

REFERRED TO
LEGISLATIVE SECRETARY

RECEIVED BY: [Signature]
Date & Time: 12:58 4/27/95
PRINT NAME: Anna B. Flores



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

APR 26 1995

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
424 West O'Brien Drive
Julale Center - Suite 222
Agana, Guam 96910

OFFICE OF THE SPEAKER

Date: 4-27-95
Time: 11:21 A.M.
Received By: [Signature]
Print Name: ALICIA GUZMAN

Dear Speaker Parkinson:

Enclosed please find a copy of Substitute Bill No. 123 (LS), "AN ACT TO TO REPEAL AND REENACT 16 GCA §3401(d); TO REPEAL 16 GCA §§3401(e), 3401(f), 3401(g), and 7120(d); TO ADD NEW 16 GCA §§3401.1 AND 7120.1; TO AMEND 5 GCA §50111; AND TO REPEAL 17 GCA §41110; ALL RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES", which I have signed into law today as **Public Law 23-11**.

I am very pleased that there is now a mechanism for providing increased access to public places for members of the community who have a need for it. We have come a long way over the past few years in making the public aware of persons with disabilities and their needs. This new public law will continue to increase public awareness, as well as enforce public access for Guam's residents who have disabilities.

Very truly yours,

[Signature]
Madeleine L. Bordallo
Acting Governor of Guam

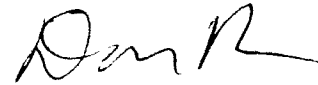
Attachment

230382

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 123 (LS), "AN ACT TO REPEAL AND REENACT 16 GCA §3401(d); TO REPEAL 16 GCA §§3401(e), 3401(f), 3401(g), AND 7120(d); TO ADD NEW 16 GCA §§3401.1 AND 7120.1; TO AMEND 5 GCA §50111; AND TO REPEAL 17 GCA §41110; ALL RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES," was on the 10th day of April, 1995, duly and regularly passed.



DON PARKINSON
Speaker

Attested:



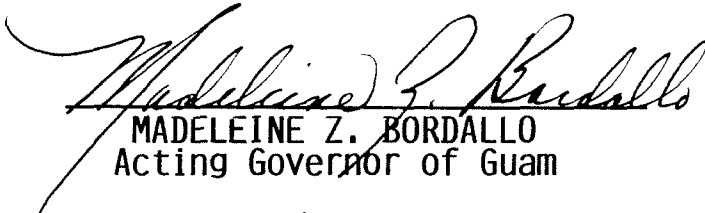
JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 17th day of April,
1995, at 11:35 o'clock A.M.



Assistant Staff Officer
Governor's Office

APPROVED:



MADELEINE Z. BORDALLO
Acting Governor of Guam

Date: 4/26/95

Public Law No. 23-11

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 123 (LS)

As substituted by the Author

Introduced by:

A. C. Blaz
A. R. Unpingco
T. S. Nelson
F. P. Camacho
E. Barrett-Anderson
J. S. Brown
M. Forbes
A. C. Lamorena V
C. Leon Guerrero
T. C. Ada
J. P. Aguon
M. C. Charfauros
H. A. Cristobal
L. Leon Guerrero
S. L. Orsini
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
A. L. G. Santos
F. E. Santos
J. Won Pat-Borja

AN ACT TO REPEAL AND REENACT 16 GCA §3401(d); TO REPEAL 16 GCA §§3401(e), 3401(f), 3401(g), AND 7120(d); TO ADD NEW 16 GCA §§3401.1 AND 7120.1; TO AMEND 5 GCA §50111; AND TO REPEAL 17 GCA §41110; ALL RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2

3 **Section 1. Purpose.** The purposes of this act are to establish a
4 uniform system for accessible parking for persons with disabilities to
5 enhance access and the safety of persons who have disabilities which limit
6 or impair the ability to walk, and to conform with the requirements of the
7 Americans with Disabilities Act Accessibility Guidelines as they apply to
8 accessible parking.

9 **Section 2.** 16 GCA §3401(d) is hereby repealed and reenacted to read:

10 “(d) No person shall park any vehicle in a designated accessible
11 parking space for persons with disabilities which is on public
12 property or private property available for public use unless the
13 vehicle displays a special license plate, a removable windshield
14 placard or a temporary removable windshield placard issued
15 pursuant to 16 GCA §7120.1.”

16 **Section 3.** 16 GCA §3401(e), §3401(f), and §3401(g) are hereby
17 repealed.

18 **Section 4.** A new §3401.1 of Title 16, Guam Code Annotated, is
19 hereby enacted to read:

20 “§3401.1. Accessible Parking For Persons With Disabilities.

21 (a) Any person who commits, or attempts to commit a deception or
22 fraud by one or more of the following methods is guilty of a misdemeanor:

23 (1) intentionally making a false statement of material
24 fact to obtain or assist an individual in obtaining a special
25 license plate, removable windshield placard, or temporary
26 removable windshield placard, issued pursuant to 16 GCA
27 §7120.1, including any statement made on the physician’s or

1 optometrist's certification submitted for purposes of obtaining
2 the license plate or placard;

3 (2) altering, modifying, or selling a removable special
4 license plate, removable windshield placard, or temporary
5 removable windshield placard issued pursuant to 16 GCA
6 §7120.1; or

7 (3) copying or forging a special license plate, removable
8 windshield placard, or temporary removable windshield
9 placard issued pursuant to 16 GCA §7120.1, or using any such
10 copied or forged license plate or placard;

11 (b) Any person who parks in a designated accessible parking space,
12 or who blocks access to aisles adjacent to an accessible parking space, on
13 public property or private property available for public use, with a vehicle
14 that does not have a special license plate, a removable windshield placard,
15 or a temporary removable windshield placard is guilty of a violation.

16 (c) Any person who parks in a designated accessible parking space,
17 or who blocks access to aisles adjacent to an accessible parking space on
18 public property or private property available for public use, using a vehicle
19 with a special license plate, removable windshield placard, or temporary
20 removable windshield placard obtained pursuant to 16 GCA §7120.1, and
21 who is not a qualified person with a disability as defined in 16 GCA
22 §7120.1(a)(2), is guilty of a violation, unless such person is using the vehicle
23 or placard in connection with the transportation of a qualified person with
24 a disability.

25 (d) Any qualified person with a disability who has applied for and
26 received a special license plate, a removable windshield placard, or a
27 temporary removable windshield placard, and who permits another

1 individual not a qualified person with a disability to use the vehicle with
2 the special license plate or placard in violation of this Act is guilty of a
3 violation.

4 (e) **Penalty.** A violation of subsections (b), (c), or (d) of this section
5 shall be punished by a fine of not less than Three Hundred Dollars
6 (\$300.00) and not more than Five Hundred Dollars (\$500.00). All fines
7 imposed by the court shall be deposited into the Accessible Parking Fund
8 maintained by the Governor's Commission on Persons with Disabilities
9 pursuant to 5 GCA §50111(c). Additionally, a vehicle which is illegally
10 parked pursuant to this subsection may be towed, and the owner of the
11 vehicle shall be liable for reasonable towing expenses, which charges shall
12 constitute a lien against the offending vehicle.

13 (f) **Citations.** The Guam Police Department, all law enforcement
14 personnel, and other persons or organizations who are authorized under
15 this Act to issue citations may cite vehicles parked in violation of this Act.

16 (g) **Forfeiture.** Upon conviction of an offense committed in violation
17 of subsection (a) of this section or found guilty of a violation under
18 subsections (b), (c), or (d) of this section, the Court may confiscate the
19 special license plate, removable windshield placard, or temporary
20 removable windshield placard and return it to the Motor Vehicle Division
21 of the Department of Revenue & Taxation along with a certified copy of
22 the judgment, and upon receipt thereof the Motor Vehicle Division shall
23 cancel and destroy the license plate or placard. The person to whom the
24 license plate or placard was originally issued shall not receive another
25 special license plate or placard until he or she resubmits a completed
26 application and presents a current certification of a physician attesting to
27 his or her qualifying condition.

1 (h) **Private Persons Authorized to Issue Citations.** Private Security
2 Personnel, and persons who are designated by the Governor's
3 Commission on Persons with Disabilities and employed by Non-Profit
4 Organizations (NPOs) representing or serving people with disabilities, are
5 hereby authorized to issue citations to enforce the provisions of this Act
6 provided they obtain proper training in law enforcement as evidenced by a
7 certificate of completion from an accredited law enforcement academy or
8 institute. Citation forms may be distributed by the Guam Police
9 Department for use in the enforcement of this Act.

10 (i) Accessible Parking spaces serving a particular building shall be
11 located on the shortest accessible route of travel from adjacent parking to
12 an accessible entrance and comply with the Americans with Disabilities Act
13 Accessibility Guidelines for Building and Facilities (ADAAG) technical
14 specification §4.6.2.

15 (j) As to parking lots constructed or repaved after the effective date
16 of this Act, accessible parking spaces shall be at least 96 inches wide and
17 228 inches long with a minimum 60 inches-wide adjacent access aisle.
18 Access aisles shall be identified and painted with diagonal stripes and a
19 part of an accessible route to the building or facility entrance. Vehicle
20 standing spaces and adjacent access aisles shall be level with surface
21 slopes not exceeding 1:50 (2%) in all directions. Access aisles and parking
22 spaces shall comply with ADAAG technical specifications §4.3 and §4.6.3.

23 (k) Accessible parking spaces shall be designated as reserved by a sign
24 showing (i) the International Symbol of Accessibility commonly known as
25 the wheelchair symbol and specified in §4.30.7 of the ADAAG; (ii) below the
26 symbol, a statement that violators will be fined not less than \$300 and not
27 more than \$500, and the vehicle may be towed; (iii) a reference to 16 GCA

1 §3401.1; and (iv) a statement that access aisles must not be blocked. Spaces
2 complying with ADAAG technical specification §4.1.2(5)(b) shall also have
3 an additional sign "Van Accessible" mounted below the symbol of
4 accessibility. All signs referred to in this subsection (k) should be a
5 maximum of 12 inches wide with edges having rounded corners. All signs
6 shall be mounted on a post centered at the head of the parking space with
7 the center of the International Symbol of Accessibility seven (7) feet above
8 the parking surface.

9 **Section 5.** 5 GCA §50111 is hereby amended to read as follows:

10 "§50111. Provisions for Persons with Disabilities. (a) All
11 buildings parking lots, walks and recreational facilities hereafter
12 constructed by or for the government of Guam intended for the
13 use of the general public shall be designed and constructed in such
14 manner as to permit persons with disabilities who use
15 wheelchairs or are otherwise of limited mobility ready access to
16 such buildings, parking lots, walks, recreational facilities and to
17 all parts thereof open to the general public. All public buildings,
18 parking lots, walks, and recreational facilities now in use by the
19 general public shall be modified, insofar as is possible and
20 practicable to permit ready access by persons with disabilities, and
21 in leasing buildings for public use, priority shall be given to those
22 structures where access to public areas by persons with disabilities
23 is provided. All modifications and construction shall follow
24 existing federal guidelines regarding access by persons with
25 disabilities.

26 (b) The Director of DPW shall designate, by use of the International
27 Symbol of Accessibility, parking areas which are to be used by

1 persons with disabilities. Such spaces shall also carry a designation
2 that illegal parking carries a fine of not less than Three Hundred
3 Dollars (\$300) and not more than Five Hundred Dollars (\$500), and
4 that an illegally parked vehicle may be towed. In designating
5 parking areas for persons with disabilities, the Director of DPW and
6 the Department shall coordinate its activities with the various
7 departments, agencies, boards, and authorities of the government to
8 insure the reasonable allocation of accessible parking areas for
9 persons with disabilities.

10 (c) A fund to be known as the Accessible Parking Fund is hereby
11 created, separate and apart from any other fund of the government of
12 Guam. The Governor's Commission on Persons with Disabilities shall
13 maintain the fund, and shall utilize the fund for the purpose of ensuring an
14 aggressive media campaign to educate the public about the human aspects
15 of parking in an accessible parking space and its impact on persons with
16 disabilities."

17 **Section 6.** 16 GCA §7120(d) is hereby repealed.

18 **Section 7.** A new 16 GCA §7120.1 is hereby added to read:

19 "§7120.1. Special License Plates and Removable Windshield
20 Placards.

21 (a) Definitions.

22 Terms used in this section are defined as follows:

23 (1) "International Symbol of Accessibility" means the
24 symbol adopted by Rehabilitation International in 1969 at its
25 Eleventh World Congress on Rehabilitation of the Disabled.

26 (2) "Qualified person with a disability" means a person
27 who, as determined by a licensed physician:

1 (i) cannot walk two hundred feet (200') without
2 stopping to rest, due to a diagnosed arthritic,
3 neurological or orthopedic condition;

4 (ii) cannot walk without the use of, or assistance
5 from, a brace, cane, crutch, another person, prosthetic
6 device, wheelchair, or other assistive device;

7 (iii) is restricted by lung disease to such an extent
8 that the person's forced (respiratory) expiratory volume
9 for one second, when measured by spirometry, is less
10 than one liter, or the arterial oxygen tension is less than
11 sixty mm/hg on room air at rest;

12 (iv) uses portable oxygen;

13 (v) has a cardiac condition to the extent that the
14 person's functional limitations are classified in severity
15 as Class III or Class IV according to standards set by the
16 American Heart Association; or

17 (vi) has a central visual acuity that does not exceed
18 20/200 in the better eye, with corrective lenses, as
19 measured by the Snellen test, or visual acuity greater
20 than 20/200, but with a limitation in the field of vision
21 such that the widest diameter of the visual field subtends
22 an angle not greater than 20 degrees. An optometrist, in
23 lieu of a licensed physician, may determine the existence
24 of a visual impairment as defined under this subsection.

25 (3) "Special license plate" means a license plate that
26 displays the International Symbol of Accessibility:

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- (i) In a color that contrasts to the background;
and
- (ii) In the same size as the letters and numbers on the plate.

(4) "Removable windshield placard" means a two-sided, hanger style placard which includes on each side:

- (i) The International Symbol of Accessibility, which is at least three inches (3") in height, centered on the placard, and is white on a blue shield;
- (ii) An identification number;
- (iii) A date of expiration; and
- (iv) The seal or other identification of the issuing authority.

(5) "Temporary removable windshield placard" means a two-sided, hanger style placard which includes on each side:

- (i) The International Symbol of Accessibility, which is at least three inches (3") in height, centered on the placard, and is white on a red shield;
- (ii) An identification number;
- (iii) A date of expiration; and
- (iv) The seal or other identification of the issuing authority.

(b) Special License Plates.

