

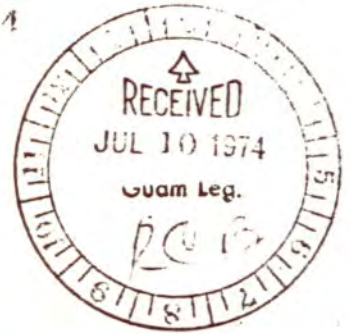


TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM
U. S. A.

9/8/74

CARLOS G. CAMACHO
GOVERNOR

JUL 10 1974



Honorable Florencio T. Ramirez
Speaker
Twelfth Guam Legislature
Agaña, Guam 96110

Dear Mr. Speaker:

This is to inform you that I have signed into law Bill No. 106, "An Act to amend Sections 8600, 8900(e), 8901.2, 8908, 8926, 8928, 8931, 8934, 8960, 8962, 23100, 23101, 23102, 23103, 23146, 23147, 23148, 23149, 23151, 23319, and 23367 of the Government Code of Guam to transfer from the Department of Public Safety to the Department of Revenue and Taxation the functions of providing certificates of identification, licensing of firearms, karate and judo experts, motor vehicles, and operators of vehicles, and increasing the fees therefor".

Bill No. 106 becomes Public Law 12-155.

Two copies of the public law are enclosed.

Sincerely yours,

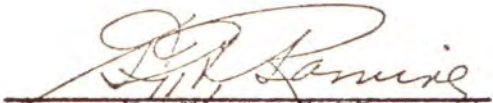
[/s/ Carlos G. Camacho

Enclosures


TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 106, "An Act to amend Sections 8600, 8900(e), 8901.2, 8908, 8926, 8928, 8931, 8934, 8960, 8962, 23100, 23101, 23102, 23103, 23146, 23147, 23148, 23149, 23151, 23319, and 23367 of the Government Code of Guam to transfer from the Department of Public Safety to the Department of Revenue and Taxation the functions of providing certificates of identification, licensing of firearms, karate and judo experts, motor vehicles, and operators of vehicles, and increasing the fees therefor", was on the 21st day of June, 1974, duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 28th day
of June, 1974 at 3:10 o'clock P.M.

/s/ KEITH L. ANDREWS
KEITH L. ANDREWS
Attorney General of Guam
by /s/ RICHARD D. MAGEE

APPROVED:

151
CARLOS G. CAMACHO
Governor of Guam

DATED: 7/10/74
10:30 am

P.L. # 12-155

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TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

Bill No. 106

Substitute Bill by
Committee on Public Safety,
Military and Veterans Affairs.

Introduced by F. R. Santos

AN ACT TO AMEND SECTIONS 8600, 8900(e),
8901.2, 8908, 8926, 8928, 8931, 8934,
8960, 8962, 23100, 23101, 23102, 23103,
23146, 23147, 23148, 23149, 23151, 23319,
AND 23367 OF THE GOVERNMENT CODE OF GUAM
TO TRANSFER FROM THE DEPARTMENT OF PUBLIC
SAFETY TO THE DEPARTMENT OF REVENUE AND
TAXATION THE FUNCTIONS OF PROVIDING CER-
TIFICATES OF IDENTIFICATION, LICENSING OF
FIREARMS, KARATE AND JUDO EXPERTS, MOTOR
VEHICLES, AND OPERATORS OF VEHICLES, AND
INCREASING THE FEES THEREFOR.

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

2 Section 1. Section 8600 of the Government Code of Guam is
3 hereby amended to read as follows:

4 "Section 8600. Certificate of identification:
5 requirement and fee. Any person may obtain a certificate
6 of identification from the Department of Revenue and
7 Taxation. The Director of Revenue and Taxation is
8 authorized to issue such certificate of identification
9 without charge in a form prescribed by him."

10 Section 2. Subsection 8900(e) of the Government Code of
11 Guam is hereby amended to read as follows:

12 "(e) The terms 'Director' and 'Department' mean the
13 Director of Revenue and Taxation and the Department of
14 Revenue and Taxation, respectively."

15 Section 3. Section 8901.2 of the Government Code of Guam
16 is hereby amended to read as follows:

17 "Section 8901,2 Dealer, etc. must register. Any
18 person who is in the business of selling, buying, renting,
19 or trading any firearm shall register with the Department
20 of Revenue and Taxation under the terms and conditions

1 set forth in this Chapter and the rules and regulations
2 adopted hereunder before engaging in any of the above
3 activities. The term 'in the business of' shall mean any
4 person, natural or legal, who engages in the above
5 activities for profit or who so engages on behalf of
6 others, but shall not include private sales, loans, gifts
7 or transfers of lawfully possessed firearms which have
8 been registered and possessed under the provisions of
9 Sections 8901.1 and 8903 of this Chapter."

10 Section 4. Section 8908 of the Government Code of Guam is
11 hereby amended to read as follows:

12 "Section 8908. Fees. (a) The fee for each
13 identification card, duplicate or renewal thereof shall
14 be Five Dollars (\$5.00) and shall be paid to the Treasurer
15 of Guam for the account of the Department of Revenue and
16 Taxation before any identification card may be issued or
17 renewed.

