

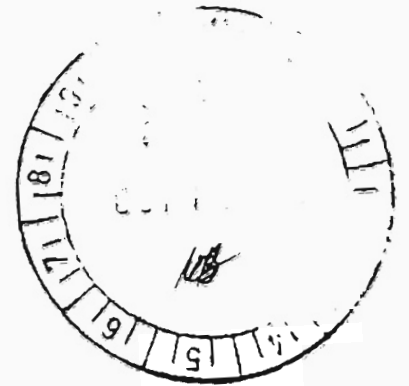


Territory of Guam  
Ferdinand Magellan

OFFICE OF THE GOVERNOR  
URSIÑANI MAGALLANI  
AGANA, GUAM 96901 USA

OCT 13 1989

*Rec'd San*



The Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
Post Office Box CB-1  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Substitute Bill 184 which I have signed into law this date as Public Law 20-100.

This measure will assist the territory in its beautification program and reduce traffic hazards on our highways. The Guam Police Department has advised that it will begin work on regulations for the implementation of the measure.

The Attorney General indicates that the new Paragraph (4) will not be enforceable as it is unconstitutionally vague. I request that the Legislature consider amending this provision to provide definite standards similar to those set forth in Paragraphs (1) through (3). Paragraph (5) should be relocated.

Sincerely yours,

JOSEPH F. ADA  
Governor

200557

Enclosure


TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

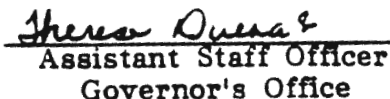
This is to certify that Substitute Bill No. 184 (COR), "AN ACT TO REPEAL AND REENACT SUBSECTION (f) OF SECTION 5108 OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE OPERATION OF CERTAIN VEHICLES WITH HAZARDOUS LOADS ON GUAM HIGHWAYS," passed on the 28th day of September, 1989, duly and regularly passed.

  
JOE T. SAN AGUSTIN  
Speaker

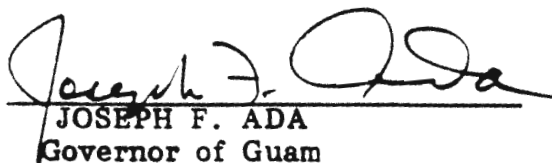
Attested:

  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 4th day of Oct., 1989  
at 4:20 o'clock p.m.

  
Theresa Quera  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
JOSEPH F. ADA  
Governor of Guam

Date: October 13, 1989

Public Law No. 20-100

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

Bill No. 184 (COR)  
As substituted by Committee on  
Judiciary & Criminal Justice  
and further substituted by the  
Committee on Rules

Introduced by:

F. R. Santos  
P. C. Lujan  
J. T. San Agustin

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E. P. Arriola  
M. Z. Bordallo  
H. D. Dierking  
G. Mailloux  
T. S. Nelson  
E. D. Reyés  
J. P. Aguon  
C. T. C. Gutierrez  
D. Parkinson  
F. J. A. Quitugua  
E. R. Duenas  
M. C. Ruth  
A. R. Unpingco  
J. G. Bamba  
D. F. Brooks  
E. M. Espaldon  
M. D. A. Manibusan  
T. V. C. Tanaka

AN ACT TO REPEAL AND REENACT  
SUBSECTION (f) OF SECTION 5108 OF  
CHAPTER 5, TITLE 16, GUAM CODE  
ANNOTATED, RELATIVE TO THE OPERATION  
OF CERTAIN VEHICLES WITH HAZARDOUS  
LOADS ON GUAM HIGHWAYS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. Subsection (f) of Section 5108, Chapter 5, Title 16, Guam  
3 Code Annotated, is hereby repealed and reenacted to read:  
4 "(f) Vehicles operated on any highway and loaded and carrying  
5 any of the following loads shall have said load covered and secured in  
6 such manner as to prevent said load or covering from being loosened,  
7 detached or in any manner creating litter or constituting a hazard to  
8 other users of the highway:

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(1) Any trash, refuse or garbage of composition which is of such nature as to permit any portion or piece of such to be loosened or detached.

(2) Sand, soil, crushed rocks or aggregate of less than four inches (4") per unit/pebble or other standard measure for such aggregate.

(3) Any liquid or similar load that if leaking will cause a road hazard.

(4) Any other load, which in the opinion and discretion of the Guam Police Department, the Guam Environmental Protection Agency, the Department of Public Health and Social Services, or the Department of Parks and Recreation, poses a potential hazard or potential litter if such load were not covered and/or secured."