(1) Upon application of a qualified person with a disability, the Motor Vehicles Division of the Department of Revenue and Taxation shall issue a special license plate for the vehicle which is registered in the applicant's name. The initial

1 application shall be accompanied by the certification of a
2 licensed physician that the applicant meets the 16 GCA
3 §7120.1(a)(2) definition of a qualified person with a disability,
4 except that a licensed optometrist may certify a visual
5 impairment as defined in 16 GCA §7120.1(a)(2)(f).

6 (2) The fee for the issuance of a special license plate
7 shall not exceed the fee charged for a similar license plate for
8 the same class of vehicle.

9 (c) Removable Windshield Placards.

10 (1) The Department of Revenue and Taxation (Motor
11 Vehicle Division) shall provide for the issuance and periodic
12 renewal of removable windshield placards, upon the
13 applications of qualified persons with disabilities, when such
14 disabilities are certified as permanent by a licensed physician or
15 by a licensed optometrist if the disability is a visual impairment.
16 The department shall, upon request, issue no more than one
17 removable windshield placard in addition to the issuance of a
18 special license plate and shall, upon request, issue no more than
19 two placards to each applicant who does not have a special
20 license plate. The department shall not charge a fee for
21 issuance of the placards.

22 (2) The initial application shall be accompanied by the
23 certification of a licensed physician that the applicant meets the
24 §7120.1(a)(2) definition of a person with disabilities.
25 Resubmission of a physician's or optometrist's certification is
26 not required when applying for renewal of a special license
27 plate or removable windshield placard.

1 (3) Upon application of an organization, the Motor
2 Vehicles Division of the Department of Revenue and Taxation
3 shall issue no more than one removable windshield placard for
4 each vehicle registered in the applicant's name if the vehicle is
5 used primarily to transport qualified persons with disabilities.
6 The application shall include a certification by the applicant,
7 under criteria to be determined by the Department of Revenue
8 and Taxation through rules and regulations, that the vehicle is
9 used primarily to transport qualified persons with disabilities.
10 If the organization ceases to transport qualified persons with
11 disabilities, the organization shall return the removable
12 windshield placard to the Department of Revenue and
13 Taxation (Motor Vehicle Department) for cancellation.

14 (4) The removable windshield placard shall be
15 displayed in such a manner that it may be viewed from the
16 front and the rear of the vehicle by hanging it from the front
17 windshield rearview mirror of a vehicle utilizing a parking
18 space reserved for persons with disabilities. When there is no
19 rearview mirror, or if tinting of the windshield substantially
20 obscures the view of the placard when it is hanging from the
21 rearview mirror, the placard shall be displayed on the
22 dashboard.

23 (d) Temporary Removable Windshield Placards.

24 (1) The Department of Revenue and Taxation (Motor
25 Vehicle Department) shall issue temporary removable
26 windshield placards, upon the application of qualified persons
27 with disabilities, when the disabilities are certified as

1 temporary by a licensed physician or by a licensed optometrist
2 if the disability is a visual impairment. The department shall
3 issue, upon request, no more than one additional temporary
4 removable windshield placard to each applicant. The
5 department shall not charge a fee for issuance of the placards.

6 (2) The Department of Revenue and Taxation (Motor
7 Vehicle Department) shall require that the application be
8 accompanied by the certification of a licensed physician that the
9 applicant meets the 16 GCA §7120.1(a)(2) definition of a
10 qualified person with a disability, except that a licensed
11 optometrist may certify a visual impairment as defined in
12 §7120.1(a)(2)(f). The certification shall also include the period
13 of time that the physician or optometrist determines the
14 applicant will have the disability, not to exceed six (6) months.

15 (3) The temporary removable windshield placard shall
16 be displayed in such a manner that it may be viewed from the
17 front and rear of the vehicle by hanging it from the front
18 windshield rearview mirror of a vehicle utilizing a parking
19 space reserved for persons with disabilities. When there is no
20 rearview mirror, or if tinting of the windshield substantially
21 obscures the view of the placard when it is hanging from the
22 rearview mirror, the placard shall be displayed on the
23 dashboard.

24 (4) Each temporary removable windshield placard
25 shall be valid for a period of time for which the physician or
26 optometrist has determined that the applicant will have the
27 disability, not to exceed six (6) months from the date of

1 issuance. If the temporary disability extends beyond the
2 expiration date of the placard, the applicant may reapply for a
3 temporary removable windshield placard. The applicant, upon
4 reapplication, shall submit another physician's or optometrist's
5 certification, and the placard shall be valid for a period of time
6 for which the physician or optometrist has determined that the
7 applicant will continue to have the disability, not to exceed six
8 (6) months from the date of issuance.

9 (e) Parking.

10 Special license plates, removable windshield placards or temporary
11 removable windshield placards displaying the International Symbol of
12 Accessibility shall be the only recognized means of identifying vehicles
13 permitted to utilize parking spaces reserved for qualified persons with
14 disabilities.

15 (f) Reciprocity.

16 The territory of Guam shall recognize for six (6) months removable
17 windshield placards, temporary removable windshield placards, and
18 special license plates which have been issued by issuing authorities of
19 other U.S. territories, states, and countries, for the purpose of identifying
20 vehicles permitted to utilize parking spaces reserved for qualified persons
21 with disabilities.

22 (g) Previously Issued Placards.

23 All removable windshield placards that have been issued prior to the
24 effective date of this Act by the Department of Revenue and Taxation
25 (Motor Vehicle Division) for use by persons with disabilities shall
26 automatically expire 180 days after the effective date of this Act. All
27 placards which have expiration dates prior to 180 days after the effective

1 date of this Act shall expire on their expiration dates. As soon as
2 practicable after the effective date of this Act, the Department of Revenue
3 and Taxation shall notify by mail all holders of removable windshield
4 placards issued prior to the effective date of this Act of the requirements of
5 this Act.

6 (h) Revocation of Special License Plate or Removable Windshield
7 Placard.

8 (1) The Department of Revenue and Taxation may cancel,
9 revoke or suspend a special license plate, removable windshield
10 placard or temporary removable windshield placard if the
11 department has determined that any of the following circumstances
12 exist:

13 (i) a special license plate or placard was fraudulently
14 or erroneously issued;

15 (ii) a person is or was using his or her special license
16 plate or placard unlawfully;

17 (iii) the person is no longer eligible to receive or use a
18 special license plate or placard; or

19 (iv) the owner has committed an offense under this Act
20 involving a special license plate or placard.

21 (2) Before the Department of Revenue and Taxation cancels,
22 revokes or suspends a special license plate, removable windshield
23 placard or temporary removable windshield placard pursuant to this
24 subsection (h), the person affected by it shall be given notice and an
25 opportunity to be heard.

26 (i) Rules.

1 The Department of Revenue and Taxation shall, within 180 days
2 from the effective date of this Act, adopt rules and regulations, in
3 compliance with the Administrative Adjudication Law, to carry out the
4 purposes of this Act, including rules for the issuance and renewal of
5 removable and temporary removable windshield placards, reciprocity, and
6 special license plates.

7 **Section 8.** 17 GCA §41110 is hereby repealed.

TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

Date: 4/10/95

VOTING SHEET

Bill No. 123

Resolution No. _____

Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL

21 0 0 0



GOVERNOR'S COMMISSION ON PERSONS WITH DISABILITIES

P.O. Box 2950 • Agana, Guam 96910 • (671) 472-8931 • Fax: (671) 477-4826 • TDD: 472-1106

Executive Director: Jesus "Jess" Torres

March 21, 1995

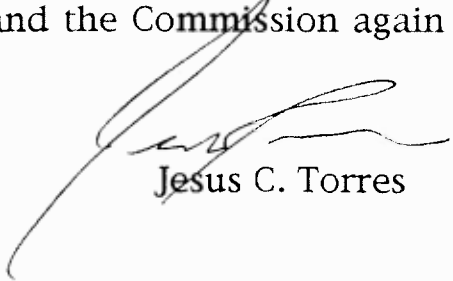
Honorable Senator Mark C. Charfauros
Chairman
Judiciary and Criminal Justice and Environmental Affairs
Ada Commercial and Professional Center
138 East Marine Drive
Suite 101C Annex
Agana, Guam
96910

Dear Senator Charfauros,

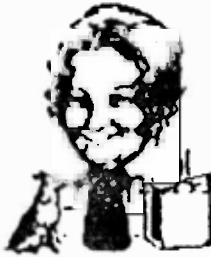
As the new Executive Director of the Governor's Commission on Persons with Disabilities (the "Commission") I would like to thank you for the timely manner in which you have addressed this most needed Bill 123, " An Act to Amend 16 GCA Subsection 3401, 16 GCA Section 7120 and 5 GCA Section 50111, to add 16 GCA Section 7120.1, and to repeal 17 GCA Section 41110 , Relative to Parking for Persons with Disabilities". The Commission would also like to thank the main sponser of the Bill, Senator Tony Blaz, and also all of the co-sponsors.

Because the Commission is still in the process of appointing all of its Board members, the Commission's Board has not had the opportunity to review the proposed legislation and thus I am in no position to provide testimony on this Bill. The Commission will be providing written testimony once the Board has had a chance to meet at a later date to address this issue.

I hope that issues affecting persons with disabilities will continue to be of utmost concern to our Legislators and the Commission again applauds the efforts of your Committee.



Jesus C. Torres



**From Dorothy's Kitchen
Box 1554
Agana, Guam, 96910
FAX: & Phone 671:646:4201**

March 22, 1995

Senator Tony Blas
FAX: 472: 3562
Subject: Bill 123

Handicapped Parking
Bill No. 112 LS 1/10/ Public Law 18-28) &
Americans Disabilities Act

From: Dorothy Horn
Handicapped Licence Plate: 214

.....
Dear Senator Blas:

May I add my voice to the support of Bill 123.

As a holder of a legitimate handicapped plate on my car I can say that there are many many cases of people parking in slots that should be reserved for handicapped people.

One of the worst places to park is the Agana Post office that has but one slot. It should be painted and additional slots added. Perhaps a Meter Maid from the Police Department could take care of this area.

The card board placards that are given out freely and are passed from one person to another should be eliminated.

Another point to consider is to provide legal handicapped persons with something more then the card board placard. I have personally seen many of the original cards copied through a copying machine, or cards being used by other persons after the original owner has passed away. This abuse is more prevalent then those individuals that park in these slots.

Hawaii issues the permit with a photo or license plate only to the individual who provides a doctor's certification and this must be visible at all times.

Your suggestion to raise the fine to \$300. is also a good one. It should be placed on the sign as noted in places like the Hilton Hotel and Hyatt Hotel.

Thank you for your proposal and I hope this will pass and also be enforced.

Respectfully submitted
(Mrs..) Dorothy Horn

Senator Mark C. Charfouros

Chairman

Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Ada's Commercial & Professional Center
138 East Marine Dr., Suite 101C-Annex
Agana, Guam 96910

Tel: (671) 472-3342~3
Fax: (671) 472-3440

WITNESS SIGN-IN SHEET

Wednesday, March 22
2:00 p.m.
Public Hearing Room
Guam Legislature, Agana

Bill No. 123 - AN ACT TO AMEND 16 GCA §§3401, 16 GCA §7120 and 5 GCA §50111, TO ADD 16 GCA §7120.1, AND TO REPEAL 17 GCA §41110, RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES

NAME (please print)	ORGANIZATION	ORAL/WRITTEN	FOR/AGAINST
<u>ED R. CHANCO</u>	<u>Developmental Disability Council</u>	<u>ORAL/WRITTEN</u>	<u>FOR</u> ✓
<u>PATRICIA R BOTTEO</u>	<u>Just Me</u>	<u>ORAL</u>	<u>FOR</u> ✓
<u>WAVE ANTKOWIAK</u>	<u>Dev. Dis. Council</u>	<u>ORAL / WRITTEN</u>	<u>FOR</u> ✓
<u>Eric Heisel</u>	<u>Dept. of Law</u>	<u>ORAL</u>	<u>FOR, with 2 objections</u>
<u>ALBERT SM AGOST</u>	<u>DVDR</u>	<u>WRITTEN</u>	<u>FOR</u> ✓
<u>Lydine CALO</u>	<u>DPDR</u>	<u>WRITTEN</u>	<u>FOR</u> ✓
<u>Ben Servino</u>	<u>self</u>	<u>oral</u>	<u>FOR</u> ✓
<u>Frank Ichikawa</u>	<u>GPD</u>	<u>ORAL</u>	<u>FOR</u> ✓
<u>Edward Aetwa</u>	<u>Mayor of Yigo</u>	<u>oral</u>	<u>FOR</u> ✓
<u>Phil Tydings</u>	<u>GPD</u>	<u>ORAL</u>	<u>"</u> ✓
<u>JESS TORRES</u>			✓
<u>RODNEY PRIEST</u>			✓



Government of Guam
GUAM POLICE DEPARTMENT
 287 West O' Brien Drive
 Agana, Guam 96910
 U. S. Territory



CARL T.C. GUTIERREZ
 Governor of Guam

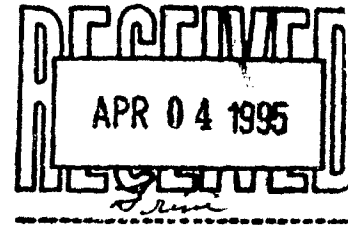
J.S. SHIMIZU
 Chief of Police

MADELEINE Z. BORDALLO
 Lieutenant Governor

APR 03 1995

COLONEL B. A. LEON GUERRERO
 Deputy Police Chief

The Honorable Mark C. Charfauros
 Chairman, Committee on Judiciary, Criminal Justice and
 Environmental Affairs
 Twenty-Third Guam Legislature
 Ada's Commercial and Professional Center
 138 East Marine Drive
 Suite 101C Annex
 Agana, Guam 96910



Subject: Bill Nos. 23, 44, 98, 117, 123 and 157
 Reviewed at the March 22, 1995 Public Hearing

Dear Mr. Chairman:

This is to memorialize in writing GPD's responses and position regarding Bill numbers 23, 44, 98, 117, 123 and 157 that were discussed at a public hearing held by your committee on March 22, 1995.

Bill No. 23 ("Rhino-Ammo" or "Black Rhino")

GPD supports the intent of Bill No. 23; however, we would submit that Sections 60100(g) and 60121.1 (restricted bullets) of Chapter 60 (Firearm) of Title 10 G.C.A. adequately prohibits armor penetrating ammo or bullets.

GPD nonetheless applauds the safety concerns shown by the sponsor of the bill for men and women peace officers who may face such dangers. Indeed, GPD recommends that Section 60121.1 of Title 10 G.C.A. be amended to include the increased penalty language of Section 2 of Bill 23 for the importation or possession of restricted bullets.