18 (b) The annual registration fee for every dealer,
19 manufacturer, wholesaler, retailer and repairer shall be
20 One Hundred Dollars (\$100.00) and shall be payable to the
21 Treasurer of Guam for the account of the Department of
22 Revenue and Taxation before any such registration may be
23 issued, renewed or a duplicate issued.

24 (c) The fee for registration of every firearm by an
25 individual shall be Two Dollars (\$2.00) payable to the
26 Treasurer of Guam for the account of the Department of
27 Revenue and Taxation before any such registration may be
28 issued or a duplicate issued.

29 (d) Registrations for dealers, retailers, wholesalers,
30 manufacturers and repairers shall be renewed annually at
31 the same time as the business license is renewed, and shall

1 Section 8. Section 8934 of the Government Code of Guam is
2 hereby amended to read as follows:

3 "Section 8934. Regulations. The Director of Revenue
4 and Taxation is authorized to adopt regulations in
5 implementation of this Chapter, subject to approval by
6 the Governor by Executive Order."

7 Section 9. Section 8960 of the Government Code of Guam is
8 hereby amended to read as follows:

9 "Section 8960. Registration required. Any person who
10 is an expert in the art of karate or judo, or any similar
11 physical art in which the hands and feet are used as deadly
12 weapons, is required to register with the Department of
13 Revenue and Taxation."

14 Section 10. Section 8962 of the Government Code of Guam is
15 hereby amended to read as follows:

16 "Section 8962. Registration. The Department of
17 Revenue and Taxation shall register each karate or judo
18 expert who applies therefor and shall keep a roster of
19 such experts. On issuance of the registration certificate
20 by the Department of Revenue and Taxation, the applicant
21 shall bring such certificate to the license Division of
22 the Department of Revenue and Taxation, which shall bill
23 the applicant for the required fee. On payment of the
24 required fee to the Treasurer of Guam, the Treasurer shall
25 receipt therefor on the face of the registration certificate
26 and return such certificate to the applicant. The regis-
27 tration certificate with the receipt of the Treasurer
28 marked on the face therefor shall constitute evidence
29 of registration."

30 Section 11. Section 23100 of the Government Code of Guam is
31 hereby amended to read as follows:

1 "Section 23100. License: requirement. (a) Unless
2 expressly exempted under this Title, a person shall not
3 drive a motor vehicle upon a highway without having in
4 his immediate possession a valid operator's or chauffeur's
5 license issued under this Title. An operator's license
6 authorizes the licensee to drive as an operator only. A
7 chauffeur's license authorizes the licensee to drive as an
8 operator or as a chauffeur.

9 (b) A person employed by or in the service of the
10 United States while operating a vehicle owned or controlled
11 by the United States need not obtain an operator's or
12 chauffeur's license.

13 (c) A person having in his immediate possession a
14 valid operator's or chauffeur's license issued by any
15 other territory or state of the United States may drive
16 a motor vehicle upon the highways for a period not
17 exceeding thirty (30) days from the date such person
18 arrived in Guam. In addition, a person having in his
19 immediate possession a temporary operator's or chauffeur's
20 license issued under this Title may drive a motor vehicle
21 upon the highways for a period not exceeding thirty (30)
22 days, while the Department of Revenue and Taxation is
23 completing its investigation and determination of all facts
24 relative to the applicant's right to receive a license.
25 Such temporary license is invalid when the applicant's
26 license has been issued or refused.

27 (d) A person having in his immediate possession an
28 instruction permit issued under this Title may drive a
29 motor vehicle upon the highways for a period not exceeding
30 ninety (90) days when accompanied by, and under the
31 immediate supervision of, a licensed operator or chauffeur.

1 The Director of Revenue and Taxation may further restrict
2 a permit to any applicant as he may determine to be
3 appropriate to assure the safe operation of a motor
4 vehicle by the permittee.

5 (e) An applicant for a license or permit shall submit
6 an application to the Department of Revenue and Taxation
7 on a form prescribed by it, verified under oath and
8 containing the following information:

9 (1) The applicant's full name, age, sex and
10 residence address.

11 (2) A brief description of the applicant for
12 the purpose of identification.

13 (3) The kind of license applied for.

14 (4) Whether the applicant has ever previously
15 been licensed as an operator or chauffeur and if so
16 when and in what state or country and whether or not
17 any such license has been suspended or revoked, and
18 if so, the date of and reason for such suspension or
19 revocation.

20 (5) Whether the applicant has ever previously
21 been refused an operator's or chauffeur's license in
22 Guam, and if so, the date and the reason for such
23 refusal.

24 (6) Whether the applicant has previously operated
25 a motor vehicle, and if so, for what length of time.

26 (7) Whether the applicant has the normal use of
27 both hands and feet.

28 (8) Whether the applicant has ever been afflicted
29 with epilepsy, paralysis, insanity, or other disability
30 or disease affecting his ability to exercise reasonable
31 and ordinary control in operating a motor vehicle

1 upon a highway.

2 (9) Whether the applicant understands traffic
3 signs and signals.

