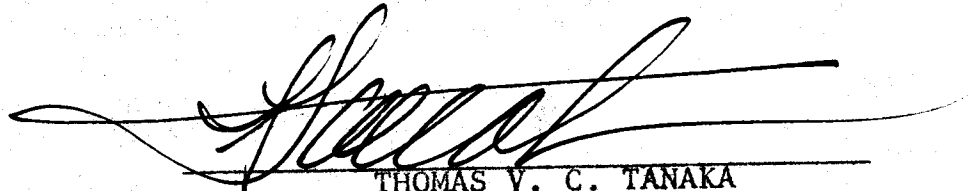


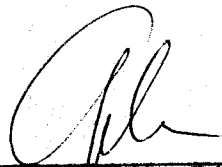
FIFTEENTH GUAM LEGISLATURE
1979 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 53, "An Act to repeal and reenact, amend and add to certain sections of the Government Code relative to the Territorial Boating Act", was on the 12th day of June 1979, duly and regularly passed.


THOMAS V. C. TANAKA
Speaker


ATTESTED:


ANTONIO M. PALOMO
Acting Legislative Secretary

This Act was received by the Governor this 27th day of
JUNE 1979, at 9:05 o'clock A.M.


SHERRA L. FRANCISCO
Assistant Staff Officer
Governor's Staff

APPROVED:


PAUL M. CALVO
Governor of Guam

DATED: JULY 6, 1979
PL15-54

FIFTEENTH GUAM LEGISLATURE
1979 (FIRST) Regular Session

Bill No. 53
(As Substituted by
the Committee on
Commerce, Tourism
and Transportation)

Introduced by

J. H. Underwood
F. F. Blas
E. T. Charfauros

AN ACT TO REPEAL AND REENACT, AMEND AND ADD TO
CERTAIN SECTIONS OF THE GOVERNMENT CODE RELATIVE
TO THE TERRITORIAL BOATING ACT.

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

2 Section 1. Subsection (3) of Section 8995.2 of the Govern-
3 ment Code is repealed and reenacted to read:

4 "(3) 'Owner' is a person having all the incidents
5 of ownership, including the legal title of a vessel or
6 a person holding equitable title to the vessel as the
7 purchaser under a conditional sale contract or as the
8 mortgagor of a vessel."

9 Section 2. Subsection (12) is added to Section 8995.2 of
10 the Government Code to read:

11 "(12) 'Legal owner' is a person holding the legal title
12 to a vessel under a conditional sale contract or as the
13 mortgagee of a vessel."

14 Section 3. Section 8995.3 of the Government Code is amended
15 to read:

16 "Section 8995.3. Operation of unnumbered vessels
17 prohibited. Every vessel using the waters of this territory
18 shall be numbered except those exempted by Section 8995.4 of
19 this Chapter. No person shall operate or be given permission

1 to operate any vessel on such waters unless the vessel is
2 numbered in accordance with this Chapter or in accordance
3 with applicable Federal law or in accordance with a federally
4 approved numbering system of the United States and unless
5 (1) the certificate of number issued to such vessel is on
6 board and in full force and effect, and (2) the identifying
7 number set forth in the certificate of number is displayed
8 on each side of the bow of such vessel."

9 Section 4. Section 8995.5 of the Government Code is amended
10 to read:

11 "Section 8995.5. Identification number. (a) Applica-
12 tion. The owner of each vessel required to be numbered by
13 this territory shall file an application for number with the
14 Department of Public Safety on forms approved for it. Such
15 forms shall be prepared in cooperation with the Department
16 of Revenue and Taxation. The application shall contain the
17 name and address of the owner, and of the legal owner, if
18 any, and the builder's hull number or any hull number of
19 the vessel as may be required by the Department. The
20 application shall be signed by the owners of the vessel and
21 shall be accompanied by a fee of Forty Dollars (\$40.00). Up-
22 on receipt of the application in approved form, the Depart-
23 ment of Public Safety shall enter the same upon its records
24 and issue a certificate of ownership to the legal owner or
25 if none, to the owner and a certificate of number to the
26 owner, stating the number assigned to the vessel, the name
27 and address of the owner and such additional information as

1 may be prescribed by regulation of the Department of Public
2 Safety. The owner shall paint on or attach to each side of
3 the forward half of the vessel the identification number
4 in such a manner as may be prescribed by rules and regula-
5 tions of the Department of Public Safety in order that it
6 may be clearly visible. The number shall be maintained in
7 legible condition. The certificate of number shall be
8 pocket size and shall be available at all times for inspec-
9 tion on the vessel for which issued, whenever such vessel is
10 in operation.