Bill No. 44 (Assignment of Police Officers to Police Type Duties and Only the Classified Civilian Employees Perform Routine Duties)

GPD not only supports the intent of this bill, but its management practice is to assign police officers as much as possible to perform police-type duties rather than routine administrative and clerical duties which are typically handled by civilian classified or non-uniformed personnel.



LETTER to Senator Mark C. Charfauros

**Subject: Bill Nos. 23, 44, 98, 117, 123 and 157
Reviewed at the March 22, 1995 Public Hearing**

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GPD respectfully urges the committee not to support a bill which would mandate by law such a policy without taking into account practical situations that require exceptions and flexibility. First, GPD like many agencies lost over twenty civilian classified positions that were vacant for more than 120 days prior to September 30, 1994 and stands to lose more for civilian classified positions that remain vacant for more than 120 days after October 1, 1994 under the Budget Act passed in the late fall of 1994. Secondly, GPD requires flexibility for those uniformed police officers who require light duty or cause of injuries, administrative investigations and or for stress. GPD therefore respectfully requests that the committee not mandate by law an existing management practice.

Bill No. 98 (Amendments to the Criminal Mischief Statute Relative to Young Offenders Committing Vandalism and Graffiti)

GPD supports the intent of the bill which addresses the inconsistencies between Subsection 34.60(b) and 34.60(c) that were created by the Anti-Graffiti amendment enacted by the 22nd Guam Legislature. In addition, GPD supports stiffer fines and serving longer community service hours for vandalism and graffiti committed by youthful offenders. However, GPD does not necessarily support automatic certifying of youthful offenders between the ages of sixteen and eighteen to be treated as adults for what may only be a felony in the third degree (Title 19 G.C.A. Section 5106 only automatically certifies minors 16 years and older as adults for only first and second degree felonies). Furthermore, it may not be wise nor prudent to make any youthful offender (first timer) of the Criminal Mischief Law subject to a felony offense as compared to other crimes of a more serious and violent nature.

Bill No. 117 (Seat Belt Amendments)

GPD fully supports this bill which makes all passengers as well as the driver in "any" motor vehicle subject to being restrained by properly adjusted and fastened seat safety belts. However, please note that enforcement of the seat belt requirement in conventional motor vehicles will probably not raise any serious objections from the public but the same may not be true for passengers in the truck beds of pickups. Many people of Guam travel on our roads in the back of pickup trucks and under this law "any motor vehicles" includes them, too.

In any case, the bottom line for GPD is that safety is foremost insofar as traffic and vehicular enforcement are concerned.

LETTER to Senator Mark C. Charfauros

**Subject: Bill Nos. 23, 44, 98, 117, 123 and 157
Reviewed at the March 22, 1995 Public Hearing**

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Bill No. 123 (Person's With Disabilities and Accessible Parking Amendments)

GPD wholly supports the comprehensive nature of Bill 123 in addressing the enforcement and regulating problems of accessible parking and permits for persons with disabilities.

GPD would urge that the committee consider increasing the penalties for those who commit a fraud or deception in acquiring, possessing and or displaying special license plates, placards or permits reserved for persons with disabilities from a misdemeanor and fine of \$300.00 to a felony in third degree and a fine up to One Thousand Dollars (\$1,000.00) or more.

Additionally, GPD request that the committee add to line 49 of page 2 of this bill the following phrase "as near as practical" between the words "shall" and "regularly" so that it reads:

"The Guam Police Department shall [as near as practical] regularly patrol all onstreet and..."

Another important problem that this bill addresses is the restriction imposed by the current law for enforcing accessible parking for persons with disabilities on private property (i.e., GPD must presently secure the permission of the owner of the property for citing and towing vehicles illegally parked in an accessible parking stall). GPD submits that many complaints arise as a result of this restriction. Relatedly, GPD would ask that the committee consider including a provision permitting employees from relevant agencies the authority to issue citations for enforcing some of these provisions contained in the bill (e.g. DPHSS employees permitted to enforce the Clean Indoor Air Act/Anti-Smoking Law).

LETTER to Senator Mark C. Charfauros

**Subject: Bill Nos. 23, 44, 98, 117, 123 and 157
Reviewed at the March 22, 1995 Public Hearing**

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Bill No. 157 (Inclusion of Holders CNMI Driver's Licenses)

GPD supports the inclusion of holders of CNMI driver's licenses as having the opportunity to drive on our roadways for at least 30 days before securing a Guam driver's license like other holders of unexpired driver's licenses from the 50 states and territories of the United States, and others from Japan, Republic of Korea, Republic of the Philippines and Australia.


J.S. SHIMIZU

cc: Senator Ted Nelson
Senator Antonio Blas
Senator Elizabeth Barrett-Anderson

BILLS\APL\29MAR95\RHINO.23

NOTICE OF PUBLIC HEARING

Twenty-Third Guam Legislature
Committee on Judiciary, Criminal Justice and Environmental
Affairs

Senator Mark C. Charfauros
Chairman

AGENDA

- Bill No. 23 - AN ACT TO PROHIBIT THE IMPORTATION BY ANY PERSON OR FIRM OF AMMUNITION COMMONLY KNOWN AS "RHINO-AMMO" OF "BLACK RHINO" BULLETS, AND TO PROVIDE PENALTY FOR VIOLATIONS OF THIS ACT.
- Bill No. 35 - AN ACT TO REPEAL AND RE-ENACT 4 GCA §6223 RELATIVE TO DIFFERENTIAL PAY FOR EMERGENCY MEDICAL TECHNICIANS.
- Bill No. 37 - AN ACT TO AMEND §8104 (p) TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO INCLUDING SUPERIOR COURT MARSHALS AS UNIFORMED PERSONNEL.
- Bill No. 44 - AN ACT TO ASSIGN POLICE OFFICERS TO POLICE TYPE DUTIES PERFORMED BY CLASSIFIED CIVILIAN EMPLOYEES.
- Bill No. 57 - AN ACT TO ASSIGN FORE DEPARTMENT PERSONNEL TO FIRE-FIGHTING TYPE DUTIES AND TO HAVE ROUTINE CLERICAL DUTIES PERFORMED BY CLASSIFIED CIVILIAN EMPLOYEES.
- Bill No. 75 - AN ACT TO AMEND SECTION 83.90 OF 9 GUAM CODE ANNOTATED.
- Bill No. 76 - AN ACT TO ADD ARTICLE 3 TO CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, REQUIRING SAFE PETROLEUM WASTE DISPOSAL.
- Bill No. 82 - AN ACT TO ADD A NEW SUBSECTION 725 TO TITLE 1, GUAM CODE ANNOTATED, REQUIRING ALL GUAM CODES TO CONTAIN A COMPLETE INDEX AND TABLE OF CONTENTS AND TO PROVIDE THAT AN ACT SHALL NOT BE CONSIDERED CODIFIED UNTIL AN INDEX AND TABLE OF CONTENTS ARE PROVIDED
- Bill No. 95 - AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITY'S AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULE, OR REGULATIONS OF THE RESPECTIVE AGENCIES; AND PROTECTION OF PRIVILEGED DOCUMENTS, BY ADDING NEW SECTIONS 3114 AND 3116 TO CHAPTER 3 OF TITLE 2 GUAM CODE ANNOTATED
- Bill No. 98 - AN ACT TO AMEND SUBSECTION (b) SECTION 34.60, TO REPEAL AND REENACT SUBSECTION (c) OF SECTION 34.60, TO ADD A NEW SUBSECTION (d) OF SECTION 34.60, TO ADD A NEW SECTION 34.65, AND TO REPEAL AND REENACT SECTION 34.70 ALL OF TITLE 9, GUAM CODE ANNOTATED, TO PROVIDE A MINIMUM PENALTY FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACEING PUBLIC OR PRIVATE PROPERTY, TO MAKE IT UNLAWFUL TO SELL SPRAY PAINT OR ANY OTHER SPRAY PAINTING DEVICES TO MINORS, as amended by the author.
- Bill No. 117 - AN ACT TO REPEAL AND REENACT SECTION 26103 OF THE VEHICLE CODE OF GUAM, REQUIRING ALL DRIVERS AND PASSENGERS OF EVERY VEHICLE ON GUAM TO WEAR APPROVED SEAT BELTS AND ADD A NEW SECTION 26105 (D) TO PROVIDE PENALTIES FOR VIOLATIONS.
- Bill No. 123 - AN ACT TO AMEND 16 GCA §§3401, 16 GCA §7120 and 5 GCA §50111, TO ADD 16 GCA §7120.1, AND TO REPEAL 17 GCA §41110, RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES
- Bill No. 157 - AN ACT TO ADD A NEW SECTION 1102 (qq) TO CHAPTER 1, OF TITLE 16 OF THE GUAM CODE ANNOTATED OF THE MOTOR VEHICLE CODE OF GUAM TO INCLUDE THE COMMONWEALTH OF THE NORTHERN MARINAS IN THE ACCEPTANCE OF DRIVER'S LICENSES FROM OTHER JURISDICTIONS.

Date: Wednesday, March 22, 1995

Time: 2:00 p.m.

Place: Public Hearing Room, Guam Legislature
155 Hesler Street, Agana

THE PUBLIC IS INVITED TO ATTEND AND PARTICIPATE

CONSUMER PARENT
EDUARDO REYES CHANCO
P.O. BOX 117
AGANA, GUAM 96910

Telephone Nos. (O) 339-2246/7297 (H) 477-9433
FAX No. 339-5045/6139
March 21, 1995

Reference: Bill No. 123

From my personal vantage, some sections of the bill requires additions, deletions and/or changes as indicated below:

Section 4 (4) ..(Pg 2, Line 32).. "If a qualified person with a disability, (Add) "or his legal representative (hereafter will be synanymous with person with disability)" has applied...etc..etc.

Note: A legal representative could be the spouse, parent, legal guardian/others who are designated by the court to help the person with disability who cannot function normally, for example a person with damaged brain (traumatic brain injury), some wheel chair cases, minors, etc., needs another persons to transport him/her to the clinic, hospital, school, shopping center, church, etc., typical examples who needs to be transported by another person.

Section 4 (6) ..(Pg 2, Line 45).. "Officers of the Guam Police Department and other individuals"...Question: who are "other individuals ?" .. I think "other individuals" should be spelled out.

Section 5 "(a) ..(Pg 3, Line 33).. "All modifications and construction shall follow current applicable federal guidelines, etc.".. the "applicable federal guidelines" should be spelled out.

(b) ..(Pg 3, Line 38).. "with current federal guidelines, etc.,"...the "federal guidelines," should be spelled out.

..(Pg 4, Line 1), "Signs shall be located so they cannot be obscured, etc." ... to comply with this requirement, the use of standard sign in GOVGUAM controlled areas and private sectors should include a suggested height, for uniformity.

Section 7 (a) Definitions.

(Add) ..(Pg 5, Line 11)..(g) Has brain damage (Traumatic Brain Injury case).

Subj: Bill 123

(Add) ..(Pg 5, Line 12)..(h) With other disabilities not mentioned above.

Section 7 (b) Special License Plate.

(Add) ..(Pg 6, Line 4)..new sentence, "The registration paper of the vehicle shall reflect "RESERVED PARKING AUTHORIZATION: VALID ONLY IF PERSON WITH DISABILITY IS PRESENT OR BEING TRANSPORTED."

(c) Removable Windshield Placards.

(Question) ..(Pg 6, Lines 15, 16, and 17) "The department shall, upon request issue no more than one removable windshield placard in addition to the issuance of a special license plate, and shall, upon request issue no more than two to each applicant who does not have a special license plate. Etc." ...Question: Why two? The placard is designed as transferrable. A person with disability with a placard can ride any privately owned vehicle. If however, the applicant who was issued a special license plate to be installed on a dedicated vehicle for transporting person with disabilities, issuing a placard is considered not necessary. Issuing a second placard must be closely scrutinized.

(Add)..(Pg 6, Line 31) before the word "used", "to be".

(Delete)..(Pg 6, Line 32 through 34) starting with the words, "The application shall..etc, etc,...and ends at "with disabilities."

(g) Reciprocity.

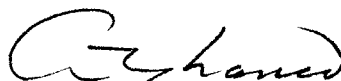
(Change)..(Pg 8, Line 4).. "six months" to "three months."

(h) Previously Issued Placards.

(Change)..(Pg 8, Line 13).. "180 days" to "three months."

Hoping the suggested changes to Bill 123 meets the approval by all concerns.

Respectfully,


ED. R. CHANCO
Consumer Parent



Developmental Disabilities Planning Council

Member of the National Association Developmental Disabilities Councils

122 IT&E PLAZA, RM. B201, HARMON, GUAM 96911 • TEL: (671) 646-9468/9 • TDD (671) 649-3911 • FAX: (671) 649-7672

MAR 22 1989

TESTIMONY - BILL NUMBER 123

On behalf of the Guam Developmental Disabilities Council I would like to express our support for Bill No. 123, " AN ACT TO AMEND 16 GCA **3401, 16 GCA *7120 AND 5 GCA *50111, TO ADD 16 GCA *7120.1 AND TO REPEAL 17 GCA *41110, RELATIVE TO PARKING FOR PEOPLE WITH DISABILITIES".

There are many issues on island that of concern to people with disabilities. From our experiences at the Developmental Disabilities Council the issue of parking has always been an issue of major concern.

From the perspective of an individual who does not have a disability that limits his/her mobility, parking may not seem like a priority issue. The reality is that for a person with a disability, appropriate parking is a very serious issue.

Although legislation concerning parking for people with disabilities does exist, there is a definitive need for modification of the existing legislature. Bill Number 123 clearly addresses issues that were not addressed or appropriately addressed in the existing legislation including the following specific issues:

1. The Bill would permit Officers of the Guam Police Department and others who are authorized to issue traffic citations to cite vehicles illegally parked in violation of this law in both **publicly** or **privately** owned accessible parking space which have been designated for use by persons with disabilities. In the past GPD Officers were not empowered to issue traffic citation to vehicles illegally parked on privately owned parking facilities unless first summoned by the owner of the the property - this significantly limiting enforcement efforts.
2. A fine of \$300 would be assessed for violations of this law. A \$300 fine certainly will send a strong message to people who violate the law. Although most people without disabilities do not utilize parking designated for people with disabilities, or improperly utilize or secure parking placards, some individuals in our community do, with impunity, violate the current statue. This law will undoubtedly enhance compliance with the law.

3. The Department of Revenue and Taxation (Motor Vehicles Division) will provide for the issuance and renewal of Windshield Placards that designate one as being disabled and eligible for utilization of parking for people with disabilities. Individuals with a disability will need certification by a physician or an optometrist attesting to the fact that the individual does have a disability.