4 (10) Any other information necessary to determine
5 whether the applicant is entitled to a license under
6 this Title.

7 An applicant for a chauffeur's license shall state
8 the type of vehicle or combination of vehicles he desires
9 to operate.

10 (f) The Department of Revenue and Taxation shall not
11 issue any license or permit unless it determines that the
12 applicant is lawfully qualified for a license or permit and
13 approves the application.

14 (g) The examination shall include a test of the
15 applicant's knowledge and understanding of the provisions
16 of this Title governing the operation of vehicles upon the
17 highway, his understanding of traffic signs and signals,
18 and the applicant shall be required to give an actual
19 demonstration of his ability to exercise ordinary and
20 reasonable control in operating a motor vehicle by driving
21 the same under the supervision of an examining officer.
22 The examination shall also include a test of the hearing
23 and eyesight of the applicant and such other matters as
24 may be necessary to determine the applicant's mental and
25 physical fitness to operate a motor vehicle upon the
26 highways and whether any ground exists for refusal of a
27 license or permit under this Title. Every applicant for
28 a chauffeur's license shall be required to submit to an
29 examination appropriate to the type of vehicle or
30 combination of vehicles he desires a license to drive.

31 (h) An applicant is not entitled to an operator's or

1 chauffeur's license or instruction permit:

2 (1) Who is not of legal age to receive such
3 license or permit. An applicant for an operator's
4 license of instruction permit must be at least
5 eighteen (18) years of age or if under eighteen must
6 be at least sixteen (16) years of age and have the
7 consent in writing of his parents or guardians to
8 drive a motor vehicle. An applicant for a chauffeur's
9 license must be at least eighteen (18) years of age.

10 (2) Who is a habitual drunkard or addicted to the
11 use of narcotic drugs or a habitual user of any other
12 drug rendering such person incapable of safely operat-
13 ing a motor vehicle.

14 (3) Who is insane or feeble minded or an idiot,
15 imbecile or epileptic.

16 (4) Who is unable as shown by examination to under-
17 stand traffic signs or signals or who does not have a
18 reasonable knowledge of the provisions of this Title
19 governing the operation of vehicles upon the highways.

20 (5) When it appears by examination or other
21 evidence that such person is unable to safely operate
22 a motor vehicle upon a highway because of physical or
23 mental defect or except in the case of an applicant
24 for an instruction permit, lack of skill. Any physi-
25 cal or mental defect of the applicant which in the
26 opinion of the Director of Revenue and Taxation does
27 not affect the applicant's ability to exercise
28 reasonable and ordinary control in operating a motor
29 vehicle upon the highway shall not prevent the
30 issuance of a license or permit to the applicant.

31 (i) The Director of Revenue and Taxation may

1 disapprove the application:

2 (1) If he is satisfied that the applicant is not
3 entitled thereto under the provisions of this Title.

4 (2) If the applicant has failed to furnish the
5 Department of Revenue and Taxation the information
6 required in the application or any reasonable
7 additional information requested by the Department.

8 (3) If he determines that the applicant has made
9 or permitted to be made, unlawful use of any operator's
10 or chauffeur's license.

11 (4) If he determines that the applicant has used
12 a false or fictitious name in any application for a
13 license, or knowingly made a false statement or
14 knowingly concealed a material fact or otherwise
15 committed any fraud in any such application.

16 (5) If he determines that the applicant is a
17 negligent or incompetent operator of a motor vehicle.
18 Any person who has been convicted on four (4) or more
19 occasions in a consecutive period of twelve (12)
20 months, or six (6) or more occasions within a
21 consecutive period of twenty-four (24) months, or
22 eight (8) or more occasions within a consecutive
23 period of thirty-six (36) months of violations of the
24 provisions of the Vehicle Code involving the safe
25 operation of vehicles on the highway and which are
26 by law required to be reported to the Department of
27 Revenue and Taxation shall prima facie be presumed
28 to be a 'negligent operator of a motor vehicle.'

29 (j) Every license and permit shall state whether it
30 is an operator's or chauffeur's license or instruction
31 permit and shall bear thereon the distinguishing number

1 assigned to the applicant, the date of expiration, the
2 name, the age and residence address of the licensee, a
3 brief description of such licensee for the purpose of
4 identification, his photograph in color or black and white,
5 and space for the signature of the licensee. In the case
6 of a chauffeur's license, the license shall also state
7 whether it is a general or restricted license, and if
8 restricted, the type of vehicle or combination of vehicles
9 the licensee is licensed to operate. Each license and
10 permit shall also contain a space for the endorsement
11 thereon of a record of each suspension or revocation
12 thereof. Upon receipt of a license or permit, the licensee
13 or permittee shall write his usual signature with pen and
14 ink in the space provided on the license or permit and
15 such license or permit shall not be valid until so signed.

16 (k) The licensee or permittee shall have his license
17 or permit in his immediate possession at all times when
18 driving a motor vehicle upon a highway and when so driving
19 shall display such license or permit upon demand of a
20 member of the Guam Police or any peace or traffic officer
21 enforcing the provisions of this Title. Any charge under
22 this subdivision shall be dismissed when the person so
23 charged produces in court an operator's or chauffeur's
24 license duly issued to such person and valid at the time
25 of his arrest.