(5) The Guam Police Department shall promulgate rules and regulations, pursuant to the Administrative Adjudication Law, governing the enforcement of this subparagraph (f), which regulations shall not include any requirement for a permit for the private hauling of loads unless the same are hazardous and being hauled commercially, but shall include a requirement that trucks must be equipped with mudflaps to prevent their tires from ejecting pebbles and other debris to following vehicles."

Section 2. The effective date of this Act shall be sixty (60) days after the promulgation of rules and regulations by the Guam Police Department as required in Section 1 of this Act. Until that date, the Guam Police Department may only issue warning tickets to those drivers found to be in violation of the provisions contained in Section 1.

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 184

Date: 9/29/89

Resolution No. \_\_\_\_\_

QUESTION: \_\_\_\_\_

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks	✓			
H. D. Dierking	✓			
E. R. Duenas				✓
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua				✓
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

19

2

Introduced

JAN 04 '89

NINETEENTH GUAM LEGISLATURE  
SECOND (1988) REGULAR SESSION

Bill No. 184 (COR)

Introduced by:

F.R. Santos

AN ACT TO REPEAL AND RE-ENACT §5108 (f)  
of 16 GCA Chapter 5 RELATIVE TO THE OPERATION  
OF CERTAIN VEHICLES ON GUAM HIGHWAYS

Section 1. §5108 (f) of Title 16 Guam Code Annotated Chapter 5 is hereby repealed and re-enacted to read:

(f) "Vehicles operated on any highway and loaded and carrying any of the following loads shall have said loads covered and secured in such manner as to prevent said load or covering from being loosened, detached or in any manner creating litter or constituting a hazard to other uses of the highway:

(1) Any trash, refuse or garbage the composition of which is of such nature as to permit any portion or piece of such to be loosened and or detached.

(2) Sand, soil, crushed rocks or aggregate of less than four inches (4") per unit/pebble or other standard measure for such aggregate.

(3) Any other load, which in the opinion and discretion of the Guam Police poses a potential hazard or potential litter if such load were not covered and/or secured.

*Rec'd Legal  
1-3-89  
3:35 pm  
P*



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — Committee on Judiciary and Criminal Justice**

August 24, 1989

The Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
163 Chalan Santo Papa  
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

The Committee on Judiciary and Criminal Justice, to which was referred Bill No. 184, wishes to report its findings and recommendations for passage of Substitute Bill No. 184.

The Committee voting record is as follows:

TO PASS:	<u>12</u>
NOT TO PASS:	<u>0</u>
TO REPORT OUT ONLY:	<u>0</u>
TO PLACE IN INACTIVE FILE:	<u>0</u>
OFF-ISLAND:	<u>0</u>

A copy of the Committee Report and all pertinent documents are attached for your information.

*Pilar C. Lujan*  
PILAR C. LUJAN  
Committee Chairman



# Thirtieth Guam Legislature

163 Chalan Santo Papa Street

Agana, Guam 96910

Committee on Judiciary and Criminal Justice

## VOTING SHEET

### SUBSTITUTE BILL NO. 184

<u>SENATOR AND COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
<u>P. C. Lujan</u> Pilar C. Lujan Chairwoman	✓			
<u>F. R. Santos</u> Francisco R. Santos Vice Chairman	✓			
<u>E. P. Arriola</u> Elizabeth P. Arriola	✓			
<u>M. Z. Boydallo</u> Madeleine Z. Boydallo	✓			
<u>H. D. Dierking</u> Herminia D. Dierking	✓			
<u>G. Mailoux</u> Gordon Mailoux	✓			
<u>T. S. Nelson</u> Ted S. Nelson	✓			
<u>E. D. Reyes</u> Edward D. Reyes	✓			
<u>J. T. San Agustin</u> Joe T. San Agustin Speaker & Ex-Officio Member	✓			
<u>E. R. Duenas</u> Edward R. Duenas	✓			
<u>M. C. Ruth</u> Martha C. Ruth	✓ 8/23/89			
<u>A. R. Unpingco</u> Antonio R. Unpingco	✓			



TWENTIETH GUAM LEGISLATURE  
FIRST (1989) REGULAR SESSION

Substitute Bill No. 184


Introduced by:  
As Substituted by:  
Committee on Judiciary  
and Criminal Justice

F. R. Santos  
P. C. Lujan  
J. T. San Agustin  
E. P. Arriola  
M. Z. Bordallo *MZB*  
H. D. Dierking  
G. Mailloux  
T. S. Nelson  
E. D. Reyes  
E. R. Duenas  
M. C. Ruth *MCR*  
A. R. Unpingco

AN ACT TO REPEAL AND RE-ENACT §5108 (f)  
OF 16 GCA CHAPTER 5 RELATIVE TO THE  
OPERATION OF CERTAIN VEHICLES ON GUAM  
HIGHWAYS.