This simplifies the current cumbersome system that requires the Department of Vocational Rehabilitation to certify individuals before parking placards can be issued.

In brief summary, the Developmental Disabilities Council supports without reservation Bill Number 123, and feels that the adaptation of this legislation will have a significant impact in the more appropriate utilization of parking designated for people with disabilities.

Submitted by:



Wayne Antkowiak
Executive Director



DEPARTMENT OF VOCATIONAL REHABILITATION
GOVERNMENT OF GUAM
122 HARMON PLAZA, ROOM B201
HARMON INDUSTRIAL PARK, GUAM 96911
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TESTIMONY ON BILL 123

My name is Albert T. San Agustin, Rehabilitation Services Administrator, Department of Vocational Rehabilitation. The Department of Vocational Rehabilitation supports the expectations of Bill 123. Ms. Lydia P. Calvo, VR Counselor III is also with me to support and respond to your questions.

The most significant contribution of Bill 123 is the creation of a one stop process for persons with an eligible disability. The current procedure requires the person or families of persons with an eligible disability to be initially certified by DVR before proceeding on to the Motor Vehicle Section.

Based on our experience under P.L. 18-28, we found that many applicants for handicap parking were not aware of services and programs available not only at DVR but with other GovGuam agencies. In fact, we have handicap parking applicants who later became consumers of DVR services. The point we wish to register is a continual need to access persons with disabilities even under the proposed one-stop process with the Division of Motor Vehicle. We hope that the regulations to be adjudicated under Bill 123 will provide a consent option for referral purposes.


Bill 123 does not sufficiently address private commercial buildings owned and operated privately for public access. They are not mandated by local laws to provide accessible parking for persons with a disabilities. Yet under the federal (ADA) Americans with Disabilities Act all privately owned and operated commercial buildings must provide for reasonable accommodations to persons with various disabilities.

Physicians and persons with disabilities need to understand that the presence of an impairment is not sufficient grounds for an Access Parking Permit.

We are also attaching a list of the parking permits certified by DVR from 1986 to 1995.

We thank you for your paramount consideration on behalf of all persons with various disabilities.

Respectfully submitted,


ALBERT T. SAN AGUSTIN



PARKING PERMIT

JANUARY 1986 TO MARCH 1995

ORTHOPEDIC/AMPUTATION

1648

DEAF/HEARING

85

HEART/CARDIAC

525

MISCELLANEOUS

508

ESRD
VISUAL IMPAIRMENT
HEMODIALYSIS
CANCER
HIV
RESPIRATORIAL/ASTHMA
EPILEPSY
PARKINSON
ALS

TRANSPORTATION

95

DEPT. OF EDUCATION
SPIMA
GUMA MAMI, INC.
CATHOLIC SOCIAL SERVICES

NEUROLOGICAL

335

Compiled By: TERRY ADA
TERRI CELIS

Terry ADA
Terri Celis

Submitted: Rev. Peter M. Morin

Date: 03/22/95

1 individuals. A portion of the fines collected from the NPO issued citations can be paid to the
2 NPOs by the governor's Commission on Persons with Disabilities for services to monitor and
3 provide enforcement efforts.

4 **Section 5. 5 GCA §50111 is hereby ~~amended~~ repealed and reenacted to read as follows:**

5 "(a) All buildings private and public, parking lots, walks and recreational facilities
6 hereafter constructed by or for the government of Guam intended for the use of the general public
7 shall be designed and constructed in such manner as to permit persons with disabilities who [are
8 confined to] use wheelchairs or otherwise of limited mobility ready access to such buildings,
9 parking lots, walks, recreational facilities and to all parts thereof open to the general public. All
10 public buildings, parking lots, walks, and recreational facilities owned or leased by the
11 government of Guam now in use by the general public shall be modified, insofar as is possible
12 and practicable to permit ready access by persons with disabilities, and in leasing buildings for
13 public use, priority shall be given to those structures where access to public areas by persons with
14 disabilities is provided. All modifications and construction shall follow current applicable federal
15 guidelines regarding access by persons with disabilities. All government of Guam buildings,
16 whether leased or owned by the government, which are now used by the general public and those
17 leased or constructed in the future shall provide accessible parking spaces with access aisles for
18 use by persons with disabilities. These spaces and aisles shall comply, both in number and in
19 dimension, with current applicable federal guidelines.

20 ~~—— (b) The Director of the Department of Public Works, pursuant to subsection (a) and in~~
21 ~~conformance with current federal guidelines, shall designate accessible parking spaces for all~~
22 ~~buildings owned or leased by the government of Guam. The signs designating these spaces shall~~
23 ~~contain the following information: (1) the International Symbol of Accessibility; commonly~~
24 ~~known as wheelchair symbol (2) a statement that illegal parking is a violation and carries a three~~
25 ~~hundred dollar (\$300.00) fine; and (3) a statement that an illegally parked vehicle may be towed.~~
26 ~~(4) GCA Subsection 3401. Van accessible spaces shall also have an additional sign stating "van~~
27 ~~accessible," which shall be mounted below the symbol of accessibility. Signs shall be located so~~
28 ~~they cannot be obscured by a vehicle parked in the space. The Director and the department shall~~
29 ~~coordinate its activities with the various departments, agencies, boards and authorities of the~~
30 ~~government to insure the appropriate location of accessible parking spaces.~~

31 (b) the Accessible Parking Fund should be administered by the Governor's Commission on
32 Persons with Disabilities to ensure that an aggressive media campaign can be implemented to
33 educate the public about the human aspects of parking in an accessible parking space and it's
34 impact on persons with disabilities. Each Government of Guam agency like any private entity,
35 must procure and maintain their own accessible parking area and also budget for it. Any cost
36 associated with services related to the issuance of parking permits and identification cards that
37 will be provided by the Department of Tax and Revenue should be absorbed by their operational
38 budget.

39 ~~—— (c) The fund previously created as the Disabled Parking Fund is hereby renamed the~~
40 ~~"Accessible Parking Fund," and shall continue to be separate and apart from any other fund of the~~
41 ~~government of Guam. The Director of the department shall maintain the fund and shall utilize the~~
42 ~~fund to pay for installing and maintaining accessible parking spaces for government of Guam~~
43 ~~buildings, including the painting of lines and curbing, for constructing and installing signs~~
44 ~~necessary to mark the spaces, and for fabricating special license plates and removable windshield~~

1 ~~placards issued pursuant to 16 GCA § §7120.1(b), (c) and (d). Funding for the Accessible~~
2 ~~Parking Fund shall be derived solely from fines collected pursuant to 16 GCA §3401(e)(5)."~~

3 **Section 6. 16 GCA §7120(d) is hereby repealed.**

4 **Section 7. A new 16 GCA §7120.1 is hereby added to read.**

5 "§7120.1. Special License Plates and Removable Windshield Placards.

6 (a) Definitions.

7 Terms used in this section are defined as follows:

8 (1) "International Symbol of Accessibility" means the symbol adopted by Rehabilitation
9 International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

10 (2) "Qualified person with a disability" means a person who, as determined by a licensed
11 physician:

12 (a) Cannot walk two hundred feet without stopping to rest, 'due to a diagnosed
13 arthritic, neurological or orthopedic condition; or

14 (b) Cannot walk without the use of, or assistance. from, a brace, cane, crutch,
15 another person, prosthetic device, wheelchair, or other assistive device; or

16 (c)Is restricted by lung disease to such an extent that the person's forced
17 (respiratory) expiratory volume for one second, when measured by spirometry, is less
18 than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
19 or

20 (d) Uses portable oxygen; or

21 (e) Has a cardiac condition to the extent that the person's functional limitations are
22 classified in severity as Class M or Class IV according to standards set by the American
23 Heart Association; or

24 (f) Has a central visual acuity that does not exceed 20/200 in the better eye, with
25 corrective lenses, as measured by the Snellen test, or visual acuity greater than 20/200,
26 but with a limitation in the field of vision such that the widest diameter of the visual field
27 subtends an angle not greater than 20 degrees. An optometrist, in lieu of a licensed
28 physician, may determine the existence of a visual impairment as defined under this
29 subsection.

30 (3) "Special license plate" means a license plate that displays the International Symbol of
31 Accessibility:

32 (a) In a color that contrasts to the background, and

33 (b) In the same size as the letters and numbers on the plate.

34 (4) "Removable windshield placard" means a two-sided, hanger-style placard which
35 includes on each side:

36 (a) The International Symbol of Accessibility, which is at least three inches in
37 height, centered on the placard, and is white on a blue shield;

38 (b) An identification number;

39 (c) A date of expiration; and

40 (d) The seal or other identification of the issuing authority.

41 (5) "Temporary removable windshield placard" means a two-sided, hanger-style placard
42 which includes on each side:

43 (a) The International Symbol of Accessibility, which is at least three inches in
44 height, centered on the placard, and is white on a red shield;

45 (b) An identification number;

1 (c) A date of expiration; and

2 (d) The seal or other identification of the issuing authority.

3 (b) Special License Plates.

4 (1) Upon application of a qualified person with a disability, the Motor Vehicles
5 Division of the Department of Revenue and Taxation shall issue a special license plate for
6 the vehicle which is registered in the applicant's name. The initial application shall be
7 accompanied by the certification of a licensed physician that the applicant meets the
8 §7120.1(a)(2) definition of a qualified person with a disability, except that a licensed
9 optometrist may certify a visual impairment as defined in § 7120.1(a)(2)(f).

10 (2) The fee for the issuance of a special license plate shall not exceed the fee
11 charged for a similar license plate for the same class of vehicle.

12 (c) Removable Windshield Placards.

13 (1) The Department of Revenue and Taxation (Motor Vehicle Division) shall
14 provide for the issuance and periodic renewal of removable windshield placards, upon the
15 applications of qualified persons with disabilities, when such disabilities are certified as
16 permanent by a licensed physician or by a licensed optometrist if the disability is a visual
17 impairment. The department shall, upon request, issue no more than one removable
18 windshield placard in addition to the issuance of a special license plate and shall, upon
19 request, issue no more than two placards to each applicant who does not have a special
20 license plate. The department shall not charge a fee for issuance of the placards.

21 (2) The initial application shall be accompanied by the certification of -a licensed
22 physician that the applicant meets the §7120. 1 (a)(2) definition of a qualified person with
23 a disability, except that a licensed optometrist may certify a visual impairment as defined
24 in §7120. 1 (a)(2)(f). Resubmission of a physician's or optometrist's certification is not
25 required when applying for renewal of a special license plate or removable windshield
26 placard.

27 (3) Upon application of an organization, the Motor Vehicles Division of the
28 Department of Revenue and Taxation shall issue no more than one removable windshield
29 placard for each vehicle registered in the applicant's name if the vehicle is used primarily
30 to transport qualified persons with disabilities. The application shall include a
31 certification by the applicant, under criteria to be determined by the Department of
32 Revenue and Taxation through rules and regulations, that the vehicle is used primarily to
33 transport qualified persons with disabilities. If the organization ceases to transport
34 qualified persons with disabilities, the organization shall return the removable windshield
35 placard to the Department of Revenue and Taxation (Motor Vehicle Department) for
36 cancellation and destruction.

37 (4) The removable windshield placard shall be displayed in such a manner that it
38 may be viewed from the front and the rear of the vehicle by hanging it from the front
39 windshield rearview mirror of a vehicle utilizing a parking space reserved for persons
40 with disabilities. When there is no rearview mirror, or if tinting of the windshield
41 substantially obscures the view of the placard when it is hanging from the rearview
42 mirror, the placard shall be displayed on the dashboard.

43 (d) Temporary Removable Windshield Placards.

44 (1)The Department of Revenue and Taxation (Motor Vehicle Department) shall
45 issue temporary removable windshield placards, upon the application of qualified persons

1 with disabilities, when the disabilities are certified as temporary by a licensed physician
2 or by a licensed optometrist if the disability is a visual impairment. The department shall
3 issue, upon request, no more than one additional temporary removable windshield placard
4 to each applicant. The department shall not charge a fee or issuance of the placards.

5 (2) The Department of Revenue and Taxation (Motor Vehicle Department) shall
6 require that the application be accompanied by the certification of a licensed physician
7 that the applicant meets the §7120. 1 (a)(2) definition of a qualified person with a
8 disability, except that a licensed optometrist may certify a visual impairment as defined in
9 §7120. 1 (a)(2)(f). The certification shall also include the period of time that the physician
10 or optometrist determines the applicant will have the disability, not to exceed six months.

11 (3) The Department of Revenue and Taxation must be given the authority to
12 ensure that if a Private Business does not comply with the accessible parking
13 requirements for the building in which they will conduct their Business, then renewal or
14 issuance of a business license will be denied.

15 (4) The Guam Police Department must be authorized to cite and tow vehicles that
16 are illegally parked in both private and publicly owned accessible spaces including
17 vehicles which block or park in the access aisles adjacent to the accessible parking spaces

18 (5) The temporary removable windshield placard shall be displayed in such a
19 manner that it may be viewed from the front and rear of the vehicle by hanging it from the
20 front windshield rearview mirror of a vehicle utilizing a parking space reserved for
21 persons with disabilities. When there is no rearview mirror, or if tinting of the windshield
22 substantially obscures the view of the placard when it is hanging from the rearview
23 mirror, the placard shall be displayed on the dashboard.

24 (6) Each temporary removable windshield placard shall be valid for a period of
25 time for which the physician or optometrist has determined that the applicant will have
26 the disability, not to exceed six months from the date of issuance. If the temporary
27 disability extends beyond the expiration date of the placard, the applicant may reapply for
28 a temporary removable windshield placard. The applicant, upon reapplication, shall
29 submit another physician's or optometrist's certification, and the placard shall be valid for
30 a period of time for which the ' physician or optometrist has determined that the applicant
31 will continue to-have the disability, not to exceed six months from the date of issuance.

32 (e) Parking.

33 Special license plates, removable windshield placards or temporary removable
34 windshield placards displaying the International Symbol of Accessibility shall be the only
35 recognized means of identifying vehicles permitted to utilize parking spaces reserved for
36 qualified persons with disabilities. All access aisles abutting parking spaces for people
37 with disabilities shall have diagonal lines painted across it.

38 (f) Reciprocity.

39 The territory of Guam shall recognize removable windshield placards, temporary
40 removable windshield placards and special license plates for six months which have been
41 issued by issuing authorities of other U.S. territories, states and countries, for the purpose
42 of identifying vehicles permitted to utilize parking spaces reserved for qualified persons
43 with disabilities.

44 (g) Previously Issued Placards.