26 (l) Every operator's or chauffeur's license hereafter
27 issued shall expire three (3) years after the first
28 anniversary of the date of birth of any applicant occurring
29 after the date of issuance. The anniversary of the date
30 of birth of any applicant born on February twenty-ninth
31 (29th) shall, for the purposes of this section, during the

1 years in which there is no February twenty-ninth (29th),
2 be considered as March first (1st). Every such license
3 shall be renewable for a like period within ninety (90)
4 days prior to its expiration. Any license that would
5 otherwise expire on a Saturday or legal holiday shall be
6 valid until the next business day. An applicant for
7 renewal of license shall make application therefor in the
8 same manner as in the case of an original application for a
9 license upon such form as may be required. The Director
10 of Revenue and Taxation at his discretion may require an
11 examination of the applicant as upon an original
12 application. To the extent its facilities permit, the
13 Department of Revenue and Taxation shall, in the course of
14 its investigation, check the record of the applicant for
15 convictions for traffic violations and traffic accidents,
16 and may withhold or refuse certification of eligibility
17 for a license or renewal of a license unless satisfied
18 upon reasonable proof that the applicant can and will
19 operate a motor vehicle safely.

20 (m) In the event a license or permit issued under
21 this Title is lost, destroyed or mutilated, the licensee
22 or permittee may obtain a duplicate from the Department of
23 Revenue and Taxation upon making satisfactory proof of such
24 fact. Any person who loses a license or permit and
25 thereafter finds the original must immediately surrender
26 such original to the Department of Revenue and Taxation.

27 (n) After passing an examination as required under
28 Subsection (g) to include an actual demonstration of
29 ability to exercise ordinary and reasonable control in the
30 operation of a motorcycle, an applicant may have his
31 operator's or chauffeur's permit endorsed by the Director

1 of Revenue and Taxation, or his designee, authorizing the
2 applicant to operate a motorcycle on the highways of Guam.
3 The Director of Revenue and Taxation may in his discretion
4 accept evidence of a military motorcycle permit in lieu
5 of this examination and endorsement. No person shall
6 operate a motorcycle on the highway without first comply-
7 ing with this section except that a person having in his
8 immediate possession a valid motorcycle operator's license
9 issued by any other territory or state of the United
10 States, or by a foreign country, may operate a motorcycle
11 upon the highways for a period not exceeding thirty (30)
12 days from the date such person arrived in Guam. Any person
13 who operates a motorcycle in violation of this Title shall
14 be guilty of a misdemeanor and upon conviction thereof
15 shall be punished by imprisonment for not more than six
16 (6) months or by fine of not more than Two Hundred Fifty
17 Dollars (\$250.00), or both."

18 Section 12. Section 23101 of the Government Code of Guam
19 is hereby amended to read as follows:

20 "Section 23101. Prohibitions. A person shall not:

21 (a) Knowingly permit or authorize the driving of a
22 motor vehicle, owned by him or under his control, upon the
23 highways by another person, whether as operator or
24 chauffeur, unless such other person is duly licensed to
25 drive.

26 (b) Display or cause or permit to be displayed or
27 have in his possession any cancelled, revoked, suspended,
28 fictitious or fraudulently altered license or permit.

29 (c) Lend his license or permit to any other person or
30 knowingly permit the use thereof by another.

31 (d) Display or represent as one's own any license or

1 permit not issued to him.

2 (e) Fail to refuse to surrender to the Department of
3 Revenue and Taxation, upon lawful demand, any license or
4 permit which has been suspended, revoked or cancelled.

5 (f) Use a false or fictitious name in any application
6 for a license or permit or knowingly make a false statement
7 or knowingly conceal a material fact or otherwise commit
8 a fraud in any such application.

9 (g) Permit any unlawful use of a license or permit
10 issued to him.

11 (h) Photograph, photostat, duplicate or in any way
12 reproduce any license or permit or facsimile thereof in
13 such a manner that it could be mistaken for such a license
14 or permit, or display or have in his possession any such
15 photograph, photostat, duplicate, reproduction or facsimile
16 unless authorized by the provisions of this Title."

17 Section 13. Section 23102 of the Government Code of Guam
18 is hereby amended to read as follows:

19 "Section 23102. Same: suspension and revocation.

20 (a) Whenever any person is convicted of a violation
21 of any provision of this Title relating to the speed of
22 vehicles or of reckless driving, the court may, unless
23 this Title makes mandatory a revocation of such license
24 by the Director of Revenue and Taxation, suspend the
25 license of such person for a period of not to exceed
26 thirty (30) days upon first conviction, for a period of
27 not to exceed sixty (60) days upon a second conviction,
28 for a period of not exceed six (6) months upon a third or
29 any subsequent conviction.

30 (b) A court may suspend the privilege of any person
31 to operate a motor vehicle for a period not exceeding six

1 (6) months, upon conviction of such person of any of the
2 following offenses:

3 (1) Failure of the driver of the vehicle
4 involved in an accident to stop at the scene of the
5 accident or otherwise comply with the provisions of
6 this Title relating thereto.