1 Section 1. §5108 (f) of Title 16 Guam Code Annotated Chapter 5 is hereby  
2 repealed and re-enacted to read:

3 "§5108 (f). Vehicles operated on any highway and loaded and carrying  
4 any of the following loads shall have said loads covered and secured in  
5 such manner as to prevent said load or covering from being loosened,  
6 detached or in any manner creating litter or constituting a hazard to  
7 other uses of highway:

- 8 (1) Any trash, refuse or garbage of composition of which is of such  
9 nature as to permit any portion or piece of such to be loosened and  
10 or detached.  
11 (2) Sand, soil, crushed rocks or aggregate of less than four inches  
12 (4") per unit/pebble or other standard measure for such aggregate.  
13 (3) Any other load, which in the opinion and discretion of the  
14 Guam Police Department, Guam Environmental Protection Agency,  
15 Department of Public Health and Social Services, or Department of  
16 Parks and Recreation poses a potential hazard or potential litter if  
17 such load were not covered and/or secured." 

# **REPORT ON BILL 184**

An act to repeal and re-enact §5108 (f) of 16 GCA  
Chapter 5 relative to the operation of certain vehicles  
on Guam highways.

COMMITTEE ON JUDICIARY & CRIMINAL JUSTICE

COMMITTEE ON JUDICIARY & CRIMINAL JUSTICE  
REPORT  
ON

BILL 184- An act to repeal and re-enact §5108 (f) of 16 GCA  
Chapter 5 relative to the operation of certain vehicles  
on Guam highways.

PREFACE

The Judiciary and Criminal Justice Committee convened at 9:00 a.m., Tuesday, May 16, 1989 in the Legislative Session Hall at Agana, Guam to hear testimony on Bill 184. Committee members in attendance, alongside with Chairwoman Pilar C. Lujan were Ted S. Nelson, Martha C. Ruth, and Edward R. Duenas.

OVERVIEW

In curtailing hazards and curbing litter along highways, Bill 184 was introduced by Senator Francisco R. Santos.

The measure mandates that all loads (e.g. dirt, trash, sand) be covered and secured when being transported along territorial highways.

Enforcement of such law, if passed, is assigned to the Guam Police Department.

Current statutes do not mandate loads to be covered and secured. Additionally, enforcement authority is assigned not only to the Police Department, but also the Guam Environmental Protection Agency, Department of Public Health and Social Services, and Department of Parks and Recreation.

COMMITTEE FINDINGS

Bill 184 - An act to repeal and re-enact §5108 (f) of 16 GCA Chapter 5 relative to the operation of certain vehicles on Guam highways.

Despite extending invitations to government officials, no witnesses appeared before the Committee to testify on the measure. However, Acting Chief-of-Police Adolf Sgambelluri submitted written testimony in support of Bill 184. (ATTACHMENT I)

Guam Environmental Protection Agency Administrator Fred Castro was subsequently contacted by Committee staff and expressed support for the measure.

Further, the GEPA Administrator informed Committee staff that fines range from \$200.00 to \$500.00 for violators.

### COMMITTEE RECOMMENDATIONS

In ensuring that the Territorial highways are safe and litter-free for motorists, pedestrians, and all residents, the Committee finds that Bill 184 strengthens existing statutes governing transportation of loads by mandating such loads be covered and secured.

Citation authority for violations should not be limited to the Guam Police Department and should include government officials currently empowered with such capacity. Therefore, the Committee recommends modification of Subsection (3) to include the Guam Environmental Protection Agency, Department of Public Health and Social Services, and Department of Parks and Recreation. (See Substitute Bill)

In conclusion, the Committee recommends that Substitute Bill 184 be passed.