1 All removable windshield placards that have been issued prior to the effective
2 date of this Act by the Department of Revenue and Taxation (Motor Vehicle Department)
3 for use by persons with disabilities shall automatically expire 180 days after the effective
4 date of this Act. All placards which have expiration dates prior to 180 days after the
5 effective date of this Act shall expire on their expiration dates. As soon as practicable
6 after the effective date of this Act, the Department of Revenue and Taxation shall notify
7 by mail all holders of removable windshield placards issued prior to the effective date of
8 this Act of the requirements of this Act.

9 (h) Revocation of Special License Plate or Removable Windshield Placard

10 (1) The Department of Revenue and Taxation may cancel, revoke or suspend a
11 special license plate, removable windshield placard or temporary removable windshield
12 placard if the department has determined that any of the following circumstances exist:

13 (a) a special license plate or placard was fraudulently or erroneously

14 (b) a person is or was using his or her special license plate or placard
15 unlawfully;

16 (c) the person is no longer eligible to receive or use a special license plate
17 or placard; or

18 (d) the owner has committed an offense under this act involving a special
19 license plate or placard.

20 (2) Before the Department of Revenue and Taxation cancels, revokes or suspends
21 a special license plate, removable windshield placard or temporary removable windshield
22 placard pursuant to this subsection (h), the person affected by it shall be given notice and
23 an opportunity to be heard.

24 (i) Rules.

25 The Department of Revenue and Taxation shall, within 180 days from the effective date of this
26 Act, adopt rules and regulations, in compliance with the Administrative Adjudication Law, to
27 carry out the purposes of this Act, including rules for the issuance and renewal of removable and
28 temporary removable windshield placards, reciprocity and special license plates."

29 **Section 8. 17 GCA §41 1 10 is hereby repealed.**



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University Affiliated Program
On Developmental Disabilities

March 27, 1995

Honorable Mark C. Charfauros
Senator, Twenty-Third Guam Legislature
Chairman, Committee on Judiciary,
Criminal Justice and Environmental Affairs
Ada's Commercial & Professional Center
138 East Marine Dr., Suite 101C-Annex
Agana, Guam 96910

Dear Senator Charfauros:

The Guam System for Assistive Technology (GSAT) wishes to extend it's appreciation for the invitation to provide public comment regarding **Bill No. 123 - An Act To Amend 16GCA 3401,...Relative To Parking For Persons With Disabilities.**

On behalf of the GSAT Advisory Board and the University of Guam/University Affiliated Program on Developmental Disabilities Staff, we commend the sponsors and supporters of this long awaited bill. As an advocate for systems change towards the increased access and utilization of assistive technology and services which benefit individuals with disabilities, we offer these following recommendations:

1) A new Section be included which describes the design, designation and construction elements of accessible parking spaces in all existing, altered or newly constructed commercial facilities and places of public accommodation. Standards from the ADA Accessibility Guidelines and the Uniform Building Code can be extracted and used as a model for this bill.

Section____. Parking

Minimum number. A ratio of 1 to 25 of the first 100 available parking spaces in a lot will be used to calculate the required minimum number of accessible spaces. Available parking spaces beyond 100 shall comply with the minimum number of accessible spaces cited in the ADAAG technical specifications 4.1.2 (5)

Location. Accessible Parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance and comply with ADAAG technical specifications cited on 4.6.2

Parking spaces. Accessible parking spaces shall be at least 96 in wide and 228 in. long with a minimum 60 in. adjacent access aisle. Access aisle shall be a part of an accessible route to the building or facility entrance. Vehicle standing spaces and adjacent access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. Access aisles and parking spaces shall comply with ADAAG technical specifications 4.3 and 4.6.3.

Signage. Accessible parking spaces shall be designated as reserved by a sign showing (1) the International Symbol of Accessibility commonly known as the wheelchair symbol and specified on

4.30.7 of the ADAAG, (2) below the symbol, a statement that violators will be fined \$300 and the vehicle may be towed, (3) the GCA Subsection 3401, (4) a statement that access aisles must not be blocked, (5) Spaces complying with ADAAG technical specifications 4.1.2(5)(b) shall have an additional sign "Van Accessible" mounted also below the symbol of accessibility. Signs should be a maximum of 12 in. wide with edges having rounded corners. Signs shall be mounted on a post centered at the head of the parking space with the center of the International Symbol of Accessibility 7 feet above the parking surface.

Vertical Clearance and Passenger Loading Zones. Shall comply with ADADG technical specifications 4.6.5 and 4.6.6

2) The Guam Police Department must be authorized to cite and tow vehicles that are illegally parked in both private and publicly owned accessible spaces including vehicles which block or park in the access aisles adjacent to the accessible parking spaces.

3) The Department of Revenue and Taxation must be given the authority to ensure that if a Private Business does not comply with the accessible parking requirements for the building in which they will conduct their business, then the renewal or issuance of a business license will be denied.

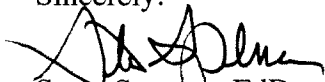
4) Organizations representing or serving people with disabilities, especially Non-Profit Organizations (NPO), must be included in the list of authorized individuals who will be deputized to issue citations. Adequate training must also be provided to these qualified individuals. A portion of the fines collected from the NPO issued citations can be paid to the NPOs by the Governor's Commission on Persons with Disabilities for services to monitor and provide enforcement efforts.

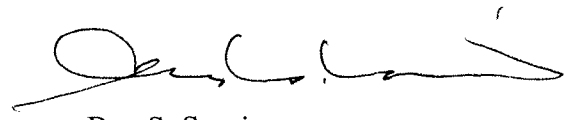
5) The Accessible Parking Fund should be administered by the Governor's Commission on Persons with Disabilities to ensure that an aggressive media campaign can be implemented to educate the public about the human aspects of parking in an accessible parking space and its impact on persons with disabilities.. Each GovGuam agency like any private entity, must procure and maintain their own accessible parking areas and also budget for it. Any cost associated with services related to the issuance of parking permits and identification cards that will be provided by the Department of Tax and Revenue should be absorbed by their operational budget.

We hope these recommendation can provide a greater perspective to enhance Bill No. 123 to especially meet the needs of those individuals who utilize a variety of assistive devices and services including canes, service animals, wheelchairs, walkers, crutches or prosthesis and who are concerned with not only the physical structural issues such as unlevelled parking areas, slippery, and obstructed access aisles or route of travel areas, but more importantly, attitudinal, enforcement, and educational issues.

Once again thank you for allowing us this opportunity to provide input on Bill No. 123.

Sincerely,


Steve Spencer, EdD
Project Director, GSAT


Ben S. Servino
Assistive Technology Specialist

1 offstreet parking areas and facilities, whether publicly or privately owned, in which
2 parking stalls or spaces for persons with disabilities are designated or required to be
3 designated pursuant to the provisions of this Article, for purposes of enforcing of the
4 provisions of this Subsection
5

6 (7) Upon conviction of an offense committed in violation of subsections (e)(1),
7 (e)(3) or (e)(4) of this section, the judge trying the case, as a part of any penalty
8 imposed, may confiscate the special license plate, removable windshield placard or
9 temporary removable windshield placard and return it to the Motor Vehicles Division
10 of the Department of Revenue and Taxation along with a certified copy of the
11 sentence imposed. Upon receipt of a special license plate, removable windshield
12 placard or temporary removable windshield placard from a judge, the division shall
13 cancel and destroy the placard, and the qualified person with a disability to whom it
14 was issued shall not receive another special license plate or placard until he or she
15 submits a completed application and presents a current certification of a physician
16 attesting to his or her condition. A law enforcement officer who observes a misuse of
17 a placard may immediately confiscate the placard and forward it with a copy of his or
18 her report to the Motor Vehicles Division of the Department of Revenue and
19 Taxation."
20
21

22 Section 5. 5 GCA §50111 is hereby amended to read as follows:
23

24 "(a) All buildings private and public, parking lots, walks and recreational facilities
25 hereafter constructed by or for the government of Guam intended for the use of the general
26 public shall be designed and constructed in such manner as to permit persons with
27 disabilities who are confined to wheelchairs or otherwise of limited mobility ready access to
28 such buildings, parking lots, walks, recreational facilities and to all parts thereof open to the
29 general public. All public buildings, parking lots, walks, and recreational facilities owned or
30 leased by the government of Guam now in use by the general public shall be modified,
31 insofar as is possible and practicable to permit ready access by persons with disabilities, and
32 in leasing buildings for public use, priority shall be given to those structures where access to
33 public areas by persons with disabilities is provided. All modifications and construction shall
34 follow current applicable federal guidelines regarding access by persons with disabilities. All
35 government of Guam buildings, whether leased or owned by the government, which are
36 now used by the general public and those leased or constructed in the future shall provide
37 accessible parking spaces with access aisles for use by persons with disabilities. These
38 spaces and aisles shall comply, both in number and in dimension, with current applicable
39 federal guidelines.
40
41

42 (b) The Director of the Department of Public Works, pursuant to subsection (a) and
43 in conformance with current federal guidelines, shall designate accessible parking spaces for
44 all buildings owned or leased by the government of Guam. The signs designating these
45 spaces shall contain the following information: (1) the International Symbol of Accessibility;
46 commonly known as wheelchair symbol (2) a statement that illegal parking is a violation and
47 carries a three hundred dollar (\$300.00) fine; and (3) a statement that an illegally parked
48 vehicle may be towed. (4) GCA Subsection 3401. Van accessible spaces shall also have an
49 additional sign stating "van accessible," which shall be mounted below the symbol of

1 accessibility. Signs shall be located so they cannot be obscured by a vehicle parked in the
2 space. The Director and the department shall coordinate its activities with the various
3 departments, agencies, boards and authorities of the government to insure the appropriate
4 location of accessible parking spaces.
5

6 (c) The fund previously created as the Disabled Parking Fund is hereby renamed
7 the "Accessible Parking Fund," and shall continue to be separate and apart from any other
8 fund of the government of Guam. The Director of the department shall maintain the fund
9 and shall utilize the fund to pay for installing and maintaining accessible parking spaces for
10 government of Guam buildings, including the painting of lines and curbing, for constructing
11 and installing signs necessary to mark the spaces, and for fabricating special license plates
12 and removable windshield placards issued pursuant to 16 GCA §§7210.1(b), (c) and (d).
13 Funding for the Accessible Parking Fund shall be derived solely from fines collected
14 pursuant to 16 GCA §3401(e)(5)."
15

16 Section 6. 16 GCA §7120(d) is hereby repealed.
17

18 Section 7. A new 16 GCA §7120.1 is hereby added to read:
19

20 "§7120.1. Special License Plates and Removable Windshield Placards.
21

22 (a) Definitions.
23

24 Terms used in this section are defined as follows:
25

26 (1) "International Symbol of Accessibility" means the symbol adopted by
27 Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation
28 of the Disabled.
29

30 (2) "Qualified person with a disability" means a person who, as determined
31 by a licensed physician:
32

33 (a) Cannot walk two hundred feet without stopping to rest, due to a
34 diagnosed arthritic, neurological or orthopedic condition; or
35

36 (b) Cannot walk without the use of, or assistance from, a brace,
37 cane, crutch, another person, prosthetic device, wheelchair, or other assistive
38 device; or
39

40 (c) Is restricted by lung disease to such an extent that the person's
41 forced (respiratory) expiratory volume for one second, when measured by
42 spirometry, is less than one liter, or the arterial oxygen tension is less than
43 sixty mm/hg on room air at rest; or
44

45 (d) Uses portable oxygen; or
46
47
48
49

1 (e) Has a cardiac condition to the extent that the person's functional
2 limitations are classified in severity as Class III or Class IV according to
3 standards set by the American Heart Association; or
4

5 (f) Has a central visual acuity that does not exceed 20/200 in the
6 better eye, with corrective lenses, as measured by the Snellen test, or visual
7 acuity greater than 20/200, but with a limitation in the field of vision such that
8 the widest diameter of the visual field subtends an angle not greater than 20
9 degrees. An optometrist, in lieu of a licensed physician, may determine the
10 existence of a visual impairment as defined under this subsection.
11

12
13 (3) "Special license plate" means a license plate that displays the
14 International Symbol of Accessibility:
15

16 (a) In a color that contrasts to the background, and
17

18 (b) In the same size as the letters and numbers on the plate.
19

20 (4) "Removable windshield placard" means a two-sided, hanger-style
21 placard which includes on each side:
22

23 (a) The International Symbol of Accessibility, which is at least three
24 inches in height, centered on the placard, and is white on a blue shield;
25

26 (b) An identification number;
27

28 (c) A date of expiration; and
29

30 (d) The seal or other identification of the issuing authority.
31

32 (5) "Temporary removable windshield placard" means a two-sided, hanger-
33 style placard which includes on each side:
34

35 (a) The International Symbol of Accessibility, which is at least three
36 inches in height, centered on the placard, and is white on a red shield;
37

38 (b) An identification number;
39

40 (c) A date of expiration; and
41

42 (d) The seal or other identification of the issuing authority.
43

44 (b) Special License Plates.
45
46

47 (1) Upon application of a qualified person with a disability, the Motor
48 Vehicles Division of the Department of Revenue and Taxation shall issue a special
49 license plate for the vehicle which is registered in the applicant's name. The initial

1 application shall be accompanied by the certification of a licensed physician that
2 the applicant meets the §7120.1(a)(2) definition of a qualified person with a disability,
3 except that a licensed optometrist may certify a visual impairment as defined in
4 §7120.1(a)(2)(f).
5

6 (2) The fee for the issuance of a special license plate shall not exceed the
7 fee charged for a similar license plate for the same class of vehicle.
8

9 (c) Removable Windshield Placards.