7 (2) Reckless driving proximately causing bodily
8 injury to any person.

9 (c) Whenever a court duly suspends a license, the
10 court shall require such license to be surrendered to it.
11 Unless required by the provisions of this section to send
12 the license to the Department of Revenue and Taxation, the
13 court shall retain such license during the period of
14 suspension and return it to the licensee at the end of
15 such period after endorsing thereon a record of the
16 suspension.

17 (d) Whenever any person is convicted of any offense
18 for which this Title makes mandatory the revocation of
19 the license or licenses of such person by the Director
20 of Revenue and Taxation, the privilege of such person to
21 operate a motor vehicle is suspended until the Director
22 of Revenue and Taxation takes action required by this
23 Title, and the court in which such conviction is had shall
24 require the surrender to it of all operator's and
25 chauffeur's licenses issued to the person convicted, and
26 the court shall, within ten (10) days after such
27 conviction, forward the same with the required report of
28 such conviction to the Department of Revenue and Taxation.

29 (e) The Director of Revenue and Taxation shall
30 immediately revoke the privilege of any person to operate
31 a motor vehicle upon a highway upon receipt of a duly

1 certified abstract of the record of any court showing
2 that such person has been convicted of any of the
3 following crimes or offenses:

4 (1) Manslaughter resulting from the operation of
5 a motor vehicle.

6 (2) Driving when addicted to the use or under
7 the influence of narcotic or other drugs.

8 (3) Failure of the driver of a vehicle involved
9 in an accident resulting in injury or death of any
10 person to stop at the scene of the accident.

11 (4) Theft or unlawful taking of a vehicle.

12 (5) Any felony in the commission of which a
13 motor vehicle is used.

14 The privilege revoked under this subdivision shall
15 not be renewed until the expiration of one (1) year after
16 the date of such revocation and until the person whose
17 privilege was so revoked gives proof of ability to respond
18 in damages in an amount determined by the Director of
19 Revenue and Taxation.

20 (f) The Director of Revenue and Taxation may revoke
21 a license or permit upon any of the grounds which
22 authorize the refusal to issue a license or permit and
23 may also suspend or revoke a license or permit upon a
24 conviction of a licensee or permittee of operating a
25 vehicle upon a highway while under the influence of
26 intoxicating liquor.

27 (g) The Director of Revenue and Taxation may suspend
28 the privilege of any person to operate a motor vehicle
29 upon a highway upon receipt of duly certified abstract
30 of the record of any court showing that such person has
31 been convicted of any of the following crimes or offenses:

1 (1) Failure to stop in the event of an accident
2 resulting only in damage to property.

3 (2) A first conviction of reckless driving
4 proximately causing bodily injury to any persons or
5 a second or subsequent conviction of reckless driving
6 not involving bodily injury to any person.

7 (3) Failure to stop upon striking an
8 unattended vehicle. In any case under this
9 subdivision the Director of Revenue and Taxation is
10 authorized to require proof of ability to respond in
11 damages in an amount determined by the Director of
12 Revenue and Taxation.

13 (h) Whenever the Director of Revenue and Taxation
14 revokes or suspends the privilege of a non-resident to
15 operate vehicles in Guam the Department of Revenue and
16 Taxation shall send a certified copy of such order to the
17 proper authorities in the state wherein such person is a
18 resident.

19 (i) Whenever the Director of Revenue and Taxation
20 revokes or suspends the privilege of any person to operate
21 a motor vehicle upon a highway or revokes or suspends an
22 operator's or chauffeur's license issued to him evidencing
23 such privilege, the revocation or suspension shall apply
24 to all operator's or chauffeur's licenses held by him
25 and all such licenses shall be surrendered to Department
26 of Revenue and Taxation.

27 (j) Whenever the Director of Revenue and Taxation
28 cancels an operator's or chauffeur's license, such
29 license shall be surrendered to the Department of Revenue
30 and Taxation. All suspended licenses shall be retained
31 by the Department of Revenue and Taxation. Upon the

1 expiration of the period of suspension by the Director of
2 Revenue and Taxation of any license, the Department of
3 Revenue and Taxation shall return the license to the
4 licensee, or may authorize the granting of a new license.

5 (k) Upon receiving a duly certified abstract of the
6 record of any court showing that a person has been charged
7 with driving a motor vehicle upon a highway after his
8 operator's or chauffeur's license or his driving privilege
9 has been suspended or revoked, the Director of Revenue
10 and Taxation, in the case of a suspension, shall extend
11 the period of suspension of license for an additional
12 like period and in the case of revocation, shall not
13 authorize the issuance of a new license for an additional
14 period of one (1) year from and after the date such person
15 would otherwise have been entitled to apply for a new license.

16 (1) For the purpose of this section, a plea of guilty
17 or a judgment of guilty, whether probation is granted or
18 not, or a forfeiture of bail, constitutes a conviction of
19 any of the crimes herein mentioned."

