicants for insurance, and in establishing such
6 standards the following may be taken into consideration
7 in respect to the applicant or any other person who may
8 reasonably be expected to operate the applicant's auto-
9 mobile with his permission:

10 (1) His criminal conviction record;

11 (2) His record of suspension or revocation of
12 a license to operate an automobile;

13 (3) His automobile accident record;

14 (4) His age and mental, physical and moral
15 characteristics which pertain to his ability to safely
16 and lawfully operate an automobile;

17 (5) The condition or use of the automobile.

18 (b) Procedures for making application for insurance,
19 for apportionment of eligible applicants among the sub-
20 scribing insurers and for appeal to the Commissioner by
21 persons who believe themselves aggrieved by the operation
22 of the plan.

23 (c) Rules and regulations governing the administration
24 and operation of the plan.

25 (d) Provisions showing the basis upon which premium
26 charges shall be made, and the manner of payment thereof,
27 and

28 (e) Such other provisions as may be necessary to
29 carry out the purpose of this chapter.

30 Section 43545. Prohibition against making charge for
31 materials and services in perfecting application. No insurance
32 agent, broker or solicitor shall make any charge to the

1 applicant, directly or indirectly, for furnishing any person
2 the necessary application forms, technical assistance and
3 services necessary to perfect an application through the plan
4 other than such commission as is paid by the insurer pursuant
5 to the provisions of such plan.

6 Section 43546. Failure to subscribe to plan. If an
7 insurer admitted to transact liability insurance fails to
8 subscribe to the plan or to any amendments thereto, the Com-
9 missioner shall give 10 days written notice to such insurer
10 to so subscribe. If such insurer fails to comply with such
11 notice, then the Commissioner may, after hearing upon notice,
12 suspend the Certificate of Authority of such insurer to transact
13 liability insurance in Guam until such insurer does so subscribe.

14 Section 43547. Failure to comply with chapter or plan. If
15 the Commissioner, after hearing upon not less than ten (10)
16 days notice, finds that any insurer has failed to perform any
17 of the duties required of it by this chapter or by the plan,
18 other than those duties enumerated in Section 43546, he may
19 issue an order to such insurer specifying in what manner and to
20 what extent he finds the insurer to have so failed and requiring,
21 within a reasonable time, not less than ten days, compliance
22 with such requirements. If, within the period specified in the
23 order, the insurer fails to comply with such order, then the
24 Commissioner, after hearing upon notice, shall suspend the
25 Certificate of Authority of such insurer to transact liability
26 insurance in Guam until such insurer does comply with the order."

Section 2. This Act is an urgency measure.