10
11 (1) The Department of Revenue and Taxation (Motor Vehicle
12 Division) shall provide for the issuance and periodic renewal of removable
13 windshield placards, upon the applications of qualified persons with disabilities, when
14 such disabilities are certified as permanent by a licensed physician or by a licensed
15 optometrist if the disability is a visual impairment. The department shall, upon
16 request, issue no more than one removable windshield placard in addition to the
17 issuance of a special license plate and shall, upon request, issue no more than two
18 placards to each applicant who does not have a special license plate. The department
19 shall not charge a fee for issuance of the placards.
20

21 (2) The initial application shall be accompanied by the certification of a
22 licensed physician that the applicant meets the §7120.1(a)(2) definition of a qualified
23 person with a disability, except that a licensed optometrist may certify a visual
24 impairment as defined in §7120.1(a)(2)(f). Resubmission of a physician's or
25 optometrist's certification is not required when applying for renewal of a special
26 license plate or removable windshield placard.
27

28 (3) Upon application of an organization, the Motor Vehicles Division of
29 the Department of Revenue and Taxation shall issue no more than one removable
30 windshield placard for each vehicle registered in the applicant's name if the vehicle is
31 used primarily to transport qualified persons with disabilities. The application shall
32 include a certification by the applicant, under criteria to be determined by the
33 Department of Revenue and Taxation through rules and regulations, that the vehicle is
34 used primarily to transport qualified persons with disabilities. If the organization
35 ceases to transport qualified persons with disabilities, the organization shall return the
36 removable windshield placard to the Department of Revenue and Taxation (Motor
37 Vehicle Department) for cancellation and destruction.
38

39 (4) The removable windshield placard shall be displayed in such a manner
40 that it may be viewed from the front and the rear of the vehicle by hanging it from
41 the front windshield rearview mirror of a vehicle utilizing a parking space reserved
42 for persons with disabilities. When there is no rearview mirror, or if tinting of the
43 windshield substantially obscures the view of the placard when it is hanging from the
44 rearview mirror, the placard shall be displayed on the dashboard.
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1 (d) Temporary Removable Windshield Placards.
2

3 (1) The Department of Revenue and Taxation (Motor Vehicle Department)
4 shall issue temporary removable windshield placards, upon the application of qualified
5 persons with disabilities, when the disabilities are certified as temporary by a licensed
6 physician or by a licensed optometrist if the disability is a visual impairment. The
7 department shall issue, upon request, no more than one additional temporary
8 removable windshield placard to each applicant. The department shall not charge a
9 fee or issuance of the placards.
10

11
12 (2) The Department of Revenue and Taxation (Motor Vehicle Department)
13 shall require that the application be accompanied by the certification of a licensed
14 physician that the applicant meets the §7120.1(a)(2) definition of a qualified person
15 with a disability, except that a licensed optometrist may certify a visual impairment as
16 defined in §7120.1(a)(2)(f). The certification shall also include the period of time that
17 the physician or optometrist determines the applicant will have the disability, not to
18 exceed six months.
19

20 (3) The temporary removable windshield placard shall be displayed in such
21 a manner that it may be viewed from the front and rear of the vehicle by hanging it
22 from the front windshield rearview mirror of a vehicle utilizing a parking space
23 reserved for persons with disabilities. When there is no rearview mirror, or if tinting
24 of the windshield substantially obscures the view of the placard when it is hanging
25 from the rearview mirror, the placard shall be displayed on the dashboard.
26

27
28 (4) Each temporary removable windshield placard shall be valid for a
29 period of time for which the physician or optometrist has determined that the
30 applicant will have the disability, not to exceed six months from the date of
31 issuance. If the temporary disability extends beyond the expiration date of the
32 placard, the applicant may reapply for a temporary removable windshield placard.
33 The applicant, upon reapplication, shall submit another physician's or optometrist's
34 certification, and the placard shall be valid for a period of time for which the
35 physician or optometrist has determined that the applicant will continue to have the
36 disability, not to exceed six months from the date of issuance.
37

38 (e) Parking.
39

40 Special license plates, removable windshield placards or temporary removable
41 windshield placards displaying the International Symbol of Accessibility shall be the
42 only recognized means of identifying vehicles permitted to utilize parking spaces
43 reserved for qualified persons with disabilities.
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1 (f) Reciprocity.
2

3 The territory of Guam shall recognize removable windshield placards,
4 temporary removable windshield placards and special license plates for six months
5 which have been issued by issuing authorities of other U.S. territories, states and
6 countries, for the purpose of identifying vehicles permitted to utilize parking spaces
7 reserved for qualified persons with disabilities.
8

9 (g) Previously Issued Placards.
10

11 All removable windshield placards that have been issued prior to the effective
12 date of this Act by the Department of Revenue and Taxation (Motor Vehicle
13 Department) for use by persons with disabilities shall automatically expire 180 days
14 after the effective date of this Act. All placards which have expiration dates prior to
15 180 days after the effective date of this Act shall expire on their expiration dates. As
16 soon as practicable after the effective date of this Act, the Department of Revenue
17 and Taxation shall notify by mail all holders of removable windshield placards issued
18 prior to the effective date of this Act of the requirements of this Act.
19
20

21 (h) Revocation of Special License Plate or Removable Windshield Placard
22

23 (1) The Department of Revenue and Taxation may cancel, revoke or
24 suspend a special license plate, removable windshield placard or temporary removable
25 windshield placard if the department has determined that any of the following
26 circumstances exist:
27

28 (a) a special license plate or placard was fraudulently or erroneously
29 issued;

30 (b) a person is or was using his or her special license plate or
31 placard unlawfully;

32 (c) the person is no longer eligible to receive or use a special
33 license plate or placard; or

34 (d) the owner has committed an offense under this act involving a
35 special license plate or placard.
36

37 (2) Before the Department of Revenue and Taxation cancels, revokes or
38 suspends a special license plate, removable windshield placard or temporary
39 removable windshield placard pursuant to this subsection (h), the person affected by it
40 shall be given notice and an opportunity to be heard.
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(i) Rules.

The Department of Revenue and Taxation shall, within 180 days from the effective date of this Act, adopt rules and regulations, in compliance with the Administrative Adjudication Law, to carry out the purposes of this Act, including rules for the issuance and renewal of removable and temporary removable windshield placards, reciprocity and special license plates."

Section 8. 17 GCA §41110 is hereby repealed.

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 123
as amended by the Committee on
Judiciary, Criminal Justice and Environmental Affairs

Introduced by:

A.C. Blaz
A.R. Unpingco
F.P. Camacho
E. Barrett-Anderson
J. S. Brown
M. Forbes
A. V. Lamorena
C. Leon Guerrero

AN ACT TO AMEND 16 GCA §§3401, 16 GCA §7120 AND 5 GCA §50111,
TO ADD 16 GCA §7120.1, AND TO REPEAL 17 GCA §41110, RELATIVE TO
PARKING FOR PERSONS WITH DISABILITIES

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

Section 1. Purpose.

The purposes of this Act are to establish a uniform system for accessible parking for persons with disabilities to enhance access and the safety of persons who have disabilities which limit or impair the ability to walk, and to conform with the requirements of the Americans with Disabilities Act Accessibility Guidelines as they apply to accessible parking.

Section 2. 16 GCA §3401(d) is hereby amended to read as follows:

"(d) No person shall park any vehicle in a designated accessible parking space which is on public property or private property available for public use unless the vehicle displays a special license plate issued pursuant to 16 GCA §7120. 1 (b) or a removable windshield placard issued pursuant to 16 GCA §7120. 1 (c) or (d)."

Section 3. 16 GCA §§3401(e) and 3401(f) are hereby repealed.

Section 4. 16 GCA §3401(g) is hereby redesignated as 16 GCA §3401(e) and amended to read as follows:

"(e) The illegal application for or use of special license plates, removable windshield placards or accessible parking spaces is prohibited as follows:

(1) Any person who commits or attempts to commit a deception or fraud by one or more of the following methods is guilty of a misdemeanor:

(a) intentionally making a false statement of material fact to obtain or assist an individual in obtaining a special license plate, removable windshield placard or temporary removable windshield placard issued pursuant to 16 GCA §7120.1(b), (c) or (d), including any statement made on the physician's or optometrist's certification submitted for purposes of obtaining any such license plate or placard;

1 (b) altering, modifying or selling a removable special license plate,
2 windshield placard or temporary removable windshield placard issued pursuant to
3 16 GCA §7120.1 (b), (c) or (d); or

4 (c) copying or forging a special license plate, removable windshield
5 placard or temporary removable windshield placard issued pursuant to 16 GCA
6 §7120.1(b), (c) or (d), or using any such copied or forged license plate or placard.

7 (2) Any person who parks in a designated accessible parking space with a vehicle that
8 does not have a special license plate or a removable windshield placard is guilty of a violation.

9 (3) Any person who parks in a designated accessible parking space, using a vehicle with a
10 special license plate or removable windshield placard obtained pursuant to 16 GCA §7120.1(b),
11 (c) or (d), and who is not a qualified person with a disability as defined in 16 GCA §7120.1(a)(2),
12 is guilty of a violation, unless such person is using the vehicle or placard in connection with the
13 transportation of a qualified person with a disability.

14 (4) If a qualified person with a disability has applied for and received a special license
15 plate, a removable windshield placard or a temporary removable windshield placard, that person
16 shall not permit another individual who is not a qualified person with a disability to use the
17 vehicle with the special license plate or the placard in violation of this act..

18 (5) A violation of subparagraphs 2, 3 or 4 of this subsection (e) shall be punished by a
19 fine of three hundred dollars (\$300.00), which shall be deposited into the Accessible Parking
20 Fund maintained by the ~~[Department of Public Works]~~ Governor's Commission on Disabilities
21 pursuant to 5 GCA §50111(c). Additionally, a vehicle which is illegally parked pursuant to this
22 subsection may be towed, and the owner of the vehicle shall be liable for the towing expense.

23 (6) Officers of the Guam Police Department and other individuals who are authorized by
24 law to issue traffic citations may cite vehicles illegally parked in violation of this subsection (e)
25 and have them towed from publicly owned or privately owned accessible parking spaces which
26 are designated for use by persons with disabilities. The Guam Police department shall regularly
27 patrol all onstreet and offstreet parking areas and facilities, whether publicly or privately owned,
28 in which parking stalls or spaces for persons with disabilities are designated or required to be
29 designated pursuant to the provisions of this Article, for purposes of enforcing of the provisions
30 of this Subsection.

31 (7) Upon conviction of an offense committed in violation of subsections (e) (1), (e) (3) or
32 (e) (4) of this section, the judge trying the case, as a part of any penalty imposed, may confiscate
33 the special license plate, removable windshield placard or temporary removable windshield
34 placard and return it to the Motor Vehicles Division of the Department of Revenue and Taxation
35 along with a certified copy of the sentence imposed. Upon receipt of a special license plate,
36 removable windshield placard or temporary removable windshield placard from a judge, the
37 division shall cancel and destroy the placard, and the qualified person with a disability to whom
38 it was issued shall not receive another special license plate or placard until he or she submits a
39 completed application and presents a current certification of a physician attesting to his or her
40 condition. A law enforcement officer who observes a misuse of a placard may immediately
41 confiscate the placard and forward it with a copy of his or her report to the Motor Vehicles
42 Division of the Department of Revenue and Taxation."

43 (8) Organizations representing or serving people with disabilities, especially Non-Profit
44 Organizations (NPO), must be included in the list of authorized individuals who will be
45 deputized to issue citations. Adequate training must also be provided to these qualified

PL 23-111 ✓

Senator Mark C. Charfauros

Chairman

Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

March 22, 1995

SPEAKER DON PARKINSON
Twenty-Third Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

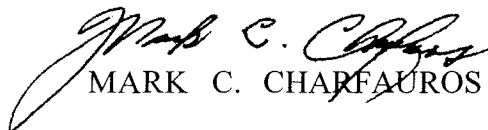
The Committee on Judiciary, Criminal Justice and Environmental Affairs to which was referred **Bill No. 123**, wishes to report back to the Legislature with its recommendation to pass **Bill No. 123** - "AN ACT TO AMEND 16 GCA SECTION 3401, 16 GCA SECTION 7120 AND 5 GCA SECTION 50111, TO ADD 16 GCA SECTION 7120.1, AND TO REPEAL 17 GCA 41110, RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES."

The voting record is as follows:

TO PASS	12
NOT TO PASS	0
ABSTAIN	0
TO PLACE IN INACTIVE FILE	0

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


MARK C. CHARFAUROS

Attachments

● Senator Mark C. Charfauros ●
Chairman
Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

March 22, 1995

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 123** - "AN ACT TO AMEND 16 GCA SECTION 3401, 16 GCA SECTION 7120 AND 5 GCA SECTION 50111, TO ADD 16 GCA SECTION 7120.1, AND TO REPEAL 17 GCA 41110, RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES."

Transmitted herewith for your information and action is the Committee on Judiciary, Criminal Justice and Environmental Affairs' Report on the subject Bill.

The narrative report is accompanied by the following:

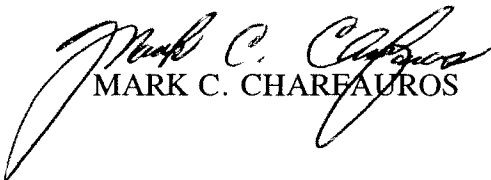
1. Original Bill 123, and Bill 123 as amended by Committee.
2. Committee Voting Sheet;
3. Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

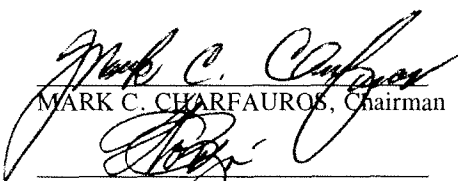
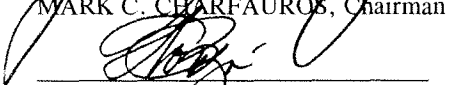
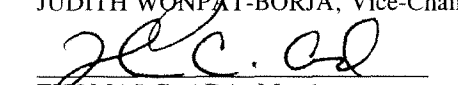
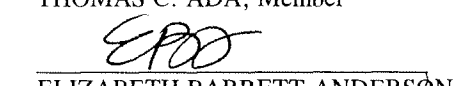

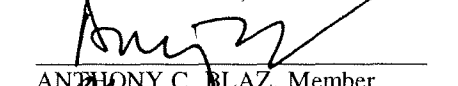



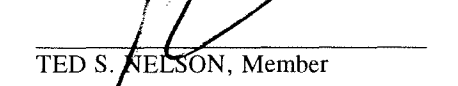

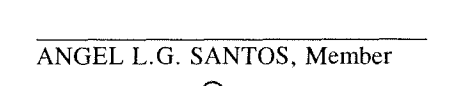
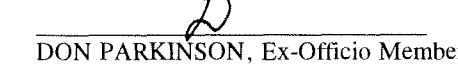
Your attention and cooperation in this matter is greatly appreciated.

Attachments.