20 Section 14. Section 23103 of the Government Code of Guam
21 is hereby amended to read as follows:

22 "Section 23103. Same: same: hearings. (a) a person
23 shall be entitled to demand in writing a hearing before
24 the Director of Revenue and Taxation or his representative
25 whenever the Director of Revenue and Taxation:

26 (1) Has refused to issue such person an opera-
27 tor's or chauffeur's license or to renew the same;

28 (2) Has given notice of the imposition of terms
29 or conditions of probation; or

30 (3) Has given notice of the suspension or revoca-
31 tion of his privilege of operating a motor vehicle

1 upon a highway or an operator's or chauffeur's
2 license issued to such a person.

3 The applicant or licensee shall not be entitled to a
4 hearing under this subdivision whenever such action by the
5 Director of Revenue and Taxation is made mandatory by the
6 provisions of this Title, or when such person has had an
7 opportunity to be heard, nor to a formal hearing whenever
8 the action was taken on grounds ascertainable on examination
9 or re-examination pursuant to the provisions of this Title.

10 (b) As an additional and alternative procedure to
11 that set forth in subdivision (a), the Director of Revenue
12 and Taxation may give to any person whose license he
13 proposes to revoke, suspend, or on whom he proposes to
14 impose terms of probation, or whose application for
15 license he proposes to review, notice and an opportunity
16 to be heard before taking such action. In such case the
17 Director of Revenue and Taxation shall give notice of his
18 proposed action by a statement setting forth the proposed
19 action and the grounds therefor, and notifying the person
20 of his right to a hearing; or the Director, at the time
21 he gives notice of his intention to act, may set the
22 hearings, giving ten (10) days' notice thereof.

23 (c) In either of the cases stated in Subdivision (a)
24 or (b) above, the person receiving the notice shall have
25 ten (10) days in which to respond to the notice. He may
26 either (1) demand a formal hearing, or (2) demand an
27 informal hearing in which he may controvert any point at
28 issue or present any evidence, statement, or argument
29 for the consideration of the Director of Revenue and
30 Taxation, or may present orally to the Director of Revenue
31 and Taxation any evidence or statement pertinent to the

1 question and submit the question for determination by
2 the Director of Revenue and Taxation.

3 (d) Whenever any question is submitted for determi-
4 nation by the Director of Revenue and Taxation without
5 formal hearing as stated in Subdivision (c), the Director
6 of Revenue and Taxation shall have the right upon the
7 request of the person whose privilege of driving is in
8 question, or at his own option to, re-open the question,
9 and to take further evidence, to change or to set aside
10 any order heretofore made.

11 (e) Failure to respond to a notice given under
12 Subdivision (a) or (b) hereof within ten (10) days shall
13 be deemed a waiver of the right to a hearing, and authorize
14 the Director of Revenue and Taxation to take the action
15 without hearing; but in such case the Director of
16 Revenue and Taxation shall have the right upon the request
17 of the person whose privilege of driving is in question,
18 or at his own option, to set aside any order heretofore
19 made, or to give a formal hearing or an informal hearing.

20 (f) If a formal hearing is demanded the Director of
21 Revenue and Taxation shall fix a time and place for
22 hearing as early as may be arranged, and give ten (10)
23 days' notice of such hearing to the applicant or licensee.

24 (g) Hearings shall be conducted by the Director of
25 Revenue and Taxation or by a referee or hearing board
26 appointed by him from officers or employees of the
27 Department of Revenue and Taxation.

28 (h) At any hearing, the Director of Revenue and
29 Taxation shall consider the official records maintained
30 or kept by the Department of Revenue and Taxation pursuant
31 to law or filed with the Department under the requirements

1 of law and shall likewise be entitled to receive as
2 evidence, either at the hearing, or subsequent thereto
3 with the consent of the applicant or licensee, and use
4 as proof concerning any fact relating to the ability of
5 the applicant or licensee to operate a motor vehicle
6 safely, the following material in addition to sworn
7 testimony presented in open hearing:

8 (1) Reports of attending or examining physicians.

9 (2) Reports of special investigators appointed
10 by the Department of Revenue and Taxation to
11 investigate and report upon any scientific or medical
12 question.

13 (3) Properly authenticated reports of hospital
14 records, excerpts from expert testimony received by
15 the Director of Revenue and Taxation or a hearing
16 board upon similar issues of scientific fact in
17 other cases and the prior decisions of the Director
18 of Revenue and Taxation upon such issues.

19 (i) Upon the conclusion of the hearing the referee or
20 board shall make findings on the matters under consideration
21 and recommendations may also be prepared and submitted
22 to the Director of Revenue and Taxation.

23 (j) The Director of Revenue and Taxation, upon review
24 of the records, evidence and of the findings, if any, shall
25 render his decision concerning refusal of an operator's
26 or chauffeur's license, the imposing of terms or conditions
27 of probation, or concerning the suspension or revocation
28 of the privilege of operating a motor vehicle or of any
29 operator's or chauffeur's license, or in those cases in
30 which an action has been previously taken by the Department
31 of Revenue and Taxation, the Director of Revenue and

1 Taxation shall render his decision sustaining, modifying
2 or revising the order of suspension or revocation or the
3 refusal to issue a license or the order imposing terms or
4 conditions of probation or he may set aside the prior
5 action of the Department and direct that probation be
6 granted to such person and fix the terms and conditions
7 of such probation. The decision of the Director of
8 Revenue and Taxation following any formal hearing shall be
9 final and not subject to modification for one (1) year
10 except where the cause for which the action was taken has
11 been removed.