11 (b) Recording of current number before use in excess
12 of sixty (60) days. The owner of any vessel already covered
13 by a number in full force and effect which has been assigned
14 to it, pursuant to the operative Federal law or a federally
15 approved numbering system of a state of the United States,
16 shall record the number prior to operating the vessel on
17 the waters of this territory in excess of the sixty (60) day
18 period provided for in Section 8995.4 of this Chapter. Such
19 recordation shall, upon payment of the fee prescribed by
20 Subsection (a) of this Section, be in the manner prescribed
21 by regulation of the Department of Public Safety provided,
22 however, that no additional or substitute number shall be
23 issued. This subsection shall not apply if the state or
24 principal use has been changed.

25 (c) Change of Ownership. Should the ownership of a
26 numbered vessel change, the existing certificate of owner-
27 ship and a new application form with a fee of Forty Dollars
28 (\$40.00) shall be filed with the Department of Public Safety

1 and a new certificate of ownership and a new certificate of
2 number shall be issued in the same manner as provided for
3 in the original assignment of number and the number shall
4 be reassigned to the new owner.

5 (d) Conformity with Federal numbering system. The
6 numbering system employed pursuant to this Chapter by the
7 Department of Public Safety shall be in conformity with the
8 standard numbering system established by the Secretary of
9 the United States Government in which the Coast Guard is
10 operating pursuant to the Federal Board Safety Act of 1971,
11 46 U.S.C., Section 1452.

12 (e) Issuing agents. The Department of Public Safety
13 may issue any certificate of ownership and any certificate
14 of number or temporary certificate of number directly or
15 may authorize any person to act as agent for the issuing
16 thereof. In the event that a person accepts such authoriza-
17 tion, he may be allotted a block of numbers and certificates
18 therefor which upon assignment and issue, in conformity
19 with this Chapter, and with any rules and regulations of
20 the Department of Public Safety, shall be valid as if
21 assigned and issued directly by the Department of Public
22 Safety.

23 (f) Numbering records to be public. All records of
24 the Department of Public Safety made or kept pursuant to
25 this section shall be public records.

26 (g) Registration period. Every certificate of number
27 issued pursuant to this Chapter shall continue in full
28 force and effect for a period of three (3) years unless
29 sooner terminated or discontinued in accordance with the

1 provisions of this Chapter. Certificates of number may
2 be renewed by the owner in the same manner provided for in
3 the initial securing of the same; provided that the fee for
4 renewal shall be Forty Dollars (\$40.00).

5 (h) Expiration date. The Department of Public Safety
6 shall fix a day and a month of the year on which certificates
7 of number due to expire during the calendar year shall lapse
8 and no longer be of any force and effect unless renewed
9 pursuant to this Chapter.

10 (i) Notice of transfer, destruction or abandonment.
11 The owner shall furnish the Department of Public Safety
12 written notice of the transfer of all or any part of his
13 interest in a vessel numbered in this territory pursuant to
14 this section, or the destruction or abandonment of such
15 vessel within fifteen (15) days thereof. Such transfer,
16 destruction or abandonment shall terminate the certificate
17 of number for such vessel except that in the case of a
18 transfer of a part interest which does not affect the owner's
19 right to operate such vessel, such transfer shall not
20 terminate the certificate of number.

21 (j) Change of address. Any holder of a certificate
22 of number or certificate of ownership shall notify the
23 Department of Public Safety in writing within fifteen (15)
24 days if his address no longer conforms to the address
25 appearing on the certificate and shall, as a part of such
26 notification, furnish the Department of Public Safety with
27 his new address.

1 (k) No other number on forward half. No number other
2 than the number validly assigned to a vessel shall be
3 painted, attached, or otherwise displayed on either side of
4 the forward half of such vessel.

5 (l) Provision for regulations. The Department of
6 Public Safety shall, subject to the provisions of the
7 Administrative Adjudication Act, promulgate regulations
8 to administer the provisions of this section related to
9 numbering applications, certificates of ownership, certifi-
10 cates of number, display of number, reports on change of
11 address, destruction, abandonment, sale or transfer of owner-
12 ship.

13 (m) Proof of ownership. The Department of Public
14 Safety shall, subject to the provisions of the Administrative
15 Adjudication Act, promulgate rules and regulations setting
16 forth requirements relative to establishing proof of owner-
17 ship to be submitted by the owner at the time of filing
18 initial application for a certificate of number and a
19 certificate of ownership.

20 (n) Transfer to Dealer. (1) Application for a new
21 certificate of number or payment of the fee shall not be
22 required on transfer of a vessel to a dealer in the course
23 of his business as is otherwise provided in this Chapter,
24 provided that:

25 (1) the vessel is held and operated by the dealer
26 only for the purpose of resale in the course of his
27 business;

1 (2) the dealer has been issued a sales permit
2 by the appropriate department or agency covering sale
3 of such property; and

4 (3) the dealer shall, not later than the end of
5 the next business day following such transfer, give
6 written notice of purchase to the Department of Public
7 Safety upon an appropriate form provided for it.