MARK C. CHARFAUROS

**COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE AND
ENVIRONMENTAL AFFAIRS
23rd Guam Legislature
VOTING RECORD**

Bill No. 123 - "AN ACT TO AMEND 16 GCA SECTION 3401, 16 GCA SECTION 7120 AND 5 GCA SECTION 50111, TO ADD 16 GCA SECTION 7120.1, AND TO REPEAL 17 GCA 41110, RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK C. CHARFAUROS, Chairman	✓	—	—	—
 JUDITH WONPAT-BORJA, Vice-Chairwoman	✓	—	—	—
 THOMAS C. ADA, Member	✓	—	—	—
 ELIZABETH BARRETT-ANDERSON, Member	✓	—	—	—
 JOANNE BROWN, Member	✓	—	—	—
 ANTHONY C. BLAZ, Member	✓	—	—	—
 HOPE CRISTOBAL, Member	✓	—	—	—
 A. TONY LAMORENA, Member	✓	—	—	—
 LOU LEON GUERRERO, Member	✓	—	—	—
 TED S. NELSON, Member	✓	—	—	—
 VICENTE C. PANGELINAN, Member	✓	—	—	—
 ANGEL L.G. SANTOS, Member	✓	—	—	—
 DON PARKINSON, Ex-Officio Member	✓	—	—	—

COMMITTEE ON JUDICIARY, CRIMINAL
JUSTICE AND ENVIRONMENTAL
AFFAIRS

Twenty-Third Guam Legislature

COMMITTEE REPORT

on

Bill No. 123

"AN ACT TO AMEND 16 GCA SECTION 3401, 16 GCA SECTION 7120 AND 5 GCA SECTION 50111, TO ADD 16 GCA SECTION 7120.1, AND TO REPEAL 17 GCA 41110, RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES."

MARCH 22, 1995

I. OVERVIEW

The Committee on Judiciary, Criminal Justice and Environmental Affairs scheduled a public hearing on March 22, 1995 at 2:00 p.m. at the Legislative Public Hearing Room. Public notice was announced on the March 21, 1995 issue of the PDN. Members present were:

Senator Mark C. Charfauros, Chairman
Senator Tom Ada
Senator Ted S. Nelson
Senator Ben Pangelinan
Senator Lou Leon Guerrero
Senator Tony Blaz
Senator Joanne Brown
Senator Tony Lamorena
Senator Elizabeth Barrett-Anderson.

Appearing before the Committee to testify on the bill was:

Mr. Ed R. Chanco, consumer parent; **written**
Ms. Patricia R. Botten; **oral**
Mr. Antkowiak, Executive Director, Developmental Disabilities Planning Council; **written**
Mr. Eric Heisel, Department of Law; **oral**
Mr. Albert San Agustin, Rehabilitation Services Administrator, and Ms. Lydia P. Calvo, VR Counselor III, Department of Vocational Rehabilitation; **written**
Mr. Frank Ichihara, Guam Police Department; **oral**
Mr. Jesus C. Torres, Executive Director, Governor's Commission on Persons with Disabilities; **written**
Mr. Rodney Priest, social worker, Advocacy Office; **oral**
Ms. Teresita Borja, Vice-Mayor of Tamuning; **oral**
Mr. Edward Artero, Mayor of Yigo; **oral**
Mr. Ben Servino, private citizen and Assistive Technology Specialist, Guam System for Assistive Technology(GSAT) **oral; written**
Mrs. Dorothy Horn; **written**
Mr. Joe Cepeda, member, Disabled American Veterans; **oral**

II. SUMMARY OF TESTIMONY

Mr. Ed R. Chanco, a consumer parent, testified in favor of Bill 123. His testimony was provided in written form; **attached**.

Ms. Patricia R. Botten, a private citizen, testified in support of Bill 123. She stated that disabled people have been terrorized and insulted when confronting people who illegally park in spaces designated for persons with disabilities. She stated that any law which would deter the illegal parking would be greatly appreciated.

Mr. Antkowiak, Executive Director of the Developmental Disabilities Planning Council, testified in support of Bill 123. His testimony was provided in written form; **attached**.

Mr. Eric Heisel, Department of Law, testified in favor of Bill 123. However, he stated that further research and carefulness should be taken in regards to allowing police officers to ticket violators on private property without the invitation or permission of the owner. He stated his concern of private property rights. He also cited Section 5, stating his concern about the Government of Guam's authority to require private buildings to construct parking lots for persons with disabilities. He cited the Federal Governments right under the ADA, but questioned the Government of Guam's authority.

Mr. Albert San Agustin, Rehabilitation Services Administrator, and Ms. Lydia P. Calvo, VR Counselor III, Department of Vocational Rehabilitation, testified in favor of Bill 123. Their testimony was provided in written form; **attached**.

Mr. Frank Ichihara, of the Guam Police Department, testified in favor of Bill 123. He stated that G.P.D. prefers that the fines and penalties be even higher than what is suggested in this Bill. He stated his concern that the language of this Bill might mandate G.P.D. to patrol both private and public buildings around the island. He suggested that the author take into consideration the resources of G.P.D., and adjust the language to reflect such consideration.

Mr. Jesus C. Torres, Executive Director of the Governor's Commission on Persons with Disabilities, testified in support of Bill 123. He stated that because the Commission is still in the process of appointing all of its Board members, the Commission would like to provide written testimony at a later date. Mr. Torres, as a private citizen, stated that he favored the Bill's section giving police the

authority to ticket on private property without the permission of private property owners. He also stated that he was happy that the fines were being raised, but suggested that the second and third offenses have more stricter penalties.

Mr. Rodney Priest, a social worker with the Advocacy Office, stated his support for Bill 123, but had disagreements with some of the sections of the Bill. He stated that subsection (e), paragraph 4 of page 2 might deny or limit a person's options as to whom they want to allow the use of their privately owned vehicle. He stated that the intent of the paragraph may be to disallow individuals without disabilities from parking in accessible spaces, but the language does not clearly express this intent. He stated that section 5, subsection (a), contains inappropriate language. He suggested that "confined in a wheelchair" be changed to "users of wheelchairs." He also suggested that individuals or groups be deputized to help enforce or monitor this law.

Ms. Teresita Borja, the Vice-Mayor of Tamuning, testified in support of Bill 123. She stated that she wanted the handicap signs to be more visible to the public, and agreed with the intent of this Bill.

Mr. Edward Artero, the Mayor of Yigo, testified in support of Bill 123. He stated that the Legislature should seriously look into this Bill. He suggested that security guards on private property be given the authority to issue citations. Otherwise, he fully supports the passage of this Bill.

Mr. Ben Servino, a private citizen, testified in support of Bill 123. He suggested that the language of Section 5, subsection (a) be changed to include privately owned and constructed buildings. He also suggested and agreed with Mr. Priest that the word "confined to a wheelchair" be changed to "user" or "used." He also suggested that in section 7, in regards to "special license plates," the letter "H" be eliminated, to remove any association with the word "handicapped." He also suggested that ID cards be issued to persons with disabilities to help G.P.D. with their enforcement efforts, as well as allowing people with disabilities to use the ID's in states with the same policy agreements. He also suggested that a uniform height for the signs be created. He further stated he agreed with the Bill's section allowing the police to ticket on private property. Mr. Servino also submitted written testimony on behalf of GSAT; **attached**.

Mrs. Dorothy Horn, submitted written testimony to the Committee in support of Bill 123; **attached**.

Mr. Joe Cepeda, a member of Disabled American Veterans, testified in

support of Bill 123. [REDACTED] stated that he has also seen [REDACTED] violations on military installations throughout the island. He suggested that the military police and Guam police get together to discuss strategies on enforcing the law, and stressed that he would appreciate such action.

III. FINDING AND RECOMMENDATION

The Committee finds that there is a need to establish a uniform system for accessible parking for persons with disabilities, which will conform with the requirements of the Americans with Disabilities Act Accessibility Guidelines. The Committee also finds that this uniform system will enhance access and the safety of persons with disabilities. The Committee further finds that upon the obtainment of testimony, amendments to this Bill are required. See Amended Bill attached.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 123**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 123** "AN ACT TO AMEND 16 GCA SECTION 3401, 16 GCA SECTION 7120 AND 5 GCA SECTION 50111, TO ADD 16 GCA SECTION 7120.1, AND TO REPEAL 17 GCA 41110, RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES."



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, G 96910

February 8, 1995

MEMORANDUM

TO: Chairperson, Committee on Judiciary, Criminal Justice
and Environmental Affairs

FROM: Chairman, Committee on Rules

SUBJECT: Referral - Bill No. 123

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.



SONNY LUJAN ORSINI


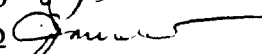
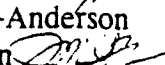

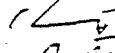

Attachment



TWENTY-THIRD GUAM LEGISLATURE
(FIRST) Regular Session 1995

Bill No. 127

Introduced by:

A.C. Blaz 
A.R. Unpingco
F.P. Camacho 
E. Barrett-Anderson
J.S. Brown 
M. Forbes 
A.V. Lamorena 
C. Leon Guerrero 

**AN ACT TO AMEND 16 GCA §§3401, 16
GCA §7120 AND 5 GCA §50111, TO ADD 16
GCA §7120.1, AND TO REPEAL 17 GCA
§41110, RELATIVE TO PARKING FOR
PERSONS WITH DISABILITIES**

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

Section 1. Purpose.

The purposes of this Act are to establish a uniform system for accessible parking for persons with disabilities to enhance access and the safety of persons who have disabilities which limit or impair the ability to walk, and to conform with the requirements of the Americans with Disabilities Act Accessibility Guidelines as they apply to accessible parking.

Section 2. 16 GCA §3401(d) is hereby amended to read as follows:

"(d) No person shall park any vehicle in a designated accessible parking space which is on public property or private property available for public use unless the vehicle displays a special license plate issued pursuant to 16 GCA §7120.1(b) or a removable windshield placard issued pursuant to 16 GCA §7120.1(c) or (d)."

Section 3. 16 GCA §§3401(e) and 3401(f) are hereby repealed.

Section 4. 16 GCA §3401(g) is hereby redesignated as 16 GCA §3401(e) and amended to read as follows:

"(e) The illegal application for or use of special license plates, removable windshield placards or accessible parking spaces is prohibited as follows:

1 (1) Any person who commits or attempts to commit a deception or fraud by
2 one or more of the following methods is guilty of a misdemeanor:
3

4 (a) intentionally making a false statement of material fact to obtain or
5 assist an individual in obtaining a special license plate, removable
6 windshield placard or temporary removable windshield placard issued
7 pursuant to 16 GCA §7120.1(b), (c) or (d), including any statement
8 made on the physician's or optometrist's certification submitted for
9 purposes of obtaining any such license plate or placard;

10
11 (b) altering, modifying or selling a removable special license plate,
12 windshield placard or temporary removable windshield placard issued pursuant
13 to 16 GCA §7120.1(b), (c) or (d); or
14

15
16 (c) copying or forging a special license plate, removable windshield
17 placard or temporary removable windshield placard issued pursuant to 16 GCA
18 §7120.1(b), (c) or (d), or using any such copied or forged license plate or
19 placard.
20

21 (2) Any person who parks in a designated accessible parking space with a
22 vehicle that does not have a special license plate or a removable windshield placard is
23 guilty of a violation.
24

25 (3) Any person who parks in a designated accessible parking space, using a
26 vehicle with a special license plate or removable windshield placard obtained pursuant
27 to 16 GCA §7210.1(b), (c) or (d), and who is not a qualified person with a disability
28 as defined in 16 GCA §7120.1(a)(2), is guilty of a violation, unless such person is
29 using the vehicle or placard in connection with the transportation of a qualified person
30 with a disability.
31

32 (4) If a qualified person with a disability has applied for and received a special
33 license plate, a removable windshield placard or a temporary removable windshield
34 placard, that person shall not permit another individual who is not a qualified person
35 with a disability to use the vehicle with the special license plate or the placard in
36 violation of this act.
37

38 (5) A violation of subparagraphs 2, 3 or 4 of this subsection (e) shall be
39 punished by a fine of three hundred dollars (\$300.00), which shall be deposited into
40 the Accessible Parking Fund maintained by the Department of Public Works pursuant
41 to 5 GCA §50111(c). Additionally, a vehicle which is illegally parked pursuant to
42 this subsection may be towed, and the owner of the vehicle shall be liable for the
43 towing expense.
44

45 (6) Officers of the Guam Police Department and other individuals who are
46 authorized by law to issue traffic citations may cite vehicles illegally parked in
47 violation of this subsection (e) and have them towed from publicly owned or privately
48 owned accessible parking spaces which are designated for use by persons with
49 disabilities. The Guam Police department shall regularly patrol all onstreet and

TWENTY-THIRD GUAM LEGISLATURE

MAR 13 1995

(FIRST) Regular Session 1995

Bill No. 123 (LS)

Introduced by:

A.C. Blaz *[Signature]*
 A.R. Unpingco
 F.P. Camacho *[Signature]*
 E. Barrett-Anderson
 J.S. Brown *[Signature]*
 M. Forbes *[Signature]*
 A.V. Lamorena *[Signature]*
 C. Leon Guerrero *[Signature]*

**AN ACT TO AMEND 16 GCA §§3401, 16
 GCA §7120 AND 5 GCA §50111, TO ADD 16
 GCA §7120.1, AND TO REPEAL 17 GCA
 §41110, RELATIVE TO PARKING FOR
 PERSONS WITH DISABILITIES**

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

Section 1. Purpose.

The purposes of this Act are to establish a uniform system for accessible parking for persons with disabilities to enhance access and the safety of persons who have disabilities which limit or impair the ability to walk, and to conform with the requirements of the Americans with Disabilities Act Accessibility Guidelines as they apply to accessible parking.

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"(d) No person shall park any vehicle in a designated accessible parking space which is on public property or private property available for public use unless the vehicle displays a special license plate issued pursuant to 16 GCA §7120.1(b) or a removable windshield placard issued pursuant to 16 GCA §7120.1(c) or (d)."

Section 3. 16 GCA §§3401(e) and 3401(f) are hereby repealed.