GUAM POLICE DEPARTMENT  
287 West O'Brien Drive  
Agana, Guam 96910



JOSEPH F. ADA  
Governor  
FRANK F. BLAS  
Lt. Governor

A.P. SGAMBELLURI  
Chief of Police

MAY 16 1989

Senator Pilar C. Lujan  
Chairperson, Committee on Judiciary  
and Criminal Justice  
Twentieth Guam Legislature  
Agana, Guam 96910

Dear Senator Lujan:

The Guam Police Department supports Bill Nos. 184 and 323:

However, the department's position on Bill No 286 is twofold:

1. The provision of Bill No. 286 requiring licensing of operators of mopeds and motor scooters of not more than two horsepower is favorable. The bill should further address incorporating a temporary license for tourist who are on island for vacation only.
2. The provision of Bill No. 286 to repeal Section 23116.5 of the Government Code (16 GCA 3305) which requires the operators of motorcycles to wear safety helmets is opposed. The rationale that safety helmets present hazards to the operators of motorcycles since it may interfere with their hearing and vision is absolutely false. It has been proven that safety helmets do save lives of motorcycle accident victims throughout the nation. Police departments on the national and international level do require safety helmets for their officers assigned to motorcycle detail for safety reasons. Furthermore, there are no statistics or research available to prove that safety helmets present hazards to the operators of motorcycles since it may interfere with their hearing and their vision. It is recommended that safety helmets with dark-tint facial shields be made illegal to wear.

OFFICE OF THE LEGISLATIVE SECRETARY

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TEL 9:30 AM

Senator Pilar C. Lujan  
Chairperson, Committee on Judiciary  
and Criminal Justice  
Page 2  
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Lastly, the Guam Police Department also supports Bill No. 320 with a minor modification. It is recommended that violation of this Act will result in the impoundment of the vehicles involved and when the operators are found guilty of the violation, the vehicles will subsequently be forfeited.



A. P. SGAMBELLURI  
Interim Appointee for Police Chief

Introduced

JAN 04 '89

NINETEENTH GUAM LEGISLATURE  
SECOND (1988) REGULAR SESSION

Bill No. 184 (COR)

Introduced by:

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AN ACT TO REPEAL AND RE-ENACT §5108 (f)  
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Section 1. §5108 (f) of Title 16 Guam Code Annotated Chapter 5 is hereby repealed and re-enacted to read:

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(1) Any trash, refuse or garbage the composition of which is of such nature as to permit any portion or piece of such to be loosened and or detached.

(2) Sand, soil, crushed rocks or aggregate of less than four inches (4") per unit/pebble or other standard measure for such aggregate.

(3) Any other load, which in the opinion and discretion of the Guam Police poses a potential hazard or potential litter if such load were not covered and/or secured.

TWENTIETH GUAM LEGISLATURE  
FIRST (1989) REGULAR SESSION

Substitute Bill No. 184 (COR)

Introduced by:

F.R. Santos  
P.C. Lujan  
T.S. Nelson

AN ACT TO REPEAL AND RE-ENACT §5108 (f) of 16 GCA  
Chapter 5 RELATIVE TO THE OPERATION OF CERTAIN  
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(2) Sand, soil, crushed rocks or aggregate of less than four inches (4") per unit/pebble or other standard measure for such aggregate.

(3) Any other load, which in the opinion and discretion of the Guam Police, Guam Environmental Protection Agency, Department of Public Health and Social Services, or Department of Parks and Recreation poses a potential hazard or potential litter if such load were not covered and/or secured.





GUAM POLICE DEPARTMENT  
 287 West O'Brien Drive  
 Agana, Guam 96910



A.P. SGAMBELLURI  
 Chief of Police

MAY 16 1989

SEPH F. ADA  
 Governor  
 ANK F. BLAS  
 Lt. Governor

Senator Pilar C. Lujan  
 Chairperson, Committee on Judiciary  
 and Criminal Justice  
 Twentieth Guam Legislature  
 Agana, Guam 96910

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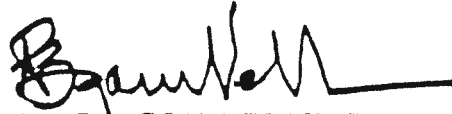
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OFFICE OF THE LEGISLATIVE SECRETARY  
 APR 17 1989  
 L  
 9:30 AM

Senator Pilar C. Lujan  
Chairperson, Committee on Judiciary  
and Criminal Justice  
Page 2  
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A. P. SCAMBELLURI  
Interim Appointee for Police Chief

Introduced

JAN 04 '89

NINETEENTH GUAM LEGISLATURE  
SECOND (1988) REGULAR SESSION

Bill No. 184 (COR)

Introduced by:

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