12 (k) Nothing in this Title shall be deemed to prevent
13 a review or other action as may be permitted by the laws
14 of Guam by a court of competent jurisdiction with reference
15 to any order of the Director of Revenue and Taxation
16 refusing, cancelling, suspending, or revoking a license.

17 (1) The Department of Revenue and Taxation shall file
18 every application for license received by it and maintain:

19 (1) A suitable index containing, in alphabetical
20 order, all applications denied and on each thereof,
21 note the reasons for such denial.

23 (2) A suitable index containing, in alphabetical
24 order, all applications granted.

25 (3) A suitable index containing, in alphabetical
26 order, the name of every licensee whose license has
27 been suspended or revoked by the Department or by
28 a court and after each such name note the reasons for
29 such action and the period of revocation or suspension.

30 (4) The Department shall also file all accident
31 reports and abstracts of court records of convictions

1 received under this Code and in connection therewith
2 maintain convenient records or make suitable
3 notations in order that an individual record of
4 each licensee showing the convictions of such
5 licensee and the traffic incidents in which he was
6 involved shall be readily ascertainable."

7 Section 15. Section 23146 of the Government Code of Guam
8 is hereby amended to read as follows:

9 "Section 23146. Safety inspection required.

10 (a) Every motor vehicle, trailer, semi-trailer, and
11 pole or pipe dolly shall be inspected by the Department of
12 Revenue and Taxation and an official certificate of
13 safety inspection and approval obtained for each such
14 vehicle as follows:

15 (1) Upon an original application for registration.

16 (2) Annually, at such time as designated by
17 the Director of Revenue and Taxation by rules and
18 regulations.

19 (3) Following a collision or other accident in
20 which such vehicle is involved, if extensive repairs
21 are necessitated by such accident. The officer
22 investigating motor vehicle accidents is authorized
23 to remove the safety decalcomania from the vehicle
24 or vehicles involved thereon if such officer believes
25 the vehicle damage is extensive enough to require
26 substantial repairs.

27 (4) Upon being offered for sale as a used vehicle
28 intended to provide transportation. No used motor
29 vehicle may be sold, except for parts or as scrap,
30 until it shall have first been given the safety
31 inspection required by this section and its condition

1 approved by the Department.

2 (b) Such inspection shall determine whether the
3 vehicle inspected meets all requirements as to equipment
4 under this Chapter and is in such safe condition as not
5 to endanger the driver or any other person or property
6 when driven or moved on any highway.

7 (c) In the event any vehicle is found on inspection
8 not to meet all requirements as to equipment under the
9 Chapter, or to be in unsafe condition, a notice of such
10 deficiencies shall be given to the driver and the vehicle
11 shall be suitably identified by a decalcomania or other
12 identification. No person shall thereafter operate such
13 vehicle except as may be necessary to return such vehicle
14 to the residence or place of business of the owner or
15 driver or to a garage until such deficiencies have been
16 remedied; provided, however, that the driver may be
17 required to make temporary repairs before being permitted
18 to proceed with such vehicle. Every owner or driver upon
19 receiving a notice of deficiencies shall remedy such
20 deficiencies, and within five (5) days shall submit the
21 vehicle for inspection by the Department of Revenue and
22 Taxation.

23 (d) The Director of Revenue and Taxation is
24 authorized to suspend the registration of any motor
25 vehicle, trailer, semi-trailer, or pole or pipe dolly
26 which does not have a current certificate of safety
27 inspection and approval, or which does not display any
28 required decalcomania or other identification with
29 reference to inspection status, or which is not submitted
30 for further inspection within five (5) days after notice
31 of deficiencies is given pursuant to an annual inspection."

1 Section 16. Section 23147 of the Government Code of Guam
2 is hereby amended to read as follows:

3 "Section 23147. Regulations: fee. (a) The Director
4 of Revenue and Taxation is hereby authorized to make
5 necessary rules and regulations, subject to the approval
6 of the Governor, for the administration and enforcement
7 of inspections required under Section 23146, including
8 designation of the period or periods of time within which
9 said inspections shall be made and for the issuance and
10 use of decalcomania or other identification to be attached
11 to vehicles with reference to inspection status.

12 (b) The Director of Revenue and Taxation may
13 authorize the acceptance of a duly issued and current
14 decalcomania or other identification of the Armed Forces
15 of the United States issued in the territory of Guam and
16 indicating a safety inspection and approval by the Armed
17 Forces in lieu of inspection by the Department of Revenue
18 and Taxation if such inspection meets the requirements
19 of this Chapter.

20 (c) A fee of Two Dollars (\$2.00) shall be charged
21 for each such inspection. All fees received shall be
22 deposited in the General Fund of the Treasury of Guam."