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"(e) The illegal application for or use of special license plates, removable windshield placards or accessible parking spaces is prohibited as follows:

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1 (1) Any person who commits or attempts to commit a deception or fraud by
2 one or more of the following methods is guilty of a misdemeanor:
3

4 (a) intentionally making a false statement of material fact to obtain or
5 assist an individual in obtaining a special license plate, removable
6 windshield placard or temporary removable windshield placard issued
7 pursuant to 16 GCA §7120.1(b), (c) or (d), including any statement
8 made on the physician's or optometrist's certification submitted for
9 purposes of obtaining any such license plate or placard;

10
11 (b) altering, modifying or selling a removable special license plate,
12 windshield placard or temporary removable windshield placard issued pursuant
13 to 16 GCA §7120.1(b), (c) or (d); or
14

15
16 (c) copying or forging a special license plate, removable windshield
17 placard or temporary removable windshield placard issued pursuant to 16 GCA
18 §7120.1(b), (c) or (d), or using any such copied or forged license plate or
19 placard.
20

21 (2) Any person who parks in a designated accessible parking space with a
22 vehicle that does not have a special license plate or a removable windshield placard is
23 guilty of a violation.
24

25 (3) Any person who parks in a designated accessible parking space, using a
26 vehicle with a special license plate or removable windshield placard obtained pursuant
27 to 16 GCA §7210.1(b), (c) or (d), and who is not a qualified person with a disability
28 as defined in 16 GCA §7120.1(a)(2), is guilty of a violation, unless such person is
29 using the vehicle or placard in connection with the transportation of a qualified person
30 with a disability.
31

32 (4) If a qualified person with a disability has applied for and received a special
33 license plate, a removable windshield placard or a temporary removable windshield
34 placard, that person shall not permit another individual who is not a qualified person
35 with a disability to use the vehicle with the special license plate or the placard in
36 violation of this act.
37

38 (5) A violation of subparagraphs 2, 3 or 4 of this subsection (e) shall be
39 punished by a fine of three hundred dollars (\$300.00), which shall be deposited into
40 the Accessible Parking Fund maintained by the Department of Public Works pursuant
41 to 5 GCA §50111(c). Additionally, a vehicle which is illegally parked pursuant to
42 this subsection may be towed, and the owner of the vehicle shall be liable for the
43 towing expense.
44

45 (6) Officers of the Guam Police Department and other individuals who are
46 authorized by law to issue traffic citations may cite vehicles illegally parked in
47 violation of this subsection (e) and have them towed from publicly owned or privately
48 owned accessible parking spaces which are designated for use by persons with
49 disabilities. The Guam Police department shall regularly patrol all onstreet and

1 offstreet parking areas and facilities, whether publicly or privately owned, in which
2 parking stalls or spaces for persons with disabilities are designated or required to be
3 designated pursuant to the provisions of this Article, for purposes of enforcing of the
4 provisions of this Subsection
5

6 (7) Upon conviction of an offense committed in violation of subsections (e)(1),
7 (e)(3) or (e)(4) of this section, the judge trying the case, as a part of any penalty
8 imposed, may confiscate the special license plate, removable windshield placard or
9 temporary removable windshield placard and return it to the Motor Vehicles Division
10 of the Department of Revenue and Taxation along with a certified copy of the
11 sentence imposed. Upon receipt of a special license plate, removable windshield
12 placard or temporary removable windshield placard from a judge, the division shall
13 cancel and destroy the placard, and the qualified person with a disability to whom it
14 was issued shall not receive another special license plate or placard until he or she
15 submits a completed application and presents a current certification of a physician
16 attesting to his or her condition. A law enforcement officer who observes a misuse of
17 a placard may immediately confiscate the placard and forward it with a copy of his or
18 her report to the Motor Vehicles Division of the Department of Revenue and
19 Taxation."
20
21

22 Section 5. 5 GCA §50111 is hereby amended to read as follows:
23

24 "(a) All buildings private and public, parking lots, walks and recreational facilities
25 hereafter constructed by or for the government of Guam intended for the use of the general
26 public shall be designed and constructed in such manner as to permit persons with
27 disabilities who are confined to wheelchairs or otherwise of limited mobility ready access to
28 such buildings, parking lots, walks, recreational facilities and to all parts thereof open to the
29 general public. All public buildings, parking lots, walks, and recreational facilities owned or
30 leased by the government of Guam now in use by the general public shall be modified,
31 insofar as is possible and practicable to permit ready access by persons with disabilities, and
32 in leasing buildings for public use, priority shall be given to those structures where access to
33 public areas by persons with disabilities is provided. All modifications and construction shall
34 follow current applicable federal guidelines regarding access by persons with disabilities. All
35 government of Guam buildings, whether leased or owned by the government, which are
36 now used by the general public and those leased or constructed in the future shall provide
37 accessible parking spaces with access aisles for use by persons with disabilities. These
38 spaces and aisles shall comply, both in number and in dimension, with current applicable
39 federal guidelines.
40
41

42 (b) The Director of the Department of Public Works, pursuant to subsection (a) and
43 in conformance with current federal guidelines, shall designate accessible parking spaces for
44 all buildings owned or leased by the government of Guam. The signs designating these
45 spaces shall contain the following information: (1) the International Symbol of Accessibility;
46 commonly known as wheelchair symbol (2) a statement that illegal parking is a violation and
47 carries a three hundred dollar (\$300.00) fine; and (3) a statement that an illegally parked
48 vehicle may be towed. (4) GCA Subsection 3401. Van accessible spaces shall also have an
49 additional sign stating "van accessible," which shall be mounted below the symbol of

1 accessibility. Signs shall be located so they cannot be obscured by a vehicle parked in the
2 space. The Director and the department shall coordinate its activities with the various
3 departments, agencies, boards and authorities of the government to insure the appropriate
4 location of accessible parking spaces.
5

6 (c) The fund previously created as the Disabled Parking Fund is hereby renamed
7 the "Accessible Parking Fund," and shall continue to be separate and apart from any other
8 fund of the government of Guam. The Director of the department shall maintain the fund
9 and shall utilize the fund to pay for installing and maintaining accessible parking spaces for
10 government of Guam buildings, including the painting of lines and curbing, for constructing
11 and installing signs necessary to mark the spaces, and for fabricating special license plates
12 and removable windshield placards issued pursuant to 16 GCA §§7210.1(b), (c) and (d).
13 Funding for the Accessible Parking Fund shall be derived solely from fines collected
14 pursuant to 16 GCA §3401(e)(5)."
15

16 Section 6. 16 GCA §7120(d) is hereby repealed.
17

18 Section 7. A new 16 GCA §7120.1 is hereby added to read:
19

20 "§7120.1. Special License Plates and Removable Windshield Placards.
21

22 (a) Definitions.
23

24 Terms used in this section are defined as follows:
25

26 (1) "International Symbol of Accessibility" means the symbol adopted by
27 Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation
28 of the Disabled.
29

30 (2) "Qualified person with a disability" means a person who, as determined
31 by a licensed physician:
32

33 (a) Cannot walk two hundred feet without stopping to rest, due to a
34 diagnosed arthritic, neurological or orthopedic condition; or
35

36 (b) Cannot walk without the use of, or assistance from, a brace,
37 cane, crutch, another person, prosthetic device, wheelchair, or other assistive
38 device; or
39

40 (c) Is restricted by lung disease to such an extent that the person's
41 forced (respiratory) expiratory volume for one second, when measured by
42 spirometry, is less than one liter, or the arterial oxygen tension is less than
43 sixty mm/hg on room air at rest; or
44

45 (d) Uses portable oxygen; or
46
47
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49

1 (e) Has a cardiac condition to the extent that the person's functional
2 limitations are classified in severity as Class III or Class IV according to
3 standards set by the American Heart Association; or
4

5 (f) Has a central visual acuity that does not exceed 20/200 in the
6 better eye, with corrective lenses, as measured by the Snellen test, or visual
7 acuity greater than 20/200, but with a limitation in the field of vision such that
8 the widest diameter of the visual field subtends an angle not greater than 20
9 degrees. An optometrist, in lieu of a licensed physician, may determine the
10 existence of a visual impairment as defined under this subsection.
11

12
13 (3) "Special license plate" means a license plate that displays the
14 International Symbol of Accessibility:
15

16 (a) In a color that contrasts to the background, and
17

18 (b) In the same size as the letters and numbers on the plate.
19

20 (4) "Removable windshield placard" means a two-sided, hanger-style
21 placard which includes on each side:
22

23 (a) The International Symbol of Accessibility, which is at least three
24 inches in height, centered on the placard, and is white on a blue shield;
25

26 (b) An identification number;
27

28 (c) A date of expiration; and
29

30 (d) The seal or other identification of the issuing authority.
31

32 (5) "Temporary removable windshield placard" means a two-sided, hanger-
33 style placard which includes on each side:
34

35 (a) The International Symbol of Accessibility, which is at least three
36 inches in height, centered on the placard, and is white on a red shield;
37

38 (b) An identification number;
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40 (c) A date of expiration; and
41

42 (d) The seal or other identification of the issuing authority.
43

44 (b) Special License Plates.
45

46
47 (1) Upon application of a qualified person with a disability, the Motor
48 Vehicles Division of the Department of Revenue and Taxation shall issue a special
49 license plate for the vehicle which is registered in the applicant's name. The initial

1 application shall be accompanied by the certification of a licensed physician that
2 the applicant meets the §7120.1(a)(2) definition of a qualified person with a disability,
3 except that a licensed optometrist may certify a visual impairment as defined in
4 §7120.1(a)(2)(f).
5

6 (2) The fee for the issuance of a special license plate shall not exceed the
7 fee charged for a similar license plate for the same class of vehicle.
8

9 (c) Removable Windshield Placards.

10
11 (1) The Department of Revenue and Taxation (Motor Vehicle
12 Division) shall provide for the issuance and periodic renewal of removable
13 windshield placards, upon the applications of qualified persons with disabilities, when
14 such disabilities are certified as permanent by a licensed physician or by a licensed
15 optometrist if the disability is a visual impairment. The department shall, upon
16 request, issue no more than one removable windshield placard in addition to the
17 issuance of a special license plate and shall, upon request, issue no more than two
18 placards to each applicant who does not have a special license plate. The department
19 shall not charge a fee for issuance of the placards.
20

21 (2) The initial application shall be accompanied by the certification of a
22 licensed physician that the applicant meets the §7120.1(a)(2) definition of a qualified
23 person with a disability, except that a licensed optometrist may certify a visual
24 impairment as defined in §7120.1(a)(2)(f). Resubmission of a physician's or
25 optometrist's certification is not required when applying for renewal of a special
26 license plate or removable windshield placard.
27

28 (3) Upon application of an organization, the Motor Vehicles Division of
29 the Department of Revenue and Taxation shall issue no more than one removable
30 windshield placard for each vehicle registered in the applicant's name if the vehicle is
31 used primarily to transport qualified persons with disabilities. The application shall
32 include a certification by the applicant, under criteria to be determined by the
33 Department of Revenue and Taxation through rules and regulations, that the vehicle is
34 used primarily to transport qualified persons with disabilities. If the organization
35 ceases to transport qualified persons with disabilities, the organization shall return the
36 removable windshield placard to the Department of Revenue and Taxation (Motor
37 Vehicle Department) for cancellation and destruction.
38

39 (4) The removable windshield placard shall be displayed in such a manner
40 that it may be viewed from the front and the rear of the vehicle by hanging it from
41 the front windshield rearview mirror of a vehicle utilizing a parking space reserved
42 for persons with disabilities. When there is no rearview mirror, or if tinting of the
43 windshield substantially obscures the view of the placard when it is hanging from the
44 rearview mirror, the placard shall be displayed on the dashboard.
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1 (d) Temporary Removable Windshield Placards.
2

3 (1) The Department of Revenue and Taxation (Motor Vehicle Department)
4 shall issue temporary removable windshield placards, upon the application of qualified
5 persons with disabilities, when the disabilities are certified as temporary by a licensed
6 physician or by a licensed optometrist if the disability is a visual impairment. The
7 department shall issue, upon request, no more than one additional temporary
8 removable windshield placard to each applicant. The department shall not charge a
9 fee or issuance of the placards.
10

11
12 (2) The Department of Revenue and Taxation (Motor Vehicle Department)
13 shall require that the application be accompanied by the certification of a licensed
14 physician that the applicant meets the §7120.1(a)(2) definition of a qualified person
15 with a disability, except that a licensed optometrist may certify a visual impairment as
16 defined in §7120.1(a)(2)(f). The certification shall also include the period of time that
17 the physician or optometrist determines the applicant will have the disability, not to
18 exceed six months.
19

20 (3) The temporary removable windshield placard shall be displayed in such
21 a manner that it may be viewed from the front and rear of the vehicle by hanging it
22 from the front windshield rearview mirror of a vehicle utilizing a parking space
23 reserved for persons with disabilities. When there is no rearview mirror, or if tinting
24 of the windshield substantially obscures the view of the placard when it is hanging
25 from the rearview mirror, the placard shall be displayed on the dashboard.
26

27
28 (4) Each temporary removable windshield placard shall be valid for a
29 period of time for which the physician or optometrist has determined that the
30 applicant will have the disability, not to exceed six months from the date of
31 issuance. If the temporary disability extends beyond the expiration date of the
32 placard, the applicant may reapply for a temporary removable windshield placard.
33 The applicant, upon reapplication, shall submit another physician's or optometrist's
34 certification, and the placard shall be valid for a period of time for which the
35 physician or optometrist has determined that the applicant will continue to have the
36 disability, not to exceed six months from the date of issuance.
37

38 (e) Parking.
39

40 Special license plates, removable windshield placards or temporary removable
41 windshield placards displaying the International Symbol of Accessibility shall be the
42 only recognized means of identifying vehicles permitted to utilize parking spaces
43 reserved for qualified persons with disabilities.
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1 (f) Reciprocity.
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3 The territory of Guam shall recognize removable windshield placards,
4 temporary removable windshield placards and special license plates for six months
5 which have been issued by issuing authorities of other U.S. territories, states and
6 countries, for the purpose of identifying vehicles permitted to utilize parking spaces
7 reserved for qualified persons with disabilities.
8

9 (g) Previously Issued Placards.
10

11 All removable windshield placards that have been issued prior to the effective
12 date of this Act by the Department of Revenue and Taxation (Motor Vehicle
13 Department) for use by persons with disabilities shall automatically expire 180 days
14 after the effective date of this Act. All placards which have expiration dates prior to
15 180 days after the effective date of this Act shall expire on their expiration dates. As
16 soon as practicable after the effective date of this Act, the Department of Revenue
17 and Taxation shall notify by mail all holders of removable windshield placards issued
18 prior to the effective date of this Act of the requirements of this Act.
19
20

21 (h) Revocation of Special License Plate or Removable Windshield Placard
22

23 (1) The Department of Revenue and Taxation may cancel, revoke or
24 suspend a special license plate, removable windshield placard or temporary removable
25 windshield placard if the department has determined that any of the following
26 circumstances exist:
27

28 (a) a special license plate or placard was fraudulently or erroneously
29 issued;
30

31 (b) a person is or was using his or her special license plate or
32 placard unlawfully;
33

34 (c) the person is no longer eligible to receive or use a special
35 license plate or placard; or
36

37 (d) the owner has committed an offense under this act involving a
38 special license plate or placard.
39

40 (2) Before the Department of Revenue and Taxation cancels, revokes or
41 suspends a special license plate, removable windshield placard or temporary
42 removable windshield placard pursuant to this subsection (h), the person affected by it
43 shall be given notice and an opportunity to be heard.
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1 (i) Rules.

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The Department of Revenue and Taxation shall, within 180 days from the effective date of this Act, adopt rules and regulations, in compliance with the Administrative Adjudication Law, to carry out the purposes of this Act, including rules for the issuance and renewal of removable and temporary removable windshield placards, reciprocity and special license plates."

Section 8. 17 GCA §41110 is hereby repealed.