8 (ii) Upon receipt of the notice of purchase referred
9 to in subdivision (i), the Department of Public Safety shall
10 issue a temporary certificate of number of such vessel in
11 the name of the dealer upon payment of a fee of Twenty
12 Dollars (\$20.00) and note the transfer on the department's
13 record of ownership.

14 (iii) The certificate of ownership bearing the
15 endorsement of the transferer to the dealer of a vessel
16 registered pursuant to this section and the certificate of
17 number thereof shall be retained by the dealer until a
18 transfer of the vessel by him, during such time, such
19 certificates shall be subject to inspection by the Department
20 of Public Safety or other authorized agency. Upon transfer
21 of the vessel by the dealer, the certificate of ownership
22 shall be endorsed by the dealer and transfer further
23 accomplished as otherwise provided in this Chapter."

24 Section 5. Sections 8995.6 through 8995.22 are renumbered
25 Sections 8995.14 through 8995.30, respectively.

26 Section 6. A new Section 8995.6 is added to the Government
27 Code to read:

28 "Section 8995.6. Certificate; duration. The certifi-
29 cate of ownership shall not be renewed but shall remain

1 valid until suspended, revoked or cancelled by the Depart-
2 ment of Public Safety for cause or upon a transfer of any
3 interest shown therein. If the transfer of the certificate
4 of ownership is from a legal owner to the owner, then the
5 Department shall collect a transfer fee of Twenty Dollars
6 (\$20)."

7 Section 7. A new Section 8995.7 is added to the Government
8 Code to read:

9 "Section 8995.7. Acceptance of prior record of title.

10 (a) Upon application for registration of a vessel
11 previously registered outside Guam, the Department of Public
12 Safety shall grant full faith and credit to the currently
13 valid certificate of title describing such vessel, the
14 ownership thereof and liens noted thereon, issued by the
15 jurisdiction in which the vehicle was last registered.

16 (b) Acceptance by the Department of Public Safety of
17 a certificate of title issued by another jurisdiction as
18 provided in Subsection (a) of this Section, in the absence
19 of knowledge by the Department that any such certificate is
20 forged, fraudulent or void, shall be a sufficient determina-
21 tion of genuineness and regularity of such certificate and
22 of the truth of the recitals therein, and no liability shall
23 be incurred by any officer or employee of the Department by
24 reason of so accepting any such certificate of title.

25 (c) In the event a certificate of title issued by
26 another jurisdiction shows any lien or encumbrance upon
27 the vessel, then the Department of Public Safety upon
28 registering such vessel in Guam and upon issuing a certifi-
29 cate of ownership, shall include therein the name of such

1 lien holder as legal owner unless documents submitted with
2 the foreign certificate of title establish that the lien
3 and encumbrance have been fully satisfied.

4 (d) In the event application is made in Guam for
5 registration of a vessel of another jurisdiction which issues
6 only a number and does not issue a certificate of ownership
7 or its equivalent and in the event the Department of Public
8 Safety is not satisfied after the owner of the vessel of the
9 existence of foreign liens thereon, then the Department may
10 issue a certificate of number but shall withhold issuance of
11 a Guam certificate of ownership until the applicant shall
12 present such documents as to reasonably satisfy the Depart-
13 ment of the applicant's ownership of the vessel.

14 (e) In the event the Department of Public Safety
15 refuses to grant an application for registration in Guam of
16 the vessel previously registered in another jurisdiction,
17 the Department shall immediately return to the applicant
18 all documents submitted by the applicant with such applica-
19 tion."

20 Section 8. A new Section 8995.8 is added to the Government
21 Code to read:

22 "Section 8995.8. Government vessels. The registration
23 requirements of this Chapter apply to every vessel owned by
24 the government or leased for a period exceeding six (6)
25 months by the government, except in the following
26 particulars:

1 (a) The certificate of number of any such vessel
2 issued shall not be renewed every three (3) years but
3 shall remain valid until the certificate of ownership
4 for such vehicle is suspended, revoked or cancelled by
5 the Department of Public Safety for cause or upon
6 transfer of any interest in such certificate of owner-
7 ship. Upon any change in ownership, the vessel shall
8 be re-registered in accordance with the provisions of
9 this Chapter relating to any vessel privately owned.

10 (b) The Department of Public Safety may suspend,
11 cancel, revoke or renew any permanent certificate of
12 number made under this section when the Department
13 determines that it is advisable to reissue any such
14 registration."

15 Section 9. A new Section 8995.9 is added to the Government
16 Code to read:

17 "Section 8995.9. A legal owner may assign his title
18 or interest in or to a vessel registered under this Chapter
19 to a person other than the owner without the consent and
20 without affecting interest of such owner. Upon receiving a
21 certificate of ownership endorsed by the legal owner and the
22 transfer of legal ownership, the Department of Public Safety
23 shall accordingly transfer the legal ownership and shall
24 issue a new certificate of ownership to the new legal owner."