23 Section 17. Section 23148 of the Government Code of Guam
24 is hereby amended to read as follows:

25 "Section 23148. Inspection stations. For the
26 purpose of making inspections and issuing official
27 certificates of safety inspection and approval, the
28 Director of Revenue and Taxation may establish such
29 permanent or temporary stations and shall provide such
30 equipment, either stationary or movable, as he may deem
31 necessary and suitable for such purposes, and shall

1 publicize the location of all stations or other places
2 where, and the times when, inspections may be made."

3 Section 18. Section 23149 of the Government Code of Guam
4 is hereby amended to read as follows:

5 "Section 23149. Prohibitions. (a) Except as may
6 otherwise be authorized under this Title, no person shall
7 operate any motor vehicle, trailer, semi-trailer, or pole
8 or pipe dolly which does not have a current official
9 certificate of safety inspection and approval or does not
10 display any required decalomania or other identification
11 with reference to inspection status. Any person violating
12 this provision shall be subject to citation and a penalty
13 of Ten (\$10) Dollars."

14 (b) No person other than a duly authorized officer or
15 employee of the Department of Revenue and Taxation shall
16 issue a certificate of safety inspection and approval or
17 any required decalomania or other identification with
18 reference to inspection status."

19 Section 19. Section 23151 of the Government Code of Guam
20 is hereby amended to read as follows:

21 "Section 23151. Abandoned vehicles: removal: sale.

22 (a) No person shall abandon a vehicle in a public
23 right-of-way, or upon public property, or upon private
24 property with the express or implied consent of the owner
25 or person in lawful possession or control of such private
26 property.

27 (b) Any peace officer who has reasonable grounds
28 to believe that a vehicle has been abandoned, may remove
29 or order a licensed garage man to remove the vehicle from
30 public or private property. Such vehicle shall be stored
31 in either a police parking area or garage or a licensed

1 public garage.

2 (c) Within a reasonable time after an abandoned
3 vehicle has been removed and stored, the Director of
4 Revenue and Taxation shall send a notice by certified
5 mail of the removal and storage to the owner or legal
6 owner, if any, as shown in the records of the Department
7 of Revenue and Taxation, Division of License and
8 Registration. The owner or legal owner shall have ten (10)
9 days after the mailing of the notice to reclaim such
10 vehicle upon payment of all accrued towing and storage
11 charges.

12 (d) If such vehicle is not reclaimed within the
13 ten (10) day period above provided, the Director of
14 Revenue and Taxation or his authorized representative
15 shall appraise the vehicle. If the vehicle is appraised
16 at a value of One Hundred (\$100.00) Dollars or less, the
17 Director of Revenue and Taxation may sell such vehicle
18 to any licensed junk dealer without the necessity of
19 public sale. Any such sale shall be for junk or salvage
20 purposes only, and not for further registration operation
21 as a vehicle. If the vehicle is appraised at a value
22 exceeding One Hundred (\$100.00) Dollars, the Director of
23 Revenue and Taxation may sell such vehicle at public sale
24 after giving ten (10) days notice of the sale in a
25 newspaper of general circulation in Guam. The proceeds
26 of sale shall be remitted to the General Fund. Any
27 balance, after deduction for the cost of sale, towing and
28 storage charges, shall be paid to the owner or legal
29 owners of such vehicle, provided a claim is made therefor
30 within six (6) months after the sale."

31 Section 20. Section 23319 of the Government Code of Guam

1 is hereby amended to read as follows:

2 "Section 23319. License plates. (a) Upon registering
3 a vehicle the Department of Revenue and Taxation shall
4 issue to the owner two license plates (one front and one
5 rear) for a motor vehicle other than a motorcycle or
6 power cycle and one license plate for all other vehicles
7 required to be registered by this Title. Such plates
8 shall identify the vehicles for which they are issued
9 for the period of their validity.

10 (b) Every license plate shall have displayed upon it
11 the registration number assigned to the vehicle for which
12 it is issued together with the word 'Guam' and the year
13 number for which it is issued or a suitable device issued
14 by the Department for validation purposes, which device
15 shall contain the year number for which issued.

16 (c) License plates shall be rectangular in shape and
17 such size as the Director of Revenue and Taxation may
18 determine. Upon originally registering a vehicle and
19 at annual re-registration of such vehicles the Department
20 shall issue to the owner suitable plates or devices
21 indicating such annual registration which shall be
22 attached to the vehicle as provided in this Title."

23 Section 21. Section 23367 of the Government Code of Guam
24 is hereby amended to read as follows:

25 "Section 23367. License plates. Notwithstanding any
26 other provisions of law, except the provisions of
27 Section 23320 of this Code, the Department of Revenue and
28 Taxation shall issue two (2) license plates, one (1)
29 license plate to be affixed to the rear of the vehicle
30 and one (1) license plate to be affixed to the front of
31 the vehicle. All provisions of law relating to license

1 plates not in conflict with this section shall continue
2 in effect."

3 Section 22. Sections 1 through 20 shall take effect
4 ninety (90) days following enactment of this Act. Section 21
5 shall take effect immediately.