1 Section 10. A new Section 8995.10 is added to the Government
2 Code to read:

3 "Section 8995.10. Suspension, cancellation, revocation.
4 The Department of Public Safety may suspend, cancel or
5 revoke the certificate of ownership or the certificate of
6 number in any of the following events:

7 (a) when the Department is satisfied that such
8 certificate of ownership or certificate of number was
9 fraudulently obtained or erroneously issued;

10 (b) when the Department determines that a vessel
11 is mechanically unfit or unsafe to be operated;

12 (c) when a vessel has been dismantled or wrecked;

13 (d) when the Department determines that the
14 required fee has not been paid and the same is not paid
15 upon reasonable notice and demand;

16 (e) when the certificate of number or the painted
17 number is knowingly displayed upon a vessel other than
18 the one for which issued; and

19 (f) when the certificate of number could have been
20 refused when last issued or renewed or when the
21 Department is so authorized under any other provision
22 of law.

23 Whatever the Department of Public Safety, as authorized
24 under this Chapter, cancels, suspends or revokes the certifi-
25 cate of ownership or the certificate of number, the owner or
26 person in possession shall immediately return the documents
27 so cancelled, suspended or revoked to the Department."

1 Section 11. A new Section 8995.11 is added to the Government
2 Code to read:

3 "Section 8995.11. Abandoned Vessel Fund. (a) There
4 is established within the Treasury of Guam a fund to be
5 known as the 'Abandoned Vessel Fund' which shall be main-
6 tained separate and apart from any other funds within the
7 government of Guam and independent records and account shall
8 be maintained in connection therewith. Money in the
9 Abandoned Vessel Fund shall be used by the Department of
10 Parks and Recreation for the purpose of removing and dis-
11 posing of all abandoned vessels found in Guam or when no
12 abandoned vessels are found, the fund may be used by the
13 Department of Parks and Recreation to establish boating
14 facilities.

15 (b) All fees collected pursuant to the provisions of
16 this Chapter shall be deposited in the Abandoned Vessel
17 Fund."

18 Section 12. Section 8995.12 is added to the Government
19 Code to read:

20 "Section 8995.12. Security interest: validity. A
21 security interest in any vessel registered under this
22 Chapter, irrespective of whether such registration was
23 effected prior or subsequent to the execution of this
24 security agreement, is not valid as against creditors or
25 subsequent purchasers or encumbrances until the secured
26 party or his successor or an assignee, has deposited with
27 the Department of Public Safety a copy of such security

1 agreement with an attached certificate of a notary public
2 stating that the same is a true and correct copy of the
3 original, accompanied by a properly endorsed certificate of
4 ownership to the vessel described in the security agreement
5 that the vessel has been registered under this Chapter, or
6 if a vessel is not so registered, by application and usual
7 form for an original certificate of ownership, together with
8 an application for certificate of ownership as legal owner,
9 and upon payment of the fee as provided in this Chapter. The
10 Department in accepting the security agreement for deposit,
11 or in registering the secured party, his successor or his
12 assignee as legal owner, shall not be required to examine
13 the security agreement or determine the genuineness,
14 regularity or legal sufficiency thereof."

15 Section 13. A new Section 8995.13 is added to the Government
16 Code to read:

17 "Section 8995.13. Security interest: notice. When
18 the secured party, his successor or assignee has deposited
19 with the Department a copy of this security agreement as
20 provided in this Chapter, such deposit constitutes construc-
21 tive notice of this security agreement and its contents to
22 creditors and subsequent purchasers or encumbrancers."

DATE

4-12-79

15TH GUAM LEGISLATURE

VOTING RECORD

BILL/RESOLUTION NO. 53MAIN SPONSOR
NOT VOTINGJHM

SENATOR	AYE	NAY	NOT VOTING	ABSENT
AGUON, Katherine B.	✓			
BAMBA, Cecilia C.	✓			
BLAS, Frank F.	✓			
CHARFAUROS, Edward T.	✓			
CRISOSTOMO, Thomas C.	✓			
DUENAS, Edward R.	✓			
ESPALDON, Ernesto M.	out			
KASPERBAUER, Carmen A.	out			
LAMORENA, Alberto C., III	out			
PALOMO, Antonio M.	✓			
PALOMO, Benigno M.	out			
PEREZ, Peter, Jr.	✓			
QUAN, John F.	✓			
QUITUGUA, Franklin J.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SUDO, Ramon Q.	✓			
TAITANO, Richard F.	✓			
TANAKA, Thomas V. C.	out			
UNDERWOOD, James H.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

16

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